

Hosted by the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board, and the Government of the Northwest Territories



## Resource Co-management Workshop

Kát'odeeche Community Complex, Hay River Reserve, NWT

January 25 – 26, 2017



**RESOURCE CO-MANAGEMENT WORKSHOP, HAY RIVER, 2017**

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## ABBREVIATIONS

CIMP.....	Cumulative Impact Monitoring Program
DAR.....	Developer’s Assessment Report
EA.....	Environmental Assessment
EIA.....	Environmental Impact Assessment
ENR.....	Environment and Natural Resources
IEMA.....	Independent Environmental Monitoring Agency
ENRTP.....	Environment and Natural Resources Training Program
MVEIRB.....	Mackenzie Valley Environmental Impact Review Board
MVLWB.....	Mackenzie Valley Land and Water Board
MVRMA.....	Mackenzie Valley Resource Management Act
ORS.....	On-line Review System
TK.....	Traditional Knowledge



## BACKGROUND

The Resource Co-management Workshop was hosted by the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board, and the Government of the Northwest Territories in Kátł'odeeche (Hay River Reserve) on January 25<sup>th</sup> and 26<sup>th</sup>, 2017.

The goals, delivery methods and regional setting for this workshop were based on feedback from participants of the *Mackenzie Valley Resource Management Act* (MVRMA) Workshop held January 12-13, 2016 in Yellowknife. Survey results along with further collaboration with Aboriginal governments and organizations helped develop the content.

The workshop goals were to:

- Create a forum through which practitioners could discuss how to participate meaningfully in resource co-management processes.
- Inform participants about processes within the NWT resource co-management system.
- Share knowledge, ideas and experiences among participants, with an opportunity for dialogue.
- Tailor content and conversations to resource management in areas without settled land claim agreements.

In order to ensure sufficient time for constructive dialogue, the workshop was structured with brief introductory panel discussions, followed by small break-out groups focussed on specific topics.

NWT practitioners were joined at the workshop by a second year class of students from Aurora College's Environment and Natural Resources Training Program, an addition that brought a welcome dimension to the workshop.

The workshop was held on the Hay River reserve with Kátł'odeeche First Nation warmly welcoming participants into their beautiful facility and onto their traditional territory, providing a positive atmosphere for discussions.

This report attempts to summarize the rich discussions that were held over two days, capturing the main themes, questions and action items. Presentations and the keynote address are also summarized. The PowerPoint presentations are available as a separate document at the Review Board's website:



[http://reviewboard.ca/reference\\_material/practitioners\\_workshop.php](http://reviewboard.ca/reference_material/practitioners_workshop.php)

## WELCOMING REMARKS

Chief Roy Fabian welcomed participants, emphasizing the need to support economic development opportunities while ensuring that the land is protected for future generations.

Our ancestors, he said, have looked after the land since time immemorial. In spite of four hundred years of wealth transfer to Europe, particularly through the fur trade industry, our people have been able to take care of the land such that resources and animals are still here. He emphasized the importance of maintaining this relationship with the land.

Chief Fabian framed the challenge before participants during the two days of the workshop as thinking about how to create jobs and an economy in ways that are not only going to be beneficial to us today but also to future generations. He referenced the success that Norway has had in ensuring that revenues from resource development benefits current and future citizens and pointed out that public revenue in Canada are not nearly as high given current royalties.

“I really want to welcome you to our traditional territory. For us, we are trying to do everything we can to protect our land so that our future generations will always benefit.”





## KEYNOTE SPEAKER

### FLORENCE CATHOLIQUE, ŁUTSEL K'E DENE FIRST NATION

Florence Catholique is from Lutselk'e First Nation on the east arm of Great Slave Lake and provided the keynote address to workshop participants, speaking both in Denesuline and in English.

Florence told the story of her parents, who were raised on the barren lands. Her mother grew up wearing caribou garments. When she came down to below the tree line to get married she was scared because she could not see through the trees. Florence shared that her people believe and have always believed that the Creator put them on the earth and gave them a territory with all that they need to survive and raise their children. Dene people have had their own governments and continue to have their own governments and have ways to make decisions on all aspects of their lives. "We continue that and will continue it into the future."

### We have to be careful how we use words."

Through her experiences working as an interpreter, Florence knows that ownership of land is difficult to interpret. It is one of many words that cause confusion among elders and those who are decision-makers in Aboriginal Governments. To Dene people, land is given to be protected for future generations. With other people wanting to use the land, Dene people now have to ensure that others' use does not undermine Dene peoples' well-being. As the Dene were given the land, they are responsible for protecting it, which requires coming together with other people to foster understanding.

When the treaties were signed, two societies came together. The treaties speak to maintaining the relationship "as long as the sun shines and the water flows", and to ensuring that the Dene continue their way of life. The treaties enshrine Dene rights, rights which have been reiterated in the Canadian constitution and strengthened by court cases. Aboriginal people are at the point where they have to practice and implement what these treaties mean, and ensure that other people also understand what they mean. By sharing knowledge and understanding, everyone will benefit – but Aboriginal people must lay out this understanding.

This part of the NWT was initially undervalued by Europeans; considered too far away, too cold, too sparsely populated and inaccessible. With the gold rush, fur trade, and issues of Canadian sovereignty, the government began to become more interested in the north and the treaties were signed — treaties that they intended to use to secure the land and open the area up to resource development.

Historically, the role of government in managing resources and land has been authoritative and extractive. In the 1600s Mr. Frobisher came to the land, and because of the resulting interest in



*Florence Catholique delivers the keynote address.*

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the land for its fur-bearing animals, the United Kingdom granted a company (which would become the Hudson's Bay Company) rights to buy all furs and ownership of the watershed area feeding into the Hudson's Bay. Over the years, others came – Hearne, Mackenzie, Franklin – all trying to find a way to access and control the resources such as furs and minerals.

Elections were not held, because the only people were Dene, and Aboriginal people didn't have voting rights until 1960. Around that time, the government was trying to establish a public government with limited input from Aboriginal people – the Carrothers Commission. The government today still needs work, but that is for Aboriginal people to do.

There are four modern treaties that the Akaitcho are concerned will extinguish certain rights for the Aboriginal people. Some regions did not sign on to treaties and work needs to be done here also. However, the basic intent of the modern treaty is to clarify how work is done on the land.

### “Interaction is good, but in the end the final decision-making process has to be ours.”

Co-management allows different groups (Aboriginal and non-Aboriginal) to interact. Interaction is good, but in the end the final decision-making process has to be owned by Aboriginal people. They have to be able to say “this is how it has to be,” and not just be pulled into a process that diminishes Aboriginal rights and thinking powers. Aboriginal peoples need to be the top decision-makers in their land.

Because of this, Aboriginal groups need to engage in the process, help outsiders understand where they are coming from and through that understanding, establish how decisions are to be made in their way of thinking, and in the way the Elders had in mind when they signed the treaties. They need to protect the land, water, animals and environment, so that there can be a healthy balance between the needs of the environment and economic development. Strong economic benefits are important, but the people also need to be well.

Florence identified and discussed a number of ways that such understanding can be fostered, encouraging participants to become proactive and manage their traditional land through their own planning, procedures and information management. She also emphasized the importance of all parties knowing and understanding the treaties and their intent. While subsequent legislation and agreements attempt to limit authorities, they cannot override the treaties.

The understanding that needs to be shared can be seen in the phrase “Masi, Nuwe Nene.” “Nuwe” means “our” land, not “my” land. Everyone, regardless of whether or not they are a visitor, is still on the land that they should consider Nuwe Nene.

Florence closed with a story from her grandfather's time. The Geological Survey of Canada was mapping the Thelon and needed a guide. They arrived in a plane, but no one in the community knew what a plane was. They wondered what sort of bird could make such a noise. The stomach of the bird opened and people came out, and the community members were afraid. Florence's grandfather was taken as the guide, and as he went into the plane Florence's Uncle Pierre Catholique was crying, for the bird had stolen Florence's grandfather. Sometimes, Florence explained, the way you interpret things is key to how you understand things. Everyone has a role to teach and to learn from one another.



## RESOURCE CO-MANAGEMENT SYSTEM

A series of presenters briefly described the Mackenzie Valley's integrated resource co-management system.

### Overview

**Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board (MVEIRB)**

The current land management system in the NWT is a reflection of the four settled comprehensive claims, or “modern treaties” in the NWT. One intent of these modern treaties is to clarify how renewable and non-renewable resources are to be managed by different land owners, how and by whom resource development is to be managed and regulated, and how parties are to work together when making decisions related to the resources of the NWT.

In areas of the NWT where modern treaties have not yet been reached, there are original, or “historic” treaties in place — Treaties 8 and 11. All treaties — modern and historic — are constitutionally recognized and protected.

The two jurisdictions of land management in the NWT — the Inuvialuit Settlement Region and the Mackenzie Valley region — are governed by different statutes, but both are premised on two fundamental principles. They are:

- **An integrated and coordinated system**
- **Based on the principles of co-management.**



Figure 1. Mackenzie Valley's land management system is an **integrated** system that requires several parts to function well.

## What is an integrated system?

The Mackenzie Valley land management system is said to be integrated because it depends on several components that complement one another. These components include: ownership and access; land use planning; environmental assessment and land and water regulation and permitting; and wildlife and renewable resource management.

The majority of land is managed by the territorial government after devolution either as Territorial or Commissioner's land. Very little land has remained under federal jurisdiction and those sites are primarily legacy contaminated sites, national parks and reserves. Through the finalization of land, resource and self-government agreements, Aboriginal governments have established rights for ownership of land and resources in defined areas. The Inuvialuit, Sahtú, Gwich'in and Tłı̨chǫ now manage significant areas of land in the NWT, with a combination of surface and sub-surface rights. There are also private lands.

Boards, as institutions of public governance, are part of the overarching framework for management of lands and resources in the NWT. There are four types of boards:

1. Land Use Planning Boards
2. Environmental Assessment Board
3. Land and Water Regulation Boards
4. Renewable Resources Boards

A board typically comprises members nominated and/or appointed by each of the federal, territorial and Aboriginal governments.

Each piece of the puzzle is important for the land management system to work as a whole.



