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SAHTU LAND USE PLANNING BOARD
PUBLIC HEARING

re: Draft 3 of the Plan

Panel Members:

Judith Wright-Bird	Chairperson
Danny Bayha	Co-Chairperson
Stephen Kakfwi	Member
Colin Bayha	Member
Bob Overold	Member

HELD IN:

Norman Wells, NWT
May 3rd, 2011
Day 1 of 3

APPEARANCES

1
2 Dick Spaulding) Board Counsel
3 Heidi Wiebe) Board Staff
4 Edna Tobac)
5 Ida Mak)
6 Joel Ashworth)
7 Benita King)
8
9 Joanne Barnaby) Facilitator
10 Deborah Simmons) Facilitator
11
12 Frederick Andrew) Tulita Renewable Resources
13) Council
14
15 Chris Hopkins) Sahtu Renewable Resources
16 Andrea Hrynkiw) Board
17
18 Paul Dixon) Sahtu Land & Water Board
19 Angela Love)
20 Crystal Thomas)
21
22 Russell Kenny) Deline Renewable Resources
23) Council
24
25

1 APPEARANCES (cont'd)

2 Roger Odgard)Norman Wells Land

3 Ruby MacDonald)Corporation

4

5 Dudley Johnson)Town of Norman Wells

6 Julie Brown)

7 Frank Pope)

8

9 Chief Richard Kochon)Ayoni Keh' Land

10 Joseph Kochon)Corporation

11

12 Chief Arthur Tobac)K'asho Got'ine Charter

13 Elder Gabriel Kochon)Community

14

15 Heather Bourassa)K'asho Got'ine Lands

16)Corporation

17

18 Roger Boniface)Fort Good Hope Renewable

19)Resources Council

20

21 Jaime Masazumi)Fort Good Hope Metis

22)Nation Local 54 Land Corp.

23

24 George Barnaby)Yamoga Land Corporation

25 Harry Harris)

1 APPEARANCES (cont'd)

2 Lucy Jackson)

3 Antoine Tobac)

4 Peter T'Seleie, Jr.)

5 Isidore Manual)

6

7 Grand Chief Frank Andrew)Sahtu Dene Council

8

9 Wade Karkague)Tulita Dene Band

10

11 Arsenne Menacho)Tulita Land and Financial

12 Elder Maurice Mendo)Corporation

13 Douglas Yallee)

14 Leon Andrew)

15

16 Joel Holder)ENR - GNWT

17 Alasdair Veitch)

18 Mark Warren)

19 Heather Sayine-Crawford)

20 Andy Short)ITI - GNWT

21 Barry Harley)MACCA - GNWT

22

23 Teresa Joudrie)INAC

24 Scott Duke)INAC Legal Counsel

25 Greg Yeomon)

1 APPEARANCES (cont'd)

2 Matt Bender) INAC

3 Arthur Boutilier)

4

5 Ethel Blondin-Andrew) SSI

6 John Donihee) SSI Legal Counsel

7 Patrick Duxbury)

8

9 Chief Raymond Tutcho) Deline First Nations

10 Raymond Taniton)

11 Elder Andrew John Kenny)

12

13 Peter Menacho) Deline Land Corporation

14 Tom Nesbitt) Legal Counsel

15 Lorien Nesbitt)

16 John Yukon)

17

18 Harold Grinde) Association of Mackenzie

19) Mountain Outfitters

20

21 Adam Vivian) NWT & Nunavut Chamber of

22) Mines

23

24 Angus Lennie) Selwyn Chihong Mining Ltd.

25 Michael Cunningham)

1 APPEARANCES (cont'd)

2 Rita Clair)Eagle Plain Resources

3 Aaron Higgs)

4

5 Paul Latour)Environment Canada and

6)Canadian Wildlife Service

7

8 Trevor Sinclair)Department of Fisheries and

9)Oceans

10

11 Lee Montgomery)Parks Canada

12

13 Dolphus Baton)Charter Community of

14)Deline

15

16 Dyanne Doctor)Fort Norman Metis Land

17 Lori Ann Lennie)Corporation

18

19

20 Richard Edjericon)MVEIRB

21

22 Jason Charlwood)Ducks Unlimited Canada

23

24 Elder JB Gully)Behdzi Ahda' First Nation

25 Elder Hyacinthe Kochon)

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APPEARANCES (cont'd)

Willard Hagen

)MVLWB

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LIST OF UNDERTAKINGS

NO.	DESCRIPTION	PAGE NO.
1	For SSI to provide more clarification re: identifying which authorization in the Board's list are administrative in nature and do not relate in any way to granting the right to an interest in land or authorize the conservation, development, or use of land, waters, or other resources	79

1 --- Upon commencing at 9:28 a.m.

2

3 THE CHAIRPERSON: Okay. We're ready to
4 begin, so I'll ask our, Elder Maurice Mendo, from Tulita
5 to do the opening prayer.

6

7 (OPENING PRAYER)

8

9 THE CHAIRPERSON: Thank you. So I'd like
10 to welcome everyone, and thank you for coming to the
11 Sahtu Land Use Planning Board -- Board's public hearing
12 on Draft 3 of the Sahtu Land Use Plan.

13 And I'm going to start by introducing the
14 Board members. So there's myself, Judith Wright-Bird.
15 I'm the Chair of the Sahtu Land Use Planning Board. I've
16 been nominated for -- by the four (4) members standing of
17 the Board. I was appointed in June 2005, and serving my
18 second term. I also work as the executive director for
19 Tulita Land Corporation, and previous to that I was a
20 band manager at -- working for the Tulita Dene Band, and
21 worked on the PAS Tulita Conservation Initiative, as well
22 as the Naats'ihch'oh Park, and SGN when it first started.

23 And then we have Steve Kakfwi. He's the
24 SSI nominee. He -- he's been a Board member since
25 January 2009, and served as the president of Dene Nation.

1 He served four (4) terms in a territorial legislative in
2 Cabinet, was the Premier of the NWT from 1999 to 2003,
3 and recently served as senior advisor on the NWT issues
4 with WWF Canada, the North's representative on the
5 Federal Government's round table on the environment and
6 the economy, and assisting the Canadian Boreal Initiative
7 on conservation initiatives in the NWT.

8 And then we have Bob Overvold. He's an
9 INAC nominee. Board member since May 2008. Has served
10 as chief negotiator for Dene Metis Comprehensive Land
11 Claim. Previous Dep -- Deputy Minister of
12 Intergovernmental Aboriginal Affairs. Sits on the Dehcho
13 land use planning committee as the federal
14 representative. Currently serves as the ministerial
15 special representative for INAC on overlap issues in the
16 southern end of Luti (phonetic).

17 Colin Bayha, SSI nominee. Born -- board
18 member since April, 2007. Colin is serving his second
19 consecutive term. Currently sits on the Deline Land
20 Corporation as a board member. Currently works for the
21 Deline Renewable Resource Council as the office manager.

22 And Danny Bayha. Danny will act as co-
23 chair for this hearing. Danny's term expired April 30th,
24 2011, and the Board has requested his re-appointment.
25 He's a GNWT nominee and been a Board member since April

1 2008. He has acted as the Vice-Chair sitting on Land Use
2 Planning Board.

3 In the past, Danny has served as a band
4 councillor in Deline, and as a member of the local
5 education council. Current member -- Board member on the
6 Deline Land Corporation, and Board member on MVEIRB since
7 October 2000. Danny is here to listen to everyone's
8 feedback in anticipation of his re-appointment.

9 And then we have our legal counsel, Dick
10 Spaulding. Dick has been the legal advisor to planning
11 bodies in Nunavut and the Dehcho region. He advises
12 Nunavut Inuit regarding the act of Parliament that was
13 introduced last year to serve Nunavut in the same way
14 that the Mackenzie Valley Renew -- Resource Management
15 Act serves the NWT.

16 Dick will be helping the Board to answer
17 your questions this week about legal issues. The Board
18 has also asked Dick to make comments that help to clarify
19 the legal basis of the Plan, and to ask questions that
20 help to clarify the legal basis of your submissions.

21 And then I'd like to have -- to introduce
22 our staff. Going to introduce yourselves?

23 MS. DEBORAH SIMMONS: I'm Deborah
24 Simmons, and I'm working with Joanne Barnaby as a co-
25 facilitator at the workshop part of this, and also will

1 be taking notes on some of the main messages for --
2 during the sessions today and tomorrow morning.

3 MS. JOANNE BARNABY: I'll talk loud
4 because this is not working anyway. I'm Joanne Barnaby.
5 It's good to be back in the Sahtu region, and I look
6 forward to the coming week.

7 MS. EDNA TOBAC: Good morning. My name
8 is Edna Tobac. I'm the executive director for the Sahtu
9 Land Use Planning Board.

10 MS. IDA MAK: Ida Mak. I'm the
11 communications coordinator and planner with the Sahtu
12 Land Use Planning Board.

13 MS. BENITA KING: I'm so shy. Benita
14 King. I'm the office manager for Sahtu Land Use Planning
15 Board.

16 MS. HEIDI WIEBE: And I'm Heidi Wiebe.
17 I'm the senior planner with the Sahtu Land Use Planning
18 Board.

19 MR. JOEL ASHWORTH: And I'm Joel
20 Ashworth. I do GIS and mapping for the Sahtu Land Use
21 Planning Board.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: So now I'd like to go

1 around the table, and invite the different participants
2 to say their name and what organization you're
3 representing. And if you have more delegates, if you
4 could introduce the rest of your delegates. We'll start
5 with Julie.

6

7 (BRIEF PAUSE)

8

9 MR. RODGER ODGARD: Hi. Roger Odgard.
10 I'm representing Norman Wells Land Corporation.

11 UNIDENTIFIED SPEAKER: (NATIVE LANGUAGE
12 SPOKEN).

13

14 (BRIEF PAUSE)

15

16 MR. ROGER BONIFACE: Roger Boniface, from
17 Fort Good Hope. (INDISCERNIBLE).

18 MR. JAMIE MASAZUMI: James Masazumi,
19 representing Fort Good Hope Metis Local Land Corp.

20 MR. GEORGE BARNABY: George Barnaby, with
21 the Yamoga Land Corporation.

22 MS. HEATHER BOURASSA: Heather Bourassa,
23 representing the K'asho Got'ine District Land
24 Corporation.

25 CHIEF ARTHUR TOBAC: Good morning. My

1 name is Arthur Tobac. I'll be speaking on --
2 representing the K'asho Got'ine Charter Community and
3 Dene band.

4 MR. JOEL HOLDER: Good morning. I'm Joel
5 Holder with the GNWT and (INDISCERNIBLE).

6 MR. MARK WARREN: Good morning. I'm Mark
7 Warren. I'm Assistant Deputy Minister for Environment
8 and Natural Resources, representing the GNWT
9 (INDISCERNIBLE).

10 MR. GREG YEOMON: Hello. Hi, my name's
11 Greg Yeomon. I'm with Indian and Northern Affairs Canada
12 in Yellowknife.

13 MS. TERESA JOUDRIE: Good morning. I'm
14 Teresa Joudrie. I'm with Indian and Northern Affairs
15 Canada in Yellowknife.

16 MR. MATT BENDER: Good morning, everyone.
17 I am Matt Bender, also with INAC, based in Ottawa.

18 MR. PATRICK DUXSBURY: Good morning. I'm
19 Pat Duxbury. I'm a consultant for SSI.

20 MR. JOHN DONIHEE: My name is John
21 Donihee. I'm counsel for SSI for (INDISCERNIBLE).

22 MS. ETHEL BLONDIN-ANDREW: I'm Ethel
23 Blondin-Andrew, the Chair for SSI.

24 CHIEF FRANK ANDREW: I'm Chief Frank
25 Andrew. I'm (INDISCERNIBLE) also a band chief for the

1 Sahtu region.

2 MR. TOM NESBITT: Hi, I'm Tom Nesbitt,
3 and I'm a lawyer (INDISCERNIBLE) Deline Land Corporation,
4 the First Nation (INDISCERNIBLE) counsel.

5 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

6 MR. PETER MENACHO: Good morning, Peter
7 Menacho, President for the Deline Land Corporation, also
8 Vice Chairman for the Sahtu Secretariat Incorporated.

9 MR. RAYMOND TANITON: Raymond Taniton,
10 representing Deline First Nation.

11 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

12 MR. WADE KARKAGUE: Wade Karkague, with
13 the Tulita Dene band.

14 UNIDENTIFIED SPEAKER: Good morning,
15 (INDISCERNIBLE).

16 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

17

18 (BRIEF PAUSE)

19

20 MR. MICHAEL CUNNINGHAM: I'm Michael
21 Cunningham, of the Selwyn Chihong Mining Limited. Along
22 with me is Angus Lennie, also working with Selwyn Chihong
23 Mining Limited.

24 MS. ANGELA LOVE: Angela Love, from the
25 Sahtu Land and Water Board.

1 MR. PAUL DIXON: Paul Dixon, also from
2 the Sahtu Land and Water Board.

3 MS. CRYSTAL THOMAS: Crystal Thomas, also
4 from Sahtu Land and Water Board.

5 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

6 MR. MAURICE MENDO: My name is Maurice
7 Mendo, from Tulita.

8 MR. LEON ANDREW: Leon Andrew, from Tulita
9 (INDISCERNIBLE).

10 MS. DYANNE DOCTOR: Dyanne Doctor,
11 representing Fort Norman Metis Land Corporation.

12 MS. LORI-ANN LENNIE: Lori-Ann Lennie,
13 with the Fort Norman Metis.

14 MR. JOHN YUKON: John Yukon, Deline Land
15 Corp.

16 MR. JOSEPH KOCHON: Joseph Kochon, Deline
17 First Nation.

18 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

19 MS. LORIEN NESBITT: Good morning. I'm
20 Lorien Nesbitt. (INDISCERNIBLE) and consultant providing
21 technical support to the Deline Land Corporation.

22 MR. RUSSELL KENNY: Russell Kenny, Deline
23 (INDISCERNIBLE).

24 MR. SCOTT DUKE: Scott Duke, legal
25 counsel for INAC.

1 MR. ARTHUR BOUTILIER: Arthur Boutilier,
2 (INDISCERNIBLE).

3 MR. KENNY SHAE: Kenny Shae, sound tech.

4 MR. ARON ELTON: Aron Elton, sound tech.

5 MS. DORA GRANDJAMBE: Dora Grandjambe,
6 interpreter.

7 MR. MICHAEL NEYELLE: Michael Neyelle,
8 interpreter.

9 MR. JOE GRANDJAMBE: Good morning. We're
10 the back-benchers in support of our leaders up here. My
11 name is Joe Grandjambe. I'm one of the directors for the
12 Yamoga Land Corporation.

13 MR. PAUL T'SELEIE: Paul T'seliei. I'm a
14 Yamoga Land Corporation director too.

15 MS. LUCY JACKSON: Lucy Jackson, Land
16 Corporation, from Fort Good Hope.

17 MS. ANDREA HRYNKIW: Andrea Hrynkiw,
18 Sahtu Renewable Resources Corp.

19 MR. PAUL LATOUR: Paul Latour,
20 Environment Canada, Canadian Wildlife Service.

21 MS. HEATHER SAYINE-CRAWFORD: Heather
22 Sayine-Crawford. (INDISCERNIBLE) in Sahtu for ENR.

23 UNIDENTIFIED SPEAKER: Good morning,
24 (INDISCERNIBLE) ENR, Sahtu, biologist.

25 MR. TREVOR SINCLAIR: Good morning. I'm

1 Trevor Sinclair, with the Department of Fisheries and
2 Oceans.

3 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)
4 Yellowknife.

5 MR. ANDY SHORT: Hi, I'm Andy Short, and
6 I'm the superintendent of ITI here in the Sahtu region.

7 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)
8 Land Corp. in the Sahtu region.

9 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)
10 with the Land Corporation.

11 UNIDENTIFIED SPEAKER: (INDISCERNIBLE).

12 UNIDENTIFIED SPEAKER: (INDISCERNIBLE)
13 Land Corp.

14 THE CHAIRPERSON: Thank you. So there
15 has been two (2) requests for -- for changes to the
16 agenda in the last few days. SSI requested an early
17 presentation on day 1, as their chair needs to leave
18 later during the day. We asked Deline's legal counsel if
19 Deline would mind switching with SSI as -- as the -- the
20 easiest way to accommodate this request. He agreed, and
21 this switch is reflected in your agenda already.

22 A second request was raised by Deline on
23 Friday afternoon to have communities present last.
24 Deline has since then retracted that request.

25 Finally, following each presentation the

1 agenda identifies time for questions and comments. This
2 -- it's the Board's intent to allow both questions and
3 comments following each presentation.

4 Are there any other further requests for
5 changes or clarifications on the agenda?

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON: If there isn't any,
10 then we have Ethel Blondin-Andrew who's going to do the
11 opening for the host community.

12

13 (BRIEF PAUSE)

14

15 OPENING COMMENTS BY HOST COMMUNITY - NORMAL WELLS:

16 MS. ETHEL BLONDIN-ANDREW: I just wanted
17 to let you know that the mayor, Dudley Johnson, couldn't
18 be here today, as well as Suze McCally (phonetic), who is
19 the president for the host land corporation. She's not
20 here today, and I know Roger is here in her stead.

21 I've been asked to make welcoming remarks.
22 It really should be Roger, because he's the one that did
23 all the work on the land on self-government. He's been
24 one (1) of their negotiators.

25 And I want to welcome everybody here from

1 the Sahtu region and from both levels of government, as
2 well as all the researchers and workers and legal counsel
3 that are present.

4 I also especially want to welcome any of
5 the Elders that are here. There are people that have
6 been working on this for a long, long time. I believe
7 it's over thirteen (13) years, I think, if I'm not
8 mistaken, and there's been a lot of work that has gone
9 into it. Of course there are people that are no longer
10 here that have worked very hard on this as well. So I
11 just want to welcome everyone to Norman Wells.

12 Welcome to our nice weather. It's typical
13 if you go spring hunting this -- this kind of weather
14 that, you know, you run in and out of the tent covered
15 with wetness and dry up and hug your ducks or whatever
16 you do.

17 Mahsi, thank you for coming. We welcome
18 you here.

19 THE CO-CHAIRPERSON: Hello, hello. This
20 is Danny Bayha. I'm co-chairing this -- this hearing.
21 I'm just going to be help -- helping Judith throughout
22 the -- the hearing to hopefully make things go a little
23 bit smoother here.

24 I'm just going to cover part of the
25 agenda, opening remarks. I'm going to cover -- called

1 procedural matters, and there's about five (5) or six (6)
2 bullet points that I need to go through just to clarify
3 to -- for everyone where we're at in terms of legal
4 issues that we have.

5 So the first one: When the Board
6 announced their rescheduling public hearing we invited
7 the parties to identify any comments that raised legal
8 objections to the scope of the Land Use Plan to state
9 their objections and provide written comments.

10 We received one (1) objection shared by
11 INAC and the GNWT. SSI has filed a reply. The objection
12 is about whether the government department or agencies
13 must follow the approved plan when it is performing
14 functions other than regulating land use and granting
15 interest in land. For example, Draft 3 contains actions
16 that set requirements for government to make wildlife
17 data accessible or to work with communities to identify
18 ways to partner in monitoring in enforcement activities.
19 Both government state that they cannot be bound by
20 actions.

21 In response, the Board would like to say
22 first that it appreciates the efforts made by all counsel
23 in preparing their written arguments. The submissions
24 received have been very helpful.

25 INAC and GNWT takes the position that

1 under the Mackenzie Valley Resource Management Act, the
2 department's agencies responsible to implement an
3 approved Land Use Plan need only to follow the Plan when
4 they are performing regulatory functions or granting land
5 interest. SSI agrees with this.

6 Draft 3 of the land -- of the Plan is
7 based on the opposite view. The departments and agencies
8 must carry out any of their functions relating to land
9 and water use in accordance with the Plan once it is
10 approved.

11 When the Board invite writ -- invited
12 written comments, written arguments, we had intended to
13 respond with our position on this question at this week's
14 hearing. However, recognizing all three (3) signatories
15 to the land claim disagree with the Board's current
16 interpretation of the Mackenzie Valley Resource
17 Management Act regarding actions, the Board has decided
18 to take time to review the written arguments and to
19 adjust this week's agenda accordingly.

20 When we discuss actions under Topic 2 on
21 day 3 we will explore options for dealing with actions,
22 other than treating them as mandatory. In addition to
23 discussing the main question posed in the hearing
24 package, the Board will respond to the written arguments
25 within a reasonable time after the hearing, with written

1 reasons.

2 Next: Let me inform you of the
3 understanding that the legal counsel who are taking part
4 in these hearings have reached regarding how legal issues
5 have come up during the hearing should be handled. We
6 want to focus on the content of the Land Use Plan in our
7 hearing, not on questions of law. All of us need to have
8 a clear idea of the legal boundaries that the Sahtu Land
9 Claim Agreement and the Mackenzie Valley Resource
10 Management Act lay down for the content of the Plan.

11 So if the law -- the lawyers present find
12 that they disagree about those boundaries, they will
13 identify the point of disagreement and state their
14 position. Beyond that, counsel will confer separately,
15 and after the hearing, to debate legal issues and look
16 for solutions. The agenda does not include time for
17 legal argument.

18 During the Board's pre-hearing conference
19 on April 18th, three (3) questions were raised for which
20 the Board was asked to respond. The Board made some
21 adjustments to its agenda in response to these questions,
22 and sent a written response to registered hearing
23 participants on Friday. Additional com -- copies of the
24 response are available from our staff, if you did not
25 receive it.

1 Also for your information, the Board
2 received one (1) written submission after April 21st
3 deadline that had been set for receipt of written
4 comments. Copies of SSI comments received on April 28th
5 are included in your hearing package. Unless anyone
6 objects, the Board will waive the deadline in that case.

7 And if there are any objections to this
8 Board accepting the -- the submissions?

9

10 (BRIEF PAUSE)

11

12 THE CO-CHAIRPERSON: I take that as a
13 nay, so we'll -- if there are no objections, then those
14 comments will be part of the hearing record. For anyone
15 who has not had a chance to read them, SSI can speak to
16 them during its presentation and question period.

17 The final matter of procedure is
18 timeliness. In your agenda, you will see time slots
19 given for each agenda item. The co-chairs will follow
20 the time lines closely. If you find that a co-chair is
21 telling you that you are out of time, and that the Board
22 has to give the floor to another speaker, please keep in
23 mind that we do this so that everyone have time to make
24 their comments and ask their questions. We have a full
25 agenda this week, and this is the only way that the Board

1 can be fair to everyone.

2 At this time, I would like to ask if
3 there's any questions on this -- procedural matters.

4

5 (BRIEF PAUSE)

6

7 THE CO-CHAIRPERSON: If not, I think we
8 can move on. Thank you.

9 So I'll just move onto the housekeeping
10 items. Again, it's just part of our procedure to keep
11 things running as smooth as possible for everyone.

12 This hearing forms part of the Board's
13 public record. It is audio recorded and transcribed as
14 we have seen this morning. We are trying to be as
15 efficient and -- as possible. To assist with accurate
16 transcriptions, please use the microphones. Again, state
17 your name for the record so we know who is talking.

18 This hearing is using simultaneous
19 translation. Michael Neyelle and Dora Grandjambe will be
20 translating for us. Please remember to speak slowly and
21 clearly and use plain language. Please regularly give
22 them a chance to catch up. If you are speaking too fast,
23 we will stop you to ensure all participants get an
24 accurate translation.

25 We have a very tight agenda, so we ask

1 everyone to show up on time every day.

2 Please take a moment now, please, to turn
3 off all your cellphones and satellite phones, if you
4 will.

5 Joanne or Debbie are -- are here as
6 facilitators for this hearing. During the presentations,
7 they will be jotting down key messages on the flip charts
8 to assist us in framing discussions for the second half
9 of the hearing. Thank you.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: We are all here because
14 we want to complete the Sahtu Land Use Plan. That is our
15 ultimate goal. It is the Board's intent to complete the
16 Plan this fiscal year.

17 The Sahtu Land Use Plan has been almost
18 fifteen (15) years in the making so far, but its history
19 begins long before that. The land use planning was first
20 started in northern Canada in the 1970s in response to
21 major resource development activities occurring at that
22 time. Key among these was the proposal for a Mackenzie
23 Valley pipeline. One (1) of the reasons expressed by
24 Justice Thomas Berger for the ten (10) year moratorium on
25 the pipeline was to allow for the completion of the land

1 use plans.

2 Negotiations between the Aboriginal
3 organizations, the federal and territorial governments on
4 the framework for a northern land use planning program
5 resulted in the basis of agreement on land use planning
6 in 1983. This document identified most of the guiding
7 principles of land use planning which we see reflected in
8 the Sahtu Dene and Metis comprehensive land claim
9 agreement.

10 The Aboriginal organizations worked for
11 decades to ensure that their land claim required the
12 development of a Land Use Plan in accordance with the
13 following key principles. The purpose of land use
14 planning is to protect and promote the existing and
15 future well-being of the residents and communities of the
16 settlement area, having regard to the interest of all
17 Canadians. Special attention shall be de -- devoted to
18 protecting and promoting the existing and future social,
19 cultural, and economic well-being of the participants,
20 lands used by participants for harvesting and other uses
21 of resources, and the rights of participants under this
22 agreement.

23 Water resource planning is an integral
24 part of land use planning. Land use planning shall
25 directly involve communities and designated Sahtu

1 organizations. And the Plan developed through the
2 Planning process shall provide the conservation
3 development and utilization of land resources and waters.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: These principles have
8 all been enshrined in the Mackenzie Valley Resource
9 Management Act, in one (1) form or another.

10 As we discuss the Sahtu Land Use Plan over
11 the next three (3) days, it is essential that we keep
12 these principles front and centre to keep us moving in
13 the right direction.

14 A key feature of land use planning is its
15 role in the integrated resource management system. Land
16 use plans act as the gatekeeper in the regulatory system.
17 They set the broad rules for development that all
18 activities must follow. In this way, land use plans
19 guide and direct all regulatory decisions made in
20 relation to the conservation, development, and use of
21 land, waters, and other resources.

22 This brings clarity and consistency to the
23 regulatory process and streamlines decisions by ensuring
24 they are -- they are made at the most efficient point in
25 the process. This benefits industry, regulators, and

1 communities. Since land use plans are driven by
2 community input and guide all later decisions, plans are
3 a key way of ensuring that the community voice is heard
4 and followed in the regulatory process.

5 Under the Sahtu land claim and the MVRMA,
6 land use plans must be implemented once the First Nation
7 and governments have approved them. They are mandatory.
8 The parties to the land claim agreed to this, and it is
9 the direction of parliament. It is not a Board decision.

10 Under the land claim, the implementing
11 bodies shall conduct their activities and operations in
12 accordance with the Plan. Under the MVRMA, they shall
13 carry out their powers in accordance with the Plan.

14 In some other places in Canada, land use
15 plans are advisory. Here in the Sahtu region, however,
16 it is the Board's responsibility to develop a Land Use
17 Plan that is binding. Can we look back to the history of
18 the -- the Sahtu land claim negotiations to understand
19 why? The negotiators did not consider an advisory role
20 for the Dene Metis on matters of land and water
21 management enough. Those of us who were involved,
22 remember that the Dene Metis asked for control. What was
23 agreed to was a right to co-management. In this way the
24 Dene Metis were recognized as partners in decisions
25 across the Sahtu settlement area on both Crown lands and

1 Sahtu settlement lands.

2 Following from the guiding principles of
3 northern land use planning and its intended role in the
4 regulatory process, the Board understands its mandate to
5 be a broad one. It is not enough for the Plan to only
6 establish zones of where development can and cannot
7 occur. Many community issues relate to how development
8 is carried out; not only where.

9 The Board's mandate is to develop a plan
10 that protects and promotes the social, cultural, and
11 economic well-being of residents and communities. Our
12 goal in developing the Sahtu Land Use Plan is to resolve
13 issues that have been raised in the Planning process for
14 the primary benefit of those most impacted by land use
15 decisions, the residents and communities, with the
16 implementation of the land claim and the MVRMA.

17 Many new institution and processes came
18 into being. As with the -- any new system, there will be
19 gaps and problems initially. The holistic mandate of
20 land use plans can help to bring these different
21 processes and organizations together so we can see where
22 the challenges lie overall and take steps to fix them.
23 No other organization has this perspective.

24 The Board also recognizes that an
25 important part of its mandate is to consider the

1 interests of all Canadians in developing the Plan. We do
2 this in several ways; by considering how the Plan might
3 affect the land uses that are considered in the national
4 interests, examples of these are the Mackenzie Valley
5 Pipeline and the establishment of Naats'ihch'oh. The
6 Plan provides for both of these uses.

