

SAHTU LAND USE PLANNING BOARD



Draft 2 Consultation Summary

Draft 2 Sahtu Land Use Plan

June - July 2009



SLUP Draft 2 Consultation Summary

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INTRODUCTION

On April 30, 2009, the Sahtu Land Use Planning Board (SLUPB) completed and released Draft 2 of the Sahtu Land Use Plan. In June 2009, members of the SLUPB Board and staff undertook a round of consultations to illicit feedback from communities, co-management Boards, the territorial and federal governments, industry, non-government organizations and others on Draft 2 of the Plan.

Consultations took place in the Sahtu communities in the following order, Fort Good Hope, Colville Lake, Deline, Norman Wells and Tulita. They were scheduled for 2 consecutive days, including an evening session, to allow sufficient time for detailed discussions on the Plan.

Consultations for government, industry and non-governmental organizations took the form of 3-hour meetings. The intent was to provide an overview of the land use plan, discuss the intent of various sections, and answer questions so that participants can submit written comments based on an informed understanding of the Plan. An additional meeting was scheduled with the oil and gas industry at the Canadian Association of Petroleum Producers (CAPP) offices in Calgary to complete discussions not finished during the initial session.

The consultations were lead by the SLUPB's Lead Planner, Heidi Wiebe. Heidi summarized the key portions of Draft 2 in a PowerPoint Presentation. Meetings were informal, with discussions taking place whenever issues or questions arose. The main topics of the presentation include:

- an introduction to the SLUPB and its mandate,
- the land use planning process, its considerations and the limits of its authority,
- the Plan's vision and goals
- the mapping resources used to create the Plan,
- the current zoning, and
- the terms and conditions of the Plan.

Translators were hired for the community meetings. The SLUPB invited resource people from INAC and the GNWT to attend the community meetings and answer community questions related to the Protected Areas Strategy, Oil and Gas, and Mining.

Disclaimer

Extensive minutes were recorded from the meetings, which are subject to errors of omission and interpretation. This document presents a summary of key comments recorded by SLUPB staff from all meetings. They are not intended to serve as transcripts of the meetings.

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Requested changes documented in this report do not mean that the Board will make these changes. Some requests are beyond the Board's mandate or jurisdiction to address. The Board must consider all comments and requests together and balance the interests of multiple parties. The Board will revise the Plan as it deems appropriate to achieve the right balance.

Some participants were present intermittently during the meetings. This is indicated for members of the leadership who were not present for the entire duration of the meetings.

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FORT GOOD HOPE DRAFT 2 COMMUNITY CONSULTATION [DAY 1]

Monday, June 08, 2009, 9am-5pm

Aurora College

Participants

Sahtu Land Use Planning Board (SLUPB)

Collin Bayha, Board member

Edna Tobac, Executive Director

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Alphonsine McNeely, Translator

Valerie Gordon – Minerals Development Division, INAC

Local Leadership

Edwin Erutse, President – Yamoga Land Corporation [present periodically]

Frank T'seleie, Chief – Kasho Got'ine Charter Community Council

James Caesar, Coordinator – Yamoga Land Corporation, Kasho Got'ine Self Government [present periodically]

Lucy Jackson, Sub Chief – Kasho Got'ine Charter Community Council

Community Members

Aady Tobac – community member

Clayton Lafferty – Metis Local #54

Curtis Manuel – Yamoga Land Corporation

Gabriel Kochon – Elder

George Govier – Sahtu Land and Water Board

Isidore Manuel – Yamoga Land Corporation

Thomas Manuel – Elder

Morning Session: 10:20am

Comments

ENVIRONMENTAL/WILDLIFE COMMENTS

- There were questions regarding regulations for the cleanup and abandonment of development and barge landing sites and general abandonment strategies.

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- The community leadership mentioned that Imperial Oil had conducted some soil testing in the area along the winter road and hoped that the information could be made available to communities or considered for inclusion in the Plan.
- There was a desire for the location of anticipated developments related to the Mackenzie Gas Project (MGP) to be identified:
 - Cumulative effects research stations;
 - Gravel and quarry sites; and
 - Highway and pipeline development routes.
- The Planning Board was asked to consult Aurora Institute's biophysical research findings for science data.
- The Planning Board was asked to consider the Mackenzie River system and fish spawning areas near the Ramparts. The community is interested in having the NTCL clean up its navigation and barge landing areas near spawning areas.

PLANNING CHANGES

- The leadership requested that the Plan specifically address self-governance and ensure that no areas are left out between the Plan and self-governance.
 - With respect to self governance – leadership would like to see the Plan address the issues of administration and corporate assets. *[This is beyond the scope and authority of the Plan as it does not apply within community boundaries.]
- Consider including a term in the Plan in relation to Outfitters and their stream crossing habits. The communities are concerned that Outfitters sometimes cross streams in areas where they are not authorized.
- The Plan should have a contaminated sites map.
- George Govier, the SLWB's Executive Director expressed concern about having a separate GBLWMP and how it will affect the approvability and enforceability of the SLUP as well as the efficiency of the regulatory system.

ZONING CHANGES

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- Discuss proposed change in zoning for the Group Trapping Area in joint meeting with Fort Good Hope and Colville Lake.
- There is a Fort Good Hope/Mayo, Yukon traditional trail that needs to be delineated and included in the Plan.
- The boundaries of PAS conservation areas and National Parks need to be clearly delineated and identified in the Plan.
- Chief T'selie requested that the following rivers be designated Special Management Zones: Carcajou, Hume, Ramparts, Arctic Red, Ontaratue, Mountain, Loon, Hair Indian rivers.
- Spiritual areas need to be zoned as Special Management but no specific sites were mentioned.
- There was mention by the SLWB that the Tulita block land transfers have been removed. This needs to be verified and if it is so, these changes need to be reflected in the Plan

FORT GOOD HOPE DRAFT 2 COMMUNITY CONSULTATION [DAY 2]

Tuesday, June 9, 2009, 9am-5pm

Aurora College

Participants

Sahtu Land Use Planning Board

Collin Bayha, Board member

Edna Tobac, Executive Director

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Alphonsine McNeely, Translator

Valerie Gordon - Minerals Development Division, INAC- INAC

Local Leadership

Edwin Erutse – Yamoga Land Corporation [present periodically]

Frank T'seleie, Chief – Kasho Got'ine

James Caesar, Coordinator – Kasho Got'ine Self Government [present periodically]

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Lucy Jackson, Sub Chief – Kasho Got'ine

Participants

Aady Tobac – community member

Clayton Lafferty – Metis Local #54

Florence Barnaby – Community member

Isadore Manuel – Yamoga Land Corporation

Rhianna Leighton – Sahtu Land and Water Board

Morning Session: 10:54am

Comments

ENVIRONMENTAL/TRADITIONAL USE CONCERNS

- The elders expressed concerns over bison coming into the Sahtu from Wood Buffalo National Park in Alberta. Some bison are diseased with illnesses such as TB. The concern is that they may introduce diseases to wildlife in the Sahtu.
- A significant community concern was the protection of water quality. The Mackenzie River serves as a vital transportation corridor, recreation for communities, migratory pathway for birds, etc. The Plan should ensure its continued ecosystem health.
- FGH is thinking of designating the Ramparts into a raptors protected area. Perhaps this should be mentioned in the plan.
- There were concerns where the Mackenzie Gas Pipeline (MGP) might cross traditional use areas such as the Andersen Trail, Loon River, and Loon Lake. Participants would like to see the Plan minimize the effects of the MGP on traditional uses.
- There was the concern that some areas become off limits to the community due to third party liability issues after a company develops near a popular traditional use area such as a lake. The community wanted the Plan to make sure that giving developers access to certain popular lakes would not decrease the community's access to water bodies and other traditional use areas.
- Chief T'selie wanted the vision to address a long term view of development especially regarding MGP and its potential impacts and capped wells and the potential for oil

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development in the area. The Chief wanted balance to be a part of long term view. He suggested some wording:

“Balance means that the wildlife, fish and birds that are naturally in an area will continue to remain in their native habitat and continue to be healthy and exist where they have in the past and where they continue to exist now.”

