

Mackenzie Valley  
Review Board



## Summary Report

Resource Co-Management Workshop  
Fostering Integrated Decision-Making in Resource Management  
February 26-28, 2019  
Midnight Sun Complex  
Inuvik, NT

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## Abbreviations

CIMP	Cumulative Impact Monitoring Program
CIRNAC	Crown-Indigenous Northern Affairs Canada
DCH	Department of Cultural Heritage
DGO	Designated Gwich'in Organization
EIRB	Environmental Impact Review Board
EISC	Environmental Impact Screening Committee
GCLCA	Gwich'in Comprehensive Land Claim Agreement
GLR	Gwich'in Land Resources Department
GLWB	Gwich'in Land and Water Board
GNWT	Government of Northwest Territories
GRRB	Gwich'in Renewable Resources Board
GSA	Gwich'in Settlement Area
GTC	Gwich'in Tribal Council
HTC	Hunters and Trappers Committee
IFA	Inuvialuit Final Agreement
IGC	Inuvialuit Game Council
ILA	Inuvialuit Land Administration
ISR	Inuvialuit Settlement Region
LUP	Land Use Permit
LWB	Land and Water Board
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVRMA	Mackenzie Valley Resource Management Act
OROGO	Office of the Regulator of Oil and Gas Operations
PS	Preliminary Screening
RRC	Renewable Resources Council
TK	Traditional Knowledge
WL	Water License

Photo contribution: [Chuck Hubert](#), [Tanya Lantz](#), [Lorraine Seale](#), and [Arusa Shafi](#)

## MVRMA Workshop Context

Annual resource co-management workshops are held in Yellowknife and various regions of the Northwest Territories (NT).<sup>1</sup> In 2019, the Resource Co-management Workshop, “Fostering Integrated Decision-Making in Resource Management”, was held in Inuvik on February 26-28. Inuvik is in the Gwich’in Settlement Area (GSA) and borders the Inuvialuit Settlement Region (ISR). This regional workshop was held to foster knowledge and discussion of the resource co-management system under the *Mackenzie Valley Resource Management Act* (MVRMA or Act). This Act implements the vision for resource management from the Gwich’in Comprehensive Land Claim Agreement, the Sahtu Dene and Métis Comprehensive Land Agreement, and the Tłıchǫ Agreement

The goals of the workshop were to:

- Examine the negotiation and implementation of the Gwich’in Comprehensive Land Claim Agreement (GCLCA) relevant to resource management;
- Inform participants on how the integrated co-management system works within the NWT; and
- Share knowledge, ideas, experiences, opportunities, and challenges of working within the co-management system.<sup>2</sup>

The workshop was structured to be a mixture of panel discussions, presentations, and smaller break-out sessions focussed on the different aspects of co-management. As part of the workshop, participants were treated to the Tetlit Gwich’in Dancers, from Fort McPherson, who performed a number of old-time dances and invited participants to join in the jigging.

The workshop was held at the Midnight Sun Complex with a warm welcome to the Gwich’in traditional territory from the Grand Chief of the Gwich’in Tribal Council (GTC) Bobbie Jo Greenland-Morgan. The workshop was hosted by the co-management boards operating in the Gwich’in Settlement Area<sup>3</sup> (GSA), the Government of the Northwest Territories (GNWT) and the Federal government. The hosts thanked all the presenters and attendees for their participation in fostering a better understanding of the co-management system that is unique to the North.

This report summarizes the content presented and the resulting discussions. Highlights of the break-out sessions are given along with questions and responses. A summary of the workshop survey results is included in the report, which will inform future workshop planning. A list of participants is also included with the report. An appendix with hand-outs and other material given out during the workshop is available separately.

Past reports of resource co-management workshops can be found at the Mackenzie Valley Environmental Impact Review Board’s website:

<http://reviewboard.ca/> or [http://reviewboard.ca/reference\\_material/practitioners\\_workshop](http://reviewboard.ca/reference_material/practitioners_workshop)

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<sup>1</sup> In 2017, regional workshops were held in Hay River in the Dehcho region, and Norman Wells in the Sahtu region. The regional workshops are a result of feedback from previous workshop participants who see value in having this sharing and discussion in the specific regions.

<sup>2</sup> The information shared by participants reflects their personal experiences and their own understanding of the land claims, Board processes, MVRMA, etc.

<sup>3</sup> Gwich’in Land and Water Board, Gwich’in Renewable Resources Board, Gwich’in Land Use Planning Board, and Mackenzie Valley Environmental Impact Review Board.

## Welcome

The workshop was facilitated by Joanne Barnaby. Georgina Neyando opened the workshop with a prayer after being offered tobacco. Joanne welcomed participants, highlighting the goal and format of the workshop. The goal of the workshop was to reflect on how the co-management system progressed to its current stage and to identify areas for improvement. This included a review of resource management before the land claim agreements, what aspects were considered in the negotiations, and the implementation of the co-management system with its current opportunities and challenges.

The Gwich'in Comprehensive Land Claim Agreement (GCLCA), signed in 1992, and the resulting MVRMA, legislated in 1998, form the context for most of the discussion of the co-management system. The *Inuvialuit Final Agreement* (IFA) and its co-management system was also discussed in the workshop.

Joanne acknowledged participants in the workshop who where from the governing body of the Gwich'in Tribal Council, land claim boards, MVRMA Boards, IFA Boards/Departments, federal and territorial government, and regional Indigenous governments. Grand Chief Bobbie-Jo Greenland-Morgan welcomed participants to the workshop and onto Gwich'in traditional land. The workshop started with a keynote address by Brian Crane, then continued with panel discussions and break-out sessions.



Tetlit Gwich'in Dancers from Fort McPherson

## Keynote Address

Brian Crane, Gowling WLG

Brian Crane relayed the history of the early Dene Métis land claim negotiations and then the regional negotiations that led to the GCLCA and, as a result, the MVRMA, which establishes the co-management system in place today.

### Dene Métis negotiations

Brian Crane came to the North in 1982 because of an unrelated arbitration matter but ended up as part of the Dene/Metis land claim negotiation team as legal counsel. The government of Canada would not

negotiate separately with the Dene Nation and the Métis Association of the NWT, so the Dene Métis Secretariat was formed to carry out the negotiations. Their focus was harvest rights and how these rights would be managed.

The roots of the co-management approach go back to the 1970's when Hugh Faulkner, as a federal representative, came to Yellowknife in 1978 and put forward that Dene and Métis should negotiate jointly with the government of Canada. One of the fundamentals in the negotiation was the necessity to involve Indigenous peoples in making decisions about not only their communities, land and resources, but also within the territory on land and water management, and other aspects of government.

In the mid 1980's, when the Dene Métis assembly was in their fourth year of negotiation, the government of Canada issued a new land claims policy in which it recognised Indigenous participation in the regulatory process. A new feature of this policy was to include a broader range of self government opportunities. The land claims would recognise the Indigenous peoples' role in managing water, land, and wildlife, because it would be an unsound approach to recognise harvest rights and not include Indigenous peoples in management decisions. Under the new policy Indigenous groups could negotiate membership on boards with decision-making powers, as well as on advisory committees as before. The Dene Métis accepted this in the negotiation, and in the mid 1980's presented a general policy paper which took up these suggestions. They recommended joint boards and committees for a land use planning system, impact assessment and review agency, participation in land water management, and heritage resources management. The result of that proposal would produce a chapter on renewable resources in the land claim and contain the Renewable Resources Boards management system.

### Regional negotiations

A draft agreement was put forward by the Dene Métis Secretariat in the fall of 1990, but there was no agreement to put it to ratification. Gwich'in leaders left the joint assembly and decided to go ahead with a regional approach to land claims. The proposal going forward would incorporate aspects that were worked on by the Dene Métis Secretariat, as leaders did not want to lose the work that was done before and did not want to lose the Northern Solution (i.e. co-management). Land and water management were a central piece in the Gwich'in Comprehensive Land Claim negotiations. The focus for the Gwich'in was their interest in land in the Peel River basin in the Yukon, confirming overlap arrangements with the Inuvialuit, working on their own land selection and proceeding with the original foundations for self-government. At the same time, land and water management components worked on in the Dene Métis agreement was put in the Gwich'in Agreement and became the foundation for the NWT management boards.

The Gwich'in land claim was finalized and signed in April of 1992. Following the land claim, a committee of drafters made up of the federal government, GNWT and the Gwich'in Tribal Council (GTC) worked on the broad scheme of the management boards set out in the land claim. It was political leaders and lawyers who essentially drafted the legislation that is the MVRMA. The GTC was initially the sole active Indigenous drafter on the committee. The Sahtu contingent had observer status until they were full partners with the signing of the Sahtu Dene and Métis Comprehensive Land Claim Agreement in 1993. The working committee was also made up of members from the federal Department of Justice and they were participants in the drafting process. This collaborative approach was unprecedented and has not been repeated since.

The MVRMA took about two to three years of work and countless consultations to make it in the statute book in 1998. Boards were established and their basic underlying principle was co-management, including the fact that boards had to have half Indigenous representation for their membership.

A second principle was that management was an integrated and coordinated system; there would not be separate jurisdictions for land and water. The Boards would be decision-making bodies rather than advisory boards to ministers, although some decisions require ministers' approval. The integrated and coordinated system of land and water management involved licensing, environmental assessment, and land use planning. Boards would have jurisdiction over all lands and water in the Mackenzie Valley, not just Indigenous settlement lands. Contemporary history has shown that there have been efforts to minimize the role of regional boards, but the present Federal Government has said that the original framework will continue.

Brian shared that there is strong economic and cultural basis for regional government/ boards to determine their own future and to work in collaboration with established Indigenous governments. This is demonstrated currently with the Gwich'in, Sahtu and the Tłı̨chǫ. At the time of land claims negotiation, it was not possible for both the Gwich'in and the Sahtu to complete self-government agreements; the government of Canada was un-willing, and the Indigenous political leaders had tremendous work already in front of them.

Another important idea is that self government and co-management boards do not exist in silos, they both exist as part of communities and community life. The work of regional boards and the central boards, like the environmental review board, must constantly be integrated with the political and economic life of communities. At the negotiations, elements were introduced that called for ongoing consultation between boards and communities and the impacts to the communities would be heard in public hearings.

Some would argue that boards do not represent communities, but it is important for the link to be worked out, and boards themselves should work to be very conscious of community life, priorities and cultures. It is an ongoing challenge for everyone to work with the boards and make sure they follow appropriate direction and priorities given to them by community leaders. At the same time their task is to act as instruments of public policy to deal with third parties such as the proponents of projects that come before them, so their task is multi-faceted. The fundamental idea of co-management is a good one but the implementation of it requires lots of work.

### **Questions and Discussion**

**Norman Snowshoe:** One of the fundamentals of treaty negotiations with Indigenous peoples across Canada is the 'spirit and intent' of the treaty. Can you comment on the spirit and intent of the MVRMA as it relates to development in the NWT?

**Brian Crane** responded that the idea of spirit and intent is very important, and it came into prominence because of how early treaties were drawn up in the past. Treaty commissioners drew up the treaties in technical language and there was no real consensus about what was meant by the treaty promises. For example, with the treaties on the Prairies, Indigenous peoples were told they could carry on their lives as before, but the intent was to move them to reservations, and they were expected to become farmers and given plows and cows. What courts and native leaders have done in interpreting early treaties is to



have reference to what was intended. Were they treaties of peace and friendship? Or was it the government's intent to provide, for example, education with the provision of a schoolteacher to a community, or health support with the provision of a medicine chest? That was the spirit and intent of a treaty.

In negotiating modern treaties in the north and across Canada, there was a more detailed approach and the actual spirit and intent doctrine didn't disappear but there was less importance for it because the treaty was so much more technical. In the Mackenzie Valley legislation, the principles were set out between the government and the Gwich'in and then it was set out in the text of the legislation. Underlying the MVRMA is the idea that a decision will be made by Boards on most matters without political interference or veto.

Members of Boards have a duty to be in close contact with communities and understand community priorities. This is an ongoing challenge but a necessity. Therefore, community hearings are very important because they directly involve community members in the work of the Boards and express the underlying spirit and intent of the negotiations.

**John Norbert:** Everything goes back to our land claim. We had two years to work with land claim. A lot of people were not prepared, still it went ahead. Should it have been five years with review after five years?

**Brian Crane:** Yes, it was a quick process. The proposal put forward by Gwich'in was put together in three weeks, addressing all key aspects. The Gwich'in wanted the job done by June 1991. It wasn't five years or two years it was about six months of hard work. The Gwich'in were disappointed with political results that occurred at the Dene Métis Assemblies in Yellowknife up to that point. The proposal won with an overwhelming vote in the Gwich'in assembly at the end of August.

## Panel Discussion: Resource management before the Gwich'in Comprehensive Land Claim

Panelists: James Firth, Charlie Furlong, Eugene Pascal

A panel of individuals was assembled who could provide their thoughts and the context for resource management before the land claim. Panelists introduced themselves briefly and used some guiding questions for their input:

1. What did the resource management system look like before the land claim?
2. What perspectives can you share regarding the resource management system at that point?
3. What changes do you see that needed to happen to make the resource management system more effective from a Gwich'in perspective?

**Charlie Furlong** was born and raised in Aklavik. He recounted there was not much of a system except there were the chiefs and the people at the community level that raised concerns about what was happening in and around the communities. There were government officials like the "Indian agent" who met periodically with chiefs and brought the concerns to Ottawa and there was an area administrator who seemingly acted as the spokesperson for other things in the community. The decisions were made based on what was believed to be in the early treaty.



In the 1960s and 1970s, during the boom of oil and gas development, there was an open-door policy for development as the government was handing out leases, permits, etc. People were starting to raise a lot of concerns such as waste being dumped into the water and on the land. It was unclear where to report the issues and who was going to take the necessary action. The hunter and trappers' associations were strong groups and they met with the government and industry. The government started listening to the people and in return industry was beginning to meet with the people.

In the 1970s the Dene Indian Brotherhood and Metis Association began negotiating on behalf of the people as they wanted to protect land, animals, and resources through a sharing agreement. There were community visits to talk about land claims. Nothing much came out of negotiations until the Gwich'in started negotiating. People were able to put their concerns on the table when the Berger Inquiry started which opened the eyes of government and industry. In the 70s the Beaufort Delta Environmental Panel was formed and was made up of mayors, community leaders, and hunter and trappers associations. The Panel didn't have power, but it was a vehicle to raise concerns and went on for awhile before the process for land claim kicked in.