7 By consulting broadly with all parties
8 whose interest may be affected by the Plan, such as
9 industry, outfitters, and environmental groups, by
10 ensuring that the Plan provides significant land access
11 for economic development that benefits all Canadians
12 through the revenues it generates, and by promoting the
13 well-being of communities, which is also in the national
14 interest.

15 The Sahtu Plan attempts to resolve the
16 land issues through different types of plan direction:
17 zoning, conform -- conformity requirements, actions, and
18 recommendations.

19 There has been considerable debate lately
20 about what topics are appropriate for a Land Use Plan and
21 how far the Plan should go in providing direction to
22 others. We provide this direction to help regulators and
23 others understand what the issues are and how to carry
24 out their work in a way that will contribute to community
25 well-being. It is not intended to take over the jobs of

1 others, but rather to guide others in carrying out their
2 respective functions.

3 While a process, or initiative, may
4 already exist, it can still benefit from further
5 direction arising out of the Planning process that brings
6 communities' values to the forefront. The intent is to
7 flag the issues and make progress so that in five (5)
8 years some of these issues might drop off the table.

9 It is in this spirit that Draft 3 was
10 written. Think back to all the previous drafts and how
11 far we have come. Some things, like the zoning, have
12 been remarkably consistent. The other components have
13 changed significantly throughout for the last four (4)
14 drafts, and continue to evolve as the Board looks for the
15 right balance between clarity, consistency, and
16 flexibility.

17 This hearing is a step towards a final
18 draft that all parties can agree on. That is why the
19 Board has asked you to focus your comments on what a
20 final draft plan should look like, rather than the
21 specific wording of Draft 3. If we can agree on that
22 intent, the final wording will come.

23 We have set up this public hearing to
24 bring all participants in this process together to
25 discuss the Sahtu Land Use Plan. Until now, you have

1 been giving us your individual comments. For the Plan to
2 be successful it must come from you collectively, with
3 each of you understanding one another's perspectives and
4 coming to an agreement on what is in the best interests
5 of everyone involved. We have designated this hearing to
6 foster that collaborative atmosphere and encourage
7 dialogue between all the different parties represented
8 here.

9 We will spend the next -- the first day
10 and a half giving everyone a chance to have their
11 individual say once more. Then we will bring to --
12 everyone together for general discussions on key elements
13 of the Plan to see what potential solutions may arise
14 when we all listen and speak to one another.

15 We are developing this Plan in uncertain
16 terms. We are in the midst of devolution and self-
17 government talks that have overshadowed many of our own
18 meetings recently. Planning is difficult enough without
19 trying to also figure out what will change with
20 devolution and self-government in the future.

21 The planning process was established based
22 on current institutions and authorities. While these may
23 change in the future, there is currently no direct impact
24 on the Land Use Plan from either of these processes. The
25 plan will be reviewed every five (5) years after it is

1 approved and can be amended at any time before then if
2 needed.

3 At such time as self-government or
4 devolution are nearing completion and we know how areas
5 of authority and jurisdiction will change, we can amend
6 the Plan at that point to recognize and align with those
7 changes. Until then, we can only plan with what we know.
8 Similarly, the Plan can only be implemented through
9 existing areas of jurisdiction.

10 As a closing thought I would like to leave
11 with you a quote from Steven Kennett (phonetic).

12 "Land use planning is an exercise of
13 social choice that recog -- requires us
14 to define a common vision, assume
15 responsibility for our actions, take
16 account of alternative values and
17 interests, think about the long term,
18 and make explicit choices now that will
19 have important implications for our
20 future and for the lives of our future
21 generations. Planning has the
22 potential to draw upon our capacity for
23 imagination, self-determination,
24 generosity, foresight, and purposive
25 action; it depend -- it demands the

1 best of us."

2 Thank you. So now I'd like to turn it
3 over to Heidi, who's going to go through a presentation
4 on the Plan.

5

6 PRESENTATION BY SAHTU LAND USE PLANNING BOARD:

7 MS. HEIDI WIEBE: Good morning.

8

9 (BRIEF PAUSE)

10

11 MS. HEIDI WIEBE: I'm going to keep this
12 brief. The purpose -- actually, before I start, everyone
13 knows I speak fast, especially when I'm nervous, so
14 please, if I go too fast, wave your arms violently and
15 I'll try to slow down.

16

17 The purpose of my presentation this
18 morning is to give a very brief refresher of Draft 3. It
19 has been nine (9) months or so since the Plan came out.
20 Basically everything in this presentation you've seen
21 before, during the consultations that we had on Draft 3.
22 I'm also going to touch very briefly at the end on the
23 input that we received through those consultations and
24 comments, which is on our record and available for you to
comment on during this hearing.

25

1 (BRIEF PAUSE)

2
3 MS. HEIDI WIEBE: Judith covered in her
4 opening comments a lot of the key messages that the Board
5 works under, such as our mandate, so I'm going to move on
6 to more specifics.

7 The Plan applies to all land and all
8 people. It doesn't matter whether it's Crown land,
9 commissioner's land, or settlement land: the Plan applies
10 equally. Similarly, it doesn't matter whether
11 development or land use is being proposed by a First
12 Nation or a resident of the region, whether it's being
13 proposed by a government, or a company from outside the
14 region. The Plan guides all development and all land
15 use.

16 The Plan is implemented through the
17 regulatory process through authorizations, and it applies
18 to any use of the land, water, or other resources that
19 require a licence, permit, or other authorization. Under
20 the MVRMA, the Mackenzie Valley Resource Management Act,
21 it does not apply to national parks, national historic
22 sites or monuments, or within community boundaries.
23 These areas are exempt from the Land Use Plan.

24 The Plan provides its direction through
25 three (3) different types of terms. The first we call

1 "conformity requirements." These are the rules for land
2 use. They contain zoning, which is the first conformity
3 requirement. This identifies what land uses can occur
4 where. It also includes a number of conditions for
5 development.

6 All of the conformity requirements are
7 mandatory; that is, they must be implemented. Under the
8 Mackenzie Valley Resource Management Act, all
9 applications -- or all activities must conform to the
10 Land Use Plan, and it is these conformity requirements
11 that set those rules.

12 We also have actions in Draft 3, and they
13 are activities that communities and government must do.
14 In Draft 3 they are described as mandatory, and this has
15 been one (1) of the key topics under which we have been
16 getting feedback lately. I will not speak further on
17 that.

18 We also have recommendations. These are
19 not mandatory. These are ideas and suggestions in -- for
20 ways to carry out land use that will help to promote and
21 protect the well-being of residents and communities, but
22 for which we know there is no mandatory way of requiring
23 that. We ask people to consider and, where possible,
24 implement recommendations.

25 Moving on to the zoning then, a quick

1 refresher. We have three (3) different -- or sorry, four
2 (4) main categories of zones.

3 The first are the general use zones.
4 They're the -- generally the grey or clear areas on our
5 mapping. These are areas that are intended to allow a
6 full variety of development and promote development.
7 They are the least restrictive zones that we have. The
8 only land use that is prohibited through the Land Use
9 Plan in these areas is bulk water removal, and that means
10 taking large volumes of water out of the region.

11 All activities in general use zones are
12 subject to existing laws and regulations, and anything
13 that comes to the existing regulatory process. In
14 addition, we have twelve (12) general conditions that all
15 new land uses would be expected to follow.

16 I'm not going to go through each of the
17 conformity requirements, but if you look in your hearing
18 package we have reproduced the wording of all of the
19 conformity requirements, actions, and recommendations for
20 you for your reference. But briefly, they cover topics
21 such as community engagement and traditional knowledge,
22 community benefits, protection of archaeological and
23 burial sites, water, wildlife, general environmental
24 impacts, climate change, incidental harvest of resources,
25 species introductions, ecologically significant areas,

1 and closure and reclamation.

2

3

(BRIEF PAUSE)

4

5 MS. HEIDI WIEBE: The next zone type is
6 special management zones. These are shown in yellow in
7 all of our zoning maps.

8 These are areas that still allow for
9 development, but they are areas where communities have
10 told us there are special values, and they want whatever
11 development happens in these areas to be carried out in a
12 way that will not harm or impact those values. And we do
13 that through two (2) new conditions or conformity
14 requirements.

15 The first requires that applicants assess
16 the impact of their activities to those values that we've
17 identified with communities, and minimize their impacts
18 to those values. The second is that they monitor the
19 impacts of their activities on those values.

20 And through these two (2) conformity
21 requirements the Board intends that there would be a
22 higher level of scrutiny on applications and activities
23 occurring in these areas. So development can proceed,
24 but it is intended to proceed a little more cautiously,
25 recognizing the importance of some of these areas.

1 The next category is conservation zones.
2 These are the most important areas that communities have
3 identified for us. These are areas where they've said
4 they are so important that development should not
5 proceed. These areas, therefore, restrict bulk water
6 removal, mining activities or mineral exploration
7 activities, oil and gas, forestry, power development, and
8 quarrying. So none of those activities are allowed in
9 conservation zones.

10 In these areas, existing laws, general
11 conditions, and the special management conditions all
12 apply in addition to the restrictions. And the reason
13 for that is it is expected that there are already
14 existing uses in some of these conservation zones, and
15 where these existing uses are continuing because they are
16 grandfathered, we would at least expect them to follow
17 the conditions of the special management zone, and the
18 other conditions in the Plan. So there are two (2) types
19 of protection in the conservation zones.

20 The fourth category are proposed
21 conservation initiatives. As far as the Plan is
22 concerned right now, they are very similar to
23 conservation zones in that we prohibit or restrict the
24 same activities. The difference is that these areas have
25 a different future before them. They are moving through

1 the protected area strategy, national park establishment,
2 or other vehicles to protect lands such as with the Canol
3 Trail and Dodo Canyon.

4 So for now they are treated the same as
5 conservation zones. But in the future, once they are
6 established, the Plan would apply very differently in
7 these areas because they would be managed as per their
8 legislation under these other processes.

9 As with most rules there are exceptions,
10 and I want to go through these. In conservation zones
11 and proposed conservation initiatives, I mentioned the
12 six (6) types of land use that are restricted. In
13 developing the Plan of -- there's always things that we
14 need to allow for.

15 So what is allowed in these zones?
16 Anything that we did not mention specifically. So the
17 Plan does not talk about tourism, as an example. So
18 there is no prohibition or restrictions on tourism in
19 conservation zones.

20 Existing uses. Any rights or uses that
21 were already occurring the day before the Plan is
22 approved will be allowed to continue. We call that
23 grandfathering. However, the way the Plan is written in
24 Draft 3, once those land uses are renewed, they would
25 still be allowed to continue but we would apply the other

1 conditions, so the protections for wildlife or water, for
2 example, to those renewals, so that we are bringing older
3 land uses into compliance with the Land Use Plan.

4 We allow for the progression of rights.
5 So that means if somebody has a mineral claim and they
6 want to take that to a mineral lease, it is a different
7 land use, but it's a continuation of the same right along
8 its natural progression. Similarly for oil and gas,
9 someone who has an exploration licence has the right to
10 continue their activities and take that to a significant
11 discovery licence or a production licence eventually. So
12 if they've already got a foot in the door with a right,
13 the Plan will allow for that natural continuation of
14 activities.

15 The Plan has provisions for access across
16 zones, and taking water and gravel for use in other
17 zones. And this is under CR 1, under the zoning. So
18 while we're trying to prohibit new land uses, we
19 recognize that if somebody's operating just outside the
20 zone and they need to go across that zone to get the
21 resources to market, they may need to build a road and
22 they may need access to water and gravel to build that
23 road.

24 And so this is one of the ways that the
25 Board is accommodating and trying to promote the

1 effective use of resources in the region. To do that
2 though, the applicant would have to demonstrate that
3 there's no other way besides going through that zone, and
4 that they're avoiding the significant areas that we've
5 identified with communities, and minimizing their
6 impacts.

7 We also allow anything required for
8 community infrastructure, or development, in a
9 conservation zone. Right now, the only community that's
10 right beside one (1) of these -- Colville Lake would be a
11 good example; Fort Good Hope, potentially.

12 Anything required for clean up and
13 remediation. So if there's a contaminated site, or if
14 industry has left behind, or -- or anybody using the
15 lands left behind things that they needed to go back and
16 clean up, the Plan does not block that in any way.
17 Anything required to deal with the emergencies.

18 And for clarity, nothing in the Plan was
19 meant to impact on Aboriginal harvesting rights as laid
20 out in the land claim.

21

22 (BRIEF PAUSE)

23

24 MS. HEIDI WIEBE: Judith, in her
25 comments, talked about the remarkable consistency of

1 zoning. What you hear -- see here is the continuation of
2 zoning since the first maps came out. The preliminary
3 draft came out in 2003, Draft 1 in February 2007. There
4 was some revisions for a discussion paper later that
5 summer, which was called Working Draft 2, followed by
6 Draft 2 a few years later. And on the far right, you see
7 Draft 3.

8 Now, the colours have changed, so don't --
9 don't focus too much on that, but if you look at the
10 overall shapes and areas, you can see, especially on the
11 conservation zones, the similarity: Great Bear Lake
12 watershed, the Saoyu-Ehdacho Ehdana (phonetic), the
13 Ramparts, the three (3) tongues of Shuhtagot'ine Nene:
14 the Keele, Mountain and Red -- sorry, Redstone rivers;
15 all the lakes -- the -- the large lakes up in the
16 Colville uplands area; Naats'ihch'oh, White Fish River,
17 Great Bear and Mackenzie Rivers.

18 If you look on the bottom right, you can
19 see the changes in the conservation of the different zone
20 types, and you'll see that conservation zones have had
21 remarkable consistency over the course of eight (8)
22 years. The major changes have been in the categories of
23 special management zones, and general use zones, and
24 that's also reflected a change in how those zones are
25 used and defined.

1 (BRIEF PAUSE)

2

3 MS. HEIDI WIEBE: So getting to Draft 3,
4 which was spread out last July. You've all spent nine
5 (9) months looking at this map, and thinking about it, so
6 I'm not going to say a whole lot about it now, other than
7 to point out, I guess, the percentages. Everyone likes
8 numbers.

9 So in Draft 3, we're sitting at around 31
10 percent general use, 41 1/2 percent for special
11 management zones, 4 1/2 percent of conservation zones; so
12 these are the areas that the Board is solely responsible
13 for. The proposed conservation initiatives, 20 1/2
14 percent; and these are areas that are going through other
15 initiatives of which the communities, the federal and
16 territorial governments all partner.

17 We also have roughly 2 1/2 percent of land
18 in the Sahtu that are in existing national parks and
19 historic sites. So that's Tuktu Nogait National Park,
20 and Saoyu-Ehdacho national historic site.

21 As you know, there have been significant
22 meetings since Draft 3 that has lead to requests for
23 changes in the zoning. Those are, in part, what lead to
24 the Board making the decision to postpone this hearings
25 since last November, to allow for these changes to come

1 through.

2 Many of you have been involved in the
3 discussions and the meetings on these changes. I do want
4 to make clear right now that all of these are still
5 requested changes. The Board doesn't make its final
6 decisions until after the hearing so that we could give
7 everyone the opportunity to final -- to give final
8 comment on these proposed changes.

9 So let's start with Naats'ihch'oh in the
10 bottom corner. There's actually two (2) maps. This
11 inset map represents the Tulita district's input into the
12 process. There is a map shown at our January meeting by
13 Parks Canada about where the boundaries are potentially
14 going for that park.

15 Parks Canada's process is separate than
16 ours. However, the Tulita district picked this up and
17 said, Yeah, that's what we want. So we've always shown
18 that as their input in our process as well. However, at
19 the January meeting, as we looked to the future of
20 completing this plan and the timelines for Parks Canada
21 completing their process, our timelines are very close
22 and we need to find a way to allow us to finish the Plan
23 without waiting for Parks Canada to finish their process.

24 And the proposal that has been put forward
25 is that we take the existing land withdrawal boundary,

1 which is what you see there, plus the O'Grady Lake
2 extension, which is new area that's been put forward in
3 their final stages. And as far as the Planning Board is
4 concerned, somewhere in that area there will be a
5 national park because park establishment has to be guided
6 by the Land Use Plan; we have to be consistent.

7 The Tulita district has been given us
8 input that any areas left out of that area should be
9 given an automatic default zoning of special management.
10 So that gives us a solution that we can put in the Land
11 Use Plan in the future without having to wait for those
12 final boundaries and without having to amend the Plan
13 right away. So that's the two (2) inputs on
14 Naats'ihch'oh.

15 Shuhtagot'ine Nene has undergone
16 significant changes. It used to be the three (3) tongues
17 of the rivers. It is now these two (2) areas together,
18 and that was a result of a lot of hard work by the
19 various organizations in Tulita and their Elders to
20 identify their final input of what they wanted this area
21 to look like.

22 They had also asked that instead of being
23 a proposed conservation initiative, that it be turned
24 into a conservation zone so that its primary protection
25 comes through the Land Use Plan.

1 The round parts, there have been no
2 changes there right now, but it is undergoing its
3 discussions through the Canadian Wildlife Service and the
4 protected area strategy with the community at the moment.
5 And based on the meeting last week, we expect in the next
6 three (3) months there might be a final boundary proposal
7 for that area.

8 We are looking for the same solutions
9 there as we have for Naats'ihch'oh. How can we identify
10 in advance how to zone any areas that might be left out,
11 as well as it currently includes four (4) settlement land
12 parcels that cannot be part of that final national
13 wildlife area.

14 So we've spoken to the community about
15 that and we're hoping to get some feedback from Fort Good
16 Hope during this hearing on how those areas would be
17 mapped in the Land Use Plan. So that's one (1) of our
18 outstanding questions to be resolved yet.

19 There were a few other conservation zones
20 that were added during the Tulita discussions that I
21 forgot to talk about. So when SGN, or K'asho Got'ine,
22 changed from that large area, the direction was
23 everything else would be special management but there
24 were two (2) or three (3) small areas that were
25 previously covered that they felt should still have their

1 own separate protection.

2 So Palmer Lake, Cache Lake, and Mirage
3 Mountain (phonetic) were added as part of that process.
4 You'll also remember that previously the mountain river
5 was protected; it was a concer -- or, sorry, proposed
6 conservation initiative. It still exists on the K'asho
7 Got'ine side of the district boundary. It no longer
8 exists on the Tulita district.

9 Because the Planning Board is a regional
10 organization, we felt it's important to maintain some
11 form of transboundary continuity between the districts.

12 So at this point, we've asked
13 (INDISCERNIBLE) to identify a separate special management
14 zone in the Tulita district that would allow continuity
15 across the border into the -- the K'asho Got'ine district
16 area. It doesn't change the direction of the community
17 to have special management, but it allows cross border
18 continuity.

19 There were a number of changes initially
20 proposed for the Mackenzie River Valley area by the
21 Tulita District. Following the discussions internally
22 with their Elders, that was all reverted back to the
23 Draft 3 zoning, with a few exceptions.

24 The first exception is that the area
25 within the Norman Wells block land transfer should all be

1 change Edaiila from a pro -- proposed conservation
2 initiative to a conservation zone, and that was a result
3 of their not being picked up by the Canadian Wildlife
4 Service for a national wildlife area last year, so
5 they've asked for the area to be protected through the
6 Land Use Plan instead.

7 There was also a request to merge Neregah,
8 which is the north shore heritage zone on the north shore
9 of Great Bear Lake, with the larger Great Bear Lake
10 watershed special management zone, but to still ensure
11 that there is a higher level of protection and
12 enforcement for the archaeological and cultural sites in
13 that area.

14 With all of these changes, the most
15 significant being SGN and Edaiila, there are some changes
16 to numbers, and I know everybody always wants to know
17 this.

18 If these changes were proposed and
19 accepted by the Board, conservation zones would change to
20 10.8 percent; proposed conservation initiatives would
21 change to 8.3 percent so a major drop there; special
22 management zones would increase to 47.5 percent; and
23 general use zones would remain basically consistent, 30.6
24 percent.

25

1 (BRIEF PAUSE)

2

3 MS. HEIDI WIEBE: I know we're all in
4 need of a break, so I'm going to wrap this up really
5 quick.

6

7 (BRIEF PAUSE)

8

9 MS. HEIDI WIEBE: I know we're all in
10 need of a break, so I'm going to wrap this up really
11 quick.

12 Key activities and inputs since Draft 3.
13 As you know, the hearing was initially held -- or called
14 for November with the request for a postponement.

15 We spent most of our time working on the
16 top issues, and that is working through the zoning
17 changes with the Tulita district, raising our questions
18 with the K'asho Got'ine District on how to zone their
19 settlement lands, and dealing with primarily the question
20 of how we deal with actions in the Plan, and inviting all
21 of that input and dialogue.

22 We've taken advantage of every opportunity
23 to try to meet with various parties in our process to
24 discuss comments, and get a better understanding so that
25 the Board has an idea of where it will take plan

1 revisions. So, all of our meetings have been in this
2 regard, and as per our process, you can find summary
3 notes of everything we've discussed with anybody on our
4 web site, for your information.

5

6 (BRIEF PAUSE)

7

8 MS. HEIDI WIEBE: This is a -- basically
9 a highlight slide. As we're coming to prepare for the
10 hearing, what are some of the key messages that we've
11 heard from people, what are the -- the key areas that
12 we've been focussing on, that -- that we are focussing
13 on.

14 First and foremost has been the -- the
15 comments that the Plan should not contain mandatory
16 actions. Many people have commented on the conform
17 requirements, looking for additional clarity, pointing
18 out implementation issues.

19 So the Board wants you to know that we
20 have heard what you are saying, and that's why it's such
21 a major focus of our hearing this week.

22 The need for clear implementation
23 processes that do not significantly increase the
24 regulatory burden or time lines. I think we all need to
25 recognize that once the Plan comes into being, it will

1 change things.

2 It is a new piece in the regulatory system
3 that was always intended to be there, so to say that it
4 will change nothing would raise the question of why are
5 we doing this. But we do want to make sure that we're
6 not adding to the regulatory burden, and that the Plan
7 will help to streamline the process.

8 We heard from many people that, with the
9 conformity requirements, they agree with the intent.
10 They agree with what the Board is trying to do; we just
11 need to do some more work on the wording.

12 We heard from many parties that they --
13 they like the concept of the Sahtu working group that the
14 Board has proposed, and a number of organizations have
15 indicated that they cannot self-fund participation
16 though, and that is an issue the Board will have to look
17 at.

18 We've heard from communities especially
19 that we need -- that they would like to see the Plan
20 strengthened around their core issues, such as
21 traditional knowledge, community engagement, the
22 protection of water and wildlife, enforcement in
23 monitoring, and Fort Good Hope has spoken at length about
24 the need to include the group trapping area in the Plan
25 itself, not the backhand report.

1 We've also heard from a number of parties
2 that the Land and Water Boards are working on a series of
3 guidelines and policies, and there's an expectation that
4 the Plan will be consistent with these, and reference
5 these once they're completed.

6 In the interest of time, I think I'm going
7 to skip this slide for now, as we -- we've had a great
8 amount of discussion in pre-hearing conferences and
9 others about the point of this hearing.

10 When I finish our presentation, if there
11 are any questions I would certainly speak to that. When
12 we get to the discussion topics, I will also introduce
13 those with the Board as there will be plenty of other
14 times to talk about this.

15 Okay. End -- end point here. As you all
16 know, the Plan must be approved by SSI, the GNWT, and
17 INAC. Yes, you like that.

18 The Board's role is essentially neutral.
19 We are here to facilitate the discussions between these
20 three (3) parties, and all of the other participants in
21 this process, and we are here to get agreement amongst
22 those three (3) approving parties.

23 We, of course, want to make sure that what
24 is in the Plan is clear and can be implemented as we have
25 part of that function later on. But if we can get the

1 three (3) parties and other participants to agree, that
2 is our job.

3 As Judith mentioned in her opening
4 comments, the Plan has legal effect under the Mackenzie
5 Valley Resource Management Act and the land claim
6 agreement; that is how it was designed and that is what
7 people signed on to with the land claim agreement.

8 Once the Plan is approved we monitor
9 implementation; that is the Board's job. It is primarily
10 implemented through regulators, governments, the district
11 land corporations on their lands. The Board's job is to
12 monitor all of that and make sure that it is being
13 implemented appropriately, but the power and authority
14 for implementation rests with others.

15 The Board will only check whether an
16 application conforms with the Land Use Plan if it is
17 referred to the Board; that is what the legislation does.

18 And, finally, under the Act and under the
19 Plan, the Board has the ability to grant exceptions; this
20 is an important part of the Plan's flexibility. If we
21 run into a situation with an application where -- whether
22 it's to do with grandfathering existing use or a
23 situation the Plan did not contemplate, we have the
24 ability to grant exceptions and to waive some of the
25 conditions of the Plan.

1 The Plan will be reviewed every five (5)
2 years and, if necessary, updated at that time. It can
3 also be amended at any time before five (5) years if a
4 significant issue arises, a new land use, the community
5 is wanting to change the zoning.

6 Both the five (5) year review and any
7 amendment at any other time go through the same approval
8 process as the Plan itself, so SSI, GNWT, and INAC must
9 agree to any changes. And that concludes the
10 presentation. I hope everyone's caught up.

11 THE CHAIRPERSON: So we'll have a fifteen
12 (15) minute break now, and then have Ethel do her
13 presentation.

14

15 --- Upon recessing at 10:50 a.m.

16 --- Upon resuming at 11:11 a.m.

17

18 MS. RUBY MACDONALD: Hi.

19 THE CO-CHAIRPERSON: Go ahead.

20 MS. RUBY MACDONALD: Is it on?

21 THE CO-CHAIRPERSON: Yes, it is --

22 MS. RUBY MACDONALD: Okay.

23 THE CO-CHAIRPERSON: -- Ruby.

24 MS. RUBY MACDONALD: Ruby MacDonald from
25 the Norman Wells Land Corporation. Heidi, in her

1 presentation, talked about a Sahtu working group.

2 I would just like to ask her what a Sahtu
3 working group would consist of? You know, government,
4 oil and gas people, or what?

5 MS. HEIDI WIEBE: Thanks, Ruby. Yeah, in
6 Draft 3 of the Plan we had a preliminary list, but
7 essentially it's meant to be a collaborative group with
8 representation from all the participants in the Planning
9 process in a small form. So you'd have INAC, GNWT, the
10 communities represented or the districts, SSI, industry,
11 environmental groups. So basically all of the key
12 representatives.

13 Ideally, I think we'd need to keep the
14 group between twelve (12) and twenty (20) people, so --
15 but that level of detail has not yet been finalized.
16 Thanks.

17 THE CO-CHAIRPERSON: Thank you, Heidi,
18 and Ruby. If -- if there's no other questions, we would
19 now like to move onto the SSI's presentation on the Sahtu
20 land use planning. Thank you. Okay. Thank you.

21
22 PRESENTATION BY SSI:

23 MS. ETHEL BLONDIN-ANDREW: Thank you.
24 Thank you very much, Mr. Co-Chair. I would like to start
25 off by taking the opportunity to thank the Board for

1 accommodating the change in the agenda.

2 I also would like to introduce the SSI
3 board of directors. Peter Menacho is here from Deline,
4 the vice-chair of SSI. Ruby MacDonald is actually the
5 representative for Norman Wells. She's here as well.
6 Joe Grandjambe from Fort Good Hope. Joseph Kochon. And
7 I know we have some representatives from the Fort Norman
8 Metis and Tulita District, but the actual reps are not
9 here. The alternates are here. I think Lori-Ann and
10 Diane are from Fort Norman Metis. And it might be Doug
11 Yallee -- is it Doug Yallee that would be Tulita Land
12 Corporation? Doug Yallee. So I want to thank them for
13 being here.

14 Also, as you well know, this file has
15 quite a long history, as -- as was indicated by both --
16 well, specifically by Judith, the Chair of the Sahtu Land
17 Use Planning Board. And I don't need to go into any of
18 that, but there's a lot of complicated legal issues, so
19 we have retained a legal representative. This is John
20 Donihee, who works -- has been working with us, and also
21 we have Pat Duxbury. He's our consultant researcher who
22 makes sure that we aren't giving you a line; that things
23 are verified, and are correct and factual.

24 So those are the people that we have here.
25 If I've missed anyone, I am sorry. I also wanted to say

1 to our partners that we work with all the time, the
2 Chiefs and the Grand Chief Frank Andrew, and the Chiefs
3 from the communities. We share a common interest in the
4 land and what happens on it, and how the stewardship of
5 the land and conservation issues are dealt with, so we
6 want to welcome them here. We also have the different
7 levels of government, (INDISCERNIBLE) federal government,
8 so we welcome them here as well. We are partners in
9 trying to get to a certain point with the Land Use Plan.

