



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Aboriginal Affairs and Northern Development**

---

AANO • NUMBER 010 • 2nd SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Monday, January 27, 2014**

—  
**Chair**

**Mr. Chris Warkentin**



## Standing Committee on Aboriginal Affairs and Northern Development

Monday, January 27, 2014

• (0835)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):** Colleagues, I'm going to call this meeting to order. This is the 10th meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

Colleagues, there are many folks from the public here today, and we want to thank each one of them for being here. It is our privilege to be here in Yellowknife this morning.

We want to thank the staff and the folks who have worked so diligently to make sure that we are accommodated here. There is quite a process any time that we take any standing committee on the road, of course, so there may yet be a few things that we have to work out this morning.

I want to indicate to our colleagues, as well as to those who will be presenting, that there are translation devices. We have translation in French and in English. If anybody is in need of those translation devices, they're available to those who are presenting.

Thank you to our translators and interpreters.

We're going to get started. First up, we're of course pleased and thankful that we have the opportunity to be joined by the premier.

Premier McLeod, thank you so much for joining us. It's good to see you here in Yellowknife. We've had the privilege of meeting in Ottawa, and we want to thank you for taking time out of your busy schedule to be with us.

This morning we have with us Shaleen Woodward, as well as Jamie Fulford.

Thank you so much for joining us here.

Premier, we will begin with you.

We want to welcome everyone who is making an opening statement. Then we will have some questions.

Again, thank you for being here and for inviting us to be here. I will turn it over to you now.

**Hon. Bob McLeod (Premier of the Northwest Territories, Government of the Northwest Territories):** Honourable members, thank you for the invitation to address the Standing Committee on Aboriginal Affairs and Northern Development. I'm pleased to be here on behalf of the Government of the Northwest Territories to speak to you about Bill C-15, the Northwest Territories devolution act.

Devolution of responsibility for public lands, resources, and water has been a priority for the people and the Legislative Assembly of the Northwest Territories for many years. This is a momentous change for our territory and its people. We are pleased that your committee recognizes the significance of this step and has chosen to hold hearings on Bill C-15 in the north. This bill is a game-changer for northerners, and it is entirely appropriate that you hear directly from them as you review the proposed legislation.

Devolution promises to usher in a new era of prosperity and opportunity for the people of the Northwest Territories. Supported by an efficient, effective, and integrated regulatory regime, devolution will give northerners the necessary tools and authorities to responsibly develop the Territories' significant natural resource potential, promote investment and economic development, and manage the land and environment sustainably.

The north wants devolution. In a vote last June, members of the legislative assembly voted 17 to 1 in favour of the devolution agreement. The Government of the Northwest Territories and our five partner aboriginal governments have worked together to negotiate a deal that is in the best interests of all of our residents. After years of hard work, we are almost there, but we need to stay focused if we want to cross the finish line.

I want to thank all those who have worked with us to make the dream of a strong and autonomous Northwest Territories a reality: the Inuvialuit Regional Corporation, the Northwest Territory Métis Nation, the Gwich'in Tribal Council, the Sahtu Secretariat Incorporated, and the Tlicho government.

Interest in being a part of devolution and enjoying the benefits it will bring to the people of the Northwest Territories is strong. Recent talks with the Akaitcho Dene First Nation and the Deninu K'ue First Nation look to be clearing the way for them to become signatories to the devolution agreement. We also continue to work with the Dehcho First Nations and the Akaitcho Treaty 8 Tribal Corporation, the remaining two regional aboriginal governments. We are hopeful that they will eventually sign on to devolution as well.

You will hear some alternative and maybe even opposing viewpoints on Bill C-15 while you are here in Yellowknife. Some of these are based on inaccurate or incorrect information. Some reflect different governance philosophies. Some simply reflect partisan viewpoints.

Whatever their views on this specific legislation, I hope that everybody in the Northwest Territories supports its basic premise: that decisions about the north should be made as close to home as possible. We want enhanced authority and self-determination for the people of the Northwest Territories and their elected representatives in the Northwest Territories legislative assembly.

Some people have asked whether the legislative powers and authorities of the Government of the Northwest Territories will really be expanded by devolution.

They will. As a result of devolution and Bill C-15, authority for 26 federal acts and regulations will be transferred to the Government of the Northwest Territories. Through devolution, members of the legislative assembly will gain the authority to make laws that they cannot make now. That is power that they do not have today but will have on April 1, 2014.

Some people have asked whether our government will be exercising independent authority when powers are delegated to us under the Mackenzie Valley Resource Management Act.

● (0840)

We will. The Government of the Northwest Territories already has responsibility for environmental management and regulation delegated to it under the Mackenzie Valley Resource Management Act, and we have been exercising it for years. We will have more responsibilities after devolution.

These new powers and authorities are outlined in the negotiated and legally binding devolution agreement. I am confident that Canada intends to honour it. Some people point to the fact that the Mackenzie Valley Resource Management Act will continue to be federal legislation as a sign that Canada is trying to withhold powers from northerners or retain an ability to control and direct our government's decisions. That is simply untrue. We understand that the Mackenzie Valley Resource Management Act is a unique piece of legislation required by the land claims and providing for integrated environmental regulation on all lands in the Mackenzie Valley including federal and territorial lands, settlement lands, and private lands. Its continuation as federal law for the next five years reflects its unique nature, and we are satisfied with the provisions and the devolution agreement to review the status and potential power of these delegated powers to our government within five years.

I would also like to note that there is nothing to prevent us from initiating those discussions earlier. Some point to language in the bill allowing the federal government to disallow territorial legislation as an opportunistic expansion of federal powers in the Northwest Territories. This is a specious argument. There are comparable clauses in the 1867 Constitution Act that apply to all provinces and territories. This is not a new power and it does not diminish the authority of our government.

You will hear witnesses today express concerns about some of the changes to the Northwest Territories regulatory system that are being proposed as part of Bill C-15. Some northerners will find these changes difficult to accept, and that is what is behind some of the opposition you will encounter today. We need to be clear that devolution and regulatory reform are two different initiatives. Our

government understands that regulatory improvement is a national priority that Canada is committed to pursuing. We recognize that the Northwest Territories does not exist in a vacuum and that there are national interests at play in this initiative. We respect that people are worried about the proposed regulatory improvements but we do not believe that is a reason to delay the devolution we have been seeking for so long.

As we consider Bill C-15, I want to urge the committee and the people of the Northwest Territories to not confuse the two initiatives. We need to focus on devolution and the ultimate goal we have been pursuing as a territory for decades: to enhance authority and autonomy for the people of the Northwest Territories. We need an efficient and effective regulatory system in the Northwest Territories that protects the public interest, allows us to manage our land and environment, and promotes responsible development.

I have always said that we would devolve and then evolve, and that continues to be our approach. The system that will be in place on the effective day will not be chiselled in stone. Our territory will continue to grow and evolve as we work with Canada and our aboriginal government partners to implement devolution in a way that respects the values and interests of all residents. Many of the proposed regulatory changes will be phased in over time. The proposed amalgamation of the land and water boards in the Mackenzie Valley will not take place until April 1, 2015, a year after the effective date for devolution.

● (0845)

We, the Government of the Northwest Territories, aboriginal governments, and Canada, will continue to work together to develop a regulatory system that will work for all of us, one that includes important features like retained regional capacity.

Decision-making closer to home has been our goal, and it is almost here. April 1, 2014, marks the beginning of a new chapter for our territory, one in which northern governments work together to create the kind of future we see for ourselves. Never before can I recall such a time of potential and future prosperity facing the people of our territory.

Soon the Government of the Northwest Territories will go from administering surface rights for only 1% of the Northwest Territories' land mass to being responsible for surface and subsurface rights on approximately 80%. We are the stewards of a great expanse of Canada's land mass. We look forward to a future where northern priorities are reflected in resource development and environmental management decisions.

We know our land. We know what matters to us. We have a vested interest in ensuring the long-term sustainability of our land. Our integrated co-management system will protect the economic, social, and cultural well-being of all of our people. Our time has come. It is time for northerners to make our own decisions about our economy, our environment, and our society.

Devolution is critical to the long-term well-being and prosperity of the people of the Northwest Territories and of Canada. The Government of the Northwest Territories supports the timely passage of this bill.

Thank you.

**The Chair:** Thank you, Premier. We thank you for taking the time...[*Technical difficulty—Editor*]...early opening statements.

We'll begin the rounds of questions with Mr. Bevington.

**Mr. Dennis Bevington (Western Arctic, NDP):** Thank you, Mr. Chair.

Thank you, Premier McLeod, for...[*Technical difficulty—Editor*]...in Yellowknife. I'm glad to have the hearings here, although I think with the volume of witnesses we have in front of us, our work is really cut out to accomplish this in one day.

There are many issues with this. Also there is a great deal of agreement with...[*Technical difficulty—Editor*]...part of the devolution bill, or Bill C-15. We are discussing the bill and not really the agreement. I think that's the important part of the work I do in Parliament—to look at the bill, not the agreement, because the bill is actually what will govern many of the aspects of our life here in the north. We need to always keep that in mind, that the bill is what we're here for today.

Certainly one aspect of the bill that you've mentioned, and you've mentioned again in an article in the newspaper here today, was about a review of the terms of the Mackenzie Valley Resource Management Act. You say it agrees to discuss devolving these powers within five years.

Is that your position on that?

• (0850)

**Hon. Bob McLeod:** Thank you for the question. We believe that after April 1, 2014, which is the effective transfer date, there's...I don't see why we can't discuss it with the government. The government has said five years, so nothing should prevent us from talking about it in between then, in that timeframe.

