

***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 3 Community Consultation Summary Notes

Monday, August 30, 2010, 6:30 pm-9pm

Council Chambers

Participants:

Heidi Wiebe, SLUPB

Ida Mak, SLUPB

Judith Wright-Bird, SLUPB Chair

Michael Neyelle, Translator

Angela Love, SLWB Water Technician

Kris Brekke, Canadian Parks and Wilderness Society (CPAWS)

David Menacho, President RRC

Frederick Andrew Jr., community member

Gordon Yakeleya, President, Tulita Land Corporation

Helen MacCauley, community member

Maurice Mendo, Elder

Norman Andrew, community member

Norman Yakeleya, Sahtu MLA

Rocky Norwegian, VP Fort Norman Métis Land Corporation

Val Yakeleya, RRC

Start time: 6:25 pm

Maurice Mendo: Opening prayer

Judith: Opening Remarks

Heidi asked if everyone would be around tomorrow or if the main discussion should take place tonight. Most people wanted to have the discussion tonight. Heidi quickly went through the intro slides.

Rocky: With regards to your comment that the plan tries to balance development and conservation, has the Plan taken any steps to balance the two? Have you done any assessments?

Judith: When we talk about balance we are talking about trying to protect the areas that are most important to people while still considering areas that are high in potential for oil and gas and minerals.

Heidi: We updated all our information this year and bring the information to communities. We don't get big studies like MERA but we work with available information from the Geoscience Office.

Rocky: The reason I mention this is because the MERA study in Naats'ihch'oh was not extensive. They didn't consider all energy options like hydro-electricity. People should know the options that are open to them before they decide on protected areas.

Ida: Under the Plan only about 5% of the land is in Conservation Zones. The other areas are being given protection under PAS. Most of the areas in the Plan are SMZs or GUZ where development is allowed.

Norman Y.: In the Plain Language Summary on P. 23 under R#8, ITI is asked to work with communities to put together economic development strategies.

Rocky: I think one of the things the Sahtu should have done is to get all the info up front so that people can make proper decisions.

Heidi: This year when we were gathering information on mineral and oil and gas potential we were told by government that they didn't have extensive information.

Norman Y.: Will having Conservation Zones bring about the same issues as in the Tlicho where caribou harvesting was limited due to conservation?

Heidi: Nothing in the Plan limits traditional use activities or harvesting.

Rocky: Do we have commissioners land outside of community boundaries?

Heidi: Yes. Block Land Transfers (BLT) are lands outside of community boundaries that are commissioner's lands meant for community development. Tulita and Norman Wells have BLT boundaries that are larger than the community boundaries and the Plan applies in these areas.

Rocky: You make it sound like amendments are easy.

Heidi: Amendments and any other changes require that all three parties agree. Amendments would have to go through the same approval process as the plan. All three parties need to approve the changes.

Norman Y.: Would we find ourselves in the same situation as the land and water boards with the Pollard report? We might finish this Plan and then find ourselves facing amendments that we disagree with.

Heidi: It's written in the land claim that all three parties have to agree to any changes. If any amendments or changes are made to the Plan, SSI would be first in line to accept changes. If SSI does not support the Plan amendments, then the current plan continues in effect. So it's important to get the Plan the way you want it the first time. It may not be easy to make changes.

A question was asked about compensation.

Heidi stated that with the revenue sharing under the land claim agreement, if the government takes in \$10,000,000 in royalties, the Sahtu gets about \$300,000 of that money.

Rocky: Individuals have difficulty getting compensated for destroyed trap lines. I've seen it happen but people don't try to get compensation because they need lawyers and it's complicated and long, etc.

Judith: There are elders who have had their property such as traps damaged and who have never been compensated.

Norman: Should harvester compensation be discussed in the Plan or is it something that you talk about later? Where do we give the direction to the RRC or to the SRRB so that we resolve this issue?

Heidi: That's a grey area. It's not really our mandate. We prefer that communities discuss the issue with the companies themselves in their access agreements.

Judith: I think we need a template that harvesters can use when their trap lines are affected because individuals do not have the ability to negotiate on their own or to take on these issues with companies.

Norman: Community members are at a disadvantage because it is difficult to negotiate with companies. I negotiated on behalf of some harvesters who had their trap lines damaged and there was a big difference between what they asked for and the compensation that they got from the company.