10 We have a slide presentation. In -- in
11 the -- as you can see, just the main issues. On slide 1
12 we have the presentation summary, and then we're going to
13 go on to -- this is what -- how we're going to do it.
14 We're going to do the -- go back, please, Patrick, sorry.
15 Introduction of SSI and it's role with the Plan, main SSI
16 objectives in review of Draft 3, and review of key SSI
17 comments on Draft 3, general comments, and dealing
18 specifically with the conformity requirements and the
19 mandatory actions.

20 These are two (2) issues that have come
21 forward. They're technical. I'm not as -- sorry, I've
22 got to slow down. I'm not as -- you think you're fast
23 Heidi, I spent eighteen (18) years talking and trying to
24 get everything into two (2) minutes, so. But what I'd
25 like to do is just say that these are fairly technical

1 and legal issues.

2 If you go to the next slide, you'll see
3 that Sahtu secretary at the incorporated is -- represents
4 -- well, represents the regional voice of the
5 participants in the Sahtu Land Claim Agreement. There is
6 a very direct relationship between the land corporation
7 and SSI as the corporation presidents sit as the --
8 usually sit as directors. In some cases, it's someone
9 appointed by the president in their stead.

10 This helps to ensure that SSI acts in
11 coordination with the districts and communities. SSI
12 along with that of the government of the Northwest
13 Territories and government of Canada must approve the
14 Sahtu Land Use Plan in order to bring the Plan into
15 effect. The responsibility requires that SSI very
16 carefully examine the Plan, and it's implications for the
17 future of the Sahtu.

18 And this is where I like to make my
19 appeal. In order to move forward -- and it's been a
20 long-time coming, been a lot of work that has gone into
21 this -- I appeal to the two (2) levels of government,
22 both the GNWT and the federal government to engage and
23 commit to moving forward and to working on reconciling
24 and bringing together the Plan that will see that it's
25 finalized and approved. So I really want to stress that.

1 It may not be on the same page with regards to
2 everything, but these are things that can be mediated and
3 reconciled, I believe.

4 I told someone from one (1) of the
5 governments yesterday, Take a position. They said, We
6 have taken a position and we are defending that position.
7 What I meant was please agree with us. I -- I had,
8 aside, stated that.

9 The SSI's objectives, of course, is the
10 SSI review of the Plan considered a number of important
11 factors. The plan was reviewed from a legal and
12 jurisdictional perspective to ensure consistency with
13 existing laws, particularly the Sahtu Land Claim and the
14 Mackenzie Valley Resource Management Act.

15 We examined the Plan to ensure that it
16 won't adversely affect the rights and interests of Sahtu
17 beneficiaries. The review also focussed on the need for
18 the Plan to be effectively implemented within the
19 existing regulatory system in the Mackenzie Valley. SSI
20 wants to ensure the Plan's conformity requirements and
21 actions are both feasible and provide clear guidance to
22 parties proposing activities on the land. As a result,
23 much of the SSI review address the language and intent of
24 the CRs or the conformity requirements and actions.

25 Then we want to go into the -- we want to

1 review the SSI comments on Draft 3. That's just a
2 transition slide. The review -- we're going to review
3 the limitations. While the SSI's review was broad, it
4 wasn't intended to cover all aspects of the Plan. Our
5 review was not addre -- has not addressed matters that
6 are the responsibility of the district land corporations.

7 SSI has left discussion of the land use
8 classification system, specific values to be protected or
9 considered in zones, and the overall allocation of lands
10 to the various (INDISCERNIBLE).

11 Is it okay? I can talk over anything, I
12 raised three (3) kids. (INDISCERNIBLE).

13

14 (BRIEF PAUSE)

15

16 MS. ETHEL BLONDIN-ANDREW: All right.
17 We're on slide 9. SSI wants to emphasize its support of
18 the zoning change initiatives brought forward by the
19 Deline District Land Corporation, the Tulita District
20 Land Corporation, the Norman Wells Land Corporation, and
21 the K'asho Got'ine District Land Corporation. We look
22 forward to hearing from these parties about these
23 matters.

24 The -- number 1, establishing an enhanced
25 role for the Planning Board. The SSI believes that the

1 Planning Board is best suited -- the best-suited agency
2 for implementing the Plan as it has developed the
3 necessary knowledge, experience, and relationships with
4 communities and others to do the job.

5 For the first five (5) years following the
6 Plan's approval, the SSI would like to have the Board be
7 responsible for conformity determination and plan
8 implementation. The Board should also assume a general
9 coordination role in ensuring that the Plan's actions are
10 implemented. There has to be sort of a place to go to,
11 the go-to organization. I'm not saying that other people
12 don't feed into that or have a relationship with that but
13 that's generally the sentiment.

14 Number 2, the types of authorizations
15 subject to the Plan. The SSI suggests that the list of
16 authorizations, subject to the Plan, as listed in Table
17 11. You'll see Table 11 in your information. In your
18 docket you'll see a list of authorizations; I'm not going
19 to go into them in detail. Do we have that -- do we have
20 that? Yeah, there it is. That's the list there, but
21 we're not going to go into that. When we had our meeting
22 in Good Hope we went through this line by line but I'm
23 not going to go through that.

24 The -- the -- they need to be examine --
25 re-examined and scaled back. We say this because we

1 stress the Plan needs to be practical in order to be
2 feasible to implement. Only those licences, permits, or
3 authorizations related to the use of land or water or the
4 deposit of waste are subject to the Plan.

5 We need to focus the Plan's application to
6 those authorizations -- what is that? It sounds like a
7 loud bee. Sorry. We -- we nee -- oh for God's sake. We
8 need to focus -- if I hear babies crying that's it, I'm
9 leaving. We need to focus the Plan's application to
10 those authorizations where land and water -- answer your
11 phone Arthur. We need to focus the Plan's application to
12 those authorizations where land and water can be affected
13 in a potentially significant way. It sounds just like my
14 house actually.

15 There are also opportunities to simplify
16 the conformity determination to make the Plan easier to
17 implement. Agencies authorizing dispositions to the land
18 should be mainly concerned with ensuring that the
19 proposed activities conform to the Plan's zoning, as you
20 saw, Heidi went through all of the zoning issues, not in
21 detail but well enough for -- to be understood, should
22 proposed activities be allowed or not allowed in the
23 speci -- specific zone in question. Beyond the question
24 of zoning, the other conformity requirement should be
25 addressed through the environmental authorizations which

1 timing issues. On this slide we believe that there are a
2 number of CRs -- as you all know meaning "conformity
3 requirements" -- where timing of the conformity
4 determination may not work well within the existing time
5 frames that regulators are using for their processes.

6 For example, as currently written, some of
7 the CRs cannot be addressed until the end of a
8 preliminary screening or an environmental assessment.
9 The Board should review a number of these CRs from the
10 timing perspective to ensure that the conformity
11 determination occurs early and in a way that supports and
12 does not conflict with the regulatory process. So
13 there's those issues to work out.

14 This is kind of technical for me -- I'm
15 not a lawyer or not a technician. I just like to talk.
16 But this is an exercise in discipline for me, you know.
17 I might just break out into a joke or something.

18 So these are -- these are some of the
19 things that have to be worked on. Slide 15 -- am I on
20 slide 15? Yes. The community engagement and traditional
21 knowledge issue is a very important one. If you talk to
22 anyone outside of the legal and political, as well as the
23 technical realm -- anybody, including the Elders and the
24 community people, will tell you how important this is.
25 And it's become the thinking of the day, too. It's part

1 of doing business well. It's part of the business
2 culture to think that those have to be integrated.

3 The SSI strongly supports the intent of
4 the Plan to encourage applicants to engage with
5 communities and to consider traditional knowledge when
6 planning and carrying out their developments. However --
7 and -- and it's been evident in years past, especially
8 the last number of years, that they take it upon
9 themselves to do that. But it also helps when the
10 regulatory boards, like the Sahtu Land and Water Board,
11 have encouraged them to do that; that if they're going to
12 do development, they undertake a -- a TK study.

13 The wording of this CR needs to emphasize
14 that it is the applicant's duty to meet the requirements
15 instead of the regulator's. There are also timing issues
16 about knowing with the CR should be satisfied. It may be
17 difficult to judge how this CR can be addressed to the
18 satisfaction of all concerns. The wording is subjective.
19 For this reason, the SSI suggests that the Planning
20 Board, along with others, work toward the development of
21 objective standards for satisfactory community engagement
22 and implementation of traditional knowledge, so that it
23 works for everybody, it just doesn't work for one (1)
24 group and one (1) size fits all. It's -- it would be --
25 it would be, I guess, a fair and more practical process

1 that way.

2 Commun -- then we go on to community
3 benefits as part of Conformity Requirement 3. The SSI is
4 very supportive of those land use activities that provide
5 tangible benefits to Sahtu communities.

6 However, as written, the SSI anticipates
7 there could be problems with the implementation of these
8 -- this CR as it is written. The notion of what a
9 community benefit is is subjective. It's different for
10 each community. What one (1) party may consider a
11 benefit, others might not. This could potentially lead
12 to disputes. Furthermore, many regulators have limited
13 authority to impose socio-economic measures for the
14 licences and permits that they issue.

15 We suggest that the Planning Board consul
16 -- consider alt -- alternative means of achieving the
17 intent of the CR. One (1) suggestion we offer is that of
18 a public-interest test or community-support test.
19 Benefits outweigh costs is an example to consider.

20 Somebody's dogging me out there, and I'm
21 not even running for anything.

22 CR 5, Water -- Watershed Management. The
23 Board should clarify how this CR will apply to general-
24 use zones upstream of conservation zones, special
25 management zones, or proposed conservation initiatives.

1 We had quite an expensive discussion in
2 order to -- to put this material together, and it's
3 interesting. This needs to be addressed in any plan
4 revisions because the application of the CR has
5 significant geographic scope. SSI is concerned about how
6 the proposed non-degradation approach can be practically
7 implemented. The current draft does not elaborate the
8 potential effect of this policy on what we understand to
9 be typical development activities.

10 I'm reading it and I've been over it a
11 number of times, and even I have trouble trying to figure
12 out what that means, but never mind. I'm -- I shouldn't
13 say that. I do actually understand it. I wouldn't leave
14 John alone until I did actually understand it.

15 But I think that's something that we need
16 to really work on and really -- is this where I am? Oh,
17 the non-degradation approach -- sorry, I just kind of
18 lost myself in my -- I said I'm more of a talker than a
19 reader.

20 Also, depending on what agencies are
21 responsible for implementing the Plan, the CR could be
22 interpreted by agencies with no experience in water
23 management matters. The SSI would prefer to see a CR
24 based on a policy framework that focusses on source
25 control of pollutants and the management of waste into

1 water. And there are existing -- there are existing
2 models, existing methods that could do that based on
3 science. And I think that's something that really needs
4 to be seriously considered.

5 Then we go on to slide 18 on Conformity
6 Requirement number 6 dealing with drinking water. The C
7 -- the SSI suggests that the Planning Board give
8 consideration to the term "contamination" in the CR
9 because, as it stands now, the term is quite subjective
10 and open for interpretation. Everybody thinks they know
11 what it is until you're tested and you have to prove it
12 and you have to validate it. This could potentially lead
13 to problems in or during the Plan-implementation stage.

14 We also suggest that language of the CR be
15 carefully reviewed to avoid interfering with the work of
16 the Sahtu Land and Water Board and its authority to
17 establish limits for the lawful deposit of waste into
18 water.

19 As you probably know, that it galls
20 everyone to think that there's pollution in our water,
21 but mu -- much of the water that's used in different
22 places are, I guess you could say, "recycled." If you go
23 to any city or any place, even in the communities, a lot
24 of the water is recycled and people don't even know that.
25 And I don't think it's well advertised, actually. There

1 might be a reason for that as well, but that's something
2 to consider.

3 This could -- during -- we suggest that
4 the language of the CR be carefully reviewed to avoid
5 interfering with the work of the Board, and for them to
6 be able to carry out establishing the limits for the
7 lawful deposit of wa -- waste into water.

8 Slide 19 -- we're dealing with incidental
9 harvest on that CR number 10. While SSI strongly
10 supports the intent of the CR, the CR is one that we have
11 identified as being potentially problematic to implement.
12 SSI proposes that the CR be reworded to encourage
13 commitments from applicants to share surplus or
14 incidental harvests. This is one (1) of the CRs whose
15 implementation would be greatly enhanced by the
16 development of a policy statement or protocol that would
17 guide applicants.

18 CR number 13. This CR, particularly part
19 1, would likely affect -- on reclamation would likely
20 affect the Sahtu Land and Water Board's authority to
21 establish policies regarding reclamation security. And,
22 as such, SSI questions the benefit of retaining part 1.

23 The SSI agrees with the ins -- intent --
24 second part of this -- with the intent of the second part
25 of this CR, however, we have concerns about the timing

1 when a determination of conformity could take place. The
2 wording should be revised to focus on securing
3 commitments from applicants to oblige them to reclaim the
4 land in an acceptable manner consistent with the values
5 espoused in the Plan.

6 On slide 21 we go into assessment and
7 mitigation. We are unsure how this conformity
8 requirement provides any improvement over the existing
9 environmental impact assessment process set out in the
10 Mackenzie Valley Resource Management Act. SSI is of the
11 opinion that the Mackenzie Valley Res -- Review Board and
12 the Sahtu Land and Water Board are the best agencies to
13 assess environmental impacts of development. The Plan
14 would be very -- the Plan would be a very useful tool in
15 assisting those agencies because it clearly identifies
16 the values that need to be considered during these
17 assessments.

18 In addition, the wording of the CR
19 suggests a potential problem of timing. The SSI's
20 preference is that conformity with the Plan should be
21 established; should be ideally es -- should ideally be
22 established at the earliest stages of the regulatory
23 review.

24 Slide 22, CR 15 on monitoring. SSI
25 suggests that some wording changes are necessary to make

1 this CR easier to implement. The CR should clearly state
2 that applicants proposing land-use activities in the
3 special management zones, conservation zones and --
4 what's this one, the PCI -- proposed conservation
5 initiatives -- I don't know all the acronyms, so.
6 Proposed conservation initiatives zone -- zone should
7 provide site-specific monitoring plans with their
8 applications. Implementation of the CR would also
9 benefit from the development of guidance on what should
10 be included in monitoring plans.

11 And then we get to slide 23. Slide 23 is
12 SSI is concerned that real commitments to Plan
13 implementation be made by all parties, especially by
14 approving governments. And I -- I want to emphasize how
15 important I think that is. It's going to take a bit of
16 engagement -- well, a lot of engagement and innovation
17 for us to get to that point. I think the file has -- has
18 been going on for a long time as -- as our Chair has
19 indicated, the Chair of the Land Use Planning Board, and
20 I think everybody is eager to see -- see it to come to
21 some fruition and to finalize it and to approve it.

22 But we know that we have some work to do
23 to engage with the GNWT as well as -- as INAC to get
24 there. Our reasons are different, I imagine, and our --
25 our approach varies, but what I think we really need is

1 we need this Land Use Plan. It's long overdue, and it
2 can't be left out there languishing like a lot of the
3 other implementation issues that are out there.

4 So, I appeal to our partners there.
5 Regardless of the legal authority of the Planning Board
6 to impose mandatory actions, the biggest issue is that
7 the work required to fully implement the Plan needs to be
8 undertaken in an earnest and effective way. SSI is
9 willing to work with others to see the Plan implemented.
10 There may be several ways to achieve this, including
11 possibly an implementation contract, and that would be a
12 whole other discussion for another day.

13 And then I'd like to just thank you and
14 conclude our -- our presentation and just say that we've
15 had an opportunity as a Board to work with John, and
16 we've learned a lot and we know that this is a really
17 important step. And I -- I'm just really impressed with
18 the Hearing. I think it's a really good thing. I think
19 it's brought the whole region together. It's brought all
20 parties concerned here, and I think the Board is to be
21 commended on that.

22 So, thank you very much. Mahsi cho.

23 THE CHAIRPERSON: Thank you, Ethel. So
24 we're going to open it now for questions. If anyone has
25 questions for -- for the SSI presentation we'll take the

1 questions now or comments. First, we'd like to invite
2 the Board, if there is any questions from the Board.

3

4 QUESTION PERIOD:

5 MR. BOB OVERVOLD: Patrick, could you put
6 the thing back up and go to "Authorizations".

7

8 (BRIEF PAUSE)

9

10 MR. BOB OVERVOLD: No. No, your earlier
11 slide, yeah. Yeah, that's the one.

12 My name is Bob Overvold, I'm a Board
13 member. What the Board wants to do is have presenters
14 clarify any questions we may have and -- and we're most
15 likely going to have questions primarily for the three
16 (3) approving parties. That's INAC, the GNWT and SSI,
17 who, under the Act, have the authority to approve the
18 Plan once it's finally submitted to you.

19 So to help us in dealing with issues we --
20 we would like to clarify some questions. The question I
21 have here and I don't want to turn this into a technical
22 thing, nor does Ethel I think, but I think generally what
23 I'm -- read is you're trying to lim -- limit or
24 suggesting that we limit the authorizations and that they
25 be limited to section 46(1) of the -- the Act.

1 Our question is why did you not deal with
2 section 41 of the Act, which deals with the scope of the
3 Plan to conservation, development, and use of land, water
4 and other resources? I think generally during our
5 consultations, particularly with communities, communities
6 wanted a broader scope not a smaller scope for
7 authorizations. So I just -- I guess the right question
8 is: Did you look at section 41 which deals with the
9 scope of the Plan of authorizations?

10

11 (BRIEF PAUSE)

12

13 MS. ETHEL BLONDIN-ANDREW: I'm glad that
14 you didn't want to get technical, Bob. I'm glad that you
15 didn't want to get technical. Now what was that
16 question? No, I'm joking.

17 From what I am being -- from the
18 discussion we had on this, 41 deals with what's in the
19 Plan, right? It's what's in there. And 40 -- 46(1)
20 deals with the implementation aspects, how you implemate
21 -- implement, and that's why we focussed on that. We
22 focussed on implantation.

23 MR. BOB OVERVOLD: And a follow-up
24 question to this area. Will SSI commit to identifying
25 which authorization in the Board's list are

1 administrative in nature and do not relate in any way to
2 granting the right to an interest in land or authorize
3 the conservation, development, or use of land, waters, or
4 other resources? So as a follow-up we -- we'd like more
5 clarification from you and identify these things.

6 MS. ETHEL BLONDIN-ANDREW: We'll
7 certainly undertake to do that. We'll undertake to -- to
8 provide more clarification. Thank you.

9

10 --- UNDERTAKING NO. 1: For SSI to provide more
11 clarification re: identifying
12 which authorization in the
13 Board's list are
14 administrative in nature and
15 do not relate in any way to
16 granting the right to an
17 interest in land or authorize
18 the conservation,
19 development, or use of land,
20 waters, or other resources

21

22 MR. BOB OVERVOLD: I've got a --

23 MS. ETHEL BLONDIN-ANDREW: Or you're --

24 MR. BOB OVERVOLD: -- a coup --

25 MS. ETHEL BLONDIN-ANDREW: -- you're

1 thanking me.

2 MR. BOB OVERVOLD: Well, we'll -- we'll
3 see after I finish my questions.

4 MS. ETHEL BLONDIN-ANDREW: That's good.

5 MR. BOB OVERVOLD: But as I said, I will
6 be gentle, Ethel.

7 On CR 5, your position there, Patrick, the
8 CCME non-deleg -- degradation stuff, I guess what I'm
9 reading is that you have some issues with the way we
10 approach it. And I think the question I have is, again,
11 during our community consultations we have been told over
12 and over at the communities that water is the most
13 important resource.

14 They look to the Land Use Plan to ensure
15 that whatever development occurs, that water is
16 protected. So the non-degradation policy speaks to that.
17 SSI has recommended source control and management of
18 waste, instead of non-degradation. My -- my question is,
19 Are you suggesting the application of specific standards,
20 and if so, which ones? Can you recommend some wording to
21 achieve community goals?

22 And the last part is important, because we
23 try to encourage planning partners if they have a problem
24 with the way we've worded something to help us, and, if
25 they can, even provide alternative wording or a different

1 way of doing it. While the Board will make its own
2 decision, sometime -- quite often it's helpful if you can
3 provide us some wording.

4

5 (BRIEF PAUSE)

6

7 MS. ETHEL BLONDIN-ANDREW: I'm so busy
8 commiserating here, if there's such a word, trying to
9 figure out what -- what you're asking, and what I'm
10 thinking, and what I'm going to say at the same time.
11 I'm getting a little bit befuddled, but never mind.
12 Could you just repeat that last part? Sorry. And on the
13 first part, I can answer. Are we suggesting standards?
14 We are.

15 MR. BOB OVERVOLD: And are -- are you
16 suggesting the application of specific standards --

17 MS. ETHEL BLONDIN-ANDREW: Yes.

18 MR. BOB OVERVOLD: -- and if so, what --
19 what -- could you help us out there?

20 MS. ETHEL BLONDIN-ANDREW: Well, one (1)
21 in particular is to guidelines for the protection of
22 aquatic life under the, I think it's the CCME, under the
23 CCME. There's standards there because you can -- it can
24 be stated anything that we want, but it won't make any
25 difference until there's actually something that can be

1 enforced and something that can measured.

2 And so a standard related to the
3 guidelines for the protection of aquatic life is -- is
4 one (1), and then the quality of water. There are a
5 range of standards based on science in -- under the CCME
6 that -- that are generally used and accepted. Widely
7 used and accepted. Is that okay?

8 MR. BOB OVERVOLD: Yes.

9 MS. ETHEL BLONDIN-ANDREW: Maybe.

10 MR. BOB OVERVOLD: Well, no, that's fine.

11 MS. ETHEL BLONDIN-ANDREW: Yeah.

12 MR. BOB OVERVOLD: Just if we -- if you
13 have others, we'd appreciate --

14 MS. ETHEL BLONDIN-ANDREW: Okay, well, if
15 you need to be furnished with more, we can probably do
16 that, but I couldn't just give that to you off -- off the
17 top of my head.

18 MR. BOB OVERVOLD: Yeah, that's fine.

19 MS. ETHEL BLONDIN-ANDREW: Okay. Thanks.

20 MR. BOB OVERVOLD: And I have one (1)
21 final question, and it's in regard to CR 13. The
22 position SI -- SSI has taken is that -- that the CR
23 appears to fetter the discretion of the regulator to
24 establish and implement its own policy regarding
25 reclamation securities.

1 So this is when a developer is going to do
2 something on the land, the need for him to put up some
3 money to clean up after everything is done. Last year we
4 had a discussion with the Sahtu Land and Water Board on
5 this issue, and I think people are familiar with it, that
6 that board like -- unlike other land and water boards,
7 have not asked for security deposits from developers, and
8 they could speak to as to why they do that.

9 But what we heard in the communities is
10 that if somebody is going to do work on the land -- the
11 mining company comes in -- then people want to make sure
12 that, at the end of the day, things are cleaned up. And,
13 therefore, its clean-up or reclamation security deposit
14 should be placed. Who holds it, I think can be figured
15 out, but, in the first instance, it needs to be placed.

16 Now, the fact that you take the position
17 that this may fetter the role of another regulator -- and
18 I'm assuming you're talking about the Sahtu Land and
19 Water Board -- well, that's -- you know, that may be the
20 case or may not be. So, my question is: What is SSI
21 position on the need for security reclamation deposits?

22 MS. ETHEL BLONDIN-ANDREW: Well, Bob, we
23 go back a ways on security bonding, like, to the diamond
24 mines, when we first did that. That wasn't an easy thing
25 to accomplish either, but in this instance I think there

1 are times when there should be security bonding. But I
2 guess the question is: Who takes that responsibility?

3 You're saying that the Land and Water
4 Board doesn't exercise that, and what is SSI's position.
5 We haven't had a detailed discussion, but the amount of
6 concern and the amount of -- the relationship that the
7 SSI, land corporations or SSI representatives on behalf
8 of their communities and districts have -- about their
9 land and about the environment, it -- it would speak
10 broadly -- and to have controlled development, that I --
11 I would have well imagined that SSI would favour having a
12 security bond.

13 Now, the fact that the regulatory board
14 doesn't exercise it is another whole question. But
15 that's not something that we discussed. We had a meeting
16 in Good Hope and we -- I'm -- I apologize, but we did not
17 discuss that in particular. Now, if you ask me my
18 opinion, I favour it, but I'm not SSI. I'm just the
19 Chair.

20 So, I would assume if we went and asked
21 all the Board of Directors of SSI what their -- and what
22 their land corporations, from the discussions I've heard
23 on different land issues including litigation we've been
24 involved in, I would imagine that everybody would favour
25 that. And why the Land and Water Board has chosen not to

1 exercise that is something that I don't fully understand
2 and appreciate, I imagine.

3 MR. BOB OVERVOLD: Thank you, Ethel.

4 MS. ETHEL BLONDIN-ANDREW: Uh-huh.

5 MR. BOB OVERVOLD: I -- I'd just like to
6 close with a comment, and maybe other Board members will
7 have questions. The comment is to underscore our Chair's
8 opening remarks where she talked about the importance of
9 getting the Land Use Plan done.

10 As almost everyone in this room knows, the
11 need for a -- a Land Use Plan was identified in the Sahtu
12 Dene Metis Comprehensive Claim. And, in fact, as Judith
13 pointed out, it had been discussed well before that --
14 the need for land use planning. And in the negotiations
15 in both of the previous Dene Metis Land Claim and then
16 the Sahtu, the Sahtu Dene Metis insisted on a mandatory
17 Land Use Plan as opposed to voluntary land use plans that
18 you see across Canada: some in Alberta, some in BC. Land
19 use plans that don't really have any teeth.

20 And what I was hearing, and I think other
21 Board members were hearing in communities, is that the
22 Land Use Plan needs to have some teeth, and that's why I
23 asked the question about authorizations. Because what we
24 were hearing is the need -- it needs to apply to as many
25 athoriz -- authorizations that the regulators have as

1 much. And so that's why my question on why are you
2 trying to limit the authorizations that the Land Use Plan
3 would apply to.

4 You know, an -- and that goes to the
5 issues of conformity requirements, actions, and
6 recommendations. Because again, communities were saying
7 that the Plan has to have some teeth. Otherwise, you
8 know, it'll just be a voluntary thing, and in our view,
9 the conformity requirements give it some teeth.

10 And what we have is governments and SSI
11 suggesting that perhaps some of the teeth should be
12 removed, and, you know, that even the actions shouldn't
13 be mandatory. A lot of the actions were developed to try
14 to address issues put forth by community representatives
15 and organizations.

16 Now, at the end of the day, we will deal
17 with the mandatory issue, but in my view actions need to
18 have a higher level. They may be -- may -- may not be
19 mandatory, but certainly need to be -- have more teeth
20 than just a recommendation.

21 So, you know, and we will ask similar
22 questions when government make presentations like that,
23 but generally my comment is the Board was trying to get
24 what we thought was the main thing coming from
25 communities was that the Plan needs to have real teeth to

1 be implemented. Thank you.

2 MS. ETHEL BLONDIN-ANDREW: If I might. I
3 would like to think that our position from SSI is not
4 inconsistent with that, that we want there to be -- that
5 the sentiments and the wants of the communities be met
6 because that's who we represent.

7 In order to make it possible for those
8 actions and authorizations to work, they have to be
9 clear. If it's not clear, then they will not be
10 workable. They will not be manageable, I don't believe.
11 So we had a long discussion about this, and I imagine
12 that there is more discussion, but please don't mistake
13 our need for clarity as a means of watering down or
14 removing the teeth of those authorities.

15 That's not what -- what is intended.
16 Perhaps we could have better stated, but we really -- we
17 really want to express that there is a need for clarity.
18 Things have to be -- we need to know what we're talking
19 about if we're going to be able to actually manage it and
20 move ahead and -- and enforce things, so that's where
21 we're coming from.

22 MR. BOB OVERVOLD: I'll give the mic back
23 to the Chair in a moment, and that's good, but, you know,
24 nonetheless you have recommended that -- that some CRs be
25 removed, and I'm talking about CR 14 in particular, that

1 goes to special management zones.

2 And our view on special management zones
3 is that communities, when we did the zoning exercise,
4 expressed different values. And by that I mean different
5 things that might be places where woodland caribou go,
6 moose habitat goes, and while they weren't going to be
7 conservation zones they didn't want them to be just
8 general use zones. And so we identified them as special
9 management.