**Eugene Pascal** shared that he has been involved since the mid 80's and was taught by leaders and Elders. He recalled his father meeting with the Chiefs from up and down the Mackenzie Valley. All the Chiefs came together, and they formed the Brotherhood of Indians. Eugene was part of Gwich'in Land Use Planning in the mid 80's. He recalls walking out of the Dene Nation assembly and pursuing the regional land claim. He suggested that the land claim needs to be made use of more and it needs to be practised more.

**James Firth** recalled that growing up in Fort McPherson there was a traditional Chief and an "Indian agent". James was not sure how the approval system worked for development. During the boom, people went through the entire settlement area and did seismic work. Some local people did get work, but the developer did what they wanted to the land. There was no checks and balances like there is today. There did not seem to be an approval process. In the case of the Peel River, land was set aside as a preserve for Indigenous people to continue living their traditional lifestyle. Elders were very much against development in this area, but there were seismic activities and today there is the Dempster Highway. Today the Gwich'in are still living with the remnants of equipment and buildings left on the land, buried material and even waste getting into drinking water. After the boom, there was no enforcement for the cleaning up of the land. The Gwich'in people need to use the land claim to get these areas cleaned up.

**Eugene Pascal** commented that the land claim agreements give the opportunities to manage jointly. There are issues that still need to be addressed especially issues around control. One issue is board member appointments. Eugene commented that past choices for board members have been rejected by the Minister. This must be a fundamental change. Another improvement required is the government needs to properly fund implementation. He agreed that the spirit and intent of the claim needs to be re-examined and asserted. Studies and science are important in the system, but he emphasized that culture being passed down verbally by parents, Elders, hunters and trappers, is not recognised by the current system and this must change. He concluded that although there are good provisions in the land claim, there are still issues holding up progress.



The panel speaking on resource management before the land claim was settled.

**James Firth** shared that it cost 8 million dollars for the process of negotiating the land claim and questioned whether it was money worth spending. He believes right now it is difficult to say it was worth it. The system is supposed to work in partnership with the Federal Government but there is frustration with a lot of people and the Federal Government. The Inuvialuit had their claim settled before the Gwich'in and it had forceful provisions. When the Gwich'in had to negotiate they had a difficult time getting in items like the "Shall clause". For example, section 12.6.3 of the GCLCA states that *"Government shall work with the users of the Bluenose caribou herd for the purpose of establishing an agreement for the management of the herd"*. There is the arbitration route and leadership may have to go that route.

### **Questions and Discussion**

**Margaret Nazon:** Is the land claim agreement being passed onto the youth? Taught in schools? How do we, as leaders, let the youth know what is in the claim and what it means?

**Eugene Pascal** shared the example of the Sahtu in which opportunities were made available for youth and Elders to participate in meetings and now the youth are the leaders in the Sahtu. In the GSA, there are issues with just putting the land claim in the school curriculum. One strategy is that Gwich'in leadership must make the land claim an important learning aspect in the schools.

**Charlie Furlong** pointed out that part of the land claim was to create opportunities to train and educate people so they can be on the boards and committees. It was not just to be on the board but to be educated so that they can push the goal and objectives of the land claim for the Gwich'in people. Working with the GTC, resources were identified so that people could go south to be educated and return to work. However, an issue is that people can end up working for the government and industry who are able to pay better and offer better benefits. The land claim is structured in a way that is driven by economic development. If development kicks in, then all the boards and committees would become active and more opportunities and training would be there for the people. People may not be ready when it does, so it is a good time to take advantage of education opportunities.

**Eugene Pascal** commented that people are not their children's teachers anymore-that responsibility has been given to the education system and that must be reversed especially when it comes to education about the land claim and living off the land.

**John Norbert:** To have a healthy community people must be working. There was a 10-year moratorium on oil development, and this cut work in the NWT as many people working in this industry were locals. Where did this come from? What do we have today?

**Charlie Furlong** replied that leaders have tried to balance issues and they continue to face some issues they cannot control. The Mackenzie Valley and Delta were booming with the oil industry in full force. There was so much concern that the Federal Government appointed Thomas Berger to set up an inquiry to hear concerns about the proposed Mackenzie Valley pipeline. There were a lot of concerns about the pipeline and people did not want the pipeline before the land claim was settled. The report came out, and the result was a ten-year moratorium. Charlie added that a few years ago approvals were set for the pipeline again, but Imperial Oil shelved plans due to low oil and gas prices. Regarding the Mackenzie Valley Highway, there is movement in Ottawa. Charlie concluded that there needs to be development in the area.

**Nigit'sil Norbert** wanted to speak to the point about education and the idea that original intent was that the co-management boards would be led by educated Gwich'in people. She wanted to highlight an initiative called Gwich'in Next 40 started by the GTC. The goal of the program is a peer to peer mentorship program looking at how youth will be invested in over the next 40 years. It looks at how youth are living on the land in their own culture and tradition, how they engage with the modern treaties, citizenship, sovereignty, and autonomy. The intent was to have youth and Gwich'in grad students and professionals engage with each other. Nigit'sil highlighted that 90% of youth involved in the program over the last five years have gone onto to university, training, volunteering around the world, and the other 10% are taking similar paths to post-secondary. She emphasized there are some successes as far as education, land use, and co-management are concerned, as well as when talking about sovereignty, lands, and culture.

Nigit'sil concluded "I would like to sit here humbly and think that I am the next generation and I am part of the vision moving forward when it comes to doing things together and when it comes to spirit and intent as Norman said. I do have hope for moving forward in education." She agreed with Margaret that the land claim needs to be part of the youth education in elementary and high school.

## Presentation: Overview of the MVRMA

Brett Wheler, Mackenzie Valley Environmental Impact Review Board (MVEIRB)

Brett Wheler explained that the presentation was an overview of the co-management boards and the MVRMA which implements aspects of the land claims. Currently there are the Gwich'in, Sahtu, and Tłı̨chǫ land claims with ongoing negotiations in the southern part of the territory. From the land claim agreements, there are two fundamental principles, as outlined in the MVRMA and the IFA:

- co-management is based on formal agreements between the government and Indigenous governments or organizations and it is a formal **sharing of authority and decision-making** for land use and resource management;

- the resource co-management system in the NWT is supposed to be **integrated and co-ordinated**. The integrated and co-ordinated system is a system of regulation of land, water and wildlife management as well as land use planning, project assessment and impact assessment. The system is divided into different parts for practical reasons, but they need to work together to manage the ways people interact with the environment in a holistic way that reflects the interconnectedness of the system.

The regulatory regime is part of a broader integrated resource management system which involves:

- land management
- land use planning
- regulatory (permitting and licensing, environmental assessment), and
- wildlife and renewable resource management

#### Mosaic of land management

With devolution in 2014, most federal-owned lands (including surface and subsurface rights) are now managed and administered by the GNWT. The remaining federal lands are primarily limited to pre-existing contaminated sites and national parks. Indigenous governments have established rights for ownership of land and resources in defined areas through the finalization of land, resource and self-government agreements. Each of these Indigenous governments has established their own land administration systems to manage access by individuals and companies to their lands and resources. Boards, as institutions of public governance, provide an overarching framework for resource management on all lands in the NWT.

#### Land Use planning

In the NWT, land use planning is a critical part of effective management and use of lands and resources. Land use plans help create certainty for if, where, when, and how land is used. In the Mackenzie Valley, each board is mandated through the MVRMA to develop a plan to guide the use of Crown, Indigenous-owned land, and other private lands, as well as to provide direction with respect to conservation, development, use of the land, water, and other resources. The Gwich'in and Sahtu are the only management areas in the Mackenzie Valley with established Land Use Planning Boards. The Tłı̨chǫ Government has a land use plan in place for Tłı̨chǫ Lands. The Inuvialuit Settlement Region (ISR) through the IFA has a provision that a land use planning board could be created, but to date one has not been established. However, Community Conservation Plans have been developed for the lands surrounding each of the communities.

#### Environmental impact assessment

In the MVRMA, and resulting from the land claim, environmental impact assessment is supposed to consider impacts before any action is taken with respect to development. Environmental assessment is supposed to protect the environment from significant adverse impacts and protect the social, cultural, and economic well-being of residents and communities, and to look out for the well-being and way of life for Indigenous people.

There are 3 levels to the environmental impact assessment process.

- 1) Preliminary Screening, which the GLWB and other LWBs primarily carry out. This is an initial evaluation of a project to see what level of assessment is needed.

- 2) Environmental assessment and 3) environmental impact review are the responsibility of MVEIRB for the Mackenzie Valley, and the Environmental Impact Review Board for the Inuvialuit.

Land and water regulation

The GLWB and other land and water boards regulate the use of water, the use of land and the deposit of waste by reviewing applications, setting conditions, and issuing land use permits and water licences. One of the key principles of land and water management from the MVRMA that the boards work under is that land and water management should be for the benefit of residents of the Mackenzie Valley and for all Canadians.

The Inuvialuit Water Board regulates the use of water and deposit of waste in the Inuvialuit region.

Renewable Resources Board and Councils

In settled claim areas in the Mackenzie Valley, Renewable Resource Boards have been established through land claim agreements in the Gwich'in, Sahtu, and Tłı̄chho regions to manage wildlife, fish, and forests. These boards come from the land claims and work with MVRMA boards as part of the integrated system. In areas with unsettled land claims, structures for the management of renewable resources have not yet been established and will be addressed as part of ongoing land claims negotiations. In the meantime, the GNWT fulfills this function.

In the ISR, the Inuvialuit Game Council (IGC) has the responsibility to represent the collective Inuvialuit interest in wildlife. Hunters and Trappers Committees (HTC) have similar responsibilities in individual communities and make appointments to the membership of the IGC. The IGC in turn appoints members to the wildlife co-management groups: Wildlife Management Advisory Council Northwest Territories, Wildlife Management Advisory Council North Slope and the Fisheries Joint Management Committee.



Brett Wheler presenting the overview of the MVRMA

Brett explained that there are other parts of the MVRMA intended to support the system.

- The Cumulative Impact Monitoring Program (CIMP) is a source of environmental monitoring and research in the NWT. Its main purpose is to support better resource management decision-

making and the wise use of our resources by furthering our understanding of cumulative impacts and environmental trends. This program is run by the GNWT.

- The NWT environmental audit is done every five years by an independent auditor. It is a check-up of how well the system works as a whole, and to see if it is achieving the vision set out in the land claim agreements and the MVRMA.

Brett added that regional strategic environmental assessment is a new tool in the MVRMA to support other parts of the system. It is supposed to support project assessment, land use planning, and other resource management decisions. It can look at development scenarios and options, inform development plans, look for win-wins in terms of energy and resource development and other land management decisions to maximize benefits, and minimize impacts.

### **Questions and Discussion**

**Margaret Nazon:** Are there more resource management acts in provinces like in Alberta?

Response: There are mostly government departments and not co-management systems. There will be discussion later regarding recent efforts to improve environmental assessment down south. We are more engaged with Yukon, Nunavut, and James Bay who have co-management structures.

### **Panel Discussion: Our past – how did settling the Land Claim change the framework for resource management in the Gwich'in Settlement Area?**

Panelists: Grand Chief Bobbie Jo Greenland-Morgan, David Krutko, Bob Simpson and Brian Crane

A panel of former negotiators shared the history and experience of the process that led to the Gwich'in Comprehensive Land Claim Agreement and the shaping of the MVRMA. The questions that guided the discussion included:

1. What was the spirit and intent of the claim regarding resource management?
2. How did the resource management system come into being?
3. What changes occurred in resource management once the land claim was settled?
4. What perspective did you bring or what was your role in the transition of resource management after the land claim?
5. What worked and what would you have liked to see done differently?
6. What advice can you offer to the co-management and integrated resource management system?

**Grand Chief Bobbie Jo Greenland-Morgan** welcomed everyone to Inuvik and the Gwich'in Settlement Area. She relayed her honour at sitting with Brian, Bob and David who were there at the negotiations. Although she was not involved with the negotiations of the land claim, Grand Chief Bobbie Jo emphasized that the GTC is working diligently on the implementation of the land claim.

**David Krutko** highlighted a few key steps in the process to the land claim success. One step was the creation of the Beaufort Delta Planning Commission with the Inuvialuit in the mid 1980s. A lot was learned from them because of their experience with the IFA. The Commission was an opportunity to help develop human resources in communities to settle the land claim. There were community-based workshops, community planners, and consultative processes door-to-door. Also, the Gwich'in area was

one of the few regions in the territory that established a regional council which was called the Mackenzie Delta Regional Council. It was modeled after the Inuvialuit wildlife councils as they had experience dealing with the oil and gas development in the 1980s. Also, the elements that are in the land claim now came from the Dene Métis agreement; the structure of the land claim agreement went from a territorial-based structure to a regional-based structure and it was an opportunity to build on previous work.

**Bob Simpson** recounted that there were several reasons for the Mackenzie Delta Council: a high number of developments in the Beaufort and the Delta; follow-up from the Berger inquiry; overlap of Inuvialuit negotiations; pressure to build a port on the North Slope, etc. There was a need to take an advocacy role. The practice and premise for land and resources management came from the Elders. They wanted to be aware of what was happening on the land and they who wanted to have input into the review process even going so far as to say “no” to development. They wanted to make sure the right decisions were made for their land and resources. The fundamental principle was that people had a right to make decisions over their land and waters. Bob explained that giving input was always a struggle. One example is that land permits were sent to band/municipal councils with only a few days to respond.

After the land claim was finalized, Bob pointed out that there were two hurdles with implementation: funding and recognition of authority under the Act. The government was not thinking beyond compensation and that implementation of the system would require funding. In terms of recognition of authority, an example is that the government had to concede that the land claim provided the Gwich'in people the right to determine land use, such as conservation zones, in the GSA.



The panel discusses the negotiation of the land claim and resource management.

**Brian Crane** commented that the Gwich'in negotiation team was dealing with large issues and a tight timeline. Other pressing processes happening were the Beaufort Delta Land Use Planning process, the Porcupine Caribou Management Agreement, the assertion of Gwich'in rights within the Peel River, etc. Since the land claim was settled in a short time period, there were no detailed implementation plans like there were in Nunavut. At the implementation stage it was a new set of bureaucrats who had to pay for



implementation and to whom the spirit and intent of the claim was less relevant. Money was not forthcoming if obligations were vague. The Auditor General has reported on this and the government has said that they do have to respect the spirit and intent of the Gwich'in agreement and will fund implementation to make sure promises are kept.