**Mr. Dennis Bevington:** But the government has agreed that this will not be discussed before five years is up. That's part of your agreement. Is that not correct?

**Hon. Bob McLeod:** The government of the day can choose to go earlier, if they decide to do so.

**Mr. Dennis Bevington:** But that's not part of...and this review is not part of the legislation as well; that's correct.

**Hon. Bob McLeod:** This is a political system. We don't feel that everything has to be in an agreement.

**Mr. Dennis Bevington:** Many bills that go before the House of Commons on many issues will have a review process within them.

Would you support an amendment that would clearly outline what a review process would be within Bill C-15 so that this process, which is in the agreement, will be very well spelled out under law?

**Hon. Bob McLeod:** We have a commitment that it will be reviewed after five years. That's good enough for us.

**Mr. Dennis Bevington:** The commitment to review is actually a commitment to develop the terms of reference.

Is that not correct? There are no terms of reference for a review that's in place. Isn't that what the agreement says?

**Hon. Bob McLeod:** We have had long discussions with the Government of Canada. We have agreed that after five years we can

look at reviewing and deciding on making further changes to the Mackenzie Valley Resource Management Act. This agreement was developed as part of the land claims negotiations with aboriginal governments and the Government of the Northwest Territories. We have reached an understanding that after five years we will review the agreement.

**Mr. Dennis Bevington:** So this is—

**Hon. Bob McLeod:** Let me finish, okay?

**Mr. Dennis Bevington:** I have only a limited time so I'd ask you to be brief.

**Hon. Bob McLeod:** We have had discussions with the Minister of Aboriginal Affairs. I've also talked to the Prime Minister. It's very clear that some portions of the Mackenzie Valley Resource Management Act can be very easily changed. We can have those discussions within the next five years.

Thank you, Mr. Chair.

**Mr. Dennis Bevington:** Okay.

What you have is a discussion agreement about the nature of the review. That's all. That's pretty clear. We can say what we want about discussion agreements, but I would feel better, and many people would feel better, if these were more clearly outlined. The Mackenzie Valley Resource Management Act is the one piece of this bill that is really under contention. It's not the devolution agreement. I think that's clear, as you pointed out and as many people here have said.

When it comes to putting these two bills together, it's been a bit of a difficult issue. Did you achieve consensus or support from the legislative assembly for the changes proposed by the Government of Canada to the Mackenzie Valley Resource Management Act?

**Hon. Bob McLeod:** First of all, I'm not here to make you feel better. Secondly, this is federal legislation so it's up to the federal government to put forward this legislation.

Thank you, Mr. Chair.

**Mr. Dennis Bevington:** Have you had an open discussion in the legislative assembly about the changes to the Mackenzie Valley Resource Management Act proposed in Bill C-15?

**Hon. Bob McLeod:** This is federal legislation, so why would we have an open discussion in our territorial legislature? The federal institution is there for federal legislation. That's what the House of Commons is there for. That's what you are there for. We're not here to debate federal legislation. We debate our own territorial legislation.

Thank you, Mr. Chair.

• (0855)

**Mr. Dennis Bevington:** In previous testimony by Mr. Miltenberger, the government indicated that it wanted to see this devolution agreement put into law in a timely fashion. The Government of Canada indicated to them that only through supporting these changes to the Mackenzie Valley Resource Management Act would you get that commitment from Canada to get this done by April 1.

So you were engaged in discussions on the Mackenzie Valley Resource Management Act, weren't you? Did you share those discussions with your colleagues in the legislative assembly?

**The Chair:** I'm sorry. Your time is up, Mr. Bevington.

I don't know, Premier, if you'd like to respond with a final comment.

**Hon. Bob McLeod:** Thank you, Mr. Chair.

The member is suggesting that we can tell the federal government when and how to introduce its legislation, and that's not the case. We were briefed as a party on the proposed MVRMA changes along with the other aboriginal governments that have settled land claims.

Thank you, Mr. Chair.

**The Chair:** Thank you.

We'll turn now to Mr. Strahl for the next questions.

**Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC):** Thank you very much, Mr. Chair.

Thank you, Premier, for your comments.

It was good to see you a couple of weeks ago when we were with the Prime Minister in Inuvik celebrating the start of the construction on the completion of the Dempster Highway, which will bring the road system in Canada from coast to coast to coast. It was a great day of celebration in that community. It has been good to see you in Ottawa as well as a true champion of the Northwest Territories in standing up for the people here and advancing their interests. We certainly appreciate that.

I noted with interest Mr. Bevington's comments about how the bill wasn't large enough. He wanted more clauses added to it, in contrast to his previous comments that it's too big. But I wanted to talk briefly about the five regional aboriginal groups that participated in the agreement, that participated in the negotiations and signed the devolution agreement. Could you describe the involvement of the aboriginal groups in the process in regard to how they interacted with your government and how they were participants in the devolution process?

**Hon. Bob McLeod:** Thank you very much for the question.

As you know, devolution has been an ongoing feature in the Northwest Territories for over 40 years. The most recent round has been ongoing for about 12 years. We've made several different attempts. In the latest round, which resulted in this final devolution agreement, we worked very closely with our aboriginal government partners. They were involved every step of the way, and they were involved in the negotiations.

Also, as a government, we made sure that all of the information was shared with all the aboriginal governments whether or not they had signed on. We wanted to make sure that everybody knew what was being negotiated. I think it was very helpful to have our aboriginal government partners participate, because they added substantially to the negotiations, which also resulted in a much better final agreement.

**Mr. Mark Strahl:** Thank you.

I know that the Senate Standing Committee on Energy, the Environment and Natural Resources certainly appreciated your testimony on December 5. Part of what you stated there was that your government, the GNWT, supports "an efficient and effective regulatory regime". I was wondering if you could tell us in your view how the changes being proposed under this act helped to achieve that end of improving the efficiency and the effectiveness of the regulatory regime.

**Hon. Bob McLeod:** I think the biggest advantage will be the fact that they increased the authorities and that the decisions will be made by the people living in the north. The people who are most affected by the decisions will be making those decisions. I think those changes to the Mackenzie Valley RMA will prove that in due time. Also, I think we've learned that we can work very well with aboriginal governments. I think that in due course this whole process will be a benefit to the Northwest Territories.

• (0900)

**Mr. Mark Strahl:** Perhaps you can expand a little on that. I'm sure that the people of the Northwest Territories are well aware of the areas whereby authority is being delegated to the territory under the devolution agreement or under this proposed legislation, but perhaps you could explain for the rest of us, who aren't from here, just what is being transferred and what are some of the areas where the federal government is ceding that authority to the Northwest Territories. How do you think that will benefit your government and the people of the Northwest Territories?

**Hon. Bob McLeod:** The areas of land, water, and resource management will all be devolved to the Government of the Northwest Territories. We will also be responsible for oil and gas, mining, and their cumulative impacts. Those decisions of the 26 acts and regulations would mean that all of those authorities would be mirrored by the Government of the Northwest Territories and that we would be responsible for the operations.

On the Mackenzie Valley resource management side, as the decisions are made they will be put into effect under territorial legislation. Therefore, if a project goes forward for review and approval, the territorial minister responsible will approve the project. Any calls for bids on oil and gas will be made by the Government of the Northwest Territories. The Government of the Northwest Territories will then issue the appropriate permits. Similarly, for transboundary waters, the Government of the Northwest Territories will negotiate agreements and will sign off and finalize the transboundary water agreements that we negotiate, and so on and so forth.

It will be a significant change in the Northwest Territories as to how things are run and operated.

Thank you.

**The Chair:** Thank you.

We'll turn to Ms. Jones now for the next round of questions.

We're thankful that you're here. We know that you're standing because you were the one who travelled the furthest, from Labrador, to be here. We know that you are suffering from a back condition so thanks for joining us.

**Ms. Yvonne Jones (Labrador, Lib.):** Thank you.

Thanks very much, Premier, for the opportunity to be here this morning. I'd like to tell you it's an absolute pleasure to be in the Northwest Territories and to wake up to the great arctic air in such a beautiful place. Being a northerner myself, from Labrador, I don't let a little back pain stop me from making a long trip. You'll have to forgive me if you see me standing quite a bit today. I think all of us have had our little complications, so we know that it can sometimes be a little bit painful.

I have to say two things from the outset. First of all, I'd like to know how you secured that agreement for the highway money, because I could certainly use a big portion of that myself in Labrador. I'm sitting here watching the news and I'm saying, it's all possible. What you've done in the Northwest Territories by achieving such an agreement is that you've inspired us all to work a little harder to make things happen in our own northern regions of the country as well.

The second thing I would say is that I'm so envious of the Northwest Territories simply because you have an opportunity to govern yourselves, which is something that we have never had in Labrador. We're governed by people who live at a distance and who do not always understand the true meaning of what it is to live in the north and the struggles that we have. It's very important that when you are in a position to make decisions for yourself that you make the best decisions and good sound decisions.

Our role as a committee is to listen to what you have to say, to listen to all the people across the Northwest Territories, and that's why we're here today. You're right. This is a bill that will be debated in the legislature of the country. We will have the opportunity to voice our comments based on what you tell us in these sessions and to hopefully vote in a way that will be in the best interests of the people of the Northwest Territories. That's our goal in being here.

In your speech you talked about a new era of prosperity. My question to you would be: what does that mean? What does that mean for the aboriginal people and the aboriginal governments? What does that mean to the ordinary citizens of the Northwest Territories, when you talk about a new era of prosperity as a result of devolution?

