



Sahtu Land Use Planning Board

Box 235, Fort Good Hope, NT, X0E 0H0

Phone: (867) 598-2055 Fax: (867) 598-2545

Email: slupb@netkaster.ca Website: www.sahtulanduseplan.org

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

Fort Good Hope Post-Hearing Follow-up

Date: June 14, 2011, 10 am – 5 pm

Where: Fort Good Hope Community Hall

Participants:

Heidi Wiebe, SLUPB

Paul Latour, CWS

Jerry Lennie

Georgina Kakfwi

Clayton Lafferty

Dan Masuzumi

Lawrence Manuel

Edward Kelly

Chief Arthur Tobac

Frank Pierrot

David Codzi

Joe Orlias

Harry Harris

Evelyn Shae

Edna Tobac, SLUPB

Gina Ridgely, PAS Secretariat, INAC

Roger Boniface

Jim Pierrot

James Masuzumi

Joe Grandjambe

Isidore Manuel

Gabe Kochon

Heather Bourassa

Mary Codzi-Boniface

Elizabeth Kelly

Sarah Kochon

George Barnaby

Alphonsine McNeely (Translator)

Opening Prayer: Gabe Kochon at 10:35 am

Opening Remarks:

Heidi did introductions and welcomed everyone to the meeting and went over the purpose of the meeting and what we need to accomplish. She explained that it was a joint meeting with the Protected Areas Strategy and invited Paul Latour and Gina Ridgely to make opening comments.

Paul Latour said that Gina and he were here six weeks ago and that it was nice to come back. They went over maps on Ts'ude niline Tu'eyeta and ideas of where the boundary might be. That is what we are here for to figure out where the boundary should be on the ramparts.



Chief Arthur Tobac: We are trying to get the plan finished and are in the final stages. Over the next couple of months we should be able to put the final touches on it. Over the years it has changed and people are confused and trying to figure out what we want in the plan. Hopefully GNWT organizations will agree to the plan of what the K'asho Got'ine wants. Today we are trying to go over what Heidi mentioned on Ts'ude niline Tu'eyeta. We have to look at it carefully and agree on the boundary, and also agree on what we should do with the settlement land parcels.

Review of Agenda: No changes.

Inclusion of Group Trapping Area (GTA) in the Plan

Heidi identified two ways in which the SLUPB could address the GTA in the Plan:

- Incorporate history and intent into S. 1.9.2 (Plans for Settlement Lands) and change the name of the section
- Incorporate into CR #7 (2) as requested

Joe Grandjame: I want to know where the GTA section is going to be and how it will be included. It must be in the Plan. I want to make it clear that the GTA is for the whole area, not just settlement lands (take "Settlement Lands" out of title of S. 1.9.2). It's the basis for self-government negotiations and this should be mentioned. Heidi committed to send wording to Heather, Joe and Rodger to vet before finalizing it.

Jim Pierrot: Talked about his past work as councilor, his dealings with Ottawa and oil and gas companies, working together.

Joe G: Looking at CR 7, this was not the original intent of the GTA; it is to protect their land. It was one of the original treaties that set the land base of the K'asho Got'ine District. It was established to protect the people, land, and wildlife, and to keep outsiders out. That is the intent of the GTA. Not the definition of the GTA in the plan.

Heidi asked how the Plan could best address it. What the KGDLC suggested was that we included it in CR#7 so that conditions to protect wildlife would be applied in the GTA.

Joe: Self Gov't talks about community control, consultation, and direct community engagement. We don't want to put too many rules on it and as long as people understand. It's about community control.

Heidi: This sounds more like CR 2 – Community Engagement and Traditional Knowledge. Perhaps that is the more appropriate place for it based on this discussion. Maybe it should be added to both places.

Joe: We are not talking about harvesting rights. Originally the elders put it in there to protect the harvesting rights,

George Barnaby- I think it is really important to put in the intent of the GTA. It was a mistake to put Sahtu First Nation in the claim and give our power to SSI. Sahtu means Great Bear Lake. The GTA is our land. So it is important to go back and put the GTA in the plan; nothing should be set up that takes it away. The GTA is part of the land use plan so that the land could be kept for the people here, so we should keep it there, we have it in the claim, I see that it as really important.

