



Sahtu Land Use Planning Board

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*Disclaimer

These summary notes were recorded by SLUP staff. They are subject to errors of interpretation or omission. This document presents a summary of key discussion points. It is not intended to serve as transcripts of the meetings.

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.

Summary Notes on Sahtu Land Use Plan Fall Technical Workshop #2

Date: November 1-3, 2011, 9 am – 5 pm (ending at noon on Nov 3rd)
Location: Dennis Drolet Memorial Hall, Norman Wells

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Day 1 – November 1st

Participants

Bob Overvold, SLUPB Board Member	Rodger Odgaard, NWLC
Collin Bayha, SLUPB Board Member	Dyanne Doctor, FNMLC
Heidi Wiebe, SLUPB Senior Planner	Ethel Blondin-Andrew, SSI Chair
David Elliott, SLUPB Legal Counsel	Patrick Duxbury, Consultant for SSI
Michelle Swallow, GNWT	David Menacho, Tulita RRC
Joel Holder, GNWT	Alasdair Veitch, Sahtu
Greg Yeoman, AANDC	Region/Wildlife/GNWT (Notes)
Scott Duke, Legal Counsel for AANDC	Heather Sayine-Crawford, Sahtu
Paul Dixon, SLWB	Region/Wildlife/GNWT (Notes)
Walter Bezha, SRRB Chair	David Purchase, GNWT, ENR, Forest
Marshall Netherwood, Shell Canada	Management
Aaron Higgs, TerraLogic Exploration /Aben	Trevor Sinclair, DFO (after 3 pm)
Resources	Ruari Carthew, DFO (after 3 pm)
Joe Grandjambe, Yamoga Land Corp	Vicky Johnston, Env Canada (after 3 pm)
Heather Bourassa, K’asho Go’ine LC	Ken Hansen, Husky Oil Operations Limited
George Barnaby, Yamoga Land Corp	Lucy Jackson, YLC
Paul T’Seleie, Yamoga Land Corp	Chief Raymond Tutcho, Deline First Nation
Rodger Boniface, YLC / FGH RRC	Peter Menacho, President DLC
Tom Nesbitt, Deline Land Corp	Valerie Yakeleya, Tulita RRC
Rhea MacDonald NW RRC	Jacinta Grandjambe, YLC
Cece McCauley, President NWLC (am only)	Harris Harris, YLC, FGH RRC



Leon Andrew, Norman Wells

Dora Grandjambe (Interpreter)

Introductions and Opening Comments

Bob: Introduced Board and staff and made opening comments. This is not a formal process, like the public hearing, last May. This is to help us understand the issues. Similar to other meetings we will take detailed notes – they will be posted on the website to provide a written record and provide transparency for those who cannot attend. The purpose of these workshops is to discuss the remaining outstanding issues – we hope to find common ground, we hope to find potential solutions, so that everyone can accept and approve the final plan.

Last May the board heard clearly that all parties accept the intent of the plan. Except for a few CRs it is not our intent to redo the content. The plan has gone through substantial consultation already. The Board will not get more funding to continue this process indefinitely. We will examine issues and constraints with proposed approaches. The board will consider the final results. I would encourage you to speak to your interests, instead of the wording. The more we understand the interests of the parties, with all of the expertise we have here, we should be able to capture your interests in the wording.

I think there is going to be a lot of technical discussions and it could be easy to lose sight of community interests. It is important to remember why we are doing this – for the people of the Sahtu region. We must keep community interest in mind.

Participants introduced themselves.

There was discussion on the intent of Workshop 3 (run applications through the Plan to see how it works and where issues may still exist) so participants would know which concerns to bring forward here and which to bring forward at the third.

Participants reviewed the agenda. Greg Yeoman asked for discussion on CR #15 to address how conformity would be determined.

Heidi gave a recap of workshop 1 results (see summary notes of Workshop 1 for details) and outlined the starting assumptions for Workshop 2 as follows:

- 1) For Conformity Determinations, there would be a standard but flexible referral process of applications to the SLUPB from the SLWB, and where the SLWB is not involved, referrals from DFO and EC on their authorizations. The SLUPB will begin its determination as soon as possible during the completeness check and will wait until the application is complete and it has all the information before finalizing its determination.
- 2) For the scope of authorizations, assume that all authorizations are subject to the Plan as written in Draft 3. Heidi clarified that this does not mean the Board has rejected the proposals, but making this assumption allows for a full discussion of minimum thresholds on individual CRs where issues may arise for small-scale activities.
- 3) For grandfathering existing uses, assume the draft 3 approach where activities are exempt from CR #1 (zoning) but they will be expected to comply with the other CRs of the Plan upon renewal of authorizations.



Ethel asked for clarification on what is meant by a minimum threshold. Heidi explained that it meant exempting minor land use activities from having to comply with a specific CR because it's considered too onerous for that size of an activity. Ethel felt it should be determined according to level of impact, not size of activity. Bob suggested the example of whether a proponent needs to do a TK study to install a culvert.

George B: The basic principle is – we want to be informed about everything, even research projects by students. Right now things go to land corps, the band, that should continue, there should be no thresholds, where you can just go in without informing the community. Nothing takes away from informing the community about the work – that should be in the plan. Sometimes the community will have a short discussion while at other times the community will have a lot to say.

Bob clarified his interpretation of George's comments that even though TK may not be done, the community still wants to be informed. George agreed.

General Revisions

Heidi provided a brief summary of the information in the Discussion Document about general revisions.

Greg: Why is the implementation guide separate?

Heidi: To provide a clear separation between what's being approved as mandatory (the Plan) and what is just guidance (not mandatory). Anything requiring more flexibility should go into the Implementation Guide, and anything mandatory needs to go into the Plan.

Patrick: With regards to the timing issues, some of the CRs still include elements that happen in the future and require forward thinking, such as submitting monitoring plans in the future. Since the conformity determination happens at the beginning, we need language that says they have to do something.

Heidi: Conforming to the Plan is not just checking a box and you're done. The Regulator must require the monitoring report as part of their authorization. It's the regulator's responsibility to attach this condition to their authorization. That's how the Plan is implemented with respect to these future-focused requirements in the Plan. Other requirements are front-end things that we can check in the application and be done with, but some of the requirements direct how the activity should be carried out at later stages and they are implemented by the regulators.

Tom clarified that the Plan just sets the rules that apply throughout the life of the project and who applies the rules changes. The SLUPB applies them first at the CD stage, then the SLWB or others, then the inspectors.

George B: When we're talking about thresholds, we should talk about minimums and maximums as well. E.g. In Colville they had too many camps affecting the caribou and they had to get rid of some of them.



CR #1 - Zoning

Heidi gave an overview of the proposed revisions for this CR.

Ethel asked for clarification on what the zone change for the Ramparts would be.

Heidi: Because the Ramparts is getting smaller, based on discussion with the community there will be a smaller core area identified as the Proposed Conservation Initiative, and all areas left outside of that new area will be zoned as Special Management. Heather and Heidi also confirmed that the private lands have already been changed – the one closest to Fort Good Hope is a Conservation Zone and the others are General Use Zones.

Harry Harris asked what's involved in a land withdrawal. Bob referred Harry to Greg Yeoman to discuss that during a break, as INAC handles those.

Greg: I am on the working group for the Ramparts. We have a draft recommended boundary. The Working Group is going to finish the draft Recommendation Report hopefully in December and then that goes to the community to look at. It must go through a consultation period. For now it's better to keep it as the interim withdrawal boundary. It may be too soon to give a revised boundary to the SLUPB. It's a community decision. Once the report is accepted by the community, we would be on firmer ground. Michelle agreed that it is best to stay with the current land withdrawal for now. They only want to have to change the boundary once.

George B: We have jurisdiction over settlement lands and don't want the plan to say anything that might jeopardize that. We have a right to govern, which is different than owning the land. I hear that this is government land. We're a government too and that should be recognized.

Bob clarified that nothing in the Plan will trump what the communities have negotiated. We will do our best to keep the language neutral where we can.

CR #2 – Protection of Special Values

Heidi introduced the proposed revisions

Ethel: We think it's better now than it was before.

Greg: We're ok with it as long as its made clear what values in the zone descriptions are used as criteria.

Heidi: We would focus on "reasons for protection" within the zone descriptions. We can and should make that clearer.

Tom: Glad we're focusing on protecting values. Suggest changing "reasons for protection" to "values for protection" in the zone description to make that link. Then we should work on the zone descriptions in first 5 years to ensure that the values were identified for that reason. In the GBLWMP, they weren't; sometimes they included information to address government questions, not to protect values. Need to refine the information and descriptions to clearly identify the values to protect as identified by the communities. Also suggested changing



wording to “ does not apply to the whole GBL watershed”, not just the GBLW SMZ (would include all the CZs as well this way).

Walter Bayha: Communities have looked at the Plan in terms of wildlife and habitat protection and their traditional use and that’s it, not in terms of land use. The people have a plan in their head and you see that in the Water Heart. It is the traditions that people have looked at. In a lot of ways, we’re basically forced to come out with a plan on paper. Eventually someone will have to decide on what is an acceptable balance and we hope that our Dene people here understand that that’s where we’re heading. We still have issues with who is saying this is a balance. It’s not the Board who has to be satisfied. Sometimes we get confused on the details. I’m proud of what Deline has done with the Plan (GBLWMP). Things went well there because there weren’t people who said we want development here. I hope I get a chance to bring more to this Plan and see how it will work overall. This is very technical. Remember to step back and see what the communities’ vision is here and don’t get caught up in the technical terms.

Bob: Spoke to fact that Dene and Metis negotiated for the Plan because they couldn’t get ownership of all the land. They wanted ownership. The plan was a fall back position and needs to help give them a voice on those other lands. Keep that in mind.

Greg: Is there a definition for “protect” in this CR?

Heidi: No. Feel free to recommend one if you feel its required.

Ethel: I really appreciate Walter’s comments. It is difficult when we bring two different world views together, it’s hard to capture what each party means. The concepts don’t always translate into our language.

Aaron Higgs: Who checks the application? What does it mean to “protect” and what are the values?

Heidi: The SLWB will refer the applications to us. If we are unsure about some of the proposed measures, we might call the wildlife managers, we may call the community orgs to check information or others to help us make the appropriate determination, but it would be our call under the proposed approach. This is a flexible approach. The Gwich’in did that for 2 years, which gave everyone a chance to get on the same page and get comfortable with how the Plan should be interpreted and implemented. Then regulators took over and now do those checks, which makes for a more efficient process.

Marshall and Aaron sought better clarification on what it means to protect values.

Heidi: If there is an application along the Mackenzie River, the primary value there is the water. Our Board would check the application, make sure nothing affects the water and that you’ve done a satisfactory job to protect those values. It is a check, not a long drawn out process.

Aaron: What does “protect” mean? There is a difference between minimizing impacts and protection. Does it mean zero impact? Minimizing to the best of our ability?

Ethel: If the caribou can no longer graze where they usually do because the habitat is gone, if you change the river, if there are effluents that contaminate the fish and water quality, then



you haven't protected the values. It means protect the integrity of the area. If you disturb the burial sites, that's not protection. It's a very holistic definition. It means don't affect things like air quality, water quality, animals, animal migrations, the number of sheep using licks.

Aaron: We're trying to understand the level of impacts in terms of how you would apply that to small areas and activities – how close to the caribou is ok? Is it ok to have a small pit toilet? How does that affect the values?

Tom: Trying to find common ground between different world-views. Words like "protect", we all know what it means. We use these concepts throughout the Plan, the MVRMA, and the land claim – "protect and promote well-being". We shouldn't define them; they need to be flexible and interpreted reasonably by the SLUPB and SLWB.

CR #3 – Project-Specific Monitoring

Heidi provided an overview of the proposed revisions.

Tom: This one should reference the wording used within the GBL watershed - add "...,and in the GBLW, maintaining the GBLW ecosystem" to the end of item #1. I don't think there is a need for the confidentiality clause in this CR.

Scott Duke: Monitoring reports might contain confidential info that communities or companies don't want public. We have always heard that communities want TK kept confidential. They may also include proprietary information or design information that companies need to keep confidential. This is what we've heard through these processes and EA processes.

Joel Holder: We are concerned about sensitive wildlife data for species at risk, their habitat and sensitive features like denning areas or licks - that needs to be kept confidential. We suggested this clause and are happy with it.

Tom: Can't we keep confidential info out of reports so they can be made public?

Walter Bayha: If some things are confidential, surely we can still use the info. A few years ago we had an issue with peregrine falcon poaching, but you don't have to include this information in the report. We want the Plan to help us get to the goals. Maybe there is info with ABAs, in terms of wildlife management. I think Dene people can handle that. We have a lot of knowledge and the Dene people want to protect their land. Without our knowledge, you are missing a lot of information from the application. One of the challenges now is to interpret that TK. We interpret everything the way the dominant society wants. I want to bring the regional interpretation. I had to go to school in south to learn what my grandfather knows from the land. One of the important things in the Sahtu is songs and some were put on CD and some people didn't like that some songs were public. Those ones yes, others they don't want public. Why don't we want this public? How are the younger generation going to learn?

Paul Dixon: We get monitoring reports for activities we have authorized to see if the mitigation measures proposed are working. We see broader monitoring reports as a joint effort and responsibility. We don't think these should be confidential. Industry reports don't include any



proprietary information or methods that can't be shared. The reports should be public – that's how we resolve issues.

Aaron: I can only speak for smaller operations. We don't include any confidential information in monitoring reports – these should absolutely be public, not only for regulators but for communities. The reports and contents will change with the land use and permit. Do you want to make a template so that appropriate things are always covered? The only information that might be kept confidential might be an actual location where rights are not yet secured but that's pretty rare.

