

***Disclaimer**

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Requested changes documented in these notes 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 and balance the interests of multiple parties. The Board will revise the Plan as it deems appropriate to achieve the right balance.

FGH Draft 3 Community Consultation

Summary Notes

Thursday, September 9, 2010, 1 pm – 9 pm

Community Complex

Participants:

Stephen Kakfwi, SLUPB
Heidi Wiebe, SLUPB
Ida Mak, SLUPB
Dora Grandjambe, Translator
Kenny Shae, sound technician

Angela Love, SLWB
Alice Rabisca, Elder
Arthur Tobac, Chief
Barthy Kotchile, community member
Chris Codzie, youth
Chris Shae, community member
Collin Pierrot, Yamoga Land Corporation
Edward Gardebois, Elder
Edward Kelly, Elder
Ernest Cotchilly, Elder
Florence Barnaby, Elder
Gab Kochon, Elder
George Vaudrak, Elder
Georgina Kakfwi, Elder

Greg Shae, youth
Harry Harris, Yamoga Land Corporation
Heather Bourassa, Yamoga Land Corporation
Jim Allard, Metis Land Corporation
Joe Cotchilly, Elder
Joe Grandjambe, Yamoga Land Corporation
John Kotchile, Yamoga Land Corporation
Lucy Jackson, Yamoga Land Corporation Board
Marcella Elton, community member
Nora Allard, Metis Land Corporation
Paul T'Seleie, youth
Paula Gardebois, Elder
Peter Mountain, Elder
Peter T'Seleie, community member
Roger Boniface, RRC/Yamoga Land Corporation
Roger McMillan, University of Alberta
Sareta Shae, community member
Thomas Manuel, Elder
Victor Ritias, Elder

Start time: 1:15 pm

Opening Prayer: Lucy Jackson

Arthur Tobac: Opening Remarks

Over the years we have been pushing for a Sahtu Land Use Plan and the latest discussion we had with other organizations is that we need this plan in place. We have nothing else to guide industry or government with respect to lands that can and cannot be developed. This will also help us set guidelines for consultations. This is our opportunity to make sure that we set our priorities for our lands and for the use of our lands as we are also working towards self-government.

Joe: The Sahtu Land Use Plan is very important so I suggest that we get a truck and pick up some more people.

Arthur: We have a bus and sometimes it's hard to get elders to walk over here. You should have that arranged because this meeting is so important. You should also set up a speaker system because everyone should be able to hear what is said.

[The meeting broke so that arrangements could be made to bring in elders and to set up a speaker system.]

Meeting resumed: 2:00 pm

Stephen Kakfwi: Opening Address

Stephen explained what land use planning is intended to accomplish and gave some history on the plan. He explained that the planning process is one of collaboration and compromise between the planning partners (the communities and SSI, GNWT and the federal government) and that it is a plan for everyone.

Heidi re-started the presentation from the beginning. She finished going through the background and context section.

Roger Boniface: I have a question for Stephen. As you know, I represent the hunters and trappers of the local RRC. How do the changes to the Wildlife Act affect the Conservation Zones and how do the Conservation Zones affect us?

Stephen: The land use plan identifies where development can and cannot happen. It does not affect hunting or trapping. All of your traditional rights continue to exist under the land use plan. Whatever laws the GNWT government develops through the new Wildlife Act will apply throughout the NWT.

Roger: I am asking this question because of the issue that came up with the Dogribs (in the Tlicho) last year with the ban on caribou hunting.

Heidi clarified that Conservation Zones and the Plan do not change aboriginal harvesting rights. Conservation Zones are established based on community requests for the protection of cultural or ecological values. They regulate development, not harvesting.

Roger: In October we will meet with the GNWT for the amendments to the Wildlife Act. I will ask them the same question then.

Joe Grandjambe: With the 5 year review, the plan can be changed every so many years. What power does someone like John Pollard have on the plan?