FEEDBACK ON TERMS

ADDITIONAL TERMS AND CONDITIONS

- A term was requested for anticipated development such as the MGP and Highway. The leadership wants to mitigate the negative effects on the community due to increased pressure on social services and infrastructure (winter road, airport, nursing station, etc.). There is concern that the community will suffer due to increases in pressure on already stretched services.
 - Heidi suggested some possible wording for a Conformity Requirement:

“the needs of the community will be addressed and the domestic needs of the community will continue to be met and not disturbed” or

“avoid disruption to community needs regarding existing services, and infrastructure such as winter roads, and nursing stations, airport use, etc” or

“Work with community services and infrastructure to provide improvement of both within communities to ensure that growth does not just meet immediate needs of development but also has the community’s wellbeing in mind”.

- There was a request that the Plan should include terms to:
 - require developers to create breaks in windrows because sometimes caribou are not able to climb over them;
 - require developers to seal and ship oils, lubricants and contaminated materials back down south rather than burying them on site;
 - require developers to prevent the feeding of wildlife around camps which is dangerous for both animals and people;
 - disallow data acquisition through dynamite blasting. There are many fish lakes and acoustic damage may occur.
 - consider what happens when the river is dredged to set up barge landing sites. For example, the man-made islands at Norman Wells will be allowed to erode away naturally. All of this will turn up more sediment into the river and so the effects need to be considered and perhaps addressed in the Plan.

TERM

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- Traditional Knowledge (TK): The community emphasized that companies need to understand that TK is project specific.
 - TK studies need to be redone even if companies had previous information on the location. Changes occur over time. Redoing a TK study allows for these changes to be reflected.
 - TK is intellectual property and needs to be bought every time from the information holders/experts.
- MONITORING: Safety, wildlife, and important traditional use areas need to be monitored. Monitors should know a number of things such as where traplines and gravesites are. They need to keep track of who is doing what and who is going where.
 - Monitors keep the community informed about who is doing what and where. The monitors should liaise between the companies and the trappers.
 - Heidi suggested that communities answer the questions: what would a monitor do, what are they monitoring for, who in the community has those skills.
 - James Cesar suggested that the communities could look at Ekati's practices to set guidelines for monitoring.
 - Training monitors adequately has been an issue.
 - It was suggested that monitors hold cross-cultural workshops to sensitize employees to Dene culture.
 - Chief T'selie suggested that the monitor and federal inspectors work together. The monitor's tasks can also be made clearer if they were given a checklist of things to verify.
- KARST: It would be good to know what the water table level is like in karst areas.
 - Concern was voiced about the effects of development near karst. The concern was for fish that live underground for significant periods of their lives.
- LAC BELOT: The lake sits on the divide. It is only fed by rainwater. There is another lake like this near Norman Wells. It was used for road development and at one point the water level was observed to be 4-5 feet lower than usual.

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- **MONITORING:** Communities and SSI need to discuss if there will be a central monitoring service where all companies pay a fee for an organized monitoring service or if monitoring will be done differently in each community. An Action may have to be added to the plan.
 - Communities may want to identify priorities for monitors so they can ensure that monitors are doing what they want them to do. This may be an action to include.
Suggestions:
 - Monitors should be required to lead a cross-cultural workshop so that the company's employees understand the Dene better.
 - A process should be developed for the monitors (ie. a checklist of things to go over).
 - Monitors need adequate training to properly document their findings in the field. This will help their reporting.
- **SPECIES AT RISK ACT:** The Ekati open pit mine created a number of nesting sites. Peregrine falcon nest in the new cliffs. The term should be checked so that it does not prevent their operations from continuing.
- **KARST:** Find out if karst rocks also tend to be oil rich because that might affect the development that happens in the area.
- **DOMESTIC SPECIES/NON-NATIVE SPECIES:** Do not allow non-native vegetation to be used for re-planting/re-seeding anywhere in the SSA.

PROCESS

- Valerie Gordon from INAC's Minerals Division suggested that communities develop a list of questions that they would like companies to ask them before starting developments. That would allow companies to know the right questions to ask and better understand community concerns.

ZONING CHANGES

- There was a request to revisit the boundaries of Little Chicago. The SLUPB was told to contact the 4 main families that have camps in the area. We were referred to the Edgi, Shae, and Charney families and told to speak with: Kenny Shae, Batiste Shae, Angus Shae, Marcella and Enos Elton, and Wilfred Jackson.
- There was a request to make all Mackenzie Islands into Conservation Zones.

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- BURIAL SITES: Chief T'selie requested that the term be modified so that
 - there is a 500m buffer around all known gravesites;
 - if a company needs to go into the buffer they should notify the families concerned;
 - where a company comes across a burial site that is unknown or not identified on the map, they must notify the community.

- Chief T'selie requested that:
 - the zone around the Loon Lake Andersen Trail be brought back into the Plan and that it be delineated with a 500 m buffer;
 - Loon, Rorey, Round, Carcajou, Canot, Manuel, and Yeltea Lakes have 500m buffers.
 - The traditional trail to Mayo in the Yukon needs to be delineated and the trails to Watson Lake and Ross River need to be added to the Plan when they are identified.
 - Lac a Jacques, Turton and Sam McRae Lakes be changed to a Conservation Zone. There are grave sites around Lac a Jacques. Everyone thought these were conservation zones already.
 - Marion Lake be changed from a Special Management Zone to a Conservation Zone. It is an important fish area.

- The Board was requested to check the new Wildlife Act to see how it relates to the FGH/CL group trapping area.

- Chief T'selie supported the idea of dual designation protection (PAS and Plan protection as a Conservation Zone) where the subsurface is not protected under the PAS process. The Ramparts could be considered.

COLVILLE LAKE DRAFT 2 COMMUNITY CONSULTATION

Wednesday, June 10, 2009, 7pm-9pm

B&B

Participants

Sahtu Land Use Planning Board

Collin Bayha, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Lucy Ann Yakeleya, Translator

Valerie Gordon, INAC

Local Leadership

Joseph Kochon, Band Manager

Community Members

Alexis Blancho, elder

Antoine Kochon, elder

Barbara Blancho, community member

Charles Gully, elder

Charlie Kochon, elder

Clement Gully, elder

JB Gully, elder

Johnny Blancho, elder

Marie Blancho, elder

Evening Session start: 7:42pm

Comments

- The community is against the collaring of caribou. They regard this as harassment of wildlife and do not want this practiced in their area.

PLANNING CHANGES

- Band Manager Joseph Kochon confirmed the zoning changes that were made in a January 2009 meeting with the SLUPB. Participants at that meeting were Wilburt Kochon and a group of elders. During the January meeting the zoning around the Colville Lake area was changed from Conservation to General Use Zone. 500 m Conservation Zone buffers were retained around the lakes.