Gabe Kochon: When they selected the GTA around 1951, they looked at the map. It was only for us; it was our land. They wanted us to select a small piece of land but our elders selected a big piece of land. We need to hold onto what our elders selected for us; they did not choose for



others in the region. I was there when the Elders selected the GTA. I listen to George. Everything selected in that area is for the K'asho Got'ine control. They selected that land because everyone was attacking that area. It is for the future generation; we want our future generation to be in control. We have to start making good decisions for our future generation. Our leaders selected that GTA. We want to keep it that way. It is for our use. We lived on this land for millions of years. We discuss what is going on here. It is like our words are being wasted. I wish that it was written down that the land was selected for us and not only for the surface but for the subsurface. I just want you to hear that from me. I thank you for listening and talking about the GTA.

Sahtu Working Group

Heidi talked about the working group, its intent and what it would accomplish. She stressed that it does not make final decisions and cannot change the Plan. It will run similar to the working groups at the Hearing to discuss issues and come up with possible solutions. The Board would consider those and still consult broadly with communities and everyone directly before recommending amendments to the Plan in the future. Any changes to the Plan still have to be approved by SSI, the GNWT and INAC. The Working Group has nothing to do with reviewing applications so will in no way reduce community control. It only addresses broad planning topics such as cumulative effects, monitoring, community engagement guidelines, etc. And it would include community representatives.

Heather: This is an Action. Have the GNWT and INAC changed their minds on having mandatory Actions in the Plan?

Heidi: No, but neither of them ever objected to these ones. They don't see these as true Actions because the Board is primarily directing itself and inviting others to participate.

Arthur Tobac: The Gwich'in already has a plan. Do we have a plan that is similar?

Heidi: The first Gwich'in Plan included 51 Actions and there has been almost no progress made on them. They are revising the Plan and are now trying a different approach and are developing a Regional Plan of Action; they are trying to make it more collaborative, which is what we are doing as well. Someone has to drive progress on the Actions and that's the idea behind this group. We'll drive progress.

Joe: All the years we are talking about the plan, FGH has a plan. We talk with oil and gas. They sit down with the three groups here. Industry knows what to do in the community. Over the years you keep hearing about third party control and community control. Third party control is another board being set up. There is Devolution and other things happening in the region. We keep on getting into a position where we pretty well have to break away from the land claim group to keep what our leaders want. We keep setting up another board. Your plan should basically say, go to FGH if you want to work. Your plan should have no zoning. We don't want GNWT to say this is what is going to happen. We want to protect our GTA and land base. Everything should say go to FGH if you want any development.

Jerry Lennie: All the years that I have seen the oil and gas industry, if I want to do any development as a company I would go to Heather, and she would tell me where this is and where not to go, and once you sign a document you give up your rights. With Government, any time we sign a document we give up our rights. That is scary. We as a people are the landlord of the land. We are still on that land that we were born on from our ancestors. When a company comes and bids on a parcel and we sign it, we give up our rights. Under the laws they have all kinds of rights. They may have to follow our guidelines, but they now have those rights and we



don't. When I look at the PAS we are giving up our rights on it. It takes a lot of thought to look at that map. Every time we sign a document we give up our rights to say what is happening on the land.

Thomas Manuel: What happens after the project is done and they need to go in and clean up? Heather responded that it is done under INAC (inspectors).

George Barnaby: I don't mind the working group if it's a way for people to come in and help us find a better way to address our issues. We don't want to bring in other people with no business on our lands. The Working Group could be a door opening for other people coming in and telling us what to do. It should be district based. I don't want some company coming in and saying they don't like this rule or that. It's our land; our plan. They should work with us. Should be district based.

Jerry: Talked about the law of the sea and the lack of aboriginal involvement in decisions.

George: That's the door I'm talking about. I think it is important to talk about pollution and cumulative effects, but I don't want to have other people coming in and taking over control from our people.

Joe: Here's an example of third party control from the '60s and '70s. The federal government just gave out permits to who every came along. One summer Nabors came in and put a rig just along Ernie's house and drilled for 60 days and the community did not know what was going on. There were no benefits and no work. They brought in their people and when they left the drill material was left and was running into the creek. Ottawa gave them complete control and there was no protection of the land. I am trying to get away from that. This is why I am mentioning community control, not district or SSI. I sit on SSI and with the regulations that are in place, the community cannot win a vote. It is very important that we the community are always involved in any development. If there are enough people in the community who don't want it, that is where community control is important.

