



Sahtu Land Use Planning Board

Tri-Partite Meeting Discussion Summary

Meeting Dates: September 6-7, 2012

Location: Yellowknife, Tree of Peace Friendship Center

The following is a summary of discussions held during the SLUPB hosted Tri-Partite Meeting. Topics are presented in order of the revised agenda. Each topic was selected by the SLUPB to better understand the views of the three approving parties (Sahtu Secretariat Incorporated, Government of the Northwest Territories, and Aboriginal Affairs and Northern Development Canada). District Land Corporations, the Sahtu Land and Water Board and the Mackenzie Valley Land and Water Board were invited to provide additional perspective on community and technical issues.

***Disclaimer**

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

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

Participants

Sahtu Land Use Planning Board

Heather Bourassa, Chairperson

Bob Overvold, Board Member

Danny Bayha, Board Member

Collin Bayha, Board Member

Heidi Wiebe, Staff

Scott Paszkiewicz, Staff

David Livingstone (meeting facilitator)

Government of the Northwest Territory

Ray Case

Michelle Swallow

Mary Tapsell

Jamie Fulford



Aboriginal Affairs and Northern Development

Robert Jenkins

Matt Bender

Kim Thompson

Lindsay Armer

Tom Duncan

Tina Gear

Val Gordon

Scott Duke, Justice Canada

Sahtu Secretariat Incorporated

Ethel Blondin-Andrew

David Little

District Land Corporations

Joseph Kochon, Kasho Got'ine Land Corp.

Danny Yakelaya, Tulita District Land Corp.

Gina Dolphus, Deline Land Corp.

Rick Hardy, Tulita District Land Corp.

Leonard Kenny, Deline Land Corp.

Edwin Erutse, Kasho Got'ine District Land Corp.

Charles McNeely, Kasho Metis District Land Corp.

Isadore Manuel, Kasho Got'ine District Land Corp.

Sarah Horassi, Tulita District Land Corp.

Paul T'Seleie, Kasho Got'ine District Land Corp.

Jennifer Duncan, Ayoni Keh Land Corp.

George Barnaby, Kasho Got'ine District Land Corp.

Edna Tobac, Kasho Got'ine District Land Corp.

Terry Edibar- Ayoni Keh Land Corp.

Mackenzie Valley Land and Water Board

Angela Plautz

Crystal Thomas



Day 1: September 6, 2012

- A. Opening Prayer**
- B. Introductions**
- C. Opening Remarks**

Delivered by SLUPB Chair

“Welcome. After 15 years, and close to \$10 million dollars, we’re in the home stretch!

The Board has invited all of you to this meeting so that it can hear from the key parties – the approving parties, the Sahtu District land corporations and the land and water board, the key regulatory body - to have a final discussion around outstanding issues, and to build consensus around how to resolve those issues wherever possible. The Board wants to have a clear understanding of the Parties interests and constraints so that it can draft a Final Plan acceptable to the Parties and one that meets the needs and aspirations of the residents of the Sahtu.

The Board has been developing this Plan for over 15 years. Given new development pressures occurring in the region, I think we can all agree that it is time to get the Plan done. Numerous reports in recent years, including Neil McCrank’s Report and the most recent NWT Environmental Audit have stressed the need to complete and approve effective land use plans as soon as possible. Over the last year we’ve heard numerous times that we need to complete it quickly, implement it and learn from it. We all have a role to play in bringing this process to a timely conclusion; this meeting is the final opportunity for the parties gathered here to meet collectively in a joint effort to reach that goal.

It’s important that the Final Plan be acceptable to the parties here. No one wants to see the Plan caught in another cycle of revisions during the approval process. However, it must be emphasized that no one party will get everything it wants. Each party must focus on its core interests and constraints, listen carefully to those of the other parties, and look for the common ground amongst all our interests if we are to conclude this process soon.

First and foremost, we need to make sure that the Plan “protects and promotes the social, cultural and economic well-being of residents and communities of the Sahtu Settlement Area, having regard to the interests of all Canadians”, as set out in the Sahtu Comprehensive Land Claim Agreement. This is also a central tenet in land use planning – that planning is for the residents and communities, as they are the ones who are most affected by land use decisions. We need to bear this in mind at all times. After all, it is in their backyards that this Plan will have the most meaning, the most effect and the most benefit.