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- Colville Lake explained that they have a good relationship with development companies and want to retain decision making power in their area. They trust that they will be able to manage their lands appropriately as General Use Zones.
- An elder requested that the Board identify boundary of FGH/Colville Lake Group Trapping Area in plan.
- The Board explained that in Fort Good Hope the Chief requested that the Fort Good Hope/Colville Lake Group Trapping Area in the Kasho Got'ine District be delineated and changed to a Special Management Zone. Joseph Kochon's reply was that Colville Lake and Fort Good Hope will have to discuss this at a District meeting. Colville Lake will decide how it will manage its own area.

PROCESS

- Concern was voiced about how the community's feedback is recorded, who it is reported to and where this is documented. The community was concerned because they do not see the results of their feedback reflected in decisions that are made.
- There is general distrust with Boards. The community felt that their interests get lost in plan revisions. Final policy and regulations often do not represent or reflect their concerns. They felt that consultation was a token exercise. Heidi clarified that community consultation does not result in automatic inclusion in the plan. The Plan has to be approved by all three Parties (SSI, GNWT, Canada).
- Joseph Kochon insisted that the elders be paid for their time for participating in the consultation process. Elders should be paid for their knowledge and contributions, as experts and employees are.
 - Because the SLUPB was not able to pay the elders honouraria for their participation, we were told that the full consultation would not take place. In the future the Board was told to provide elders' honouraria for consultations.
 - The Board was asked to write up a list of questions or concerns for Colville Lake and to submit it to the Band Office and Land Corporation. They will find a way to pay and consult with their elders and get back to us.

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- o Joseph mentioned that the Chief had some concerns about the plan regarding zoning but was out on the land and would not be back for another 2 weeks. There was no Land Corporation representation. Due to these factors, Joseph suggested that meeting at another time would be more appropriate.

Meeting adjourned: 9:25pm

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DELINE DRAFT 2 COMMUNITY CONSULTATION MINUTES [DAY 1]

June 15-16, 2009, 9am-5pm & 7pm-9pm

Culture Centre

Participants

Sahtu Land Use Planning Board (SLUBP)

Collin Bayha, Board member

Danny Bayha, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Michael Neyelle, Translator

Tom Nesbitt, Facilitator/Planner Deline RRC

Valerie Gordon, INAC (arrived at 7pm)

Local Leadership

Charlie Neyelle, Deline First Nation Sub-Chief

Dolphus Tutcho, Chief Deline First Nation

Joe Blondin, DRRC Councillor

John Yukon, Band Council

Peter Menacho, Deline Land Corp President

Ramond Tutcho, Chief Deline First Nation [present periodically]

Raymond Taniton, Deline Band Councillor

Russell Kenny, DRRC President

Community Members

A.J. Kenny, elder

Alfred Taniton, elder

Anthony Neyelle, resident

Bernadette Yukon, resident

Dolphus Baton, Band Council

Fred Tutcho, resident

Gary Elemie, resident

George Baptiste, elder

Johnny Vital, elder

Kirk Dolphus, resident

Leon Sewi, resident

Mary Rose Yukon, resident

Morning Session: 9:37 am

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Heidi introduced the SLUP with a PowerPoint presentation. Then Tom Nesbitt, the planner for the GBLWMP presented their plan.

Comments

- When interviews were being conducted for the Preliminary Draft of the SLUP, elders emphasized that the region needs to be managed as a whole as opposed to breaking it into parcels. This will better reflect the patterns of traditional use which do not occur within artificial boundaries. Elders want the Plan to reflect their request.
- Grandfather Ayha's prophecies should be included in the plan. Elders need to be consulted because they may not want all prophecies shared with the public. The prophecies must be accurately presented.
- There is concern about finding proper balance between economic development and conservation. Elders believe that you must not spoil the land. Through the land use plan, Deline is hoping to have some control over development and to protect it for future generations.

GBLWMP

- There are 2 options for including the GBLWMP into the SLUP:
 - The SLUPB can include the GBLWMP as a separate document or
 - The SLUPB can integrate the two documents which will require significant re-writing of the GBLWMP to bring both documents together.
- There was concern that other communities would have a say in the Deline District, thereby changing the GBLWMP's direction or decreasing the community's autonomy in deciding how to best manage their District.
- The community would like the GBLWMP approved as soon as possible. They are eager for the SLUPB to identify its weaknesses so that they may be addressed.
- Tom Nesbitt spoke of the grandfathering clause in the GBLWMP and warned the community that it would be a contentious issue.

PAS

- Re: Edailla, Deline has submitted application to CWS for PAS sponsorship. If Edailla is not chosen Deline will seek Territorial Park designation.

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- Deline has selected lands around Johnny Hoe River. Tom clarified that if the community goes the PAS route it will give the area up forever. If the area is included in the Plan as a conservation zone then the community could retain the land and revisit the zoning every 5 years.
- If the communities plan to expand the PAS areas the SLUP must make mention of it and allow for future expansion. The Elders insisted on the protection of Great Bear Lake, Edailla, and Sayouo and Edhacho.
- Saoyu and ehdacho have completed the PAS process. This needs to be reflected in the Plan.

PROCESS

- The community would like to be actively involved in amendments and the 5-year reviews.
- The GBLWMP identified that DIAND inspectors are not adequately funded. As a result they do not carry out enough inspections and are unable to enforce regulations. This should be addressed in the Plan.
- TRANSBOUNDARY ISSUES: The community will consider sitting down with different regions to discuss each others' land claims and rights to better cooperatively manage the watershed.
- Elders were paid for their involvement in the GBLWMP. This will be expected for the SLUP process as well.
 - Deline will seek funding opportunities from the RRC, SSI and the land corporations.
 - The SLUPB should consider cost-sharing options with Deline for future meetings to cover travel and elder honouraria.
 - There may be a need to develop an Action for Canada to provide funding for community participation in plan development and review.
- A meeting will have to be held between Deline and Colville Lake regarding the zoning around Horton Lake. This will be discussed at the August 2009 SSI Assembly.
 - P.164 of the plan needs to be revised to reflect that the people of Deline traditionally used the areas around Horton Lake.

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- Include details of caribou corrals in the Horton Lake area in the zone description.

Meeting adjourned: 3:45pm

DELINE DRAFT 2 EVENING CONSULTATION MINUTES [DAY 1]

June 15-16, 2009, 7pm-9pm

Culture Centre

(Continued from day session. Same participants)

Meeting start: 7:20pm

Comments

- Deline and Tulita have approved the terms and conditions negotiated with the MGP.
- Deline would like the plan to address the potential effects of feeder pipelines.
 - Tom Nesbitt mentioned that the GBLWMP requests that developments identify how they will benefit the affected communities and maintain the area's ecological integrity.
- The SLUPB needs to review the registry of designated Sahtu organizations to better understand organizations' authorities and more accurately assign Actions and Recommendations

FEEDBACK ON TERMS

- **WATER:** The leadership wanted the term to request increased financial support from companies to enhance monitoring efforts.
 - CR #12 should read "receiving environment" as opposed to "receiving water body"
 - A suggestion was made that the CR regulate the final desired state of the water body as opposed to regulating the state of the effluent
- **ECONOMIC BENEFIT:** This term should enhance Chapter 12 in the SLCA. Deline requested that the term be re-written to be stronger.

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- **KARST:** The Board should consider an Action to determine a reasonable setback for development near karst or determine a criteria for development downstream from karst.
- **BURIAL SITES:** The Board needs to consult the NWT archaeological site regulations to ensure that the term is appropriate and does not create duplication.
- **Traditional Knowledge (TK), CONSULTATION AND MONITORING:** All three terms should include the involvement of Aboriginal groups in addition to SSI and designated Sahtu organizations (Band and Council, RRCs, etc.).
- **ENVIRONMENTAL PROTECTION:** The phrase “new technology” is problematic for a number of reasons. A suggestion was made to change wording to “best available technology.”

