

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 4th, 2011  
Day 2 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 Rodger 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 Elder J.B. Gully )Behdzi Ahda' First Nation

25 Elder Hyacinthe Kochon )

1 APPEARANCES (cont'd)

2 George Barnaby ) Yamoga Land Corporation

3 Harry Harris )

4 Lucy Jackson )

5 Antoine Tobac )

6 Peter T'Seleie, Jr. )

7 Isidore Manual )

8

9 Grand Chief Frank Andrew ) Sahtu Dene Council

10

11 Wade Karkague ) Tulita Dene Band

12

13 Arsenne Menacho ) Tulita Land and Financial

14 Elder Maurice Mendo ) Corporation

15 Douglas Yallee )

16 Leon Andrew )

17

18 Joel Holder ) ENR - GNWT

19 Alasdair Veitch )

20 Mark Warren )

21 Heather Sayine-Crawford )

22 Andy Short ) ITI - GNWT

23 Barry Harley ) MACCA - GNWT

24

25

1 APPEARANCES (cont'd)

2 Teresa Joudrie ) INAC

3 Scott Duke ) INAC Legal Counsel

4 Greg Yeomon )

5 Matt Bender )

6 Arthur Boutilier )

7

8 Ethel Blondin-Andrew ) SSI

9 John Donihee ) SSI Legal Counsel

10 Patrick Duxbury )

11

12 Chief Raymond Tutcho ) Deline First Nations

13 Raymond Taniton )

14 Elder Andrew John Kenny )

15

16 Peter Menacho ) Deline Land Corporation

17 Tom Nesbitt ) Legal Counsel

18 Lorien Nesbitt )

19 John Yukon )

20

21 Harold Grinde ) Association of Mackenzie

22 ) Mountain Outfitters

23

24 Adam Vivian ) NWT & Nunavut Chamber of

25 ) Mines



	TABLE OF CONTENTS	
		Page No.
1		
2		
3		
4	Opening Comments	8
5		
6	Letter from MLA, Norman Yakeleya, Read	10
7		
8	Presentation by INAC	15
9	Question Period	25
10		
11	Presentation by GNWT	73
12	Question Period	90
13		
14	Presentation by Sahtu Land and Water Board	123
15	Question Period	127
16	Comments by Elders	163
17		
18		
19	Certificate of transcript	212
20		
21		
22		
23		
24		
25		

1 --- Upon commencing at 9:06 a.m.

2

3 THE CHAIRPERSON: Good morning. If  
4 everybody's could take their seats, please, we'll get  
5 started. And I'd like to invite Boniface from Tulita to  
6 do the opening prayer for us.

7

8 (OPENING PRAYER)

9

10 THE CHAIRPERSON: Thank you, Boniface.  
11 And I'm gonna turn it over to the facilitators. They're  
12 going to do a review of what you see up on the board  
13 there before we get started.

14 Please turn your cell phones off. And  
15 another reminder is your -- the -- all the conformity  
16 requirements are in your yellow book here. It's in your  
17 -- if you're looking to see what -- you know, see R-13, -  
18 14, and such is, it's in these books. Okay.

19 MS. JOANNE BARNABY: Good morning,  
20 everyone. It's Joanne Barnaby, one of your facilitators  
21 for the last part of the next two (2) days.

22 Yesterday we were taking note throughout  
23 the day from both the presentations and from the  
24 discussions that followed the presentations and we've --  
25 we've posted and organized these notes, and we'll



1 continue to add to them throughout today, as a way of --  
2 of beginning the process of organizing the -- the  
3 outcomes of -- of your deliberations.

4           The first grouping that we've organized  
5 addresses guiding principles. And this category of -- of  
6 ideas really permeates throughout, and should permeate  
7 throughout, the plan. They are the -- the underlying  
8 foundational issues that reflects values and reflects the  
9 intent and the -- the purpose of the plan. So some of  
10 those core values relate to things like, homeland, and  
11 the idea that we're not just talking about -- about land,  
12 public land or private land, we're talking about a  
13 homeland here that is central to the lives and -- and  
14 culture of the -- the Sahtu, Dene, and Metis.

15           We also heard a lot about the importance  
16 of balance and ensuring that that balance is achieved and  
17 that there is an effort to reconcile two (2) ways, two  
18 (2) very distinct ways and needing to find a way to work  
19 together. And there's a need to balance the question of  
20 conservation and resource development. There's a need to  
21 balance the needs of this generation and future  
22 generations. So those concepts are -- are found --  
23 foundational to an effective plan.

24           The -- the one that kinda stands out is  
25 the idea that this plan should be finished soon. And it

1 -- it can be a living plan, it can evolve and adapt over  
2 time, but we really need to start somewhere, and so some  
3 people encouraged that.

4                   The second grouping relates to zoning.  
5 And people did a very good job yesterday of identifying  
6 outstanding questions related to -- to zoning. And you  
7 did a good job of presenting the changes that you'd like  
8 to see, so that's fairly straightforward. And so we'll  
9 be looking, through the workshop process beginning this  
10 afternoon, at any gaps around guiding principles and  
11 around zoning. And then we'll begin to get into the  
12 other areas of conformity requirement, and actions and  
13 recommendations, as well as questions of implement --  
14 implementation. Do you want to add anything at this  
15 stage, Deb? No. Okay.

16                   So that's just a brief recap of what we  
17 heard in the hearing process and how this is going to  
18 relate later on today when we begin the workshop process.  
19 All right.

20                   THE CHAIRPERSON:     Thank you, Joanne.  
21 And we have a note that was sent in from our MLA, Norman  
22 Yakeleya, which I'm going to read for you so.

23                   "Thank you for the opportunity to  
24 comment on the third draft of the Sahtu  
25 Land Use Plan. I am sorry I was not

1                   able to attend the hearing today. And  
2                   I would like to thank the Sahtu Land  
3                   Use Plan for accepting this statement  
4                   for me. I am pleased with the progress  
5                   that has been made on the Land Use Plan  
6                   for our region. It clearly designates  
7                   areas for conservation, special  
8                   management, or multiple use so that  
9                   everyone knows how the land should be  
10                  used here. That helps protect and  
11                  promote the well-being of residents in  
12                  the Sahtu Settlement area. It is very  
13                  important that the Land Use Plan is  
14                  approved as soon as possible. I  
15                  believe the first priority of the Land  
16                  Use Plan should be the protection of  
17                  our land, water, and resources so that  
18                  we can continue to practice our  
19                  traditions and preserve our culture.  
20                  This land was home to our ancestors and  
21                  will be home to our future generations,  
22                  but only if we are willing to protect  
23                  it. I am glad that the Land Use Plan  
24                  specifically preserves culture and  
25                  historic sites. We must honour these

1 sacred places and teach our young  
2 people about them. They will not  
3 understand their special meaning unless  
4 we tell their stories and they see us  
5 treat these places with special  
6 respect. The development of the Sahtu  
7 Land Use Plan has been a very -- a long  
8 journey. Throughout the process  
9 community organizations struggled with  
10 funding to hire staff and carry out  
11 their mandates. The Sahtu Land Use  
12 Plan includes recommendations to help  
13 communities start to build a larger  
14 revenue base; that means we have to  
15 recognize the role of economic  
16 development. The Sahtu is rich in both  
17 renewable and non-renewable resources.  
18 Recently, Canada opened almost nine  
19 hundred (900) hectares of Sahtu land to  
20 oil and gas development bids. We have  
21 a lot to gain from this development in  
22 terms of jobs and money, but also a lot  
23 to lose in terms of clean water, clean  
24 air, and healthy people and animals. I  
25 am glad that the Land Use Plan

1 recommends an economic development  
2 strategy and I hope this gets underway  
3 soon. Some real challenges remain in  
4 the implementation of this plan. I'll  
5 list some of them: There is not enough  
6 money -- funding for good cumulative  
7 impacts monitoring program; we need to  
8 grandfather existing land uses in the  
9 approved plan. How will the plan  
10 affect the Mackenzie Gas Project?  
11 Trans-boundary issues are beyond the  
12 scope of the Plan, but they are an  
13 increasing concern to the people of the  
14 Sahtu and all of the Northwest  
15 Territories. Community and social  
16 development resource booms in the past  
17 show that more money leads to more  
18 addictions and more broken families.  
19 We need strategies for public water  
20 supply and water -- waste management,  
21 and energy development, including  
22 hydro. What we do -- what do we do  
23 when industry requests access to  
24 certain resources, such as gravel  
25 sources and their requests forces us to

1                   compromise our commitment to protect  
2                   cultural sites or important habitats?  
3                   Trans -- transportation development;  
4                   how will the construction of roads and  
5                   air strips affect the land and animals,  
6                   tourism, and forestry? The choices  
7                   that the Sahtu people, other  
8                   governments and agencies make in some  
9                   of these areas will have an impact on  
10                  land use. The land use plan provides a  
11                  guideline, but does not make difficult  
12                  decisions for people.  
13                  In closing, we need to teach our young  
14                  people, our future leaders, to love  
15                  this land and carry on the traditions  
16                  of their ancestors. The wisdom of the  
17                  Elders will help them make those  
18                  choices. Thank you, once again, for  
19                  this opportunity to speak to the  
20                  proposed Sahtu Land Use Plan. I  
21                  appreciate your commitment in designing  
22                  this important map of the future of the  
23                  Sahtu."

24                  So that was from our MLA.

25                  And next on the agenda we had the INAC and

1 GNWT presentations. I know Lucy had ended the meeting  
2 yesterday saying she may want to say more this morning.  
3 So we before we begin, I'd like to give her that  
4 opportunity if she'd still like to speak.

5 MS. LUCY JACKSON: Thank you, Madam. But  
6 I -- is there an opening on the Elder's comments on  
7 presentation? Probably, I could take it --

8 THE CHAIRPERSON: Yeah, though it will  
9 be later.

10 MS. LUCY JACKSON: Okay. Thank you.

11 THE CHAIRPERSON: All right. So we'll  
12 begin with the INAC presentation.

13 Oh, also another change on the agenda,  
14 Explorer is no longer making a presentation. They're not  
15 attending, so we can remove that on the agenda.

16

17 PRESENTATION BY INAC:

18 MS. TERESA JOUDRIE: Good morning. My  
19 name is Teresa Joudrie, I'm the Director of Renewable  
20 Resources and Environment for the Regional Indian and  
21 Northern Affairs office in Yellowknife. Today I'm joined  
22 by Greg Yeoman, and Matt Bender, along with Arthur  
23 Boutilier and Scott Duke to present to you.

24 Before I start, I'd like to -- to thank  
25 the community of Norman Wells for having us here, for

1 giving us the opportunity to -- to be in the community  
2 for the week. And I must say, I'm really pleased with  
3 the -- the number of people that are here. The -- the  
4 breadth of participation, it's -- it's nice to see that  
5 so many people are interested in -- in the Land Use Plan  
6 and what's going on in the territory.

7                   And although this may not necessarily be  
8 appropriate, whoever is looking after the hall and the  
9 food, all I can say is -- like, uber fabulous, very  
10 impressive, and I'm really quite grateful.

11                   So to start we're pleased to present our  
12 comments on the third version of the Land Use Plan. So  
13 we've reviewed the plan and submitted some comments in  
14 October and then some follow-up comments at the request  
15 of the Board in February and March of this year.

16                   Our presentation today reflects key  
17 messages resulting from our review and updates on events  
18 that have occurred since our review. And we've tried to  
19 outline the presentation along the lines of the topics  
20 presented in the overview of the Hearing Topics document.

21                   The departmental aim is to assist the  
22 planning board in the development and submission of the  
23 final draft plan for ministerial approval.

24                   In a recent departmental response to the  
25 report of the Auditor General sustaining development in



1 the Northwest Territories, INAC considers land use  
2 planning as an important tool for balancing investment  
3 and development opportunities with environment  
4 stewardship and community aspirations.

5           The implementation of land use plans play  
6 an essential role in the development of effective,  
7 predictable, and clear regulatory regimes. An approved  
8 Land Use Plan would provide increased certainty and  
9 clarity to communities, to proponents, governments, and  
10 regulators operating within the Sahtu settlement area.  
11 The Sahtu Land Use Plan is a fundamental component of the  
12 Land Claim Agreement.

13           As I mentioned, we're going to try to  
14 tailor this along the lines of the -- the overview  
15 document. So now I'm going to address zoning.

16           We're supportive of the proposed zoning  
17 changes since the Draft 3 has been released. We'd like  
18 to recognized the Board's efforts in working with all of  
19 the parties on the zoning. The changes to SGN zone help  
20 to address the Department's concerns about unduly  
21 restricting development opportunities in areas with a  
22 high mineral potential.

23           We'd also like to note that ongoing  
24 Protected Area Strategy process in the Rampart's zone,  
25 and we encourage the Board to remain involved as any

1 changes to the zone's boundaries could be incorporated  
2 into the final draft prior to its submission for  
3 approval.

4           It's important to maintain clarity on how  
5 PAS -- PAS areas will integrate into the Plan. We'd like  
6 to reiterate that our preference is once a protected area  
7 is established, the revised boundaries will be reflected  
8 in the Plan and the protected area will be managed  
9 according to its relevant legislation. In addition, any  
10 areas that are exempted from the final boundaries due to  
11 high economic potential should be zoned as special  
12 management or general use zones.

13           We're comfortable with the overall zoning  
14 balance in the Plan as long as the proposed zoning  
15 changes that we have indicated are made. There are  
16 opportunities for further changes given the -- the  
17 protected area process in the Rampart's area. And, once  
18 again, I'd like to reiterate that it's important for the  
19 Land Use Plan to keep the PAS in mind and vice versa.

20           With respect to the Mackenzie Gas Project  
21 infrastructure corridor we request the inclusion of the  
22 study corridor as in the plan for illustrative purposes  
23 only. If the Plan is approved prior to a decision or a  
24 commencement of construction for the project, it's  
25 important that the Plan demonstrate to parties where the

1 corridor will sit.

2                   We understand that the pipeline corridor  
3 is an acceptable use within the conservation zones and  
4 special management zones, and that the corridor may cross  
5 those areas. A clearer statement in the Plan that the  
6 MGP and associated infrastructure would be allowable  
7 under the Land Use -- or, the final Land Use Plan would  
8 add certainty. The final Plan provisions related to the  
9 MGP should also be consistent with the outcome of the MGP  
10 review.

11                   With respect the inst -- issuance of sub-  
12 surface oil and gas rights. The issuance of sub-surface  
13 oil and gas rights under a conservation zone could be  
14 contemplated in cases where directional drilling from  
15 outside the zone could give access to the resource.

16                   Oil and gas rights can include a  
17 prohibition on surface access for development. This  
18 approach could be used in specific circumstances such as  
19 where a gas field exists in the sub-surface below a  
20 narrow conservation zone. Surface access for exploration  
21 within a conservation zone could be contemplated by  
22 including conditions on the exploration.

23                   On the conformity requirements.  
24 Conformity requirement number 2 - Community Engagement  
25 and Traditional Knowledge. The land and water boards are

1 currently developing public engagement guidelines. And  
2 the department requests that the planning board work  
3 closely with the land and water boards to ensure  
4 coordination, consistency, and clarity on this issue so  
5 that applicants know what is expected of them and that  
6 there are no inconsistencies or unnecessary duplication.

7           It is possible that the final Plan may not  
8 need this CR or actions related to it if it -- if they  
9 are already being addressed elsewhere in the regulatory  
10 process. We also understand that this CR is intended to  
11 be implemented at the application stage and we have,  
12 therefore, requested that sub-section 2 be amended or  
13 removed and that was the clause of "and carried out."

14           With respect to community benefits, our  
15 October 15th submission articulated that we're not clear  
16 on how a regulator would specifically determine what a  
17 benefit means, and that the obligation -- as well as the  
18 obligation to communities -- determining how that was  
19 met.

20           The claim establishes processes for  
21 community engagement and developer commitments regarding  
22 local economic opportunities in certain circumstances;  
23 and naturally these benefits will vary from project to  
24 project. And so at the project planning stage, not the  
25 land use plan conformity review, offers the proponent and

1 local communities the best opportunity to provide -- or,  
2 to identify potential benefits.

3 In our view, this conformity requirement  
4 is not required as the matter is adequately addressed by  
5 recommendation number 10, which is maximizing benefits,  
6 and other existing mechanisms that exist in the claim or  
7 under other auth -- regulatory authorities.

8 Conformity Requirements 5 and 6 -  
9 Watershed Management and Drinking Water. Over the last  
10 couple of years Canada and the GNWT have dedicated a  
11 great deal of time and effort working with communities to  
12 develop a water stewardship strategy. This strategy was  
13 tabled last May -- May 2010, in the legislature and was  
14 signed by both the Ministers of Environment and the  
15 Minister of INAC.

16 Now that the strategy has been finalized -  
17 - and in that strategy it states that land use planning  
18 contributes to achieving the -- the water strategy's  
19 vision and goals and some of it applying indirectly to  
20 the watersheds.

21 So in response to the Board's question  
22 around -- sorry. In re -- in response to the Board's  
23 question on prescriptive versus goal based -- a goal-  
24 based approach, we recommend a goal-based approach as it  
25 allows the specific issues to be addressed while leaving

1 the particular terms and conditions to the regulators.

2 With respect to Closure and Reclamation,  
3 Conformity requirement number 13, we support the  
4 inclusion of this in the Plan as long as previous changes  
5 that have been recommended are made.

6 On the first part of the CR, with respect  
7 to financial security, we'd like to see the reference  
8 where the amount calculated exceeds \$50,000 removed.  
9 While this is currently the practice of the Mackenzie  
10 Valley Land and Water Board, it may not be appropriate in  
11 the future as the amount is not actually fixed in -- in  
12 regulation.

13 Reclamation security for land use  
14 activities on settlement lands may best be held by a  
15 Sahtu organization. It's important that there is  
16 coordination with the joint closure and reclamation  
17 guidelines being -- being developed by INAC and the Land  
18 and Water boards. And we can provide an update on -- on  
19 those plans -- or, on those guidelines as the Board is  
20 developing its final plan.

21 We have recommended the -- the wording for  
22 this CR read that:

23 "Financial security shall be posted and  
24 maintained with the Minister of Indian  
25 and Northern Affairs Canada for any

1 land use activity that is not carried  
2 out by a local government, or the  
3 territorial or federal government, or  
4 that does not take place on Sahtu  
5 privately owned lands, in an amount  
6 sufficient to cover the full cost of  
7 reclamation and post-closure  
8 activities."

9 Conformity Requirement number 20, Water  
10 Withdrawal. This restriction on water withdrawal, except  
11 from lake out -- outlets, could create problems for ice-  
12 road construction, as well as oil and gas operations. We  
13 suggest using the language that was mentioned yesterday  
14 as well, of "no reasonable alternative" be -- be included  
15 in that requirement.

16 With respect to actions, we agree that  
17 actions and recommendations can form part of the Land Use  
18 Plan, however, they cannot bind a govern -- a government.  
19 There are legal arguments, but I'm not going to go into  
20 them here. On the actual content of the proposed actions  
21 we support the creation of the Sahtu working group and we  
22 look forward to being an active participant.

23 The deliverables of the working group,  
24 particularly actions 3 to 6, should be the responsibility  
25 of the Board. Government, as a working group member,

1 will be an active participant and provide information and  
2 engage in the discussions in support of the Board. We  
3 also support the development of a separate implementation  
4 plan that addresses the specific activities and costs  
5 associated with actions in more detail. We also support  
6 the inclusion of non-binding actions in the Plan. And  
7 that if changes to the content of the actions are made  
8 that address our concerns it would be clearer for us.

9 THE CO-CHAIRPERSON: Hello. Can --  
10 sorry, can you slow down, please. Thank you.

11

12 CONTINUED BY INAC:

13 MS. TERESA JOUDRIE: I am sorry. I  
14 thought I was talking slowly. I just get so excited, I  
15 don't know what to do with myself. I'm almost done, so.

16 With respect to implementation we support  
17 the development of an implementation plan that outlines  
18 clear roles, responsibilities, timelines, and other  
19 requirements to ensure efficient and consistent  
20 implementation of the plan. We recommend the conformity  
21 determination occur early in the application review  
22 process, preferably prior to pri -- preliminary  
23 screening, and that conformity determination is done  
24 concurrently with a completeness check.

25 We look forward to working with the Board,



1 Sahtu Land and Water Board, and others on the  
2 implementation of the Plan to ensure a smooth,  
3 consistent, and timely implementation.

4 In closing, we'd like to thank the Board  
5 for an opportunity to present today and to submit our  
6 comments. The Board should be commended on the major  
7 improvements made since the Draft 2 plan. We look  
8 forward to working with the Board, all of the other  
9 parties that are here, listening to the -- the comments  
10 and the input, and working to develop a final plan.  
11 Thank you.

12 THE CHAIRPERSON: Thank you very much  
13 for your presentation. So, any of the Board members have  
14 questions? Danny...? If not, I'll turn it over to  
15 Heidi.

16

17 QUESTION PERIOD:

18 THE CO-CHAIRPERSON: Hello. This is  
19 Danny Bayha. I had one (1) question. On your earlier  
20 slide you mention that the -- the deposit or the  
21 financial security be held by a Sahtu organization on  
22 private lands. And could you possibly elaborate a bit on  
23 that? What -- what are your thoughts about -- about your  
24 -- that comment? Thank you.

25 MS. TERESA JOUDRIE: I won't be able to

1 comment in great deal -- detail, as I'm not a securities  
2 expert. However, our experience has been that when the  
3 lands are -- are held by -- by a regional group -- or,  
4 even in the case of Crown lands, when it comes time to  
5 draw down from the security it -- it is easier for the  
6 respective group to draw down for a security to do the  
7 work on their land, as opposed to getting it from -- back  
8 from the minister.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Okay. I'd like to  
13 invite Willard Hagen and Rick Edjericon who has just  
14 joined us a few minutes ago. So, welcome. And I'll turn  
15 it over to Heidi.

16 MS. HEIDI WIEBE: Thank you. One (1)  
17 quick question. When you were looking at CR 13 on  
18 security, you read out some specific wording that you  
19 were recommending. I don't believe the Board has  
20 received that specific wording before, but I could be  
21 wrong. If you could just submit that.

22 MS. TERESA JOUDRIE: Sure. It is  
23 actually in the October 10th -- or October 15th  
24 submission to the Board --

25 MS. HEIDI WIEBE: Oh, that's fine then.

1 MS. TERESA JOUDRIE: -- halfway through  
2 page 9.

3 MS. HEIDI WIEBE: The next question --  
4 Joel, if you could maybe put up the slide on the issuance  
5 of subsurface rights. It was early on in the  
6 presentation. I -- I am looking for a clarification on  
7 the context of these statements, and so I have to do a  
8 little bit of a lead-in.

9 Way back, after Draft 2, or in Draft 2,  
10 INAC had asked the Board to consider opening the sub-  
11 surface of certain conservation zones to oil and gas via  
12 directional drilling. In turn, our Board asked INAC for  
13 clarification on whether or not there was a mechanism by  
14 which -- by which INAC could protect surface values if we  
15 agreed to open up the subsurface for directional  
16 drilling.

17 Will we be correctly interpreting this  
18 statement as a response to that question, or is -- is  
19 this a more firm request or direction for the Board to  
20 actually open up the subsurface? So, is this an answer,  
21 or is this a request? Thank you.

22

23 (BRIEF PAUSE)

24

25 MS. TERESA JOUDRIE: This is a response

1 to the question. We don't necessarily have a formal  
2 policy on it, so I wouldn't say that this is the -- the  
3 final answer. Did you want to know the mechanisms  
4 though?

5 MS. HEIDI WIEBE: Absolutely.

6 MS. TERESA JOUDRIE: Okay. So one (1) of  
7 the things -- and it -- it was mentioned yesterday, is a  
8 clear identification through the call for nominations  
9 area -- areas. When those go out we make it clear on  
10 what zones are available and what zones aren't available,  
11 as well as the terms and conditions within the licence --  
12 the exploration licence. So there can be certain  
13 prohibitions placed, and terms and conditions of  
14 licences.

15 MS. HEIDI WIEBE: Thank you. In follow-  
16 up then, the bottom point on that slide speaks to how  
17 INAC might grant surface access for exploration.

18 I think maybe just for the clar -- the  
19 clarity of everyone in the room then, the first three (3)  
20 points are speaking to how you can protect the surface by  
21 going under and doing directional drilling. Could you  
22 clarify then why you would require surface access in  
23 conservation zones, which is the whole reason for having  
24 a conservation zone. Thank you.

25

1 (BRIEF PAUSE)

2

3 MS. TERESA JOUDRIE: The surface access  
4 that we're speaking of here is for exploration purposes,  
5 not for development. And it -- it is quite possible that  
6 you may need to access the surface in -- in your  
7 exploration activities, particularly if they abut another  
8 area, so if there is a bit of overlap and if you were  
9 able to go in using below threshold methods. But it is  
10 only for exploration.

11 MS. HEIDI WIEBE: So this might be  
12 talking about seismic exploration around the borders of a  
13 conservation zone?

14 MS. TERESA JOUDRIE: Yes.

15 MS. HEIDI WIEBE: This topic has -- has  
16 been before the Board for about a year and a half now for  
17 decisions and back and forth with INAC to understand the  
18 mechanisms. We've certainly received very clear  
19 direction from the Tulita district that they would not  
20 support directional drilling within conservation zones.  
21 I think we have clear direction from most of the  
22 communities that the conservation zones are intended to  
23 be no-go zones for development. Deline has certainly  
24 made that explicit through both the Great Bear Lake  
25 Management Plan and their input in the integration of

1 that materials into our plan.

2 I don't want to open it up for broad  
3 questioning right now, but I think when we go around to  
4 the communities, if there's any questions or comments  
5 this hearing provides an opportunity for us to maybe  
6 bring final closure to this matter on whether or not some  
7 of the communities support or want to see some  
8 directional drilling under some of the conservation  
9 zones.

10 INAC had pointed out some specific ones in  
11 the past, generally looking at ones that maybe fall  
12 within river corridor, so they're not looking at some of  
13 the larger ones. But if -- when the -- we pass the mic  
14 around for community questions, if any of the communities  
15 have not provided the Board direction on this yet, this  
16 is an opportunity perhaps to do that. And we have  
17 discussion over the next two days on CRs under which this  
18 could be further discussed. That's all.

19 MR. DICK SPAULDING: Thank you, Madam  
20 Chair. Two (2) questions. The first is on Slide 10,  
21 regarding Conformity Requirements 5 and 6. At the bottom  
22 of that slide INAC is proposing that requirements like  
23 this use a different approach which you describe as a  
24 goal-based approach. And my question tries to get at  
25 what you mean by that. It's not a term that the plan

1 uses right now, and there is more than one (1) party that  
2 is suggesting that that's an option for the Board to  
3 consider when its looking at revisions.

4           So my question is intended to help clarify  
5 what's meant by "goal-based approach." If I can choose -  
6 - choose an example and just tell you what my assumption  
7 is when I hear the word "goal-based approach." In these  
8 requirements there's reference to avoiding or prevent  
9 contamination. So the direction to the regulator is, do  
10 what you have to do, provide terms and conditions, or  
11 avoid issuing licences, but make sure that at the end of  
12 the day you have not authorized the contamination of  
13 water.

14           I have been understanding that that is --  
15 that that is an example of a goal-based approach. But  
16 when I read the description in your presentation  
17 suggesting that a goal-based approach would ensure that  
18 an issue will be addressed, it leaves me with a question  
19 because I had thought that a goal-based approach would --  
20 or at least could include having an objective standard in  
21 the Plan, some threshold of some kind that the regulator  
22 could then satisfy or achieve by whatever means the  
23 regulator considered appropriate.