Arthur: When we had the land claims people thought we should have control on our lands, to have a say on development. With oil and gas, there is a system that we are familiar with. They put in a bid, we inform our people and the lands were successful. That is the system that is in place now and we are familiar with it. If we change it now we have to familiarize our people with it. What they propose is a new system of monitoring the plan. The working group is being explored. It is something to think about it. The land corp has to be on top of it - they have to represent our people, our land, our resources.

Meeting broke for lunch.

Resumed meeting at 1:05 pm.

Roger Boniface: I am confused. Why are we going to be coming up with another board? The elders always said we should be in control. Under the claims we already have groups set up.

Heidi: Responded about the role of the Boards under the land claims and why they were established.

Joe: This is part of the claim package that we have to have a planning board. For other things that have an impact on this planning board, the AIP and Devolution package where everyone hands over everything to GNWT, FGH is the only one saying no. We keep talking about community control. I just don't want the community to be cornered into having another board. GNWT already recognizes the SSI as another group, but SSI has no authority on any lands; they do not own any lands in the Sahtu. They are recognized by INAC as an aboriginal group.



Even your Sahtu working group will have reps from SSI, GNWT, other federal groups, mining tourism and other regulatory boards. If this board is just to coordinate information, then to be consistent it should be just three - SSI, INAC, and the GNWT. The others should be taken out. We don't want others in like mining, oil and gas industry and have a majority voice. It should be just the three that settled the claim. As far as FGH is concerned, we should be always in control regardless of whether it's federal land, commissioner's land or settlement land. In the GTA you have three parties - GNWT, Federal and the community. The working group should have no teeth. It should just coordinate that each district has enough authority to control their lands. GNWT and INAC don't have a very good track record for protecting the land and its people.

This morning I touched on how SSI approves the Plan, whether this plan would be voted on by majority, or some other way. If we still have questions on this package or if the community is still not satisfied, how will SSI vote? Because of the devolution package, INAC is handing authority over, so the politics will be harder to deal with. I want everyone to think about that.

Jerry: SSI is made up of all the members of the region. SSI has no authority. Under land claims it has all these provisions that guide us. SSI was formed so that the region had a body to deal with GNWT and federal Gov't. It was formed by communities in the region.

Heidi: Described what the working group will be set up to do. So many of the questions and concerns relate to what the SLWB and other regulators do in their job, so excluding them makes no sense. The whole idea is to have them in the room to answer these questions and how they deal with them.

Heather: Is there funding for this Working Group?

Heidi: Not yet. It is an outstanding issue that we have to resolve.

Joe: I know that this board is not going to be taking applications. This board is originally how SSI was supposed to be - to take information and pass it onto communities most affected. This board should be able to pass on information to communities and let them deal with it. Things that are most important to Tulita are not important to us. There are very few things that are transboundary. We have a different way of doing things here and what is important to them is not to us. Norman Wells deals with big game outfitters and tourism. The resolution that we brought to SSI in November never went anywhere because it was brought by FGH. Even me, I don't get any information on meetings and what they are working on. We should have never recognized them as a Government. Originally SSI was created to pass on information to the communities. The bottom line is that people always said community control, land protection and people protection.

Community Engagement, Traditional Knowledge, Community Benefits and Community Control

Discussion covered sufficiently under last topic. Moved on as we were behind in the agenda.

Harry Harris: Back at the hearing, I asked what kind of powers we have with the GTA under the Plan? According to treaty they were supposed to do certain things and they have not done that. Fire management goes against everything. You can get charged for setting fires, but fire management lets fires go and it goes against everything, I wanted to see what control the LUP has on this.

Heidi: We talked about the GTA earlier this morning. Fire management would be handled by ENR so its best if you talk with them directly. The Plan doesn't speak to forest fire management.



Harry: I brought it up last year with the forest management in Norman wells and the Species At Risk Act. They all have to work together to help the people. The community needs to be involved.

Water Catchment Areas in Map 7

George Barnaby: Mackenzie River is NB so it should be SMZ (it is). People are always on the river hunting and fishing and we just drink water from it. What kind of a Plan is there for the river? That should be up front. We have to try to prevent any damage. Government should clean up the river instead of spending millions hiding it.

