

# RESOURCE CO-MANAGEMENT WORKSHOP



**January 25-26, 2017**

Chief Lamalice Complex, Kátł'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

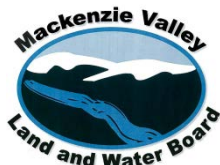
<p>Wednesday, January 25, 2017</p> <p>Location: Chief Lamallice Complex, Kátł'odeeche First Nation Reserve</p>	
ARRIVAL TIME and Registration (coffee and snacks provided)	8:30-8:45am
Opening drum prayer Welcome by Chief Roy Fabian, Kátł'odeeche First Nation	8:45-9:00am
Opening Comments <ul style="list-style-type: 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
<p><u>Resource Co-Management System</u></p> <p>An overview of how the pieces of the resource co-management system in the Mackenzie Valley fit together:</p> <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
<p><u>Panel Discussion:</u></p> <p><b>How do we stack up? A Comparison of Resource Management Systems</b></p> <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> <p>Panel Members Include:</p> <ol style="list-style-type: none"> <li>Tim Heron, Northwest Territory Métis Nation</li> <li>Bill Ross, Past Chair, Independent Environmental Monitoring Agency</li> <li>Tara Arko, Nunavut Impact Review Board</li> </ol>	11:00-12:00pm
Lunch (provided on site)	12:00-1:00pm

<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.  Topics were determined based on feedback from outreach to workshop participants and will include: <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>	1. 1:00-1:40pm 2. 1:50-2:30pm 3. 2:40-3:20pm
Health Break	3:20-3:30pm
Plenary <ul style="list-style-type: none"> <li>• Discussion &amp; Day 1 Wrap up</li> </ul>	3:30-4:00pm

Wednesday, January 25, 2017 Location: Soaring Eagle Friendship Centre	
EVENING OPEN HOUSE <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>	6:30-8:30pm

# RESOURCE CO-MANAGEMENT WORKSHOP


Mackenzie Valley  
Review Board



## Draft Agenda – Day 2

Thursday, January 26, 2017 Location: Chief Lamallice Complex, Kátł'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>  <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>Tim Heron, Northwest Territory Métis Nation</li> <li>Bill Ross, Past Chair, Independent Environmental Monitoring Agency</li> <li>Peter Redvers, Land Director, Kátł'odeeche First Nation</li> <li>Florence Catholique, Łutsel K'e Dene First Nations</li> <li>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>  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>Land Use Planning in Action</li> <li>How Traditional Knowledge is incorporated into reviews</li> <li>Roles and responsibilities of communities and Aboriginal governments in the system</li> <li>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></p> <p><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, Kátf'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>	12:30-1:45
<p><u>Breakout Sessions</u> (continuation of previous session)</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>3. 1:45-2:25</p> <p>4. 2:35-3:15</p>
Health Break	3:15-3:30pm
<p>Plenary</p> <ul style="list-style-type: none"> <li>• Discussion &amp; Day 2 Wrap up</li> <li>• Closing Remarks</li> <li>• Closing Prayer</li> </ul>	3:30-4:15pm



# Resource Co-management Workshop

## January 25-26, 2017

Chief Lamallice Complex, Kátł'odeeche First Nation Reserve, NT.

Prepared by Ms. Florence Catholique  
January 17, 2017



- Since the beginning of time, the Creator has always provided for us.
- The Creator had provided our people with a **territory**, where all good things flow, giving us what we needed to grow and survive as a nation.
- Since then, we have continued to live our own lives, **on our land, in our own way**.
- Living in our **territory**, we have developed and managed our own freedoms, languages, cultural traditions, and spiritual beliefs. Here, we live in harmony with Mother Earth and each other.
- We are our own government and this enables us to make our laws to govern our own **territory** and maintain our traditional way of life based on the Dene beliefs and values.
- As a nation, we have always entered into agreements with other nations so we can thrive with one another.





- In 1899 – 1900, our ancestors entered into an international agreement with Great Britain and negotiated **Treaty 8**. In this treaty we were granted self-determination over our **territory** and have the choice of working with outside institutes and foreign governments.
- We, the Dene, have no apparent reason to alter, extinguish, or change the Creator's laws as given to us by our ancestors.
- We, the Dene, also have the responsibility to ensure that all people that are new are to respect and honor the Creator's laws within our **territory** and to co-exist with our Nation.
- The Dene hold these rights from the Creator as long as the sun shines, the rivers flow, and the grass grows. This is the knowledge provided to us for generations yet unborn.
- This is **Dene Ch'aine**.



# 1973 The Morrow Decision

- Treaty 8 (1899) and Treaty 11 (1921) are the historic treaties between the Dene and the Government of Canada that covered much of the land that is today's Northwest Territories. Since the time when these treaties were negotiated and signed there have been problems with the perception of what they really meant.
- The treaties state the Dene “do hereby cede, release, surrender and yield up to the government of the Dominion of Canada, for His Majesty the King and his Successors forever, all their rights, titles and privileges” to the land and its resources.
- The Dene claimed the Chiefs, who could not read or write in English, were told at the time of signing that the treaties were simply expressions of friendship and peace, that they were not selling or giving away their land and that their right to hunt and fish would remain “as long as the sun shines and the river flows”.
- To fight for Dene rights and to regain control over lands they had inhabited for thousands of years the Dene, in 1969, formed an organization called the Indian Brotherhood of the Northwest Territories. In later years this organization was to become known as the Dene Nation.

- The issue was whether or not the Chiefs who signed Treaties 8 and 11 knew they were giving up ‘ownership’ of the land. Most witnesses were resolute in saying that during treaty negotiations the issue of land ownership was not raised. Discussions had centred mostly on hunting and fishing rights and how the land and resources would be shared in a peaceful way.
- On September 6 th, 1973 Justice Morrow found that the Dene “are the **prima facie** owners of the lands covered by the caveat – that they have what is known as aboriginal rights”. He also found that, “notwithstanding the language of the two Treaties there is sufficient doubt on the facts that aboriginal title was extinguished that such claim for title should be permitted to be put forward by the caveators.”
- The sixteen Chiefs won their case but the victory, in part, was short lived. Morrow’s decision allowing the placing of a caveat on a million square kilometers of land in the Northwest Territories was overturned on appeal to a higher court. This higher court did not question the ruling that Dene had ‘aboriginal rights’ to the land.
- This partial victory made it obvious that land rights in the Northwest Territories needed clarification. In 1976 the Government of Canada, the Dene Nation and Métis Association of the Northwest Territories agree to enter into negotiations on a Comprehensive Land Claim Agreement.

