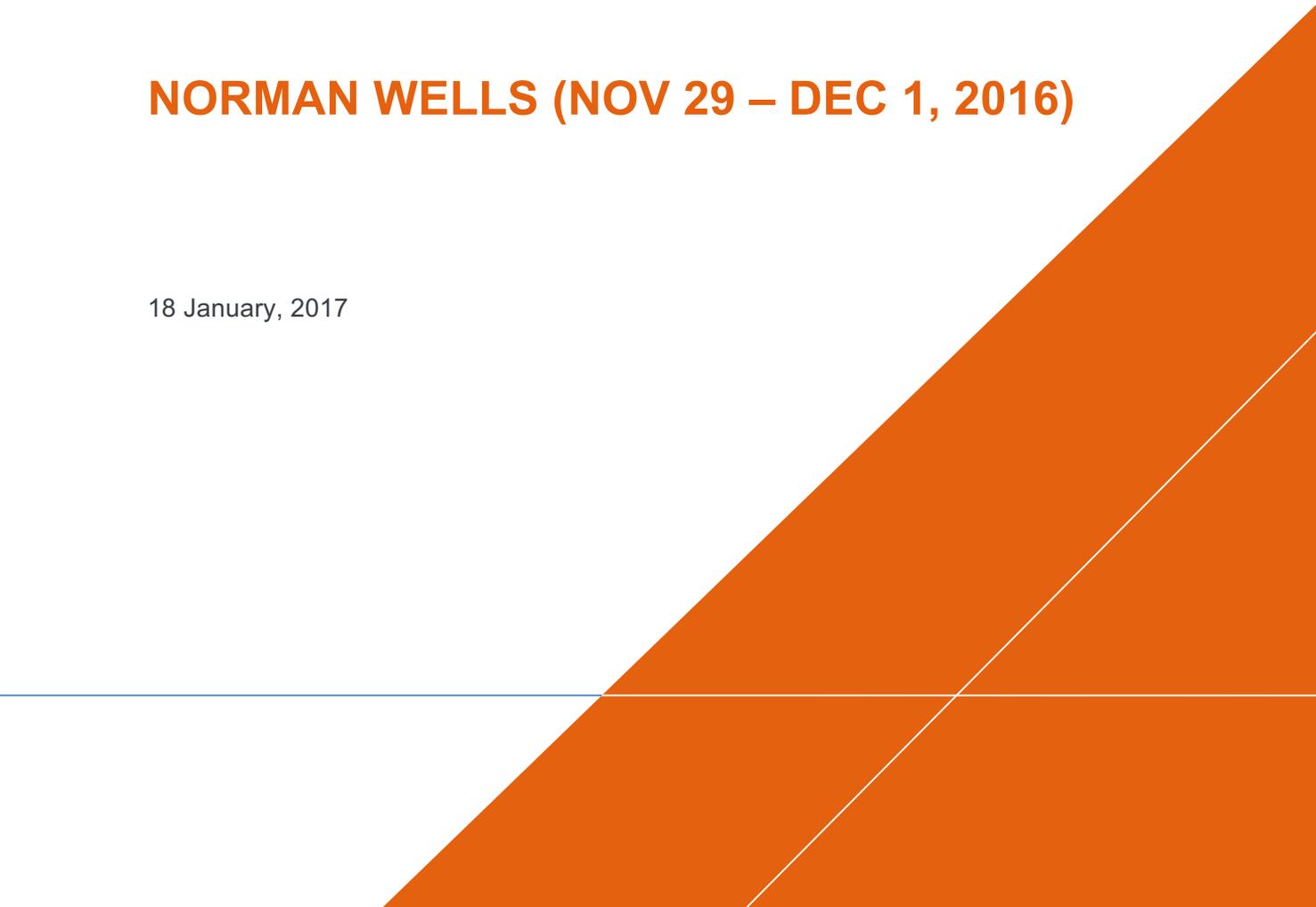


**NWT BOARD FORUM**

**22<sup>nd</sup> NWT BOARD  
FORUM MEETING REPORT**

**NORMAN WELLS (NOV 29 – DEC 1, 2016)**

18 January, 2017

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## 22<sup>ND</sup> NWT BOARD FORUM REPORT

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Date: January 18, 2017

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## APPENDICES

Appendices to the report are available on-line at: <http://www.nwtboardforum.com/>

## **1 INTRODUCTION**

### **1.1 Purpose and Objectives**

The 22<sup>nd</sup> NWT Board Forum was held in Norman Wells, NT on November 29<sup>th</sup>, 30<sup>th</sup> and December 1<sup>st</sup>, 2016, presenting an opportunity for members to reconnect and update one another on core activities and issues since the previous Forum.

With the meeting being held in Norman Wells, and hosted collaboratively by the National Energy Board and the Office of the Regulator of Oil and Gas Operations (OROGO), organizers took advantage of the opportunity to highlight and explore themes related to Imperial Oil's operations as well as their interim closure and reclamation planning. During the afternoon of November 29<sup>th</sup>, Imperial Oil hosted a site tour in which they provided a grounded overview of their operations.