Ethel: TK is a hot potato. Every time a project happens, there are questions about how to use TK, who owns it, who keeps it. Bigger institutions like to University of Alberta or Aurora College have TK policies. We need a TK protocol. Intellectual property rights guides the use of TK. Having a policy that speaks to those rights would help us, industry and governments.

George B: Everyone agrees with monitoring. Government does monitoring. But we don't get any reports and the Plan should be for regularly reporting. Lots of things happen on the land and we don't hear about it. There should be more reports to the community. There should also be community monitoring because we need someone to watch that isn't tied to the company. They should be hired by the band, or RRC, NOT the company. In the old days, people lived in different clans and used specific areas. Now everyone is in the community, and that knowledge is starting to slip away. For projects they should try to go to people who know the area. We need new TK and that's something that should be addressed. Projects try to come up with a monitoring plan. Communities don't get reports. The river is a concern and what's going into it. There is a lot of stuff going on that we don't hear about.

Heidi: A question for industry reps and the SWLB: do the monitoring reports include community TK data, proprietary company information or sensitive wildlife info?

Aaron: No TK info, no sensitive wildlife info, yes, it might include company locations on open-ground. We submit locations of everything we have like camps. That would be our only concern. We could maybe have two reports, one with all data for the Board and one without for public circulation.

Greg: When is the monitoring program required? Is it a condition in their permit?

Heidi: Yes, it would have to be made a condition of their permit to provide a monitoring report.

Paul: The timing of reporting depends on different things.

Michelle: Asked how the Gwich'in handle the confidentiality issue?

Heidi: **Will check (Action)**. Sue McKenzie is coming to the 3rd workshop as a resource person.

Tom: I think we have a lot of common ground: 1) We want public monitoring reports. 2) We want to keep confidentiality of some data where it might not be in the interest to keep it so. We need to reword the CR to keep specific information confidential, not the whole report. We need a reasonableness test in determining what is confidential and what isn't; a public interest test.



Everything is public unless there is a compelling reason put forward to keep it confidential. The Board (SLWB?) would make that determination.

Paul: Right now all reports go on our public registry.

Ethel: Last year we found out that lakes were contaminated with mercury. It was kept confidential and we only found out because it was leaked. It's a safety issue and should not have been confidential. We don't want info related to people's safety kept confidential.

Peter Menacho: Scientific knowledge and TK must be balanced. When I look back on the GBLWMP, all of the knowledge from the elders, the info that we need is integrated in here. Companies and government have to acknowledge that too. Info was hidden for years about contamination. With us, government has been hiding info about uranium. That's why we need info; it can't be confidential. We've seen this in the past; we don't want to repeat the mistake. That's why we have the land claim, so that concerns are upheld and voices are heard. We should have a proper system where everyone shares info. Government is contradicting itself; they pick and paste some of the TK info. The reason we want specific TK info, is because there is different geology in different areas. I don't want to put a limit on it. We all need to have the information. It should be a public system.

George: There is a public interest and a specific interest, like the RRC. There are specific people that will be affected; they need to know. Need to get information to them about where things are happening.

Peter Menacho: I know the mining people want to separate the CZs and SMZs and others. Under the land claim, my rights apply everywhere, they are the same in any zone. We gave up most of our land; that's why we have this process to make sure we still have a voice. There is value to every corner, every lake, every creek. We shouldn't have to justify which zone you work out of. My rights apply everywhere.

Bob: A lot of people spoke to not losing the community interest. The dene and metis are fighting an uphill battle. They are trying to be heard and fit into a document written in the style of the dominant society and it doesn't mesh that easily.

Lunch break

CR #4 – Community Engagement and Traditional Knowledge

Heidi gave an overview of the issues.

Patrick: Want to hear from Paul first from the SLWB about current processes and how it is working.

Paul: As a family of land and water boards, we have been working on community engagement guidelines for proponents. Proponent goes into the community, and communicates the project activities to the community. We look to see if the proponent has accurately captured the concerns and addressed them through mitigation measures if possible. We do it for land use permits, water licences, renewals and amendments too. On amendments, it's not always of



interest to the communities. They've already done the engagement, and if there is a minor change, the community doesn't show up. We are still struggling with the draft; to tease out the roles between the Board and the proponent, and others.

Discussion between Paul and Bob about the LWBs Consultation Guidelines. The LWBs have been working on this 3 or 4 years. It has not yet gone out to communities or the public for review and comment yet.

Scott: YESAB have a similar policy on collection and use of TK, similar to MVEIRB's and keeps TK confidential.

George: You need to be really clear about who they talk to – the 3 Districts, the land corps, band and metis councils. We have made mistakes in the past. We are talking about our specific rights on our lands. Then everybody knows who to talk to, depending on the district.

Tom: Need to identify interests here. In the GBLWMP, we identified some basic principles. Consultation should happen early in the planning process. Proponents should design their activities in close consultation with communities, and should have joint planning with the community wherever possible. We need a way to scope out who to talk to in the community. We want the company to sit down with the community and understand their interests.

Paul: Our community engagement guidelines speak to those fundamental principles of early engagement and engagement throughout the project, and addressing the interests. Where it breaks down is requiring something that the company and community don't want, like consultation on changing a valve. Don't want to set a requirement where there is no net benefit to anyone. Same with requiring TK on a community dock. The only TK is that people use it as a launching point.

Discussion about what Paul could share publicly on their guidelines. **Paul agreed to share the basic elements in a summary with participants (Action).**

Heidi: In determining what should go in the Plan, I look at what needs to be locked in vs what needs to be flexible. If it's something you want to happen all the time, no matter what, then that should go in the Plan. If it should be a case-by-case decision, then it should either go in the Implementation Plan or maybe not be mentioned at all.

Joe Grandjambe: Our position is always to make sure we have no more third party control; to make sure we're part of it, not only as Board members. The doc has to refer to the K'asho Got'ine government, not aboriginal. We had a simple process, first with BP, then with Chevron. We had community control and participation. Whether it is a large or small project, we would like to know. Although we have a land claim settled, we have a small land base - the group trapping area. We have agreed to set up different bodies under the claim – we look at it as third party control. Our idea to help that along is to be part of it. When BP agreement came along, there was an elder (probably born in 1900) he told me that the best way to protect our people and land and wildlife is to be a part of it.



Bob: Told the story about the community working well with BP who spent a lot of time working with the community, and INAC gave the bid to Chevron. The community was upset, as Chevron hadn't done a thing to build a relationship with the community.

George: Community engagement should happen right from the start. In the past before they put the lands up for bid, people from DIAND used to come to get agreement with at least the district boards, on which lands should be opened for exploration before the nominations went out. Now the government thinks they don't have to go through this again. But this is a plan, the plan should say that you have to go to the community. We should spell it out, right at the start. Start with government, then the company who wins the right to the land. It looks like the government is saying the land is open, bid on whatever you want.

Bob: It's the reverse. With the land claim, the Plan identifies areas that will be for conservation that won't be open in the future, and areas in Special Management Zones that will apply additional conditions.

Scott Duke and Greg Yeoman: Clarified that it is still happening annually and is required by the claim – not for minerals, but for oil and gas.

Peter: With O&G there is a protocol that they have to consult – most of these are in General Use Zones. I am fortunate enough to talk to the Elders. The CZs were not decided overnight; they are based on legends and history. We're saying please have respect and consult the community. Want to hear from government and industry on what their issues are. Our TK is based on our history, legend, prophecies, and the values we cherish. We don't come up with this stuff overnight. Our knowledge and values have been passed down to us and put in our plan.

Lucy Jackson: This is a crucial element of our way of life. This was our land; we have ancient land use and have all these important landmarks and lands. There is an ancient oral history passed on to us. Her son went trapping down the river, this side of Manuel Lake and ran into an O&G company who said he couldn't trap there any more because they had those lands. He was compensated for the loss of that trapping area and told not to go there for a certain number of years. She is worried about being penalized by all these terms; these rules, regulations and policies that apply to different parcels. She talked about community control and her concern with locking things in. Will this help us or hurt us? North of FGH we have prime sable country – best in the world. We have the opportunity to renegotiate but we have to do it within reason.

Bob brought discussions back to the questions on p 24 of the Discussion Document.

Joel: Have the Plan speak to consultation in a general way, and put the detail in the Implementation Guide.

Joe: Wants to make sure that FGH is not just consulted but has meaningful control. It's not good enough just to be consulted. We have to have input and have information flow back and forth between ourselves and the companies.

Ethel: If you look at UN conventions on things like human rights, you first have a framework and you have a list of what is included. You don't go down to every last detail but enough to



give direction. In some cases you don't need the details because its common sense. In other areas it gets murky, and you need more detail so those who come from a different worldview have guidance. Most activity is in the winter here, but there is staging in the fall and it gets subjective with different people having different ideas about what to do. If it's about the health and security of the land or people, it's important.

Rodger Odgaard: It gets really twisted and convoluted, what we're discussing here. I have come to realize that industry is sceptical about the land use plan. Conservatives have done a 360° turn from the Berger Enquiry to the McCrank Report. The scary thing I see for industry is what we're talking about for the next few days. There's nothing new here. We've been dealing with these questions through access and benefits agreements with companies for years. The good companies already engage with us. What is the scary part of the Plan is what we're dealing with here. Maybe that's why government didn't sign the first Plan. We should just be dotting the "I's" and crossing the "T's". They support the McCrank Report, which says there are too many boards and favours industry. Simple things like this TK discussion, we just wasted an hour of our time. With the culvert example, no I don't think a culvert needs a TK study. I know after we've finished discussing it, the team will pull this together.

George B: Community engagement is not clearly defined with a process. Sometimes it's public, sometimes it's boards. Sometimes there is a lot of concern, sometimes not much. Better that they all be public so that people can bring whatever concerns they have. With TK, they often hire 2-3 people. All of this should be open to the public.

Joel: Keep the CR as general as possible. There is a need to consult with communities. Then leave the detail to the Implementation Guide. You may never get strict answers to the kinds of detail being discussed here. Fair enough to say that consultation is required for any project, small or big.

Aaron: I agree with Joel. Consultation is necessary for any project, especially at an early stage. Knowledge of the land rests with community members. We need them to move the project forward. The implementation guide seems to be a simpler way to go.

Paul: We defer to communities on whether or not consultation is required on specific projects.

Ken Hansen: Been involved in a few consultations. I hear the need for early consultation. We can't do that before a call for bids – it gives away the corporate advantage. There is also corporate planning cycles – what you think may need to be done may not work or be in the budget. You need to get things in place corporately first or you may raise community expectations before you know you can go ahead. We learn things in consultations and have changed programs as a result of consultation. Sometimes we've been told we can't do something and that's ok if we know early enough. There is a balancing act in being too prescriptive of when the consultation should unfold and how it happens. It takes away from the interaction between communities and companies.

Joe: You misunderstood us. When we talked about consultation on call for bids, we meant it to be INAC. Then companies only come in to talk to us after the bid. We don't expect the company to come in to talk to us before bidding on a parcel.



Discussion between Joe G and Greg Y about consultation process around O&G bids. Joe wants that process to be public, not just with the land corp.

Paul T'Seleie: You are talking about land and resources. That's why government cut funding for self-government. Government doesn't want us to have control. You said our self-government negotiations wouldn't be trumped. Going back to zoning, we don't know what's going on with self-government. We're trying to learn from the mistakes made in the south. Before a threshold you need a TK study. Avoid confrontations. Look at the tar sands, the Gulf of Mexico, Zambia pipeline. Regulations, policies, laws, government backs up industry.

Chief Raymond Tutcho: If you want to talk to the community, you have to talk to the Mayor or Chief first because it's their community, then you talk to the land corp, as they are in charge outside the community. You have to talk to everybody. Governments should know this. If I go to YK, I go talk to the mayor. INAC had a meeting and I didn't get a letter. I'll chase them out of my community. With consultation if you leave someone out you get chaos. You should talk to everybody. Sometimes its hard – all of the leadership are not always there but we need to be notified.

George: We get consultation now. We want that to continue. For research, we get letters; that should continue. Instead of less consultation there should be more.

Peter Menacho: When talking about a threshold, concerned that the highway will be very busy. This ROW will be a major access point. We haven't talked about transportation – the highway or the river. It's something to think about. [Bob clarified his interpretation of this statement as being that transportation routes need to be above the threshold for this CR.]

Tom: Here is what I've heard as a consensus: 1) We're not questioning the government duty to consult. 2) The onus to conform lies with the applicant. Shouldn't put so much detail in the plan that we do someone else's job through the back door. We should look at the wording that the GNWT proposed and amend that. Further detail should go in the Implementation Guide. It's guidance, not law. I would want to see in the IG, reference to joint planning wherever possible. I Agree with Joel – we can't design one thing for everything. Put the general rule in and let proponents and communities figure it out. Here is proposed wording to consider:

1) Before any land use activity is authorized, Regulators shall assess whether land corporations, the first nation and/or community council, and renewable resources council and potentially affected community members have been adequately engaged with respect to:

- the CRs of the LUP,*
- the proposed activities,*
- specific locations and issues of concern, and*
- Traditional knowledge that is relevant to the location, scope and nature of the proposed activities.*

2) Regulators shall ensure that a land use activity is designed and carried out with due regard for community concerns and well-being, and incorporates relevant traditional knowledge.



Joel: Ok with proposal.

INAC: It still has to be clear on the test for conformity and what the expectation is. There must be clarity on how each CR is met and assessed. On the Prospecting Permit Protocol (PPP), it was an interim document. We don't see the PPP continuing through the Plan.

Ken Hanson: I agree with the proposal. Keep flexibility in and prescription out.

Ethel: It seems generally acceptable. We'd have concerns on how far you go, on how much consultation. Is it just consultation or collaboration and accommodation as well?

