

***Disclaimer**

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

Tulita Draft 2 Community Consultation

Minutes

Tuesday, January 27, 2010, 10:30m-5pm

Council Chambers

Participants:

Heidi Wiebe, SLUPB

Ida Mak, SLUPB

Judith Wright-Bird, SLUPB Chair

Michael Neyelle, Translator

Jennie Vandermeer, PAS

Tulita Leadership

Albert Bernarde, Renewable Resources Council

Archie Lennie, Fort Norman Metis Land Corporation

Brian Menacho, Tulita Dene Band

David Menacho, Renewable Resources Council

Doug Yallee, Tulita Land Corporation

Edward MacCauley, Tulita Land Corporation

Frank Andrew, Tulita Dene Band Chief

Lori-Ann Lennie, Fort Norman Metis Land Corporation

Roderich Yallee, Renewable Resources Council

Valerie Yakely, Fort Norman Metis Land Corporation

Wilfred Lennie, Fort Norman Metis Land Corporation

Community members

Arsenne Menacho
Beatrice Kosh
Charlotte Menacho
Debbie Yallee
Edward Kenny
Frederick Andrew
Gordon Yakeleya
Joe Bernarde
Joe Horassi
John Hotti
Leon Sewi
Morrice Betsidea
Norman Andrew
Richard Andrew
Richard MacCauley

Start time: 10:40am

Judith gave a welcome address.

Heidi gave a brief introduction of the agenda issues and asked if anyone had any questions or wanted to add items to the agenda.

Jennie gave a short presentation about the history of the Tulita Conservation Initiative - a number of areas that were collectively put forward for PAS (Protected Areas Strategy) in 2003. She then spoke of the options available to the community if they chose to conserve the areas through PAS. Jennie asked the group if they had decided whether they were going to pursue conservation through PAS or the land use plan.

Heidi explained that the plan would protect both surface and subsurface rights. Although it would not offer permanent protection, at the 5 year renewals communities could choose to keep the land under conservation.

Judith clarified that changes did not have to occur at the 5 year renewal. Conservation Zones (CZ) could stay as such. The community is considering the route for the Mackenzie Hwy and elders are recommending it be moved up-river. The community should start talking about where this hwy should or should not go, which could potentially be affected by where the CZs are.

Participant: Is PAS permanent?

Jennie: So far we have worked with Parks Canada and CWS (Canadian Wildlife Service). Their protection is permanent but now we are starting to work more with GNWT and their protection is not permanent.

Participant: I think we need to protect areas north of Mahoney Lake to protect the calving grounds of caribou. The area around Willow Lake is a bird sanctuary but it's not important to caribou and there is a large CZ here.

Judith: There are caribou in the area connecting Mahoney Lake and Doctor Lake.

Chief: We already identified a number of areas around Kelly Lake that were listed in the land claim. How would these zones change that?

Heidi: It does not. The areas protected in the land claim stay protected but there was only one area on Kelly Lake that had protection from the claim. All the other areas that were listed in the land claim were asked to be considered in another report. The Places We Take Care of report lists special cultural and heritage places in the Sahtu a result of the land claim but none of the areas were given protection.

Chief: Can you explain what Conservation Zones will mean because right now we're seeing hunting bans in Yellowknife related to conservation and we don't want to affect our future harvesting rights.

Jennie explained the 4 zone designations in the land use plan and made the distinction between no hunting zones in Yellowknife and the plan's zones.

Heidi explained the concept of Conservation Zones under the land use plan. The Plan will not affect hunting or other traditional on-the-land activities. The plan regulates development activities to protect values on the land but does not regulate traditional activities.

Chief: So what will happen if we were to get rid of Conservation Zones in the plan? What kind of protection would we have then?

Heidi: If you were to remove all CZs, you could either put them into GUZ or SMZ in which case development would be allowed everywhere in the Tulita district. Developers would however be required to respect the terms of the GUZs and SMZs.

