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NWT Board Forum Final Summary Report

Ninth NWT Board Forum Meeting
Ingamo Hall Friendship Centre
Inuvik, Northwest Territories

November 26 - 28, 2008

Prepared by Terriplan Consultants
March 2009



TABLE OF CONTENTS

1.0	Introduction	3
1.1	Purpose and Objectives of the Board Forum Meeting	3
1.2	Report Contents	3
2.0	Opening Statement	4
3.0	Member Updates	4
3.1	NWT Water Board – Rudy Cockney / Eddie Dillon	4
3.2	Indian and Northern Affairs Canada – Trish Merrithew-Mercredi	4
3.3	Mackenzie Valley Land and Water Board – Willard Hagen	5
3.4	Sahtu Land Use Planning Board – Colin Bahya / Heidi Wiebe	5
3.5	Sahtu Land and Water Board – George Govier / Larry Wallace	5
3.6	Wek'èezhii Land and Water Board – Violet Camsell-Blondin / Zabey Nevitt	6
3.7	Gwich'in Land and Water Board – Paul Sullivan	6
3.8	Sahtu Renewable Resources Board – Jody Snortland	7
3.9	Mackenzie Valley Environmental Impact Review Board – Richard Edjericon	7
3.10	Fisheries Joint Management Committee – Louie Porta	7
3.11	Environmental Impact Screening Committee – Fred McFarland	8
3.12	Environmental Impact Review Board – Elizabeth Snider	8
3.13	National Energy Board – Gaétan Caron	8
3.14	Gwich'in Land Use Planning Board – Bob Simpson	9
3.15	Wek'èezhii Renewable Resource Board – Alfonz Nitsiza	9
3.16	Gwich'in Renewable Resource Board – Robert Charlie	10
3.17	Inuvialuit Game Council – Frank Pokiak	10
4.0	Facilitated Open Discussion	11
4.1	Board Appointments	11
4.2	Training	11
5.0	Board Forum Terms of Reference	12
6.0	Presentations and Updates	12
6.1	NWT Board Forum Website – Jennifer Moores and Renita Jenkins	13
6.2	Species at Risk Act – Susan Fleck	13
6.3	Board Strategic Planning – Erin Huck	14
6.4	Regulatory Improvement Initiative – Gilles Binda	14
6.5	Regulatory Coordination for the MGP – Manik Duggar	15
6.6	Cultural Impact Guidelines – Renita Jenkins	15
6.7	NWT Water Strategy – Trish Merrithew-Mercredi	15
6.8	Minerals Forecast Update – Malcolm Robb	16
6.9	Information Management Systems – Ricki Hurst and Shena Shaw	16
7.0	Welcome and Comments on Regional Resource Management	17
7.1	Gwich'in Tribal Council – Mary-Ann Ross	17
7.2	Inuvialuit Regional Corporation – Nellie Cournoyea	17
8.0	Next Board Forum Meeting	18

LIST OF APPENDICES

- Appendix A - NWT Board Forum Agenda
- Appendix B - Participants List
- Appendix C - Board Forum Terms of Reference (Nov 17, 2008)
- Appendix D - Presentations

1.0 Introduction

The 9th semi-annual meeting of the NWT Board Forum was held in Inuvik, NT on November 26th to 28th, 2008. The meeting was organized by the Board Forum Working Group made up of the Executive Directors of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB), the Joint Secretariat, Inuvialuit Renewable Resource Committees (JSIRRC), the Gwich'in Renewable Resource Board (GRRB), the Deputy Minister of the GNWT Department of Environment and Natural Resources GNWT (ENR), and the Manager of the Board Relations Secretariat (BRS).

The co-hosts and chairs of this Board Forum were Robert Charlie, Chair of the Gwich'in Renewable Resource Board, and Frank Pokiak, Chair of the Inuvialuit Game Council, and the meeting was facilitated by Ricki Hurst of Terriplan Consultants. The agenda for the meeting and a list of participants can be found in *Appendix A* and *Appendix B*, respectively.

1.1 Purpose and Objectives of the Board Forum Meeting

The purpose of the NWT Board Forum's 9th semi-annual meeting was to provide an opportunity for the Forum members to discuss their emerging priorities, challenges, and initiatives as a group. The Forum also heard reports from the Working Group on the results of activities underway since the last forum meeting in Calgary in May 2008. This included reviewing progress on the current NWT Board Forum work plan, recommending actions to implement the work plan, and determining priorities for the next Forum meeting. This meeting also included technical briefings and updates on issue(s) identified by the members, as well as presentations from external speakers including representatives from the Gwich'in Tribal Council and the Inuvialuit Regional Corporation. Updates included presentations about matters of interest to the Boards such as the NWT Board Forum Website, NWT Species at Risk Act, NWT Minerals Forecast, NWT Water Strategy, Cultural Impact Assessment Guidelines, MGP Regulatory Coordination and the northern regulatory improvement initiative.

The following report, prepared by Terriplan Consultants, summarizes the discussions that took place during the two-day Board Forum.

1.2 Report Contents

This summary report is organized as follows:

Section 1	-	Introduction
Section 2	-	Opening Statement
Section 3	-	Member Updates
Section 4	-	Discussion on: Board Appointments and Training Programs
Section 5	-	Review of Board Forum Terms of Reference
Section 6	-	Presentations and Updates
Section 7	-	Welcome and Comments on Regional Resource Management
Section 8	-	Next Board Forum Meeting
Appendix A	-	NWT Board Forum Agenda
Appendix B	-	Participant List
Appendix C	-	Presentations by Speakers
Appendix D	-	Progress Report on the NWT Board Forum Work Plan

2.0 Opening Statement

To open the 9th NWT Board Forum the co-chairs, Frank Pokiak of the Inuvialuit Game Council and Robert Charlie of the Gwich'in Renewable Resources Board, welcomed participants to Inuvik. Following a brief outline of the day's agenda by facilitator Ricki Hurst, the meeting was opened with a prayer by Walter Bayha.