Patrick: Still need to discuss thresholds, especially if all authorizations stay in the Plan.

Joe: We're making good progress and I agree with Tom here. We don't need to look for TK on every culvert. It's general enough that communities and proponents can work out our differences.

Tom: On TK, it belongs to the RRC as a matter of principle. We should make sure the ownership principle is somehow met. TK can be used in the planning process unless confidentiality requires non-disclosure. TK must be specific to the project. General TK found in a book somewhere it not useful and must be collected specific to the project.

Greg: The phrase "adequately engaged" seems to be building in a bit of a threshold. So if we're talking about the culvert and everyone feels no consultation or TK is needed then it is adequate. That's the flexibility that we like.

Harry Harris: Need to live on the land to have the traditional knowledge. Not every person has it. Some work is needed on confidentiality.

George B: Someone has to do it in the community (TK collection). They hire someone to come in and get it done. We're always guarding against just grabbing someone off the street. We're talking about more of a community process, open to broader community involvement and organizing the people that want to take part. The purpose of TK is to get knowledge about the area. You use whatever you get. There is a reason for collecting the TK, which is to protect the areas where the activity will be carried out. If the RRC does it, they can give out the info, like caribou areas or fish lakes.

Tom: Recommend that the Implementation Guide speak to these things about the use and collection of TK.

Ethel: We noticed on the highway study, they used old TK material instead of getting new TK, which the communities took issues with. David Menacho and Rhea both work with TK quite a bit.

Bob: Was at a public meeting in Fort McPherson in 1978. An Elder asked them if they knew bush life. He was 83 and spent his life on the land and still felt like he was only scratching the surface of what there is to know. Only a few people have TK.



George: Want to make it a requirement to broaden community involvement in TK studies. It should be open to anyone who wants to take part in it. When proponents do community engagement they have to write a summary of their activities with names, dates and minutes of what was talked about. TK should be the same – need more details on what the requirements are, not just “go do it”.

Rodger Boniface: If proponents come to the community and talk to us, their projects will go faster. All summer the people on the highway project worked to find out what we already know. We could have helped them. That’s why it’s important. They need to talk to us.

Walter Bayha: The information on place names has to be there. We have the names and histories of those sites. If we’re going to make good decisions, then in some cases TK is the only information that’s there. We don’t have good baseline data. The TK data has to be there. It’s so important for wildlife management. We can provide the place names. We need to keep the duty to consult in mind. The legal process is going to be there. The duty to consult is so complex. It’s a legal process between government and First Nations. We’re not the ones who will decide where that goes. SRRB has some policies on TK. It’s getting harder to understand people from other communities. Our kids speak English. That’s why the TK is important. What helps is recording info like the name, who lives and traps there, the history of the area. We don’t want to legally bind people. There has to be other ways.

Tom: “Adequately engaged” sets a threshold of sorts to be determined between developer and community. If community has had input into the level of consultation and they say they’re good, then this has been met.

Joel: Agree with Tom. We don’t want to go through a list like last time – no value. It needs to be flexible.

Greg: Picked up on Tom’s comment that it’ll be the call of the regulator or the Board. We still need to see clarity in the implementation plan about what the test is.

George: You need to consult with the community on the level of consultation – do they agree and are they ok with it? I don’t know how many meetings you want to have on a research project but there are things like mineral prospecting. They were flying around staking all over the country. They weren’t required to talk to the community, but some did. Prospecting is below the threshold (for a land use permit). Some of the things below threshold have to be consulted on like prospecting. I have a big concern about it and same thing in Colville.

Greg: Concerned about veto issue in Dehcho Land Use Plan. Can’t go near that.

Tom: The test as proposed would not give a veto to the communities. It would use their judgement to inform the regulators in the exercise of their discretion. It says give “due regard”; it’s not a veto.

Joel: If the Board asked the community if they’ve been adequately engaged and the community says no, and the Board decides that there has been adequate consultation and gives it a positive Conformity Determine, the communities can still send it to EA. Is that appropriate? Is that the best process?



Heidi: First, the Board can't do a full consultation process when determining conformity. It's a straight forward exercise to check the application against the CRs. We only have time to make limited enquiries and fact check. Second, just because it conforms to the Plan, doesn't mean it won't go to EA. The trend is that less EA referrals happen once a plan is in place, but it doesn't mean none will. The Plan doesn't cover all issues, and is a negotiated document. Communities aren't getting everything they want. They may still have issues with development, as the Plan can't meet all of their needs.

Greg: Does the SLWB check with communities now on whether they've been adequately engaged? Do you define community orgs to be consulted?

Paul: If the Board sees some confrontation we can check. We provide a list of community orgs and they have to hold public meetings and follow-up with individual stakeholders.

Scott: Might want to look at what NEB requires in terms of consultation – they prepare a list of issues to be addressed for each application – one of the issues is always the adequacy of consultation. They have a template for what they expect to fill out on that. That becomes evidence of consultation that can then be challenged in the regulatory process. Sometimes they also require a follow-up consultation process once the project gets going.

Paul D: We do that. We don't have a template. The Draft policy has a matrix of required consultation. We require a log of what was discussed at consultation and we try to assess if there is a need for further engagement on specific topics. We are conducting a paper hearing essentially.

Scott: In some cases the NEB requires consultation once the project gets going. There are separate processes for different portions of the development. They are not off the hook just because they started early.

Lucy: Is consultation just a token word? Monitor too, just a token word. TK in our language is priceless.

Tom: We are still recommending that the Implementation Guide (IG) talk to joint planning. Remember that the Dene people are not a paper culture, so the IG should recommend meeting in person wherever possible. It's an oral culture. We want to avoid the conflict that happens when companies send a paper package to the communities and expect that that's enough.

CR #5 – Community Benefits

Heidi provided an overview of the comments and proposed revisions.

Ethel: I think about the role that we all play and what you said about us not getting what we wanted in the land claim agreement in terms of protecting the land and the Plan providing a vehicle for this. This is the benefit, not only for our people, but also for all Canadians. No value means the same for everyone. The majority of people I represent don't have the wealth to build corporations; the values they have are the wildlife and resources on the land. What value is there to building a new arena in Edmonton downtown? They are having a referendum to do



that. We too go through this process to see if we get the arena we want. One person's benefit is another's cost. It's the intrinsic value of the land and resources – you can't teach that to someone that didn't grow up with it. For us it is a collective, it means something different to us.

Paul T'Seleie: Community benefits are one thing but there will always be disagreement between communities, proponents, and government. TK bridges that gap and puts those differences aside by building public relations. TK studies shows proponents how we live up here and builds the relationship between us and fills the gap.

George: Communities view benefits as having jobs and making money. Also protecting what we already have – our wildlife and way of life. Having recognition, respect and being involved in what is happening. If you don't have that, you have a lot of stress. Knowing there will be no surprises is a good thing. Involving everyone all the time is a benefit and that should be a big part of the Plan, not just people who sit on the Boards but the whole community.

Bob: When diamond mines first came out, communities negotiated ABAs, money, first pick at jobs. All of these companies were multinational companies, they had the wherewithal to do this. Some small Canadian companies came along, and the communities had the same expectations of them that couldn't be met. What should the goals of this CR be?

Tom: The whole plan is addressing this idea of benefits. We're protecting land in many ways in this plan. We're protecting a way of life and being involved in things and those things are addressed in a broader way in the Plan. We shouldn't ask one CR to do all those things. We should focus our thoughts here on other types of benefits like jobs and contracts.

Lucy: Found a document in the office from the federal government. In the 1960s we lived in extreme poverty. People said we need to better our lives. What benefits means to people I don't know. Things could be built up better and we could have better infrastructure in our community. We have little contribution agreements to make do for a while. We need something to sustain us. How many years have we been talking about water? We're still talking about it. The larger centres don't have to deal with this. Even the hospitality industry, we have outrageous prices to go somewhere like Colville Lake. Our children need it better than before. We want them to see the world. We need to stay focused.

Ken: This is duplication. Access and benefits agreements are required already and cover off big chunks of this. Plans that companies have to submit to INAC cover off this. Why is it in the land use plan? The Plan should be about managing the land, not whether or not there is a scholarship program.

Joel: I hear what you are saying Ken. We didn't understand benefits – its unclear. Maybe it was in the plan because the Board was taking a broad view of it. I think we need clarity about whether we're now talking about a narrower definition.

George: Up till now we have been dealing with small projects and exploration. We have been talking about a few jobs, short-term things, exploration doesn't last long. That is something we should ask to be put on the table to discuss; something big like a mine.



Ken: If this becomes a conformity requirement, is it the SLWB who would decide if it's a benefit? That should be the stakeholder's determination. I question why this is a CR.

Ethel: We have other instruments that come into play on financial benefits, ABAs and funding from the government, and down the road, devolution. There are so many things in place already that provide resources to our people. I don't know if there is opportunity for collaboration, so that we have something that gets everything to work together.

Heidi: The history of the CR dates back to draft 2, when the Plan included a CR on the MGP. It had 3 elements, one being that the project must benefit communities. In the revisions leading to Draft 3, the other elements of that CR were deemed to be sufficiently covered by the zoning CR. The idea of benefits was not covered anywhere else in the plan so that clause was kept as a stand along CR. Since draft 3, everyone has commented. The board envisioned the broader definition of benefits, essentially asking for a cost-benefit analysis of projects. There should be a net benefit to communities for the project to be approved. It was intended to be a public interest test. A key comment we heard was that the entire plan addresses that broader public interest question. With respect to duplication on financial benefits, ABAs are only required on private lands. What happens on crown lands? INAC benefits agreements are only required for oil and gas activities and not for other land uses. So gaps still exist, even if we were to narrow this to a strict financial benefit definition. That's the history. The question before us is how to define this CR going forward. Should it be: 1) a public interest test, or 2) narrowed to financial interests?

David: A third suggestion is to focus this CR on the interests of the community. The IG could state that benefits are broader than just financial.

Ethel: Looking at the MVRMA, the guiding principle for land use planning is to protect and promote the social, cultural and economic well-being of residents and communities, having regard to the interests of all Canadians.

DAY 2 – November 2

Participants

Bob Overvold, SLUPB Board Member
Collin Bayha, SLUPB Board Member
Heidi Wiebe, SLUPB Senior Planner
David Elliott, SLUPB Legal Counsel
Michelle Swallow, GNWT
Joel Holder, GNWT (left at 2 pm)
Greg Yeoman, AANDC
Scott Duke, Legal Counsel for AANDC
Paul Dixon, SLWB
Walter Bezha, SRRB Chair
Marshall Netherwood, Shell Canada (left at 2 pm)

Aaron Higgs, TerraLogic Exploration /Aben Resources
Joe Grandjambe, Yamoga Land Corp
Heather Bourassa, K'asho Got'ine Land Corp
George Barnaby, Yamoga Land Corp
Paul T'Seleie, Yamoga Land Corp
Rodger Boniface, YLC / FGH RRC
Tom Nesbitt, Deline Land Corp
Rhea MacDonald NW RRC
Cece McCauley, President NWLC (am only)
Rodger Odgaard, NWLC
Dyanne Doctor, FNMLC
Ethel Blondin-Andrew, SSI Chair



Patrick Duxbury, Consultant for SSI
David Menacho, Tulita RRC
Alasdair Veitch, Sahtu
Region/Wildlife/GNWT (Notes)
Heather Sayine-Crawford, Sahtu
Region/Wildlife/GNWT (Notes)
David Purchase, GNWT, ENR, Forest
Management
Trevor Sinclair, DFO
Ruari Carthew, DFO
Vicky Johnston, Env Canada
Ken Hansen, Husky Oil Operations Limited
(am only)

Lucy Jackson, YLC
Chief Raymond Tutcho, Deline First Nation
Peter Menacho, President DLC
Valerie Yakeleya, Tulita RRC
Jacinta Grandjambe, YLC
Harris Harris, YLC, FGH RRC
Leon Andrew, Norman Wells
Paul Modeste, Deline RRC
Raymond Tanteton, Deline First Nation
Dolphus Baton, DLC
George Oudzi, Colville Lake
Dora Grandjambe (Interpreter)

Opening Prayer by Lucy Jackson

Heidi started with a summary of Day 1

Tom reiterated that any of the recommendations that came forward yesterday be put forward as recommendations in the Implementation Guide, things like Scott's proposal to use the NEB template, do joint planning wherever possible, include relevant TK specific to the area, meetings in person wherever possible and appropriate.

George B: I hear reference to settlement lands; that is our private lands. We use all of our lands; some we own privately, through the band we still have rights to all the land, even though we don't own it. I don't like settlement lands, that's what self-government is about.

George Oudzi: Asked where Zone 1 is on the map and who CWS is.

Heidi: Do you mean CR #1? That refers to the whole map and lays out all the zoning. Zone 1 is Marion Lake. CWS is the Canadian Wildlife Service.

Ethel: The Land claim set out community benefits, the MVRMA comes from that, the Plan comes from that. It's clear that benefits are required. I think the only distinction is what kind of benefits we're talking about.

Joe: Clarified that the Plan must be for all lands, not just settlement lands. We are talking about our Group Trapping Area. I want to make sure the other parties understand.

Tom: Looking at the Table of Contents for the CRs, we need to look at all those as benefits – the zoning, the protection of special values, project-specific monitoring. I wonder whether we want to try to pigeon hole all benefits in the LUP into this CR or whether we acknowledge that benefits are spread throughout the Plan.



Scope of Authorizations – Migratory Game Bird Hunting Permit

Heidi: Following the first workshop, Vicky from CWS/EC identified another authorization that they felt should not be subject to the Plan. We would like to give her a few minutes to talk about that so everyone knows what is being put before the Board and can discuss it.