## Land Use Planning

### Why plan?

Land use planning is the front end of the system and is based on **respect** and **clarity**. Respect for traditional land users, the values that are on the landscape, the people who use the land, the environment, and future planning priorities. Clarity because it is important that all land users are aware of what is appropriate land use, where, and under what conditions.

### Where are the plans?

Different regions of the NWT are at varying stages of land use planning. The Inuvialuit region uses a slightly different approach to planning than the Mackenzie Valley and has completed community conservation plans that are used within screening. The Gwich'in Land Use Plan was approved in 2003 and is currently under review. The Sahtú plan was approved in 2013. The Tłı̨chǫ Final agreement allows for land use planning. The Tłı̨chǫ Government approved the Tłı̨chǫ Wenek'e (a Land Use Plan for Tłı̨chǫ Private Lands) in 2013. Dialogue is currently underway to determine how to proceed with planning for public lands in the Wek'èezhìi Management Area.

In the Dehcho there is a process for land use planning laid out in the Dehcho Interim Measures Agreement. An agreement in principle on a final plan will require three way agreement by the Aboriginal, territorial and federal governments.

Discussions are currently underway on how to proceed with land use planning for other areas of the NWT.

### Who does the planning?

Land use planning is a shared responsibility and is really only effective if built with community involvement from the ground up; this requires *everyone* to participate. In the Sahtú and Gwich'in regions, Boards facilitate drafting and revisions. Plans require approval by regional governments, GNWT and the federal government. Specific roles and responsibilities are set out in the claim agreements.

### The planning process

Traditional Knowledge is key to land use planning. As Chief Roy Fabian has said, *"... we already have land use plans, they are here [points to his head], we just need to get it down on paper."* Land use plans document communities' aspirations for the future. Basing land use plans on traditional knowledge is about respect.

Science and economic considerations also inform land use planning. In addition, the plan has to be consistent with legislation and be implementable.

Overall, claims specify that land use plans are intended to reflect the aspirations and priorities of the people of the region, serve their interest, and the interest of all Canadians.

### What does a land use plan do?

A land use plan clearly tells land users what kind of activities they can do and where. Such clarity is created through zoning and conformity requirements. Zones include:

- Conservation zones **"NO GO"**;
- General use zones **"GO"**; and

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- Special management zones “GO WITH CONDITIONS”.

The regulator must make sure that any proposed land use conforms with the plan, ensuring that any necessary terms and conditions are built into the application or the permit.

### Preliminary screening and environmental assessment

**Brett Wheler, Senior EA Policy Advisor, Mackenzie Valley Environmental Impact Review Board (MVEIRB)**

The purpose of preliminary screening and Environmental Assessment (EA) is:

- to ensure that impacts are carefully considered before actions are taken; and
- to ensure that the concerns of Aboriginal people and the general public are taken into consideration.

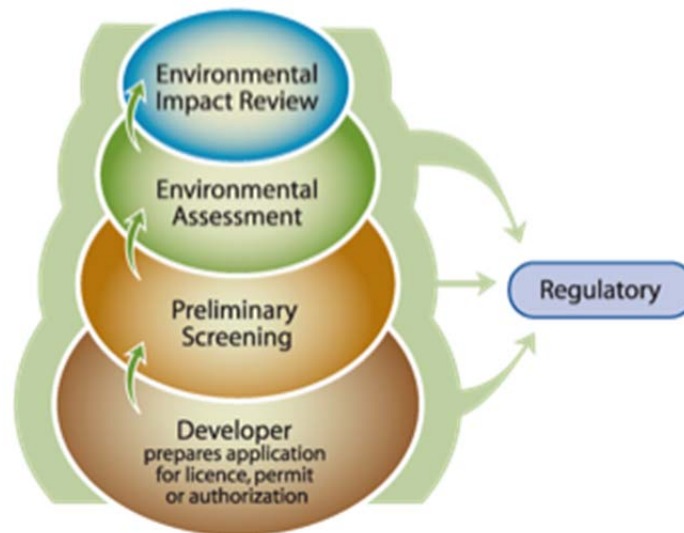
Screenings and EA are guided by overall principles:

- the protection of the environment from significant adverse impacts
- the protection of the social, cultural and economic well-being of Mackenzie Valley residents and communities.
- the importance of conservation to the well-being and way of life of Aboriginal peoples.

### Overview

Before a proposed development, such as an oil and gas or mining development, can be built, the developer must apply for licences, permits and authorizations. In the application, the developer must demonstrate that the proposed development will not cause a significant adverse impact on the environment or on the economic, cultural and social well-being of Mackenzie Valley residents. The developer must also demonstrate that the proposed development will not cause public concern. The overall environmental impact assessment process in the Mackenzie Valley is a public process designed to ensure that the concerns of Aboriginal people and the general public are considered and addressed before developments go ahead.

There are three levels of assessment. Depending on the complexity of the issues, a development proposal may have to go through one, two, or all three stages before proceeding to the regulatory process.



## First Stage - Preliminary Screening

Preliminary screening is the first level of EIA. More than 95% of applications only go through Preliminary Screening. At this stage, a “Might test” is applied to ask whether a proposed development might have a significant adverse impact on the environment or might be a cause of public concern<sup>1</sup>. Preliminary screenings consider the whole environment — socio-economic and cultural factors, cumulative effects, and effects to water, lands, people, and animals.

## Second Stage – Environmental Assessment (EA)

The review board conducts an EA if it receives a referral from preliminary screeners or others. One of the central concepts of environmental assessment is that it is better (and easier and cheaper) to anticipate and avoid impacts than to react and try to “cure” impacts. The EA process must be timely, fair, evidence-based, and transparent.

There are several phases of EA.

1. Scoping – In this phase, the Board is asking: “what are the potential impacts that should be studied and focussed on during the EA?” A Terms of Reference is developed based on the identification and prioritization of issues. A developer proposes a Terms of Reference which Parties can respond to through community and technical scoping sessions and written comments and questions. The Board sets the final Terms of Reference based on the evidence provided to it and gives direction to the proponent to study specific questions.
2. EA Analysis – The proponent submits a Developer’s Assessment Report (DAR) and the Board conducts an adequacy review to make sure that it fulfills the Terms of Reference. A DAR predicts how a project will affect the land and environment. The Board and Parties may then submit information requests and more information can be shared during scientific and cultural “technical sessions.”
3. Hearings - After the analysis phase, parties can come to a decision about the significance of potential impacts and present their positions to the Board. Parties can also recommend ways to avoid or mitigate potential impacts.
4. Board decision and report of EA - The Board makes a decision based on all of the evidence that has been presented to it.

When Environmental Assessment works well it is a forum for meaningful participation; EA can resolve conflicts, mitigate impacts that might have been significant, and create programs to track issues. Through an EA process, there might be changes to project design, or in some cases, a project might be considered unacceptable and be rejected.

## Land Use Permits and Water Licences

### **Rebecca Chouinard, Executive Director of the Mackenzie Valley Land and Water Board (MVLWB)**

Land and Water Boards have a role in preliminary screening — reviewing an application and determining whether it should go to an environmental assessment. Land and Water Boards also issue land use permits and water licences in accordance with the *Waters Act* and Regulations, and the *Mackenzie Valley Land Use Regulations*.

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<sup>1</sup> Under ss. 125(2) of the MVRMA, a slightly different test is applied within local government boundaries.

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The regulations outline when a permit is needed. Although these rules vary slightly from outside of and within municipal boundaries, generally a type A (bigger) or type B permit is needed for activities related to: explosives; use of vehicles and machinery; storage of fuel; cutting of lines, trails, rights of way; campsites over a certain number of people and days; buildings of a certain size; and, drilling. A Water Licence is required for: use of water (above a certain threshold); water crossings, diversions or alterations; and the deposit of waste.

There are five general phases of the regulatory process.

1. **Pre-application** - The work needed for an application to be deemed complete.

There are three important parts to the pre-application process. For one, the proponent has to come with a right to land access pre-established (i.e. leases, mineral claims and other land access agreements are separate to the regulatory process). In addition, a proponent is expected to have already completed engagement and to come with relevant site and baseline information (such as water quality information).

2. **Application review**

Once deemed complete, an application is sent for public review. The Board relies on everyone in the system to gather evidence that the board will need to consider to make their decision. Board staff uses the on-line review system (ORS) to distribute applications for review. There are timelines in legislation for how quickly the Board has to make decisions. For Water Licences, these timelines do not include time when the board is waiting for information from the proponent.

3. **Issuance**

Land Use Permits and Water Licenses include a term (time) and conditions to minimize impacts on the environment. They will address closure and reclamation and often have security deposits associated with them.

4. **Administration**

Once authorizations are granted there is still a lot of work to be done such as management plans, reports, reviews and various approvals. Inspectors from the federal and territorial governments are responsible for the enforcement of permit and licence conditions and for raising any compliance issues.

5. **Closure**

Final closure plans are often required prior to the end of operations for Board approval. The Land and Water Boards will often run technical workshops and discussions throughout the life of a project to discuss closure research, objectives, goals, options, and criteria. Security deposits are not returned until a site has been reclaimed.

The Land and Water Boards have produced a number of guidelines and policies to help with expectations and clarity for proponents and reviewers. These include:

- Consultation and Engagement Policy and Guidelines
- Closure and Reclamation Guidelines



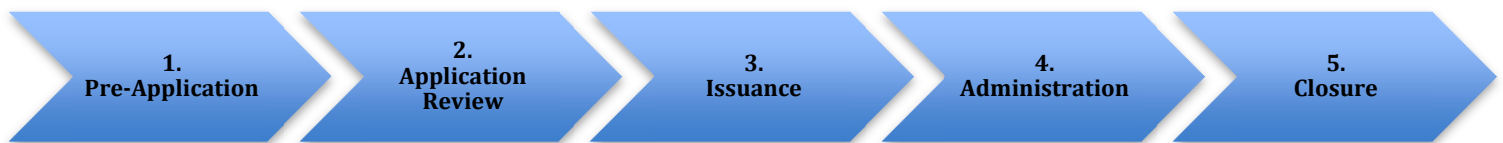
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- Water and Effluent Quality Management Policy
- Waste Management Guidelines

### Managing wildlife and other renewable resources

**Brett Wheler, Senior EA Policy Advisor, Mackenzie Valley Environmental Impact Review Board (MVEIRB)**

Section 26(1)(h) of the *Mackenzie Valley Land Use Regulations* allows land and water boards to include permit conditions related to the “protection of wildlife habitat and fish habitat”. The wording in the regulations limits the land and water boards’ jurisdiction to habitat protection



rather than protection of wildlife in general.

