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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.

# **Yellowknife Draft 3 Mining Consultation Summary Notes**

**Tuesday, September 7, 2010, 1 pm - 5 pm**

**Explorer Hotel**

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## **Participants:**

Stephen Kakfwi, SLUPB

Heidi Wiebe, SLUPB

Ida Mak, SLUPB

Jessica Budgell, ITI, GNWT

Melissa Bard, Mining Recorder's Office, INAC

Ryan Silke, NWT Chamber of Mines

Patrick Duxbury, SSI Legal Review Team (via conference call)

Kris Johnson, ITI, GNWT

David Jessiman, Water Resources, INAC

Ataur Rahman, NT Regional Office, INAC (Policy and Planning Analyst)

Glenn Sorensen, Minerals Oil & Gas, GNWT

Peter Lennie-Misgeld, NT Power Corporation (NTPC)

Geraldine Byrne, NTPC Yellowknife

Start time: 1:15 pm

Stephen Kakfwi: Opening comments

Heidi went through the intro slides and moved into zoning.

Ryan: I guess that there will be continued re-working of the percentages (of different zone types) as the PAS areas become established and other areas are left out to allow for development.

Heidi: When we were in Deline last week we were asked to make Edailla a Conservation Zone under the Plan. This will change the balance of the Plan by a few percentages as the area is currently under PAS. So yes, the numbers will continue to go back and forth until the PAS areas and boundaries are established.

Ryan: Are the river corridors in the north Special Management or Conservation corridors?

Heidi: For the most part the lakes are Conservation Zones, the Loon River to Fort Andersen Trail is a SMZ, and the large rivers and creeks are Special Management Zones.

Ryan: Can you tell me where the Plan refers to Granular Resources?

Heidi: If it is in reference to grandfathering it's in 2.3.2. If it's regarding general use and limitations in CZs then it's in Chapter 4, CR #1, subsection 2 (the Zoning CR).

Heidi went through the zoning changes.

David: How is the Board approaching Selwyn's access road?

Heidi: They would be grandfathered under the plan. In addition, the Plan does not block access in CZ. Outside of our process, Parks Canada is working on boundaries for Naats'ihch'oh and I would think that there might be a little bubble around Selwyn to accommodate their operations and access needs.

Kris: Would the Plan have a say for development outside of the Sahtu but that requires access roads in the Sahtu?

Heidi: We do not have a say for anything outside the Sahtu, but if they need access in the Sahtu, they have to follow the requirements for access under the Plan. Access is not prohibited in the plan so it would be allowed, subject to the conditions under CR #1, subsection 2.

David: Would all parts of a proponent's current authorizations get grandfathered once the Plan gets approved?

Heidi: Yes, anything they already have approval for will be grandfathered when the Plan is approved.

Kris: Re: Hydro potential research - I saw that research potential for oil and gas and mineral will be allowed to go ahead. Will hydro-electric potential research also be allowed in the Plan?

Heidi: It wasn't raised before. It could be considered. Please include it in your comments. We would need to better understand what would be required for a hydro-electric potential study before we could say for sure whether we would want to allow it.

Ryan: Where are the Sentinel Islands?

Heidi: These are the islands in Great Bear Lake. All of the Sentinel Islands with Sahtu Lands on them are Special Management Zones. All of the Sentinel Islands that are on Crown Lands are Conservation Zones.

Kris: I read somewhere that there is no aquaculture, fish farming or other practices allowed in the GBL.

Heidi: That term was grabbed from the GBLWMP and the definitions for those terms were taken from British Columbia because the GBLWMP facilitator referred me to them.

David: All aboriginal documents and agreements usually use the same wording. If you wanted to know what appropriate wording would be, you can see what is said about aquaculture and fish farming in other areas of the NWT. Generally plans and such documents will copy wording from each other.

Peter Lennie-Misgeld and from NWT Power Corporation joined the meeting. Kris Johnson asked them what the impact of hydro-electric potential research would be.

Peter: Generally the initial steps don't require land use permits. Many studies start off as desktop studies. When they get into the feasibility studies then they will start moving into the field for on-the-ground research.