24           So my question is: Am -- am I  
25 understanding your -- your use of that term correctly?

1 MS. TERESA JOUDRIE: If you can just give  
2 me a second.

3

4 (BRIEF PAUSE)

5

6 MS. TERESA JOUDRIE: The -- I would  
7 concur in part with what you've said. The -- the idea is  
8 that there is -- there is a good relationship between the  
9 Land Use Planning Board and the Land and Water Board.  
10 And so the Land Use Plan would set a -- a threshold or a  
11 standard, but that the Land -- the Land and Water Board  
12 would then set the specifics of it. Because the -- the  
13 territory is unique and the waters are unique, it would  
14 be difficult to be globally prescriptive in the plan  
15 itself.

16 MR. DICK SPAULDING: Thank you. My  
17 second question is about Slide 14, the key topics on  
18 implementation. There's a recommendation there that the  
19 conformity determination process could happen while the  
20 regulator is checking the application to make sure that  
21 it's complete.

22 My question is: If the determination of  
23 conformity is made by the Planning Board, as a number of  
24 parties have suggested, what would happen if the  
25 regulator then informed the Board that it had decided



1 that the application that the Board had reviewed and made  
2 its decision about was incomplete and that the regulator  
3 is actually going to be do -- using a different  
4 application?

5                   It seems to me there -- there is a logical  
6 answer, but I'm asking whether that's the way that people  
7 would want to go. The logical answer would be, Well,  
8 that's not gonna happen very often, or at least we hope  
9 it won't, so that you can still save time by doing  
10 conformity determinations on -- on unknown complete  
11 applications.

12                   But, if and when it happens you'd have to  
13 do it twice. You'd have to go back to the conformity  
14 determer -- determiner, tell them that their  
15 determination isn't really the one that you need and have  
16 them do it over again.

17

18                   (BRIEF PAUSE)

19

20                   MS. TERESA JOUDRIE: Just so that I'm  
21 clear on what your question is: You'd like to know if --  
22 or what is to be gained by running them simultaneously?

23                   MR. DICK SPAULDING: No, I think I  
24 understand that time would be gained as long as the  
25 application turns out to be complete, I think that's

1 clear.

2                   So the question is: Is this a good idea  
3 if no one can be sure that the application is complete  
4 and you run the risk that you'll have to go back to the  
5 conformity determiner with the complete application?

6

7                   (BRIEF PAUSE)

8

9                   MS. TERESA JOUDRIE: I don't think we  
10 actually have a concrete position on this. It goes back  
11 to a relationship between the board -- between the two  
12 (2) boards and making sure that they've got a -- a policy  
13 and procedure in place that will address these things.  
14 And I think that you'd be able to know relatively  
15 succinctly whether or not an -- an application met its  
16 completeness before you got too far into the conformity.  
17 But the final plan really needs to have your -- your  
18 methodology laid out.

19

20

21                   (BRIEF PAUSE)

22

23                   MR. BOB OVERVOLD: It's Bob Overvold, a  
24 Member of the Board. In regard -- I'm not expecting an  
25 answer right now, but I'm going to suggest that we put

1 our -- I'm not expecting -- Oh, hello.

2 I have a question, but I'm not expecting  
3 an answer from you right now. More if you could -- you  
4 as well as everyone else, think about it prior to our  
5 workshops and when we have the session dealing with CRs  
6 maybe come forth with some ideas there. And it's in  
7 regard to CR 3, Community Benefits. Again this was an  
8 issue that was brought up many times during our community  
9 consultations. And obviously that was why the Board put  
10 in CR 3.

11 In your submission you talk about that you  
12 -- you think the CRs should -- should be removed because  
13 recommendation -- one (1) of the recommendations, I think  
14 it's 12 maybe, deals with it. Well, you know my view on  
15 the recommendations, they are -- you know, they're not  
16 binding, they're very weak, they're just a  
17 recommendation. It's the lowest form of -- of trying to  
18 get something done in the Plan. And you also talked  
19 about there are other mechanisms and that's fine. There  
20 are other mechanism -- other mechanisms.

21 But, it's my sense that the community  
22 still think that there's not enough being done to ensure  
23 they receive the -- their fair share of benefits from  
24 development. And that's why we came up with this CR.  
25 But SSI supported the principle or the concept of -- of

1 communities benefiting more and thought that there might  
2 be other ways. I think -- I can't recall, but I think  
3 they said a public interest test or something like that.  
4 But -- so, you know, that's one (1) idea, but it needs to  
5 be fleshed out as to what that really means.

6                   So I -- I really -- and Deline also in  
7 their -- in their presentation supported this and  
8 suggested that we -- we think about it further and talk  
9 about it further and try to come up with ideas. So my  
10 own sense is I would be reluctant as a Board member just  
11 to leave it as it is and say, Oh yeah, other mechanisms  
12 and recommendation to all is the answer and we don't need  
13 to do anything more.

14                   So I would encourage all the delegates  
15 here that when we go into the workshops and we discuss CR  
16 3 that we try to be creative and find a way to put more  
17 things in the Plan that are going to address this concern  
18 that's coming from the communities that -- that there  
19 needs to be more -- they need to have more insurance that  
20 they are, in fact, gonna do -- benefit from development  
21 projects. So I just put that out there for you to think  
22 about it and I'll be watching what you say during the  
23 workshops.

24                   MS. TERESA JOUDRIE: Thank you.

25                   THE CHAIRPERSON: Is there --

1 MS. TERESA JOUDRIE: You -- thank you for  
2 that, Bob. Very definitely the CR needs to have more  
3 discussion. It needs a very -- be -- be very clear and  
4 understand what "benefits" means to ensure that whatever  
5 other mechanisms exist actually cover off what the  
6 interest is that's being sought.

7 So it -- I look forward to that discussion  
8 as well because I'd like to know what "benefits" looks  
9 like and how it can be meaningfully achieved.

10 THE CHAIRPERSON: Thank you. George...?

11 MR. GEORGE BARNABY: Yeah. There are  
12 things going on at the community right now, things like  
13 negotiating benefits, and making agreements. And the  
14 Land and Water Board looks for that when they -- they  
15 give out their permits to go ahead and work. So why is  
16 this being brought up to take it away? I mean, it should  
17 recognize that and strengthen it and put it in the  
18 agreement.

19 And there are other things that are there  
20 already which should be just put in there. No use to  
21 bring them up and the communities are satisfied with it,  
22 if they are then that should be put in without other  
23 parties coming in and trying to take it away.

24 So I -- the other thing I want to comment  
25 on: The presentation is to have clear -- a clear, I

1 guess, definition of everything. So, the people in our  
2 region, they want their name on the agreement, they don't  
3 want it to be no more Aboriginal or local or, you know,  
4 unclear things. They want the people's name right on  
5 there who will be doing what and who will be approving  
6 this or that.

7                   So the way it is today, the people have  
8 some authority in all the districts and the communities  
9 and that's what should just go into the plan and add on  
10 to it to make it more clear or to strengthen it. Thank  
11 you.

12                   THE CO-CHAIRPERSON: Thank you, George,  
13 for the comment. Is there any other comments from  
14 communities? Tom...?

15                   MR. TOM NESBITT: Hi, it's Tom Nesbitt  
16 with the Land Corporation -- Del -- Deline Land  
17 Corporation. Teresa, I'm wondering if you could go to  
18 Slide number 8, which deals with CR number 2, the second  
19 part there.

20                   Yesterday -- well, actually on May 2nd,  
21 Deline made its submission. We were -- we apologize for  
22 not getting this in earlier, but we just were unable to  
23 do that earlier. We therefore submitted this after you  
24 had developed this PowerPoint presentation.

25                   In our submission yesterday we suggested a

1 way around this problem in number -- in the second bullet  
2 there, asking that we think about what a land use plan  
3 does. It sets out requirements for the use of land, and  
4 the Plan calls those conformity requirements.

5           Think about it, they aren't just  
6 requirements when an application is made. These app --  
7 these requirements run throughout the term of the permit.  
8 So we should -- we submitted to everyone that we think  
9 about running -- you can run an initial conformity  
10 requirement at that -- at the first -- when -- when an  
11 application is first submitted, looking at the design of  
12 the -- of a -- of a project. But that the -- the  
13 requirement and the conformity requirement should not end  
14 there. The requirement should run throughout the term of  
15 the permit.

16           And therefore, that we can speak of  
17 removing this language about "before a land use activity  
18 is authorized." Remove that kind of -- that kind of  
19 language from the CRs and just state the -- the  
20 prohibition or the condition and leave it up to the  
21 applicator -- the -- sorry, the -- leave it up to the  
22 regulators, including the body that does the conformity  
23 requirement, which may be the Land Use Planning Board, to  
24 look at the requirement when the application is first  
25 made. And then also to ensure that the requirement is

1 met throughout the term of the permit in terms and  
2 conditions which the Land and Water Board would attach to  
3 the permit.

4                   That being the case I -- I'm wondering if  
5 you just reconsider th -- your second bullet there, you  
6 may have a problem of the -- the content of that CR --  
7 the second part of what CR 2 says. And we may need,  
8 therefore, to amend it as you suggest there.

9                   But we don't think that simply because  
10 this is -- the CR is intended to be implemented at the  
11 application stage, that's not a good rationale. It's not  
12 only intended to be implemented at the application stage,  
13 it's intended to be implemented throughout the term of  
14 the permit. So we should think a little more  
15 comprehensively. It's not "or," it's "and." It's not,  
16 at the first of the -- for the permit and that's it for  
17 you, no more conformity tests. It's a test that -- it's  
18 a requirement throughout the permit. It's a permit  
19 condition, or a permit -- or a prohibition.

20                   Any comments on that, please, from Teresa?

21

22                   (BRIEF PAUSE)

23

24                   MS. TERESA JOUDRIE: Thank you, Tom. The  
25 -- INAC wants to make sure that there is community





1 collectively I don't see any problem with:

2 "Regulators shall ensure that a land  
3 use activity is designed and carried  
4 out -- carried out."

5 I - I don't see any problem with that part  
6 of the CR. But I see where you might have a problem with  
7 some sort of absolute requirement that community concerns  
8 and that traditional knowledge must always be  
9 incorporated. It must be -- it must be reasonable, there  
10 must be reasonable -- reason -- reasonability tests  
11 there.

12 If -- so if we could think about in that  
13 CR during the next couple of days amending the language,  
14 as you suggested in your -- in your slide there. But I  
15 think we should stick with the language "is designed and  
16 carried out" because it addresses again this, what a  
17 conformity requirement is. The nature of a conformity  
18 requirement is -- it's not just something that you test  
19 initially. You test initially, yes, but you all -- you  
20 also must comply throughout. And so that "carried out"  
21 is appropriate in these -- this and other conformity  
22 requirements.

23 Am I making myself clear? Okay. Thanks,  
24 George.

25 THE CO-CHAIRPERSON: Okay. Thank you,

1 Tom. Is there any other questions?

2 MS. TERESA JOUDRIE: Sorry, if I can just  
3 respond. When we looked at this it was in terms of:  
4 When you do the conformity check, how can you check to  
5 make sure it has been carried out if the project hasn't  
6 started yet?

7 But as we discussed yesterday, in making  
8 sure the roles and responsibilities are clear with the  
9 regulators and that it exists as a term and condition,  
10 then you can ensure that it will be carried out. But it  
11 was a matter of, when we were doing the review and  
12 looking at what the timing aspect of it was, can you make  
13 sure that it's been carried out when you're doing the  
14 check? No. Can you make sure that terms and conditions  
15 get put in or require the regulator to put terms and  
16 conditions in? Yes.

17 So it's about having clarity as to what  
18 the roles of each of the people -- or each of the -- the  
19 parties to this, what they have to do and what they don't  
20 do.

21 MR. TOM NESBITT: So if I could just --  
22 one (1) quick -- in that case I agree with you. And I  
23 would suggest that clarity can be achieved in the words  
24 "designed and carried out." Thanks very much.

25 THE CO-CHAIRPERSON: Thank you, Tom and

1 Teresa. I think George, you had a question. Thank you.

2 MR. GEORGE BARNABY: Just another comment  
3 to help out here.

4 So at this time when applications come in  
5 and the community is involved, both in negotiating with  
6 the company and also with Land and Water Board and other  
7 regulators so the -- the plan or the -- a plan for any  
8 project is given to the community, then they -- they have  
9 a chance to comment on it and to bring up all their  
10 concerns. So that happens now, so if that could be  
11 spelled out and clarified and put in the agreement that  
12 would be good.

13 THE CO-CHAIRPERSON: Do you wish to  
14 respond to that, Teresa?

15 MS. TERESA JOUDRIE: I -- I think any  
16 clarity that we can add to the document, and particularly  
17 highlighting things that we do already and to make sure  
18 that we keep doing them is an important part of the plan.

19 THE CO-CHAIRPERSON: Hello. Hi. Go  
20 ahead, please.

21 MS. HEATHER BOURASSA: I just have a  
22 really brief question about your Slide 13, when you  
23 mentioned that you'd supported the actions to be non-  
24 binding actions. Is the recommendation of INAC that  
25 mandatory actions become recommendations in the Land Use

1 Plan?

2 MS. TERESA JOUDRIE: No, the actions can  
3 remain actions. We just have the -- the other legal  
4 argument about what we can have as mandatory and non-  
5 mandatory.

6 MS. HEATHER BOURASSA: So, some of the  
7 actions can be mandatory and some can't be mandatory?  
8 I'm just wondering because an action, if it's not  
9 mandatory, how is it different than a recommendation?

10

11 (BRIEF PAUSE)

12

13 MS. TERESA JOUDRIE: Not all of the  
14 actions as listed, from my read, are mandatory as they  
15 are right now. So there is -- there is a different level  
16 of -- I'd actually prefer to leave it to the Board to  
17 answer this, whether -- what the difference is between an  
18 action and a recommendation. But I don't think that all  
19 of the actions as presented are mandatory now.

20 THE CO-CHAIRPERSON: Yes, Heather, do you  
21 have a follow-up question or is that satisfactory?

22 MS. HEATHER BOURASSA: Well, I just -- I  
23 just wanted to know because the way it's presented it  
24 just says that they wanted the actions to be non-binding,  
25 and if they're not binding I don't know what kind of --

1 what kind of teeth they would have that would be any  
2 different than a recommendation.

3 And I -- just looking at the actions,  
4 there's thirteen (13), and I just wanted more clarity I  
5 guess if -- if they support mandatory actions or some of  
6 them or not all of them. And I know you had said that  
7 there was legal arguments behind that in your  
8 presentation but, like I said, I'd just -- just like a  
9 brief clarification I guess. But yeah, that's fine.

10 THE CO-CHAIRPERSON: Thank you. Heidi,  
11 do you want to -- can you comment on that, please? Thank  
12 you.

13 MS. HEIDI WIEBE: Thank you. I guess  
14 just to clarify the Board's thinking on this. I want to  
15 thank Heather for her question because I think she hit it  
16 on the head.

17 The Board has viewed actions as mandatory  
18 this time -- at this time, and if they're not mandatory  
19 we would view them essentially as recommendations. That  
20 has always been the difference between them: that one is  
21 mandatory and the other is not. The Board had and has  
22 intended that all thirteen (13) actions be mandatory.  
23 That's how they're written in Draft 3.

24 There is some differences between some of  
25 the actions in that two (2) of them at least are -- are

1 purely administrative. They're what help us administer  
2 the Plan and implement the Plan such as that all bodies  
3 who issue an authorization under the Plan should send  
4 those to the Board so that we can ensure the Plan is  
5 being implemented appropriately.

6 We have the five (5) actions related to  
7 the Sahtu working group and those ones are different in  
8 that the Board is primarily directing itself to establish  
9 this working group, and carry out and lead activity  
10 related to those four (4) topics discussed.

11 The other remaining actions, there's  
12 probably about -- I've got six (6) more there if my count  
13 is right then are directing other people in a mandatory  
14 nature.

15 In INAC's submission to the Board they had  
16 identified that it was Actions 7 to 13 that were pri --  
17 primarily the issue for them, and certainly they can  
18 perhaps comment more on that if they like. So there was  
19 some movement in that and we -- we have met with both  
20 INAC and the GNWT in February to try to propose  
21 alternative wording for some of the actions that might  
22 address their issues.

23 I think we did make some headway in a few  
24 cases but the legal position, and I think potentially the  
25 policy position behind it, is still that they will not

1 support mandatory actions. So the Board has certainly  
2 done everything it can to try to keep actions mandatory  
3 and to further discussions so that we can keep actions  
4 mandatory.

5 All three (3) parties now have now lined  
6 up and said that for legal reasons they do not support  
7 mandatory actions. SSI I think provided a little bit of  
8 room in there in that they were identifying differences  
9 in some of the actions as well, and perhaps John can  
10 speak to that. So there -- there is some small areas of  
11 movement potentially.

12 As you'll note on the agenda this is one  
13 (1) of the -- the big topics for Day 3 in discussion in  
14 the morning where I'd really like to hear maybe some more  
15 creative solutions as to how we can deal with actions  
16 based on where the three (3) approving parties are  
17 standing right now. But certainly the Board's hope had  
18 been that we could find sufficient room in the wording  
19 that would allow us to keep those as mandatory. Thanks.

20 THE CO-CHAIRPERSON: Thank you, Heidi.  
21 Anybody care to respond or if not we can move on. Thank  
22 you.

23 MS. TERESA JOUDRIE: I -- I would just  
24 like to say that we have proposed some -- some wording  
25 that will allow the -- and we've talked, as Heidi has



1 alluded, to making the actions be more than just a  
2 recommendation but that does not bind us. But there are  
3 some policy considerations behind these that will have to  
4 take place before they get -- before the Plan gets  
5 finalized to make sure that things can happen. The idea  
6 for us is to have a plan that you can actually implement  
7 and implement well.

8 THE CO-CHAIRPERSON: Than -- thank you,  
9 Teresa. Oh, and -- sorry, say your name please.

10 MR. MATT BENDER: Hello, it's -- it's  
11 Matt Bender with INAC. Just to expand a little bit. We  
12 were getting a little bit of legal advice here from our  
13 counsel. I'm going to choose not to get into that, it's  
14 a separate legal discussion on -- on how binding the  
15 actions might be.

16 What I'd like to talk about is -- are the  
17 policy considerations and the importance of making sure  
18 that we're clear on what the Plan intends to do.  
19 Ultimately, we are looking -- we're all here today to  
20 come up with a plan that we can accept and that we can  
21 implement and revise as necessary. It would be wrong to  
22 suggest that we would have a position that we wouldn't  
23 accept any of these. I'm looking at the actions and a  
24 lot of them are intensely critical. And what's lacking,  
25 I think, is a bit of clarity on -- on what exactly is



1 to make. Earlier I think Doug brought it up, now George  
2 has brought it up. I think the intent of this -- of the  
3 Land Use Planning Board is not to take away the existing  
4 rights or diminish what the communities have already in -  
5 - in how things work in -- in -- in our area here. It is  
6 hopefully to strengthen, to make it stronger, already  
7 what's already happening on the ground. So that's our  
8 hope, as far as we're concerned, that this is not going  
9 to take away and hopefully would clarify, strengthen,  
10 reaffirm, and confirm what's already there for our  
11 communities as -- as -- and for our leadership to know  
12 and to reassure the communities as well.

13                   So I just wanted to say that and hopefully  
14 the next two (2) days that we as a group and all the  
15 communities and -- and the parties involved in this would  
16 work really hard to try to come up with some solutions to  
17 some of the questions that have come up. Clearly,  
18 there's some issues here. We hopefully, by the end of  
19 the week -- that we'd be -- you know, we approach this  
20 with an open mind, by -- by the end of the week we  
21 hopefully would have some sense of -- of moving forward.

22                   And I urge INAC, the sponsors, the people  
23 with the money, to really think about how we can move  
24 forward in trying to conclude this so that we can have a  
25 plan that everybody can live with. So I just wanted to

1 say that.

2 So in that, is there any more questions on  
3 for the INAC presentations or comments? Oh sorry, Paul  
4 Dixon. Go ahead.

5 MR. PAUL DIXON: Just a quick followup on  
6 a couple of things and maybe some clarity for our own  
7 process. George mentioned that we look for access and  
8 benefits agreement signed by the communities for  
9 development reasons. That's true, but we're not subject  
10 to be able to judge those access and benefits agreements,  
11 they're purely -- if they've been signed off by the  
12 community and the proponent then we deem that application  
13 complete.

14 So my suggestion for the Conformity  
15 Requirement 3 is perhaps the -- the communities or the  
16 districts themselves would be best suited to judge the --  
17 the -- that -- that specific CR and to monitor that  
18 through the course of the permit. So that was -- that  
19 was that.

20 And then the -- the other comment was on  
21 CR 13 for closure and reclamation, and INAC's discussion  
22 about the -- holding the security deposits with Sahtu  
23 organizations where those areas being accessed are  
24 through Sahtu lands or not through the Crown or whatever.  
25 But basically, I thought perhaps this would be better

1 addressed through the MVRMA amendments currently being  
2 conducted by INAC through consultative processes with the  
3 communities and the Board, and maybe should not be  
4 defined here within the Land Use Plan. So just for your  
5 consideration. Thank you.

6 THE CO-CHAIRPERSON: Thank you, Paul,  
7 that's good for clarification and -- and some of the  
8 issues that you guys are facing and when -- we're dealing  
9 with. Because a lot of the issues that's coming up here  
10 it has to do with what the Land and Water Board is doing  
11 and currently is happening. And it's good to be aware of  
12 what's actually happening on the ground certainly, so we  
13 can certainly move forward and -- and try to make some  
14 improvements through the Land Use Plan as -- as we go  
15 through -- forward. So thank you for that.

16 Does anybody wish to comment on that  
17 last...? Okay. Thank you. Then -- so if that's okay  
18 with everyone, I think can we have a break -- a break?  
19 Maybe a ten (10) minute break would be good. Thank you.

20  
21 --- Upon recessing at 10:23 a.m.

22 --- Upon resuming at 10:43 a.m.

23

24 THE CHAIRPERSON: So we're going to open  
25 the next discussions with directional drilling. We'd

1 like to get some feedback from the communities on what  
2 their thoughts are on directional drilling.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: Would INAC be available  
7 to answer any questions once communities make comments,  
8 if they do have any?

9 MS. TERESA JOUDRIE: I'd actually have to  
10 defer to -- to do an undertaking. I'm not -- I don't  
11 have any oil and gas expertise here with me. So we'd  
12 take the comments back or take the questions back and  
13 submit them back to the Board with answers.

14 THE CHAIRPERSON: Okay, that's fine.  
15 That's for mineral exploration as well?

16 MS. TERESA JOUDRIE: Yeah, we'd have to  
17 take all of those kinds of questions back. You know, it  
18 might actually be better suited for CAP or one (1) of our  
19 oil and gas companies to explain those things, but we  
20 don't have any oil and gas expertise with us today.

21 THE CO-CHAIRPERSON: Yes, I just had a  
22 question and -- and just how long do you think that might  
23 take before you -- can you give us some time so we can  
24 expect it? Thank you.

25

1 (BRIEF PAUSE)

2

3 MS. TERESA JOUDRIE: In all fairness, it  
4 depends on the question. Once we get the questions in  
5 writing, that way we can make sure that we give them to  
6 the right people to answer them and you get the best  
7 answer possible.

8 THE CO-CHAIRPERSON: Okay. Okay, thank  
9 you.

10 MS. TERESA JOUDRIE: We do still want to  
11 hear what the questions are, though, even before we get  
12 them in writing.

13 THE CO-CHAIRPERSON: Yeah, I think one  
14 (1) of the things that we are curious, I guess, as -- as  
15 a Board, we were -- there is obviously some definitions  
16 of -- of directional drilling and what it means in this  
17 case, and some of the issues that seem to not be in line  
18 with the different parties' submissions. So we were  
19 hoping if the communities have issues with the questions  
20 on directional drilling, either in oil and gas, or  
21 mineral exploration, it would be a good time to ask those  
22 type of questions and get further clarification as we go.  
23 So I would encourage you if you have questions that now  
24 would be the time to ask. Thank you.

25 Yes, go ahead, please. State your name,

1 please.

2 MR. JOE GRANDJAMBE: Joe Grandjambe.  
3 Yamoga from Fort Good Hope. My question is -- it's not  
4 a question it's -- it's more of a statement. The people  
5 from the communities are all hunters and trappers. I  
6 don't even know if they know what directional drilling is  
7 and -- and they need to understand that first. And then  
8 I'd like to make a short, quick statement.

9 If you all look around -- look around the  
10 room and you look at our delegation from Colville Lake  
11 and Good Hope, we came without legal counsel, without  
12 consultant. We open our minds and -- and that to try to  
13 move this Plan ahead. And we watch as we see other  
14 communities and other agencies busy with their legal  
15 counsel and trying to define words as they go along, it -  
16 - it only takes up time. So the legal counsel should be  
17 used only after we've all agreed with one another on how  
18 to proceed.

19 Right now we've got all the interested  
20 parties. We have people that will make a difference in  
21 making a plan for -- for the Sahtu region and the  
22 benefits of that and other areas might use it too, so  
23 let's do something without too much involvement from the  
24 legal counsel.

25 I always believe that legal counsel is the



1 last step. When we finally want it worded we'll -- we'll  
2 get our own legal counsel and make sure that we're  
3 properly represented. So we're -- we're here. We're  
4 here to listen to you guys. We're here to -- trying to  
5 participate. But you guys are also forgetting that you  
6 are talking to the people most affected. So this will  
7 affect us and we don't need at this stage lawyers to try  
8 to define words for -- for their own agencies. So we'll  
9 try to continue on and be a part of it, but let's show  
10 some movement.

11 That's all I wanted to say. And also that  
12 directional drilling, definition of it. And most of the  
13 hunters and trappers would want to know what it is.  
14 Thank you.

15 THE CO-CHAIRPERSON: Hello. Thank you,  
16 Joe. If somebody wants to probably ask or -- or try to  
17 clarify what directional drilling is that would be very  
18 helpful. And...

19 MS. HEIDI WIEBE: I have a few  
20 participants behind me who have offered to explain  
21 directional drilling based on their knowledge and  
22 expertise.

23 MR. HAROLD GRINDE: Hello everyone. I'm  
24 Harold with the Outfitters Association. I'm not an  
25 expert in directional drilling but I live in Alberta

1 where it's very common. They did a pad on my place this  
2 year with three (3) wells off of it. Basically what it  
3 means is today they have the technology, they can target  
4 extremely accurately for a long distance. They will set  
5 up -- if they wanted to drill under the river today they  
6 could set up a lease here somewhere on the edge of town,  
7 wherever. They can go down to whatever depth they want  
8 to go, whether it's say 2,000 metres or whatever. And  
9 then they'll turn that well and they'll go straight  
10 horizontally or at an angle or whatever. But they can go  
11 up to 2 miles straight out under the river and across to  
12 the other side without disturbing anything in that  
13 direction.

14                   So they can build a lease here and they  
15 can hit the zone they want, usually it's in shale zones,  
16 and they'll drill horizontally through that shale zone.  
17 And it's a -- a great way to improve production because  
18 they don't just target one (1) hole straight down there.  
19 They hit that zone of shale, and there'll be a big layer  
20 of shale say that goes for miles. And when they're in  
21 the middle of that then they'll go horizontally for up to  
22 a couple of miles. And that whole long 2-mile stretch of  
23 shale then will produce oil or gas.