Let’s also not forget that Neil McCrank’s recommendations were based on the assumption that there would be effective land use plans. He made that his number 1 recommendation. He viewed land use plans as a key window for integrating local input into regulatory decisions. Given the ongoing efforts to merge the land and water boards,



the Plan will become even more important as a source of community input. But to be truly effective, the Plan must meet community needs – and in the past year the communities in particular have compromised time and time again. We need to be particularly careful during final revisions that we do not go so far that we remove the community voice from the Plan.

Good planning just makes good business sense. Land use planning is intended to bring clarity and consistency to the regulatory process by spelling out where and how development should proceed. An effective Plan will streamline the regulatory process because everyone can see from the beginning, the rules and expectations within which they have to operate, and they can plan their activities accordingly.

This won't be a perfect plan. A perfect plan, quite simply, is an impossible goal. But it must be – and certainly can be - an effective plan. There is sufficient flexibility in the Land Claim Agreement and the draft Plan to allow for change if and as required. There's a requirement for a complete review of the plan every five years. Amendments to the plan can be made at any time, should the need arise. The Board has the ability to grant exceptions on a case-by-case basis. And over the past year, we've collectively incorporated flexibility into many of the Plan's conditions where that is required.

This meeting is key to helping us – all of us – create an effective land use plan that will meet the needs and aspirations of the residents of the Sahtu, and meet the mandates of the respective levels of government – SSI, the GNWT, the federal government. It is my hope, the Board's hope, and I think the hope of everyone here, that over the next two days we will come together on the remaining outstanding issues in the draft Plan.

That said, consensus is a goal of this meeting, not a requirement. The Board holds the pen and is responsible for drafting the Plan. The Parties need to provide the board with clear guidance on their expectations, and to provide the Board with the information and context it requires, but then step back and enable the Board do its job. Where consensus is not reached, the Board will do its best to balance the Parties' interests while ensuring that the Plan fulfills its purpose. The stronger the consensus, the less guess work there is for all of us.

It is also the Board's responsibility to run a fair process. To that end, the Board has previously said that it will not discuss new issues or comments at this meeting. The workshops provided the space for broad discussion on the Plan, where all parties were represented. That time has now passed. New comments, such as AANDC's request to delete CR #13 (Closure and Reclamation) or remove many of the Recommendations from the Plan will not be given time on the agenda. AANDC had raised issues with a few of the Recommendations previously, which the Board will consider. Recommendations are included at the end of the agenda, time permitting, should AANDC wish to speak to their previous comments on that item.

As I mentioned, consensus is the goal of this meeting, but it is not a requirement. We will keep the meeting format as informal as possible to encourage collaborative discussions amongst the parties. We will explore potential solutions during the meeting, as much as our time constraints allow, and we encourage the parties to use the breaks and lunch periods to continue talking and to bring ideas back to the table.



I must stress that the Board will not be making any decisions or firm commitments during this meeting. We hope to achieve consensus here, consensus that will be built into the final Plan, but the Board will need to go back and review all the comments it has received since Draft 3 was released, and view the public record in its entirety before it finalizes the Plan. The Board will carefully consider all arguments and interests, but in the end it is the Board's responsibility, its mandate and its challenge to develop a solution that in its view best meets the needs of all parties.

David will be facilitating discussions for the meeting and tracking key points on the flipchart to assist us. We are using microphones to ensure we can all hear each other and the meeting is being recorded so the Board has an accurate record of discussions to refer to later. The Board will transcribe the entire meeting to ensure it has an accurate record of what was said and it will make publicly available a summary record of the meeting.

For each topic of discussion, the Board will open the discussion by setting the context and framing the questions to be discussed. The approving parties will be asked to briefly share their perspectives. After that, we will have a focused discussion to explore possible solutions. If we get stuck, we will put the issue in a parking lot for the Board's further consideration. If time permits we will revisit those outstanding issues tomorrow afternoon. But as I've said, this is not a decision-making meeting in the formal sense. The Board will reserve judgment on all issues and will do its very best to arrive at a solution that it believes all parties can live with.