Stephen: John Pollard will be providing recommendations to a separate process (how land and water permits and licenses get issued) so he will not be making comments on or have an effect on the Plan.

Arthur: Is there another area that has a Plan approved other than the Gwich'in and what is their assessment of how it is working? What if any are the issues that they are experiencing?

Stephen: Why don't we let Heidi finish her presentation? We will all have a better understanding of the Plan and then we can go back and answer some questions.

Heidi: Regarding other approved plans, the Gwich'in is the only other approved plan in the Mackenzie Valley. The Dehcho plan is completed but it has not yet been approved. Southern plans are very different and not really comparable to northern plans.

Heidi then talked about the supporting documents and continued the presentation. She summarized major zoning changes since Draft 2.

Break: 3:15 pm

Return from break: 3:30 pm

Heidi continued with zone descriptions and planning themes.

Arthur: In the Sahtu the focus in the past was on oil and gas development. Today we seem to be moving towards mining interests. Do we have an idea how much water is healthy to take out of each lake and how much water will be needed by industry?

Heidi: DFO has protocols for water withdrawal. In general they will do a bathymetric survey which measures the depth of water and allows them to calculate how much water can be removed from any one water body. They will calculate the total amount of water in each lake and then they are allowed to withdraw 10% of the water out of the lake each year.

Arthur: Would a major development allow the plan to be opened up for review? For example, there might be interest in building a highway through the Mackenzie Valley but when we were up in the Gwich'in we saw that there was a lot of dust that went into the water. There was some concern about how that was affecting the water bodies.

Heidi: Anyone can request an amendment or a review of the plan at any time but that doesn't guarantee that it will happen. Any changes to the plan will have to be agreed upon by all three approving parties. However because a review and an amendment would require significant funds, all requests would not necessarily be granted. The Board would have to consider all requests for amendments and would undertake the work only if it is found to be necessary. Regarding the highway, the Plan does not restrict access and infrastructure so we would not need to amend the Plan to allow for the extension of the Mackenzie Valley Highway. This would mostly be built along the Mackenzie River which is a special management zone. The highway would have to follow the conditions for that zone.

Joe: Your package says that SSI has the power of approval but they don't have any power to approve anything but the Plan. The communities have the power to approve land use permits and water licences.

Angela: You are correct that land use permits and water licences are sent to communities for their input. But with regards to the land use plan, SSI needs to approve the final document.

Joe: Would the process for a development project change once the Plan gets approved? If they build a new pipeline from the Colville Hills to Norman Wells, would the Plan change the process they go through or would it be the same as for the Mackenzie Gas Project or previous projects? What would change once the Plan is approved?

Heidi: The Plan would not change the rest of the regulatory process but the project would have to follow the rules in the Plan in addition to existing requirements.

Arthur: With respect to water, because it is so important to us, and because it is so easily polluted but much more difficult to clean, I would like to know what conditions apply to water use. How does this relate to the GNWT Water Stewardship Strategy? Does this set higher or lower conditions?

Heidi: There are 3 terms that relate to water. CR#5, the watershed management condition comes in part from the GNWT Draft Water Stewardship Strategy. This imposes a higher standard because right now there are not very strong watershed management standards. Maybe Steve can talk about the water strategy.

Stephen: We have been working on the Draft Water Stewardship Strategy for years. It is a collaborative approach and a strategy to build strength across the regions. We have partnered with the Gwich'in, the Akaitcho, Dehcho, Tlicho, and the GNWT to stand together and be stronger when we talk to the Federal Government and work toward self-government.

Joe: One of the big ticket items for us is revenue sharing. We should have a representative of the K'asho Got'ine people on the Water Strategy. We should also be part of the Forest Strategy and be involved in the amendments to the Wildlife Act.

Lucy: Are the buffers around the lakes in meters or in feet? In 2003, when permits were released for winter roads, I think in the whole Sahtu there were 54 lakes that were used. In our District, 33 of our lakes were used to build the winter road. How consistent will the monitoring of the water terms be and who will carry out the monitoring?