# Section 35(1) of the Constitution Act, 1982

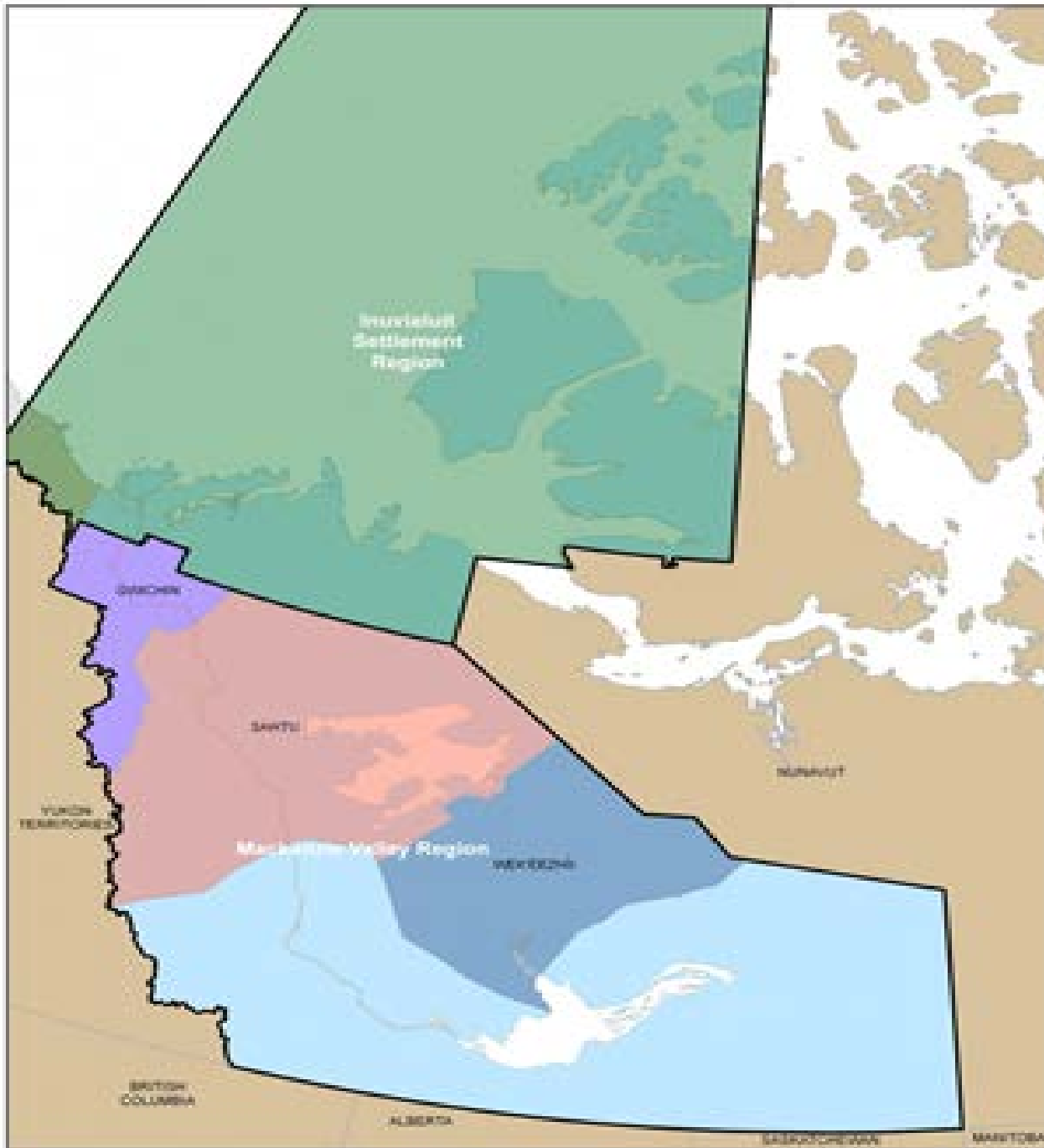
- recognized and affirmed" existing aboriginal rights, the manner in which and degree to which those rights extend has yet to be fully clarified by the courts or recognized by any level of government.
- Thus, the amount of land and related natural resources that should fall under aboriginal control is disputed by federal and provincial governments, resource industry representatives, and public interest groups alike.
- Further, the amount of land and resources which currently does fall under direct aboriginal control is insignificant. First Nation people claim the land and resources on treaty or traditional territory is theirs; government and industry maintain that aboriginal rights to land off-reserve translates into something significantly less.

# Earliest Resource Revenue

- For decades, the Canadian government had treated the north, at best, as a region which could periodically yield temporary resource revenue and, at worst, a region over which federal authorities grudgingly asserted sovereignty and authority and this only to ward off any possible interest in the area by other nations.
- With a sparse population, a forbidding landscape and climate extremes, the north seemed destined to be irrelevant to those who did not call it home. The thinking seemed to go, simply does not warrant the attention of any formal policy.
- Given the relative neglect of the North, it is not surprising that the matter of sovereignty and not policy was the starting point for federal government's early and tentative interventions in the North. Gold Rush.
- With the Mounties visible and present in the territory, no opening was left for the United States to intervene on the behalf of persecuted citizens and claim state-hood. Alcohol and gambling.
- Thus the first tangible presence of Canadian authority in the North amounted to nothing more than a dozen or so Mounties, in 1898.

# History of NWT

- Long before the Europeans arrived, Inuit and First Nations peoples inhabited the land area which became the Northwest Territories. Martin Frobisher's expeditions in the 1570s were the first recorded visits to the Northwest Territories by a European.
- In 1610, Henry Hudson, while looking for the Northwest Passage, landed briefly on the western shore of the bay that bears his name. In 1670, King Charles II granted a charter to the Governor and Company of Adventurers of England Trading into Hudson's Bay, known as the Hudson's Bay Company (HBC). It included the Hudson's Bay watershed. In 1821, the Northwest Company and the Hudson's Bay Company merged
- Northwest Territories delayed entering confederation due to the Red River Rebellion. As a result, the province of Manitoba was created. Both jurisdictions entered confederation in 1870. The territories were purchased from the Hudson's Bay Company.
- On July 15, 1870, Rupert's Land and the North-Western Territory were ceded to Canada, and became the North-West Territories.
- The first Northwest Territories government sat in 1872 after the Temporary North-West Council was appointed.
- In 1876 David Laird was appointed the Lieutenant Governor of the NWT, with the territorial capital at Swan River Barracks.
- The first territorial election took place in 1881 then curtailed as major voters would be Dene. No voting rights.
- In 1921, the Federal Government created, within its Department of the Interior, a special agency called the NWT and Yukon Branch, to centralize certain administrative functions.
- In the summer of 1935, nearly 1000 men grouped into 188 surveying parties covered a wide range of Canada looking for precious minerals. The most valuable discovery was made in the Yellowknife.
- Elections returned in 1951, but rather than being a fully elected body, the Councils and Assemblies were a mix of elected and appointed members. On September 18, 1967, the Government of the Northwest Territories relocated from Ottawa to Yellowknife.
- The Carrothers Commission was established in April 1963, formally The Advisory Commission on the Development of Government in the Northwest Territories, a commission set up by the government of Canada to study the future of government of the Northwest Territories



**There are four  
settled  
comprehensive  
claims, or “modern  
treaties” in the NWT**

Inuvialuit Land & Water  
Board- 1984

Gwich'in Land & Water  
Board - 1992

Sahtu Land & Water Board  
- 1994

Wek'eezhii Land & Water  
Board – 2002

Mackenzie Valley Resource  
Management Act(MVRMA) –  
1998



# Intent of Modern Treaties

- Is to clarify how renewable and non-renewable resources will be managed by different land owners, how and by whom resource development will be managed and regulated, and how parties will work together when making **decisions** related to the resources of the NWT.
- modern treaties give Aboriginal groups in the Northwest Territories (NWT) a significant say in land, water and environmental management. Through the signing of these agreements, new legislation and changes to existing legislation, created boards and other management bodies for the regulation of land, water and environmental management.
- 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 – in the southern part of the NWT. These historic treaties and the rights outlined in them are constitutionally recognized and protected, just as are the rights in the modern treaties.
- Modern treaties also include chapters on Economic Measures which ensure, among other things, that governments proposing economic development programs within a region must consult with the governing body(ies) of that region.

# Definition

## Royal Commission on Aboriginal Peoples (1997)

- “Co-management has come to mean institutional arrangements whereby governments and Aboriginal entities (and sometimes other parties) enter into formal agreements
- Agreements 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.”

# Participation in Pre-regulatory and Regulatory Processes

- The credibility of a natural resource development project depends on inclusive environmental decision-making, monitoring, reporting, and reclamation efforts that take into account, and involve, First Nations.
- Credibility in the eyes of community members requires addressing environmental issues in a transparent and fact-based manner, and staying accountable.
- Given this environmental context, First Nations repeatedly expressed their interest in natural resource development projects provided that they are permitted to participate in the pre-planning, design, management and monitoring of the project, as well as the reclamation efforts.