Meeting adjourned: 8:51pm

DELINE DRAFT 2 COMMUNITY CONSULTATION MINUTES [DAY 2]

June 16, 2009, 9am-5pm

Culture Centre

Participants

Sahtu Land Use Planning Board (SLUPB)

Collin Bayha, Board member

Danny Bayha, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Michael Neyelle, Translator

Tom Nesbitt, Facilitator/Planner Deline RRC

Valerie Gordon, INAC

Local Leadership

Charlie Neyelle, Deline First Nation Sub-Chief

Dolphus Baton, Band Council

Joe Blondin, DRRC Councillor

John Yukon, Band Council

Peter Menacho, Deline Land Corp President

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Ramond Tutcho, Chief Deline First Nation [present periodically]

Raymond Taniton, Deline Band Councillor

Russell Kenny, DRRC President

Community Members

A.J. Kenny, elder

Alfred Taniton, elder

Anthony Neyelle, resident

Bernadette Yukon, resident

Dolphus Tutcho, resident

Fred Tutcho, resident

Gary Elemie, resident

George Baptiste, elder

Johnny Vital, elder

Kirk Dolphus, resident

Leon Sewi, resident

Mary Rose Yukon, resident

Meeting start – 9:39am

Special Management Terms (cont.)

Comments

ENVIRONMENTAL/WILDLIFE COMMENTS

- The community requested the Plan make companies avoid special harvesting areas.
- There is concern regarding the vibrations created by vehicles on the ice road and their effect on fish.
- There was discussion about whether or not it would be possible to make developers responsible for demonstrating that their development initiatives will not affect the values identified on the land, as opposed to asking communities to identify development conditions for their Special Management Zones.

GBLWMP

- Section 11.1 B of the GBLWMP needs to be discussed at a later meeting.

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- The Community wants the Planning Board to focus on sections 9.1, 9.2, 9.3 of the GBLWMP Executive Summary.
- The deposit of waste into the GBL needs to be operationalized in the Plan.

FEEDBACK ON TERMS

- **MONITORS:** Companies should hire monitors through the RRC because they have access to local information and will report back to the community.
 - Monitors should be the last to leave a site. This will ensure that it is properly cleaned up before abandonment. In the past garbage has been left on sites.
 - Monitors could work with INAC inspectors. Communities do not trust inspectors to fulfill their duties.
 - Monitors will report back to communities and companies. Communities feel that they are left out of the loop.
 - Adequate funding is needed so that monitors can be adequately trained.
- **KARST:** Deline wanted to identify its District's karst and limit development in these areas.
- **WILDLIFE:** Consult TK studies that have been done for the ABAs to identify appropriate setbacks from wildlife habitat. Things to consider:
 - A separate term for caribou. The mobile caribou protection measures study may provide setbacks.
 - Setbacks for other wildlife that are not mentioned.
 - Adding more wildlife information for visitors and developers on the dangers of wildlife. The document can serve as an educational document.
 - An Action item for SSI to create a set of guidelines or setbacks for caribou and other animals.
 - The overall goal of the term is to help developers avoid animals at sensitive times in their life cycles. Perhaps the term can better accomplish this another way.
 - Communities may want to identify calving areas and other wildlife areas that should be avoided.
 - In the future, TK studies can specifically identify sensitive areas and where necessary, impose limits on flying (with the exclusion of research)
- **LOW FLYING AIRCRAFT:** Include limits on how long aircraft are allowed to be in the air. Long periods of flying back and forth may disturb wildlife.

SLUP Draft 2 Consultation Summary

- RECLAMATION AND ABANDONMENT: Communities stated that companies need to leave a significant security deposit.
 - Val Gordon explained that this can be an issue especially for junior mining companies that have fewer dollars on hand.
- LAC BELOT: Deline wondered whether this term should be applied to the whole Sahtu with reference to oil and gas activities. Using water for industrial purposes should be addressed in the Plan.

ZONING CHANGES

- Include all settlement lands on the Sentinel Islands in the Special Management Zones.
- Tunago Lake is 2/3 in the Kasho Got'ine District and 1/3 in the Deline District. It is currently identified as a Conservation Zone with a 500m buffer around the lake.
 - Colville Lake requested this zoning but Deline also has surface rights and would like to discuss zoning. The Board needs to follow up on this with the communities.
 - The Planning Board needs to consult the registry of Designated Sahtu Organizations to see which parcels are owned by which land corporation.

Meeting adjourned: 3:29pm

NORMAN WELLS DRAFT 2 GOVERNMENT/INDUSTRY MINUTES

June 17-18, 2009, 9am-5pm

Legion

Participants

Sahtu Land Use Planning Board (SLUPB)

Collin Bayha, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Gina Ridgely, INAC- PAS (arrived at 1:30pm)

Valerie Gordon - Minerals Development Division, INAC– INAC – Minerals (arrived at 12pm)

Government, Industry and Local Leadership

Alasdair Vetch, Wildlife Management, ENR, GNWT, Sahtu

Harold Grinde, President - Association of Mackenzie Mountains Outfitters

Keith Hickling, Superintendent - ENR, GNWT

Tony Grandjambe, Norman Wells Land Corporation

Morning Session: 9:35 am

Comments

- The Plan does not mention anything about public education. It would be nice to see a communications or education goal in the plan so that the community can be brought up to speed about important issues mentioned in the Plan.

- Access management has not been addressed in the Plan. The outfitters and biologists have concerns about increases in use of motorized vehicles such as ATVs in the mountains and on trails. They would like to see the Plan manage the future use of trails by motorized vehicles.
 - The Canol Trail management plan allows the use of snowmobiles but not ATVs. This may be an issue that is best addressed by SSI in their District land and resource management guidelines.
 - Access management: A suggestion was made to mention this in the Vision for the next 200 or 500 years. Hunting and trapping will continue but will need to be managed as larger motorized vehicles are used and as people venture farther for animals.

SLUP Draft 2 Consultation Summary

- Outfitters would like the Plan to mention that their practices are an approved land use activity.
- The karst around Kelly Lake needs to be reflected in the Plan.

FEEDBACK ON TERMS

- **LOW FLYING AIRCRAFT:** The SLUPB should enact relevant sections from the Aeronautical Act on this subject.
- **SPECIES AT RISK:** The territorial act should be consulted. It is anticipated to be passed in August.
- **TRADITIONAL USE:** Things are taken from archaeological areas. The term should mention that nobody “shall interfere” or take items from “heritage sites” to make the term more protective.
- **MONITORING:** The RRC Monitors should be “trained”, “qualified”, or “certified” to ensure that they receive some kind of training. Monitors should also work with enforcement officers to shift some of the accountability away from the Monitor.
 - SSI should be consulted about the Plan’s suggestion that a Sahtu Monitoring Program be developed. It is an immense undertaking that would require significant funding and work.
- **DOMESTIC SPECIES:** Domestic species such as llamas (used as pack animals) should not be allowed into the Sahtu as they may introduce diseases to wild herds.
 - The translocation of wildlife from one area into another is a serious wildlife concern for biologists. Reindeer herding and bison farming requests have been made.
 - One term was requested to bar all of these activities.
 - Refer to the NWT Herding and Fencing Act for information.