• (0905)

**Hon. Bob McLeod:** Thank you for those questions.

I think we were able to secure funding for the Inuvik to Tuktoyaktuk highway by selling a dream or a vision, in which, for the first time in history, Canada will be able to say that we're joined from sea to sea to sea. I think that resonated and I think that, along with the tremendous oil and gas potential in the Beaufort area, was a large part of that.

I've also had the opportunity to travel to Labrador, your beautiful area. The first time I went I was struck, just reading some of the local papers and the local literature, by how a lot of the issues in Labrador and in the Northwest Territories are similar. The way I see it, with regard to the potential and the prosperity, we have a different way of approaching development. As we see it, in the past, the federal government was a long way away in Ottawa and it issued the development permits and collected the royalties. I think if we feel we will have development at a pace we are comfortable with, we can

work with the developers to make things happen so we have balanced development.

I think that is the difference: that we can be more hands-on when it comes to the development and protection of our land and water and the environment.

Thank you.

**Ms. Yvonne Jones:** In your opening comments you also talked about discussions with the aboriginal governments in the Northwest Territories and the support for the devolution agreement. We understand that there are issues now around the regulatory board piece, which have been coming forward to our committee. I'm sure we'll hear a lot more about that today.

Do you see that as an impediment to moving forward with devolution in the Northwest Territories? Do you think it is absolutely necessary to have that portion of the agreement in place now as opposed to five years from now in order for things to move forward in the Northwest Territories?

**Hon. Bob McLeod:** Thank you for the question.

I think that historically the Northwest Territories had a very comprehensive Dene-Métis claim that would have provided for land claim and resource management settlements covering all of the Northwest Territories. That didn't happen, so we have regional land claims. I think that with devolution and the land claims that have been settled and as we go further with land claims and resource management, all of the land will be managed by people in the Northwest Territories. We are setting up an intergovernmental council that will include all of the aboriginal governments who have signed on to devolution.

I think that over five years we can work together to come up with a better system. I think the land claim requirements have to be upheld, especially for those who have settled agreements. I think that with representation...and when I was involved early on with negotiating land claims, it was always understood that at some point when there was a larger board, they would move in that direction.

I believe we need devolution and we can work together to make the regulatory framework work.

Thank you.

• (0910)

**The Chair:** Thank you, Premier.

We'll turn to Mr. Leef now for the next seven minutes.

**Mr. Ryan Leef (Yukon, CPC):** Thank you, Mr. Chair.

Mr. Premier, it's good to see you again. It's always a pleasure to be back in the Northwest Territories. I've been here quite a few times in the last year.

I'm a fellow northerner, and we always like to talk about our weather first. It seems every time I come here, it's to get a true taste of what winter is like. We sure have been enjoying some mild stuff in Whitehorse. In fact, the other day when I left, it was 13 degrees.

So there's my update on our weather. It's a necessary northern weather discussion.

It's good to breathe that arctic air, as Ms. Jones was saying.

Mr. Premier, awhile ago you wrote in an article in *The Hill Times* that this is fulfilling the promise made 46 years ago, secured through the ongoing development of a fully elected and representative legislative assembly in the Northwest Territories.

There has been some discussion around the level of consultation. Of course that's why we're here in the Northwest Territories again today, to further consult on Bill C-15. There have been numerous discussions going on. It certainly hasn't just happened over the last year or handful of years. As you noted, it's been a long time coming.

Could you give us a little bit of background on the history of devolution talks in the Northwest Territories and the input that has gone into it over the years? Perhaps you can build a bit on the comments you've made in the past about aboriginal governments being critical partners in the negotiation of devolution, and the fact that they're necessary to its successful implementation. I know you were able to highlight that your government has agreed to share 25% of resource revenues with aboriginal governments as part of devolution, which I think is important and significant.

Perhaps you could quickly touch on the long-term goal of the Northwest Territories to realize devolution and how much discussion has gone on in this territory over the years toward that goal.

**Hon. Bob McLeod:** Thank you for the question. It's always good to see a neighbouring jurisdiction represented here.

Devolution started probably over 40 years ago. I believe the first responsibilities that were devolved from the Government of Canada to the Northwest Territories were for wildlife management and education. I think the one event that is most recognized as providing for devolution was the transfer of the Government of the Northwest Territories to Yellowknife in 1967.

Over the course of those years, I guess all of the responsibilities that our government has have devolved from the federal government, including health, firefighting, and the responsibility for scientific research. About 12 or 15 years ago, we started working on the last piece of the puzzle. We put together a process called the "aboriginal summit", in which the Government of Canada and the Government of the Northwest Territories had a process, involving all of the aboriginal governments, to work on devolution of land, water, resource management, oil and gas, and mining—all of the remaining functions. As we used to say, all the easy programs had been devolved by then. The hard part to be devolved still remained.

So we had the aboriginal summit, and when that process failed, the next government set up a process called the aboriginal forum. All the aboriginal governments participated. They all agreed on what the definition of an aboriginal government was. Again, that process went on and failed, or was stopped at some point, so as a government we took a different approach. We started a northern forum, whereby the premiers of the day would meet with the aboriginal government leaders on a regular basis.

We started negotiations with the Government of Canada and negotiated for several years until we finally reached and signed off on an AIP and eventually were able to have five aboriginal government partners sign on. As I said, we made sure that we kept all of the aboriginal governments informed of progress in the

negotiations. We are continuing to have discussions and to work with the two aboriginal governments that have not signed on yet: the Dehcho First Nations and the Akaitcho Treaty 8 Tribal Corporation.

We also have individual land claim negotiations where we are close to having the committee sign on to devolution.

● (0915)

**Mr. Ryan Leef:** On that point, Mr. Premier, there have been some claims that the regulatory improvements and devolution itself would stall ongoing land claims. Of course, the Minister of Aboriginal Affairs and Northern Development has said that there's nothing here that will affect the comprehensive land claims process that's taking place, that he has committed that the negotiations will go on, and that in his view it may create an impetus to actually reach an agreement sooner. Would you share that viewpoint?

**Hon. Bob McLeod:** Yes, I certainly believe that, especially with the discussions we've been having with the Dehcho First Nations. The grand chief and I signed off on terms of reference whereby we have a senior officials working group that has been working since approximately May of last year. We've made significant progress in dealing with some difficult land issues, to the extent that I think we're very close to being able to make some announcements, not only on the land side but also on the devolution side.

We are also looking to start a similar process with the Akaitcho. We're very close to that.

**The Chair:** Thank you, Mr. Premier.

We'll turn to Mr. Bevington for the next five minutes.

**Mr. Dennis Bevington:** Thank you, Mr. Chair.

I think, Premier McLeod, the work that you've been doing to bring first nations into the devolution agreement has been commendable. I said that in Parliament. I think that's something that you can rest very well on, but this bill is not simply about that.

I want to go back. When did the federal government inform you that Bill C-15 would contain the regulatory changes? When did they tell you that this bill was going to come forward as a single entity?

**Hon. Bob McLeod:** I believe it was in the fall of 2013. We had some discussions before. We were pushing hard for devolution to occur in 2014. When I first met with the Prime Minister when I was first elected as premier, our government wanted devolution to occur as soon as possible. When I met with the Prime Minister, he indicated that his officials had told him that they were working towards a 2015 timeline.

I told him that our government preferred to have it occur in 2014 because we were concerned that if we left it until 2015, it would become an election issue. The federal government had an election scheduled for October 2015, and similarly our government had an election scheduled for October 2015. If we left it—

● (0920)

**Mr. Dennis Bevington:** Thank you for that. I have a few more questions and I only have five minutes.

When did you let your aboriginal partners in this know that the bill was going to come forward as a single bill?

**Hon. Bob McLeod:** I think the Government of Canada had been working on this regulatory improvement initiative for two or three years. They had been working with the aboriginal governments, and

**Mr. Dennis Bevington:** That wasn't my question. I asked you when you informed the aboriginal partners.

**The Chair:** Mr. Bevington, with all due respect, the premier is answering your questions. I know that you're under a tight timeframe, but I think that we do respect the witnesses and I encourage you to allow the premier to finish.

**Hon. Bob McLeod:** Thank you.

It wasn't my responsibility to inform anybody about the federal legislation, but I do know that, probably later in 2013, the expectation or the understanding that they were all coming together was implicit. If we wanted to have devolution in 2014, it was very likely that was going to happen.

**Mr. Dennis Bevington:** We have a consensus government in the Northwest Territories. At what point do you think that it's important that the process be shared outside of the cabinet, with the legislative assembly, with your partners in the deal? Do you think in the kind of government that you represent...? It is a consensus government. You weren't elected on a political platform appealing to the whole Northwest Territories, you're elected as a single MLA. Did you think at any time that it's appropriate to share all the information on this very important effort on the part of your government with the rest of the Northwest Territories?

**Hon. Bob McLeod:** Thank you, Mr. Chair.

Yes, we are a consensus government, but we're not an opposition party to the Government of Canada.

Thank you.

**The Chair:** You have 30 seconds left if you have a following question.

**Mr. Dennis Bevington:** Well, in 30 seconds I don't think I can continue much more.

I did have one question on the MVRMA, and this is an amendment that I think should go in place. The minister is going to have the ability to put binding policy decisions to the land use planning boards, to all of the boards that are represented under the MVRMA. Would you think it would be appropriate for the Government of the Northwest Territories to be consulted on those binding policy decisions that would be made by the minister towards the boards that will be doing work that your government will have a great amount of responsibility for?

**Hon. Bob McLeod:** Thank you. The Government of Canada will be consulting with us. They have indicated that, in every instance when they give direction to the boards, they will involve us and that we would have input into that direction.

