

## Heidi Wiebe

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**From:** Arthur Boutilier [Arthur.Boutilier@inac-ainc.gc.ca]  
**Sent:** Friday, November 27, 2009 5:21 PM  
**To:** Heidi Wiebe  
**Cc:** Matt Bender; Greg Yeoman; Marc Lange; Bob Overvold  
**Subject:** INAC Responses [in red font] to the Board's Issues & Questions discussed on October 23rd, 2009  
**Attachments:** YELLOWKN-#343445-v2-SLUPB\_-\_INAC\_COMMENTS\_&\_ROLL-UPS\_-\_HEIDI\_S\_QUESTIONS\_&\_REQUESTS\_-\_OCT\_22ND\_09.DOC  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**\*\* High Priority \*\***

Marc just gave me the formal OK to get this out to you, following the 5th set of editorial changes we discussed this afternoon.

Our meeting was exactly 5 weeks ago and we've been working away at this periodically since then, in concert with other Sahtu Board related initiatives, including the GBLWMP.

I do hope that you find this helpful in your lead-pen role in developing the board's Draft 3 Land Use Plan.

Good luck with this challenging effort Heidi, and have a great weekend!!

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### INAC [the Department] feedback noted in red - initially discussed with the Board on October 23<sup>rd</sup>, including more recent input November 27<sup>th</sup>, 2009

#### Major Topics

**Regulatory Context** (p13): INAC comment that the Plan cannot establish new regulatory requirements without amending existing regulations. What does this imply in relation to Conformity Requirements, which identify new requirements that must be met before a land use permit, water licence or other authorization can be approved? Need discussion about the role and authority of the Plan in regulatory regime.

Once the Plan has been approved, it binds First Nations, governments and licensing organizations to the extent of their authority pursuant to s. 46 of the MVRMA and s. 25.2.9 of the SDMCLCA. However, there is a need for the Plan to be consistent with the MVRMA and relevant provisions of the SDMCLCA. In contrast with the Dehcho situation, the Sahtu have a settled claim and the Sahtu Land Use Plan can be enforced via the MVRMA. The degree of acceptability by the Department to the CRs will therefore have to be determined on a case-by-case basis and will depend on whether the CRs can actually be operationally implemented on the ground.

**Actions and Recommendations** (from p5 section on Legal Issues with GBLWMP): While the comments here are directed at the GBLWMP, they raise concerns for the Board as the same comments could just as easily be made in the future in regards to the SLUP. The comments suggest 2 things:

- 1) that the Plan can only include information or direction related to determining conformity for project-specific reviews (direct linkage to S. 46 and 47 of the MVRMA), and
- 2) where the Plan says others “should” do something or are “urged” to do something, INAC comments say “it is beyond the authority of the Board to compel a First Nation, government or regulatory authority to do these things...”

These statements take a narrow view of what a land use plan may contain and effectively say that Actions and Recommendations are not acceptable in a land use plan. **This is not the case.**

Is this INAC’s position or the result of a legal opinion given without a full understanding of the nature of land use plans?

It is INAC’s position that the Department would not be bound by s. 46 of the MVRMA to implement the urges and recommendations of the Board; although the Department would want to ensure that the Actions & Recommendations did not pose any unnecessary risk in an approved plan, assuming that the internal resources were available to implement them.

Similar comments are echoed in p.8 comments on Consultation Actions. The approved Gwich’in Plan contains many Actions, some of which are phrased in mandatory language (“will/shall”) with the rest phrased as recommendations (“should”).