We have a number of issues to discuss, so it will be important to stick to the agenda, stay on topic and be brief. We will set time limits on speakers to ensure that all parties have an opportunity to speak."

D. History and Context

SLUPB

The SLUP has been 15 years in the making. The SLUPB gave an overview of the process to develop the Plan, including early mapping, vision, goals, and information gathering sessions. Key milestones over the years include: preliminary draft in 2003, Development of the Great Bear Lake Watershed Management Plan 2002-05, Draft 1 and Working Draft 2 in 2007, Draft 2 in 2009, and Draft 3 in July 2010.

Following the release of Draft 3, the SLUPB held a public hearing and 3 technical workshops. These events were well attended by community organizations, SSI, GNWT, Government of Canada, regulators, industry, environmental groups and members of the public. They were opportunities for stakeholders to get their issues on the table and to resolve them cooperatively. Agreement on zoning was a significant achievement, as well as consensus on many key elements of the Plan. However important issues remain.

Following this tri-partite meeting the SLUPB will consider everything it has heard to this point and prepare the Final Draft Sahtu Land Use Plan. The Board anticipates submitting the final Plan to the Parties for approval early in 2013. The Board intends to conduct a round of information sessions with communities, government and other



interested parties after the Final Draft Plan is released to explain final changes and to prepare the Parties for the approval process.

E. Items Where Further Discussion is Unnecessary

SLUPB

There are many Plan elements for which there are no outstanding issues or where the Board feels it has sufficient consensus or understanding to enable it to move forward without further group discussion. The SLUPB identified where further revisions are anticipated for some of these items based on recent or previous comments. These Items include:

- District Implementation Responsibility
- Grandfathering
- National Historic Sites
- CR #1- Zoning
- CR #2- Community Engagement and Traditional Knowledge
- CR #3- Community Benefits
- CR #4- Heritage Resources
- CR #6- Drinking Water
- CR #7- Wildlife
- CR #8- Species Introductions
- CR #9- Sensitive Species and Features
- CR #10- Permafrost
- CR #11- Project-Specific Monitoring
- CR #12- Financial Security
- CR #14- Protection of Special Values
- CR #16- Fish Farming & Aquaculture
- CR #17- Disturbance of Lake Bed
- CR #18- Use of Du K'ets'edi
- CR #19- Water Withdrawal
- Action #1- Sahtu Working Group
- Action #2- Inspection & Enforcement Priorities
- Action #3- Access to Wildlife Information
- Action #4- Water Withdrawals
- Action #5- Air Quality
- Recommendation #1- Air Quality



- Recommendation #2- Climate Change
- Recommendation #3- Community Land Use Monitors
- Recommendation #7- Economic Development Strategy
- Recommendation #9- Incidental Harvest
- Recommendation #11- Fish and Fish Habitat
- Recommendation #15- Fisheries Management
- Recommendation #16- Transboundary Cooperation

Comments from the Parties

All parties acknowledged the positive progress that has been made to date, and no issues were raised regarding the identified items. There were comments regarding the urgency of completing the Final Draft Plan within the next 3-6 months, and a request from the government to be able to review the Final Draft before it is formally submitted for approval.

SLUPB Follow-up

The SLUPB said it would consider ways by which draft language could be shared with the Parties prior to finalizing the wording in the Final Draft Plan, and confirmed that it would have the Final Draft Plan ready by early winter 2013.

F. CR#15 Ecological Integrity

SLUPB

The objective of maintaining the ecological integrity of the Great Bear Lake watershed is central to the community of Déline. Déline is adamant that CR #15 remain in the SLUP as written. AANDC sees the CR as duplicative of others in the draft Plan and requested that it be removed.

The SLUPB presented two options to the Parties:

1. Remove CR #15 as AANDC proposes and extend CR#14 into GBLW
2. Keep CR #15 and deem the CR to be met if all the other CRs are met- duplication within the Plan does not add to the regulatory burden

Comments from the Parties

Déline Land Corporation: Déline wants this CR to remain in the Plan as is. Maintaining the ecological integrity of the Great Bear Lake watershed is central to the community's vision for its future.



