

***Disclaimer**

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

Tulita Elders Follow-up Meeting

Summary Notes

Tuesday, February 22, 2011

Community Arena, Tulita, NT

Participants:

Heidi Wiebe, SLUPB, Plan Development Lead
Joel Ashworth, SLUPB, GIS Analyst
Rick Hardy, Tulita District Naasts'ihch'oh Working Group
Kathleen McDonald, Norman Wells Land Corp Youth Rep
Rhea McDonald, Norman Wells RRC
Joe Bernarde, Elder
Alice Bernarde, Elder
Boniface Ayah, Elder
Cecile Ayah, Elder
Charlotte Menacho, Elder
Jane Horassi, Elder
Gabe Horassi, Elder
Norman Andrew, Elder
David Yellee, Elder
Leon Sewi, Elder
Rosie Andrew, Elder
Julie Lennie, Elder
Rose Neyellie, Elder
Lyle Etchinelle, Elder
Helen MacCauley, Elder

Start Time: 10:35 am

Opening Prayer by Joe Bernarde

Gordon Yakeleya started the meeting. He explained that it's a continuation of work since from the first Elders Meeting on Jan 24-25. [Gordon left shortly after the start of the meeting]

Rick Hardy: The meeting was supposed to start yesterday but as you know many people from the leadership went to YK yesterday to meet with the federal minister of the Environment, Peter Kent, responsible for National Parks in Canada. He was appointed a few weeks ago and he wanted to hear directly from communities their views on the proposed National Park. The meeting went very well. The Minister clearly understands that the people support establishment of the National Park. He told us that the only thing to be worked out is the final boundaries. As soon as that is done, they will sign the agreement for establishment of the Park with us.

When we met on Jan 24-25, we were talking mostly about land in the Mackenzie Mountains. We started with the Draft 3 mapping from the SLUP. We went through the different issues with the National Park, the Proposed National Wildlife Area, the Canol Trail and Dodo Canyon Territorial Park, and the lands that you own yourselves in the Mackenzie Mountains. We explained that it is not possible to get as much protection in the mountains as previously proposed. After that, you discussed the issues amongst yourselves and we asked you to draw a map showing the areas you believed were really important, and you worked with Leon. You came up with a map with Leon, circling areas in red that were important. I took that map to the SLUPB people to put it on a map in a more technical way and then we would bring the new map back to you to see if that was what you wanted.

First, you agreed with the boundaries proposed at the Jan 6-7 meeting for Naats'ihch'oh so that is shown. There is also the Canol Trail/Dodo Canyon Territorial Park. Rick then pointed to the red areas as outlined on the map that you had given to the SLUPB. He then turned the meeting over to Heidi to present the work the SLUPB had done to interpret those lines.

Heidi presented an overview of 6 maps. The first map showed the Elders red lines. The second map showed the SLUPB staff's detailed mapping of the area needed to capture the values identified by the Elders based on discussions with Rick Hardy and Leon Andrew. The third map showed the location of the main conservation values - Dall's sheep habitat, mountain caribou, moose, IBP sites, hot springs, mineral licks, lakes, river valleys and mountain ridges. The fourth map showed how the conservation values were used to link 3 of the 4 areas proposed by the Elders together. The fifth map showed the key areas for development - existing rights and potential for minerals, and some oil and gas. The sixth map showed the final proposed zoning with one area taken out to avoid an oil and gas exploration licence. Heidi identified that the Caribou Flats is an area needing further discussion because it has high interest for both conservation and development values. The SLUPB staff left it as Conservation, but it might be better zoned as Special Management because of the mineral interest and settlement lands in the area.

Rick pointed out the maps provided by the Canadian Wildlife Service (CWS) for their proposal for a National Wildlife Area, and then asked Leon to work with the Elders to discuss the Planning Board's mapping and CWS's mapping and report back to us.

Heidi sat off to the side and took notes of discussions with the help of the translator.

Leon explained the process of mapping to the Elders. We discussed this mapping with the Canadian Wildlife Service before. CWS said that if you want to protect land with us, you have to

show us how much you want protected. It will be protected for a long time, maybe forever. The boundary could be bigger if they want it larger. Once you establish a boundary they will start working on it.