Heidi: My understanding is that DFO maintains a database to track who uses water from which lakes and how much. As for who has authority over permits and authorizations, DFO can provide recommendations but it is the SLWB that has the authority to issue licences and permits and that makes the final decision about which lakes are used for water withdrawal and how much water is taken. INAC is the enforcement body for their terms and conditions. The buffer around the lakes in CZ is 500 m.

Lucy: It is risky to have so much land as GUZs. I do not feel confident with the term "minimize impacts" in reference to development impacts on land. The language is risky because it means that there will be damage; it will be somewhat decreased but by how much, we don't know. The land may still be damaged even if impacts are minimized.

Arthur: If we achieve self-government we will be responsible for land administration. I would like to insert some wording that will give us leverage down the road. For monitoring, I know there is no funding in place at the SLUPB to get monitors out there. We've already tried to put monitoring in all the licences and authorizations but it's still not done. We should have wording that gives us leverage so that the wording is stronger with regards to monitoring.

Heidi: In terms of a stronger monitoring term, the Board will have to determine whether or not this will be acceptable or not. The Board has previously received a lot of comments on this issue and changes have already been made to address past comments. The Board has included monitoring as a recommendation because we were under the impression that this is already currently negotiated as part

of access and benefit agreements between the land corporations and developers. The Plan is trying to supporting existing processes.

Arthur: We should make mention in the Plan that water is very important.

Paul: We need some way of running the District because we will need money in the future. We have given up a lot of jurisdiction and power over the land.

Heidi mentioned that the land use plan does not mention self-government and it does not conflict with the types of things that are negotiated in self-government agreements – administration, taxation, revenue sharing, devolution of power, etc. These areas are discussed and settled under the land claim agreement and nothing in the Plan affects how things currently work. The zoning only identifies which areas are appropriate for development or not.

Stephen: Thank you. Fort Good Hope has always been good at identifying what it needs to move forward. When we were negotiating on the pipeline we originally asked for a portion of the revenue because we are the community and it is our land. There were 3 conditions that elders wanted to discuss if we were going to agree on the pipeline: revenue sharing, protection of the Ramparts, and self-government.

Harry: Water withdrawal is prohibited on Stewart, Tate and Belot Lakes, why is this? Why is withdrawal not prohibited on the other lakes?

Heidi: These were the only ones that were brought up by communities. They were singled out by communities as sensitive to water withdrawal. They asked us to restrict water withdrawal from them.

Harry: When bathymetric surveys are done they should also hire a local monitor who will take before and after recordings of animals and plants so they know what the impacts are. It creates a record for people so they know what changes are happening, and from which activities. They should have baseline studies and take studies of the lake pre-and post project.

Heidi: I'll ask Angela Love from the SLWB to talk about current information requirements and monitoring required on land use permit and water licence applications.

Angela will get information and report back.

Stephen: Years ago we asked for a nominal fee of \$100,000 for passage on our lands but in another case the federal government asked for \$1 from companies. We owned the land but we did not have any money to monitor it. We have land but there is no revenue sharing. I think the more we monitor, the more comfortable we will be with companies doing work in the area.

Harry: Does the Board get an update on what's happening on self-government to see if there are any common topics?

Heidi: The land use plan does not usually deal with the same issues as self-government such as revenue sharing and taxation. We usually ask for an update when we have these meetings so we know what is happening. There is generally not much overlap.

Heidi recapped that the plan applies to all people and she went over the zones. Harry asked if commercial fishing was allowed in the plan and Heidi answered that the plan is silent on this issue which means that it is permitted.

Arthur: The Plan is one piece of the pie. When we settled the land claims we set up a number of bodies to manage our lands. These bodies were also supposed to express to those working on our land how we understand the land to be and what it means to us because it is so tied to our way of life. In 2004-05 when the MGP came about, the SLUP was not around so it created a lot of work for us because we were trying to develop conditions and trying to protect important areas to us. Areas had not been identified for protection or for development. And terms had not been developed for development either.

