

Appendices

RESOURCE CO-MANAGEMENT WORKSHOP: Fostering Integrated Decision-Making in Resource Management



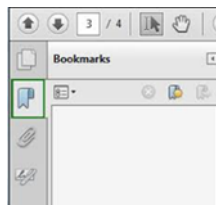
Part 1

- Workshop Agenda
- Keynote Biography: Brian Crane
- Participant List
- Overview of the MVRMA- Brett Wheler, Mackenzie Valley Environmental Impact Review Board
- Administration and Management of Gwich'in Private Land in the GSA- Stephen Charlie Gwich'in Tribal Council
- Emerging Practices in Environmental Assessment- Brett Wheler, Mackenzie Valley Environmental Impact Review Board
- MVRMA Amendments and Federal Participant Funding- Crown Indigenous and Northern Affairs Canada- Rebecca Chouinard and Kim Pawley

Part 2

- EIA Initiation Guidelines for Developers of Major Projects- Brett Wheler, Mackenzie Valley Environmental Impact Review Board
- Land Use Permits and Water Licences- AlecSandra MacDonald, Gwich'in Land & Water Board
- OROGO and the MVRMA -Pauline de Jong, Office of the Regulator of Oil and Gas Operations
- Inuvialuit Land Administration- Charles Klengenber
- Inuvialuit Settlement Region: Environmental Impact Screening and Review Process- Lenora McLeod- Environmental Impact Review Board
- Cumulative Impact Monitoring Program- Julian Kanigan, GNWT-Environment and Natural Resources

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RESOURCE CO-MANAGEMENT WORKSHOP: Fostering Integrated Decision-Making in Resource Management



Hosted by the Co-management Boards operating in the Gwich'in Settlement Area and the Government of the Northwest Territories (GNWT)

February 26-28, 2019

Inuvik, NT (Midnight Sun Complex)

BACKGROUND

The co-management Boards operating in the Gwich'in Settlement Area and the GNWT are co-hosting a resource management workshop. The goals, delivery methods and regional setting for this workshop build on experience and feedback from similar workshops held in 2016, 2017 and 2018 in Norman Wells, Hay River and Yellowknife.

WORKSHOP GOALS

The goals of this workshop are to look at the past and the negotiation and implementation of the Gwich'in Comprehensive Land Claim Agreement, pre-*Mackenzie Valley Resource Management Act*; to look at the present and how the pieces of the resource co-management system work together; and to look at the future - the challenges and opportunities. It's a chance to share knowledge, ideas, experiences, and an opportunity for dialogue on existing co-management processes established under the Gwich'in Comprehensive Land Claim Agreement and the *Mackenzie Valley Resource Management Act*.

AGENDA

Monday, Feb 25, 2019	
Registration and Networking (optional event) <ul style="list-style-type: none"> An opportunity to pick up your registration package and meet other workshop participants. 	6:00 – 8:00 PM Mackenzie Grill (Hotel)

Tuesday, Feb 26, 2019 (Day 1)	
ARRIVAL TIME and Registration (coffee and snacks provided)	8:30 – 9:30 AM Midnight Sun Complex Community Hall
Opening Prayer and Welcome Opening Comments, objectives of the workshop/overview of the agenda, goals of the day	9:30 – 9:50 AM
Keynote: Brian Crane – <i>A history of the framework of the resource co-management system in the Gwich'in Settlement Area.</i>	9:50 – 10:15 AM
Break	10:15 – 10:30 AM
Knowledge Panel – A discussion of resource management before the land claim	10:30 – 11:50 AM
Overview of the <i>Mackenzie Valley Resource Management Act (MVRMA)</i>	11:50 – 12 noon
Lunch –provided (jigging with youth)	12 noon – 1:30 PM
Panel Discussion: Our past - how did settling the Land Claim change the framework for resource management in the Gwich'in Settlement Area <ul style="list-style-type: none"> • The spirit and intent of the Gwich'in Comprehensive Land Claim Agreement (the Agreement) • The negotiation and implementation of the Agreement • Resource management pre-MVRMA, pre-Agreement 	1:30 – 3:00 PM
Break	3:00 – 3:15 PM
Presentation with question period <ul style="list-style-type: none"> • Presentation: The role of the Gwich'in resource co-management boards 	3:15 – 3:45 PM
Presentation with question period <ul style="list-style-type: none"> • Environmental Assessment improvement initiatives 	3:45 – 4:15 PM
Presentation with question period An update from the federal government <ul style="list-style-type: none"> • MVRMA Amendments • Federal Participant Funding Program Wrap-up day one	4:15 – 4:30 PM

Wednesday, February 27, 2019 (Day 2)	
ARRIVAL TIME (coffee and snacks provided)	8:45 – 9:00 AM Midnight Sun Complex Community Hall
Review of Day 1, overview of Day 2	9:00 – 9:15 AM
Breakout sessions: An overview of the pieces of the resource co-management system in the Mackenzie Valley: <ul style="list-style-type: none"> • Land use planning • Preliminary screening and environmental assessment • Land use permits and Water Licences • Managing wildlife and other renewable resources • Compliance, inspection, and enforcement • Land management and tenure • Incorporating Traditional Knowledge into resource co-management 	9:15 – 10:30 AM Midnight Sun Complex Community Hall & Community Lounge
Break	10:30 – 10:45 AM Midnight Sun Complex Community Hall
Breakout sessions continued: An overview of the pieces of the resource co-management system in the Mackenzie Valley: <ul style="list-style-type: none"> • Land use planning • Preliminary screening and environmental assessment • Land use permits and Water Licences • Managing wildlife and other renewable resources • Compliance, inspection, and enforcement • Land management and tenure • Incorporating Traditional Knowledge into resource co-management 	10:45 – 12:00 PM
Lunch - provided	12:00 – 1:00 PM Midnight Sun Complex Community Hall
Breakout sessions continued: An overview of the pieces of the resource co-management system in the Mackenzie Valley: <ul style="list-style-type: none"> • Land use planning • Preliminary screening and environmental assessment • Land use permits and Water Licences • Managing wildlife and other renewable resources • Compliance, inspection, and enforcement • Land management and tenure • Incorporating Traditional Knowledge into resource co-management 	1:00 – 2:45PM
Break	2:45 – 3:00 PM Midnight Sun Complex Community Hall

Presentations: <ul style="list-style-type: none"> • Office of the Regulator of Oil and Gas Operations • Inuvialuit processes • Cumulative Impact Monitoring Program 	3:00 – 4:00 PM Midnight Sun Complex Community Hall
Wrap-up of day two	4:00 – 4:15 PM

Thursday, February 28, 2019 (Day 3)	
ARRIVAL TIME (coffee and snacks provided)	8:45 – 9:00 AM Midnight Sun Complex Community Hall
Armchair discussion: The realities of the system – and an open conversation on what/how we might improve <i>Those who apply to the system</i> <ul style="list-style-type: none"> • Applicants; private proponents, contractors, and municipalities <i>Those who provide comment/input into the system</i> <ul style="list-style-type: none"> • Community organizations / Other parties • Renewable Resource Councils • Gwich'in Tribal Council Department of Lands and Resources & Department of Cultural Heritage 	9:00 – 10:15 AM
Break	10:15 – 10:30 AM
Presentation and discussion: <ul style="list-style-type: none"> • Northwest Territories Environmental Audit 	10:30 – 10:45 AM
Plenary <ul style="list-style-type: none"> • Highlight from the Breakout sessions • Discussion Wrap up • Closing Remarks • Closing Prayers 	10:45 – 11:30 AM
Lunch - provided	11:30 – 12 noon

Keynote Speaker: Brian Crane



Brian Crane

Brian Crane is currently a senior partner with Gowling WLG (Ottawa). He practices in constitutional, administrative and Aboriginal law. Brian appears as counsel before the Supreme Court of Canada, the Federal Court and the Ontario courts. He has worked extensively in the negotiation of indigenous land claims, self-government agreements and related litigation, and in arbitration and mediation. An active member of the Canadian Bar Association, Brian has chaired Bar Committees on Reform of Parliament, the Federal Judiciary, Reform of the Federal Court, the Supreme Court of Canada and the Reform of Civil Justice. He was appointed Queen's Counsel in 1977 and a Certified Specialist in Civil Litigation in 1988. He was elected a Fellow of the American College of Trial Lawyers in 1993. Brian is recognized by Chambers Global as a Senior Statesman in the field of aboriginal law. He was part of the negotiation team for the Gwich'in Comprehensive Land Claim.