Morris: What is the difference in protection under the LUP vs. with CWS?

Leon: The SLUP gets reviewed every 5 years and changes can be made. With CWS, it won't be changed. What Rick was suggesting, once you agree to a boundary, then we can go forward with the CWS to protect those areas.

Morris: Are there going to be any economic benefits? Who will manage and administer it?

Leon: Tomorrow CWS will come in and talk about that.

Elder: What about ENR and wildlife officers?

Leon: The CWS's main job is to protect wildlife.

Joe: There are too many zigzags in the CWS area; it should be a nice circle.

Leon: It has to zigzag to avoid settlement lands. The yellow boundary there is mineral potential for minerals so they are excluding that. The boundary is something we have to resolve. This is what CWS is requesting from us.

Norm: Which government is CWS with?

Leon: They are with the federal government.

Norman: Why would CWS manage those areas for us?

Leon: CWS tried to avoid settlement lands and mineral potential. Right now this is a proposal in place.

Heidi asked to say a few things to provide some context for the Elders discussion.

Heidi: There is a difference between the needs of the SLUPB and CWS in how we deal with lands. The land use plan looks at all lands and all land use and says what can and cannot happen on it. We can plan for government lands and the lands that you own and restrict uses on all of those. We can plan for the surface and the subsurface and everyone has to follow those rules. The CWS cannot do anything with your lands – they have to go around them. They are also only guaranteed protection of the surface. They have to ask INAC if they can protect the subsurface and INAC may, or may not let them. If there are a lot of minerals under the subsurface, INAC will likely say no so that is why they are going around all the important mineral areas. It increases their chances of getting approval to protect the subsurface. It is still not guaranteed.

The Planning Board also needs to make sure we don't close off all of the high mineral areas. But we are planning for the whole Sahtu region so if we close off an area here and there it should still be ok, as long as we are leaving most of the important areas open. Before, most of the high mineral potential areas were going to be protected and government did not like that.

With these smaller new areas you have drawn that avoid most of the important mineral areas, I am confident that government will be ok with this.

So, for the areas you told us you want protected in the mountains, they include several parcels of Settlement lands. The only way to protect the Sahtu parcels is with the Sahtu land use plan. CWS cannot protect those areas. If it is important to protect June Lake, Caribou Flats, and Drum Lake, then the only way to protect these is through the Sahtu Land Use Plan because these are settlement lands. It is still possible to capture the rest of the area you have specified, avoiding Sahtu parcels, and make them a National Wildlife Area with CWS if you want.

Your final solution will include at least some areas protected through the Sahtu land use plan – all the areas that are settlement lands. So the question is do you want to move some of the land you want to protect through the Canadian Wildlife Service as a National Wildlife Area?

Rick: I am sorry this is so complicated. We should focus on where is the area you want to protect. Once we have answered that, we can move along to the next part.

Heidi: First, do you agree with how we have shown Naats'ihch'oh on this map? We used the shape as presented at the January 6^{t-7th} meeting, with these areas cut out shown as special management.

The Elders agreed.

Heidi: We still show Dodo Canyon and Canol Trail as a Proposed Conservation Initiative. There has been no change. Agreed?

The Elders agreed.

Heidi: When we removed the old shape of Shuhtagot'ine Nene, there was a hot spring buried under it that was there from earlier drafts. We have brought that hot spring back as a Conservation Zone, along with all of the other Conservation Zones that existed in Draft 3 as you asked. Is this correct?

The Elders agreed.

Leon: We have not talked about Mirage Mountain. Our people are concerned about it. It is about equal to bear rock to our people and should also be protected.

Elder: There are great legends associated with this area.

Leon identified on the map where Mirage Mountain was so we could add a Conservation Zone around it.

Restarted at 1:10 pm.

Rick: My understanding is that you are ok with the map presented by the SLUPB but you would like to add Mirage Mountain as drawn on the map at the back by Leon.

Norman: I'm ok with the areas presented.

Heidi: I will quickly explain the boundaries we selected for each of the 4 areas you presented. For June Lake we took in the settlement land parcel, the front ranges of the mountains on the north and south sides of the valley and joined it to the area you identified for the Caribou Flats. The caribou flats area encompasses the settlement lands, the front ranges of the mountains and all the Dall's sheep habitat in those areas. We then extended it to meet the Raven's Throat area, again including the north and south front ranges of mountains on either side of the valley where the sheep tend to go.