From my point of view, this is kind of like a house of cards because even when the SLUP is done there will be a negotiation process to get it approved. I wanted to point this out for everybody. As the leader of the people I need to represent their interests and push it through as far as I can but we also need to understand that we won't get exactly what we want because the plan will have to be agreeable to government and industry.

Stephen asked that the zoning map be put up and he summarized specific areas of interest in each District:

- Colville Lake: the area is GUZ because they wanted it open for oil and gas
- Deline: is driven by a strong concern for GBL so they have the SMZ around it; there is big concern about water
- Tulita: the areas in the mountains were suggested by elders and they wanted the headwaters of the Nahanni, Redstone, Ravenstroat, Keele and Mountain Rivers protected
- FGH: wanted the Ramparts protected

In 2003 when the elders were considering talks about the MGP they wanted the talks to go through on 3 conditions:

- 1) That Fort Good Hope begin to work on self-government;
- 2) That the ramparts be protected; and
- 3) That revenue sharing occur on an annual basis – elders wanted a 1% tax on the pipeline which would have worked out to about \$16 million throughout the Mackenzie Valley.

Self-government has started and so has the PAS area in the Ramparts but revenue sharing is still a big issue that has not been resolved.

Everyone agreed to resume the meeting at 10 am the next day, on Friday.

Meeting ended: 5:00 pm

FGH Draft 3 Community Consultation

Summary Notes

Friday, September 10, 2010, 10 pm – 5 pm

Community Complex

Participants:

Stephen Kakfwi, SLUPB

Heidi Wiebe, SLUPB

Ida Mak, SLUPB

Dora Grandjambe, Translator

Kenny Shae, Sound tech

Alice Rabisca, Elder

Angela Love, SLWB

Arthur Tobac, Chief

Colin Pierrot, Yamoga Land Corporation

Edward Gardebois, Elder

Edward Kelly, Elder

Ernest Kotchilly, Elder

Florence Barnaby, Elder

Gabe Kochon, Elder

George Grandjambe, Elder

George Voudrack, Elder

Georgina Kakfwi, Elder

Heather Bourassa, Yamoga Land Corporation

Jim Allard, Metis Land Corporation

Jim Pierrot, Elder

Joe Grandjambe, Yamoga Land Corporation

Joe Kotchilly, Elder

Lucy Jackson, Yamoga Land Corporation

Nora Allard, Metis Land Corporation

Paul T'seleie, youth

Paula Gardebois, Elder

Peter Mountaine, community member

Sarah Kochon, Elder

Victor Ritias, Elder

Start time: 10:50 am

Opening Prayer: Lucy Jackson

Stephen Kakfwi: Opening comments

Stephen summarized for the elders what the plan is intended to do and why we are meeting to discuss it. He also spoke about the timeline for completion.

Heidi summarized the zoning explanation from the previous day so that everyone would understand the zoning. She then re-capped the changes in zoning since Draft 2.

George Grandjambe: After the plan is accepted, will there be a limit on how long areas will be protected?

Heidi: Once the plan is approved it becomes law. Every 5 years the plan gets reviewed and then you can change it or keep it the same. All changes to the Plan require the approval of SSI, GNWT and Canada again. If development potential is identified in a Conservation Zone there may be pressure to change the protected areas but the community has a strong voice so you would also have to agree to the changes.

George: What happens if in 5 years industry wanted to open up a protected area?

Heidi: If anyone wants to make changes they have to send a request in to the Board. When the Board has made its revisions we will still need to get the Plan approved by SSI, GNWT and INAC. If INAC pushes for changes but you say through SSI that you don't want those changes, then the Plan will stay in effect until all 3 parties can agree. My advice would be, get it right the first time because it may take 10 years to review the plan.

