

Meeting Plan

Date: January 11th, 2008

Purpose: 1. To provide Neil McCrank, Special Representative of the Minister of INAC comments and advice regarding the Northern Regulatory Improvement Initiative
2. To explain what the Review Board estimates to be the cost to fully address its mandate under the *Mackenzie Valley Resource Management Act* (MVRMA)

Attendees: Neil McCrank, Special Representative of Minister of INAC
Alison Lopsinger, Assistant to Neil McCrank
Trish Merrithew-Mercredi; RDG, INAC NWT Region

Gabrielle Mackenzie-Scott; Chairperson, MVEIRB
John Stevenson, Vice-Chairperson, MVEIRB
Vern Christensen; Executive Director, MVEIRB
Martin Haefele, Manager of EIA, MVEIRB
Wendy Ondrack, Manager of Finance and Admin., MVEIRB

Key Messages - Northern Regulatory Improvement Initiative:

The Review Board's primary focus is on quality and timely environmental impact assessments (see the Review Board's Mission and Vision Statements)

- A strong project management approach is taken to all EIA activities
- Board and staff strive to learn from experience and the best practices of others. A review of lessons learned is undertaken and acted upon annually.

Need to get the Right Capacity in the Right Places (see NWT Board Forum letter of November 21, 2007)

- A priority should be placed on getting the system already legislated properly resourced
- This includes:
 - Increased certainty around disposition of lands in unsettled claim areas
 - Land use plans to clarify permissible land uses prior to development
 - Capacity for potentially impacted (non profit) groups to participate in Review Board processes
 - Financial, institutional and human resource capacity for aboriginal organizations to document and interpret traditional knowledge for resource management decision making
 - Readily available information on cumulative effects of development on the Mackenzie Valley environment

- Capacity to be compliant with the Official Languages Act of Canada, including the provision of equitable aboriginal language services (see Language Services Funding Proposal – September 2006)
- Stable and adequate funding to carry out day to day Board operations.
- All of these capacity issues affect the quality and timeliness of Board decisions.

INAC and Responsible Ministers have capacity needs too

- This includes capacity to:
 - Ensure Board appointments are timely to prevent any unnecessary quorum problem that might interfere with the timely conduct of Board business
 - Conduct sufficient and timely s.35 consultation related to EIA or regulatory decisions
 - Decide on acceptance of Reports of Environmental Assessment in a timely manner prior to licensing and permitting being allowed to proceed
 - Effectively implement socio-economic and cultural impact mitigation measures arising from Reports of Environmental assessment
 - Enforce terms and conditions in licenses, permits or authorizations
 - Monitoring, reporting and evaluation of measures terms and conditions

Legislative improvements are needed to improve the administrative efficiency, clarity and certainty (predictability) of the MVRMA processes (see MVEIRB submission to the 2005 NWT Environmental Audit)

MVRMA Partners (i.e. INAC, GNWT, and Land Claimant Organizations) need to jointly manage the implementation of the MVRMA – without all Partners involved; improvements may not be timely or possible.

- Regulatory system improvements need to be responsive to changing conditions and lessons learned
 - Partners need to communicate regularly (annually)
 - Partners need to regularly review what is working well and what needs to be improved regarding implementation of the *Mackenzie Valley Resource Management Act*.
 - MVRMA Boards need to be able to advise the MVRMA Partners in this regard. The MVRMA Partners are the more appropriate advocates of required improvements to the Minister of INAC.

There are systemic problems with how the Review Board (and other Boards) is funded (see MVEIRB Funding Options Paper – November 30, 2005)

- Insufficient funding to deliver its mandate in a quality and expedient manner (see 2008/09 Business Plan submission)
- Absence of a rational budget development and approval process
- Inflexibility of fixed funding from 10 year Land Claim Implementation Plans. The current level of funding available through the Gwich'in Implementation Plan is \$2.4 million. The cost of regular Board operations alone is \$2.6 million.

Stable and Adequate Funding – Top MVEIRB Priority

- The top priority for the Review Board is to access reasonable funding to conduct its operations.
- The 2008/09 Business Plan identifies the level of funding required to deliver on the Review Board's mandate however we realize it may not be possible to obtain the full amount of \$5,572, 077 indicated. Nevertheless a more reasonable amount is required.
- The view of the MVEIRB is that Claims Implementation alone cannot address the funding needs of the Review Board. It requires a corporate response of INAC involving the Natural Resources and Environment Branch, Claims Implementation and INAC NWT Region.

Special Issue – 2008/09 Funding in Jeopardy

- We understand there will be no supplementary or extraordinary funding provided to MVRMA Boards until Mr. McCrank has submitted his report to the Minister of INAC and decisions are made in regard to future funding of Boards.
- It is critical therefore that Mr. McCrank understands the true funding needs of the MVEIRB.
- There is a short term and long term aspect to this issue. In the short term; the \$2.4 million available in the Gwich'in Land Claim implementation plan will not be sufficient. Severe disruption to Board operations will occur if additional funding is not provided at the beginning of the 2008/09 fiscal year.

Top Funding Priorities

- Participant Funding
- A transparent process to monitor, report and evaluate the success of mitigation measures
- Capacity to properly oversee and assist regulatory authorities in the Preliminary Screening process
- Capacity to meet obligations for French and Aboriginal language services pursuant to the *Official Languages Act* and the MVRMA
- Development of Cultural Impact Assessment Guidelines
- Reestablish support for translator and EIA practitioner development in support of the EIA processes
- Refocus on public education and awareness and career promotion
- Increased staff advisory capacity for planning, policy and executive support services
- Funding to address forced growth in work volumes and price levels