24                   So it gives companies the ability, the  
25 technology improves every year, to produce oil and gas

1 from up to 2-3 miles from where they do any surface  
2 disturbance. And there's absolutely no surface  
3 disturbance in that area where that horizontal hole goes  
4 to draw the oil and the gas out of. So I hope that  
5 explains to you in common man's language how it works.

6 THE CO-CHAIRPERSON: Thank you, Harold,  
7 for that clarification. And is there any other questions  
8 on the issue of directional drilling? And while -- oh,  
9 sorry, go ahead, sir.

10 MR. HARRY HARRIS: Hello. This is Harry  
11 Harris. Directional drilling is like a -- where the  
12 conservation zones that they -- if they find this -- they  
13 find oil there they could -- like in -- in layman terms  
14 they could drill down and go under the -- the  
15 conservation zone and extract that oil.

16 My question to that is do they have any  
17 safeguards to, you know, to prevent that? Thank you.

18 THE CO-CHAIRPERSON: Th -- thank you.  
19 Anybody...? Heidi, you want to -- care to respond,  
20 please? Thank you.

21 MS. HEIDI WIEBE: Yeah. Harry, I just  
22 want to ask for clarification. When you say are there  
23 safeguards to prevent that, do you -- are you asking does  
24 the Plan currently prevent that from happening or do you  
25 mean are there safeguards to prevent impacts to wildlife?

1                   MR. HARRY HARRIS:    I meant if the Plan  
2 allows that.

3                   MS. HEIDI WIEBE:    Currently the Plan does  
4 not allow directional drilling.  A conservation zone  
5 essentially protects both the surface of the land and the  
6 subsurface.

7                   This question is being raised because for  
8 the last two (2) drafts INAC has asked us if we could  
9 consider opening the subsurface under the conservation  
10 zones for directional drilling.  This request has also  
11 come from CAPP, the Canadian Association of Petroleum  
12 Producers.

13                   The Board has always said that before it  
14 considers this request and takes it further INAC needs to  
15 demonstrate to the Board that there is a legal mechanism  
16 to protect the surface values, which is where the  
17 wildlife and the water and everything else that  
18 communities have told us we need to protect, exist.

19                   So our question back to INAC has always  
20 been before we take this further to the communities you  
21 prove to us that there is a way that you can protect the  
22 surface and the we will consider your question.

23                   So INAC just returned the answer to the  
24 Board maybe a month ago, if I -- I'm fuzzy on the dates  
25 at the moment.  And so we thought this would be a

1 question -- whether or not it comes up at the hearing,  
2 and having that answer, we are now basically opening the  
3 question.

4                   We have already had direction, as I say,  
5 from the Tulita District and I think Deline, although I  
6 don't know if they've specifically mentioned directional  
7 drilling, that -- that it would not be welcome under  
8 conservation zones for those two (2) areas. The one (1)  
9 area where we have not had this discussion in any detail  
10 is -- is Fort Good Hope/K'asho Got'ine District and --  
11 and Norman Wells itself I suppose.

12                   MR. HARRY HARRIS: Thank you. I just  
13 wanted to make sure that it's clear to the people there.  
14 Thank you.

15                   THE CO-CHAIRPERSON: Yes. Thank you.  
16 Deline, please?

17                   MS. LORIEN NESBITT: I'm Lorien Nesbitt  
18 with the Deline Land Corporation. I just wanted to point  
19 out that I think it's important to remember that  
20 directional drilling, while it is a good strategy to  
21 reduce impacts of drilling in areas where drilling is  
22 allowed, is not without environmental impacts, and  
23 certainly has the potential to affect groundwater  
24 quality, which ultimately is part of your water system  
25 and affects surface water quality.

1                   So directional drilling is a lot cleaner  
2 or has a lot less impacts than other types, but it's not  
3 -- you know, I mean, we should remember that the land is  
4 not just the surface, but it's also affected by what  
5 happens under the ground.

6                   THE CHAIRPERSON:   Thank You.   Tom...?

7                   MR. TOM NESBITT:   Just to put that into a  
8 wider context, Deline has supported the Board in what  
9 it's done already in -- in Draft 3.  That is to say, the  
10 conditions that would allow access across conservation  
11 zones is -- if certain conditions are met.  We feel  
12 that's a reasonable balance between oil and gas  
13 development, or mineral development, and conservation.

14                   So we've also -- in terms of the special  
15 management zone, we've said that development can go ahead  
16 there if the developer can demonstrate that it will  
17 maintain ecological integrity, and that's precisely the  
18 kind of thing that would look at groundwater questions,  
19 so that there's a way of doing that in the -- in the  
20 special management zone, the -- the vast majority of the  
21 Deline district.

22                   So we believe that with that balance of  
23 special management zone that would allow all manner of  
24 development as long as it's consistent with maintaining  
25 ecological integrity, and with access across conservation

1 zones, that that seems to Deline to be the fair balance.  
2 Thank you very much.

3 THE CO-CHAIRPERSON: Thank you, Tom. I  
4 think Raymond Taniton from Deline First Nations? Thank  
5 you.

6 MR. RAYMOND TANITON: Just a question on  
7 drilling. Like, one of our fellows explained how they'd  
8 drill and go horizontal under, not the land. Just for  
9 clarification on it, I know we have a lot of private  
10 lands in Sahtu. All the land corporation owns lands.  
11 They say this is a partial land. We negotiate, after a  
12 consultation -- the government consultant with the  
13 community about nominating lands, after that we negotiate  
14 access and benefits agreement to allow companies to go on  
15 our land. And then, once you do that, going horizontal  
16 on the drilling, that's a question that we need to ask.  
17 Is there any benefit to that?

18 So I'm kind of like confused here, so --  
19 so I think the leadership and the -- the corporation  
20 should really discuss this because this is an issue here.  
21 So just to let you know, put your heads up.

22 THE CO-CHAIRPERSON: Thank you, Raymond.  
23 I think those are the kind of questions it's good to have  
24 some discussion a bit.

25 We have Arthur. Do you have a comment?

1 Thank you.

2 CHIEF ARTHUR TOBAC: Thank you, Mr.  
3 Chair. Chief Arthur Tobac here. I -- in the past, I  
4 have worked on rigs that have done directional drilling,  
5 and -- and they are a large project, and they're a form  
6 of exploration. When they -- when they go down they try  
7 to hit pockets of oil or gas, and -- and I'm aware that --  
8 -- that the abilities to -- to go quite a distance  
9 underground in certain directions is there.

10 Our people are, like I said, used to a  
11 system where they -- they do grant exploration licences,  
12 and -- and directional drilling is -- is something that's  
13 new to -- to our people, but it's been there for -- for  
14 many years, and even as far back as the '80s. But, like  
15 I said, they're used to a system where they -- they --  
16 they allow activities to happen on their land, but with  
17 an understanding that it's going to be isolated to  
18 specific sites.

19 Now, directional drilling underground goes  
20 in all directions, and we're trying to have a -- and from  
21 my viewpoint, we need to start, like Raymond said,  
22 discuss this thing. How does it affect the land  
23 corporations? How does it affect communities? We don't  
24 have answers right now, and it would be nice to get those  
25 answers fairly soon because, even in Good Hope, we are



1 hearing talk of directional drilling but we don't really  
2 understand how it's going to impact our people or the  
3 land or -- or even the way we structure our activities.

4           The way things are going, there's changes  
5 that are being made to the regulatory system, and we need  
6 to understand that as well. Where is it going, and is it  
7 going to affect us? And -- and, you know, we're -- we're  
8 trying to, like I said, create certainty right now, a  
9 system that we understand and are comfortable with. But  
10 if things are changing and -- and people are changing the  
11 rules again, then it just changes the whole picture of --  
12 of how we're trying to establish certainty. And that --  
13 that would be something that really -- that needs to be  
14 cleared up for our people.

15           Now, like Raymond said, we do have  
16 selected lands out there that -- that are -- that intent  
17 has been -- already been established by our land  
18 corporations, but if nobody's going to be using them and  
19 -- and they're just going to go on these other lands,  
20 then -- then the land -- Land Use Plan is going to  
21 change. We're going -- we're going to be -- end up  
22 protecting the lands around our selected lands and start  
23 designating them other lands that are under more severe  
24 conditions.

25           So I'm hoping that people can start to

1 throw this question around. Where's it going to go, and  
2 how does it impact us? It's certainly going to impact  
3 the Land Use Plan, that's for sure. Thank you.

4 THE CO-CHAIRPERSON: Thank you. We have  
5 Grand Chief who have -- may comment. Thank you.

6 GRAND CHIEF FRANK ANDREW: Good morning.  
7 We were talking about direction drilling under the  
8 conservation zones, and, you know, we've been talking  
9 about conservation zones at home and trying to understand  
10 what it means. And it's been explained to us that  
11 conservation zone means that there should be no drilling,  
12 there should be no mining, there should be no activity  
13 happening on that. That's what we understood at home.

14 So that's why we selected places that we  
15 don't want to see anything happening there. So at home,  
16 our people are saying that we should not have no  
17 directional drilling underneath conservation zones or on  
18 top of conservation zones.

19 The Dene people never put the law in place  
20 about conservation zones. The law came from somebody,  
21 and that somebody's trying to break that law. I think  
22 that's wrong. When you put a law in place saying that  
23 you can't do all these things, then talk about  
24 directional drilling, I think that's wrong. You should  
25 really think about what you're talking about. It sounds

1 like they're just making laws for the Dene people, and  
2 you guys can do what you want to do. It's not right.

3           We talk about a five (5) year review. I  
4 know that my people at home, we want to move this land  
5 use planning ahead because, you know, I thought the land  
6 use planning is going to help our people, the oil -- oil  
7 company, the mining department, everybody else to make a  
8 decision to move and work together. But today, when  
9 we're talking about moving it, there are things that  
10 already in place that's trying to break -- break up  
11 again, like the conservation zones law.

12           We have a park that we're working on, and  
13 it's called Naats'ihch'oh Park. It's way in the southern  
14 part of the Sahtu Region. And when we talked about that,  
15 we talk about all these things, about what it means, the  
16 conservation zones. And the government is telling us  
17 that, Parks Canada is telling us that. If we're going to  
18 have mining or anything like that within the boundaries  
19 of this park, then it's not going to be a park. That's  
20 what they're telling us.

21           So that's why at home we pick some places  
22 that we know is sacred to us, and there's many stories  
23 behind that. That's why they talk about the great Yamoga  
24 story. Our Elders talked about that for many years, and  
25 the mark on Bear Rock is shown. And it is sacred to us.

1 And why do you want to have directional drilling? I  
2 can't understand that. Why do you want to do that?

3 It might happen some day, but right now we  
4 won't allow that. And our people are saying, No, to  
5 directional drilling at home in Tulita, so I just wanted  
6 to mention that. Thank you.

7 THE CO-CHAIRPERSON: Thank you, Grand  
8 Chief, for that confirmation. George...? Thank you.

9 MR. GEORGE BARNABY: Well, I was just  
10 thinking that we should look at what we have in the  
11 claim. The claim is for our people, and it has things  
12 like consultation, accommodation. It has selected land.  
13 And those were put there for reasons. And we don't want  
14 people to try to go around that. I think for the Board  
15 they should really keep a eye on -- I think through a  
16 public process. And it shouldn't take away from what  
17 we've negotiated in the claim.

18 So we have certain rights, and so that has  
19 to be recognized in other process that will be coming up,  
20 like a Land Use Plan. And I know for other public they  
21 might not have those things, so they can, through our  
22 claim, they can benefit from that to -- to talk about  
23 land and to be directly involved in it.

24 So I -- I don't know what directional  
25 drilling, but it's just an example of how they're trying

1 to get around what we negotiated in the claim. And so I  
2 think it's real important to, like it mentions in the  
3 community engagement about First Nations, and Metis, and  
4 that these recognized what is in the land claim. It  
5 doesn't just mix us up with everybody else, and take away  
6 -- take away our rights. So I guess what I'm trying to  
7 point out is that there are ways that they'll try to take  
8 away our rights, even what we negotiated in the claim.

9           And I keep mentioning that selected lands,  
10 and land corps are exam -- examples of that. They'll try  
11 to take our rights on the other lands, which for me,  
12 should fall under our government, and those are the --  
13 the First Nations, which are Dene and Metis.

14           So we should keep that in mind all the  
15 time, not to, through this process, take away rights.  
16 And if they do we shouldn't mention them or -- I know  
17 we're trying to negotiate governments, and now they're  
18 already talking about, We gave up this, we gave up that.  
19 For me, that's still on the table under our government.  
20 So they're not all owned privately, but they're owned  
21 under our governments.

22           The claim is really important to keep in  
23 mind not to say anything that will take away. Thank you.

24           THE CO-CHAIRPERSON: Thank you, George.  
25 Arthur, you had a follow-up comment, please. Thank you.

1 CHIEF ARTHUR TOBAC: Thank you, Mr.  
2 Chair. I do have one (1) follow-up question, and it's  
3 probably to the Board. I was wondering if they can  
4 actually get us some answers as to what's the limitations  
5 or the extent to which directional drilling can be used  
6 and when is it used, because I know in underground  
7 formations there's only some formations that are -- are  
8 quite hard that won't allow for drilling or even  
9 directional drilling.

10 So it may be that you can use it in  
11 certain areas, and it would be -- it would be really good  
12 for the communities to know that it can't be used  
13 everywhere. If that can be brought forward from the --  
14 the Board and given back to the communities, that's  
15 something that would be really useful to us.

16 THE CO-CHAIRPERSON: Thank you, Arthur.  
17 Heidi, you have a comment. Thank you.

18 MS. HEIDI WIEBE: Yeah, thanks, Chief.  
19 Yeah, we originally had CAP scheduled to come today as  
20 well as EXPLOR, and it's really unfortunate now that we  
21 have no representation from the oil and gas industry here  
22 today. However, we work with CAP quite closely on this -  
23 - these things, so I can certainly follow up with them to  
24 get an explanation and -- and perhaps provide that back  
25 in writing to everybody at the hearing.

1                   I -- I do remember from one (1) discussion  
2 with CAP about a year ago on this issue someone at our  
3 meeting had said that I believe they could directional  
4 drill up to a maximum of about 10 kilometres. So they  
5 can go quite a ways.

6                   Now it's been a year, so my -- my memory  
7 might be rusty, but that's what I remember at this point.  
8 And we can certainly work with CAP to maybe get some more  
9 information on the record. Thank you.

10                   THE CO-CHAIRPERSON: All right, Heidi,  
11 that's good for -- for further discussion. That's good  
12 information. Doug, you had a comment or a question,  
13 thank you, from Tulita Lands Corp.

14                   MR. DOUGLAS YALLEE: Hello. Yeah, okay,  
15 from the Tulita Land Corporation. In Tulita, the people  
16 had said that they didn't want no directional drilling.  
17 And the land use planning -- we put a land use planning  
18 together for the community and for the other communities  
19 so that it can protect for us, for the pe -- for the  
20 people. And then they come along and then do this  
21 directional drilling.

22                   Directional drilling is new and it's -- I  
23 -- I guess it's a whole new set of rules that are going  
24 to be coming out of this directional drill -- drilling  
25 that's going to be coming up that everybody's talking

1 about. I don't know how it's going to be -- how it's  
2 going to fall within the access and benefit agreement  
3 that communities have with industry.

4 I don't know if somebody can answer that  
5 question for me. Thanks.

6 THE CO-CHAIRPERSON: Yeah, thank you for  
7 the question. And I'm not sure if we have the -- the  
8 people that need to answer the questions are in the room,  
9 so I think that's a question to keep asking. And I think  
10 that may be something that even the discussion groups  
11 might be posed again to try to get some more  
12 clarification of even -- it's -- it's a good question. I  
13 know Raymond brought it up, as well.

14 I think there -- there's -- it's -- it's a  
15 very good question, that the communities, district land  
16 corporations need to talk about themselves and try to  
17 figure out how they best approach it, I think. But it --  
18 it's a good lead way and it's -- it's an obvious question  
19 that has entered the community's issues.

20 Now, I don't know, maybe, Paul, if you  
21 have any -- any -- maybe just to sort of close the door  
22 on -- on -- or close -- or give us more information on  
23 the whole issue of directional drilling if that's an  
24 issue that the Water Board has -- has dealt with before  
25 or that hasn't really come across their table yet. Thank



1 you.

2 MR. PAUL DIXON: Hello. Thank you for  
3 this question. And as I have not had any experience with  
4 directional drilling, I don't feel very capable of  
5 answering any questions the community may have, but  
6 perhaps, you know, it could be put on a different agenda  
7 item at a later date with the communities, because it  
8 seems like there's quite a bit of interest, and maybe  
9 this forum isn't the best place to solve that, especially  
10 without representation from the parties.

11 THE CO-CHAIRPERSON: Thank you, Paul.  
12 Now, if -- if that's really it, we can start to move on  
13 for the next presenter, the GNWT. Thank you.

14

15 (BRIEF PAUSE)

16

17 PRESENTATION BY GNWT:

18 MR. MARK WARREN: Good morning, everyone.  
19 It's a nice day to be in Norman Wells. And I'll make my  
20 presentation as brief as possible so I give you guys lots  
21 of opportunity to ask us questions, and that we have as  
22 much time as possible to go through our working group  
23 sessions and stuff.

24 I have with me, as well, Joel Holder, who  
25 is our manager of lands. I don't have any legal counsel

1 or any consultants, and -- and that was by intention  
2 because we do want to get into the working group sessions  
3 and -- and be able to have free conversations that aren't  
4 restricted by having legal counsel here, so.

5 So first of all, obviously we're pleased  
6 to be here -- go ahead -- and have the opportunity to  
7 present in front of the Board, and the communities.  
8 Obviously, we appreciate the hard work.

9 I mean, the -- the Land Use Plan, I sat on  
10 the Dehcho Land Use Planning committee for the last  
11 umpteen years, and I know how difficult and how  
12 challenging the job of the Sahtu Land Use Planning Board  
13 is, so we very much appreciate the work that has gone  
14 into this draft of the Plan.

15 We -- as a government, we want to make  
16 sure that it's understood that, you know, obviously  
17 consistent with the Land Claim. We very much support the  
18 idea of regional land use planning.

19 One (1) of the things that we -- we want  
20 to point out is that we look at this very much as an  
21 integrated system, and an integrated system that's not  
22 just for the Sahtu but also for the Mackenzie Valley.  
23 And we think that there are very specific roles that  
24 different people play in that integrated system.

25 And I think as we move into the working

1 group sessions, and consistent with some of the  
2 presentations, especially the one from Deline, I think  
3 there's a need to provide some clarity around how those  
4 systems interrelate, and how they work together.

5           We very much see that the Sahtu Land and  
6 Water Board has -- has an important role and function as  
7 one (1) of the lead regulators in the system.

8           I talk quickly. Anybody who knows me  
9 knows that giving me a microphone and an audience is a  
10 problem. I like talking to them.

11           Anyway, one (1) of the things that we do  
12 think, in some cases we believe that the current verison  
13 of this Plan goes beyond what was envisioned in either  
14 the Land Claim Agreement, or in the legislation that  
15 established a number of the institutions of public  
16 government.

17           So we -- and we -- we don't see that as --  
18 as a huge problem because I think as a lot of people have  
19 pointed out, we very much agree with the principles of a  
20 lot of the conformity requirements, but we have issues  
21 with how they are worded and how they are approached.

22           And we want to make sure that whatever is  
23 done in the end is consistent with the overall regulatory  
24 system that we have and it doesn't duplicate things or  
25 create confusion for the people that are going to be

1 responsible for implementing it.

2                   So this is a common theme that I heard  
3 through the last day and a half, or so. I mean, GNWT  
4 very much wants to see a -- a Land Use Plan that is one  
5 that they can support, and one that respects and promotes  
6 and protects a social, cultural, economic, well-being of  
7 the communities, and also other residents of the NWT and  
8 Canada.

9                   We think that one (1) of the key features  
10 of the -- any Land Use Plan is that it should be very  
11 clear, and people understanding what is permitted, and  
12 where it is permitted, and how it is permitted.

13                   So I found the conversation we just had  
14 very interesting, and I had Joel drawing me a bunch of  
15 diagrams here, but I'm -- I'm none the wiser about what  
16 exactly is or isn't permitted under horizontal drilling,  
17 and -- and whether existing licences allow people to go  
18 under lands that would be envisioned as conservation  
19 zones in the -- in the Land Use Plan.

20                   And I very much agree with -- with the  
21 comments from Deline about the fact that horizontal  
22 drilling isn't without environmental impacts, so those  
23 need to be taken into consideration.

24                   One (1) of the things that I thought it  
25 would be good for from our perspective is for the people

1 here to understand the kind of things that we think that  
2 a Land Use Plan should do, so I think it's a little bit  
3 consistent with the approach that Deline taught -- or  
4 took.

5 I think a Land Use Plan should be very  
6 much a living document. I think that they shouldn't be  
7 overly prescriptive. They should be allowed to have a  
8 degree of flexibility so that as they progress and as you  
9 look at them and as we learn from them, we can make --  
10 make the appropriate changes and that we're not boxed  
11 into something very specific.

12 Having said that, I think it's important  
13 that things are very clearly defined and -- and  
14 understood by the parties, and the last discussion was  
15 very much -- hit the nail on the head with that.

16 Obviously, we think that this Land Use  
17 Plan has to fit within the broader regulatory system. It  
18 needs to be consistent with the Land Claim Agreement. It  
19 needs to be consistent with the legislation under the  
20 Land Claim Agreement, Mackenzie Valley Resource  
21 Management Act.

22 It needs not to, wherever possible, add to  
23 complexities in the system. A system, a -- a lot of  
24 people would argue it already has a degree of complexity  
25 that needs to be dealt with and to the extent that we can

1 avoid adding complexity I think that's an important  
2 thing.

3                   It should also -- we -- we have said, and  
4 this has been discussed already, so I'm not going to go  
5 into a lot of detail, but we -- you know, we formally  
6 said that we don't believe that the actions should be  
7 legally binding, and we've filed papers on that from our  
8 legal counsel, which I don't have here to defend that,  
9 but we can do that in a different forum, if necessary.

10                   And at the end of the day, we need to have  
11 a document that we're comfortable that the -- the three  
12 (3) approving parties can approve. And that's really  
13 important for us because we have had situations in the  
14 past where we've been presented plans that government  
15 hasn't approved and that's not at all our desire in this  
16 exercise. We don't want to be in that situation.

17                   So one (1) of the things that's important  
18 is we've covered the agenda items for the hearing but  
19 we've also filed our formal response, which is on the  
20 Public Registry, to Draft 3, which is quite a bit more  
21 detail than what we'll be going through today and, you  
22 know, that -- that submission still stands.

23                   To the extent that we can make progress in  
24 areas, and -- and amend that submission, obviously, we  
25 will in the course of our working groups but that

1 submission still stands.

2                   We are going to try and take the approach  
3 of giving you suggestions wherever possible, very much  
4 trying to take a working group approach to things. I  
5 don't think we have all the answers, but we're certainly  
6 prepared to share our ideas, and we hope through the  
7 dialogue over the next day and a half we can come to  
8 agreement.

9                   So starting with zoning, overall I'd say  
10 the GNWT is quite comfortable with the zoning changes  
11 that were made and the most recent ones that have been  
12 proposed.

13                   We're comfortable with the balance that  
14 the zoning has. We and Environment and Natural Resources  
15 do not use wherever possible the terminology of we're  
16 comfortable with the balance between conservation and  
17 development because we don't feel that that's the  
18 appropriate way to look at things.

19                   When we talk about -- when people say that  
20 quite often we make -- it makes us feel like there is a  
21 tradeoff between one and the other, and we think that  
22 environmental sustainability, doing things in an  
23 environmentally conscious way and environmentally  
24 sensitive way, is a more appropriate way to look at  
25 things. So just because something is zoned general use

1 does not mean that it is open to environmental  
2 destruction or whatever. It should still have all the  
3 same principles applied to it.

4 One (1) area in zoning that we were  
5 confused about as much as anything in the Plan is the --  
6 the concept of providing a dual designation to protected  
7 areas, to be both a conservation zone and a protected  
8 area.

9 And we think that the protected area  
10 process is -- is a good one, and one that is supported  
11 broadly, and goes through an extensive process. So the  
12 results of that process we believe should be incorporated  
13 into the Plan, and that you don't need to give it a dual  
14 designation.

15

16 (BRIEF PAUSE)

17

18 MR. MARK WARREN: Okay. Going through  
19 the CRs as presented in the -- in the documents for this  
20 hearing. So under community engagement and traditional  
21 knowledge, the GNWT absolutely supports the concept that  
22 communities should be engaged, and it's my department  
23 that is responsible for the traditional knowledge policy  
24 for the GNWT, one (1) of the few governments if not the  
25 only government in Canada that has a formal policy on



1 traditional knowledge.

2 Absolutely support that, but we think that  
3 there are a number of areas that cover this already and  
4 we think that the various consultation and engagement  
5 guidelines that are out there, and that are being  
6 developed, is a more appropriate way to deal with this  
7 than a formal legally binding conformity requirement.

8 We think that through the guidelines and  
9 through the other processes it would give both the  
10 communities and government and applicants a higher degree  
11 of flexibility to determine what is appropriate within  
12 their communities.

13 And the realization here is, this happens.  
14 I was having a chat with Willard during the break, and --  
15 and I asked him, How many times has any applicant come to  
16 your Board without first telling you how they have talked  
17 to the communities and how they're engaging the  
18 communities in what they're doing?

19 And he said, Well, they don't. You know,  
20 the -- the appli -- it's -- it's a necessary element of  
21 their applications before them. So absolutely support  
22 the concept, but how it is presented in the Plan doesn't  
23 seem to be, to me, the best way of resolving it.

24 Community benefits. Again, GNWT supports  
25 this one. I actually think we need to put quite a bit

1 more work into this for it to have the teeth that people  
2 talked about earlier. I've been involved in a lot of  
3 hearings where industry's response to benefits to  
4 communities is: As a business we pay taxes, taxes  
5 support the government, government provides services to  
6 the people, you benefit.

7                   And I'm not sure that's what the authors  
8 of this particular clause intended, but I think that  
9 wouldn't be an unreasonable approach of an applicant to  
10 take. So I think again, you know, the principle is okay,  
11 but how it's defined in the agreement needs a lot more  
12 clarity.

13

14                   (BRIEF PAUSE)

15

16                   MR. MARK WARREN: Okay. Archeological  
17 sites. This was one that we're kind of torn on. The  
18 current legislation provides for a setback of 30 metres  
19 and I know that through work with the Sahtu Land and  
20 Water Board and our Prince of Wales Northern Heritage  
21 Centre and people responsible for archeological, they  
22 have asked the Board to impose a buffer of 150 metres.  
23 And they provided me with a fair bit of wording that I  
24 won't read out to you guys as to why 150 metre makes  
25 sense but I can make that available to the Board.

1                   But it's -- basically, it's what they've  
2 asked for and what they've determined as the appropriate  
3 level and we're not really sure where the 500 metres came  
4 from, but we're prepared to support a requirement that it  
5 be 150 metres.

6

7                   (BRIEF PAUSE)

8

9                   MR. MARK WARREN:   Okay, one (1) of my  
10 favourite CRs:  Watershed management.  Again, this is one  
11 where the Government of the Northwest Territories  
12 certainly supports this, and, in fact, through the  
13 passing of the NWT Water Stewardship Strategy we endorse  
14 the principles that are in here.  We have a goal in that  
15 strategy that says that waters, not just within Sahtu but  
16 throughout the NWT, should remain substantially unaltered  
17 in quality, quantity, and rate of flow.