We extended and joined Carcajou Lake, Plains of Abraham, Dodo Canyon and Canol Trail, and the other Mountain Lake into one larger Conservation Zone. It includes 2 full Sahtu Settlement Land parcels and the corner of a third.

Rick: Suggests that we allow the Elders to discuss in Slavey the various proposals and then get back to us through Leon with the results of their discussion.

Heidi: Explained that we traced the CWS area onto the map with our proposed zoning so the Elders could compare the areas during their discussion.

Leon and the Elders held their own discussions at the back of the room around the maps.

Leon: The Elders said they want to stick with the green areas as presented by the SLUPB and if CWS wants to talk to them about extending this to other areas then they could do that. They added small areas around Cache Lake and Palmer Lake.

Heidi asked if they wanted just a small area around Palmer Lake or the larger area shown on the maps as an Important Wildlife Area.

There was general agreement to protect a small area only.

Heidi asked about Mountain River. It is still protected as a Conservation Zone in the K'asho Got'ine District and the SLUPB needs to have some continuity in zoning across district boundaries. The options are: 1) Create a small Conservation Zone around the river in the Tulita District if they do not want development there; or 2) Create a separate Special Management Zone around the river in the Tulita District. This would not change the zoning, but would allow that area to be managed based on its own specific values while providing some continuity of zoning.

Morris: Fort Good Hope has been working on the Mountain River for a long time. There is a big lake at the end of the river – the headwaters. This is a really important river and it should have some kind of protection. If this is an area that is important for them then we should try to do the same thing.

Rick: If we went with the second choice, a separate SMZ, then we would be safer with what we said to the Minister yesterday. We don't want to go back on what we presented to him as our Conservation Zones.

Heidi suggested that if that is an issue, the minutes from this meeting will capture the various responses and record that the community recognizes the value of the Mountain River and

protecting it, regardless of what designation they choose to put forward. The Board will consider this when determining the final zone designation for the area.

Morris: Asked what the Minister would say if we presented a new map with a new Conservation Zone here. Ministers always change their minds, the communities don't.

Rhea: I agree with what Morris said. In Norman Wells we talked about the watershed and how important water is.

Elder: Asked what Special Management means. Heidi explained that Special Management allows development but that it must proceed carefully and make sure they are not impacting the values for which that zone was established – in this case, they must not hurt the river. A Conservation Zone does not allow new development, unless it was related to work or rights already happening.

Morris: That river is so important but we have to think about the economy as well. We need to make money.

Elder: There is another river on the other side of FGH that is connected to it.

Rick: The Mountain River is in the middle of the high mineral potential area. It would be contentious.

After further discussion and putting the maps up with the development potential, the Elders decided that a separate Special Management Zone for the Mountain River would work the best.

Heidi recapped the decisions for the Mackenzie Mountains as follows: 1) The final balanced zoning as presented by the SLUPB; 2) New Conservation Zones around Mirage Mountain, Palmer Lake, and Cache Lake; and 3) a new SMZ around the Mountain River to join up with the CZ on the K'asho Got'ine District side.

Participants agreed.

Break

Valley Discussion

Heidi: This afternoon we are going to discuss the valley and its zoning. In October we got direction from the Tulita District Land Corporation to make all Sahtu Parcels General Use. That designation has the fewest conditions for development though there are still a number of basic conditions in the Plan to protect wildlife, burial sites, etc. There were a number of exceptions to that direction to maintain certain Conservation Zones in areas that the communities considered important. Heidi showed the draft 3 zone map with Sahtu Parcels and then the map showing the requested changes. This direction raised some questions for us so we discussed all these changes at the January 6-7th meeting. I'll point out the changes.

First, the following Conservation Areas did not change. They are maintained as Conservation Zones: Red Dog Mountain, Bear Rock, Three Day Lake, Kelly Lake Area (Under the land claim), Doctor Lake, Mackay, Rusty and Yellow Lakes, Mio Lake.