10 So it meant that there had to be
11 additional protections put in to protect those values,
12 like woodland caribou lakes or whatever. And so if you
13 remove a CR for special management zones, then it
14 essentially makes it just like a general use zone.

15 So I -- you know, I -- I'm hoping we could
16 sort that out because what we're hearing pretty loud is
17 that while development could occur in special management
18 zones, they needed -- it needed to happen with additional
19 protect -- protection mechanisms in there, and our way of
20 doing that was by providing through CRs there, I think 14
21 and 15.

22 MS. ETHEL BLONDIN-ANDREW: Yes. Excuse
23 me. Under CR 14, it's our understanding from the
24 discussion, we've had quite a long detailed discussion,
25 that the MVEIRB and the Land and Water Boards already

1 provide for that. They already do that. So it's not too
2 -- I guess it would be duplicative. We would be -- I
3 don't know, I -- maybe John could provide a bit of
4 context for this.

5 MR. JOHN DONIHUE: Thanks, Ethel. The
6 point is simply that if you want to have assessment and
7 mitigation and/or monitoring done in these special areas,
8 any time that those values come into play as a result of
9 an application for a licence or a permit, the MVRMA is
10 going to require, at a minimum, a preliminary screening.
11 And the other agencies are already going to take care of
12 assessment, impose mitigation measures, and potentially
13 monitoring if it's required.

14 If the values in these areas are
15 important, there will be public concern or there could be
16 the potential for significant environmental impact and
17 the application will -- could potentially end up in
18 environmental assessment.

19 So, when we looked at these suggestions in
20 the Plan or these CRs in the Plan, it simply appeared to
21 us that these were going to happen anyway, every time.
22 And that the Plan wasn't adding anything by including
23 these as mandatory CRs. So, that's the analysis that
24 underlies what SSI said to the Board.

25 THE CO-CHAIRPERSON: Thanks again, Mr.

1 Donihee.

2 I think rather than getting into this
3 further, I think this will mean more work needs to be
4 done to clarify the positions. But I -- I'd just like to
5 give the que -- the mic to Paul Dixon, Executive Director
6 for the Water Board, and he may have some more questions
7 or comments to help us further through this -- this
8 issue. Thank you.

9

10 (BRIEF PAUSE)

11

12 MR. PAUL DIXON: Okay. So basically what
13 we're looking at is developing sort of clear and
14 consistent assessments of security deposits up and down
15 the Valley. We have changed our -- our tune in terms of
16 security deposit collection and the recent MGM drilling
17 rig that was here just outside of Tulita, we collected a
18 hundred and fifty thousand dollars (\$150,000) in
19 securities from them for environmental cleanup should
20 that exist.

21 They're also licensed through NEB and have
22 securities there for spills. So that -- that hundred and
23 fifty was specific for re -- reclamation and -- and
24 remediation should it be needed.

25 So we have collected security deposits now

1 within the Sahtu Land and Water Board family, but we
2 would like to have consistent approaches. I -- I don't
3 actually believe that an imposition of the fifty thousand
4 dollar (\$50,000), you know, minimum -- or I mean the
5 limit and -- would -- would affect our process too much.
6 And that might even provide some consistency within the -
7 - the Mackenzie Valley Land and Water Board family, but
8 that's up for discussion between you guys.

9 MR. CO-CHAIRPERSON: Thank you, Mr.
10 Dixon, from the Sahtu Land and Water Board. Now I --
11 just another follow-up question, Paul. Can you just
12 clarify when those policies that you're working on might
13 be adopted by the Water Board?

14 Thank you.

15 MR. PAUL DIXON: I can't actually give a
16 clear date on that. We have a number of policies that
17 we're working on and this is just one (1) of them, so no
18 clear definition of date yet, sorry.

19 THE CO-CHAIRPERSON: Thank you. Now
20 there's some hands up for questions, and we're still
21 working on our staff.

22 Heidi, you had a question?

23 MS. HEIDI WIEBE: Thanks. I think the
24 first just might be a -- a follow-up question on -- on CR
25 14 and special management zones.

1 I -- I think what maybe John and -- and
2 Ethel were getting to is that on every application, yes,
3 there is a preliminary screening and, potentially, an
4 environmental assessment required. And those processes
5 require, you know, general mitigation of -- of impacts.

6 What the special management zones are
7 intended to do, through all the work we've done with
8 communities, is identify the specific values within those
9 zones and, in some cases, the locations of those values
10 where we've got that documented, and provide that
11 information into the existing regulatory process.

12 As we've said, the Plan is implemented
13 through that existing regulatory process. CR 14 and 15,
14 as worded, are just linking the contents of the Plan to
15 those special management zones, as defined in the Plan,
16 and to that existing regulatory process.

17 So is this just a matter of rewording CR
18 14 to make that linkage clear, or is this in some way
19 trying to say, We don't want special management zones?

20 That would be my first question.

21 MS. ETHEL BLONDIN-ANDREW: Please don't
22 entertain that thought, because it's the furthest thing
23 from the truth that we would try to disallow special
24 manage -- management zones.

25 I see the full value of special manage --

1 management zones. I see them, not only for our area, but
2 I've seen them over in the Yukon and other places, and I
3 know what their value is. So that's not the intent at
4 all.

5 Perhaps it's seeking more clarification as
6 you indicated, but certainly nothing sinister like trying
7 to get rid of special management zones.

8 MS. HEIDI WIEBE: I guess, if -- if it's
9 just a matter of rewording, then, as Bob suggested
10 earlier, help us out by suggesting wording that makes
11 sense to you. In most of the CRs that we have, SSI has
12 identified a number of implementation wording issues, so
13 you clearly have a sense of what wording would work for
14 you. We don't have that sense yet.

15 So as a follow-up then, I would like to
16 invite SSI to put forward wording, especially for CR 14
17 and 15, because they are one-third (1/3) of our Land Use
18 Plan that -- that accomplishes what, I think we both
19 agree, it needs to accomplish.

20 So can I ask that SSI would provide us
21 something back on that?

22 MS. ETHEL BLONDIN-ANDREW: We generally
23 commiserate with legal counsel, and I think that John
24 would be best suited to provide a response to this.

25 MR. JOHN DONIHEE: This is John Donihee.

1 I do want to remind you that in the initial submission
2 made by SSI on the end of March, we didn't raise
3 questions about what the differences between general use
4 zones and special management zones really were, because
5 it appears that the -- the only real difference is the
6 application of CRs 14 and 15.

7 And it -- it appeared to us, as we
8 explained just a moment ago, that what essentially is
9 being proposed in -- in CR 14 and 15 are things that are
10 already being done by the regulatory system or by the
11 environment impact assessment system whi -- which is set
12 up by the MVRMA.

13 So I -- I think that question is still out
14 there for the Board to think about. You know, if there
15 really is something -- if there are values that require
16 identification in this, the special management zones, it
17 -- I'll just observe, I guess, that it -- it seems to me
18 that you've hit a fairly low threshold in terms of
19 actually protecting them with those CRs.

20 And that, as I understand the way the --
21 you know, the permitting and -- and screening process
22 works, I can't imagine that any regulator would not look
23 at the Land Use Plan. I mean, they're obliged to, in any
24 event, to make sure that what they're about to approve,
25 or might approve, is in conformity.

1 So they're going to look at the Plan, and
2 when there are special management zones they're most
3 certainly going to look at the backup information,
4 identify the values that you're talking about, and
5 consider them when they conduct their assessment, and
6 when they consider what kinds of mitigation measures
7 should be applied to the area -- or pardon me, to the
8 permit or licence that they're going to issue.

9 So again, with that explanation, it just
10 seems that it's -- that there are important things in
11 those areas, and that they are going to be identified and
12 considered when permits and licences are issued.

13 And again, you know, if -- I -- I just --
14 the language of the -- we can look at the language of the
15 CRs, and we're happy to try and provide you with some
16 comments on how to achieve what we understand you're
17 trying to do. But -- well, I'll just leave it at that.
18 We'll do that for you.

19 MS. HEIDI WIEBE: Thanks. We're
20 basically trying to implement community direction that
21 says, These are special areas, and we expect, you know,
22 basically a higher level of -- of scrutiny on projects.
23 So that's what the assessment, and mitigation, and
24 monitoring is all about.

25 We do have a similar other CR in the Plan

1 right now. It's CR 16, which applies only in the Great
2 Bear Lake watershed special management zone.

3 And I -- I'm not necessarily expecting or
4 looking for an answer on this right now, but one (1) of
5 the things we have to straighten out before a final draft
6 is -- well, we have to harmonize those two (2).

7 Right now we've got two (2) separate CRs
8 doing very similar things, but if maybe looking at CR 16
9 if SSI has fewer issues with the wording of CR 16, maybe
10 that becomes the model to push over to CR 14, and the
11 rest of the areas.

12 I do have one (1) more follow-up question.
13 It's more administrative in nature, and that is: We
14 received two (2) submissions from SSI. I just want to
15 have you clarify the relationship between those two (2)
16 submissions. They are, in many ways, substantially the
17 same but new things were added, so how is the Board to
18 read those two (2) submissions?

19 Does the second replace the first, or does
20 it build on and add to and, therefore, the Board is
21 expected to consider both submissions? If you could
22 provide us some clarification, that'd be great.

23 MR. JOHN DONIHEE: It's John Donihee
24 again. The first submission was made March 31st; the
25 second one about the 26th or 27th of April.

1 The introduction to the second one
2 indicated that SSI had considered the questions that were
3 put out in the March 25th Board package. As it turned
4 out, March -- on March 25th the SSI Board was meeting in
5 Fort Good Hope and approving the -- the initial
6 submission, even though it was dated a little bit later.

7 So we -- we missed the opportunity to
8 respond to the Board's questions in the March 25th
9 package, but did so in the April submission. And between
10 the time of the -- the first submission and the second
11 one, we had a teleconference with Board staff and
12 counsel, which was quite helpful, and as a result of that
13 there were some adjustments and some changes made to what
14 SSI had submitted.

15 So the -- for the Board's purposes, we
16 called it a hearing submission. It was the basis for the
17 Power Point in -- in Ethel's presentation, but from the
18 standpoint of the -- the Planning Board, if it -- it --
19 it can use the second of those submissions as the current
20 overall position for SSI. And that's probably the only
21 one you need to look at.

22 MS. ETHEL BLONDIN-ANDREW: Hi. I just
23 wanted to add, on CR16 we accepted that. We didn't make
24 any comments, didn't have any objections, nothing, so
25 that's our position.

1 MR. CO-CHAIRPERSON: Thank you. Now the
2 rest of the Board members, if there's any other
3 questions, I know I have a hand up for a question from
4 the parties.

5 Tom, from SSI, you had a question?

6 MR. TOM NESBITT: I'm working with the
7 Deline Land Corporation.

8 MR. CO-CHAIRPERSON: I'm -- I'm sorry, I
9 apologize for that, that's for Deline Land Corporation.

10 MR. TOM NESBITT: Okay, musical mics. So
11 I'm Tom Nesbitt, I work with the Deline Land Corporation,
12 as well as the RRC and the First Nation.

13 Basically, the Land Corporation -- I'll --
14 I'll just use the words "Land Corporation" to -- to refer
15 to all three (3) so we don't have to keep constantly
16 referring to those same three (3) words.

17 The Land Corporation sees a way through
18 this stuff. We think that these apparent differences can
19 be reconciled. That's our general approach to this
20 thing. We're supportive of -- of the Draft 3 Land Use
21 Plan in large measure. We think now it's a matter of
22 simply refining a few things.

23 That said, in terms of the authorizations
24 which Bob 'O' raised, we will adjust that in our
25 submission. We support that wider view of the

1 interpretation of the Act but legal counsel has already
2 begun discussing a way through this and we will be
3 suggesting to you a wider interpretation plus an
4 exclusion list as you sometimes find in environmental
5 assessment regulations, so a wide interpretation and a
6 bunch of activities which the parties can agree should
7 not be subject to the Land Use Plan. We'll come to that
8 later.

9 On the matter of assessment and mitigation
10 or security. Where is that one? That's number 13,
11 security. We don't address this in our submissions so
12 I'd like to just say a couple of words now. This is
13 about requiring security when certain developments go
14 ahead.

15 The first issue as I understand it here
16 that SSI raises is that this may -- what is called
17 fettering the discretion of the Land and Water Board. We
18 think as a legal -- as a legal question that that is
19 exactly what the Land Use Plan can do. So we don't -- I
20 don't -- I don't see a problem with the fettering -- the
21 so-called fettering the discretion of the Land and Water
22 Board. To us the matter is an issue of policy not of
23 law. And the Deline Land Corporation has already
24 suggested its support for a requirement for security in
25 its submission to the Board of September 30th. So we

1 support the Board on that one.

2 And in terms of the monitoring, we -- we
3 don't address this in our submission today so I'll again
4 just speak to that briefly now.

5 We support SSI in its request that there
6 be a site-specific monitoring plan with applications.
7 We've already done that in the Great Bear Lake Management
8 Plan, but let's just underline that, our support for that
9 at the present time. So again, I think there's a way
10 through this stuff. We can come to a reconciliation of
11 these different points of view and we can approve this
12 plan in the near future.

13 Thank you very much.

14 MR. CO-CHAIRPERSON: Thank you, Tom. Now
15 we -- we had -- I skipped over my -- one (1) of my staff,
16 he had a question and I apologize for that. And now I'd
17 just like to turn over the mic to him; he had some
18 questions for the SSI presentation. Thank you.

19 MR. DICK SPAULDING: Thank you, Mr.
20 Chair. I have a quick point of clarification about the
21 intent of the Plan in response to the SSI presentation
22 about whether there are any CRs that would require
23 conformity to be determined after an authorization is
24 issued. So I'd like to make that point first.

25 Secondly, there's been what I -- seems to

1 me a very constructive exchange about -- sorry -- about
2 options for dealing with security deposits, and I have a
3 question for SSI that I think Ethel may have intended to
4 answer, but I think it's important that I ask it, because
5 as John Donihee mentioned, there is a fair bit of
6 material that SSI has also supplied the Board in addition
7 to the presentation today, and I think we want to come
8 away with as much clarity as possible. So that the -- my
9 second point I am asking for a response on.

10 And the third one is I guess more in the
11 nature of a comment about Conformity Requirement 14, and
12 the concern about duplication, or perhaps not adding
13 anything to the system, which was raised by SSI.

14 Is there a different way I could hold
15 this?

16 (BRIEF PAUSE)

17
18 MR. DICK SPAULDING: Number one, point of
19 clarification about the issue of when conformity
20 determinations should take place. All of the conformity
21 requirements in Draft 3 are intended to...

22
23 (BRIEF PAUSE)

24
25 MR. DICK SPAULDING: All right. Can

1 everybody hear me now? And is the transcript taking this
2 in? All right, thank you.

3 All of the conformity requirements in
4 Draft 3 are written so that there can be a determination
5 of conformity before an authorization is issued.

6 So to take, for example, one (1) of the
7 requirements that was mentioned in the SSI submission
8 which concerns the distribution of leftover timber, for
9 example the distribution of -- of incidental harvest of
10 various kinds, the idea of Draft 3 is that the permit
11 that authorizes timber to be cut would include a
12 condition that waste wood must be distributed, if
13 feasible, to the communities.

14 So the determiner of conformity would know
15 before the authorization is issued whether there is going
16 to be conformity because there will be a condition built
17 into the authorization. That's just an example and a
18 point of explanation.

19 The second point goes back to the security
20 deposits question. Am I coming across all right sound
21 wise?

22 At the end of the day, it seems to me we
23 want to come away with a clear sense of whether SSI is --
24 is saying that the Plan simply gives too much direction
25 to the Water Board on this issue, or whether the Plan

1 cannot give any direction to the Land and Water Board
2 when the Board is considering whether or not to post a
3 security dep -- to require the posting of a sec -- of a
4 security deposit.

5 So, Ethel, in fairness, I think that is a
6 legal question, and -- and if you'd prefer to refer that
7 to John, that would be fine for the Board, I'm sure.

8 MS. ETHEL BLONDIN-ANDREW: You made three
9 (3) points, right? You have three (3) questions?

10 MR. DICK SPAULDING: Yes, I did --

11 MS. ETHEL BLONDIN-ANDREW: Yeah.

12 MR. DICK SPAULDING: -- but I was only
13 seeking a response to the second of the two (2) that I've
14 dealt with.

15 If you'd like to respond also to the
16 first, I -- I wasn't intending --

17 MS. ETHEL BLONDIN-ANDREW: No, I --

18 MR. DICK SPAULDING: -- to foreclose on--

19 MS. ETHEL BLONDIN-ANDREW: -- I think
20 John should handle it. There was something I was going
21 to say but I got so interested in what you were saying I
22 forgot myself. Hang on.

23

24

(BRIEF PAUSE)

25

1 MR. JOHN DONIHEE: This is John Donihee
2 speaking on behalf of SSI. Perhaps just in -- in
3 relation to your comment about the incidental harvest, CR
4 10, I think we listed some others, 7(2). It -- it's very
5 possible this is just a wording problem, but -- and --
6 but, it seems to us, on reading -- it seemed to us on
7 reading CR 10 that what it says, of course, is that these
8 resources shall be distributed whenever reasonably
9 feasible.

10 And, you -- you know, how do you know when
11 you're approving the permit that these things are going
12 to be distributed? And, you know, the -- the point is
13 not just, I suppose, what goes into the permit or the
14 licence, but to try to make sure it happens.

15 And -- and that was -- I think Ethel
16 pointed out earlier, that SSI reading of all of these
17 conformity requirements, was -- was driven by sort of a
18 pragmatic, you know, practical approach of trying to make
19 sure that when you read it, you were really clear that
20 what the communities and district land corporations told
21 the Board they wanted to see happen. When you read that
22 CR, you knew it would happen. And so, my -- my comment
23 to yours, I guess, on CR 10 is just it's probably a
24 wording -- more of a wording issue.

25 The second point I think you raised was

1 about closure and reclamation. And, I mean, the -- the
2 concern that we have -- the SSI submission is sort of
3 layered, and one (1) of the things that Ethel pointed out
4 the Board was fairly clear in supporting was that we felt
5 that the -- in the first planning cycle, the Board should
6 do the conformity requirements -- not do the -- sorry, do
7 the conformity determination.

8 And the concern that we have is, you know,
9 if you're talking about an activity on the land that
10 requires several permits different -- from different
11 agencies, it's quite possible you'll have agencies that
12 don't know much about closure and reclamation trying to
13 determine whether an operation that's going to take place
14 is going to conform with that particular CR.

15 That problem is solved if the conformity
16 determination is done by the Board, or the Board has a
17 direct hand in it, because that guidance, that
18 understanding, is there and -- and others can benefit
19 from that knowledge.

20 So that's the first point. I guess the
21 second point I would make is just that, you know, the
22 Land and Water Board are, as -- as Paul Dixon pointed
23 out, are already developing under their authority, under
24 the MVRMA, guidelines and policies -- these are legally -
25 - they're -- they're statutorily sanctioned policies --

1 for closure and reclamation.

2 And I'm not going to predict how long it
3 might take before we have an approved plan, but even with
4 an optimistic timeline, I'd like to suggest that it's
5 quite possible that that framework that the Land and
6 Water Boards are putting together is going to be in place
7 before the Plan is approved.

8 So, we look at CR 13 and -- and say, you
9 know, there's a framework there and, you know, it's
10 considered every time -- even now, I mean, I know what
11 happens in the other regions. I confess to not being
12 quite so familiar with the Sahtu Board - Land and Water
13 Board - but every single time they get a land use
14 application or a water licence application, they go
15 through the security analysis.

16 And, so, we were concerned that these are
17 the people who have the expertise, and we wanted to see
18 the job done right which means have the people with the
19 expertise do the job.

20 I hope that addresses your second point,
21 Dick.

22 MR. DICK SPAULDING: I wonder if I could
23 just ask a follow-up question to make sure.

24 I -- I think I take what you're saying as
25 being that SSI agrees that the Plan may direct the Land

1 and Water Board regarding the issuance of security
2 deposits. But there are some considerations, such as
3 current work that's been do in -- that's -- that's being
4 done on policies and guidelines that SSI would like the
5 Board to take into account when it revises the Plan after
6 this hearing to address the security deposit issue.

7 Is that a fair summary?

8 MR. JOHN DONIHEE: This is John Donihee
9 again. Yes, and -- and just to be clear, I -- I don't
10 disagree with what Tom Nesbitt said about the Board's
11 authority through a conformity requirement, an app -- an
12 approved Plan to actually direct or control.

13 We probably shouldn't have used the word,
14 "fetter," but -- but nevertheless, the Board -- you know,
15 the Board can do that, and I also would -- would just
16 follow on by saying, as Tom pointed out, there's a policy
17 question there, and I think what we're discussing right
18 now is the policy issue.

19 MR. DICK SPAULDING: Thank you, Mr.
20 Chair.

21 My third comment concerns conformity
22 requirement 14, which is one (1) of the two (2)
23 requirements that, essentially, defines the difference
24 between a special management zone, and a general use
25 zone.

1 And this is a -- I think it's probably
2 simplest and most fair if I -- if I frame this as a
3 comment, but I am inviting a response.

4 And I guess the comment is that when it is
5 said that this requirement doesn't add anything to the
6 system, or that it duplicates the system, that may
7 perhaps not do justice to what the requirement states in
8 the Plan.

9 And it may be fair equally, or perhaps
10 better, to say that this requirement does compliment the
11 system, and does add something to the system, and then it
12 becomes a question for everyone here to -- to ask, Well,
13 does it add enough, or does it add just the right amount.

14 And let me just try to describe what I
15 think the requirement adds to the system. What you have
16 in the regulatory process, and the environmental
17 assessment process, is a series of discretionary
18 judgments.

19 And as the Plan -- as -- as the Board has
20 emphasized today, a Land Use Plan is of a different
21 character because once it's been approved -- the Board
22 doesn't approve it by itself, but once it's approved by
23 the First Nation and both governments, the -- the act of
24 parliament that implements the Land Claims Agreement
25 gives the Plan a binding effect.

1 So I think what the -- the Board was
2 trying to accomplish in this requirement is to say, there
3 are special values in certain areas in the Sahtu region,
4 and they are going to be identified in the Land Use Plan.
5 They're going to be laid out in writing in a simple place
6 for people to find, and they are in special places, and
7 they'll be put up on the map, as we saw this morning.

8 If this requirement is left in the Plan,
9 the regulator who otherwise would have discretion could
10 consider those special values, could consider those
11 locations or not at the end of the day, would have to
12 take them into account. The Plan would, after being
13 approved, and as a function of the Act, require that the
14 regulator take those things into account.

15 Now, as you say, this is something that
16 one wants to see happen in the environmental assessment
17 process. It certainly can happen, and it may hap -- it
18 may happen as a matter of course in most cases.

19 Of course, the -- the first step in that
20 assessment process is simply preliminary screening, which
21 doesn't have a result at all for the regulators.

22 The preliminary screening just decides
23 whether that matter goes forward for some further kind of
24 environmental assessment.

25 So, all of the activities that stop at

1 preliminary screening don't have any result for the
2 regulator until it gets to the issuance of the
3 authorization.

4 I guess my language is a bit technical, so
5 I'll -- I'll try to boil this down, and -- and finish,
6 but my point is that this -- this requirement may
7 actually streamline the process, and help to simplify and
8 set the table for both the environmental assessment
9 bodies, and the regulators in a way that perhaps no one
10 really disagrees a Plan can and should do.

11 I'll leave it at that, and invite a
12 response.

13 MR. JOHN DONIHEE: It's John Donihee
14 again. Dick, Don Cooper (phonetic) always used to have
15 this wonderful sort of phrase that he used when you
16 listen to lawyers talking about things like that, and
17 he'd say, What you've just described is -- you've just
18 indicated something where there's a distinction but no
19 difference.

20 And let's just read what CR 14 says:

21 "Before any land use activity is
22 authorized within a special management
23 zone, conservation zone, or proposed
24 conservation initiative, regulators
25 shall assess the potential impacts from

1 the activity on the values for which
2 the zone was established, and ensure
3 that appropriate measures are in place
4 to minimize impacts to the zone
5 values."

6 We start from the position that we assume,
7 and we know from having reviewed the Plan, that the Board
8 has worked very hard with the communities to identify
9 special places. They're identified. Those values are
10 recorded. They're in the Plan.

11 So, you know, that evidence is -- it's on
12 a CD somebody can hand to a regulator if it comes down to
13 it. Someone makes an application to do something on the
14 land, and the regulator is required by law to conduct a
15 preliminary screening.

16 There's no way that that regulator is
17 going to ignore what's in the Plan. There's just no way
18 that that's going to happen. So those values are going
19 to be considered every time, those special places, and
20 within the limits of the regulator's jurisdiction, even
21 without the assessment, you can assume, I think, that
22 they will take measures to protect those -- those places
23 because they know that those are the places, and those
24 are the things, that are important to Sahtu communities,
25 and participants in the Land Claim.

1 So, you know, the issue here really is not
2 -- I mean, in -- in the end, this is going to happen
3 anyway, and we're not -- about the only thing that the CR
4 might do is to force someone issuing a license or a
5 permit that's not on the preliminary screening
6 requirement regulation to do this.

7 And there's not much that isn't on that
8 list, but -- so maybe there -- maybe there's still some
9 substance there, but SSI's point was simply that this CR,
10 really, is going to result in a response from a regulator
11 that doesn't differ very much from what the normal work
12 of the regulator would produce anyway.

13 Having said that, you know, it doesn't
14 matter if it stays in the Plan, so why don't we just
15 leave it at that.

16

17 (BRIEF PAUSE)

18

19 MR. DICK SPAULDING: Thank you, Mr.
20 Chair.

21 And -- and not to belabour the point, I
22 think what -- what I would come away for the Board is to
23 say that there -- there is a difference here and, that
24 is, that SSI is confident that the regulators will look
25 at the Plan in these ways, if this requirement were

1 removed, but the Board's intent was that the regulators
2 must look at the Plan in this way if the requirement
3 stays. Thank you.

4

5 (BRIEF PAUSE)

6

7 THE CO-CHAIRPERSON: Thank you. Now, we
8 are now close to the lunchtime here, and past lunch, and
9 I just want to add, I think Ethel from SSI is probably
10 going to be leaving us, and probably not be with us this
11 afternoon, so I want to take this opportunity, if any --
12 anybody has any questions from the communities, or any
13 other parties, I would ask that they be raised now and we
14 would have that question. And once that's done and if
15 nobody else has any more questions, we can break for
16 lunch. Thank you.

17

18 (BRIEF PAUSE)

19

20 THE CO-CHAIRPERSON: Obviously, there's
21 really nothing at this moment in time. I'm sure -- I
22 think John Donihee and Patrick and -- might be still
23 behind -- in our proceedings to answer any other
24 questions that may be -- Ethel...?

25

MS. ETHEL BLONDIN-ANDREW: Our vice-

1 chair, Peter Menacho will be doing his own thing with the
2 Land Corporation and his legal counsel, but he'll also be
3 assuming the Chair for SSI with John Donihee. So if
4 there are any questions. And I think one (1) thing I
5 noted too, it's a bit dangerous -- lawyers are like
6 politicians, you -- they can steal the agenda, right.

7 So the discussion on the CRs, one (1)
8 thing I noticed in working with this stuff is that we
9 have -- like I have my presentation, I have the Plan, and
10 have the slide show, they're all different documents.
11 And then the specific CR statements are all there. And
12 everybody's at a different advantage here.

13 Those of you that aren't looking at the
14 CRs, you're hearing the discussion about something and
15 you're not even knowing what they're talking about so
16 that's really awkward. And we have a tendency to talk
17 about things, like, we understand them and assume
18 everybody does, that's not right. I've learned that in
19 coming back to work with people that are at different
20 levels. You've got to take nothing for granted.

21 So I think there needs to be a further
22 discussion with the actual wording of the CRs and stuff
23 like that. There's lots of work to be done. I still
24 believe we can do it. I don't think these differences
25 are insurmountable and I want to state that it would be

1 more clearer in some of the issues that the Board is
2 struggling with at this moment in time. So, we would
3 like to now break for lunch and we'll be back in one (1)
4 -- an hour? An hour and a half? Okay. An hour. It's
5 catered. The -- the lunch has been brought in, I
6 understand so one (1) hour. Thank you.

7

8 --- Upon recessing at 12:47 p.m.

9 --- Upon resuming at 2:01 p.m.

10

11 THE CHAIRPERSON: Is there any other
12 follow-up questions for SSI? We asked before break if
13 there was any questions from the communities or other
14 parties related to the SSI presentation. If not, we will
15 move on to community presentations.

