

A decorative graphic consisting of a vertical blue line and two horizontal blue lines that intersect to form a crosshair shape. The vertical line is positioned to the left of the text, and the horizontal lines are positioned above and below the text.

# NWT Board Forum Final Summary Report

Eighth Board Forum Meeting  
International Hotel  
Calgary, Alberta

May 27 - 28, 2008

Prepared by Terriplan Consultants  
Sept 2008



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## 1.0 Introduction

The eighth semi-annual meeting of the NWT Board Forum was held in Calgary, Alberta on May 27<sup>th</sup> and 28<sup>th</sup>, 2008. The meeting was organized by the Board Forum Working Group made up of the Executive Directors of the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Mackenzie Valley Land and Water Board (MVLWB) and the Inuvialuit Joint Secretariat (IJS), the Technical Leader, Environment, of the National Energy Board (NEB), the Deputy Minister of the Department of Environmental and Natural Resources GNWT, and the Manager of the Board Relations Secretariat (BRS).

The host and chair of this Board Forum was Gaétan Caron, Chair of the NEB, and the meeting was facilitated by Ricki Hurst of Terriplan Consultants. The agenda for the meeting and a list of participants can be found in *Appendix A* and *Appendix B*, respectively.

### 1.1 Purpose and Objectives of the Board Forum Meeting

The purpose of the NWT Board Forum's 8<sup>th</sup> semi-annual meeting was to provide an opportunity for the Forum members to discuss their emerging priorities, challenges, and initiatives as a group. The Forum also heard reports from the Working Group on the results of activities underway since the last forum meeting in November 2007. This included reviewing progress on the current NWT Board Forum work plan, recommending actions to implement the work plan, and determining priorities for the next Forum meeting. This meeting also included technical briefings and update presentations on issue(s) identified by the members. This particular meeting included presentations from a number of external speakers including representatives from INAC Headquarters, Industry Canada, National Energy Board, and the Major Projects Management Office (MPMO). Updates included presentations about matters of interest to the Boards such as the NWT Board Forum Website, Seismic Guidelines, security requirements, and the northern regulatory improvement initiative led by Neil McCrank.

This report, prepared by Terriplan Consultants, summarizes the discussions that took place during the two- day Board Forum.

### 1.2 Report Contents

This summary report is organized as follows:

Section 1	-	Introduction
Section 2	-	Opening Statement – Gaétan Caron, NEB
Section 3	-	Member Updates
Section 4	-	Review of Board Forum Terms of Reference
Section 5	-	Presentations and Updates
Section 6	-	Next Board Forum Meeting
Appendix A	-	NWT Board Forum Agenda
Appendix B	-	Participant List
Appendix C	-	Presentations by Speakers
Appendix D	-	Progress Report on the NWT Board Forum Work Plan

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## 2.0 Opening Statement

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The Chair of the National Energy Board, Gaétan Caron, opened the meeting by thanking all participants for their attendance and for choosing Calgary and the NEB to host the 8<sup>th</sup> semi-annual Board Forum. Mr. Caron informed attendees that the working group that constructed the agenda did so with a focus on outcomes, noting that this will be the theme for the following two days. He listed his desired outcomes as the following:

- knowing what other boards are doing
- becoming more aware and being able to act upon opportunities for meaningful collaboration
- preparing to respond to the pending Neil McCrank Regulatory Improvement report.

Mr. Caron indicated that having a sound knowledge of what other parties are working on can create a number of opportunities to improve the quality and method of product delivery. The communication of challenges and successes can aid in eliminating duplication of efforts and the replication of mistakes that could have otherwise been avoided. He added that “The regulatory system works best when we explore opportunities together”. Increasing collaborative efforts on planning and operational issues and acting upon opportunities to share experiences with northern regulatory contemporaries will benefit both the regulatory regime and external relations. Mr. Caron identified the pending McCrank Report as an additional tool at the Board Forum’s disposal; the initiative has created an opportunity for attendees to take what was learned through the Northern Regulatory Improvement Initiative a step further. The last identified outcome of the meeting was to be prepared, logistically and substantively, to respond to the report once it is released.

Mr. Caron informed participants that the next two days were intended to create readiness and to equip individuals with the tools and focus to continue with the important work that takes place between Board Forum meetings. Mr. Caron closed by suggesting that the effectiveness of this meeting will be decided by the way participants speak to one another, and he encouraged everyone to be direct, transparent and pragmatic throughout the course of the next two days.

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## 3.0 Member Updates

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Following an opening prayer offered by Mr. Richard Edjericon the NWT Board Forum began with a members’ roundtable. Chairs and Executive Directors reported as follows:

### 3.1 Mackenzie Valley Land and Water Board – Willard Hagen

Willard Hagen began by thanking all those involved with organizing this event, and congratulated Richard Edjericon on his recent appointment as the Chair of the MVEIRB. Mr. Hagen also offered a special thanks to James Boraski for his work with the 17 regulatory agencies involved with the MGP review and implementation of the Regulators’ Agreement. James’ efforts and support will be clearly missed as he returns to Fisheries and Oceans Canada. Mr. Hagen noted that Minister Jim Prentice said he was looking for “one footprint up the valley” and Mr. Boraski helped fulfil that vision.

Mr. Hagen indicated that his opening remarks in reporting on the past year contained both good and bad news. Firstly on a negative note, delays in the JRP report have caused degrees of uncertainty amongst stakeholders and have resulted in a loss of continuity for the MVLWB with respect to the Mackenzie Gas project (MGP) regulatory review. Unfortunately, these setbacks have drawn criticism, and the MVLWB is getting “tarred with the same brush” being used to paint the JRP and its seemingly interminable process.

On a more positive note, the MVLWB has been working well, and existing members have shown a great deal of depth and aptitude despite a general lack of capacity due to issues of staff retention. The MVLWB continues to lose promising young staff to industry (who can afford to pay higher wages) after the Board has effectively provided a training period. In terms of project work, Mr. Hagen reported that reclamation processes have begun at both the Con and Giant mine sites. Also, the oil and gas field exploration at Cameron Hills have been shut down because of court actions between the the First Nation and Canada. Finally, the North American tungsten water licence was issued in July. In closing, Mr. Hagen noted that the MVLWB works in cooperation with a number of agencies, receives a great deal of support, and has fostered positive working relationships.

When asked what he would like to get out of this Board Forum meeting, Mr. Hagen replied by stating that he supported the objectives presented by Mr. Caron and reaffirmed the host’s opening statement that “in the end, actions speak louder than words”.

### **3.2 Sahtu Land and Water Board – Larry Wallace**

Larry Wallace began his update by thanking all organizers and expressing his support for the items listed in the agenda and thanking NEB for the pipeline tour hosted the previous day. Mr. Wallace then provided a brief overview of the Sahtu LWB activities since September 2007. In the case of Husky and PetroCan Kodiak, industry is currently in the field drilling on Sahtu land. Diamond exploration activity is also underway, but a recent incident involving a helicopter crash has set them back. The Department of Transportation has been working on a licence application, and the town of Norman Wells recently secured a 10-year water licence. Mr. Wallace added that he was fortunate enough to be appointed to the Water Board in 1996, and that it has been a privilege to serve for over a decade.

Issues facing the SLWB include the recruitment of staff and Board appointments, lack of adequate funding, and the JRP delay. Mr. Wallace confirmed that slow appointments have been an ongoing issue for years, but the SLWB has managed to continue to work despite these less than ideal conditions. The ‘standard procedures and consistency’ project involving the various land and water boards has received positive feedback, and staff have been very busy conducting this coordination work.

Mr. Wallace shared that when the SLWB began issuing permits and licences it did not appear particularly taxing; however, the politics behind the issuing of licences can complicate the process. In terms of ground work, Mr. Wallace was satisfied with present relationships and work progress, and noted that as companies become more aware of boards working with them - rather than the government - work will become easier for everyone to manage. He expressed an acknowledgement that the Boards tend to get painted with the same brush as the JRP because of the latter’s protracted process.

When asked what he would like to get out of this Board Forum meeting, Mr. Wallace noted that measured progress has be seen following each Forum to this point and he stated that they offer all a chance to talk about major issues and concerns. Board Forums grew out of the Cooperation Plan, where the NEB

wanted to know more about northern issues, and Mr. Wallace expressed his appreciation for the support it has received.

### **3.3 Sahtu Land and Water Board – George Govier**

George Govier expanded on Mr. Wallace's presentation by sharing a couple of thoughts on positive outcomes since the last Board Forum; beginning by thanking INAC for their support by funding the 'northern training' initiative and mentioning the standard operating practices initiative. Mr. Govier added that new staff will benefit greatly from this program and increase the available pool of appointments for boards.

### **3.4 Environment and Natural Resources-GNWT – Susan Fleck**

Susan Fleck provided remarks on behalf of Gary Bohnet, Deputy Minister of Environment and Natural Resources, who sent his regrets. ENR has been involved in a number of initiatives since the last Forum meeting. The GNWT recognizes effective coordination and collaboration on land use planning, land and water use, environmental impact assessments and monitoring of regulatory regime poses significant challenge and capacity remains a major issue for regulatory boards and communities. Ms. Fleck stated the GNWT continues to prepare for devolution, and therefore has a great interest in the recommendations of the recent McCrank initiative on the regulatory regime. In preparation, the GNWT is leading a water strategy for the NWT and establishing strong alliances with communities, Canada, and non-government organizations (NGOs). Consultation regarding the water resources management framework is scheduled to take place over the summer. Ms. Fleck added that the Minister has asked ENR to prepare a comprehensive land use framework to guide the GNWT's decisions on in land planning, use and management.

Ms. Fleck reviewed the GNWT's major recommendations to Mr. McCrank including improving the capacity of boards and communities, recognizing role of land claim agreements in shaping regulatory regime, increasing clarity in interpretation of the MVRMA, and finally, supporting existing initiatives such as the Cumulative Impact Monitoring Program. GNWT continues to pressure Canada to delegate authority to appoint members to regulatory boards and agencies to GNWT and continues to raise issue of impact of free-entry mining system on Aboriginal groups. The GNWT is also in the process of authoring the NWT Species at Risk Act (SARA), with hopes of a discussion paper to be released this summer. Ms. Fleck offered to provide an overview of the legislation for the group.

Willard Hagen asked Ms. Fleck to expand on the status of the land use framework for the NWT. Ms. Fleck replied that it remains at a very early stage, and its intent is to identify NWT interests and the position the territorial government will take on initiatives such as land use planning, and to gain clarity and consistency on future directions.

### **3.5 Wek'eezhii Land and Water Board – Violet Camsell Blondin**

Violet Camsell-Blondin began by thanking NEB for hosting the 8<sup>th</sup> Board Forum. Following an introduction, Ms. Camsell-Blondin informed participants that the WLWB has received an increasing number of applications in the past 5 months, indicating that mining and exploration is still significant on

Wek'èezhii land. Preliminary screening of a uranium exploration application was approved a week prior to the Board Forum meeting.

The WLWB has also formed a working group similar to that of the Board Forum in the recent past. The group consists of three organizations who share common issues, concerns, and a common mandate. Ms. Camsell-Blondin made mention of an application by Fortune Minerals that triggered an investigation into the eligibility for land use permits and the subsequent Board ruling. She thanked INAC for being very constructive but raised the ongoing problem of the Board appointment process.

### **3.6 Wek'èezhii Land and Water Board – Zabey Nevitt**

Zabey Nevitt also spoke for the WLWB, stating that they have several great working groups with other Land and Water Boards producing very positive results on common approaches, terms and conditions. Mr. Nevitt pointed towards the importance of working groups for regional boards as well, for consistency of procedures and policies. Consistency is important across all boards, as “regional boards are facing issues right now”. Oil and gas development might be a bit slow at the moment, but boards cannot afford to lose focus on other activities taking place.

### **3.7 Sahtu Renewable Resource Board – Walter Bayha**

Walter Bayha remarked that this was the 3<sup>rd</sup> Board Forum meeting that he had attended, and added that these meetings are very important, and knowledge of the intentions and challenges of other boards is essential. Mr. Bayha told participants that the SRRB tries to include as much traditional ecological knowledge (TEK) as possible into work being done on Sahtu lands; however, the board has no avenue for feedback or input from citizens in terms of performance and effectiveness. “How do we know how we’re doing? Are we introspective enough from the ground up?” asked Mr. Bayha, while cautioning boards that they cannot continue to modify the terms and conditions of permits and licences without looking for thoughtful responses to the effectiveness of amendments.