3.0 Member Updates

The NWT Board Forum began with a members' roundtable. Chairs and Executive Directors reported as follows:

3.1 NWT Water Board – Rudy Cockney / Eddie Dillon

There have been some major changes at the NWT Water Board (NWTWB) since the last Board Forum in Calgary. At that time Ron Wallace was the acting Executive Director and that position has since been staffed by Mike Harlow, previously of the Inuvialuit Land Administration. The NWTWB has also moved from Yellowknife to a new permanent location in Inuvik, following several years of working towards that transition. Finally, the NWTWB has a new chair, Eddie Dillon. Rudy Cockney, as the previous acting Chair, took this opportunity to thank a number of individuals and organizations that have assisted the NWTWB during this transition. They include Ron Wallace, the Board Relations Secretariat (BRS) of INAC, and the NGPS for their assistance, including their help in the move to new office space in Inuvik.

The NWTWB has also been busy negotiating agreements with neighbouring boards and organizations to assist with shared manpower and expertise. Two signed agreements now exist; one between the NWTWB and NEB and one between the NWTWB and the MVLWB. Both will be very helpful to the NWTWB.

Mr. Cockney reported that two licences had been issued since the spring, one for Johnson Point and another for MGM Energy. The NWTWB has been short-staffed and so the working arrangements with the MVLWB and the NEB helped tremendously in the processing of these licences.

Mr. Dillon added that two new Board members have been appointed to the NWTWB during the summer: André Corriveau and Emery Paquin, both very well qualified Northerners. Plans for this winter include hosting an informational workshop in the Delta on water use and waste for municipal governments.

3.2 Indian and Northern Affairs Canada – Trish Merrithew-Mercredi

Trish Merrithew-Mercredi began by thanking the NWTWB for the acknowledgement of the efforts of BRS during the summer to assist the NWTWB with their move to Inuvik. Since the last Board Forum there has been a Federal election which did not result in a change of government, nor to the Minister of INAC (Mr. Chuck Strahl). Prior to the election, the government was working on a number of initiatives such as Regulatory Improvement, a Northern Development Agency, and a Northern Major Projects Office, which are all expected to continue. The other item that local INAC staff have been devoting considerable time

and resources to is the development of an NWT Water Resources Management Strategy (Note that Ms. Merrithew-Mercredi reported on the status of this initiative on Day 2 of the Forum).

Ms. Merrithew-Mercredi also noted that, recently, there has been fiscal restraint federally, as has been noted in the media across Canada. As a result, Canada is looking very carefully at trying to reduce costs and this will undoubtedly impact discretionary funds to the NWT Boards. Ms. Merrithew-Mercredi stated that she would be speaking with individuals in the next month or two about what this could mean to each Board.

3.3 Mackenzie Valley Land and Water Board – Willard Hagen

Willard Hagen opened his presentation by thanking his Inuvik hosts. Since the MVLWB deals primarily with unsettled regions, it is unique compared to other boards. The Board has received many exciting applications this year, including one for uranium development. MVLWB also continues to be busy in preparation for the proposed Mackenzie Gas Project (MGP). Mr. Hagen discussed the Major Projects Office and the coordination work they anticipate taking on early in the New Year. He also noted that staff would be participating in the committees structured as a result of that new office.

Mr. Hagen raised the issue of delays in timely appointments, and was quick to point out that all the nominating organizations including aboriginal and territorial governments as well as INAC are having trouble appointing board members. The MVLWB has also had cash flow issues as a result of delayed payments from the federal government.

3.4 Sahtu Land Use Planning Board – Colin Bahya / Heidi Wiebe

Collin Bahya attended the Board Forum on behalf of the Interim Chair, Danny Bayha, who could not attend. Mr. Bahya introduced Heidi Wiebe who has recently been hired to assist the SLUPB in completing its Land Use Plan.

Ms. Wiebe, formerly executive director to the Dehcho Land Use Planning Board, introduced herself to the Forum as a full-time consultant to the SLUPB working out of Calgary. She noted that the biggest challenge for the SLUPB is recruitment and retention of staff, as most of the Boards can appreciate. She noted that she is hoping that the previous few months' effort focusing on those administrative challenges is now winding to a close, and that the Board can focus on plan development early in the new year.

The SLUPB released its first draft of the Land Use Plan in February 2007. A partial re-write occurred during August 2007 and they anticipate releasing the next draft by the end of this fiscal year.

3.5 Sahtu Land and Water Board – George Govier / Larry Wallace

George Govier identified some of the recent applications under the purview of the SLWB. These include oil and gas drilling near Colville Lake for BG International, a seismic application for Explorer Geophysical, and a GNWT Land Use Permit application. The SLWB has also undergone a recent upgrade to its electronic public registry on the web, and Mr. Govier thanked those agencies that supported that transition. The SLWB is also focusing on technical training in each of the communities it serves. It completed the 9th annual technical training session in Tulita on November 14th and 15th. This workshop

had the largest turnout yet with approximately 20 registered delegates. The training is focussed on the regulatory process for all interested parties, to help the communities be involved in applications that might impact them. The SLWB always finds this to be a successful endeavour. With regards to appointments, the Chair has been vacant since August 11th, 2008, although members of the Board passed a motion to empower Mr. Wallace to assist at forums such as this.

Larry Wallace added that the SLWB's involvement in the staff working groups has been beneficial to their staff.

Discussion:

Gaétan Caron of the NEB applauded the efforts of the SLWB to conduct the technical training and offered to provide NEB staff or assistance in the future if the SLWB felt it would be beneficial.

3.6 Wek'èezhii Land and Water Board – Violet Camsell-Blondin / Zabey Nevitt

Violet Camsell-Blondin, Chair of the WLWB, provided her roundtable comments in Dogrib, which were subsequently presented in English by the Executive Director, Zabey Nevitt.

The WLWB continues to face a high level of activity, and has received 20 applications for land use permits and water licences so far this year. Some of these applications are large in nature, such as the amendment requests from Ekati and Diavik Diamond Mines. Diavik also sent a letter to the WLWB thanking the Board for their regulatory efficiency on a recent initiative.