Judith: Currently Willow Lake is in a Conservation Zone in the plan but a company is doing seismic in the area. Because the Plan is not yet approved, if they find anything they will be grandfathered and your CZ will be set up around the activity. If you don't need to zone these areas as CZs, you can change it now in order to allow development.

Chief: I think the protection is intended for the sacred grounds around Willow Lake. Many people annually hunt duck there. That's where we get our food. Goose Island in Norman Wells is the same. Red Dog for example, has a related story explaining why it's sacred. The Smokes and Bear Rock are also very important areas.

Heidi: Are you suggesting that you want to go with the Plan for CZ?

Gordon: If we protect large areas for conservation there will be nowhere to go for development. We have to think about the future generations. Children are not interested in

trapping today. They will need to access these lands for jobs. [Showed the areas going through PAS on the map and those that were going to be CZs through the plan.]

Jennie: Keep in mind that this is a draft so it will change.

Chief: The land claim is signed but it needed to be implemented. The land use plan is one of the pieces of implementation. The plan is something that we negotiated so that we can have more control over our lands.

Judith gave some of the history regarding the land use plan and the board. She addressed some of the issues regarding consultation in the communities and asked the communities to stop changing their minds because it is difficult to change the plan after each consultation. This holds up plan development and delays the approval date as we adjust the plan.

Chief: What happens to subsurface areas if we protect them under the plan?

Heidi explained that there would be subsurface protection.

The Chief asked about directional drilling.

Heidi asked the community what it thought about directional drilling. She asked if the community would be open to allowing subsurface drilling if the surface can be protected.

Judith: Husky always asks us whether or not they can drill under Red Dog Mountain.

Heidi: If we allowed directional drilling in one case we would allow it everywhere. So if there are areas where you would never allow directional drilling then it answers the question for us.

Chief: For the future of our children I like the idea of being able to directional drill, as long as it doesn't impact the wildlife – as long as the birds still fly but we need to be careful where we allow this. There are sacred areas that should not be touched. Some areas are very sensitive for wildlife. For example, caribou flat was an area that the elders wanted protected. There are no more caribou there now. That's why the protection of these areas is so important for me.

Wilfred: So do we want the TCI areas protected under PAS or LUP?

Chief: We know that we can change the LUP after 5 yrs.

Participant: What about Special Management Zones?

Heidi explained what Special Management Zones do.

Chief: If an oil company found something in a SMZ then it could still develop in the area? Exploration is ok but when they find something that's when there is an issue because then it has a bigger impact.

Heidi: I'm hearing that people want to use the LUP so you have flexibility.

Frederick: What if we put Bear Rock under PAS?

Heidi: You can split up the TCI areas if you want. If you want permanent subsurface protection you should go through the Plan.

Jennie clarified the PAS options.

Heidi: I think your best option is the SLUP. Every 5 years there is an opportunity to open the areas up or to continue protecting them and you can get subsurface protection through the plan.

Chief: The Gwich'in is reassessing how they originally zoned their lands. We could do the same.

Jennie: We need the Tulita Dene Land Corporation to respond to PAS and the SLUPB with a letter to let us know what you plan to do with these areas.

Break for lunch: 12 noon

Back from lunch: 1:12pm

Heidi: We will talk about re-zoning this afternoon. We will come back to the TCI. Marten Lake was mentioned in the summer. Right now it is in the Great Bear River SMZ. In the summer this area was mentioned as being important for Tulita but that is actually in the Deline District. What would you like to do with Marten Lake?

The Tulita Land Corporation responded to our letter and asked us to extend the CZ from Mahoney Lake to Doctor Lake. To avoid increasing the overall amount of conservation they suggested reducing the CZ around Kelly Lake. What would the community like to do with these areas?

Heidi summarized other requests:

- A Special Management Zone buffer around Carcajou River was requested by FGH, would Tulita like to extend the buffer into their district? The community agreed.
- There was a request to change the Sam McCrae, Turton and Lac a Jacques SMZ to a CZ

Heidi asked if anyone had issues with the FGH changes.