**Grand Chief Bobbie Jo Greenland-Morgan** agreed with Brian that the agreement should not have been done in such a rush as more attention needed to be paid to the details. As a result of this lack of detail, today there are inherited challenges faced.

**David Krutko** mentioned that one of the faults of the Dene Métis collapse was not being able to achieve a participation agreement like in the IFA and the *Nunavut Agreement*. He noted the downfall of this missed action is having to always sit with government and industry to work out access and benefits agreements. There is the Economic Chapter and the Subsurface Resources Chapter in the Gwich'in Land Claim Agreement, and it was supposed to be Indigenous groups, the GNWT, and the Government of Canada negotiating the transfer of oil and gas development to the Northwest Territories. Devolution has happened but the subsurface rights remain an issue.

David brought up the importance of the Boards' roles. As an example, the Renewable Resources Boards (RRB) and Renewable Resource Councils (RRC) are the main instrument for wildlife and wildlife management protection. There needs to be an understanding between government and the boards on the roles and powers of the renewable resource councils and renewable resource boards. Similarly, land use planning is a protective mechanism. Any developer must make sure that the project is in compliance with the land use plan and that it fits the criteria of the land use plan. The Gwich'in was the first region in the Mackenzie Valley to implement these Boards -the Gwich'in Land Use Planning Board (GLUPB), the GLWB, the Gwich'in Renewable Resources Board (GRRB) and the RRCs. They worked on establishing by-laws, guidelines, regulations, and criteria to make them function the way the land use claim agreement intended them to function.

**Bob Simpson** mentioned that there have been several intrusions by government to modify the land claim agreement in recent times. An example he noted was an attempt to amend the MVRMA to consolidate regional boards into a single territorial board. People in the communities were not comfortable about this. Communities come first above all else when it comes to decision-making. Through negotiations Gwich'in leaders wanted to maintain a unified approach.

Bob noted there is a new wave of the recognition of indigenous rights. The Truth and Reconciliation Commission has a long list of plans for action items, and there are international agreements such as The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizing Indigenous rights. There are aspects in the UNDRIP that are not in the agreements. If Canada is legislating their support for UNDRIP, changes will need to be made. Bob concluded: "Implementation never ends, you can always strengthen the people all the time".

Bob highlighted that one area of resource management that needs attention is monitoring. In the MVRMA, cumulative impacts monitoring, and monitoring in general, end up being a "thin one-pager". The government now is more receptive to community guardianship monitoring programs. Monitoring is important for land use planning as it is reviewed every five years and the feedback is needed to inform changes to the ecosystem, land and water. Monitoring is one area to concentrate more on.

**Brian Crane** commented that the MVRMA came three years after the land claim. Courts decisions were that modern land claims are a “path to reconciliation”. This new relationship was not acknowledged at the time the land claim agreement was settled. Language in the agreement had included the “exchanging of rights” and “giving up of rights”. However, this is no longer acceptable. The government has now stated in its principles of reconciliation that they would not ask any Indigenous groups to give up their rights. Currently, new language is being developed around claim agreements to clarify intentions and objectives. It is important to note that while the land claim agreement is a final agreement, it is also a moving process. The time is right to move forward with the modernization of the land claim, and if there are certain aspects that are not in the agreement or not described adequately, then the Gwich’in can put these concerns to the government to modernize the treaty. In this way, it would be working to establish what the supreme court says is the necessary reconciliation to make a true partnership.

Brian touched on a few improvements to the system that have occurred since the signing of the IFA. In the Tłı̨chǫ Agreement, the Tłı̨chǫ Government can make direct board appointments and this is a much more practical approach that should be adopted in the Gwich’in and Sahtu Agreements. Also, RRBs can be improved through the role of RRCs as they have a major role in the communities. RRCs can help with advancing education, advancing understanding of hunting, fishing, trapping, and outreach activities to make the sector work. The limiting factor is the amount of funding that the governments are willing to allocate to these Boards.

**David Krutko** brought up the issue of the mitigation measures to deal with climate change. Boards need to be adaptive so they can collect information, conduct research, and have enough baseline information to make decision on how best to mitigate problems that did not exist before. The systems that are in place have to work with Traditional Knowledge, scientific knowledge, communities etc. Additionally, there needs to be more resources available (such as intervenor funding), especially from the Federal Government. This would allow for a more open process so interested parties can present their point of view, as well as gain insight, and information.

**Grand Chief Bobbie Jo Greenland-Morgan** said that the Gwich’in Tribal Council is in the process of addressing the recommendations put forward here in furthering the nation-to-nation building relationship. As landowners, the Gwich’in look back at the spirit and intent of Treaty 11 in comparison with the modern treaty and see that there are a lot of valuable provisions, but also challenges. The co-management boards remain successful based on the continued partnership between the boards, and on the issue of board appointments, there is work happening so that the functions of the Boards are not affected.

### **Questions and Discussion**

**Norman Snowshoe** said that the MVRMA serves its purpose involving the communities specifically in the Gwich’in region. Dealing with UNDRIP involves a different scope and more planning for future negotiation. The MVRMA system can be fine-tuned and there is the need to train people to participate in the process. The focus should be on the MVRMA.

**Bob Simpson** commented that it has been five years since devolution happened and he believes the MVRMA will also devolve to the GNWT. If the MVRMA devolves, Bob noted it will be up to the GNWT and Indigenous governments and Boards to work on the legislation. This presents an opportunity to plan

for it and make it truly robust in its function. Bob noted that he believed this process should start next year.

**David Krutko** highlighted the land claim in terms of subsurface rights and what will be reflected in the oil and gas regulation as a result of devolution. Court cases have made it clear that land use claims need to be considered in federal and territorial legislation such as oil and gas legislation.

**Brian Crane** responded to a question on “cede and surrender” language in the land claim agreement. Brian said that modern treaties do not use that language. Indigenous rights are being recognised rather than modified. From a legal point of view, the modern treaties are specific about the use of land and title, etc. However, the expressions used in the past are no longer being used, and he noted that there may be other pieces in the agreement that are not appropriate. In the medium term the government is looking to do a modernization of its treaty language. This is on the agenda for future discussion with the Government of Canada.

**Norman Snowshoe** said that the term “rights” is contentious in implementing any legal act. If we can get clarity on the “cede and surrender” clause that would benefit all those involved in the co-management process.

**Grand Chief Bobbie Jo Greenland-Morgan** commented that to remove the cede and surrender clause would “do wonders for the Gwich’in people”. She reiterated that the agreement has strength because it was signed with the government, but that it needs to be remembered that those rights are there because they are inherent. No government should be asking indigenous people to give up their rights.

## Presentation: Administration and Management of Gwich’in Private Lands in the GSA.

Stephen Charlie, Lands and Resources-Gwich’in Tribal Council (GTC)

The role of the Gwich’in Land and Resources department (GLR) include:

- Management and administration of Gwich’in owned lands within the NWT and Yukon. GLR deals with the environmental process in both the NWT and Yukon;
- Issues policies, regulations, and guidelines related to the management and planning of land use, wildlife, and other GCLCA related issues.

Stephen mentioned that the responsibilities of managing land use covers activities such as commercial logging operations, gravel pits and quarries, recreation and tourism outfitting, government activities, oil and gas activities, residential leases, road construction, and research activities.

Stephen explained that the Gwich’in Land Management and Control Guidelines were created to cover access to Gwich’in private land that started in 2005 with research and consultation over a ten-year period. The guidelines were adopted along with a fee schedule. The guidelines specifically:

- Set out the standards and guidelines for the use of Gwich’in Private Lands;
- Provide for consistency and fairness to the management and control of Gwich’in Private Lands;
- Provide for Gwich’in participation in the management and control of Gwich’in Private Lands;
- Provide for the coordination of land use regulation with public regulatory authorities.

He noted that proponents need to get access authorization for Gwich'in lands first, then the project proposal goes to the regulatory boards. In the access authorization process, consultation takes place. The GLR have developed a process where there is a checklist for proponents on consultation. Stephen brought up some discussion points on the assessment of access authorization regarding consultation:

- How do you measure the consultation feedback in a community with regards to a development proposal?
- Is the proponent doing proper consultation in a community?
- What is the threshold for meeting the consultation and fulfilling the obligation to GTC to get access?
- What about the portion of the community that doesn't support this and feels that they haven't been heard?

There is the reliance on the co-management board to make decisions. These boards have people who are from the region and know the issues at hand. Stephen points out that this is the reason there was a feeling of "betrayal" when a "super board" idea was introduced to eliminate the regional boards. It was a way to fast track development while minimizing input from communities.

Stephen also highlighted two issues that need improvement. One is the collaboration with GNWT inspectors concerning the enforcement of permits/licensing and secondly is the limited resources received at the Designated Gwich'in Organizations (DGO) and the RRCs level. Lack of funding at these levels may cause a lack of concerns brought forward. Stephen touched on the work of the Gwich'in Heritage Board, noting that it is not a co-management board but part of the GTC, and they bring in the cultural and heritage aspect of the people who live on the land which is a very valuable component. Their input is very crucial, and they always comment on projects (e.g. camps and burial sites). They show the Gwich'in people's attachment to the land.

### **Questions and Discussion**

Question: Can you elaborate on Forest Management Plan and what it entails?

Response: The Gwich'in Forest Management Plan was signed in Fort McPherson 2010.

- Management regime for issuing permits on private vs. public lands.
- Certain aspects to which RRCs, DGOs get involved.
- GNWT-ENR responsible now but plan has been out since 2010.

## Presentation: Emerging Practices in Environmental Impact Assessment

Bret Wheler, Mackenzie Valley Environmental Impact Review Board

Brett reiterated that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) assesses impacts on the environment and people. The Board listens to community members, leadership, government partners, and proponents. The Board must consider socio-economic and cultural wellbeing and the wellbeing of Indigenous people. It makes decisions on significance of impacts and makes recommendations to government to approve/reject projects and conditions to protect the environment and people's wellbeing.

Brett shared some of the hot topics and efforts to improve environmental assessment. At a broader scope, there has been a federal review focused mostly on southern Canada, but also offshore areas of the Arctic. The GTC and Arctic Council, through its Sustainable Development Working Group, are looking

at having complementary levels of assessment, effective coordination across jurisdictions, international considerations for transboundary projects, addressing Indigenous rights, and meaningful engagement. There is some movement from the Government of Canada on participant funding – all co-management partners have been advocating for this for a long time.

At an organizational level, MVEIRB is continually building relationships, communicating with assessment agencies across the North and in other parts of Canada, for example with the NWT Board Forum, Canadian Environmental Assessment Agency, Pan Territorial Forum, etc. MVEIRB is closely re-examining its process to implement the values that came from the land claim. Work is being done on ensuring that the review process facilitates:

- different types of knowledge including Traditional Knowledge and that the process continues to be evidence based;
- a review is based on the interconnectedness/relationships between different parts of the environment;
- assessment that encompasses the social, economic, biophysical (land, water, wildlife), and cultural well-being of people; and
- conditions set at the end of the EA that are implemented and work the way they are supposed to.

One hot topic in EA these days is the idea of a “sustainability assessment”. The idea is to take a holistic environment approach and add in a time component so that there is consideration for current and future generations. In the Mackenzie Valley we already take a holistic approach, taking into consideration both people and wellbeing. There is also work being done on Development Certificates, a new tool added through the MVRMA amendments for overseeing implementation of measures throughout the life of the project.

Cultural Impact Assessment is also being worked on to better identify, predict and minimize cultural impacts. There is no specific co-management approach for managing heritage processes, but it is a mandate of the Review Board. It is important to remember that culture and wellbeing are defined by people for themselves; it cannot be defined by an outside organization, co-management or otherwise.

MVEIRB is also working on the EA Initiation Guidelines for major projects, to describe information needed to begin the EA. The goal is to get good information at the start to better focus the EA on issues that matter most.

### **Questions and Discussion**

Question: Environmental Reviews have a sad history in Alberta with regards to First Nation groups. In the NWT: how many have been reviewed, how many refused? What is the involvement of First Nations for submissions like in the Gwich'in?

Brett Wheler: There are approximately 50 EAs listed on our Public Registry. The most common decision is approval with conditions, there have been projects that have been rejected, usually due to fundamental compatibility issues with Indigenous land use plans, as well as developer's proposals. It is important to note that the Review Board is required to have 50% representation of members from Indigenous organizations.

Question: What is an example of a measure regarding culture and heritage?

Brett Wheler: Examples include the NICO Mine in the Tłı̨chǫ region and the Ekati Jay project. The Board heard concerns about areas being culturally significant, as well as concerns over losing the translation of TK to future generations. For NICO mine, the Board required the proponent to facilitate and financially support ongoing use around the project footprint (e.g. cultural camp), support for community-based monitoring, and changes to project design to prevent impact on cultural use of the project area.

## Presentation: MVRMA Amendments (Bill C-88) and Participant Funding

Rebecca Chouinard and Kim Pawley, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

### **Part 1: MVRMA amendments (Bill C-88)**

Rebecca provided the following information: In 2014, the Government of Canada put in motion through the *Northwest Territories Devolution Act*, restructuring of the regional land and water boards into a central board. The Tłı̨chǫ Government and the Sahtu Secretariat sought a court challenge to have this stopped, and it was successful. This also stopped other changes to the MVRMA from occurring. Now, Bill C-88 proposes to undo the provisions related to board restructuring and re-introduces other changes, including:

- Administrative Monetary Penalties - a new tool for inspectors to promote compliance;
- Development Certificates - an enforceable certificate that would include all approved EA mitigation measures within the jurisdiction of the Responsible Ministers that a proponent is responsible for implementing. It would be issued by the Mackenzie Valley Environmental Impact Review Board at the end of an EA or EIR;
  - Enforcement - designate federal or territorial officers to inspect developments for compliance with the conditions of development certificates;
- Consultation requirements – future regulations would aim to provide certainty as to the process and responsibilities for Indigenous consultation in land and water regulation processes and EA processes;
- 10 Day Pause Period - would require a 10-day delay after a preliminary screening of a project proposal before work can be initiated to give other referral bodies an opportunity to refer a development to EA;
- Board Member term extensions - extend MVEIRB and the MVLWB member terms to ensure quorum and continuity would be maintained during a review that is underway;
- Clarification on Board Proportions - ensure that the proportions of government and Indigenous nominees or appointees remain the same if/when special representatives are added to a board;
- Regional Studies - provide Ministerial authority to establish committees to undertake regional studies to generate environmental and socio-economic information about a particular region in the Mackenzie Valley;
- Cost Recovery - would allow the Government to recover costs incurred by the Review Board, the land and water boards and the federal Minister while undertaking regulatory reviews or environmental assessments and reviews; and
- Inspection Notice Requirements - the Bill would change the legal threshold respecting government inspection notice to the Gwich'in and Sahtu First Nations so that prior notice of entry to Gwich'in or Sahtu lands is provided where it is "reasonable to do so".