Vicky: Environment Canada issues a Migratory Bird Permit under the migratory birds convention act. It is issued for research like banding birds, where birds need to be handled. It also requires a wildlife research permit. One authorization we issue is the Migratory Game Bird Hunting Permit. It is issued to non-beneficiaries when they want to go duck or goose hunting. They have issued 4 or 5 in the last few years for non-beneficiaries in Norman Wells. It's like a business type licence. They have to follow bag limits and hunting seasons.

George clarified his understanding with Vicky that the application of the hunting seasons is to non-beneficiaries only through this permit.

Joe: What kinds of conditions do you put on that permit and who monitors them?

Vicky talked about the bag limits and hunting seasons and again clarified that this is only for non-beneficiaries and only for hunting waterfowl. The limits are set according to population surveys that are done regularly. CWS monitors bird populations and have wildlife enforcement monitors but there are only 3 monitors for the whole NWT and Nunavut.

Paul Modeste: Where is the head office is to get those permits?

Vicky: The head office is in Yellowknife but you can buy them at the post office.

Paul T'Seleie: You are infringing on people's hunting and we don't know about it. It's too easy to get a permit. None of the information comes back to us.

CR #5 (continued)

Patrick: Want to follow-up on the idea of a public interest test. What Ethel read out yesterday is the guiding principles of the MVRMA for land use planning. Use that as the definition for the public interest test. It speaks to more than just economic benefits. Scientific research can provide a cultural benefit. But that could set a low bar for what a benefit would be. Maybe there's room in the IG to orient applicants to what sort of things would constitute a benefit.

Vicky: When CWS does field studies, financially we don't have much to offer, but what we offer is a practice to hire students to come with us to do the work and it serves the public interest to find out more about what's out there. There is also the community involvement in project planning. What we do is more along the lines of a public interest test, other than the direct hiring. On the financial side, we have less to offer.

Greg Yeoman: Our interests are for clear conformity determination criteria, and fit with the existing regulatory regime. There is a perception that the regulatory regime is already complex and this CR would add one more layer to this perceived complex system. You would have to be



clear on the rationale for it and the test – what is the information required, who is the community, etc.

Aaron Higgs: I echo Tom’s sentiment about the Plan being a benefit. Look at the wording we came up with for CR #4 – “give due regard for community well-being”. You want to emphasize the broader interest here. If it’s tightened to a financial benefit, it could be tough to conform to. A lot of Geoscience Office projects are small scale – none of their projects would be able to conform to a financial benefit test. Small exploration projects would have the same issue. Through community engagement, benefits are one of the things that would be talked about. We would need clarity on what the expectation would be.

Joe: The community view on benefits is that whatever happens on the land, large or small, we want to know. We are reasonable. We don’t expect a benefit from every land use. For research that will benefit others as well, we support that 100%. The proposed wording on p 27 meets our needs (GNWT’s).

Rodger Odgaard: I think we’ve got the definition for benefits from the MVRMA (purpose of land use planning). I don’t think there should be a threshold. Even small research projects should have a community person to go along with them so they can watch and learn. There are a lot of small projects that don’t have a community person with them. It should be in the Guide that they try to include local people.

Tom: There are some benefits that we don’t seem to talk about. Propose adding “...including employment, capacity building and training” to the end of the GNWT’s proposed wording on p. 27:

Before any land use activity is authorized, Regulators shall be informed by applicants how communities will benefit from the proposed land use, including employment, capacity building and training.

George: We should leave it open. We have never dealt with production; we have always dealt with small projects. If there is production it should be left open. We are talking self-government. Nothing should be set. A whole range of benefits could be got from the lands.

Trevor: With smaller projects, for example someone installing a crib dock, one community member may want it, but how is that a community benefit? Or if you have a school group that wants to collect invertebrates – these are small activities that you might want to reconsider, especially if we narrow this to a financial benefits test.

Aaron: No need for a threshold if benefits is defined in the broader sense, but if it’s financial or community benefits, then some accommodation is needed for smaller projects that may not be able to do that.

Raymond Taniton: Under the claim we negotiate with companies directly on ABAs. Then there is the Plan. We heard from CWS about their permits. Anyone can run around on our land without our say, no monitoring or enforcement, where is the benefit to the community? There is no legislation charging non-beneficiaries for accessing our lands. The RCMP won’t charge anyone. That’s an issue for the communities. Once the land use plan is finalized, we should really educate the communities about how things should be done. Back in 1993 when we signed the



land claim, I thought we were done, but the hard part is implementation. Negotiating was hard but implementation is even harder. We need to build capacity and make sure communities benefit.

Greg: I support what Aaron said – it depends on how we define “benefit”. If the Plan is construed to have many benefits we’re good, but if we get more specific it’ll be tough for some projects to meet that test.

George B: We’ve been talking about companies mining, but what about big game hunting or others using our land. This should all go through the community. We have the band and RRC to look after these things. The Plan should be for all of these to go through the community. If people have complaints, action should be taken right away. It was important to put wildlife in our claim. Trapping is only for beneficiaries. We should look at that part as well. There are people on our land hunting – that should go through us as well. We like to know what is going on on our land. It’s not only companies that interfere on our land. I know the other districts have complaints about interference on their land and rivers. The Plan should cover how we manage that.

CR #6 – Community Land Use Monitors

Heidi provided an overview of comments and proposed revisions. This used to be Recommendation #2.

Raymond: We negotiate monitors with companies through the ABAs. The Plan then says hire monitors. How does this work between the LUP and the ABA? Is this two layers of monitoring? You have to negotiate benefits plans for all zones, so where do we stand?

Heidi: Where you are already negotiating the hiring of monitors, then the CR would be met. It is in the areas where an ABA is not needed that this CR would be used. I was under impression that this doesn’t always happen.

Rodger O: I believe that the LUP supplements and works with our ABAs. In part 1, you need to speak to environment in here and spills and things. On part 2, with monitors in the past, when they find a spill, they take pictures, where does it go from there? A better solution would be for the monitor, proponent and regulators reports to get compiled together to ensure that nothing is missing and there is a complete record. The monitors are sometimes ignored, and shunned if they report things. Something as simple as compiling the monitor’s report with the proponents and the regulators so that everyone’s concerns are identified would help monitors have more confidence. Sometimes there is no political will to back up the monitors.

Bob: Maybe we can put that kind of detail into the IG? Give some thought to that.

George: There still needs to be work done on the monitoring program. We have some good stuff in there. Going through the RRCs is a good way of doing it. It keeps it with the beneficiaries of the claim. There has to be a better system for monitoring and maybe we could get ideas from the Inuvialuit or others. Even they had issues. We heard about a guy that lost his job for reporting something unpopular. Need more public reporting so the onus isn’t on the Board or the monitor. The strength behind the monitor is the people. Communities negotiate all



kinds of things, even monitors. Sometimes the monitor gets in their way, so reporting should be in the public arena.

Vicky: I like what Rodger said. I've heard stories too about monitors who are punished or ignored if they try to report something they see that is not right. However if it's in the Plan, there needs to be structure around that for the reporting. As a proponent doing bird surveys, that puts us between a rock and hard place. We use our limited budgets to hire students to work with us. They get a job and practical training. We have preferred that over hiring a wildlife monitor for example and it helps us do real work that we need to get done. We're not exploiting the resources; we're trying to learn more about the resources. If it stays as a CR, we'd like to see a threshold or options to hire a research assistant instead of a monitor.

Greg: What does "independent" mean or "qualified"? Are there qualified, independent monitors available? Who qualifies them? Who do they work for? There are questions about identification of values. First you have SMZs that identify values. There are community meetings that identify values. How does this CR interplay with other CRS? The inspectors can only check conditions in land use permits. The preference from INAC is generally to have fewer CRs. INAC is doing a full review of the discussion document and that is not yet complete.

Ruari: From DFO perspective, I think it would be good to have the risk aspect incorporated that Vicky mentioned. It would be good to incorporate water into this (not just land use), e.g. for water withdrawals or activities on GBL. Agree with Rodger about public reporting for the sole reason that communities don't have enforcement capabilities. If there are people out looking at projects then it would be a shame not to share that info with the proper authorities.

Joe: Community position is that we must know what is happening on our land. Not all activities have to be monitored. We seem to be in agreement with the wording on P. 28 and we could live with that. The community and Chevron worked out a monitoring program. The monitor could have the legal authority to stop the whole project if he deems it necessary, if there is damage to the land. A line like that would give the monitor a lot of authority.

Joel: By adding the capacity building and employment add-ons to CR #5, does that capture the issue here in CR #6?

Heidi: I think this is more about the monitoring than employment.

Ken: We do a lot of reporting - daily reports, safety reports, oil spill reports - reporting isn't something we find difficult or something we don't want to do. If you want to elevate monitoring to something akin to safety reporting, it is encouraged, and goes along with mitigation. That may go along ways to putting credibility and putting some bite into the monitoring process. You need training for monitors to do that though. If you are going to suggest that monitors have the right to shut down operations, companies won't accept it if there isn't rigour, discipline and training. I don't think you want to put that responsibility on someone who lives in camp with those who are not being paid because the operation is shut down. But you can include it into the regular reporting.

Marshall: Could there be more conditions included in land use permits about reporting? We need to consider the regulators' role in all of this.



Heidi: The SLUPB can't change anybody's jurisdiction through the Plan. We can't give communities authority to shut down operations. If the company wants to give the community that power they can do that through their direct negotiations with communities, but it can't happen through the plan.

George: How much should we put in the Plan? We know we want monitoring and things done in a good way on our lands. The communities work with the companies, but it's not the companies on the land – it's the seismic companies or someone else – not the ones we talk to at community engagement. If we do work with these guys we can make arrangements to ensure everything is ok. So we negotiate monitoring, but then we're talking to someone else, not the ones who will be on the land. There is no agreement with them, it's with the company that hires them. We were partners with a company in this region and they were doing drilling and they were really watching for safety. The O&G company doesn't want to be responsible for anyone getting hurt on their projects or they won't get hired. If we can talk to the company, we can ensure also that they have clean operations. I'm looking for a better way to make sure that people on our land are doing a good job. One way is to negotiate it.

Peter: At the end of the day, the onus is on the applicant. A small job could have a huge impact. If there is an impact, who does the monitor run to? We need to develop a protocol for monitors. Look at what happened to Wrigley, or with Imperial here. They did a report and it was nice. We found out the next year that there was a huge spill on one of those islands. That's why we need the information and we monitor. We need the info to be shared with everyone. We need to define this protocol – who do they go to, who do they contact?

Ken: I don't think industry is opposed to reporting. We're suggesting that the monitors themselves would put the reports in on incidents – what was done or will be done on mitigation, how long this will take, would all go into the report. The report would go to the SLWB or INAC, whoever this group decides is the appropriate group. One of the concerns of industry is transparency. What is reported to communities needs to come to the company as well so we can address it. If the company doesn't hear about it and finds out later that it was smeared in a report, that doesn't help anyone, and it doesn't protect the environment. To be effective there needs to be systematic reporting, to the regulator and to the company.

Aaron: Agree that a process for distribution of monitoring reports should be developed. They currently go to the RRC and I think it stops there. I agree that it should be a public report and available to all including to the company, the boards, the public, community members. In terms of the threshold, there are some instances where it's not feasible to have a full time monitor on site, such as a small mapping project. You need to address the threshold issue. Some overlap between this CR and CR #3, which requires reporting from the proponent to the Board.

Paul Modeste: Did monitoring on Sawmill Bay. There were government people working in the area. They cut the wood and went fishing. I told them they needed a permit and I was told not to say anything. So where do we report to?

Peter: When a project is approved, the applicant and contractors need to follow the criteria that were agreed to. The contractors sometimes cut corners, they don't know the sensitive areas.



He did a report but we don't know where the report should go to. A small thing can become a big incident.

Ruari: Unsure if it was a case of illegal poaching. You should contact the wildlife officer and they can tell you who to talk to, people like Alasdair. He can tell you what's allowed and what's not. Make sure you report it as quick as possible.

Michelle: Seems like there is a real need for a monitoring program to be developed here. Whether a CR is the right place to do that I'm not sure. It would be helpful to see other examples of where this has been done in other land use plans. (Action: Heidi to follow up).

Walter Bayha: I've lost track of all the monitoring programs. It's not just here in the Sahtu, but around YK as well and other areas. About the need to give authority to the monitors to enforce land use regulations and conditions - I've talked to a lot of monitors and Rodger is right; you don't want to create monitors that are rejected in the community and other places. The Dene people didn't have inspectors when we grew up but we followed protocols. We didn't cross into the barren lands without letting the Inuit know. We talk about stewardship. We don't want monitors to get into enforcement. The community just wants to know what's going on.

You can take pictures and do reporting. If Paul had a sat phone he could have called Leroy and they could take care of it. We need to look at the bigger picture. We want to have good monitors and good relationships with the companies. We want that information. I want to know how many caribou he saw, how much fish they are taking, what land my grandfather was using, what plants he used, where are the natural harbours. There are less people living on the land. We don't have a way of doing that anymore. If you look at the stats of who is on the land now, it's fewer and fewer every year. The developers sometimes spend more time on the land than we are.

Take a look at what the Inuvialuit are doing. They have monitors (different name). They report directly to the Inuvialuit Land Administration. You don't want to push into enforcement and inspections – those are speciality jobs and you're on your own. You have to have an arms length relationship with everybody.

One of the things we looked at with the LWB, is the way the NEB does its inspections. They call it SMART Regulations – the onus is on the proponent to prove things and the inspectors just check stuff. With wildlife management and habitat, the current wildlife regulations, land use permit and water licence regulations don't help our mandates. When we have hearings, proponents put in wildlife management plans – that goes into what our Board does.