The Gwich’in Plan dates from 2003 and so the specific language and structure of that document is somewhat outdated. The GLUPB is currently revising it and is expected to have a different

and tighter approach this time around. Generally speaking throughout the Northwest Territories land use planning initiatives, CRs are mandatory requirements that the Parties and the Regulatory Authorities/Responsibility Authorities **must** carry out, while the Actions and Recommendations are tasks that **should** be done to help move the Plan along, as long as each one, judged on a case-by-case basis, can be legally carried out. Although INAC cannot be compelled by the Board in this regard, the Department can compel itself and will make “reasonable” efforts to voluntarily implement them. When the Minister signs off on the Plan, the Plan in its entirety is being formally approved, and so the Department will need to reassure itself that the suite of Actions and Recommendations does not pose any unnecessary risk, assuming that the human and financial resources were available to implement them. In other words, INAC would approve a plan containing “urges and recommendations” and make best efforts to implement them without considering the Department being legally bound by them.

As there many grey areas here, the Department would like to give more thought to this whole question of scope and authority of Land Use Plans under the MVRMA. In the meantime, the Department would like to see the respective Legal Counsel get together and prepare a rough draft paper on this topic if there is mutual agreement, and then go from there.

**Grandfathering Existing Rights** (p5, Legal Issues): The intent is to allow all existing interests/uses/activities to proceed to development, subject to the terms of the Plan except zoning (full exemption on zoning). The Board could also use its authority to grant exceptions to lift specific terms on a case by case basis where the rights holder can demonstrate that application of the term would prevent them from exercising their rights. This is a key matter for which the Board is seeking legal assistance to draft appropriate wording. INAC can assist in suggesting wording for our consideration to achieve this (legal cooperation).

The Legal Counsel for the Department will work with the Legal Counsel for the Board to come up with an agreeable approach, if possible.

INAC comment that the map of existing uses will become out of date quickly. What method was used to identify existing rights at the time of approval of the Gwich'in Plan?

The GLUPB used the same method as the SLUPB, but with the advent of the Internet and GIS-based mapping, perhaps an on-line interactive capability could eventually be established, although this could be expensive.

**Seismic activity and directional drilling in Conservation Zones** (p 2, Zoning # 5): Areas are zoned for conservation because we want to protect the surface values so seismic activity is not appropriate. Directional drilling would require that the subsurface is open to development. If subsurface rights are granted, what protection exists to ensure that the surface is not disturbed, given that subsurface rights come with an automatic right of surface access?

This is a very good question. The Board is correct in saying that directional drilling would require that the subsurface be open to development. Even though the right of surface access is automatically granted, authority to exercise those rights would still require the permission of the land owner. If the surface rights were withdrawn, the sub-surface rights for directional drilling could still be granted. In the case of mineral exploration and development, Sub-Section 11 (f) of the Northwest Territories and Nunavut Mining Regulations applies, but with oil and gas development, the situation is not as clear re protection of the surface rights. Assuming the areas under question are zoned as CZs, then the Land Use Plan, pursuant to the MVRMA and the SDMCLCA, would take precedence if there were a conflict with existing federal statutes.

If oil & gas reserves were discovered in the sub-surface, it could be assumed that the companies involved would then want to develop the surface, so the CZ designation through the Land Use Plan would be one way to protect the surface.

In some rare cases, the Department has "protected" the surface lands by not making them available to companies at the call for nominations stage - essentially removing certain lands due to environmental sensitivity. As part of the call for nominations process, the Department does have an environmental section which points out to potential operators that, should they acquire [EL's] lands, there may be specific terms and conditions attached at the regulatory stage which may limit their operations including the timing [fall freeze-up/spring break-up] and terms and conditions [types of drilling fluids, etc] which may impact their operations. So, the Department points out to operators that there is no guarantee that they may be able to carry out their activity - there being many steps, including the MVRMA process, etc.

**GBLWMP:** General discussion on INAC's review, upcoming meeting, integration options, next steps (show which parts were incorporated previously and how they evolved for Draft 2).