### **1.2 Report Structure**

This report presents a summary of the meeting. Highlights and summaries provided in the following sections are presented based on the agenda established for the meeting.

## **2 OPENING REMARKS**

Violet Camsell-Blondin led participants in an opening prayer. Shelagh Montgomery, the meeting facilitator, made some housekeeping announcements and all participants briefly introduced themselves and their affiliation.

Opening Remarks were shared by: Ethel Blondin-Andrew, Chair, Sahtu Secretariat Incorporated; Hon. Louis Sebert, NWT Regulator; and Lyne Mercier, Vice-Chair, NEB, welcoming participants to the Sahtu, thanking hosts, and applauding Forum participants for their hard work.

## **3 IMPERIAL OIL SITE TOUR**

On November 29<sup>th</sup>, the afternoon prior to the start of the meetings, Imperial Oil Limited (IOL) hosted a site tour of the Norman Wells operations. Participants were able to visit various locations of the site in order to get a better, grounded sense of the operations.



## 4 IOL COMPANY UPDATE

To begin the meeting on November 30th, IOL staff provided updates and an overview of the Interim Closure and Reclamation Plan and took questions from participants. IOL's presentation is included as an appendix to this report.

Discussion occurred on the following points:

- A comparison of IOL's NWT asset with others it has in operation;
- The extent of the reduction in use of the Enbridge pipeline and the logistics of a temporary shutdown

## 5 ACTION ITEMS FROM LAST MEETING

1. Process maps will be completed as part of the funded project to revise the Board training materials.
2. Boards will work with the Northern Project Management Office (NPMO) and GNWT to ensure that the process maps developed for print and on-line have buy-in from all agencies so that they will be used as a commonly shared and authoritative reference.
3. The communication materials previously developed by the Board Forum, which included one page descriptions, should be updated and made available for Forum Members use.

## 5.1 Update on Action Items

### 1. Revise Process Maps

Mark Cliffe-Phillips: We currently have some process maps on the Forum website. We are looking at a new way of visualizing those maps – turning them into interactive on-line tools rather than a giant flat sheet. They are going to be more of a chose-your-own adventure, walking a community member, developer or regulator through the process. Once we receive some funding we will be looking for working group members from both Mackenzie Valley and Inuvialuit to help work on those projects.

### 2. Re-convene a Forum Communications Committee

Mark Cliffe-Phillips: Our communication committee has fallen to the wayside and we don't have a champion. A longstanding action item for the Forum is to have standardized communication tools, for example a standard letter that describes the Board Forum and some other Forum tools. Upkeep of the website has fallen on a few individuals. Once the process mapping tools are done how do we house those and keep them updated? That is a role for the communications committee so later in the agenda we should discuss how to reinvigorate the role of that committee.

## 6 ORGANIZATIONAL UPDATES

Participants briefly presented key highlights of their organization's activities. Full update summaries provided by each organization are included as appendices.

### 6.1 Gwich'in Land and Water Board (GLWB)

Paul Sullivan, Chair

- There were 10 applications this year.
- The GLWB was at full board capacity with a recent appointment but will be short-lived with one term coming up on December 12<sup>th</sup>.

### 6.2 Wek'eezhii Land and Water Board (WLWB)

Violet Camsell-Blondin, Chair

- Regulatory activity for the WLWB is at an all-time high, with 12 meetings thus far in the fiscal year. All five board positions are currently filled, although one position expires in December. The Chair position was filled this year.
- Current and Upcoming WLWB activities include:
  - Ekati Jay Proceeding went through an Environmental Assessment that is ongoing. Public hearing scheduled for December 13-15, 2016.
  - Tlicho All-Season Road was referred to Environmental Assessment.

- Anticipate working with MVEIRB to explore a coordinated assessment and licensing process, similar to what Nunavut has in place.
- Simultaneous review of the Diavik and Ekati Aquatic Effects Monitoring Program Designs.
- Considering a Final Closure Plan for Diavik's Waste Rock Storage Area.
- Hosting a workshop jointly with Diavik to discuss Closure Criteria.
- The WLWB continues to partner with the Tlicho Government and the Wek'èezhii Renewable Resources Board on:
  - Tlicho Aquatic Effects Monitoring Program
  - The Marian Watershed Stewardship Monitoring Program
  - Community Water License Compliance and Water Sampling Training
- Collaboration and Partnerships: All four of the Mackenzie Valley Land and Water Boards as well as the Review Board work closely with each other and community governments in order to create consistency and clarity. Partnership initiatives include:
  - Developing Guidelines for Establishing Mixing Zones (in partnership with GWNT-ENR).
  - Developing Guidelines on Baseline Data Collection (in partnership with GNWT-ENR).
  - Assisting the GNWT with the Development of the NWT Water Strategy.
  - Developing Guidelines for Landfills in the NWT (in partnership with GNWT-MACA).
  - Looking at hosting a joint Mackenzie Valley Resource Management Workshop in Norman Wells in 2017.