The Bill was introduced to Parliament on November 8, 2018 and was debated in the House of Commons on December 3, 2018.

## **Part 2 Participant Funding**

Participant/intervenor funding has been a constant topic for discussion over the years. It has been an on-going request of the boards and communities to the government of Canada. Kim Pawley gave an overview of CIRNAC's Northern Participant Funding Program, which has \$10.3 million available over five years beginning in late 2018 and ending in 2023. The purpose is to support the environmental and socio-economic assessment process in areas that are covered by the northern land claim agreements and the unsettled claims area of the NWT. The goal is to provide funding to Indigenous organizations, community groups and northern stakeholders to help them participate in complex Impact Assessments. This should support continued effectiveness, credibility, and trust in northern impact assessment processes and respect the rights of those most affected by northern development, including Indigenous communities.

The eligible activities for funding are:

- reviewing documents submitted by the proponent;
- preparation of information requests;
- preparing for and participating in technical meetings;
- preparing technical comments and reports;
- participating in consultation sessions and final hearings; and
- organizing consultation activities with affected communities to gather community and Traditional Knowledge used in the development of submissions to impacts assessment boards.

Eligible expenses include hiring consultants, translators, legal and technical experts; collecting Traditional Knowledge; providing honoraria for Elders and Chiefs to attend meetings, travel, and staff salaries.

Kim noted that pilot funding is in the process of being awarded to support the parties in the Mary River Phase 2 Development Proposal in Nunavut.

## **Questions and Discussion**

Question: People want to participate, but to intervene in a hearing is a challenge. Does money for travel include accommodation? It is also important to have a terminology workshop as laymen's terms are necessary especially for translators to understand the science, and technical jargon. It is also important to translate what the Elders are saying with respect to Traditional Knowledge. Sometimes there is the need to hire a younger Elder to translate what an older Elder is saying. A wish list would include funding for a terminology workshop, translator, communication equipment, recording equipment, and video equipment. Hiring technical expertise – government "catches" them first, but Indigenous governments would like to "catch" them first.

Kim Pawley: Accommodation is covered and per diem. With regards to the workshop on terminology, we can discuss that with the Boards. If all funds are not dispersed in the year, the surplus can be used for more general capacity building, which could include a terminology workshop. The CIRNAC



Yellowknife Regional Office is collaborating with MVEIRB to organize a terminology workshop. Currently, funds are only for EA and EIRs; we are not yet able to get funding for the LWB process, but perhaps in the future.

## DAY 2: Break out sessions

Most of day two was structured so that participants were able to cycle through a series of presentations on aspects of the resource management system. An overall summary of the content is given, along with responses to questions. The topics for the break-out sessions were:

- Land Use Planning;
- Preliminary screening and Environmental Assessment;
- Land Use Permits and Water Licences;
- Wildlife management and renewable resources;
- Compliance, inspection, and enforcement;
- Land management and tenure; and
- incorporating Traditional Knowledge into resource management.

### Break out session #1: Land use Planning

Sue Mackenzie, Gwich'in Land Use Planning Board

Sue noted that the Gwich'in Land Use Planning Board's (GLUPB) mandate is to develop and implement a land use plan that provides for the conservation, development, and use of land, waters and other resources. Legislation includes direction to develop a Plan that is particularly devoted to the needs of the Gwich'in while considering the needs of all Canadians.

The Gwich'in Land Use Plan (Plan) received final approval on August 7, 2003. A revised Plan is now in the final stages of approval. The Land Use Plan considers multiple potential land uses and provides policy for a balance of conservation and economic development in the GSA. The Land Use Plan requires approval by the GTC, GNWT, and Federal Government. An approved Plan applies to both Gwich'in and public lands outside of municipal boundaries within the GSA. All licenses, permits, and other authorizations relating to the use of land, water, and the deposit of waste in the settlement area must conform to the Plan.

#### The Plan Basics

- integrated land use plan;
- three-tiered zoning;
  - general Use zones (57% of GSA);
  - special Management Zones (33% of GSA);
  - conservation and Heritage Conservation Zone (10% GSA);
- settlement area is approximately 57,00km<sup>2</sup>.

### Land Use Plan Development

The Board started by considering the 10 years of planning by the Mackenzie Delta Beaufort Sea Land Use Planning Commission. The views of communities, regional organizations, industrial interests, and government departments were carefully evaluated and incorporated. The Plan was created with both Traditional and scientific knowledge. The best available information was gathered, and communities mapped out areas of significant value and/or used. The Board ranked natural and cultural values of the areas with the potential for development. Areas that were given protection share the highest cultural and natural values. The categories of information that were considered include forestry, water, fish, wildlife, tourism, sand and gravel, oil and gas, minerals, transportation, communications and utilities, waste management, and military activities.

### Flexibility regarding specific projects if the proposed activity would have a significant impact

#### Exceptions:

- a “one-off” allowance; the Plan doesn’t change;
- requires a decision of the Planning Board

#### Amendments:

- changes the Plan;
- requires a decision of the Plan signatories;

### Long-term adaptability of the Plan - Comprehensive Review

The review is to be carried out once every five years. It begins by gathering updated regional information and involves intense consultation. This ensures that the Plan is relevant and effective over time. Any proposed changes receive approval through the amendment process. GLUPB has a mandate to monitor plan implementation, part of which is to try to evaluate impacts of development against objectives in Plan zoning.



Sue Mackenzie facilitating the Land Use Planning Workshop

### Cooperative Responsibility

The Planning Board recognizes the need to work with others who:

- have mandates for primary research;
- set management policy; and

- have regulatory or enforcement responsibilities.

### Questions and Discussion

Difficulties with new legislation and new technology were noted.

Ensuring new legislation respects the constitutionally protected land claim:

- noted Canada’s need to rewrite mining regulations;
- reinforced the need for multiple levels of consultation; and
- land use plan is high level and helps to identify key issues in areas and identifies ‘no-go’ zones proactively.

Question: Does the land use plan conform to Federal Species at Risk Legislation?

Response: Yes, the Planning Board has ‘meshes’ with the rest of the regulatory regime

Question: How is grandfathered in waste (pre-land claim) reflected?

Response: Clean up isn’t fully addressed. Waste sites were considered but not specifically listed. The cumulative effects component has not been developed yet.

Question: Who is responsible for cleaning sites?

Response: Sometimes it is the Federal Government, sometimes it is the GNWT - unlisted sites default to the Federal Government based on participant interpretation.

## Breakout Session #2: Preliminary Screening and Environmental Assessment

Facilitated by Brett Wheler, MVEIRB

Session focused on the Mackenzie Valley Region

### Overview of the Environmental Process

#### Project Planning

First, a developer plans a project.

They design the project to minimize impacts on the environment and people, with consideration for:

- project needs
- land use and culture
- early community engagement

#### Preliminary Screening: Is an environmental assessment needed?

The project gets screened to see if there might be significant impacts on the environment and people.

- “Might test”;
  - might it cause public concern;
  - might it cause impacts that matter;
- If no, the project doesn’t need environmental assessment. The project can go ahead to permitting and licensing; and

- If yes, then the project will be referred to an environmental assessment conducted by the Mackenzie Valley Review Board (in the Mackenzie Valley).

Scoping: What are the most important issues?

If you were on the Review Board, what issues would you focus on when you assess the project?

Issues can be about wildlife, physical environment, social, cultural, economic, etc.

Technical Review: Predicting the impacts

Parties and the public ask the developer questions about the project's impacts:

- How likely are they?
- How bad are they?
- How long will they last?
- Over what area?
- Are they reversible?
- How much do they matter?
- What can be done to reduce or avoid the impact?

The Review Board holds meetings with parties and in communities to find out what will happen to the people and the environment.

Public Hearings: Have your say

This is the opportunity to tell the Board face-to-face what you think will happen, and why it matters.

There are technical hearings and community hearings.

Closing argument: parties give their final recommendations to the Board:

- should the project go ahead?
- under what conditions?

Decision Phase: The Review Board recommends, generally:

- the project can go ahead, often with measures/conditions to deal with impacts or;
- more review is needed; or
- the project should be rejected.

The Board communicates its recommendations to the final decision makers and to the public in a Report of Environmental Assessment.

Usually, government ministers agree with the Review Board's recommendations.

The ministers may choose to, generally:

- accept the recommendation or ask the Review Board for minor changes;
- order more review; or
- ask the Review Board to reconsider its recommendations.

For projects on Tłıchq land, the Tłıchq Government is also a final decision maker.

Follow up: monitor and adapt

- Monitor: Determine project effects;
- Evaluate and report: Compare to predictions, test mitigations, report;
- Engage and plan: Collaborate with regulators and affected parties; and
- Adapt: Adjust to protect the environment from unexpected effects.

## Questions and Discussion

- Noted that the fibre optic line and lack of consideration of permafrost and link to Dempster Line. What did we learn and what can we do differently;
- Highlight of needing to slow down and let the process work; and
- Emphasis on who is sitting on the Board/ being engaged with.

Question: What triggers an EA?

Response: Major projects, public concern.

Question: Would smaller scale projects (Rare Earth Metals project) influence the Gwich'in Corporations?

Response:

- economics are important, and so is the environment;
- process applies to Gwich'in Corporations as well;
- constantly needing to be flexible when plans change - requires broad scope, company to have options;
- how long between start to announce Rare Earths- may be years;
- also, to think about scaling- what is stage 2,3? What is long term potential for project development and for impacts;
- Community impacts are addressed. Individual, human impact isn't always considered i.e., trap lines are considered in economic impacts; and
- How does early community engagement does not get diluted through the process;
  - Get record/plan from proponent's early engagement, then the co-management boards take over and boards need to hear from communities too - ask if mitigation will address concerns. Community hearings are important. RRBs and land claim groups have an important role to play too.

## Breakout Session #3: Land Use Permits and Water Licenses

Facilitated by AlecSandra MacDonald, GLWB

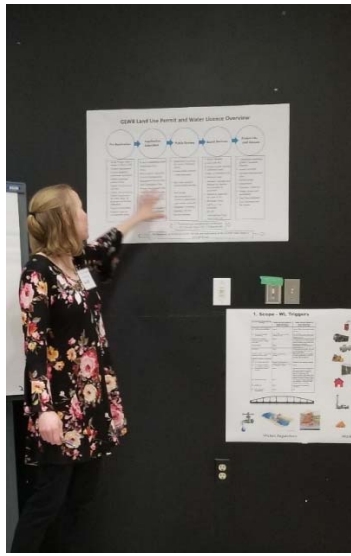
This session focused on the Mackenzie Valley Region (In the ISR, the GNWT Department of Lands administers land use permits on Territorial Lands, and the Inuvialuit Land Administration administers land use permits on Inuvialuit-owned land, and the Inuvialuit Water Board administers water licences)

AlecSandra gave an overview of the application process, and provided an overview of the following:

### Pre-Application

- scope of project; does it require a WL or LUP;
  - triggers for water and land use regulations;
- conduct engagement;
- confirm eligibility/landowner permission;
- obtain concurrent authorizations;
  - *e.g. quarry permits;*
- consult Gwich'in Land Use Plan;
  - *e.g. conservation zones*
- gather information to support application (baseline data, TK, proposed technology, mitigation)

- prepare application;
  - *also refer to the various guidelines; and*
- prepare required management plans.



AlecSandra MacDonald facilitates the session on land use permits and water licences.

Application submission and review for completeness by Land and Water Board staff includes:

- 10-day completeness check;
- application form and fees;
- maps and GIS data;
- environmental impacts and mitigation;
- engagement record and plan;
- spill contingency plan;
- waste management plan;
- Land Use Plan conformity;
- closure and reclamation plan;
- check to see if the project is transboundary (if yes, contact MVLWB); and
- staff prepared draft LUP/WL and workplan.

Public Review

- application circulated for review (Online Review System and email);
- three week public comment period;
- one week for proponent to respond;
- may hold technical session and/or a public hearing;
- staff drafts:
  - recommendations based on application and review comments;
  - preliminary screening report;
  - updated LUP/WL; and
  - security estimate.

### Board Decision

- Board Decision may include:
  - a) issuing Land Use Permit/Water License;
  - b) conducting a public hearing or additional study;
  - c) referral to MVEIRB for EA; and
  - d) refusal to Issue.
- reasons for decision are provided to proponent;
- ministerial approval required for Type A Water License;
- maximum terms:
  - for Land Use Permits it is five years, plus a two year extension; and
  - for Water Licences it is 25 years or life of project for some Type A Licences;
- management plans reviewed by Board for approval.

Timeline from completeness to decision: <42 calendar days LUP/ <9 months WL (Board time only, not proponent time).

### Project Life and Closure

- compliance monitoring (GNWT Inspection Reports);
- annual reporting by proponent for Water License conditions;
- updated management plans through life of project;
- amendments to project may require changes to license/permit conditions;
- extension/renewal requests – the process is similar to the initial application;
- project closure and reclamation;
  - final plan submission (e.g. how much area was used; map of the final area; then Inspector goes out and checks); and
- final clearance by inspectors and file closure.

### Questions and Discussion

Question: Why can't RRCs oversee inspection/enforcement rather than the GNWT? (Tłjchq looking to have own inspectors). This would be good for community members as they know the land/are and have Traditional Knowledge. An example is Indigenous Guardian Program

Response: This an interesting area for discussion, since land use permits in the ISR are also inspected by local monitors, rather than GNWT Inspectors. The GLWB was given power to oversee compliance through the GCLCA chapter 24, and I understand the decision was made to delegate these powers to INAC at the time. But I don't know the details of the agreements, or if there is any impetus to change the current structure in the GSA, so can't really give an answer here.

Question: Can a Minister override the LWB decisions?

Response: For a type A WL possible but highly unlikely.

Question: Monitoring-Environmental monitor-what's authority level of monitor? Can they shut down a project? Who can?

Response: They report concerns to GNWT inspectors who investigate and respond accordingly.



## Breakout session #4: Managing wildlife and other renewable resources

Facilitated by Janet Boxwell, Gwich'in Renewable Resources Board, and Georgina Neyando, Tetlit, Renewable Resources Council, Ft. McPherson.