Heidi then talked about the difference between PAS areas which are permanent and not subject to the 5 year review and Conservation Zones.

Joe: Yamoga originally asked for this meeting to be delayed because we did not have the opportunity to discuss this Plan or to get briefed on it. We only came into office 3 weeks ago. Yamoga is concerned with individual beneficiaries. We haven't had a chance to discuss Yamoga's position and we don't have formal comments on behalf of Yamoga. We are just here as directors. We have some concerns but we're here to listen.

The District boundary is similar to the Group Trapping Area (GTA). That gives us a boundary that we call the K'asho Got'ine land. The District boundaries are different from the surveyed Group Trapping Area. We should discuss this.

Heidi: We're happy that Yamoga was able to attend and if you would like for us to come back and meet with you we would be glad to do that. As for the GTA, I will talk about that in the wildlife terms. We have a map of it too.

Heidi then went through the terms of the plan.

Joe: Special Harvesting Areas go hand in hand with the land claim but I think you should recognize the Group Trapping Area.

Heidi confirmed that the map is included in the wildlife section of the Background Report and that the section of the land claim where the GTA is recognized is referenced in the report.

Heidi finished the presentation.

Break for lunch: 12:15 pm

Return from break: 1:00 pm

Jim Pierrot: In 1982-83-84, I flew throughout the Mackenzie Valley and up to Inuvik to look for caribou. We saw lots of caribou but now things are different. The band had money from the government and we helped people. I keep the word of my father and my grandfather. We need justice and cooperation. Justice is love and forgiveness. Don't get mad at one another. That's Dene Law. We spoke with one voice – the voice of the Chief. Today we are split up. I can't keep all of this to myself. You need to bring back the Elder's Counsel and the Old Women's Counsel and they will show you the way to walk. Put your faith in God and he will tell you what to do.

I feel sick now and sometimes I go to bed but I need to talk to you now because if I don't tell you and you make a mistake, it will be my fault because I never told you. So please let's just work together. Get rid of Yamoga Land Corporation and just leave the K'asho Got'ine District so we can all speak with one voice. We shouldn't be divided. I feel better now because I can't keep all this to myself. I am the oldest man in Good Hope and if my children do wrong then it is my fault because I didn't tell you otherwise.

[Jim talked about a number of things including trapping, leadership in the old days, how plentiful caribou were in the past, and he told a number of personal stories.]

Gabe Kochon: Ever since the treaty was signed, my father and my grandfather spoke about a lot of things. I am 82 and was born and raised in Colville Lake. I have lived in Good Hope since the 1950s and I have 2 cabins. It seems like the government doesn't listen to anything that we say even though our leadership is here. This is our land. It feels like we've been talking about this for years. My father spoke with government for 3 days when they settled treaty and our understanding was not that we were not selling our land for \$5. Our roads are stripped but government doesn't come to fix it. They don't work on our lands. They were hauling water from Lac Belot for a number of days and they shouldn't be taking water from there because it is a fish lake. I haven't seen any of these officials but they seem to have so much control over us. They tell us when we can trap – they even set dates and when we set our traps early they will take them away. We don't like to be governed by outsiders. We like to do things ourselves. These are not just my words. They are the words of my father and my grandfather as well. We were independent in the past. We continue to be independent.

I would like to know what gives government the right to make policy for our lands. We are the ones who live on the land and it's not right that outsiders can come in and tell us what to do with the land. We don't get any royalties from development on the land. It seems like we're getting poorer. I would like to

get a statement back on what gives government the right to decide what happens on our lands. If you recorded my words and showed that this is what I said I would like that because I want to know what gives government the right to decide for us. We feel the whole area should be protected, not just the Ramparts. We need to protect the land for our children.

Lucy: Why are we still questioning the treaty documents when the land claims are settled? Why doesn't someone tell the elders here that the land claim is in place? I don't think they'll listen to me because women are considered the weaker sex but irrespective, we still have children we need to take care of.