Arthur: At the Hearing, we broke into working group and we talked about the water. There is no real method in which the quality of water is measured – no baseline against which we monitor impacts. Those are the kinds of things that are brought up in Norman Wells. The Elders mentioned that all the water is linked underground. We need to setup a system that monitors water quality. Talked about measuring upstream of NW, at NW and downstream.

Joe: Don't mix up the water stations with measuring water quality. The water stations measure water levels/flow. In Sept or Oct we decided to jointly do a study with Yamoga and INAC on the quality of water between here and the Wells, where we have previous studies done. There is a lot of baseline studies done on fish and fish that carry heavy metals. We decided to do that and INAC said that they would take the lead and we haven't heard anything on it yet.

Nobody is enforcing those regulations and you hear all these horror stories about what is released in the water and they are going to court after all these years. I was leading up to trying to find suitable way to keep proponents in line. At present you have GNWT or INAC officials monitoring and it is not good enough. I gave you examples. It should be legislated that every individual should have good quality of water. Every year the number of cancer candidates is on the rise. Everybody points fingers at the Wells and the chemicals that are put in the water. GNWT, INAC are not going to monitor the water. They should do studies and it adds onto the baseline studies. There is dissatisfaction with the quality of water we are getting on the Mackenzie. There are other groups that are dealing with legislation and we should be a voice on that forum, if not districts then at the SSI level. We choose to ignore the basic necessity of individuals that they need good basic water. We should be the voice on good clean water. It is not good enough to put a 5-mile buffer.

If we are going to create another body we should have good quality care. I do not support another body being created. I do not support the LUP board. The Plan should say go see FGH. We have our own process to work with bodies. We have a plan to protect our lands, water. To create another body it means third party control. I am in a position to make people understand. Some people remember George Abalone. I am trying to keep control out of your hands and in control of the community. We should be a voice in legislation and laws in protecting people. We are the ones downstream that are being affected. We are trying to get GNWT to take the lead role in creating safe water for the people.

Jerry: Talked about Enbridge Pipeline breaking. Norman Yakeleya said that they should see the impact on the people from the contamination to fish and water. They should have a baseline study on the fish; they are sick and the quality will tell you that the water is not good. If you take a cup of water in the mountains you can tell the quality, and on the river you could taste the difference. The texture is different and it tastes like diesel. Norman is asking the NEB to take a look into these oil spills. Wildlife don't need human beings to survive, human beings need wildlife to survive. The RRC should write a proposal to do a study.



Roger: A couple of years ago Imperial Oil had a chemical spill and no one knew about it in the community. They got charged and because it is in the news the community found out. That information is two years old, DFO did a study and the loche got contaminated from that spill. Draft 3 is the final version. It would be good to see what is in it before it comes down to his vote.

District Implementation Role

Heather stated that her concerns her addressed in our discussions at the Hearing. No further discussion needed.

Clarity regarding SSI's submission

Heather: We support SSI's comments in a general sense. They should not supercede our own comments. Look to our comments for the details or where there is any conflict. We have not changed our positions from our previous direction.

Directional Drilling

Heidi: This was a huge topic at the hearing and we were asked to bring back information to the communities. The LUP does not talk about directional drilling anywhere in the plan. The discussion we had at the hearing was in response to discussion between our board and INAC. In draft 2 they asked us to open subsurface lands. Our board has said that they have to prove to us that they can protect the surface and they took a year to answer that question. In Draft 3, where drilling is prohibited, that means directional drilling is also prohibited. Where oil and gas exploration and development is allowed, that includes directional drilling. Someone provided these handouts to the Board at the Hearing. We checked with CAPP and they said they appeared fine. We provide it for your information.

Are there any instances where you want the subsurface open for development under a Conservation Zone? It will require a change in the plan. Do you want to open any subsurface lands to development?

Jerry: I know how it works, if we are saying it is okay to do that is it like saying it is okay to open a park to development.

Joe: I am one of those individuals that work with oil and gas. We feel that it has to be decided on a case-by-case basis. They should give the community the opportunity to sit down with the proponent, and ensure it benefits the community. The community needs to make that decision.

Zoning Discussion

Heidi introduced the discussion by laying out the following questions and considerations:

- 1) How should we zone lands outside the final NWA?
- 2) How should we zone settlement land parcels?