The Department of Environment and Natural Resources is responsible for the implementation and enforcement of the [Wildlife Act](#). Under the Wildlife Act, there is now an opportunity to require wildlife management plans especially for larger developments or projects in areas that are particularly sensitive or important to wildlife.

### Compliance, inspection, and enforcement

**Rob Walker, Manager, Resource Management, Hay River, Lands, GNWT**

*The Mackenzie Valley Resource Management Act* and the *Waters Act* include compliance tools:

- inspections
- directions / orders
- investigations / prosecutions

After inspectors receive a permit that has been issued by a land and water board, they assess risk to prioritize compliance activities. The risk assessment determines inspection frequency and includes a severity rating (low to catastrophic) as well as a probability rating. Severity depends on potential impact to: the environment, people, property or traditional lifestyle. Inspection frequency may also be partially determined by environmental conditions, environmental sensitivity, project challenges and the proponent’s current or past record of compliance.

Inspections are usually done in person and the inspector writes an inspection report that notes both good and bad parts of the operation. The report is written both to the proponent and also informs the Board and its staff; it is available to inform other Parties also.

Examples of projects that may be assigned a high risk rating include oil and gas operations, seismic, drilling, all weather road construction, logging and camps with more than fifty people. A project that might receive a moderate rating, for example, would be a quarry along a highway.

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The regulations require inspectors to afford a proponent time to comply with directions or orders; however, if a non-compliance issue is not fixed within an acceptable time period, an inspector has the authority to shut down operations. Once compliance is achieved, the inspectors can lift a “stop work order.” A stop work order can be very costly to a proponent and is therefore an effective deterrent.

A permit may be suspended only under authority of the Board. This would typically only occur when all efforts by both inspectors and the Board to gain compliance have failed.

In cases of continued non-compliance, there may be investigation and/or prosecution, however this is a last resort as it is time-consuming and investigations do not always result in a court proceeding or a successful prosecution.

### Cumulative Impact Monitoring

#### **Julian Kanigan, Manager, NWT Cumulative Impact Monitoring Program (CIMP)**

The Northwest Territories Cumulative Impact Monitoring Program (NWT CIMP) is a source of environmental monitoring and research in the Northwest Territories (NWT). The program coordinates, conducts and funds the collection, analysis and reporting of information related to environmental conditions in the NWT. Its main purpose is to support better resource management decision-making and the wise use of our resources by furthering our understanding of cumulative impacts and environmental trends.

NWT CIMP has identified three priority issues - caribou, fish, and water. Within these priority themes, NWT CIMP is focused on geographic “hot spots”, i.e. locations of past, current or potential future development.

The GNWT is responsible for NWT CIMP and administers the funding. A partnership approach is used by the program to achieve its objectives; a wide range of partners are engaged to establish priorities and conduct tasks, including Aboriginal governments, universities, industry, and federal and territorial government departments. A Steering Committee of First Nations, Inuvialuit, Métis, federal and territorial government representatives guides the program.

Community capacity building and community-based monitoring are key principles that are supported when they are linked to monitoring that produces information relevant to cumulative impacts. Most NWT CIMP funded projects are led by or in partnership with Aboriginal, community or co-management organizations.

All NWT CIMP project results are posted to the NWT Discovery Portal - [nwtdiscoveryportal.enr.gov.nt.ca](http://nwtdiscoveryportal.enr.gov.nt.ca).

A final important component of the integrated land management system is the NWT Environmental Audit, which is coordinated by NWT CIMP and is essentially a report card on the MVRMA system. The Audit looks at the effectiveness of the regulatory system in the Northwest Territories, the quality of environmental information used to make decisions, and processes related to monitoring cumulative impacts. The Audit provides recommendations that are intended to improve how the environment is managed.

An Environmental Audit must be done every five years and is conducted by an independent

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auditor under contract to the GNWT. The auditor is selected and guided by a committee of Aboriginal, federal and territorial government representatives.

### HOW DO WE STACK UP?

### A COMPARISON OF RESOURCE MANAGEMENT SYSTEMS

Mark Cliffe-Phillips moderated a panel discussion with Tara Arko, Tim Heron, and Bill Ross. Panelists were asked to comment on their perspective of the NWT resource management system compared with systems elsewhere. Workshop participants also asked panelists to comment on how trust can be fostered and how the adversarial setting created by the public hearing process can be managed.

#### Tara Arko

##### **Nunavut Impact Review Board (NIRB), Director of Technical Services**

The Nunavut Impact Review Board has twenty-one staff members centred in Cambridge Bay with a sub-site in Arviat. Nunavut has one land claim to define the Nunavut Settlement Area so the planning commission, water board and impact review board conduct their processes for activities within the whole territory. As devolution has not yet occurred in Nunavut, management of Crown land and water licence enforcement is still handled federally through Indigenous and Northern Affairs Canada (INAC).



Traditional Knowledge is a mandated component of environmental assessment. People who are most aware of lands and the community needs and who have the most responsibility to look after the land are a core part of the process. The Board staff works closely with the three Inuit Associations - Kivalliq, Qikiqtani, and Kitikmeot. An application can go through land use planning and EA but if the Inuit organization isn't satisfied and does not have a Benefit Agreement in place for a project on Inuit-owned lands, they can choose to not issue an authorization, so it is in the proponent's best interest to start early and to work closely with the landowner. As in the NWT, areas without land use plans in place present challenges during the regulatory and EA phases.

To facilitate both capacity and trust building for its staff, the board has established in-training designations and several positions in the organization are expected to be fulfilled by beneficiaries of the land claim. The Board is composed of people from Nunavut communities. Consistency within the organization is a key part of building trust and is achieved both through in-house training, in-house promotion and training with colleagues, as well as through the development of clear policies, agreements and procedures.

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The Nunavut Impact Review Board also strives to work closely with neighbouring organizations and has five Memoranda of Understanding (MOUs) in place to facilitate such collaborations, including one with the MVEIRB. The Board also has MOUs with the National Energy Board, the Nunavik Marine Regional Environmental Review Board, and the Eeyou Marine Regional Impact Review Board. An MOU with the Nunavut Water Board allows assessment and initial parts of the permitting process to move forward at the same time.

Balancing the requirements of the quasi-judicial procedures with the need to respect Inuit culture and tradition is a challenge to navigate, and the Board does so by having clear internal values in their strategic plan that create organizational standards. Board staff proactively works to train other Parties participating in the EA process to respect the traditions and culture; for instance, the Chair will clarify at the beginning of a proceeding that an Elder has the right to stand up and make a point at any time. Other Parties are expected to bring up their perspectives later at the appropriate time rather than directly contradict an Elder's points.

### Tim Heron

#### **NWT Métis Nation, Land and Resource Manager**

The Northwest Territories' MVRMA system is unique to any other system in Canada because it allows residents to have their concerns addressed and to participate fully in the process. Currently, the Boards and government are also emphasizing the pre-engagement process through which proponents are required to engage affected communities before a proposal reaches the application phase. The system is so unique because it is designed for us and contrasts starkly with stories elsewhere of First Nations not being consulted.

Everyone in the NWT should be proud of what we've got because it is unique and the rest of the world is looking at what we have and how we solve questions.

Devolution has eroded trust, which now needs to be rebuilt. At the same time, devolution brings an opportunity to have an agenda that is directed by NWT residents, rather than by Ottawa, so we need to think about how we are going to work together and what we want to leave for future generations. Things like the intergovernmental council and engagement with resource management boards can help build relationships.

### Bill Ross

#### **Independent Environmental Monitoring Agency (IEMA), Past Chair**

#### **University of Calgary, Professor since 1973 teaching the professional practice of environmental impact assessment**

Bill has sat on eight different environmental assessment panels in the south, since 1978, with his last one wrapping up last year. Bill's northern experience has been focused on Ekati as he worked closely with the Wek'èezhii Land and Water board through his work with IEMA. Bill was also involved in the MVEIRB's review of the Ekati Jay expansion.

The role of independent oversight is important. The idea of IEMA came primarily from affected Aboriginal peoples and was developed with the mandate to provide information about environmental effects of the mine to Aboriginal people and to convey information from Aboriginal peoples to government and to the mine operators; IEMA's role is, in part, a liaison role. At the request of Aboriginal members, the Board would share its submissions to the regulatory or EA processes as soon as possible with the intent of making our technical expertise public.

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Bill has observed that the quality of decisions in the NWT environmental assessment processes is generally as good as those carried out in the south, largely because of the quality of the people involved in the work - the members of the Board and the Board staff. More specifically, people understand their role within the process and also function effectively in interdisciplinary problem solving teams.

In addition, the decisions made up here may, in part, be better because of the co-management status of northern boards. The requirement to pay attention to the Traditional Knowledge and the understanding of Aboriginal peoples is a fundamental strength and is something that needs to be continued.

Trust between EA participants and the decision-makers is about fairness, respect, and transparency-they are all important. There are three rules for writing a panel report or any decision document - explain, explain and explain. Decisions and reasons for decisions have to be clear.

With respect to quasi-judicial hearing procedures, there are many opportunities prior to hearings to be consensus-building and cooperative and those are frequently used. Nonetheless, a recent study has found the informal procedure to be more user-friendly and more amenable to cooperation but there are legitimate trade-offs.

## KEY ISSUES IN LAND CO-MANAGEMENT - BREAKOUT SESSIONS

Throughout the first afternoon, participants participated in breakout sessions, each about a key topic of the land co-management system. Topics were determined based on feedback received prior to the workshop.

### Participating in a preliminary screening and regulatory process

**Facilitated by Shelagh Montgomery, Regulatory Manager, MVLWB and Rebecca Chouinard, Executive Director, MVLWB**

Applications for land use permits and/or water licences are made to the Land and Water Boards. The first step in the regulatory process is to determine whether or not the application is “complete”. To be complete, an application must satisfy the eligibility requirements set out in legislation (eg. land access), have sufficient information pertaining to waste management and project details, and have met the requirements for pre-application engagement set out in the Land and Water Board’s Engagement and Consultation Policy and Guidelines. Once deemed complete, the application is sent out to the public via the Online Review System for comments and recommendations.

