

***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.

Norman Wells Draft 3 Community Consultation Summary Notes

August 16, 2010

1 pm-5 pm, Legion (Afternoon Session)

Participants:

Heidi Wiebe, SLUPB
Collin Bayha, SLUPB
Ida Mak, SLUPB
Joan Gordey, SLWB

Jerry Loomis, previous MVEIRB member
Julie R. Brown, Town of Norman Wells
Andrea Hryniuk, SRRB
J. Marty Swaggar, Explor Data
Lee Montgomery, Parks Canada
Alasdair Vetch, Wildlife Management, ENR
Frank Pope, ITI
Steve Deschene, INAC inspector
Richard Popko, ENR

Afternoon Session: 1:37 pm

Collin Bayha: Opening Remarks

Heidi: Gave an introduction and asked if anyone wanted specific topics addressed in the agenda. No new issues were added.

Jerry: Wasn't there an issue last time regarding the Colville Lake and Deline District line?

Heidi: We don't have the authority to change the district boundaries. Perhaps it was the zoning around Horton Lake that was an issue? That's been resolved. Deline has changed the zoning to SMZ.

Marty: What if one of the approving parties does not agree to the Plan?

Heidi: Then the Plan does not get approved. The approval process is sequential so SSI needs to approve it first, then the Minister of ENR in the GNWT and then the Minister of INAC for Canada. Plans usually get held up in the approval process.

Lee: Was it approval that held up the SLUP until now?

Heidi: No. The Plan has never been ready for approval. (Heidi then gave a recap of Board history to explain why it has taken so long to produce the Plan and on usual time frames for plan development.)

J. Marty: Doesn't the SLWB regulate development right now?

Joan: Under the MVRMA all applications must conform to the land use plan. In the absence of an approved plan, land use permits and water licences are being issued but once the Plan is approved we will first have to check that the applications conform to the Plan before we can issue licenses and permits.

Julie: It seems that everything is fine now and the plan will add another layer of approval.

Jerry: The land use plan will give more clarity to companies. Things are not fine now. Many applications get pushed through to EA because there is no land use plan. When the plan gets approved ideally we will see fewer applications go to EA because it will be clear to everyone where development is and is not allowed.

Marty: One of the first things that companies have to do when they submit an application is to carry out community consultations. If communities do not want you to do work in an area they will let us know. We've never had any issues with communities before. Is this process not redundant if we're already consulting?

Jerry: You're probably the one company out of many that does consultation properly. I've been on MVEIRB for 6 years and there are many issues between communities and applicants.

Marty: Will creating another level of bureaucracy increase the time that we will have to wait for our applications to get approved?

Joan: No. A complete application will still be given an answer within 42 days. Checking applications against the land use plan will take place within the current time frame.

[There was a discussion about whether or not the LUP would add a layer of complexity or duplicate what the SLWB is already doing.]

Marty: You would have the authority to kick an application up to EA?

Heidi: No, the land use planning board does not have that authority and nothing in the Plan would result in sending an application to EA.

Joan: The SLWB, MVEIRB, land corporations, community members and other regulators have that right.

Julie: The plan would apply conditions like allowing development during certain times and not at others?

Heidi: We have some conditions that do that and others that ask for impacts to be mitigated. There are a number of terms and conditions.

Julie: So does that mean that the SLWB is not currently protecting the land?

[There was a discussion about what the land use plan does, what it is intended to do and whether or not the plan will add a layer of complexity to the regulatory process.]

[There was a discussion about the general regulatory process and how the plan fits in. Heidi then ran through the regulatory process and explained the concept of exceptions, amendments and 5 year review.]

Marty: If you do not get approval from all the signatories are you back to square one?

Heidi: Not necessarily. In the Gwich'in it took 4 years of negotiations and then their plan was approved. The reason it took so long was because the Canada Mining Regulations had to be changed to recognize the authority of land use plans.

Break 2:40pm

Back from break: 3:00pm

Heidi started with the chapter summaries.

Lee: Gave background on Naats'ihch'oh.