### **6.3 Inuvialuit Water Board (IWB)**

Mardy Semmler, Executive Director

- The IWB has five board members, all appointed by the GNWT ENR Minister. Two members are nominated by the Inuvialuit Regional Corporation and one by the federal government. One term expired in April and a replacement nominee will be provided to the Minister of ENR.
- New Water Licenses issued: Two type B water licenses were issued for remediation projects, one in Aklavik for 16 years and one for Prince Patrick Island for 3 years.
- Water Licenses Renewed: One license was renewed for 2.5 years in the Hamlet of Tuktoyuktuk. After that we are anticipating they will be looking for a new

license for a new site. The Hamlet of Ulukhaktok was renewed for 5 years. IWB members and staff visited community of Ulukhaktok, met with Hamlet Mayor Council to discuss board issues related to the provision of water and waste services in the community. All in attendance gained a first hand understanding of all aspects of services when we are considering an application for renewal.

- Review and Approval of Management Plans: GNWT Department of Transportation License for the Inuvik to Tuktoyaktuk Highway, including monitoring of aquatic effects and sampling plan; Imperial Bar C Remediation Project
- License Closures: Two INAC remediation project closures.
- Site Inspection Reports: 8 were completed.
- Other Activities
  - Converted to new website.
  - Annual workshop each Feb for municipal water and waste management
  - Artic Oil Symposium, DFO meeting, multiple other meeting attended.

## 6.4 Gwich'in Land Use Planning Board (GLUPB)

Bob Simpson, Chair

The GLUPB has been functioning with a small staff of one or two people, and as such, although we have been making progress, the Planning Board's activity report hasn't changed much from the last Forum. A few of the major activities are as follows:

- The Planning Board is working on the final proposed wording for the revised Nan Geenjit Gwitr'it T'agwàa'in / Working for the Land- Gwich'in Land Use Plan. We should be in good shape in the new year for approval, due to time spent with GNWT and INAC working out the changes.
- The Atlas Project is in the final stages.
- Research Priorities: As part of developing the Regional Plan of Action, the GLUPB is undertaking a research priorities project in preparation of the next plan review. The first phase of this work should be completed by mid-January. This will identify how our previous efforts to support research, such as, assistance to the GRRB for fisheries work in the Arctic Red River Headwaters and continued work with the Gwich'in Department of Culture and Heritage for developing templates and a strategy for Cultural Resource Management Planning, tie into the larger planning process.
- Regional Plan of Action: The Planning Board is shifting planning efforts to further developing the Regional Plan of Action which will directly inform the scope and process of the next comprehensive review of the Plan. It will outline the issues the Board will be looking at for the next review, but also examine other resource

management issues outside the scope of the Plan in an effort to find ways to improve integrated resource management in the Gwich'in Settlement Area.

- There has been some successful fundraising for additional initiatives.

## **6.5 Mackenzie Valley Environmental Impact Review Board**

Joanne Deneron, Chair

- There were five active environmental assessments, including:
  - Ekati Mine J expansion project,
  - the Prairie Creek Mine all season road and airstrip,
  - Mackenzie Valley Highway extension,
  - Selwyn Howard's Pass Road Upgrade, and
  - Tlicho all season road.
- The strategic plan was reviewed in April and concluded that we are still on track towards goals and true to the mission and vision.
- We have one new board member, and with one resignation we are still short two federal appointees and the Gwich'in position that has been vacant since 2011. We are optimistic that we will get an appointment soon.
- Two new Environmental Assessment Officers were hired this year and there is one more staff position to fill, which will bring us up to 12 employees.
- There have been some key operational improvements with IT office infrastructure: we now have the opportunity to do teleconferences; the board is in the process of replacing its document management system including servers and software; and updating its website to meet the requirements for a fully public registry.
- The Review Board facilitated a Preliminary Screeners Practitioner workshop and will be co-hosting an MVRMA workshop with several other co-management boards in January.
- The Board will be updating its Environmental Assessment Guidelines and developing an Environmental Assessment Initiation Guideline and Public Engagement and Consultation Guideline.

## **6.6 Sahtu Land Use Planning Board**

Scott Paszkiewicz, Executive Director

With a new board member appointed the SLUPB now has full board membership for the first time in a while. Two government appointments will be open in this coming year.

Major activities include:

- On-going Nááts'ihch'oh amendment process. The amendment application will be issued in early 2017 for public review.
- SLUP assessment – SLUPB contracted HTFC to review plan and conduct surveys with primary users of the plan to set the stage for the 5 year review. Report will be available to public in early 2017.
- Comprehensive review of GIS and zoning shapefiles. Zoning down to scale of 1:50,000. The board is hoping to contract out a review of the document so that it can be incorporated into the 5 year plan.
- On-going work for conformity determinations or exceptions. One conformity exception application re: Howards Pass Access road.
- The SLUPB intends to bring the above mentioned projects to a close so it can dedicate resources toward the 5-Year Review. It is hoped that the release of the SLUP Assessment Report will rejuvenate interest in SLUP planning activities, as proposed in its FY 2016-17 work plan to advance the 5-Year Review. Community scoping sessions were proposed for 5 Sahtú communities to use assessment information to report back and have discussions on how we scope the review. These meetings have been delayed due to funding flow issues but remain a priority.
- Idea of convening the Sahtú Working Group is action 1 on the plan and the SLUPB has reached out to engage those organizations, individuals who support the board in providing more hands-on technical input. There are challenges for community engagement from planning partners and resourcing. We are looking for ways to address barriers to the Working Group such as travel, time, and funds.