Zoning Considerations:

- a) Development considerations – where do you want to see development?
- b) Specific Sites to protect
- c) Integration with adjacent zoning



- d) Overall goals/vision for the area
- e) Buffer for NWA

Paul Latour gave a summary of the meeting 6 weeks ago and a description of the Ramparts area, wildlife habitat, resource potential and things to consider in zoning and delineating the final boundaries for the NWA. The priority areas for protection are identified in the dark areas in the map, and includes the site from “The Places We Take Care Of”, and the wetlands, which are an important hunting, trapping and fishing area. We put all the values and information into a computer and it came up in the map as the area to protect. The mineral area that you wanted open for development is highlighted in green. This is for your consideration in selecting your final zoning. Paul presented three small maps with boundary options on them for people to change and draw on the map to select a final boundary for the Ramparts area.

Danny Masuzumi: Are those the three options that we have?

Paul Latour: No these are just examples for discussion. We can choose any boundary. However, I can tell you that we need to avoid the high resource potential areas to get approved. When this goes to Ottawa, if they don't like it you have to go back to the drawing board.

Heidi spoke to how the two processes work together. PAS is intended to be long term. The LUP is up for review every 5 years and protects the surface and subsurface.

Joe: On the NWA, who monitors it and whose jurisdiction it is under? What kind of monitoring is done and who manages it?

Paul: The land is currently administered by INAC. The administration of the surface goes to Environment Canada. They would set up a management committee and the community would sit on it. The Management Committee would deal with day-to-day operations. They would deal with studies, and we would have enforcement.

Joe: What is the difference between this and a National Park?

Paul: A National Park is probably the highest level of protection you can achieve but it is not flexible. The main purpose to set up a park is for the enjoyment of all Canadians. Paul and Gina gave explanation on parks and what is set up with it and what they protect.

George Barnaby: How are we going to decide? We should keep an eye on the water drainage area or catchment area.

Paul highlighted the Hume and Rampart area that it drains into.

Community discussion on options.

Joe: My recommendation to the people is for us to take the maximum option because it takes care of the catchment area.

Heidi: Based on the discussions, I'm hearing that the rest of the area should be zoned as special management. [There was general agreement.]

Heidi: Initiated discussion on settlement lands. You can choose General Use, Special Management or Conservation.



George Barnaby: Discussed why some of the parcels were chosen and for what purpose. Fossil Lake must have been an area that they wanted to protect. It is better to protect it now than deal with it every 5 years. There was general agreement to zone the Fossil Lake parcel as Conservation.

Heidi asked about the subsurface parcel. She gave explanation on how Deline dealt with parcels on the Sentinel Islands as an example. Following discussion, it was agreed that the other parcels, including the subsurface parcel would be zoned as General Use.

Paul asked why the Ontaratue River was special. People went over the map and gave an explanation.

Heidi went over the next steps of the plan and what the Board is going to do.

Joe: We have the SSI AGM in August are you going to do a presentation?

Heidi: Yes, we always show up. This year we want to talk about how they will approve the plan and the fall workshops we're going to have.

Gina: We will be returning to the community in July, depending on what happens and announce the community decision on the maximum area. We will be back later this summer or fall. We are attempting to engage the youth on what came up at the meeting.

Heidi went over what will show up on the map in the final document. It will likely be the existing land withdrawal boundary but it will have verbal direction that any areas left out will be Special Management. The settlement land parcels will be rezoned as discussed here.

Joe: When will the next draft be available to the community? I know this is the last chance for community to make changes.

Heidi: Draft 3 was the last draft that will be circulated. The next version is what goes for approval. I will send the GTA wording to the community for approval when I begin revising that section, and once the last draft is done it is final and will be submitted. Under the legislation, SSI will approve it first.

George: It is not clear about SSI. You talk about the community and SSI - they are the same. If we don't agree with it our representative will voice our concern. You have people voting on our land from the district and the elders don't like it. There has to be consensus.

Heidi: The communities, districts and SSI have to work out the process by which you will approve the Plan. The board cannot change legislation, so you have to clarify it with SSI.

Paul: In closing I would like to say congratulations on a major decision. I have to think back to what Elder Jim Pierrot said about pulling together to make decisions. I know that is what happened here today. Thank you for pulling together to make decisions.

Closing prayer at 4:32 pm.