18                   The difference between how it is  
19 approached in the Land Use Plan and the land claim and  
20 the water strategy, though, need to be recognized.  The  
21 Land Claims Agreement states that it is a right of  
22 participants to have waters that flow through their  
23 territory and their Sahtu lands that are substantially  
24 unaltered in quality, quantity and rate of flow.

25                   But it also goes on to say that to the

1 extent that that can't happen the Land and Water Board  
2 will make a determination about the appropriate  
3 compensation due to them.

4           The Land Use Plan as written puts the onus  
5 on the regulator to make sure that waters aren't changed  
6 and that they stay substantially unaltered. We think  
7 that's a rewriting of the Land Claim Agreement as it was  
8 negotiated and signed off by the three (3) parties and we  
9 don't think that that's appropriate here.

10           We think that the principles should be in  
11 there. We absolutely believe there should be a goal that  
12 says this. We think that it's worthwhile repeating the  
13 language that's in the Land Claim Agreement, not changing  
14 it but repeating it. You know we'd love to see this  
15 boosted up as much possible because it's consistent with  
16 the approach we've taken in our -- in our Water  
17 Stewardship Strategy that the Sahtu were heavily involved  
18 in. But we -- we don't want to see a situation where  
19 this is trying to rewrite the Land Claim Agreement.

20           Incidental timber. Where we got lost on  
21 this one is, we think that this doesn't speak to a land  
22 use. So in the sense that we're talking about a land use  
23 plan it -- it's not talking about land use, it's talking  
24 about other incidental consequences of the land use. And  
25 we're not sure then if that's appropriate for it to be in

1 the land claim -- or in the Land Use Plan.

2                   It also is something that is governed and  
3 -- and dealt with fairly extensively in a number of  
4 pieces of legislation and I know that our department, in  
5 fact, is working on revising the regulations for  
6 incidental timber harvesting. And also, I'm sure most of  
7 you are aware of the fact that the new -- there's a new  
8 Wildlife Act that we're proposing and it deals with  
9 incidental harvesting of -- of -- of animals and stuff.

10                   I don't -- we don't disagree with, again,  
11 the principle that's contained here but we think that  
12 this single sentence over-simplifies it. One (1) of the  
13 things that was brought to our attention in the case of  
14 incidental harvest of timber is that depending on where  
15 the harvest takes place, there's a requirement for a  
16 second permit to transport that incidental harvest to  
17 wherever you're taking it.

18                   So, it's not always -- doesn't make sense.  
19 If it's 500 kilometres into the hinterlands, do you want  
20 to build a road to transport it 500 kilometres.

21                   I know the CR says "where reasonable," but  
22 it -- it really doesn't give enough clarity around what  
23 is defined as "where reasonable." I mean, is it  
24 reasonable to hire a helicopter to fly it to the  
25 community? Probably not. But it's not well-defined.

1                   And then on the wildlife harvesting side  
2 of things, the -- the CR doesn't seem to address or speak  
3 to the fact that legislation also deals with incidental  
4 harvest of wildlife but where there is the need for  
5 government to have that so tests can be run if it's  
6 anthrax-infected buffalo or something that was  
7 incidentally harvested and things like that.

8                   So we think the legislation in this case  
9 deals with incidental harvest, and I would be really  
10 interested to hear if that is not the case. If that's  
11 not the case, then we need to amend our legislation. But  
12 I don't think it's something that the Board needs to deal  
13 with in the context of the Land Use Plan, especially  
14 given that it's not really a land use. It's a -- it's a  
15 consequence of a land use, and there are lots of things  
16 that could be then thrown into the plan as consequences  
17 of land use.

18                   Okay, so closure and recommendation -- or  
19 recla -- remediation, sorry. Basically, having thought  
20 about this since we filed our submission, we support the  
21 idea of this CR being in the -- in the Land Use Plan.

22                   But as pointed out by INAC, we would be  
23 more comfortable if we removed the fifty thousand  
24 (50,000) threshold because we think that that's something  
25 that is now covered under the Act as -- as the -- at the

1 discretion of the Land and Water Board.

2                   Actions and recommendations, I think I  
3 covered that in my opening stuff so I won't go through it  
4 again.

5                   This is one we had a good discussion with  
6 Heidi on just prior to coming to this meeting as far as  
7 implementation. And we've got this written here that we  
8 think that the -- the primary responsibility for  
9 determining conformity should rest with the regulator.

10                   I'm -- I'm open to having a broader  
11 discussion on that in the working groups, because Heidi  
12 raised some very good practical issues, having talked to  
13 the Boards and stuff, that I think is worth discussing.

14                   Now whether that should be addressed in  
15 the context of this Land Use Plan or addressed in the  
16 context of the current exercise to make amendments to the  
17 Mackenzie Valley Resource Management Act and other pieces  
18 of legislation I'm not sure, but let's have a chat about  
19 that over the next day or two (2).

20                   One (1) of the things that we have said is  
21 that we still believe that there is a lot of outstanding  
22 issues. We've raised a number over the last day and a  
23 half. There's been a number of presentations. I've  
24 heard several times where response is, Yeah, that's  
25 something we're going to have to deal with. We should

1 sort that out before X, Y and Z.

2 So one (1) of the proposals the GNWT has  
3 put forward is whether we want to consider having another  
4 draft before we look at presenting a final one because of  
5 the number of outstanding issues that there are there.

6 Again, that's something that I think is  
7 best handled in the context of our discussions for the  
8 working groups, because if there's other ways and if we  
9 reach a lot of consensus in the next day or two (2), then  
10 maybe we don't need another -- another draft.

11 I think this is our last slide, just  
12 about. Implementation of previous approvals is something  
13 that we struggled with. We can see where there is the  
14 need for this to happen in the context of things that my  
15 department looks after for sure.

16 Certainly where, you know, how many ever  
17 years ago PCBs or other dangerous chemicals were allowed  
18 and then they were determined to be cancer causing or  
19 carcinogens and people said they shouldn't be allowed.  
20 Well, you want to make that retroactive, right. Like you  
21 want to say next time the guy -- get rid of those PCBs.  
22 And we fully support that concept, but by the same token  
23 there are other things that don't make as much sense. So  
24 we're looking at changing the setbacks for archeological  
25 sites, so.



1                   I've got a mine today that is located here  
2 and all of a sudden you've said, you know, if you  
3 increase the setback to 500 metre my mine could be  
4 located. Is it reasonable to ask the mine to be fully  
5 relocated to comply with that? I -- I don't think so and  
6 I don't think that was the intent of the Board. So  
7 again, we've got this concept where I think the parties  
8 all kind of agree to make sense. You want to -- to the  
9 best of your abilities, make things retroactive but how  
10 it is presented here as a single sentence, legally  
11 binding, it doesn't necessarily scan or -- or work.

12                   So again, another one of those topics  
13 where, you know, over the course of the next day or two  
14 (2) we should get into how we can make this operational  
15 and make it work because we don't disagree with it needs  
16 to -- it needs to happen but it doesn't always make  
17 sense.

18                   Okay, I think that's it. We remain  
19 committed to the Land Use Plan. I think that's it.  
20 Thank you very much. And sorry to the translator.

21                   THE CHAIRPERSON: Does any of the Board  
22 have any questions?

23

24

(BRIEF PAUSE)

25

1 QUESTION PERIOD:

2 MR. STEPHEN KAKFWI: Good morning to  
3 everyone here. My name is Steve Kakfwi and I'm a member  
4 of the Sahtu Land Use Planning Board.

5 I had a number of questions for the -- for  
6 the presenter. In your presentation I noticed that  
7 you're using the words "GNWT," which is the Government of  
8 the Northwest Territories. I just needed some  
9 clarification on that because it's -- you start off with  
10 one (1) of your first slides indicating that unless a  
11 whole number of things were changed that you will not  
12 approve the Sahtu Land Use Plan, and so I needed some  
13 clarification on it.

14 When -- when you say this is the position  
15 of the Government of the Northwest Territories, are you -  
16 - is it the position of the Department of Energy and  
17 Natural Resources? Is it a Cabinet position? Is it --  
18 like is it that final, I guess is -- is my -- my point?  
19 Because if it is in fact final, that is the Minister is  
20 in agreement with you and the Cabinet agrees with you,  
21 then that is how final it is.

22 If it is just the -- the position as you  
23 present is the position of the Department of Energy and  
24 Natural Resources and if those are not met then you would  
25 be rec -- then you're saying that -- that your

1 recommendation will be to the Minister to go to Cabinet  
2 and -- and recommend that the Sahtu land use plan not be  
3 approved.

4 I just need some -- some clarification on  
5 that.

6 MR. MARK WARREN: I'm definitely here on  
7 behalf of the Government of the Northwest Territories,  
8 not just environment and natural resources as opposed to  
9 energy and natural resources.

10 We have taken -- the presentation that  
11 I've given, as well as our submissions, has not gone to  
12 our Cabinet but it has gone to a committee of Ministers  
13 and it's gone to our Deputy Ministers' committee too. So  
14 we took it -- we have a committee called Managing This  
15 Lands, which is made up of -- there's a Deputy Minister  
16 level committee and then a separate Minister committee.  
17 So this is -- it's not the final word of this government  
18 but it has gone through fairly high level authorities  
19 and...

20 MR. STEPHEN KAKFWI: Okay, thank -- thank  
21 you for that. The other question I had was your position  
22 on the 150 metre versus the 500 metre which is what the  
23 Board is proposing. I just had a question with Indian  
24 and Northern Affairs which has the responsibility for  
25 inland waters and all the Crown lands at this time, if

1 Indian and Northern Affairs Canada shares that view. So  
2 could somebody from Indian Affairs comment on that?

3 MS. TERESA JOUDRIE: Thank you, Steve.  
4 It's Teresa Joudrie for INAC. We don't actually have an  
5 opinion on that right now. It's not within our current  
6 mandate.

7 MR. STEPHEN KAKFWI: Whose mandate is it?

8 MS. TERESA JOUDRIE: The archeological  
9 sites is part of GNWT's core responsibilities.

10 MR. STEPHEN KAKFWI: Okay. Thank you. I  
11 have another question which is on CR number 5. The GNWT  
12 is suggesting that the wording is not consistent with the  
13 claim, that there's an attempt to rewrite the claim just  
14 -- is -- is your concern that we're -- it is diminishing  
15 or being too generous in terms of the wording as you read  
16 it now?

17 And again, I ask if you -- you've checked  
18 with -- with the federal government to see if they --  
19 they share your view. Is -- is that view singular just  
20 from the Government of Northwest Territories?

21 MR. MARK WARREN: We didn't take an  
22 opinion as to whether it is more or less generous quite  
23 frankly. We just saw it as not being consistent with the  
24 Land Claim Agreement. The Land Claim Agreement is quite  
25 clear in -- in its words that what participants are

1 entitled to. And then it clearly defines -- should  
2 something happen that violates what they're entitled to  
3 it clearly states how that will be dealt with by the  
4 Sahtu Land and Water Board.

5                   This one places pure -- a complete onus on  
6 the regulator to just main waters that are always  
7 substantially unaltered in quality, quantity and ready  
8 flow.

9                   I think that is a lofty goal and a lofty  
10 plin -- principle and it is something that is one (1) of  
11 the key goals in the water strategy and we support that.  
12 But to change how it is legally applied from the land  
13 claims agreement we don't think is appropriate.

14                   We consulted our legal counsel on this,  
15 not INAC, because we take advice from our own people  
16 rather than INAC. So, no, we didn't, you know, say to  
17 you, Did you agree with our legal interpretations?

18                   MR. STEPHEN KAKFWI: Okay, I just had one  
19 (1) more on your -- one (1) of your closing slides.  
20 You're talking about the proposal that the -- once the  
21 Sahtu Land Use Plan is approved, that you think it's  
22 unacceptable to suggest that all previous approved land  
23 use plans and permits should be asked to -- to meet the  
24 requirements of the approved Sahtu Land Use Plan.

25                   Again, I just ask if that is something

1 that you've had discussions with Indian and Northern  
2 Affairs since, again, they -- they have primary  
3 responsibility for land and waters at this time?

4 MR. MARK WARREN: Once again, we -- I  
5 mean, we -- we develop our own positions internally, I'm  
6 sorry, but -- so we didn't consult with Indian and  
7 Northern Affairs on that particular item.

8 But, again, this, to me, is -- is what  
9 this three (3) or four (4) days should be about. It's  
10 what we pushed for hard in the pre-hearing conference  
11 that we had, is the opportunity in a less formal setting  
12 than what we have now to break away and to tackle items  
13 like this to say, you know, we don't disagree, you know.  
14 I -- if -- if somebody determines a new substance that's  
15 carcinogenic and stuff, we don't disagree that you've got  
16 to apply that immediately to stop that pollutant from  
17 entering into the system.

18 But that's one (1) example that works  
19 easily. There are other examples where applying things  
20 retroactively do not make sense, like -- like the  
21 security deposit of minimum fifty thousand (50,000).

22 Well, what if -- if -- do you apply that  
23 retroactively, and now you've changed the business model  
24 that the person who was applying and they no longer can  
25 afford to operate because they have to suddenly come up

1 with a security deposit of fifty thousand dollars  
2 (\$50,000)?

3 I -- I don't think that's fair, and I  
4 don't think that's what was envisioned. So all we're  
5 saying is they kind of need to be dealt with on a case-  
6 by-case basis, and because of that, probably the best  
7 people to deal with that are the regulators that are  
8 going to be handling the applications.

9 You know, like, in the past when, you  
10 know, chemicals became known to be dangerous or  
11 deleterious to the -- to the people, we pass legislations  
12 and regulations to ban those substances.

13 So, I -- I think there's a system in place  
14 to deal with how you retroactively apply things.

15 MR. BOB OVERVOLD: My name is Bob  
16 Overvold, Board member. I have just two (2) questions, I  
17 guess.

18 To pick up on CR 5 and your position that  
19 that conformity requirement is inconsistent with the Land  
20 Claim Agreement, since you put forth that position, we've  
21 asked for legal advice and have -- I'll say it right now.  
22 I'm not going to ask legal counsel to speak to it. I  
23 think the lawyers could deal with that later at some  
24 point, but -- but, needless to say, his advise to us is  
25 that it isn't consistent.

1                   I would also like to hear some --  
2 somewhere down the line what INAC's view on that is,  
3 because it's not our intention to try to renegotiate the  
4 land claim. I know some of the other participants here,  
5 planners -- I know Tulita has legal counsel. That guy  
6 was intimately involved in negotiating the Sahtu Dene  
7 Metis Land Claims. I would be interested in his legal  
8 view of that.

9                   So the questions is: If everyone else  
10 says, No, it's not inconsistent with the Land Claim  
11 Agreement, will you withdraw that -- that position?

12

13                   (BRIEF PAUSE)

14

15                   MR. MARK WARREN: Thanks, Bob, for the  
16 easy one (1). As a former employee of the Government of  
17 the Northwest Territories, I think you're well aware of  
18 the fact that we have a fairly complex system about how  
19 we accept legal advice from the Attorney General, and  
20 what our abilities are to ignore that advice. I'll leave  
21 it at that.

22                   MR. BOB OVERVOLD: I'll take that as a  
23 yes. My -- my second question, which hopefully will be a  
24 little bit easier, is: I -- I was pleased with your,  
25 what I interpreted as openness, that if over the next day



1 and a half we can find some ways and perhaps future  
2 meetings that are going to address some of your  
3 fundamental concerns, because I think, as you said, a lot  
4 of your concerns you think can be dealt with creatively,  
5 but -- but there are still some fundamental ones, if we  
6 can find a way then you won't be insisting on a -- a  
7 Draft 4, so I take that as good news, because as I have  
8 explained to you away from the table here, I think there  
9 -- one, there is a lot of risk in trying to go to a Draft  
10 4 again, which means we've got to go through the whole  
11 process again.

12                   There's the whole question of whether or  
13 not the Board could get funding to do this. You know, we  
14 -- we had a fairly clear understanding with INAC's  
15 funding people that we were going to try to complete this  
16 ex -- this job here in three (3) years.

17                   They already gave us an extension because  
18 of some very legitimate concerns and wanting to make some  
19 zoning changes came out Tulita District, so they allowed  
20 for that.

21                   But to -- I'm not optimistic at all that,  
22 were we to say we need another year, which going to a  
23 Draft 4 really means, that we would get funding for that,  
24 so I hope we don't go there. I hope we can find a way to  
25 address concerns by everyone so that we could come up

1 with a, as the Chair said at the beginning of this  
2 meeting, come up with a final draft that we could present  
3 for approval to the parties by the end of this fiscal  
4 year.

5

6 (BRIEF PAUSE)

7

8 THE CO-CHAIRPERSON: Thank you, Bob.  
9 Heidi had comments and questions. Thank you.

10

11 (BRIEF PAUSE)

12

13 MS. HEIDI WIEBE: Maybe I'll start with  
14 the simple one, and then expand from there. Joel, can  
15 you put up the slide on incidental harvest, please?

16 Thanks. I guess the first just for  
17 clarification of -- of all of the members here, this was  
18 a -- a CR about incidental harvest. It was not specific  
19 to timber, although timber is certainly a key component  
20 when talking about seismic lines, or whatnot. And we  
21 discussed this the other day, aft -- but after the GNWT  
22 had submitted their presentation.

23 If you go to, I think the -- I think  
24 that's -- no, you've got the rewording there, thank you.  
25 The GNWT has, I think, maybe skipped over the slide in

1 doing their presentation.

2 The recommended wording here is:

3 "Regulatory authorities shall require  
4 proposed land uses to be carried out on  
5 forested lands to be conducted in  
6 accordance with current direction of  
7 the forest management supervisor of the  
8 NWT regarding timber recovery."

9 Now we had talked previously about the  
10 role of the Land Use Plan in that it should provide  
11 clarity and consistency on what the rules are for  
12 development, and that the more clear these rules are, the  
13 easier it is to implement the plan. I think we've heard  
14 that several times over the -- the last day and a half,  
15 so far.

16 When I see recommended wording like this,  
17 in my mind this wording puts all of the decision-making  
18 authority back into the discretion of the current  
19 regulator. It doesn't set a rule for development.

20 Given that the GNWT is -- has also asked  
21 us to ensure that the Plan is very clear and free of  
22 ambiguity, if this was the wording that the Board had put  
23 in, how would you view us implementing this CR? How  
24 would we do a conformity determination on it?

25 MR. MARK WARREN: Simple one. All I know

1 is our Department is currently working on revisions to  
2 the incidental harvest regulations, and I'm not sure  
3 exactly what those cover.

4 But the intention here is to allow the  
5 regulator to make those decisions about what makes sense  
6 for how incidental harvest should happen, and for it to  
7 be consistent with the -- with the regulations.

8 And the CR, as currently written, seems to  
9 make a general rule that it just goes to the community  
10 and that's not always the most appropriate approach.  
11 Like, I've been told there's times when it's better to  
12 leave the trees in where they've fallen for environmental  
13 reasons. It's also better to not take them to the  
14 community because the environmental impact of  
15 transporting them to the community would be greater than  
16 the benefit that the community would realize from  
17 receiving the lumber.

18 So it -- it's another one of these cases  
19 where a single rule doesn't necessarily always make  
20 sense. And in this case, the way the Act is currently  
21 structured, it is the authority of the forest management  
22 supervisor to make that determination as to whether it is  
23 appropriate or not.

24 So on an application-by-application basis,  
25 the forest manager would be able to inform the regulators

1 as to whether what makes sense -- leave it there,  
2 transport it, give it to the community.

3 And when we talk to our people about this  
4 in the context of forest, they said that this happens all  
5 the time. It's not something that doesn't happen. Like,  
6 to the extent that it can be done, it happens already.

7 So having a -- a conformity requirement in  
8 here that seems to change what is already working fairly  
9 well, and again, I said in my presentation, if you're  
10 telling me that it doesn't work well and we're redrafting  
11 the legislation, you know, let's change the legislation  
12 so it does work properly. But I thought it was working  
13 well.

14 MS. HEIDI WIEBE: Thanks. Sorry.

15 THE CO-CHAIRPERSON: Okay, thank you,  
16 Heidi. Tom, you had a question? Or, John, sorry. John,  
17 go ahead.

18 MR. JOHN DONIHEE: It's John Donihee. I  
19 -- I just have -- want to make one (1) other point about  
20 that CR and the discussion that's going on and that the  
21 thing that you need to remember, as well, is that if the  
22 timber gets knocked down while somebody's plowing or  
23 clearing a seismic line under a territor -- under a Land  
24 Use Permit, okay, the forest management supervisor  
25 doesn't have anything to do with it.

1                   A forest management supervisor, under my  
2 understanding of the legislation, is responsible when  
3 you're talking about timber cutting permits and timber  
4 cutting licences and all that kind of thing.

5                   And the other problem with this CR is that  
6 if the land -- the -- the Land Use Permit -- it -- it has  
7 to be said in the Land Use Permit that the timber has to  
8 be collected and brought back, so you -- you've got an  
9 issue there between the authority provided under a  
10 Federal permit as compared to what the GNWT might be able  
11 to do with -- with their legislation.

12                   And the -- the problems that run into that  
13 kind of situation resulting from paramount, and I'm  
14 sorry, I don't know -- I don't know a simple word for  
15 this, but it's -- it's a paramountcy problem for -- for  
16 GNWT.

17

18                   (BRIEF PAUSE)

19

20                   THE CO-CHAIRPERSON:   John, thank you for  
21 the present -- your comment on that.  So is that --  
22 Heidi, you have another question?  Thank you.

23                   MS. HEIDI WIEBE:    Thanks.  I was using  
24 that one more as a jumping off example of the -- the  
25 different approaches that are being brought forward for

1 the Board's consideration in -- in how to frame CRs, and  
2 I think this one presents a classic example.

3 We have, you know, organizations like SSI  
4 saying, Give us a very, very simple rule, and then we  
5 have, you know, a direction from the GNWT to say  
6 basically, Take out the rule and just refer to the  
7 existing authorities.

8 And I think these are two (2) very  
9 different approaches, so more than just a discussion of  
10 this one (1) specific CR. I think that's the point I  
11 wanted to raise as we get into our discussions this  
12 afternoon on, you know, how do we -- how do we make these  
13 CRs do what we want to do.

14 The intent behind this one was raised by  
15 SSI after Draft 2, basically said, In this day and age  
16 there should be no waste. How do we translate that  
17 concept of let's not waste resources and make sure that  
18 communities can make use of those in a meaningful way  
19 that will ensure to the best possible ability that that  
20 will happen?

21 So I just wanted to make that statement on  
22 that one.

23

24

(BRIEF PAUSE)

25

1 MS. HEIDI WIEBE: I want to maybe talk a  
2 little bit more about the grandfathering of existing  
3 uses. You've identified, in your presentation, that you  
4 think it's unacceptable to have a blanket obligation for  
5 all previously authorized land uses to upgrade their  
6 activities in the process of renewing or amending  
7 authorizations.

8 An example that you used is if there is  
9 something already constructed on the landscape, perhaps  
10 following existing setbacks, and upon renewal they have  
11 to follow the different CRs in the Plan, and one (1) of  
12 them -- if CR 4 goes ahead as worded currently with a 500  
13 metre setback, they might have to move their buildings.

14 I think the Plan has already said fairly  
15 clearly, but certainly we can provide further  
16 clarification, that if there's any clear conflict in the  
17 CRs that would prohibit the land use from going ahead,  
18 the Board has the ability to grant exceptions to CRs.

19 It's a discretionary call, but if an  
20 applicant said, Look, if you impose this CR, we simply  
21 can't operate, that is in violation of the principle that  
22 the Board has made clear, which is, we do not intend in  
23 any way to block existing rights. We do intend that we  
24 will apply the CRs of the Plan to the extent possible to  
25 bring people into compliance.



1                   I remember having a discussion with some  
2 people in INAC several years ago, it may have been before  
3 the Sahtu, on the question of security, and their  
4 policies and protocols, or -- or processes even then were  
5 to bring old land uses into compliance with new security  
6 regimes.

7                   So even the security question, I think  
8 INAC's processes, and I'll let them speak to that if I'm  
9 speaking out of turn here, are to ensure that old land  
10 uses are -- are brought into conformity with existing  
11 processes as much as possible. I -- I don't know if INAC  
12 wants to speak on that at all or contradict.

13                   But the certain -- certainly, the intent  
14 of -- of the Board in -- in writing Draft 3 is that the  
15 CRs do need to apply. If you look at all the existing  
16 rights that are existing in the Sahtu right now, if we  
17 were take the view that none of the CRs would apply on  
18 anything related to an existing right, I'd look to the  
19 Land and Water Board to answer this, but do you get any  
20 applications that would not be related to an existing  
21 right in some way?

22                   And if you think of a mineral claim  
23 lasting for ten (10) years, a significant discovery  
24 licence lasting a lot longer than that, at what point  
25 would the Sahtu Land Use Plan kick in if it was approved

1 tomorrow?

2                   There is a very strong reason why we  
3 looked for middle ground to bring new activities or,  
4 rather, existing activities into compliance with the  
5 Plan. It is supposed to have an effect and it needs to  
6 have an effect. And in order to have that effect, you  
7 have to apply the conditions of the Plan as much as  
8 possible.

9                   So perhaps the -- the way out here is --  
10 is providing a little bit more comfort that where there  
11 is a direct conflict, that -- that those conditions will  
12 be waived. Where it's more of a discretionary call or  
13 it's -- it'll make things tougher, but will not prohibit  
14 the land use, then that -- that would be more of a  
15 discretionary call.

16                   I think I'll leave it open for comment  
17 there. Thanks.

18                   THE CO-CHAIRPERSON: John Donihee, thank  
19 you.

20                   MR. JOHN DONIHEE: SSI raised this issue,  
21 as well, and I -- I do want to wade in on it. The issue  
22 really is as follows:

23                   The way the Plan is worded at the moment,  
24 if you have a -- a land use activity in place and then  
25 the Plan comes into force and your activity would no

1 longer be in compliance because the -- the Plan sets a  
2 new regime in place, the question is: Are you  
3 grandfathered, or do you have to do more?

4 And what the Plan seems to say is you have  
5 to do more. You have to come into compliance, in one (1)  
6 way or another, with the Plan or else you have to apply  
7 to the Planning Board to get an exception. And the --  
8 the view that SSI presented in its March 31st was, you  
9 shouldn't have to ply -- apply for that exception.

10 And, you know, when I lived in  
11 Yellowknife, I was in the Old Town area, and there were a  
12 lot of -- there was a municipal plan in place, and I  
13 lived right beside an old junkyard for a while. That's  
14 part of the joy of living in Old Town in Yellowknife.  
15 But that was called -- when you looked at the Municipal  
16 Plan, that was simply called a non -- non-complying land  
17 use, okay. It was grandfathered. And eventually, when  
18 somebody came along to do something new there, they had  
19 to comply with the Plan.

20 So it -- the -- when the junkyard -- when  
21 the junkyard dogs left, the next people that came along  
22 had to put a house in there because it was zoned  
23 residential. And so that's sort of how you do it.

24 But as long as the people who were there  
25 stayed there and didn't really change what they were

1 doing, they didn't have to apply for anything, any new  
2 kind of permits or anything like that.