Last Name:	First Name:	Organization
Adams	Justin	GNWT- Department of Lands
Amos	Amy	Gwich'in Renewable Resources Board
Andre	Alestine	Department of Cultural Heritage Gwich'in Tribal Council
Arey	Donald	GNWT- Department of Lands
Bey	Benjamin	GNWT- Department of Infrastructure
Blake	Leslie	Tetlit Gwich'in Concil DGO
Boxwell	Janet	Gwich'in Renewable Resources Board
Campbell	Darren	GNWT- Department of Lands
Camsell-Blondin	Violet	Tłıchǵ Government
Carmichael	Dan	GNWT- Department of Lands
Carnogursky	Jozef	Gwich'in Renewable Resources Board
Carpenter	Merle	GNWT- Department of Infrastructure
Charlie	Stephen	Department of Lands and Resources- Gwich'in Tribal Council
Chenemu	Ambe	Tłıcho Government
Chouinard	Rebecca	Crown-Indigenous Relations and Northern Affairs Canada
Clarkson	Peter	GNWT-Environment & Natural Resources
Cliffe-Phillips	Mark	Mackenzie Valley Environmental Impact Review Board
Crane	Brian	Gowling WLG
Davison	Tracy	Gwich'in Renewable Resources Board
de Jong	Pauline	Office of the Regulator of Oil and Gas Operations
DeBastien	Leonard	Gwich'in Land and Water Board
Edwards	James	Ehdiitat Gwich'in Council
Elliott	Dinah	Crown-Indigenous Relations and Northern Affairs Canada
Ferguson	Celtie	Aurora Research Institute
Firth	James	Panelist, Inuvik
Firth	Wilbert	Tetlit Gwich'in Renewable Resources Council
Furlong	Charlie	Panelist, Aklavik
Goose	Erin	GNWT- Environment & Natural Resources
Greenland	Cheryl	Gwich'in Renewable Resources Board
Greenland	Eddie	Ehdiitat Gwich'in Council
Greenland	Franny	Ehdiitat Gwich'in Council
Greenland-Morgan	Bobbi Jo	Gwich'in Tribal Council
Gruben	Lloyd	GNWT-Environment & Natural Resources
Hesse	Anne-Marie	National Energy Board
Holliday	Robert	Crown-Indigenous Relations and Northern Affairs Canada
Huskey	Joline	Tłıcho Government
Jennings	Anne-Marie	GNWT-Industry Tourism & Investment
Kamo McHugh	Kelly	GNWT-Department of Infrastructure
Kanigan	Julian	GNWT-Environment & Natural Resources
Kisoun	Gerald	Gwich'in Land and Water Board
Klengenberg	Charles	Inuvialuit Land Administration
Krutko	David	Mackenzie Valley Environmental Impact Review Board
Lakhani	Sabrina	GNWT- Industry Tourism & Investment
Lantz	Tanya	Mackenzie Valley Land & Water Board
Lennie	Laurie Anne	Gwichya Gwich'in Council
Lord	Sarah	Gwich'in Renewable Resources Board
Macdonald	AlecSandra	Gwich'in Land and Water Board
Mackenzie	Sue	Gwich'in Land Use Planning Board
Malone	Laura	GNWT-Environment & Natural Resources
Matthews	Bryana	GNWT-Environment & Natural Resources
McLeod	Lenora	Environmental Impact Review Board
McRae	Alicia	GNWT-Environment & Natural Resources
Meinert	Laura	Wek'èezhii Renewable Resources Board
Menzies	Stacey	Mackenzie Valley Environmental Impact Review Board
Milligan	Kimberly	Hemmera
Murray	Kimberley	Mackenzie Valley Land & Water Board
Nazon	Margaret	Gwich'in Land and Water Board
Neyando	Georgina	Tetlit Gwich'in Renewable Resources Council
Niditchie Jr	George	Gwichya Gwich'in Renewable Resources
Nitsiza	Ted	Tłıchǵ Government
Norbert	John	Gwichya Gwich'in Renewable Resources
Norbert	Nigit'stil	Gwich'in Land and Water Board
Norman-Goose	Jordan	Gwich'in Renewable Resources Board
Norrish	Shalyn	Wek'eezhii Land and Water Board
O'Neill	Joy	Gwich'in Tribal Council
Owen	Catarina	Sahtu Renewable Resources Board
Pascal	Eugene	Panelist, Aklavik
Pawley	Kim	Crown-Indigenous Relations and Northern Affairs Canada
Pink	Melissa	GNWT- Department of Lands
Rabesca	Phoebe	Tłıchǵ Government
Ransom	Loretta	GNWT-Environment & Natural Resources

Riepl	Mark	GNWT- Department of Lands
Rozestraten	Katie	GNWT- Department of Lands
Seale	Lorraine	GNWT- Department of Lands
Shafi	Arusa	GNWT- Department of Lands
Simpson	Bob	Inuvialuit Regional Corporation
Snowshoe	Charlie	Gwich'in Renewable Resources Board
Snowshoe	Norm	GNWT-Environment & Natural Resources
Snowshoe	Sharon	Department of Cultural Heritage Gwich'in Tribal Council
Szelec	Robert	Gwich'in Tribal Council
Unger	Peter	Natural Resources Canada
Voudrach	Bradley	GNWT- Department of Lands
Voudrach	Lila	GNWT-Environment & Natural Resources
Walsh	Jennifer	Crown-Indigenous Relations and Northern Affairs Canada
Weyallon	Trena	Tłı̄chǫ Government
Wheler	Brett	Mackenzie Valley Environmental Impact Review Board
Wong	Sara	GNWT-Environment & Natural Resources
Wright	Elizabeth	Gwich'in Land and Water Board

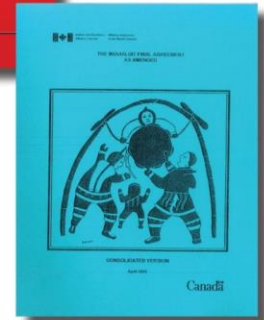


Mackenzie Valley Resource Management Act (MVRMA) Overview

**Brett Wheler, Senior EA Policy Advisor,
Mackenzie Valley Review Board
Inuvik, Feb 2019**

Land Claim Agreements in the NWT

- Inuvialuit Final Agreement (1984)
- Gwich'in Comprehensive Land Claim Agreement (1992)
- Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993)
- Tłıch'o Land Claims and Self Government Agreement (2005)
- Areas without Settled Land Claims (Interim Agreements)



Principles of NWT Resource Management

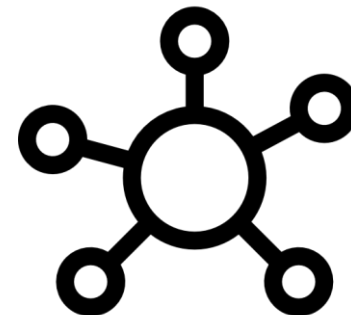
CO-MANAGEMENT

- **Formal agreements** / institutional arrangements **between governments and Aboriginal groups** (and sometimes other parties)
- **Specifying their respective rights, powers and obligations** with reference to the **management and allocation of resources** in a particular area of crown lands and waters



INTEGRATED AND COORDINATED

- Integrated and coordinated system for the **regulation of land, water and wildlife, land use planning, and project assessment.**
- The work of different parts of system needs to be **coordinated**

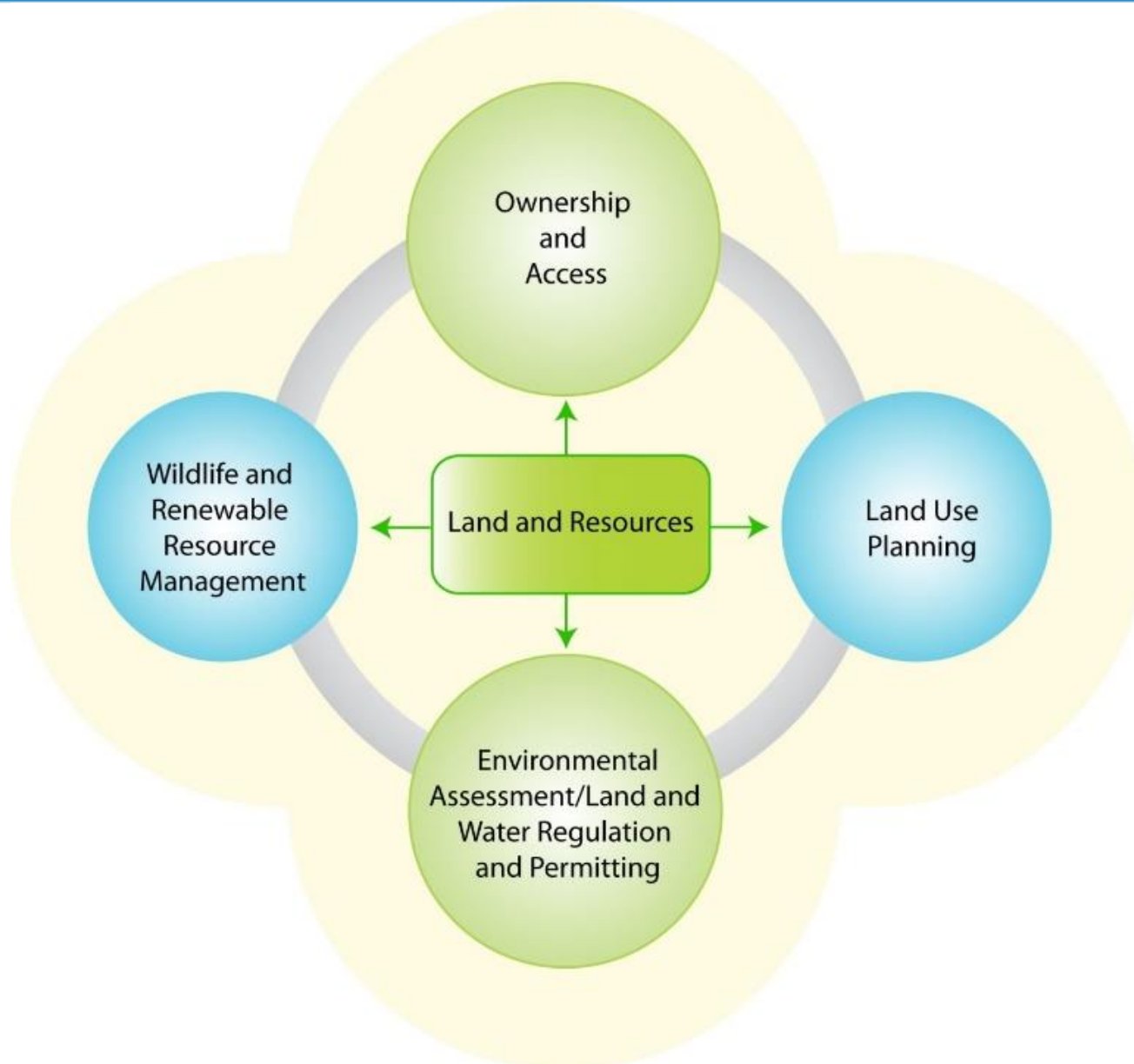


Co-management

As a result of land claim agreements, environment and resource management is shared between governments and Aboriginal groups through Co-management Boards