SSI: Supports keeping the text as it is. SSI suggested that the NWT Cumulative Impact Monitoring Program (CIMP) is one mechanism that could be used to support monitoring in the watershed (and elsewhere in the Sahtu). There is much work to be done, but that should not be a reason for excluding Ecological Integrity from the Plan.

AANDC: AANDC's key interest is to avoid complication and confusion in the regulatory process. It does not wish to remove ecological integrity as a guiding principle in the Plan and is open to the second option.

GNWT: Option one is viewed as the cleaner approach but option two could work if the means of achieving the goal of ecological integrity is met through the other relevant CRs. In other words, if the other CRs are met, then CR15 would be deemed met as well.

SLUPB Follow-up

SLUPB will keep CR #15 in the final draft Plan, and will develop wording to achieve the objective of option 2 with the assistance of the Parties.

G. Authorization List and Applications of Conformity Requirements

SLUPB

Scope of Authorizations: Since the Public Hearing, the Board has been in discussions with the GNWT and SSI over whether a number of authorizations should be subject to the Plan. The Board outlined the results of its analysis in the June Discussion Document. In its most recent submission, the GNWT requested the removal of the Class 2 Archaeologist Permit and Commercial Wildlife Harvesting authorizations and provided further rationale for these. Environment Canada asked for the removal of National Wildlife Area Permit. The SLUPB will consider these requests. There was no further discussion on this topic.

Application of CRs to Dispositions of Rights/Land: All three Parties asked that only CR#1 (Zoning) apply to the disposition of rights/land. The Board's approach is that all CRs apply to all dispositions/authorizations to the extent of the landowner/regulator's authority. Some regulators do not have discretion to consider non-zoning CRs. Not all CRs are applicable to the disposition stage. The SLUPB expects that some CRs could not be applied to some dispositions, but some could. The SLUPB asked the Parties to assess their dispositions and authorizations and identify legal and policy limitations so that it can better understand the Parties' rationale and analysis before it makes its decision. The SLUPB also asked that the Parties consider applying the other zoning-like CRs at the disposition stage, and consider whether surface dispositions could apply a broader range of CRs. The SLUPB cautioned the Parties that if the Board accepts what the Parties are asking, that it runs the risk of granting rights without full consideration of future limitations imposed by the other CRs, and encouraged the Parties to build a notice into their rights issuance documents alerting applicants to these future constraints.



AANDC: Each Federal Authority has different CRs that can be implemented via existing legislation and land claim obligations. For rights issuance only CR #1 applies since no land use activities are actually permitted via these authorisations- only the sole right to occupy or access minerals on that land is authorised via a rights issuance. CR#2 is included for O&G Exploration Licences only because it is a land claim requirement. These are rights, and not land use decisions. AANDC also suggested that the table not be included as a formal part of the Plan because the list of authorizations would likely change over time. Keeping it separate from the Plan would enable easy amendment to the list, rather than the complex amendment process required if the list is a formal part of the approved Plan.

GNWT: GNWT is working on a table that will be ready by Mid-October.

SSI: SSI had no comments on the AANDC table but noted that it has serious reservations about District Land Corporation capacity to address the conformity requirements when disposing of rights or access on their settlement lands. More discussion is required here.

District Land Corporations: Expressed concerns about losing their right to be consulted prior to decisions being made that would authorize activities within their respective districts. Districts are also concerned about the Plan fettering their ability to authorize activities as they see fit.

SLUPB Follow-up

The SLUPB will look for the GNWT to submit its table of authorizations by Mid-October. It will also clarify the Plan to ensure that all Parties, regulators, communities, and proponents are clear as to their obligations, responsibilities, risks and expectations with respect to Plan implementation.

H. Permitting Thresholds

SLUPB

The Board presented an update on the discussion related to minimum thresholds.

Comments from the Parties

AANDC: Regarding CR #5, a land use large enough to trigger a substantial alteration would require a land use permit or water license. AANDC suggested that the call of what constitutes a substantial alteration be made by the Sahtu Land and Water Board (SLWB).

GNWT: Agreed with AANDC.



Land and Water Board: Agreed with AANDC and GNWT.