3                   So that's what we're talking about with  
4 this exception. And to give you an example of the  
5 problem that we saw and are concerned about and are happy  
6 to talk about tomorrow and the next day, or later today  
7 and tomorrow -- well, we're all staying till Friday,  
8 aren't we -- is what happens if you apply for the  
9 exception, let's say -- we have the example that, I  
10 think, Mark used with the archaeological site -- and the  
11 Planning Board says, No? Do you move the mine?

12                   I mean, the Planning Board ought to be  
13 asking itself, Are we putting ourselves in a position  
14 where we're going to make people apply for exceptions and  
15 we don't have the option to turn them down?

16                   So that -- that's the dilemma, I think,  
17 with this particular issue. Thanks.

18

19                   (BRIEF PAUSE)

20

21                   THE CO-CHAIRPERSON: Thank you, John.

22 It's good to have that type of discussion.

23                   Heidi, do you have any more questions?

24

25                   (BRIEF PAUSE)

1                   THE CO-CHAIRPERSON:    Okay.  We have a  
2 question from one (1) of the Elders, or -- or Good Hope,  
3 sorry.  State your name, please.  Thank you.

4

5   (BRIEF PAUSE)

6

7                   MR. JOE GRANDJAMBE:    My name is Joe.  I  
8 just wanted to bring across to you why the Plan is  
9 important to us.  The discussions on -- on wording and  
10 such is entertaining but we're trying to -- well, let me  
11 tell you about one (1) of the principles of the K'asho  
12 Got'ine people.

13                                        One (1) of the main principles that we  
14 operate on is land protection.  Over -- throughout our  
15 existence, we've always -- it always has been a principle  
16 that we operate under.

17                                        And over the last two (2) or three (3)  
18 years, GNWT did that clearing for -- that preliminary  
19 clearing on -- on the highway, and with no consideration  
20 to the land.  They just take a bulldozer and just clear  
21 everything.  Top soil and trees and everything went into  
22 the creeks.

23                                        Those creeks are -- most of the creeks  
24 around here are -- has fish in them and -- and we brought  
25 it up a number of times.  I know we brought it up with

1 INAC. INAC said though, It's not our responsibility.

2 GNWT has got an exception on this one. So  
3 we brought it up with GNWT, and -- and that was it. They  
4 won't do anything about it and left things as is.

5 Meanwhile, if you ride from winter road  
6 from Wrigley all the way up to -- to Colville Lake,  
7 you're going to see a tremendous amount of destruction,  
8 environmental destruction, to the soil, to the -- to the  
9 trees.

10 And -- and Good Hope's position is that if  
11 this is how GNWT and INAC are protecting the land, how  
12 could we find different ways to protect our own land. I  
13 know Good Hope and GNWT has always had its differences.  
14 When it comes to jurisdiction and authority over those  
15 lands, we do not recognize GNWT.

16 We have a group trapping area. Everybody  
17 gets the wrong impression that it's -- the group trapping  
18 area is just limited to trapping and hunting and fishing.  
19 It's not.

20 Our Elders were trying to find ways in the  
21 early '20s, '30s, '40s, trying to find ways. There's all  
22 outsiders coming in, looking for gold, diamonds, and --  
23 and a complete dis -- disruption to -- to our way of  
24 life.

25 So we -- they negotiated an agreement with

1 the Crown in England, with also the help of a Bishop from  
2 France, and the result of that was that group trapping  
3 area, one (1) of the first working arrangements, now we  
4 have that land where the K'asho Got'ine call their home  
5 base land, their traditional land.

6                   We try to always, from generation to  
7 generation, try to make sure that the land and the  
8 traditional values of our people are protected.

9                   And like I said, we came here without  
10 legal counsel or -- or -- we're consultants. We're  
11 trying to find ways to protect our people and our land.  
12 It may be funny to some other people, but some other  
13 people just come to the table and -- and -- and  
14 regardless of whichever -- what -- whichever forum it is,  
15 this is our position or else we don't agree with it.

16                   That's not the way we want to do. It's  
17 not the way that we want to do our work. We want to be  
18 open, we want to be flexible, but we want ultimately to  
19 protect ourselves and our land and our way of life.

20                   If there's a need to put up a working  
21 group to -- to finish this draft, we should. And because  
22 of the way that GNWT and INAC's -- has protecting -- is  
23 protecting our land, we're trying to enhance what's  
24 already in the claim and trying to protect ourselves.

25                   So this is -- we're trying to be

1 consistent with what we already have. It's -- sometimes  
2 you just have to get away from the -- from the wording  
3 and try to be reasonable about things. You're not going  
4 to ask the proponent to bring all that cut wood 100  
5 kilometres out of the community back into the community.  
6 K'asho Got'ine people know that's unreasonable. So we're  
7 trying to be reasonable, at the same time trying to be  
8 diplomatic enough to try to find a solution and a -- and  
9 trying to enhance what's already there.

10                   So, so far we've -- we are a part of  
11 things that we have to still report to our people and --  
12 and -- and -- and try to meet you guys halfway.

13                   I know there's some things that we have to  
14 -- to give up, but we do have K'asho Got'ine principles  
15 that we do have to live by. We're also given the mandate  
16 in November to -- to complete certain items.

17                   And we're -- one (1) of the mandates that  
18 we were given is -- is no more third-party control, so  
19 we'll have to try to find that balance in a -- in a forum  
20 like this.

21                   So the third-party control is not only  
22 limited to this forum; it's -- it's in other forums. So  
23 our mandate is pretty simple. Live by K'asho Got'ine  
24 principles and trying to fulfill them and trying to find  
25 balance for our people. And that's -- that's all I



1 wanted to say.

2 Thank you.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: George...?

7 MR. GEORGE BARNABY: Thank you. I want  
8 to bring up two (1) things; one (1) is water. And the  
9 intent for water in our claim was to keep water the way  
10 it is, clean and rate of flow, and some other wording  
11 whatever is in there.

12 So the intention was not to open that door  
13 for pollution, which the government is trying to find a  
14 way to go ahead and pollute it but it's to keep it the  
15 way it is. So the regulator should try to do as much as  
16 possible to make sure that the water is not polluted and  
17 affected in any way.

18 That's the first goal and that should be  
19 protected as much as possible.

20 The second one was regarding timber, and  
21 that should be, I guess, handled in the same way as other  
22 land use. We did have trouble in Good Hope with people  
23 that had timber permits that were not approved by the  
24 community so there was a big -- big uprising about it and  
25 they had to call in the regional person that gave out the

1 permit.

2                   And so the committee always likes to know  
3 activities that are not traditional -- and start having  
4 big permit to do even cutting timber because people just  
5 a get a piece of land then they cut all the timber. The  
6 way we do it is we just select from all over and just cut  
7 timber that we need and dry wood and things like that and  
8 so we don't clear cut that. Traditional harvesting I  
9 guess is what we do.

10                   So we should put that in the plan I guess  
11 that activities like that should go through community  
12 consultation and they should be approved before the  
13 permit is given.

14                   So I wanted to bring out those two (2)  
15 things.

16                   THE CHAIRPERSON: Thank you. Tom...?

17                   MR. TOM NESBITT: Could we have slide 23  
18 again, please?

19

20                   (BRIEF PAUSE)

21

22                   MR. TOM NESBITT: I'd just like to see if  
23 we can find a way through this thing. That first  
24 statement, Mark, that's a pretty strong statement. I  
25 wonder if we could just think about some -- some

1 principles that might help us come to a resolution of  
2 this matter.

3           The first is that applicants or proponents  
4 carrying out work on the land either knew or -- or they  
5 should have known that the Land Use Plan provided for in  
6 this Land Claim Agreement and that it will come into  
7 effect before too long and their activities would be  
8 subject to the Land Use Plan.

9           We shouldn't be allowing people to say,  
10 Well, we'll get our foot in the door and then we don't  
11 have to worry about -- the Land Use Plan, it doesn't  
12 apply to us for as long as we're working there.

13           Nor should we develop a land use plan  
14 which, as Heidi was suggesting, doesn't apply to huge  
15 areas of the Sahtu settlement area because they're all  
16 grandfathered in.

17           On the other hand, we shouldn't deny  
18 entirely, and I think this is where -- I think this is  
19 where your interest lies -- I'm hoping this is where your  
20 interest lies, the GNWT interest lies -- we shouldn't  
21 deny entirely the ability of existing rights holders to  
22 exercise their rights. We don't want to take away those  
23 rights or deny their -- their exercise entirely.

24           So the question is to me: If we use this  
25 ordinary terms, the question is how we're going to allow

1 people to exercise their rights. Allow the exercise but  
2 allow the exercise in accordance with the conformity  
3 requirements and think about those conformity  
4 requirements in that light.

5           So I think there are ways to carry out  
6 most development activities. I don't think anybody is  
7 talking about moving a mine to a different location, but  
8 how you -- how you mine. And I -- I thought that's what  
9 the -- the Land Use Plan Draft 3 pretty -- tried pretty  
10 carefully to do. Like, I took that to be its intent, and  
11 so I don't see a big diversion is here between the intent  
12 of the Government of the Northwest Territories and the  
13 intent of the many people who have had input to Draft 3  
14 already.

15           So I'm wondering whether we can -- this is  
16 maybe a wording thing, but I think if -- if we think of  
17 those principles, and we can find common ground here and  
18 allow this -- allow us to achieve those several  
19 principles or -- or interests and meet a common ground  
20 between the Government of the Northwest Territories and  
21 the Land Use Planning Board speaking for many people in  
22 Draft 3, that's my suggestion.

23           And we can talk about that in the next day  
24 and a half, if you like. Thanks.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Thank you. We have one  
4 (1) more comment from Dick.

5 MR. DICK SPAULDING: Thanks, Madam Chair.  
6 I have a question going back to the issue of consistency  
7 between the watershed conformity requirement and the Land  
8 Claims Agreement.

9 As Bob mentioned, I've advised the Board  
10 on the basis of what I've been able to take from the  
11 presentation that the requirement is consistent with the  
12 Land Claims Agreement as -- as far as anyone has raised  
13 an implication of the requirement.

14 So obviously, there's going to need to be  
15 further legal discussion, but in order for that  
16 discussion to proceed we have to start with the language  
17 of the slide 14, which is that the GNWT's position is  
18 that the requirement is inconsistent with the treaty --  
19 with the Land Claims Agreement.

20 So my question is: Generally, in what way  
21 is it inconsistent? My advice has been that I don't see  
22 an -- an inconsistency. That's the general question, but  
23 I'd like to zero in on your remarks to see whether I can  
24 understand the missing information that I would need to  
25 be able to see the government's argument.

1                   As I understood it, the GNWT sees that the  
2 Plan might give the Land and Water Board a role that  
3 would somehow restrict the rights of -- the water rights  
4 of the Sahtu Dene Metis. That's where I see your concern  
5 lying.

6                   And let me just indicate what the  
7 understanding of the Board is regarding the role of the  
8 Land and Water Board in relation to the water rights that  
9 we're dealing with.

10                  The Board's understanding of the water  
11 rights is essentially what George Barnaby just explained;  
12 that there is a right not to have waters on settlement  
13 lands, or going through settlement lands, polluted unless  
14 authorized by law, and the lead body that would authorize  
15 any pollution would be the Water Board.

16                  So in fact, as George explained the  
17 treaty, it would be the Water Board could -- that could  
18 let a developer off the hook for polluting settlement  
19 lands. It would be the Water Board that would, by  
20 licensing pollution, remove the right of the Dene Metis  
21 to sue the developer for compensation or some kind of  
22 other court protection so that this pollution wouldn't  
23 occur.

24                  What the Land Use Plan does is limit the  
25 authority of the Water Board to license pollution on

1 settlement lands. So it's -- it's very difficult to see  
2 how it can be argued that the Plan gives the Board some  
3 role that would inter -- interfere with the treaty right  
4 that we're talking about.

5                   Now if -- if you're not comfortable  
6 answering the question today because you don't have  
7 counsel here, that's fine, we can follow up with another  
8 venue, but I wanted to bring that forward because there's  
9 a -- a great deal of concern here that the Plan follow  
10 the Land Claims Agreement.

11                   And the Board's intent here is to  
12 reinforce the Land Claims Agreement, give the Dene -- the  
13 Sahtu Dene Metis protection that reflects the standards  
14 set by the Land Claims Agreement through the Land Use  
15 Plan.

16                   And, finally, I'd just like to emphasize  
17 that that protection in this requirement doesn't only  
18 extend to settlement lands, it extends to Crown lands  
19 where the Dene Metis do not have the water right that  
20 George Barnaby explained.

21                   So, again, the Plan is intending to  
22 reinforce the standard of the Treaty and to set a  
23 standard for how Crown land should be managed which is  
24 consistent with the rights of the Dene Metis on  
25 settlement lands.

1 Thank you.

2 THE CHAIRPERSON: We have a couple of  
3 other people that still want to make comments, but I see  
4 people want to break for lunch, so we could either finish  
5 off the comments and then break for lunch.

6 Mark, did you have response to that?

7 MR. MARK WARREN: First of all, I'm not  
8 going to get into a legal argument with you, Dick. I  
9 appreciate your perspective and we have legal counsel  
10 that could have that discussion with you.

11 As far as what you have said your -- your  
12 goals are, is not to change the Land Claim Agreement,  
13 I've said let's look at alternatives, right? I mean, I  
14 put forward a suggestion that if we're not rewriting the  
15 Land Claim Agreement here, then just duplicate it.

16 Like, that's what we did with our water  
17 strategy. We duplicated the -- because we didn't want to  
18 get into a situation where somebody could say, Hey, what  
19 do you mean here?

20 We put in a general goal to say water  
21 should remain clean and abundant for all time, and then,  
22 you know, to the extent that we put a provision of the  
23 Land Claim, we wou -- we don't paraphrase it, we  
24 duplicate it. And then you don't get into whether I  
25 agree with you or -- or our legal counsel agrees with you



1 or not.

2                   You just, hey, we -- we all take away what  
3 the Land Claim Agreement means to each other. So, I --  
4 I'd suggest, as a compromise, put -- put in, you know,  
5 the broad goals and principles that are reflected in the  
6 water strategy into the Land Use Plan and then duplicate  
7 the Land Claim Agreement to say, Let's be clear. The  
8 Land Claim addresses this and this -- this is exactly  
9 what it says, not this is how I interpret what it says.

10                   THE CHAIRPERSON: Thank you. We just had  
11 a couple of other people that wanted to make a comment.

12                   Dougie...?

13                   MR. DOUGLAS YALLEE: Yeah, I just wanted  
14 to mention what Heidi brought up earlier around the  
15 existing grandfather -- grand -- grandfather existing  
16 permits.

17                   In Tulita -- Tulita area we have a -- a  
18 few of those in our area, grandfather existing permits.  
19 I'd just like to have a little more discussion on it,  
20 because I'd like to more -- understand it a little more.

21                   Thank you.

22                   THE CHAIRPERSON: Will happen during the  
23 workshops.

24                   And George...?

25                   MR. GEORGE BARNABY: Yes, I'm going to

1 keep bringing this up so people don't forget it. We're  
2 not restricted to only our fee-simple lands. Those are  
3 lands we own. But we use all our land in the districts,  
4 I know that. So the claim finish one (1) part of our  
5 rights, which is land ownership.

6 We're negotiating governments now, and so  
7 we're looking at all our district land as a governing.  
8 So when we look at water, it's not just for -- we finish  
9 -- the water that flows over our fee-simple lands, but as  
10 a government and as an Aboriginal right, we -- we're look  
11 at all our districts.

12 So I don't like mentioning fee-simple  
13 lands because it takes away a lot of our rights and also  
14 our government rights, which is the right to govern all  
15 our land. Thank you.

16 THE CHAIRPERSON: Thank you. So I think  
17 that's the end of this discussion. We're going to break  
18 for lunch now. We're recommending we have a short lunch  
19 break, half an hour, and we still have a couple of  
20 presentations. The next presentation will be the Sahtu  
21 Land and Water Board and then the Elders' presentations.  
22 And after that we'll have the facilitators bring us into  
23 the workshops and they'll discuss that at that time.  
24 Thanks.

25 So half an hour for lunch. You can use

1 your cell phones now.

2

3 --- Upon recessing at 12:42 p.m.

4 --- Upon resuming at 1:44 p.m.

5

6 THE CO-CHAIRPERSON: Okay, before we  
7 begin, Paul, I was reminded by our sound person that we  
8 need to keep -- every time we speak we have to say our  
9 name, our full name, and that will be helpful for the  
10 transcripts when they actually print them out. Thank  
11 you.

12

13 (BRIEF PAUSE)

14

15 PRESENTATION BY SAHTU LAND AND WATER BOARD:

16 MR. PAUL DIXON: Okay. My name is Paul  
17 Robert Dixon from the Sahtu Land and Water Board, just to  
18 give my full legal name.

19 And I believe that this presentation will  
20 be incredibly brief since we've provided our comments  
21 already, and perhaps we'll even be able to get up-to-  
22 speed on the agenda.

23 So actually, realistically, if -- my role  
24 here is to provide answers to questions regarding the  
25 regulatory process and I'm incredibly happy to see that

1 Willard Hagen and Richard Edjericon are here right now  
2 too, and I'm sure they'd be willing to answer any  
3 questions that you might have of them.

4           If you know Willard, he's the MVLWB  
5 chairperson, so -- and Richard is the MVEIRB chairperson,  
6 so we're very lucky to have them in the room right here  
7 at the back.

8           So first I'd like to say thank you to the  
9 Board for inviting us here. I'm very pleased to be  
10 representing the Sahtu Land and Water Board. The Sahtu  
11 Land and Water Board believes the creation of the Sahtu  
12 Land Use Plan for the settlement area will benefit the  
13 residents, applicants, and regulators.

14           I want to congratulate the Land Use  
15 Planning Board on its work up to date. It appears that  
16 the planning board has done an excellent job in  
17 communicating the objectives of the plan and implementing  
18 community feedback into the plan based on the discussions  
19 of yesterday and today.

20           As we, the Sahtu Land and Water Board, are  
21 the prime regulators in the Sah -- in the settlement  
22 area, and -- and it is us that will be primarily  
23 implementing the plan and potentially its conformity  
24 requirements, I feel that it is important for the Board  
25 to understand our limited resources and the need for the

1 plan to be clear when it defines a regulator's role  
2 outside that of the already established lawful entities.

3 I would like to suggest for us to move  
4 forward on this common objective by implementing what is  
5 set out in the land claim and the MVRMA, the Sahtu Land  
6 and Water Board with its Board members and the Land Use  
7 Planning Board come together and discuss the  
8 implementation of the plan prior to its sign-off by the  
9 three (3) parties.

10 I would also like to suggest that the Land  
11 and Water Board present or continue to work on improving  
12 the regulatory system's clarity by way of the working  
13 groups of the Mackenzie Valley to the -- the Land Use  
14 Planning Board.

15 As we have already provided comments on  
16 the plan and its conformity requirements, I will not  
17 delve into the details of the plan itself. I will,  
18 however, express my willingness to answer any questions  
19 or clarify any information that pertains to the Land and  
20 Water Board and its process, should the Board or any  
21 participant have any.

22 So that's about it.

23 THE CHAIRPERSON: Thank you, Paul. Is  
24 there any questions from the Board staff?

25

1 (BRIEF PAUSE)

2

3 QUESTION PERIOD:

4 MR. MARK WARREN: I just noticed a number  
5 of people who have made present

6

7 (BRIEF PAUSE)

8

9 MR. MARK WARREN: I just noticed a number  
10 of people who have made presentations have said that they  
11 think that it would be better to have the applicant  
12 responsible for ensuring conformity with the Plan rather  
13 than where it says the regulator will ensure whatever in  
14 a number of the CRs.

15 And given that you're the regulator, and  
16 probably the primary one, I'd be interested in hearing  
17 from you and Willard and others about how you view what  
18 the Plan is currently -- how the Plan is currently  
19 written versus what is being proposed at the table by a  
20 number of presenters.

21 MR. PAUL DIXON: As the Plan is currently  
22 written and what we've submitted in our comments is that  
23 there is clarity needed within the Plan as it describes  
24 the regulator's roles, and it is our belief that -- well,  
25 I was mentioning this with someone else, that basically

1 the Land Use Plan, the Land Claim Agreement, community  
2 engagement, and TK all provide the framework for us to do  
3 our job, and it's the tools, the lawful tools, the MVRMA,  
4 the regs, the Land Use regs, and the Waters Act, and  
5 various other authorizations that allow us to do that.

6 So when we're looking at our applications,  
7 we definitely put a lot of onus on the proponents in  
8 general to provide enough information that we can make  
9 those assessments, but since we haven't done any work  
10 with the Land Use Planning Board on actually how it will  
11 be implemented, then it's very difficult for me to  
12 comment on the implementation of the Plan and its  
13 conformity requirements.

14

(BRIEF PAUSE)

15

16  
17 MR. MARK WARREN: I just -- I just want  
18 to know, in your view, do you prefer the Plan to be  
19 written to say, Applicants should ensure conformity with  
20 A, B, C, or do you prefer, as the Board, to have it say  
21 that the regulator will ensure that applicants do A, B,  
22 and C?

23 So the onus -- like which one would you  
24 say you prefer? I mean, you don't have to. If you don't  
25 have a preference, that's fine, but maybe Richard, or --

1 or Willard have a -- have an opinion, too.

2

3

(BRIEF PAUSE)

4

5

MR. WILLARD HAGEN: Yes, thank you.

6

Willard Hagen, Chair of the Mackenzie Valley Land and

7

Water Board. Our preference would be to say the

8

regulator, and put the emphasis on ourselves, and the

9

Land Use Planning Board to determine whether it conforms.

10

You know, you don't have to reinvent the

11

wheel -- wheels on this. We've done this for fifteen

12

(15) years with -- which in the settlement region, and at

13

that time when I was president of the tribal council, we

14

got the Land Use Plan, and then as Chair of the Gwich'in

15

Land and Water Board, we used both those as tools, and it

16

worked very well.

17

We've never had a court action. We've

18

never had a judicial determination. And it -- it makes a

19

regulator's life a dream when you have a Land Use Plan.

20

21

(BRIEF PAUSE)

22

23

THE CHAIRPERSON: Heidi...?

24

MS. HEIDI WIEBE: Yeah, just I guess a --

25

a thought on that. In Draft 3, the Board has directed



1 the regulators for the specific reason that the Land Use  
2 Plan gives the -- the direction for implementation of the  
3 Plan to the regulators. It does not direct land users to  
4 follow the Plan. So in trying to be consistent with the  
5 legislation and Land Claims Agreements we've used that  
6 language as much as possible.

7                   Having said that, the intent and the  
8 expectation is that the lion's share of the work in  
9 determining or demonstrating conformity does fall to the  
10 applicant, and the CR implementation guide is -- is, I  
11 think, well on its way to making that clear.

12                   Our intent there is that the applicant  
13 should demonstrate that they're addressing the elements  
14 of the Plan in -- in that regard. The draft  
15 implementation guide, as it sits right now, identifies  
16 information requirements, and things that the applicant  
17 must do.

18                   Now since Draft 3 the Board has received  
19 comments from many, many parties lining up on this front  
20 that the onus to conform with the Plan does rest with the  
21 applicant. I'd have to double check, but I do believe  
22 the Gwich'in Plan in one (1) or two (2) cases directs the  
23 applicant, though it mostly directs regulators, or is  
24 silent on who it directs and just sets the condition.  
25 But there is a variety. And I -- I don't think -- you

1 know, that's semantics at the end of the day. That's  
2 just CR structure that I don't think requires a lot of  
3 discussion at this hearing. It's -- it's such a  
4 technical matter, I don't think it really bears a whole  
5 lot more discussion.

6                   One (1) thought that did occur to me  
7 throughout the discussions that I'll throw out there for  
8 consideration or whatnot is I think the more that the  
9 Board can lay out the condition in the final draft of the  
10 plan and be silent on who it's directing, it might be  
11 easier.

12                   And as we do further work on the  
13 implementation guide, perhaps there is benefit in  
14 identifying applicant responsibilities for implementation  
15 and regulator responsibilities for implementation because  
16 both have responsibilities. So that's a thought that has  
17 occurred to me on that subject. I thought I'd throw that  
18 out.

19                   THE CHAIRPERSON: Thank you. Is there  
20 any other comments on the presentation from the Sahtu  
21 Land and Water Board? Heidi...?

22                   MS. HEIDI WIEBE: Sorry, I was multi-  
23 tasking when Paul started his presentation so I was  
24 elbowed and I believe, Paul, you mentioned that you --  
25 you were looking for further meetings with us to discuss

1 implementation and certainly we discussed that a few  
2 weeks ago.

3                   Once Draft 2 was put out we did sit down  
4 with the Land and Water Board. I note I think that all  
5 of the staff has changed since that happened. And that  
6 is what helped us get some of the wording and the  
7 direction that is in Draft 3 was through that  
8 collaboration with the Land and Water Board.

9                   I recognize that that is one (1) important  
10 meeting for sure that scheduling just has not allowed us  
11 to do yet. And Paul and I were discussing a few weeks  
12 ago that after this hearing one (1) of our next steps  
13 would be to sit down with them and get a more concrete  
14 discussion and direction on the wording and  
15 implementation issues before we start finalizing our  
16 approach for -- for a final draft plan. So that is  
17 definitely on the agenda. Thanks.

18                   MR. PAUL DIXON: Just a quick response to  
19 that if you -- if the Board doesn't mind. I -- I -- I  
20 wanted to stress the importance of consulting with us  
21 prior to the sign-off by the three (3) parties just to  
22 ensure that wording the -- in the document is -- is -- is  
23 something that we're able to carry out since our  
24 objectives are the same.

25                   I also wanted to ensure that we are given

1 the chance to present some of the exceptional work that  
2 the Mackenzie Valley Land and Water Board in combination  
3 with all the regional panels has done on -- or work for  
4 improving regulatory clarity and issuing sort of a broad  
5 set of standards across the -- the Valley.

6 So I just want to make sure that we have  
7 that opportunity. Thank you.

8 THE CHAIRPERSON: Heidi...?

9 MS. HEIDI WIEBE: Just on that note. I  
10 think when we met previously you've given us copies of  
11 some of the drafts of the documents. I don't believe  
12 we've got one yet on the security. Is there a draft  
13 available on that whole policy or timelines on completion  
14 of some of these? I know it's come up before.

15 MR. PAUL DIXON: Yeah. I know that the  
16 security deposit issue has come up quite a bit,  
17 especially at this meeting. And I do believe that, you  
18 know, the Sahtu region in general should have input on  
19 the -- those securities.

20 But what I said earlier about the -- the  
21 changes to the security issues should come through the  
22 MVRMA amendment so they're consistent across the  
23 Mackenzie Valley. Thank you.

24 THE CO-CHAIRPERSON: Thank -- thank you,  
25 Paul and Heidi. It's Danny Baya. I just had a question

1 for Paul and maybe for the other -- for Willard, as well,  
2 maybe.

3 Under one (1) of our CRs it says  
4 "community benefits" and that's sort of an ambiguous term  
5 again. In -- in your present, I guess my hope is that we  
6 understand what's happening at the ground level right now  
7 in terms of benefits when you're talking about issuing  
8 water licences or land use permits. So at this moment in  
9 time I guess the question I have for either Paul or  
10 Willard, in terms of -- of benefits, if -- how do you  
11 determine if -- if a per -- permit or licensing would in  
12 -- would help -- or -- or an operation would be helpful  
13 or benefit a community?

14 Is that something that the Board  
15 specifically subjectively determines, or is it written in  
16 policy where they have to consider it, or is that  
17 something that just happens on a case-by-case basis?