### **The GRRB is the regional body responsible for fish, wildlife, and habitat management**

- the GRRB reviews permit/license applications; but does not make decisions:
  - staff review applications and submit comments to the regulator, GLWB, as well as research applications to Aurora Research Institute;
  - staff shared that a one week extensions to submit comments is often necessary and sometimes there isn't enough material to adequately review an application;
- the GRRB has a list of standard comments used for similar types of projects which is useful when short of time for review;
- GRRB tries to send a summary of the application for review to the RRCs to focus the review and works with the RRCs;
- GRRB have fisheries, forest, wildlife, and species at risk biologists on staff;
- developers often pursue pre-engagement with GRRB (e.g. Inuvik Wind Turbine Project);
  - The GRRB really encourages pre-engagement meetings and appreciates it when its concerns are honestly considered; and
- door prizes are important for developer meetings and it is important to make sure it is not on bingo nights.

**Gwich'in Renewable Resource Councils (GRRCs) are based in each Gwich'in community** – the mandate is to promote harvesting studies with wildlife and provide the local knowledge from harvesters and trappers in the area of a proposed project.

- The GRRC reviews applications separately from GRRB but is in contact with them.
- The GRRC also reviews application from Aurora Research Institute (ARI).
- Before submitting an ARI application:
  - The GRRC wants the applicants to come in to present and explain what's proposed. This helps with time limitations and capacity, as well as lengthy application packages.
- Most ARI applications are approved by the GRRC, though sometimes conditions are added.
- The GRRC is also responsible for reviewing and processing applications related to the Gwich'in Harvester Program.
- The GRRC has seven Board Directors and it meets once a month.
- The GRRC uses Appendix F of the Land Claim with regard to allowing people to go on the land.
- Bats have been reported in the GSA (reports in Aklavik);
  - There are bat recorders in each of the communities now to try to confirm if the reports are accurate.
- The local radio station in Ft. McPherson is a great asset. The Designated Gwich'in Organizations and RRCs distribute a lot of information about their programs on the radio. A suggestion was made to have meetings on the radio to allow people to listen in and call with questions.



Participants listening in the session on wildlife management.

## **Questions and Discussion**

Question: How do people feel about all the meetings (community engagement)?

Response: Researchers take kids out on the land for fish studies and then come back and give a presentation with a feast to the community. They also use our monitors on the land during research.

## **Summary of comments and questions for RRCs**

### **Funding and capacity**

- RRCs need training so they can respond to applications appropriately.
- Is it possible to get some resources to assist with training? Temporary funding budget helps sometimes.
- Participant funding for hearings?
- Harvesters compensation?
- Training is needed for councillors.
- A suggestion was made to track concerns regarding funding capacity issues for CIRNAC.
- One participant indicated that there is a downfall when it comes to participant funding- it is typically a one-off and doesn't provide funding to hire locally (consultants vs permanent position).
- A suggestion was made to explore ways to build capacity.
- The capacity to get comments and info from communities is a challenge due to capacity and timeline.

### **Application/Process**

- Questions for applicants - what will you be doing? Where is the activity taking place? What do you want from the RRCs?
- Proponents send applications to the GLWB first, then to reviewers. The RRC should respond to applications on its own letterhead.
- Do you summarize applications for RRC councillors?
  - Response: If possible. We provide wildlife management comments.

- The GRRCs review minutes of community meetings by proponents before it goes on public record.
- The RRC does not have technical staff to read/summarize applications.
- The RRC responds with local and Traditional Knowledge of the land when the development is proposed.
- The RRC requests proponents to follow RRC guidelines, though this is not formal.
- Chapter 12 of the Final Agreement gives the RRC power regarding wildlife.
- Researchers are encouraged to meet with RRCs in advance of engaging with communities.
- The RRC holds community meetings to present results from research.
- Tetlit: The GRRC stresses that RRC wildlife and environmental monitors should be used with research projects.
- The GRRC refers to Appendix F of the Land Claim for areas where activities can take place.
- If an application is for a project not in the Fort McPherson area then there is no need to comment.
- Do you (GRRB) get “no to a development” from RRCs?
  - Response: The RRC voices concerns, abides by guidelines, and uses TK.
- The RRC councillors are appointed, there are no elections.
- The review period is short; legislated to be 21 days, and the RRCs meet once a month.

## Breakout session #5: Compliance, Inspection, and Enforcement

Facilitated by – Don Arey, Bradley Voudrach (GNWT Department of Lands) and Norman Snowshoe (GNWT Department of Environment and Natural Resources)

With devolution, the GNWT took over managing, planning, and administering public lands.

Land management process and how Inspectors fit in:

- initial application and Project Description;
  - Inspectors will do a thorough review and provide comments to the LWBs;
- GLWB set terms and conditions in permits and licences;
  - Inspectors will determine if the environmental risk is high, medium or low to determine frequency of inspections (monthly, weekly, etc.). E.g. will have two high risk projects at the same time coming up – Inuvik to Tuktoyaktuk Highway and fibre optic lines;
  - Inspectors will go to sites for the inspections, make sure terms and conditions are being followed, and make inspection reports; and
  - Inspection reports will get put on the Public Registry (process is fair and transparent).
- some oil and gas sumps are still being monitored; GTC or GLWB will determine when to close these permits/licences. For oil and gas (camps, etc.), GNWT-Lands will not be the only Inspectors: DFO, OROGO, NEB, GTC could also be involved;
- frequency of inspections depends on the type of project and the phase of operations - can be up to twice a week (eg during highway construction) or annually (Peel River Crossing);
- if non-compliance: inform proponent; if it continues there would be a direction or order; could be court action with possible fines and jail time or licence could be suspended (this has never

happened). Superintendent would be notified. Non-compliance could be for not abiding by licence terms and conditions, working outside project boundary, etc.;

- ISR Inspections – joint inspections with GNWT-Lands, DFO, EC;
- good working relationship with Infrastructure. It is beneficial to have good working relationships to address issues that arise, e.g. for communities that may be in non-compliance with a water licence (such as for Annual Reporting/SNP requirements); try to work with community first;
- Inspectors can recommend re-assessment or to close off a licence/permit; and
- permafrost slumping is something Inspectors must focus on in the Gwich'in.

### **Questions and Discussion**

Question: What about if there is a spill? It could take days for someone from Yellowknife to come up.

Response: Water Resources Officer would take the lead. There is a multi-agency agreement in place that spells out who responds to what spill.

Question: In the south more First Nations groups are establishing “Guardianship Programs” (e.g. Boots on the Ground Caribou Monitoring). New initiatives are coming to the territory for monitoring and enforcement. Are there examples in the Gwich'in?

Response: In the ISR every project is required to hire an environmental monitor who will contact Inspectors if they see anything on the land that could be problematic. The monitors are trained by the RRC/community corporations. Proponents must hire them and provide the financial support.

## **Breakout session #6: Land Management and Tenure**

Facilitated by Dan Carmichael, Beaufort Delta Region Superintendent, GNWT-Lands

GNWT Lands Beaufort Delta Region: Responsibilities in the ISR:

- land use permitting within the ISR; and
- Inspections and enforcement.

Leasing and sale of territorial land and commissioner's land (within community boundaries)

Gwich'in Settlement Area:

- Lands works closely with GLWB for permitting (e.g. on consultation list for permits that come in);
- quarterly meetings with GLWB, GTC; and
- do inspections on private land also (that are under permit).

Beaufort Delta Region Lands:

- GNWT-Lands does the actual permitting in the ISR;
- three inspectors in the region who review applications, suggest condition for permits, do inspections. Works closely with ENR-Water Inspectors;
  - Land Specialist;
  - Land Administrator Assistant; and
  - Corporate Service Manager – Finance.

Inspections:

- assigns risk based on activity; this will help to decide how many times to do an inspection; helps with budgeting;
- example: Dempster Highway. Board issued LUP, GNWT-Lands issues quarry permit);
- example: Mackenzie Valley Fibre Line – narrow, must travel by helicopter or ski-do for Inspections; and Inspectors will communicate with Environmental Monitors (hired by community corporation) first when they get to a site;
- Examples from other regions: Akaitcho, Deh Cho, Tłı̨chǫ have “Guardianship” programs that First Nations government sponsor: one example is the Tłı̨chǫ Boots on the Ground – certificate for firearm, first aid, etc., is necessary. Includes wildlife monitoring, etc. on the barren lands.

### **Questions and Discussion**

Question: What do cabin inspections entail?

Response: Basically, check to make sure they are clean and there is no garbage and fuel is handled properly. Would not issue lease within 100 ft of water (or else taking on a liability).

Question: How do you deal with contaminated sites within a municipality?

Response: Work with ENR but depends on who owns the land.

## Break out session #7: Incorporating Traditional Knowledge in Resource Decision-Making

Facilitated by Sharon Snowshoe, Department of Cultural Heritage for the Gwich'in Tribal Council and Alestine Andre, former Heritage Researcher.

The Department of Cultural Heritage (DCH), formerly Gwich'in Social and Cultural Institute, was established in 1992 by the Gwich'in Tribal Council after the Gwich'in Comprehensive Land Claim Agreement was signed. It was created because people were concerned about the decline of the Gwich'in culture and language. The leadership at that point had the foresight and vision to create this organization. The mandate of DCH is “to document, preserve and promote Gwich'in culture, language, traditional knowledge and values.”

DCH's objective has been to conduct research in the areas of culture, language and traditional knowledge so that this body of knowledge will be recorded and available for future generations. Another objective is to develop programs appropriate for Gwich'in needs. This is in building new awareness of, and pride in, Gwich'in culture. Over the past 25 years, the focus has been on research, education, and language, and there have been 120 research projects. DCH works with the four communities of Aklavik, Fort McPherson, Inuvik, and Tsiigehtchic. DCH reviews development and research permits and is responsible for identifying heritage and cultural concerns or issues. One of the successes of the DCH is that it has long term employees that work in the Department. This includes: Alestine Andre and Ingrid Kritsch who have been with DCH since it's inception, Sharon Snowshoe since 2005, and William George Firth, who has been at the Gwich'in Language Centre since 2000.

The Gwich'in have a rich oral tradition that is centered on the land. By working with Elders and harvesters, who have an in-depth knowledge of the land learned from both personal experience and the oral tradition, the DCH has been building an archive of information about the people, wildlife, and lands of the Gwich'in Settlement Region. There are many types of studies conducted by the DCH, including place names, oral history, Gwich'in ecological knowledge, and ethno-archaeological research. The DCH has created an archive of research materials and digital files.

The DCH has digital and hard-copy research materials dating from the 1970s. There are hard-copy research materials that include maps, typed and hand-written research notes, and other materials. These are stored in DCH's offices and at the NWT Archives. The digital archives include many types of files: scanned maps, both historic photos from the Gwich'in area and modern photographs of DCH research and events, transcripts, field and interview note, reports and publications, sound files, as well as film and videos.

The DCH uses the information daily for research, to create publications, curriculum materials, websites, posters, and to conduct reviews, among other purposes. The DCH still undertakes numerous research projects every year and in partnership with other communities, universities, museums, other First Nations, and government departments.

The DCH has thousand of files of textual information from and about the Gwich'in, and their lands and resources. Transcripts are relied on for much of the research and licence reviews. Specialized software is used to pull information out of the transcripts, which allows for complicated searches.

The DCH has a large and established computerized mapping specialty. Paper research maps from all DCH projects have been scanned and digitized. The information is stored in a series of databases and files. Information includes ecological knowledge, traditional place names, trails, cabins, and other types of land use. They also have computerized mapping files from other projects, including the Dene Mapping Project. Dene Mapping Project map files have a large amount of wildlife and traditional use information.

The work that DCH has carried out over the last 25 years has helped the co-management boards do their work, such as land use planning, land use permits, and water licences. Information is available at the DCH in the form of booklets on Gwich'in Place Names project, Ethno-archaeology projects, the online Gwich'in atlas, as well as through their website.

Another aspect of the work is donating research materials to the NWT Archives to process and safeguard until the time when they can be returned to a future GTC Gwich'in Cultural Museum and be accessible for future generations of Gwich'in, and the co-management boards. The DCH had done an excellent job carrying out the tasks laid out in Chapter 25 and other sections of the GCLCA so boards can have documented TK to work with.



[Alestine Andre and Sharon Snowshoe facilitating the Traditional Knowledge breakout session.](#)

### **Questions and discussion**

Question: How do you link with other co-management Boards?

Response: The GTC Department of Cultural Heritage Culture compiles relevant heritage information to assist Land Use Planning, project reviews by the GLWB and wildlife management by the GRRB.

Question: How were Gwich'in place names compiled?

Response: Elders assisted in providing named places in interviews in town and by going out on the land and recalling stories and information. The method of visiting places worked best as being on site jogged Elders memories and stories. All stories associated with place names were recorded. About 900+ place names in the NWT have been recorded.

Question: Has the Culture and Heritage Department been approached to assist with tangible and intangible cultural values for larger projects like the Mackenzie Valley Hwy?

Response: Yes, we provided heritage information for the Mackenzie Gas Project. This study identified heritage values (physical) and cultural values (including stories, places names, spiritual sites) along the proposed route. This information can be built on for the MVH.

Response: We also provided culture and heritage information to proponents of the fibre-link project.

Question: Can we access the Traditional Knowledge Policy?

Response: Yes, the TK Policy is on the GTC DCH website. Researchers must sign a TK Agreement with the Gwich'in whenever their research involves Gwich'in TK. When their research is completed, researchers must share (give back) the TK gathered to the community and provide research material to the GTC DCH in digital format to deposit in the Gwich'in Archives.

Question: Can the general public use your computer or database for research on heritage and culture?

Response: Yes, but there is cost recovery for staff time.



Question: Are youth involved?

Response: Yes, currently we have youth in the office developing videos for the GRRB. Examples include hunting practices. Youth were also involved in ethno-archaeology projects in past years up the Tsiigehnjik (Arctic Red River) and up the Peel River and the Gwich'in TK and Science camps.

Question: Does your office contribute to information gathering on development projects?

Response: Yes, we provided heritage information, for a cost, on the fibre link project. We provided location of burial sites, and sensitive places along the project route.

Question: Is some TK confidential?