SLUPB Follow-up

The Board will consider the parties' requests for permitting thresholds.

I. CR#5 Watershed Management

SLUPB

The SLUPB presented its current wording of CR #5 as well as proposed wording submitted by AANDC.

Current wording: "A land use activity must not substantially alter the quality, quantity and rate of flow of surface or ground water within SMZs, CZs and PCIs."

AANDC Proposal: For Water licences and land use permits, LWBs will ensure that the propose land use activity:

- a) Subject to legislation, does not substantially alter quality, quantity and rate of flow for waters that flow on, through, or adjacent to Sahtu lands*, and
- b) Includes mitigation measures to minimize potential [or significant] impacts to surface and groundwater's (outside of Sahtu Lands) that flow into CZs, SMZs, or PCIs.

*Subject to 20.1.15 and 20.1.16 of the SDMCLCA, where a compensation agreement between the applicant and Sahtu Tribal Council (SSI) can allow for the LWB to authorize substantial alteration of waters on Sahtu lands OR where the LWB has made a ruling on compensation where a compensation agreements could not be agreed to within the time limit established by the LWB.

Comments from the Parties

AANDC: All parts of the co-management system need to work together. There is the Plan, the land claim agreement, and the regulatory process. The CR needs to fit the entire region, but one definition across the region is not a good idea. The term "substantially altered" needs to be clarified, and the SLWB should make the determination. AANDC is not in favor of splitting the CR into two to address water quality and water quantity separately.

GNWT: Supports AANDC's wording because it sets a threshold and it identifies who makes the determination. They don't believe it sets two different standards. With the Board's proposed wording, the GNWT sees how the CR applies to Sahtu lands, but not how it could be applied to all lands. Bullet "b" of AANDC's wording opens the door for those discussions. The GNWT believes that the CR as previously worded is in conflict with the SDMCLCA by prohibiting any substantial alteration, and therefore precluding the compensation provisions in the Claim from being exercised. The MVRMA and SDMCLCA override the Plan in the case of conflict but all Parties want to avoid potential



conflicts in the first place. The wording as presented by AANDC is consistent with the GNWT Water Strategy.

SSI: Supports the protection and conservation of water on all lands in the Sahtu. However, SSI is concerned about the subjective nature of “substantial alteration.” Concerns were raised regarding who would make that determination, and would they have the same expertise as the LWBs. SSI stated that the CR could create conflict among communities around land uses (using example of hydro development), and stated they need to go back to the communities to discuss this with leadership.

K’asho Got’ine District Land Corporation: Supports the Board’s wording, as it would protect all waters, not just those on Sahtu lands.

Tulita District Land Corporation: As written the CR could be interpreted to prevent hydro development, and that might not be a route all Land Corporations would support. There was a suggestion to split the CR into two, to address water quality and water quantity issues separately.

SLUPB Follow-up

The SLUPB heard that “Substantial Alteration” (or other wording the Board chooses) needs to be determined by the Land and Water Boards. There is a suggestion to break the CR into separate CRs for water quantity and quality if needed. The SLUPB has heard that SSI and the Districts may want the choice to allow a substantial alteration of water quality, quantity and rate of flow.

J. Difference Between General Use Zones (GUZs) and Special Management Zones (SMZs)

SLUPB

The Board explained that the values identified for protection through CR#14 in SMZs are similar to those protected through general CRs in GUZs- water, wildlife, and heritage resources. As the draft plan evolved, the differences between GUZs and SMZs narrowed. Increasing the difference would require adjusting the CRs and reducing the protection in GUZs.

Comments from the Parties

SSI: OK with the way it is.

GNWT: Not interested in re-defining the zones.



AANDC: Proposed reviewing this issue during the five-year review of the approved Plan.

SLUPB Follow-up

The Final Draft Plan will not change from the current draft in this regard.

Day 2: September 7, 2012

K. Action #6 Climate Change

SLUPB

The SLUPB recapped the history of this Item. Previously Climate Change had been presented as a CR. During discussions at Workshop 3, there was general consensus to downgrade it to a recommendation, but also add a new Action to build the necessary processes so that climate change can be considered in future land use decisions. AANDC has requested that the Action be removed from the Plan. The Board raised the possibility that this Action be changed to a Recommendation as well.