**Mr. Dennis Bevington:** Thank you.

**The Chair:** Thank you.

We'll turn to Mr. Leef for the next five minutes.

**Mr. Ryan Leef:** Thank you again, Mr. Chair.

Mr. Premier, there have been claims that the current systems in terms of the regulatory review are working, but we have certainly heard testimony that the differences that exist between and within some of the northern jurisdictions can be confusing and a bit counterproductive; that some of the processes are complex, costly, unpredictable, and time-consuming.

Obviously it is our desire, and the desire of the Northwest Territories, I would think, that Bill C-15 would streamline the regulatory process by putting appropriate time limits in place and allowing for a consolidation of federal decision-making and measures that will include and improve environmental protection—for example, an increase in fines.

When we look at investment, as an example, across the country, where regions have a more favourable review process that's consistent and predictable, where it's effective and timely, where it's basically welcoming to business, that tends to be what people will be attracted to. Would that not be the same in the regions in the north? The Northwest Territories is a huge territory. If you have different processes existing in different regions, some will benefit and some will not, simply because people will seek out those regional locations that are straightforward, that are effective, that are understandable and workable.

Would you agree that the advantage to having one consistent review process across the entire territory will ensure equalized opportunity for every region, and not one region benefiting where another might not just because of confusing or complex differences that currently exist?

● (0925)

**Hon. Bob McLeod:** Thank you very much for the question.

Certainly an efficient and effective regulatory system is something that we support. It has been explained to me many times that investment money has legs. It will go where it can get the best return on a timely basis, so certainly that is a factor.

Here in the Northwest Territories, the people of the Northwest Territories have a very strong affinity to land and water. For us it's very important to have balanced, sustainable development. If that can have consistent application across the Northwest Territories, certainly we would be supportive.

**Mr. Ryan Leef:** Thank you.

There has been some concern that the amalgamation of the board itself would reduce regional influence over resource development and affect land claims agreements. Our position obviously is that the integrated regulatory regime is designed to make consistent and informed decision-making, as you just articulated. You maintain that it is strong, efficient, and effective.

But the new board, in its design approach now as I understand it, will be made up of equal membership from aboriginal and government nominees, and where a particular development or review is taking place in a particular region or community, there will be additional secured representation of people from that region. Is that accurate?

**Hon. Bob McLeod:** Thank you. The way it will work is that there will be representatives from each region and government. For specific developments that occur that are applied for in a specific region, there will be a provision that regional panels can be struck so that the aboriginal governments in the region can have additional representation when a project is reviewed.

**Mr. Ryan Leef:** That's consistent with individual land claim agreements and conditions laid out in each of those self-government agreements.

**Hon. Bob McLeod:** That's correct.

There is also provision for it now.

Thank you.

• (0930)

**The Chair:** Thank you.

Premier, we want to thank you for being here this morning. We certainly appreciate you taking time out of your busy schedule. We also thank you for meeting with many of us in Ottawa and having government representatives at our hearings earlier, this past December, as we began the process of reviewing this legislation.

Colleagues, we'll suspend this session and move on to the next panel.

I'll inform our visiting audience that the next panel will include representatives from the Sahtu Secretariat. We'll have representatives from the Tlicho government as well as from the Gwich'in Tribal Council.

Again, thank you, Mr. Premier. Thank you for being here and taking time out of your busy schedule.

We'll now suspend so we can set up for the next panel.

The meeting is suspended.

• (0930)

(Pause)

• (0935)

**The Chair:** We'll call the meeting back to order.

Because of the many witnesses we have today, we want to make sure we take time for everybody.

For the second panel, we have representatives from the Sahtu Secretariat. We have Ethel Blondin-Andrew.

We want to thank you for being here, Ms. Blondin-Andrew. Thank you for joining us.

From the Tlicho government, we have Grand Chief Erasmus.

Thanks so much for being here.

From the Gwich'in Tribal Council, we have Robert Alexie as well.

Thanks so much for joining us, for being here, and for taking time out of your busy schedules.

We'll start with Ms. Blondin-Andrew's opening statement.

**Hon. Ethel Blondin-Andrew (Chairperson, Sahtu Secretariat Inc.):** First of all I would like to say something in my language, the North Slavey Dene language.

*[Witness speaks in North Slavey]*

Basically you've come here to bring a big law to us. It is a big thing. It is very major in that you say that this is the way things will be conducted on our land with this piece of legislation. We have our own opinions on that and we want to present them.

My name is Ethel Blondin-Andrew, and I am the chair of Sahtu Secretariat Inc. I represent and work for the Sahtu land claim beneficiaries. I am pleased to present the submission to you on behalf of SSI with respect to the proposed amendments to the Mackenzie Valley Resource Management Act, MVRMA, that are set out in Bill C-15.

Daryn Leas is our legal counsel and is attending with me this morning. Grand Chief Frank Andrew of the Sahtu Dene Council is accompanying us as well. The Sahtu leadership delegation here includes Frank, Daryn, and me, as well as Chief Alvin Orilas of Colville Lake, and Wilbert Kochon, the president of the land corporation in Colville. Joseph Kochon is here as well. There is Charles McNeely, vice-chair of SSI and the president of the Fort Good Hope Métis, as well as Gina Dolphus, the president for the Deline Land Corporation and a director for SSI.

To give some background, the Sahtu Dene and Métis have lived in the Sahtu settlement area since time immemorial and now live primarily in the communities of Norman Wells, Tulita, Deline, Fort Good Hope, and Colville Lake. The Sahtu Dene and Métis entered into the Sahtu Dene and Metis Comprehensive Land Claim Agreement, as it's known, with the Government of Canada in 1993.

Among other matters the Government of Canada and the Sahtu Dene and Métis committed to the land claim agreement to work together to manage and preserve the lands and waters of the Sahtu settlement area in accordance with the MVRMA that was developed pursuant to the terms of the land claim agreement.

Following six years of negotiations, the SSI signed the Northwest Territories Lands and Resources Devolution Agreement on June 25, 2013. Now we are working with the other signatories to implement its terms. It is not an easy task.

Before making any specific comments about Bill C-15, the SSI confirms its general support to amend the federal legislation to give effect to the devolution agreement. We also support the enactment of territorial legislation to implement the devolution agreement, including territorial legislation to continue the obligation for proponents to negotiate benefits planned with the Sahtu relating to oil and gas activities in accordance with section 22.2 of the land claim agreement. This, I stress, is very important for the Sahtu. This is the real deal-breaker, section 22.2.

While Bill C-15 proposes amendments to the Northwest Territories Act, Territorial Lands Act, Northwest Territories Waters Act, and other federal legislation in order to implement provisions of the devolution agreement, it also proposes to amend the MVRMA to give effect to the federal action plan to improve northern regulatory regimes. SSI reiterates its opposition to the proposed amendments that serve only to implement the action plan.

In particular, SSI opposes the federal intention to eliminate the Sahtu land and water board and other regional panels and have the Mackenzie Valley Land and Water Board manage all land use and water licence applications. These proposed amendments serve to implement the federal action plan.

● (0940)

They are not related to devolution but are proposed to be lumped into Bill C-15. I heard said this morning that these are two separate things. They were until they were omnibused. We got very late notice on that.

The SSI has consistently voiced this opposition over the past five years to federal officials as well as to federal representatives and ministers throughout the devolution negotiations. Most recently we expressed this concern again, which is shared with the Gwich'in and Tlicho, to the federal officials in our written comments in October 2013. The SSI questions the need for these amendments since we do not see any need to change or alter the operation of MVRMA.

In this short presentation I will summarize our key concerns relating to Bill C-15. First, the SSI is opposed to the elimination of the Sahtu Land and Water Board. In accordance with the terms of the land claim agreement, the current provisions of the MVRMA establish a land and resource management system for the Mackenzie Valley that is effective, efficient, and honours the spirit of co-management as set out in the land claim agreement.

For the past 15 years the Sahtu Land and Water Board and other regional land and water boards have been able to balance various values and perspectives, and ensure that the affected communities are involved in the reviews. The involvement of communities and the consideration of regional information have led to better decisions with respect to land and water management.

The proposed elimination of the Sahtu Land and Water Board is contrary to the principle of partnership and co-management embodied in the current terms of the MVRMA, which underlie the land claim agreement. There will be less regional engagement with respect to the review of applications or proposed development. The proposed reconstituted board will not be able to foster regional participation and obtain community input as effectively as the regional boards have been able to achieve over the past 15 years.

The federal officials have failed to provide any justification or rationale for the elimination of the Sahtu Land and Water Board. While they have pointed out that there have been protracted delays or reviews under the MVRMA, these delays have been caused largely by the lack of federal coordination to review the decisions made by the regional boards, and that goes all the way up to the minister's office. Some of those applications have been sitting there in excess of a year.

Committees of the board is the second point. In the place of the Sahtu Land and Water Board, the regional land and water boards, Bill C-15 proposes that the chair of the board may designate three members of the board to deal with any application made to the board. A decision made by a majority of the three members would be considered to be a decision of the board.

Bill C-15 proposes that Sahtu will nominate one of the 11 members of the board. It is unacceptable that the Sahtu would only have one single representative on the reconstituted board. There are no assurances that the single board member nominated by Sahtu would be able to participate in the review of proposed activities located within the Sahtu settlement area. As a result these reviews may be conducted without any regional participation or representation. This is unacceptable and contrary to the spirit and intent of the land claim agreement. Therefore the SSI seeks assurances that these reviews will include regional representation, engage with communities, and take into account local information and knowledge.