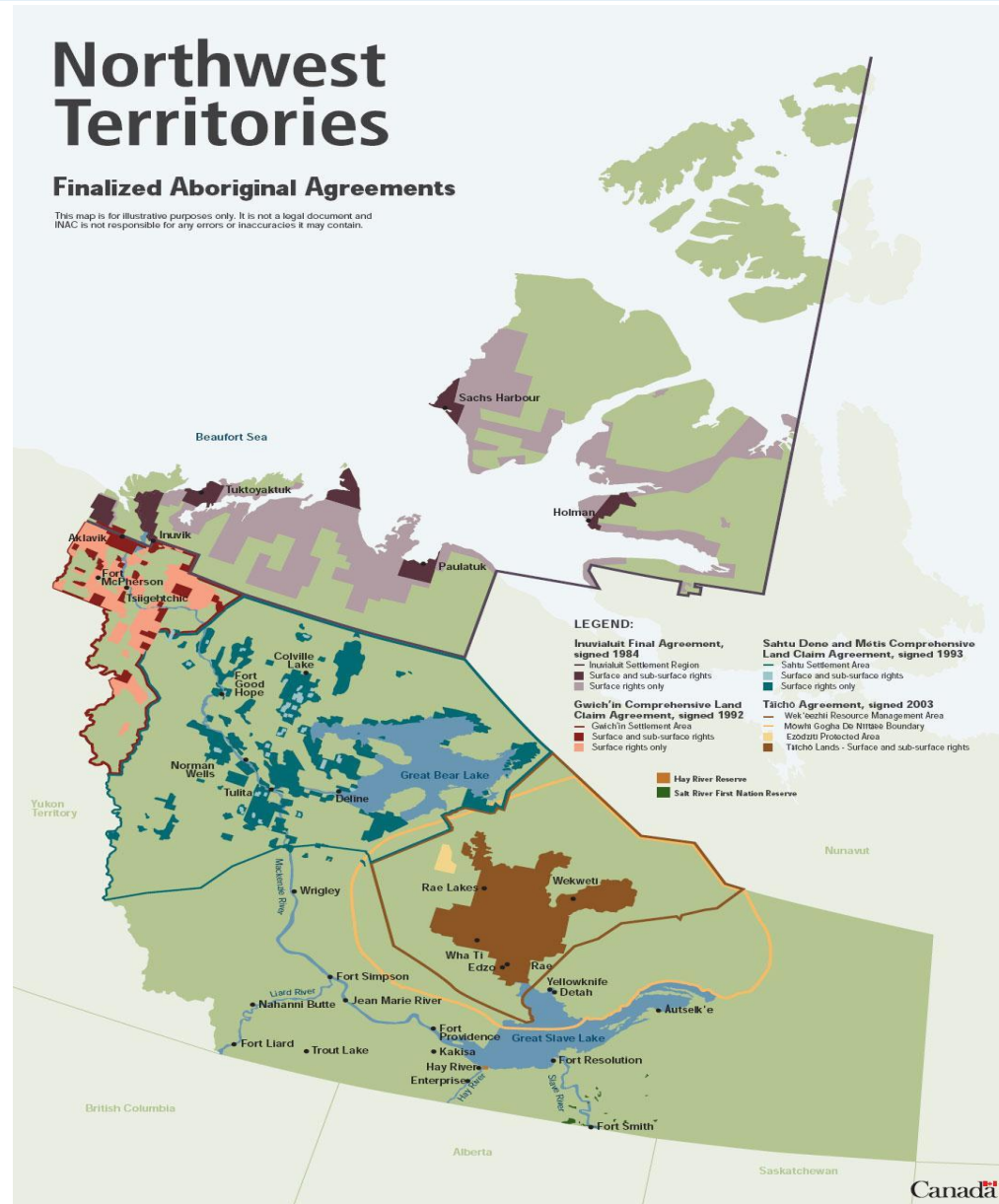


Integrated Resource Management Framework

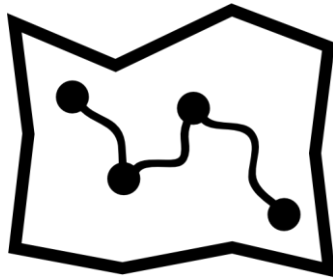


Integrated Resource Management Framework

1) LAND OWNERSHIP & ACCESS



2) LAND USE PLANNING



Land Use Planning Boards develop and implement regional land use plans

Mackenzie Valley Boards:

- Gwich'in Land Use Planning Board
- Sahtu Land Use Planning Board
- Tlicho Government
- Dehcho Land Use Planning Committee

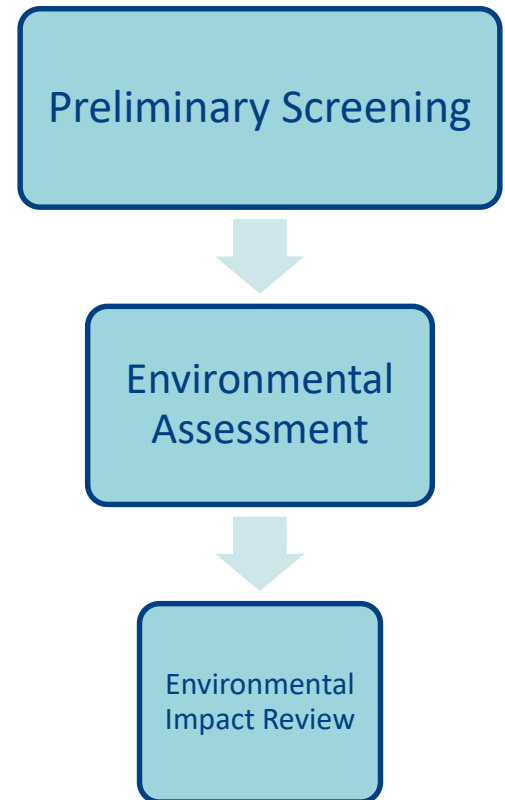
3) ENVIRONMENTAL IMPACT ASSESSMENT



- Carefully consider impacts before action is taken
- Ensure concerns of aboriginal people & the public are taken into account
- Protect the environment from **significant impacts**
- Protect social, cultural, economic **wellbeing**
- Importance of conservation to the **well-being and way of life of Aboriginal people**



Stages of Environmental Impact Assessment



3) LAND AND WATER REGULATION



- Regulate the use of land and water and deposit of waste
- Land Use Permits and Water Licenses
- Set conditions



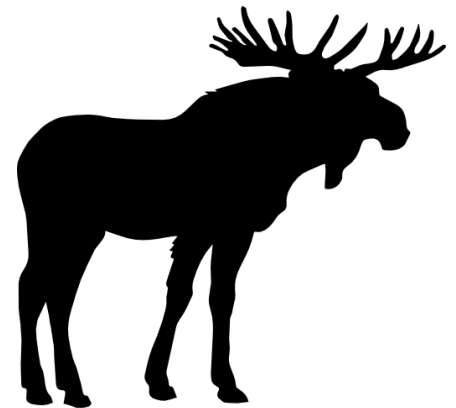
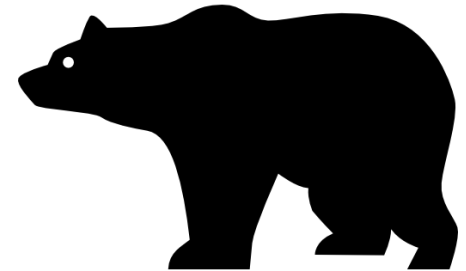
Boards

- Gwich'in Land and Water Board
- Sahtu Land and Water Board
- Wek'èezhìi Land and Water Board
- Mackenzie Valley Land and Water Board

4) WILDLIFE AND RENEWABLE RESOURCE MANAGEMENT

- Renewable Resource Management Boards and other organizations (e.g., Hunters and Trappers Committees) manage wildlife and renewable resources (wildlife, fish and forests)
 - Issues such as: harvest management, habitat management, impacts of development, etc.
 - Addressed through: monitoring programs, mitigation measures, use of TK, etc.
- Federal, territorial, regional and local orgs have management & regulatory responsibilities

The process and responsibilities for how these activities are done differ between regions



Other parts of the MVRMA intended to support the system as a whole

- Cumulative Impact Monitoring Program
- NWT Environmental Audit
- Regional Strategic Environmental Assessment

More to come:

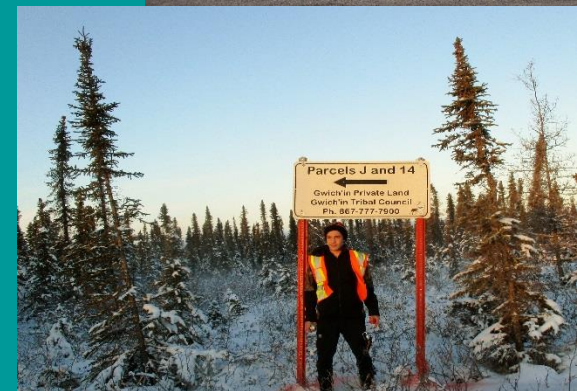
- During the rest of this workshop, we will have an opportunity to discuss different parts of the system in more detail
- Mahsi.



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**Mackenzie Valley Resource Management Act
WORKSHOP February 26-28, 2019.**

MVRMA Workshop, Inuvik, NT **February 26-28, 2019**





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INTRODUCTION

WHO

Stephen Charlie, Director of Lands

WHAT

Administration and Management of Gwich'in Private Land in the GSA

WHERE

Midnight Sun Recreational Complex, Inuvik

WHY

Give Participants of Workshop and Overview of GLR's involvement in the Regulatory system set-up through Land Claims and MVRMA

WHEN

February 26-28, 2019.



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WHAT WE DO

The Gwich'in Lands and Resources (GLR) Department is responsible for coordinating and facilitating various activities and programs related to lands administration and resources management of the Gwich'in Comprehensive Land Claim Agreement (GCLCA) including but not limited to:

- management and administration of Gwich'in-owned lands within the NWT and Yukon;
- issues, policies, regulations and guidelines relating to the management and planning of land use, wildlife and wildlife harvesting, water resources management, environment, forest management, and; other GCLCA related issues.

The implementation of the GCLCA is done with a collective approach among the four Gwich'in Settlement Area (GSA) communities.





What are the Main Duties of Gwich'in Lands and Resources

Manage Land Use Activities;

- Commercial Logging Operations
- Gravel Pits and Quarries
- Recreation & Tourism Outfitting
- Government Activities
- Oil and Gas Activities
- Residential Leases
- Road Construction;
- Research Activities



Additional responsibilities;

- Consult with Gwich'in community DGO/RRC's during the application for authorization process.
- Maintain a Registry of Land Use Activities.
- Conduct Inventories
- Monitor activities on Gwich'in Private Land as well as investigate suspicious activity.
- Administrate and ensure compliance with issued Gwich'in Authorizations (contract agreements).
- Continue to develop policies and procedures for land use activities, and;
- Enforce the Gwich'in Land Management and Control Guidelines.