Michael (translating for an elder): Willow Lake should not be decreased. It should stay as is.

Participant: Every community is working on self-government. What happens in the community if more development takes place? How will this affect self-government?

Heidi asked the community to consider their future needs in identifying areas for conservation because that will affect the community's future ability to develop lands. If this will provide future work then it needs to be considered.

Gordon: We need to protect areas for caribou. There are no fish in Willow Lake, maybe jackfish. We need to protect the area further north around Mahoney Lake which is where there are caribou.

Michael translated what Heidi said earlier.

Heidi then went through the zones and the community agreed on:

- Red Dog Mountain: Conservation Zone under LUP
- The Smokes: There are about 3 now. The Smokes that the plan refers to was identified to be in the Hamlet boundaries. It will be removed from the plan as it does not apply within community boundaries.
- Bear Rock: Bear Rock as a Conservation Zone in the LUP and Trout Lake was requested to be added to the CZ. People don't know how the trout get in the lake but there's a legend associated with it.

Doug: Are there 3rd party interests in any of these areas that you're discussing?

Michael clarified that FGH is asking Tulita if it's ok to make the Turton Lake area into a CZ.

Heidi re-emphasized the difference between SMZ, GUZ and CZ and that grandfathered activities will be allowed in these areas if they begin before the plan is approved.

Frederick: Can you explain the difference between PAS and LUP CZs because I think a lot of people don't understand the difference.

Heidi explained the difference. Jennie spoke about PAS.

Frederick: Red Dog and Bear Rock – I would like to see them protected under PAS. Husky Oil is close to Red Dog and they should not do directional drilling.

Heidi: If you want to protect the subsurface you should go under the LUP. There is no subsurface protection under the PAS.

Frederick: I don't know if the CZs are strong enough under the land use plan. We've been talking about this for a long time and we're still discussing it. The Plan is still not done. I would like to see all the elders here. I don't think we should be making any decisions right now because there are people missing.

Jennie clarified that given Tulita's choices of sponsoring agencies they will not be able to obtain subsurface protection under PAS.

Heidi explained the LUP's zones.

Frederick asked how long it would take to finalize the plan.

Heidi: One more year. Our next draft will be out end of May 2010. We will come for consultation again in the fall. We will hold a public hearing with everyone (SSI, GNWT, Canada, communities, industry, etc.) in the fall after consultations. We want to submit the Plan for approval March 2011. Best case scenario, the plan will take 1 year to be approved and be in place March 2012.

Michael translated.

Heidi: Is everyone ok with the Turton Lake area as a Conservation Zone?

Participant: There are high mercury levels on Turton Lake but people still fish there.

Gordon: Can we see what the potential is for oil and gas and minerals in the area?

Participant: When the elders worked on this in 1993 (land claims negotiation) they wanted the areas protected. Do you want to go back on their word?

A discussion ensued in North Slavey.

Chief: Can decisions be reversed? Some people want to have the option to open up areas for development in the future.

Heidi: If you zone areas as GUZs or SMZs now and later want to zone them as CZs, those developments that are underway will have their rights grandfathered (will be allowed to continue). You will only be able to protect the land around these third party rights as they will be exempt from the zoning.

Chief clarified that it is easier to keep zones as CZs now and change them to SMZs or GUZs later than it is to zone areas as SMZs or GUZs and then try to make them into CZs later. There would be more political support for a move towards SMZs or GUZs because this allows more development.

Michael translated.

Heidi went back to the oil and gas potential map and explained that there is not currently any identified mineral potential in the area.

Heidi emphasized that protecting an area does not only come in the form of CZs. You can protect areas through SMZs too. She asked the community to consider if there are places where they can allow development and still protect the values that are important to them.

Chief: When the SLUPB holds its public forum can you hold it in Tulita? In the past Tulita has been a gathering place for fur trading and such. We want to revive that.