Comments from the Parties

AANDC: Recognizes that climate change is real, but recommends discussing it in a context section in the Plan as a vehicle for raising issues and concerns surrounding climate change, rather than including a discrete Action that commits the Parties to make reasonable efforts. AANDC offered to provide wording for the Board to consider.

GNWT: As presented, the Action is consistent with the GNWT's Green House Gas Strategy. However, the GNWT would prefer that this not be locked in the Plan as it is a rapidly evolving area, and is open to other options to address the issue, including the approach suggested by AANDC.

SSI: Has no difficulty with the Action as stated but understands that there may be more acceptable ways to present the issues. The Plan can make a statement. We just have to be careful about what that statement is.

District Land Corporations: You don't need to have an Action, just raise awareness. The Plan should bring attention to real climate change issues in our backyard, such as increasing dryness and forest fires.



SLUPB Follow-up

The Board welcomed the offer by AANDC and others to craft wording acceptable to the Parties.

L. Recommendations

SLUPB

AANDC requested the Board delete 8 recommendations (#'s: 4, 5, 6, 8, 10, 12, 13, and 14) or move them to a separate non-binding document. The Board requested consideration of other options to address AANDC's concerns, including adding additional language that Recommendations are non-binding, or looking for ways for the department to achieve these within existing funding constraints.

Comments from the Parties

AANDC: The federal government will not approve the Plan if it requires – or implies – that additional federal funding will be required to implement it. The recommendations listed are ones the government feels will require additional funding, or will place the government at risk of being asked for additional funding to implement. The government does not want to be in that position, whether or not it would agree to the funding requests. AANDC would support retaining the recommendations but as a non-binding annex to the Plan, for example as a package of “regional initiatives” that the Board feels would support future planning.

SSI: Agreed that some of the recommendations (#'s:10, 13, and 14) could perhaps be removed as they may duplicate existing efforts or provisions under the Land Claim. SSI also expressed concern about the position of the federal government that recommendations be removed even where the government would have full discretion in denying funding, e.g., from a third party to undertake research to support a recommendation.

GNWT: Requested more guidance on the expectations for implementing recommendations, similar to what the Board provides for CRs.

SLUPB Follow-up

The Board understands the concerns of the various parties and will take them into account in preparing the Final Draft.

M. CR#13 Closure and Reclamation

SLUPB



AANDC would like this CR removed because in its view the objective is adequately addressed through the normal regulatory process and in accordance with relevant federal policies.

Comments from the Parties

AANDC: The CR can be removed because it represents potential redundancy in the permitting process. As worded, it is not possible to measure compliance at the planning stage when closure and reclamation won't happen until much later. AANDC stated that it is not a fundamental question on whether or not land is reclaimed, but rather a technical question of what can be required at the planning stage. It would be possible to have a Closure and Reclamation Plan included in an application, and to require that the plan have input from the local people. AANDC recognizes that an approach that would enable the regulator (the SLWB in this case) to measure conformity up front is worthwhile and offered to provide suggested wording to the Board.

SSI: SSI would prefer the CR remain as is, but is prepared to consider improvements.

District Land Corporations: Support the CR as is. The Districts expressed a strong desire to be consulted on closure and reclamation and to have the land returned to the way it was before. They noted that as future proponents of development on their lands, the District Land Corporations are comfortable with the obligation.

Land and Water Boards: Agreed with AANDC's suggestion that as written it would be difficult to measure conformity.

GNWT: GNWT offered to work with others in developing alternative wording.

SLUPB Follow-up

The Board looks forward to receiving suggestions from the Parties for improved wording.

N. Conformity Determination Process and Conditional Conformity

SLUPB

Conformity Determination Process: The SLUPB reviewed the history of the conformity determination process. The SLUPB is interested in a workable process that ensures the Plan is implemented effectively and proposed the following solution: No automatic referral, regulators run a front end process (encouraging proponents to discuss applications with the SLUPB before they are submitted to the regulator and checking the Plan for conformity during the completeness check), and recognizing that late referrals or exceptions may disrupt "best practice" from time to time.