Mr. Bayha also commented on the nature of monitoring, and that efforts need to be coordinated for the purpose of consistency in the conditions of results, and transparency in the eyes of proponents. Renewable Resource Councils (RRCs) are beginning to hire their own monitors, but these monitors have no authority in the field and have no obligation to return information to boards. Land Corporations who employ RRCs need to coordinate their efforts with boards and inspectors to improve the regulatory process.

### **3.8 Sahtu Renewable Resource Board – Jody Snortland**

Jody Snortland contributed to the SRRB update by adding that in 2007 an annual report was released to Minister Miltenburger and Minister Strahl; the deadline for reply was 90 days, which happens to be June 10<sup>th</sup>, 2008. Preparations have been made that at this time for materials to present the revised report to NWT communities.

Secondly, the issue of board appointments has troubled the SRRB for some time. It took roughly two and a half years to acquire an appointment and alternate from DFO. In short, Ms. Shortland informed participants that appointments still need to be filled.

Mr. Willard Hagen asked how independent monitors would function in the field if they have no mandate or legislative backing. Mr. Bayha replied by stating that monitors are used to relay information to communities and INAC Inspectors.

### **3.9 Gwich'in Renewable Resource Board – Melody Nice-Paul**

Melody Nice-Paul indicated that this is her first opportunity to attend a Board Forum. Ms. Nice-Paul stated that the GRRB has recently implemented a new 5-year plan through which they will carry out a number of initiatives, including a focus on caribou, char and Dolly Varden. Currently, the GRRB is functioning with limited resources, and staff are overstretched. Furthermore, the GRRB is aware of, but unequipped, for major pipeline work and related undertakings. Ms. Nice-Paul believed that the GRRB needs the following in order to function in a sustainable fashion:

- Cooperation from proponents of the Mackenzie Gas Project (MGP) and regulators.
- Adequate resources to accomplish GRRB's mandate.
- The capacity to engage with Gwich'in, as well as Sahtu and Inuvialuit counterparts.

In closing, Ms. Nice-Paul added that she is prepared to listen to suggestions and offer opinions on methods of improvement.

### **3.10 Gwich'in Land Use Planning Board – Bob Simpson**

Bob Simpson first noted that the Gwich'in Land Use Planning Board (GLUPB) is currently in the process of a 5-year review. A researcher has been hired to aid in filling information gaps. The resource assessment has been a major undertaking, but will yield valuable information in the field of conservation. Mr. Simpson added that major issues have been identified through community consultation efforts over the past winter; adding that regional workshops have been held in every community within the GSA.

The GLUPB is also currently redrafting their land use plan. Although no major changes are anticipated, the aim is to increase guidance to regulatory agencies, as well as to provide clarity in the terms and conditions of permits. He discussed the original plan and conflict with the Canada Mining Regulations but changes in regulations have fixed that problem.

Mr. Simpson stated that the GLUPB is always interested in coordinating with other regulatory bodies, and the Board Forum is a great resource to accomplish this. In terms of appointments, the GLUPB has two vacancies on a five-member board; an additional planner has been hired and the GLUPB hopes to extend that contract until the end of the year.

### **3.11 Gwich'in Land and Water Board – Paul Sullivan (interim Chair)**

This was a first Board forum meeting for Paul Sullivan, who was newly appointed interim-Chair of the GLWB in January 2008. Mr. Sullivan thanked Willard Hagen and Robert Alexie for making his transition

to the Chairmanship an easy process. Since the last Board Forum, the GLWB has submitted two nominations for Board members, but has yet to receive any feedback regarding their status. Mr. Sullivan noted that a majority of current Board staff are participating in working groups and have great relationships with other boards.

### **3.12 NWT Water Board – Rudy Cockney (Chair) and Ron Wallace (ED)**

Rudy Cockney thanked the NEB for the invitation and updated the group on events at the NWTWB over past months. It has been a very busy time, including relocation of the office to Inuvik while retaining a small office and a single staff member in Yellowknife. The NWTWB has also recently signed a contribution agreement with DIAND, for funding and continued operational purposes.

Mr. Cockney added that the first water licence of 2008 was granted to the Contaminants Assessment and Remediation Directorate (CARD) of INAC for the Johnston Point clean-up. Also, for the past two months, the NWTWB has been working with the NEB to negotiate an agreement between the boards to increase collaboration and limit the duplication of efforts; this agreement was signed two weeks ago. Efforts have been made to negotiate another agreement with the MVLWB, and this is proceeding well.

Ron Wallace also spoke for the NWTWB, adding that the transition plan to Inuvik began in March 2008. Advertisements for an Executive Director and Administrative Assistant have resulted in a number of interviews, and applicants are being screened at the moment. Dr. Wallace noted that the NWTWB Yellowknife office has a new location in the CJCD building; and both that office and the Inuvik office are co-located with the Northern Gas Project Secretariat (NGPS). All Board Forum participants were extended an invitation to the Inuvik Office opening on June 11<sup>th</sup>, 2008.

Dr. Wallace took occasion to thank INAC for their much-needed support during the transition, and applauded Mr. Cockney for stepping into the interim Chair position. He noted that the NWTWB faced a significant number of challenges over the transition phase of the past number of months and the contributions of INAC and Mr. Cockney were paramount to assuring that the transition could take place in a smooth and professional manner.

### **3.13 Environmental Impact Review Board – Elizabeth Snider**

Ms. Elizabeth Snider thanked the NEB for hosting the 8th Board Forum, and welcomed Mr. Edjericon to the Board Forum. Similar to other boards, the EIRB has suffered staffing issues over the past year; and intensified recruitment and retention efforts have not seen desirable results. Ms. Snider informed participants that the EIRB has been working closely with other boards and has also signed a cooperation agreement with the MVEIRB, with hopes of drafting a similar agreement with the Yukon Environmental and Socio-Economic Assessment Board (YESAB). When asked what Ms. Snider would like to obtain from this Board Forum, she requested that participants keep in mind what Mr. Hagen had said earlier - "we really don't know how well we're doing on the ground". She said that she appreciated the time dedicated to 'updates' and welcomes the pro-active approach of using the Boards' common influence to affect change and coordinate activities.

### **3.14 Inuvialuit Game Council – Frank Pokiak**

Frank Pokiak began by welcoming both Mr. Edjericon and Mr. Sullivan; saying that he's known Paul since he was a young child and that he's pleased to participate in this Forum with him. Since the last Forum, the IGC has been seeking funds to begin Phase II of its Strategic Plan and Business Plan exercise that looks at game issues and research specific to the caribou population in the region. Mr. Pokiak added that the US recently listed the polar bear as an endangered species, and that Canada will consider this listing at their next meeting in June. The IGC continues to work with NWT Species at Risk Act (SARA), and work closely with the Gwich'in and Sahtu regarding species at risk, with hopes of expanding the sharing of information to Yukon and Nunavut. Mr. Pokiak affirmed that it had been 20 years since they first talked about shared information with the Yukon, and this action to list the polar bear will have to lead to increased communication.

The IGC is also increasing its focus on offshore oil and gas development. Recent offshore leases and investments have been significant, with an example of a \$585 million dollar lease this past year. Mr. Pokiak added that for the next Forum, the IGC will bring a map showing the extent of seismic and other development in the near shore and offshore Beaufort. Mr. Pokiak expressed some concern regarding the results gathered from the first year of a 5-year whale tagging study which showed bowhead whales moving 9-10 km out of the way of seismic buoys. He mentioned ongoing waterfowl studies including one case in Anderson where the snow goose population has fallen as compared to information gathered in previous years. He noted that IGC is a registered intervenor in the Bathurst Inlet Port and Road project.

### **3.15 Mackenzie Valley Environmental Impact Review Board – Richard Edjericon**

Richard Edjericon opened by thanking Mr. Caron and the NEB for hosting this year's Forum, as well as Ms. Merrithew-Mercredi as the Regional Director General of DIAND in the NWT and Steve Traynor from DIAND HQ; Mr. Edjericon also took occasion to recognize former-Chief Robert Alexie, and Bob Simpson who were in attendance.

Since being appointed Chair of the MVEIRB in March of 2008, Mr. Edjericon has set goals for himself and the Review Board; beginning with the Dehcho and Tli Cho land claim agreements and ensuring the MVEIRB business plan "respects the spirit and intent of [those] land claim agreements". Once appointed as chair, Mr. Edjericon spoke with Mr. Hagen of the MVLWB about getting into communities to listen to their issues and concerns and to foster new relations. Mr. Edjericon also expressed interest in working with Environment Canada (EC) and Fisheries and Oceans Canada (DFO) to speed up the decision-making process for environmental assessments (EAs). He also expressed an openness to receive advice from other Chairs to help in guiding him through the MVEIRB mandate and process. As a former First Nation Chief and consultant for the GNWT, Mr. Edjericon stated that he has "seen it from both sides of the fence".

Mr. Edjericon also took a moment to recognize his predecessor Gabrielle Mackenzie-Scott for all her hard work, adding that "we don't do this often enough, and we need to recognize those of the past". Mr. Edjericon also recognized Charlie Snowshoe for his contributions to the Review Board and in protecting the Mackenzie Valley watershed for the past 10 years - "he will be missed as a strong protector of the environment and waters".

Mr. Edjericon affirmed that over the last year several projects have been sent to EA; 13 of which are underway at the moment, with the largest being the DeBeers Gahcho Kué project and the Giant Mine remediation project. Last year the MVEIRB reviewed 85 preliminary screenings, consistent with the level of screening activity in past years. The Review Board also put a lot of work into providing advice to Minister Strahl's regulatory improvement initiative.

Mr. Edjericon added that the MVEIRB will be conducting a strategic planning workshop on June 3-4, 2008 in Yellowknife in part to seek clarity regarding Section 126 of the Mackenzie Valley Resource Management Act.

The MVEIRB is currently working on a cooperation agreement with Alberta in the event that transboundary projects require assessments, as well as a generic trans-boundary agreement with the Canadian Environmental Assessment Agency (CEAA). In February of this year, the MVEIRB held a very successful EA practitioners workshop with the theme of "closing the loop" that was attended by a number of Government agencies and Boards. Mr. Edjericon believes that relationship building should remain as a top priority for all boards, and as new Chair, Mr. Edjericon's goal is to travel to communities and strengthen those relationships. Consultation is an issue that remains at the forefront for regulators and needs to be actively practised in all facets of the regulatory regime.

### **3.16 Environmental Impact Steering Committee – Fred McFarland**

Fred McFarland provided a summary of activities in the ISR since last November, beginning with offshore leases and sales to Imperial Oil. Unlike previous sales, these exploration leases are in the deep offshore, signalling the potential for a different type of development in the Beaufort Sea. Mr. McFarland added that this raises the issue of the possible impacts on bowhead whales, the consequences of whale reactions to industrial activities, and the current gaps in knowledge that exist for regulators. This will include the need for research directed at tagging and monitoring the reaction of bowheads. Mining exploration is also underway in the ISR; however, these operations are in the very early stages of exploration. Mr. McFarland suggested that people in the ISR are facing some difficulties, as they find themselves unfamiliar with these types of developments, and he suggested that training opportunities should be explored to raise community awareness of these new development practices in their region.

Mr. McFarland noted that the EISC is revising its operating guidelines and procedures, and although they find themselves slightly behind schedule, the feedback received has been positive. The EISC website has also been updated thanks to year-end funding provided by DIAND, allowing the EISC to post digital project descriptions rather rely on distribution of paper copies. Mr. McFarland noted that information flow is still an issue, but remains internal for the most part.

He noted that he and Larry had attended the McCrank regulatory workshop and suggested that it would be very helpful to plan how we respond; individually or collectively.

Mr. McFarland stated that EISC has no staffing issues at present. He noted that since November the EISC has had one reappointment that went through rather quickly. Lastly, regarding the revision of timelines, the EISC relies on government feedback in its screening process, and he expressed thanks for their support and advice, with several improvements having recently been made to the format of the process.

### **3.17 Wek'eezhii Renewable Resource Board – Alfonz Nitsiza**

Alfonz Nitsiza opened by stating that the WRRB finally received an appointment last week; they've also recently hired a wildlife management biologist and coordinator. There has also been talk of sharing an office with the WLWB. Mr. Nitsiza spoke highly of the information sharing that took place during the Wek'eezhii Forum, and he suggested that they will likely continue to hold these meetings. The WRRB is required to use traditional knowledge (TK) as well as scientific forms of knowledge/expert opinions. The WRRB has been looking at projects in the region that contain TK and scientific data; however, the WRRB recognizes these pieces of information as distinct and complimentary, and the WRRB is not looking to integrate one with the other.