# Akaiicho Interim Measures Agreement.

- This Agreement formalizes a process whereby the Akaiicho Dene First Nations **will screen all applications for the use, disposition, and occupation of land and waters** in the Akaiicho Territory.
- The Akaiicho Screening Board (ASB), comprising of members of Yellowknife Dene 1st Nation, Lutselk'e Dene 1st Nation and Deninukue Dene 1st Nation, will screen development applications and provide recommendations to the 1st Nations based upon **environmental, cultural, spiritual, and economic criteria**.
- They will focus particularly upon the **potential impacts of proposed activities upon the exercise of constitutionally-protected Treaty and Aboriginal rights**.
- ASB can make 4 recommendations based upon significant negative effects.
- The Akaiicho Dene 1st Nations will act upon ASB recommendations and their decisions will be considered and accommodated by Canada, the GNWT, and the regulatory bodies responsible for implementing the Mackenzie Valley Resource Management Act.

# Deh Cho Interim Measures Agreement

- Definitions
- Land Use Planning
- Land Withdrawal
- Land and Water Regulation
- Sales and Leases of Surface Lands
- Commissioner's Lands
- Town of Hay River
- Mineral Development (Excluding Oil and Gas)
- Oil and Gas Activity
- Oil and Gas Benefit Plans
- Geophysical Operations
- Interim Resource Development Agreement
- Mineral Impact and Benefit Agreements
- Forest Management
- Environmental Impact and Review Board
- NWT Protected Areas Strategy
- Nahanni National Park Reserve
- Tourism
- Great Slave Lake Fishery
- Transboundary and Overlap Issues
- Funding
- General

# Co-Management Model:

- The level of co-management depends on the ability for a community to control its own resources, the degree possible within the legal system.
- Co-management assumes an equal access to information, with community having traditional knowledge and government having access to academic knowledge.
- For a co-management regime to be successful, government must have a legal regime in place for support.
- In Canada, true co-management can only exist between government and First Nations because land claim agreements provide legally defined rights.
- Government must allow groups to freely meet and organize and government must recognize legitimacy of community decisions.
- Co-management democratizes and empowers.



# Co-Management Processes

- the principles of co-management as non-confrontational, inclusionary, and consensus-based have been hailed by the academic community, industry leaders, government representatives, and First Nations alike as a viable means by which resource conflicts on aboriginal territory may be resolved.
- combining western scientific knowledge and traditional environmental knowledge for the purpose of improving resource management.
- committees is accomplished through a 50% Aboriginal representation.
- each community developed its own conservation and management plans

# Meaningful participation

- Increase the appointment and participation of First Nations leaders in project planning processes, corporate boards, advisory bodies, business/finance mentoring, executive interchange and other internal processes.
- The benefits of including First Nations would increase diversity objectives, awareness-building, potentially improve decision-making, strategic planning, and enhanced accountability to First Nations and shareholders which will lead to more successful projects.
- Industry is already putting in place initiatives to increase diversity in its corporate employment structure as a standard condition and natural milestone to partnering.
- Similarly, interchanges of corporate human resources could be considered within First Nations and/or their businesses.

# Impactful and Practical Change

- an independent resource centre be established to provide ready access to practical and technical information and advisory services that can enable First Nations governments, businesses and individuals to participate more fully in all aspects of natural resource development.
- The information collected and shared, including among First Nations, will help advance understanding, planning and decision-making.
- Types of information and advisory capacity shared would address governance, capacity, best practices, skills, knowledge-sharing, markets, finances, environment and geology.
- The federal and provincial/territorial governments can take an active role to help establish such a resource centre in cooperation with First Nations. •
- Hold a national dialogue among leaders and appropriate orders of government, involving technical levels, to develop an approach for sharing resource revenues.

# Resource Management evolution

- Through the implementation of treaties, the people of the North have developed an evolving relationship with the Government of Canada and the Government of the Northwest Territories, as well as the mining and oil and gas industries.
- In response to the Federal Government's Action Plan on the Northern Regulatory System, the Land and Water Boards of the Mackenzie Valley have prepared a position paper on this important issue.....

# Northwest Territories Intergovernmental Agreement on Lands and Resources Management.

- Devolution is the statutory delegation of powers from the central government of a sovereign state to govern at a subnational level, such as a regional or local level. It is a form of administrative decentralization. Devolved territories have the power to make legislation relevant to the area.
- On April 1, 2014, the Government of the Northwest Territories became responsible for managing public land, water, and resources in the NWT.
- This devolution is the last major transfer of powers from the federal government to the territorial government. It provides new opportunities for Northerners to work together to responsibly and sustainably manage the land, water and natural resources of the Northwest Territories for the benefit of current and future generations.
- The new [Intergovernmental Council](#) is guided by the [Northwest Territories Intergovernmental Agreement on Lands and Resources Management](#).
- NWT Resource revenues are being shared according to the [Northwest Territories Intergovernmental Resource Revenue Sharing Agreement](#).
- Aboriginal governments have been involved in Devolution from the very beginning and worked with the GNWT to negotiate the best agreement possible. On April 1, they will be part of a new Intergovernmental Council to collaborate on land and resource management.

# Intergovernmental Council

- [\*Northwest Territories Intergovernmental Agreement on Lands and Resources Management\*](#), which was signed in February of 2014.
- The council will provide an important new opportunity for northern leaders to cooperate on land and resource management across jurisdictions, while respecting the autonomy and authority of each government over its own lands.



# Aboriginal Rights

- 3.1 Nothing in this Agreement shall be construed so as to abrogate or derogate from, or to prejudice, limit or restrict:
- (a) any existing Aboriginal or treaty right recognized and affirmed under section 35 of the *Constitution Act, 1982*, including any right under Treaty 8 or Treaty 11;
  - (b) any fiduciary duty or obligation of the Crown to the Aboriginal peoples of Canada, including any obligation arising from the Constitution of Canada; or
  - (c) any executive, prerogative or statutory powers or any legislative authority of the GNWT or the Legislative Assembly of the Northwest Territories, as the case may be, to affect any rights referred to in subsection (a) or arising from any duty or obligation referred to in subsection (b), in a manner consistent with the Constitution of Canada.

# Intergovernmental Council duties

- 5.1 The duties of the Council are to:
- (a) review the land and resource management systems of each Party;
  - (b) review and develop any proposed changes to the systems described in subsection (a), including:
    - (i) any associated legislative, policy or organizational changes that are necessary to further the purpose and objectives listed in section 2.1; and
    - (ii) the manner in which revenues from lands and resources are generated;
  - (c) address legislative requirements for benefit agreements relating to resource development;
  - (d) without limiting subsections (b) and (c), review and develop any proposed changes to the legislation that the GNWT is required to substantially mirror on the Transfer Date pursuant to the Devolution Agreement, including the development of new resource management legislation;
  - (e) develop protocols to ensure that the management of Public Lands and resources and rights in respect of Waters is consistent with the duties associated with the honour of the Crown, including the duty to consult and where appropriate accommodate;

- (f) provide a forum for information sharing and discussion of interests of the Parties in connection with the Canada-NWT Post Devolution Resource Development Cooperation Arrangement, to ensure that the interests of the Aboriginal Parties are considered under that arrangement;
- (g) provide a forum for discussion regarding the review contemplated at section 3.18 of the Devolution Agreement respecting the *Mackenzie Valley Resource Management Act*;
- (h) provide a forum for discussion on any future transfers of powers and authorities from Canada to GNWT related to the control of public lands, water and the disposal of waste; and
- (i) carry out any other activities related to the foregoing, as may be agreed by the Parties.

- 5.2 As a matter of priority and without limiting section 5.1, the Council shall review and assess the existing land and resource management systems in the NWT to:
- (a) identify priority areas for potential changes and approaches; and
  - (b) develop a work plan to address such changes and approaches.
- 5.3 In carrying out its duties in sections 5.1 and 5.2, the Council shall give consideration to, among other matters, the following:
- (a) regional capacity building;
  - (b) integrated land use permitting and water licencing;
  - (c) the potential coordination of activities or reallocation of functions related to land and resource management;
  - (d) the use of regional strategic environmental assessment to promote efficiency and avoid duplication in environmental assessment processes;
  - (e) coordinated approaches to waste sites management; and
  - (f) coordinated approaches to inspections, monitoring and enforcement.