LAND MANAGEMENT



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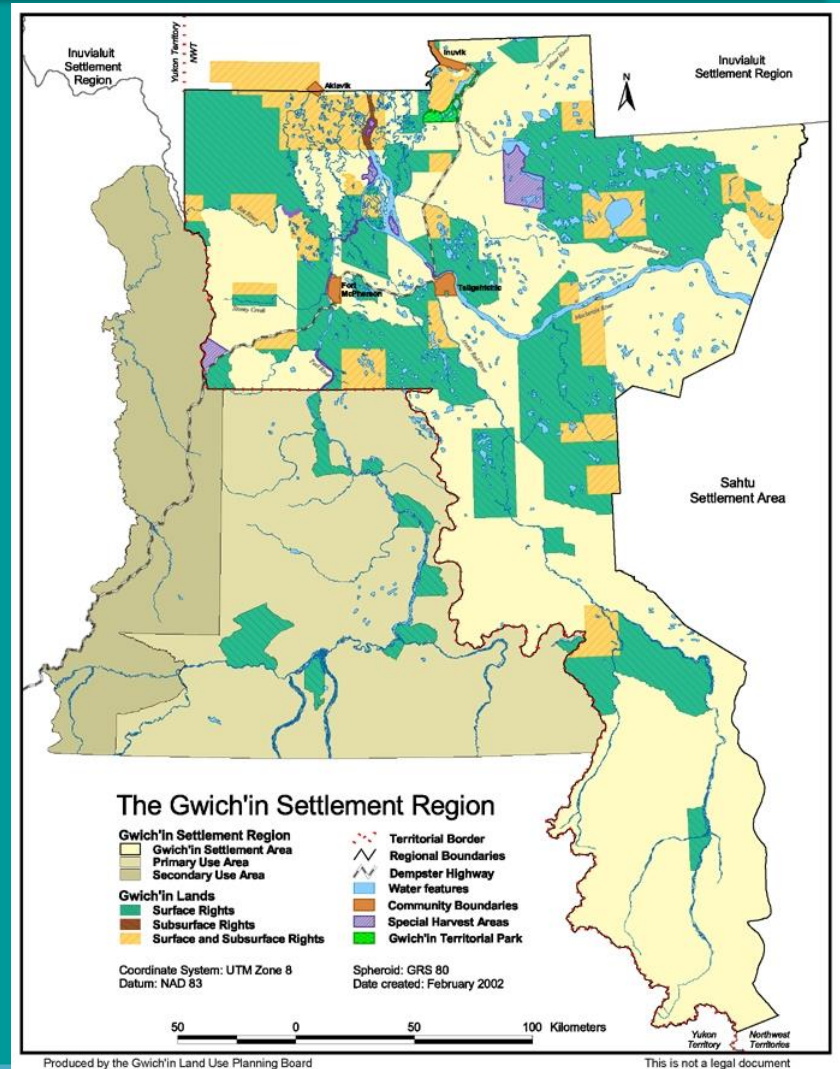
Gwich'in Settlement Region

Includes Primary and Secondary Land Use Areas in the Yukon (Exclusive Special Harvesting Rights)

- Gwich'in Private Land (Yukon) 1554 km²

Gwich'in Settlement Area (NWT)

- 53 parcels of land
- 57,267 km² of Land
- 40%, 22,422 km is Gwich'in Land
- 33 Parcels, 28%, 16,234 km² Surface Rights
- 20 Parcels, 11%, 4,299 km² Sub-Surface
- Also own Parcels of Land with municipal boundaries of each community.





What is the Purpose of the Land Claim and Having Land Base

- To provide for **certainty and clarity of rights to ownership** and use of land and resources;
- To recognize and **encourage the Gwich'in way of life**, which is based on the cultural and economic relationship between the Gwich'in and the land;
- To **encourage the self-sufficiency** of the Gwich'in and to enhance their ability to participate fully in all aspects of the economy;
- To provide the Gwich'in with **specific benefits**, including **financial compensation, land and other economic benefits**;
- To **protect and conserve the wildlife and environment** of the Gwich'in Settlement Region (GSR) for present and future generations; and
- To provide the Gwich'in the **right to participate in decision making concerning the use, management and conservation of land, water and resources**.

Gwich'in Private Land



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GTC Authority to Establish Policy for Access to Private Land

Within the GCLCA the first Chapter identifies our objectives for the land claim, and in section 18.1.6 we have the provisions to manage, control and use Gwich'in Lands.

12.1.6 Subject to the provisions of this agreement and legislation, the Gwich'in shall manage and control the use of Gwich'in lands, including;

- (a) the development and administration of land management programs and policies;
- (b) the charging of rents or other fees for the use and occupation of Gwich'in lands..

**KNOW THE
RULES!**

LANDS Mgmt. - Control

Take Control



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Gwich'in Land Management and Control Guidelines

The Gwich'in Land Administration office was first established in 1995 in Aklavik and later moved to GTC headquarters in Inuvik. The creation of policy and procedures for access to Gwich'in private land started in 2005 and over a ten year period with a lot of hard work ,research and consultation with Participants the Gwich'in Tribal Council adopted the guidelines and fee schedules.

The overarching objectives of this document are:

- To set out the **standards and guidelines for the use** of Gwich'in Private Lands;
- To provide for **consistency and fairness to the management and control** of Gwich'in Private Lands;
- To provide for Gwich'in **participation in the management and control** of Gwich'in Private Lands;
- To provide for the **coordination of land use regulation with public Regulatory authorities**.

**KNOW THE
RULES!**



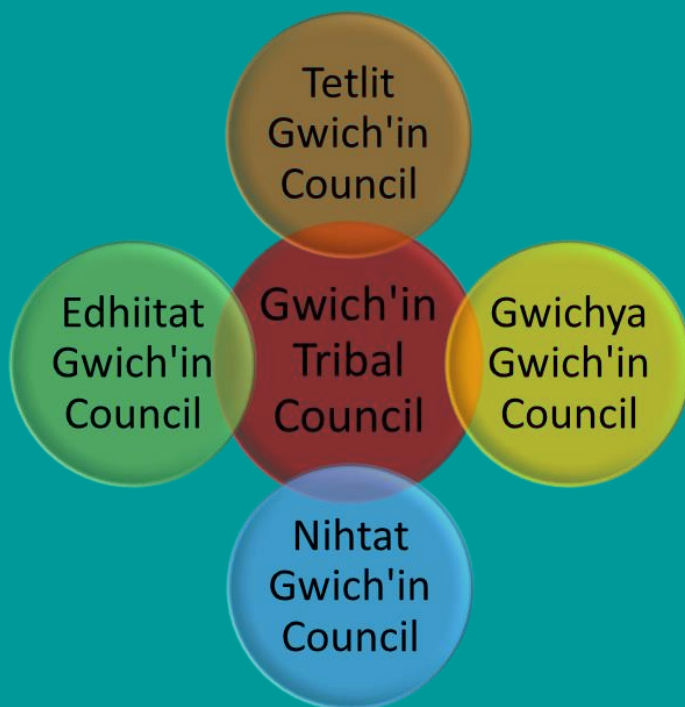
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RELATIONSHIPS w GTC and Community DGO/RRC's



The GTC along with its DGOs form the governing body that protects and preserves the rights, interests and benefits of the Gwich'in in regards to their use, ownership and management of lands, waters, and resources in the Gwich'in Settlement Area, while simultaneously preserving and enhancing the traditional and cultural values, customs and language of the Gwich'in.

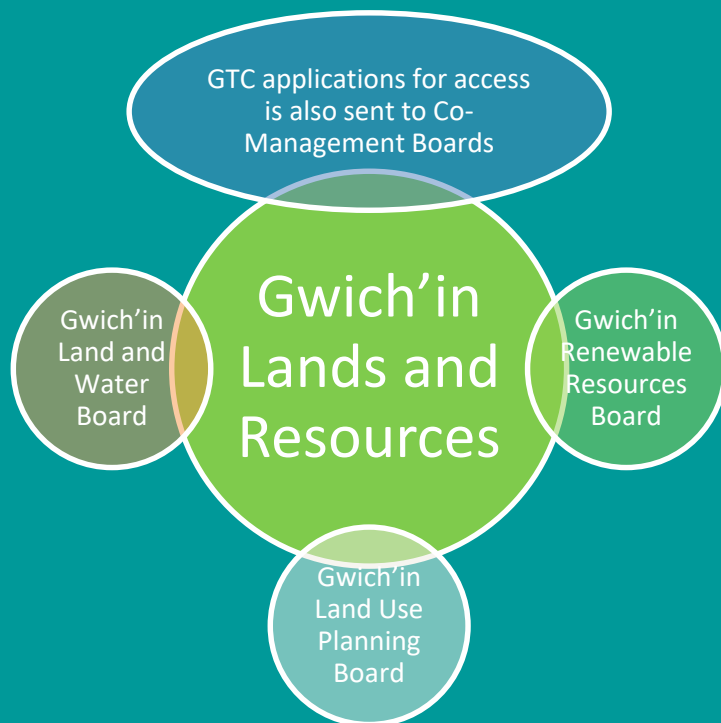


Gwich'in Participation





RELATIONSHIPS w Co-management Boards Est. through Land Claim and Mackenzie Valley Resource Management Act



Basic Process

- Accepted applications to access Gwich'in land and then its distributed to GTC Lands consultations parties. for review and comments, this process is 10 days limit.

The application is also forwarded to the following Boards;

- Gwich'in Land and Water Board
- Gwich'in Land Use Planning Board
- Gwich'in Renewable Resources Board
- Gwich'in Heritage



Consultation with Public Institutions





NON-GWICHIN CASUAL ACCESS TO GWICHIN LAND

General

This Section: refers to general conditions applicable to Non-Gwich'in rights of access preserved by the GCLCA.

•The GCLCA preserves various public, government, industry and commercial rights to access Gwich'in Settlement Lands is subject to the following conditions:

- (1)the user shall commit no mischief on Gwich'in Private Lands;
- (2)the user shall not interfere significantly with Gwich'in use and peaceful enjoyment of Gwich'in Private Lands; and
- (3)the user shall be responsible for any significant damage caused by the user to Gwich'in Private Lands. [GCLCA 20.1.4] [YTBA 4.1.6].

•Non-Gwich'in exercising a right of surface access to or across Gwich'in Private Lands do so at their own risk and have no right of action against the Gwich'in for alleged loss suffered or damage arising from the access. [GCLCA 20.1.5]

•Non-Gwich'in may enter and stay on Gwich'in Private Lands without prior notice in an emergency. [GCLCA 20.1.8] [YTBA 4.1.5].

•A person may exercise a right to access by any mode of transport unless restricted by conditions imposed by Gwich'in Lands and Resources, Gwich'in Tribal Council or by legislation [GCLCA 20.1.11].