Conditional Conformity: The SLUPB presented its rationale for conditional conformity determinations and when it would be used. When an activity is referred to the SLUPB, 3 possible determinations would be available: Activity Conforms, Activity Does Not Conform, or Activity Conditionally Conforms (will conform subject to certain outstanding requirements being fulfilled, which would be identified). The GNWT does not support conditional conformity, and other parties have requested additional clarification on how conditional conformity would be implemented. The Board identified that it needs the ability to flag certain CRs as requiring further attention by the Regulator, and is open to alternative wording that does that. The Gwich'in Plan has been implemented according to the same principle since it was approved.

Comments from the Parties

AANDC: AANDC does not support automatic referrals because it would over-burden the SLUPB. AANDC supports the Board's recommended conformity determination process. On the issue of conditional conformity, there must be a "yes" or "no" decision, but they can be supported by reasons.

GNWT: The GNWT does not support mandatory or automatic referrals, but sees value in making referrals as needed to clarify policy and process. For conditional conformity, the GNWT could support the approach of "Yes, because..." or "No, because..." and acknowledging that the regulator will ensure conformity by carrying out its duty to implement the Plan. This also addresses the GNWT's issue with some of the CRs that include the words "and carried out", because the Regulators can ensure that.

SSI: SSI prefers automatic/mandatory referrals

SLUPB Follow-up

The Board will look to restrict its conformity review decisions to a YES/NO answer supported by reasons for decision, in which the Board will flag those CRs requiring further attention by the regulator (e.g. attaching conditions) to fulfill the intent of the CR.

O. Dual Designation

SLUPB

The MVRMA exempts National Parks and Historic Sites from the Plan, but not other protected areas. Where the community-desired level of protection is not achieved through protected areas, the plan provides for continued (additional or super-added) protection via the Conservation Zone designation. The GNWT and AANDC do not support the dual designation approach. They are concerned that this will confuse parties about what activities are permissible. They feel that once a designation has been requested and achieved, the communities should be satisfied with the level of protection that comes with that particular designation.



Comments from the Parties

GNWT: Having dual designations would undermine the GNWT's ability to provide certainty and clarity with regard to government-protected areas. Establishing a protected area involves an extensive, inclusive process and once the community or regional government has agreed to that designation, other protection should be removed. All parties should approach designating protected areas with the understanding that if an area can be protected through the Plan or through other means, that only one avenue is to be chosen.

AANDC: Supports the GNWT, and suggests that there could be another zone designation that would be used once a protected area is fully established that defaults the protection to its legislation and any management plan developed for the area.

District Land Corporations: Communities are seeking the best option to protect their lands. For the Ramparts the elders drew a large area that they wanted protected, and it was reduced in size. Discussion was not to have dual designation, but to have the National Wildlife Area, and the remaining areas left out as conservation zones.

Protected Areas should have to adhere to the Plan the same way that other land uses do. The Plan provides the overall guidance and the protected areas fit within that. There is no conflict with what the Board is proposing.

The districts want surface and subsurface protection. Some legislated protected areas include subsurface protection and others do not, but a Conservation Zone includes both surface and subsurface protection.

With legislated protected areas, there is government involvement and management support and the communities are involved in ongoing management committees. With dual designations the communities would get the best of both worlds. By being forced to choose one or the other, communities have to choose between protection and management involvement.

P. National Park

SLUPB

Given the recent announcement of the Ihch'oh National Park Reserve and the approved boundaries, the Board sought the advice of the parties as to what changes should be made to the zoning map, if any.

Tulita District Presentation

The Tulita District requested time on the agenda to present a history of the Park's proposed boundaries and explain why they do not support the default designation of Special Management for areas not included in the Park. The Park Boundaries do not reflect what the District had previously agreed to, so the District does not feel bound by



the former agreement. The Tulita District wants the areas that were included in the February 2012 park boundary and omitted from the March 2012 park boundary to be zoned as a Conservation Zone. All of the remaining areas that were also left out of the Park, can be Special Management Zones as previously agreed.

Comments from the Parties

GNWT: The current land withdrawal is for the entire study area until March 31, 2014. The GNWT suggests that the Board leave it as a PCI under that boundary for now. This will allow for further evaluation of conservation values in excised areas.