Mr. Nitsiza informed participants that the WRRB is also working to develop a management framework among the agencies responsible for the management of barren ground caribou. The WRRB is reworking the language and structure of the comments they submit to the land and water boards, to make them more consistent with the Act and Regulations and to enable them to be used as conditions of a land use permit or water licence.

Lastly, Mr. Nitsiza was pleased to state that they are now fully staffed, and are looking to set up an elders committee to assist the WRRB in each community.

### **3.18 Indian and Northern Affairs Canada - Trish Merrithew-Mercredi**

Trish Merrithew-Mercredi began by stating how impressed she is with the level of support and congeniality amongst such diverse boards, and that it speaks highly of the work being conducted. Ms. Merrithew-Mercredi offered her sympathy to those boards struggling without timely appointments, but noted that she has spent an enormous amount of time on the phone with the Minister's office to address this. She noted that the security process for appointments is very rigorous and time consuming, which is where most delays occur, and added that hopefully solutions will present themselves in the McCrank report.

INAC is currently undergoing a massive financial review exercise, in part to address some of the staff retention issues being faced by regulatory boards. Ms. Merrithew-Mercredi noted that these funds are not going to come overnight, but once they are secured they will be redistributed amongst the boards. Lastly, Ms. Merrithew-Mercredi informed participants that with regard to the important issue of Section 35 Crown consultation requirements, a new consultation unit is being created at INAC which will likely report directly to her office as Regional Director General.

### **3.19 National Energy Board – Gaétan Caron**

Gaétan Caron provided an update on NEB activities and operations since the last meeting in November 2007, stating that provincially-regulated oil sands expansion has led to a lot of work for the NEB surrounding oil pipelines. The NEB is also receiving natural gas pipeline applications; however, these normally involve only a reconfiguration of existing grids. Mr. Caron used the St. John LNG Terminal as an example of a reconfigured liquefied natural gas terminal application that, if approved, could supply 1 billion cubic litres of Russian natural gas to Quebec, Ontario and possibly the United States. He noted, for comparison purposes, that the expansion of two LNG terminals would permit handling of 1bcf/day, an

amount equivalent to the proposed MGP. Alaskan gas is approximated at 5 bcf/day or 5 times the amount available through the MGP. In short, Mr. Caron explained that these infrastructure proposals account for most applications received by the NEB.

Mr. Caron informed participants that the NEB has been very busy making improvements to the regulatory process south of 60 as part of the group of federal departments working with the Major Projects Management Office (MPMO). He noted that a description of this initiative would be expanded upon by Nada Vransy of the MPMO in her presentation scheduled for later in the Board Forum agenda. Mr. Caron closed by stating that, if an MPMO concept is applied in the North, its first job will be to understand the environment and the objectives of the people of the North.

## 4.0 Review of Board Forum Terms of Reference

Eric Yaxley introduced the existing Terms of Reference, opening the floor to all participants to provide comments or modifications as deemed necessary. No requests were provided and the motion to readopt the terms of reference from the 7<sup>th</sup> Board Forum was accepted.

Mr. Yaxley offered an open-door policy to contact him in months to follow should an issue be raised regarding its content.

## 5.0 Presentations and Updates

During the two days of the Board Forum, there were a number of presentations and updates on matters of interest to the Boards. The following presentations were provided:

- |                                                                                                  |                                          |
|--------------------------------------------------------------------------------------------------|------------------------------------------|
| • Northern Strategy Presentation and Discussion                                                  | Abigail Lixfeld, INAC                    |
| • Next Steps for Regulatory Improvement                                                          | Stephan Traynor, INAC                    |
| • The Mackenzie Gas Project: An Update                                                           | Dave Hudson, IC                          |
| • Major Projects Management Office Overview & Discussion                                         | Nada Vransy, NRC                         |
| • Board Research Priorities                                                                      | Vern Christensen, MVEIRB                 |
| • Risk Assessment – Evaluating Risk Assessment & Prioritizing Compliance Verification Activities | Denis Gagnon, NEB                        |
| • NWT Board Forum Website                                                                        | Jennifer Moores and Renita Jenkins, INAC |
| • Mitigating Measures Report Presentation and Discussion                                         | Tamara Hamilton, INAC                    |
| • Seismic Guidelines: Presentation of Findings to Date                                           | Susan Fleck, ENR-GNWT                    |
| • Update: Security Requirements for Developers                                                   | Manik Duggar, MVLWB                      |
| • NWT Environmental Audit/Cumulative Impact Monitoring Program                                   | David Livingstone, INAC                  |
| • Protected Area Strategy Overview                                                               | David Livingstone, INAC                  |

Each presentation is summarized below, along with a summary of key discussion points and action items determined by the Board Chairs. Copies of all available Power Point presentations are found in *Appendix C*.

### 5.1 Northern Strategy Presentation and Discussion – Abigail Lixfeld

Abigail Lixfeld affirmed that at this time no formal document has been created to provide information to the public or via the Board Forum website about the Northern Strategy, although, the matter is one of the foremost preoccupations of the Prime Minister and INAC Minister.

Ms. Lixfeld's presentation listed a number of accomplishments surrounding the Integrated Northern Strategy (INS) since the speech from the Throne in October 2007, including strides in the fields of sovereignty, economic and social development, environmental protection, and governance. Ms. Lixfeld

stressed that the INS rests on these four pillars, and achievements made to strengthen these pillars are the interest of the current government; furthermore, the interest shown by the Prime Minister has created a remarkable opportunity to move the strategy forward.

Ms. Lixfeld remarked that sovereignty has been a key area of investment in the North, which includes efforts to increase Canada's Arctic presence and seek greater certainty over its geographical boundaries by working with the United Nations Convention on the Laws of the Sea (UNCLOS) to delineate Canada's continental shelf. The presentation continued by listing a number of achievements contained in economic and social development, environmental protection, and governance (see *Appendix C*).

In terms of next steps, Ms. Lixfeld stated that more can be done in the practice of stakeholder engagement, to advance the people dimension and improve the regulatory environment in the next phase of the Northern Strategy. The presentation concluded by stressing the perils that can exist by failing to recognize the interdependence of things, Ms. Lixfeld added that Canada's Prime Minister and its government will continue to move forward on strengthening each of the four pillars essential to improving the INS.

### ***Discussion***

Vern Christensen asked if Ms. Lixfeld could provide advice on how the Northern Strategy can be used to lever resources; specifically, opportunities in the government budget and planning process where Boards can feed into the annual budget.

Ms. Lixfeld replied by indicating in a general sense, this would be an opportunity to bring attention to northern concerns and challenges; however, Stephan Traynor will likely address these specifics in his presentation regarding regulatory improvements.

Mr. Caron commented that Russia was mentioned in the presentation and asked Ms. Lixfeld to speak about relations with the United States and "whether they should be seen as an ally or threat, possible both?"

Ms. Lixfeld indicated she is not an expert on international relations; however, noted that Americans would like to see the Northwest Passage classed as international waters. Americans are not likely to ever challenge us on such an account and a number of diplomatic relations are in place to prevent this.

Willard Hagen brought attention to the slide on governance (see Slide #10. bullets 1-2) by mentioning that somewhere within those two points lies a fundamental problem in the NWT. Mr. Hagen suggested that they need to be combined in order to properly support efforts surrounding devolution. Unfortunately, Aboriginal land claim agreements do not recognize the GNWT as being the authoritative body that will necessarily assume control through devolution. Ms. Lixfeld thanked Mr. Hagen for his insight into governance and some of the fundamental issues surrounding devolution.

## **5.2 Next Steps for Regulatory Improvement – Stephan Traynor**

Stephen Traynor began his presentation by offering to provide some follow-up information regarding the Neil McCrank engagement exercise, noting that in an ideal situation Mr. McCrank would have the pleasure of addressing the Board Forum himself. As newly appointed Director of Resource, Policy and

Programs at INAC, Mr. Traynor, presented an overview of the Northern Regulatory Improvement Initiative (NRII), including its origins, current status, and next steps.

Mr. Traynor first stated the objectives of the NRII, which included the following:

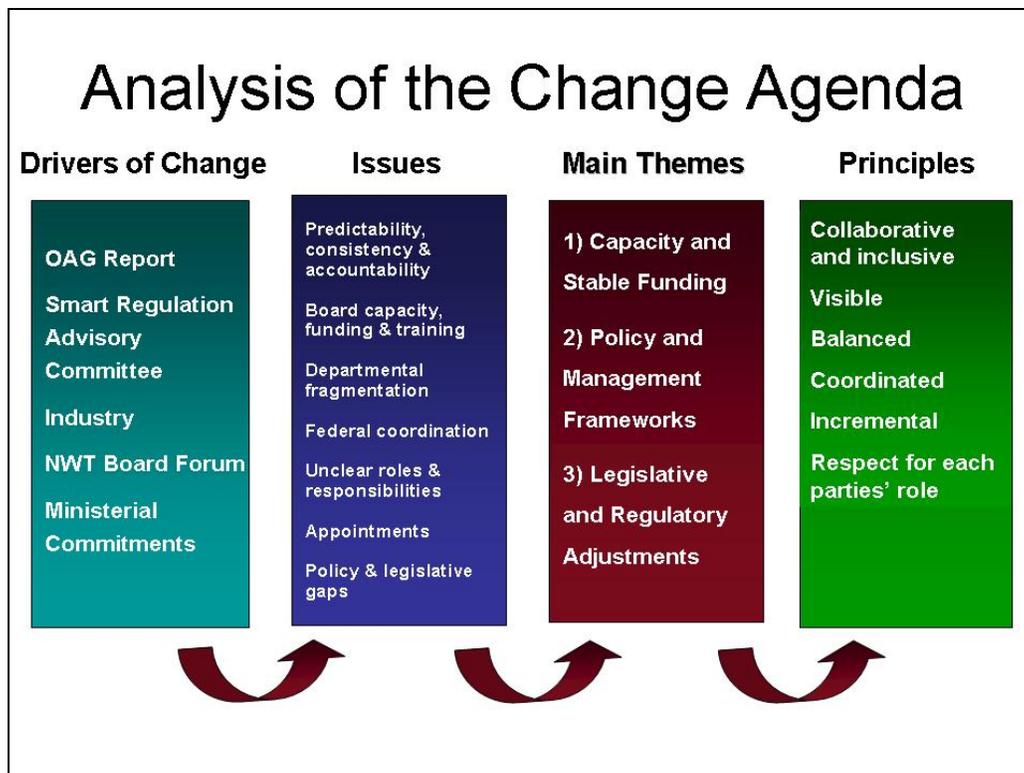
1. Consider Canada's role in northern development
2. Reduce complexity by increasing the predictability and efficiency of regulatory regimes
3. Consider regulatory improvement as part of land claim and devolution negotiations in the NWT, while at the same time respecting settled land claim agreements
4. Build a climate where periodic review, evaluation and improvement is seen as an integral part of the system

In regards to the origin of the system, Mr. Traynor stated that "the regimes came about in order to ensure Aboriginal participants in public and shared resource management". As a result, regulatory regimes are not systems of design, but rather negotiated systems that are highly complex. Mr. Traynor added that the NWT is unique, as it maintains two systems; one specifically created for the ISR, the other for the remaining NWT.

Criticisms of the system, as Mr. Traynor explained, encompass several legacy issues including mine abandonment and resource benefits distribution. These legacy issues still haunt unsettled areas, and capacity remains a strong issue in the face of strong developmental pressures. However, Mr. Traynor confirmed that the current regime and EA practices are rooted in land claim settlements, Aboriginal participation is a key consideration, and a robust contaminated sites program are in place (see *Appendix C, Slide 6*).

Apparent weaknesses of the system have been linked to foundational issues resulting in considerable sources of frustration for various stakeholders. Mr. Traynor identified these issues as INAC's management of its role in the system (specifically, what the proper level of engagement is), as well as unsettled land claim areas and ever-present developmental pressure.

He described the twofold approach to northern regulatory improvement, focussing on both concrete operational-level improvements to areas of federal responsibility, while building a longer-term regulatory improvement agenda. The longer-term approach included a detailed examination of the current regulatory systems for non-renewable resources in Northern Canada and a process to make improvements.