Third is the office of the board. Bill C-15 provides that the main office of the board would be at Yellowknife or another place in the Mackenzie Valley that is designated by the Governor in Council. The minister advised that he has instructed his departmental officials to work closely with aboriginal organizations, governments, and boards throughout the implementation process to address the retention of a limited administrative function in each region. The SSI submits that an office of the board must be established in the Sahtu settlement area that can serve the northern portion of the Mackenzie Valley.

● (0945)

The board must have a presence and a working office in the Sahtu settlement area where a significant volume of development continues to be proposed. The office must be more than the retention of limited administrative function in the Sahtu settlement area. The regional office would be well suited to certain functions including reviewing applications, undertaking conformity checks with the Sahtu land use plan, and carrying out certain aspects of the consultation process, such as facilitating the hearings, doing community visits, and running technical sessions. The centralization of decision-making powers in Yellowknife does not benefit the public or promote effective and efficient resource management under the MVRMA.

The fourth point deals with consultation regulations. Bill C-15 proposes that, following consultations by the federal minister with the territorial minister, first nations and the Tlicho government, the review board may make regulations relating to a consultation with the first nation including those with regard to the manner in which it is to be conducted. The SSI submits that this consultation process must be established in order to provide certainty about the consultation and accommodation process and to clarify roles and responsibilities. Given that Bill C-15 proposes the consolidation of federal decision-making, this certainty and clarity will be required.

The SSI must be involved in the development of this consultation process. The consultation provisions cannot simply incorporate the consultation process defined in section 3 of the MVRMA, since that definition does not incorporate the obligation of the crown to take steps to accommodate the matters raised by the first nations during the consultations.

Consultation with Sahtu is the fifth point. Throughout the MVRMA the federal minister is directed to consult with the Tlicho government, and in some cases there is no corresponding consultation provision relating to the Sahtu. For instance, a federal minister and the Tlicho must consult each other before making appointments to the board, and the federal minister must consult with the board and the Tlicho government before giving written policy directions binding on the board with respect to the exercise of its function under MVRMA. While some of these consultation provisions are rooted in the Tlicho land claim agreement, there is no reason why these provisions cannot be extended to the Sahtu and other aboriginal groups. Our focus is on how the government is doing this—not necessarily on the Tlicho themselves but the process. While the SSI supports the broad consultation obligations owed to the Tlicho, this shows the inconsistent approach of Canada in dealing with aboriginal groups in the Northwest Territories. Therefore, SSI submits that the MVRMA be amended to ensure that similar consultations are carried out with the Sahtu.

Number six is on policy directions. Bill C-15 proposes that the federal minister, after consultation with the planning board, give written policy directions binding on the planning board with respect to the exercise of its functions under MVRMA. Perhaps such a policy direction could relate to an amendment of a land use plan. Given the broad range of his or her proposed authority to give policy direction, the SSI submits that the federal minister must be required to consult with SSI about proposed policy directions. The Sahtu land use plan was recently approved by SSI and must protect its integrity. This is very important to us.

Number seven is the regional studies. Bill C-15 proposes that the federal minister may establish a committee to conduct a study of the effects of existing or future activities carried out in the region of the Mackenzie Valley. The federal minister would establish terms of reference for the committee and appoint the bodies and the members of the committees including any person or body with relevant knowledge or expertise. In our view these regional studies could be a valuable tool in the review of proposed developments. The SSI submits that the MVRMA must direct a federal minister to include a person nominated by the SSI to any such committee when the study affects or is related to the matter of the Sahtu settlement area.

• (0950)

The SSI further submits that where a committee is dealing with respect to wildlife and wildlife habitat relating to the Sahtu settlement area, the Sahtu Renewable Resources Board or the Sahtu Renewable Resource Councils must also be part of the membership. The SSI submits that the federal minister must be required to submit and consider a request from the Sahtu or other aboriginal groups to establish a committee to conduct the regional study.

In regard to time limits, Bill C-15 proposes fixed time limits for the completion of reviews. While the minister could have the

authority to extend the time limits, that authority is limited, and only the federal cabinet would have the authority to grant further limits.

The SSI acknowledges the importance of a timely process, but the process must be flexible to deal with complex matters and accommodate new issues. The minister or the federal cabinet must have the authority to stop the clock to deal with certain matters, including the crown's duty to consult and accommodate. It would be nonsensical if neither the minister nor the federal cabinet were able to grant an extension for any reason—for instance, due to delays stemming from a federal election—or if the crown's duty to consult were left unfulfilled.

In regard to fines and administrative monetary penalties, Bill C-15 proposes that the fine amounts in the MVRMA.... This is point number nine. Sorry. I haven't talked this fast since I left Parliament.

**The Chair:** Ms. Blondin-Andrew, you know that in Parliament we do have time limits—

**Hon. Ethel Blondin-Andrew:** I know you do.

**The Chair:** You have exceeded yours, but we do want to hear from you. How many points do you have?

**Hon. Ethel Blondin-Andrew:** I have one more. I'm on point nine and I have one more. I think you owe it to us, because I think the premier spoke for 11 minutes, and—

**The Chair:** Ms. Blondin-Andrew, we'd be happy to hear your points, but I do just want to make it known that if you're not able to get to additional comments, we will ask that you supply these—

**Hon. Ethel Blondin-Andrew:** You're using up my time.

**The Chair:** I'm certainly not using your time, Ms. Blondin-Andrew. You've exceeded your time. We're extending the time to you.

**Hon. Ethel Blondin-Andrew:** Thank you.

**The Chair:** We'd love to hear from you, but if you have additional points beyond number 10 we would ask that you submit them, and we'll read them into the permanent record.

**Hon. Ethel Blondin-Andrew:** I don't.

**The Chair:** Thank you.

**Hon. Ethel Blondin-Andrew:** I'm starting to remember what I didn't like about Parliament.

**Voices:** Oh, oh!

**Hon. Ethel Blondin-Andrew:** I had 18 years of it, by the way.

On time limits...did I do that? I did that. I'm sorry. See what happens? We get here nice and fresh and we get all screwed up.

On point nine, fines and administrative monetary penalties, Bill C-15 proposes that the fine amounts in the MVRMA would be increased to be consistent with other federal regulatory laws. Inspectors would be authorized to issue administrative monetary penalties rather than prosecutions. The SSI supports the establishment of greater penalties and administrative penalties under the MVRMA, but submits that guidelines and regulations must be established to provide some direction to inspectors with respect to the appropriate use of prosecutions or administrative penalties to ensure consistency and transparency to proponents and regulators.

The tenth and final point is on the role of the Sahtu Renewable Resource Councils. The SSI submits that the Sahtu Renewable Resources Board and Renewable Resource Councils must have opportunities to participate in all screenings and reviews of projects proposed in the Sahtu settlement area relating to wildlife and wildlife habitat. This would ensure that there is some level of regional participation in those screenings and reviews, and that regional data and information are considered.

In closing, Mr. Chair, the Sahtu appreciate the opportunity to make this submission to you. The proposed amendments to MVRMA relating to the action plan raise deep concerns for the Sahtu. We have not asked for these amendments and do not support them. These amendments are proposed to address the interests of others, not the Sahtu.

We ask that you give due consideration to this submission. The impacts of Bill C-15 would be profound in the Sahtu settlement area. It will undermine the constitutional commitments made by the Sahtu Dene, Métis, and the Government of Canada to work together and establish a new relationship on the basis of the land claim agreement.

It undermines our commitment to work together to manage and protect the lands and waters of the Sahtu settlement area in the Mackenzie Valley. If the MVRMA cannot protect the lands and waters of the Sahtu settlement area, the Sahtu will be forced to employ other means to protect its interests and maintain the integrity of the land claim agreement, including litigation. While such measures would likely result in protracted timelines and higher costs, the Sahtu may have no other option.

The matters raised in the submission were approved by the SSI board in October 2013 and submitted in writing to federal ministers and officials.

*Mahsi cho.*

• (0955)

**The Chair:** Thanks so much, Ms. Blondin-Andrew.

Grand Chief Erasmus, we'll turn to you now.

**Grand Chief Edward Erasmus (Grand Chief, Tlicho Government):** *[Witness speaks in the Tlicho language]*

I would just like to say that I do have people here with me. If you have any questions, I have legal counsel here to answer any technical questions that may arise. I also have people here in the audience. We brought our elders here, and elders' advisers, and also Tlicho government assembly members. They are all here in the room.

My name is Eddie Erasmus. I am the Grand Chief for the Tlicho Nation. I will be making the Tlicho presentation this morning. I have here with me, as I said earlier, Bertha Rabesca Zoe, our legal counsel. She will answer any technical questions you may have.

I would like to take this opportunity to voice our deep disappointment with the committee in the process here, giving us only an hour to speak to the committee on such an important issue that affects our way of life, our equal say in development of our lands, and a bill that seeks to destroy what we had agreed to in our Tlicho agreement.

It has been nine years since the Tlicho agreement came into force and our governments, lands, and jurisdictions were recognized. We have taken on huge tasks in setting up our institutions, building our laws, responding to the needs of our people, promoting a thriving economy, and building upon our rich cultural traditions. We have come so far in such a short period of time, and all the parties to the agreement should feel a great sense of pride in how much we accomplished when we entered into the Tlicho treaty. This is the foundation for a strong and prosperous relationship for decades to come.

However, there is a serious issue that threatens all this good work, our future, and our way of life. We, the Tlicho people, are tied to our lands. We are active users of our traditional lands. Our lands are central to our everyday way of life. It is for this reason that our elders told us that we have to have an equal say on what kind of development would be allowed on our lands, because only with that equal say could the importance of these lands be taken into account in decisions about large developments.