It is important to translate the policies, conditions and prohibitions from the 2005 document into operationally enforceable rules for all Parties and interests, not just INAC. The existing statements therefore need to be cross-referenced with existing regulations to see where the grey areas are and then to determine the best ways to clarify these. The Department is not recommending annexing the GBLWMP to the Sahtu Land Use Plan, but rather integrating key areas of it as explained in the Department's July 31<sup>st</sup>, 2009 roll-up comments. The challenge is to review the specific policies, conditions and prohibitions in detail to ensure that their intent can be fully met in the Draft 3 Plan.

Another example is the principle of maintaining ecological integrity – as an objective, how is this achieved and measured? The same issue applies to maintaining cultural integrity. Statements such as “shall ensure” are strong words and will need to be qualified so as to be able to measure related degrees of compliance. On those statements applicable to DFO and the MVLWB, among other Responsible Authorities, the Department will refrain from commenting at this time, pending the Board's analysis in this regard. In short, this overall initiative is larger than the Department or any one of the Parties. The clear and overarching vision and Elders' Teaching components can continue to be excellent guides within the context of the Draft 3 Plan.

The Department needs to clear on what is expected of government and industry – what are the expectations? Are the meaning and intent of the GBLWMP still recognizable in the Draft 3 Plan, recognizing that everything can't be included?

**Cumulative Effects:** What do you see as appropriate direction for the Plan in relation to cumulative effects? Please provide documents/ references for best practices in cumulative effects that you are referring to. We'd like to initiate an informal working group to collaboratively build cumulative effects management into the land use plan. What type of participation would you envision? What type of information or resources (people, data, meeting support) would you be willing to provide?

Heidi referenced the Alces Group final report prepared by Terry Antoniuk et al, paid for by the Department. Greg noted that regarding linear thresholds in the Dehcho, the Parties are still apart in reaching agreement on the numbers. He referenced the work of the Department, Environment

Canada and the GNWT (Sue Fleck) in the preparation of the NWT Seismic Guidance document [now in the Draft 2 stage] and the need to be very clear [3 meters vs 5 meters wide].

Steve Kokelj [Science Lead, CIMP & Audit Section, 867-669-2656]: With CIMP minimally funded, the Department's participation and resources will be status quo and ad hoc at best. However, if CIMP is funded, the Department would promote a regional approach which could include consolidating existing state of knowledge, prioritizing regional interests and conducting a gap analyses for the region [one may already exist]. Once this is achieved, then through collaborative initiatives [government; aboriginal partners and academic researchers], one could develop monitoring or research programs of regional interest, and the CIMP RFP process could provide the resources to support those initiatives.

The best practices refer to science-based data collection and reporting protocols which are either developed [ie: CABIN – aquatic health] or are being developed. CIMP would promote them and the protocols would ensure consistency of information collection for community-based, government and industry monitoring.

Developing an industry footprint database would also be useful. This could be done in close collaboration with the Land and Water Board.

The Department's contribution, contingent on CIMP securing funding, could include: a) resources that could be accessed through the competitive [and peer-reviewed] RFP processes; b) directing or supporting ongoing monitoring initiatives with community focus; and c) promoting the establishment of community-based monitoring programs, including training. In theory, the Department could/should also provide technical expertise to assist in implementation of cumulative effects monitoring as a shared responsibility with other science-based divisions [Water Resources] and agencies [Environment Canada].

## General Topics

**CRs** (p4): Direction to the Board to ensure that the CRs do not unnecessarily create overlapping and duplicative processes. Are there specific CRs that are problematic? Similar comments on p 6 to ensure that CRs are consistent with the SDMCLCA and MVRMA. Again, please provide examples of which are inconsistent. When providing general comments of this nature, please identify concrete examples to focus our revisions.

The comment about unnecessary and duplicative processes and the need for consistent language was a general principle and not based on any specific CRs.

**MGP** (p4): INAC concern about how the plan would affect the pipeline if the plan is approved first, and concern about the lack of a zone for it in the Plan. Does INAC perceive any specific barriers or issues in the Plan that would create problems for the pipeline or related infrastructure? Discussion of Board approach and rationale needed.