Mr. Traynor shared that in November 2005, INAC initiated a two-phased low-key response to improve the regulatory system. Phase one included addressing capacity and stable funding, policy management frameworks (e.g. board roles, mandates for socio-economic impacts), and targeting legislative and regulatory amendments. The approach to phase two follows two streams; Mr. Traynor identified them as short- and medium-term operational changes with respect to Federal responsibilities, and long-term strategic changes tackling modifications to the regulatory regime.

Mr. Traynor explained that the engagement exercise sought to obtain the views, interest, and possible changes surrounding the aforementioned themes in phase one. Mr. McCrank led the effort, meeting with countless stakeholders and partners between December '07 and March '08, concluding with a 2-day roundtable workshop in Yellowknife.

Mr. Traynor concluded by clarifying operational and strategic next steps, indicating a requirement to focus on groundwork for greater change, submission of the McCrank report to the Minister and its subsequent public release. Mr. Traynor confirmed Neil McCrank has delivered the report to Minister Strahl; however, conflicting schedules have delayed a formal meeting. The report will be publicly available following its translation into both official languages. In the meantime, Mr. Traynor and the department will continue to move forward based on the principles identified in the NR11.

### **Discussion**

Mr. Willard Hagen commented that appointments do not belong on a *frustration list*, but rather in a *reality list*, adding that by July 1<sup>st</sup> the GRRB will no longer have a legal quorum. Mr. Hagen asked “how does a board tell proponents that it can no longer make legal decisions?”

Mr. Traynor indicated that he “hears the boards loud and clear”, but the challenge is not as simple as forming a quorum; rather, those appointed have to have a clear understanding of the boards mandate to provide a quality *voice* and building relations with colleges.

An inquiry was made about what actual operational changes have been made to secure stable funding (see *Appendix C - Slide 17*)

Mr. Traynor explained that details of these changes are recorded in a report that has yet to be distributed. INAC worked with Terriplan to better characterise how the work of boards fits into the Federal system, and how to better support boards in their on-the-ground operations. Mr. Traynor confirmed the report remains an internal document, and will be addressed in an INAC workshop in June workshop that will tackle outstanding reports.

Vern Christensen requested clarification on INAC’s workshop in June, asking if a concrete plan exists to address outstanding reports.

Mr. Traynor explained that the internal INAC workshop is designed to attend to a number of reports INAC needs to address (e.g. Auditor General report, Terriplan report, etc.), one of which is the report directly attributed to funding issues.

Liz Snider noted that claimant groups do not seem to be recognized as key players in project changes and asked how they fit into the context of the project, as compared to people who are simply consulted with.

Mr Traynor apologized if the presentation did not reflect them as key players and noted it as his oversight that will be corrected. Mr. Traynor confirmed that claimant groups are seen as equal partners in managing legislative changes, and have been in constant communication throughout the process.

Fred McFarland commented on the statement that regulatory regimes are not a system of design but made through negotiations. Mr. McFarland indicated that the ISR seems to be overshadowed due to the MVRMA; however, even though the area is smaller, the same capacity and resource issues still exist.

Mr. Traynor thanked Mr. McFarland and remaining participants for their thoughtful comments and questions.

### **5.3 The Mackenzie Gas Project: An Update – Dave Hudson**

Gaétan Caron recused himself for this presentation and discussion.

Dave Hudson opened his presentation by offering a brief overview of the four principles or tasks given to him and the MGP Office by the Prime Minister. Mr. Hudson confirmed that the MGPO has moved from INAC to Industry Canada in a decision made by the Prime Minister to keep the file under Minister Jim Prentice for continuity.

Canada and the MGPO have spent a great deal of time satisfying the public’s interest about the environmental assessment (EA) and regulatory process. Mr. Hudson stated that the JRP report is scheduled to be available within the decade; however, there is speculation that the timeline to finalize it will go beyond 2010. The government has stated that the project must be a private sector investment, driven by commercial considerations. Mr. Hudson explained his tasks involve designing and regulating the infrastructure to maximize the resource potential and forecast potential future investments. At this

time, proponents have rights to over 6 trillion cubic feet in a basin with reserves of over 65 trillion cubic feet of natural gas. The project must result in both tangible benefits for northerners and Canadians in general, while seeking participation from the APG. Mr. Hudson informed participants these are principles the Federal Government claimed must be satisfied to ensure a *good deal* takes place.

The tasks allocated to the MGPO involve negotiating a balanced fiscal arrangement with the proponents. Mr. Hudson confirmed this was his primary task at the moment, and a settled fiscal deal by summer/fall '08 will be a great indicator to the public and proponents that progress is being made. The financial deal is of great importance in light of delays in the JRP report, which has resulted in a loss of stakeholder support. While the discussions are confidential, Mr. Hudson indicated that a fiscal deal will result in a commitment by proponents to begin engineering work by as early as winter 2008. Mr. Hudson is also tasked with coordinating the Federal Government's response to the JRP report. Without prejudging the content of the report, preliminary work is being conducted on the process by which the government will respond. The last of the four tasks involved both providing oversight to the government of Canada regulators to facilitate a coordinated, effective and efficient working environment; as well as initiating the MGP Impact Fund Corporation once significant progress is demonstrated.

Mr. Hudson also referred to the requests or 'asks' made by the proponents by explaining that the first request, fiscal assurance, was his primary responsibility. Secondly, Aboriginal support regarding access and benefit agreements is a task Mr. Hudson will closely monitor. Finally, the proponents requested a clear regulatory process to determine where gaps in knowledge exist to increase system transparency and information sharing.

In conclusion, Mr. Hudson saw the MGPO in Yellowknife as a solution for regional issue resolution and governance at a more local level. Mr. Hudson also warned participants that if a deal is not finalized by this fall, proponents will have to postpone work for another year, as certain engineering tasks can only be performed in winter months; delays will result in significant financial losses measuring in the hundreds of millions.

## **Discussion**

George Govier thanked Mr. Hudson for his presentation and proceeded with three questions: Firstly, on a statement listed in the tasks, wherein the MPMO is charged with providing oversight to the Government of Canada regulators, Mr. Govier asked if Mr. Hudson was aware that a Cooperation Agreement between regulators has been in place since June 2002?

Dave Hudson confirmed that he is aware of the Regulators Agreement, but noted that from a Federal perspective many people have commented that regional offices and HQ can improve the way in which they relate to one other and coordinating their own internal actions; adding that efforts are aimed at improving this and not at replacing the existing agreement.

Mr. Govier also commented on a statement referencing boards and federal and territorial regulators collaborating on a workplan to implement the Regulators' Agreement, asking if Mr. Hudson was aware that the SLWB were signatories to the original Regulators Agreement.

Mr. Hudson replied that he is aware that all of the signatories are working together to implement a work plan with timelines, milestones, and tasks to be done; as well as working with the proponents.

Mr. Govier's final comment was that he felt the SLWB has been held at arms length by members of the regulators group.

Clarification was requested regarding the statement "one project, one assessment", to which Mr. Hudson explained that the MPMO attempts to bundle (wherever possible) permitting and assessments to avoid situations where multiple assessments are performed by different departments on a single project.

Mr. Fred McFarland asked about the MGPIF Corporation.

Mr. Hudson replied that it was the Mackenzie Gas Project Impact Fund Corporation created by the Federal Government to address socio-economic impacts on Aboriginal groups affected by the MGP. It is a \$500 million fund to be released if the MGP is approved. At that time, a chairperson will be assigned, and representatives will be seated from each of the Aboriginal groups. Mr. Hudson explained that appointments will likely be an eight-plus month project considering security checks and related matters.

#### **5.4 Major Projects Management Office: Overview and Discussion – Nada Vransy**

Gaétan Caron opened the presentation by stating that he has been an active and vocal supporter of the MPMO for some time. He noted that improvements to the existing regulatory system can, and have, taken place without legislative changes; however, eventually legislative enhancements will present themselves. Mr. Caron continued by stating that the formation of the MPMO succeeded in attracting the best and the brightest mind in resource and policy related fields, adding that Ms. Nada Vransy is a notable manifestation of its success to date.

Following Mr. Caron's introduction, Nada Vransy provided a brief overview of the mandate of the MPMO. The regulatory system is currently under pressure by capacity and system constraints due to high commodity prices, complexities in the system, and a need for more intensive consultation practices. Ms. Vransy noted that the government has responded by funding a Regulatory Improvement Initiative (RII) in the amount of \$150 million over the next five years, to establish the MPMO and to address regional capacity issues.

Ms. Vransy explored some of the key commitments included in the RII; primarily the development of service standards and timelines for environmental assessment and regulatory processes. The RII also committed to providing regular reporting to Cabinet. Ms. Vransy affirmed that Cabinet members are keen on this point, requesting greater transparency and measurable performance indicators. Lastly, the MPMO has committed to adopt a 'whole of government' approach to Aboriginal consultation to eliminate confusion and consultation fatigue.

In reference to MPMO outcomes, Ms. Vransy explained the 2007 Budget report committed the government to "...cut in half the average regulatory review for major resource projects" from a 4-year timeline with unpredictable outcomes to a reduced timeline with predictable outcomes. Secondly, the government has requested the MPMO improve transparency through "publicly accessible monitoring and tracking" as well as improving opportunities for engagement and consultation with stakeholders.

Following a brief explanation of what defines an MPMO "major resource project", Ms. Vransy described the MPMO as a catalyst for system improvements that will foster regulatory innovation and excellence by

piloting best practices, while never being satisfied with complacency. Ms. Vransy noted that a working group is being formed to explore the continuum of options for legislative change, and what to do to better align various legislative documents to serve regulatory efforts.

Ms. Vransy indicated that Project Agreements will serve at the foundation for the RII by acting as the main coordinating tool intended to:

1. clarify roles and responsibilities of Federal entities over a project lifecycle
2. strengthen accountability through public project tracking
3. serve to benchmark/measure improvements in efficiency and effectiveness of the MPMO process.

A template for a standardized Project Agreement has been developed, and although the agreements take place between agencies and Federal Departments, they will also keep in line with existing provincial processes.

The next steps for the MPMO include continuing to increase its presence across the country by providing information and soliciting feedback through engagement with stakeholders. Ms. Vransy added that a critical step will be the 'ground-truthing' of approaches on early projects, the refinement of procedures, and continuing to report to the Ministers and the Cabinet.

### ***Discussion***

Ron Wallace asked if a benchmarking process had been considered as part of a competitive strategy for international development, especially on projects of large magnitude in the North; or anything that would go beyond the straightforward tracking process.

Nada Vransy replied stating the MPMO is in the process of developing performance indicators to measure progress as projects move forward. The MPMO will report on those indicators to Ministers, as they are very interested in the improvements being made. The MPMO intends to continually enhance the effectiveness of the system by looking at lessons learned, while always keeping in mind the importance of environmental stewardship.

Willard Hagen stated that currently the approach seems to be south of 60; however, the Crown duty to consult includes all of Canada. Considering that duty, Mr. Hagen asked if there will be such an office housed in the south and a separate one stationed in the north. Stephan Traynor replied that consultation efforts will be agreed upon within the context of individual project agreements through the MPMO. In short, consultation is uniquely exercised on a project to project basis.

Mr. Hagen also asked why the NEB was not included on the Funding Allocation list displayed in the presentation. Mr. Gaétan Caron replied by informing participants that the NEB did not seek funding from the MPMO.

A number of participants were also interested in the availability of the Project Description Guide and Aboriginal Engagement Guide listed on slide 13 of the presentation. Ms. Vransy explained the documents are publicly available, but remain in draft form, as consultation on content of the documents is currently underway. Ms. Vransy offered to e-mail these documents at participants' request through Eric Yaxley [[yaxleye@inac-ainc.gc.ca](mailto:yaxleye@inac-ainc.gc.ca)].

Finally, it was asked if MPMO intends to move to a single Federal position or consistent approach across departments with regards to developmental projects.

Mr. Traynor, whose office is involved in a secretariat capacity to the MPMO, replied by stating that it may be an outcome, but that these agencies still have to hold true to their legislative responsibilities. He said that a single Federal position is not envisioned at the moment, and the aim is to address inconsistencies that are creating lags in the regulatory process.

## **5.5 Board Research Priorities – Vern Christensen**

Vern Christensen presented a draft report of the NWT Board Forum Consolidated Research Priorities for comments and suggestions. The document proposes to advise both individuals and organizations of the priority research needs of NWT Board Forum members. Mr. Christensen indicated the report is a dynamic document, subject to annual or bi-annual reviews and updates. It is the hope of the working group that this document will serve a number of research needs by helping to fill knowledge gaps useful for regulatory boards.