Before the Land and Water Boards can issue a land use permit and/or water licence, they must conduct a preliminary screening (unless the project is exempt for screening). During a preliminary screening, the Land and Water Board needs to determine, based on feedback received by Parties and compiled by Board staff, whether an application



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might have a significant adverse impact on the environment or might be a cause of public concern. Where the Land and Water Board determines in the affirmative, they will refer the proposal to the Review Board for an environmental assessment.

If the project is not sent for an environmental assessment, or following the completion of an environmental assessment, the application proceeds to the licensing and/or permitting phase of the process. This phase may involve in-person meetings, public hearings, technical workshops and/or sessions, and opportunities to submit written questions, comments and/or positions.

Key themes of discussions:

### 1. The importance of Traditional Knowledge (TK)

A primary way through which Aboriginal people and government organizations can participate in the regulatory process is by sharing Traditional Knowledge. Traditional Knowledge is central to the process and needs to be considered during every stage. Although everyone in the process is fully aware of its importance, collecting and effectively using Traditional Knowledge can be challenging. More resources can be focussed on engagement so that individuals better understand the importance of TK and how it will be used in decision-making.

### 2. Early, frequent and effective engagement

Participants discussed the importance of early, iterative engagement. Effective engagement is not simply transmitting information in one direction; it is an art of fostering understanding and meaningful participation.

To improve communications, engagement and participation, workshop participants suggested that Board staff and community governments use more direct communications such as surveys, and door to door visits. Communication is most effective if it is through a community liaison. The *“Reasons for Decision”* document that Boards prepare to explain their decisions, as well as other materials, should be developed with printed plain language summaries so that they can be accessible to everyone, including those who do not have computers.

Aboriginal governments can also work on clarifying internal lines of communication. While local or regional offices tend to rely on a single point person, procedures for internal engagement and communications may at times need to be formalized. Communities should also be encouraged and supported to establish protocols to guide outsiders – both industry and government.

### 3. Understanding the quasi-judicial process

Participants found it useful to understand the regulatory process as being quasi-judicial. Much like a judge in a courtroom, the Board has to make decisions based solely on the evidence presented to it. If knowledge is not submitted to the public registry as evidence, then it cannot inform the Board’s decision. Understanding this approach not only helps participants to understand why the procedures that guide the regulatory process are in place, it also helps them to understand why their participation and their local and Traditional Knowledge is so important. In submitting their perspectives, Parties need to describe:

- HOW the project impacts the environment;
- WHY the project (or an aspect of it) is or is not supported; and



- WHAT MITIGATIONS may be able to address the issue.

## Compliance, inspection, enforcement

Facilitated by Rob Walker, Manager, Lands Management, Hay River and Julian Kanigan, Manger, Cumulative Impacts Monitoring Program, ENR

Inspectors have both educational and legal tools that they use to encourage and enforce compliance. Education and communication are typically the preferred approaches and the inspector will work with a project proponent and the Board to resolve any issues that arise. An issue may be a contravention of a term of the licence or it could be an unforeseen issue that the inspector will address with the proponent nonetheless. Suspension or cancellation of authorizations are last resorts.

Inspection frequency is determined based on risk management considerations (including the proponent's past performance) and resource requirements.

Inspectors maintain close relationships and lines of communication with Land and Water Board staff as permits are being drafted and throughout the operations of a project. It is important that inspectors are involved in drafting permits and licences in order to ensure that they are clear and enforceable.

### 1. Community involvement can be strengthened

Inspection reports are posted on the registry and can be shared with communities. However, participants noted that engagement, capacity building and incorporation of Traditional Knowledge in the inspection process can all be strengthened. While these are all core values informing the co-management system, they are not as enshrined in the inspection processes. Inspectors could collaborate with community or regional governments to accompany community monitors and ensure that knowledge about the project is being shared with the community and also that local and Traditional Knowledge is influencing inspections. Inspectors could also

### INSPECTORS IN NWT

- Renewable Resource Officers work within GNWT - ENR and enforce various legislation and regulations such as the *Forestry Act* and Regulations
- Environmental Protection Officers work within GNWT - ENR and enforce the *Environmental Protection Act* and Regulations
- Wildlife Officers work within GNWT - ENR and enforce the *Wildlife Act*
- Fisheries Officers work within the federal department of Fisheries and Oceans and enforce the *Fisheries Act* and Regulations.
- Environmental Enforcement Officers work with Environment and Climate Change Canada and enforce federal legislation such as (but not limited to) the *Canadian Environmental Protection Act*
- The National Energy Board has enforcement authorities for projects under its jurisdiction, for example the Enbridge Pipeline
- Office of the Regulator of Oil and Gas Operations has inspectors responsible for compliance with oil and gas legislation and regulations
- Indigenous and Northern Affairs Canada retains inspection and enforcement authority on federal lands, for example for contaminated sites.

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routinely notify affected parties when an inspection has occurred and share the report more proactively (in addition to posting it on the registry) no matter what its content. GNWT could also share more information more frequently about compliance and enforcement in order to build confidence in the system.

### **2. Becoming an inspector**

With the Aurora College ENRTP<sup>2</sup> students participating, there was rich discussion about the importance of filling inspector positions with community members. The ENRTP is appropriate background training for an inspector. Specific training about inspections and the legislation that inspectors are enforcing is provided on the job.

### **3. Monitoring programs help authorities to better collaborate**

There are various kinds of enforcement officers with authority to inspect and encourage or enforce compliance with specific pieces of legislation. For instance, DFO has fisheries officers who enforce the *Fisheries Act*. Some projects develop monitoring systems or programs which have been very successful and create clearer, shared understanding about how various authorities can work together to achieve the strongest outcomes. Developing such working relationships can also help to clarify early who is responsible for what components of a project to avoid misunderstandings down the road.

### **4. Gaps in enforcement and compliance**

Participants discussed gaps in compliance and enforcement responsibilities: for example, no-one is specifically responsible to inspect projects with respect to cumulative effects on wildlife or migratory birds. Community or regional impact benefit agreements are contractual between a proponent and the affected party. The Land and Water Boards do not have a role in monitoring or ensuring compliance with these agreements. There is not, for instance, an inspection function for measuring and ensuring positive social or economic effects.

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<sup>2</sup> Environment and Natural Resource Training Program

## Devolution: roles and responsibilities

Facilitated by Lorraine Seal, Director, Securities and Project Assessment and Darha Phillpot, Manager, Land Use Planning, both from GNWT Department of Lands

### DEVOLUTION & LEGISLATION:

#### WHAT'S CHANGED?

Devolution April 2014

#### New GNWT responsibilities, most from INAC

- Land administration & management
- Land use planning
- Quarry permits
- Environmental assessment (EA decisions)
- Water research, monitoring & management
- Water licence decisions (Type A)
- Cumulative impact monitoring (CIMP)
- Environmental audit
- Land & water inspections (compliance & enforcement)
- Holding land and water securities
- Mineral and oil and gas rights (subsurface)
- Oil and gas regulation (Office of the Regulator of Oil and Gas Operations – OROGO)

#### 29 new GNWT acts

- NWT Surface Rights Board
- Other Legislative Changes:
  - November 2014: new GNWT *Wildlife Act*
- Federal Legislation:
  - 2012: Changes to *National Energy Board Act, Fisheries Act, Navigable Waters Protection Act, Canadian Environmental Assessment Act, Others*
  - 2016-17: Federal government public reviews of the 2012 changes

Each break-out group began with an overview of the responsibilities that transferred from the federal government to the territorial government. The GNWT gained substantial authority and responsibility with respect to lands management, monitoring and administration, land use planning and environmental regulation and compliance. To allow for the transfer of responsibilities, a number of new territorial acts were created. In spite of these changes, the land and water boards and MVEIRB have the same functions as before and the processes remain the same. The focus of participation however has changed to have more GNWT staff as parties to the regulatory process and fewer federal staff. As before, Aboriginal and community participation remains very important as does the incorporation of both Traditional knowledge and science to land management decisions. As part of a commitment to continual improvement, the boards have established revised and new guidelines; however, these are on-going initiatives and have not been affected by devolution.

While most previously federal lands in NWT are now territorial, federal jurisdiction and federal laws and regulations still apply on federal lands. Whereas GNWT signs off on water licences and environmental assessments on territorial lands, the federal government maintains that authority on federal lands. Devolution did not change the status of Aboriginal lands under land claim and self-government agreements.

Three topics of discussion emerged

through the break-out groups.

**1. Monitoring transboundary impacts.**

Participants discussed the importance of the transboundary waters agreement and shared knowledge about GNWT and Aboriginal Steering Committee efforts to protect NWT's transboundary waters. Further attention is needed to protect the Peel and continued collaboration is required to ensure that NWT's waters remain "substantially unaltered" in spite of development upstream in Alberta such as the Oil Sands. Hydroelectric activity south of the border also remains a concern and it is important that NWT citizens have an avenue to voice their concerns and to have them addressed.

**2. Responsibility for contaminated sites post-devolution.**

The devolution agreement included clarification of who would take responsibility for previously developed sites or contaminated sites and when. Abandoned, contaminated sites remained federal jurisdiction, meaning that the federal government is responsible for clean-up. Sites that have on-going operations or valid leases remain a federal liability until the GN WT or an Aboriginal Party "extends or renews a lease, licence, permit or other right of interest" OR "the fifth anniversary of the transfer date," where the transfer date is the date of devolution. Abandoned oil and gas wells and sumps are treated somewhat differently. Though the sites transfer to respective GNWT or Aboriginal jurisdiction, the devolution agreement lays out steps by which the GNWT or Aboriginal Party may assert that remediation is required by the federal government.