16 So, if you want to just let us know if you
17 have any comments.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: I'd like to welcome the
22 Mayor of Norman Wells to the meeting. Welcome, Dudley.

23 MR. DUDLEY JOHNSON: Thank you.

24 THE CHAIRPERSON: If there's no more
25 comments on the SSI presentation, then we'll have the

1 Community of Fort Good Hope begin presentations.

2

3 PRESENTATION BY FORT GOOD HOPE:

4 CHIEF ARTHUR TOBAC: I thank you for the
5 opportunity to present on the -- behalf of the K'asho
6 Got'ine District, and I want to begin my presentation by
7 -- by thanking the Sahtu Land Use Planning Board as well
8 as the staff for -- for a good job in getting all parties
9 to this milestone in the Sahtu land use process.

10 I wish to also acknowledge all past Board
11 members and the staff for their contributions towards
12 this Plan, Draft 3. As I said, it's been a long time in
13 coming.

14 For our part in the -- in the presentation
15 to the Board and to the other communities, as well as the
16 other parties to the -- the Land Use Plan, I will be
17 approaching this from a Band perspective and will -- will
18 be allowing the District to speak on the District issues.
19 And the land corporations will also speak to -- to their
20 issues so that we're not duplicating comments all the way
21 through.

22 I wanted to sort of go over the -- our
23 understanding and our continuing -- our approach to the
24 Sahtu Land Use Plan. When -- and I -- I wanted to just
25 start off by trying to get back to the true intent of the

1 Sahtu Land Use Plan from my understanding and from my
2 previous position in the Land Corporation, back even when
3 the days when there the Mackenzie gas project was in full
4 swing, we got a -- we got a glimpse of what -- what might
5 be the whole environment when you have activity without
6 any -- any process, or any structured way of managing
7 lands and resources.

8 At the time, there was a lot of people on
9 our lands. There was a lot of aircrafts in the air. A
10 lot of vehicles all over. It got to a point where our
11 people were -- were quite confused as to who was actually
12 managing the lands, and the activities on these lands.

13 So one (1) of the things that came out of
14 those -- all of that was -- there was -- was assemblies,
15 assemblies were helping the communities and the people in
16 every area of Good Hope, whether it was trapping, or
17 working in the communities, or -- or going to school.
18 They came together, and expressed a lot of their concerns
19 through leadership, through land corporations, and
20 through Bands.

21 And the mandates that came back to us was
22 that we should try to get to the Sahtu Land Use Plan in
23 place so that there is certainty. Certainty on what you
24 can expect on certain designated lands. Lands that are
25 set aside for industry to use. Lands that are set aside

1 for the community to use -- use in both traditional and
2 cultural activities.

3 Now, back when they -- they were
4 negotiating land claims, and extinguishment was also
5 mentioned. That word extinguishment...

6

7 (BRIEF PAUSE)

8

9 CHIEF ARTHUR TOBAC: Okay, now where was
10 I? All right, so on the extinguishment was a -- there
11 was a issue that was brought up by a lot of people that
12 didn't really have an understanding what we were giving
13 away. But one (1) of the things is that the -- the
14 governments is always assisting. So over the years we
15 developed a system, and we -- we had in place -- I don't
16 like this. There's a lot of feedback.

17

18 (BRIEF PAUSE)

19

20 CHIEF ARTHUR TOBAC: Again, before I was
21 so rudely and -- anyways, when they -- when we moved
22 towards a system that we were -- were apart of, which was
23 the regulatory system that INAC had in place with the
24 land corporations, and in -- in partnership they
25 developed this system where an application would go

1 through to Sahtu Land and Water Board, and we would be
2 consulted.

3 And it was always face-to-face meetings.
4 There was never ever a letter, or a messenger. We never
5 really did think that it was appropriate that messengers
6 deliver some application to us, and we would discuss it
7 with the messenger. It was always with the companies,
8 and the heads of those companies that spoke with -- with
9 the communities.

10 And there was a process that over the
11 years we had gotten used to, and -- and each year INAC
12 would also have the rights issuance process, and we
13 always knew what to expect, and although at the time, and
14 we've worked through a lot of the issues, but there was
15 always, because of a lack of infrastructure such as
16 highway or transportation system that would allow
17 industry to move into the areas a lot quicker, and
18 mobilize a lot quicker, those were just the drawbacks of
19 the system.

20 But overall it did work for us, and we've
21 always relied on this system to move a lot of the -- the
22 exploration, and the -- and the activities on our
23 traditional lands together. We moved those things
24 through.

25 As part of our communities -- our

1 communities' wish to -- to get more control of the lands
2 and resources, we also move towards a protected area
3 strategy with GNWT, and with -- with other agencies.

4 And it's still many years in the works,
5 and we're still coming to the end of our interim
6 withdrawal period, but just recently we began another
7 meeting and they're picking that up because of the -- the
8 period that -- in which they did their assessments were -
9 - were just completed, and they're just reporting back to
10 the communities. So again, that process will -- will
11 begin again with a lot more activity being done in the
12 communities with the people.

13 And overall, all this is -- is good. I
14 mean, we're -- we're trying to establish some processes
15 that are people are -- are comfortable with, and that
16 they'll agree with.

17 And -- and this is -- the thing I'm
18 getting to is that we are trying to create a balance.
19 We're not -- we're not trying to be resistant to
20 development, or exploration at all. We are just trying
21 to develop a process where we can balance the two (2),
22 and we're hoping that through the Sahtu Land Use -- Sahtu
23 Land Use process, this would be the -- the ideal vehicle
24 for us to move forward.

25 And so we're at this juncture here today,

1 and we wanted to -- to bring everybody's attention back
2 to the -- to the intentions of why the Sahtu Land Use
3 Plan was -- was pursued.

4 For many years, our people have always
5 wondered, Are we ever going to get to the horizon when we
6 can see the end period of where we might be able to have
7 an agreement in place, because we are very much hoping to
8 -- to get to that place so that we do have certain --
9 that we establish certainty and security for our people.

10 It's not always about the industry's
11 perspective on -- is on all this. It's about the
12 landowners. We are landowners, and that's why we're
13 going to be allowing the districts to speak on the issues
14 of lands.

15 As a -- as a Band and a community
16 government, our people look to the Chief and council as a
17 governing body in every community, and it's the same in
18 Good Hope. We, in turn, meet with the land corporations.
19 We all work together. Every organization in Good Hope is
20 working together towards moving these things, and
21 finalizing a lot of the -- the items that are -- are
22 passed on to us.

23 You know, when we -- they tell us to move
24 towards self-government, we -- we moved towards it.
25 Right now we are quite behind in the process, if we're

1 being compared to say the community of Deline, or Tulita,
2 but we're trying to -- we're trying to move in a cautious
3 sort of way.

4 And we -- we do the same thing with lands,
5 lands and resources. We compare it to down south. It's
6 always better to err on the side of caution, because it's
7 hard to undo any damage that's been -- being done to the
8 land or to the water. It's hard to bring it back to a
9 state where it's safe to -- to be on, or safe to use
10 again.

11 And so that's why it's very important that
12 the wording, and -- and the conditions that are applied
13 to this Land Use Plan is very important as well.

14 And our position is that we agree with a
15 lot of what Mr. Donihee has worded or put in place.
16 There is some areas that could be clearer, like where
17 we're witnessing this morning the dialogue that's going
18 on between the Board and Mr. Donihee of the SSI.

19 Now, when we do look at -- look at the
20 wording, it's quite -- quite broad and it does need to be
21 tightened up a bit in some areas. But, overall, I think
22 in the areas of authorities and jurisdictions, those
23 lines do need to be cleared up a bit as well, too.

24 Because, like I said, we do rely on the
25 Sahtu Land and Water Board to process applications for

1 projects, but we also need to rely on the Sahtu Land and
2 Water Board to make sure that the process is being
3 followed through, and they are the enforcement body that
4 makes sure conditions are being adhered to on any Land
5 Use Plan, on any land use application or a water licence
6 because water is important to our people as well, so much
7 so that it's always been an issue that's brought up quite
8 often -- either the drinking water, the quality of water,
9 or the threat of upstream pollutants coming down.

10 So that our community now needs to have a
11 plan in place so that there is a secondary source of
12 water for the community to use should anything occur
13 upstream of us.

14 Now, all these things are issues that need
15 to be brought forth so that the Sahtu Land Use Planning
16 Board does need to have these on the record; that
17 whatever they're working on and that's been put forward
18 by the communities, as a basis.

19 And so I don't want to stay too long on
20 this overall bigger picture I think that we're
21 approaching it from except to say that this is something
22 that our people have told us to pursue and that's why
23 we've always supported a Sahtu Land Use Plan; an agreed-
24 upon plan by all parties so that we have an understanding
25 of what land will be opened for industry and what lands

1 will be set aside for our people to use for traditional
2 and cultural practices.

3 Because it says right in the land claims,
4 "promote and preserve traditional and
5 cultural practices including language"
6 which is an issue that's been quite
7 important to our young people.

8 Over the last while we -- we are moving
9 towards educating the young people in -- in areas where
10 they are knowledgeable with the claims, as well as
11 governance, because this is something they need to know.
12 This is for their -- for their benefit that we do all
13 this work. But it also needs to be passed on, so any
14 work that -- that the Sahtu Land Use Plan does should
15 also be promoted in the schools as something for them to
16 learn.

17 Separate -- separate documents such as the
18 Sahtu Land Use Plan, land claims, all need to be taught.
19 There's -- these are tools for our people to use, and it
20 wasn't something that was wasted. We used these to move
21 our communities ahead, to move our people ahead -
22 economically, socially and culturally. We used this
23 document to do all these things.

24 At some point in time when we do get to an
25 area where we will be self-governing, we will need Sahtu

1 Land Use Plan in order for us to benefit from the land as
2 was the intent behind the land claims.

3 So, with that, I'll pass the -- the -- the
4 mic on to my learned colleague here, Heather, who will
5 speak for the District viewpoint. Mahsi.

6 MS. HEATHER BOURASSA: Thank you, Arthur.
7 My name is Heather Bourassa and I'm the president of the
8 Yamoga Land Corporation, but I'm also the president of
9 the K'asho Got'ine District Land Corporation.

10 And when the Draft 3 had come out in July,
11 the District, being the Yamoga Land Corporation, the
12 Ayoni Keh Land Corporation and the Fort Good Hope Metis
13 Local 54 had come together and decided that we were
14 submitting our comments on the Land Use Plan together.

15 So we had submitted comments, and now I'm
16 going to speak on those as part of the district land
17 corporation, but George here sitting beside me will
18 represent Yamoga and there's also representation from the
19 other land corporations.

20 On October 13th, 2010, the K'asho Got'ine
21 District Land Corporation submitted their initial
22 comments to the Sahtu Land Use Planning Board regarding
23 Draft 3, and those are on their web site.

24 Our comments today are meant to expand on
25 those comments that we deem important, and the District

1 supports the SSI submission to the Land Use Planning
2 Board, so the bigger items that I do not cover are
3 already covered in -- in the SSI submission.

4 In our district, the main issues in our
5 communities are participation, control, like authorities,
6 our protected con -- our proposed conservation
7 initiative, and our group trapping area.

8 After many years of working with the
9 current regulatory process, without the Land Use Plan,
10 our district would like to see that the final Plan
11 provides -- provides that the process will be more effect
12 -- effective, and not -- not hindering the process.

13 As to what we have submitted in our
14 comments, we are interested in strengthening the areas of
15 community engagement, community benefits, and the
16 protection of traditional knowledge.

17 Our focus is on maintaining meaningful
18 participation at the district level, so we do support any
19 conformity requirements that reinforces that.

20 Also, we would like to see language in the
21 final Plan that would be inclusive of a potential
22 successor government in the Sahtu so that they would be
23 recognized.

24 And as I think most of you are aware now,
25 Fort Good Hope is in the process of developing a

1 protected area, the Ramparts protected area, and we had
2 just recently finished having a meeting with protected
3 area strategy going over time lines and boundaries for
4 that.

5 There are no definite boundaries for that
6 initiative at this time. And also there is no default
7 zoning designations for the withdrawn lands that do not
8 make it into the final conservation area. There's no
9 default zoning designations for the surface and
10 subsurface parcels that are with -- within that withdrawn
11 area, as well.

12 So, we appreciate the Board's patience in
13 this matter as we do have -- we do need more time to
14 finalize this, and those comments are forthcoming.

15 We had addressed our concern with the
16 acknowledgment of our group trapping area in our
17 submitted comments. I would like to touch on this again
18 because the subject is serious and sensitive to the
19 K'asho Got'ine.

20 We would like to see the reference to our
21 group trapping area in the body of the Sahtu Land Use
22 Plan rather than only in the background report, because
23 the K'asho Got'ine consider this our traditional land
24 base, and we feel that any document that is including our
25 land, and our district, should recognize our group

1 trapping area, and we had suggested places for it in our
2 submitted comments of October.

3 There were some other questions that were
4 raised from our submitted comments of October 13th, and
5 they were also discussed in our January follow-up meeting
6 with the Land Use Planning -- Planning Board, and I'll
7 speak to some of those now.

8 The District currently has no interest in
9 changing any of our current zoning, including the
10 conservation buffers surrounding Mountain River. We
11 believe there's no need to amend the buffer, even with
12 the changes that have happened in Tulita District.

13 The issues concerning Lac Belot will be
14 addressed by the Coville Lake delegation, being that this
15 is a concern from their community. We have since found
16 that we are satisfied with the Table 8 wildlife setbacks,
17 minimum altitude, and sensitive periods.

18 We -- also, being that Fort Good Hope
19 currently uses the Mackenzie River for drinking water,
20 there was a concern that the community catchment shown on
21 Map 7 was not adequate. But we would like to discuss
22 this further because there may be other mechanisms to
23 give the community comfort in regards to water
24 regulations and water quality.

25 Also in our comments we had asked

1 ourselves whether conservation zones should restrict
2 tourism and waste disposal and we feel that if our
3 recommendations to amend conformity requirement number 2
4 were included in the Land Use Plan that would be
5 acceptable to us, and that would allow our communities to
6 participate in those decisions as needed.

7 Our expectation of this hearing was to
8 have an opportunity to clarify some of the issues from
9 our district but also to give some clarity from -- to get
10 some clarity from the Sahtu Land Use Planning Board.

11 We would like to see a discussion in
12 regard to the Sahtu working group. The district is not
13 really clear on what the working group's mandate would be
14 and how the operation would be funded.

15 We also had some concerns regarding the
16 chairperson's letter dated February 18th, 2011, because
17 it is not clear how the districts would be able to
18 conduct themselves as an authority to enforce conformity
19 requirements.

20 The letter states that the District Land
21 Corporations will be responsible under the MVMRA to
22 implement conformity requirements when consenting to the
23 use of Sahtu lands owned by them or when granting
24 interests in those lands such as leases that include
25 rights to land use.

1 And under the current regulatory
2 structure, it is not appropriate to try to impose on our
3 district the responsibility to enforce compliance with
4 the Land Use Plan with respect to the land that it owns.
5 So we're hoping that we'll have discussions about those
6 items in the next couple of days.

7 So in closing, we do appreciate this
8 opportunity to discuss these issues with the other
9 participants that are here and we look forward to moving
10 forward toward a final Land Use Plan. Mahsi.

11 MR. GEORGE BARNABY: My name is George
12 Barnaby, I'm the Vice-President of the Yamoga Land
13 Corporation, so I'll speak for Yamoga Land.

14 The Board has had a lot of discussion on -
15 - on the Land Use Plan, nothing det -- not the details
16 but the whole intention -- the intent of the Land Use
17 Plan. And we got into it because we think it's going to
18 make things better for us - to protect our lands. We'll
19 have more involvement. Things will be better.

20 At this time anybody coming on our lands
21 comes to talk and negotiate with the community so they
22 talk to the Band, to the land corps, the district, RRC.
23 Sometimes there is a lot of concern from the community
24 then they talk to everybody. They have big assemblies
25 and they talk to everybody. And they talk about any

1 concerns on the land, the people that know where they
2 want to go and they bring up their concerns.

3 We also talk about benefits like jobs and
4 things like that. We talk about monitoring and that's
5 usually carried out by the RRC but the -- that's in place
6 already. There's traditional knowledge, and this comes
7 from the people that live right where they're going, not
8 from -- you know, so the people that know that area then
9 they talk to them.

10 And sometime these people take them out --
11 if there's a lot of concern they, take them out to look
12 at the land where they want to go. After all that, then
13 there's agreements made on how things will -- will
14 happen. So there's agreement with the community, a lot
15 of involvement, and things go ahead. So what we see is
16 these things in place in the Plan. And added onto, I
17 guess, strengthening them and making them better so that
18 our people will feel safe on their own land.

19 There's some concern that through the Land
20 Use Plan there would be boards or other things like that
21 created that will take away this process that's being
22 carried on with the community and we don't agree that --
23 with that. We don't want nothing created, we want the
24 present system strengthened. We don't want somebody else
25 giving approval on our land except our own people,

1 traditional K'asho Got'ine land.

2 The other concern is talking only to the
3 land corps. The land corporations hold selected lands.
4 Land ownership. Fee simple land ownership. But we also
5 have a government which is under our Dene and we -- the
6 First Nation people. So we want -- we have to talk. I -
7 - I see just like the band and the chiefs are being
8 pushed out and for me that's very bad for all of us
9 because then they take away from that traditional lands
10 and they talk only about selected lands. So we have to
11 recognize the chief and the council on our -- all our
12 district lands.

13 And added on to that the claims is not
14 finished. The claims looked after land ownership but we
15 still have to address the government. And then when we
16 look at the government, then that's to govern the whole
17 district lands. So that has to be completed.

18 The other thing is we expect to work by
19 consensus, which is our traditional way that we -- we
20 agree with each other and then things go ahead and you
21 vote if you have to, but usually there's consensus before
22 that.

23 So moving into that voting is not a good
24 way because we really have no authority in each other's
25 district. So the only thing we should be doing is

1 consensus that we agree what we're going to do together.
2 And that voting usually is just a formality after we
3 agree together.

4 So when we had our assembly -- I forget
5 what time that was, somewhere in the -- early in the
6 year, but when the Elders took us back to square one,
7 what -- what - what were doing with this; why are we in
8 the Land Use Plan. So it's for these reasons -- so all
9 the other related details and so on should -- should be
10 for this.

11 Now, the process should be for a lot of
12 consultation because I know the government's going to
13 come back later and said, Oh, you agreed to all of this
14 already. This land is open, you agreed to that, and all
15 that.

16 Even if we agreed, we still have to
17 negotiate the -- the details afterwards on how things
18 will be done. I think Arthur mentioned that INAC comes
19 and talks when they're going to put land up for
20 nominations. Those kind of things aren't good, but we
21 still negotiate afterwards anyway.

22 I'm running out of time, so I think the
23 Elders were good to bring us back to square 1, so that's
24 what I'm trying to do -- what -- what the intention was.
25 Thank you.

1 MS. HEATHER BOURASSA: I think that Roger
2 is representing the Fort Good Hope RRC, but he had some
3 questions that he'll save to later. And according to my
4 stopwatch, that was 30 minutes.

5 Now, I don't know if you have questions.

6

7 QUESTION PERIOD:

8 THE CHAIRPERSON: Heidi has a comment.

9 MS. HEIDI WIEBE: Heather, you had a -- a
10 question earlier about the Sahtu working group. We don't
11 have a specific discussion on the agenda, but I will
12 speak to it a little bit right now and, you know, perhaps
13 we can have some discussion throughout the Hearing.

14 The intent of that Sahtu working group is
15 post-plan submission and approval. As we work towards
16 the next five (5) year review of the Land Use Plan, to be
17 able to bring people together more often the way we are
18 today to have the discussions on key land use issues.
19 Because it's through these collaborative discussions that
20 new solutions and ideas can be put on the table.

21 So the intent is rather than continuing
22 planning, as we have been doing, getting submissions
23 individually, that planning in the next five (5) year
24 cycle would move ahead through perhaps quarterly meetings
25 of a key working group.

1 In or -- in order for that to be
2 effective, each party that is in our overall planning
3 process would have to be a part of that working group.
4 So, for instance, right now we have one (1) key contact
5 with INAC, one (1) key contact with GNWT; we have a key
6 contact with SSI and each of the communities. We have a
7 key contact with, for example, the Chamber of Mines, CAPP
8 for the oil and gas industry. We have one (1) or two (2)
9 environmental groups that are active.

10 If you think of how the protected area
11 strategy moves forward, each of those areas has a working
12 group with representation from all of the key
13 stakeholders affected by those decisions as part of that.

14 This is modelled, in part, after that and
15 those areas move forward by bringing everybody together.
16 So the intent is to establish a working group for the
17 Sahtu region to advance land use planning issues.

18 One (1) of the comments made by George,
19 and I'm not sure if it was about the Sahtu working group,
20 but there was concern raised about having another group
21 or another board that might take away community decision-
22 making authority.

23 If -- if that was about the Sahtu working
24 group, then that's certainly not the intent. It's a way
25 to move the Land Use Plan forward so that five (5) years

1 from now when we do that five (5) year review, we have
2 new information and decisions on the table that we can
3 put in the Land Use Plan on things like cumulative
4 effects that this Plan is not touching on right now.

5 Community engagement guidelines, which
6 many people have spoken to the need for. Monitoring --
7 what would be the appropriate things to monitor within
8 the Sahtu region? What should be the focus on individual
9 areas?

10 These are the key issues that come up
11 again and again in every meeting, so, why not bring
12 everybody together on a regular basis not once every
13 three (3) years to try and get some discussion going on
14 those.

15 The issue of funding is outstanding. In
16 Draft 3 the Board had talked about making this group
17 voluntary and self-funded. The Board itself is not
18 funded to cover travel and participation funding for
19 everybody else, but we recognize in the comments that
20 came in following Draft 3, a number of organizations, and
21 not just communities, raised a flag with the fact that
22 their budgets are so constrain -- constrained that they
23 would not be able to participate. So this is an
24 outstanding issue that our Board will have to talk about
25 and address in some way as we move forward to a final

1 draft.

2 We don't have an answer at this point,
3 though. So if anybody has suggestions this is a great
4 place to put them on the table. Thanks.

5 THE CHAIRPERSON: Ruby...?

6 MS. RUBY MACDONALD: Does a PAS process
7 impede the Sahtu land use process? Like, if you're in
8 Protected Area Strategy process, then in the Sahtu land
9 use process, does one have to be done before the other or
10 what?

11

12 (BRIEF PAUSE)

13

14 MS. RUBY MACDONALD: My question is:
15 Does the PAS process, Protected Area Strategy process,
16 impede the Sahtu land use process? Does one have to be
17 done before the other? Do they have to be done together
18 or how do they both work?

19 MS. HEIDI WIEBE: Thanks. That's a good
20 question, Ruby, I'm sure it's on many people's minds.

21 The short answer is, no, the Protected
22 Area Strategy does not impede the land use planning
23 process. They are two (2) separate processes. So the
24 Land Use Plan is broader than the Protected Area Strategy
25 in that our job is to plan for all land use. And in that

1 regard, one of the things we plan for is the protection
2 of areas, and we call these areas "conservation zones."

3 We recognize that there is a separate
4 process called the Protected Area Strategy, and this is a
5 joint process between the Federal and Territorial
6 government with representation from the Aboriginal
7 organizations on their overall steering committee. And
8 this is to identify areas for permanent protection
9 through Federal or Territorial legislation.

10 So the Land Use Plan can identify
11 conservation areas but there is the separate process
12 establishing permanent protected areas. And the Land Use
13 Plan in order to provide that comprehensive holistic view
14 that brings everything together needs to watch and see
15 what's happening in the Protected Area Strategy and bring
16 that information into our process.

17 So our -- our process has been to
18 participate in those meetings wherever possible,
19 understand what's going on, but recognizing that they
20 also include full involvement of all of the appropriate
21 parties. We, essentially, take the results of their
22 process and put that into the Land Use Plan.

23 And when I talked about the zoning
24 earlier, I identified those areas as proposed
25 conservation initiatives. So for the interim, because

1 they're not quite finished, we give them interim
2 protection through the Land Use Plan. We have to treat
3 them in some way, generally they have the -- the land
4 withdrawal already at Stage 5. I hope I've got the step
5 right.

6 And then once they're finished, the intent
7 is that they would primarily be managed through the
8 legislation under which they are established.

9 Where we run into some difficulty, such as
10 right now, is as they near their -- the end of their
11 process, the boundaries are going to change. And because
12 the Plan has that overall view, if some areas get left
13 out, it becomes a blank in our map. What do we do with
14 that area? How do we zone it?

15 So it's -- the issue right now is as we're
16 trying to finalize the Land Use Plan, we need to fill in
17 all those little gaps. If an area is left out, how is
18 the Plan going to zone that area?

19 And we look to the communities, as we
20 always have, to provide that initial direction, that --
21 that primary feedback. And the only area that's
22 outstanding right now, as we've discussed earlier, is --
23 is the Ramparts and we recognize that the K'asho Got'ine
24 District and Fort Good Hope, specifically, are -- are
25 working to get those answers for us.

1 Does that answer your question, Ruby?

2 Thanks.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: Any other comments? If
7 there isn't any other comments, then we'll move forward
8 for Colville Lake to make their community presentations.

9

10 PRESENTATION BY COLVILLE LAKE:

11 MR. JOSEPH KOCHON: Our presentation is
12 not going to take that long. It's just myself. I got
13 two (2) -- I got two (2) Elders with me to sit. They'll
14 just hear out today and if they have any comments, then
15 we'll take tomorrow during the Elders' time to -- to
16 present. You know, they're still consuming whatever
17 they're hearing today, so it's...

18 So, I -- I don't have three (3)
19 organizations here, but I'll just do my best to just try
20 to represent the community as a whole. I didn't do no --
21 no long presentation or anything so. I just had this
22 morning to write up a short little something, so.

23 In opening, I just wanted to -- to thank
24 the Land Use Planning Board for setting up this Hearing
25 so that the -- the Sahtu communities can have their input

1 titles to it. There's lands called "Crown lands,"
2 there's lands that are called "Sahtu lands" and
3 "Commissioners Land," so everybody is laying claims to a
4 land that used to be ours. And so even though everybody
5 has names on it, we still consider it's our land and
6 intend to -- to make sure that whatever happens on it,
7 it's -- we have the final say.

8 So, just get into some of the -- the
9 topics that you want to hear on this -- during this
10 Hearing. There was a general question regarding
11 conformity. Although we, as landowners, don't have any
12 existing policies to guide any development activities,
13 our input is most valuable information for any activities
14 that should happen on our land.

15 On number 1 you have proposed changes to
16 zoning. If you see the map, you know, everybody around
17 us have a lot of conservation area, lot of restrict --
18 lot of special management areas, and earlier you seen a
19 map on the -- on that slide which it has changed quite a
20 bit since the -- the first draft came out.

21 The reasoning is that when we first began
22 this, we didn't quite understand what this was all about
23 until we started asking questions and what type of
24 policies that are going to guide some of these areas such
25 as conservation areas, parks and PAS.

1 And as we went along some of the areas,
2 the community didn't have much input into them. Some of
3 the areas were -- were larger than what the community
4 really thought that they had input on. But once we
5 started asking questions, it wasn't really the intent of
6 the community.

7 So probably about a year ago we -- we
8 started over again. You know, we're very cautious, you
9 know, how we move ahead, you know, because if we start
10 creating so many protected areas in our area, and there's
11 certain things that we want to do for our future, it's
12 going to be hard to -- to -- to make any changes.

13 So -- so that's why we kind of just
14 reduced it to the areas that we really want to protect.
15 So that's why you see a lot of general use area in our --
16 our area. I just wanted to clear that when you get into
17 -- to zoning.

18 During the -- the last meeting we had with
19 the Land Use Planning, there was a question raised to the
20 Land Use Planning Board regarding the Anderson River. I
21 guess it's considered a -- a conservation area. And I
22 guess, based on the last meeting, the sizes seemed to be
23 increasing, so that has to be clarified. I think it's --
24 if we work together, I think we could -- we could clarify
25 the actual size of that -- that conservation area,

1 proposed conservation area.

2 As for the Belot Lake, I think the --
3 there again, I guess there was concerns from the Elders
4 not to -- to use that lake for a future -- for industry
5 use. I was just wondering if -- if that's going to apply
6 if -- for when we -- when we do our annual winter road.
7 I'm jut wondering if we could -- if that's going to apply
8 to that also. So I'm not sure who can answer that.

9 But if -- if the Elders get their wish to
10 not use that lake, then I'm just wondering about our
11 winter road, if we're going to still be able to use that
12 area or use the water.