We are now governed by the land claim. It changed what we had before. We now have a District system. I have an issue with the Plan. The wording for protecting the land is not strong enough and not mandatory enough. A long time ago consultation and monitoring were token concepts. They were not binding. With the land claim, the land use planning board is an institute of public government so we share the power with the GNWT and Canada. With the land claim we extinguished out rights.

I don't believe our land will be protected with the current clauses in the plan. We survived with large impacts on our land and on First Nations people. Will we have better living standards with this plan?

I don't think that the protection is strong enough. Unless we can revitalize our culture and traditions as Dene people, we will become extinct. If lichen is destroyed it will take 60 years to grow back and the caribou will not live that long. What will happen to us if our food chain breaks down?

Stephen thanked all the speakers for sharing and re-iterated that the SLUPB would be willing to meet with the Yamoga Land Corporation after their orientation if the Yamoga Board still has questions. We seem to be getting into issues outside of the land use plan.

Joe Grandjambe: For the record, Yamoga will try to do a study on this Plan and give our comments to the Board by October 1st. We may ask for another meeting to make sure we understand the plan.

Joe then talked to other participants about the issues they raised outside the planning process. He talked about the treaty, and the changes brought about by the land claim agreement. The only thing that still holds true is the Group Trapping Area.

Joe believes it is too early for self-government. They need to get revenue sharing first or they will be a government without any money and will have to rely on the GNWT and Canada for funding. He worked on the agreement with Chevron. If they had found something, they would have made \$700 million a year. Joe thought that Fort Good Hope should talk to Alberta about what they charge and how they handle oil and gas revenue-sharing.

Jim: Nora and I will be taking this information back to our Board. If we have concerns we will give our comments to the Board.

Heidi asked if the Chief and the Land Corporations could stay behind for a few minutes after the meeting to speak about the communications support person.

Chief Arthur Tobac: Forty years ago we had to create bodies that would speak to us. The land claim made sure that we didn't lose this. Two of the bodies that were created under the land claim were the SLWB and the SLUPB. From a leadership point of view, the Band has expressed some concerns but we see that all Districts have worked to put together a Plan that protects their respective areas. We have some concerns but for the most part, I think that the plan looks quite good.

Arthur spoke to some self-government issues that are not plan related.

Arthur: So when we think about the Plan, it's not just for the land. Remember that we should reflect the intention of the people and we should ensure that we can protect the interests of our people and our children. We will need money to run the social programs and ensure a healthy generation. Arthur thanked everybody for participating.

George Barnaby noticed that the K'asho Got'ine District is not protecting much of their land. He thought everything should be the way things were with Esso when they negotiated what they wanted with the company. Nothing should happen on the land unless the community agrees with it.

George: We should have control on the land and follow our own law. The traditional knowledge in the Plan is good. A few years ago Esso wanted to work at Bluefish Creek and we see that it is protected now.

Thomas Manuel: We've just started talks on self-government. We're not making preparations in a couple of days or anything. We have to support our graduates so they can go into different trades for us. The young people who have started education are not done yet. After they finish grade 12 they should transfer to Arctic College. We need this to happen before we get into self-government so everything is in place for them. If we started self-government now I don't think we'd gain anything from it.

Thomas then talked about issues with alcoholism.

Thomas: We have to think about the present situation. We are the stakeholders of the land and we have to make our own laws for the land. That's the way it was in the past. We made our own wildlife laws. When we have industry and other forms of development they have to adhere to our laws for working on the land. We shouldn't rush into anything. We have to make our own document. Government seems to govern everything. What we say doesn't seem to have any effect. What we do now is for the future and the young people coming after us. The Chief, Métis, Elders and ourselves, we have to sit together and make our own policies for how we want to govern ourselves.

Arthur requested the office burn him a complete set of plan files on CD (with earlier drafts).

Meeting ended: 3:00 pm