Rights of all Canadians





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Guidelines -Incorporated into Land Mgmt. and Decision Making Process, Directly from the GCLCA

Summary of Guidelines

- Gwich'in Individuals **Do NOT OWN** the Land.
- The Land is owned **Collectively** for Gwich'in Participants.
- Land Use decision will be based on **Honour, Trust, and Respect**.
- We must **Protect the Land and Protect the Places** of the Gwich'in
- Any **Decisions** must consider future implications of those decisions.
- An application is require six weeks prior to construction. RRC's will process all applications for new cabins on Gwich'in private land.
- New cabins on Gwich'in land will be permitted with the **consent of adjacent Gwich'in occupants** and the RRC's; Letters of Support Required.
- Adjacent users will be considered; whether they are on Gwich'in Private Land or Public Lands, and whether they are going to use seasonally or year round.
- Past Agreements will be Honoured.
- GTC will be asked to delegate decisions about cabins within each RRC Area of Jurisdiction.
- Non-Participants will generally not be permitted to construct new cabins or camps on Gwich'in Land s. Past agreements or an application under an Overlap Agreement will be honoured.
- Access to cabins is a larger issue. As Access may serve more than one purpose, delegation of decisions on access to RRC will depend on what other uses may occur as a result of the access.
- The Regional RRC's can recommend that recreational access be delegated from the GTC to the RRC's.



LANDS





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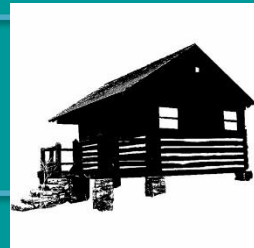
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Resource Management Plans in the Gwich'in Settlement Area

- Gwich'in Territorial Park Master Management Plan
- Deep Water Lake Watershed Management Plan
- Management Plan for Dall's Sheep
- Gwich'in Forest Management Plan (framework)
- Frog Creek Management and Reclamation Plan
- Willow River Development and Reclamation Plan for Site 467

**official
policy**

GTC Lands also supports Management Plans







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RRC Regional Workshop Presentation

GTC LANDS AND RESOURCES TEAM

If you have any questions with regard to this report or would like to discuss the projects identified in the report you can contact the Lands and Resources Team at the GTC.

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MAHSI' CHO

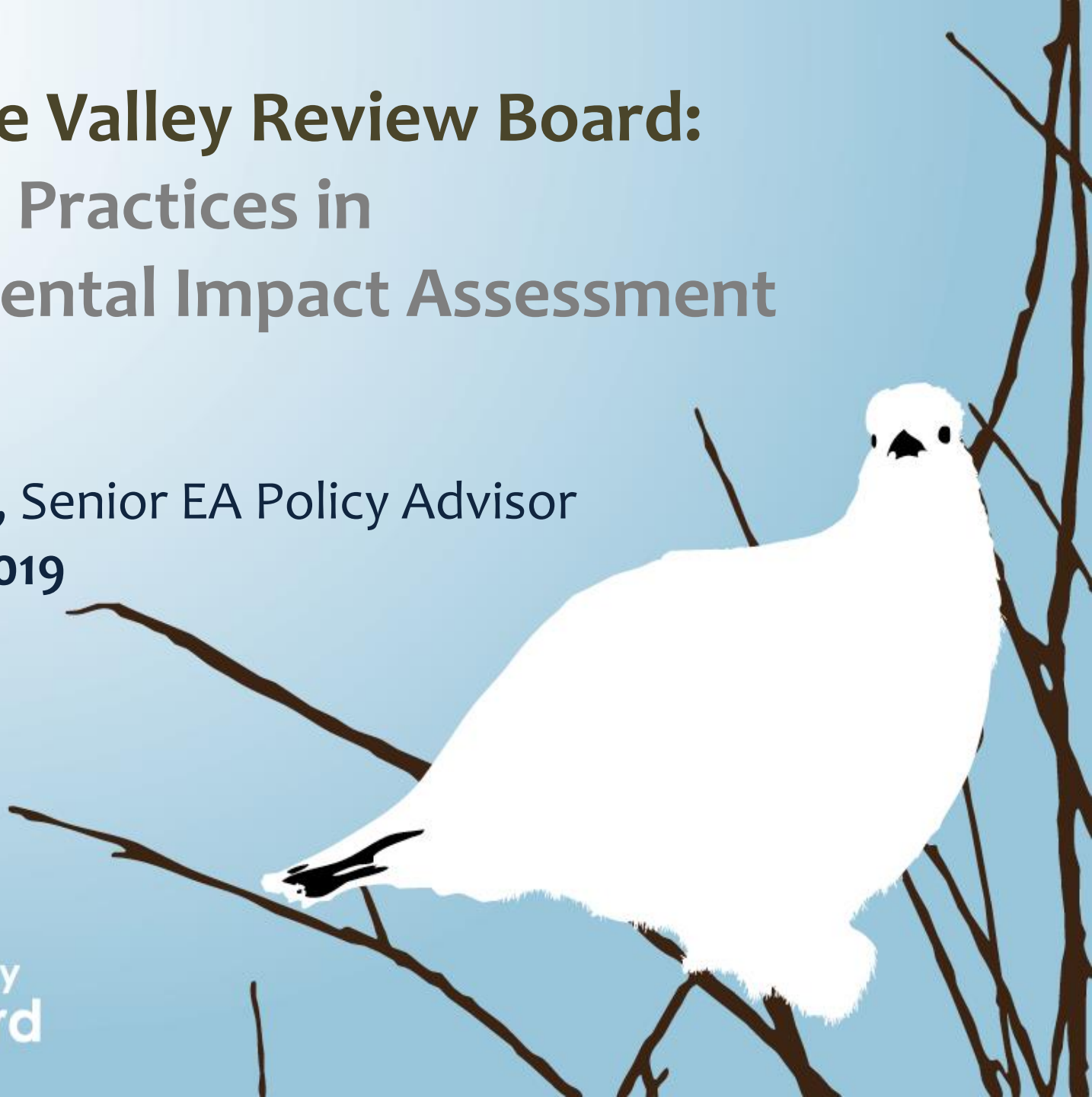
QUESTIONS

Mackenzie Valley Review Board: Emerging Practices in Environmental Impact Assessment

**Brett Wheler, Senior EA Policy Advisor
Inuvik, Feb 2019**



**Mackenzie Valley
Review Board**



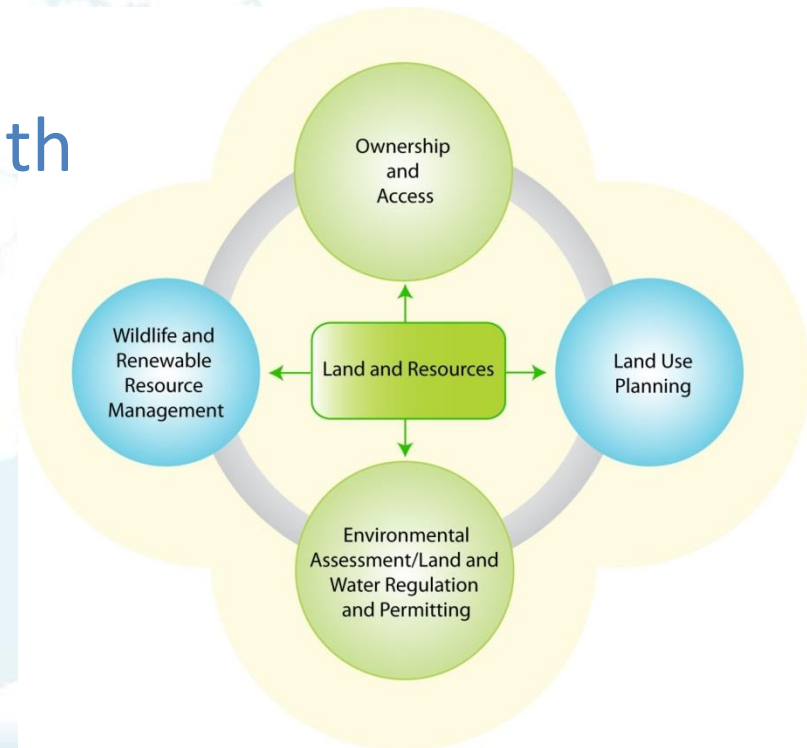
Outline

- ❖ EA in the Mackenzie Valley
- ❖ What's new in EA
& how does it relate to us...



Mackenzie Valley Review Board

- **Co-management board (50% Aboriginal)**
 - Integrated system
- **Conducts EIAs** for projects with potential significant impacts or public concern
- Looks at **impacts on people and environment**



Review Board Members

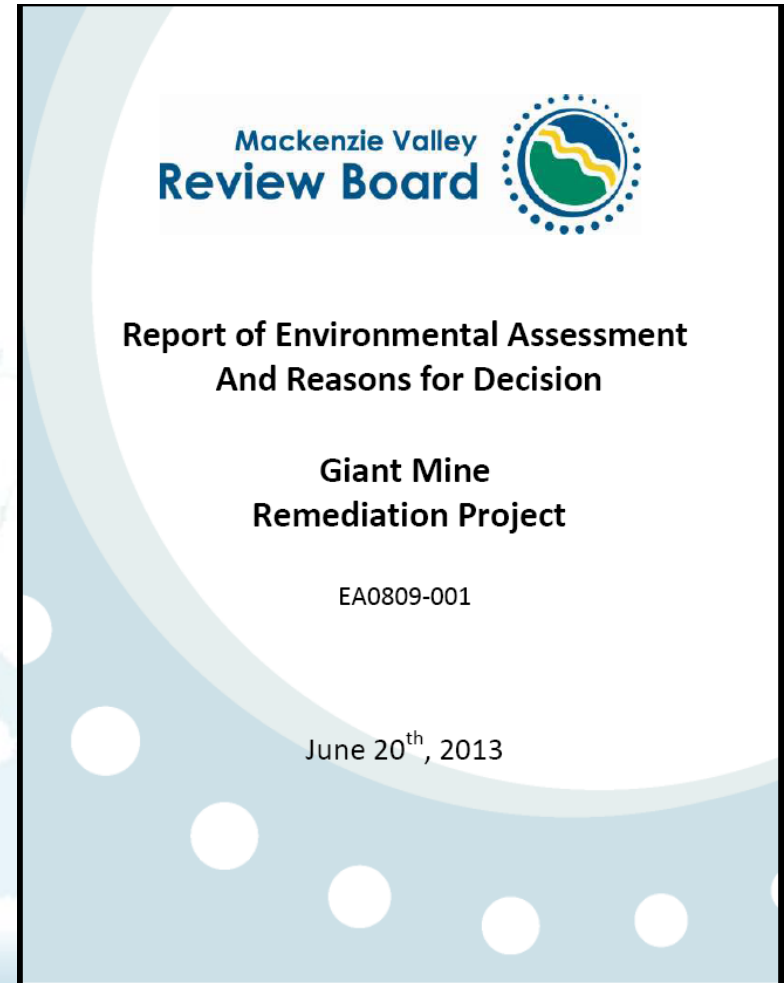


Mackenzie Valley
Review Board



Board Decision + Report of EA

- Board determines **significance** of impacts
- Recommends to Minister and/or Tlicho Government:
 - Approve the project (usually with measures)
 - Reject the project
 - Do EIR- Highest level of assessment (Review Panel)



EA in the Mackenzie Valley

The Review Board must have regard for:

- 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.**



EA in the Mackenzie Valley

- Traditional knowledge
- Whole environment
- Open and inclusive process
- ...