Meeting adjourned: 2:45pm

NORMAN WELLS DRAFT 2 COMMUNITY CONSULTATION MINUTES

June 17-18, 2009, 7pm-9pm

Legion

SLUP Draft 2 Consultation Summary

Participants

Sahtu Land Use Planning Board (SLUPB)

Collin Bayha, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Valerie Gordon, INAC - minerals

Gina Ridgely, INAC – PAS

Local Leadership and Government

Mark Patrick, Tourism, ITI, GNWT

Rodger Oodgard, President – Norman Wells Claimant Corporation

Session started at: 7:23pm

Comments

- The three tongues of Shuhtagotine' Nene are important to the community and should be protected. This came out of original interviews with elders during the preliminary draft.
- Stewart, Tate and Drum Lake are important to the community and should be protected.
- The Hill above Stewart and Tate Lakes has a complicated mix of existing rights. Husky has oil and gas rights, Diamondex has diamond leases on the east side and West Hawk has coal deposits in the area. All three companies have subsurface rights. It may be an issue if they all decide to develop at the same time.
- It was suggested that an Action be included in the Plan to direct Districts to create an economic development and growth plan to pace out and limit growth and development.

Meeting adjourned: 9:12pm

CALGARY DRAFT 2 OIL AND GAS CONSULTATION MINUTES

June 22, 2009

Canadian Association of Petroleum Producers (CAPP) Boardroom

Participants

Sahtu Land Use Planning Board (SLUPB)

Bob Overvold, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Industry and Government

Fiona Boulet, CAPP

Geir Utskot, Schlumberger

Jenica von Kuster, MWH EnviroSearch

Jess Dunford, National Energy Board

John Masterson, CAPP

Rita Clair, Eagle Plains Resources Ltd.

Robert Sharp, Trans Polar Geological Consultants

Shirley Maaskant, MGM

Trevor Johnson, Husky

Session start: 9:11am

Comments

- Selwyn is listed in the wrong zone in the Plan.

ACCESS TO WATER AND GRAVEL

- Industry had concerns regarding access to gravel sites, water for roads and other infrastructure development needs.
 - Lake protection is fine but lake isolation would rule out any economic development in the area.
 - There was concern about Stewart, Tate Lake, and Kelly Lakes. Industry would like to access the outflows for water. They insist that this would not affect the lakes. The communities were adamant in protecting Stewart and Tate Lakes.
 - Industry wanted to know whether or not minimal flow work had been done on the Mackenzie River and wondered if the Plan had considered this.
 - There was the perception that the Plan is currently limiting water use for industry. The plan is not yet in effect so if there is such a perception it has to do with the rest of the regulatory system and not the Plan.

SLUP Draft 2 Consultation Summary

INDUSTRY CONCERNS

- Companies invest in the north with long-term plans.
 - They purchase parcels of land and explore adjacent ones to find a sufficient number of discoveries to make extraction worthwhile.
 - The potential to expand their land holdings is very important. If they cannot foresee expansion, their operations may not be economically feasible.
 - When existing exploration licences expire companies will not be able to renew them. If companies do not find a number of SDLs they would not be able to develop.
 - Grandfathering existing rights without giving industry the ability to search for other pools and SDLS is useless since the development of one or two wells is not financially feasible.
 - The pattern of Conservation Zones and General Use or Special Management Zones makes it difficult for companies to acquire enough adjacent lands and make sufficient significant discoveries to warrant the development of infrastructure for extraction.
 - Industry does not currently know where the resources are. The more area that is under conservation, the fewer areas industry has to explore.
 - The 5 year review of the SLUP was not positively regarded by industry. Any kind of uncertainty makes development too risky due to its high costs.

- Industry believed that access to properties near or within Conservation Zones would be prohibited. They are not.

PAS

- Communities are considering PAS for conservation but they can consider protection under the land use plan and revisit their decision every 5 years.

- Industry was concerned that although the SLUP is a regional plan, the SLUPB has no jurisdiction in PAS areas.

- Industry wanted to know if communities would allow directional drilling in Conservation Zones if they could ensure that the surface would be protected.

- Industry is concerned that communities are not aware of the legislation currently regulating their operations and the degrees of protection already in place. They feel that

SLUP Draft 2 Consultation Summary

communities lean towards conservation because they do not understand that industry practices are already highly regulated.

PROCESS

- There are concerns regarding redundancy and overlap in the regulatory system between the Board and other regulatory agencies.
 - There is confusion about who would determine conformity and how this would be done.
 - Industry needs more clarity from communities and the regulatory process.
 - Industry would like the Board to start thinking about the implementation process now so that potential issues can be troubleshoot before the Plan is implemented.
 - There was doubt about whether or not the SLUP added value to the current regulatory system.
 - The SLUPB clarified that the Plan's zoning would provide regional direction on those areas that are open for business and those that are closed.

- Frustrations relating to the regulatory process were expressed. The McCrank Report and the government are looking at providing criteria and more rigour to decision making in the regulatory process.

- The SLUPB will contact the Gwich'in to see how they are implementing their plan. It seems to be functioning well.

Meeting adjourned: 12:00pm

TULITA DRAFT 2 COMMUNITY CONSULTATION MINUTES [DAY 1]

Wednesday, June 24, 2009, 9am-5pm

Council Chambers

Participants

Sahtu Land Use Planning Board (SLUPB)

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Michael Neyelle, Translator

Jennie Vandermeer, PAS (arrived at 4:30pm)

Local Leadership

Douglas Yallee, Tulita Yamoria Secretariat (Self government)

Frank Andrew, Chief, Tulita Dene Band

Jody Snortland, Executive Director – SRRB and Mayor

Rocky Norwegian Sr, Fort Norman Metis Land Corporation

Community Members

Arsenne Menacho, community member

Brian Menacho, community member

Debbie Yallee, Mackay Range Development Corporation

Frederick Andrew, Mackay Range Development Corporation

Gabe Horassi, elder

Norman Andrew, community member

Meeting started: 1:40pm

Comments

- The community felt that Deline has the understanding that they alone will decide on the management of GBL but the rest of the Sahtu would like to be included in the decision making as well.
 - All participants have rights on Sahtu Settlement Lands and should be able to provide input.
- Regarding transboundary issues, there was concern that on boundary lines, Aboriginal communities in other areas would potentially have a say in how lands are managed.

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- The community would like the local regulatory authorities to have greater authority (ie. Hunting or fishing permits). This would allow communities to know how many visitors they are receiving, where they are going and what is being harvested.
- The community wants to find a balance between development and conservation. They will consider the merits of allowing directional drilling in a protected area if the surface is not affected. The community will have to discuss its most important sites and decide how they will manage remaining areas.
- Maps that need to be revised:
 - The zoning map must reflect the change to Tulita's block land transfer and the Plan should direct the GNWT and Land Corporations to notify the SLUPB of any changes made to municipal boundaries so that they may be reflected in the Plan.
 - The Heritage Sites and Routes Map has mistakes; and
 - The Special Harvesting Areas map does not appear to have all the areas identified in the land claim.
- VISION STATEMENT: Add that the people will continue to be spiritually connected to the land and fulfilled by it.

FEEDBACK ON TERMS

- LOW FLYING AIRCRAFTS: The current limit for low flying aircraft is 1000 ft. The community would like to know where this number came from and whether this is appropriate for narrow valleys given that sound rebounds off the walls.
 - Consult the GNWT low-flying aircraft guidelines. See if the land use plan can provide direction on no fly zones at specific times of year for wildlife.
- Include a goal for managing transboundary impacts such as water flowing from one area downstream into another.