Tlicho's equal voice in those decisions about the use of land or water was at the heart of a promise enshrined in the Tlicho agreement. It took 13 years of negotiations, negotiations with Canada and the GNWT, to arrive at the compromise that could have true co-management in the Wek'eezhii region, what we call the heart of the territory and the management region that affects our way of life. The parties to the Tlicho agreement set up an independent board that we call the Wek'eezhii Land and Water Board. The Tlicho government appoints half of the members, and half are appointed by Canada and the GNWT. This way we find a balance between the interests of Canada and the interests of Tlicho in preserving our way of life. We have an equal say about development that could profoundly affect our way of life.

•(1000)

In terms of how it works, the Wek'eezhii Land and Water Board has been a huge success here in the north. It has approved development. It has done a great job of taking into account the Tlicho way of life. In fact, the Wek'eezhii Land and Water Board has never turned down development proposals. Better yet, because we are involved in the process as equals, none of the decisions made by the board have ever been legally challenged. The reason for this is that the Wek'eezhii Land and Water Board process has a confidence of industry, government, and the Tlicho. Furthermore, the Auditor General of Canada reviewed the board and found that not only was it doing a great job but it was significantly more efficient than any other larger boards in the Northwest Territories.

The board works and it works well, but Bill C-15 wants to take all that away. It wants to destroy what took so long to build. It wants to do so with no rational reason whatsoever. Bill C-15 seeks to destroy the Wek'eezhii Land and Water Board. It wants to terminate it and replace it with a super-board with jurisdiction over the whole Mackenzie Valley where the Tlicho will have only a 0.1 member.

If Bill C-15 becomes law, the Tlicho will no longer have equality as decision-makers because of the use of land and water in Wek'eezhii. In fact, decisions about development in the heart of our territory, Wek'eezhii, will be made with no Tlicho input whatsoever. This is devastating to our ability to protect our way of life. Our voice is being silenced. It is contrary to our agreement and the constitutional promises that we will be joint decision-makers about the use of land and waters in Wek'eezhii. We cannot and will not let this happen.

We cannot let down our elders who told us that protecting our way of life was the most important thing. Why is Canada doing this? Why, when according to the Auditor General the board is working so effectively, is Canada trying to kill the Wek'eezhii Land and Water Board? Why, when the Wek'eezhii Land and Water Board has worked so well to bring peace to the development approval process, would Canada try to set up a system that will result in development approval delays and legal challenges? They will strangle development and hurt the economy of the north. The Tlicho have always been open to development. The largest diamond mine industry in Canada has played out in Wek'eezhii. It has been a huge economic and regulatory process. It's a huge success. It has been at the heart of the economic engine in the Northwest Territories, so it cannot be that economic development demands removing the Wek'eezhii Land and Water Board.

Is it because of devolution? We supported devolution. Nothing in the devolution deal requires that the Wek'eezhii Land and Water Board be terminated. Devolution would be more successful with the Wek'eezhii Land and Water Board and the system we have put in place.

Simply put, there is no good reason for killing the Wek'eezhii Land and Water Board.

•(1005)

There are profound problems with this super-board. Canada is taking the northern regulatory process from one where aboriginal people had confidence in a proven reliable and efficient set of

regional boards, and it's imposing another board in which we do not have confidence, which has zero experience dealing on a territorial basis with all the matters that would be before it.

Canada better prepare industry for the reality of opposition with the land claims settlement people and the probable systematic delays that this will cause. Every aboriginal government and organization in the Northwest Territories has opposed Canada's initiative to revise the Mackenzie Valley Resource Management Act and kill the Wek'eezhii Land and Water Board and other regional boards.

Canada has returned to the old colonial way of thinking, that they know what is best for us. They are silencing our voice. That cannot be the way of the future. That is not the constitutional promise made in the Tlicho agreement. We demand better. We will stand up to this proposed law and challenge it if need be. We need to be equal in decisions about the use of land and water in Wek'eezhii. There is no other way we can ensure that our way of life is protected. To the Tlicho there is nothing more important than this.

Thank you.

•(1010)

**The Chair:** Thank you so much for your opening statement.

Mr. Alexie, we will now turn to you for your statement.

**Mr. Robert Alexie (President, Gwich'in Tribal Council):** Thank you.

I would like to lend support to and reiterate a lot of the points that Ms. Blondin-Andrew and Grand Chief Erasmus have stated. I wish I could put forth my points as passionately as they did.

First of all, I would like to say that I am the president of the Gwich'in Tribal Council. I was elected in 2012. I would also like to point out that from 1990 to 1992 I was the chief negotiator for the Gwich'in claim, which resulted in the Gwich'in Comprehensive Land Claim Agreement, the starting point for the Mackenzie Valley Resource Management Act, which gave us in the Gwich'in settlement area the Gwich'in Land and Water Board, the Gwich'in Land Use Planning Board, the Gwich'in Renewable Resources Board, and territorially the Mackenzie Valley Environmental Impact Review Board.

I served two terms as the vice-president of the Gwich'in Tribal Council in the mid to late 1990s, and played a role in the implementation of the Gwich'in agreement. In the last decade I've been working as the executive director for the Gwich'in Land and Water Board. Therefore, I have a good understanding of not only the Gwich'in agreement but also the Mackenzie Valley Resource Management Act.

The Gwich'in live in a very resource-poor area. We have no development in our area. We have no known resources. We look to the south and we see oil and gas development in the Sahtu. We see diamond mining in the Tlicho. We look to the north and we see the Inuvik to Tuktoyaktuk highway. We see oil and gas in the Inuvialuit settlement region. If we look to the southwest there's gas development in the Eagle Plains area in the traditional territory of the Vuntut Gwitchin. However, in the Gwich'in settlement area, there is no development, period.

We have 3,400 people. Last year we realized that more than 50% of our people live outside the Gwich'in settlement region. We are tasked with the very big job of providing for our people.

The Gwich'in are in full support of devolution. There was a time prior to this administration when the Gwich'in were in litigation with the government over the devolution, but since then we've come on board with the other parties. We have said in the past that we fully support devolution, but little did we know that the NWT devolution act, which I have said that we do support, contains amendments to amend the MVRMA that the Gwich'in do not support. The amendments to the MVRMA go against the spirit and intent of the Gwich'in agreement.

● (1015)

One of the objectives of the Gwich'in agreement was to give meaningful participation to the Gwich'in in the management of lands and resources, which we believe the Gwich'in Land and Water Board provides. We have two representatives on the Gwich'in Land and Water Board, the government has two, and there's a chair. It's been 22 years since we signed the Gwich'in agreement in 1992, and for the most part, it's been a good working relationship with government. The few times that we've had to disagree, it has not been an easy process.

I would like to let the committee know that the Gwich'in Tribal Council will be submitting a report that contains 25 recommendations. One that I think Ms. Blondin-Andrew touched on is a "regional presence", as we call it. We are looking to keep the Gwich'in Land and Water Board. The other issue we have is about how the chair of the super-board is appointed. It's a decision made arbitrarily by the minister and we are not in favour of that. The other one that Ms. Blondin-Andrew also touched on was the binding policy direction on the land use planning boards. Once again, we are totally against that.

As I mentioned, the Gwich'in Land and Water Board was established in our area in I believe 1996, but it wasn't given effect until December of 1998. The land and water board issues land use permits, water licences, and authorizations in the Gwich'in settlement area. For the last decade or more since it came into effect, the board has worked. We've had no major problems that I can remember with regard to processing any application in the Gwich'in settlement area.

The Gwich'in Tribal Council has always had meaningful participation in the management of their land and resources by nominating their people to the Gwich'in Land and Water Board. As Grand Chief Erasmus said, like their people, our people have very close ties to the land. We've had discussions on this issue for many months and we are not in support of any amendments to the

MVRMA, but like I said, we are put in a very tough position because we are in support of devolution.

The Gwich'in Comprehensive Land Claim Agreement was supposed to make our lives easier by providing clarity in our participation in our lands, waters, and resources. Too many times, the Gwich'in Tribal Council has been caught up in a state of conflict with other signatories to the Gwich'in agreement. This is one of them.

As you know, in the last couple of days and weeks we've had another very serious issue that we are dealing with. That's the protection of the Peel watershed and the support that we, the Gwich'in of the NWT, have for the Peel commission's final recommended plan. That's another area that we have to deal with.

● (1020)

Another issue is the ongoing concern we have regarding the implementation of our agreement. It seems to be a long, drawn-out process.

I don't have too much more to say. I think the main issue is that we support devolution. We are not in support of any amendments to the Mackenzie Valley Resource Management Act. As I said, it puts us in a very tough position because the two are included in Bill C-15. As the premier said earlier, the changes will give more authority to the people in the NWT in due course, due course meaning five years. We have to take a good look at that, because while the Gwich'in Tribal Council and the Gwich'in can probably wait and see what happens after five years, the bigger issue is the amendments to the MVRMA. To those we have to voice our opposition.

I would like to thank you very much.

**The Chair:** Thank you very much for your opening statements, all of you.

We will begin the rounds of questions with Mr. Bevington.

**Mr. Dennis Bevington:** Thanks, Mr. Chair.

I want to thank the aboriginal governments that have made their presentations here today. Your presentations are very clear and unequivocal on the amendments to the MVRMA that are included in the act.

It's been a process of some dispute, and over time this bill has now ended up in front of us in this omnibus fashion. I want to explore that with you a little bit because that sets the stage for what has happened with consultation.