# Pay respect to the land.



Pay with spruce boughs, tea, matches, rifle shells, or sugar – something valuable. It is a tangible display of respect to the land and water, founded not on superstition, but a way of life. Our ancestors gave thanks in this way, and we are raised to do the same. Tobacco is from the earth and from the Creator, and we pay it back, and to our ancestors who were on the land before us. Showing respect in this way honours our culture and will help ensure good weather and safe travels on water and on land.

# Key Legislation

- Mackenzie Valley Resource Management Act (MVRMA) and Regulations
- NWT Waters Act and Regulations
- Territorial Lands Act
- NWT Wildlife Act
- Devolution Act



Masi, Nuwe Nene



Overview of

# **Land and Resource Management in the Mackenzie Valley**



## Introduction

- Background
- Jurisdictions of land and resource management
- Principles
- Overview of land and resource management
- Land ownership
- Boards under the MVRMA

## Background of the regulatory system in the NWT

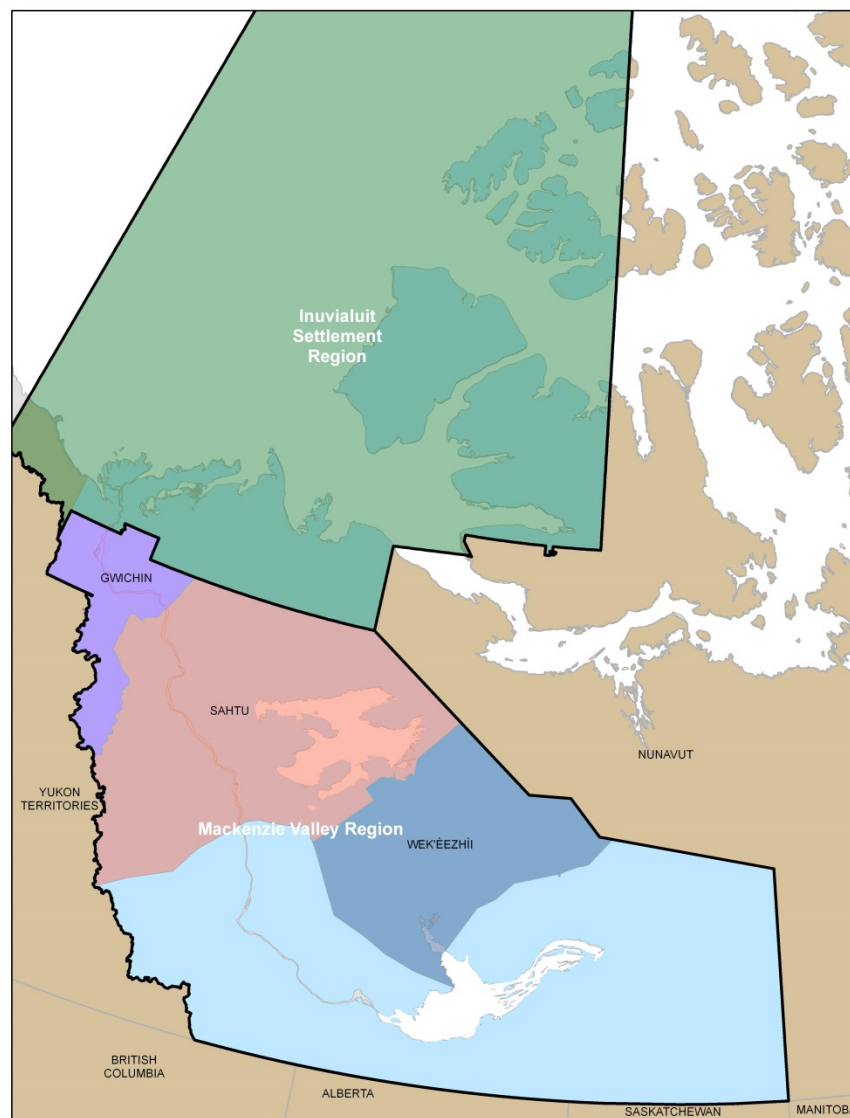


## Jurisdictions of land management in the NWT

There are two separate jurisdictions of land management in the NWT:

- Inuvialuit Settlement Region
- Mackenzie Valley Region

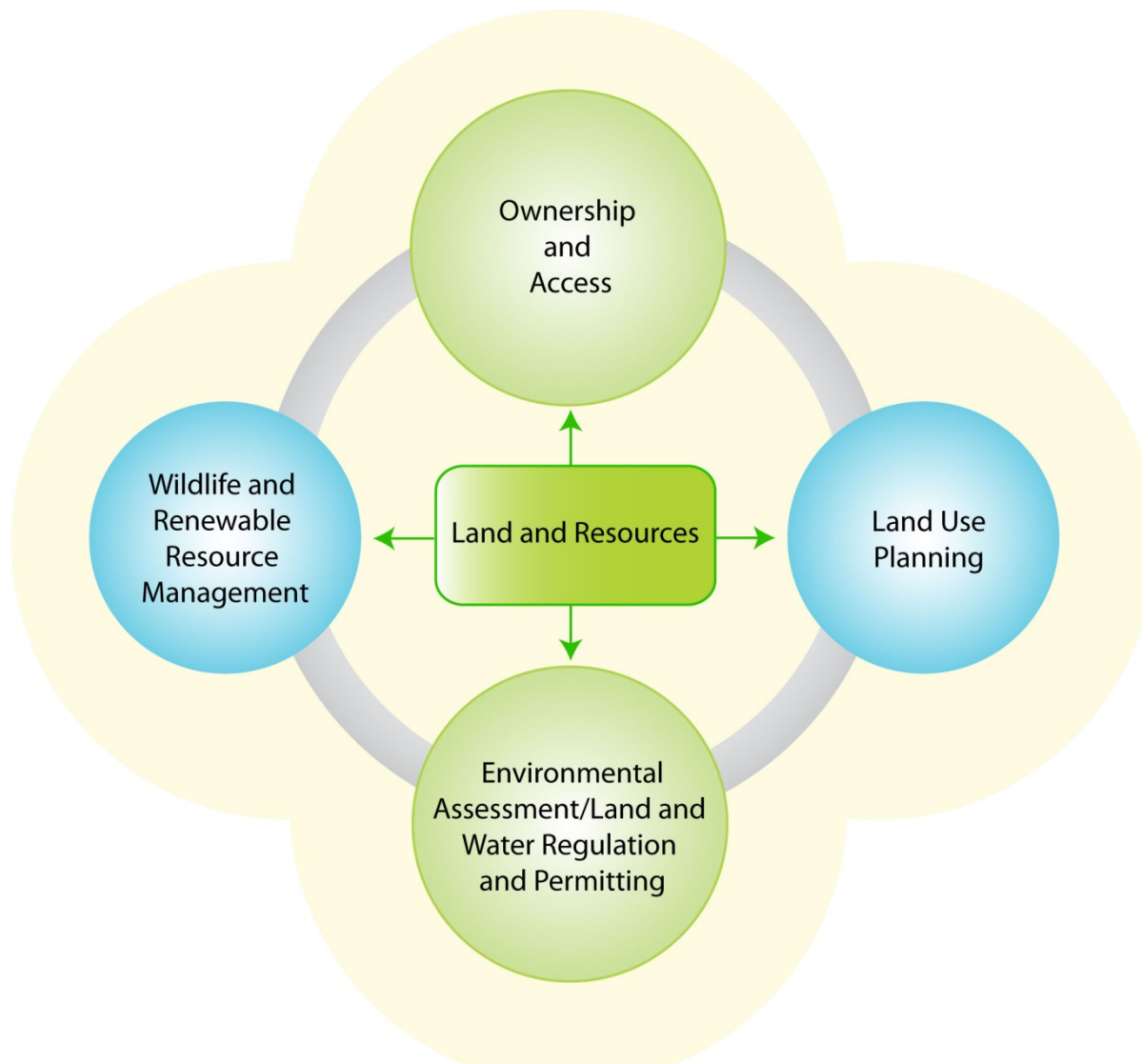
## Jurisdictions of land management in the NWT