## 6.7 National Energy Board (NEB)

Brian Chambers, Professional Leader, Northern Engagement

- At the last Board Forum, NEB presented on the new *Pipeline Safety Act (PSA)*. With the new Act in place, NEB has updated its pipeline damage prevention regulations. Both pipeline operators and 3<sup>rd</sup> party contractors are affected. Under this Act the NEB has additional powers to issue orders.
- The *Energy, Safety and Security Act (ESSA)* came into effect in February 2016, providing for public disclosure of certain information provided by an applicant for the purposes of the *Canada Oil and Gas Operations Act (COGOA)* and *Canada Petroleum Resources Act (CPRA)*. Under the Act, absolutely liability for offshore exploration and development rose from \$40 million to \$1 billion. Although there is currently no offshore activity, should there be in the future, these new provisions will be in place.

- The extension to the sunset clause for the Mackenzie Valley Pipeline was approved by the Governor in Council in September.
- A Ministerial Representative was appointed to review the CPRA. He likely consulted with many people in this room. He has submitted the proposal to government and we are waiting to see how government responds to his recommendations.
- NEB has presented to the expert panel that was appointed to review environmental review processes in Canada. Most recently the government has appointed an expert panel to undertake the NEB modernization review.
- NEB has also been working on a Departmental Results Framework, which describes how we report to parliament through the Minister of Natural Resources Canada, to Treasury Board, and to Canadians in general. NEB sought input on performance indicators so that performance can be assessed.
- NEB is monitoring the Enbridge situation and receiving feedback from Enbridge on their next steps. The Chief Safety Officer was on site this past week getting more information about their decisions on moving forward.

## 6.8 Office of the Regulator of Oil and Gas Operations

James Fulford, Executive Director

- OROGO also has an inspection function, unlike the Land and Water Boards. Although, our activities are still operating under restrictive conditions about public disclosure, there are recent successes. For example, Paramount agreed to have full applications for their well abandonments posted to the website.
- There has been consultation and public engagement on the *Well Suspension and Abandonment Guidelines and Interpretation Notes*. We anticipate being largely occupied by well abandonments in the next while. We formed a Working Group of experts from the Alberta Energy Regulator and NEB and based the guidelines very closely on Directives 20 and 13 from Alberta. We are grateful for this collaborative effort and the goal is to have those guidelines out early in the new year.
- The Well Watch Program was launched in summer 2016. Initial uptake has been good. Jean Marie River identified issues with some surrounding wells and found that one had a gas leak – so the program was expanded and taken to other communities. There is interest and concern about the status of abandoned wells. We are talking to leadership in different communities about that.
- We are scanning old NEB records to make them electronic and are updating the website. With consent to disclose, we are going to have more documents and communication through the website.

## 6.9 Sahtu Renewable Resources Board

Fredrick Andrew, SRRB Board Director

Ceilidh Stubbs, SRRB intern

- Frederick commented that this is his first time at a Board Forum as he is relatively new to the SRRB Board and he is happy to be here.
- Ceilidh noted that a list of the many projects that the SRRB is working on can be found in the summary hand-out. However, a major issue that has been dominating a lot of the Board's time has been the Bluenose East Caribou Hearing, which is an on-going process.

## 6.10 Sahtu Land and Water

Paul Dixon, Executive Director

- We will be giving a presentation on IOL's closure and reclamation plan, which, along with the Aquatic Effects Monitoring Program was a result of the license and has taken a significant amount of resources.
- The Board has been reviewing municipal licenses. There have been a host of issues that have come up and we try to help each community work through those. We worked with Colville last winter.
- Other projects currently include INAC Contaminant and Remediation Division's clean-up project on Great Bear Lake as well as the Canol clean-up. Recently Selwyn submitted an application to continue their exploration activities.
- The SLWB has a full board right now but our staff numbers are down due to leave.
- The SLWB continues to work with the MVLWB on the development of standard operating procedures to reduce inconsistencies and better utilize public funds. Currently we are leading the development of a suite of governance documents for all Land and Water Boards in the Mackenzie Valley, GIS submission standards and Guidelines for Surface and Groundwater Monitoring. We are also supporting the MVLWB in developing a strategic plan for use by all Land and Water Boards.