Some participants specifically raised the issue of Pine Point, asking who is going to clean it up and when, and expressing concern about new development being allowed on

**MVRMA**

**Changes in force now (since 2014)**

- Time limits for environmental assessments & water licence processes
- Policy direction – INAC Minister can give policy direction to Land Use Planning Boards + MVEIRB (previously only to Land + Water Boards)
- Higher fines for offences
- Life of project water licences
- Others

**Changes not in force**

- Amalgamation of land and water boards did not happen – still four boards
- Other MVRMA changes – drafted but do not know when or if they will happen
  - Cost recovery from proponents for environmental assessments and water licensing
  - Regulations about Aboriginal consultation
  - Regional studies
  - Development certificates – to make environmental assessment decisions and measures enforceable
  - Administrative monetary penalties (AMPs) – like tickets for offences
  - Others

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“brownfield” (previously developed) sites as that can muddy the waters about who is ultimately responsible for clean-up.

### 3. Devolution in different regions

As part of the devolution agreement, the Intergovernmental Council (IGC) was created to help guide decisions in a spirit of collaboration with Aboriginal governments. The IGC has been positive for those groups who have signed onto devolution; however, for those who have not signed, devolution has eroded trust and created additional fragmentation in the land management system. There are also concerns from some participants that the resource and royalty sharing agreement within the devolution agreement is insufficient.

### *Participating in an Environmental Assessment*

Facilitated by Brett Wheler, Senior Environmental Assessment Policy Advisor (MVEIRB)

Several issues emerged during dialogue about environmental assessment (EA):

#### 1. Participant funding is critical for meaningful engagement

In regions without settled land claims, the Interim Resources Management Assistance (IRMA) Fund is available to help fund the costs for local and regional Aboriginal Government organizations to participate in the regulatory process and environmental assessments. However, many participants have commented that those funds are insufficient and that there is a gap at the beginning of each fiscal year during which funds are not available. At times, there is also funding available from industry through various types of agreements; however, this can create awkward relationships and power dynamics. Such agreements, at times, have also required complex applications or work plans that can be difficult to navigate. If Aboriginal organizations do not have adequate resources to participate meaningfully in EA processes, the Crown may not be able to fulfill its consultation responsibilities.



#### 2. Role of Independent oversight organizations

Organizations such as the Independent Environmental Monitoring Agency (independent agency established for Ekati diamond mine oversight) are critical for sharing information, facilitating transparency and following-up on aspects that may not otherwise have clear monitoring, inspection and enforcement roles attached to them (such as socio-economic considerations). While such monitoring agencies are useful for

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sharing information during operations, they are usually created as a condition of project approval; they therefore do not exist as a resource for Parties during environmental assessment and the regulatory process, arguably when their resources and liaison role would be most valuable. Participants noted that some sort of regional resource is needed that can serve similar functions for the entire region rather than being project specific.

### **3. Early engagement helps**

If a proponent has taken its pre-submission engagement responsibilities seriously, then its staff will already understand community concerns. Similarly, the community will understand the project in sufficient detail so as to be able to submit comments in a timely manner. Without this early understanding, environmental assessment and preliminary screening timelines can be very challenging for communities to meet. Also, delays caused by communication gaps and insufficient capacity can lower investors' confidence in the regulatory system.

### **4. How to make hearings work best**

Hearings can be intimidating given that they are set up to present positions or "arguments" supported by evidence. This quasi-judicial approach is a somewhat adversarial and confrontational process. Participants discussed how hearings can be more effective for community members. Pre-hearing meetings hosted by the Aboriginal government can help prepare the community and the public for what to expect. Hearings themselves can also be structured so as to better reflect cultural norms, for example, by allowing more time for elders to speak. There should be consistent norms for providing interpretation. Recent approaches utilized by the Board to hold technical meetings and community meetings separately have helped to create more equitable spaces for discussion.

### **5. Fostering community involvement and integrating local and Traditional Knowledge**

Participants discussed the challenges of adequately representing Traditional Knowledge in an environmental assessment. Typically, a proposed disturbance is overlaid on a map of known traditional land use and this is used as a sort of screening tool. However, some concepts can be more difficult to capture and to apply – e.g. potential impacts go beyond the landscape that is visible from the project site. For instance, interpretation of socio-economic impacts and community well-being require a meaningful understanding of community viewpoints about what kind of society and economy is desired. Impacts on the environment can directly and indirectly affect community and individual wellbeing in ways that may not be obvious, especially to people from outside the community.

Many communities have found that documenting Traditional Knowledge in advance of a particular development can be powerful but requires both continued investment in Traditional Knowledge and partnerships with academics and others. With this foundation of traditional knowledge documented in advance, it is often then easier for a community to apply that knowledge to a specific project. Fostering broad understanding of the EA process will also help to bring local and traditional perspectives to the table. For instance, several of the Aurora College participants noted that they were not at all



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familiar with the regulatory system before beginning their college program so more work could be done to integrate these concepts into the school curricula.

## INCORPORATING TRADITIONAL KNOWLEDGE INTO THE REVIEW PROCESS

Mark Cliffe-Phillips and Rebecca Chouinard spoke briefly about how Traditional Knowledge is currently used in the regulatory and environmental assessment processes.

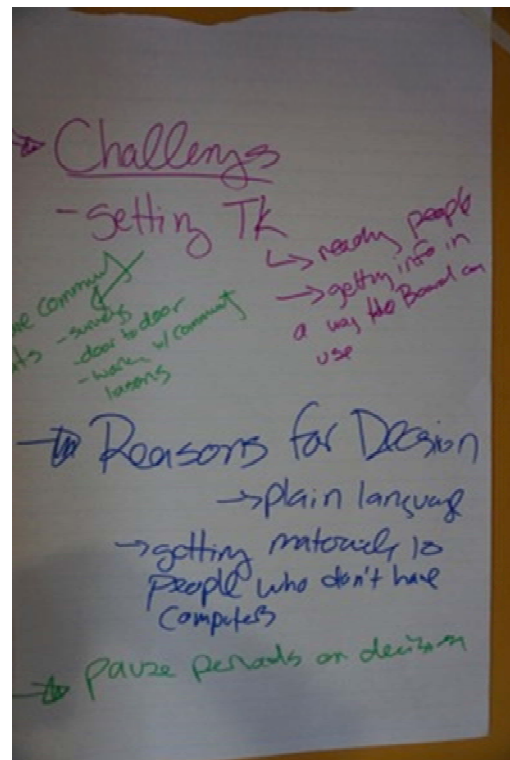
### Traditional Knowledge in environmental assessment

Mark Cliffe-Phillips explained that there are several ways in which Traditional Knowledge is considered in the review process. Review Board members or staff may communicate directly with community members during community scoping sessions, technical and community meetings and public hearings. Community members may also make written submissions directly to the Review Board through the on-line registry or by sending an e-mail or letter. Traditional Knowledge studies are sometimes also conducted as part of the process and used as evidence by the Review Board. A Traditional Knowledge study may be submitted directly by the community or TK may be gathered by the proponent. In order to understand possible impacts and to design mitigation strategies, it is best practice for the proponent to speak to people who are recognized by their community as being holders of TK relevant to the location and topics under consideration

Traditional Knowledge is an important component of environmental impact assessment and is part of the Review Board's mandate. The MVRMA requires consideration of social and cultural impacts as well as the consideration of both scientific and traditional knowledge. The Review Board has guidelines for gathering and using Traditional Knowledge in environmental impact assessment, and is currently piloting a parallel process to the technical review phase of EAs that would include workshops on socio-cultural impacts.

### The Land and Water Board Approach

Rebecca Chouinard explained that the mandate for Land and Water Boards to consider and incorporate Traditional Knowledge is explicit in the MVRMA – the Land and Water Boards shall consider Traditional Knowledge and scientific knowledge made available throughout all proceedings - the challenge is how to do so. The Board relies heavily on evidence submitted through the online review system, during technical sessions, at project workshops and meetings, or through public hearings. When Traditional Knowledge is presented, it is incorporated into the



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permitting or licencing process. For example, more extensive mitigation measures and reporting requirements may be imposed to protect fish-bearing lakes. Although the volume and extent of Traditional Knowledge versus scientific data is different (the volume of scientific information presented usually grossly outweighs that of Traditional Knowledge), the merit and weight of the evidence is equal in the Boards' process. At times, concerns surrounding confidentiality arise.

The Land and Water Board's Rules of Procedure speak to arrangements that can be made to secure information. The Land and Water Boards also speak to the inclusion of Traditional Knowledge in numerous policies and guidelines that they issue:

- The Water and Effluent Quality Management Policy states that Traditional Knowledge and science will be used when setting effluent quality criteria;
- The Engagement and Consultation Policy and Guidelines require that proponents show what modifications were made on their proposed project based on information provided as a result of engagement and includes details and examples of project planning considerations (e.g. traditional corridors); and
- The Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories have information about including Traditional Knowledge along with specific information relating to reclamation that was acquired from Traditional Knowledge workshops and interviews with Elders and other community members.

The Land and Water Boards also adhere to other formalized agreements and laws that include direction on Traditional Knowledge; these include Interim Measures Agreements and Land Claim and Self-Government Agreements.

### Best Practice and How to Improve

Joanne Barnaby facilitated a panel discussion about how Traditional Knowledge (TK) is currently incorporated into the co-management review process and what can be improved. Panel members were:

1. Tim Heron, Lands and Resource Manager, Northwest Territory Métis Nation
2. Bill Ross, Past Chair, Independent Environmental Monitoring Agency
3. Peter Redvers, Land Director, Kát'odeeche First Nation
4. Florence Catholique, Łutsel K'e Dene First Nation
5. Joachim Bonnetrouge, Chair, Dehcho Land Use Planning Committee

Joanne asked panellists to share examples of both successful and unsuccessful efforts to gather and use Traditional Knowledge in the resource management system. She also asked them to reflect on how the inclusion of Traditional Knowledge could be improved.

### Joachim Bonnetrouge (Chair, Dehcho Land Use Planning Committee)

Joachim discussed the commitment of the Dehcho Land Use Planning Committee to include Traditional Knowledge in land use planning. In fourteen years of development, Traditional Knowledge has underpinned the Dehcho Land Use Plan, illustrating that land use planning is the component of the integrated resource management system that most successfully uses Traditional Knowledge for decision-making.

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Joachim also emphasized the experiential nature of Traditional Knowledge through a personal story about his uncle and a friend finding a camp in a snowstorm on Great Slave Lake. Using years of experience, they found their way home from a fishing expedition in an almost impossible situation. To effectively learn from Traditional Knowledge, decision-makers must understand it as holistic, considering the spiritual, emotional, mental and physical aspects of the subject matter.