Mr. Christensen asked for the endorsement of Chairs to create a distribution list and release the document to those who would appreciate it. At this time, Mr. Christensen welcomed questions of clarification or suggestions on the publication of the document

### ***Discussion***

Jann Atkinson said she appreciated the effort put forth by the working group, but wanted to comment on the style of wording, stating that it sounds as if the information gathering recommended by the Boards is information that is a necessity in order for boards to conduct their business. Ms. Atkinson suggested a more neutral language and requested that Board Forum staff review the document once more to ensure that its position is not misinterpreted.

Gaétan Caron supported the recommendation, adding that it might be risky to state too much about whether science has progressed enough to support the range of permits boards approve. The onus is on applicants to display public interest and to collect and present the available scientific knowledge supporting their decisions to conduct exploration and development. Proponents effectively need to demonstrate that they are worthy of permit approval. Mr. Caron applauded the paper, but expressed reluctance in suggesting that regulatory groups are taking the forefront on matters of the advancement of science or of specific fields of scientific research.

Mr. Christensen accepted the suggestion to allow Board Forum members to review the document in order to review the style of language in the cover letter.

Melody Nice-Paul made the request to add water quality/quantity research as a priority in the Gwich'in Settlement Area, as the GRRB office is currently undertaking some research efforts in this area and would like to expand upon them.

Mr. Christensen replied by reminding participants the document has a flexible list, with the purpose of leveraging investments from other organizations to the advantage of the boards.

Trish Merrithew-Mercredi suggested implementing a communication strategy and maintaining a relatively tight distribution list.

Mr. Christensen agreed and noted that developing a communication strategy is a scheduled task following completion of final draft, with the hope of capitalizing on current interests in northern research. Mr. Christensen indicated that he will be able to provide a status report on a responsible communication strategy at the next Forum meeting.

Violet Camsell-Blondin commented that WKSS research work is not included in the document and probably should be, due to a number of research gaps still existing in the study area. Mr. Christensen noted that these research areas can be reviewed and included in the next draft. Mr. Christensen confirmed the working group is willing to comply with all requests from Board Forum members, adding that this document belongs to the Board Forum and not the MVEIRB.

Participants agreed the release of the documents should be postponed until the changes are made, including language style in the cover letter, and agreed it would be presented at the next Forum meeting in fall 2008. Gaétan Caron suggested the working groups provide the cover letter via e-mail within a couple of weeks, and allow Board Forum participants 48 hours to provide comments on the new draft. This was accepted.

## **5.6 Risk Assessment – Evaluating Risk Assessment & Prioritizing Compliance Verification Activities – Denis Gagnon**

Denis Gagnon began his presentation by informing participants that the Operations Business Unit (OBU) within the NEB is primarily responsible for providing regulatory oversight to the construction and operation stages of a facility lifecycle. Oversight is provided through audits, inspections, investigations and meetings. Mr. Gagnon took occasion to introduce Sandy Lapointe as the new leader for the Operations Business Unit (OBU) at the NEB. Mr. Gagnon provided an outline of the presentation, addressing why the OBU uses a risk-based approach, an overview of the risk assessment model and what the oversight strategy is, and closing with a discussion of practical implications across Canada.

Mr. Gagnon explained why a risk-based approach is used by affirming that the management system offers the most effective approach to meet regulatory expectations and goals. Management systems allow for continual improvements, manages finite resources effectively, and helps understand risks to environmental and public safety. Risk assessment has three fundamental steps beginning with an analysis and evaluation of risks, followed by the implementation of plans to mitigate foreseen risks.

The risk assessment model includes applying an equation measuring risk by multiplying the probability by a number of consequence receptors unique to development location and activities. In this equation, the probability is directly linked to performance and success, with the rationalization that good business practices directly reduce instances of mismanagement. In terms of consequence receptors, in addition to items of safety, environment, and security, the NEB is advancing a program respecting the rights of those impacted by energy development.

Mr. Gagnon explored in detail the impact severity receptors applied to the three aforementioned consequences to development which NEB currently addresses, mentioning that baseline data used for land use is roughly a decade old. Mr. Gagnon lobbied, with humour, for any participant who can influence NRCan to update this baseline data to please do so for the sake of quality risk assessments.

Following presentation of a pipeline case study, Mr. Gagnon introduced a risk evaluation matrix as a tool used to determine which projects or company requires regulatory oversight. Mr. Gagnon added that once the facility is build, the consequence rating remains static, where as the probability rating will vary based on the performance company programs (e.g. safety, environment).

Mr. Gagnon explained the spectrum of regulatory oversight as being directly tailored to the increasing risk and complexity of a development project. Examples of oversight activities ranged from information exchange meetings, to construction inspections and emergency exercises in order to ensure increased performance, while limiting unsafe work practices.

Practical applications of the risk-based approach include reducing the oversight of known high performers to focus resources on less certain proponents and areas of interest. Most proponents see measured compliance as an area of great interest, as it quantifies the industries' performance, rewards excellence and can bolster their image. In closing, Mr. Gagnon thanked participants for their attention and opened the floor to comments and questions.

### ***Discussion***

In regard to the risk-evaluation matrix, Mr. Willard Hagen asked how the consequence of facility and pipeline construction can remain static over time.

Mr. Gagnon replied stating that once a facility is in its operational stage, it's consequence is directly attributable to its fixed location. A high influx of population to an area surrounding operations can influence the consequence factor over time, but it is unlikely to decrease once constructed.

A participant noted the presentation surrounded oil and gas pipeline development, and asked if the same risk-based system applies for exploration practices?

In response, it was noted that regulations for exploration are currently being modernized. A draft is being prepared that would be applicable to exploratory practices and it will be available within the next 8-12 months. The regulations will have a section containing explicit requirements for environmental and security concerns.

Mr. Hagen asked if the history of a company's performance is included in the risk assessment model.

Mr. Gagnon stated that the equation offers a snapshot of current performances, but a trend of past performances is most often available, as the NEB keeps a history of past projects (and performance records). Mr. Gagnon confirmed these factors are included in determining where in the spectrum of compliance oversight the NEB should be.

A participant asked if "past performance would increase security?"

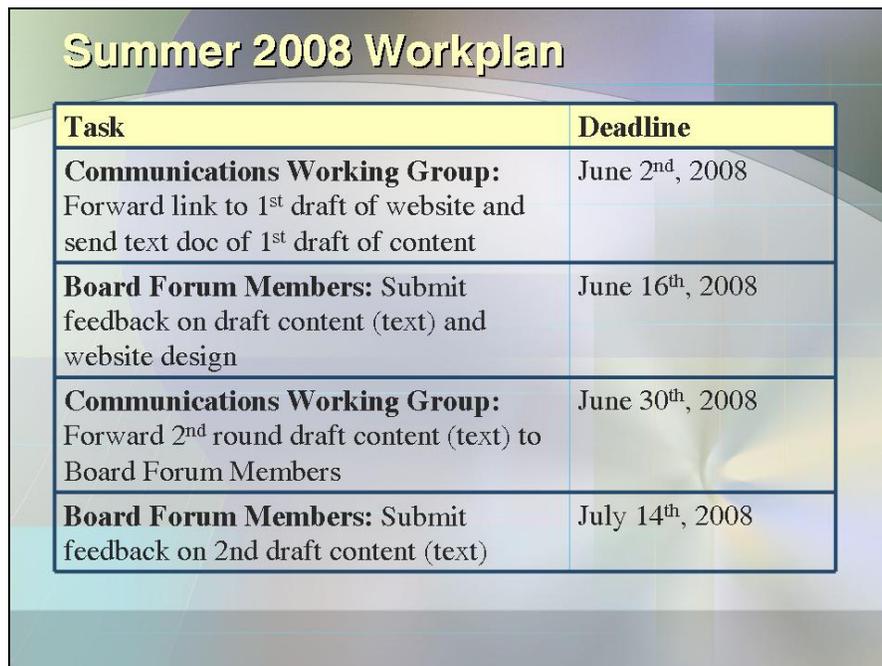
Mr. Gagnon replied that it would increase feedback on security and cause oversight to be heightened, but it would be up to the proponent to improve management.

## 5.7 NWT Board Forum Website – Jennifer Moores and Renita Jenkins

Jennifer Moores offered a presentation on behalf of the Communications Working Group, beginning with a preview of the Board Forum website and background on the goals achieved to date. Ms. Moores indicated that Renita Jenkins would identify the next steps for the working group, as well as what Communications will require from Board Forum participants.

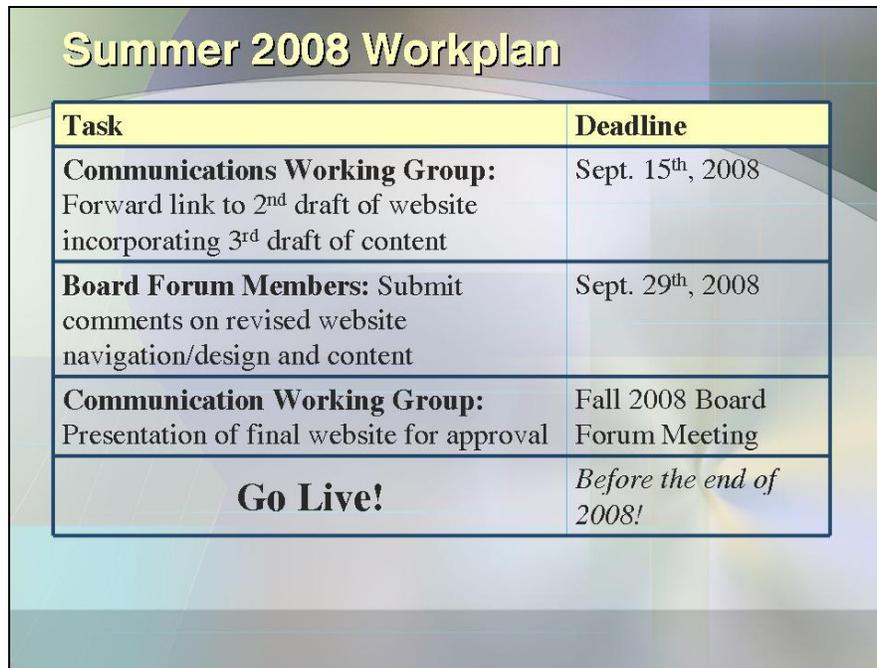
Since the last forum in November 2007, the working group has hired a new programming contractor due to complications with the previous contractor. Following a brief review of background information, Ms. Moores walked through a preview of the revised website. Revisions included changes to the website concept and content, increased ease of navigation, a regulatory system chart, and finally, general artwork balancing environmental projection and development at the suggestion of participants received at the last Forum.

Renita Jenkins described how Board Forum members will have three opportunities to provide feedback on website content, and two opportunities on website navigation and design. Ms. Jenkins indicated consensus is a priority, where contradictory feedback will be handled on a case-by-case basis.



The image shows a slide titled "Summer 2008 Workplan" with a table of tasks and deadlines. The table has two columns: "Task" and "Deadline".

Task	Deadline
<b>Communications Working Group:</b> Forward link to 1 <sup>st</sup> draft of website and send text doc of 1 <sup>st</sup> draft of content	June 2 <sup>nd</sup> , 2008
<b>Board Forum Members:</b> Submit feedback on draft content (text) and website design	June 16 <sup>th</sup> , 2008
<b>Communications Working Group:</b> Forward 2 <sup>nd</sup> round draft content (text) to Board Forum Members	June 30 <sup>th</sup> , 2008
<b>Board Forum Members:</b> Submit feedback on 2 <sup>nd</sup> draft content (text)	July 14 <sup>th</sup> , 2008



The image shows a slide titled "Summer 2008 Workplan" with a table of tasks and deadlines. The table has two columns: "Task" and "Deadline". The tasks are: 1. Communications Working Group: Forward link to 2nd draft of website incorporating 3rd draft of content, with a deadline of Sept. 15th, 2008. 2. Board Forum Members: Submit comments on revised website navigation/design and content, with a deadline of Sept. 29th, 2008. 3. Communication Working Group: Presentation of final website for approval, with a deadline of Fall 2008 Board Forum Meeting. 4. Go Live!, with a deadline of Before the end of 2008!