## 6.11 Mackenzie Valley Land and Water Board

Rebecca Chouinard, Executive Director

- This has been a busy year with record-breaking numbers of motions. There have been more than 300 to date. We have board meetings every other week that typically have 20 + items on agenda that require motions. Applications that the Board has made decisions on include:
  - INAC CARD Tundra Remediation Project Type A Water License and Type B Land Use Permit.
  - DeBeers Gahcho Kue Diamond Mine – various major management plans (eg. Geochemical Verification Report).
  - A number of submissions to bring the Snap Lake plan up to date.
  - Miramar Con Mine Security Estimate Review and reclamation license.
  - Municipalities' files are very active.
- We have held workshops with communities to assist folks in providing recommendations to the board, which has been helpful.
- We anticipate being busy next year as applications continue to be received by the Board and there are a number of major files that are currently underway or will be expected in 2017. Some of the major applications and/or management plans that are underway or are expected to begin in the near future include:
  - Kennady Diamonds advanced exploration program
  - DeBeers Gahcho Kue Diamond Mine –Interim Closure and Reclamation Plan, Security Estimate Review
  - DeBeers Snap Lake Diamond Mine –Interim Closure and Reclamation Plan, Extended Care and Maintenance Plan
  - INAC CARD –Final stage of some remediation files: Bullmoose Ruth, and Gordon Lakes Group
  - Municipalities –Various management plans
  - Tamerlane Ventures – anticipating new WL and LUP applications with some company assignment and take overs there
  - NTPC Taltson – Re-hearing on the issue of compensation
  - GNWT Fibre Optics –Amendment application, possibility of an application for a fibre optic line between the Yukon and Gwich'in
  - Transboundary files including Contwoyto Road, Joint Ventures and Selwyn
  - Enbridge – we speak with staff at the company to get frequent updates and all reports are being posted to the public registry

- Regulatory Excellence: MVLWB continues to work with other Boards GNWT and INAC on various policy, guidelines and process documents. In January we will be co-hosting a resource management session in Hay River.

Mavis Cli-Michaud, Board Director

- The Board's budget is inconsistent and continues to be an issue.
- The appointment process needs to be improved in order for the Board to carry out its mandate effectively and cost effectively.
- There has been staffing changes with Rebecca as the new Executive Director in Zabey's place. The staff is to be commended for keeping the board on track and still being able to do work considering the juggling required to make quorum.
- Security deposits need to be consistent across the NWT.
- More coordination is still needed among NWT's many regulators so that we are delivering the same message.
- The staff is also to be commended for developing templates for the municipalities to work with on waste management. This was initiative given that education and template development is somewhat outside of the Board's mandate. The City of Yellowknife for example, and other municipalities are happy because the regulatory needs are clearer.

## 6.12 GNWT Department of Lands

Conrad Baetz, Assistant Deputy Minister, Operations

- The Deputy Minister, Willard Hagen, sends his regrets as he wanted to be here but couldn't because of conflicting schedules.
- Leadership in Lands has seen some substantial changes over the last year. Mark Warren retired as Deputy Minister with Willard stepping in. Annette Hopkins retired and she was the former ADM of operations with over 35 years of land management and administration experience.
- Planning for the next MVRMA workshop is underway, and Lands is pleased to again co-sponsor and co-host these events along with ENR, the Land and Water Boards and MVEIRB. The last workshop was a resounding success.
- Earlier this year, the Department created a Securities and Project Assessment Division. This is a restructuring that pulls together the former Liabilities and Financial Assurances Division and the Project Assessment Branch. Its purpose is to manage and coordinate project assessments, environmental liabilities and financial assurances for the GNWT. The newly structured Division coordinates the regulatory roles of GNWT as a whole.

- In addition to its mandate for appointing members to the Surface Rights Board, the Department of Lands has recently taken over responsibility for nominations to land management boards. A formal call for expressions of interest was issued in early November, and the first nominations are expected to go forward very soon. I have heard challenges and concerns about Board appointments and quorum so I can take that message back to Yellowknife.
- And lastly, the Department of Lands has been working with its internal and external partners to educate on the importance of recognizing land use plans as key to sound land management in the NWT. Lindsay has developed a guide to Land Use Planning for internal use so that we can better understand that responsibility. Copies are available here.

### **6.13 Gwich'in Renewable Resources Board**

Janet Boxwell, Renewable Resources Manager

- The GRRB Board recently had three terms come up along with an outstanding term appointment. Two new appointments came in so at this point the GRRB has quorum.
- The GRRB met with Andrew Webster, the INAC advisor, to discuss the need for the new Gwich'in Implementation Plan. The new plan is anticipated to be implemented in April, 2017 and should clarify what funding levels it will include for the GRRB.
- The GRRB has had success involving youth through public education and outreach. In the future we are looking forward to doing more work on caribou and caribou ecology and what healthy management looks like.

### **6.14 Indigenous and Northern Affairs Canada**

Mohan Denetto, INAC

- The issue of board appointments has been brought up by previous speakers. There has been a change made for the Minister's direct appointments, so that we will now rely on the advertising process and will do a review of those expressing interest and put forth the candidates for the Minister's consideration. December 19<sup>th</sup>, 2016 is the deadline to provide a letter of interest and a resume. The process must be followed by existing members who wish to be considered for re-appointment.
- This process only applies to the appointments made directly by the Minister and the nomination to the Inuvialuit Water Board for a member to be appointed by the GNWT. This process does not apply to nominations by Aboriginal groups and the GNWT or joint appointments.