The monitoring overall is an excellent idea. It's a great way to build relations with the community. In June when most projects are over, I'd love to get a report about what has been happening in the Sahtu region. We rarely talk to the inspectors unless there's a problem; we just get their reports. I would love to see monitors send a report to their own people.

Legislation is one thing. Very rarely have we accomplished something with legislation. Usually we just sit down talk about it and sort it out. Legislation is to give general order to things. We don't want monitors going to court – if you want to give monitors authority to shut down an operation, you'd have to go to court and defend your decisions. They would be challenged – do you have the expertise and qualifications to make that call?



I would like to see our Boards building build better relations with the community, letting the communities decide how they want to deal with their own management. It's time to look at what the purpose of the co-management boards are. There is a CIMP workshop this month – looking at wildlife priorities in the Sahtu. There are gaps. The land use plan has to be there, the decisions will get easier.

Joe: I threw out the idea about giving monitors legal authority and in part I just wanted to see the reaction. We think the revision proposed is suitable and it has to be a CR. Its also says that first contact is with the proponent. We can determine thresholds. If a project needs a monitor, we can determine that together.

George: For our own part, we have to work on a monitoring program. We have to work on our negotiations as well. We negotiate with the company to make agreements that are acceptable. But those guys are sitting in Calgary in the office and others are on the land and we don't get to talk to those guys. We have no say on who it will be working on our land If we do, I'm sure we'll come up with a good agreement and good ways of monitoring. When they hear the inspector is coming they clean up. If the inspector would come all the time it would always be clean. If the community is coming, the company usually treats them really good and makes sure that everything is running good so the community has to be really involved and everything should be public. The public has to be involved with the contractors out on the land. If someone is watching and it goes on their records, we can say to the company that we don't want these guys working on our land next year. Monitoring should be part of the community engagement and helps our negotiations. We can send one guy out on a regular basis.

Tom: I will try to weave all these strands together. 1) All persons working on the land shall inform RRCs and District LC of projects on their lands. 2) All applicants shall work with RRC and Elders to design a monitoring program. 3) Research orgs shall, where possible, hire assistants or students. 4) Individual researchers need only report their findings to the RRC and District Land Corps. 5) Companies shall hire an independent community monitor to carry out inspections on their activities and shall train monitors to properly carry out the monitoring. 6) Where a monitoring program indicates an issue, the monitor shall report to the regulator. 7) The monitor and land use inspector shall report annually on their findings. 8) The SLUPB shall publish the reports on a yearly basis and keep a record of such reports. 9) We should develop a protocol over the next 5 years.

CR #7 – Archaeological Sites, Historic Sites and Burial Sites

Heidi provided an overview of the comments and proposed revisions.

Vicky: I like the revisions and the balance. There is a scaling in it already. When it comes to the second part, what's the bar for potential impact? Is it activities that require excavation or does it include other things?

Heidi: I would envision a reasonableness test. The onus is on the proponent to demonstrate no impact.



Marshall: Concerned about the 500 m setback, when the regulations say 30 m and the SLWB requirement is 150 m. Suggest that the Plan keep the 150 m setback and allow the SLWB to set a larger buffer where needed.

Paul: The 150 m is something we have been doing as part of our general terms and conditions. We have extended the 30 m to 150 m based on concerns. We can add any term we see fit.

Joel explained that the 150 m is at the request of the Prince of Wales Northern Heritage Centre. It provides a buffer to allow for GIS errors from old data capture methods.

Lunch break

Next Meeting

Group discussion on next meeting date and location as some participants are leaving early.

Next meeting – Dec 2-5 start Fri 1-5 pm, Sat-Sun 9-3 pm, Yellowknife, Champagne Room again.

CR #7 (continued)

Joel: I'd like to see that the Prince of Wales be included in discussions if a lesser setback is used (in item 1) – add Prince of Wales to "in cooperation with affected communities..."

Tom: There are also NWT Archaeological Sites Regulations, which prohibit people from searching a site without a permit or altering or excavating a site without a permit.

Joel: Are archaeological permits subject to the Plan?

Heidi: That's part of the Board's ongoing discussions on the scope of authorizations and has not yet been decided.

Marshall: I'm asking that we stick to the 150 m, and if the SLWB feels its necessary they could add to that buffer.

Greg: Would this require a condition in an authorization to implement? Can you add "where possible" to consulting with families. Are they always available to talk to?

Heidi: This would likely be a front-end check through the application (the proponent could demonstrate that they are outside the buffers).

Ethel: When they did the land sales here, there were a lot of issues with Three Day Lake. Our ancestor is buried on the west end of the lake. We have not identified where Chief Smalldog is buried. How do you mark it if the families haven't marked it? We need to identify where that is, because there is proposed development around there. There is a 500m buffer around the lake, we don't know if the site is in or out of that CZ. We need to hire a professional to help us with the site. Don't want a rig in there – it would be like having one in Arlington Cemetery. It's so important to us.



Scott Duke: There is also the Heritage Resources Chapter in the claim, S. 26.1.5, which prevents the disturbance of those sites without consultations. There should also be a schedule that identifies such sites. I don't know if it was ever done. That could be a recommendation in the Plan.

Tom: The Joint Working Group was established some years ago. Tom Andrews was the chair. They wrote a report, "The Places We Take Care Of". Some places are now being protected by this LUP, so some of this work has already been done.

George Barnaby: There are a lot of important places. The Claim says Sahtu Tribal Council but it's really at the community level. That's where it should be handled. When talking about the Mackenzie Valley Pipeline, they were talking about using Bluefish Creek as a staging area. That is a very important place. People don't understand how big a staging area is. I think all these important sites where people have stayed for thousands of years should be marked down so they're not used for any large-scale development. There are a lot of them.

Ethel: Wasn't this part of the early work of the SLUPB when starting on land use? There was a document in FGH dialect back in the early days, maybe the first draft of the LUP. We talked about this for Naats'ihch'oh Park - having a heritage working group. The RRC seems to be the vehicle. I don't think we've done enough work to implement the claim on that chapter if people want to start working in these areas.

Detailed discussion on the wording in the claim, the Plan and the regulations about buffers and requirements to not disturb.

Joel: If you implement part 2 and do an archaeological assessment, you'd first need an archaeological permit, and then you'd first have to do a Conformity Determination on the archaeological permit if those are subject to the Plan. That's a problem.

Heidi: Yes, that circular issue came to light after the first workshop and we've flagged it to deal with it.

Ethel: Sucker Creek is where Mackenzie first made contact with our people. There is good fishing and abundant game there. This needs more work. The sad thing is that lots of Elders are gone who can speak to these sites.

CR #8 – Watershed Management

Heidi provided an overview of comments and proposed revisions.

George: I think the best way is to always do what we want. Right from way back in the 80s, the community's position is always to return the land back to the way it was, and that includes the water. There is a lot of impact on the Mackenzie River. There is baseline data there; the community is concerned. We need baseline data to be collected, especially for water where things move around, it should be required. Even if there is production of something, they can do it in a safe way. When Imperial was doing their expansion project in Norman Wells, FGH



negotiated that their sumps would get placed far away from the river. Always keep the water the way it was before.

Vicky: Also wonder what substantial alteration means but understand the issue in trying to define it. I think it's a good thing to keep in the Plan. The GNWT is negotiating a transboundary water agreement with AB and having this in the Plan demonstrates that the NWT is trying to protect its waters and is walking the talk, in addition to the Water Stewardship Strategy.

Joel: I agree with what you say.

Tom: If we think about grandfathered rights and access across SMZs and CZs, I propose to strike out "located in a General Use Zone so that those permits captured in grandfathered rights are not affecting the water. Then you would have a more generally applicable CR.

Ethel: In 1962-63 here in NW, we used to travel by dog team. There is an area below Imperial that would stay open all year, it never froze, it always amazed me. I thought that must be warm water. Then I started thinking that it can't be just warm, it must have a lot of contaminants (effluents). I think that is still the case today, it is worrisome. I raised this with the head of IOL. This is a big issue – water issues, especially for FGH. I don't trust it either. I questioned it in 2006. I got a report, I read it, I couldn't understand it. It's the element of trust. I see intersecting points in the Plan - one is trust, one is the security of health and wellness of the people. The health of the land and environment is important. No one can convince me that those flares and open water is a healthy thing. I wish we could go back to the way it was. Anything we can add to this LUP to protect the environment is a good thing.

George: A good plan is to keep water the way it is – good clean water and maintain it at that level. The plan shouldn't leave the door open to let people come in and do something different.

Joel: We like the revisions that Tom proposed. It is in line with the NWT Water Stewardship Strategy. Whether it takes away from the claim, we still have to check with legal and get back to you on that.

CR #9 – Drinking Water

Heidi provided an overview of comments and proposed revisions.

Patrick: Thanks for providing the definition of contamination. We like your response on p 34 even better as a definition – "potential for the effluent from their proposed land use to render a downstream community's drinking water source undrinkable."

Michelle: The maps will be updated as part of the source watershed protection plans. These are not yet completed – questionnaires just went out. I will forward it to the Board. We are behind on mapping – it has to be contracted out.

Heidi: We will need to get a timeframe from you on the mapping (**action**).

Walter Bayha: Right now we follow CCME standards. More and more we're going to the site-specific water standards, especially for drilling fluids. Water quality in some areas are very poor



and some areas are very good. So maybe talk about site-specific quality. We do test certain lakes and areas.

Paul: It's a difficult one to assess. There are background things that affect quality. Sometimes, the standards are already breached in the natural environment. We have seen it with mercury from melting permafrost. I agree with the message but we struggle with this CR. We don't have the data. It's something that will take time and a lot of work from everyone at the table to implement. If the onus is on the proponent, they will never say something will impact the drinking water.

Heidi: Then it would be up to the SLUPB as the conformity determiner to see if we agree with their assessment.

Tom: It's possibly a timing issue. Proposed new wording that would allow an assessment of impacts after the fact. "A land use activity must be assessed for its impact on downstream drinking water sources. Any activity that would result in the contamination of water within community catchments as shown on Map 6 is prohibited." Then test for impacts at a time that it is feasible.

Paul: I think that would work. Then we could also tie it back to the claim provisions for compensation for impacts to water quality. I still think the implementation is questionable.

Joe: We take this CR very seriously. Over the years, cancer has risen 10X in FGH. Four new confirmed cases last month. When it comes to drinking water it's the only common tie between the cases. We ask for tests and they do them but we don't trust them. They keep reassuring us but we want something more independent. We want good safe drinking water in FGH. We're reserving our comments because it's such a sensitivity for us. We don't trust any of you to protect us and our water. We have to find something to protect ourselves and our community. The wording must take into consideration FGH because we're downstream of every activity, whether it's AB, BC, or Norman Wells. We should take some time on this one. I don't see agreement on good wording here today that will give us good quality. Every Canadian deserves safe drinking water and we don't have that in FGH.

Peter Menacho: Want to identify something that, when we deal with water, it triggers how it will impact the community. Today, Deline is still dealing with uranium and the effects of it. When we talk about downstream effects, nobody has an answer. They may do a health assessment and have monitors, but we lost lots of Elders. What safe level are we talking about? The more rulings we throw back on this one, we need something that triggers the need to sit down with the community and discuss the impacts. If you look at the GBLW, over 60% comes in from the Tlicho and Dehcho regions. We are protecting areas, we are cleaning up areas, we work with government so that clean up is done properly. At the same time they are issuing permits on the Tlicho side. How do we deal with that as a municipality? We sat down with MACA. Great Bear Lake is probably one of the freshest lakes, yet we drink a lot of chlorine. Why is that? We wanted a new water treatment plant. We did the assessment, now there is contamination that is linked to the water intake. We have an outstanding issue. We need to trigger some things so that the proponent or government can sit down with the community and deal with it properly. Since 1996, we still have the bilateral arrangement with Canada. It is not



resolved. A lot of elders have passed on, still we deal with that. We need to set an example. How do we deal with this properly?

Lucy: Are we saying the onus is on the applicant – the oil and gas? Is that correct? (Heidi nodded). Every community should have a document from Ottawa about oil and gas activity in the far north. It was pretty active for many decades. Because there was no law officers or monitors to monitor every company that was on the land up here, there are so many contaminants on the land (like the DEW line). Cancer was specifically written in that paper - different types of cancer, mainly through the stomach parts. That paper must be filed somewhere in our office. I thought somebody cares over there. I needed to bring this to everyone's attention. Make sure something is going to be done. I don't want to rule out anybody at this time. We need the help of governments to tell us that this may be the cause. You can't rule it out because we don't trust them. This onus is where I have concern. If the onus is on them to tell us the drinking water is safe, I don't think they will tell us, then we are not safe.

Rodger O: I would like to know how the Dehcho and Gwichin deal with this? **Action: Heidi to check into this.**

Michelle: Along with source watershed mapping, there is also work with the NWT water stewardship strategy on a protocol to build more community-based monitoring.

Vicky: We're fine with Tom's proposed wording.

Trevor: We're fine with it too.

Greg: Glad to see the definition of contamination. What Tom is saying would require some monitoring by the applicant or some monitoring of the catchment areas. I am cognizant of the implementation issues raised by the SLWB.

Ethel: When I was MP, I had to go to Aklavik and meet with them because they felt there was something wrong with their water. The others that came were sceptical but I believed the community. They did a report on the water in Aklavik and they discovered H. Piloni, which is a pre-cursor to stomach cancer. The people were right, they are not scientists, they don't do water quality tests, but they knew. Don't be afraid to tell the truth.

CR #10 - Wildlife

Heidi provided an overview of comments and proposed revisions.

Aaron: Question for CWS about where the concentrations are for waterfowl. What is the definition for "other concentrations".