Response: Yes, our Gwich'in Elders make the determination on what TK is confidential related to the Fort McPherson Genealogy Project. We do not record personal or community wellness related topics. In the past, we have turned the recorder off as requested by interviewees when they wanted to share confidential information. If there is a report that is produced, we would have to contact the GTC Board of Directors for their consideration whereby a motion maybe made to keep a part of the report confidential. The other part is if we have confidential information collected in terms of community wellness related topic, we would not share that information. We sometimes ask the PWNHC how they deal with such information to get an idea on how to deal with this type of sensitive information.

Question: Is consent need for use of cultural and heritage information?

Response: Yes, a consent form is signed with each person we interviewed.

Question: Can you meet the timelines on requests for comments on Land Use Permit applications?

Response: Yes, we are able to because we are focused on only one aspect of an application, that related to impacts on heritage and cultural sites on Gwich'in lands. We have land use information on our database and we have a GIS person to assist and compile the needed information.

Question: How do you address pronunciation for Gwich'in place names?

Response: There is an online access for this on the Gwich'in Place Names Atlas where, by pressing the sound button, you can hear pronunciation from elders. Carlton University helped set this up and Elders helped with the place-names database.

Question: Do communities get a copy of digitized culture and heritage information?

Response: Yes, communities work with the GTC to access that material, once that is provided to GTC.

Question: Why are place names important?

Response: Extremely important because they open the door to reveal the Gwich'in traditional way of life on the land. They name places where people camped year after year, the trails are named for destination points to important named places, where people are buried, where there are resources, where events or stories happen. The whole way of life is described by the Gwich'in place names.

Question: How do you keep TK information up to date

Response: We ensured we update our research data by keeping up with changing technology. For example, transferring information from cassette or audio tapes, print photographs, print maps, etc. to digital format.

Question: How can language dictionaries be accessed?

Response: The language centre, now under GTC, has all language material and language offices in each community.

Question: Do project proponents come into your office?

Response: Yes, but usually by email contact. Heritage and cultural information is given out on a cost recovery basis. Proponents must use TK Policy, fill out a research agreement, if and when dealing with Gwich'in TK and information.

Question: How did you get funding to compile all this TK information?

Response: In the early years of the GSCI, we write many proposals to get funding for core operation and for our research projects. TK collection were phased over the years and often not conducted all at once because of funding availability. Worked over this time with many elders and land users. Partnerships with others important. The cultural information is embedded in place names on the land.

Question: How do you maintain the information as technology changes?

Response: We have one person dedicated to making sure updates happen to make sure documented info is not lost.

Question: What about the evolution of language? Older version?

Response: There is some change in language over time. Terminology workshops are important to record current words to explain modern things. In our Gwich'in place names projects, some meaning of words in place names have been lost because of the old age of the language.

Question: Do you include cultural preservation in school curriculum for youth?

Response: Our mandate is restricted to documentation, preservation and promotion of culture and heritage information. We do not create curriculum but we do share our recorded information with educators who can include them in curriculum. Our information is meant to be shared.

Question: What about overlap with Inuvialuit

Response: The Gwich'in heritage and cultural information we collected are from a time before there were these boundaries.

Question: How about Gwich'in records kept with the DCI (Dene Cultural Institute)? Question came from Cheryl who recorded her grandmother, Annie B. Roberts in the 1990. Sharon asked Cheryl if she could share that information with the GTC Dept. of Cultural Heritage and Cheryl is willing to give a copy of the information to GTC DCH.

Question: What is ethno-ecological

Response: This is information and observations of all inclusive life on the land related to plants, seasonal weather and its effects, animals, fish, water conditions, etc.

Question: What about seeds and invasive species?

Response: We document these changes and note new species of fish, new plants and insect. Some may complete with native species.

Question: Where is information held?

Response: Important that we safeguard documented information in one place. For now, the documented Gwich'in information is being deposited with the NWT Archives so that it is not lost and it is safe from fire or water damage. It is in a temperature control place. The information will be returned to the Gwich'in once a future Gwich'in Cultural Centre or Museum is in place with trained archival staff and managers.

## Presentation: Office of the Regulator of Oil and Gas Operations: OROGO and the MVRMA

Pauline De Jong, Office of the Regulator of Oil and Gas Operations (OROGO)

Pauline gave an overview of the Office of the Regulator of Oil and Gas Operations (OROGO), its recent activities and how it functions within the co-management system.

Pauline pointed out that OROGO is not established under the MVRMA but does have a role under the MVRMA. It is one of the regulatory authorities that come in and out of the MVRMA system. OROGO was established in 2014 as a result of GWNT devolution under the *Oil and Gas Operations Act*, with a small role to play under the *Petroleum Resources Act*. It is the Oil and Gas regulator for most of onshore oil operations in the NWT. OROGO is an arms-length organization connected with the GNWT. Administratively, it is located in the Department of Justice, but OROGO has its own office and functions independently.

OROGO's mandate in *the Oil and Gas Operations Act* to ensure human safety, protect the environment, and to conserve oil and gas resources. OROGO deals with the more technical aspects of development: wells, batteries, etc. Its jurisdiction is mostly onshore areas in the NWT and overlaps with jurisdiction in the Mackenzie Valley. Pauline pointed out that OROGO does not regulate the ISR and areas that fall under the jurisdiction of the National Energy Board (NEB). Norman Wells Proven Area also falls under the NEB.

Pauline highlighted OROGOs work in the GSA. There is currently no well activity to regulate, except for one suspended well. This is the Aurora College training well. There are 40 abandoned wells, 21 are on settled lands and these are permanently plugged, cut, and capped. During well abandonment, the well head is taken off, the well casing is buried, and a marker post is put in place to show where the well was. She added that there will be some additional research with regard to community knowledge about well heads still present. Currently, OROGO regulates a part of the Ikhil Transportation pipeline and facility and works with the NEB, the regulator for the portion of the line in the ISR.

Pauline highlighted recent activities for OROGO in the NWT:

- 2018 has been a very busy year with applications being higher than the cumulative number of applications coming in since OROGO was created post devolution.
  - There have been five operation authorizations and 20 well approvals along with the inspection work that will go with the project.
- The increase in applications is partly because of the *Well Suspension and Abandonment Guidelines* that came in effect which set timeframes for non-operating wells (suspend, when/how they are to be abandoned). OROGO is expecting similar activity level until 2025.
- Policy: One guideline for safety plans, and another guideline for environmental protection plans was completed and carried over with devolution (written partly by NEB).
- OROGO also issued a discussion paper on the cost of spills and debris. The intent is to have a high-level discussion on the type of security OROGO would hold for an activity and how it should be managed. The long-term goal is to develop guidelines for proof of financial security.
- Historic files have been digitally repatriated from the NEB registry and are available from OROGO electronically. Old files include seismic information which are being converted from microfiche to a digital format.

Pauline went on to explain the role of OROGO in the co-management system. Due to its role in issuing licences for oil and gas development, OROGO is considered to be a regulator under the MVRMA. As such, OROGO has responsibilities under the MVRMA. OROGO must:

- inform MVEIRB of any applications and decisions made;
- carry out Preliminary Screening (PS);
- contribute to the PS of other regulatory authorities as OROGO may have helpful information that informs the decision-making;
- consider land use plan conformity in its reason for decision report; and
- make sure that any measures from an MVEIRB Report of EA that apply to OROGO's mandate are incorporated into OROGO authorizations as required conditions.

In terms of Preliminary Screening, there are two different kinds of applications that OROGO is required to complete. One is the Operations Authorizations and the other is the Development Plan.

1. The Operations Authorization is considered an umbrella authorization and includes safety plans, environmental protection plans, emergency response plans - anything to do with the management system and how they are going to carry out operations.
2. A Development Plan must be in place before an operator can start to develop a field/pool for production. A developer must be in a position to develop the field before the development plans are in place. To date there has been no experience with Development Plans in the GSA.

During a Preliminary Screening for an Operations Authorization, OROGO can:

- conduct the screening themselves;
- adopt another regulator screening;
- participate in joint screening;
- decide it is exempt from screening under the exemption regulations;
- decide OROGO will not do a screening if LWB has already conducted one; and
- communicate its decision to MVEIRB.

To date OROGO has adopted PS conducted by other regulators or have determined that the proposed activity was exempt from PS but have not yet conducted its own PS. For future applications for Operation Authorizations, OROGO will work with the Land and Water Board and adopt their PS.

OROGO operates under the *Petroleum Resources Act* and must follow confidentiality provisions so information on a development may not always be available on the Public Registry. It is up to the operator to disclose this information. However, because the PS is carried out under the MVRMA and not the *Petroleum Resources Act* this information is publicly disclosed.

Pauline concluded the presentation by encouraging participants to view the two-pager on OROGO's role in PS on OROGO's website (<https://www.oro.go.nt.ca/>).

### **Questions and Discussion**

Question: What are the plans for abandoned sites that have never been cleaned up?

Response: It depends on the nature of what is on the site. OROGO does regulate well heads. If there is waste, camp materials, etc., it would have to go through the LWBs and ENR.

Question: What about contaminants – e.g. Campbell River?

Response: The first step would be to approach the LWB and Department of Lands. There is a program: well-watch. Communities can refer sites to well-watch and OROGO will go out to better understand if effects may be from past oil and gas history.

## Presentation: Inuvialuit Land Administration

Charles Klengenber, Inuvialuit Land Administration (ILA)

Charles Klengenber gave an overview of the role of the Inuvialuit Land Administration in the ISR which includes the communities of Aklavik, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk, and Ulukhaktok.

The Inuvialuit Regional Corporation (IRC) represents the collective Inuvialuit interests in dealing with government and the world at large. The Inuvialuit Regional Corporation Board of Directors is made up of representatives from each of the six communities. The Inuvialuit Land Administration (ILA) is the division of the IRC responsible for administering Inuvialuit-owned lands in ISR. ILA follows three basic goals:

- preserve Inuvialuit cultural identity and values within a changing northern society;
- enable Inuvialuit to be equal and meaningful participants in the North, the national economy, and society; and
- protect and preserve the Arctic wildlife, environment, and biological productivity.

The guiding document for the ILA is the Inuvialuit Final Agreement (IFA), specifically section seven. With respect to the environment, the ILA is in constant communication with the Joint Secretariat. The Joint Secretariat provides technical and administrative support to the co-management system established under the IFA. ILA manages Inuvialuit private land: -7(1)(a) subsurface and surface rights (15,000 km<sup>2</sup>) and -7(1)(b) surface rights but not subsurface rights (90,000 km<sup>2</sup>). It is a complex process because of the difference of unique landscapes (oceans, island, tundra) and the large distance between communities and the regional office. The regional office is based in Tuktoyaktuk and the sub office is in Inuvik.

The ILA does the following:

- references the ILA Rules and Procedures for the management of Inuvialuit Lands to achieve the goals of the IFA;
- reviews and approves applications to access and use Inuvialuit land;
- monitors land use to ensure protections of the land and the environment; and
- ensures Inuvialuit benefit from business, employment and training opportunities that flow from development projects.

The ILA currently has four staff members. When there's more activities there will be need for more staff. The Environmental Management Coordinator sets the terms and conditions related to projects. That individual also coordinates with a developer for them to hire local environmental monitors for projects. These monitors are "the eyes and ears on the projects", and they are usually local hunters and trappers, or people from the community with experience being out on the land. There is also an Office Manager and a Land Use Application Coordinator.

Charles explained the activities to do with implementation and monitoring. There is a project start-up meeting which involves the affected parties and stakeholders. Operational or regulation staff are also included in the meeting. This ensures that all key personnel involved in the project for both operational and regulatory sides are aware of the Terms and Conditions of the authorization. The ILA does its own inspection and involves people in environmental monitoring. The inspections are to ensure compliance with the *ILA Rules & Procedures Policies and Regulations* and the Terms and Conditions of the authorization. The environmental monitors report to the ILA, and to community organization such as hunters and trappers' associations. The developer must cover the cost of the Environmental Monitor.

Prior to 2001, the Inuvialuit Land Administration Commission (ILAC) was the body that approved all applications. Currently ILAC is responsible for policy development regarding the use of Inuvialuit private lands. ILAC sets the standard of care that the Inuvialuit will require of industry and others when carrying out activities on Inuvialuit lands. This is done through the development of appropriate land management policies and regulations for recommendation to the IRC Board. ILAC is the appeals body for land use and permitting decisions made by the ILA. When issues arise ILAC serves as the liaison between the communities and the ILA. The ILAC is made of six members who come from each of the six communities and are appointed by the IRC Board.

Charles shared some strategies that will be carried over to the new strategic plan for 2019-2021:

- a monitoring phase for the Inuvik to Tuk Highway;
- ongoing Forest Management Strategy;
- granular Management Plans;
- a residential cabin management strategy for Husky Lakes area – between Tuk and Inuvik;
- wellsite remediation – with climate change there has been erosion concerns, for example slumps located in the Delta, and Tuk Peninsula;
- shoreline erosion monitoring – occurring, as well as lots of studies handled by Inuvialuit Research Department; and
- site clean ups: ESSO Tuk Base in Tuk should be starting this year.

ILAC:

- community based review. Moving forward with feedback and developing a work plan;

- Land Use Application System (LUAS) will be replaced by mid June with an electronic application process;
- strategies in progress: Inuvialuit Responsible Mineral Development Strategy (IRMDS) and a draft Mineral Strategy. The intention is to have a draft to take to the communities and to the IRC to look at and have approved.
- ISR Granular Resource Management Plan (last updated 2012). The IFA sets out provision for the gravel to be provided for Inuvialuit needs and for municipalities. The plan needs to be developed with federal and territorial governments; and
- ILA staff evaluation- need to train staff to deal with applications as they require a lot of research. ILA is working with GNWT on a proposal to train Environmental Monitors to recognize and document monitoring tools (e.g. permafrost), to assist with climate change research.

### **Questions and Discussion**

Question: You mentioned cabin inventory? Is that just pertaining to Husky Lakes? Or in your settlement area?

Response: We would like to develop a strategy that could be used for other areas in ISR. Next biggest place is the Delta – there are lots of cabins in there too.

Question: How do you approach cabins that do not belong to Inuvialuit? Before agreement?

Response: If it is a non-beneficiary who has application for non-private lands, we charge lots of money to discourage them from applying (see the fee schedule). They would have had to obtain leases if the cabin was put up before they signed the agreement.

Question: Monitors are different than the rest of Mackenzie Valley. Can you speak to benefits and/or challenges of environmental monitors?

Response: The Inuvialuit was the first Indigenous groups to want monitors for projects in the 1980s. It started when there was a lot of seismic going on, and there was a requirement for a wildlife monitor (e.g. polar bear). When projects moved in-land, monitors changed focus to environmental monitors. So, wildlife monitoring is separate from environmental monitor.