Task	Deadline
<b>Communications Working Group:</b> Forward link to 2 <sup>nd</sup> draft of website incorporating 3 <sup>rd</sup> draft of content	Sept. 15 <sup>th</sup> , 2008
<b>Board Forum Members:</b> Submit comments on revised website navigation/design and content	Sept. 29 <sup>th</sup> , 2008
<b>Communication Working Group:</b> Presentation of final website for approval	Fall 2008 Board Forum Meeting
<b>Go Live!</b>	<i>Before the end of 2008!</i>

In terms of methodology and timelines, Ms. Jenkins provided a table outlining specific deadlines when deliverables will be distributed and re-submitted with feedback, noting that the website will be content-free in order to keep website and content feedback forms separate in the early stages of development.

The hope is that by the 9<sup>th</sup> Forum in fall 2008 the website will have undergone extensive consultation, with the ability to *go live* by years end. Ms. Jenkins closed by opening the floor to comments and questions regarding the proposed timeline.

### **Discussion**

Gaétan Caron thanked the presenters and applauded them on their generosity in allowing forum members to have such a high degree of input regarding the website. Mr. Caron accepted the proposed timeline on behalf of all participants, as well as the responsibility to provide timely feedback when necessary.

Mr. Caron asked if there have been any talk of a possible logo for the Board Forum.

Ms. Moores indicated that discussions have taken place, but that a Board Forum logo might create some confusion. However, the website itself will create the desired common look and feel for the Forum.

An inquiry was also made into the possibility of using the website to host documents.

Ms. Jenkins replied noting that documents would be included in the “members only” section of the website. At this stage, the plan is to go live prior to fully developing the feature, but it is a longer-term goal for future website growth.

## **5.8 Mitigating Measures Report: Presentation and Discussion – Tamara Hamilton**

Tamara Hamilton, Environmental Policy Analyst, INAC was tasked with presenting the results of INAC's paper on "Effectiveness of Mitigation Measures", and began by providing a broad context of mitigation in the Mackenzie Valley. Ms. Hamilton stated that various parties have a role in monitoring impact mitigation measures, while INAC has an overall responsible for evaluating effectiveness; however, no formal mechanism currently exists to perform the task.

Efforts to address this issue were initiated beginning in 2004 in collaboration with Review Boards, followed by INAC's response to the 2005 Environmental Audit. Furthermore, INAC let a contract to Terriplan to address the audit report on the need for transparency and post-report and EA accountability. Ms. Hamilton confirmed the discussion paper was finalized in January 2008.

Ms. Hamilton explained the paper's purpose as providing a method and criteria for determining effectiveness, a basis for an EA and mitigating tracking system, and to develop recommendations towards engaging stakeholders and moving forward. In terms of objectives, the key tasks included examining methods in follow-up programs in similar jurisdictions while reporting on applicable methods in the Mackenzie Valley, as well as determining appropriate criteria to verify effectiveness.

Ms. Hamilton quickly covered slides detailing a summary of findings from other jurisdictions, reminding participants that a more in-depth review can be found within the paper itself. Findings identified gaps in the Environmental Monitoring System (EMS), and outstanding issues (e.g. lack of mechanisms to implement social, cultural, and economic mitigation measures). Ms. Hamilton shared that a number of options for criteria of measurements, and the tools to do so were uncovered through research efforts, as were alternate methods of practicing stakeholder engagement.

In closing, Ms. Hamilton mentioned that INAC will be hosting a workshop with selected organizations with the objective of reviewing relevant initiatives and identifying short- and long-term actions.

### ***Discussion***

Fred McFarland commented on the recommendation to evaluate mitigation measures in the Mackenzie Valley, and questioned where the ISR fits into the workshop?

Ms. Hamilton replied by stating that the Mackenzie Valley was the area of focus in the reports; however, the ISR will be included and added that the ISR can certainly be included in the workshop agenda.

## **5.9 Seismic Guidelines: Presentations and Findings to Date – Susan Fleck**

Susan Fleck of ENR-GNWT opened the presentation on guidelines for seismic operations by providing an outline aimed at addressing the role of regulatory bodies, the purpose of providing guidelines, followed by desired outcomes and benefits, processes used, and future steps.

Ms. Fleck made it clear that seismic guidelines recognize the roles and responsibilities of regulatory bodies, particularly land and water boards and the NEB. The intent of the guidelines is to allow environmental agencies to review applications and provide consistent expert technical advice into the regulatory process regarding environmental impacts. Ms. Fleck informed participants that this is a joint

project between EC, ENR, and INAC; with a mandate to protect forest vegetation, migratory birds, wildlife from impacts related to surface development.

Ms. Fleck stated that the guidelines are being created now before seismic exploration in the NWT becomes as intense as in its southern counterparts - Alberta. INAC drafted guidelines roughly 20 years ago, but no current guidelines exist to address environmental issues. Ms. Fleck stated that land and water boards have also recognized a need for guidelines, and as a result, a possible 'seismic operations' working group is to be developed. Ms. Fleck confirmed that this project should serve as a advice for such a working group.

Following a brief comparison of 2D and 3D seismic techniques, Ms. Fleck explored a case study in the Fort Liard area. The application specified low-impact work; however, upon inspection it was confirmed that roughly 116,000 cubic meters of timber had been cleared (totalling three times the annual volume of wood harvested, including fuel wood, in the NWT). Ms. Fleck noted that the regulatory terms and conditions had not specified line-width, nor did it suggest standard or best practices.

In order to ensure consistent advice from EC, ENR, and INAC, a letter of agreement to develop guideline was signed in 2007. Ms. Fleck noted that the letter stated three general goals, being:

1. "The ecological impacts of seismic activities on woodland caribou (a species listed under the Species at Risk Act) and other species are minimized"
2. "The ecological impacts of seismic operations are addressed in a proactive manner"
3. "All proponents are treated in a transparent and equitable manner."

Furthermore, project work had been initiated in 2006 by ENR in collaboration with the Alberta Research Council to explore best management practices for seismic operations.

Ms. Fleck declared that the project's desired outcomes are goal-oriented to allow for flexibility, while relating to agencies environmental mandates. Furthermore, they do not consider socio-economic factors, as they are under the purview of regulatory agencies. Ms. Fleck noted the third draft is scheduled to be released in June 2008, and contains considerable changes in response to comments and suggestions.

In terms of benefits, Ms. Fleck believes the guidelines will provide clearer expectations for proponents, address ecological impacts in a proactive manner, and encourage innovation in industry. On the other hand, guidance is advisory in nature, with no intention to amend current legislation.

Ms. Fleck shared that to date several consultation workshops have been held to review drafts, making efforts to be as inclusive as possible with all stakeholders. She confirmed the intent by agencies is to release the final draft in August 2008 and subject the guidelines to ground-testing for 2 years while monitoring results. Ms. Fleck closed by thanking all those who contributed to the betterment of the drafts.

## ***Discussion***

Trish Merrithew-Mercredi indicated that neither INAC nor the GNWT has had guidelines to regulate seismic operations in the NWT. Land use guidelines do exist, but they are quite different and do not adequately serve to regulate seismic work.

Jann Atkinson asked how effectiveness will be measured when a number of considerations are being rolled together.

Ms. Fleck replied stating that the guidelines are meant to be used by the three agencies that created the guidelines when reviewing applications and will be graded by how effectively they allow for the gathering of information to allow regulators to make informed decisions. The ability to provide sound environmental advice is a gap that exists right now, and Ms. Fleck confirmed that this service is a major goal.

George Govier noted the initial poor efforts of the working group or consultants to involve the regulatory boards in design of the guidelines but that the consultation meetings held in late March and early April were very inclusive. Willard Hagen also commented that regulators were not asked to be a part of guideline discussions or the process of development, adding that their involvement would have been advantageous if members would have been brought in from the beginning. Ms. Fleck noted that the land and water boards were planning on setting up working groups to develop standard procedures and guidelines. Mr. Hagen recommended a meeting between INAC, NEB and the seismic working group

## 5.10 Update: Security Requirements for Developers – Manik Duggar

Manik Duggar of the MVLWB opened his presentation on security issues arising from water licensing by providing a brief background and context, beginning with the legislative impacts that land claim settlements have had on legislation and regulations. Increasing opportunities for resource exploration and development in the NWT have in turn increased the potential for exposure to environmental risks. Prior to undertaking exploration and development, Mr. Duggar confirmed that prior to development; proponents are required to provide ‘financial assurance’ or securities to cover reclamation costs to lands and waters affected by development.

Mr. Duggar noted that his presentation drew information directly from the research report authored by an independent consultant, Michael M. Wenig; as well as the Terriplan Summary Report that followed the April 2008 workshop held to address Mr. Wenig’s assessment of security issues on private lands in NWT and Nunavut. Mr. Duggar confirmed the scope of reclamation costs involves two major conflicting issues, as follows:

1. whether L&WBs can include the “land related” and “water related” reclamation costs in the amount of security required under a water licence and;
2. Whether other land owners (surface land owned by a party other than the federal government) can require and access security under a water licence.

INAC believes that security taken in respect of a water licence should be limited to water reclamation costs. However this leaves several unresolved issues including;

- how to address some environmental risks that involve neither land nor water – e.g., air, wildlife.
- water and land-related risks sometimes can not be separated or distinguished as many activities involve risks to both land and water.

Mr. Duggar posed the question “should securities be limited to reclamation costs of activities that directly occur within a water body?”

Mr. Duggar stated that the MVLWB is of the opinion that confusion can be avoided by asking for securities for the reclamation of the entire ‘undertaking’ of a project by referencing Section 102 of the MVRMA and Section 14(1) of the NWTWA, which stipulate its “land and water related” authority; however,

INAC does not accept this interpretation of the Act, and the matter remains unresolved. Mr. Duggar went on to discuss the issues that arise from maintaining a land/water dichotomy by questioning how one can accurately calculate the potential cost-split between land and water.

Mr. Duggar addressed the key issue of security access by exploring a number of options regarding who is best equipped to hold security deposits. Listed options ranged from sole possession by the Minister of INAC, to joint security between the Minister and land managers (requiring a joint decision-making process), and finally, to foregoing security from land owners/managers (also see *Appendix C – Duggar Slide 9*).

The next item presented included a number of tables outlining participant responses to the April 2008 Security Workshop questions. The tone of responses for “split security” surrounded risks; risks in the form of residual liabilities, risks involving lack of integration, the problem of correctly allocating security into component parts, and several other joint management challenges. When responding to “joint security”, participants felt a greater risk to the environment would be felt due to insufficient funding for remediation, possible loss of decision making authority, the risk of inadequate coordination or administration of security, and cases of multiple remediation efforts.

In closing, Mr. Duggar listed several possible next steps to resolving security issues, including a review of best practices on security requirements in other jurisdictions. Mr. Duggar thanked all those who contributed to the success of the Workshop and welcomed any questions or comments.

### ***Discussion***

A note was made to correct a statement made in one of Mr. Duggar’s slides that suggests that proclamation of the MVRMA made the NWT Waters Act invalid in the Mackenzie Valley; rather the administration of the Act was transferred from the NWT Water Board to the Land and Water Boards (unlike in the ISR where the NWT Water Board still administers the NWT Waters Act).

## **5.11 NWT Environmental Audit/Cumulative Impact Monitoring Program – David Livingstone**

David Livingstone began his presentation on the Cumulative Impact Monitoring Program (CIMP) and the Environmental Audit by indicating his intention to quickly review its context, followed by an overview and update of each program.

Mr. Livingstone indicated that both CIMP and the Environmental Audit are requirements of the MVRMA and the Gwich’in, Sahtu and Tlicho agreements. Its design and implementation is coordinated by INAC and respective working groups.

Mr. Livingstone quickly explained the key objectives and structures of CIMP, as it’s a long-standing program under the MVRMA and all Board Forum participants are familiar with it as regulators. Mr. Livingstone presented a list of valued components (VCs) monitored under the CIMP. Although the list appears generic at first, it was created to ensure the broad NWT-wide monitoring program meets the needs of the whole Territory. Mr. Livingstone confirmed it was developed through consultation and is subject to modifications specific to each region. Furthermore, indicators and protocols for each of these VCs are under distinct stages of development for uniformity in data collection and monitoring.

In terms of communication, Mr. Livingstone confirmed that all CIMP supported projects must involve and report results to communities, where a strong emphasis has been made to include youth in monitoring and research.

At this time, the CIMP has emphasised a focus on capacity building by funding projects with similar principles of community education, to better position members of communities to make the transition from a supporting to a lead role in monitoring efforts, and particularly once multi-year funding is in place.

Mr. Livingstone drew attention to updates regarding standardization protocols for VCs, emphasising the importance of consistency in sampling and monitoring across projects and regions. A VC protocol meeting was held in May 2008, with a draft of three VCs to be complete by June 2008.