With regard to the McCrank Regulatory Improvement report, the WLWB supports many of the individual recommendations in that report. The Board has also been busy working on a number of initiatives, such as training, standardizing policies and procedures, strategic planning, and preparing a business plan. Early in the New Year the Board will be relocating its offices in Yellowknife to co-locate with the Wek'èezhii Renewable Resource Board (WRRB), which will allow for increased efficiencies related to administrative matters and office expenditures. The WLWB has also been heavily involved in the s.106 working groups and considers them to be a very useful means for communicating between boards and sharing skills among staff.

The WLWB lost quorum approximately two to three weeks prior to this Board Forum, however the staff are working with the Tlicho Government to get those appointments completed as soon as possible.

3.7 Gwich'in Land and Water Board – Paul Sullivan

Paul Sullivan, Chair of the GLWB, provided a brief introduction to the GLWB, which has been in operation for ten years. The Board consists of five members and currently has one vacancy which is to be filled by the Gwich'in Tribal Council. The GLWB deals with approximately 15 applications per year, but this year has only received 8 to date.

Discussion:

Walter Bahya inquired whether the GLWB noticed a decrease in applications as a result of the land use planning process. Mr. Sullivan responded that they only received one application last year which they had to refuse because it was in an area of protection. He did not feel that the land use planning negatively

impacted the number of applications that were submitted. Sue Mackenzie added that only 10% of the land is designated conservation zone, so there is a good balance between conservation areas and areas open for development. However, since the Gwich'in Land Use Plan is the first of its kind, there is still often a lack of awareness amongst proponents.

3.8 Sahtu Renewable Resources Board – Jody Snortland

Jody Snortland reported that much of the work done by the SRRB this year has been through its involvement in the Species at Risk Act (SARA) file. The SRRB is also pleased to note that the NWT and Nunavut Renewable Resource Boards are working together to create a management plan for the Bluenose Caribou herd.

The appointments process has been a problem for the SRRB, which recently heard that the Board's nomination for the Chair was not approved, and they are currently looking into an appeal process. The SRRB was also recently notified that it had a member appointed in July, but neither the Board nor that individual was notified of the appointment. The SRRB also continues to have problems with the other nominating agencies such as DFO and GNWT.

3.9 Mackenzie Valley Environmental Impact Review Board – Richard Edjericon

Richard Edjericon has been in the Chair position of the MVEIRB for 8 months and noted his appreciation for the opportunity to participate in the Board Forum. The MVEIRB has some important files in front of it, including the JRP for the proposed MGP. Other activities include three referrals since April of 2008 and seven files awaiting Ministerial approval. Large files include the De Beers Gahcho Kué Project, Talston River Hydro Project, Giant Mine Remediation and the Prairie Creek Mine. While these are large, labour-intensive files, the MVEIRB anticipates that the current economic slow down will impact the level of activity at the Board over the coming year.

MVEIRB has prepared and submitted advice to Minister Strahl on each of the recommendations provided in the McCrank report and is looking forward to a response. Other work underway includes a major review of the EIA process, collaborating with other boards on s.126, and creating transboundary agreements with CEAA - and soon Saskatchewan and British Columbia. The Board also continues to work on draft wildlife guidelines and consistent terms and conditions, and held their annual EA practitioners workshop.

Discussion:

George Govier noted that at the SLWB technical training session in Tulita a MVEIRB staff member was in attendance and was helpful. Mr. Govier commented that it would be useful for MVEIRB to attend similar workshops in the regions.

3.10 Fisheries Joint Management Committee – Louie Porta

Louie Porta participated in the Board Forum on behalf of the FJMC Chair, Robert Bell. This is the first Board Forum that the FJMC has participated in and the other members welcomed its participation to gain an understanding of what the FJMC does.

The mandate of the FJMC is to work with DFO to manage fish and fish habitat. The FJMC does a call for research every year; this year research was conducted on belugas, contaminants and dolly varden. In response to advice at a community workshop they also expanded a monitoring program to include the Husky Lakes and, on a positive note, no whales were trapped in the lakes this year.

3.11 Environmental Impact Screening Committee – Fred McFarland

Fred McFarland reported on activity underway at the EISC. It currently has a few applications from MGM Energy, one to develop cuttings and a fuel injection facility in the Delta, and another to allow for the creation of an ice island. Both are on hold, perhaps due to the current economic downturn. Imperial Oil has also come forward with a 3-D program in the Delta and will be submitting applications in approximately one year for a 2012 drilling program. INAC had a lease sale and BP International was the successful bidder so EISC also expects further applications from that proponent; the lease stipulates that the drilling program must commence by 2013.

Internally, EISC is revising its operating guidelines and procedures with the intention to engage government departments and co-management groups in March 2009 to review the next draft. EISC also attended the last International Association of Impact Assessment (IAIA) conference in Calgary and used the opportunity to hold a meeting with the NEB. With regards to appointments, the EISC is short one member, a GNWT nominee.

Discussion:

Paul Sullivan asked how many agencies the EISC involved in their screening process. Mr. McFarland responded that they circulate the application to all government departments and, generally, only those interested actually respond with comments.

3.12 Environmental Impact Review Board – Elizabeth Snider

Elizabeth Snider reported that EIRB has a full complement of board members and will not require any new appointments for two years. Not long ago the EIRB thought it would be facing its busiest year ever; however, with economic downturns many project timelines have been delayed. The EIRB is facing some budgeting issues with new INAC individuals in Ottawa, but Ms. Snider anticipates that they will be able to work through these problems.

The NEB and EIRB are working together on coordinating their involvement in deep water projects; an initiative that has been going well to date.

3.13 National Energy Board – Gaétan Caron

Gaétan Caron noted that the NEB has received many thank you's throughout the day; while it seems as though the NEB has been giving to the group, Mr. Caron feels more like the NEB is receiving so much from the members of the Board Forum. He stated that the NEB is always eager to participate in partnerships with the Northern Boards.