The challenge is keeping up with training for different projects. Staff may be used to working on some types of projects, but other projects will require different knowledge and training. Proponents pay for environmental monitoring and being able to keep on top of monitoring training is challenging. So we are looking at climate change training with GNWT and universities. If we do some training, we can transition monitors into these projects.

Question: Regarding the pre-land claim hunting area around Tuk and Husky Lake, won't there be a conflict?

Response: What we are doing is because there will be more people using this area with the road. Whatever comes out with the strategy, we need to involve all land users and what they come up with.

Question: What opportunities are there and how can youth and Elders be involved in environmental monitoring?

Response: There is a youth component. Tuk based clean up hopefully will get government funding for a summer student, possibly university education. We are involving youth wherever possible.

## Presentation: Inuvialuit Settlement Region – Screening and Environmental Impact Assessment and Review

Lenora McLeod, Environmental Impact Review Board (EIRB)

Lenora McLeod presented on the screening and review process in the ISR and highlighted the differences between the co-management systems in the ISR under the IFA and in the Mackenzie Valley under the MVRMA.

The Environmental Impact Screening Committee (EISC) and the Environmental Review Board (EIRB) make up part of the co-management system in the ISR. They take their directive from the IFA Section 11, and the EIRB, from Section 8. The ISR encompasses one million km<sup>2</sup> of the Canadian Western Arctic and includes portions of the North Slope in the Yukon.

Lenora highlighted some key difference between the IFA and MVRMA:

The number of process steps is different:

- there are two in the IFA- screening and environmental impact review; whereas
- there are three in the MVRMA – preliminary screening, environmental assessment, and environmental impact review.

Screening:

- IFA-the EISC Committee carries out the screenings in the entire ISR; whereas
- MVRMA - Regional land and water boards and other regulators carry out screenings.

Referral:

- IFA-If a project could have significant negative impact it is referred to assessment and review; whereas
- MVRMA – if a project might have significant adverse impacts or be a cause of public concern it is referred to environmental assessment.

*Canadian Environmental Assessment Act, 2012 (CEAA 2012):*

- In ISR, CEAA 2012 is applicable; whereas
- In Mackenzie Valley the MVRMA applies, CEAA 2012 does not apply.

Staffing:

- Screening Committee and EIRB have one staff each; whereas
- MVRMA boards have multiple staff.

For both the EISC and the EIRB, there are six Board Members and an appointed Chair. They are appointed by the Inuvialuit Game Council (appoints three members), the Government of Canada (one



member), the GNWT (one member), and the Yukon Government (one member). The Chair is appointed by the Government of Canada with consent from the Inuvialuit Game Council.

### **Screening process under IFA**

Lenora explained that the screening process will have to pass two tests. The first is the project determination as to whether it is deemed a development. Examples of development as defined by the IFA can be any commercial or industrial undertaking, facilities related to the extraction of non-renewable resources from the Beaufort Sea, commercial wildlife harvesting, etc. If a proposed project is deemed a development, the second test it must pass is if it is eligible for any exemptions listed in Appendix C of the EISC guidelines. Some examples are extensions, renewals, amendments of existing authorizations, routine monitoring, etc. Should a project meet the definition of development, and not be eligible for exemption, a full environmental impact screening review will be required. Proponents will be required to submit a project description and it undergoes a 45-day comment period. The EISC will make its decision which can include recommendations.

Once the screening process has been satisfied, the screening panel will make one of four decision:

- 11 (17) (a) the development will have no significant negative impact and may proceed;
- 11 (17) (b) the development, if authorized subject to EISC recommended terms and conditions, will have no significant impact and may proceed;
- 11 (17) (c) the development could have significant negative impact and is subject to assessment and review; or
- 11 (17) (d) the development proposal has deficiencies of a nature that warrant termination of its consideration.

### **Environmental Impact Assessment and Review**

If the development is subject to assessment and review, the project is referred to the EIRB. The EIRB goes through all the steps in an assessment and review. The EIRB can select two pathways in the assessment and review:

- small scale review used for smaller projects which takes less than 12 months;
- or
- standard Public Review used for larger projects (will usually last over 12 months), e.g. Inuvik to Tuk Highway.

The review starts with receiving the EISC's referral. The developer submits an Environmental Impact Statement and then the review panel will have hearings. Individuals and organizations can apply for party status if they want to participant in public hearings.

Examples of participants:

- other co-management bodies like the Wildlife Advisory Committee in the NWT, North Slope in the Yukon, or Fisheries Joint Management committee;
- hunter's and trappers' committees; and
- any citizen such as Elders with Traditional Knowledge, hunters, trappers, etc. that want their information to be used as evidence in the process.

During a public hearing information is collected as evidence to support the panel's decisions and to make recommendations. Guidelines for the review process can be found in the EIRB Process for Review guideline. Once the record is closed the panel makes their decision which can include recommendations. The decision will go on to the Minister for final approval and the Minister has 30 days to accept or reject the report. The panel can refer the project to further review and if so, determines what other information is needed if the panel cannot come to a decision. In the ISR, there have been seven projects reviewed by the EIRB starting in 1989.

## Presentation: NWT CIMP- Informing decision-makers

Julian Kanigan, GNWT- Environment and Natural Resources

Julian Kanigan presented the overall function of the Cumulative Impact Monitoring Program (CIMP) within the co-management system and highlighted work that has been done in the GSA.

Julian explained that there is a monitoring component and an auditing component to the MVRMA. He briefly highlighted that the auditor will give more details in a later presentation for the upcoming 2020 NWT Environmental Audit.

Julian gave a brief overview of CIMP. CIMP is a specific division of the GNWT's Environment and Natural Resources Department. Since the program is tied to environmental decision-making, it is important to get information back to the decision-makers such as MVEIRB, the LWBs, RRCs and Land Use Planning Boards. CIMP has a steering committee that is made up of representatives from Indigenous regional organizations and advisors from the resource management boards. CIMP works with the steering committee to determine the priorities for monitoring and CIMP then goes out and implements priorities. It is important to ensure that information is brought back to communities and decision-makers who need it.

Julian highlighted that there are three main activities that CIMP does:

- works with steering committee and determine research priorities and implements them;
- has information available for decision-making and to have information communicated back to the communities; and
- focus on funding and partnerships.

### NWT CIMP information and its use in decision-making processes

CIMP information can come in the hearing process through intervention from federal and territorial governments, Indigenous government/organizations, industry or consultants. One example given is that CIMP worked with permafrost experts to provide information about ground ice conditions along the Inuvik-Tuk corridor. The Department of Infrastructure used this information to make their regulatory proposal better and the regulators used this information to develop conditions for permits.

### Meeting the needs of decision-makers

Boards and regulators provide guidance to CIMP for monitoring priorities. Researchers need to go to communities to talk about what they want to do.

#### How to assess cumulative effects?

CIMP comes up with models to determine how to assess cumulative effects by using the best available knowledge to understand where gaps are, so those areas may be filled by research and monitoring. Proponents and others take effects information and understanding of stressors and bring them together in a cumulative effects assessment. A key aspect missing and less understood in the CIMP system is the human disturbance factor. One tool is the Inventory of Landscape Change in which all permits/licences are seen and can be layered on other types of disturbance (e.g. wildfire). It is a good tool for Board/staff who are doing preliminary screening of what's occurring and what has occurred. It is also good for land resource workers in regional offices as well. Included are current and expired water licences, contaminated sites, cumulative water volumes (important if permitting water use from a lake, for example).

#### Projects in the GSA

A good example of a cumulative effects collaboration deals with the Peel watershed and looking at thaw slumps related to climate change. A heat map was produced with locations of thaw slumps based on an NWT Geological Survey. The Gwich'in traditional trails (provided by Gwich'in Social and Cultural Institute) was added to this, which incorporated thaw slump densities. The collaboration resulted in an integrated risk map which highlighted the locations of important cultural areas threatened by slump. It helped to determine the location of slump areas and it can be used to inform people of high importance areas.

Simon Fraser University did community-based monitoring in Fort McPherson on white fish on the lower Mackenzie River. The interest was driven by the community and the GRRB who wanted to obtain more baseline information. Field research done over a couple of years determined fish migration patterns and the location of critical habitat. This information helps the GRRB with their work on fisheries management.

A project that spans GSA and ISR: In partnership with Wilfred Laurier University, the GSA and ISR teamed up to sample small lakes along the Dempster and Tuk Highways. Researchers recorded physical parameters such as temperature and examined bugs and fish. They did a space per time approach to determine if occurrences in the south could be what occurs farther north in the future. The GLWB could use bathymetry results from this study in future licences and permits.

Julian emphasized that Traditional Knowledge is important, especially for the steering committee and Indigenous regional partners, and with the resource management boards in the decision-making process. There was a specific call for just Traditional Knowledge. He summarized that was a three to five-year project, and now the pay-off is being seen. There is respect for where the knowledge comes from and where it needs to be kept (data-sharing agreement). Since there is public funding involved, parts will be highlighted in reports. An example of Traditional Knowledge partnership is between the Fisheries Joint Management Committee and West Sider Working Group where Traditional Knowledge indicator of parasites in fish caught indicated the status of the stock.

Julian highlighted the ways in which CIMP is communicating information back to the communities and decision-makers:

- the NWT Discovery Portal houses CIMP funded work and it should become a central hub of information;
- there can be peer review work, but the focus is on plain language;
- the annual report is a summary of all of the projects completed, and it is mailed to every band office as well as regional organizations every year;
- plain language bulletins summarize a project;
- new Mackenzie DataStream has water quality data which can be good for researchers to pull information together;
  - going to be able to take next steps to bring data together and focus on regional water quality; and
- results workshop: will be in the Sahtu this year, Gwich'in next year.

Julian highlighted that the take home message should be that CIMP is working to implement research priorities (which are caribou, water, and fish), as well as to provide useable information to decision-makers and communities.

### **Questions and Discussion**

Question: Studying water – lot of talk about sea level rise. Any research on north shore of islands in Arctic?

Response: The ocean and the marine environment are not part of CIMP's mandate. That's just the way devolution worked. That is something the Federal Government would be able to respond to.

Question: Cumulative impacts don't respect boundaries very well. Is there work with Nunavut, Yukon?

Response: We would like to talk about standardized monitoring protocols within these jurisdictions so that we can use the research across jurisdictions. There has been some talk with Nunavut General Monitoring Plan (NGMP) and Polar Knowledge Canada. Another example would be for the Bathurst caribou and Bathurst range plan.

### Armchair discussion: The realities of the system – and an open conversation on what/how we might improve.

Sharon Showshoe, Department of Culture and Heritage  
Stephen Charlie, Department of Lands- Gwich'in Tribal Council  
Peter Clarkson, GNWT- Environment and Natural Resources  
Merle Carpenter, Department of Infrastructure-GNWT  
Janet Boxwell, Gwich'in Renewable Resources Board  
Georgina Neyando, Tetlit Renewable Resources Council  
Leonard DeBastien, Gwich'in Land and Water Board

The goal of this panel was to share the experience of participating in the co-management system. The focus was more from the perspective of participating or giving input into the system. Some of the guiding questions for the panel's input were:

1. Comparison/how do we stack up relative to other jurisdictions you are familiar with?
2. What are the challenges and opportunities faced in the current system?
3. How can processes be improved?
4. What do you believe are the gaps that make it difficult to engage or operate more successfully in the system?
5. What changes have you seen or experienced that have improved the system?
6. What are the changes needed that still need to happen?
7. How can we make the system more integrated?



Panel members gave their input for improving the co-management system.

**Peter Clarkson** shared that in all areas the co-management system is a step up compared to all the decisions made in Ottawa and Yellowknife. The best outcome occurs when community members can have input into decisions and are given the information. There are challenges such as delayed appointments, keeping staff, as well as communication between government and agencies. He said: “we have seen the changes and the differences from the past and know that we are not going back to older system”. He acknowledged that the system needs to be tweaked and he finds it encouraging to see the young people who are “picking up the baton to move forward”.

**Stephen Charlie** reiterated that there is a huge difference when there is a land claim that gives locals certain rights compared to the absence of one. He pointed out that there are drastic changes between the northern system compared to areas in Canada in treaties and reserves under the *Indian Act*. In the past the Gwich’in dealt with Treaty 11 but now the modern comprehensive land claim works around Treaty 11 so that there is nation to nation engagement.

**Leonard DeBastien** highlighted that in discussions with proponents, it was found that there were differences between regions in obtaining a Land Use Permit and a Water License. So, all the land and water boards worked together to ensure that the applications would be similar between regions, but with slight differences as each region and community has a different expectation from the land claims. This work was being done when the Federal Government wanted to create a super board with amalgamation. The Sahtu and the Tłı̨chǫ fought against this. The LWBs went further, learning how to work with MVEIRB and the Tribal Councils. Work is now being done with Nunavut, and the Yukon to see how the territories can work together.

**Sharon Snowshoe** spoke about her work with the Department of Culture and Heritage. Their goal is to collect Traditional Knowledge (TK) and they have been continually maintaining this knowledge. She emphasized that TK is incorporated in all the processes of their work. Traditional Knowledge material have been digitized so that her department can respond to applications. She added that all the Boards still need to meet and to continue the TK process through working with technology and trying to find ways to digitize material to continue the process.

**Merle Carpenter** said that the review system seems to be a relatively good process. It has been an experience working with great partners in the region. One of challenges he has had is the ability to have flexibility with regard to the work the Department of Infrastructure does. He gave the example of challenges in constructing a camp along the Dempster highway. A few years ago, the Department received federal funding and wanted to progress in the project but issues with the permitting process, such as not enough Board Members to make a decision, occurred. The federal department questioned the delays in the work schedule and questioned if the funds could be better used in another region. The length of time it takes to get these authorizations in place is a challenge for the Department. Merle relayed that the Department does appreciate flexibility with LWBs and that the Department of Lands is helpful.

**Peter Clarkson** pointed out that succession is a common issue. It is important that the next generation working and taking leadership roles, especially on co-management boards, have the desire, background and knowledge of the land. He emphasized that the land is one of the most impressive aspects and it forms who people in the North are. Peter highlighted that technology can be used as an opportunity to manage resources better. An example is using satellite imagery and identifying conditions such as slumping and changing creeks on settlement lands. Another opportunity is the need to ensure diversity, not only within government and agencies but also on the boards. Men, women, the young, the old, with “experience and wisdom of their years”, would widen all aspects of information when decisions are made.