(p6): *“Regarding the Mackenzie Gas Pipeline [MGP], it is important that the Board be cognizant of the federal process for responding to the Joint Review Panel Report, anticipated in late 2009. When preparing subsequent drafts of the Land Use Plan, the Board must ensure that the Plan does not conflict with commitments included in the government response.”* How can

the Board ensure the Plan does not conflict with a response that does not yet exist? Do you already know what the government response will be?

Regarding the point about the Board ensuring the Plan does not conflict, it is anticipated that the JRP Report will be made public on or about December 31<sup>st</sup>, 2009, and the government response will follow approximately five months later. Nevertheless, the Board needs to be very clear in the Draft 3 Plan about how an approved Plan would possibly affect the Pipeline.

Regarding the CR #3 conditions a), b) and c) at the top of page 90 of the Draft 2 Plan, based on recent work, the Department would recommend the following revised wording:

a) Regulatory authorities will require applicants to identify and clearly describe methods that they will use to avoid, minimize and mitigate negative impacts on the cultural and ecological values present in each zone; and

b) The proposed development minimizes the area affected, minimizes the intensity of disturbance, minimizes impacts to traditional land use activities, and uses appropriate mitigation measures best suited to minimize and/or mitigate environmental impacts.

Condition c) should be removed altogether, as there are other tools [e.g. IBAs] that are better suited to deal with socio-economic benefits than is a land use plan.

Regarding the grandfathering issue, a one kilometre wide, non-restrictive study corridor is good, and so a related "zone" could work, notwithstanding the indication of the proposed corridor on the Draft 2 map.

**Little Chicago** (p3, Zoning Item 5): Please provide shape-files for these infrastructure sites so we can overlay them with the zone to have discussions with Fort Good Hope on the subject.

The District Offices in Inuvik and Norman Wells have provided the ESRI shape files of past land use permit locations and an accompanying 1:50,000 map with these plotted on it [CD & map mailed to Heidi on Nov 26<sup>th</sup>] and the following summary of the activities that are occurring there now, including the airstrip. The Norman Wells Sub-District Office has seen little activity at the Little Chicago strip over the years [most recent 2006 2D seismic program] but its importance is well known in the Sahtu. It is the only established airstrip\campsite\staging area\barge accessible site on the Mackenzie River for over 100 miles in either direction. It is strategically placed halfway between Arctic Red River and Fort Good Hope [more or less] and would be key in supporting the construction of the MGP, Mackenzie Valley Highway and any other concerted activity in oil and gas exploration, development and production. Although the strip is presently overgrown and the access road has slumped somewhat it can readily be put back into use with minimal effort. If this site is withdrawn it would only necessitate the construction of another resulting in needless disturbance, expenditures and time.

George reiterated that the area on the east side of the Mackenzie River has been an important staging area since equipment can be offloaded from barges onto the shore. The site has been used for decades to support oil and gas and mining activity. If this site were left as a "no-go zone", industry would have to find another suitable location along the Mackenzie River in which to offload equipment, thus potentially disturbing a much larger area.

Regarding the MGP, the name of their proposed site at Little Chicago is KP-200. [The link to the GIS map was sent on November 19<sup>th</sup>.] In the "Places We Take Care Of" report at the map on

page 61 and it shows 4 cabins, one with an airplane symbol, on the **east** bank of the River, although in the Draft 2 Plan [page 155] that the CZ # 38 site is on the **west** bank of the River.

The bottom line for the Department is to ensure that the proposed Plan does not potentially negatively impact the proposed MGP, so if there are spatial conflicts between the proposed MGP facilities and the ecological, cultural and socio-economic values of the site, then perhaps an SMZ designation in the Draft 3 Plan would be the way to proceed.