Since the Board Forum in May 2008, the NEB has been busy with a range of applications. One major application underway is the proposal for the NEB to take over the TransCanada Alberta system, also

known as the Nova system. This would add over 40,000 kilometres of pipe to the portfolio of the NEB and impact its current regulations on tolls and tariffs. Another large project underway is the MGP; the NEB expects to start final arguments approximately four months after the JRP report is issued.

The NEB has also been involved in the development of the Major Projects Office in Ottawa. Mr. Caron acknowledged that there has been some discussion about creating a similar structure in the north, and went on to describe the purpose of a Major Projects Office as follows: The MPMO is designed to create a specific project agreement for each new project, one that involves all of the Deputy Ministers engaged in regulating or overseeing the project, and commits them to conducting their work on time. If deadlines are not met then the issues can escalate to the level of Deputy Minister. It does not relegate power from one authority to another in any way; rather the MGPO and the associated project agreements enhance the measure of accountability for each department or organization.

3.14 Gwich'in Land Use Planning Board – Bob Simpson

Bob Simpson reported on the activities that the GLUPB has undertaken this year. The GLUP is the only approved Land Use Plan in the NWT and has been in existence for five-years. This year marks its first five year required review and the GLUPB is spending a lot of time in review and research of some specific areas where they would like to have more information. This entails anything from a preliminary assessment to a comprehensive resource assessment in some areas. The GLUPB has also spent a lot of time identifying issues in the communities. The revised plan is currently being drafted and will be available in February. After the revised plan is released it will go through a period of targeted consultation, and then will proceed to the approvals process.

The GLUPB has not had to review many applications this year. The Board has been busy, however, reviewing the McCrank report and meeting with other Boards in the region to prepare a response. The Board continues to work on the development of a Gwich'in Atlas, similar to the large "coffee table" format atlas for the Sahtu, and has also had tremendous success with a teacher's resource package and children's books. Mr. Simpson passed around copies of some of the documents produced through a collaboration of the GLUP Board and educators.

Discussion:

Heidi Wiebe asked if the changes to the Land Use Plan as a result of the five year review were significant. Sue Mackenzie responded that there were not many changes, and that they do not anticipate a lot of opposition to the revisions. Eric Yaxley asked when the Atlas would be available, and if it would be posted on the website. Mr. Simpson responded that they will not start writing the document until after the revisions to the Land Use Plan are complete, likely beginning this spring. The document will be a published book and not available on the web. Willard Hagen asked how long the Chair's position had been vacant and Mr. Simpson replied that the appointment had lapsed in September, 2008.

3.15 Wek'èezhìi Renewable Resource Board – Alfonz Nitsiza

The WRRB will soon be looking for a new Executive Director as the current ED, Rob Marshall, will be leaving to pursue other work. Alfonz Nitsiza reported that the relocation of the Yellowknife office and co-location with the WLWB was going well. Other items the WRRB were working on this year included

research and monitoring programs, community consultation, and fundraising. The WRRB is also working on a multi-year harvest study with DFO and CWS. WRRB continues to work with the Tlicho Government and the GNWT, as well as the other management authorities, on the Bluenose Caribou herd management plan.

3.16 Gwich'in Renewable Resource Board – Robert Charlie

Robert Charlie announced that the GRRB would also be losing their Executive Director, Melody Nice-Paul, who has moved to the Gwich'in Tribal Council. The GRRB is currently determining how it will fill that position. The Board has been in operation for over 15 years and in the past five of those years it has been faced with increasing resource management issues such as the management of Bluenose Caribou Herd. More recent files include working with the GNWT on developing Species at Risk (SARA) legislation, monitoring migration of arctic char, development of an integrated fisheries management plan, and looking at northern dolly varden. Renewal of both the Fisheries Act and the Wildlife Act are on the horizon and the GRRB anticipates being heavily involved in both of those processes.

The GRRB continues to work closely with its counterpart in the Yukon, in particular with regard to the Porcupine Caribou Herd. In December 2008 the GRRB will be holding a meeting on consultation rules and procedures to determine the process for consultation with groups and for interacting with government.

3.17 Inuvialuit Game Council – Frank Pokiak

According to the IGC Chairman, Frank Pokiak, the main issue in front of the IGC right now is the status of polar bears. Another big item is the Bluenose Caribou Herd management plan. Mr. Pokiak also expressed concern over the lack of Traditional Knowledge studies on these two species, and would like to see further work in this area. Other initiatives underway include tagging and tracking of both bowhead whales and ringed seals. A couple of interesting features of this study are the ability to log in on-line and track the movements of the tagged animals, and the surprisingly long distances travelled in a limited amount of time.

The IGC is currently preparing to undertake community consultations on the Beaufort Regional Environmental Assessment. Other initiatives include preparing, with the Yukon, a Muskox Management Plan, and preparing for another round of offshore oil and gas leases from INAC.

Internally, the IGC is preparing for a strategic and business planning exercise, and the IJS has one vacant staff position.

Discussion:

In response to a request from Willard Hagen of the MVLWB, Mr. Pokiak outlined the relatively streamlined and efficient IGC appointment process. The Inuvialuit appointments are made by the IGC. The IGC currently has one vacant seat on the EISC, the GNWT nominee. Mr. Pokiak committed (and followed up on this commitment the following day) to bring in copies of all of the Boards and Board members appointed by the IGC.

4.0 Facilitated Open Discussion

Ricki Hurst provided the participants with some time to discuss a number of themes that had arisen during the roundtable discussion:

1. Board Appointments;
2. Training Programs;
3. Working Groups under s.106; and
4. Staffing issues.

Since the group did not have enough time in the agenda to discuss each of these topics adequately, it was decided that discussion would focus on Board Appointments and Training Programs. It was also agreed that the s.106 working groups updates would be incorporated into the agenda of the next Board Forum. There were some concerns expressed regarding staffing and turnover, and it was suggested that the Boards consider creative ways to pool their efforts at recruiting staff.

4.1 Board Appointments

Trish Merrithew-Mercredi opened the discussion by stating that she would like to receive an up-to-date status report on the appointments that are outstanding, and the length of time the appointment has been outstanding for each Board so that she can bring it to the attention of the Minister. INAC is hoping that the Northern Regulatory Improvement Initiative will lead to some improvements in the appointments process, but those solutions may take some time and will be long term.