Chief: The plan isn't forever, it's for 5 years. We can change it down the road if we want to.

Joe Bernard: The Chief speaks for us. We shouldn't contradict him. We don't want to change the map. Let's leave it the way it is. If we're going to change it, we'll have to consult. Good information provided today.

Gordon Yakeleya: Heard the GNWT has a veto over the Naatsichoh Park because they are working on devolution. They are involved in your plan. What are they saying about your plan?

Heidi: GNWT didn't have any strong comments in either direction. They expressed some concerns about blocking mineral potential in the mountains.

Gordon Yakeleya: 1999 was very different than where we are now. People aren't on the land as much as we used to be. It costs money to go on the land. We've struggled this year. The recession hit Tulita hard. Can't survive on income support. We need work.

Frederick: Question – Great Bear River is in both the Tulita and Deline districts. Can we consider making it a Conservation Zone?

Heidi: It makes sense to keep it a SMZ because there are already a number of uses in that area such as transportation. I don't think that there will be any interest in having it go to CZ.

Frederick asked Judith to give her opinion of the SLUP.

Judith: I'm the Chair of the SLUPB. We need to reach some decisions today. If we don't come to any decisions then the map will stay as it is. We've come to 3 decisions but we still need to answer a number of questions. We should make the changes that we need to make now before we get to the public forum.

Heidi: Let's talk about Mahoney Lake because I've heard it discussed a lot. There is currently a 500m buffer around the lake.

Judith: The Land Corp suggested that we link Mahoney Lake to Doctor Lake which would create a larger CZ.

Gordon: We should protect the area and extend it from Mahoney Lake to Doctor Lake because of the fish lake and because of the caribou that are in the area.

The group broke and made some lines on the map. It was mostly Gordon Yakeleya who was drawing lines on the map with a couple of elders watching.

Heidi checked the changes with the group:

- Willow Lake gets a 500m CZ buffer
- Stone Lake gets a 500m CZ buffer
- Kelly Lake and Lennie Lake get a 500m CZ buffer
- The area around Kelly Lake protected in the land claim would stay
- The current CZ around all these areas would become SMZ
- The 500m buffer around Mahoney Lake stays CZ
- An area directly north-east of Mahoney Lake - Clement Lake - is important for caribou. Community requested the boundary of GBLW SMZ be revised to include Clement Lake (in the Deline District) to protect caribou.

Judith: Specified what SMZ and CZ were. Ex: if you want to carry out a hydro project on Willow River, you should not have that as CZ but as SMZ. Asked whether the little lakes connecting Willow River and Kelly Lake should be CZ as well.

Participants: Yes grab the waterway as CZ to connect Willow Lake and Kelly Lake.

Heidi also asked whether or not Turton Lake should become CZ now. The community agreed that they would let FGH turn their Lac a Jacques, Turton, and Sam McCrae zone into a CZ. They made a 500m CZ buffer around Turton Lake and included the rest of the area around Turton Lake as SMZ.

Heidi then verified that Mahoney Lake would maintain its 500m CZ buffer. Gordon wanted it protected forever. He was worried that some time in the future the youth would not continue to have it protected even though it is an area that is very special to elders. He would like Mahoney Lake to go through a National Historic Site. Tulita will have to let PAS know about that.

Heidi asked what was important about Marten Lake.

Gordon: Fish and moose harvesting.

Heidi: Is this a no-go zone (CZ) or can we manage development (SMZ) in the area?

Everyone agreed to a 500m CZ around Marten Lake and Marten River.

Carcajou River should also have a 500m buffer SMZ.

Heidi and Jennie explained the PAS report and put up the map of the Ecological Representation Analysis. Heidi made the community aware that when the Board deliberates on the zone changes that they will be considering recommendations from the PAS report.

2 names were drawn for the heating oil/fuel prizes.

Meeting was adjourned at 4:41pm