Vicki: We have known concentration sites for the NWT and Nunavut. It's the Key Habitat Sites as identified in their booklet. There are 4 sites, including Willow Lake. In terms of "other concentrations", waterfowl don't always concentrate where we expect them. We rely on the applicant, if they find a major concentration that we're not aware of, to apply the setback and stay away until the waterfowl move on.



George: In our area we don't have many zones in the caribou migration area so it's good to put down habitat and migration routes.

Greg: Are there procedures already in place to implement this, and what are the information requirements? Will the Board provide something on the website in terms of contacts?

Heidi: When we put this table together I was told that these are measures already being actively used in project reviews.

Alasdair: The setbacks came from various places, the caribou ones came from WMAC (Inuvialuit version of SRRB), Dall's sheep and mountain goat came from Yukon, Alaska, etc. CWS gave us the ones for waterfowl and raptors.

Peter: We don't have much, we have a program in place to keep harvesters within their quotas. This year with the Bluenose East herd, there is an increase in population. The other group, there was a ban on their caribou. How can we work together with other groups to try and minimize the harvesting impact on caribou?

Alasdair: We work with all the other groups from Yellowknife and North Slave and Western Nunavut on the Bluenose East herd. This year they put some collars on. We all use the same procedures, and they go through an animal care committee.

Tom: There is also a Committee called the ACCWM, which consists of chairs of all boards or committees that manage wildlife. They completed a management plan for the Bluenose herds. The purpose is to try to get the different groups to cooperate on their harvest so the full herd, which crosses boundaries, is managed to ensure the long-term survival of the herds.

CR #11 – Species Introductions

Aaron: Concerned that even a plane landing in Norman Wells can bring in seeds. Zero impact means no land use.

Alasdair: If we add the word "intentional"? Will that work?

Aaron: OK.

David: Should there also be some positive action in this CR then? E.g. reduce the likelihood of unintentional introductions.

Heidi: I remember that SSI had previously proposed some language about that in their Draft 3 comments; e.g. "actions should be taken to avoid..."

George: They have to clean their equipment before they come in. Another issue is that they seed with plants from the south. It should always be done with local plants.

Tom: We like the comment. It has to be more than "we didn't intend to".



CR #12 – Sensitive Species and Features

Heidi provided an overview of the comments and proposed revisions.

Vicky: Rare plant section makes me a bit nervous. With really rare plants, any land use can impact them. For small projects specifically, they can't afford to hire a botanist, so we would need easy-to-follow and precise guidelines with photos and good habitat descriptions to allow people to identify and avoid the plants and carry out the work ourselves. It needs to be simple so that people can incorporate it into their projects.

Trevor: Might want to expand the survey beyond plants because around the hot springs you can get other rare things like bacteria and warm water clams.

Rodger Odgaard: Concerned about mineral licks. There are new species or plants growing in the caribou waste in the melting ice patches in the mountains. There are spots where the coral reef is still in the mountains. There is one canyon with a petrified coral reef, near where they found the oldest fossilized organisms in the world at caribou pass. Seventy five miles west of that in the headwaters of the mountain river you've got rare species and petrified coral reef. I wonder what industry thinks about this. There are areas where they wouldn't be able to touch because of all the mineral licks out there. I would be concerned if I was industry. I don't see recognition of the area I am talking about. Would like to see more protection on these areas. I like the protection but wonder how industry could operate.

Michelle: Dr. Derek Ford (a world renowned karst expert) has been studying the karst in the Sahtu and believes there are areas here unique enough to merit UNESCO GeoPark designation – a prestigious international distinction. He is preparing a proposal to the GNWT to see protection and recognition of karst areas near the Canol Trail. If the area were legally protected, it could lead to a regional request by the NWT for Canada to consider putting forward the area to UNESCO for consideration.

Aaron: How was the 500 m buffer around hot springs in part 4 derived? I echo Vicky's sentiment about making the plant survey easy. There are tons of fossils out there. You'd have to do a study to determine further areas for protection.

Heidi: The setback came from PAS Science Team. [I can look through the comments we received on that, or perhaps Michelle can speak to that.](#)

CR #13 – Closure and Reclamation

Heidi provided an overview of the comments and proposed revisions.

Ethel: Looking at comment 6 on p. 43. Does this CR apply to water as well? Thinking of the man-made islands here in NW.

Heidi: Yes, the definition of land in terms of the Plan is land, water and other resources.



Ethel: We could be talking about hundreds of millions of dollars in security. This might be a big issue for governments, similar to what is happening in Yellowknife with government holding vaults of arsenic?

Heidi: The SLWB goes through a model that calculates the security needed. In NU, a mining operation required \$10 million in security for a water licence. Initially in the plan we said collect security for every project where the amount is over \$50,000. We were told that anything below 50,000 would not be worth the headache to get the money back at the end. The outstanding question for us is INAC's comment to have security collected on crown lands but not on Sahtu lands – it is easier for FN to collect the securities and hold it.

Scott Duke: To clarify, we think security should be collected on Sahtu lands, but it should be held by the District Land Corp as the land owner, not by the Minister of INAC. We need another clause added for that.

Ethel: This is a big issue we are discussing in devolution. Who pays? Who maintains liability for contaminated sites?

Scott: I think you are speaking of liability for existing sites. What I am talking about is a new project, if that is entirely or partly on Sahtu lands. I would assume that the district land corp would want security posted, and I would assume that the security should be posted and maintained with them. This needs to be added to the CR.

George: We do own some lands in fee simple through our corporations. I don't like the word Sahtu – it was a new word with the claim. It used to mean Great Bear Lake. It is the 3 districts. I think it's better to hold the money through the Minister since they permit the activity. Part of the permit is getting security. I would like to see "Sahtu" and "private lands" removed.

Heather Bourassa: If we collected the security, what would be responsible for?

Paul: We discussed this with John Donihee and he said he who holds the security is responsible for clean up. The other issue is the Minister devolves his role for issuance of land use permits or water licences to the Board so that's a reason to keep the responsibility.

Ethel: There is never even money posted for cleanup and reclamation. Our other issue is, if the land corps hold the money for reclamation, are they eligible for other sources of funding? Would government make funding available to offset these costs? It is not going to be cheap. There is going to be pressure, to not make this too onerous so that development can happen.

Paul: The goal for us as regulators is to streamline the regulatory processes. Splitting security would complicate things.

Tom: I have some real concerns. Lands here are privately held but the system of land administration is a public one – the land corporations do not control the use of their lands, the public boards do. There is also an issue of capacity at the land corporations to negotiate, hold and maintain security. Right now we rely on AANDC inspectors to inspect compliance. How does that mesh with our responsibility as the body holding security – they would be responsible for enforcement – how do they rely on the INAC inspector? We want one system of security, not



two levels of security in different lands. I think this is a real challenge for us. I suggest legal counsel look at this.

Scott: As drafted, CR #13 only requires security to be posted on crown lands. I assume we want security posted on activities on Sahtu lands. Who decides what security is posted? Where it gets complicated is when the land use activity is completed. Who inspects, who signs off, who is responsible if things aren't properly done? We have been talking about monitoring throughout the project so hopefully this would give people a heads up if there are problems. If the minister were to be holding the security, I am assuming that the land corps would at least want some control over what security is posted. I am not sure how that would be done. That work is largely done by the boards done right now. There can be split security, some held under land use permit, some under a water permit (for the same project). Maybe we do need to have counsel involved, to determine how to make this work. I take Paul's point of adding a level of bureaucracy. On the other hand, a certain level of additional bureaucracy may be necessary.

Tom: Community monitoring systems are in their infancy right now. Real monitoring means designing and implementing programs where monitors look at specific indicators (outlined in program), it is not just observations. It is like going to the doctor, the doctor will look at certain indicators, which focus the doctors attention (age, blood test, blood pressure, etc.) You don't just get observed at the doctor. We are trying to develop the capacity to build these monitoring programs, which need to be looked at in the first phase of Land Use Plan implementation. We should not put extra responsibility, like security, on monitoring programs. When you talk about security, you talk about a very important issue. For example, the uranium clean up in Deline, were the funds used properly? We don't want to design something that is going to fail.

Heidi: In Nunavut, I saw a hearing for a water licence where the project was partially on crown land and partially on Inuit-owned lands. The Inuit organization didn't trust the federal government to manage security properly so both were charging the proponent \$10 million in security each. It can complicate things. We didn't envision changing the whole security regime with this CR. INAC, do you currently collect security for projects wholly or partially on private lands in other regions? If yes, then I would suggest we don't change the system, and take out the clause "that doesn't take place on Sahtu lands". Then this could be studied over the next 5 years and any necessary changes made in future plan amendments.

Points:

Scott: I don't think INAC is currently holding security for privately owned lands, because I don't think there are any projects wholly on private lands. The only place would be the Inuvialuit.

Paul: With multiple landowners, INAC still holds the security, like the MGM water license, which is partially on commissioners land.

Scott: The question is should the minister hold the security?

Peter: There is an applicant, the junior companies come and go, three times they changed their company status. Who is going to take care of their assets or equipment? Over 100 drums are sitting on private land. INAC doesn't have an answer.



Ethel: It is interesting how government takes certain actions and participates in different forums. We are dealing with devolution and there is a section on administration of lands and resources. Can these files be inter-related? What opportunities are there for synergy?

Paul: Right now the INAC inspector signs off on final clearance and then we sign off on the permit and there is a return of security. Maybe something we can put in the Plan is to have District sign-off of projects on private lands instead of the inspector.

David: The starting point is that any activity requires reclamation. Second point is who will do that. Typically it's the developer but what happens if they walk away or don't show up. If the developer does it, they get the \$ back and if not, the money is there for someone else to do it. Suggest for consideration that the LUP do two things with details to be worked out in the Implementation Guide: 1) There shall be reclamation, and 2) There shall be security to be determined by the regulator. I think the idea of having progressive reclamation in the Plan is essential. In the oil sands, where no progressive reclamation is required, no one did it. When it was required, it was done.

Michelle: Are you suggesting the CR itself mention progressive reclamation?

David: The CR should include the option of progressive reclamation but not require it.

Paul: The other land and water boards are dealing with this. The issue we see is assessing security deposits against progressive reclamation. E.g. the diamond mines are doing it, now how do you get the security back? The regulators can work that out. I like the idea of "should do progressive reclamation."

Tom: Suggest we can't resolve this today and have this addressed by legal council, including David and maybe Paul.

Ruari: For final wording, it would be nice to clarify that security is tied to final closure. DFO has security as well that is held back [until the terms of the habitat compensation plan have been met] and we don't want to get that confused.

CR #14 – Climate Change

Heidi provided an overview of comments and proposed revisions.

Bob: Before Ken left, he mentioned that he didn't believe the plan should talk about climate change.

Tom: In the GBLWMP we were focused more on infrastructure. This has been expanded since then to any land use activity.

Heidi: This was unintended and resulted from an initial expansion of the CR to cover broader climate change issues, then splitting the CR back into 2 components. We could go back to the GBLWMP wording.



Patrick: What is the expectation for climate change factors? As worded it is quite general and could be easily satisfied. If that is the case it may not be an effective CR.

Heidi: We didn't get specific direction other than, the Plan should deal with climate change. We pulled a list of factors from GNWT documents on climate change to help frame it, but that's all the direction we have right now. We're open to discussion on what the test should be.

Patrick: Can look at adaptation or mitigation or life cycle (individual projects may not have considerable effects but they contribute). If you want to focus on adaptation, you're on pretty strong ground there.

Tom: Let's consider the broader wording of "any land use activity". What else might be included?

Heidi: Roads, seismic lines. Would GNWT seismic guidelines deal with climate change? Would this CR create problems for that if it were expanded?

Michelle: Not sure how it would affect them. The seismic guidelines could be referenced in the Implementation Guide.

Aaron: Definitely need a threshold for smaller projects for part 1. I don't think impacts to permafrost is well understood for all land use activities, and either is climate change. I don't know if we know enough to put in requirements in a land use plan for it.

Rodger: I see what you're getting at for smaller projects. My concern is with larger projects. Westhawk wanted all their regulatory paperwork done in 2 years so they could set up a series of coal factories in a triangle across from Tulita. Talk about cumulative effects - we have diamond, coal and O&G interest all overlapping in the same area. I was thinking more along the lines of the big projects like the coal plants that will pop up in the future. How does this fit with the Kyoto accord? A cat doing seismic has an affect but I'm thinking about the big projects.

Closing prayer by Leon Andrew.

DAY 3

Participants

Bob Overvold, SLUPB Board Member
Collin Bayha, SLUPB Board Member
Heidi Wiebe, SLUPB Senior Planner
David Elliott, SLUPB Legal Counsel
Michelle Swallow, GNWT
Greg Yeoman, AANDC
Scott Duke, Legal Counsel for AANDC
Paul Dixon, SLWB
Walter Bezha, SRRB Chair
Aaron Higgs, TerraLogic Exploration /Aben Resources

Joe Grandjambe, Yamoga Land Corp
Heather Bourassa, K'asho Got'ine Land Corp
George Barnaby, Yamoga Land Corp
Paul T'Seleie, Yamoga Land Corp
Rodger Boniface, YLC / FGH RRC
Tom Nesbitt, Deline Land Corp
Rhea MacDonald NW RRC
Cece McCauley, President NWLC (am only)
Rodger Odgaard, NWLC
Dyanne Doctor, FNMLC
Ethel Blondin-Andrew, SSI Chair



Patrick Duxbury, Consultant for SSI
David Menacho, Tulita RRC
Alasdair Veitch, Sahtu Region, Wildlife,
GNWT (Notes)
Heather Sayine-Crawford, Sahtu Region,
Wildlife, GNWT (Notes)
David Purchase, GNWT, ENR, Forest
Management
Trevor Sinclair, DFO
Ruari Carthew, DFO
Vicky Johnston, Env Canada
Lucy Jackson, YLC
Chief Raymond Tutcho, Deline First Nation

Peter Menacho, President DLC
Valerie Yakeleya, Tulita RRC
Jacinta Grandjambe, YLC
Harris Harris, YLC, FGH RRC
Leon Andrew, Norman Wells
Paul Modeste, Deline RRC
Raymond Tanteton, Deline First Nation
Dolphus Baton, DLC
George Oudzi, Colville Lake
Johnny and Ruby MacDonald (lunch
discussions)
Dora Grandjambe (Interpreter)

Lucy Jackson said an opening prayer.