- We worked with MVEIRB on this year's board training plan and Mark will give an update on that.
- MVRMA provisions – Work towards the MVRMA regulations that would provide the authority for administrative monetary penalties and other matters cannot come into force because of the injunction resulting from the litigation on restructuring. On a positive note, however, the Minister will begin consultations to reverse the restructuring of amendments, which will lead the way to bring other components into force.
- A strategy is in place for Board funding; Andrew Webster will update on that. We know core funding levels need to be updated and we are taking the issue very seriously.
- INAC still has a role in inspections with two inspectors in place who have carried out 53 inspections on various federal areas of responsibility in NWT since April.

## 6.15 Wekèezhìi Renewable Resources Board

A representative of the Board could not be present but a written summary was submitted and is appended to the report. Summary points include:

- WRRB has one outstanding Board position
- The Bathurst (Barren-ground) Caribou Herd and Bluenose-East Caribou Herd Proceedings were initiated on January 18, 2016 with public hearings and reasons for decisions (Part A and Part B) issued during the 2016 year.
- WRRB continues to be involved in collaborative short and long-term management planning and technical working groups with respect to Bathurst and Bluenose Caribou as well as Boreal Caribou.
- Aquatic Ecosystem Monitoring Program (TAEMP) was initiated with baseline monitoring in 2011 and completed in 2014 in Whatì. The first round of comparative sampling began in 2015.
- WRRB remains active in NWT and federal species at risk planning processes for: Wood Bison, Boreal Caribou, Yellow-banded Bumble Bee, Red-necked Phalarope, Barren-ground Caribou, and Transverse Lady Beetle.

## 7 PRESENTATIONS

## 7.1 Closure and Reclamation Plan for Imperial Oil Ltd. Norman Wells Facilities

Paul Dixon, Executive Director, SLWB, presented on IOL's interim closure and reclamation plan for its Norman Wells facilities. The presentation is attached as an appendix to this report.

Discussion occurred on the following points:

- Security deposits associated with the water licence and with the proposed landfill on the facility site.
- Future work for IOL in terms of engaging the Town of Norman Wells about related issues such as land uses post-closure.

## 7.2 Self-Government in Délı̄ne

Danny Gaudet, former self-government negotiator, Délı̄ne Got'ine Government, spoke about his experiences as a negotiator for self-government for the community of Délı̄ne, the importance of regulation and opportunities for partnership.

## 7.3 Board Funding Update

Andrew Webster, Senior Advisor, Implementation Branch, Indigenous and Northern Affairs Canada (INAC), presented an update on renewing mandates and funding agreements for the Boards and Hunters and Trappers Committees / Renewable Resources Committees created under the Inuvialuit, Gwich'in, Sahtú, and Tlicho Treaties. His presentation is attached as an appendix to this report.

Discussion occurred on the following points:

- Contingency funding and the types of events it could cover.
- The impact of continued use of the *Fixed Domestic Demand Implicit Price Index* (FDDIPI), particularly when staff salaries are tied to a Treasury Board based salary structure.
- The impact of delays in funding, the need for flexible, multi-year arrangements and the concept of a mid-cycle review.

## 7.4 Security Deposits

Roger Connelly, Inuvialuit Water Board, presented on security deposits. Attached to this report as appendices are a full discussion paper and the presentation.

Discussion occurred on the following points:

- The need for further collective discussion and deliberation on the issue of security deposits.
- The working group looking at securities within the regulatory improvements work.
- Circumstances in which a liability is left indefinitely.
- The Boards' role in setting securities to begin with as the liability ultimately rests with GNWT.
- Sumps as a liability.

Participants committed to the following actions:

Conrad will ensure that Lands knows that there is interest from Board Forum participants in collaborating in work related to securities and Mohan will ensure that Matt Spence at CanNor, who is responsible for the Pan-Territorial Forum initiatives, is also aware of this dialogue

## **7.5 National Energy Board – OROGO Cooperation in Action**

Brian Chambers, Professional Leader, Northern Engagement, NEB, and

Jamie Fulford, Executive Director, OROGO, presented about different aspects of OROGO's relationship and cooperation with NEB. The presentation is attached as an appendix to this report.

## **7.6 Pan-Territorial Board Meeting**

Mark Cliffe-Phillips, Executive Director, MVEIRB, presented on the second Pan-Territorial Board Meeting. The presentation is attached as an appendix to this report.

## **7.7 Preliminary Screeners Workshop**

Brett Wheler, Senior Environmental Assessment Policy Advisor, MVEIRB, presented on the recent Preliminary Screeners Workshop. The presentation is attached as an appendix to this report.

Discussion occurred on the following points:

- Any surprises that emerged as a result of the workshop.
- How to consider public concern.

## **7.8 Sahtu Land Use Plan 5 Year Review**

Scott Paszkiewicz, Executive Director, SLUPB, presented an overview of the five-year review process being planned for the Sahtú Land Use Plan as well as the current activities being undertaken in preparation for that review.

## Closing for Wednesday, November 30th

### 8 OPENING REMARKS – DAY 2

Brian Chambers, Professional Leader, Northern Engagement, NEB, and Peter Watson, Chair of the NEB, welcomed participants back.