### **Tim Heron (Lands and Resource Manager, Northwest Territories Métis Nation)**

Tim emphasized the importance of verifying Traditional Knowledge. It is complex and rooted in lived experiences - you can't learn TK in a classroom. A necessary improvement is for the Board staff to always come back to the community with the TK information that has been submitted to verify that it is correct and that its interpretation and application is appropriate. Such a validation process also provides the community with an opportunity to verify that the ones who have provided the TK understand what the TK is saying. A strong verification process is needed to ensure that only correct information is being passed on (to regulators and also to future generations) through the review process.

### **Florence Catholique (łutsel K'e Dene First Nation)**

Florence spoke to the importance of communities having a process wherein they select the person who provides TK to regulatory boards, proponents, NGOs, or to other interested parties. It is common for these groups to unilaterally select people that they think have the knowledge, often simply because they are elders. However, TK isn't standard between community members and depends on personal history and areas of expertise. Communities must be able to collectively decide who presents TK to outsiders. Language also has to be carefully considered when Traditional Knowledge is being collected and stored, ensuring that it is recorded in a way that will be accessible to future generations despite changes in language use. Communities should create clear intellectual property rights and restrictions on use of Traditional Knowledge by outsiders to ensure that it is used appropriately.

### **Peter Redvers (Land Director, Kátt'odeeche First Nation)**

The best way to ensure that Traditional Knowledge is meaningfully included in the land management system is to resource communities to build their capacity to develop and maintain their own Traditional Knowledge information databases, which will equip them to react much more quickly in the regulatory process (for example during pre-screenings.) Traditional Knowledge studies and their results must be community-based and controlled. It is inappropriate for government or industry to come in and initiate their own Traditional Knowledge studies or for them to gather answers to their own questions and attempt their own interpretations. Traditional Knowledge needs to be interpreted within its cultural and linguistic context and shared only in ways that are appropriate.

### **Bill Ross (Past Chair, Independent Environmental Monitoring Agency)**

Bill reiterated the importance of ensuring strong translation when discussing Traditional Knowledge. He also added two more prescriptive/mechanical factors to consider in advance of any TK session or study. One is the specific consultation policy of a particular Aboriginal group. The second is asking in advance for a basic overview of community concerns and issues, in order to provide an initial basis for understanding. There are also two important *conceptual* principles

in obtaining TK. The first is going into the process with an awareness of different priorities and emphases. It is important to understand that what initially seems important to TK knowledge holders may not seem important to proponents, and vice versa. TK is holistic, and proponents must understand that all parts of storytelling and experience surrounding information are also important. The second is respect. TK holders must be listened to with as much respect and effort to understand complex concepts as western scientists.

## KEY ISSUES IN LAND CO-MANAGEMENT - BREAKOUT SESSIONS

A second set of break-out groups provided for rich dialogue among participants. The break-out session topics were:

1. How Traditional Knowledge is incorporated into reviews
2. Roles and responsibilities of communities and Aboriginal governments in the system
3. Land Use Planning in Action

### How Traditional Knowledge is incorporated into reviews

Facilitated by Joanne Barnaby

Several topics emerged through discussions:

- 1. Traditional Knowledge needs to have clear protocols for use**

Once Traditional Knowledge is submitted to the registry, it becomes part of the public sphere and is seen as available for use in other applications. In addition, there is little opportunity once it is in the public sphere to assess its validity. All Traditional Knowledge submissions should be accompanied with clear agreements and protocols related to how it is to be used and shared. In all cases, Traditional Knowledge submitted as evidence in a regulatory or environmental assessment process should be brought back to the community for a process of validation. Some local or regional First Nation government organizations have policies that provide useful examples; for example, the NWT Métis Nation has a policy on its website. Raw data is particularly sensitive and should always have clear community ownership.

- 2. Best Practice as the minimal expectation – recommendations**

A number of points were raised by break-out group participants which echoed perspectives also clearly provided by the panellists. There are several “best practices” in



*Rosy Bjornson, Deninu K'ue First Nation*

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handling Traditional Knowledge with the regulatory process and environmental assessments that should become the rule. These are:

- Traditional Knowledge has to be interpreted and validated by the community
- Stand-alone Traditional Knowledge reports are important; there cannot be arbitrary pieces of information inserted into a broader Environmental Impact Statement or Developer's Assessment Report.
- Cultural norms need to be incorporated into meetings and hearings; for example providing elders with ample time and not interrupting story-telling.
- Incorporating Traditional Knowledge and holding detailed workshops through the *life* of the project, not just before permits are issued, is important so that all Parties understand how the project has evolved and changed.
- Site visits throughout the life of the project are important to understand the project and to share information.
- More outreach to communities is needed for Preliminary Screenings.
- Being on the land is an appropriate venue for Traditional Knowledge studies and creates a more equitable environment.
- Traditional Knowledge cannot just be considered past knowledge, it is always evolving.
- Traditional Knowledge sessions should be a consistent part of the regulatory process and there should be opportunities for adaptive management based on continued participation of local communities.
- Proponents need to be required to work more proactively on cumulative impact issues (ex. protecting caribou).



*Priscilla Canadien shared her experiences working with the Dehcho Land Use Planning Board*

### 3. Language and Traditional Knowledge

Translation can sometimes jeopardize the meaning of Traditional Knowledge. In some communities, there are misunderstandings between elders and the younger generation of language speakers because the languages are changing. There are a number of language studies that have explored these challenges both in the Dehcho and Tłı̨ch̨o regions. Applying consistent policies around translation and interpretation at meetings and hearings is essential. Time can also be taken to explore meanings of words by workshopping language (not just through direct interpretations). This work on terminology can be done in advance of hearings and special training is needed for interpreters who are going to be working on land and resource management issues.

**4. Time limits disrespect the Traditional Knowledge Process**

Time limits on regulatory processes and environmental assessment are stopped for project proponents while they gather information, however, the same respect is not afforded to communities who need to engage in rigorous processes to gather and validate community perspectives. As further consultations are planned with respect to the MVRMA, communities can and should bring this perspective to that review process.

**5. Traditional Knowledge needs to be better respected**

Current processes weigh western science most heavily. More resources and time are needed to ensure that Traditional Knowledge is being justly and appropriately used in decision-making. Currently, Traditional Knowledge is often dismissed if it is not supported by science. Examples include cases of Elders expressing that fish have changed in appearance and taste. Elders' concerns have often been a strong predictor of the future; even though many elders are reticent to 'make predictions' because of spiritual beliefs, often they state their predictions as fear or worry.

## Roles and Responsibilities of Communities and Aboriginal Governments in the System

**Facilitated by Darren Campbell, Project Assessment Analyst, GNWT Department of Lands**

Participants in the break-out group discussed a number of roles that communities and Aboriginal Governments have in the system.

### Key Roles

Government and industry are required to consult with First Nations when a project is proposed on traditional lands. A central role of local governments is to determine the impact of a proposed project on traditional land uses and the level of the impact to the land user or to the Aboriginal organizations. Preparing Traditional Knowledge studies or Traditional Land Use studies or reports is an effective method of approaching this responsibility.

Throughout the NWT, Aboriginal and community governments have a role to play in Preliminary Screening and a local government has the authority to refer a project to EA if it is within local government boundaries or if it the project might affect the environment within community boundaries. In areas with settled land claim agreements, Aboriginal organizations have authority to refer a project to environmental assessment.

Aboriginal and community governments play a key role in the regulatory system and the leadership has a responsibility to convey community concerns. It is a difficult situation for Board staff when they know anecdotally that there are community concerns but nothing is brought forward to the registry, because ultimately, the Board can only make decisions based on the evidence provided. Part of leadership's responsibility therefore is to synthesize or summarize complex information in ways that community members can understand. Often leadership will have a specific staff member or consultant to help fulfill this role.

### Challenges

There are many challenges however, which communities discussed. Providing sufficient



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attention to cumulative effects and transboundary issues can be difficult. Timelines that are now legally mandated within environmental assessments and the regulatory process are often difficult for communities to meet. Open lines of communication, early engagement and proactive planning all help communities to be prepared. Communities may also request extensions to submit questions or comments on various portions of a regulatory process, however, they need to provide rationale for these requests. Communities or Aboriginal governments may also want to consider developing standard responses to facilitate deadlines and to function within budget restraints. Ultimately, third Party funding is a critical part of the system that is needed to facilitate community engagement and is currently missing. Participants also discussed the need to focus on training initiatives locally and regionally so that residents and staff members become increasingly effective at navigating the regulatory system.

It can be challenging when communities have to spend time and resources engaging in reviews for projects that ultimately do not move forward. There have been amendments to the MVRMA not yet enacted that would ensure a proponent is responsible for cost recovery in such cases.

Some participants discussed that they feel they have an inherent responsibility to take care of each other and the land, which includes protecting culture and heritage.

### Land Use Planning in Action

**Facilitated by Darha Phillipot, Manager, Land Use Planning, GNWT Department of Lands and Susan Fleck, Dehcho Land Use Planning Board**

Participants discussed that people have always managed land and Land Use Planning should continue to help with these practices. Land Use Planning protects land from inappropriate types of development if the land has special values related to culture, history, spirituality, vegetation or wildlife. In areas that are zoned as conservation zones, there are still some land uses that are allowed, however, projects with significant footprints such as major industrial projects, are not. In areas where Land Use Plans haven't yet been agreed upon, there are often major concerns with small projects. As a result, small projects proposed in sensitive areas get tied up in the regulatory system. Land Use Planning is a key component to the integrated system.



***Darha Phillipot and Susan Fleck shared examples of land use plan maps***

A land use plan creates zones and applies special conditions, called 'conformity requirements' that help to explain how land is to be used. The Dehcho land use plan also addresses cumulative effects and attention has been paid to transboundary issues. Land that is within municipal boundaries or within national parks is not included in the land use planning process. It is possible for an exception to the land use plan to be asked for and granted, however, this would have to go through a formal process with opportunities for public consultation. In addition, land use plans are intended to be flexible and evolving documents with reviews occurring every five

## **RESOURCE CO-MANAGEMENT WORKSHOP, HAY RIVER, 2017**

years.