Heidi summarized discussions from Day 2.

Walter: I talked yesterday about people's ties to the land. They're not out there as much anymore. Now that they're not there, we need someone to replace them. People used to always have the single side band radio and people would talk to each other about where they were, what they saw. People listened to that more than regular radio. I'm not talking about enforcement; we didn't have that. We were just on the land watching. And we need a replacement on that. That's the point I was trying to get across.

George: On monitoring, its not just watching, but they should be monitoring the real impacts of what's happening like impacts to water, air quality, impact on wildlife, fish, looking at cumulative impacts. We know they're there somewhere but we don't see them or know how good they are doing. If you do water sampling, then you know. By the time you get it in FGH, it's no good. Monitoring means taking samples and making sure that everything is ok.

Lucy: Maybe Dene people didn't have enforcement, but for the companies the enforcement has to be there. For 3 or 4 decades we have watched destruction on our lands so the enforcement has to be there and the language has to be very clear. There has to be clear solid contingency plans for any contaminant spills. You mentioned contracts; that is the avenue. What are we doing here, tiptoeing around the companies? I don't think we should be, we should have to have a clear solid plan. We have had plans before but there were breaches. We heard about cancer yesterday; it's not only one source that causes this, it's a build up over years.

CR #14 (continued)

Patrick: I think there is general consensus to take into account permafrost and deal with that. That could be separate and stand on its own. It's maybe not appropriate to lump it with climate change. The concern is for big projects. I suggest that large production operations be required to account for their GHG emissions on an annual basis. It's a standard requirement in other



jurisdictions and would inform regulators and government. It's not appropriate for exploration level activities, just production.

Tom: I like Patrick's idea and agree with separating the section on permafrost from climate change into two CRs. I saw impacts on permafrost just from tents. After a week, you're walking through soup.

Walter: I agree with Tom. From the SRRB perspective, wildlife, as soon as you take the active layer off that protects the permafrost, the melting doesn't stop. If you look at the pipeline ROW you see that - erosion. I used to do land use inspections on the Dempster hwy - they decided not to punch roads through the hills, just go around them. I think Inuvik is getting some sort of engineering award for protecting permafrost. The land use regs haven't changed much since 1972. What has changed is the land claims and the boards, but not the regs. Makes me think of my grandfather. One of the things he appreciated most is when someone couldn't tell when he had been somewhere. Don't mess with the active layer. The school in Deline has that problem and so do the other communities. Those are permafrost issues.

Patrick: Suggest "any land use activity" be used for the permafrost CR. Tom agreed.

Michelle: I would want to see a minimum threshold and factors in the second part spelled out clearly.

David: The legal effectiveness of these CRs has to be looked at. We need a lot more clarity about what you actually want to achieve. What does reporting on numbers achieve? If there is supposed to be a threshold what is it? Need a lot more discussion.

Tom: If we need a threshold for permafrost, look at one that needs a land use permit, water licence, or any other legally binding authorization.

Bob: Suggested more discussion at the next workshop.

Ethel: On climate change, sometimes we look within our own environment for instruments to deal with land use. Climate change is a work in progress. To leave it out is to give ourselves a black eye. Issues of adaptation and mitigation are huge in the north. David said that just reporting isn't enough. To me that provides a conscience. Companies say it's not important. This gets the accountability started and it becomes part of a corporate culture. In the end the cumulative effects are huge, we want to have a presence of mind on these. We just started development, just wait till we get going. We should have an instrument.

Vicky: I think the first part is clear and stand-alone. I think Tom suggested a reasonable threshold for authorization. Permafrost that is impacted in one area doesn't stay in one area. There could be slumping in an area far off, so even small projects could have an effect. I agree with Michelle - the way it (part 2) reads right now it is pointless. It needs to be more descriptive so that it can be prescriptive.

CR #15 – Ecological and Cultural Integrity

Greg asked for more clarity on what kind of test people would have to meet for this CR.



Tom: It comes from direction given by the Supreme Court of Canada that the fundamental principle of land claims is reconciliation of aboriginal and non-aboriginal perspectives. We see this expressed in the land claim and the MVRMA in the purpose of planning – to protect and promote the well-being of residents and communities, having regard to the interests of all Canadians. The GBLWMP process had Elders and government and co-mgmt boards working together collaboratively to find concepts that reach across cultures and provide common ground. That's where the concepts of ecological and cultural integrity come from. The land and water are one living system, not just a bunch of values. Ecologists speak of ecological values and how they function together as a system. The SLUP and GBLWMP speak of maintaining ecological integrity. I heard a speaker who said there is nothing we can do now to change climate change now. But everything we do now will affect us in 30 years. It's about planning now and acting now to protect the future generations. Climate change is about equity between generations. The elders are saying the same thing, and that is what we are trying to catch in this CR.

Cultural integrity comes from land claim. We see proponents using these concepts as organizing concepts, and developing Ecological integrity statements showing how they will design their projects to maintain ecosystem function and maintain the integrity of the community. They need to hire an ecologist and a sociologist to help them do that. The integrity will lead to better design, because they aren't just a list of values. We worked out a system where we use the values and indicators that CIMP identified. We suggested developers use this system and through ecological study, demonstrate to the SLUPB and SLWB that they can do it. Forestry companies now voluntarily agree to manage forests by the stewardship council standards, which include ecological integrity measures. It will take a while to adapt. We will have to learn, the companies do learn, that there are reasons for doing these things. We are redoing things here in the Sahtu through the LUP.

CR #16 – Fish Farming and Aquaculture

No discussion

CR 17 – Disturbance of Lakebed

Heidi: We had one comment from Parks Canada. They would need to land float planes to access the national historic site, which could disrupt lake bed. We suggested rewording to capture that. Parks Canada agrees with the changes. Does Deline have any concerns with the revisions?

Tom: I don't see how using motorboats or float planes could disturb the lakebed, it would be so negligible. If we start looking at things to that degree, we are in trouble. I also chair the Saoyu-?ehdacho Management Board and I want to ask them and will get back to you in 2 weeks (**Action**). It seems overly broad but I will let the Board speak to that.

CR #18 – Uses of Du K'ets'Edi (Sentinel Islands)

Tom: I want to clarify that this CR only refers to the Crown land portion of the sentinel islands (the Conservation Zones). Remember that these sentinel islands were initially one CZ. Then at Deline's direction, the crown portion stayed as a CZ while the Sahtu portion became a SMZ. It



should say that it is on the crown portion that no structures are allowed. They want to leave the Sahtu portion open to future structures. This CR only applies to Crown lands.

Heidi: Yes, these have all been clearly split into different zones now and this CR will only apply to the Crown lands, which is all that is in the CZ.

CR #19 – Water Withdrawal

Heidi outlined the comments and proposed revisions.

George: With water withdrawal in general, no one is monitoring how much is taken out of each lake. Transportation is bad for that. There is no control. They are giving the right of way to build the road, and that is fine, but there should be some community involvement in that. Sometimes there are small lakes and they're not supposed to go there. Need more community involvement.

Trevor: In the end, we don't have any concern. Water withdrawal from a large lake has less impact than from a smaller lake. But we only make a recommendation; it's the land and water board that issues the licence. We will assess impacts on other lakes available on a project-by-project basis, and will carry out enforcement action on those lakes if there is any damage to fish habitat, which is more likely on smaller lakes. As an alternative, we suggest using the old draft 3 wording but amending it to "until community concerns are addressed". Be silent on who has to address the concerns as this involved the SLWB as much as DFO.

Deleted CRs and New CR Requests

Heidi: I just wanted to make sure people are aware of this section in the Discussion Document. There are two CRs we are proposing to delete: 1) CR 8 - General Environmental Impacts – we agreed to delete this CR based on comments that as worded it adds no value about the current system; and 2) CR 10 - Incidental Harvest. We are proposing to downgrade this one to a Recommendation to address all the comments received, including from SSI who initially proposed this CR. The comments and revisions are discussed in the Recommendations portion of the discussion document.

In addition, the Board had number of requests for new CRs; only one has been advanced at this time - CR 6 – Land Use Monitors. We might include an appendix in the plan that would identify any requests for new CRs, Actions and Recommendations for future consideration.

Actions – Status and Definition

Heidi outlined the comments and options for the status of Actions.

Greg: Canada's proposed wording on the Dehcho Plan was for "reasonable efforts". I can't speak to the use of "best efforts" in the Gwichin Plan; that was before my time.

Bob: The essential point is that both governments have said that they won't approve a plan with mandatory actions – period.



Joe: It means nothing if it's not mandatory. We need to feel like our interests are being protected. We need to word this carefully. After this meeting is over, you all go back south. We live here. The GNWT and Canada look at us like another species. We are trying to make progress and achieve things for the way we live. We know we can't rely on the GNWT to protect our drinking water and hunting. All we'll hear is that there's no money. We can't depend on the federal government. In FGH the only infrastructure is that old arena. This gas field has been here since 1923. There have been years of tax, yet we're the poorest people in our own homeland. We have aging community equipment. We came here thinking that we're making progress in protecting our way of life. To move away from being mandatory brings us back to square zero for the community. If in the end, there is no benefit to us, we have to protect ourselves. If it would benefit the community, we would break away from SSI. We would break away from Canada if it benefited the community. We are Canadian but we are not treated like them. We want to make progress and be a part of this but everyone has to make an effort and meet us halfway so it is beneficial for everyone.

Greg: The governments have said they will be part of the working group. It's a legal disagreement. It doesn't mean we're not going to do the things written there.

Rodger O: The Inuvialuit, and Gwichin and maybe the dogrib plan. We shouldn't get less than anyone else got in their plans. Maybe we could clarify what the other groups have. I know that the Inuvialuit have very strong plans. I don't want to have any less.

Bob: None of the actions in the other areas are mandatory. The CRs are mandatory in other areas and here too – we're not changing the CRs' status. You are not being singled out or treated any differently. For Actions, we're proposing something above what's in the other areas.

George: So we have CRs that have to be followed, and we have recommendations. On top of that, what are these actions? What else is needed? We have to understand.

Heidi: Recommendations are suggestions, they cover a whole range of topics. There are project summary meetings, ways to maximize benefits, actions to preserve culture. Recommendations are advisory; they don't have to be followed. In some cases they are directed at proponents and sometimes they are directed at the Parties but they are not mandatory.

Actions are things that the three approving parties agree to work on over next 5 years – TK guidelines, the need to manage cumulative effects (a system that would allow us to bring that into regulatory process), we talked about the need to develop a protocol for how monitors report. We need people to work together on these, so the Actions talk about forming the Sahtu working group so fellow decision makers can come together to talk through these issues. We will discuss all these actions next.

Everyone at the hearing agreed that we need to work through these actions. We understand that the 3 parties don't want them to be legally required, but they need to be stronger than recommendations. Other plans use "best efforts" to describe how strong they are. The other option discussed is reasonable efforts. "Best efforts" means "leave no stone unturned" - make every effort possible. "Reasonable efforts" means "we tried". There might be other ways to describe actions. The Board's preference is "best efforts".



Tom: We all have to work together. We don't want to make these mandatory because communities lack the capacity to always be available and have the resources to do these things. If they were all mandatory, we'd be shooting ourselves in the foot with a machine gun; it's just not practical. Governments, with their budgets, have the capacity to be at the table, but will the communities make it? We need to look at all these important actions – cumulative effects, monitoring, enforcement, communications, TK guidelines – and set priorities among the actions. Maybe we can do them all in 10 or 15 years, but not 4 years. Everyone has to be at the table. We need to have a workable working group – not too big, less than 20. Deline's perspective is to set workable priorities and develop a system that ensures communities can be at the table with government and industry. We do not want to bind ourselves to the impossible. This will require funding for the communities; they don't have staff. They need someone working on this file. We know that funding is tight these days and we have to work within constraints, but I think we can if we know what the constraints are.

Heather: At the Hearing I asked INAC if Actions were not legally binding, how much weight would they get in Implementation Funding? Will INAC support the Sahtu Working Group?

Greg: INAC funds the Board. I asked Heidi about funding needs for this over the break and perhaps she can give an update. I don't know how the funding works or if we will be giving that funding.

Bob: I would say there is next to nothing in implementation funding.

Lucy: In 1992, Lord Denning said that while S. 35 of the Constitution and land claims address the protection of aboriginal peoples, it can be reduced or lessened by the majority through their prescribed policies. In 1999, Prince Charles referred to aboriginal peoples vast knowledge of the natural world. "With trial and error they have honed their judgement so that it is as rigorous as any laboratory testing. These people are accomplished environmental scientists. To call them primitive is perverse and patronizing." Indians in north America are taught this relationship with the natural world. It does not permit manipulation, profiteering of the natural world. The last frontier is up here so it has to have a solid foundation. As community people, as soon as land starts being talked about you don't know what to do. Some of these issues I am listening to, do we have to prove ourselves beyond reasonable doubt? Younger generations in our community are having a difficult time. Do we as first nations fall in this public government? With the public interest, we can't be considered a minority. We cannot be recognized under this umbrella of public interest. We are the third government. We need both genders and the younger generation at the table.

Bob: Will come back to this broad discussion on mandatory vs non-mandatory at the third workshop.