18 If you can maybe try to give us what  
19 happens at the -- presently and how maybe we possibly can  
20 work from there. Thank you.

21 MR. PAUL DIXON: Yes. Thank you for that  
22 question. This is a very difficult topic for us to  
23 answer because we recognize that we do have -- within the  
24 land claim and the MVRMA there are statements made  
25 towards community benefit. However, within our policy



1 someplace, or is that a common practice, or is -- is it -  
2 - is it required by legislation, or is this -- is that  
3 the wish of the Board, the Water Board?

4 MR. PAUL DIXON: The -- I'm -- I'm not  
5 actually entirely sure on where we -- what the -- the  
6 basis for that is other than our process for deeming an  
7 application complete, so it is within the policy. Thank  
8 you.

9 THE CO-CHAIRPERSON: Is it within the  
10 policy? Sorry?

11 MR. PAUL DIXON: Yes.

12 THE CO-CHAIRPERSON: Of the Water Board?

13 MR. PAUL DIXON: Of the Land and Water  
14 Board, yes.

15 THE CO-CHAIRPERSON: Okay, thank you. I  
16 think it's just for me to get some clarification on where  
17 it -- it says that companies have to negotiate access and  
18 benefits agreements with communities or -- or -- so I  
19 just wanted to get that and some clarity on what's  
20 happening, the present practice, as it is now, so I -- I  
21 thank you for that.

22 As well -- now that goes, as well, for all  
23 the permits that you issue, whether it's exploration or  
24 other, as well?

25 MR. PAUL DIXON: That's true. However, I

1 think that there is clarification needed on where those  
2 access and benefits agreements are required by the Board,  
3 and that is for Sahtu lands. So Crown lands are omitted  
4 from that unless there is access through Sahtu lands.

5 THE CO-CHAIRPERSON: So if the permit is  
6 on Crown lands, then there is no requirement for an  
7 access and benefit agreement. Am I correct?

8 MR. PAUL DIXON: Yes, that's correct.  
9 Sorry about the delay.

10 THE CO-CHAIRPERSON: Okay. Than -- thank  
11 you. That's good information to know, as well. And, as  
12 well, I guess the -- the other question is -- is sort of  
13 more of -- of maybe a question for INAC, I guess. It's  
14 to do with when we were talking about earlier, we were  
15 mentioning in the presentation about benefits and -- and  
16 where the benefits possibly could be addressed elsewhere  
17 and -- and the mechanisms that we have in place  
18 presently.

19 And I think GNWT mentioned CAGOA as well,  
20 about the requirement for benefits that flow to -- to the  
21 communities. Maybe if I can -- is that something that  
22 you've run across? I mean, do you consider the -- the  
23 whole legislation, or the policy, and could go in other  
24 benefits plan that's already existing in place to -- just  
25 to -- to ensure that benefits do go to the communities or



1 -- sorry.

2 MR. PAUL DIXON: Once again, it's very  
3 difficult for us to judge the -- or account for the  
4 benefits that are going to those communities since the  
5 document is -- is a negotiated document between the  
6 community, or the District itself, and the proponent.

7 So we are not evaluating those benefits,  
8 and should we be informed by the community that something  
9 has happened in that negotiated process, then we go to  
10 the Board for decisions on -- on what to do next.

11 THE CO-CHAIRPERSON: Thank you. I just  
12 had another question. I think it's -- it's more along  
13 the line with -- with most of the -- the issues that's  
14 been brought up, it always seems to point to the -- the  
15 regulator to complete, or -- or to answer some of the  
16 questions.

17 We always assume the Water Board is going  
18 to do this, the Water Board is going to do that, the  
19 Water is look -- the Water Board is looking after that,  
20 but ultimately we need to hear from the Water Board at  
21 some time and point to sort of clarify for us, as a Board  
22 and as communities, of -- if that's the case.

23 For example, one (1) -- one (1) example  
24 I've been struggling with here against is the example --  
25 for example, the directional drilling that came up

1 earlier and how is that handled by the -- the Water  
2 Board, for example.

3 But again, if you and Willard could maybe  
4 highlight if the Mackenzie Valley had some experience  
5 with directional drilling, and maybe how they handled it  
6 at the ground level, so we can understand, at the present  
7 practice is happening, when it comes to directional  
8 drilling in terms of the regulatory regime. Thank you.

9 MR. PAUL DIXON: I just want to ask  
10 Willard if they've had recent applications in his  
11 experience with directional drilling that he's aware of.

12

13 (BRIEF PAUSE)

14

15 MR. WILLARD HAGEN: Well, drilling is  
16 actually -- and John Donihee could probably explain it  
17 even clearer -- is handled by the National Energy Board.

18 Now we -- we will permit them going,  
19 accessing the site, putting the platform on, putting the  
20 drill on, in terms and conditions of how they can arrive  
21 at that, and then it's in the hands of NEB to -- to  
22 license the actual directional drilling.

23 And in answer to your other question on  
24 access and benefits, it -- it varies. If you're in a  
25 settled claim area, it's very easy. We just wait for the

1 land owner to give us a letter saying they're satisfied  
2 to go ahead and start the process.

3 We don't want to see the access and  
4 benefits agreement. We -- we don't even ask for a copy  
5 of it. We just need permission from the land owner for  
6 us to start the process.

7 If it is on Crown lands, then we ask for  
8 the Crown as the -- to give us permission to go ahead,  
9 and -- and license or permit the development in  
10 consultation and engagement with the communities.

11 Now if you're in an unsettled region,  
12 where we do most of our license -- permitting out of  
13 Yellowknife, which is the Akaitcho and the Dehcho region,  
14 then it's a whole different process. And sometimes they  
15 -- they reach an access and benefit agreement, and  
16 sometimes they don't.

17 We have had situations where they've  
18 reached an agreement, and then the community wouldn't  
19 sign unless they were paid thirty thousand dollars  
20 (\$30,000). Well, that's not part of what we do.

21 We -- we -- and so if all the checks and  
22 balances have been gone through, we will issue a permit,  
23 even though they haven't arrived at a -- what we usually  
24 call an expiration agreement. So it varies from region  
25 to region, but it's much easier.



1 that's been given. Even a prospector's permit is a right  
2 that they have in law. That's, you know, a point that's  
3 always open for debate and is -- should there be  
4 consultations done then before the right is issued  
5 instead of then they come to us and then the consultation  
6 has to start after they have an existing right. So they  
7 have one (1) foot up on the process.

8           But that's been out there for -- for  
9 years. And I think Bob was the regional director  
10 general. I'm -- I'm sure that was probably, you know, a  
11 thorn in his side even then. So it -- it makes it a  
12 little bit more difficult because, you know, having a  
13 right in -- in law is you do have a step up on the  
14 process.

15           So that's just a point to remember, is we  
16 just license and permit an existing right.

17           THE CO-CHAIRPERSON: Thank you. Again, I  
18 just was wondering about the -- for example if a seismic  
19 company were to make a road, and what happens to -- like,  
20 I mean, does the Water Board address the issues of having  
21 the -- the trees just left on the side, or what -- what  
22 is the present practice, at least in the -- in -- in the  
23 -- or maybe in Mackenzie or -- or even the Sahtu?

24           That's some information that I think the  
25 group might need to know before they make some decisions

1 on this. Thank you.

2 MR. PAUL DIXON: Paul Dixon again.  
3 Realistically, within these -- these permits and  
4 applications that we receive, if there is a community  
5 interest in having, you know, those timbers brought to  
6 the side of the road for use by the community members,  
7 there's no reason why we couldn't add that into the term  
8 and condition to support that, right.

9 So we -- we do have some flexibility  
10 within our -- our permit issuance where there is a  
11 community interest to -- to do something, so -- where  
12 appropriate and reasonable.

13 THE CO-CHAIRPERSON: Okay, thank you. So  
14 -- but in the past, what exactly has been done is -- is  
15 sort of the question, if -- on -- on past --

16 MR. PAUL DIXON: Yeah.

17 THE CO-CHAIRPERSON: -- previous permits.

18 MR. PAUL DIXON: At present, say for a  
19 drilling operation or whatever, where land is being  
20 cleared or knocked down or what -- or, you know, changed  
21 in a manner, those -- those timbers or those plants will  
22 be left onsite.

23 THE CO-CHAIRPERSON: Sorry. And is that  
24 the practice for the Mackenzie Valley Water Board? Thank  
25 you.

1                   MR. WILLARD HAGEN:    It is in the -- it is  
2 to some degree. We are -- a term and condition to us has  
3 to be enforceable under law, and that's how we look at it  
4 when we put in a term condition. In other words, the  
5 INAC inspector who plays a very prominent role in what we  
6 do because they're enforcing our -- our licence and  
7 permits and the terms and conditions, and if we said,  
8 Well, you got to go out there and enforce that, you have  
9 to haul that cord of wood to Fort Good Hope, they'll  
10 laugh at us. I mean, it's unenforceable.

11                   You -- you can't take him to court because  
12 he didn't haul a cord of wood down the road. So you have  
13 to be careful what you put in those terms and conditions  
14 because the INAC inspector then has to live with them, so  
15 -- but they can -- you know, they can agree to it. And  
16 as a company, generally they'll keep their word that, you  
17 know, they will cut it down and -- and they will move it  
18 if that's what's -- what they've negotiated with the  
19 community separately from us.

20                   We require them to -- a lot of times, to  
21 bucket all the undergrowth, to crush it, because our  
22 concern and the INAC inspector's concern is it's a fire  
23 hazard. If there's a forest fire, it has more fuel to  
24 burn on, creating a more envir -- or more damage to -- to  
25 the environment. So that is why we would put a condition

1 in there, is so that it's -- it's a lot safer and that it  
2 doesn't create a fire hazard.

3 THE CO-CHAIRPERSON: Thank you. That --  
4 that helps. And one (1) final question, if I could -- if  
5 I may, thank you. Again, maybe this -- if you can care  
6 to -- to respond, that would be great.

7 In terms of collecting security, for  
8 example, the present practice of the Water Boards is that  
9 -- is that something that the -- the Land Use Planning  
10 Board is considering, certainly -- how to -- we addressed  
11 that issue of security.

12 Do you guys have any comments that you  
13 want to add to that? It would be helpful.

14 Thank you.

15 MR. PAUL DIXON: Now that I have my own  
16 microphone, Willard and I can both address this in  
17 tandem.

18 Realistically, it's written that it's the  
19 -- at the discretion of the Land and Water Board.  
20 Recently we -- as I said before that we've had an  
21 application go through where we have collected a security  
22 deposit for the MGM drilling operation out of Tulita.

23 We collected that security deposit because  
24 it was the first time that INAC requested us to collect  
25 security on that operation. So prior to that, we hadn't



1 been requested. So should we have a request to -- to  
2 collect security, then the Board will look at that with -  
3 - with great detail.

4 MR. WILLARD HAGEN: And on that note,  
5 it's probably my least favourite subject, the securities,  
6 because basically all the Land and Water Board does is  
7 run a model or, in most cases, we use INAC's model, and  
8 if it's a diamond mine we might be putting in \$300  
9 million in securities.

10 And then we order them basically, that's  
11 what you -- that's part of your -- your licence  
12 requirement, and then it goes to the Crown. And we never  
13 hear or see about it again. If there's an environmental  
14 problem, there was a spill, whatever it may be, we don't  
15 even get involved. We're just notified. The INAC  
16 inspector goes in. Environment Canada will go in.  
17 Fisheries will go in if it's into water.

18 So I've always suggested it time and time  
19 again that this shouldn't even be in the Act. It should  
20 be left with INAC, Indian and Northern Affairs Canada, to  
21 put the amount of security down there because they're  
22 going to collect it and they're going to go out there  
23 and, in most cases, they have to do the cleanup.

24 I mean, look at Giant Mine for an example.  
25 It's costing the taxpayer \$500 million. I mean, who

1 could possibly in -- in -- in Canada that would be  
2 responsible for that cleanup other than the Federal  
3 Government. Nobody would have the resources.

4 THE CO-CHAIRPERSON: Thank you. That's  
5 very helpful, and this is just a follow-up question on  
6 securities again. So they use that money to -- in the  
7 end of the day, if there's an exploration permit, they  
8 would use that money or give it back when the cleanup is  
9 done to the satisfaction of the Water Board. Am I  
10 correct?

11 MR. PAUL DIXON: The INAC inspector relea  
12 -- releases a letter of clearance -- sorry, final  
13 inspection, and then the Board issues the -- the letter  
14 of clearance for that -- that security amount.

15 THE CO-CHAIRPERSON: Thank you. That's  
16 very good for information for -- sorry.

17 MR. WILLARD HAGEN: Issued a letter of  
18 clearance, but we don't have the money. They -- the  
19 letter has to go to the Crown, who is holding the money,  
20 who will then decide whether they'll release it or not.  
21 They may or may not. We could give them a letter, but  
22 they could say, Well, we decided to hold on to it for a  
23 while.

24 THE CO-CHAIRPERSON: But the realities of  
25 what's happening at ground level now, so I ask if there's

1 any other questions for the Water Board, because this is  
2 -- now we have Raymond and Arthur Tutcho from Deline,  
3 Chief of Deline.

4 Thank you.

5 CHIEF RAYMOND TUTCHO: Chief Raymond  
6 Tutcho, Deline First Nation.

7 Some concerns I have regarding permits  
8 have to be issued to -- especially to INAC. We have a  
9 concern in our region when the -- they're supposed to,  
10 like Port Radium area, Silver Bear area, they do a major  
11 cleanup and they're supposed to bringing a crushing  
12 machine, but they didn't. It broke down halfway, and  
13 they have to use a -- a loader as a -- for pounding the  
14 barrel. And we question the safety of the workers there.

15 If it's -- the area secured for -- you  
16 know, debris can fly anywhere when you start pounding  
17 things. And especially for wildlife. When you're  
18 pounding metals against metal, animals are really scared  
19 about it, and we question that too.

20 And we question also the -- the fact that  
21 they only have 12 -- 12 hour man shift for to monitor the  
22 site, that person, but they're doing 24 hour shift. And  
23 I was just wondering if there's any like, you know, ways  
24 like, if it's -- like them to say, you know, it's  
25 allowable in their permit.

1                   That's INAC's working this -- we said, you  
2 know, like now we're like going to, you know, a second  
3 phase, and third phase, and the license, they're going to  
4 go to the Land and Water Board again.

5                   And that other thing I'll -- I'll -- I'm  
6 kind of worried about. Like, what's the process? Like  
7 we don't, in the ground level, in our -- in each  
8 community we don't have human resources to tackle things  
9 like that for us, but...

10                  Also other -- other concerns I have is the  
11 -- the thresholds work that they do. People has a  
12 license that, you know, under the threshold, so it  
13 doesn't require a permit. And that kind of worry me,  
14 too, because of the fact if it's under threshold, you  
15 don't need a permit but who knows what they do out there.

16                  That's other, you know, I think -- I like  
17 to really worry about that. I think, for me, and when  
18 you talking to an Elder, a permit is a permit, and a  
19 license a license, and like under threshold, you know,  
20 like -- you know, I seen so bad in Deline, that, you  
21 know, like Atomic Energy took up -- did the clean up  
22 before the policy kicked in.

23                  And anything -- policy that's got to be  
24 changed by INAC, this land claim, people here has to be  
25 informed any new policy change, but you know, it kind of

1 worries me, you know.

2                   How do -- how do I go -- like do I have to  
3 go over INAC to another Land and Water Board so that,  
4 this is the concern I have with the -- the permit that's  
5 been issued to -- in -- in our area. This is a concern,  
6 but if there's -- somebody can just elaborate if -- what  
7 is the proper process to, you know, a concern that it  
8 doesn't -- do happen again in the next permit.

9                   And also like we do have a boundary issue  
10 with the Tlicho, but like I said, there is a road that's  
11 going to be built through -- through -- I don't know  
12 Tlicho. They've got a moratorium, but it's going to be  
13 lifted pretty soon.

14                   But it's going to be built, and they're  
15 going to have to transfer some things out, but then there  
16 have -- there were -- they say they have a grandfather  
17 license prior to -- they're going to use that for -- for  
18 -- to build a road, and that's mainly on our private  
19 land, on Silver Bear area, so taking care of Deline --  
20 mass corporation, that's our own private land.

21                   And we argue the fact that we need to get  
22 -- when you cross our land, we need access, but then they  
23 said, you know, in their -- in their view, I think, you  
24 know, all of us, we're still learning our land claim  
25 process, but especially that signator to our claim has to

1 do their work, too.

2                   So, I'm just wondering like -- I know it  
3 is a concern for Deline. We've been fighting this battle  
4 from day one (1), and -- but this -- definitely need this  
5 Plan here to move, but then I have to go back to INAC for  
6 approval, too, so. You know, but we have to move on our  
7 live and just to have a -- you know, if we don't do it  
8 now our future kids going still going to fight this  
9 battle, and I don't want to see that.

10                   And so I just need what is the proper  
11 process for if there's any different work done on their -  
12 - the license permit. Thank you.

13                   THE CO-CHAIRPERSON: Thank you, Chief.  
14 Paul, or Willard, if you guys care to --

15                   MR. PAUL DIXON: I -- I can --

16                   THE CO-CHAIRPERSON: -- just to respond,  
17 thank you.

18                   MR. PAUL DIXON: -- I can respond to that  
19 briefly. I -- I don't really want to derail the -- the  
20 process of speaking about land use planning and the Land  
21 Use Plan, and speak directly to individual application.

22                   However, you know, from -- I understand  
23 your concerns. One (1) of the -- one (1) of the things  
24 that we do is we, in our -- in our application process is  
25 we have numerous facilities for addressing public

1 concern. So we're right upfront within the process --  
2 our own process.

3 We're looking at community -- all the  
4 community engagement documents. We're looking at -- from  
5 our distribution list, we send out all applications to  
6 all affected parties for comment. We look at all those  
7 comments and evaluate that within the context of the  
8 Board. So there are avenues for responses early on in  
9 the phase.

10 Now, specific to your concerns, and  
11 perhaps the best avenue to address those, as I've  
12 mentioned just before, was with the MVRMA amendments that  
13 you've seen Mr. Pollard come through your areas, and I've  
14 read that he'll be coming through again on a consultative  
15 process for those amendments with the Aboriginal groups.

16 And that would be the most effective  
17 mechanism for raising some of those threshold issues that  
18 you may have. And if you want to speak directly to the  
19 INAC card application, then I'd be happy to entertain  
20 that outside of this group so that we don't all have to  
21 speak technically on that. Thank you.

22 THE CO-CHAIRPERSON: Go ahead, Willard.

23 MR. WILLARD HAGEN: That's a -- a very  
24 interesting point you made upon the threshold. It's a  
25 very low threshold where any proponent or -- or developer





1 as long as that road is running from the Sahtu into the  
2 Tlicho region, it then becomes trans-boundary, and  
3 they've got to apply to the Mackenzie Land and Water  
4 Board. And we would strike a trans-boundary panel and  
5 from there we would pick a member from the Sahtu Land and  
6 Water Board, a member from the Tlicho Land and Water  
7 Board, and, myself, under the Act, I would Chair that  
8 panel, and then we would deal with the application.

9 MR. PAUL DIXON: Just for clarity,  
10 though, this particular application is through the  
11 Federal Government, and they have -- their question is  
12 accessibility through Sahtu lands as subject in the --  
13 the claim, I believe, giving the Federal Government  
14 accessibility for Government work up to a two (2) year  
15 process.

16 So, that's why -- that's where the Chief  
17 is stating that there is no agreement for the access.

18 MR. WILLARD HAGEN: Just specific  
19 application which the claim is -- I know the Gwich'in  
20 claim and the Sahtu claim is very clear. The Federal  
21 Government, the Armed Forces, purpose of fighting fires  
22 or national security, have a right to access anybody's  
23 lands. And that -- that was agreed to in the land  
24 claims.

25 MR. PAUL DIXON: I think it's -- I think

1 it's been really excellent just having the kind of on-  
2 the-ground discussion here that Willard and -- and we're  
3 able to do, so I guess I'm congratulating ourselves here,  
4 but -- sorry to do so, but we -- we appreciate these  
5 forums where we can actually speak to issues that are,  
6 you know, at the heart of the communities and in an open  
7 way. Thank you.

8 THE CO-CHAIRPERSON: This is excellent  
9 dialogue, and I really appreciate, Willard, you're here,  
10 and Richard, as well, and Paul, to have -- to give us  
11 some more feedback on what happens on the ground.

12 And I think we had a question from Arthur.

13 CHIEF ARTHUR TOBAC: Thank you. Chief  
14 Arthur Tobac here.

15 I have a number of comments and probably a  
16 question or two (2). As I stated in the beginning of my  
17 presentation that I would always speak to the issues of  
18 interests and rights of our people through the treaties  
19 or through land claims and other agreements made with the  
20 Federal Government and the Government of Canada.

21 And we talked about -- a bit about  
22 process, and in the past, we've always -- we've always,  
23 like I said, relied on a system that was developed and  
24 with the new initiatives to have a Sahtu land -- land use  
25 planning process in place, always try to get clarity, and

1 -- and that's what we're trying to shoot for here as  
2 well. So that we're clear on what the processes are in  
3 terms of such things as traditional knowledge.

4                   You know, in -- in each of the communities  
5 in the Sahtu, the -- the main point of contact is always  
6 either be it the Chief and Council or the District Land  
7 Corporations. For every company or government that wants  
8 to do an activity on our land, those are the ones that  
9 initially get contacted. And they, in turn, look at the  
10 project description and -- and see where the areas in  
11 question are that are going to be undertaking some  
12 activity.

13                   We always try to include our people,  
14 because our people are the ones that are the users of  
15 these lands. They're the occupiers of these lands in  
16 question sometimes. It doesn't matter if it will be on  
17 the river or on the -- on the -- on the shore or in the  
18 mainland.

19                   When we talk about traditional knowledge,  
20 we're talking about -- and I believe everybody should be  
21 in agreement here -- we're talking about intellectual  
22 property; something that belongs to people that have  
23 experience and use this knowledge for their livelihood or  
24 whatever.

25                   And I'm hoping that the GNWT is in

1 agreement as well because they were speaking to  
2 Conformity Number 2 which speaks to traditional knowledge  
3 and the guidelines that are being sought to be removed  
4 from the CRs attached to the Sahtu Land Use Plan.

5 I'm trying to understand whether they're  
6 going to agree to have it kept and -- and as any part of  
7 an application that goes before the Sahtu Land and Water  
8 Board. That's the process that our people are quite  
9 familiar with. And from our point of view at the  
10 leadership level, we've always tried to -- to involve our  
11 people, because it's part of their rights to know what's  
12 happening on their lands.

13 These are the same lands that they  
14 negotiated and are part of, and so whatever happens on  
15 those same lands, they have a rights to know. They have  
16 a right to have a say on what happens on those lands or  
17 those waters.

18 And, so, the GNWT is agreeing to -- to  
19 have those guidelines kept by the Sahtu Land and Water  
20 Board. Then it should be stated clear in the -- in their  
21 input to the Sahtu Land Use Planning Board that this is  
22 what they're expecting. And any changes to guidelines  
23 like they're talking about -- and I'm -- and I'm thinking  
24 here that the GNWT has their own guidelines, INAC has  
25 their own guidelines. How many guidelines are we going

1 to be working under, and do we have a say? Because in  
2 the claims it says that, you know, that, you know:

3 "To provide the Sahtu, Dene and Metis  
4 the rights to participate in any -- in  
5 decision making concerning the use,  
6 management and conservation of land,  
7 water and resources."

8 Those are the goals. Now, if they're  
9 going to change guidelines, then we'd like to be a part  
10 of that as well. And if it is we're talking about  
11 guidelines, are we talking about just one (1) guideline  
12 that everybody plays by? And if so, are we just going to  
13 be using portion of all guidelines?

14 Now, one (1) other thing that I'm quite  
15 concerned about is -- and maybe when it -- maybe --  
16 Raymond brought it up, and that's activity that's in the  
17 air as well. I don't know whether the Sahtu Land Use  
18 Plan speaks to it at all, but that is an impact as well.

19 And we had issues with that years ago when  
20 there was a -- like I said, large number of activities  
21 happening with the Mackenzie Gas Project, at the same  
22 time there was exploration going on, they had -- they had  
23 studies that were being undertaken, not only by industry,  
24 but by protected area strategy team. They had choppers  
25 going all over the place, and it -- it made such an

1 impact on our people that they told us that we had to do  
2 something about it. And that's why we're talking about  
3 having some control of the amount of activity that's  
4 happening at any one (1) time.

5           And when I speak about at the leadership  
6 level, we're the first point in contact, and when we hear  
7 about such things as a -- as a Mackenzie Valley highway  
8 that may be coming down, and we know we're going to be  
9 seeing some activity on the land fairly soon, whether  
10 it's the engineering or -- or -- or the environmental  
11 studies that are being undertaken. We'd like to have our  
12 own people out there. We don't want some people that are  
13 from the outside trekking all over our land, you know,  
14 having no respect for this or that.

15           Our own people are the ones that use the  
16 land. They -- they know the respect that's granted to  
17 animals or to trees or to water. And I guess that's why  
18 we -- we -- we speak so highly of the rights and  
19 interests of our own people. You know, when people come  
20 up to me from the outside and say there is going to be a  
21 -- the highway may bring a lot more people to your land,  
22 we're seeking access to our same traditional lands.

23           So I'm thinking ahead -- are we thinking  
24 far enough ahead with this Sahtu Land Use Plan that -- or  
25 do we have to, again, change it in another five (5) years

1 to accommodate something that everybody knows is coming  
2 down the line. And if so, is this Plan going to make  
3 room for that?

4                   You know, down south you see, even in the  
5 parks, there is huge roads all over the place. There's  
6 skylines where you transport people up to hilltops and  
7 they ski down or they -- they -- they hike these trails  
8 or bike these trails or -- ATVs are all over the place  
9 out there. You have trailer parks that are -- where RVs  
10 are -- are camped.

11                   Now that, I think, is a huge impact on any  
12 -- on any area. You know, right now we have a -- we're  
13 isolated to some point, and we enjoy the quiet enjoyment  
14 that's talked about in the -- in the claims.

15                   But down the line, if -- and we all think  
16 about our own futures. We think about our abilities to -  
17 - to service and provide for our own people, not only on  
18 the land, but in the communities as well, because we have  
19 stores that provide goods, products, but at very high  
20 cost and so we're -- we're, as people, in the  
21 communities, we do think about such things as  
22 transportation; whether it's a highway or a barging  
23 system, but it is still something that our people think  
24 about.

25                   And we may have to agree to have a highway

1 coming through our land, but we also need to start  
2 thinking about how we want to control that -- the effects  
3 of a -- of a highway through our land.

4 And, so, guidelines are -- are something  
5 that we've always thought are important to anything, but  
6 we need to know where it lies, and we -- we need to know  
7 who is looking after it.

8 And like I said, that before all this, we  
9 had a system where the application when through the Sahtu  
10 Land and Water Board. And they, in turn, put it as a  
11 condition that there needs to be such things as  
12 traditional knowledge, and that traditional knowledge has  
13 to come from the land user; the people that are most  
14 impacted by the project, whether that's Tulita, Deline,  
15 Good Hope, Colville. These people are the ones that will  
16 provide the traditional knowledge. Now whether it costs  
17 us thirty thousand (30,000) or whatever, that's all part  
18 of the project description. When a company wants to come  
19 in and do business, that's all part of doing business.  
20 Any -- any company knows it's part of doing business, to  
21 get information.