Processes for developing land use plans are public, however, participants discussed that it is important to develop tools for the public to learn about land use planning and to focus on developing materials that are accessible for elders. With the Dehcho plan, there have been challenges in reaching agreements so creating timelines for review may help to expedite the process. The GNWT's Land Use Planning Unit is hosting a land use planning forum in March.

## RESOURCE CO-MANAGEMENT SYSTEM: REPORT CARD

Facilitated by Julian Kanigan, Manger, Cumulative Impact Monitoring Program, ENR.

Panelists were asked to speak about the MVRMA system as if they were speaking to an international audience. What works well in the system, what challenges are significant and how can the system be improved? Panelists were:

1. Peter Redvers, Kátł'odeeche First Nation
2. Todd Slack, Ni Hadi Xa
3. Matthew Miller, NWT Power Corporation
4. Rosy Bjornson, Deninu K'ue First Nation

Julian first presented an overview of the results of NWT's most recent environmental audit. The audit takes place every five years and is essentially intended to be a report card of the *Mackenzie Valley Resource Management Act* and of the entire regulatory system. The most recent audit occurred in 2015 and the results were just released in late 2016. Material from the audit is collected from a broad spectrum of practitioners within the system and was collected through interviews and written submissions. There was also a link through a Facebook page leading to a survey that any member of the public could answer.

High level overview of the results:

### POSITIVE

- The MVRMA and related processes are generally successful in protecting the environment.
- Completing the Tłıchǫ and Sahtú Land Use Plans were important achievements.
- The Boards developed several Policy and Guidelines which helped all Parties to the regulatory system better understand their roles, responsibilities and the quality of work that is expected.
- Implementing the *Wildlife Act* was another important achievement as it closed some gaps in wildlife management.
- GNWT has also acknowledged responsibility for the management of air quality and ENR has been working on regulations, all of which has also addressed a gap previously identified in earlier audits.



*Julian Kanigan presented the recent results of the MVRMA audit.*

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### ON-GOING CHALLENGES

- More work is needed to track securities, a role that the GNWT has recently inherited and is taking very seriously.
- There are still regions without Land Use Plans.
- Unsettled claims must be completed.
- More clarity is needed on Crown consultation.
- Participant funding is needed.
- Socio-cultural and community wellness assessments need to be better integrated into the regulatory system.

Julian also shared a video summarizing the audit which can be found on-line at:

<http://www.enr.gov.nt.ca/node/3008>

### **Rosy Bjornson, Deninu K'ue First Nation**

The best part of our environmental regulatory process is the Board staff – they are friendly and approachable. We also have an on-line system that provides notifications and allows the public to review all correspondence. We do get funding to participate in the system through the Interim Resources Management Assistance Fund. While it's not sufficient, it does acknowledge that we do need to participate and need to be funded to do so.

A major challenge continues to be to adequately incorporate Traditional Knowledge. Community members and particularly elders need to be brought on site so that they have visual information about the proposal because our people are observers and they can tell you the changes that they've see over time. A lot of them are deep thinkers so if they can see and think about the situation they are able to come up with solutions.

### **Peter Redvers, KFN Lands, Resources and Negotiations Advisor (previously Principal of Crosscurrent Associates)**

The goal of the system works. It is trying to achieve a better arrangement between Canada, GNWT and communities. Peters believes this goal to be reasonably sincere and the goal itself speaks well to our system because a lot of other Indigenous governments aren't afforded that opportunity. The fact that the MVRMA did come out of land treaties, and that the concept of Land Use Planning is enshrined in the legislation as well as the co-management structure of the boards – those things are really quite positive. In 2015 KFN signed on to devolution and role of the Intergovernmental Council and Secretariat has allowed for some greater negotiation leverage to further move the implementation of the MVRMA along within a co-management continuum. Those partners who have signed on to devolution also receive funding for lands and resource management. Though there is the Interim Resource Management Assistant fund in the Dehcho and Akaitcho regions, it is not sufficient for a full-time lands and resources staff person, so the devolution funds help to strengthen this component.

The term 'co-management' is broad and can be very weak and very strong. NWT's system certainly intended that First Nations be involved in co-management including a role in drafting legislation. This opportunity wouldn't be given to First Nations in many other Canadian jurisdictions.

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There remain obvious challenges that keep surfacing; there has been consistency between all three audits. The federal and territorial governments, but especially the federal government, need to take responsibility for implementing the recommendations for these audits. How long do we wait and continue to repeat them? There seems to be a lack of intent or commitment to fulfill those recommendations and address the most glaring gaps in a reasonable way. That is going to continue to be problematic so there needs to be new pressures on governments post-devolution to take those recommendations seriously.

There have been a number of recommendations that *were* acted on and the Boards in particular have stepped up to the plate and accepted their responsibilities, however government has not.

### **Todd Slack – Technical Coordinator, Ni Hadi Xa**

Todd currently works for the Gahcho Kué mine oversight body and was previously a regulatory advisor to Yellowknives Dene First Nation (YKDFN) for nine years.

The professionalism is there in the Boards and the land management system. Over time, the nature of decision making by the MVLWB and MVEIRB has become much more consistent and the decisions are clear. This has improved since the early 2000s, which makes sense as the system was very new at the time and is a system that continues to mature.

The management and monitoring of water is effective through the Land and Water Boards. However, work is still needed to bring that from a single project level up to a strategic level. The Water Stewardship Strategy and transboundary agreements have begun to address such concerns but it remains to be seen if there is sufficient political will to effectively address cumulative and transboundary effects.

Whereas water management within GNWT is good, lands are managed far less effectively.

Progress has been achieved on filling some gaps; significantly, GNWT has draft air quality regulations and the *Wildlife* Act has been finalized after a decade of work. However, in both cases the tools have not yet been implemented so it remains to be seen if GNWT uses the clauses and authorities as intended.

Lastly, socio-economic monitoring remains a gap. It is great to have GDP and growth but not at the risk of communities' health. This is largely a Review Board issue. It is likely that at the next audit, there will be progress on the socio-economics side, which will have been driven by people in this room.

### **Matthew Miller- NWT Power Corporation, Environmental Licensing Specialist**

Having worked and lived in Ontario, Quebec and Nunavut Matthew shared his perspective on NWT's system in comparison to some others. Environmental management systems differ greatly across the county at different levels of government – Aboriginal, territorial, provincial and federal.

Many of NWT's systems are quite progressive with unique tools not found elsewhere, such as the co-management approaches laid out though the Land claims and the mandated approaches to utilizing Traditional Knowledge. In addition, NWT has some very strong community based monitoring initiatives. The Land and Water Boards and the Review Board create clear structures through which Parties can come to the table and communicate.

There remains room for improvement. From a community perspective, the amount of

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information from several projects at once can be overwhelming and participant funding is needed to help facilitate understanding, communicating and responding to so much information.

### Group Discussion

In questions and discussion following the panel presentations, workshop participants raised several issues, including:

- The audit can be used as a tool to put pressure on governments and Boards to make needed changes.
- Consultation for the audit can be and should be more comprehensive. More consultation should be done in person, particularly when contacting communities.
- Core funding for community lands and resource management is still needed.

## CLOSING

Violet Camsell-Blondin (WLWB Chair and acting MVLWB Chair), Lorraine Seale (GNWT), Joanne Barnaby (facilitator), and Chief Roy Fabian all shared closing comments, thanking participants and organizers (Board and GNWT staff) for their organization and contributions.

The workshop was an effective opportunity to share experiences and in doing so, participants provided ideas for improvement in some challenging areas, in particular:

- Incorporating Traditional Knowledge more strongly in the land and resource management system;
- Valuing and monitoring socio-economic effects and community wellbeing; and
- Engaging community members more effectively.

Kát'odeeche First Nation members closed the workshop with a drum prayer.



## APPENDICES

### Participant list

Last Name	First Name	Organization
Bradbury	Brandon	Aurora College
Burke	Tina	Aurora College
Dragon Smith	Joel	Aurora College
Freund	Shannon	Aurora College
Gorman	Sarah	Aurora College
Jackson	Daniel	Aurora College
Marie	Angela	Aurora College
Mccluskie	Meg	Aurora College (Instructor)
Mckay	Kris	Aurora College
Pierrot	Kelcey	Aurora College
Summerfield	Taylor	Aurora College
Wasylyshyn-Ondris	Chris	Aurora College
Antoine	Wilbert	Canadian Zinc Corp
Hasany	Umar	CanNor – Northern Project Management Office (NPMO)
Gargan	Ricky	Deh Gah Gotie First Nations
Priscilla	Canadien	Deh Gah Gotie First Nations
McLeod	Robyn	Dehcho First Nations
Bonnetrouge	Joachim	Chair, Dehcho Land Use Planning Committee
Fleck	Susan	Dehcho Land Use Planning Committee
Bjornson	Rosy	Deninu Ku'e First Nation
Collins	Carol	Deninu Ku'e First Nation
Simon	Patrick	Deninu Ku'e First Nation
Leishman	Pearl	Fort Providence Métis Council
McLeod	John	Fort Providence Métis Council
King	Trudy	Fort Resolution Métis Council
Mckay	Shawn	Fort Resolution Métis Council
Evans	Trevor	Fort Smith Métis Council
MacDougall	Marcy	GNWT – Environment and Natural Resources (ENR)
McKay	Frank	GNWT - ENR
Smith	Rafe	GNWT - ENR
Antoine	Ron	GNWT - ENR
Borque	Albert	GNWT - ENR
Kanigan	Julian	GNWT - ENR