Rocky: I have dealt with MGM and have had to argue that the District Land Corporation only negotiates access agreements. Companies then need to speak to land corps to negotiate the benefit agreements. We don't know what is appropriate compensation for individual harvesters. The companies need to discuss this with the individual harvesters.

David: We just worked out some compensation for development coming in to our trapping area.

Judith: We will be moving to consult with industry and government next and they can communicate to us any concerns or issues that they may have.

Norman: Is industry looking at the Plan so they know which areas to stay away from even though the Plan is not yet approved? And will the SLWB also be using the Plan as a guide?

Heidi: We currently work with the SLWB. We give them the draft plans and they let us know every time they get an application. For the time being there is no approved Plan so when we receive the application

from the SLWB we let them know that we cannot review the application against the Plan just yet. In the meantime they can consult the Plan and understand the values for each area, but they cannot deny an application because of the Plan.

Rocky: Do you have figures in the Tulita District that show the break down in percentages of the different types of land use zones?

Heidi will email Rocky the breakdown of the percentages of the different land use zones for each district.

There was some discussion about the communication support person and what they would be doing and what they would be responsible for.

Rocky: Why should we put areas into the PAS process and not put the areas in Conservation Zones?

Judith: In 2000 when I started working for the band, they wanted to identify a PAS area. For a few years the community worked with elders to identify the areas that they are interested in. It was community driven.

Rocky: We need to make sure that we understand the difference between PAS and CZs to make the right choice.

Heidi then moved on to zoning.

Rocky: I'm trying to understand what CZs mean with respect to public access and use. If we look at the Kelly Lake Protected Area (under the land claim), you can see that the area was protected for public use. We were told that we had to set aside an area for public access.

Norman: When we negotiated this the GNWT gave us a hard time about having both Kelly Lake and Dodo Canyon/Canol Trail.

Heidi: The land claim talks about Dodo Canyon and the Canol Trail as a Territorial Park but does not say anything about Kelly Lake, only that it is protected (surface only).

Rocky: Can we restrict the amount of water that can be withdrawn from water bodies? The SLWB has their limits of water use which probably come from the MVLURs. As the years pass, if industrial activity increases and water use increases we should have limits on this right.

Heidi: We'll discuss that later but bulk water removal speaks to moving large quantities of water into another region. You can still use water and industrial use is still allowed.

Rocky: When you have CZs do you have buffers or do GUZs butt up against CZs?

Heidi: It depends on the area. There are 500 m buffers around all of the fish lakes and such. In these cases GUZs do butt up against CZs.

Norman: What is identified around Mahoney Lake? There's a sacred site there.

Heidi: We used the Places We Take Care of Report to identify where the site is and then put a 500 m buffer around the site and the rest of Mahoney Lake as requested by Tulita during our last visit.

Gordon: We are now working towards self-government so we need to keep in mind opportunities for economic development. We need to understand the regulations in PAS areas so that we know what we're getting into. We don't want to close off areas from development. Our kids will need revenue.

Kris: The PAS process identifies areas that are of ecological and cultural significance. The process was created by communities, GNWT, Canada, ENGOs, and industry. We then work with communities if they want to put forth an area for PAS. If communities are not interested in the process then they can protect areas through CZs in the Plan.

Canadian Wildlife Service (CWS) just submitted paper work for a land withdrawal in SGN.

There was further discussion about the types of protection different designations provide. National Parks give you full protection (surface and subsurface). GNWT legislation does not include subsurface protection. If you want full protection you have to get a land withdrawal. If you go with CWS, they will not accept Sahtu settlement lands so the PAS area will go around them.

Rocky: I was told that we have to protect the subsurface if we want full protection.

Norman: For SGN we won't own the lands. We will be under federal ownership. We'll just be trained as managers.

Judith: But you don't own the lands now. There's a trade-off. If you go for PAS then you will be able to co-manage the land in partnership with the federal government. You don't own the land anyway.

Gordon: We need to think about that trade-off and make sure that PAS works in our favour.

Rocky: I'm Métis so I don't have treaty rights. When we were talking about hunting and harvesting rights in PAS Parks areas I asked if we needed a negotiator. The PAS guys told me that I didn't because my treaty rights will be protected but I'm not under the treaty. So in the end it's a good thing that I asked because they included a clause that allowed the Métis to continue to harvest. The PAS people were not aware of this and had I not asked my rights would have been affected. It's important to ask questions and to know what we're getting into.

Gordon: We fought so hard for the land claim and now we're giving the land back to the same government that we fought so hard against. We need to think about this and whether or not we are truly better off with PAS.