Interestingly enough, this is what the Department recommended in the Draft 1 roll-up from May 30<sup>th</sup>, 2007:

**“Section 3.1.19 – pg 50**

Little Chicago area is used by trappers and harvesters, and there are several cabins in this zone. This area has also been used as a staging site, [including a small airstrip] for oil and gas equipment for over 40 years, whereby equipment has been offloaded from barges along the Mackenzie River during the fall, then utilized later in winter when ground conditions are suitable for programs in the Sahtu and Gwich'in region. From the Little Chicago site, and when waterfowl are absent from this area, equipment in the winter normally follow existing trails and winter roads, thus minimizing any potential effects to traditional camping, cabins or archaeological sites.

EL 413, held by Kodiak Exploration also covers this area. Four percent of the EL is in the CZ. As this site is presently being considered as a conservation zone, which would preclude the staging of equipment in the future, suggest the status of Little Chicago be changed to a Special Management Zone.”

**General Environmental Considerations** (p6): Comment that applying these terms to SMZ, CZ and PCIs only gives the impression they do not apply elsewhere. Please explain.

The Board may want to add a statement to the effect that the general laws of application, i.e. the existing regulatory regime, applicable to all lands, do apply to the General Use Zones, and so the requirements to minimize environmental footprints, limit alien species, or alter permafrost may already be in place for these General Use Zones. If these specific objectives are already part of the regulatory regime, then these should be noted.

**Consultation** (p.8): Requested to distinguish between S. 35 consultation requirements, MVRMA requirements, SLCA requirements, MVLWB requirements for public engagement, and consultation for reasons of good governance and policy. Why? What will that achieve in relation to the Terms of the Plan that deal with consultation? Has INAC developed internal consultation guidelines that could meet the intent of A #3?

Distinguishing between the various forms of consultation is important because they are all quite different and otherwise, the situation could be quite confusing. In particular, there is a need to distinguish consultation that must be undertaken as a legal obligation [s. 35 consultations], consultation which is undertaken for reasons of policy/good governance, and consultation pursuant to the MVRMA. Heidi mentioned the idea of dropping the term “consultation” and going with “public engagement guidelines” instead, and looking at the possible disconnect between the expectations of the communities and what legal tools currently exist. Legal Counsel for the Department has provided the following address for the Government of Canada's interim

consultation guidelines: <http://www.ainc-inac.gc.ca/ai/mr/is/acp/intgui-eng.asp> [The work of the internal Crown Consultation Unit [CCU] was specifically for the MGP.]

The MVLWB's Public Engagement Guidelines can be located at the following address:  
[http://www.mvlwb.ca/mv/AppForms/Public\\_Engagement\\_Guidelines\\_Oct07%20-%20Draft.pdf](http://www.mvlwb.ca/mv/AppForms/Public_Engagement_Guidelines_Oct07%20-%20Draft.pdf)

The Legal Counsel for the Department is prepared to work with the Board's Legal Counsel to clarify the issues involved here in this regard.

**Impact and Benefits Agreements** (p8-9): Comments say that these are not required for mining but have written document from Malcolm Robb saying that companies negotiate Impact and Benefits Agreements before a mine can be constructed. Need clarity here.

Philip Wright with Minerals in Headquarters [819-994-6447] has confirmed that the only case in the SDMCLCA where an Impact and Benefits Plan is required is for national parks. Despite the fact that IBAs are not legally required by the Claim, operators believe they are a good idea. Therefore it is modern practice for companies developing mining projects to enter into such agreements to obtain community support.

The SDMCLCA does provide some guidance for access and the conditions which may be imposed re: access [see, e.g., s. 21.1.7], and both government and industry must comply with those.

Malcolm Robb [867-669-2618] agreed that this practice has become commonplace over time. In this regard, R #3 on page 95 of the Draft 1 Plan appears to be OK, while the 4<sup>th</sup> paragraph on page 58 will need to be updated – drop the word “must”.