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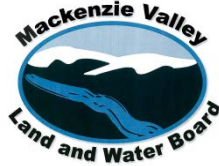
<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>
Campbell	Darren	GNWT - Lands
Phillpot	Darha	GNWT - Lands
Seale	Lorraine	GNWT - Lands
Shafi	Arusa	GNWT - Lands
Walker	Rob	GNWT - Lands
Cassidy	Andrew	Greenwood Consulting
Lafferty	George	Hay River Métis Council
Lafferty	Louise	Hay River Métis Council
Hardisty	Kurtis	Jean Marie River First Nation
Hardisty-Sangris	Kody	Jean Marie River First Nation
Ireland	Margaret	Jean Marie River First Nation
Simba	Melaine	Ka'a'gee Tu First Nation
Simba	Nora	Ka'a'gee Tu First Nation
Fabian	Roy	Chief, Kát'odeeche First Nation
Fabian	Jeffrey	Kát'odeeche First Nation
Redvers	Peter	Kát'odeeche First Nation
Tambour	Henry	Kát'odeeche First Nation
Cholo	Edward	Liidlii Kue First Nation
Holman	Dean	Liidlii Kue First Nation
Catholique	Florence	łutsel K'e Dene First Nation
Sanderson	Brian	łutsel K'e Dene First Nation
Camsell-Blondin	Violet	Chair, Mackenzie Valley Land and Water Board Chair, Wek'eezhii Land and Water Board
Cli-Michaud	Mavis	Mackenzie Valley Land and Water Board Member
Chouinard	Rebecca	Mackenzie Valley Land and Water Board
Janes	Erica	Mackenzie Valley Land and Water Board
Montgomery	Shelagh	Mackenzie Valley Land and Water Board
Cliffe-Phillips	Mark	Mackenzie Valley Review Board
Landry	Roxane	Mackenzie Valley Review Board
Wheler	Brett	Mackenzie Valley Review Board
Konisenta	David	Nahanni Butte Dene Band
Konisenta	Jayne	Nahanni Butte Dene Band
Marcellais	Peter	Chief, Nahanni Butte Dene Band
Slack	Todd	Ni Hadi Xa
Miller	Matthew	Northwest Territories Power Corporation
Heron	Tim	Northwest Territory Métis Nation

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<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>
Salter	Jason	Northwest Territory Métis Nation
Arko	Tara	Nunavut Impact Review Board
Clille	Kyle	Pehdzeh Ki First Nation
Horesay	Jason	Pehdzeh Ki First Nation
Wenman	Christine	PlanIt North (note-taker)
Ross	Bill	University of Calgary
Cayen	Becky	Chief, West Point First Nation
Ireland	Misty	West Point First Nation
Elsasser	Sarah	Wek'eezhii Land and Water Board
Barnaby	Joanne	Workshop Facilitator

# RESOURCE CO-MANAGEMENT WORKSHOP

Mackenzie Valley  
Review Board



January 25-26, 2017

Chief Lamalice Complex, Kátt'odeeche First Nation Reserve

## BACKGROUND

The Resource Co-management Workshop is hosted by the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board, and the Government of the Northwest Territories. The goals, delivery methods and regional setting for this workshop were based on feedback from participants of the MVRMA Workshop held January 12-13, 2016 in Yellowknife. Survey results along with further collaboration with Aboriginal governments and organizations helped develop the content.

## WORKSHOP GOALS

This will be a plain language workshop for resource management practitioners with an emphasis on how to participate meaningfully in resource co-management processes. The content will be tailored to the needs of practitioners in the NWT. The goal is to inform participants about the processes, share knowledge, ideas and experiences, and present an opportunity for back-and-forth dialogue.

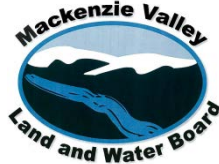
## OPTIONAL PRE-WORKSHOP EVENT

Tuesday, January 24, 2017	
Location: Ptarmigan Inn Lobby & Keys Restaurant	
Registration and Networking (optional event) <ul style="list-style-type: none"><li>An opportunity to pick up your registration package and meet other workshop participants.</li></ul>	6:00-8:00pm

AGENDA ATTACHED

# RESOURCE CO-MANAGEMENT WORKSHOP

Mackenzie Valley  
Review Board



## Draft Agenda – Day 1

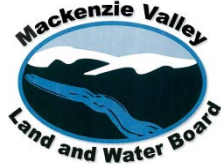
Wednesday, January 25, 2017	
Location: Chief Lamalice Complex, Kát'odeeche First Nation Reserve	
ARRIVAL TIME and Registration (coffee and snacks provided)	8:30-8:45am
Opening drum prayer Welcome by Chief Roy Fabian, Kát'odeeche First Nation	8:45-9:00am
Opening Comments <ul style="list-style-type: none"> <li>• Goals of the day and agenda</li> </ul>	9:00-9:30am
Keynote Speaker – Florence Catholique, Łutsel K'e Dene First Nations	9:30-10:00am
Health Break	10:00-10:15am
<u>Resource Co-Management System</u> An overview of how the pieces of the resource co-management system in the Mackenzie Valley fit together: <ul style="list-style-type: none"> <li>• Land use planning</li> <li>• Preliminary screening and environmental assessment</li> <li>• Land use permits and Water Licences</li> <li>• Managing wildlife and other renewable resources</li> <li>• Compliance, inspection, and enforcement</li> <li>• Cumulative Impact Monitoring Program</li> </ul>	10:15-11:00am
<u>Panel Discussion:</u> <b>How do we stack up? A Comparison of Resource Management Systems</b> <ul style="list-style-type: none"> <li>• A panel discussion on how the resource co-management system in the Mackenzie Valley compares to systems elsewhere in the country.</li> <li>• Participants will also have an opportunity to ask questions</li> </ul> Panel Members Include: <ol style="list-style-type: none"> <li>1. Tim Heron, Northwest Territory Métis Nation</li> <li>2. Bill Ross, Past Chair, Independent Environmental Monitoring Agency</li> <li>3. Tara Arko, Nunavut Impact Review Board</li> </ol>	11:00-12:00pm
Lunch (provided on site)	12:00-1:00pm

<p><u>Breakout Sessions</u>  Four 40-minute breakout sessions will <b>run concurrently</b>. Participants will have an opportunity to take part in <b>3 out of 4</b> sessions.</p> <p>Topics were determined based on feedback from outreach to workshop participants and will include:</p> <ol style="list-style-type: none"> <li>1. Participating in an environmental assessment</li> <li>2. Participating in a preliminary screening and regulatory process</li> <li>3. Devolution: roles and responsibilities</li> <li>4. Compliance, inspection, enforcement</li> </ol>	<ol style="list-style-type: none"> <li>1. 1:00-1:40pm</li> <li>2. 1:50-2:30pm</li> <li>3. 2:40-3:20pm</li> </ol>
<p>Health Break</p>	<p>3:20-3:30pm</p>
<p>Plenary</p> <ul style="list-style-type: none"> <li>• Discussion &amp; Day 1 Wrap up</li> </ul>	<p>3:30-4:00pm</p>

<p>Wednesday, January 25, 2017  Location: Soaring Eagle Friendship Centre</p>	
<p>EVENING OPEN HOUSE</p> <ul style="list-style-type: none"> <li>• An opportunity for the public to ask questions to organizations involved in the Resource Co-Management System</li> </ul>	<p>6:30-8:30pm</p>

# RESOURCE CO-MANAGEMENT WORKSHOP

Mackenzie Valley  
Review Board



## Draft Agenda – Day 2

Thursday, January 26, 2017	
Location: Chief Lamallice Complex, Kát'odeeche First Nation Reserve	
ARRIVAL TIME (coffee and snacks provided)	8:30-8:45am
Review of Day 1	8:45-9:00am
<p><u>Panel Discussion:</u></p> <p><b>Incorporating Traditional Knowledge into the Review Process</b></p> <ul style="list-style-type: none"> <li>• A discussion of TK, how it's incorporated into the co-management review process and what can be improved</li> <li>• Participants will have an opportunity to ask questions</li> </ul> <p>Panel Members include:</p> <ol style="list-style-type: none"> <li>1. Tim Heron, Northwest Territory Métis Nation</li> <li>2. Bill Ross, Past Chair, Independent Environmental Monitoring Agency</li> <li>3. Peter Redvers, Land Director, Kát'odeeche First Nation</li> <li>4. Florence Catholique, Łutsel K'e Dene First Nations</li> <li>5. Joachim Bonnetrouge, Chair, Dehcho Land Use Planning Committee</li> </ol>	9:00-10:00am
Health Break	10:00-10:15am
<p><u>Breakout Sessions</u></p> <p>Four 40-minute breakout sessions will run concurrently. Participants will have an opportunity to take part in <b>ALL</b> sessions listed below.</p> <p>Topics were determined based on feedback from outreach to workshop participants and will include:</p> <ol style="list-style-type: none"> <li>1. Land Use Planning in Action</li> <li>2. How Traditional Knowledge is incorporated into reviews</li> <li>3. Roles and responsibilities of communities and Aboriginal governments in the system</li> <li>4. Parking Lot – this topic will be determined based on feedback from Day 1</li> </ol>	<p>1. 10:15-10:55</p> <p>2. 11:05-11:45</p>
Lunch (provided on site)	11:45-12:30pm

<p><u>Panel Discussion:</u>  <b>Resource Co-Management System: Report Card</b></p> <ul style="list-style-type: none"> <li>• A panel discussion on what’s working and what we can do more of</li> <li>• Participants will also have an opportunity to ask questions</li> </ul> <p>Panel Members include:</p> <ol style="list-style-type: none"> <li>1. Peter Redvers, Kát’odeeche First Nation</li> <li>2. Todd Slack, Ni Hadi Xa</li> <li>3. Matthew Miller, NWT Power Corporation</li> <li>4. Rosy Bjornson, Deninu Kue First Nation</li> </ol>	<p>12:30-1:45</p>
<p><u>Breakout Sessions</u> (continuation of previous session)  Four 40-minute breakout sessions will run concurrently. Participants will have an opportunity to take part in <b>ALL</b> sessions listed below.</p> <p>Topics were determined based on feedback from outreach to workshop participants and will include:</p> <ol style="list-style-type: none"> <li>1. Land Use Planning in Action</li> <li>2. How Traditional Knowledge is incorporated into reviews</li> <li>3. Roles and responsibilities of communities and Aboriginal governments in the system</li> <li>4. Parking Lot – this topic will be determined based on feedback from Day 1</li> </ol>	<p>3. 1:45-2:25  4. 2:35-3:15</p>
<p><b>Health Break</b></p>	<p>3:15-3:30pm</p>
<p><b>Plenary</b></p> <ul style="list-style-type: none"> <li>• Discussion &amp; Day 2 Wrap up</li> <li>• Closing Remarks</li> <li>• Closing Prayer</li> </ul>	<p>3:30-4:15pm</p>