Rocky: It sounds like the Naatsih'cho boundaries will not be set until August 2011.

Frederick: We already have the Plan. I don't understand why we also have the PAS process.

Heidi explained the difference between PAS and CZs.

Rocky: Do both PAS and the plan have to be completed together?

Heidi: The Plan will include the most recent PAS information. Any changes will be recognized in an amendment or this could be done at the 5-year reviews. When a PAS process finishes we need to ask “how do we zone the areas that have been left out”? We would need to amend the plan to reflect those changes.

Norman: What kind of legislation would apply to SGN?

Kris: The Canada Wildlife Act will apply. The legislation is used differently in each jurisdiction. It is flexible. The Canadian Wildlife Service will be the sponsoring agency.

Heidi then pulled up a PAS table created by the Protected Areas Strategy Secretariat and went through the different options for PAS.

Norman: My concern is with potential conflicts with federal legislation. What happened in the Tlicho is not a good sign. If one day the outfitters complain that there are not enough wildlife then we may find ourselves in a similar situation. We saw an outfitter’s report where their numbers of take increased significantly. I don’t want to have to compensate them for lost income or other issues like that. We also don’t want to be blamed for taking too many animals and then have our harvesting activities limited. I need to know that PAS will protect my aboriginal rights.

Heidi will send Norman the PAS table at: norman_yakeleya@gov.nt.ca.

Judith asked Kris for hard copies of the mineral and hydrocarbon assessments.

Norman: Was a TK study carried out for Shuhtagot’ine Nene?

Heidi: Yes. All the studies should be available online either on the Geoscience website or on the PAS website.

Heidi continued to talk about allowed uses in CZs and PCIs.

Rocky: We allow access across CZs but can’t we offer some guidance about how this should take place?

Heidi: Yes. We made a number of allowances because they are huge issues for government and industry and to not allow them would be detrimental to plan approval. We have given criteria for development and they have to demonstrate that there is no other alternative.

Rocky: How does the Plan fit in with the GBL? We were told by Deline that we all own the lands together but they have their own plan for the GBLW.

Heidi: The GBLWMP fits into our Plan since they only did planning for their District. This is the direction we were given by government. Their plan has no legal basis. It was done as a partnership between Deline and the federal government but they have no legal standing. It was always meant to be adopted into our plan.

Frederick: Why do we have to listen to the government? Why can’t we just manage our lands ourselves?

Heidi: Because under the land claim this is what you negotiated. You are sharing management with the GNWT and Canada. Colville Lake has a similar perspective. They want minimal terms and conditions in the plan because they feel that they can manage their lands on their own.

Rocky: If anything happens though they won't have legal recourse if they don't include conditions and terms now.

Meeting ended: 9:15 pm

Tulita Draft 3 Community Consultation

Summary Notes

Tuesday, August 31, 2010, 10 am-5 pm

Council Chambers

Participants:

Heidi Wiebe, SLUPB

Ida Mak, SLUPB

Judith Wright-Bird, SLUPB Chair

Michael Neyelle, Translator

Angela Love, SLWB Water Technician

Kris Brekke, Canadian Parks and Wilderness Society (CPAWS)

David Menacho, President RRC

Doug Yalle, Self-Government Coordinator

Frederick Andrew, community member

Gordon Yakeleya, Tulita Land Corporation

Maurice Mendo, elder

Norman Andrew, community member

Rocky Norwegian, Tulita District Land Corporation

Val Yakeleya, RRC

Start time: 10:45 am

Heidi continued to go through the zoning changes.

Rocky: In the Willow Lake area we have to be sure that we're picking up the area where the birds are located and not just keeping the whole area as a CZ.

Maurice: We may want to reconsider that area because the birds and ducks go in the Brackett Lake area to feed. It's one of the really good areas for birds and ducks. Mahoney Lake and Clement Lake areas are really good for trapping.

[There seemed to be agreement that the SMZ in Willow Lake and the CZ right around the lake was sufficient protection.]

Heidi asked if they still wanted to discuss an SMZ around Clement Lake with Deline.

Maurice: It's really good for trapping. It's good for spring travel and hunting.

David: We still fish and trap around Clement Lake. It's a really good area.

The group agreed to ask Deline if they would be willing to zone Clement Lake as an SMZ.

David asked for a definition of SMZs and Heidi gave an explanation.