Brian recapped the first day and Peter provided a summary of the work that NEB has been involved in with respect to regulatory review. Peter provided the following updates:

- Peter was in Ottawa on Tuesday presenting to the Expert Panel for the NEB Modernization Review, providing briefings on what NEB does and how. Although NEB was providing them with a background briefing, their mandate is independent so Peter does not know all of the decisions they are going to make. The stakeholder consultations will start in January with a series of meetings across the country as well as webinars. The material that NEB shared yesterday will also be available on the Expert Panel's first webinar.
- The Expert Panel is also producing and finalizing a series of discussion papers on a variety of topics. They've commissioned some research on comparisons between different organizations regionally and nationally to see what other organizations do and how do they manage their performance assessment. A series of discussions papers will frame the discussions.
- The deadline is March 31st so the consultation will be targeted.
- The other review that is going on is the environmental assessment review. NEB has participated as have many Forum participants. NEB sits on a stakeholder committee. This process will be coming to a close sometime in January. The government may make some decisions in terms of environmental assessment mandates and related issues around the *Fisheries Act*, and the *Navigable Waters Act*.
- This has been an interesting week for the NEB. Participants will have heard the decision that the government made on pipelines. Associated with the approval of the Transmountain expansion and the line 3 pipelines, is the co-development of an advisory and monitoring committee for the life cycle oversight of these pipelines with Indigenous communities. So that is a very new thing in southern Canada and is a result of the consultations with indigenous groups.
- An economic pathways partnership also came out of consultations with indigenous groups. This is an integrated government of Canada approach that can specifically support and assist indigenous communities along these corridors so that communities can participate economically as the pipeline construction and operation proceeds.

- Apart from the approval of the lines, government announced some significant policy changes that strengthen environmental standards and shipping issues, which will be important in mitigating significant cumulative effects in the marine environment around the Salish Sea. They also announced an Oceans Protection plan with mitigation efforts. These announcements have been overshadowed by the approval of the pipelines but are important from NEB's perspective.
- There are a couple of important cases in front of the Supreme Court this week involving the NEB that will provide further clarity with respect to duty to consult. One went to Supreme Court related to the issue of seismic authorizations and Clyde River's challenge. A second case linked to that decision - the courts specifically asked that they be linked - was a review of the decision NEB made to authorize the reverse of flow to Enbridge line 9 to refineries in Quebec – Montreal. The community that was appealing that decision was a community in southern Ontario. So the courts asked that those be linked. These court decisions may provide further direction on these matters.

## **9 PRESENTATIONS**

### **9.1 Governance Working Group**

Brian Chambers, Professional Leader, Northern Engagement, NEB

Under the Board Forum Terms of Reference there is a governance committee that is composed of the Chairs of the MVEIRB and MVLWB. Much of the responsibilities are delegated to senior staff, who are involved in organizing each of the board forum meetings.

For instance, this working group was composed of Mark, Rebecca, Jamie, and myself to organize this meeting with input from other organizations. The governance committee continues to exist and provide the overall direction but much of the work continues to be done by senior staff of the governance committee. If there are issues related to funding or such things then those get bumped up to the governance committee but we haven't had to do that for some time.

### **9.2 Board Forum Training Committee**

Mark Cliffe-Philips, Executive Director, MVEIRB

In light of the MVRMA amendments and devolution, the training material used for Board members requires revision.

In past workshops, Forum participants have envisioned an on-line version. The aim is to have the course available at all times, as in-person training can be time and cost prohibitive. The link is available at:

<http://www.nwtboardforum.com/boardforum/board-forum-training/>

Board Forum training is reliant on INAC funding which is funded according to a plan submitted annually. Last year's plan identified two course deliveries. Part of that plan was the development of a new online tool for one of the training initiatives.

Another was for an Administrative Law course that John Donihee and Charles Birchall delivered last year. This is on-going training that is updated as required by changes to legislation or case law.

Staff member and board member training is now also available on-line as the in-person delivery isn't always feasible given constraints around people's schedules. With the new board training there will be a multi-faceted way to deliver training at any time either with assistance from senior staff or delivered on its own and taken on-line or through materials that are available on the Board Forum site.

The orientation was also update with changes to reflect MVRMA and devolution changes and was made available on-line.

We worked with consultants to make this an online delivery as well, using the same material that we would use in person. The course content is focused on high level resource management framework proceeding to board types. The material development was led by a consultant but boards were consulted for fact checking. There is also a new reference guide that can be used as a stand-alone reference resource and as a resource for the on-line course.

The content is adapted to an on-line course with audio readings of some sections, exercises and case studies. Course participants can send questions for response

Moving forward, we want to build upon this training tool that is available and add modules. We will still try to do an in-person delivery but when we have a new board member come in in April, it could be 2-3 years before we get around to delivering the course again which would be the new board member's end of term. One thing we've heard consistently is that new board members need Administrative Law. We are administrative tribunals and they act under certain responsibilities. We've heard that delivery of this course is death by PowerPoint right now. We have really smart legal council delivering this but it is not the most effective learning tool for everybody. So the priority for this year is to work on that and make the Administrative Law course a module in the on-line tool.

Stacie Menzies does the bulk of the work associated with training – she is the driver and really leads all of this work.