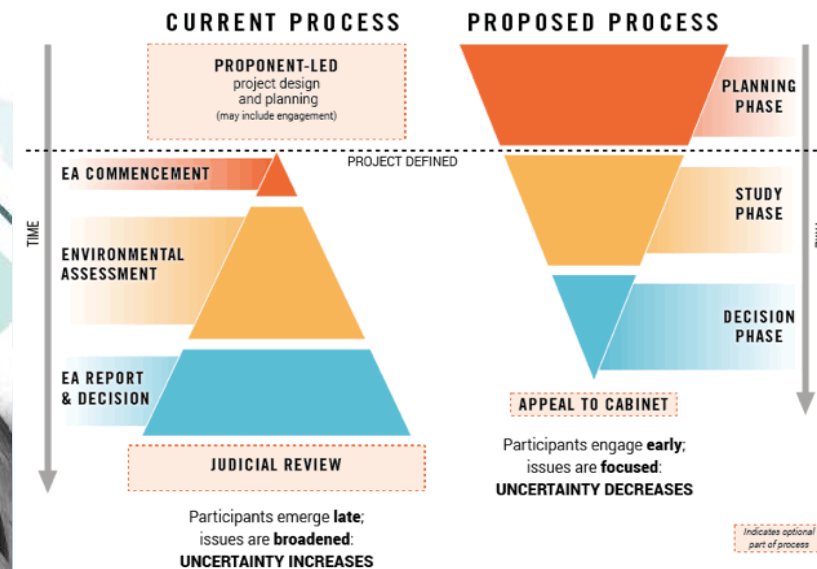
What's new in EA?

Examples:

- Federal review and new impact assessment legislation
- BC EA “revitalization”
- Arctic Council



FIGURE 4 – EFFICIENCIES IN PROJECT IA:
CURRENT VERSUS PROPOSED PROCESS



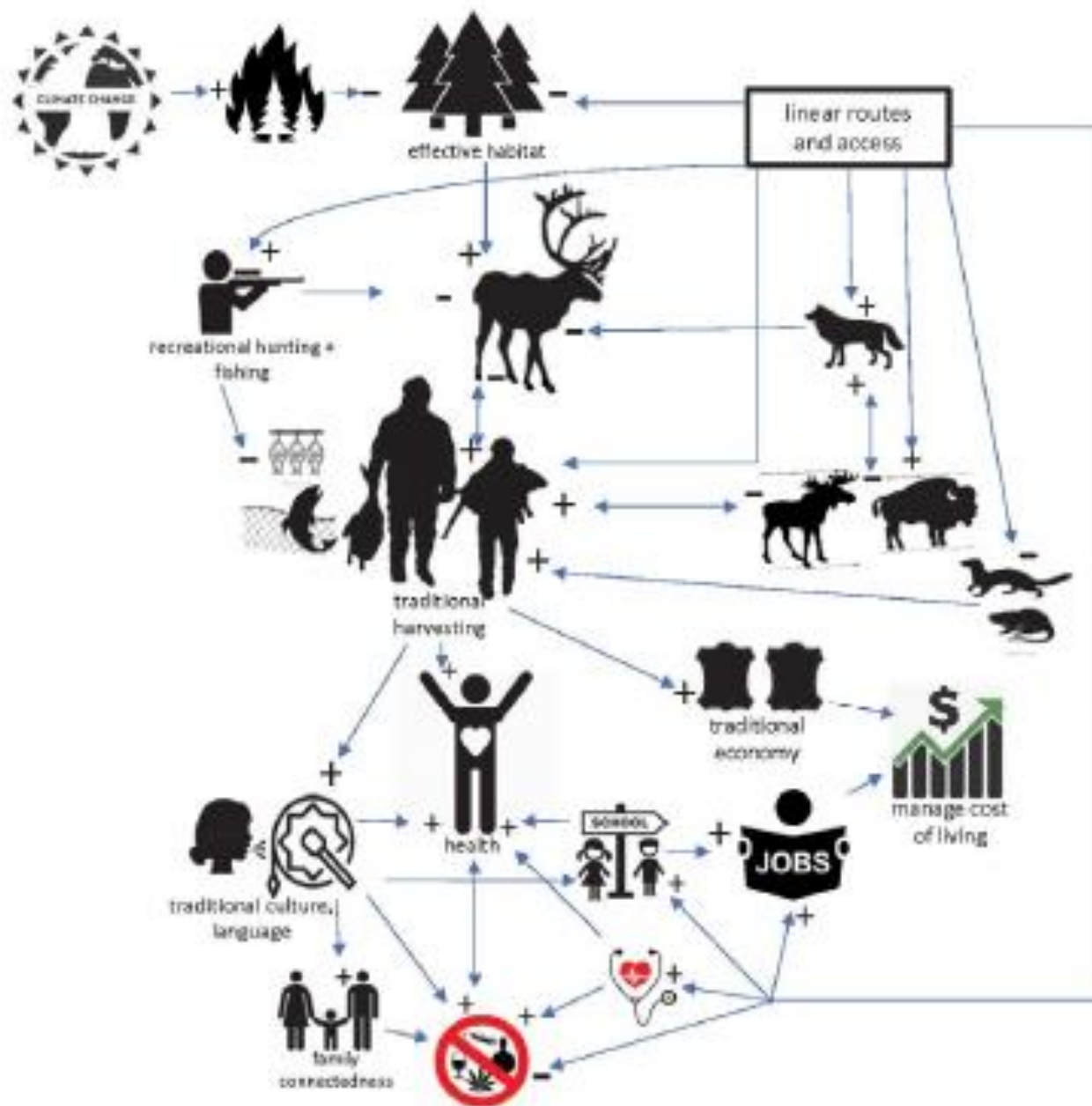


Figure 1-8. Integrated system of people and the land.

This is a partial illustration of connections between related and interdependent parts of human and ecological systems in the Project area.



Fundamentals

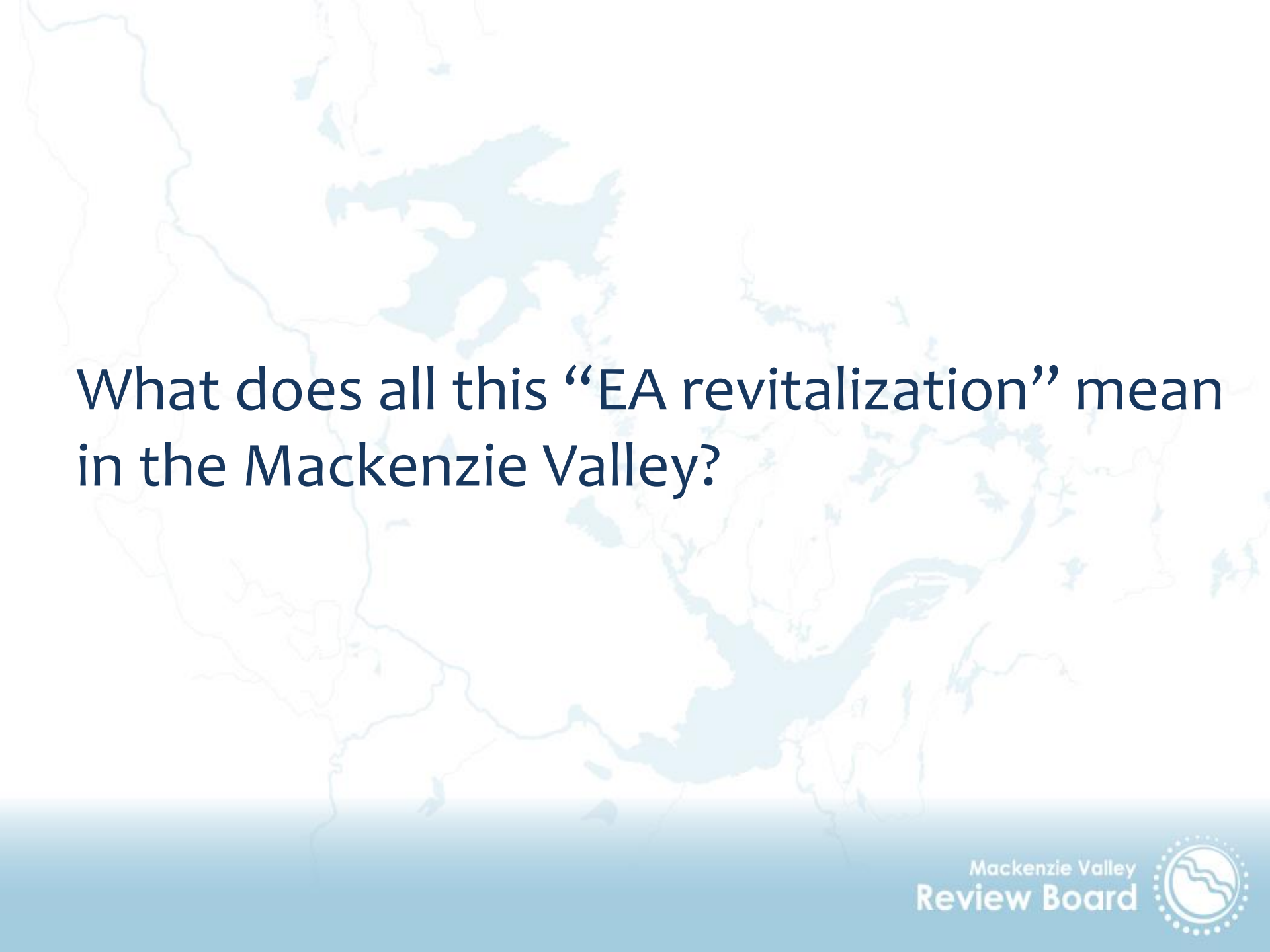
- Sustainability is about **lasting well-being**
- Inter- and intra-generational
- Ongoing pursuit, no finish line
- **Interactions in systems** matter
- **Strengthening resilience** of VCs and their interactions
- Making changes to correct unsustainable and undesirable components
- Take advantage of new opportunities



Pursuit of greater long-term well-being

- **not about balancing** conflicting environment, economic and social objectives
- About enhancing prospects in all of these for **mutually reinforcing gains**
- Avoid trade-offs when possible
- Transition and innovation
- Longer view than current decision making
- Examines **negative and positive contributions to sustainability**





What does all this “EA revitalization” mean
in the Mackenzie Valley?