In other parts of the North such agreements are referenced. In Nunavut, Inuit Impact and Benefit Agreements are required under the Nunavut Land Claims Agreement for all major development projects including mining projects. In the Tlicho Agreement, the proponent of a major mining project must enter into negotiations for the purpose of concluding an agreement but it does not say that one has to be concluded. In unsettled land claim areas where mineral tenure is administered by INAC, the Department encourages such agreements but take the view that negotiation of these is a matter between the proponent and the local land claim group or community.

**Boundary Amendments under SDMCLCA** (p11): When will the revisions be complete? Please provide the SLUPB with the most up-to-date GIS files for use in the Plan.

Karen Patel with Claims Implementation in Headquarters [819-994-7206] reports that the potential amendments arise from a number of errors that were made in the SDMCLCA's land descriptions which were first identified by NRCAN. Apparently, the amendments will not result in a reduction to the total quantum of Sahtu lands, as these are still selected lands that must surveyed. Regarding the timing of this work, it could take several years. While there are two Districts that have provided the necessary support, one is still missing. There is also the requirement for SSI approval before it even gets to the Order in Council submission. The Department is continuing to engage the Sahtu to bring a resolution to this long outstanding matter. To be more specific, these are not boundary amendments per se, but corrections to the existing written descriptions, so the parcel boundaries do not really change. Buddy Williams with A&TR in the Region [867-669-2608] is the lead on this work and could provide the Board with a better idea of the project details as required.

**Sahtu Parcels in the Dehcho** (p13): INAC request to discuss the Sahtu parcels in the Dehcho. They cannot be subject to the Sahtu Plan as this plan only applies within the SSA. They would be subject to the Dehcho Plan. Is there another possibility we're missing?

This is correct, but the Department is not sure if they are subject to the Dehcho Plan or not, so will try to obtain an answer on this question through the Dehcho Land Use Planning Committee. Ideally, the Dehcho Land Use Planning Committee and the SLUPB could meet to discuss this and other overlapping issues, pursuant to s 25.2.10 of the SDMCLCA.

**Description of INAC** (p17): A number of requests for changes are made to this section but not all provide clear direction on acceptable changes. For instance, we are referred to INAC's website for a discussion of mandate, but the mandate section has several pages of information relating to its very broad mandate, some of which has no relevance to land use planning. Request that INAC staff provide acceptable wording for this section as they would like to see it described in the Plan.

**Policy & Planning Directorate in the Regional Office:** "INAC is the lead federal department for two-fifths of Canada's land mass, with a direct role in the political and economic development of the territories, and significant responsibilities for resource, land and environmental management. INAC is one of the Government departments responsible for meeting Canada's obligations and commitments to First Nations, Inuit and Metis and for fulfilling the federal government's constitutional responsibilities in the North. INAC's responsibilities are largely determined by numerous statutes, negotiated agreements and relevant legal decisions.

Indian and Northern Affairs Canada (INAC) supports Aboriginal people ( First Nations, Inuit and Metis) and Northerners in their efforts to:

-improve social well-being and economic prosperity  
-develop healthier, more sustainable communities; and,  
-participate more fully in Canada's political, social and economic development- to the benefit of all Canadians."

#### **Reports/Info:**

- IBP Sites Report - E & C has a hardcopy of the 1975 report for the Board. It covers both the Yukon and the NT [Nunavut as well since before 1999].
- GIS Files from Land Admin – Surface leases, other "interests" to be considered as existing rights or interests – Gwenda Luxon with Lands in the Region [867-669-2688] reports that these files can come from IMAG, however, it is important to keep in mind that the accuracy of the location of these interests is only as accurate as the map coordinates given at the time of the application, and that these interests are "centered" on that point. They may not be accurate as to location on the ground. In terms of getting this info, only the location, coordinates and purpose/usage of the interests can be given to the Sahtu. The Department cannot give you ownership info due to the Privacy Act. You can contact Emily Mahon in IMAG [867-669-2841] and if you need more info, you can also call Gwenda.
- Strategies/Plans for infrastructure and transportation development – GNWT/Transport Canada responsibilities?