13 I just had a quick question regarding that
14 -- the different type of zones with respect to a special
15 management conservation areas. There's a couple of
16 different types of zoning that the Land Use Planning
17 Board uses and I'm just wondering if these rules are
18 being developed by the land -- Sahtu Land Use Planning
19 Board or has it been adopted from somewhere else?

20 The next question -- the next thing on the
21 CR 2 community engagement and traditional knowledge. I
22 think just based on experience, you know, if any
23 activities are going to take place in our area. We know
24 that industry and government, they're going to meet with
25 us and -- and we know that they're going to have to

1 obtain meaningful consultation before they do what they
2 want on the land. So, a lot of these structures are
3 already there. And so that's what -- I just wanted to --
4 to say that.

5 Under CR 3, under community benefits.
6 Just for industry, we're still considered frontier lands.
7 And the oil companies, mining companies, they get rich
8 from -- from finding the minerals, oil and gas from our
9 land. So if there's no benefits then I don't think the -
10 - it'll be good for us, if we don't have no benefits out
11 of whatever projects that -- that they do on our -- our
12 lands.

13 So I believe that having a good solid
14 benefit agreement is -- and leaving something worthwhile
15 behind in the community wherever they work, I think it'll
16 -- it'll work better than having no benefits. Any type
17 of benefit agreement with who -- whichever affected
18 community.

19 That's the only way things will work.
20 Today a lot of the communities, they don't have the money
21 that industry have, so we have to put a balance with it
22 and we have to make sure that -- that the land is also
23 put back to the state it was when they first came so.

24 So with -- with regards to benefits, I
25 believe that having a good solid benefit agreement is --

1 would be good for everybody.

2 Under CR 35 or 5, yeah, "Watershed
3 Management and Drinking Water," we need more independent
4 assessment to monitor all the watershed and drinking
5 water in the Sahtu. Because, in most cases, the operator
6 does its own monitoring, and this I question because we,
7 ourselves, we need certainty that -- that the water or
8 the creeks are -- are not affected.

9 Under CR 4, arch -- archeological sites
10 and historical sites and burial sites and I'm not sure
11 what type of rules apply in other areas, and I think that
12 needs to be looked at. If there is any existing policies
13 that guide development in other areas.

14 I'm sure we could reach some kind of
15 compromise so that it's -- whatever we develop here, it's
16 reasonable to -- to all parties. When activities take
17 place, it's pretty well case-by-case. It all depends on
18 wherever activity is going to take place, and if it has
19 to do with our lands, it all depends on which area that
20 they're going to work.

21 There's some areas that we have burial
22 grounds. There are some historical areas, and we know
23 where all the wildlife migration route are, so this I
24 just really didn't have an answer for but just say that's
25 it's pretty well a case-by-case, and it's pretty hard to

1 predetermine a policy for that.

2 Under number 3, it says implications of
3 removing mandatory actions or placing them in binding
4 documents. I find it very -- this point it wouldn't --
5 the governments around us implement mandatory policies on
6 a daily basis, and -- and they don't want us to develop
7 any mandatory requests under the land use planning
8 process here.

9 A lot of times some of these policies
10 don't work in our favour, and those are the reasons why
11 we want to make something that workable for us in the
12 North here. We live in a different climate from what's
13 south, so a lot of the policies that sometimes guide
14 industry or any development, we can't always agree on.

15 But if we want something to work, then we
16 have to -- we have to make it mandatory, and I think this
17 still has to -- it needs some -- some more working on.
18 And if something's going to be mandatory, I -- I believe
19 that as long as it doesn't remove any existing authority
20 from whoever the landowners are, or any other parties,
21 that's how I -- I look at it.

22 So that's as far as I -- I wrote this
23 morning before I jumped on the Plane, and didn't get to
24 write on any other issues about the -- I was sort of
25 reading and then writing at the same time as I -- the --

1 the package, you know. I had a couple of weeks, but I
2 had -- I was so damn busy that I never got around to it,
3 so that's it. Thank you.

4 THE CHAIRPERSON: Is there any comments
5 to his presentation? Heidi...?

6

7 (BRIEF PAUSE)

8

9 QUESTION PERIOD:

10 MS. HEIDI WIEBE: Hi. Joseph, maybe just
11 some -- some clarification and maybe one (1) question.

12 On the Anderson River, I think you said it
13 looked like it was getting bigger. Just to clarify, that
14 hasn't changed since we mapped it with the community in
15 January 2009. It does have a 1 kilometre buffer around
16 it. So my question back to you is:

17 Do you want that buffer reduced? The
18 other lakes in that area have a 500 metre buffer. If you
19 could maybe respond or get back to us on that, that would
20 help us and we can make any final changes on that. Thank
21 you.

22 MR. JOSEPH KOCHON: I'm just going on the
23 question that was raised during the last meeting, so I
24 think that was a question posed to yourself and I think
25 that just has to be cleared with the community, if -- if

1 that -- that zone is too big or too small.

2 MS. HEIDI WIEBE: Sorry, I just need to
3 clarify. Are you say -- is the zone -- do you want the
4 zone bigger or smaller? I'm -- I'm just confused with
5 that. Or stay the same?

6 MR. JOSEPH KOCHON: I think during the
7 last meeting we had in Colville Lake there was a question
8 posed to yourself regarding that zone. If -- if it -- if
9 it was expanding or if it stayed the same. And I'm not
10 sure if you responded at that time. I think that's what
11 I was getting at.

12 MS. HEIDI WIEBE: Oh sorry, okay. So
13 then the answer is no, the zone has not changed size in
14 two (2) years now, and there's no intention for it to
15 change.

16 I have another question, I guess. With
17 respect to -- to Lac Belot, this is one (1) of the
18 outstanding questions that we want to get answered. CR
19 20 currently does restrict withdrawal of water from Lac
20 Belot, Stewart and Tate Lake, other than from the
21 outflow. This requirement was brought to us from, as you
22 say, the Elders in your community and it would apply to
23 all types of land use, which would include the winter
24 road.

25 During our previous discussions we had

1 brought it back to your community, Joseph, as to whether
2 or not you want the CR either deleted or amended in some
3 way to address that conflict. We're still certainly open
4 to further direction.

5 We had discussions back in the community
6 in August I think when we were there and, certainly, this
7 is an issue of interest to both DFO, Fisheries and
8 Oceans, and the Land and Water Board, and they've both
9 provided some additional information on this question.

10 It does come back to us wanting some final
11 direction from the community about how to best address
12 this. One (1) suggestion that has been given to the
13 Board, I think it was from INAC but I'm not sure now, was
14 to insert additional wording that just would say, no
15 withdrawal from these lakes unless there is no feasible
16 alternative. So if -- if a proponent could then
17 demonstrate that there was no other possible source from
18 which they could take water, then that would allow the
19 flexibility to have water withdrawal.

20 So we -- the Board is looking for, you
21 know, a final answer from the community of Colville Lake
22 on whether you want this to stand. But the answer to
23 your question is, yes, as worded, it would block
24 withdrawal for the construction of your winter road.

25

1 (BRIEF PAUSE)

2

3 MR. JOSEPH KOCHON: Hello. We can maybe
4 deal with it -- this some more later on. I guess I still
5 have to talk with the community on this, and if they want
6 to continue the position that they don't want to withdraw
7 water, then it's something we're probably going to have
8 to live with.

9 But then we still need time on this one to
10 -- to -- to make sure that -- that's it's what they want.

11 THE CHAIRPERSON: I think what Heidi was
12 saying is at some point there's going to be more
13 consultation with DFO on that and with the community.
14 There'll be further consultations on this Lac Belot to
15 try to come to some resolution.

16 UNIDENTIFIED SPEAKER: Yes, was the
17 answer.

18 THE CHAIRPERSON: Okay, okay. Is there
19 any other comments on Joseph's presentation?

20

21 (BRIEF PAUSE)

22

23 MR. HARRY HARRIS: Just a brief comment
24 before we leave the --

25 THE CHAIRPERSON: Can you state your

1 name?

2 MR. HARRY HARRIS: Yes, Harry Harris. I
3 represent the Renewable Resource Council in Fort Good
4 Hope. I have something that I wanted to present giving
5 you some insight on, like, Ruby's question of the land
6 claims were -- if the land claims were a protected area
7 strategy. And I really believe that, like, was -- like
8 devolution process, some devolution process and past
9 legislation will affect that protect -- protected area.
10 And also the Land Use Plan.

11 I'm -- I'm going to present one of the
12 legislations we have to do that with as a people. Back
13 in a -- just pertaining to the park management plan, back
14 in the Federal days they -- the -- the Government used to
15 initially attack all the buyers and -- and up till 1983
16 this devolution process started happening where the
17 Government programs and services were given to the
18 territorial government.

19 By the management act they sort of
20 streamlined it. It doesn't guard against the Species --
21 the Species-at-Risk Act. Like, I'm -- I'm talking about
22 the caribou. I brought this question up twice. Like,
23 right -- like, right now the -- the Environment
24 Management Act says we have to fight fire five (5) miles
25 inland and (INDISCERNIBLE) and values at risk.

1 I'm talking about the -- all that other
2 land is left to burn and where I have to bring this up to
3 your attention is that, like right now we -- we lack --
4 we don't have the caribou that we used to have.

5 And what I believe hap -- is happening
6 with the fires that they -- they're allowing land to burn
7 off and especially in between Good Hope and Colville
8 Lake, it's all kind of land beaming with west caribou.
9 But the -- the last about fifteen (15) years to allow all
10 that land to burn off.

11 And I found out just recently that it
12 takes about a hundred years for lichen to grow, and so in
13 other words, we have to wait a hundred years for the
14 caribou to come back.

15 Now, that really affects -- that
16 legislation really affects our (INDISCERNIBLE) area
17 strategy plan.

18 I -- with me living on the land, I don't
19 want our caribou to be forgotten (INDISCERNIBLE)
20 misplaced biologists, something that will affect the
21 devolution process. What -- what else should happen is
22 (INDISCERNIBLE) letting, you know, ENR administer the
23 program (INDISCERNIBLE) management is get the chief and
24 council to see which fires we should put (INDISCERNIBLE)
25 there's nothing in it we could use. I think -- it might

1 be the way I see it, is a natural process (INDISCERNIBLE)
2 on the land is that the fire -- I don't think so, but
3 this -- at the cost of even re -- replanting spruce trees
4 but, you know, they're -- they're forgetting about the
5 animals (INDISCERNIBLE) the people

6 Like, especially, like talking about
7 streamline -- streamlining the program. Years ago we
8 used to go at -- we used to go to a fire (INDISCERNIBLE)
9 in the summer time. And just thinking about, you know
10 (INDISCERNIBLE) had troubled kids to something that is
11 (INDISCERNIBLE) everything that's involved in this
12 planning process. Thank you.

13 THE CHAIRPERSON: Thank you. Is there
14 any other comments right now? If not, we'll move on to
15 Norman Wells' presentation.

16

17 (BRIEF PAUSE)

18

19 PRESENTATION BY NORMAN WELLS:

20 MR. RODGER ODGARD: Okay. I'd like to
21 start by welcoming everybody to Norman Wells. Ruby would
22 like me to apologize, and I guess I should apologize for
23 a lot of our people not being here, and our leader was
24 injured in the spring time in a big wind, so
25 (INDISCERNIBLE) is slowly recuperating there. But I'd

1 like to welcome you guys all here anyway to Norman Wells.

2

3 To start off, I'd just like to -- to say a
4 couple of comments, and for me this whole process is a
5 real learning experience for the last fifteen (15) years.

6 I was one (1) of the first field workers
7 in Norman Wells fifteen (15) years ago with the Land Use
8 Planning Board, and now -- bringing us to now I've --
9 I've seen a lot of changes.

10 And this morning it was mentioned that
11 some things like land claims, and devolution, and self-
12 government should be taught in the schools, and I -- I
13 agree with that. And like I said, I also -- I also think
14 that some of our experiences in the protections field
15 should be taught in school through Aboriginal studies, as
16 well.

17 Like I said, I -- the -- for me, it's a
18 real learning experience to learn in fifteen (15) years
19 what it means about the politics of the day.

20 You can see where initiatives change over
21 time and leadership. And you can see it in -- in the
22 Colville Lake area, in the Tulita District area, and --
23 and Good Hope and Deline area. We're all pursuing this
24 in a different way.

25 You can see around Colville Lake, they

1 have no interest in PAS or the Land Use Plan in their
2 area. In Fort Good Hope, in the mountains, they have 100
3 percent PAS identified in the mountains. In the Tulita
4 district, we have no PAS identified in the mountains, and
5 we've directed that we want this -- the Land Use Plan to
6 take care of the protections in the mountains.

7 The -- the issue of SGN in the -- the last
8 couple years came up this morning, and came up at lunch
9 time, and I was asked, after talking to the Chief and to
10 Heidi and Ida, about the SGN area, and our initiatives
11 with the PAS in the mountains.

12 And this morning Heidi mentioned the new
13 SGN area, which is in the -- the new revised map, and
14 some of us thought whoa, this new SGN area, is that PAS,
15 and after consultations with her and the leadership, no,
16 we -- we have -- right now we want to do everything in
17 the mountains through the Land Use Plan.

18 Once that's complete, whenever it is,
19 maybe then -- we know there's probably places, and there
20 is places, that might need to be protected, and then we
21 will possibly go to PAS for further protections, but
22 that's the mandate that was given, and we just wanted to
23 clarify that for everybody.

24 And so I was asked to do that, and I
25 wanted to make sure I did that. But like I -- like I

1 said, the -- the processes we've -- we've been going
2 through should be taught in the schools, as well.

3 It's -- it's a real eye opener, and I know
4 it's taught in political science, and Aboriginal studies,
5 politics of the day, and how things can change over
6 night, and that's -- that's the scary part, and that's
7 why we need to nail this down, and move on with our
8 lives.

9 That's -- anyway, in regards to the -- to
10 the final draft that we're looking at now, we've been
11 meeting in Tulita with the District. We've brought those
12 conturn -- concerns to -- to our Land Corporation
13 membership, and RSC membership, and we had concerns at
14 Three Day and Florence Lake that were taken care of.

15 We also advised that we would like to see
16 the whole watershed in the mountains protected, like the
17 Dehcho, and after talking to Heidi again I think we're --
18 we're happy there.

19 So I can't say that I'm comfortable with
20 all the legal jargon in the -- in this book that's
21 starting to come out, but we're happy with the
22 boundaries, and the initiatives in the zones. Maybe Ruby
23 might want to say some more to this.

24 So that's pretty well all I have to say,
25 other than I wanted to mention that the original field

1 work was done -- when it was done, it -- it included
2 everybody, Aboriginal, non-Aboriginal, and all uses of
3 the land.

4 So I'd just like to thank the Mayor for
5 being here, and everybody for coming to Norman Wells.
6 And I'd like to -- I'd like to apologize to some people.
7 I was a little touchy last night, but I'm -- I just
8 wanted to say something. A little joke.

9 I'm a little touchy these days after what
10 happened to Bin Laden, but anyway. Okay.

11

12 (BRIEF PAUSE)

13

14 MR. DUDLEY JOHNSON: Good afternoon. On
15 behalf of the Town of Norman Wells, I would like to
16 welcome you all here. Okay. Now, someone just gave me a
17 pat on the back; I don't know what for yet.

18 Rodger says this is a learning experience
19 for him. Well, just put -- put a newfie in there. This
20 is a learning experience, but I've been around here for
21 seventeen (17) years now, and mostly as a -- as an
22 observer, but now that I'm involved in the political
23 side, I'm getting a clearer picture of what this Land Use
24 Plan Board is about. I see Mr. Kakfwi is smiling because
25 he knows me quite well.

1 I'd like to thank the Sahtu Land Use
2 Planning Board for all their hard work. You gave me a
3 lot of reading, and a lot of work, and I thank you for
4 that because I needed it.

5 The big thing, yes, protect your land;
6 protect your traditional sites; protect your language,
7 because all you've got to do is listen to me speak, and
8 you know I protect my language, Newfoundese (phonetic).

9 Our presentation, which you all have, I
10 hope, is a joint presentation on behalf of the Town of
11 Norman Wells and the Chamber of Commerce.

12 When I look at all the land in this area,
13 and in all the communities, I see a vast potential, but I
14 also see where the land has been misused, and I'm not --
15 and I'm not here to lay blame on any group or any person,
16 it's what I see.

17 But with this Land Use Plan, what concerns
18 me the most is what I see in your communities with youth
19 who are looking for work and crying out for training,
20 because you know my other role. That they want
21 development. They want jobs for their future. You have
22 to protect your youth, but you do it by planning wisely
23 the development of your home land.

24 When I look at this Plan, I see only 31
25 percent of the land there for general use, 27 1/2 percent

1 is going to be conserved as national parks, con --
2 conservation zones, historical sites, and proposed a
3 conserve -- a conserva -- I always get a problem with
4 that word -- conservation initiatives. Land use
5 activities are severely limited in those zones. 41
6 percent is designated special management zones. All land
7 use activities are expected to proceed with greater
8 caution than in general use zones.

9 50 percent of the land is within known I -
10 - mineral potential are located in zones which prohibit
11 manual exploration and development. Be careful that you
12 don't cut off the hand that's going to feed you and your
13 youth. Don't overregulate to turn away development.
14 Think about what's come -- coming in the future here.
15 Hopefully we'll have a road. Hopefully we'll have a
16 pipeline. Economic development that will bring jobs to
17 your communities.

18 So don't put so many layers of regulation
19 that you turn economic development away. I come from an
20 area where I seen new roads come in, where I seen
21 development occur, in northern Labrador. And you can do
22 this by -- by planning it right, and by working together
23 as a group, but allowing development where you can reap
24 the benefits, not outside sources. You reap the
25 benefits.

1 I also noted that there are further
2 mineral mapping going on which could also lead to
3 conflict with the reg -- proposed regulations right now.
4 What will happen when that occurs? Will development be
5 stippled or -- or stymied by this Land Use Plan? Or will
6 you have to rezone?

7 There are a lot of areas in all districts,
8 all part of the Sahtu that have not been mapped yet.
9 What resources do you have there that will be untapped
10 for your people. I believe you should treat it like a
11 business. Look at the benefits, and look at the things
12 that will not work for you.

13 Currently, you have eleven (11) parcels of
14 land up for bids. Does the zoning maps available -- are
15 --are they available to -- to people whose going to bid
16 on those areas of land for oil and gas development. The
17 Plan leaves out the corridor for the Mackenzie gas
18 pipeline. Where does that fit in the Sahtu planning?

19 Now, I'm no expert, and I'll be the first
20 one (1) to admit it, and I don't have the knowledge that
21 all you people have in this room. You know your land.
22 You know its potential. You also know that the
23 opportunity is there now for you.

24 The other questions or concerns we had is
25 about layers and layers of regulation. We do know that

1 the Department of Fisheries and Oceans regulates all
2 water bodies. Putting a buffer zone around all water
3 bodies in the Sahtu settlement area, is this really
4 required if it's already covered by the Department of
5 Fisheries? It's already in place. Or is this another
6 double-layer.

7 We don't know that the lands designated as
8 general use have the highest potential for your economic
9 development, and for your benefits, whether it's mineral,
10 oil, or gas, whatever.

11 Also, will this regulation impact on
12 tourism, and how will it impact on tourism, especially as
13 it relate -- relates to the wat -- the waterways. We're
14 not sure what effect that's going to have.

15 Our also -- our concern also is
16 overregulation, and all these conformity requirements,
17 which include just about everything: community
18 engagement, traditional knowledge, community benefits.
19 Be careful that -- again, I repeat -- you don't cut out -
20 - cut the hand that's going to feed you by
21 overregulating.

22

23

(BRIEF PAUSE)

24

25

MR. DUDLEY JOHNSON: Now, I can say

1 because I'm -- because of my background in being a
2 Newfie, I don't understand all the regulations and -- and
3 requirements, but there is a lack of clarity in the
4 document.

5 There's also regulations in this document
6 which conflict with other regu -- regulations already in
7 place. That needs to be ironed out. Which will
8 overrule. Which will be the one (1).

9 The Plan also does not clearly define how
10 and when applications must meet the requirements laid
11 down in your Plan, whether by a separate and additional
12 application process, or will the Plan and its
13 requirements will be included in the process that you
14 have now. Is this going to be two (2) or three (3)
15 separate applications. We don't know.

16 When the Land Use Plan is created and
17 implemented, its purpose is to regulate the use of the
18 land. Many of these conformity requirements addressed in
19 the SLUP are covered under the Sahtu Dene Metis
20 Comprehensive Land Agreement, through access and benefits
21 agreement. They do not belong in a Land Use Plan.
22 They're already in place.

23 We also ask could the words "permitted
24 use" and "discretionary use" be used in place of
25 conformity requirements. We really don't know what all

1 that's going to mean.

2 We also would like to see a flow chart
3 that explains the process for applications as it goes
4 through the process, to clarify it so people will
5 understand it better.

6

7 (BRIEF PAUSE)

8

9 MR. DUDLEY JOHNSON: Finally, I would
10 like to say that this is, and what you are doing, is a
11 lot of hard work, but I do say to you, you've come a long
12 way in the Plan. Now all you need to do is to work out
13 the kinks, as we say, and make the process more fluid.
14 Once again, thank you very much for your time. And
15 because I'm a working man, I'll apologize for not getting
16 here, but my job tells me I have to be in the office. I
17 want to train young people too. Also, get some
18 development. I'm training fifteen (15) underground
19 miners over there right now, so they want jobs. Thank
20 you very much.

21 THE CHAIRPERSON: Heidi...?

22

23 QUESTION PERIOD:

24 MS. HEIDI WIEBE: Thanks. Actually, I
25 have questions for both of the presenters. I'll start

1 with -- with Rodger. It's not really a question
2 actually, the first one. Just to clarify what we did
3 discuss at lunch. You know, Rodger was asking I think on
4 behalf of some of his members about the outcome of our
5 discussions in Tulita, and yes the direction that the
6 Board received from the Tulita district is that those two
7 (2) new SGN areas would be conservation zones. That is
8 the direction that we got.

9 Now, there was an intent and a question to
10 continue discussions between the community and CWS on
11 whether or not there was still interest in pursuing a
12 national wildlife area within that new area, and my
13 understanding is that those discussions are ongoing at
14 this point. And I'm looking at Paul Latour in case he
15 wants to say anything about that.

16 MR. PAUL LATOUR: I'm not sure if this a
17 working one or -- it seems to be working. That's our
18 understanding too, although in terms of the national
19 wildlife area the -- we're a little unclear as to how the
20 communities want to proceed with it.

21 I think the main question is, for us, if
22 you proceed with the conservation zone type of approach
23 in the Plan, and assuming the Plan is approved, then
24 there's a -- you have absolute protection for a five (5)
25 year period. Whereas with a national wildlife area

1 there's no guarantee that you will end up with full
2 service and self-service protection at the end of the
3 day.

4 So we need to know from a community
5 standpoint what the commitment is towards this area
6 moving forward, given that there is this uncertainty
7 between the two (2) products, if you want to call them
8 that: the Land Use Plan and the national wildlife area.

9 MS. HEIDI WIEBE: Okay. I hope that
10 clarifies where things are at for you, Rodger, and your
11 people.

12 The second, I guess, follow-up question
13 that I have outstanding for between the Norman Wells Land
14 Corp. and the Tulita District, and I don't know if we
15 have any representation from the Tulita District here
16 today, but after all of our meetings in Tulita between
17 the two (2) communities concluded on SGN and that
18 rezoning, the Board received a separate submission from
19 the Norman Wells Land Corporation, and Rodger spoke to
20 this, asking for conservation zones to be established
21 across all of parcels 105, 106, 107. And I pointed to
22 those during my presentation.

23 This is in conflict with the resolution
24 that we got from the Tulita District. And as the
25 landowners in that area we would look to the Norman Wells

1 Land Corp. and the Tulita District to jointly work out
2 how these three (3) parcels should be zoned.

3 Now, the Norman Wells Land Corporation's
4 submission did say that if it was not possible to make
5 these parcels conservation zone for any reason then they
6 would accept a special management designation, which
7 essentially takes us back to the Draft 3 zoning, which is
8 what the Tulita District told us. I would assume at that
9 point that we would then revert also back to the smaller
10 conservation zone around Three Day Lake that currently
11 exists.

12 We did mention that there would be a
13 chance for follow-up comments. If the District is here
14 today, I think it would be a good time to hear from them,
15 but if not, then we would hope that following this
16 hearing, fairly quickly after this hearing, that we would
17 have the District, and the Norman Wells Land Corp work
18 together to give the Board a final answer on how those
19 three (3) parcels should be zoned.

20 Moving on, I just want to make sure
21 there's no other follow-up on -- on that. I'm being
22 directed to move on.

23 So the town of Norman Wells, thank you for
24 your presentation. I do have a couple maybe points of
25 information as opposed to questions, but maybe one (1) or

1 two (2) questions.

2 You mentioned -- sorry. You were asking
3 what - what zone type the oil and gas parcels are in that
4 have been put for bid. I have to look on the map in the
5 corner here, but I believe they're -- they're
6 predominantly in general use zones. That information --
7 our zoning is available on our web site. It is my
8 understanding that, you know, INAC makes that information
9 available when the call for bids or for nominations goes
10 out. And certainly we have a number of representatives
11 from INAC here today who could confirm that, or -- or
12 correct me if I'm wrong, but that information is put out
13 there.

14 With respect to the Mackenzie Gas Project,
15 you'll see this in INAC's presentation as well, but the
16 Plan previously addressed the Mackenzie Gas Project in
17 Draft 2, and as we were going through refining the Plan,
18 there was a considerable Board discussion that the Plan
19 is directed at all land use, and we are not project
20 specific. The Mackenzie Gas project, while it is a mega-
21 project, it's still project specific. And for that
22 reason we took out the portion in the Plan that dealt
23 specifically with the Mackenzie Gas Project.

24 We've had, you know, back and forth with
25 some parties as to whether or not that should go back in

1 for clarity purposes only. That said, whether it's in or
2 out, the Board has taken considerable care to make sure
3 that the project -- the Mackenzie Gas Project is not
4 blocked by the Land Use Plan.

5 The terms that we have under zoning to
6 allow access, transportation, infrastructure, cover any
7 of the issues associated with the Mackenzie Gas Project.
8 So just to give Norman Wells, the town, that sense of
9 clarity, there's nothing in the Plan that would restrict
10 the pipeline.

11

12 (BRIEF PAUSE)

13

14 MS. HEIDI WIEBE: You were, again, asking
15 about how the Plan would be implemented, whether there
16 would be separate application processes.

17 In the Board's presentation this morning,
18 as we said then, the Plan is implemented through the
19 existing processes in the regulatory system. So in
20 general an application would come in to the Land and
21 Water Board. They could either determine conformity
22 themselves, or if there's any question, they could refer
23 the application to the Sahtu Land Use Planning Board.
24 And we would then check the application. Is this
25 following the rules of the Plan?

1 If it is, it continues seamlessly through
2 the rest of the process. If it isn't, then yes, the Plan
3 does act as a barrier for applications that -- and
4 activities that don't conform. So -- but there is no new
5 process. It's just a change to the existing process.

6 I think that's sort of the key points that
7 I wanted to clarify for you. When we did speak back in --
8 -- in December, the offer is still on the table if at any
9 time if anybody -- this is to everybody. If anybody ever
10 needs clarification on how the Plan should be
11 implemented, or the -- the terms or -- or what our intent
12 is, we'd certainly be happy to come down and give a
13 presentation to the town counsel to help explain some
14 aspects better. We recognize not everyone has time to
15 read three (3) or four hundred (400) pages, so.

16

17 (BRIEF PAUSE)

18

19 MS. HEIDI WIEBE: Sorry. Yeah, I missed
20 one (1) here that I was planning on commenting on. You
21 talked about the fact that DFO already manages water.

22 Between them and the Land and Water Board
23 they're certainly better able to speak to this, but they
24 also manage things like water withdrawal or different
25 aspects of it. When the communities have identified

1 certain fish lakes, for example, as critical it's not in
2 some cases that they don't want -- that they want certain
3 restrictions. It's more that this is a very critical
4 place for us, and we just don't want development
5 happening.

6 So, in -- in some cases, where we've got
7 lakes identified as conservation zones, they've told us
8 that it's not enough to just put conditions on
9 development. It's that these areas should not be
10 developed.

11 Now, the Plan does allow the flexibility,
12 as we said, through the -- the initial zoning CR. If
13 it's absolutely necessary that they have to take water
14 from some of these lakes in conservation zones or cross
15 them or build a road, then the Plan allows for that with
16 restrictions, right? You avoid the sensitive areas.