## Principles of Land and Resource Management

- Integrated and coordinated system
- Based on principles of co-management

## Land and Resource Management – Overview Diagram



## Land Ownership

- Territorial (Commissioner's and Territorial Land)
- Federal (Crown Land)
- Aboriginal
- Private

## MVRMA Boards Overview

### **General functions of the MVRMA boards:**

- Prepare regional land use plans
- Conduct environmental assessment and environmental impact review processes
- Issue water licenses and land use permits
- Ensure protection of the environment from significant adverse impacts of projects and other developments
- Consider economic, social and cultural well-being of residents, including the recognition of Aboriginal rights



## Types of Boards

Land and resources in the NWT are managed through four different types of boards:

- Land use planning Boards
- Environmental assessment Boards
- Land and water regulation Boards
- Renewable resource Boards

Members are nominated and/or appointed by federal, territorial and Aboriginal governments.

## Types of Boards

Land and resources in the Mackenzie Valley are managed under the MVRMA through three different types of boards:

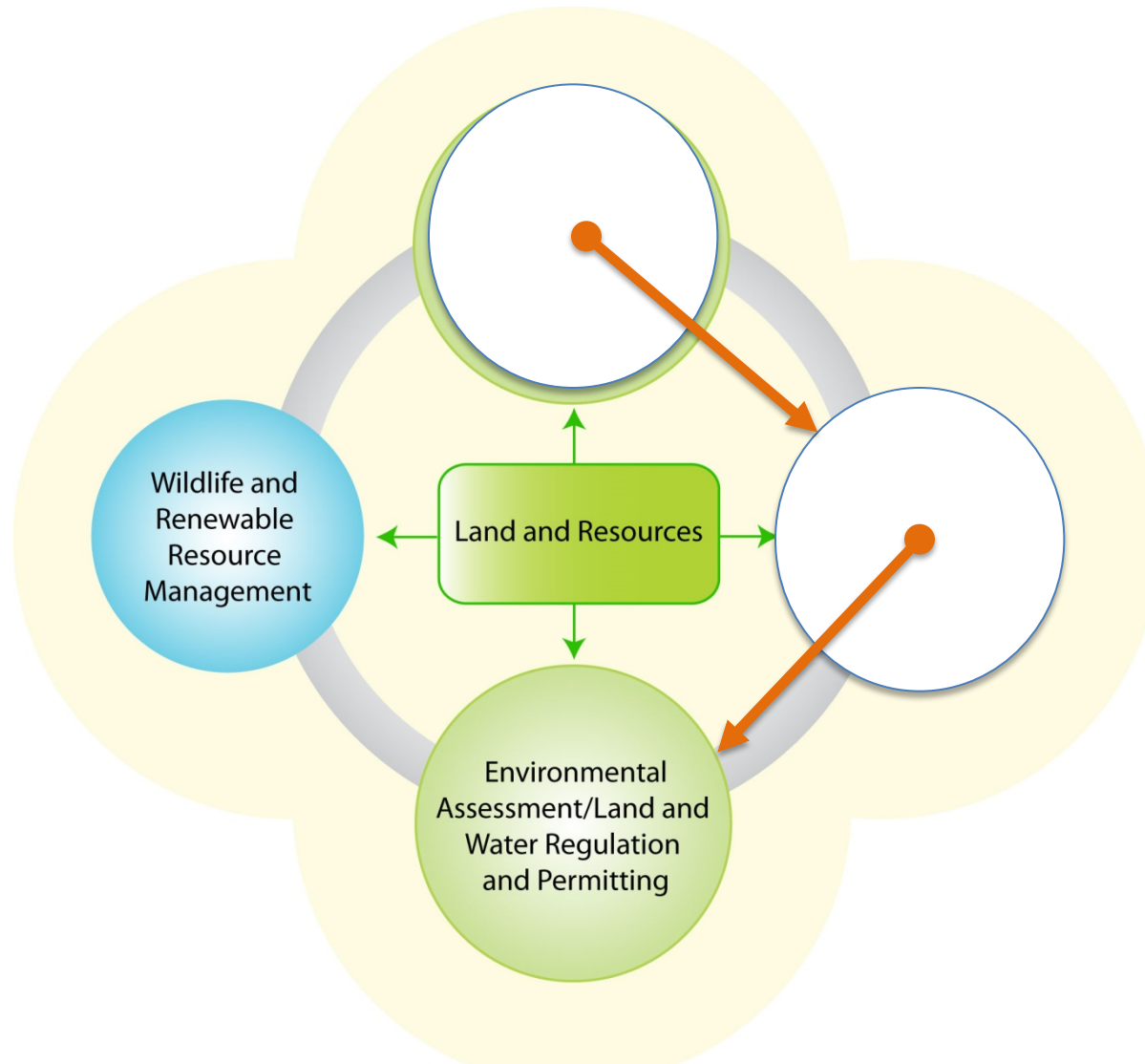
- Land use planning Boards – SLUPB, GLUPB
- Environmental assessment Board - MVEIRB
- Land and water Boards – GLWB, SLWB, WLWB, MVLWB

As well as Renewable Resource Advisory Boards

- GRRB, SRRB, WRRB

Members are nominated and/or appointed by federal, territorial and Aboriginal governments.

## Land and Resource Management – Overview Diagram



## Additional Information

**More information on land and resource management in the NWT can be found on the NWT Board Forum website at:**

**[www.nwtboardforum.ca](http://www.nwtboardforum.ca)**

As well as at:

**[www.mvlwb.com](http://www.mvlwb.com)**

**[www.reviewboard.ca](http://www.reviewboard.ca)**

**[www.gnwt.ca](http://www.gnwt.ca)**

Thanks you!

Merci! Masi Cho! Mahsi Cho! Marsi Cho!



# Integrated Resource Management System: Land Use Planning

*Department of Lands, January 25 2016*

Government of  
Northwest Territories

# Land Use Plans: Why do we plan?

- Community guidance on where and how certain land uses are compatible or not with values on the land
- To give potential land users direction and guidance on where and how resources can be developed