Review Board Strategic Goals and Objectives

Goal #1: Conduct timely, effective, and evidence-based environmental assessment processes



Strategic Goals and Objectives

**Goal #2: Be an efficient,
innovative, adaptive and
transparent Board**



Mackenzie Valley
Review Board

Strategic Goals and Objectives

Goal #3: Enable and encourage inclusive and effective participation in EIA



Mackenzie Valley
Review Board



CIRNAC Updates

- Part 1: Bill C-88
- Part 2: Participant Funding

February 26, 2019 Inuvik, NT





Part 1: Bill C-88, An Act to amend the *Mackenzie Valley Resource Management Act*

- Background
- Overview of Regulatory Provisions
- Status Update





Background & Context

- The MVRMA establishes a co-management legislative scheme to implement the resource management processes outlined in the Gwich'in, Sahtu and Tłıchǫ comprehensive land claim agreements
- The MVRMA elements in Bill C-88 have been drafted in response to the court challenge that was launched by the Tłıchǫ Government and the Sahtu Secretariat Incorporated on the restructuring of the land and water boards, which stopped all elements from moving forward until issues pertaining to board restructuring were addressed.
- Bill C-88 proposes to repeal the provisions of the *Northwest Territories Devolution Act* (2014) that would have restructured the four land and water boards in the Mackenzie Valley, and retain the current board structure
- Bill C-88 re-introduces regulatory provisions that were included in the NWT *Devolution Act* but did not come into force following a court injunction



Regulatory Changes from the *Northwest Territories Devolution Act (2014)* reproduced under Bill C-88

Northwest Territories Devolution Act (NWTDA)

Came into force

- Time Limits for environmental assessments and impact reviews
- Consolidates federal EA and EIR decision making
- MVEIRB public registry
- Policy Direction
- Importing the NWT Waters Act into the MVRMA to regulate water use on federal lands
- CNSC added as a designated regulatory agency
- Majority of Joint Examination Project amendments
- Increase/modify fines

Elements from NWTDA not in force (frozen by litigation)

- Regional Studies
- Administrative Monetary Penalties
- Development Certificates
- 10 day pause period
- Cost recovery regulation making authorities
- Consultation regulation making authorities
- Board term member extensions
- Clarification on Board member proportions
- Inspections notice

Bill C-88

Regulatory provisions from the NWTDA frozen by litigation were reproduced in Bill C-88 and re-written to function with four land and water boards instead of one restructured board



Regulatory Provisions

- **Administrative Monetary Penalties**

- Financial penalties imposed in response to contravention of legislative requirements

- A new tool for inspectors to promote compliance with the Act

- **Accomplished:**

- Consultations on AMPS Regulations Policy Framework held in 2017

- Consultations on draft AMPs Regulations held in 2018

- **What's Next:**

- Consultations on a second draft, planned for March/April 2019

- Coming into force = 2021

- * Note: AMPs scheme also under development for Territorial Lands Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act



Regulatory Provisions

- **Development Certificates**

- Would include all approved mitigation measures within the jurisdiction of the Responsible Ministers. It would be issued at the end of the environmental assessment or environmental impact review process by the Mackenzie Valley Environmental Impact Review Board.

- **Enforcement**

- The Bill proposes to provide for the designation of qualified persons, whether federal or territorial officers, as inspectors under the Act, to inspect developments for compliance with the conditions of development certificates

- **Consultation Regulations**

- This regulation would aim to provide certainty as to the procedural roles and responsibilities respecting Indigenous consultation in land and water regulation processes and environmental impact assessment processes.



Regulatory Provisions

- **10-day Pause Period**

- Would require a 10-day delay after a preliminary screening of a project proposal before work can be initiated, to allow for other referral bodies under the Act to refer a development to environmental assessment.

- **Board Member term extensions**

- The Bill proposes to extend Mackenzie Valley Environmental Impact Review Board and Mackenzie Valley Land and Water Board member terms to ensure both quorum and continuity would be maintained during a public review that is underway.

- **Clarification on Board proportions**

- Would ensure that the proportions of government and Indigenous nominees or appointees remain the same when special representatives are added to a board.

- **Regional studies**

- Proposed amendments would provide Ministerial authority to establish committees to undertake regional studies to generate environmental and socio-economic information about a particular region in the Mackenzie Valley.



Regulatory Provisions

- **Cost Recovery**

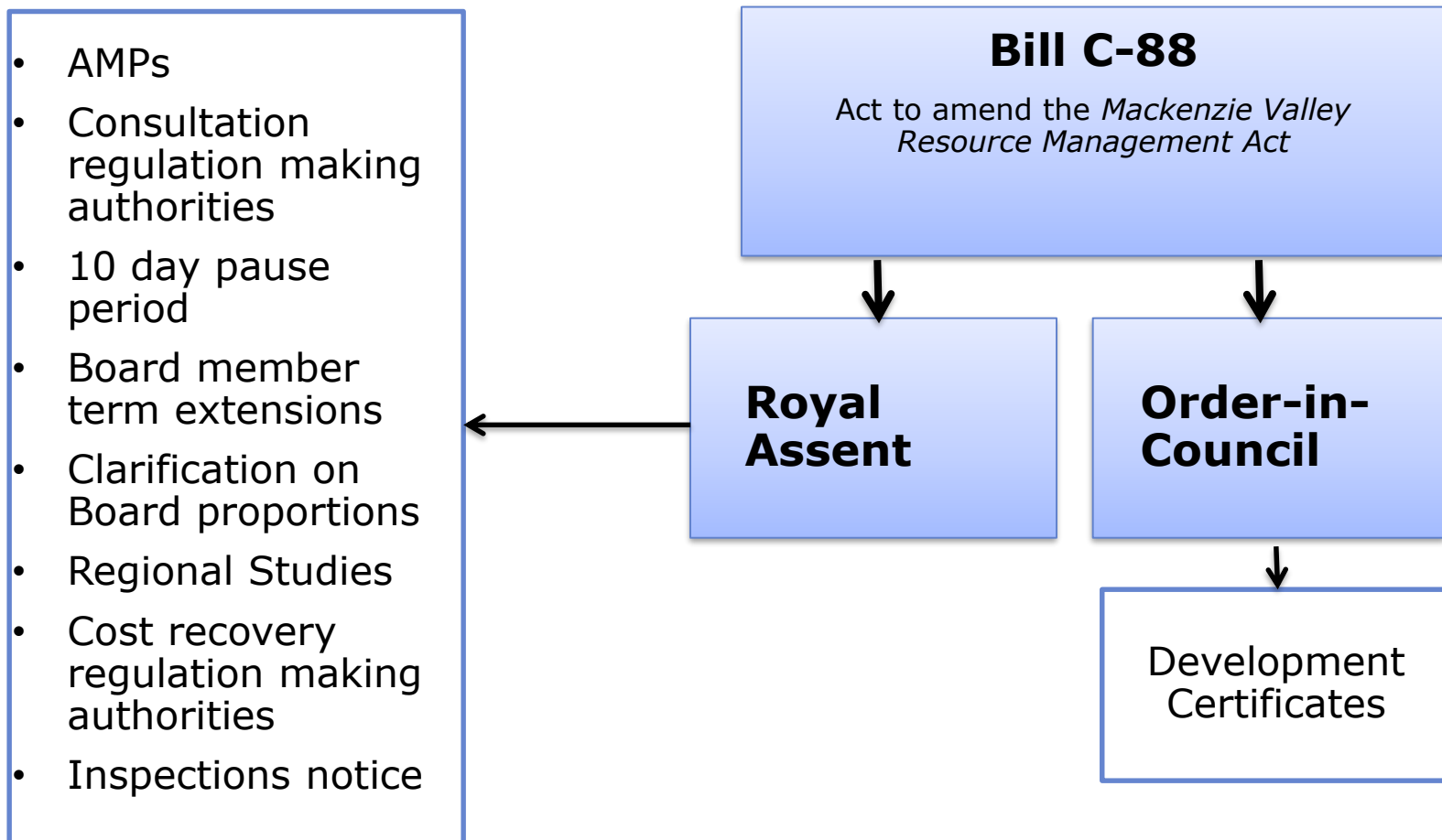
- Would allow the Government to recover costs incurred by the Review Board, the land and water boards and the federal Minister while undertaking regulatory reviews or environmental assessments and reviews.

- **Inspection Notice Requirements**

- The Bill changes the legal threshold respecting government inspection notice to the Gwich'in and Sahtu First Nations so that prior notice of entry to Gwich'in or Sahtu lands is provided where "it is reasonable to do so".
- Previously the legal threshold in the Act was a subjective test, requiring inspectors to provide notice where "in the opinion of the inspector, it is reasonable to do so."

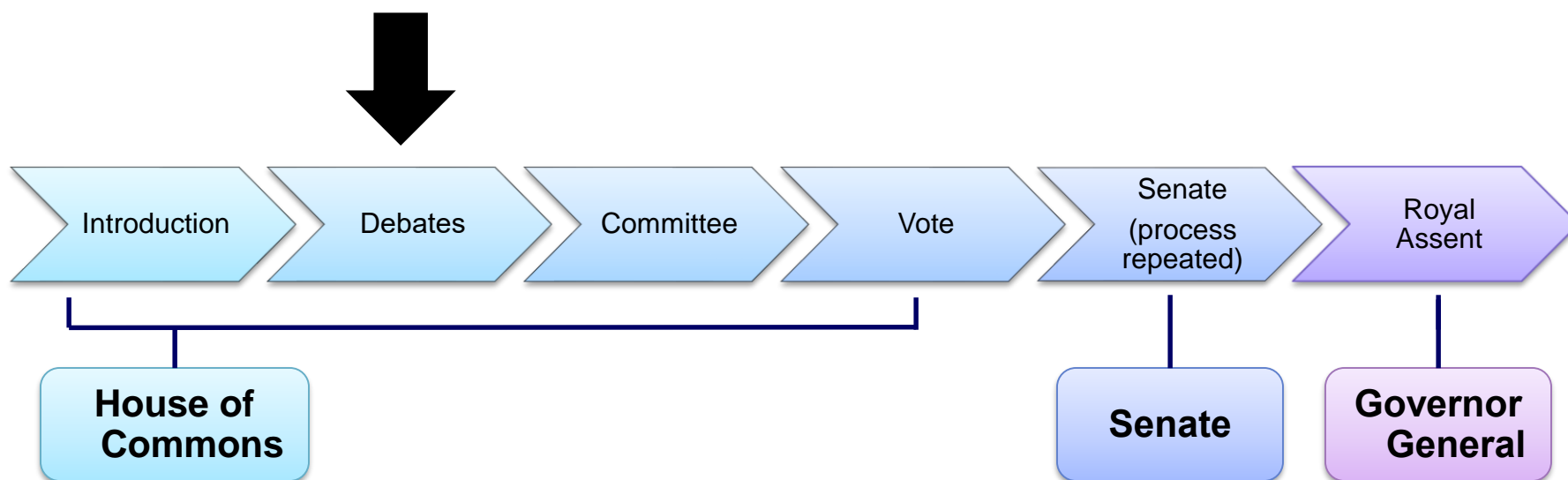


Coming into force scheme for Bill C-88



Status of the Bill

- Bill C-88 was introduced to Parliament on November 8th, 2018 and was debated in the House of Commons on December 3rd, 2018