A pilot project is being led by Steve Kokelj of INAC in the Delta region within the ISR, to test biophysical monitoring protocols on the ground with help from the Inuvialuit Game Council (IGC) in identifying sites and programs with monitoring issues. He noted that the Inuvialuit are not bound by any explicit legislative responsibility to provide support, but they are keen in supporting the CIMP efforts.

Mr. Livingstone identified the next steps in the CIMP as:

- Secure long term funding
- Finalize work plans of valued component advisory teams for regional monitoring
- Verify standardized monitoring protocols
- Build capacity through community-based monitoring programs

Mr. Livingstone described the Audit as a requirement under the MVRMA on a five-year cycle, scoping the entire NWT. The first Audit was conducted in 2005, combining aspects of conventional environmental auditing, state of the environment reporting, and performance review.

In terms of what the audit accomplished, Mr. Livingstone explained that it gave an indication of the current state of the environment and a description of possible causes influencing its condition. The Audit also determined the effectiveness of the CIMP efforts on the environment; finally, it reviewed the effectiveness of regulations for protecting the environment.

The main Audit report contained 50 recommendations aimed at various organizations in the NWT for improving environmental stewardship. All Directly Affected Parties (DAPs) were encouraged to develop a plan to respond to recommendations and to collaborate on efforts where such an approach proved more effective. Mr. Livingstone confirmed Section 148(d) of the MVRMA states that “the next audit shall include a review of the response to any recommendations of previous environmental audits.”

INAC developed their response in September 2007, addressing the 15 recommendations aimed specifically at that agency. Two key areas auditors expect government to respond to most efficiently and effectively were land use planning and the CIMP. He estimated that about 8% of the recommendations have been implemented; 64% are being addressed and 22% will be addressed. Mr. Livingstone noted that no other party has responded to the audit and INAC has yet to receive explicit responses from any Boards identified in the audit. In closing, Mr. Livingstone provided the contact information for anyone requiring support on work related to generating a response, including potentially a joint response.

## ***Discussion***

Ron Wallace asked Mr. Livingstone for his personal opinion regarding the success in the implementation of the proposed Environmental Audit recommendations.

Mr. Livingstone replied by indicating that the problem is that many of these projects will take time, and that most recommendations tended to be long-term in nature. He did offer that in terms of environmental management, huge strides have been made in the past 5-6 years.

John Donihee commended Mr. Livingstone for the hard work he and the department have put forth in addressing the audit recommendations. Mr. Donihee indicated the next audit should begin in less than 7 months (i.e. 5 years after the implementation of the MVRMA), and asked if the department is taking steps to prepare for it, and how INAC has dealt so far with the lessons learned.

Mr. Livingstone noted that a number of lessons were learned in the first audit. Primarily, that the first audit had to be *broad brush* because it had never been done before, and people needed to develop a flavour or things. INAC staff also learned the audit is both extensive and time consuming if done properly. Mr. Livingstone stated the response timeline needs to be tightened, adding that it is unacceptable to be without a formal response two years after a constitutionally entrenched audit. The audit needs to be taken seriously and recommendations need to be acted on.

George Govier asked who has failed to supply a response.

Mr. Livingstone shared that several recommendations were aimed at regulators who have yet to reply.

George Govier indicated that the SLWB quickly replied to their recommendation in the audit. Vern Christensen stated that the MVEIRB had also submitted a response to the audit, and showed concern that communication regarding the response is an issue.

Mr. Livingstone confirmed that he will investigate this matter internally.

Ron Wallace suggested distributing a group letter with a check list indicating which agencies INAC is looking for a response from.

Mr. Livingstone agreed to distribute a letter collectively to all the boards once he checks with INAC first to identify which responses have been collected.

Bob Simpson commented on the objective of youth involvement in CIMP, and asked if any effort has been made in this area. If not, has the department looked for more funding to increase this effort?

Mr. Livingstone shared that a number of programs targeted towards youth have been funded by INAC, some of which are tied directly into the school curriculum. Problems with consistency in program delivery arise with high teacher and other staff turnover rates in the school system.

Willard Hagen requested clarification on the statement of 'interim funding on project to project basis' by asking if this is funding the project has, or if it is funding it hopes to get.

Mr. Livingstone replied by sharing that the CIMP has received funding in past years, but the funding comes from reallocated funds within the department. To date, since the funds are reallocated, they are constantly subject to the priorities INAC has at the time. Committing to longer-term projects is less likely to occur due to this funding situation, and projects that can be completed within a single fiscal year are given priority.

Trish Merrithew-Mercredi commented on the issue of funding, indicating that the pattern of funding has shown that the money is there, adding that INAC may be able to exercise more flexibility than it has in the past.

## 5.12 Protected Area Strategy Overview – David Livingstone

David Livingstone began his presentation on the Protected Areas Strategy (PAS) by indicating that the program has been successful in identifying special areas of interest, however, very slow progress is being made in passing these areas of land through the PAS system for long-term protection. The PAS envisions a prosperous future by promoting a balanced approach to land use decisions that incorporates the best traditional, ecological, cultural and economic knowledge available for the NWT.

In the interest of time, Mr. Livingstone quickly presented the brief history of the PAS, its principles and membership; followed by a slide showing the 42 unique eco-regions of the NWT. The PAS includes the notion of 'ecological representation' to provide the opportunity to protect biological diversity while supporting development. Mr. Livingstone confirmed that the PAS is not independent of LUPs, noting that the two regulatory tools often work hand in hand in the negotiation of protected areas.

At this time, resource assessments are required for each of the proposed sites in the NWT, including an ecological assessment, non-renewable resource assessment, and socio-economic assessment to determine the necessary level of conservation. Each proposed site has a unique working group to steer those discussions and produce a report to submit to the decision-making levels of government to determine the degree of long-term protection the site will receive, should it qualify.

Mr. Livingstone identified the Canadian Wildlife Service and Parks Canada as program sponsors; however, the PAS would like to see ITI-GNWT exercise a more proactive role, as it is in a good position to develop a conservation initiative for the GNWT. Future steps in the PAS include a broadening of current sponsorships, to move the identified protected areas through the PAS system, and to begin to manage protected areas that have been approved for long-term protection.

Challenges within the PAS group have stemmed from a debate by those that feel the only type of protection worth mentioning is permanent protection (e.g. National Parks). However, Mr. Livingstone explained that before the PAS began it was understood that conservation incorporates a spectrum of protection that can enable development in some cases, stressing that total-protection is not always the best practice, as it forecloses options. Furthermore, Mr Livingstone suggested sponsoring agencies need to be encouraged to look at legislation the way it was written, rather than the way they would like to interpret it.

Mr. Livingstone claimed that the PAS is nearly finished identifying protected areas in the Mackenzie Valley (approx. 80%) and roughly 20% done identifying the rest of the NWT. In closing, Mr. Livingstone encouraged participants to review the slides for further information, or to visit the website ([www.nwtpas.ca](http://www.nwtpas.ca)).

## 6.0 Next Board Forum Meeting

Gaétan Caron opened the floor to volunteers to host the next Board Forum meeting to which Frank Pokiak, Chair of the ICG, graciously accepted. Mr. Pokiak and his colleagues will host the Board Forum in late November (tentatively scheduled for November 24<sup>th</sup>) in Inuvik, NWT.

Mr. Caron reminded participants of the three goals that were set on day one:

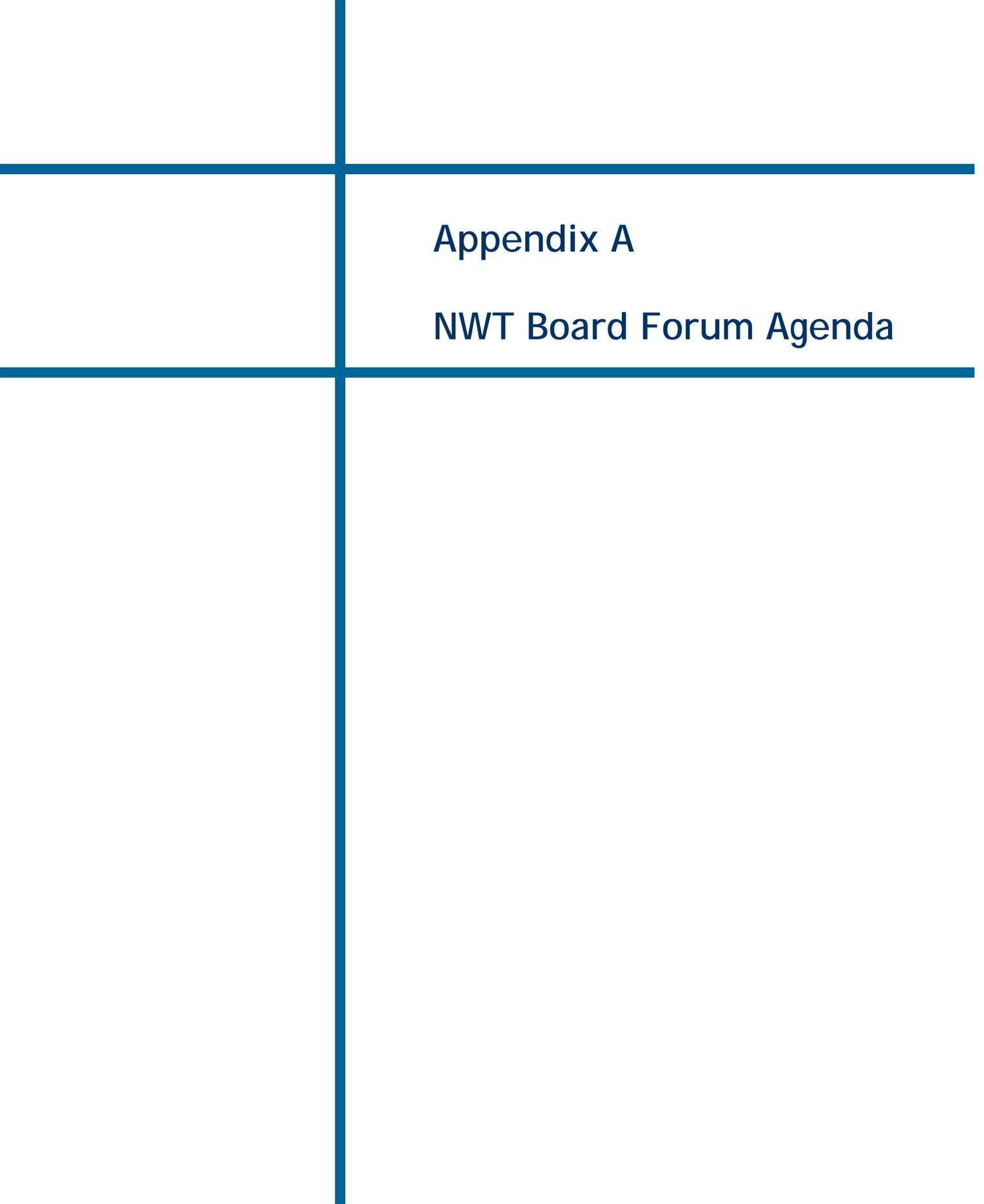
1. Knowing what other boards are doing
2. Becoming more aware, and being able to act upon opportunities for meaningful collaboration
3. Preparing to respond to the pending Neil McCrank Regulatory Improvement report.

Mr. Caron proposed that these three goals were achieved with pride, honour and distinction; adding that the meeting was well prepared for success. Mr. Caron shared that his expectations were exceeded by all forum participants and that the accomplishments achieved here bodes well for the meeting scheduled in Inuvik next November.

Larry Wallace took occasion to thank Gaétan and the NEB for hosting the Eight Board Forum, adding that this is just a small part of what the NEB has done for regulatory bodies in the north. Mr. Wallace mentioned that Gaétan, as well as his predecessor Ken Vollman, is very involved in the north and staffs an office that is courteous, professional and concerned with issues in the north. There was also thanks expressed for the dinner and entertainment provided the previous evening.

In closing, Mr. Caron thanked the organizers, the board relations secretariat working group, as well as the presenters who made a significant investment in their time by assembling their thoughts on complex subjects that are difficult to boil down into a short presentation. Finally, Mr. Caron thanked the participants who took time away from home, business and family to attend the Board Forum. Mr. Caron found the round table introductions to be a particular good practice and encouraged it to be scheduled in to the next forum meeting in November.