Could you give us a picture of how these changes were presented to you during any consultation that took place with the federal government on the legislation? Were they presented as a single bill? Were they presented in separate sections? I would like to get that on the record.

**Ms. Bertha Rabesca Zoe (Legal Counsel, Tlicho Government):** Thank you.

I'm Bertha Rabesca Zoe.

Canada, because of devolution, is making certain amendments to federal legislation, and GNWT is developing and drafting mirror legislation so that devolution can happen.

We're quite involved in that work, those of us who are parties and technical people and persons and legal counsels from the various groups involved in that process. All the various drafts of the Territorial Lands Act, the Northwest Territories Waters Act, and the Northwest Territories Act were shared with us. But in all of our work with Canada and GNWT—mostly with Canada—we have always maintained, as aboriginal parties and aboriginal groups and governments in the Northwest Territories, that MVRMA is a totally different process, because we've been very concerned about the proposed amendments and particularly the restructuring of the board.

We didn't see the bundling of the bills until it was introduced in Parliament. I've been involved in the work on both devolution and the MVRMA, so I have first-hand information and knowledge about that process. As a matter of fact the October session we attended—and we put this on record—wasn't a consultation session as far as we are concerned because the key and fundamental principles of working together in a collaborative manner in that process were totally ignored. That's the process we wanted to embark on. In that October session I asked the federal officials who were there doing the presentation whether those bills would be bundled as an omnibus bill, and we were never given a response as to what they would do. So we didn't know they would be bundled until they were introduced into Parliament as Bill C-15.

*Mahsi.*

• (1025)

**Mr. Daryn Leas (Legal Counsel, Sahtu Secretariat Inc.):** I just want to make one further comment to Bertha's. I really want to emphasize that the devolution negotiations, discussions, and the action plan related to streamlining, or whatever the phrase is, for the federal government on environmental legislation were separate but concurrent processes. Never once were the federal devolution negotiators able to provide any substance or details about the Mackenzie Valley legislation in the proposed amendments. So they were very distinct, and they made it very clear that it wasn't part of their mandate and they had no authority to speak to those matters.

Separate from that we had some discussions last winter with federal officials who spoke about process but not details, certainly nothing about the reconstituted board or things of that sort. So it's a surprise to us that now these separate but concurrent processes are bundled into one bill, Bill C-15, when they haven't been treated like that for the previous four or five years.

**Mr. Dennis Bevington:** It's interesting because the premier just indicated in his testimony previous to this that the Government of the Northwest Territories was told in the fall that these bills would be put together. So obviously the Government of the Northwest Territories did not share that information with you, though you're partners in devolution.

**Ms. Bertha Rabesca Zoe:** No, they did not.

**The Chair:** Thank you, Dennis. Thank you, witnesses.

We'll turn now to Mr. Seeback.

**Mr. Kyle Seeback (Brampton West, CPC):** Thank you, Mr. Chair.

Thank you for coming. I've never been anywhere close to the north before so I am happy to be here.

I am pleased to hear that everyone is in favour of devolution. I know that when we heard from the premier he used some phrases such as, it's a "game-changer for northerners", "usher in a new era of prosperity", and "necessary tools" to develop resources and grow the economy.

I take it all of you would, in general, agree with those comments by the premier with respect to devolution.

**Ms. Bertha Rabesca Zoe:** What you have up here are three aboriginal groups with land claims that have signed on as parties to the devolution agreement. We don't have any issues with that. As we said earlier, very clearly, we have issues with the MVRMA and the killing off of our regional boards.

**Hon. Ethel Blondin-Andrew:** I appreciate your comments. Welcome to the north. I'm glad you came up. Every member of Parliament should enjoy this part of the country.

I would answer your question but it's really not relevant to me being here today. I'm here to talk about Bill C-15 not devolution.

Thank you.

**Mr. Kyle Seeback:** So what I've heard, and I think it's clear, is that everyone here in this group of witnesses is opposed to the consolidation of the boards. I take it that's pretty clear and unequivocal. I've heard that message. What I do note is that, when I look through the comprehensive land claims agreements, setting up a single board is certainly contemplated within the legislation with respect to all of those agreements. In the Gwich'in agreement it's in section 24.4.6. With respect to the Sahtu, it is in section 25.4.6. I believe with respect to the Tlicho, it is section 22.4. These things were certainly contemplated in setting up a single board.

I guess my question really would be, if it was contemplated that this would take place.... There's a phrase I used to use when I practised law. We talked about "the devil is in the details". Are you altogether opposed with respect to the consolidation of these boards, meaning it's a non-starter and there is no chance you would ever agree to it, or is the devil in the details? Is this an issue of not enough representation on the board and you wish you had more members on the board?

What would be your answer to those two questions?

• (1030)

**Hon. Ethel Blondin-Andrew:** I wouldn't mind just reiterating our position. It's a very simple one. As a lawyer I'm sure you will appreciate it, because simplicity is the goal of every lawyer, right?

**Mr. Kyle Seeback:** I'm not sure a lot of lawyers would agree with that, but that's okay.

**Hon. Ethel Blondin-Andrew:** Well, you try to simplify really complicated cases and deal with people's issues. I hope that's what you do.

At any rate, the main point here is that the system we have honed, and developed, and worked on, and co-managed, and partnered to achieve is working. It's working. It's effective. It's good. We support it.

Why change it if it's not broken?

**Mr. Kyle Seeback:** I hear that, and I heard that quite clearly. What I'm trying to ask is whether the opposition is absolute, meaning under no circumstances do you want this board even though it's contemplated within your agreements. Or do you want the composition of the board that's being proposed somehow changed? I'm trying to simplify it into those two issues.

**Hon. Ethel Blondin-Andrew:** For Sahtu, we oppose it as it is, as the government is engineering it. Nowhere does it say in our land claims that we should have it shoved down our throats as it is, and dictated to us. It is a co-management partnership where we work on something and we build it together.

I think Ms. Rabesca Zoe presented something that we've worked on in this process in the last six years, and that's the framework agreement. We've tried everything to make it work.

Maybe you guys can answer our question. Why are you not willing to consider reasonable changes and reasonable amendments? Why is it you guys are not able to do that? Why will you not co-manage and co-partner with us rather than just dictate to us?

**The Chair:** I think Ms. Rabesca Zoe had a comment earlier. I just want to make sure we recognize that before the time is finished.

**Ms. Bertha Rabesca Zoe:** I'll just build on what Ethel was saying about the framework agreement.

I have here, and I will submit it to the clerk of the committee when we're done, a draft framework agreement called "Draft Framework for Process Respecting Changes to MVRMA and the Regulatory System in NWT". What we're saying here, and what we've been saying here, is that we're working in collaboration with the aboriginal coalition group. This is all the aboriginal groups in the Northwest Territories, including northern provincial aboriginal groups that have overlapping territorial interests. We worked together as an aboriginal coalition with the Government of Canada to try to work out a collaborative process as to how we can make changes to the MVRMA, but that was totally rejected.

This framework was tabled with the officials in November of 2011. It was sent to the minister, and it was also given to the Prime Minister during the crown-first nations gathering meetings in January. Grand Chief Eddie Erasmus, along with another former leader, presented the Prime Minister with this framework. We took it to the highest office to see if we could work out, nation to nation, based on our collective interests, how we could work together in a collaborative way to achieve what's best for all of us in terms of amendments to the MVRMA.

So it's not like we didn't try, but it was totally rejected. Canada has chosen to unilaterally embark on the path they have embarked on, adding insult to all of this by bundling it all together under Bill C-15.

• (1035)

**The Chair:** Thank you.

We'll turn now to Ms. Jones for the next round of questions.

**Ms. Yvonne Jones:** Thank you, Mr. Chairman.

I certainly thank all of you for your presentations this morning, which were obviously very well thought out, with very good points and questions that you asked. I guess it's unfortunate that as a committee we don't have the answers for you, but I'd like to explore

some of the points you've made. I think they are very important in further debating this legislation and how it passes in the House of Commons.

Mr. Bevington asked you about consultation on the legislation and how these changes were presented. It is my understanding that what you were consulted on as aboriginal governments, and what you signed on to and became signatories to, was not what we see eventually evolving as Bill C-15 in the House of Commons. I'd like to make sure that is clarified.

That would be my first question for you.

**Mr. Daryn Leas:** Certainly, the provisions relating to the Mackenzie Valley legislation in the devolution agreement in chapter 3 do not speak to the elimination of the regional land and water boards. They do not speak to enhanced policy direction powers from the minister on a unilateral basis. They do not speak to the issues that Ms. Ethel Blondin-Andrew has raised in her presentation.

**Ms. Yvonne Jones:** Okay.

In one of the statements you made this morning, you asked why Canada was trying to kill the land and water board and set up a system that will not include full input from aboriginal governments. I'd like to explore that a little more, because I would think that with the devolution of land claims it is there to strengthen not just the Northwest Territories but the aboriginal governments as well, in a number of ways.

That's a very big statement to make, and what I'd like to understand is how it's going to change how you govern, how it's going to change self-governance within your organizations, and how it's going to impact the people you serve in this new process.

**Mr. Daryn Leas:** I think it's worth pointing out that there's a certain amount of irony in this process. We've been working for many years in negotiating devolution of land resource powers and legislative powers from Ottawa to Yellowknife. Now, as part of this process, we have that done. It's part of Bill C-15. But the other part of Bill C-15 is taking those powers that were routed for reviews of processes from the regions and moving them to Ottawa.