ZONING CHANGES

- Marten Lake is within the Deline District but Tulita has traditionally used the Lake and would like to discuss the area's zoning and management with Deline .

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TULITA DRAFT 2 COMMUNITY CONSULTATION MINUTES [EVENING SESSION]

Wednesday, June 24, 2009, 7pm-9pm

Council Chambers

Participants

Sahtu Land Use Planning Board (SLUPB)

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Resource People

Jennie Vandermeer, PAS Regional Coordinator

Michael Neyelle, translator

Community Members

Frederick Andrew, MRDC (dropped in for about 20 minutes)

Comments

- Hydro development along Great Bear River should not be allowed. There are special places all along the river.
- Bear Rock should be left alone. It is recognized across the NWT as a cultural and sacred site.

Meeting adjourned: 8:00pm

TULITA DRAFT 2 COMMUNITY CONSULTATION MINUTES [DAY 2]

Thursday, June 25, 2009, 9am-5pm

Council Chambers

Participants

Sahtu Land Use Planning Board (SLUPB)

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

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Resource People

Michael Neyelle, Translator

Local Leadership

Douglas Yallee, Tulita Yamoria Secretariat – Self government

Frank Andrew, Chief, Tulita Dene Band

Violet Ivrigley, Tulita Dene Band Council

Community Members

Frederick Andrew, Mackay Range Development Corporation

Norman Andrew, community member

Paul MacCauley, Hamlet of Tulita, By-law-officer

Meeting start: 12:30pm

Comments

- When the elders and leadership selected lands under the SLCA they were under the impression that they were selecting them for conservation. They did not realize that they were identifying their traditional lands. There is concern about what identifying an area a conservation zone would mean for the community.
 - The Chief mentioned that there is still confusion about conservation initiatives (PAS vs. land use plan) and what this means for the communities. First communities will see to it that their most special places are protected then they will consider their development options.
 - The Chief liked the idea of Special Management Zones and wanted it applied to a greater portion of the District to increase the level of protection for the area. This needs to be discussed when more community members are present.
- Look into the land and water permits for the dumping of raw sewage from barges and other developments into the river.
- Determine how Special Harvesting Areas are monitored, administered, and who enforces the participants' rights.

FEEDBACK ON TERMS

- **MONITORING:** Monitoring should be a requirement.

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- To be discussed at the next SSI assembly (Sahtu Monitoring Program also to be discussed).
- RECLAMATION AND ABANDONMENT: All oils, lubricants and other waste liquids ought to be shipped out as opposed to buried. All pipelines are also to be dug out and shipped back south when they are no longer in use.

PLANNING CHANGES

- Stewart and Tate Lakes should be protected. One community member was emphatic in insisting that no more water should be taken out of them. They are important fish lakes that run into the Keele and then the Mackenzie Rivers. There is concern about contamination from development.
- The SLUPB was asked to use TK reports in writing the Plan.
- The Plan needs to include a map of abandonment and reclamation sites.
- Verify whether or not the Mackenzie River has been designated a heritage river.

ZONING AND ZONE DESCRIPTIONS

- Identify Drum Lake as a Conservation Zone in case the PAS process gets stalled or falls through.
- Revisit the request to change the Lac a Jacques, Sam McRae and Turton Lakes Special Management Zone to a Conservation Zone at the SSI Assembly.
- THE SMOKES: Mention that there is good clay in the area.
- WILLOW LAKE: Mention the duck banding program.
- KELLY LAKE: Rich in fish and birds. The river that comes out at Willow Lake stays open all year and people set nets in December to catch fish all winter.
- HORTON LAKE: Add info on the caribou corrals.
- OSCAR LAKE: Moose, beaver and muskrat present.

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- PLAINS OF ABRAHAM: There is an old traditional trail and an old abandoned army camp from 1944. It is also a moose and caribou calving area.

Meeting adjourned: 5:23pm

YELLOWKNIFE DRAFT 2 GENERAL CONSULTATION MINUTES

Monday, June 29, 2009, 9am-12noon

Explorer Hotel

Participants

Sahtu Land Use Planning Board (SLUPB)

Bob Overvold, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Government and ENGO Representatives

Arthur Boutilier, DIAND, Environment and Conservation

Claudia Haas, GNWT, ENR, PAS

Elizabeth Purchase, ITI

Erica Janes, CPAWS, NWT

Gina Ridgely, INAC, PAS

Greg Brady, GNWT, ITI

Jason Charlewood, Ducks Unlimited

Joel Holder, GNWT, ENR

Kelly Mahoney, GNWT, ITI, Minerals, Oil and Gas

Kevin Campbell, GNWT, PWS

Lesley Johnson, GNWT, ITI

Leslie Wilson, EC

Marc Lange, INAC

Paul Latour, Environment Canada/CWS

Peter Lennie-Misgeld, Jacques Whitford

Rob Marshall, NWT Energy Corp

Rod Taylor, GNWT, MACA

Shannon Haszard, Ducks Unlimited

Valerie Gordon, INAC, Minerals Development Division

Morning Session: 9:08am

General Comments

FEEDBACK ON TERMS

- The scale of a proposed development or action is important to consider for a number of the terms. The SLUPB will consider including a blanket statement that specifies that the scale of proposed activities would be taken into consideration when determining the extent of work needed to comply with Conformity Requirements.

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- It appears that the Plan does not allow bulk water removal in Special Management Zones but hydro developments are allowed. Check the bulk water removal term to ensure that it does not pose a conflict.
- WATER: It should read that INAC should develop “water quality guidelines that are written for the portion of the Mackenzie Valley that lies within the Sahtu” as opposed to the entire Mackenzie Valley.
- CONSULTATION: Asking the federal and provincial governments to develop guidelines for consultation may not be realistic. They would likely develop national and territorial guidelines, respectively, which would take much work and time.
 - Consultation guidelines have been set for the JRP. Consult them.

PROCESS

- There were many questions about how the Plan will be implemented and whether this would result in duplication of roles and tasks with other Boards such as the SLWB.
- Contact Sue Mackenzie to consider how the Gwich'in are determining conformity with their plan.
- The SLUPB should concentrate on Chapters 4 and 5 of the GBLWMP because they are the portions that need to be given legal authority.
- Determine with communities what will happen to areas that are left out of PAS final boundaries.

Meeting ended: 11:31am

YELLOWKNIFE MINING INDUSTRY CONSULTATION MINUTES

Tuesday, June 30, 2009, 9am-12noon

DeBeers Conference Room

Participants

Sahtu Land Use Planning Board (SLUPB)

Bob Overvold, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Industry and Government Members

Claire Derome, Western Copper Corporation, VP Gvt and Community Relations

Justin Himmelright, Selwyn Resources Ltd

Kelly Mahoney, GNWT, Minerals, Oil and Gas

Rita Clair, Eagle Plains Resources Ltd. (via conference call)

Ryan Silke, Chamber of Mines

Val Gordon, INAC, Mineral Development Division

Wade Stogran, North American Tungsten Corp Ltd, VP Environmental and Corporate Affairs

Meeting began: 9:10 am

Comments

- There was disagreement about the fundamental nature of planning. The SLUPB takes the traditional approach to define planning as a practice that allocates resources to competing land use activities and users.
 - The mining group preferred the plan to be written in a more collaborative tone. They insisted that multiple land uses could simultaneously occur on a parcel of land.
- The Kaska may have overlapping lands with the Sahtu. The Peele watershed consists of a number of First Nations groups in the Yukon. The SLUPB should check with them for overlap issues in with the Sahtu and traditional use in the Sahtu Settlement Area.
- The SLUPB should consult MERA (Mineral and Energy Resource Assessment) for maps of Naats'ihch'oh. The GNWT could assist the SLUPB on how to interpret map.
- Planning is a political practice. Politics should be added to the PowerPoint presentation's Venn diagram.