Appendix A

NWT Board Forum Agenda

**Board Forum Agenda**  
May 27<sup>th</sup> & 28<sup>th</sup>, 2008  
Riverview Room, International Hotel  
220 4<sup>th</sup> Avenue SW Calgary, AB

**DAY 1 – May 27th**

- 8:30           Arrival – Coffee & Muffins
- 9:00           Welcome – Gaétan Caron, Host, National Energy Board
- Opening Prayer
- Introductions – Facilitator Ricki Hurst
- Opening Remarks, Round Table – Chairs (60 minutes)
- 10:30          Health Break
- 10:50          Round Table (continued) - Chairs
- 11:30          Update from last Forum – Board Forum Working Group
- 11:45          Board Forum – Terms of Reference
- 12:00          Lunch (provided)**
- 1:00           Northern Strategy Presentation & Discussion – Abigail Lixfeld, INAC
- 1:30           Next Steps for Regulatory Improvement - Stephen Traynor, INAC
- 2:15           Health Break
- 2:30           The Mackenzie Gas Project: An Update – Dave Hudson, Industry Canada
- 3:00           Major Projects Management Office Overview & Discussion – Nada Vransy,  
Major Projects Management Office (MPMO) Ottawa
- 3:30           Board Research Priorities – Vern Christensen, MVEIRB
- 4:00           NWT Northern Board Caucus (Board Chairs)

**Evening Event – TBD**

## **DAY 2 – May 28th**

- 8:30 Arrival – Coffee & Muffins
- 8:45 Taking Stock & Opening Comments – Gaétan Caron, Host, National Energy Board
- 9:00 Risk Assessment – Evaluating Risk Assessment & Prioritizing Compliance Verification Activities – Denis Gagnon, NEB Operations
- 9:45 NWT Board Forum Website – Jennifer Moores, INAC, Renita Jenkins, MVEIRB
- 10:15 Break
- 10:30 Mitigating Measures Report Presentation & Discussion (a recent INAC report complimenting the October 2007 Regulatory Workshop Recommendations – Tamara Hamilton, INAC
- 11:00 Seismic Guidelines – Presentation of Findings to date & discussion – Susan Fleck, ENR/GNWT
- 11:30 Update – Security Requirements for Developers & Terms & Conditions in Regulatory Authorizations – Manik Duggar, MVL&WB
- 12:00 Lunch (provided)**
- 1:00 NWT Environmental Audit/Cumulative Impacts Monitoring Program – Next Step – David Livingstone, INAC
- 1:30 Protected Area Strategy Overview – David Livingstone, INAC
- 2:00 Discussion – Items Identified by Northern Boards
- 2:45 Wrap Up – Next meeting
- 3:00 Departure of Delegates**



Appendix B

Participant List

## NWT Board Forum

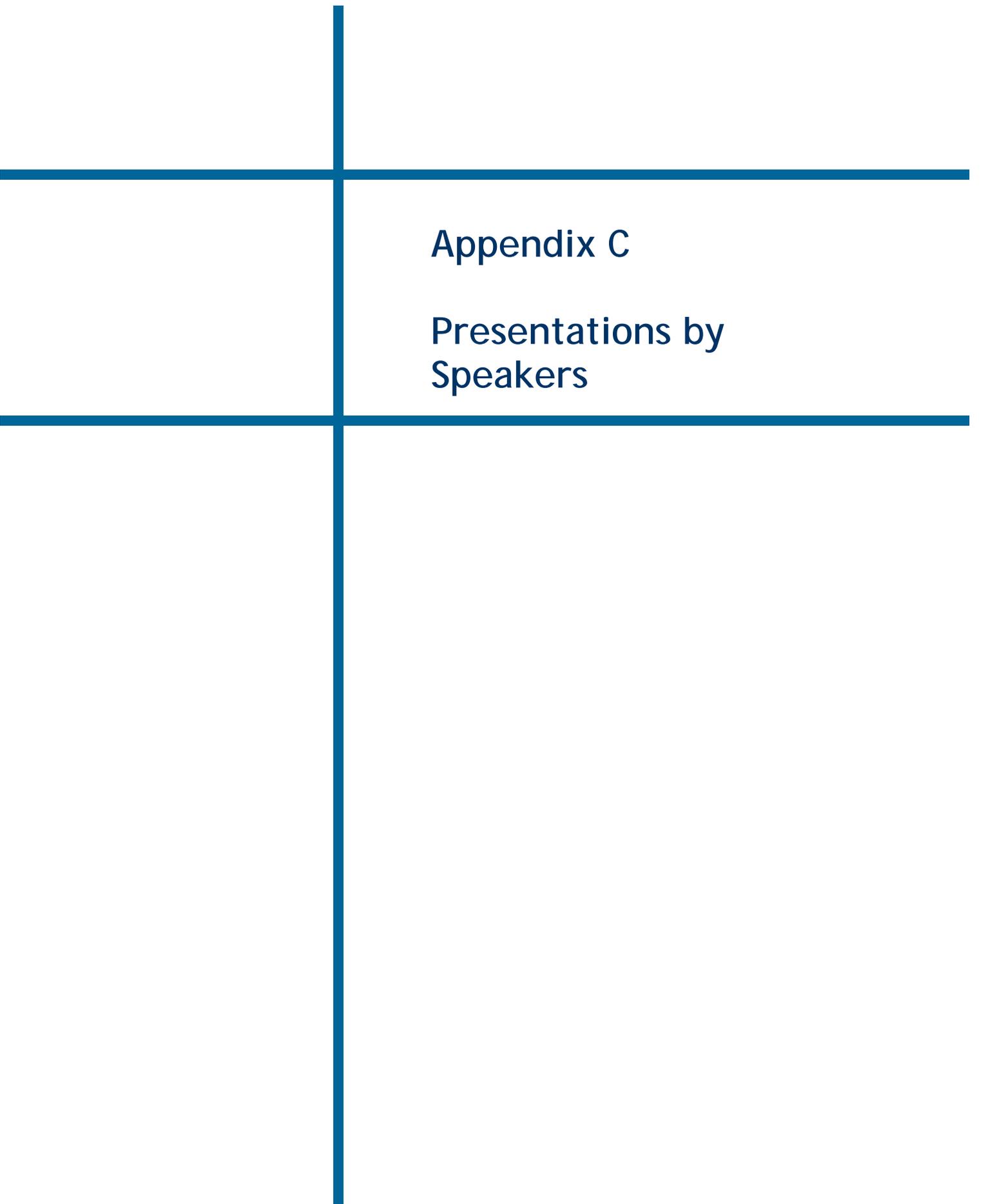
May 27-28, 2008

International Hotel – Calgary, AB

### Participant List

<b>Name</b>	<b>Affiliation</b>
Willard Hagen	Chair, MVLWB
Wanda Anderson	Exec. Director, MVLWB
Violet Camsell-Blondin	Chair, WLWB
Zabey Nevitt	Exec. Director, WLWB
Paul Sullivan	Interim Chair, GLWB
Robert Alexie	Exec. Director, GLWB
Larry Wallace	Chair, SLWB
George Govier	Exec. Director, SLWB
Rudy Cockney	Interim Chair, NWT Water Board
Ron Wallace	A/Exec. Director, NWT Water Board
Richard Edjericon	Chair, MVEIRB
Vern Christensen	Exec. Director, MVEIRB
Elizabeth Snider	Chair, EIRB
Fred McFarland	Chair, EISC
Norm Snow (regrets)	Exec. Director, IJS
Steve Baryluk	Resource Management Coordinator, IGC
Frank Pokiak	Chair, IGC
Bob Simpson	Chair, GLUPB
Sue McKenzie	Planner, GLUPB
Judith Wright-Bird	Chair, SLUPB
Dean Holman	A/Exec. Director, SLUPB
Alfonz Nitsiza	Interim Chair, WRRB
Jann Atkinson	Regulatory Development, NEB
Gaétan Caron	Chair & CEO, NEB
Trish Merrithew-Mercredi	Regional Director General
Kimberly Fairman	Senior Advisor

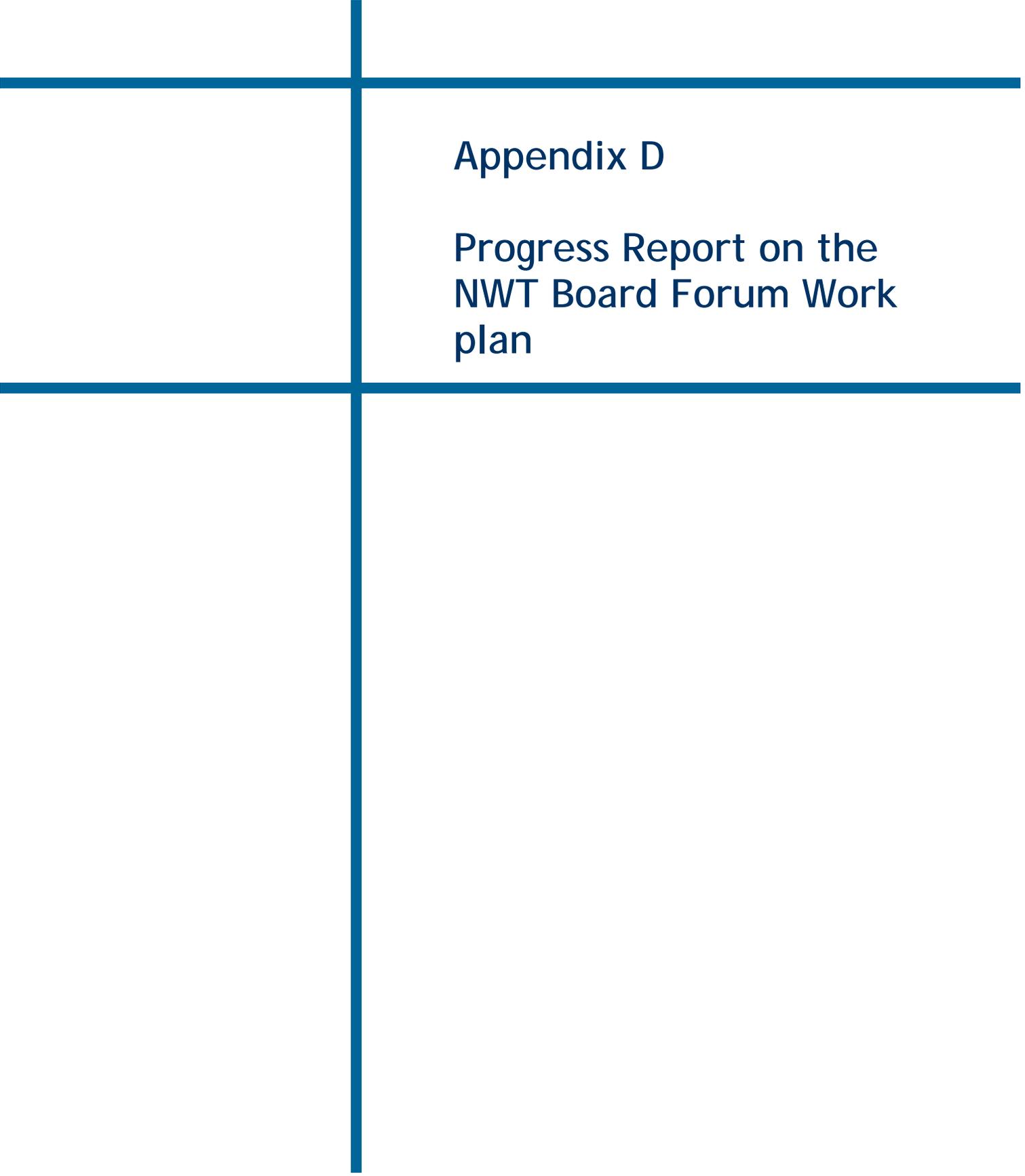
<b>Name</b>	<b>Affiliation</b>
Stephen Traynor	Director, NRE, DIAND HQ
Eric Yaxley	Manager, BRS
Yolande Chapman	A/Senior Analyst
Susan Fleck	Director, Wildlife, E&NR, GNWT
Walter Bayha	Chair, SRRB
Jody Snortland	Exec. Director, SRRB
Robert Charlie	Chair, GRRB
Melody Nice-Paul	Exec. Director, GRRB
Ricki Hurst	Terriplan Consultants
Nathan Towsley	Terriplan Consultants



## Appendix C

### Presentations by Speakers

**NOTE – Due to the number and size of the PowerPoint presentations given at the May 2008 NWT Board Forum, a separate document has been created.**



## Appendix D

### Progress Report on the NWT Board Forum Work plan