- List of authorization types relevant to land use planning (that the Plan might apply to and/or need to be grandfathered): **[Note: the following list may not be comprehensive]**  
 Authorization / Issuing Authority / Legislation:
  - 1) Land Use Permits [Type A & B] / MVLWB / MVRMA & Regs
  - 2) Water Licences [Type A & B] / MVLWB / MVRMA & Regs
  - 3) Commercial Fishing Licence / DFO / Fisheries Act
  - 4) Fisheries Authorization / DFO / Fisheries Act
  - 5) Outfitter Licence / GNWT – ITI / Travel & Tourism Act & Outfitters Regs
  - 6) Big Game Outfitter Licence / GNWT – ENR / Wildlife Act & Big Game Hunters Regs
  - 7) Timber Permits or Licences / GNWT – ENR / Forest Management Act
  - 8) Direction of the Forest Man. Supervisor / GNWT – ENR / Forest Management Act
  - 9) Direction of the Chief Env. Protection Officer of the NT / GNWT – ENR / NWT Env. Protection Act
  - 10) Ministerial Approval / Transport Canada / Navigable Waters Protection Act [authorizations for dams]
  - 11) Easement / INAC / Federal Real Property & Immovables Act & FRP Regs
  - 12) Licence of Occupation / INAC / Federal Real Property & Immovables Act & FRP Regs
  - 13) Land Lease / INAC / Territorial Lands Act & Territorial Lands Regs
  - 14) Prospecting Permits and Coal Exploration Licences / Territorial Lands Act & Territorial Lands Regs
- CCU consultation protocols  
 The Crown Consultation Unit's effort was for the MGP only. Currently, there is a new Consultation Support Unit, with Julie Jackson as Manager [867-669-2891], coordinating and managing INAC's consultation activities. The Department has only one consultation protocol and that's with the Dene Tha'. Actually, there are two protocols with the DTFN, one for the MGP and another [which is identical] for other federal authorizations issued within their asserted territory in the NWT.
- GIS Files for Little Chicago infrastructure – information pending from the District Offices
- GIS files for Sahtu parcel boundary amendments (prefer to get a whole new complete dataset) **timing uncertain**
- Revised text of INAC mandate, description – as per the text provided above on pages 6-7
- Traditional Knowledge Policy? **Both the MVEIRB and the MVLWB have guidelines for the use of TK.**

Within INAC, Anne Snider's Environmental Policies and Studies Directorate in Headquarters did lead efforts on the development of a TK policy some years ago and produced a draft discussion paper. However, after initial consultations externally and the preparation of TK Guidelines by the MVEIRB, it was decided that an INAC policy was no longer needed, and limited resources were redirected to other files. Certainly the integration of TK in decision-making has come a long way since then.

Lorraine Seale with the E & C Division in the Region [867-669-2590] confirmed that INAC doesn't have a TK policy, but added that one of the principles in the Departmental Sustainable Development Strategy is something to the effect that TK should be considered in decision-making. In the NWT Cumulative Effects Assessment and Management (CEAM) Blueprint, INAC and others have identified a number of actions to

improve incorporation of TK in decision-making, chief among them being the recommendation that TK holders be at the decision-making table and presenting their views directly to decision-makers (eg in EA and regulatory processes, TK holders speak directly to the boards at hearings and/or make written submissions).

Christa Domchek with CIMP in the Region [867-669-2597] further explained that CIMP funded some TK work in 2008 & 2009. Basically, workshops were held to gather TK practitioners across the territory to discuss the integration of science into TK. There was value in the workshop in terms of getting people across the regions talking about TK. The result was general a set of guiding principles & approaches. The report is available on the CIMP website: <http://www.nwtcimp.ca/projectlist.html> under "capacity building".