17 But we do act on the community direction
18 to tell us which lakes should be open for development and
19 which ones should not. So I just wanted to offer that by
20 way of clarification. And if there's any further follow-
21 up questions, I'd be happy to take them.

22 THE CHAIRPERSON: If there's no other
23 comments, we'll call a break for fifteen (15) minutes.

24

25 --- Upon recessing at 3:45 pm

1 --- Upon resuming at 4:05 pm

2

3 THE CHAIRPERSON: So, if there's no other
4 comments for Norman Wells presentation, then we'll move
5 forward with Tulita.

6

7 PRESENTATION BY TULITA:

8 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

9

10 GRAND CHIEF FRANK ANDREW: Thank you.
11 Today we are talking about this land use planning. This
12 is something that we have been speaking about for a long
13 time. And in 1970 is when -- in the Dene Nation days,
14 that was the time when they started this whole discussion
15 on the land use. And -- and today because of our
16 regional claims we are on our own and have to do our own
17 land use.

18 And -- and it was through our claims that
19 we decided that we will do our own land use claims. For
20 the last five (5) years we've been talking about this
21 Land Use Plan, and today it's -- now is the time that is
22 coming to the finalization of this draft. And for the
23 last five (5) years we've been talking about this land
24 use mapping.

25 I would -- for myself, I would like to

1 have everything in place for ourselves, like whatever
2 that was said that should be worked on. And if -- if we
3 work on it cooperatively then we will do like a good land
4 use mapping for -- not only for our people but for our
5 children. And we cannot let go of the lands that we were
6 born and raised on, that we still utilize today.

7 Our Elders were the ones that told us
8 these are the lands that we would like to have kept and
9 that it's on those basis that we are working on our land
10 use mapping.

11 For the future of our children, they --
12 for them to continue to live off our fish, aquatic life,
13 and our wildlife, we have to protect these. And -- and
14 this land when my father was living they used to talk
15 about the lands around here where there is -- where
16 there's caribou, where there's moose, that's where there
17 -- there's other wildlife because they'd be around a
18 place where it was a good feeding area for them. And --
19 and if you were to follow a moose as far as it goes, it's
20 -- that's where you'd see other wildlife.

21 This land use planning, this is for the
22 future of our -- our children, and this is what they are
23 going to continue to maintain themselves as -- as
24 Aboriginal people. There's a lot of things that we -- we
25 have to talk about and we have to support each other in.

1 And we have transients that are living
2 with us too. And in the mountains since 1960s we had
3 outfitters in the -- and my father and other -- other
4 relatives that have lived up in that area as well. And
5 then if you guys are going to work in that area -- if
6 you're going to work in that area they said it has to be
7 our own people that work in that area. And any wildlife
8 that is shot in that area too would be given back to the
9 community and we agreed.

10 This is something that was worked on for a
11 long time, but now like it -- we came to an agreement on
12 it.

13 In 1970, 1980, around in that -- in those
14 years Stan Stevens (phonetic), I used to work for him,
15 and that was the last time we worked across in that area.

16 And our land, we've been talking about it
17 since the past. Even if we try to make a good
18 recommendations or whatever, it always seems to be not
19 adhered to.

20 Our people are -- maintain themselves on
21 the land and they took very good care of the land.
22 Whenever they -- they shot any wildlife they used it to -
23 - everything up. And as well as the water. Whenever
24 they were around the water they were very careful.

25 Whatever they know is on the land they

1 took care of it and that's what you call conservation
2 management. And because of that everything seems to be
3 the same today. We still have plenty to eat and if we --
4 if we maintain -- conserve our wildlife, then we will
5 continue to -- to have it. And so that's what I think of
6 when you talk about land use planning.

7 And our Elders, because of their con --
8 their conservation of wildlife in the past, we still have
9 what we have today. And recently from there, the caribou
10 and wildlife has been depleting or so they say. We can't
11 close off -- prohibit hunting.

12 So this water -- those lakes, Stewart
13 Lake, Tate Lake, those lakes I think they should be
14 continued to be conserved. Our Elders that go into the
15 mountains, if there's no food, wildlife, then they go to
16 the fish lakes. And by -- by harvesting the fish they
17 have something to eat.

18 These are things that our Elders spoke to
19 us about. And today the industry, mining, through them
20 we know like what kind of work can be done on our land.
21 And they're talking about employment for our young
22 people, but for me I don't think that it's going to be
23 like that. That is what I'm worried about, concerned
24 about.

25 Across from Tulita, Husky Oil is now

1 working. They've been working there for how many years
2 and -- and they said they are going to train our people
3 through that access and benefits agreement, but to this
4 day nobody, not even my children, are -- none of them
5 have taken any training of any kind. And so when you
6 talk about training I agree with it, but there's -- there
7 -- there's a lot of work that could be done. So we can't
8 say that there's no employment; there's a lot of things
9 that we can do in regards to that.

10 Our children today whenever they go out on
11 the land they're sure -- they're sure pleased whenever
12 they go out. We had school children go out just recently
13 and -- in Fort Good Hope too they take their children out
14 on the land as well. And I see that and it really
15 pleases me.

16 Even though we -- we cannot live like the
17 past, like our ancestors, we can still take the stories
18 of our ancestors.

19 And maybe the transients might have a lot
20 of food and things today but then according to our
21 stories there will come a time when everything will
22 become scarce. They said whatever little provisions you
23 have to take care of yourself like your mitt -- your nets
24 and your traps, your axes, all of these things take care
25 of it, because you are going to be needing it in the

1 future.

2 And then -- and sometimes when -- when we
3 -- when we see money come in to our community we're
4 thankful for it because we need to make a living too.
5 And our Elders that are -- that are to -- around today,
6 they know all of the stories and whatever of the past of
7 all that happened.

8 And this land use planning, I think this
9 is something that's very important for our future
10 generations. And this conservation zone, this is
11 something that's -- that's very important for us. And
12 this is where the -- the wildlife that we depend on we
13 don't want to deplete. So now it's very hard to -- we
14 can't -- we can't grow, or we can't ha -- we are not like
15 farmers where we could have domesticated beef and pork
16 and things like that. We have to depend on our land.

17 What -- what we -- what is -- what is on
18 that map -- not that long ago they were talking about it
19 and they were saying that there was some things that has
20 been changed on it. And this special management zone, I
21 think this is some -- this is something that I agree
22 with.

23 And I was told that this special
24 management zone, those of us that live in Tulita, when we
25 -- when we work on -- when we -- we can work in certain

1 areas of land that doesn't allow for other -- other
2 people or development, so I think that is something
3 that's good for us.

4 And -- and recently, the beginning of
5 2011, that's when we changed some things and we opened up
6 some lands for general use. And -- and today there's
7 parcels of land, eleven (11) that have been opened up.
8 It's just like they've turned over some land to be open
9 for development. For me, it's not right. I don't agree
10 with it.

11 Though as a band, they talk about
12 consulting with us but for me that didn't happen in
13 Tulita, this consulting. I've been thinking about it,
14 like what do they mean by this consulting.

15 And the ones that are sitting here that
16 are around the table with us I'm very thankful to see
17 them, because you shouldn't hesitate to be asking them
18 any kind of questions. If there's anything that you're
19 not sure of, you shouldn't be shy to be asking because
20 they're all here to help us. They all want to help us --
21 how they can't -- and they're supporting us, that's why
22 they're all here with us. And for our -- our children,
23 this land use planning is going to be something that's
24 very important and -- and for this -- for now that is all
25 I will say.

1 Our Elders helped us with our land use
2 claims and to -- there's a lot of people sitting here
3 with us, I'd like to thank them all. And then there's a
4 person that's sitting with us that's a millionaire, I'd
5 like to say congratulations to him, and thank you very
6 much.

7

8 (INTERPRETATION CONCLUDED)

9

10 CHIEF FRANK ANDREW: Mahsi.
11 Congratulations on becoming a millionaire. Thank you
12 very much.

13 MR. DOUGLAS YALLEE: Okay, my name is
14 Douglas Yallee, I'm the vice-president for the Tulita
15 Land and Financial Corporation. I'm going to speak on
16 behalf of the Land Corp only. This land use planning, we
17 -- we had a lot of meetings with the land use planning
18 group and different agencies, and we had a hard time to
19 come up with an agreement amongst everybody.

20 So what -- what the land corp has --
21 corporation has done is we put all the Elders together in
22 Tulita and did a workshop with -- with the Elders. And
23 we invited Norman Wells to be part of that group. And
24 they came up with those whole changes that Frank is
25 talking about on the map. So whatever the Elders have

1 done there was -- that was their work and we're -- we're
2 going by what the -- what they -- what they directed us
3 to do, so.

4 And you've got a couple of Elders back
5 here, Maurice and Leon they -- they were taking part in
6 the meeting so they can probably speak to it more better
7 than I do, so I'll just hand it over to them.

8

9 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

10

11 ELDER LEON ANDREW: Leo Andrew. Leo
12 Andrew. He's going to be talking on behalf of Tulita
13 Lands Corporation who he works for, I think. This land
14 use process has been going on for quite a long time.

15 February 25/26 the -- that protected area
16 strategy, I think Shuhtagot'ine Nene across from Tulita,
17 they revised that whole -- it used to be conservation
18 zone and then they -- they revised it to a general use
19 zone and -- and we made it smaller. If you look at the
20 map, there -- there's a really large conservation zone
21 but that's been down -- we cut it down. And the reason
22 why we did that was because government had told us that
23 that area has really good potential for minerals, and so
24 this is -- this is why we -- we had a workshop and we
25 talked about the Shuhtagot'ine Nene. So this is where we

1 -- we changed from the conservation zone to general use
2 zone.

3 And we still looking at the possibility of
4 maybe a section of the conservation zone in the
5 Shuhtagot'ine Nene to -- to -- to see if it's possible we
6 can still do a con -- a CWS, Canadian Wildlife Services,
7 can -- can assist us to protect that area.

8 I believe I -- what Frank was saying,
9 talking about wildlife. Wildlife depend on their food,
10 that -- that's how they survive because of their --
11 wherever their food is. Caribou, if you put caribou --
12 you -- you put caribou on Halfway Island those caribou
13 are not going to survive because there's no food for
14 them. That's why it's important when you put caribou --
15 when you talk about caribou in certain areas like Moose
16 Horn River, those are really good areas, good habitats
17 for caribou. This is why we listen to our Elders when we
18 -- when we say we want to protect certain areas, we do
19 that because we believe that the Elders are -- are
20 telling the truth and this is why we -- we work together.

21

22 So thank you very much for listening to
23 me. Maybe Maurice might say something too.

24

25 (INTERPRETATION CONCLUDED)

1 MR. DOUGLAS YALLEE: Okay. I've got
2 another RRC member from -- from Tulita. It's Frederick
3 Andrew. If he wants to say a few words he can.

4

5 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

6

7 MR. FREDERICK ANDREW: My name is
8 Frederick Andrew and I'm also going to use my language.
9 Most of it Frank already talked about, but I will maybe
10 touch on it a little bit.

11 The Sahtu Land Use Plan -- Planning Board,
12 they've been negotiating and working on this draft for
13 the past thirteen (13) years. And here at this hearing
14 it's every -- it's good to see all these different people
15 and organizations that are here represented. And then
16 this is good because we can find a solution to -- to go
17 to the next step with the Sahtu Land Use Plan.

18 Myself, I'm from the mountains. There's
19 lots of fish lakes, like close to Red Dog Mountain. We
20 know that developers are interested in those areas and --
21 and it's so important that we have to protect some of
22 these really sensitive areas that are wildlife habitats.

23 One (1) thing that we have to be prioritized
24 is the -- is the wildlife. They -- they should come
25 first because wildlife, you know, they -- they're really

1 sensitive. They can hear sound, noise, that are -- any -
2 - any developers are producing, any kind of noise,
3 because wildlife can hear from long distance and they
4 would avoid it.

5 In the mountains, about the wildlife,
6 caribou, moose, bears, grizzlies, those kind of animals
7 that I'm referring to has five (5) years -- maybe fifty
8 (50) years ago we've had -- those big game outfitters
9 that were starting to work in the mountains. In fifty
10 (50) years they've been hunting and -- in the mountains.
11 We don't know exactly how many animals they have taken.
12 Those animals that are out there, it's like we have --
13 it's like they're in our freezer. Like they're in our
14 bank. It's a bank there where we can withdraw when we
15 want.

16 That's the thing that we should be
17 addressing these days: big game hunters, outfitters, that
18 are operating in the mountains. Maybe we should limit
19 them, limit the -- the -- the area that they're hunting
20 and using because I think by rights wildlife -- concerns
21 for the wildlife should be a priority. It's just
22 something that I wanted to say. Thank you very much.

23

24

(INTERPRETATION CONCLUDED)

25

1 MR. DOUGLAS YALLEE: Okay. That's the
2 presentation from the Tulita Group. Thank you.

3 THE CHAIRPERSON: Thank you very much.
4 Is there any questions for the Tulita Group?

5 Ruby...?
6

7 QUESTION PERIOD:

8 MS. RUBY MACDONALD: I'm just wondering
9 if we're going to hear from the Fort Norman Metis?

10 MS. DYANNE DOCTOR: Hello. Okay? Sounds
11 good? Hi, my name is Dyanne Doctor, and I am one of the
12 directors that sit on the Fort Norman Metis Land
13 Corporation and I have Lori-Ann Lennie as well that sit
14 on the Fort Norman Metis Land Corporation.

15 It was -- I mean, I hear a lot of, you
16 know, the Sahtu Land Use and Water Board and the Sahtu
17 Land Use Planning Board. You know, they've been here for
18 quite some time now, and I'm really not familiar with --
19 with this issue. But from this morning, listening to all
20 the -- all the, like, the submission report and the --
21 the Sahtu organizations -- the -- the land orders -- on
22 their perspective of -- their comments on the -- on this
23 whole meeting here today is a -- is a -- is a learning
24 experience for me and Lori-Ann as well.

25 I know Tulita District Land Corporation,

1 would have been nice if they could have come in and --
2 and -- but I'm -- I'm sorry that -- that -- that they're
3 not here to do a presentation on behalf of Tulita. I
4 mean, we do have reps -- you know, we have Tulita Land
5 Renewable and -- and I'm glad.

6 With the -- the whole process of listening
7 to how many years of -- you know, how long this process
8 is going to take, and what they've learned so far, and
9 listening and getting feedback from the general public,
10 you know, your Elders are the most important information
11 that you can get. I mean, they give you a lot of
12 information and -- and they're the ones -- the most
13 important that we -- we take to -- to provide for them,
14 to -- to give them that.

15 And, like I said, I -- I'm -- I'm not
16 familiar with this whole issue of the San -- Sahtu Land
17 Use Planning Board, and I -- and, like, learn -- what was
18 going on this morning, the caucusing between the Sahtu
19 Land Use and SSI, you know, I -- I don't know who plays,
20 what role they play, and what responsibilities of the two
21 (2) groups.

22 It -- it was nice to hear though. You
23 know, I mean, there's a -- there's a lot of outstanding
24 issues that need to be dealt with and, you know, I -- I
25 just -- I am glad to be here.

1 As a director, I -- I know I should be --
2 you know, I mean, like Rodger said, it -- it -- he's --
3 he's been in there for fifteen (15) years and he's still
4 learning. So, you know, I -- I -- I've been sitting on
5 the Board for, you know, three (3) years now, but, you
6 know, I -- I -- it's just -- you know, I now -- I have a
7 little bit of clarifi -- a little -- to -- to see where
8 everybody's sitting at now.

9 You know, I -- I -- now I know what Sahtu
10 Land Use Planning Board is all about. I don't know all,
11 but I'm -- I'm learning. So it's -- I just want to say
12 I'm glad to be here and -- and I'm taking notes and I'm
13 taking as much notes so I can bring it back to, you know,
14 to my board and -- and -- and get their general comments
15 on this. And maybe they'll give you a report or a
16 presentation or some -- something in that effect.

17 But thanks -- thanks to you, and I hope
18 this meeting will go well. Thank you.

19 MR. DOUGLAS YALLEE: Well, Judith --
20 Judith, hang on. I want to say something, too, on this
21 land plan -- land use planning issue.

22 Because we have a land claim agreement and
23 we're already protected on certain -- certainties,
24 certain issues. Is land use -- is the land use planning
25 overlapping with some of these issues? That's one (1) of

1 my questions.

2

3

(BRIEF PAUSE)

4

5 MR. DICK SPAULDING: Yes, the Land Claims
6 Agreement includes a number of rights, and one (1) of the
7 rights in the agreement is the right to co-management.
8 In other words, the right of the Dene Metis to
9 participate in decisions that are made about all the land
10 in the region, and there are different boards set up
11 under the agreement where that right is exercised.

12 One (1) of them is through the Renewable
13 Resources Councils. Another one (1) is through the
14 Environmental Impact Review Board. There's also a
15 regional Land and Water Board. And at the front end of
16 the Review Board, and the Land and Water Board, is this
17 Board that we're -- that you're meeting with today, the
18 Planning Board. And it's, as Heidi explained this
19 morning, intended to be the sort of gatekeeper or the
20 first stage in the process for approving land use.

21 So to sum up, again, the Land Claims
22 Agreement sets up the Planning Board so that the Dene and
23 Metis can participate in decisions about all of the land
24 in the region.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Paul...?

4 MR. PAUL LATOUR: Thank you. Paul
5 Latour, Canadian Wildlife Service. Yes, I'd just like to
6 follow up on a comment I made earlier regarding the
7 Shuhtagot'ine Nene national wildlife area and the -- the
8 sequencing of -- of that -- that issue.

9 Of the -- on one (1) hand the
10 Shuhtagot'ine conservation zone under the Land Use Plan,
11 and -- and on the other hand the Shuhtagot'ine candidate
12 national wildlife area, and I'm still not entirely clear
13 what your view of the sequencing of those two (2)
14 initiatives is.

15 Am I to understand that you want to
16 proceed with Land Use Plan conservation zone, and then
17 once the -- the Land Use Plan is approved and -- and
18 implemented, then you would be willing to entertain a
19 Shuhtagot'ine or -- or discussions around a Shuhtagot'ine
20 national wildlife area. Is that -- is that what I'm
21 hearing here? Thank you.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Is somebody from the

1 Tulita District going to respond to Paul's question?

2

3

(BRIEF PAUSE)

4

5 CHIEF FRANK ANDREW: I think right now
6 when -- when we talked about it before, about SGN, and,
7 you know, the -- and we went into the land withdrawals
8 for the -- that has been refused. So I think after that
9 people decided that we should go under the Land Use
10 Planning. So that's why everything went the way it is
11 today.

12 So I don't know if we're going to go back
13 to national wildlife, but that's going to be a call from
14 the District. And there's nobody here from the District
15 to speak to that right now, so. But when the Elders and
16 everybody else got together with the District, that's
17 what they decided to do. So that's why they cu -- cut a
18 lot of it into half here. Thank you.

19 THE CHAIRPERSON: Any other clarification
20 on that, Paul, or...?

21 MR. PAUL LATOUR: No.

22 THE CHAIRPERSON: Okay.

23 MR. DOUGLAS YALLEE: May I -- Paul, I'm
24 sorry, but I can't speak for the District Land, they're
25 not here so, I know what you're saying. But like Frank

1 said, it was brought up at the -- at the workshop in
2 Tulita and this is what the Elders had advised us to do,
3 so that's -- that's what we're doing, what -- the
4 direction the Elders have gave us.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: If there is no other
9 comments we'll move on to Deline's presentation.

10

11 PRESENTATION BY DELINE:

12 MR. PETER MENACHO: Testing. Testing.
13 Mahsi. I'm going to do it in my language. Okay, I just
14 want to -- I'm just going to make a few comments.

15

16 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

17

18 MR. PETER MENACHO: After a short
19 presentation we got our legal advisor here with us, Tom
20 Nesbitt, which is going -- going to do a presentation on
21 our behalf for Deline.

22 In regards to the Sahtu Land Use Plan,
23 we've been having this discussions and meetings for quite
24 a long time. But for the time being, we're now -- since
25 2002 and 2005 Deline has already come up with a plan for

1 Deline, which was presented to the Sahtu Land Use
2 Planning Board. And INAC is familiar with it, CPAWS and
3 PAS, and so -- so they -- they have a really good idea
4 what -- what Deline has put together.

5 And what we put together in front of all
6 of those government agencies is this Great Bear Lake
7 Watershed Management Plan. And we spend I don't know how
8 many years on it, but we - we did spend a few years,
9 maybe five (5) years on it. I'm not sure. A lot of
10 money, funds, has been expended on it.

11 So it's very important what happens to our
12 land in our district because it's up to us to make those
13 decisions for the future of -- of our district. And
14 right now because of the system and the policies that are
15 in place as a community we don't seem to have any say.
16 It's the governments that -- that make decisions ahead of
17 us. By rights it's the community that -- that's supposed
18 to be in control of the resources and the lands that are
19 around them, and what they say should be strong.

20 We know that there's government
21 representatives here from GNWT and Canada. This Sahtu
22 Land Use Plan, it should have been completed a long time
23 ago and we're still -- we still talking about it. Maybe
24 -- they're saying that maybe another two (2) years it
25 will be finalized. In Deline, we're -- we're still

1 waiting and it's -- it's frustrating.

2 We've -- we've completed our Land Use Plan
3 2005, and we're still waiting. Six (6) years now and
4 we're still waiting. It's just sitting there dormant
5 doing nothing, not going anywhere.

6 Because there's a lot of good work that
7 was put into this Land Use Plan on the Deline behalf.
8 There's a lot of Elders that worked on this plan with us
9 and a lot of them are not here with us. They told us
10 stories, traditional knowledge stories of places --
11 (AUDIO STOPS).

12

13 (INTERPRETATION CONCLUDED)

14

15 MR. RAYMOND TANITON: My name is Raymond
16 Taniton from Deline First Nation, I was the former
17 negotiator of the Sahtu Dene Metis claim. Anyways, I was
18 just thinking at the table here, with the majority
19 government yesterday, it looked like a parliament in
20 here, the way it's set up.

21 Anyways, as a former negotiator, and all
22 the people that negotiated the claims, we've done a lot
23 of work and we're not going to get a hundred percent of
24 the deal. When we signed the claims on September 6th of
25 1993 in Tulita, oh my God I thought it was all over. I

1 didn't knew that the -- all the work has got to kick in.
2 And that's the frustrating part, but we have to work with
3 it.

4 So like the Chief of Good Hope said,
5 regarding the (INDISCERNIBLE) clause under the final
6 agreement is, I remember that we exchanged the rights to
7 -- to most of the lands in exchange for some rights and
8 some lands. To build on top of those issues we set up a
9 regime called the Sahtu Land Use Planning -- Land and
10 Water Board.

11 We had to build on top of that. We had to
12 build it up to make sure it moves forward. That's why we
13 have community consultation and there's rules. Like
14 Peter said there's Section 35 of the Constitution
15 regarding Aboriginal issues. Also within the Sahtu Dene
16 Metis Claim Agreement.

17 So we have to -- the First Nation people
18 in Sahtu can't move forward by themselves. The government
19 can't move forward by themselves. So we have to move
20 forward together. If it wasn't for the Elders we won't
21 be here, with their stories and their culture and their
22 use of the land and the history. And they're providing
23 all this information to make sure we all work together on
24 these issues together.

25 Like some of the Elders keep saying is

1 that why are we confessing a lot of things to the people.
2 But again, this is some -- one tool that we need to move
3 forward together. Like I said, this is like fourteen
4 (14)/fifteen (15) years, we're still talking about it.
5 But the good thing about it is we learn from our
6 mistakes. It's not going to be a hundred percent perfect
7 plan but it could also be reviewed within five (5) years
8 time.

9 So one (1) good thing that -- in Deline
10 we're really happy about is the watershed that was put
11 into the Plan because when we were negotiating the claims
12 back in '90/'92, or negotiating the water in Edmonton,
13 one (1) great chief told me, he said -- George Corteney
14 (phonetic) said, I want you to protect my freezer. And I
15 didn't know what he meant at that time, and I thought
16 about it. My freezer is Great Bear Lake. I want you
17 guys to protect that.

18 When you think of all the freshwater with
19 all the fish in there, it's not only for us. Both our
20 governments, non-beneficiaries, help us, work together,
21 and let's try to save that.

22 We've been struggling. We've been
23 spending a lot of money, time with the Elders, with the
24 communities, to come up with a sort of a management plan
25 where finally I'm happy with the Plan. So that's part of

1 the thing that we've dealt with.

2 We'll always have our differences between
3 the First Nation and the Government of Canada, will
4 always be there. But we're learning from one another, we
5 have to work together. And, at the end, there's -- who
6 pays for all this? And those issues that they discuss
7 later at the end of the day with the working group. So
8 we need to move together, and we have -- we put our two
9 (2) cents into all this already with all the communities,
10 with the mining companies, and oil and gas companies.
11 Any parties not involved in development has to follow the
12 Plan, which is good. But right now it's just like open
13 seasons and, but again, let's work together on it.

14 We're not going to chase one (1)
15 beneficiary out -- you're not going to chase us out.
16 We're all going to die here. So we have to live
17 together, shake hands, but again, our rights are
18 different. Nobody's going to change the colour of my
19 face. Nobody's going to change, like, the way I am.
20 This is who I am. This is my land. This is who we are.

21 So, with that, like I said, there's --
22 there's one (1) piece of the puzzle where they fill in.
23 I know it's a -- it's been a long day, but again, once
24 you do it, you walk away and see the implementation of
25 it. I think people is going to be happy.

1 part of this whole Dene Metis claim negotiation. I miss
2 all the Elders that were here. A lot of good leaders. A
3 lot of good Elders. A lot of them -- we lost a lot of
4 them, but we have to pass our knowledge on to our new
5 generations. The new generations will pass on to the
6 next generations. So, with that, mahsi. Thank you.

7

8 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

9

10 CHIEF RAYMOND TUTCHO: Raymond Tutcho,
11 Deline First Nation. I'd like to thank the Sahtu Land
12 Use Planning Board for putting up this hearing, and all
13 the delegates and the people at the community, the Town
14 of Normal Wells. I'd like to thank them for putting up
15 this meeting. And the government representatives from
16 the GNWT and the Indian Affairs, thank you for being in
17 attendance.

18 The meeting that we're having here today,
19 the purpose of the meeting is for the future generations.
20 We're not gonna find the -- the answer for everything.
21 All we want to do is to make sure that everything works
22 properly in the future. We know for a fact that in
23 Deline we -- we think that the Sahtu Land Use Plan is a
24 workable thing, but there's some things -- when we were
25 young, when we were negotiating land claims, and we were

1 working on the Sahtu Land Use Plan we wanted to make sure
2 that -- that it's gonna work, especially with developers.
3 It's like Raymond Taniton was saying we -- we want to
4 move forward, but we need to look at it -- look at the
5 Plan.

6 Myself, he says, after we -- we put a
7 package -- a plan together, once we're finished I wanna
8 go back and observe how it's gonna go ahead, because it's
9 -- it's something that I want to do for my people.

10 I'm very thankful for those who -- who put
11 lots of work into the Sahtu Land Use Plan. And what we
12 put together in this Plan is -- it's not only for us,
13 it's for the future generations; how they gonna use the
14 land, and how they gonna respect the wildlife. It's so
15 important.

16 We know some people want to make income,
17 make living with income from developers, but money is
18 gonna -- not gonna be there forever. Money will
19 disappear one day. So it's so important how we survive
20 on this land that in the future we might be facing hard
21 times.

22 Talking about the water. In Deline we
23 live by a really large lake. If you look at Deline
24 history, over half of it -- the Great Bear Lake covers
25 just about all of that -- all of the district, maybe more

1 than half. Just recently we were in Ed -- Edmonton,
2 there was a presentation made by some person; in the
3 future there might be a war and if this war happens in
4 the future it will be because of the water. You have to
5 really think about that and be concerned about it.

6 I didn't mean -- I don't mean to talk this
7 -- this long, but we want to make sure that we understand
8 clearly that the future is -- is well intended. And --
9 and how the -- the progression of the Land Claims
10 Agreement too we're going to be concerned; how is it
11 gonna go forward?

12 And then we have to worry about
13 developers; they -- they will be concerned. Why did you
14 make this law regarding -- in regards to developers?

15 So maybe even though the Sahtu Land Use
16 Plan becomes -- becomes official, we always look at the
17 five (5) years later, where we can change some of the
18 things that maybe they disagree with, and this is where
19 the governments of Canada and GNWT would have to support
20 us in this -- in this way.

21 Us, too, we - we want to finish this
22 process. Sometimes maybe we're rushing. Maybe not only
23 us, but the governments too; they want to rush on some of
24 the changes that they -- they want to propose.