Ryan: What is Little Chicago exactly?

Heidi: A number of prospectors moved through the area during the last gold rush and there are a number of old buildings and archaeological sites. Families from Fort Good Hope also used the area historically and still travel here to hunt and camp. But there are also a number of infrastructure areas like barge landing sites, an airstrip, staging areas, access roads and so on.

Kris: It is a staging area for the building of the pipeline.

Break: 2:20 pm

Return from break: 2:35 pm

Heidi started talking about Conformity Requirements.

Participant: RE CR#6 - Will you have baseline studies to know what the quality of drinking water is before and after so that you can gauge change when you're trying to protect resources?

Heidi: The Plan provides the overall direction for protection or for resource use. Implementation is up to the regulators. So DFO, ENR, Environment Canada and other regulators should have baseline studies of some sort and it would be their job to track the changes in the resource quality or quantity.

Peter: On the issue of security, I don't understand why it is an issue from a land use planning perspective. In the past the SLWB has never requested security so it will be a significant change in practice.

Heidi: Security is insurance for clean up and remediation once development has been completed. It is very much a part of land use planning because it is in keeping with maintaining the health of the land.

Kris: Does that also allow for progressive reclamation?

Heidi: That would be a good area for comment and refinement because we don't mention it in the term.

David: It can be a very contentious issue. Boards that don't require security have been learning on the go.

Ryan: I believe that the way that it currently works is that in a year you clean up so much and some of the security will be reimbursed to you.

David: How does the Board see itself dealing with future closure and reclamation in Norman Wells?

Heidi: Our Board has never talked about it.

Kris: Would you be looking for funding commitments before the Plan gets signed off on? Some of these will be costly to implement. If there is no money to do so, it could hold up plan approval. You should make sure that the key points in the plan get signed and then you can continue to work on other portions that will take longer to set up due to funding limitations.

Heidi: Not really but we are asking the approving parties to make sure that they are prepared to set aside the funding if they agree to the Plan. We would like to know if there are any large issues that you think will be problematic for plan approval. If funding to implement some of the actions is a problem, then that is something you should be commenting on now.

Heidi finished giving the presentation and asked for questions.

Kris: Can you specify what the issue would be with the Naats'ihch'oh boundary if the plan gets signed before they are defined?

Heidi: Park boundaries are subject to the Plan. So if the Plan is established before the Park boundaries and the park wanted to establish areas outside of its boundaries then it might be an issue. If the Park boundaries were to shrink it should not be an issue. It just might be an issue if the park expanded into areas that are say, General Use Zones. But as long as our process and the PAS process are harmonized then we can reflect the changes in the Plan.

Kris: Can you go back to CR#3? I don't really understand how it can be applied.

Heidi: Let's say an application comes in to the SLWB for an oil and gas exploration project, the question the regulators would have to ask themselves would be, will the communities benefit from this project. It's a general, high level, cost-benefit question.

Heidi: If it's on Settlement Lands then certainly they will benefit. If it is not then the question would be, is there some sharing of the benefits? If it is in the national interest, the communities should still benefit because in the end they will likely be the ones who will bear the largest cost (i.e. impacts) of development.

Peter: Regarding a term from the GBLWMP, give me an example of a land use that maintains ecological and cultural integrity.

Heidi: When we asked them to translate this into something more concrete, it means assess your impacts to the values on an area and demonstrate that the activity will not significantly impact the ecosystem. If you look at CR#14 and 15 for SMZs, the requirements are very similar. Deline sees their terminology as setting a higher standard for protection. The question will be, how do we define and operationalize this term. From D eline's perspective, all land uses can be consistent with the maintenance of ecological and cultural integrity. At some point we will have to resolve this duplication of terms in CR#14, 15, 16.

How long does the Plan's implementation take?

Heidi: The Plan gets implemented through the regulatory process. As applications come in they will be assessed against the Plan. As for the Actions and Recommendations, they will be implemented over the years and can be taken out or revised at the 5 year reviews as they get completed.

Meeting ended: 3:50 pm