Rocky: In speaking to communities, didn't they tell you that all areas are special? All lands are used by animals since they travel. All land should be well taken care of. We shouldn't protect some areas and not others.

Heidi: That's why most of the SMZ conditions from Draft 2 moved into GUZs in Draft 3.

Rocky: The boundary line between Tulita and Deline should be smooth. It should not have 2 bumps in it. I talked to elders in Tulita and they agreed that in the discussions we had leading up to the land claims, it was a straight line.

Rocky: Where do you get your District lines from? We have been told by government that they don't recognize these lines as boundaries. We don't agree with these lines and we won't sign anything until the district line issues are resolved because we don't want those lines solidified in writing in the Plan.

Heidi: Your boundaries were agreed upon in the Master Land Agreement which was discussed at SSI. That has nothing to do with the SLUPB. You need to take this up with Deline directly.

Rocky: I know it has nothing to do with the Plan. Merrill was SSI's lawyer but he's also Deline and Fort Good Hope's lawyer. Rick was SSI's lawyer before Merrill. You need to tell them that the land use plan will not be approved until the boundary lines are fixed. We will not sign the plan if the lines are not right.

Break: 11:25 am

Return from break: 11:40 pm

Heidi asked what the small lake North of Tate Lake was called. Maurice said that it did not have a name.

Rocky: When you put a buffer around a lake does that restrict water use?

Heidi: No.

Heidi then confirmed where Marten Lake was located and asked if the community wanted the lake conserved.

Rocky: Why would you want to conserve a bunch of contaminants? We loaded uranium on the barges at Deline we then transported it down by Great Bear Lake. There's a lot of uranium at Bennett field. I have no problems with Marten Lake as a SMZ.

Heidi asked about Caribou Pass.

Gordon: Caribou Pass is long and narrow. It has an elbow. It comes off one of the two streams. They also call it Neyelle Lake. It is within SGN.

Heidi continued to go through the zoning changes. She summarized the changes to the Tulita Conservation Initiative sites.

Rocky: Westhawk has coal leases at Stewart and Tate Lake, 3 mile creek and Seagull Island. They've given the coal lease right around Tulita back.

Gordon checked the location of the Mahoney Massacre site on the map. Maurice said that it is called Massacre Point.

Rocky: We need to see reports of the values on the land before we can decide which areas are to be protected. We want to make sure that they identify the right areas that are special for wildlife.

Kris: The CWS biologists did a field season this summer. Then the mineral report is due soon too.

Break for lunch: 12:05 noon

Return from lunch: 1:20 pm

Heidi continued going through the terms and explained how much water is being used.

There was a discussion about water withdrawal and the level of the water. There seems to be some conflict about what areas are to be protected.

Rocky: Some streams only have minnows. At first everyone was saying that there are no fish because we don't see any big ones. Minnows and smaller fish feed the larger fish which we use for food. So the minnows are an important part of the chain. It's important to know these things so you can explain it to the communities. It's important to protect lakes even when there are no obvious big fish.

There was a discussion about non-native species and domestic animal species.

Rocky wanted to bring his dad down to get a fish lake identified as a new zone. We didn't get his dad to identify the lake because he wasn't at the meeting.

There was then discussion about the outfitters and the parks. Once parks are established the outfitters will no longer be allowed to operate in the area. When the community started talking about the land claim they wanted the outfitters out of the area but government would not allow it.

Rocky talked about the outfitters and how the benefits to the communities are non-existent. All the meat goes back to Norman Wells because it is too heavy to fly into the communities. Now local guides are no longer used because they need to have certificates for safety and to demonstrate training. The communities do not see any revenue or meat. Rocky stated that he did not see any benefits from the outfitters.

Rocky wants us to grab the little lakes on the eastern side of the Mackenzie River north of the moose islands that are near the Special Harvesting Areas. There are 5 lakes to grab where people have cabins. There is also one other area with a small out pouching just south of the 3 lakes. Heidi went into her digital copy of NTC maps and put red outlines around the lakes.

Break: 3:00 pm

Back from break: 3:15 pm

Heidi continued to go through the terms of the plan.

There was a discussion about footprint and impact on the land under CR # 8. Rocky asked questions about whether it was better to reuse one area and to have high intensity impact on that area or whether it's better to have a number of areas with lower intensity impact. There was a discussion. Heidi stated that she had always understood that the greatest impact on the land is upon first use. There was no direction to change the CR given this opinion.

Meeting ended: 4:15 pm