Board Chairs noted that there seems to be some inconsistency between boards, particularly in the ISR versus the Mackenzie Valley. Participants responded that this is likely due to substantial differences in the legislation that created each board (e.g. IFA vs. MVRMA etc.).

Actions:

- Each Board review the list provided in the binder and submit corrections to Yolande Chapman of the BRS tomorrow, if possible, or soon thereafter. BRS will update the appointment status report for the next Board Forum.
- Frank Pokiak will provide a list of IGC appointments including Boards and names
- Each Board to inform Ms. Merrithew-Mercredi of the duration of outstanding appointments, particularly those from the Federal and Territorial Governments.

4.2 Training

Zabey Nevitt, Executive Director of the WLWB, opened the discussion by putting forward the idea of hiring a full-time training facilitator or coordinator. The idea has been suggested many times in the past by Boards and by INAC. Mr. Caron of NEB added that the strategic planning process the Boards are currently undertaking is an excellent starting point to begin to identify those needs. He also recommended that a small group of Board Forum members collaborate on a 'skills matrix' which would outline skills that are needed and skills that are currently available in-house amongst the Boards. Mr. Caron volunteered NEB assistance and Ms. Merrithew-Mercredi volunteered BRS support of that action in consultation with the Board Forum Training Committee.

The group will also have to consider the knowledge and skills that will be lost as people who were staffed in anticipation of the MGP leave to find more stable positions, particularly as the hiatus created by the JRP extends further into the future. It was suggested that the Board Forum develop a Knowledge Management Transfer Plan which highlights the significant investments made to date and the knowledge that should be retained at all cost. Eric Yaxley acknowledged that many of the comments were exactly the types of recommendations that the existing Training Committee has already been hearing. These are exactly the types of issues that can be worked out once there is a staffed person dedicated to coordinating the Board Forum training activities.

In summary, the following suggestions were made:

- Hire a full-time training coordinator
- Develop training programs in relation to the strategic plan and business plan
- Develop a skills matrix to share amongst the boards
- Create a knowledge management program
- Spread training workshops and sessions out evenly over the year
- Develop a plan for the loss of continuity and knowledge that a hiatus on the MGP would create

5.0 Board Forum Terms of Reference

The BRS put forward a slightly revised Terms of Reference (dated November 17, 2008) for consideration. Eric Yaxley stated that it had been some time since the Terms of Reference had been updated and they were due for some minor modifications. The group accepted the revised Terms of Reference (*Appendix C*).

6.0 Presentations and Updates

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

- | | |
|---------------------------------------|---------------------------------------------------|
| • NWT Board Forum Website | Jennifer Moores and Renita Jenkins, INAC / MVEIRB |
| • Species at Risk Act | Susan Fleck, GNWT |
| • Board Strategic Planning | Erin Huck, INAC |
| • Regulatory Improvement Initiative | Gilles Binda, INAC |
| • Regulatory Coordination for the MGP | Manik Duggar, MVLWB |
| • Cultural Impact Guidelines | Vern Christensen and Renita Jenkins, MVEIRB |
| • NWT Water Strategy | Trish Merrithew-Mercredi, INAC |
| • Minerals Forecast Update | Malcolm Robb, INAC |
| • Information Management System | Ricki Hurst and Shena Shaw |

Each presentation is summarized below, along with a summary of key discussion points. Copies of all available Power Point presentations are found in *Appendix D*.

6.1 NWT Board Forum Website – Jennifer Moores and Renita Jenkins

Jennifer Moores of INAC Communications and Renita Jenkins of MVEIRB offered a presentation on the revised concept and workplan for the NWT Board Forum Website. Between the meetings of the Board Forum in May 2008 and November 2008, the Board Forum members had one opportunity to provide feedback on the content and two opportunities to provide feedback on the navigation and design of the website. As a result of that feedback, many changes have been made as outlined in Ms. Moores' PowerPoint presentation. Some key features are the common look and feel of the site, the revolving slide show banner at the top of the home page, the easy print feature, links at the bottom of every page, and consistent tabs at the top of every page to ease navigation.

The speakers stated that the Communications Working Group is requesting permission from the Board Forum to go live with this site; the associated internal Board Forum website is still under development and not ready to go live. The Board Forum members agreed the site could go live provided a few minor corrections are made. Those agencies with corrections agreed to provide them to the Communications Working Group by December 10th, 2008.

6.2 Species at Risk Act – Susan Fleck

The GNWT is currently developing a Species at Risk Act (SARA) for the NWT as outlined in the National Accord for the Protection of Species at Risk, which commits all jurisdictions to protect and recover species at risk throughout Canada. Susan Fleck of GNWT Environment and Natural Resources first outlined the federal Species at Risk Act which has been in existence for approximately 4-5 years. The federal act lists all species at risk as determined for the national level. The draft act for the NWT applies to all species managed by the GNWT, which does not include federally managed fish or migratory birds.

An important component of drafting the SARA legislation was to ensure that the act would be consistent with Land Claim Agreements. To do this the GNWT created a Species at Risk Working Group which included Renewable Resource Boards across the territory. The purpose of the act is to identify which species are at risk in the NWT, and to protect and recover those species.

The Working Group developed a northern approach by creating a Conference of Management Authorities on Species at Risk to seek consensus and to facilitate and coordinate species management among all the parties with responsibilities for that species. A Species at Risk Committee will be created and it will have the responsibility for assessing the biological status of species in the NWT. This committee will take into account traditional knowledge, community knowledge and science. Once the assessment is complete it will go to the Conference, who will then review the assessment and conduct public consultation before adding or removing the species from, or altering the species status under the SARA legislation. If a species is deemed to be at risk, it will be listed for a period of 10 years. When the 10 year period is complete it will undergo a re-assessment; this feature is unique to the NWT.