George: The Gwich'in use the non-mandatory terms and it is working for them. Are they getting things done that need to be done?

Heidi: In first 5 years, they had 53 actions, and nothing happened on any of them. In going through the five-year review, they are developing a regional plan of action based on a more collaborative approach - similar to our working group. I am trying to get Sue McKenzie to the 3rd workshop. She would be a great resource.



Action #1 – Plan Implementation Monitoring

No discussion

Paul D: [Has to leave early – closing comments] I enjoyed being here. I have noticed a continued and unified commitment to improving things in the Sahtu. Great workshop.

Action #2 – Sahtu Working Group

Heidi provided an overview of the comments and proposed revisions for all the actions that have been rolled into this one action.

Greg: Not concerned so much with funding the Working Group for travel, but rather implementing the tasks. E.g. on the cumulative effects monitoring stuff, points 2 and 3. Is that conducting field studies? What are the key gaps? There are lots of gaps. What does CIMP do already? What is develop, test and implement? That could be costly.

Heidi: In terms of “assess and fill key gaps”, obviously data is missing. I think the key is working through CIMP. The working group discuss priorities for the area and provides that feedback to CIMP. SSI sits on the CIMP committee, but in discussions with CIMP recently, there is no direction coming from the Sahtu right now. This is the chance to get better input into CIMP. The initial vision is with everyone sitting around the table, to identify the gaps and take action as a group. I don’t see this as being exclusively funded by INAC through implementation. The idea is that everyone sees what they can bring and we move forward together. On “develop, test and implement”, we held a cumulative effects workshop in 2007 and did further work with ALCES group in 2009 on landscape targets. We agreed that we wouldn’t hold the Plan up for it now, but once plan was done, the proposal was to do pilot testing, and advance the use of targets in a collaborative setting. The costs will depend on how we move them forward as a group. Industry tends to fund some research – I know that Husky is doing some. So does government. There is CIMP money. We would look at available resources.

Ethel: I think it could work very well if it’s properly resourced and they don’t waste their time worrying about their existence. I’m wondering about the role of Elders on this? You have a lot of elected people (land corps). You have a lot of people at the table who would have western scientific knowledge, but what about Elders and traditional knowledge holders.

Heidi: Maybe we could involve Elders as resource people when we’re talking about TK, or they can be the community representatives.

Ethel: Would want to see it referenced. Everyone else is involved on a regular basis, why not Elders and TK holders?

Rodger Boniface: I don’t see harvesters mentioned in any of the CRs. Chapter 18 of the land claim should have been implemented into CR 4 or 5. The Plan doesn’t mention harvesters.



Heidi: The plan doesn't regulate harvesting so we don't talk about it much. We are trying to protect important harvesting areas through CZs and SMZs and through the conditions we put on other land uses. All CRs dealing with wildlife, RRCs are always mentioned.

George: Like Ethel said, harvesters should be represented on the working group. Scientists don't know everything. Harvesters shouldn't be pushed aside.

Ethel: I think the SLUPB should have an Elder who is steeped in TK on the SLUPB as well as on the Working Group. I don't know how we can talk about the land without an Elder.

Bob: SSI had an opportunity this summer to nominate an Elder to the SLUPB.

Tom: Two issues here. 1) The communities must be represented fairly at the working group. That goes to funding. 2) We need to make it very plain what reasonable expectations are so we can demonstrate success and not failure. If there is inadequate funding to enable communities to participate and we have unrealistic expectations, that's a recipe for conflict. Talked about the Yukon case where decisions were made in the absence of community input and the case went to court. The aboriginal people must pull their weight as well and show up. I recommend that this not go ahead without adequate funding. It should be a necessary precondition. Otherwise the group could proceed without communities and this would create a whole ton of issues. The Group should be workable. If there are too many people there, then once again we'll be in a bind. We want a funded working group that can show up, do what it says its going to do and then do it. Funding for community participation is a necessary pre-condition of the workplan and the working group. The Working Group will develop its workplan. We have to prevent the worse-case scenario where the Group proceeds without community input, because of a lack of funding.

George: Be clear about who we're talking about from each community – band, metis, land corp, RRC and harvesters, and the main principle should be consensus. I think the priority should be cumulative effects and the river is a priority. There is concern in FGH about the river. Even if we change our water source, lots of people live along the river.

Tom: We should set funding for reasonable community participation as a necessary precondition of the working group and workplan so it is clear – no funding, no working group.

Greg: That link to funding will have to be clear. It is one of INAC's considerations in Plan approval.

Vicky: I agree with Tom but feel sorry for Greg – could paint INAC into a corner. I wonder if it would be worthwhile to include more positive words, "It is understood that should funding not be available, the working group will be unable to meet."

Ethel: I'm ambivalent about wording, but being nice with words doesn't always get you what you want.

George: The Gov't agreed to fund the Board until the Plan is done, so other work that comes out of the Plan, isn't that in the agreement to fund?



Bob: No, they have agreed to fund us at a good level [for plan development], but the plan has to be implemented. That is when government looks at funding. It is questionable whether they will fund everything. Hopefully they will provide sufficient funding.

Ethel: We have to treat this process seriously. We don't want 50 actions and nothing happens. We need a properly resourced board. If we have money, it would be important enough for us to support it. If you've worked on this plan for 15 years and have put all that money into it, you must make sure it succeeds. You need a return on your investment and you have to support the implementation until its on its feet.

Greg: If the Board needs more money for this they'll have to ask for it from Implementation and they should make that known.

Walter: The co-management boards also need a forum to be able to discuss this and talk about the CRs. It's been a while since the boards were established and it's time to review the whole claim and where we're at in implementation. Too often, we have all these grand plans and we don't have funding and can't finish it. That puts a black mark on these processes despite good intentions. I think that process, although we don't have harvesters on there, the issues from the harvesters will be there. It also provides a forum for the people, for all of us to understand each others' processes. Most people in the communities still don't understand all of this. The only way I know the SLWB processes is because I sit on that board. If we don't have a forum to talk about these things we don't understand each other. There's a lot of misunderstanding and conflict. Once people understand what the processes are all about, they're ok. . As head of SRRB it thought here is my chance to put in policies. I spend my time talking to people, but I don't talk about wildlife. You look at the application and that's it. With the SLWB, I have been advocating that we need a plan. It's hard to make decisions without one. Glad to see this working group going and provide the opportunity for the co-management boards to work together on these. The RRCs need funding to be there. It's a struggle but they're the main people who should be dealing with wildlife.

A #3 – Inspection and Enforcement Priorities

George: Most of the zones have been taken out so we can't trust only the zones. There has to be some meeting of the District orgs. Maybe reference the need to talk to Districts in setting priorities as well.

A #4 – Access to Wildlife Information

Trevor: The way this is worded would require DFO to spend millions of dollars. This is not work that DFO currently does. It happens on a project-by-project basis and proponents do it. There are many many lakes in the Sahtu. Every lake is a year long study. DFO does have an online library of studies. We just won't develop info on critical habitat. As the wording stands, we can't comply with it. Access to data is available online. This would mean developing a whole new program area for DFO, which won't happen.

Vicky: We're in better shape than DFO but it still made me nervous. We collect a lot of info on bird populations and some information on habitats they use and we're happy to share and provide that info. The part that makes me nervous is "shall develop and maintain critical wildlife



habitat” for waterfowl generally. If the understanding is how we do it now, no problem; if it’s an expansion to every species and all habitat, then we can’t do that.

Heidi: Clarified that its current data that we’re trying to get at and make easier to collate and access for use in applications. It took us a year of chasing to rebuild our wildlife data. Applicants don’t have that kind of time. The Wildlife CR requires applicants to use the most current information. This Action is there to make sure that information is readily available for them to access. We need to find the right wording to get us there.

Michelle: Does this relate to the discussion about regulatory authorities vs responsible authorities?

Heidi: It’s generally the resource managers that have the data, not the regulators; “responsible authorities” is the broader of the two, which captures wildlife managers who hold the data.

Vicky: **Proposed that EC and DFO work together on appropriate wording (Action).**

Lucy: Asked who controls the information. Who controls who?

A #5- Fish Habitat and Water Withdrawals

Trevor: Broadly, yes we agree with the proposed revisions. On the Action, we can discuss water withdrawal as it relates to our mandate on fish and fish habitat. You might want to add the SLWB to that so they can discuss other aspects. (**Action: Heidi to check with SLWB on this change**).

A #6 – Air Quality

Vicky: I spoke to our one air person in the NWT. EC’s role in air quality monitoring in the NWT is a support role to the GNWT. We have 2 programs – Canadian Air Pollution Monitoring Network – 1 site at snare rapids (acid rain and ground level ozone); National Air Pollutants Surveillance Network (in YK and Inuvik). These are jointly managed by EC and ENR – EC provides equipment and ENR provides man-power. ENR also gets help from EC for their Ft Liard and other stations. I asked if EC should be added to this Action and he said no. We would keep working with the GNWT and play a support role.

A #7 – Emergency Activity Reporting

Aaron: Does this duplicate what is happening with land use permits? You need to report to the inspector and then a conclusion report afterward. Is this duplication? Does this report get forwarded to the board? Is it a possibility to use the same report?

Heidi: **I will check with Paul on the current processes.**



Greg: Need more finessing of the wording because it can still be read both ways and does not fully address our concern yet.

Ruari: There's an emergency action going on right now near YK. As far as we know it's the first emergency measures action to be taken in the NWT.

Walter: We need an example. These are not emergencies for the board - it's for public safety or things. The only thing we have right now are oil spill contingency plans. They have a whole set up there and that is what we need for our LUP. I doubt the boards are interested, as long as there are people dealing with it.

Closing Comments

Rodger: Wants to see consistency in people for the next mtg. Need the resource people to work out the nuts and bolts. We keep hearing the same things from the Elders, no disrespect.

Joe: Thankful to be a part of this group. Our objective is to push FGH's agenda in this forum and others. We're trying our best to protect our people, land and resources. Our priority is community control and participation, including our Elders and harvesters and the best way to do that is to take part. We have an AGM this month. We have to find suitable words for best efforts for our Elders to understand. You either do it or you don't. Don't waste time talking. Thanks for the opportunity to participate.

Heather: Yamoga board has been very interested in participating in this process. Thanks for listening.

Walter: I learned a lot these last few days. The Boards need a lot of direction. We sit on the board and bring our experience and try to manage wildlife. The Plan gives us a lot more support and direction on ways the board should be operating. It's rare to have everyone here to be able to talk to each other. We all see where each other are coming from. Nice to have all the RRCs here – they are the grass roots people.

Michelle: The meeting went really well and was positive. I'm happy to be a part of them. Things are coming along and see you in December.

Greg: Thanks for the workshop. I'm focused on CR criteria and what does it mean? Been working in LUP for 10 years and the Dehcho and I'd like be part of a plan that gets approved. It's my job to provide that info to the Board.

Trevor & Ruari: Thanks for having us here. There's a lot of collective knowledge in the room. We are getting down to a few issues. Good chemistry amongst the partners here - crucial to finalizing the Plan.

Vicky: Congratulations to you guys. I'm a newcomer to the Sahtu Plan and you're light years ahead of other regions. It's a pleasure to work on it. I'm very impressed with everyone.

Bob: On behalf of Board and staff, thanks. It's been very productive.



Heidi: In terms of preparations for next meeting we will be putting together an agenda. We didn't do recommendations. If you could flag any recommendations that you want to discuss, tell me in the next few days. I think CWS had questions on #10. I would flag #8 and #10 for discussion on the next agenda; everything else will be left off unless someone flags them. I will go through the summary notes, and flag any actions for you. There are still actions from first meeting that are outstanding. If you could please report back on these actions at 3rd workshop, that would be appreciated. If you have any issues please let me know in advance. The dates again: December 2 starting at 1-5 pm, Dec 2 & 3, from 9 – 3 pm. I will confirm all this by email within two weeks, with an agenda. The big focus will be on testing applications. I have been discussing possible applications with Paul and may contact EC or DFO for examples on non-SLWB applications. I will share that info and any other needed info with you all in the coming weeks.

Closing Prayer – Lucy Jackson

Summary of Commitments

1. Heidi to check on how the Gwich'in handle confidentiality issues for project-specific monitoring reports (p.8).
2. Paul Dixon agreed to share the basic elements of their community engagement guidelines in a summary (p. 10).
3. Heidi to follow up on whether community land use monitoring is dealt with in other land use plans (p. 25)
4. Michelle to identify when source watershed mapping will be complete. (p. 29)
5. Heidi to check on how the Gwich'in and Dehcho plans deal with protection of drinking water (p. 31)
6. Heidi or Michelle to check on what the 500 m buffer around hot springs is based on in CR #12. (P. 33)
7. Tom to report back on whether changes to CR #17 are appropriate (p. 40)
8. EC and DFO will work together on appropriate wording for Action #4 (p. 47).
9. Heidi to check with SLWB on adding them to Action #5 (p. 47).
10. Heidi to check with Paul Dixon on the current processes for emergency activities reporting and respond on how those integrate with what is requested in the LUP (p. 47)

Summary of Results

The Board has heard sufficient discussion to begin its deliberation on all questions posed in the detailed agenda other than the following, which require further discussion:

- CR #13: This was referred for discussion between legal parties.
- CR #14: This was split into 2 CRs – one for permafrost and one for climate change. The climate change portion was referred for further discussion at workshop 3. We ask all participants to come prepared to discuss what they would like this CR to accomplish.
- Action #2 (Sahtu Working Group): Discuss priorities and timelines at Workshop 3.
- Action #4: Discuss new proposed wording by DFO/EC (see Commitment #8 above).
- Recommendations: We did not discuss these at workshop 2. Heidi proposed to limit discussion to Recommendations #8 and 10 at Workshop 3 unless any participant requested another be added.