In 2007 the Tulita and Norman Wells Land Corporations requested interim land withdrawals (from February 2008-March 2012). In early 2008 Parks Canada started working on an impact and benefit plan which is required under the MVRMA for any park establishment in the Sahtu. The 3 land corporations and 2 RRCs worked on the impact and benefit plan.

Broad consultations were carried out this January, 2010. Fort Good Hope, the Dehcho and the Kaska took up our offer of consultations which was also extended to all Sahtu communities.

We will soon release the consultation report. We received 1600 comments. INAC, Parks Canada, GNWT and NRCan are considering mineral potential and comparing them against conservation values. A MERA (Minerals and Energy Resource Assessment) was conducted. There were 3 options of boundaries that

were approved for public consultation. A decision will be made by parliament on the final boundaries, hopefully this fall.

Heidi: We need to make sure that we get the boundaries right on Naats'ihch'oh before we submit the Plan for approval. Park establishment is subject to the Plan so the boundaries must match. We will need the final boundaries by January 2011 at the latest, but ideally Parks Canada can provide them in their written comments or come prepared to present them at the Public Hearing in November.

Heidi then continued with explanations of the different zone types.

Alasdair: Would commercial harvesting be allowed under conservation zones?

Heidi: I'm not sure. I would need to go back and look at the wording in the land claim but I think commercial harvesting is not protected like subsistence harvest is.

Joan: What if someone wants to build a cabin in a conservation zone?

Heidi: They would need a surface lease from INAC but the plan does not say anything about restricting cabins so it should be ok. Maybe we can ask Steve.

Steve: We would probably have to look at each zone and see what the intent of that zone is.

Heidi spoke about the integration of the GBLWMP and their process of plan development.

Julie: Who manages the harvest of wildlife?

Frank: How is the subsistence fishery managed?

Alasdair: The SRRB Harvest Study gave us really good information until 2005. We got harvest numbers and ratios of animals taken like age, sex, etc. Since the harvest study ended collecting info has been harder. In the late 1990s the recorded take in Deline was about 2000 caribou. The numbers that were recently reported were closer to 900 caribou taken. This might also be because the caribou are not as close to town as they were in the late 1990s. But it is harder now to get harvest numbers than when the study was being carried out.

Collin: ENR gives funding to the communities to monitor how much is harvested. In Deline we have been trying to monitor the numbers that harvesters bring back.

Heidi moved on to describe Conformity Requirements.

Lee: Who would be issuing the terms and conditions – the SLWB?

Heidi: Yes. The SLWB, in authorizing certain land and water uses, applies specific terms and conditions.

Alasdair: For the no introduction of non-native species or domestic species CR, why is it subject to ENR approval? It should just not be allowed.

Heidi: ENR asked us to include that clause in their comments on the GBLWMP. You will have to talk to your colleagues internally and give us written comments if ENR changes its direction on this.

Steve: Who will enforce the Plan?

Heidi: The INAC inspectors will enforce the Plan to the extent that it is implemented through terms and conditions on land use permits and water licences. In other areas, the Plan is implemented in the way those authorizations are given, so it is the regulators themselves who implement and enforce the Plan.

Steve: We enforce specific legislation. There are a number of terms or conditions in the licences and permits that we cannot enforce because it's not in the legislation under our mandate. To give you an example, we can't enforce low flying limits so if they're in the Plan we can't do anything about it.

Heidi: Wildlife managers would have enforcement responsibilities for those types of conditions. There are gaps in the regulatory system but the land use plan will not be able to fix those. It would be short sighted of us to not put those conditions in the plan just because we can't enforce them now. The SLUP plans for the future and maybe we should include an action to fill in the gaps in the regulatory system. We also expect that all enforcement bodies would keep an eye out for the terms and conditions of the Plan so that inspectors from other departments are also enforcing them.

Steve: Does the MVRMA lay out timelines for amendments?

Heidi: No. The MVRMA just says that the Board can carry out amendments. There are no timelines spelled out for any aspect of planning. We're making the promise that other Boards have made and telling people that we will not slow down the regulatory process. We'll stick with the SLWB timelines.