Regulations specific to each species will be created to regulate actions such as killing, harming, harassing, buying, selling or importing of species, and to identify areas of habitat protection. The regulations will also outline areas of exemptions and the permitting of various activities. Each species will have a management plan or recovery strategy with the end goal of being able to remove them from SARA. Compliance with the NWT Species at Risk Act was modelled on the federal legislation.

The next steps for the draft legislation were to undergo a second reading in the GNWT Legislature in October 2008; to undergo Standing Committee consultation in the New Year; to have a final review by the legislature in the spring 2009; and to be put into effect by 2010.

6.3 Board Strategic Planning – Erin Huck

Erin Huck of INAC presented the Strategic Planning Initiative pilot project. Currently three Boards are participating: IGC, SRRB and WLWB. The Initiative set out to enhance the planning and reporting processes of the Boards by assisting them with the development of comprehensive and strategic, but practical, business plans. So far, the group has developed a robust set of planning tools, done a first draft of strategic and business plans, and aligned their budgets with the draft business plans. Feedback from the participants involved in the pilot project has been positive and provided the facilitators with opportunities to improve products and processes.

In the spring of 2009 the pilot project groups will conduct workshops on their final reporting, following which, the BRS will be looking for the participation of additional Boards.

Gaétan Caron agreed to provide a presentation to the next Board Forum on the NEB Strategic Planning process for information sharing purposes, and also suggested that the Board Forum prepare its own collective strategic plan for the Forum itself. He also proposed that the task tracking sheet might be modified to support a strategic plan or a business plan which could be developed for the Board Forum. The group agreed with the suggestion, supporting the notion that this would be beneficial to the Board Forum. Mr. Caron and Willard Hagen volunteered to review the TOR and develop a short paper outlining potential options and ideas for a Board Forum strategic business plan.

6.4 Regulatory Improvement Initiative – Gilles Binda

Gilles Binda from INAC HQ presented the current status and next steps for the Northern Regulatory Improvement Initiative. This presentation was effectively an update of the presentation provided by Stephen Traynor at the May 2008 Board Forum. The main update was a discussion of the reactions to the McCrank report which had been received since the last Forum. Overall, there is recognition that change is required and organizations generally are supportive of various aspects of the report. For example, industry is looking for government to initiate immediate concrete action on the regulatory improvement recommendations in the report. Aboriginal organizations, Boards and ENGO's all expressed concern that Mr. McCrank did not understand the special political environment in the North, which stems from the constitutionally protected comprehensive land claim agreements.

Since the release of the report there have been a number of meetings between INAC and various groups and in September 2008 an INAC departmental workshop was held to review the report recommendations and the reactions to the report. In October the department worked on preparing advice to the Minister related to the report and reactions to it, and in November the departmental officials will brief the Minister. Early in 2009 INAC will meet with Aboriginal groups to discuss moving forward on the report recommendations.

Fred McFarland of EISC asked Mr. Binda if there was a workplan established for steps beyond early 2009 and Mr. Binda responded that it was difficult to know where it would go given the current political situation, but that the Board Forum would be informed again at the next meeting.

6.5 Regulatory Coordination for the MGP – Manik Duggar

Although not on the original agenda, Manik Duggar of the MVLWB provided a presentation to the Board Forum on the status of the regulatory coordination work for the proposed MGP.

[Note that representatives of the NEB were not in the room during this presentation; the regulatory coordination work is without prejudice, in no way pre-approves any element of a proposed project, nor does it bind any regulatory authority to a certain course of action.]

Mr. Duggar gave the background and context for the regulatory working groups, most importantly, the creation of the Cooperation Plan and the Regulators Agreement, with which Board Forum members are familiar. The Regulatory Steering Committee (RSC) guides the work of three working groups that deal with technically specific issues. The RSC is also developing a Regulatory Implementation Plan which discusses the phases of regulatory work required for timely decision making.

6.6 Cultural Impact Guidelines – Renita Jenkins

Renita Jenkins presented Cultural Impact Assessment Guidelines which are presently being prepared by MVEIRB. Her presentation was on behalf of Alistair MacDonald of MVEIRB, who could not attend the Board Forum. MVEIRB has developed a number of guidelines over the years to assist proponents and intervenors in the Environmental Impact Assessment process. MVEIRB recently decided to develop Cultural Impact Assessment Guidelines because of a clause in the MVRMA that states MVEIRB must look at the "protection of the social, cultural and economic well-being of the residents and communities in the Mackenzie Valley" (MVRMA s.115 (b)). Currently, Mr. MacDonald is conducting preliminary community consultation on the cultural impact guidelines, and plans to enter the drafting stage soon.

MVEIRB is looking to the members of the Board Forum to help determine key issues that should be included in the guidelines. Willard Hagen commented that it would be important that anything coming out of any EA related to cultural impacts be enforceable as terms and conditions of a project. Larry Wallace also noted that the idea was a positive one, but that it would be very important to include smaller companies in the review of the guidelines as they are often the proponents who view such things as barriers to development.

6.7 NWT Water Strategy – Trish Merrithew-Mercredi

Trish Merrithew-Mercredi presented on the Water Resources Management Strategy for the NWT, which is a joint initiative between the GNWT and INAC. The plan, once complete, will outline a common vision for water management and provide an implementation plan to better "use, protect and preserve water in the NWT".

The process began with a discussion paper released in June of 2008 entitled, *Northern Voices Northern Waters*. Since then, many presentations have been made at conferences and Aboriginal gatherings.

There has also been engagement with Aboriginal leadership, and future engagement over the next six months will include multi-party workshops on specific topics such as a Strategy vision and principles, the use of traditional knowledge, and approaches to monitoring.

Willard Hagen applauded engagement of communities by Francois Paulette and Stephen Kakfwi, but suggested that a third Aboriginal person would be needed for engagement in the Beaufort Delta. Larry Wallace asked how much influence the NWT Water Strategy would actually have when so much of the water has a source outside the territory. Ms. Merrithew-Mercredi responded that they anticipate having a large amount of influence through the Mackenzie River Basin Board (MRBB), and that the NWT Water Strategy would become one of the tools to help the NWT negotiate transboundary agreements with other regions such as Alberta or British Columbia.