Hopefully, in funds this year we are looking at the potential for an additional course – either Public Hearings or revise the Renewable Resource course which we worked on a few years ago but we've had feedback that it needs some updating.

For the second course, we will send out a survey to all the boards so you can identify another course that you'd like to see and that will inform our agenda for the next training initiative.

Discussion occurred on the following points:

- The move to paperless meetings and the need for training in these new technologies.
- The timeline for delivery of training.
- The opportunity to make this training available more broadly to other organizations and educational institutions.
- A recognition that in-person training is still the best alternative for many individuals.

### 9.3 Communications

Forum participants discussed that there has been a gap for a while in that there hasn't been a Communications and Outreach working group. This is one of the forum's major goals - to not just interact with one another but to disseminate the good works that we are doing here.

Rebecca Chouinard offered that the MVLWB internal areas of operation working groups include a communications working group that could broaden its mandate. Mark and Brian also offered to dig up information from when the Communications and Outreach Working Group was last in effect. Jonathan Churcher was involved in that Working Group.

## 10 CLOSING

### Action items

Shelagh recapped action items from the meeting. These are:

1. Bring security deposits attention to GNWT – Lands staff so that Board Forum participants can work together more collaboratively on these issues – Conrad Baetz
2. Advise CanNor of the interest in discussing security deposits pan-territorially – Mohan Denetto
3. Pass on concerns with respect to Board appointments – Conrad Baetz
4. Expand MVLWB internal operations communications working group to incorporate the Board Forum broadly – Rebecca Chouinard

### Next meeting

The next Board Forum was set for November 28-30, 2017, in Inuvik, to be co-hosted by the Gwich'in and Inuvialuit Boards. They will do a call around in approximately six months for agenda items and updates.

Participants further discussed that the agenda is left to the lead of the host organization so people in the Inuvialuit Settlement Region and Gwich'in Settlement Area can determine what is happening of interest in those regions, with input from other members, in order to construct the agenda.

At a minimum, participants anticipated wanting to include funding updates and formulas as well as an update on the issue of security deposits. If feasible, a tour of the Tuktoyaktuk road would also be a valuable and informative experience.

### **Closing remarks**

Participants around the table each provided brief closing remarks. In particular participants thanked the organizers, hosts, facilitator and other participants as well as the town of Norman Wells.

Specific comments included:

- It was surprising and disappointing that IOL has worked in this area for so many years and does not have an Impact and Benefits Agreement with the First Nations and Metis peoples.
- There is a need to involve the renewable resources boards more closely and effectively in collaborations.

Many participants also emphasized their appreciation of having the meeting in Norman Wells. Many of them had never been or had not been for many years. The location allowed for some place-based, grounded presentations and discussions and they look forward to similar opportunities with the next Board Forum meeting being held in Inuvik.

Frederick Andrew led participants in a closing prayer.

## PARTICIPANTS

Frederick Andrew	Sahtú Renewable Resources Board
Lindsay Armer	GNWT - Lands
Conrad Baetz	GNWT - Lands
Ethel Blondin-Andrew	Sahtu Secretariat Incorporated
Heather Bourassa	Sahtu Land Use Planning Board
Janet Boxwell	Gwich'in Renewable Resources Board
Violet Camsell-Blondin	Wek'èezhìi Land and Water Board
Brian Chambers	National Energy Board
Rebecca Chouinard	Mackenzie Valley Land and Water Board
Mavis Cli-Michaud	Mackenzie Valley Land and Water Board
Mark Cliffe-Phillips	Mackenzie Valley Review Board
Roger Connelly	Inuvialuit Water Board
Pauline de Jong	Office of the Regulator of Oil and Gas Operations
Leonard deBastien	Gwich'in Land and Water Board
Joanne Deneron	Mackenzie Valley Review Board
Mohan Denetto	Indigenous and Northern Affairs Canada
Paul Dixon	Sahtu Land and Water Board
Doug Doan	Gwich'in Renewable Resources Board
Stephen Dunbar	Ministerial Special Advisor to L. Sebert
Ryan Fequet	Wek'èezhìi Land and Water Board
James Fulford	Office of the Regulator of Oil and Gas Operations
Kevin Gant	Imperial Oil Ltd.
Danny Gaudet	Déljñę Got'jñę Government
Patrick Gruben	Inuvialuit Game Council
Janice Larocque	Indigenous and Northern Affairs Canada
Lyne Mercier	National Energy Board
Scott Paszkiewicz	Sahtu Land Use Planning Board
Louis Sebert	NWT Regulator

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Mardy Semmler	Inuvialuit Water Board
Bob Simpson	Gwich'in Land Use Planning Board
Ceilidh Stubbs	Sahtu Renewable Resources Board
Paul Sullivan	Gwich'in Land and Water Board
Larry Wallace	Sahtu Land and Water Board
Peter Watson	National Energy Board
Andrew Webster	Indigenous and Northern Affairs Canada
Brett Wheler	Mackenzie Valley Review Board

Facilitated by Shelagh Montgomery, MVLWB

Note-taking and reporting by Christine Wenman, Planit North for Arcadis