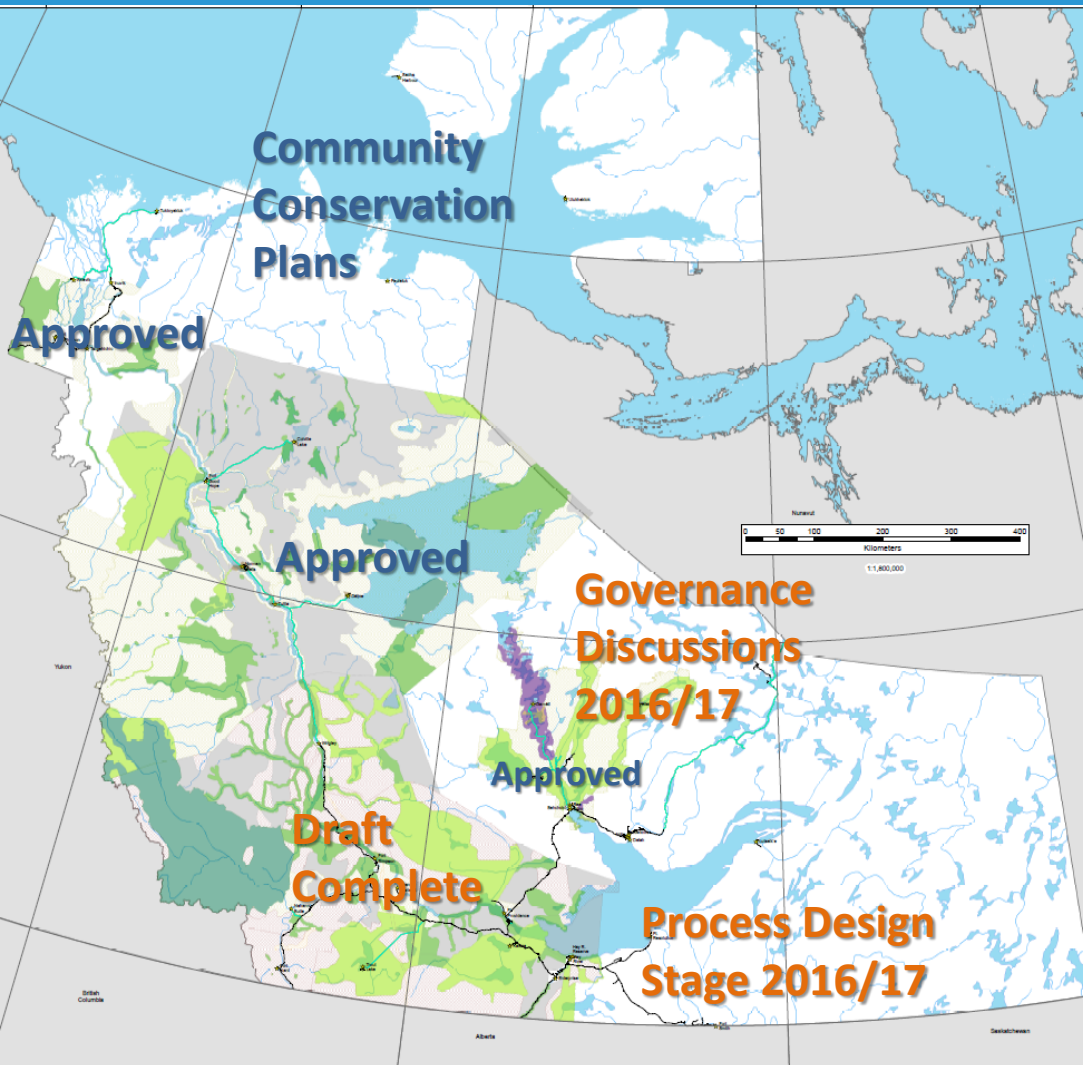
**Respect**

**Clarity**





# Land Use Plans: Where are the plans?



- **Sahtu, Gwich'in, and Tlicho:** Legislated via Comprehensive Land Claim Agreements and bound by Part 2 of the Mackenzie Valley Resource Management Act
- **Dehcho & Acho Dene Koe Regions:** Guided by the Dehcho Interim Measures Agreement
- **Remaining regions:** To be determined

# Land Use Plans: Who does the planning?

- Sahtu & Gwich'in: Land Use Planning Boards
- Tlicho Lands: Tlicho Government
- **Public Lands in Wek'eezhii Management Area:** Under development
- **Dehcho:** Dehcho Land Use Planning Committee
- **Acho Dene Koe:** Under negotiation
- **Remaining regions:** To be determined



Ultimately:  
**EVERYONE**





# Land Use Plans:

## What goes into a land use plan?

- **Traditional Knowledge:** “...*we already have land use plans, they are here [points to head], we just need to get it down on paper.*” Chief Roy Fabian
- **Science** – wildlife, water, geology, forestry, ecology, soils, permafrost, climate change, etc.
- **Economics** – resource potential, tourism, traditional economy, etc.
- **Legislation** – MVRMA, legislation that authorizes the use of land or water
- **Priorities** – community and government



# Land Use Plans:

## What does the land use plan do?

- Sets expectations
- Zoning and conditions or conformity requirements
- Go / No Go / Go with Conditions - all informed by communities and land users and managers



# Land Use Plans: How are they implemented?

**Sahtu & Gwich'in:**

*MVRMA s.46(1)*

Any body that issues an **authorization for the use of land, water, or deposit of waste** in the NWT shall implement the approved land use plan for a region.

**Tlicho:** Tlicho Government Directive

**Public Lands in Wek'eezhii:** Tlicho Final Agreement

**Areas without final agreements for land, resource and self-government:**  
To be determined

**Dehcho:** DFN Interim Measures Agreement contemplates *MVRMA* Policy Direction and interim land withdrawals



# Preliminary Screening and Environmental Assessment Processes in a Nutshell

Brett Wheler  
Senior EA Policy Advisor



Mackenzie Valley  
Review Board



# Broad Purpose of **Screening** and **EA** in MVRMA

- To ensure that the impacts are carefully considered before actions are taken
- To ensure that the concerns of aboriginal people and the general public are taken into account



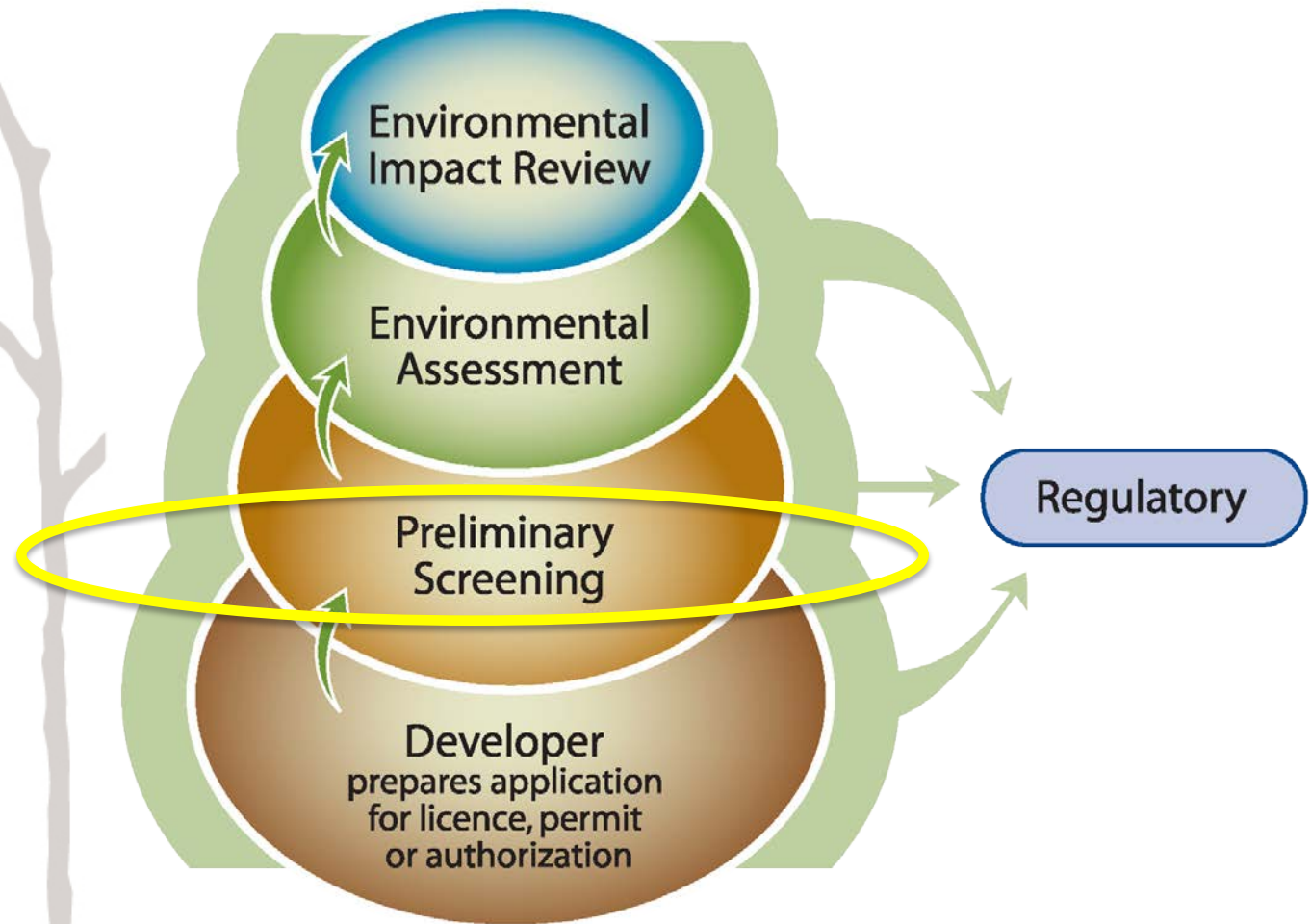
# Screening and EA: Overall Principles

- 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.**





# Environmental Impact Assessment Overview



# Part 1: Preliminary Screening

- One of three levels of EIA
- Starts when developer applies for permits
- <95% of developments go through PS only
- *Mostly* done by Land and Water Boards
- Cursory initial look at potential for impacts
  - *identify vs. assess*
- Relies on public comments