6.8 Minerals Forecast Update – Malcolm Robb

Malcolm Robb, of the INAC Minerals and Petroleum Directorate, provided his annual Minerals and Oil & Gas Industry Update to the Board Forum. The purpose of the presentation was to give an overview of anticipated non-renewable production and exploration trends to help regulatory boards with work planning and process efficiencies. Mr. Robb began by providing an overview of the global economic environment and how that is impacting exploration and development. He then focused in on the NWT economic environment. A range of statistics was provided to show the current trends in the minerals and oil & gas industries (see presentation in Appendix D).

Mr. Robb also presented results of the Fraser Institute Survey on Investment Attractiveness which provides an indicator of the investment climate in many jurisdictions. Unfortunately, the NWT has not fared well and is listed as either the least attractive, or almost the least attractive, region for investment in both mining or oil and gas exploration and development. The perception, at least, is very negative among both oil & gas and mineral companies and investors. Mr. Robb concluded with a listing of advanced exploration projects that may soon enter the permitting stage.

6.9 Information Management Systems – Ricki Hurst and Shena Shaw

At the request of the Working Group, Ricki Hurst and Shena Shaw of Terriplan Consultants provided a brief presentation on the information management systems both existing and in development by Terriplan to support the regulatory review phase of the proposed MGP.

At this time a pilot project has been done to automate the regulatory process for the MVLWB. It includes an on-line application form the ability to upload supporting documentation, and it facilitates multi-party review and comment on applications and supporting documents. Other work is being undertaken for the NWT Water Board, INAC and others. Anticipated users of this system include the proponent, reviewers, interveners and the regulatory agencies themselves.

7.0 Welcome and Comments on Regional Resource Management

Representatives of the Inuvialuit Regional Corporation and the Gwich'in Tribal Council were invited to the Board Forum to provide welcoming comments and to speak to the Board Forum on issues of importance to them and to regional resource management.

7.1 Gwich'in Tribal Council – Mary-Ann Ross

Mary-Ann Ross, Vice President of the GTC, welcomed the Board Forum participants and wished them a positive and successful meeting. She explained that since 1992 the GTC has faced many challenges in implementing its Land Claim Agreement. Ms. Ross commented that the McCrank Report identified many issues which the GTC had previously tabled, however the GTC continues to work with its partners to improve the implementation of the Land Claim. Ms. Ross stated that on many occasions the GTC has highlighted the necessity for increased capacity to participate in the regulatory process, particularly at the community level. The GTC will continue to lobby the federal government to address this urgent matter.

A unique aspect of the GTC is that they have title to land in both the NWT and the Yukon, making them a transboundary organization. While the GTC meets the criteria for a Yukon First Nations, they are not afforded the ability for economic development on these lands. She suggested that this situation has to change.

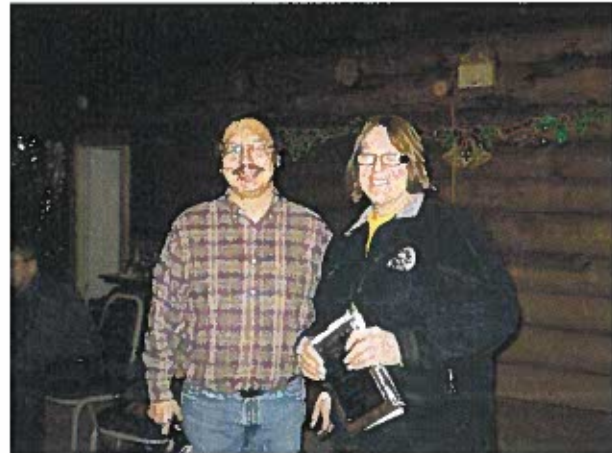
7.2 Inuvialuit Regional Corporation – Nellie Cournoyea

Nellie Cournoyea began by echoing Ms. Ross' concerns regarding implementation, and commented that this is probably similar for every land claim organization in the NWT and elsewhere. One of the things that the land claim agreements were intended to do was to put the authority and responsibility of the region into the hands of the region. When the Joint Review Panel (JRP) for the MGP was originally suggested, it was difficult to see how it would work with other existing bodies. It took a lot of discussion to decide how the environmental assessment agencies (i.e. Inuvialuit, MVEIRB and CEAA) were going to work together, and the anticipation was that things would progress at a reasonable rate. Ms. Cournoyea expressed considerable frustration at the protracted timeline that the JRP has recently released. She stated emphatically that the JRP delay is impacting economic development opportunities in the ISR. She said that she hopes that those with responsibility for the JRP will do their part to encourage the JRP to produce their report in a timelier manner.

Ms. Cournoyea spoke of her discussions with Neil McCrank during the development of his report. She suggested that he look at the MVRMA and the IFA and the institutions that were set up under the land claims and outline recommendations in the report to give them more authority. Ms. Cournoyea emphasized that the structures were set up to actually manage the resources rather than participate in government exercises.

Frank Pokiak of the IGC responded to Ms. Cournoyea by noting that the IGC and the MVEIRB are equally frustrated with the JRP timetable and are in the process of sending a letter to both the JRP and the Prime Minister of Canada noting how the JRP schedule is unacceptable. Eddie Dillon commented to the group that over the past few months the IRC has given quite a bit of help to the NWTWB and they would like to

thank the IRC. Eddie Dillon, Chair of the NWT Water Board, presented Ms. Cornoyea with a plaque to thank her for her assistance with the move of the Board from Yellowknife to Inuvik.



8.0 Next Board Forum Meeting

The group discussed the idea of inviting the settled land claim leadership to a meeting(s). As there were different perceptions and approaches on this issue Bob Simpson and Zabey Nevitt volunteered to prepare a short paper outlining the rationale for the invitation, logistics, and various options and alternatives for member discussion. Since there were differing opinions on the matter the group agreed to pursue further discussion at the Board Chairs Caucus (i.e. restricted to Board Chairs and EDs) scheduled to be held the following morning.