Alasdair: How often have exceptions or amendments occurred in the Gwich'in?

Heidi: There have not been any amendments. The only issues they deal with are quarry sites or gravel pits.

Alasdair: I'm guessing that you would expect most amendments to occur at the 5 year review?

Heidi: Yes.

Jerry: There was an amendment in the Inuvialuit.

Heidi: I think the Gwich'in granted an exception for the pipeline but there has never been an amendment.

Julie: The 3 weeks or the 42 days, is all the time that is allotted for approval?

Joan: Yes. When we receive a complete application we will send it out to all review organizations. They then have 3 weeks to get back to us. We need to present the application to our Board within the 42 days. It is legislated in the MVRMA.

Lee: Will the Board be an ongoing body?

Heidi: The Board is a permanent public institution. It will monitor the plan and to keep up to date on data for the 5 year review.

Lee: Is there any talk of amalgamating the planning boards?

Heidi: No. Those recommendations were directed at the land and water boards.

Break: 4:15pm

Return from break: 4:35pm

Heidi went over some of the Tulita District zone changes.

Heidi asked Lee to let the Naats'ihch'oh boundary approving group know that the planning board will need the zoning by January in time to get the boundaries into the final copy of the Plan. It would be preferable to have the boundaries by November in time for the public hearing.

There may also be changes to Shuhtagot'ine Nene. The Plan will stay with whatever files we have in the next few months and can then recognize any boundary changes in an amendment.

Alasdair: I think from a wildlife perspective you guys did a really good job. The guys who were involved in the IBP sites were also very happy that all their sites were kept in conservation.

Wildlife

Action #10: Access to information

Alasdair: We were putting wildlife info on the website but that probably won't happen again because it became an issue with barrenground caribou. Outfitters were asking for information on herd location. We don't want to make peregrine falcon nesting areas publicly available. For some wildlife species, making information publicly available may be problematic.

Heidi: We can perhaps reword because we are not trying to make sensitive information publicly available. We just want there to be a sharing of information and for general info to be available.

CR#11 – Species introduction

Heidi: We hear that you think it would be best if the introduction of domestic or non-native species was altogether prohibited as opposed to giving ENR the ability to authorize introductions. Since the comment came from the GNWT to insert that wording, please make sure that direction to reverse that decision is included in the GNWT's comments on this round.

CR#4 – Archeological, Historic, Burial Sites

Heidi checked with Joan that the regulations and the SLWB have a 150m setback from archeological, historic or burial sites. She asked if there would be an issue with 500m setbacks as per Draft 3 of the Plan. Joan guessed that it would probably not be an issue.

Protecting the Land

CR#10 - Incidental harvest

Joan: We already do what this term requests. It is a standing term in our permits. Trees that are over 8ft in length have to be cut up and left on the side of the access road for community use.

Heidi: Then this will ensure that it is done when it is possible.

CR#12 – Ecologically Significant Areas

Heidi: I would think that the SLWB would have to attach to your terms and conditions that if any new mineral licks are found that they would have to report it to ENR.

R#15 – Contaminated Sites

Lee: Don't permits and licences have terms that oblige proponents to clean up sites once they're done with them?

Heidi: This term is for old contaminated sites that have been abandoned and are now in the hands of INAC.

Building Community Capacity and Involvement

R#10: Maximizing Benefits

Lee: Maximizing benefits is very open to interpretation.

Heidi: Yes. We chose to be less specific and perhaps more approvable. We are asking proponents to try to ensure that communities benefit from development in a number of ways.

Working Together

R#2: Wildlife Monitors

Alasdair: In the past Selwyn hired wildlife monitors thinking that the monitor would be a Selwyn employee but the RRC and the land corporation were under the impression that the monitor would be hired as the community's eyes and so, work for the community.

Jerry: It is a condition of the licence that the monitors work for the RRC, not the proponent.

Heidi: The Plan's intention is that the monitor be an employee of the RRC. They will monitor on behalf of the community. Alasdair, if this is not clear, please put it in your comments to us on Draft 3.

Jerry: Have you applied for translation funding yet? We had to do it to translate all our public documents into French. There was new legislation passed through last year.