22 Well, traditional knowledge is the type of  
23 information that our people can provide and we provided  
24 in the past and they will continue to provide it as long  
25 as we know there is an understanding that there is one



1 (1) -- one (1) entity that's going to look after it for  
2 us. That's going to make it a requirement on any project  
3 or any activity on our lands.

4 So I just wanted to say that as well --  
5 and I'm just talking about GNWT's presentation here and  
6 on the slide 7 I believe -- or no, there was a different  
7 slide, it had all the -- it had all the -- the -- oh, on  
8 slide 5 it's like a big list of what the plan should look  
9 like and I'm wondering if we implemented all that, what  
10 the -- what would the final plan look like.

11 Anyways, that's just a view I had, I don't  
12 know whether the Board ever thought -- had that same  
13 thought of what the GNWT's putting forth on slide 5. If  
14 they ever took it as face value and tried to implement  
15 that what would it look like.

16 You know we have -- we have issues that we  
17 could have made a list like this and put it forth and  
18 what would that have looked like. You know, it's give  
19 and take. Anyways, thank you for that.

20 THE CHAIRPERSON: Is there any other  
21 comments? Otherwise we're ready to move into the Elders'  
22 presentations. We're getting a little bit behind in our  
23 -- our agenda here, so we'd like to have the Elders make  
24 presentations. We're going to take a break and then  
25 Heidi is going to do a wrap-up and -- and then the falis

1 -- the facilitators will lead us into the next part of  
2 the workshop. Okay? So if there's any Elders that are  
3 ready to speak now, you can put up your hand.

4 Don't forget to say your name and...

5

6 COMMENTS BY ELDERS:

7 ELDER LEON ANDREW: Okay. My name is  
8 Leon Andrew and I'm with Tulita Land Corporation.

9

10 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

11

12 ELDER LEON ANDREW: I'm going to speak in  
13 my language. We've been speaking for two (2) days now  
14 with the -- in regards to the Sahtu Land and Water Board  
15 and -- and the land corporations and the governments on  
16 all levels. We've been talking about -- this Sahtu Land  
17 and Water Board, they've been working on this project for  
18 us for the last four (4) years, and today we are talking  
19 -- there's some recommendations that have been put there,  
20 and as Aboriginal people this is something that's very --  
21 it's very important to us as Aboriginal people and people  
22 that live on this land, so I agree with this.

23 And now the government has come and -- and  
24 for the last four (4) years we -- they've been -- now  
25 they -- now that we are on this draft they are bringing

1 up all of the big issue that they -- they don't approve  
2 of and they're saying that this should be taken out or  
3 changed. And as -- as Dene people, we're the ones that  
4 have been working on this and we've been working on it  
5 for a while, and why is it today that they are saying  
6 that -- they should have said this a year ago. Maybe if  
7 they did that the people would have been close to  
8 completion now. And at the last minute they're saying  
9 that they don't really agree with some things. And I'm  
10 very surprised with the government of Canada.

11

12 (INTERPRETATION CONCLUDED)

13

14 ELDER LEON ANDREW: Surprise, where the  
15 government of Canada and the Territorial government  
16 coming from saying that some -- some of the issues relate  
17 to CRs are not -- not good enough.

18 You should have came out and said that a  
19 year ago so people could have worked on the document;  
20 perhaps they can better it.

21 So what I'm trying to say is that it seems  
22 to me like you're not on the same page with the people  
23 that are working on this land use planning. I'm very  
24 surprised.

25 You want to simplify the regulatory system

1 and that's very clear where you're coming from. But why  
2 not -- can you not be sitting on open table and discuss  
3 that with the people that's sitting on the table so you  
4 can come up with a good draft that everybody understand.

5 From my perspect (sic), it's kind of sad  
6 to see you guys at the end of the day say some of the CRs  
7 are not -- not applicable, not for us. Strange.

8 We have to be on the same page. We have  
9 to work together to accomplish something that will fit  
10 the -- the needs of the Sahtu region, and that's been  
11 very clear from our people. They've been telling you  
12 what they need to make their life comfortable but to no  
13 end. Nobody seems to want to listen.

14 And there's other -- one (1) point there  
15 the GNWT talk about is we talk about a conservation zone  
16 within the mountain. And if there's a PAS attached to  
17 it, he said we have no -- don't want to support that.  
18 Anything that we try to do within the mountain, there  
19 seem to be an opposition from both level of government,  
20 especially the GNWT. They're not very supportive.

21 I think it's time we got to get on the  
22 same page with the people that's around the table. And I  
23 hope -- I hope we can come to some conclusion before we  
24 carry on because, you know, we're stalling here and it's  
25 sad. And thank you very much.

1                   THE CHAIRPERSON:    Thank you.  Is there  
2 any other Elders?

3

4                   (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

5

6                   ELDER MAURICE MENDO:  The past two (2)  
7 days I've -- I've heard a lot of people talking.  It's  
8 very important, the issues.  A lot of important has --  
9 has been said.  And we -- we're saying this because for  
10 the future generation, the children.  We're talking about  
11 wildlife, and water, and the food that we -- we depend on  
12 from the land.

13                   The money is not an important thing.  It's  
14 the food that is so important, because if -- if there's  
15 no food, no wildlife, no water then how can we survive?  
16 So this kind of talk that we're doing is so important.

17                   This is how we -- we were raised by our  
18 Elders, by their -- their knowledge and their teachings.  
19 In the past our Elders -- this is how they survived.  
20 Once they make a decision then that decision is -- is  
21 followed.  Everybody listened to each other and -- and  
22 followed each others way -- way of working; we never --  
23 we never disagreed with one another.

24                   But today it's different.  Today we -- it  
25 seems to be a lot of disagreements.  And that -- because

1 of that it's -- it's kind of confusing. So if we only  
2 listened to one -- one (1) law, one (1) rule, one (1)  
3 saying, one (1) -- one (1) way, then it will work, and  
4 not different -- different organizations saying different  
5 things, because we are all human beings and we're all  
6 related somehow.

7                   So, as Elder's, you know, it's -- it's  
8 getting really confusing. We know that there's --  
9 there's one (1) creator and that's the one that we -- we  
10 have to respect. So this kind of gathering, this kind of  
11 a meeting, when you see each other, it's really good to  
12 see each other, and we should be very thankful for that.  
13 We should be happy that we're alive today. So that's the  
14 way; we should be happy every time we get together like  
15 this.

16                   In the past it was -- it was like that.  
17 When we gather we -- we get -- we see each other, we're  
18 just happy to see each other.

19                   This is our land, and what we say about  
20 our land is the truth because we were raised on the land.  
21 Today, unlike in the past, we never had computers, we  
22 never had internet, we never had Google Earth or anything  
23 like that. Like, today it's -- it's different.

24                   In the past, you know, we knew how to  
25 relate with each other as people, and -- and how to

1 relate with wildlife, animals. So we gotta respect  
2 animals too, because they -- they depend on the land and  
3 the water around us. There's other areas like Bear Rock,  
4 there's a place called Naats'ihch'oh, they're -- they're  
5 -- these areas are -- are very important to us.

6                   And today because of so many different  
7 policies, guidelines, and laws it -- it's different. We  
8 -- we -- there's no more Aboriginal Dene -- Dene values  
9 anymore; it's -- it's all government -- government laws  
10 that we -- we have to go by. So because the land claim  
11 settlement, and with the Sahtu Land Use Plan, it -- it's  
12 there for us to -- to go by. It's a guideline for us so  
13 that we can continue to respect the lands and the  
14 wildlife that -- that it refers to.

15                   This is why, as Elders -- Elders, they --  
16 they know, they're wise, they're knowledgeable, they know  
17 exactly what they went through and what the -- their  
18 Elders went through in the past and -- and that's how we  
19 learn. That's how we share.

20                   So if -- if we go individual -- like, if  
21 we're all by our self it's not gonna work. It's gonna be  
22 hard if -- if a person or an organization works by itself  
23 and makes decisions by itself. That's why we should --  
24 you should respect when -- when Elders speak -- when --  
25 when the Aboriginal person speaks you should take that

1 person seriously.

2                   As an Elder, we -- we've seen everything,  
3 and that's how we share it and that's how it's been in  
4 the past; how we respect the animals, wildlife. And  
5 that's the way it was in the past.

6                   Today, you look at a renewable resource  
7 officer, and their job is sometimes you -- if you look --  
8 go to the garbage dump, people -- people are -- are  
9 dumping waste -- meat waste like, to -- to the garbage  
10 dump. That's not right. Where's the renewable resource  
11 officers when you need them? You know, who is the person  
12 that's wasting all this good food? Maybe -- maybe they  
13 don't get paid enough. Maybe their -- they don't have  
14 the power to -- to move on some of these regulations or  
15 some of the people that break the laws.

16                   When we work on something, we -- we've  
17 gotta -- we've gotta do -- do right. When you work on  
18 the land, or animals, you gotta respect it and do -- work  
19 with it properly. We gotta take good care of it, like --  
20 just like the water.

21                   Water is -- should be the first. It's so  
22 important. If there's no water then how can you survive?  
23

24                   So talking about water, you -- we need to  
25 have a really strong law in regards to water. We have to



1 respect everything that's alive, even the trees. We have  
2 to take good care of it, so -- and wildlife too.

3 I am seventy-nine (79) years old and I --  
4 I've seen a lot in my life. My grandfather --  
5 grandfathers, what they said to me I can still remember  
6 it. So it's so important if you -- if you hear an Elder  
7 speak and you keep that in your mind that -- and you keep  
8 it till you -- you die, that is so important.

9 When I was young -- when I was young and  
10 growing up I never heard of any -- any bad things. I'd  
11 never heard of alcohol problems, drug problems, nothing.  
12 And as -- as the young people -- as a young person in the  
13 old days I listened -- I tried to listen to what the  
14 Elders are saying. I always looked for -- if Elder's are  
15 talking I try and listen to them.

16 I was just a young child when my mother  
17 passed away. If I never did listen to my Elders I  
18 probably would have been a lost -- lost person today.  
19 When you listen to words of wisdom it helps you; it makes  
20 you speak the truth; it makes you think about the past;  
21 it thinks -- it makes you think about the future.

22 And then today when Indian Affairs, when  
23 you -- you hear them talking they think they're right,  
24 and -- and listening to them, I don't think so. I don't  
25 think that they're - they're the boss. And this is why I

1 think it's hard for us to -- to try and -- and agree with  
2 them to say -- -- to think that they're right and maybe  
3 that's why we're not getting anywhere, we're not getting  
4 close to what we want to accomplish.

5           And it's -- sometimes it's hard to -- to  
6 accept the truth. But when you're talking about issues  
7 like this we have to make sure that we're telling the  
8 truth and that we're gonna stand by what we say.

9           I want to say this too: The Creator is  
10 the one that we -- we have to respect, 'cause he's the  
11 one that takes care of us. The Creator's the one that  
12 takes care of everyday, and because of that we -- we have  
13 a good life and we have to respect that.

14           And so today it's really hard to -- to  
15 work right, to -- to live a righteous life -- like, a --  
16 it's -- it's really because of so many distractions; like  
17 alcohol is a distraction. Even though we think we're  
18 really strong minded, we still have to deal with some of  
19 these problems. And we have to -- we have to know that  
20 what we say is the truth.

21           We have to love one another. If we don't  
22 love one another then you don't respect anybody. Like,  
23 if an Elder is -- is speaking and you don't -- you don't  
24 listen to that Elder, then that's -- that's because you -  
25 - you don't have love in -- in your life. Thank you.

1                   As an Elder this is really hard to get  
2 this communication here. Sometimes my microphone is a  
3 little bit too far, or too -- too close.

4                   But the whole subject here about Sahtu  
5 Land Use Plan and all the things that are related to it,  
6 there's a lot of important people here. And we know -- I  
7 know that you guys can work together and make decision  
8 together, and you can come up with an answer how to deal  
9 with the Sahtu Land Use Plan. And I -- I'm from Tulita  
10 and I -- I do travel around, but Tulita is my home. When  
11 I hear something that's interesting or important, it  
12 deals with my home, then I -- I need to know about it.  
13 And you always have to think about your home even though  
14 you're travelling around.

15                   I am getting old. I'm seventy-nine (79).  
16 I -- I feel that I -- I'm grateful to -- to be of that  
17 age. And I'm really grateful to see everybody here and  
18 good -- I'm very happy to listen to people talk. Lots of  
19 people here really had some good things to say.

20                   But we know we're living in hard times  
21 right now. We know we wanna have a good life for our  
22 people and for our future, but -- but sometimes it's hard  
23 to accomplish that. But everybody has to work together.

24                   We have to look at our children. Are they  
25 growing up properly? Are -- are they -- are we doing

1 things right for them? The children, we should love them  
2 from the bottom of our heart. Even myself, I see a child  
3 -- I -- I love that child as -- with all my heart,  
4 because they're the ones that are gonna take over after -  
5 - after we -- we're gone.

6                   So in the future when we gather like this  
7 again we -- we can continue to talk together like this  
8 and -- and be strong when we talk. We can't just say,  
9 Okay, because I'm right you -- you better listen to me  
10 and -- and do whatever I say. That -- that's not the  
11 right approach. If you -- if you look at the outside  
12 world there's war all over and they -- they're having a  
13 hard time. And -- and in the past too, in -- in the old  
14 days our Elders had a really hard life, but they -- they  
15 managed to survive.

16                   We know that in the past a lot of Elders  
17 knew how the future was gonna be and they've talked about  
18 it. And the reason why they talk about it is because  
19 they want to make sure that everything goes according to  
20 what -- what they -- they think is gonna happen in the  
21 future. So sometimes it's really good to -- to talk --  
22 to tell the truth.

23                   So it's so important when a person speaks  
24 the truth and tells it like it is, because we know that  
25 when we -- we speak we speak for the future generation,

1 for our children. We know we have something good, and we  
2 don't want nothing to go wrong with it. So we need to  
3 stand together as -- as one (1), even -- even though  
4 we're Dene people, the non-Dene people we still need to  
5 work together. We need to speak with one (1) voice. We  
6 don't need to argue or disagree with each other. And  
7 it'd be good if we can -- we can agree with each other.  
8 This is how we're supposed to be in this world.

9                   There's nobody -- no one (1) organization  
10 or person can be in control of the -- of our land.  
11 Nobody made water. Nobody made land. And once you  
12 destroy the water or you contaminate the water, you  
13 pollute the water, you'll never fix it again; it'll stay  
14 polluted.

15                   There's a lot of -- many things that we  
16 can -- we can talk about but I don't want to talk that  
17 long. So thank you and thank -- let's pray to the  
18 Creator that he looks after us and that maybe in the  
19 future that we speak as one (1) voice and one (1) nation.

20                   Thank you very much.

21

22                   (INTERPRETATION CONCLUDED)

23

24                   THE CHAIRPERSON: Do we have any -- okay,  
25 John...? Andrew John or Boniface...?

1 ELDER BONIFACE AYAH: I'll just say  
2 little words.

3 THE CHAIRPERSON: Okay.

4 ELDER BONIFACE AYAH: Just a short one.

5 THE CHAIRPERSON: And Andrew and John  
6 after that.

7

8 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

9

10 ELDER BONIFACE AYAH: It's land, water  
11 and wildlife. We -- we were saying that we want to take  
12 good care of it. If we can do that then -- then I agree  
13 with it. We know in the past our Elders, when they hunt,  
14 when they harvest wildlife, they take really good care of  
15 it. They know -- they know what -- how to take care of  
16 the meat; they know how to distribute it and share it.  
17 They take care of the land, they take care of the water,  
18 they take care of the wildlife because they -- they --  
19 they care for it, because they want to make sure that it  
20 -- it lasts us forever, like in the future.

21 If -- if we destroy the water or pollute  
22 the water or contaminate the water then -- then there --  
23 something is going to happen to us. We need to take good  
24 care of it.

25 In -- in the past before power -- power

1 plant or electricity came around people still survived.  
2 They used to still take care of food, even though they  
3 didn't have fridge or stove or anything like that. And  
4 today it's not like that. Today it's -- it's so  
5 different.

6                   People are disrespecting. They -- they  
7 destroy meat, even though it maybe just spoiled a little  
8 bit but they still throw it away. That's not right.  
9 That's why Elders are very concerned. Elders always say  
10 that we don't want to see anything go bad, or left alone,  
11 or ignored.

12                   Today, talking about the land, it's --  
13 it's because of the land we are alive today, so we need  
14 to respect that and take care of it, to -- to work with  
15 it. We need to -- to work together and -- and be one  
16 (1). Because our children will take over, and their --  
17 their -- their population is growing more than us.

18                   Myself, I haven't been in this kind of  
19 meeting before, but sitting here listening to you this is  
20 what I feel: I -- I feel that you guys should take care  
21 of the land and the water and the -- and the environment  
22 and the wildlife. Thank you very much.

23

24                   (INTERPRETATION CONCLUDED)

25

1 THE CHAIRPERSON: Don't forget to say  
2 your name.

3 ELDER ANDREW KENNY: Hello. Hello.

4

5 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

6

7 ELDER ANDREW KENNY: Andrew John Kenny,  
8 from Deline. Thank you. Giving the Elders a choice to  
9 speak, I'm very thankful for that.

10 From my home town we have some really good  
11 Elders that really like to talk public, but they --  
12 they're not here. That's Alfred Taniton (phonetic) and  
13 Leon Modeste (phonetic), but I'm here and I'll -- I can  
14 speak on their behalf.

15 Thank you. You talked a lot about a lot  
16 of things. Talking about our land and to hear the  
17 leaders and the representatives speak, I -- I'm really  
18 grateful to hear -- to hear, and it's good to know that  
19 there's a couple of community members that are on the  
20 Board, on the Sahtu Land Use Planning Board, Sahtu Lands  
21 and Water Board. And -- and -- and all the  
22 representatives from the Boards, the local boards, the  
23 community boards, and council, and it's good to see them.

24 Every time I speak I think about -- I say  
25 it about -- just about the same thing every time. And



1 one (1) of the things that I talk about is the -- the  
2 land claim. Sahtu Dene need a comprehensive land claims  
3 agreement.

4 As Dene people when we speak we speak with  
5 our -- our -- our voice, with our -- our strength, like  
6 our fists. As Elder -- we have other Elders that were  
7 great Elders like George Kodakin. Charlie Barnaby too.  
8 Like, all those Elders, they're the ones that -- that --  
9 that started this whole thing, because they were thinking  
10 about the future. They wanted the future to be -- to be  
11 -- to be okay. Even Paul Wright (phonetic) talked like  
12 that. They didn't want to stop -- they didn't want to  
13 stop talking. When they wanted to talk they wanted to  
14 continue talking. Talk as long as they could. That's  
15 how they were, our Elders in the past.

16 You look at this group right here; it's --  
17 it's a -- it's a very important group. Like it's -- when  
18 we did land claims negotiations, we had this many people  
19 when we were negotiating land claims, and this is just  
20 similar to that situation. And when I see a meeting like  
21 this I think it's well organized, well -- very important  
22 issue to talk about, the land use plan, because we're  
23 talking about the future, our future.

24 And when we talk about something like that  
25 we want to make sure it's going to work, that it's going

1 to be good for the future. When we go to meetings after  
2 meetings, sometimes there is just too many meetings and  
3 we just don't get anywhere. So maybe this kind of  
4 meeting like this -- this is one (1) chance that we have  
5 to -- to -- to make a decision, to -- to go and move  
6 forward.

7                   Sometimes we say something really good and  
8 something, the truth that some -- some people don't  
9 accept. As Elders, when we say something we want people  
10 to listen to us. We don't want to say and talk and waste  
11 our energy for nothing.

12                   Since 1960, Elders have always been  
13 talking. They're talking about things that want to see  
14 in the future that's going to work. And there used to be  
15 gatherings, lots of people, who is well-spoken, who --  
16 who is knowledgeable; that person would speak and that  
17 person would be like our leader. Whatever that person  
18 would say we would listen and follow.

19                   We know sometimes, even though our  
20 communities are far apart, sometimes we don't get  
21 together as often as we should, but when -- once a year  
22 when we get together it's so important for us, because we  
23 have different community members listening to us.

24                   And so today, because of technology and  
25 the modern -- modern day of life, we don't seem to visit

1 each other anymore. We are depending on machine. We're  
2 depending on technology to -- to speak to us. And maybe  
3 that's why there's such a confusion. Maybe that's why we  
4 don't get along with each other, because -- because  
5 that's missing. That's why we -- we disagree with each  
6 other and that's why we argue with each other.

7 Our Elders have said land, water, wildlife  
8 are the -- are the -- the things that are so important to  
9 us for survival. Money is -- is not the issue.

10 But today it's money that -- that controls  
11 everything. Money is the reason why we're arguing. What  
12 we should be thinking is that we don't want nothing to  
13 happen to our water, to our land, to our wildlife; that's  
14 the thing that we should be worried about. Even Raymond  
15 mentioned this.

16 Even our fathers spoke lots. Even my  
17 father said the water, the land that we -- we depend on  
18 has everything that we need to survive. It's got fish  
19 that we eat. Like the -- the lake, Great Bear Lake --  
20 one (1) Elder leader says that -- that Bear Lake is like  
21 a freezer; like a fridge, a refrigerator for us, that  
22 keeps our -- our food in -- in the -- like the fish.

23 Even my wife -- even my wife and myself,  
24 when we're not working we don't have one dollar (\$1) in  
25 our pocket we still happy. We're happy that -- that

1 there's -- we can still eat from the land.

2                   In the past sometime we get a bag of 25  
3 pounds of flour that's -- and we're just happy to have  
4 that, like in the past. Even though we had a hard life.  
5 Today I'm the only man alive from -- from my family. All  
6 my -- my parents are gone, all my brothers are gone. My  
7 father died of cancer. My brother -- older brother too,  
8 died of cancer. And that -- those are from probably the  
9 -- the mining activities that happened around Great Bear  
10 Lake.

11                   'Cause today we have young -- young people  
12 that are taking over, they're becoming leaders. They're  
13 going to be taking over us in the future, and this is how  
14 we -- we should talk to them, so they can -- they can  
15 continue the way that our Elders have -- have been in the  
16 past, and they -- we want them to continue.

17                   We know, in the Sahtu region, we -- we  
18 need to work together. We need to -- to -- to agree with  
19 each other, to make sure that the Sahtu Land Use Plan is  
20 successful and that we -- we can depend on it to make  
21 sure that things is going to work for the Sahtu region in  
22 the future. And listen to the people that speak.

23                   So it's very good that you -- you put on  
24 your agenda that -- that the Elders give presentation.  
25 Because we go to so many meetings and a lot of these

1 meetings they don't give Elders a -- a chance to say  
2 anything. And it's good that you give us a chance, even  
3 though we're not -- we're illiterate and we can't read or  
4 write, still we've got knowledge and we can speak. We've  
5 got a mouth too.

6 I was raised by my -- my mother, but she -  
7 - she -- she died when she was six (6) years -- when he  
8 was six (6) years old. So I was raised because of my --  
9 my fellow people, my -- people from my community. They  
10 helped me. They brought me up.

11 I'm very thankful to be involved with this  
12 -- this kind of meeting. I feel really good from the  
13 bottom of my heart that I -- I'm involved with this kind  
14 of meeting, to listen to you and to -- to speak. And we  
15 need support -- to -- to support each other. I'll  
16 support you and you support us, and that's how we should  
17 be. That's how we -- we're supposed to share our  
18 knowledge and speak our minds.

19 I didn't mean to speak that long, but  
20 thank you for giving me the opportunity to speak and  
21 listen to me.

22

23 (INTERPRETATION CONCLUDED)

24

25 THE CHAIRPERSON: Go ahead, John B.

1 ELDER JOHN YUKON: Hello. My friends  
2 said everybody has to speak to I got to speak. My -- my  
3 name is John Paul Yukon, Sr. I'm going to speak with --  
4 I'm from Deline representing Land Corp. I'm going to  
5 speak in my language.

6 (NATIVE TONGUE SPOKEN) I'm a working man,  
7 I'm not used to this type of stuff here. I'm learning.

8 (NATIVE TONGUE SPOKEN) leaders, just amaze me how much  
9 they can say, you know.

10 (NATIVE TONGUE SPOKEN). It makes me feel  
11 proud of my people. And everything over and over again  
12 Dene land, Dene (NATIVE TONGUE SPOKEN) Hopefully, we  
13 don't make mistaken. (NATIVE TONGUE SPOKEN) future and,  
14 you know, we've got to do it right. (NATIVE TONGUE  
15 SPOKEN) We can fix that.

16 (NATIVE TONGUE SPOKEN) I'm just learning.  
17 I'm just proud to be here with the amount of people and  
18 all the levels of government people. (NATIVE TONGUE  
19 SPOKEN) I watch over that not only for me, for the  
20 future. (NATIVE TONGUE SPOKEN) Like -- like everybody  
21 else, the Elders, (NATIVE TONGUE SPOKEN), I listen.  
22 (NATIVE TONGUE SPOKEN). I listen to all the people. All  
23 -- all the good wisdom they give me I try to use that. I  
24 guess I was one (1) of the lucky one. I lasted so long  
25 on that one (1) particular job.

1                   Right now, I -- I want to work with the  
2 people. I want to do things for my people, my Elders, to  
3 help the people, support them, and that I'll be willing  
4 to do that.

5                   I got to do something, so I got to --  
6 again, (NATIVE TONGUE SPOKEN) all the people, the Elders,  
7 everybody spoke. They -- they're very good. I'm very  
8 happy for them. Thank you.

9

10                   (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

11

12                   ELDER J. B. GULLY: I would like to say  
13 something. In the last thousand years or so, since then  
14 our ancestors have spoken about taking care of our  
15 wildlife.

16                   This land use map here, in 1951 I was  
17 about a couple of years old and all the people around the  
18 Good Hope and Colville Lake area gathered and government  
19 came in and they said they wanted to make a boundary  
20 around that little piece of land. And the people did not  
21 agree with it. They said, This is our land and we are  
22 going to make a decision on how our land shall be  
23 government -- governed and how it -- how big it shall be  
24 for ourself (sic). It's up to us to decide.

25                   They -- all of the Elders spoke at the

1 time and then they said, It -- it's just a little small  
2 piece of land, what good is that for us? We want to make  
3 a boundary where it covers all of the areas, all of our  
4 burial grounds, all of the areas where our people are  
5 resting out on the land. And -- and the Elders from Good  
6 Hope and Colville Lake are the ones that made this  
7 boundary, even the people from the mountains, and the  
8 river people, around Little Chicago. Everybody that  
9 lived in the surrounding area of Good Hope all gathered,  
10 and as well as Colville Lake.

11 And all out towards the barren lands, all  
12 the areas that our people worked in, or harvested, or  
13 trapped in that area, that is what they all marked out to  
14 be our new trapping area. And -- and then they asked  
15 them, Why did you pick -- make this land so big? And  
16 they said, For as long the boundary that is along -- that  
17 is as far as we have our people resting on the land. And  
18 that is how they decided on this boundary. And then  
19 afterwards -- and then they said what -- before that  
20 there was no control of the land.

21 People used to go out trapping and using  
22 different poisons and stuff like that to trap. And so  
23 this is one (1) of the reasons why the -- our people  
24 wanted to make this group trapping area, so that we have  
25 control of what goes on on our land in regards to



1 trapping and development and everything.

2                   And so after that there was a road built  
3 between Colville Lake and Good Hope, and -- and people  
4 have travelled on it with -- by dog pack, by dogs, and so  
5 they said that they -- they make this road between Good  
6 Hope and Colville Lake and it was a diameter of about 15  
7 feet across. And where -- whatever there is on the land,  
8 like they -- they didn't want disturbed. And then that  
9 time, it was this game officer -- that they -- they came  
10 up with this agreement with. And it was the -- like they  
11 didn't adhere to that.