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- Consult the NWT Research Act to see how research is legislated. Also see the SLCA regarding research. Industry wants a process to be developed for research.
- P. 59 of the Plan is inaccurate. Developers do not have to negotiate ABAs.

FEEDBACK ON TERMS

- SPECIES AT RISK: This term is redundant. The Plan is at the front-end of the regulatory process and applications will be seen twice more. That is when the development will be assessed against the Act.
- WATER: Action #1 requests a guideline to be developed. This cannot be “enforceable”. The wording needs to be changed. Also, the SLUPB cannot direct action for INAC in the entire Mackenzie Valley. It can only direct action within the Sahtu.
 - WATER: The CR should read “water bodies” as opposed to “environment” because everything goes back into the environment somehow and this cannot be changed.
- CONSULTATION: Industry would like to see procedures or guidelines that could be called “protocols for community engagement”. This would encourage or facilitate the communication between communities and companies.
- ECONOMIC BENEFITS recommendation: on P. 94-95 of the Plan - Industry has difficulty contracting local people when they are trying to find the most qualified individuals. This is due to lack of training.
- WILDLIFE: Industry suggested that the term read that agencies will work with applicants to ensure that developments will not have a negative effect of wildlife.
 - Suggested wording was “the applicant and agencies will cooperate to share and collect current info on...”
 - Industry explained that they did not always receive the information they required to complete their applications. Without the help of agencies their permit applications cannot be processed.
 - Communities may not want to divulge wildlife information such as locations of high concentration herds because this may increase harvest pressure. The term’s wording should be reconsidered.

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- The second CR should be reconsidered because it will require an EA to “demonstrate that proposed land use activities will not have a significant adverse impact on key wildlife species.”
- Encourage the sharing of best practices between communities and industry. Suggested wording includes “ industry, community, and government will meet to cooperate and collaborate on sharing best practices to mitigate negative effects on wildlife...”
- SPECIAL MANGEMENT ZONES: Industry suggested the Board develop a set of standard mitigative measures so developers know which practices they must meet when applying for a permit.
- MONITORING: If cultural studies are required to be made public then TK information will not be kept confidential. Check wording of term.
- RECLAMATION AND ABANDONMENT: The Board should provide a timeline within which activities are to take place and provide details on the process.
 - It was suggested that “restore all areas affected to the condition they were in before the authorized land use activities began” be changed to “restore all areas to the current surrounding natural state.”
 - The reclamation should make the area fit with the rest of the environment as opposed to bringing it back to pre-development conditions.
 - Industry had serious concerns about including a term that did not allow for the burial of waste.
 - Legislation regulates the burial of wastes. This term ignores all that legislation and research that has lead to its creation and regulation.
 - Industry has significant economic concerns because burial may be the most economical waste disposal method.
 - This is an area where communities and industry disagree. Communities do not want waste to be left in landfills after a development is over.
- GRANULAR RESOURCES: The grandfathering clause needs to be written so that it allows:
 - access to granular resources within conservation zones;
 - for the creation of access routes; and
 - the development of infrastructure.

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INDUSTRY CONCERNS

- Industry argued that although the Plan allows for zone changes at the 5 year reviews, the inability to prospect in a Conservation Zone would leave large areas of unknown mineral deposits.
 - Industry emphasized that the Plan should allow governments to conduct below threshold activities such as exploration in Conservation Zones. This would result in the identification of more deposits.
 - They estimated that another 100-150 years of exploration would only give them a somewhat better idea of what lies in the Mackenzie Mountains.
 - Due to the uncertainties of developing in a Conservation Zone, industry argued that it would be difficult to raise funds for development. Companies would naturally stay out of them.

- The Plan used a mineral deposit type map where known deposits are identified.
 - Some companies wanted a mineral potential map to be used.
 - The debate with potential maps is that unknown potential tends to be mapped as low potential. This is misleading, especially for communities which may use mineral potential maps to assess the costs of setting an area aside for conservation.
 - Industry emphasized that the cost of foregoing mineral development might be two or three-fold what communities and industry are presently aware of. Some locations have been repeatedly mined for different minerals.
 - Industry insisted that it is important for communities to understand the economic benefits that they are potentially giving up. Mineral development can take one or two generations which will give communities time to think things through and develop a plan.

- Industry believed that communities were confused about the impacts of exploration which are actually very small. They did not understand why communities barred exploration in conservation zones.
 - The Board explained that communities understand that exploration has minimal impact. They fear that once a deposit is identified they will have little power to stop development. So rather than fighting to stop the process once it has begun, communities block their heritage and special places off from exploration to ensure that development will not occur.
 - Industry insisted that communities have more power to stall or stop a development than they realize. They insisted that Aboriginal support or the

SLUP Draft 2 Consultation Summary

social license to operate is as big or bigger than legal force or economic enterprise. Unless communities are on side with development, financial supporters of mining projects will not make funds available.

- In the Yukon companies work collaboratively with communities. They hold workshops where both sides set the agenda and address each others' issues, interests and expectations.
 - Industry would like to replicate these collaborative workshops with communities and the Board in the NWT to discuss issues of contention, build trust and encourage dialogue.
 - The Kaska First Nations, mining companies, government and conservation organizations have formed a working group to discuss the different values of the land. They are creating terms and conditions. The NWT may want to look at their process.

- Company internal policies request that participants not exert their hunting rights while in camp because this is not well-received by communities. There was an initial request for the Plan to address this but it was decided that this is best left in company policy.

PAS CONCERNS

- The Canadian Wildlife Service was supposed to make a decision on which candidate sites it would sponsor by March 31st, 2009 but the decision is still pending.

- Communities can withdraw an area from PAS anytime before Step 5 when the land withdrawals take place.
 - If communities choose to protect an area by designating it a Conservation Zone in the Plan, they are free to revisit the designation at every 5 year review.
 - Industry wanted to know whether or not there were interim land withdrawals for the conservation areas. There are none and this is an issue of contention because exploration and prospecting permits have continued to be issued in areas that communities have identified for conservation.

- The Ramparts has gone through Phase I and II reports. Phase I is mostly from the literature and Phase II is based on actual on the ground research.

PROCESS

- A number of questions and concerns were raised in relation to:
 - The implementation process: there were concerns over

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- duplication and inefficiencies in the approval process,
- increased waiting time for the review of permits,
- confusion if a number of Boards are responsible for checking conformity (SLWB, MVEIRB, SLUPB).
- o Exceptions and amendments: industry wanted more details on the processes for applications and the waiting period for a response;
- Grandfathering text in Draft 1: it did not allow for the upgrading of mineral permits through the development phases and imposed new legislation on permitted developments. Draft 2 needs to carefully consider its wording.
 - o In Draft 2 existing rights are grandfathered but there was concern that other issues can stall or stop a development such as lack of access to water or power.