AANDC: Agreed with the GNWT's suggestion. They will look at what Tulita proposes. AANDC suggested that SSI submit its proposed zoning to the SLUPB so that the governments can start to consider this request.

SLUPB Follow-up

The SLUPB will keep the current land withdrawal and PCI designation until the boundaries are finalized. At that time, the Board may amend the zoning map. The SLUPB will remove mention of any default zoning for _____ to allow the Parties to continue discussions. The Board can assist the Tulita District with the GIS mapping to create the proposed zoning, based on today's discussions. The Tulita District can then submit it to the Board and the Parties to initiate discussions.

Q. Closing Comments

Delivered by SLUPB Chair

“The Board would like to thank everyone for coming. The Board now has a clearer understanding of the Parties interests in a Final Draft Plan. We've had some successes these last few days in resolving some of the questions that were outstanding. We appreciate the Parties efforts to be flexible and accommodate the different interests in this process. There is still further work to be done on some issues as we've all anticipated, and we all have to roll up our sleeves to get through this final phase of revisions.

So here are the next steps as the Board sees them at this time.

First, the Board is relying on the Parties to follow-up on their commitments made over these last 2 days:

- Delivery by the GNWT of their table of authorizations no later than mid-October, but preferably sooner.
- Follow-up comments by SSI as indicated in their comments. Give that these may impact a variety of subjects, the Board asks that these comments be provided within 2 weeks.



- For its part, the Board will compile a general summary of discussions, including key messages and results. That will be posted on our public record once it is ready and meeting participants will be notified when it is available.

In the meantime, the Board will begin the process of final revisions, taking into account the discussions here, the comments submitted recently and dating back to the release of Draft 3, and with consideration to the overall public record, purpose and vision of the Plan. As we undertake those revisions, our planner will take the opportunity to fact check and test wording with appropriate parties as much as possible, as has been our practice, to ensure that what we are developing is accurate and achieves its intended purpose. These are expected to be working-level discussions and a fast response will be needed from the Parties to allow the Board to meet its timelines.

Barring any further challenges, the Board hopes to finish the Plan by early winter, at which time it will be submitted for approval to the Parties. The Board has heard the Parties requests for some form of a pre-approval screening and will give that further consideration in the coming months.

Following the Board's formal adoption of the Plan and submission for approval, the Board will carry out a round of Information Sessions on the Final Draft Plan in Sahtu communities and government centers to explain the final revisions and rationale for the Board's decisions, to assist the parties with their approval decisions.

At the same time, the approving parties should also begin to consider their approaches for Plan approval. The MVRMA sets up a sequential approval process, requiring first approval by SSI, followed by ENR then AANDC. The Board encourages the Parties to consider whether that could be done in a collaborative manner, where all the Parties approve the Plan at the same time, but in the proper sequence as required by the MVRMA. This may reduce the possibility of having the Plan caught in an approval loop where it is approved by one party and rejected by another. While the approval decision and how that is carried out is the responsibility of the Parties, if the Board can assist the Parties in facilitating that process, it will.

The Board also strongly encourages each of the Parties to finalize their own internal approval processes in the very near future if they haven't already done so, so that they can communicate their timelines and information needs to the Board and the other parties at the start of the approval process. For governments, that may entail a process for inter-departmental sign-off before it approves the Plan; and for SSI, how it will undertake its approval decision on behalf of the Districts and communities. These decisions rest solely with each approving party. However clear up front communications between the Parties and the Board on their approval processes will help to set realistic expectations and reduce uncertainty for everyone involved.

With that, the Board again thanks everyone for their active participation in this meeting, and the planning process. This has been a long, and at times frustrating, road. But that's how we know that we are making progress on the tough issues. The Board appreciates everyone's commitment to the planning process, and the goals we are trying to achieve."

R. Closing Prayer



S. Follow-up Items for Approving Parties

The following items were posted on a flip chart as items for the approval parties to consider and provide additional input to the SLUPB.

- Ecological Integrity
- GNWT Table
- CR# 5 Watershed Management
- Climate Change
- Recommendations
- CR# 13 Closure and Reclamation