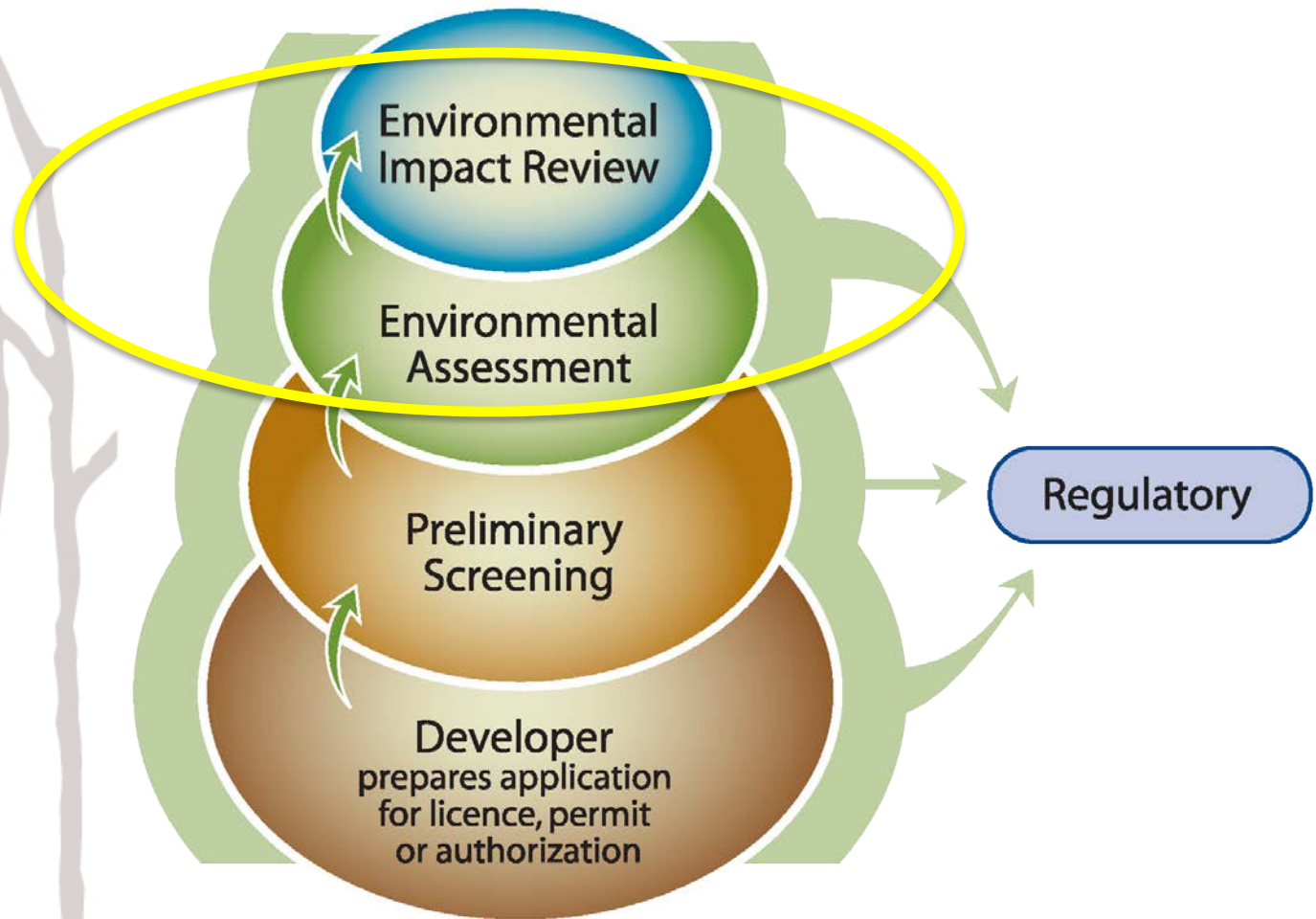




# The Might Test: public concern, significant impacts ... whole environment...



# Environmental Impact Assessment Overview



## Part 2: Environmental Assessment

- Review Board must do EA when it receives referrals from preliminary screeners or others
- Overall Purpose and principles apply
  - Better, easier, cheaper to anticipate and avoid than to react and cure
  - EA process must be timely, fair, evidence-based, transparent





# EA Scoping and Terms of Reference (ToR)



To **identify** and **prioritize** issues

- Developer proposes ToR
- Community scoping
- Technical scoping

- Board sets final ToR



Mackenzie Valley  
Review Board

# EA Analysis

- Developer's Assessment Report
- Adequacy review
- Information requests by Board and parties
- Science and Cultural “technical sessions”





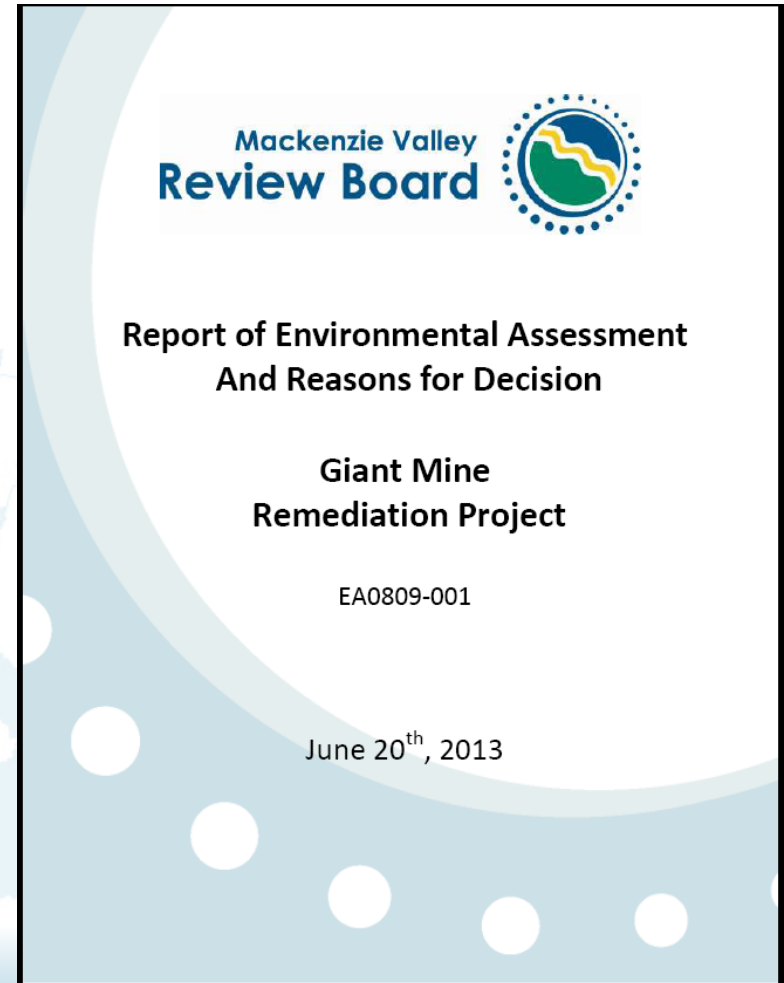
# Hearings

Parties provide their views on:  
impacts, significance,  
recommended measures



# Board Decision + Report of EA

- Board determines **significance** of impacts
- Recommends to Minister:
  - Approve the project (usually with measures)
  - Reject the project



# EA Outcomes: At the End of the Day...

- Conflicts can be resolved
  - commitments can address impacts
  - communities get more say on the projects that affect them
- New mitigations prevent significant impacts
- Follow-up programs track issues
- Unacceptable projects can be rejected





# What do the Land and Water Boards do?

- Conduct Preliminary Screenings
- Regulate the use of land and water and deposit of waste.