The biggest impact or change was to special management zones. In Draft 3 we had a five kilometer buffer SMZ around the Mackenzie and Great Bear Rivers and a large continuous area called the Norman Range. Within these areas are most of the land that you own. The direction to make these parcels General Use resulted in taking a lot of bites out of the river corridors and the Norman Range area. The board had questions because previous community direction asked to protect these areas through special management. Today we need direction from the Elders as to how zoning should look in this area.

Some Conservation Zones were also changed: For Mahoney Lake, previously we were protecting the whole lake, now we are only protecting the massacre site. For Oscar Lake, half of it was removed where it overlapped with a settlement land parcel. Willow Lake was substantially changed from a CZ to a SMZ around the lake, and the broader area changed to General Use. Kelly and Lennie Lakes would lose the Conservation Zone buffer around the lake.

Rather than running through each change, I would like the Elders to gather around and discuss how you want these lands managed like you did this morning. Do you want a protective buffer around these rivers and lakes? Should some remain as Conservation Zones or Special Management Zones?

Elder: Why did the Tulita District change the areas to General Use?

Rick Hardy: It's important to know that even the white areas, the General Use Zones, have lots of rules. It's not wide open for companies. Rick spoke for the District as he was present at those meetings. The District owns lands throughout this area. They can negotiate access and benefits on those lands. For example, with the parcel around 3-Day Lake, if we leave it general use it is easier for companies to go in there and do work than to have it as a SMZ. The short answer is that the TDLC Board asked that the parcels they own turn from yellow to white so it would be easier for oil companies to carry on their activity.

Heidi: It is true that just because it is not a Special Management Zone does not mean land does not have protection. All developments must get authorizations from government and the SLWB that include conditions to protect the land. We also have some broad conditions in the Plan that apply to all land in the Sahtu. It is just that SMZs identify the specific values that exist in those areas that must be protected during the development (such as moose habitat, burial sites etc.). Usually, SMZs are areas that have values identified by the communities that they want some protection for, while still allowing development. And keep in mind that wherever you have your settlement lands, you do have more control over that land. That is what the land corporation was thinking.

The Elders discussed the maps and Leon presented the results of their discussion.

Leon: Some of the Elders are not pleased with the changes. There is a lot of fish habitat that was in those areas that are being left out.

Heidi: My understanding was that the Tulita District was asking for your directions prior to making their final recommendation to us. I heard some of you talking about putting it back the way it was. Should I be telling them that you want it return to Draft 3 zoning as it was before or do you have other direction?

Rick clarified that we are only talking about the valley – the area outside the mountains in the Tulita District.

The Elders stated that they wanted the zoning back to the way it was in the Draft 3 map.

Rick: Is there anything else you need to discuss with us?

Heidi: No, those were the questions we needed answered.

Kathryn: I want to thank the Elders for sticking to the original zoning. It is very important to me that you are doing this.

Leon thanked the Elders for participating.

Joe: The way we did the Plan originally, they keep changing it and changing it. When we did the land claim we selected these lands for certain purposes. Next time if the land corps want to make any changes they need to consult us first. Thank you for today. We looked at all the maps and the changes and it is good to be aware.

Meeting ended around 3:30 pm.

Decisions from Shuhtagot'ine Nene Working Group Meeting - February 23, 2011

- 1) SGN (as outlined in the 2 new green areas) should go in the SLUP as a CZ with a note that part of the CZ could be used for a NWA in the future.
- 2) CWS should decide if it wants to go ahead on the basis of the NWA being within the CZ.
- 3) If CWS decides it wants to proceed then it should apply to INAC for a Land Withdrawal order for both the surface and subsurface.
- 4) If INAC grants the land withdrawal order, then the CWS will negotiate a Protected Area Agreement in accordance with Chp 17 of the SDMCLCA with the 3 land corps and 2 RRCs.
- 5) If the Protected Area Agreement is not finalized then there will be no NWA.
- 6) If "no" then SGN will remain as a CZ under the SLUP.

Heidi: So SGN will be a CZ under the Plan, not a PCI. If it ever becomes a NWA, then the Plan will have to be amended in the future to recognize this designation.

Rick: Can you indicate the communities' willingness to look into a NWA in the future somewhere in the Plan?

Heidi: Yes, there are a few places in the Plan where this intention could be noted (Zone Description, Chapter 2 discussion on application of the Plan to PAS areas).