Meeting adjourned: 1:21pm

OTTAWA DRAFT 2 GENERAL CONSULTATION MINUTES

Tuesday, July 7, 2009, 9am-12noon

Delta Hotel, Champlain Room

Participants

Sahtu Land Use Planning Board (SLUPB)

Bob Overvold, Board member

Heidi Wiebe, Lead Planner

Ida Mak, Communications/Planner

Government and ENGO Representatives

David Snowdon, INAC, Implementation Branch

Doretta Charles, INAC, NAO, Environment and Renewable Resources

George Mclormiak, INAC, Oil and Gas

Giles Morrell, IMC, NOG

Jeff Howell, INAC, Land and Waters

Karen Patel, INAC, Implementation Branch

Ken Corcoran, Environment Canada, CWS

Nicola Johnston INAC, Treaties and Aboriginal Government

Phillip Wright, INAC, Mineral Resources

Rick Meyers, Mining Association of Canada

Meeting start: 9:12am

Government Comments

- A wildlife and ecoregion overlay was requested.
- The Conservation Zones cut across a large portion of the areas that are identified as high mineral zones. There is concern about access to these areas and whether an exception would be granted.
- There was concern that communities are not entirely aware of what they are giving up when they identify large areas as Conservation Zones. Government suggested that they should partner with industry to dialogue with communities and discuss issues.

FEEDBACK ON TERMS

- RECLAMATION AND ABANDONMENT: It may not be possible to return an area to pre-development conditions.
 - Returning areas to “functional environment” would be more appropriate.

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- **CONSULTATION:** The Board needs to think about whether it is asking SSI to develop a regional set of guidelines for the Sahtu or one for each of the 5 communities.
- **ENVIRONMENTAL PROTECTION:** There were issues with the terms “new technology” and “alien” species.
 - It was suggested that “alien” species or non-native species should not be brought into the Sahtu in any zone.
 - There was debate about how “new” the “new technology” would need to be. The wording in this term may have to be reconsidered.
- **WATER:** Seismic camps do not treat their water. This might be an issue given that CR #12 requires that all water be treated before being returned to the land.

PROCESS

- There was concern about duplication of the approval process and implementation of the Plan.
 - The Board will make efforts to avoid duplication and will work to ensure that only one Board will determine conformity.
 - The Board will ensure that it addresses its responsibilities with other regulating and implementing bodies.
 - There was concern that applicants would be confused about who they need to work with to address specific issues and which regulator they would need to work with.

ZONING

- The Plan needs to address the zoning for areas that are excised from the PAS areas.
- **Little Chicago:** There is an airstrip, seismic has been done in the area, large machinery was brought off barges there and it has been used as a staging area.
 - If Little Chicago and Marion Lake are off limits to industry they will have difficulty bringing in equipment and will have to create and disturb a new site.
 - Government is concerned about access to barge landing sites, staging, and the airstrip. The access needs to be considered.
- Metes and bounds will likely have to be determined for the zones.

Meeting adjourned: 11:48am

CALGARY DRAFT 2 OIL AND GAS CONSULTATION MINUTES

July 22, 2009, 8:30 am – 12:00 pm

Follow-up Session with CAPP

Participants

Sahtu Land Use Planning Board (SLUPB)

Heidi Wiebe, Lead Planner

Industry Representatives

Angela Norris, INAC

Ed Kustan, MGM Energy Corp

Heather Hynes, Imperial Oil

Leslie Zilm, Petro-Canada

Mike Peters, CAPP

Randy Ottenbreit, Imperial Oil

Shirley Maaskant, MGM Energy

Trevor Johnson, Husky

Comments

- Competitiveness – Companies incur a greater expense for longer period before there is any chance of a return on investment. CRs may add greater expense which may tip the scales for economic feasibility of a project.
- Colville Lake area: there are several parcels of Sahtu subsurface lands, likely too small to be developed on their own. They would have to be grouped with other SDLs on Crown lands. It is rare that a single SDL would be sufficient to go to production. Generally a few SDLs combine to make one or more reservoirs economically feasible.
- The SLUPB is to discuss with INAC to determine if the surface could be protected if the subsurface was opened up under conservation zones as desired by industry.

ZONING

- Clarify bulk water withdrawal prohibition – industry concerned about ability to withdraw water to support operations – e.g. winter road construction, waterflooding. Need to clarify if the prohibition relates to export of water outside the basin.

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- Conservation zones prohibit oil and gas activity. Does this include walking on it, airborne activity?
- Is the balance of zoning consistent with other plans in the north? Worldwide?

IMPLEMENTATION

- Discussion of the role of the Planning Board in making conformity determinations and whether this could be done by the Sahtu Land and Water Board. This would avoid the Planning Board duplicating some of the processes of the SLWB and make for a more efficient process. SLWB will not be able to process an application until a conformity determination is made. What capacity does the Planning Board have (staff and expertise) to be able to make some of the determinations related to conformity requirements?

TERMS

- CR #4 - Species at Risk: This duplicates existing legislation and should be removed.
- CR #5 – Karst and Water – Suggestion to reword – “to avoid and/or mitigate”. Mitigation is used when avoidance isn’t possible. If area is avoided, there is no need to mitigate.
- A #2– Consultation: It would be best if there was one set of protocols for the whole region, not one for each community or organization. Participants recommended rewording the term to make SSI the clear lead.
- A #4 – Traditional Knowledge: Participants requested that the SLUPB add “purpose” and “scope” to the list of topics the TK protocols should cover. Participants want to ensure that these studies maintain a project-specific focus as they have had difficulties in getting the studies scoped appropriately. The communities design the TK studies and determine who should be involved and the companies have little say in them; they just cover the costs. The Plan should already reflect a large collection of traditional knowledge at the regional level. Same comment on need for one guideline (as opposed to multiple ones) as above.
- R #2 – Economic Benefits: Participants suggested the SLUPB change “maximize” to “promote” and specify “task-ready” businesses. Not all are qualified to take on work when it is available.

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- R #3 – Economic Benefits: CAPP really doesn't like this term and will be commenting on it.
- CR #8 – Environmental Protection – Use of new technology is not always possible. Suggestion to use “best economically available technology” or similar term.
- CR #14 – Wildlife: “Meet with” is too onerous; perhaps “contact”, or “request info from”. The onus needs to be on these organizations to make the information available. Perhaps change this to “demonstrate they are using the most up-to-date information”. The CR should be driving applicants to use best information, not to have a schedule of meetings
- CR #15 – Wildlife: This is already required under Preliminary Screening and duplicates what the SLWB already looks for. How would the Planning Board make the determination?
- R # 4 – Monitoring: Add “trained” or “qualified” to monitors and “where available”. Add a discussion (outside the term itself) defining what trained or qualified implies – certification, skill set, etc. Participants would like wording included to have the monitor inform the developer first before they inform inspectors or other authorities in case the monitor doesn't understand what they are seeing and it is a normal course of operations. The role of a monitor needs to be clear.
- CR # 18 – Monitoring: Regulators already require this through reports and inspections. This is duplicating existing processes.
- CR #19 – Reclamation and Abandonment: The reclamation goal is generally determined through the project review phase. In some cases, they've been asked by the community to leave it for industrial development and this would prevent that. Participants asked how “waste” is defined. They asked if the “no burying materials and waste” part included things like pipelines because this is the safest established process. This could be a significant issue for industry if that is the intent.
- CR #21 – Water from Lac Belot: Participants asked if this claim that the lake is sensitive to draw-down has been substantiated. They would like to see something further to justify this term.

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- Suggestion that the SLUPB revisit all the zoning and be able to substantiate zone boundaries. They all have different buffer widths. He supports the idea of a consistent 500 m buffer around all lakes and rivers as was done for the Colville Lake area. They could work around that. Buffers in the range of 5-10 km do not make sense and appear arbitrary.