25 So funding is a -- is a real important

1 issue too. If -- if the government wants things to work,
2 then, you now, we need the resources. We need the
3 funding to -- in order to -- to make sure that we do the
4 -- the work properly.

5 So once we fix whatever is outstanding and
6 then we -- if we can resolve that then we would be very
7 grateful, because we have -- our Elders are disappearing
8 fast. And whoever Elders we have left here, if we can
9 complete the Sahtu Land Use Plan then we would be very
10 happy in front a lot of these Elders that are still with
11 us who started to work with us from the beginning. So
12 thank you very much for listening.

13

14 (INTERPRETATION CONCLUDED)

15

16 MR. TOM NESBITT: Hi, I'm -- I'm Tom
17 Nesbitt and I work for the Land Corp. You -- you should
18 have copies of our presentation in your background
19 report, so if you'd like, you can follow along.

20 I basically see my role today -- sometimes
21 we're -- we're prevented from making progress because
22 there are technical obstacles in our way. I see my role
23 today as trying to remove or help free up some of those
24 technical obstacles we have first and, secondly, to help
25 get a little perspective on -- on what we're trying to

1 accomplish here collectively.

2 So I'm going to make some general
3 comments. I'm going to talk about some of this so called
4 conformity requirements and then make a few suggestions
5 on some principles to follow in the next few days.

6 The first thing I want to say is about the
7 -- the need we have -- all of us here today -- to find
8 some common principles and a common purpose. No -- no
9 agreement will -- will last without those two (2)
10 foundations.

11 But the common purpose is already given to
12 us in the Sahtu Land Claim Agreement. It is, as been
13 mentioned at -- at the very first by the Board, it is to
14 protect and promote the existing and future well-being of
15 the residents and communities of the Sahtu settlement
16 area having regard to the interests of all Canadians.

17 We should let this concept of well-being
18 sink in. It's a very deep concept. So our job here
19 today is to make sure that the well-being of the
20 communities is protected in the future, and that's the
21 job of the Land Use Planning Board.

22 We want -- we want in this present -- in
23 this, you know, deliberations the next few days to ask
24 you to please keep that well-being purpose in mind, and
25 do not let it become separated from the legally

1 enforceable provisions of the Plan. It should not be
2 stuck on the shelf and forgotten. We should keep well-
3 being first and foremost in our minds.

4 In the -- as -- as Raymond and -- and
5 Peter have -- have -- have already introduced, in the
6 Sahtu Land Claim Agreement, they -- you beneficiaries
7 have given up your rights to vast territories in exchange
8 for rights to harvest, rights to participate in decision-
9 making and rights to land.

10 I just want to talk about the -- the last
11 one a wee bit. This right to participate in the
12 decision-making is happening right here, right now;
13 that's the Sahtu Land Use Plan.

14 The right to land, all of the -- the --
15 the land corporations now hold title to land. But it's a
16 very unusual kind of land, very unusual kind of title,
17 because your lands - your private lands, the Sahtu lands
18 - are, in fact, managed in large measure - not entirely,
19 but in large measure - by Sahtu Land Use Planning Board,
20 Mackenzie Valley Environmental Impact Review Board and
21 the Sahtu Land and Water Board.

22 This underlines the very important purpose
23 which I began with; that to ensure the well-being of your
24 communities, because your lands are, in fact, being
25 managed in accordance with the Sahtu Land -- Land Use

1 Plan.

2 Next thing I want to talk about is
3 reconciliation. People have used that word already
4 today. The Supreme Court of Canada has, in fact, told us
5 that -- on many occasions -- that the -- the purpose of
6 treaties -- the purpose of treaties is to reconcile the
7 interests of Aboriginal and non-Aboriginal Canadians.

8 That's what we're trying to do here now.
9 That's what the Land Use Plan is about. That's what we
10 did in Deline with the Great Bear Lake Management Plan
11 for three (3) years, with the participation of both
12 levels of Government, the Sahtu Land Use Planning Board
13 and MVEIRB.

14 So what we're looking here today -- again,
15 let this concept sink in a bit. In the Land Use Plan
16 we're looking for reconciling language; language across
17 Slavey speakers and English speakers. And generally they
18 -- they call this the one (1) law, one (1) law which is
19 good for the people of -- the beneficiaries of this land
20 claim agreement, the Government of Northwest Territories,
21 and the federal government. So we're looking for a way
22 of speaking and living together, primarily here in this
23 Land Use Plan.

24 What should we aim for here? And by the
25 way on that one (1), generally -- and I think what other

1 communities are trying to accomplish here is -- is a way
2 of reconciling the traditional law of -- in the case of
3 Deline, the Shuhtagot'ine and the larger system of law
4 which runs in Canada as a whole. We're looking for that
5 reconciliation of two (2) systems of law, and we believe
6 we can do that. We believe we have done that in the
7 Great Bear Lake water management plan.

8 What should we aim for here? Our
9 suggestion at Deline is we look for a practical, learn
10 from implementation type plan. We should not seek
11 perfection here; that will take us until the cows come
12 home or until the caribou come home, I guess.

13 We should not speculate, this -- this
14 won't work, this will work. Let's finalize the Plan,
15 approve the Plan, and learn from real experience while in
16 speculation of what will and will not work.

17 We -- we're looking for a plan which can
18 be approved, monitored, learned from and amended in five
19 (5) years.

20 Next thing I want to talk about is what's
21 called the polluter pays principle. This is basically a
22 principle in many systems of law where the -- the onus or
23 the -- the need to demonstrate that they can do things in
24 accordance with the Land Use Plan rests on the applicant
25 for a permit, not on the regulators, and not on us

1 putting together this Sahtu Land Use Plan. It's for each
2 applicant to -- to adapt its particular project to the
3 standards set out in the Sahtu Land Use Plan. I'll come
4 back to this; I think it has important implications.

5 I want to talk now about the -- the scope
6 of the Sahtu Land Use Plan and a subject introduced by
7 SSI early this morning by Ethel and John Donihee.

8 SSI has in -- in my opinion recommended a
9 relatively narrow interpretation of the legislation for
10 good practical reasons. Deline has questions with this
11 but it's -- it's interested in -- in this approach and
12 thinks it needs more discussion.

13 What we would like to suggest -- so -- so
14 basically in the table that Ethel passed over and that
15 John Donihee put together for us, thankfully, there is a
16 -- a list of all the different kinds of licences and
17 permits and authorizations that might need a Land Use
18 Plan and to be conformed with the Plan. And a list of
19 specific things would be subject to the Plan.

20 We want to suggest a different approach,
21 what is a wider interpretation of the things subject to
22 the Plan and the possibility to exclude certain
23 activities which we could all agree do not need to be
24 subject to the Plan. And that's something that the Board
25 and the technical people can come back to at a later

1 date.

2 In terms of the hearing topics, we agree
3 with the zoning provisions set out by the land use
4 planning board this morning. There's no need to talk
5 further about those. We also agree with the Board's
6 approach to exempting uses and to grandfathering. Well
7 stated as far as we're concerned.

8 Now and again we -- we've heard these
9 questions about where there is some maximum percentage of
10 lands which can be put into conservation zones. This is
11 an issue of great concern to Deline but it's something
12 we'd just like to offer a perspective on.

13 Basically, we suggest for your
14 consideration that we think about the purpose of land use
15 planning and the capacities of participants at the
16 present time, that we think about participants' children
17 particularly.

18 And we think about the proposed
19 conservation zones as having two (2) goals. One (1),
20 they could be to preserve land in the long term, and,
21 secondly, they could preserve -- be put in place to
22 preserve land in the medium term while the residents in
23 the communities of the Sahtu settlement area develop the
24 capacities -- their children develop the capacities that
25 they can maximize the benefits that they will derive from

1 the development of the resources in their lands at the
2 time in the future when they are ready to develop those
3 and have those capacities; when they are the
4 tradespeople, the surveyors, the engineers, the
5 geologists, the resource economists, the sociologists,
6 the lawyers, the CEOs and the shareholders.

7 We suggest that this Land Use Plan is a
8 perfect vehicle to accomplish that because it must be
9 reviewed every five (5) years. But it's legitimate for
10 communities to ask that land be put into conservation
11 zones, either for long-term protection or for mid-term
12 protection until their children are able to maximize
13 those benefits.

14 And to -- to demand otherwise appears to
15 us to be both arbitrary and inconsistent with the Sahtu
16 Land Claim Agreement and its purpose, the -- it's one (1)
17 purpose of well-being.

18 It's as if somebody was to demand -- last
19 year I had to sell my house when it was worth far less
20 than it is now, instead of saying, No, we -- these --
21 these resources should be developed when families and
22 communities could maximize their benefits from these
23 resources.

24 I want to talk just briefly about some of
25 these conform to your comments. I don't want to get too

1 technical at this point, but under 9(b) in our
2 presentation, I think we need to talk about the language
3 in which conformity requirements are -- are written.

4 I've heard in some of the presenta -- in
5 some of the written submissions to the Board a request
6 that conformity determinations all be very specifically
7 worded so they can be tested and that there be no -- no
8 need for interpretation. In our view, that's a -- a
9 mistake and a confusion of the role of the Sahtu Land Use
10 Planning Board on the one (1) hand, and the Land and
11 Water Board on the other hand.

12 We suggest that we be tolerant,
13 particularly in this first edition of the Land Use Plan,
14 of conformity requirements that are written both in
15 specific terms and in general terms. The general terms
16 could be as clear as are specific terms. They require
17 interpretation; that's fine. That's the job of the Land
18 and Water Board.

19 So we should not in this Land Use Plan be
20 demanding that the Land Use Plan be very specific, very
21 particularly worded, than it's for the Land and Water
22 Board to take the general and -- and the specific
23 conformity requirements in the Plan and develop terms and
24 conditions which will implement those conformity
25 requirements.

1 us to recommend, not demand but recommend approaches to
2 applicants and our understanding is that's what the
3 Planning Board is already trying to do in its
4 implementation guide. So they think they're on the right
5 track.

6 It's for the regulatory authorities to
7 determine whether an applicant has met its -- its onus to
8 prove in its application and, importantly, throughout the
9 life of a permit. The -- the applicant does not get
10 approval to go without conditions at the outset of the
11 permit only. The applicant -- through the Land and Water
12 Board's work, we -- we have faith in them, and the
13 conditions that the Land and Water Board attaches to
14 permits, it's generally for the Land and Water Board and
15 the inspectors working for the Land and Water Board to
16 enforce those conditions and ensure that they're being
17 met.

18 Next technical issue I want to talk about
19 is -- is what SSI calls policy statements or guidelines.
20 We have no problem with their general approach to this,
21 but again, here we suggest that aren't these policy
22 statements and guidelines what the Board is already
23 trying to do in its implementation guide. But again, the
24 one (1) refinement here is that the implementation guide
25 should constitute recommendations only to applicants.

1 We should not allow ourselves to be
2 persuaded that we should be telling applicants how to
3 draft every application; that's their responsibility.
4 And when we try to write things in very, very specific
5 terms we are, in fact, taking -- we are, in fact,
6 bringing that applicant's responsibility putting on
7 ourselves through the back door.

8 State the prohibition, leave it to the
9 applicant to figure it out, leave the Land and Water
10 Board to implement it.

11 On CR 2, this is the one about community
12 engagement and traditional knowledge. We don't want to
13 say too much about this except this is a very important
14 requirement. Again, the onus is on the applicant not the
15 regulators. And the wording seems pretty reasonable to
16 us.

17 Basically, we -- we -- I think the problem
18 here is, is this wording designed and carried out.
19 Again, we suggest that issue of conformity requirement,
20 there's determination issue confirming determination to
21 look at the design of the proposed activities. Land Use
22 Planning Board, look at the design of the proposed
23 activities.

24 Land and Water Board will attach permit --
25 conditions in the permit and they will ensure that

1 throughout the life of the permit, through its terms and
2 conditions, and through its inspectors we will carry out
3 and enforce that requirement. So it's not the Land Use
4 Planning Board doing it itself or the Land and Water
5 Board itself, it's working together, hand in hand.

6 In terms of the community benefits thing,
7 we -- we agree that this is something that needs more
8 discussion. We'd like to hear a little more from SSI in
9 terms of its proposals for a public interest test or a
10 community support test. Our Elders tell us development
11 should have what they call a fair sharing of benefits of
12 resource development.

13 So it appears to us that this - this well-
14 being purpose is again relevant here. When we -- when we
15 talk in the next few days about community benefit we
16 should be thinking about, yes, there are access and
17 benefit agreements as a separate part of the land claim
18 agreement, and they are not to take over the role of a
19 Land Use Plan. Those are different things, both provided
20 for in the Sahtu Land Claim Agreement.

21 But when we think about well-being we
22 think what does that mean in terms of community benefit.
23 I think if we think in those terms, that's what we're
24 trying to achieve, community benefit. Then we should
25 focus on how can we accomplish that anyway, and we leave

1 it to our collective vision to try to figure out some
2 mechanisms to do that in the next few days.

3 The next thing I want to talk about is
4 below threshold activities, and a matter of some concern
5 to Deline, and I -- I suspect other communities. This
6 word below threshold means that -- a fancy legal word to
7 mean that -- or a policy word to mean that certain
8 activities on the land on the part of explorers do not
9 require a permit. They're -- they're -- they're too
10 small activities and, therefore, they do not require any
11 conformity with the Sahtu Land Use Plan.

12 Deline is concerned about that. These
13 could fall outside the requirements of the Sahtu Land Use
14 Plan yet they could have significant environmental and
15 ecological integrity impacts.

16 As far as we know, there is no publicly
17 accountable monitoring of these activities so we have
18 potential environmental impacts of these things which
19 could, in a cumulative way, add up to greater impacts
20 than other developments which are subject to a permit.

21 So Deline would like us to talk about this
22 in the next few days and see whether we could come up
23 with a recommendation for mechanisms by which these below
24 -- so-called below threshold activities, which do not
25 currently require a land use permit or water licence, be

1 brought into the -- into the requirements of the Land Use
2 Plan, including potential recommendations that -- that
3 are called the Mackenzie Valley Land Use Regulations be
4 amended to capture some of these potentially significant
5 environmental -- environmental activities.

6 Now I want to talk about the actions that
7 are -- have been mentioned already today. And to us the
8 main issue here -- these are issues of what I call
9 policy, not issues of law.

10 We -- we think that the -- the Land Use
11 Plan has got a -- has assembled a really good collection
12 of work that needs to be done. Just -- just to refresh
13 your memories a wee bit, I'm just going to go over some
14 of these.

15 Action 2: Establish a Sahtu working
16 group.

17 Action 3: Develop community engagement
18 guidelines.

19 Action 4: Refine the conformity
20 requirements.

21 Action 5: Develop a communi -- cumulative
22 effect management plan of action, an action to deal with
23 cumulative impacts.

24 Number 6: Develop a Sahtu environmental
25 monitoring program, recommendation for a communications

1 position.

2 Recommendation 7: Increase inspections.

3 Action 8: Partners in patrols,
4 monitoring, inspection, and enforcement, the
5 recommendations on economic development strategy,
6 building capacity, maximizing benefits, and community
7 participation in funding.

8 Action 9: Develop traditional knowledge
9 guidelines.

10 These are excellent ideas. The question
11 is how feasible they are, particularly in four (4) years.
12 Deline is concerned about the -- what it believes that is
13 not feasible to be done within five (5) years; that we
14 just set priorities within these; that we need to have an
15 absolute need for full community involvement in the work
16 of the -- of the Sahtu working group.

17 And we're very concerned of the
18 possibility that once again the communities may be left
19 out of this equation and left out of resource decision-
20 making, which would be fundamentally inconsistent with
21 the Sahtu Land Claim Agreement.

22 So again, we think the intention is
23 excellent but, well, with the greatest respect to
24 everybody, it's an impossible and unrealistic task in
25 four (4) years. It's impossible for the Board, for

1 government, for the Resources Board, the Land and Water
2 Board, and particularly community organizations.

3 It's not as though you're -- you're not
4 having other things to do. You're not sitting around
5 with your feet up in the air and twiddling your thumbs.
6 That is not happening now. People are busy already.
7 Therefore, priorities need to be set within those
8 excellent ideas. Let's keep them all in mind; let's keep
9 them all in -- document them all, but let's set
10 priorities first. And second, just make a good start at
11 those priorities in the first five (5) years.

12 This needs further discussion, this
13 matter. As a point of departure in this, Deline suggests
14 giving priority to making a good start on the working
15 group, community engagement guidelines, the cumulative
16 effects monitoring, communications, and patrols,
17 monitoring and inspection and enforcement, and
18 traditional knowledge guidelines.

19 But in any case, we suggest as -- as some
20 considerations for your collective consideration in the
21 next couple of days, you should be asking yourselves
22 questions like how is that we're going to do these things
23 anyway? What kind of money is going to be needed? What
24 kind of people is it going to need on the part of
25 communities and the Board, and the Land and Water Board,

1 government, both levels of government?

2 You should ask yourselves: How could a
3 workable Sahtu working group be constituted. What
4 organizations must take part in that? How can we make
5 sure it's a workable thing? Heidi began talking about
6 that earlier today.

7 Some -- some actions appear to us -- the
8 proposed actions appear to us to be obvious priorities,
9 like the working group and community engagement
10 guidelines.

11 Some are quite nicely supportive, and they
12 can be done together, for example, the -- the
13 environmental monitoring program, and the patrols
14 monitoring inspection enforcement, and we all know that
15 communities really want to have a hand in these -- in
16 monitoring what happens in -- in this Land Use Plan.

17 When we're doing the Great Bear Lake
18 Monitoring Plan -- Management Plan, DFO entered into a
19 contract with the Deline Resource Council to begin
20 monitoring the lake, even before we finalized the Plan,
21 because that was a really important matter for Deline.

22 And -- and you should ask yourselves: Are
23 there some of these actions which would benefit from more
24 experience? In implementing the Land Use Plan we suggest
25 that the obvious one (1) is their -- is -- is refining

1 the conformity requirements.

2 Let's refine the recroni -- conformity
3 requirements when we've got as much experience as
4 possible. Let's live with what we've got until then.

5 So Deline recommends that community
6 organizations need funding for technical support and to
7 participate in the working group. We cannot agree that
8 participation should be voluntary and self-funded.

9 The community -- community participation
10 is an integral part of the implementation of the Sahtu
11 Land Claim Agreement. It is the cost of doing business.

12 To have -- to allow a working group to
13 proceed without community funding will -- again as I was
14 suggesting a couple of minutes ago, you could have the
15 scenario where the Land Use Planning Board said that
16 they've got salaried employees. Land and Water Board has
17 got salaried employees. Governments got salaried
18 employees. Everybody except the communities is -- is
19 taking part because the communities don't have any
20 salaried employees in this -- in this field. So absolute
21 requirement there be community funding for this.

22 In terms of the further implementation
23 issues that the Board asked to talk about, we've already
24 talked about the -- the timing issues above. SSI has
25 raised an interesting concept about that the Land Use

1 Planning Board should do the conformity determinations,
2 and we think that's worth discussion.

3 John Donihee has identified some, you
4 know, some important considerations there, that there
5 might be inconsistencies at different bodies due to these
6 conformity requirements; that they need to be done in a
7 consistent manner, and one (1) Board doing them could
8 provide some consistency there.

9 But we know that if the Board does them,
10 if they're all referred to the Board and the Board's
11 decisions are final and binding, that's what the law
12 says. So you've got to be careful here.

13 Anyways, a practical first step in
14 accomplishing this, we -- we wonder whether the Land Use
15 Planning Board might be willing to approach the legally
16 referring agencies, or regulators in the legislation to
17 see whether they'd be willing, in fact, to refer these --
18 these matters to the Board as a general practice in the
19 first five (5) years, for example, because if they're
20 willing, that's -- as far as -- as my interpretation of
21 the law, that's as far as it goes.

22 Finally, I'd just like to suggest a few
23 practical principles the next few days. First, keep the
24 purpose in mind. Keep well-being in mind. Don't let go
25 of it. Again, don't let it get separated from the

1 legally enforceable provisions of this Plan.

2 Second, the Peter pays principle. Don't -
3 - let us not forget that the -- the onus is on the
4 applicant for permits to demonstrate that their -- they
5 can conform to the requirements of the Land Use Plan.

6 The applicant is responsible for its
7 application and its activities. We should not, through
8 the backdoor, take on the roles of the applicant in this
9 Land Use Plan.

10 The Land Use Plan should provide the
11 standards the applicants to meet, and it's for the
12 applicant to meet those standards, but we can, as the
13 Board has already hopefully begun to do, recommend
14 approaches in the implementation guide.

15 We -- we should also keep this principle
16 of fit within the larger regulatory system in mind, and
17 think about the complimentary roles of the Land Use
18 Planning Board, Mackenzie Environmental Impact Review
19 Board, and the Land and Water Board.

20 And again, we should not demand that the
21 Land Use Plan all have Land and Water Board type
22 conditions in it. That's the job of the Land and Water
23 Board, not the land -- Land Use Planning Board.

24 Finally, the final simple principle to
25 recommend to you for your consideration is, Keep it

1 simple, and let's do a learn from implementation of the
2 Sahtu Land Use Plan. Let's finalize it. Let's approve
3 it. Let's implement it. Let's learn from monitoring.
4 And let's make it explicit in the Plan that this is our
5 approach so there's no question down the road that, Hey,
6 you're the guys that are going to put these things in the
7 first edition of the Plan. Why are you now coming back
8 to put other things in the Plan? If we make it explicit
9 in the Plan, we need not fear that argument.

10 So I'm hoping that if we can consider
11 these things, then maybe we can see the called -- so-
12 called light at the end of the tunnel, and move in the
13 next few days and, if necessary in -- in a technical
14 working group to help bring this thing forward, everybody
15 support the Land Use Planning Board in finalizing this
16 plan, and finally giving this part of the -- of the Sahtu
17 Land Claim Agreement force, because this is arguably the
18 heart of the Sahtu Land Claim Agreement in terms of
19 resource management.

20 That still is, as Raymond was saying, not
21 there. It's like -- it's like an animal with no heart.
22 We want to give the heart to the animal, but let's not
23 worry about some fancy heart that we might -- you know,
24 Cadillac heart. We just want to -- let's get this thing
25 going. Thanks very much.

1 THE CHAIRPERSON: Thank you. So is there
2 any questions for Deline for their presentation? Heidi,
3 you take -- Board...? Communities...? Lucy has a
4 question.

5

6 (BRIEF PAUSE)

7

8 QUESTION PERIOD:

9 MS. LUCY JACKSON: Hello. Thank you,
10 Madam Chair. I -- is this Deline's position on -- to the
11 Land Use Planning? Thank you very much.

12 Boy, you touch on some heavy -- heavy
13 issues. Reconciliation, that's an international
14 reconciliation on a high political level for -- for the
15 First Nations of the country here.

16 We need probably possibly a three (3) to
17 four (4) interpretations of what you've just addressed.
18 We fall in that category, and we're going to be making
19 concessions? We may.

20 The United Nations has a declaration for
21 indigenous nations around the world, and we fall in that
22 declaration.

23 Actually, we should even invite the
24 National Chief in Ottawa to give us a true picture of
25 what the international reconciliation on that level, on

1 that high political level, because we fall into that
2 category.

3 Tolerance policy, we fall under a no tol -
4 - I mean, zero tolerance in our community. We can't even
5 move. And let's deal with the -- these are international
6 companies. These are heavy steel workers, and union
7 peoples, ruthless. Probably will not follow regulations,
8 in spite of whether we put the best regulatory of the
9 country holds our land policies, subsections, three (3)
10 to five (5) subsections, that gives them a real way to go
11 around the corners.

12 Heavy bridges will occur because that's
13 all we're used to. From the time they've landed,
14 bridges. I'm just voicing this myself as a woman. In
15 particular, if nobody wants to listen, that's okay, but
16 I'm talking to myself and addressing these issues to
17 myself as a mother.

18 What happens in the event that between now
19 and the five (5) years, or between when it's settled,
20 when all these mega development is happening on our
21 lands, and the younger generation perhaps will think of
22 boycotting because that's what's happening across the
23 world.

24 What's going to happen to them, because
25 the regulatory process is going to put them right there,

1 even if it's just to ask for jobs. Simple things like
2 that.

3 Salaried employees, co-management board,
4 with our peoples in there hasn't worked for us to date,
5 so we need to address -- you know, some of us haven't
6 even -- I mean, just last week I was at a meeting in Good
7 Hope, and I learned so many things. And we're in the
8 past what, fifteen (15) years. Let's get with it,
9 peoples. Let's get with it. If we want to refine it,
10 that's okay, but I say heavy bridges will really do us
11 in.

12 I want to address some issues tomorrow,
13 too, because right now I'm just not -- my insides is
14 just... obstacles. We try. We try under the Claims.
15 Consultation. This has -- that has a legal bearing? I
16 don't think so. Monitors. Does it -- does it have a
17 legal bearing?

18 Reconcile on this level. We haven't even
19 talked about the protection of our womens (sic), and our
20 childrens (sic), and our mens, and our community. We've
21 just heard a leader saying this -- this afternoon, jobs
22 are available today, but our peoples are not getting the
23 jobs.

24 Another issue is we've never talked about
25 the human rights issues, and that's where we fall heavily

1 into peoples. Like, I want to address some issues well
2 tomorrow, because it's the well-being of our peoples and
3 our community. I'm not talking for all the communities in
4 the Sahtu because we come from an individual -- a
5 showboat in a community. We fall right on the right-of-
6 way on land, and on the Mackenzie. It's right -- we're
7 right here. The doorstep is going to be right here.

8 And I want to address this -- some issues
9 tomorrow, but right now is like I say, my insides is just
10 really... I hope some of you understand where I'm coming
11 at from, you know, because I think of the childrens
12 (sic), and we even -- we haven't even talked about the
13 adoptions of our -- that our peoples have lived through
14 in the past. Of childrens (sic), and of mens, and of
15 womens, because it's always quietly talked about behind
16 doors from Elders.

17 We have to make sure those -- our peoples
18 are well. The well-being of them is that they don't have
19 to be caught under that, and perhaps imported.
20 Residential school system was just nothing but a
21 deportation. Whole families split up, and we're talking
22 about an international reconciliation. We have to
23 address some serious issues here, peoples.

24 Like I have no -- I -- I resist for a
25 reason. I want to make sure our non-renewable resources

1 is going to keep our peoples alive until time in
2 memorial. Is that what the treaty meant?

3 A healthy living covenant, not just for a
4 few peoples, but for everybody right across the -- right
5 across our community.

6 But I would like to talk some -- some more
7 tomorrow, Madam Chair. Thank you very much. I just -- I
8 had to get rid of this right now because it's too -- I
9 have to go to sleep tonight, too. Anyway, mahsi. Mahsi.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: Is there any other
14 expressing comments right now? Stressing comments?
15 Otherwise, we'll -- go ahead, Tom.

16 MR. TOM NESBITT: I just want to thank
17 Lucy for saying what she said. What we're -- what we're
18 trying to do in our presentation here is to make -- what
19 I was trying to do there was to make clear what is the
20 law now.

21 Well-being is the purpose of Land Use
22 Planning as recognized in your treaty with the Crown, and
23 it's our job to give that well-being life, and reality.

24 You're right, it's a big issue, but that's
25 our job. And that is -- furthermore reconciliation is

1 what the Supreme Court of Canada has told us on many
2 occasions is the fundamental objection of the modern day
3 law of treaty and Aboriginal rights, including land claim
4 agreements.

5 So again, we're within the law and we're
6 trying to do that here. We're only trying to do it for
7 land, and uses of land, uses related to the use of land,
8 so we can't attach -- attach it -- attack everything.

9 But that's what Deline is trying to urge,
10 that people keep the Land Claim Agreement first and
11 foremost. That we all do this together. That we not
12 forget that purpose. That we not forget the ultimate
13 objective, reconciliation.

14 We want to do that in the Sahtu Land Use
15 Plan. It is a negotiated part of the -- of this
16 constitutionally recognized treaty, and we want to give
17 it life. Thank you.

18

19

(BRIEF PAUSE)

20

21 THE CHAIRPERSON: Thank you. So we'll
22 reconvene tomorrow morning at 8:30, and have the two (2)
23 other signatory parties do their presentations, which is
24 INAC and GNWT.

25

And Lucy -- if Lucy wants to finish her

1 presentation tomorrow -- oh, at nine o'clock. You get an
2 extra half an hour. You can leave your -- your material
3 here. Okay.

4

5 --- Upon adjourning at 5:45 p.m.

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9 Certified Correct

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13 Sean Coleman

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