## Key Legislation:

- *Mackenzie Valley Resource Management Act* and Regulations
- *Waters Act* and Waters Regulations



```
graph TD; A["Key Legislation:  
• Mackenzie Valley Resource Management Act and Regulations  
• Waters Act and Waters Regulations"] --> B["Land Use Permits"]; A --> C["Water Licences"]
```

Land Use Permits

Water Licences

# Regulatory Process

(a snapshot)



# When do you need a Permit?





# When do you need a Water Licence?



# The Regulatory Process

## (for Land Use Permits & Water Licences)

Pre-  
Application

Application  
Review

Issuance

Administration

Closure



# Pre-Application

## Land Use Permit

## Water Licence

Engagement –inform potentially affected parties and seek and incorporate feedback

Collect necessary site and/or baseline information

Contact Land and Water Board staff

Right of Access – obtain permission from landowner



# Application Review

**Land Use Permit**

**Water Licence**

Application deemed complete

**Application sent out for review and comment**

Preliminary screening – may get sent for Environmental Assessment

Public hearing unlikely

Public hearing likely (for Type A's)

<42 days for Board decision

**New: Timelines (9 months)**

**\*does not include proponent time**





# Issuance

## Land Use Permit

## Water Licence

They will include conditions to minimize impacts:

Methods & Timing

Studies/Reports/Plans

Protection of habitat, historic/  
archaeological/burial sites

Monitoring / Effluent Quality  
Criteria (EQC)

Closure and Reclamation

Security Deposits

Term up to 5 years

**New: Term up to life of project**





# Administration

## Land Use Permit

## Water Licence

Compliance enforced by Inspectors  
(Canada / **New: GNWT**)

Amendments and renewals possible

Management plans: review and approval

Ongoing reporting of activities



# Closure

Land Use Permit	Water Licence
Final closure plan due before end of operations	Preliminary, interim and final Closure and Reclamation Plans may be necessary
MVLURs (S. 32)	WA (S. 35) and MVRMA (S. 72.11)



# Land and Water Board Resources

- Consultation and Engagement Policy and Guidelines
- Closure and Reclamation Guidelines
- Water and Effluent Quality Management Policy
- Waste Management Guidelines



# Land and Water Board Resources

- Standard Land Use Permit Conditions
- Guide to Land Use Permitting Process
- Municipal Operation & Maintenance Templates
- Guidelines for GIS Submission Standards



# Website

[www.mvlwb.com](http://www.mvlwb.com)

- Online Review System
- Online Registry

The screenshot shows the 'Online Review System' interface. At the top, there are logos for the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board, and the Wek'èezhì Land and Water Board. Below the logos, there is a navigation bar with links: Home, MVLWB Reviews, MVLWB Reviews, VLVWB Reviews, GLWB Reviews, and GLWB Reviews. The main heading is 'MACKENZIE VALLEY LAND AND WATER BOARD (MVLWB) ITEMS FOR REVIEW'. A sub-heading states: 'This page contains links to items currently under review by the Land and Water Board. By selecting the links below, reviewers can enter and submit comments, proponents can respond to comments, and Board Staff can provide responses related to the items for review.' Below this is a table with three columns: 'Proposer', 'Item for Review', and 'Reviews Due'.

Proposer	Item for Review	Reviews Due
AA/DC-CARD	AA/DC CARD - Tundra - Notification of use of PHC materials and update to Hydrocarbon Contaminated Materials Treatment Plan (MV2009R0019 and MV2009L0-0008)	13 May 14 <a href="#">Go to Review</a>
Apache Canada Ltd.	Apache Canada Ltd. - New Land Use Permit Application (MV20140001)	10 May 14 <a href="#">Go to Review</a>
Avation Rare Metals	Avation Rare Metals - Land Use Permit and Water Licence - Mining - MV201000017 & MV2010L2-0005	03 Jul 14 <a href="#">Go to Review</a>
CanZinc Corporation	Canadian Zinc Corporation - Security Amendment (MV200800014 and MV2008L2-0003)	03 Apr 14 <a href="#">Go to Review</a>
CanZinc Corporation	Canadian Zinc Corporation - New LUP and WL Application (MV2014F013 MV2014L0-0001)	15 May 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Study on the Impact of the Solid Waste Facility on Surface Water Metal Concentrations (MV2009L3-0007)	09 May 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Compost Facility Expansion Design Drawings (MV2009L3-0007)	09 Jun 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Solid Waste Facility Interim Landfill Closure and Reclamation Plan (MV2009L3-0007)	20 Jun 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - 2013 Annual Water Licence Report and Updates to Plans (MV2009L3-0007)	08 Jul 14 <a href="#">Go to Review</a>
De Beers Canada Inc. - Gahcho Kue	De Beers Canada Inc. - Post EIR Submission (MV2009L2-0015 and MV2009C0003)	07 Apr 14 <a href="#">Go to Review</a>

The screenshot shows the 'Public Registry - Online Review System' interface. At the top, there are logos for the Mackenzie Valley Land and Water Board, the Wek'èezhì Land and Water Board, and the Gwich'in Land and Water Board. Below the logos, there is a navigation bar with links: Home, MVLWB Reviews, MVLWB Reviews, VLVWB Reviews, GLWB Reviews, and GLWB Reviews. The main heading is 'MACKENZIE VALLEY LAND AND WATER BOARD | Wek'èezhì Land and Water Board | Gwich'in Land and Water Board |'. Below this is a table with three columns: 'Proposer', 'Item for Review', and 'Reviews Due'.

Proposer	Item for Review	Reviews Due
AA/DC-CARD	AA/DC CARD - Tundra - Notification of use of PHC materials and update to Hydrocarbon Contaminated Materials Treatment Plan (MV2009R0019 and MV2009L0-0008)	13 May 14 <a href="#">Go to Review</a>
Apache Canada Ltd.	Apache Canada Ltd. - New Land Use Permit Application (MV20140001)	10 May 14 <a href="#">Go to Review</a>
Avation Rare Metals	Avation Rare Metals - Land Use Permit and Water Licence - Mining - MV201000017 & MV2010L2-0005	03 Jul 14 <a href="#">Go to Review</a>
CanZinc Corporation	Canadian Zinc Corporation - Security Amendment (MV200800014 and MV2008L2-0003)	03 Apr 14 <a href="#">Go to Review</a>
CanZinc Corporation	Canadian Zinc Corporation - New LUP and WL Application (MV2014F013 MV2014L0-0001)	15 May 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Study on the Impact of the Solid Waste Facility on Surface Water Metal Concentrations (MV2009L3-0007)	09 May 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Compost Facility Expansion Design Drawings (MV2009L3-0007)	09 Jun 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - Solid Waste Facility Interim Landfill Closure and Reclamation Plan (MV2009L3-0007)	20 Jun 14 <a href="#">Go to Review</a>
City of Yellowknife	City of Yellowknife - 2013 Annual Water Licence Report and Updates to Plans (MV2009L3-0007)	08 Jul 14 <a href="#">Go to Review</a>
De Beers Canada Inc. - Gahcho Kue	De Beers Canada Inc. - Post EIR Submission (MV2009L2-0015 and MV2009C0003)	07 Apr 14 <a href="#">Go to Review</a>







# Wildlife

Resource Co-Management Workshop - January 25, 2017

Government of  
Northwest Territories