Meeting ended: 5:32pm

Norman Wells Draft 3 Community Consultation Summary Notes

August 16, 2010

6 pm-9 pm, Legion (Evening Session)

Participants:

Heidi Wiebe, SLUPB
Collin Bayha, SLUPB
Ida Mak, SLUPB
Joan Gordey, SLWB

Laurel McDonald, Norman Wells RRC
Ruby McDonald, NW Land Corporation/GNWT
Linde Todd, member of public
Shirley Harley, Mackenzie Gas Project/member of public

Meeting start: 6:15 pm

Ruby: What does it mean when the plan says that the developer has to “minimize impacts to the values in the zone”?

Heidi: When developers submit an application they usually do a study and find out what wildlife or other values they might negatively impact. This means that they will have to find ways to lessen the negative effects of development on the sensitive things that are found in the zone.

Linde: Can you clarify what you mean by surface ownership?

[Heidi explained the difference between surface and subsurface rights and gave a summary of the numbers and percentages of Sahtu Lands.]

Ruby: The Districts hold the land so why is SSI the approving body?

Heidi: This is one of those inconsistencies. SSI approves the plan but we don't know how they're going to get the approval from all the Districts. SSI needs the Districts to agree because the Districts hold title to the land. We'll have to speak to SSI about the approval process at their AGM next week.

Laurel: Why is it that proponents who are currently operating in the Sahtu are not required to follow the Plan?

Heidi: It is an issue of fairness. If you were given an authorization for development you should be allowed to continue to operate even if new legislation comes into place. We can't bar development from

occurring but we can ask them to follow the new rules of the Plan. We are pushing for the Plan's conditions to be followed once renewals and new authorizations are applied for.

Shirley: What kind of feedback has the Board gotten so far on the plan?

Heidi: We haven't gotten comments back yet. The deadline for written submissions is October 1, 2010. You'll be able to find all new and older comments on the website: www.sahtulanduseplan.org.

Ruby: There aren't a lot of CZs on the eastern shore of the Mackenzie River. I thought we had selected those areas for protection, like 3-Day Lake and Oscar Lake.

Heidi: Those two lakes are protected. We also have captured the Mountain Lakes. Were there other ones that should have been protected?

Ruby: I thought there was another fish lake but I don't know the name.

Heidi: If Canada comes up with boundaries for Naats'ihch'oh that the communities do not agree with we may have some issues at public hearing.

The Plan will ideally be approved with its current zone boundaries. Then once the PAS areas are solidified, if the boundaries are different from the ones we have in the Plan, we will have to amend the Plan. Whatever final boundaries are decided on, the Plan will have to have the same boundaries.

Heidi: If the Plan was accepted tomorrow, would the zoning be acceptable to you?

There was a discussion about the Canol Trail, why it is not a park yet and what stage of environmental assessment they are at.

Wildlife

Joan: One of our terms requires that any equipment being brought up from the south be cleaned.

Heidi: Yes. This one tackles quite a few issues in one CR. And the issue that Alasdair had with CR#11 about ENR being the approving body for domestic and non-native species I think, had to do with approving seed mixes.

Joan: We have INAC as the seed mix approving authority (inspectors).

R#17 – Fisheries Management (GBL only)

Joan: In northern Alberta they have found that sport fishing has cleaned out lakes because the spawning fish have been all fished out. The growth rate of Great Bear Lake and other northern lakes can be much slower than elsewhere down south. They need to be careful in GBL to not encounter the same issues.

Ruby: How do you deal with the pipeline or the highway?

Heidi: We provide guidance on overall land use and not specific projects so we have pulled out references to specific projects. There are no longer any references to the pipeline in Draft 3. For the

pipeline the area of question was Little Chicago. It was a Conservation Zone but is now a Special Management Zone to allow the continued use of an airstrip, barge landing site and other infrastructure sites. Across all other zones the pipeline will lie along the Mackenzie River which is a Special Management Zone. Access is allowed in these zones. It would be the same situation with the highway.

Meeting ended: 8:20 pm