There was agreement that the next Board Forum would be held in Hay River, tentatively during the last week in May or the first week in June. The co-hosts will be MVLWB and MVEIRB, with INAC support as required. The Working Group will use those dates and develop a working agenda based on this meeting. There was agreement that if participants have any other suggestions for the meetings they would send them to Eric Yaxley at the Board Relations Secretariat.

For closing remarks Frank Pokiak and Robert Charlie thanked everyone for coming and noted how much they looked forward to seeing everyone at the next meeting in Hay River.



Appendix A

NWT Board Forum Agenda

Board Forum Agenda
November 26-28, 2008
Ingamo Hall Friendship Centre
20 Mackenzie Road
Inuvik, NT

Arrival November 25th, 2008

DAY 1 – November 26

- 8:30 Arrival - Coffee & Muffins
- 9:00 Welcome - Co-hosts Frank Pokiak, Inuvialuit Game Council & Robert Charlie,
 Gwich'in Renewable Resources Board
- Opening Prayer
- Introductions - Facilitator Ricki Hurst
- 9:30 Opening Remarks, Round Table - Chairs
- 10:30 Health Break
- 10:50 Round Table (continued) - Chairs
- 12:00 **Lunch (provided)**
- 1:00 Facilitated Open Discussion - Opportunities/issues
- 3:00 Health Break
- 3:20 Task Tracking update from last Forum - Board Forum Working Group
- 3:40 Board Forum - Terms of Reference
- 3:50 Culultural Impact Assessment Guidelines presentation – Vern Christensen,
 MVEIRB
- 4:30 NWT Northern Board Caucus (Board Chairs)
- 6:30 **Evening Event – Dinner & Jigging**
- Tonimoes**
- Mackenzie Hotel**

DAY 2 – November 27

- 8:30 Arrival - Coffee & Muffins
- 8:45 Highlights from previous day - Frank Pokiak and Robert Charlie, Co-hosts
- 9:15 NWT Board Forum Website - Jennifer Moores and Renita Jenkins
- 10:00 Health Break
- 10:15 Species at Risk presentation - Susan Fleck, GNWT
- 11:00 Next Steps for Regulatory Improvement & Discussion - Gilles Binda, INAC

- 11:30 Board Forum Strategic Planning Initiative - Vern Christensen, MVEIRB and Erin Huck, INAC
- 12:00 **Lunch (provided)**
- 1:00 Nellie Cournoyea, Inuvialuit Regional Corporation & Richard Nerysoo, Gwich'in Tribal Council - Welcome & Comments on Regional Resource Management - TBC
- 2:00 NWT Water Strategy presentation - Trish Merrithew-Mercredi, INAC - TBC
- 2:30 Minerals Forecast update – Malcolm Robb, INAC
- 3:00 Health Break
- 3:15 Information Management System presentation (on-line regulatory coordination application process) - Ricki Hurst /Shena Shaw
- 3:45 Date of Next Meeting & Identification of Facilitator
- 4:00 Closing Remarks - Frank Pokiak and Robert Charlie, Co-hosts

DAY 3 - Friday November 28

- 9:00 Board Chair Caucus
Mackenzie Hotel Boardroom (TBC)
- 1:00 **Departure of Delegates**



Appendix B

Participant List

Terms of Reference

NWT Board Forum

As

Revised November 26, 2008

1) Purpose

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

2) Objectives

- To increase mutual awareness by NWT resource co-management/public boards regarding their respective activities;
- To identify and develop collaborative approaches to resolve issues of common concern;
- To collaborate on strategic and operational planning initiatives where beneficial;
- To identify opportunities to share resources and expertise (e.g., cost sharing certain initiatives, sharing human resources and/or information technology, sharing "lessons learned" and "best practices");
- To provide a forum for the NWT resource co-management/public boards to hear from industry, government and other interest groups on issues of common interest not specific to a development under active consideration by a co-management/public board; and
- To pursue collaborative training and development initiatives where beneficial.

3) Membership

Membership of the Board Forum comprises the Chairs, or designated alternates, of all resource co-management/public boards created under the Mackenzie Valley Resource Management Act (MVRMA), the NWT Waters Act (NWTWA), the Inuvialuit Final Agreement (IFA), the Gwich'in Comprehensive Land Claim Agreement, the Sahtu Dene-Metis Comprehensive Land Claim Agreement, the Tlicho Land Claims and Self Government Agreement, the Regional Director General of INAC NT Region or designated alternate, a designate from the National Energy Board (NEB), and a senior designate (Deputy Minister or Assistant Deputy Minister) of the Government of the Northwest Territories.

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

4) Organizational Responsibilities

Business Planning Agenda

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

Meeting Host

The opportunity to host the meeting (s) of the Board Forum will rotate from Board to Board.

Administration and Co-ordination Support

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

Funding

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

5) Conduct Meetings

The Chair, or designated alternate, of the host Board shall Chair the meetings of the NWT Board Forum.

The Executive Director of the Board hosting the next full meeting of the Board Forum shall Chair any Executive Director's or other Special meetings that may be required by the Board Forum.

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

6) Meeting Schedules and Locations

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

1. **Full Meeting (s) of the Board Forum:** To be held in the fall and spring of each year. The purpose of these meetings is for the NWT co-management/public board Chairs to pursue the objectives set out for the Board Forum with the support of the co-management/public board Executive Directors.

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

2. Executive Directors' Meeting and/or Other Special Meetings: To be approved and scheduled as required by the NWT Board Forum members.

7) Forum Secretariat – Working Group

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

1. Executive Director, Mackenzie Valley Environmental Impact Review Board
2. Executive Director, Mackenzie Valley Land and Water Board
3. Executive Director, the Joint Secretariat, Inuvialuit Renewable Resource Committees (JSIRRC)
4. Manager, Board Relations Secretariat – NT Regional Office, Department of Indian Affairs and Northern Development
5. Associate Deputy Minister, Department of Environment and Natural Resources, Government of Northwest Territories or designate.

The Forum Secretariat is responsible to:

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

8) Review of Terms of Reference

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