12                   And now it's like -- for the last four (4)  
13 years we had a lot of development on our land; just like  
14 we had no control of all what was going on. And there's  
15 a lot of people that are resting out on our lands as  
16 well, and this place, Ayunake (phonetic), that was the  
17 last -- the last war that they had, and that is what is  
18 marked and considered. It was a meeting place.

19                   There was thousands of people. There was  
20 the Inuit, the Gwich'in, and all of the different Ab --  
21 Dene tribes that were -- that were up there and they had  
22 a war. And because of that the -- it was the last big  
23 war they had there, and because of that there's a lot of  
24 bones and human remains, like bones and things that are  
25 still up there, so that it's still like considered very

1 sacred.

2                   The Renewable Resources, they -- they're  
3 helping us too to conserve our land. There's -- all of  
4 the ones that are trapping in the communities, they have  
5 skidoos in front of their houses, they have trucks, they  
6 have -- the land is what feeds us.

7                   And then the -- the water as well. All  
8 wildlife and everybody depends on the water to live, and  
9 that, we don't want to have anything happen to. If  
10 something happened to it, all of the water that -- that  
11 are -- all of the fish in the water we eat, and now you  
12 see today these artificial islands that they've built.  
13 And ever since they started this whole thing between Fort  
14 Good Hope and Norman Wells, there's a lot of people that  
15 have -- that are sick with cancer.

16                   We've been working for the last three (3)  
17 years on this. There's myself and the Elder Hyecinthe.  
18 Whenever they travel anywhere we always travel with them  
19 as advisors. It doesn't matter if they travel down south  
20 or wherever, we're the ones that come with the  
21 traditional knowledge. And whatever -- whatever we  
22 decide for ourselves we are going to respect it and  
23 uphold it.

24                   And just looking at this lan -- this land  
25 use map, there's one (1) of the -- you can see there's --

1 from one (1) lake around Colville Lake that there's a  
2 underground -- underground -- what you call it,  
3 underground stream, and it goes all the way to the Hare-  
4 skin River.

5                   Since how many thousands of years our  
6 ancestors' stories have been passed on to us, generation  
7 to generation to generation, up to today, just so that we  
8 can remember our history.

9                   This past four (4) years ago there was a  
10 lot of development around Colville Lake. All of the  
11 wildlife, the -- the caribou, the rabbits, the wild  
12 grouse, chicken, all of it became -- became scarce  
13 because of that development. So from now on, if anyone -  
14 - any developers want to work on our land they have to  
15 come to our office and let us know where they want to  
16 work, what they're going to do, what activities, how long  
17 they are going to be there, and it'll be up to us to  
18 decide if they will work on our land or not.

19                   I'm very thankful to be here with all of  
20 you. There is a lot of other things that could be spoken  
21 about here, but I thank you for giving me the --  
22 opportunity to speak. Thank you.

23

24                   (INTERPRETATION CONCLUDED)

25

1 (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

2

3 ELDER DOLPHUS BATON: My name is Dolphus  
4 Baton. I'm from Dedeh (phonetic). What John B. had to  
5 say about the -- the Elders, what he has said about the  
6 ancestors' stories that have been passed on from  
7 generation to generation, it is the same for us too.

8 A -- in the past like all what the Elders  
9 said to us, we see it all coming today; these oil  
10 companies, housing, all of these different things. Even  
11 though it was that -- that far in the past they already  
12 knew what was going to happen today. And -- and then our  
13 Elders told us that if we take care of our land and then  
14 things will be -- our land and all the wildlife and  
15 everything else will be -- will be left there for the  
16 future.

17 And -- and what we -- since our land claim  
18 started we've been -- we've been discussing this. The --  
19 even though that was fifteen (15) years ago not  
20 everything in our land claims have been followed through,  
21 and whenever they're going to have development on our  
22 lands the developers or the proponent should be coming to  
23 our community, to our offices, and letting us know what  
24 they intend to do on our lands and how long they -- they  
25 want to work there.

1                   But today it's just like the government is  
2 the one that decides like who to give permits to. And  
3 they come into our communities and don't even let the  
4 people know their activities or where they are going to  
5 be working on the land or how long or anything. And  
6 because we are good-hearted people, kind-hearted people,  
7 we just let things go because we are passive. But we've  
8 been speaking about this for how many years now?

9                   There -- in today as Elders -- you can  
10 speak English and read it so it's -- it's easy for you to  
11 just go ahead and read through things and that, but it's  
12 not like that for us as Elders.

13                   The way that things are going today I  
14 don't think we'll be making any progress. Maybe in the  
15 next twenty (20) years we'll still be in the same boat if  
16 we -- if we continue like this. We all have to support  
17 each other. At Good Hope, Tulita, Norman Wells, Colville  
18 Lake, we all have to help each other and decide on what  
19 we are going to work on together and support each other  
20 to make like strong statements. But it's not like that  
21 today, that's how it makes it very hard for us. How can  
22 we fix that? It'll be very hard to fix it, I think.

23                   If -- if we don't fix -- if we don't fix  
24 things up today it'll be very hard for our future, the --  
25 the youth. So that's all I'm going to say. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(INTERPRETATION CONCLUDED)

(INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

ELDER HYECINTHE KOCHON: Elder Hyecinthe Kochon. Talking about the land, I'm very -- I'm very pleased to be listening to this discussion and I'd like to thank everybody present here. Everybody that's here.

This land that we are talking about, it's where we were born and raised. This is what we provide ourself (sic) from. This is what sustains us as people. That is what we are talking about.

But it -- it seems like it's a third party that's the ones that are trying to make decisions and that for us now, giving us all of these recommendations and things like that. But what we are talking about as Aboriginal people is our love for the land. We have lived on this land for thousands of years and it has sustained us. If we -- if we went on a southern land, if we were even to chop a tree down I'd bet you we'd be fined for that, but yet it's just like they can come up here and do what they want on our land.

And this land is the one that sustains us, it feeds us, it provides for us. And if we don't have

1 that how are we going to sustain ourself (sic) as people?  
2 How are we going to be people?

3           And then how this whole thing started was  
4 with government coming into our communities and saying  
5 that they were going to build rental houses for us and  
6 then because of that they started making people stay in  
7 town. And today because of that reason there's not very  
8 much people that utilize the land and now it -- it's --  
9 from recently that they just started this whole  
10 discussion about the land.

11           And ourselves as Aboriginal people, I  
12 think we're the ones that should be making the decisions  
13 on what should happen on our land and by whom. For me,  
14 it's just like visitors that just came on to our land and  
15 sat in front of us and started giving us rules and  
16 regulations and approving and disapproving of things that  
17 we have decided for ourself (sic). And for me, I think  
18 this is not right because we are the ones that live here.  
19 We're the ones that have to -- that will be the  
20 stakeholders of this land right into the future.

21           They're still -- there is a lot of young  
22 people today that are learning more how to provide for  
23 themself (sic) and sustain themself (sic) from the land.  
24 It's becoming even more than in the past. And then our -  
25 - the young people, they are very easy to teach because

1 they are very adaptable. If you teach them how to hunt,  
2 how to sew, whatever, they'll -- they'll adapt to it.

3           And -- but sometimes I think about this  
4 whole thing and I get all sad. I used to trap up until  
5 this winter. I trapped all of my life right from a young  
6 age. And then today the children are just used of going  
7 to school every day. They -- they don't have any  
8 ambition to like go out anywhere on the land and that,  
9 because they -- they have to go to school. So they're  
10 kind of losing that.

11           And then all of the -- the young people,  
12 the young men, the young girls, the children, I love them  
13 all. And our children too, we've raised them all out on  
14 the land but their children -- my chil -- my children's  
15 children as well have bush skills and they can take care  
16 of themselves on the land as well.

17           And today it seems like people are -- just  
18 talk too much for nothing. It -- it would be so good if  
19 everybody could sit together and all be in agreement and  
20 all the decisions that are being made, we should be in  
21 agreement, and if not try to compromise.

22           If you -- in the past when you had a hard  
23 time like trying to work on something by yourself or  
24 figure out something by yourself you -- you spoke to  
25 somebody else and they're the ones that advised you or



1 helped you. That's the way it was.

2                   So if we continue to go out on the land  
3 then we would be stronger people, but it seems like the  
4 government is the one that settled us all into  
5 communities, and then from there it seems like they are  
6 the ones that are governing our every move. And then  
7 like what we think is right for us we should go ahead and  
8 work on it for ourself (sic) because we think that that  
9 is good for us.

10                   So I'd like to thank you for listening to  
11 me, but this is all I'd like to say for now. Thank you.

12

13                   (INTERPRETATION CONCLUDED)

14

15                   (INTERPRETED FROM NORTH SLAVEY INTO ENGLISH)

16

17                   ELDER GABRIEL KOCHON: I'm Elder Gabriel  
18 Kochon from Fort Good Hope. He used to -- he said I was  
19 originally from Colville Lake and I've always lived in  
20 Good Hope. And this fall I -- I am going to be eighty-  
21 three (83) years old -- or I turned eighty-three (83) in  
22 November. Maybe I'm the oldest one in here my children.

23                   Even though I'm this old I continue to be  
24 active. I -- I don't have any problem but I have a  
25 pacemaker, he said, and that -- but even that the only

1 problem is if I walk too -- too long then I get a little  
2 bit short of breath.

3 I'd like to thank Sahtu and Tulita for --  
4 for talking here. Everybody that spoke here, I'd like to  
5 thank you all, as well from my home community. I'm very  
6 thankful for all what you have to say because maybe I'm  
7 the oldest one here I think you should listen to what I  
8 have to say.

9 Our land that we talk about since time  
10 immemorial, our people have lived and sustained  
11 themselves from this land and because of that -- me too,  
12 I did a lot of hard living on this land myself. And the  
13 people from Sahtu and for Deline I'd like to thank you  
14 all. Aboriginal, non-Aboriginal, I thank you all for  
15 listening to me.

16 Our land that we speak about, this is our  
17 mother, this is our father, it is our parent. If you  
18 went out and looked at all of it, that's -- whatever you  
19 see this is what the -- the wildlife live off and this is  
20 what provides us with food. Whatever you -- you see.  
21 This land was made for us as Aboriginal people to provide  
22 for ourselves; it's not for southern people, because they  
23 don't provide for themselves from our land. They have  
24 their own land to do that from. This is what sustains  
25 us. This is what provides for us. This is where we hunt

1 and trap and from that we make our money by trapping and  
2 provide for ourself (sic).

3 Tulita and -- and Sahtu Deline, all of  
4 them -- all of the -- our people there and we came from  
5 very strong, powerful people, all of us in this -- in  
6 this region. We were all from powerful, strong people.  
7 That is where we come from. They worked long and they  
8 walked far to the mountains, to the barren lands. They  
9 speak about all of the places that they went, from Tulita  
10 and from Deline. All of the different places that they  
11 travelled out on the land they still talk about today.  
12 That's why we do say that it is our land.

13 It seems like from the outside that people  
14 are trying to govern us and make decisions for us, and  
15 for those of you who spoke out against it, I would like  
16 to thank you.

17 This -- this minerals and gas that's on  
18 our land it's -- it's put on our land our -- our Creator  
19 put it there for us -- for us to provide for ourself  
20 (sic). Maybe from that we can get money in exchange for  
21 our gas or minerals. Where we are (AUDIO STOPS) and my  
22 grandmother they spoke to me.

23 And as your Elders, we are the ones that  
24 are to provide you wisdom, so I'm very happy that you --  
25 you listened to what we had to say. All of my relations

1 here and all of my friends, every one of you, I'd like to  
2 thank you all.

3                   This land and this big lake, Sahtu, that  
4 is on our land. The people that live around it when my  
5 father spoke about it, he said the water is the -- the  
6 water is the one that -- from that water -- all the water  
7 that goes to the -- the Mackenzie and -- and it all flows  
8 -- it all flows to the Arctic Ocean. There's -- this  
9 water -- the water all flows to Colville Lake -- the lake  
10 -- all of the water the -- this one (1) lake from there  
11 there's underground creek that -- that flows to there  
12 too. So -- so the water all flows to the ocean and there  
13 you can't drink it. Maybe some of you know about that.  
14 That's the way that water was made for us.

15                   And this land was made for us to provide  
16 for us and for us to live on. And we don't know what's  
17 going to happen later today or even tomorrow. We don't  
18 even know what's going to happen in the next hour. But  
19 we -- our land that we speak about, all of you that spoke  
20 all talk about your land and how much it's im -- how  
21 important it is to us.

22                   And for you speaking so -- so strongly  
23 about our land and that, I'd like to thank you all for  
24 that. All of our waters -- that Great Bear Lake, this is  
25 a body of water that has to be protected. This is what

1 we were told by our Elders in the past, that we have to  
2 take care of that water. And I have a lot of stories to  
3 tell. Our ancestors, they spoke a lot. I'm from a  
4 family of a lot of storytellers.

5 So I just wanted to say that for now, and  
6 whenever we're giving an -- given an opportunity again I  
7 will speak to you more about our land.

8 And speaking about all of this where  
9 people are trying to give us terms and conditions on how  
10 we should maintain our land. For me that's not right. I  
11 think it should be ourselves to -- to decide that  
12 ourselves. And I'd like to thank you again for speaking  
13 so strongly about our land and caring for our land.

14 I am old now but you are the ones that are  
15 going to be here long after me and I'd like to thank you  
16 all for all the things -- the good things that you have  
17 said about the land. Thank you.

18

19 (INTERPRETATION CONCLUDED)

20

21 THE CHAIRPERSON: Okay. We're going to  
22 wrap it up now. We're going to take a break and then  
23 Heidi will lead us into the workshop discussions with the  
24 facilitators. Thanks. Ten (10) minute break.

25

1 --- Upon recessing at 3:55 p.m.

2 --- Upon resuming at 4:07 p.m.

3

4 MS. HEIDI WIEBE: Okay. We are now  
5 officially moving in to part 2 of our hearing. The --  
6 the intention of the second part of the hearing is to  
7 enable group discussions on a variety of different  
8 topics. We'd laid out the hearing topics about six (6)  
9 weeks ago in our March 25th letter and last week we  
10 confirmed that the discussion topics by default were  
11 going to be the hearing topics, and these are laid out in  
12 your package.

13 As we mentioned, and as most people have  
14 presented over the last day and a half, we're basically  
15 there and done on the zoning. So we had not anticipated  
16 a great deal of discussion on the zoning.

17 The main topics for discussion as  
18 presented last week and previously in the package would  
19 focus on the conformity requirements, mandatory actions,  
20 and more appropriately what we're going to do with those  
21 and how the plan or the implications of making mandatory  
22 actions non-mandatory or non-binding, and the  
23 implementation issues, and in that respect, looking at  
24 the -- the timing, the whos, the whens, the hows of -- of  
25 implementing the plan.



1 to Joanne and she's going to get us started. Thank you.

2 MS. JOANNE BARNABY: Thank you very much,  
3 Heidi. So I'm just going to walk through what the  
4 workshop portion of the rest of today and tomorrow is  
5 going to look like and how it's going to work.

6 First of all, we're going to stay in  
7 plenary for maybe twenty (20) minutes or so and we're  
8 just going to review the principles and zones in plenary  
9 because we feel that there's -- there's a fairly high  
10 level of consensus already around those, and so we'll  
11 just be checking back with you.

12 We'll walk through the ideas that we've --  
13 we've gathered from the floor, and just check to make  
14 sure we got it right, and see if there's any gaps.

15 And then after that -- well, I should also  
16 point out that we've created a parking lot, and it's --  
17 it's over on that wall there, and we've created that  
18 space to identify issues that we won't be spending more  
19 time on here, but have been acknowledged as -- as  
20 important issues, that -- that will -- will be addressed  
21 in other ways in the future.

22 And the big one (1) over there right now  
23 is the issue of directional drilling. So there's lots of  
24 questions people have about that. This is not the place.  
25 We don't have the answers in this room, but it'll be



1 addressed at some point in the future.

2           The other new category that we hope grows,  
3 even by the end of today, is this grouping here of  
4 consensus issues, and our read based on both what was  
5 submitted in the way of presentations, and what you have  
6 said in the last day and a half about wildlife is that  
7 there's a high level of agreement on the -- on Draft 3.  
8 And -- and the -- the issues that have been brought  
9 forward around wildlife are fairly manageable, from the  
10 Board's point of view. So we won't spend a lot of time  
11 on parking lot issues, or on wildlife issues in the  
12 workshop portion.

13           We've decided that we should have as one  
14 (1) of the breakout groups a technical group. For those  
15 of you who are really concerned about wording, and word  
16 smithing, and -- and have some real legal perspectives to  
17 consider, we've decided to put you together.

18           And we've kind of hand-picked you, and  
19 we've already approached all of you, and asked you to --  
20 to join that group, and that group will be facilitated by  
21 Heidi, as -- as the -- and Dick will also be available to  
22 assist with the -- the technical break -- breakout group.

23           The other groups, there'll be three (3)  
24 other groups. We're all addressing the same issues. All  
25 of the groups are address -- addressing the same topics,

1 and the same questions, so you're not going to miss  
2 anything.

3                   You know, Joe Grandjambe pointed out that  
4 not everybody has the preoccupation that some of us have  
5 with -- with word smithing, and there are broader  
6 concepts, and values, and so forth, that need also to be  
7 brought forward, and are important to the Plan.

8                   So Debbie will be -- will be handing out  
9 numbers shortly to assign you to a group -- group number,  
10 and you'll see on these flip charts there are large  
11 numbers written on them. Group 4 is going to be in this  
12 corner over here.

13                   So we -- once we move into small groups,  
14 into breakout groups, we'll work in those groups for  
15 about an hour and a half, and we'll work through the  
16 questions that we'll review with you before we break into  
17 those groups.

18                   And following that, you will be selecting  
19 from within your breakout group somebody to present back  
20 to the plenary session.

21                   Now, we're hoping that we can at least get  
22 that process of presenting breakout group results back to  
23 plenary by the end of today. We doubt that we'll have  
24 enough time to do them all, but we'll get started on that  
25 today, and -- and end off today about 6:00. We'll pick



1 helping and working with the -- group number 2. So  
2 that's where Michael will be as well.

3                   So I'm hanging out these numbers. I've  
4 already handed out the group number 4 numbers and I'm  
5 just slowly making my way around the room. So save --  
6 hold on if you haven't got your number.

7                   And the idea is to try and have a good mix  
8 of people in the groups 1, 2, and 3 as much as we can so  
9 that the groups can really come up with solutions to  
10 issues that are important to people.

11                   And it's really important that each group  
12 comes up with the person that is going to do the report-  
13 backs, because that's -- I'm sure you'll all help each  
14 other but it's nice to have somebody who's getting  
15 mentally prepared for that presentation to the group as a  
16 whole because that's the one time that everything will be  
17 on the record. So, it's bringing together people's ideas  
18 and those solutions that are going to be so important to  
19 the Board and the Board is going to be listening --  
20 listening. And so this will be something -- the report-  
21 backs will be what are used as the basis of making any  
22 changes that the Board decides to make in the plan.

23                   MS. JOANNE BARNABY: Okay. We've posted  
24 the discussion topics and attached to the topics are  
25 questions that we would ask each breakout group to

1 address. And I'm just going to have Heidi walk you  
2 through that.

3 MS. HEIDI WIEBE: So three (3) of those  
4 were already in your hearing package, we've just  
5 simplified the questions a little bit to ease the  
6 discussions.

7 So the first one (1) on community  
8 engagement and TK is the discussion on CR 2. And we  
9 phrased as: How can the Plan address community concerns  
10 regarding traditional knowledge and community engagement?  
11 And that question is aimed to invite a full range of  
12 discussion on CR 2.

13 The next topic is community benefits, and  
14 that is in relation to CR 3. Again, a very broad  
15 question: How can the Plan ensure communities benefit  
16 from land use?

17 CR Number 3 is with respect to water, and  
18 this can encompass both CRs 5 and 6, though the emphasis  
19 has definitely been on -- on CR 5 during these  
20 discussions. How can the Plan best protect water?

21 Number 4 is on special management zones.  
22 We've heard some discussion about whether CR 14, as  
23 worded, does add any value to the current process, but  
24 we've also clearly heard that everyone recognizes the  
25 importance of special management zones in the Plan, and

1 in the regulatory process. So the question is, How can  
2 the Land Use Plan enhance protection of the core values  
3 in special management zones?

4 Number 5, the -- we've -- we've headed  
5 this one as the -- the polluter pays principle. This is  
6 the discussion around security deposits. As you know,  
7 Draft 3 currently requires the collection of security  
8 deposits, so the question is: Should the Plan continue  
9 to require the collection of security deposits?

10 Now, because we have decided to have a  
11 technical working group as one (1) of the groups, Group  
12 4, and I will be leading that group, so those of you, you  
13 get to spend your afternoon with me, we have some  
14 additional questions for that group.

15 Joel, if you could flip the slide, please.  
16 So all those questions about timing and scope of CRs. In  
17 which CR is -- is timing an issue? It's not necessarily  
18 a problem in all of them. We can maybe drill down to  
19 some of the detailed questions that the Board needs to  
20 consider.

21 The second question gets to the heart of  
22 this: Do we look at a goal-based approach, or a  
23 prescriptive approach? And we felt that maybe first we  
24 need some clarification amongst the technical people  
25 about what is intended by those phrases.

1                   So what does it mean to be goal based?  
2   What does it mean to be prescriptive? And then we felt  
3   that maybe the question is: Which of those CRs that we  
4   currently have should be goal based, and which are -- are  
5   better as having a greater level of prescription in them,  
6   and where is that balance? So that one (1) I expect will  
7   be quite an interesting discussion.

8                   The third topic under our group is the --  
9   the last question that was raised in the hearing package,  
10  and this was envisioned as a fairly quick discussion, one  
11  (1) of the participants in our process, the National  
12  Energy Board, had put forth a solution that we just  
13  wanted to put out there for discussion, and that was the  
14  possibility of combining the three (3) conformity  
15  requirements that are currently in the Plan that have  
16  setbacks into one (1) as basically a best practices CR.  
17  So, we just would like to invite some hopefully quick  
18  discussion on that one.

19                   So the -- all groups, all four (4) groups,  
20  will handle the questions that were on the first slide,  
21  and we'll put that back up for general reference.

22                   And our technical group will, in addition,  
23  because we talk faster, maybe try and look at some of  
24  these questions, these broader questions, as well, about  
25  how CRs should be written. So there's some great

1 opportunity for discussion.

2

3

(BRIEF PAUSE)

4

5 MS. JOANNE BARNABY: Okay. Thank you  
6 very much, Heidi. I'm going to just review the -- the  
7 principles that we heard over the last two (2) days, and  
8 -- and then we can check around the room to see if there  
9 are other principles that you feel need to be added  
10 before we move on.

11 So one (1) of the major guiding principles  
12 that was articulated by several people, and is actually  
13 right in the Land Claims Agreement that -- that sets out  
14 the commitment to establishing the Land Use Planning  
15 Board, and a Land Use Plan, speaks to the well-being of  
16 people as a -- as a common purpose. So well-being is --  
17 is central to -- to the Plan, and to the goals that  
18 you're trying to achieve.

19 Another principle, or goal, that came out  
20 very clear and strong was in relation to achieving  
21 certainty. Everybody, whether you're from a community, a  
22 regulatory agency, a government, not from the region,  
23 made reference to the important of creating -- the  
24 importance of creating certainty, and how that would be  
25 beneficial to everyone.



1                   Several people talked about the importance  
2 of keeping it simple, and that would allow for a level of  
3 clarity that would be beneficial.

4                   Many people spoke about the importance of  
5 keeping it fluid, making the -- the Plan living so that  
6 it evolves over time, and is in -- is -- is able to  
7 accommodate changing circumstances, and different needs  
8 as they arise in the future.

9                   Central to the -- the Plan must be the  
10 recognition that this is the homeland of the Dene Metis  
11 of the Sahtu region, and it was through the realization  
12 that the Dene Metis addressed in their Land Claims  
13 Agreement this as a vehicle for them to continue their  
14 traditional responsibilities of taking care of the land.  
15 It was one (1) of the key ways in which they would bring  
16 that traditional responsibility into a contemporary  
17 situation, and into the future.

18                   Okay. I'm getting into too much detail,  
19 apparently. You're all invited, of course, to -- to see  
20 what's on the wall, and to identify any gaps that -- that  
21 might be there, from your perspective.

22                   I've -- I've noticed people getting up and  
23 checking out the wall a bit throughout the process the  
24 last two (2) days, so I'd invite any comments about  
25 either what's there, if you have a problem with what's

1 there, or the way we've interpreted what you've said, or  
2 if there's any gaps.

3 Is there anyone who would like to add  
4 anything?

5

6 (BRIEF PAUSE)

7

8 MS. JOANNE BARNABY: So are we in  
9 agreement then? Cool. So we -- we will be moving these  
10 stickies over to the consensus wall later in the day.

11 Okay. On zoning, again there seemed to be  
12 a high level of agreement among all of the participants  
13 about the approach taken by the Board to identify zones,  
14 and there was a few gaps that were identified by  
15 participants.

16 They've been noted, and the Board has  
17 indicated their willingness to consider addressing those  
18 issues, and they include Fort Good Hope's group trapping  
19 area, the need for the Mackenzie Gas Project's corridor,  
20 and the question of dual design -- designations of  
21 protected areas and the conservation areas in the zoning.

22 Are there any other zoning issues that you  
23 have? Any questions?

24

25 (BRIEF PAUSE)

1 MS. JOANNE BARNABY: Anything missing?

2

3 (BRIEF PAUSE)

4

5 MS. JOANNE BARNABY: Very cool. So I'll  
6 take that as a indication that we also have consensus on  
7 the major zoning approach taken by the Board. Thank you  
8 very much.

9 So now we will move into our breakout  
10 groups, and we will focus today on the discussion topics  
11 that reflect this whole large group of stickies, and  
12 reflect all of your comments, we hope, the main issues  
13 that you've identified in the last day and a half.

14 We've got four (4) facilitators to work  
15 with you. Heidi be -- will be working with group 4 over  
16 here. Deb, you want to take group 3? I'll take group 1.  
17 And Ida, if you can take grape -- group 2, that'd be  
18 great.

19 So you should all have your numbers by  
20 now, so I'll ask you just to move in there. Bring a  
21 chair with you. And we'll get started.

22

23 --- Upon recessing at 4:33 p.m.

24 --- Upon resuming at 5:40 p.m.

25

1 MS. JOANNE BARNABY: Okay. Given that we  
2 obviously didn't have enough time to -- to complete the -  
3 - the breakout group work, I'm going to turn it over to -  
4 - to Judith, and ask her to help us determine how we're  
5 going to complete the work, and how we're going to use our  
6 time tomorrow.

7

8 (BRIEF PAUSE)

9

10 MS. HEIDI WIEBE: Good afternoon. The  
11 good news is, we're going to let you all go early. None  
12 of our groups finished what we wanted to today, so rather  
13 than breaking and reporting back right now we're going to  
14 break for the day, and tomorrow morning we will resume at  
15 9:00 a.m., and go right back into our breakout groups so  
16 we can continue our discussions.

17 So we are done for the day. Have a good  
18 evening, and we'll see you at 9:00. Thank you.

19

20 --- Upon adjourning at 5:43 p.m.

21 Certified correct,

22

23

---

24

25 Sean Coleman