**Georgina Neyando** shared the challenges with applications coming into the RRCs. Applications have a turn around period of 21 days but the RRC only meets once a month. The application can be very complicated and there can be confusion about what is being asked of the RRC. Time must be spent asking researchers about their terminology. She mentioned that a practical choice is re-designing the application form to have a plain language version so there is a better initial understanding of a project.

Another issue is the training of Board Members. When there is a turn-over of directors, someone is needed to provide this training. She wondered if the GTC could come in and provide training? Georgina also highlighted the need for technical support. Departments need to go to communities to offer support to the RRCs. She mentioned there was an RRC coordinator previously that that worked in the GTC and with the four communities. She would like to see this happen again along with a lands officer in the communities. Georgina suggested collaboration between RRCs and different community organizations so that input on the application comes from the community and she suggested all of the other boards collaborate on large project applications. She also suggested having a larger honorarium budget and having two meetings a month instead of one. Georgina highlighted the benefits of having a radio show in Fort McPherson where people can speak about the activities of the RRCs and get updates from the Board of Directors.

**Stephen Charlie** wanted to highlight that Georgina is one of the most qualified RRC coordinators in the region for Fort Macpherson. Stephen also highlighted some challenges in the region. In the NWT, an

important challenge is implementation funding. Implementation dollars were different between Inuvialuit and Gwich'in. Stephen emphasized that the Government of Canada needs to properly fund implementation so that there can be more resources in the community for technical training and education. Another area of improvement is a better communication process to improve transparency between GTC, DGOs, RRCs to have smoother permitting processes. Technology-wise, there is work being done on a digital land management system. This has been a request from communities to the government. There is a module that can help with municipal land management. The system is expected to be rolled out in March. It will be attached to a regional database management system, it will be able to tie into the GIS, and it will work with Land Use Planning.

**Leonard DeBastien** mentioned a reoccurring theme of timely Board Member appointments. The GLWB is in constant contact with the federal department that is responsible for the appointments. Land and water boards are mandated through MVRMA for specific timelines. The hope is that proponents take the option of calling LWB staff to make a smoother process and the community members can find the answers they need.

**Georgina Neyando** stressed that there is a need for participants under the land claim to be educated. The land claim needs to be implemented in the schools along with the Inuvialuit claim. She shared that there should be training in the communities as not everyone wants to leave their community. There is a need for environmental courses. She emphasized that in order to move forward and be successful, "we need our own biologists, scientists, our own people out there". Georgina brought up the importance of youth and their futures. There needs to be more opportunities beyond upgrading after high school. She stated, "our education here is not as good as what is down there." There is a need for more in the budget for education in the North. She expressed her thanks to ARI and CIMP for their research and bringing the findings back to the community. She states that this is what the Gwich'in people must be doing for themselves. She has explained that if there is a research projects, she encourages researchers to take the youth on the land and show them what is being done.

**Merle Carpenter** highlighted a few areas of improvement. He again mentioned the lag in Board Members appointments. He added that having a good two-way relationship with LWB is very important as this is crucial for timely back-and-forth communication. There must be support for the RRC's as there will be work coming up: the fibre line work (Mackenzie and Peel), and the Mackenzie Valley Highway (from Simpson to Norman Wells).

[Members of the audience were asked for their input regarding improving the resource management process.](#)

**David Krutko** stated that one of the Review Board challenges is dealing with helping communities build the capacity to fully engage in the assessment process. It is important to facilitate the ability of community members (harvesters, hunters) to be meaningfully involved in the process as there seems to be lack of engagement at the lower level. There is a history of pushing the federal government through the budgetary process to increase intervenor funding. The RRCs and DGOs are on a limited budget from the settlement fund, but David argued that their budget should be like any other public agency. Capacity is an ongoing issue and timelines may be too short - silence on an application is not an automatic show of consent. Communities are frustrated with past situations.

**James Andre** commented that the land claim is a collective claim and that communities need to be supported in what they want to do. He had a series of concerns that he wanted to share:

- “We bring up stuff and nothing is done with it.”
- “Do we have any say when they build the Mackenzie Valley Highway?”
- “How can eight people make a decision for all of the Gwich’in?”
- “What opportunities do the Gwich’in have to participate in the fibre optics line?”
- “The drastic effects climate change is going to have; what are we doing to prepare, and whose responsibility is it to address this?”

James is president of Arctic Borderlands Ecological Knowledge Co-op and he wanted to highlight the research done on the migration of the Porcupine Caribou herd. It is a collaboration between the NWT, the Yukon, and Alaska, and this can be shared with the Gwich’in. The data has been collected for 23 years.

**Margaret Nazon** is a Board member selected by GNWT. She reflected that she does not represent the GNWT, and the Board’s decisions are based on the information they receive. She highlighted that some of the information received is very technical and they can be about multiple operations. Board Members have to rely on GLWB staff. It is not an easy task to be a Board Member as there is a lot of reading and dedication. At meetings, each person brings their perspective which makes it easier to make a decision.

**Wilbert Firth** commented that government and parties have a narrow interpretation of the provisions in the agreement. He used the example of a misinterpretation of Chapter Ten. He stated that that provision in the access chapter states that the government (including military) still have to give notification to the Tribal Council and to the communities when going on the land. He added that the Gwich’in people were not approached to give their interpretation. He proposed that there has to be a broader interpretation – if people really want to know what it means, they should come to communities and communicate with people who were at the table when the agreement occurred. Wilbert also wanted to mention that Elders are passing away and with them their Traditional Knowledge. He mentioned communities are working in isolation and need more training in the communities so they can work with and in the system. Capacity building is a must. Wilbert advised that the government needs to come into the communities to talk about the different acts, such as the Wildlife Act. He concluded: “Lands are changing so we have to know about them.”

**Peter Clarkson** pointed out that people should not forget to look at the successes. One example of tremendous success is the Porcupine Caribou herd and the work of the Caribou Management Board. It is one of the healthiest herds, and it is because of people across this region who were devoted to the cause. People were sent from the north to the south to talk about the importance of the caribou and the respectful way of hunting.

**Charlie Furlong** stated that in 1992 the leaders had envisioned that the people on the co-management boards and other organizations would strengthen the land claim. He pointed out that every Gwich’in administration made a great effort to encourage education and training for its people. The dream has been to place people in the right positions not only in GTC, but also in governments and industry. He emphasized, “in order to form a Gwich’in government this is what you have to do, if you don’t do that, self-government is meaningless”. There is a huge difference between negotiations and the present as more young people are educated and able to sit on the Boards. Charlie reiterated the point that the land claim needs to be interpreted in the Gwich’in way as too much of the claim is being interpreted by government and bureaucrats. Charlie shared that the people fought hard for this agreement and he is proud of the leaders of the day who wanted to “save our land.” He noted that “some things are not going the way we’d like it to, but we can see progress”.



**Gerry Kisoun** shared some information on educating people about the Inuvialuit claim process. There is a program called the Inuvialuit Final Agreement 101 which explains the Inuvialuit land claim. The claim was signed just under 35 years ago. Leaders were brought together and discussed what the claim meant. He added that it would be a great training tool and it could be a good resource material and can be brought into the school system.

## Presentation: NWT Environmental Audit

Marc Lange, Independent auditor for 2020 NWT Environmental Audit

Julian Kanigan with CIMP introduced Marc Lange who will be conducting the 2020 NWT Environmental Audit. The MVMRA requires an audit every five years to be conducted for the purpose of doing a check-up on the regulatory system. This check looks at what works and what needs improvement and the audit makes recommendations for improvement. Audits were done in 2005, 2010, and 2015. For the upcoming 2020 audit, Marc will be leading his team of five who live in the north and are familiar with the co-management system.

Marc emphasized that the key to the audit is in receiving information from people who live, work, and are in the system everyday. The audit process is dependent on evidence that is submitted to the audit team. He suggested that participants take time between now and May to notice what is working well in the North, what needs to be adjusted, and the needed changes. Auditors would be corresponding in May and they would be appreciative of bundles of information that they could use for the report. He reiterated that input in the audit is a key opportunity to try to improve the system.

Marc explained that every audit is guided by a committee of government and Indigenous members. This audit will focus on water quality and quantity valued components. In the past, audits have looked at all valued components and that was a narrow examination of how the environment is doing. The team will be looking at the different ways in which environmental information is generated from communities, government, and industry and look at how all that information is coming together to inform what is happening on the land and water. Another aspect will be looking at all the tools that are used for managing the land - land use plans, licensing, environmental impact review, etc. The team will also be look at the recommendations from the 2015 audit and examine how government and parties have been accomplishing those recommendations.

Marc shared that core challenges come up year after year and wants to focus on why these reoccur, by looking at what may be “log jams” in preventing progress. Some core reoccurring issues are:

- completing land claims, self-government agreements for areas that do not have them;
- land use planning: where it is completed, where it exists and where it does not exist, or where it is incomplete; and
- issues with resources and capacity for Indigenous governments to fully participate within the regulatory system.

The team will also look at gaps that are identified within the regulatory system. For instance, the business of socio-economic impacts and community wellbeing and how they fit in to decision-making. The team is looking to complete the work in 2019 and the report will be released to the GNWT in 2020.

### **Questions and Discussion**

David Krutko: You touched on water monitoring and doing the evaluation of water. Monitoring has found arsenic in the Peel River, but this is just one component for health and wellbeing in Indigenous communities. Food security is also an issue – how this effects caribou, fish, etc. Richardson’s Mountains-slumping around this area is another example. From the land claim we must look at all elements together. The health and wellbeing of the community are the biggest concerns – e.g. high level of cancer rates. Is there a relationship between high cancer rates and the environment (caribou, fish consumption)? We must take a holistic approach.

Response: This is exactly the kind of information we are looking for.

Brett Wheeler: Would something like the report from this workshop be something you can consider as evidence for your process?

Response: Yes, this is exactly the kinds of sources of information we can harvest evidence from.

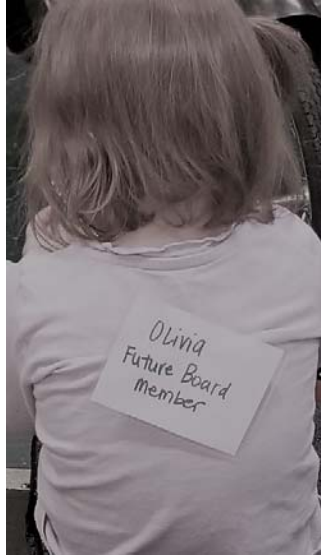
Question: The research conducted by one of the universities found that there are not only contaminants from the mines in the water, but also in the air and the wind. We noted dust particles that contain arsenic and cyanide in Whatì. We are not sure if we should be alarmed – even our organic blueberries are contaminated – this is why people from Yellowknife do not harvest country food.

Response: Though the focus will be on water we will be looking at other value components. We will do a deep dive into water for this audit, but will still be looking at air, and, caribou a shallower lens for the other valued components. We will be looking at whether government is studying in the right places and studying the right parameters.

## Closing

Joanne highlighted throughout the workshop some ideas that were reoccurring. The interpretation of what was intended at the time of the land claim settlement agreement is important. It cannot be forgotten as we look for ways to strengthen the system and it needs to be strengthened for the Indigenous peoples for whom it was made. A reoccurring theme was the delay in Board Members appointment which can present issues in the decision-making process. Questions were asked about the reason for the delay and it was noted that in some cases appointees selected by nominating groups are rejected by the Minister. Capacity at many levels is a reoccurring theme. Whether it is funding to train and educate people, or the provision of technical support, taking advantage of technology, or funds for participation in the different processes, building capacity has been an on-going issue that continues to stall progress and the ability for people to fully engage in the system.

**Lorraine Seale**, on behalf of the organizing committee, thanked all the presenters, facilitators, and the participants who discussed and shared their experience. She thanked Joanne for facilitating the workshop and all the service providers who made the workshop possible. A special thanks was given to all the Gwich’in co-management boards, MVEIRB, MVLWB, and GNWT- ENR and Lands and CIRNAC that helped the workshop proceed smoothly. **Georgina Neyando** offered a closing prayer and wished everyone a safe journey home.



The next generation

## Participant Comments

Using a survey provided at the end of the workshop participants were asked to comment on the following:

### ***What did you find valuable about the resource co-management workshop?***

Overall, the participants found the workshop well organized with interesting and relevant content. The participants enjoyed various aspects including the following:

- Many people appreciated learning/ hearing about the historical aspect and the focus on Gwich'in resource management and land claim processes and how it has evolved over time and shapes approaches today;
- The breakout sessions and panel discussions were very well received;
- People appreciated connecting with others in the co-management system;
- The presentation on federal participant funding was well received and appreciated; and,
- Discussions around the importance of including Traditional Knowledge in the co-management system.

### ***How could this workshop be improved?***

Several participants felt the absence of youth and community members strongly and felt that there should be an incorporation of a youth panel. Other suggestions for improvements included the following:

- Shorter panel discussions with better time management for presenters;
- More breakout sessions to allow for more engagement;
- Copies of the presentations being provided beforehand as well as more handouts (graphic representations) available during the workshop;
- Improvements around the seating arrangement and number of tables;
- Incorporating the 'MVRMA in a day' workshop; and,
- More time to network.

***What would you like to learn about or see at the next resource co-management workshop?***

In addition to increased youth attendance at the workshop, many people wanted more youth representation on the panels and presenters. Participants also wanted to learn more about the following:

- Compliance (with graphical representations describing roles and responsibilities of the various boards/governments/agencies);
- Improvements in existing processes;
- A presentation from the Yukon on the GSR primary and secondary lands;
- The successes and challenges faced by co-management boards in other land claim groups;
- Timelines of processes;
- More 'case study' type learning – specific examples help to learn and generate ideas around ways to do things better;
- Climate change – issues; how do we combat / adapt;
- More focus on how processes discussed connects and relates back to the MVRMA, perhaps with a graphical representation, map etc.; and,
- Consultation, engagement policy and participant funding.

***Any additional comments?***

The remaining comments from the participants ranged from expressions of gratitude to some organizational matters. Additional comments included the following:

- This workshop should be done annually/ bi-annual with younger generation and public;
- Have all land claim groups attend and participate;
- More Elders and youth participation;
- Less crammed into each day. Don't end the day with brain intensive things like CIMP;
- Food fantastic / hospitality; and,
- Overall a great workshop. A lot of valuable information & wonderful people in attendance.

In total, 24 surveys were completed and submitted.