To follow Bill C-88's status and the parliamentary process, visit www.parl.ca



Part 2: Participant Funding

- Overview
- Program Structure
- Goals
- Eligible activities
- Current Status & Next Steps





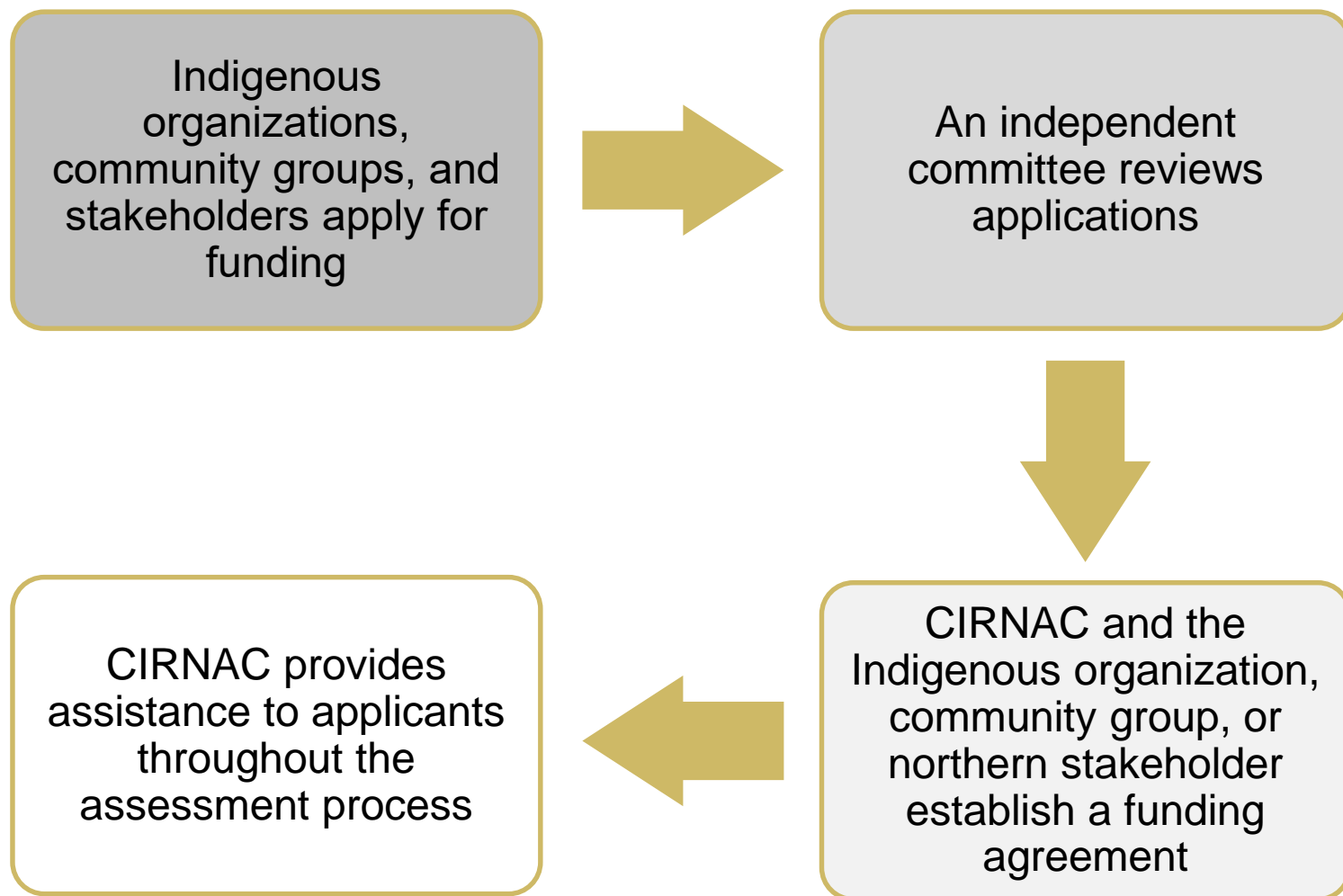
Northern Participant Funding Program

- \$10.3 million over five years beginning in late 2018 and ending in 2023
- Support the environmental and socio-economic assessment processes in areas covered by Northern Land Claim Agreements
- Provide funding to Indigenous organizations, community groups, and northern stakeholders to facilitate their participation in complex Impact Assessments
- Improve credibility and trust in the northern impact assessment processes and respect the rights of those most affected by northern development, including Indigenous communities





Program Structure



Program Goals

Goal 1: Establish a **dedicated participant funding program** that enhances the ability of parties affected by major project development to actively participate in the impact assessment process.

Goal 2: Provide funding for Indigenous organizations, community groups, and other affected members of the public to **enhance the capacity** of Indigenous groups.

Goal 3: Create consistent and transparent assessment and eligibility guidelines for all applicants to build trust and **provide improved certainty** for Indigenous organizations, community groups, and other affected members of the public regarding the ability to access funding.

Goal 4: Establish an Application Review Committee co-managed by Indigenous organizations and federal and territorial governments to support **independent co-decision making**.

Goal 5: Co-develop the program in partnership with Indigenous organizations, community groups, and other affected members of the public through **early and inclusive engagement**.



Eligible Activities

- The following activities are eligible for funding:
 - Reviewing documents submitted by the proponent (e.g. project descriptions, draft or final environmental impact statements, and mitigation and management plans)
 - Preparation of information requests
 - Preparing for and participating in technical meetings
 - Preparing technical comments and reports
 - Participating in consultation sessions and final hearings
 - Organizing consultation activities within affected communities to gather community and Traditional Knowledge used in the development of submissions to impact assessment boards.
- Eligible expenses include hiring consultants, translators, legal and technical experts; collecting Traditional knowledge; providing honoraria for Elders and Chiefs to attend meetings; travel and staff salaries





Current Status & Next Steps

- Currently seeking feedback on the development of the Program through upcoming engagement sessions:
 - Whitehorse: February 27-28
 - Yellowknife: March 11-12
 - Inuvik: March 13-15
 - Further sessions being planned for Nunavut
- After feedback has been received, it will be incorporated into the Program's finalized design and administration
- Pilot funding is in the process of being awarded to support interested parties involved in the Mary River Phase 2 Development Proposal in Nunavut

If you would like to learn more and provide feedback on the Program's development, contact us to get involved:

**[aadnc.aidefinancierparticipants-
participantfunding.aandc@canada.ca](mailto:aadnc.aidefinancierparticipants-participantfunding.aandc@canada.ca)**



Strategic Goals and Objectives

- **Goal #4: Strengthen our role in, and contribute to, an effective integrated resource management system**



Key Process Improvement Initiatives

- Early engagement and planning phase
- EA Initiation Guidelines for Major Projects
- Continued work to on cultural impacts & traditional knowledge
- Draft measures
- Clarifying the role of independent technical experts
- Continued support for participant funding
- Development Certificates
- Post EA Follow-up and Monitoring
- Effectiveness of measures evaluation and auditing



On-going Policy Initiatives

- Cultural Impact Assessment Guidelines
- Consultation and engagement policy and guidance
- *Draft* EA Initiation Guidelines for Developers of Major Projects



What is cultural impact assessment?

- The process within EA to **identify, predict and minimize cultural impacts** of developments on people and places
- Tangible elements – **things you can see or touch**, such as, archaeological sites
- Intangible elements – cannot see or touch, but **essential to maintain & practice culture**, such as: language, traditional knowledge, spiritual beliefs, connection to the land



Why we do Cultural Impact Assessment?

The Review Board must have regard for:

- 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; and
- the importance of conservation to the well-being and **way of life of Aboriginal peoples.**

S.115.1 of the MVRMA also requires the Review Board to consider **Traditional Knowledge** as well as scientific information



Conducting cultural impact assessment

- To do good cultural impact assessment it is necessary to hear directly from the people who are potentially going to be impacted by a development, including those with traditional or local knowledge.



Cultural Impact Assessment - Next Steps

- Seek input & feedback on the Review Board's Draft *Cultural Impact Assessment Guidelines*
- Continue to engage communities on how to conduct better cultural impact assessment in the Mackenzie Valley



Consultation & Engagement

- Mackenzie Valley is treaty territory
 - Historic treaties & modern agreements
 - Always potential implications for wellbeing & way of life of aboriginal people
 - Consultation & engagement always required
 - Details depend on specific context



Consultation & Engagement

- Shared responsibility, distinct roles
 - Crown-Indigenous relations...
 - Government final EA decision makers
 - Government relies on EA process
 - Board's specific statutory consultation duties
 - Proponents contribute



Consultation & Engagement

- Board processes
 - Open & inclusive
 - Respond to needs of people potentially impacted
 - Rules enable & encourage participation
 - Informal, formal, written, oral
 - Evidence-based & informed by values
 - Participant funding



Consultation & Engagement - Next Steps

- MVLWB policy & guidelines
- EA policy development
 - Board role & responsibilities
 - Proponent engagement - focus on collaborative project planning
 - General guidance, leaving space for local engagement protocols
 - Work with partners to enhance clarity & effectiveness



EA Initiation Guidelines for Major Projects

“...(the draft Guidelines will) describe the information needed to begin an EA. Once fully developed, the guidelines will set clear expectations for the type of information and level of detail required from developers when projects are referred to EA.” (see Concept Paper, Cover Letter)

- **Ultimate Goals:**

- a better-informed scoping process to **focus the EA on the issues that matter most**
- a **shorter and more focussed** Developer's Assessment Report
- a more **efficient and effective** EA process overall

Breakout group tomorrow



Mahsi!



Mackenzie Valley
Review Board

Questions?

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