So on the one hand we have devolution working well and empowering people from the Northwest Territories to manage lands and resources, but on the other hand it appears that in many ways the assessment reviews of projects by the regions are now being moved back to Yellowknife and out of the regions. That is contradictory. There is an irony there that isn't lost on us.

**Ms. Yvonne Jones:** So what you're saying is that under this new bill there will be additional benefits that are being gained by aboriginal governments, but you're also losing things, which you don't think is necessary for this process to go forward. I just want to make sure that I'm understanding what you're saying here, because we're going to vote on something that's going to have a huge impact on everyone in this region, and it's important that we understand fully what the impact is going to be and what the benefits are going to be in the long run.

**The Chair:** Mrs. Jones, I think Ms. Rabesca Zoe has a comment.

• (1040)

**Ms. Bertha Rabesca Zoe:** Thank you.

I think we need to also understand a bit of the background on the MVRMA and the changes. There are two types of changes that were contemplated in the MVRMA. One type is what we call the operational changes, and one is the structural change. It's the structural change that we oppose.

On the operational changes of the MVRMA, as you know, there was a joint examination that was done, because that was as a result of the Tlicho agreement. When the Tlicho agreement was going through Parliament for approval, in order to approve it we needed to make certain changes to the MVRMA. The minister at that time agreed to a two-phase process. One was to make consequential amendments to the MVRMA as a result of the Tlicho agreement. The second phase was to address those operational changes to make the MVRMA a little smoother and to address some of the gaps that were identified. There's a project examination report that identifies those things.

As land claim bodies, we were part of that examination project. It was a collaborative effort. Everybody worked together and identified what kinds of changes should occur. We don't oppose those operational changes that identify the timelines and some of those things, but it is the structural change proposed, which came later, that we oppose right now, and that is the killing off of those regional panels.

As the grand chief stated, the Wek'eezhii Land and Water Board in our region works very well. It's predictable, it's efficient, and it's effective. All those things that Canada thinks a super-board would deliver, the regional boards deliver right now.

**Ms. Yvonne Jones:** Have any of your organizations or government made representation for an amendment to the legislation, either through the Government of the Northwest Territories or through the federal government? Because it seems like we're hung up on one particular issue here in terms of whether there's going to be adequate representation of aboriginal governments on the Mackenzie Valley Land and Water Board.

I'm just wondering if there have been any amendments proposed to this legislation. If so, what has been the feedback from those governments?

**Hon. Ethel Blondin-Andrew:** The impact of the MVRMA amendments is that the regions are losing their voice and their role in the review of proposed projects. This is contrary to the principle and objective of devolution, basically.

It's about partnering and co-management. It's not just about having a voice. It's about what actually happens and how we do what we're doing. We feel that the impact is negative. It goes contrary to the spirit of the claim. Why have a land claim if you are going to scale back and pull back everything and change it so it's more efficient for others and not the group that has the claim?

It's very counterproductive, if you will.

**The Chair:** I want to thank Ms. Jones as well as our witnesses.

Grand Chief, did you have a final comment?

**Grand Chief Edward Erasmus:** I'd just like to add that this whole issue, the question you asked, is also contrary to our

agreement, what was promised and made in the Tlicho agreement. I'd like to make that clear.

**The Chair:** Thank you.

We want to thank you for being here as witnesses. We know that you are busy people and have a lot of responsibilities. The fact that you've come here today is certainly something that we appreciate.

Colleagues and everyone, we'll break now for a few minutes. I think we'll come back at 10:55 for the next panel. This will be the third panel. Just to pre-warn those witnesses, it is going to be Mr. McCrank, Mr. Pollard, and representatives from the Mackenzie Valley Land and Water Board that we'll hear from at 10:55.

Thank you.

● (1040)

(Pause)

● (1055)

**The Chair:** Colleagues, we'll call the meeting back to order.

For panel three we have Mr. McCrank and Mr. Pollard. We also have representatives from the Mackenzie Valley Land and Water Board, who are Mr. Willard Hagen and Mr. John Donihee.

Thank you so much for being here. We appreciate all of you taking time out of your busy schedules to join us.

We'll begin with Mr. McCrank for his opening statement. We'll hear from all three, and then we'll have some questions.

Mr. McCrank.

**Mr. Neil McCrank (As an Individual):** Thank you, Mr. Chairman.

Thank you, honourable members, for the invitation to appear before this committee to make a presentation, and perhaps more importantly, to respond to any questions that any of the honourable members may have.

It's always a delight for me to come back to this part of the world. I think it's a magnificent part of the world, with magnificent people.

My involvement with this whole issue was that in 2007 and 2008 I had the honour of being appointed by Minister Chuck Strahl as a special representative to examine the regulatory systems in the north—that included all three territories—to see if there were improvements that could be made to make the regulatory system more effective.

I looked at all three territories, although I have to say, and I think it will become obvious from the discussion, that the focus of my review was on the Northwest Territories, particularly the Mackenzie Valley portion south of the Inuvialuit area.

I reported to the minister in July of 2008. I'm sure you all have the report, or have taken a look at it if you've not had a chance to read it, called "Road to Improvement". A number of recommendations were contained within the document. The most important of them, for today's purpose, were the restructuring recommendations. We can review those in detail in a few moments.

There were also 22 other recommendations that covered all three of the territories involved in specific issues—for instance, the opening of a major projects management office north of 60, as there is one south of 60. I think that has already been implemented.

The restructuring recommendation that I made was basically based on a couple of themes.

First, local involvement in decision-making in terms of resource development is extremely important, but it should be at the right stage of the process. My assertion is that it should be at the land use planning stage. Then the regulatory system should kick in, in what I would call a body that has more expertise dealing with issues that normally come before resource regulatory bodies. That would be the environmental component, the societal component, the economic component, the engineering component, the public safety component, and the like.

That's a much different task, and at that point obviously there would be, or there may be, local interventions to deal with those issues. They wouldn't deal with the overall picture of what should be in a land use plan.

Following my presentation of that document in July, I think, of 2008, I appeared before this very committee in Ottawa in July of 2009. Of course there's a record of it available for anybody who wants to read it. I think Mr. Bevington would have been the only member from this committee today who was there at that time.

I have had since that time no involvement in this file at all. I have watched it with of course great interest, and have talked to various people along the way, but I've had no professional involvement.

Those are my opening remarks. Thank you.

• (1100)

**The Chair:** Thank you very much, Mr. McCrank.

Mr. Pollard, we'll turn to you.

**Mr. John Pollard (As an Individual):** Thank you, Mr. Chair, members of the committee. My name is John Pollard. I'm from Hay River, Northwest Territories. I'm the chief federal negotiator responsible for the restructuring piece that's contained in Bill C-15.

I'd be happy to answer any of your questions.

Thank you, Mr. Chairman.

**The Chair:** Thank you.

We'll turn to Mr. Hagen.

**Mr. Willard Hagen (Chair, Mackenzie Valley Land and Water Board):** Thank you Mr. Chairman.

I would like to welcome you, your committee members, and your staff to Yellowknife. It's great to see you here to listen to those who may be directly affected by Bill C-15.

I am pleased to appear before the committee today as chair of the Mackenzie Valley Land and Water Board. Accompanying me is Mr. John Donihee, the board's legal counsel.

Both John and I have been involved in the northern regulatory system for many years. John, following many years with the

territorial government, has been board counsel since 2000, when part 4 of the MVRMA came into force. I am a past president of the Gwich'in Tribal Council and have been the chair of the Gwich'in Land and Water Board. Since 2006, I have been the chair of the Mackenzie Valley Land and Water Board.

I would like to congratulate governments—federal, territorial, and aboriginal—on reaching the agreements necessary to make devolution a reality. The devolution provisions set out in Bill C-15 represent a milestone in the constitutional evolution of the Northwest Territories.

I have long been a supporter of greater territorial control and decision-making over resources. My colleagues and I on the Mackenzie Valley Land and Water Board look forward to working with the GNWT and making decisions about northern lands, waters, and resources.

We are aware that during the consultation on the provisions contained in this bill, there has been significant discussion—and many strong opinions expressed—on the matter of land and water board amalgamation. This is one subject upon which the Mackenzie Valley Land and Water Board has consistently provided no comment. It is our opinion that it would not be appropriate for us to comment on proposals affecting the structure of the very board we were appointed to.

Land and water board structure is nevertheless an important matter, and the Mackenzie Valley Land and Water Board is of the view that it is best discussed amongst governments—federal, territorial, and aboriginal.

To put our advice to the committee in context, I want to briefly review some recent board initiatives. The board is committed to providing certainty, predictability, and consistency for all parties involved in applications for water licences and land use permits under the MVRMA.

The MVLWB has been doing its share to contribute to improvements in the regulatory framework for development in the Mackenzie Valley. These board initiatives are currently possible under sections 65 and 106 of the MVRMA, and we have relied on these authorities to complete this work. In my time as chair of the board, we have worked hard to contribute to a regulatory system that is clear, accessible, and efficient.

Since 2006, the land and water boards of the Mackenzie Valley have implemented a standard procedures and consistency program to develop new policies and procedures applicable to land use permitting and water licensing throughout the Mackenzie Valley.

To give some examples, the board has developed a consultation and engagement policy and guidelines, waste management guidelines, a water quality policy, closure and reclamation guidelines developed in conjunction with AANDC, a Mackenzie Valley-wide guide to land use permitting, and standards for GIS submissions, to name but a few.

As part of this program, we have also developed standardized language for the terms and conditions in land use permits, and we have a similar effort under way to standardize water licensing provisions.

The results of this work contribute to consistency in process and predictability in decisions for all parties involved in the development process. They will also assist with enforcement, when that is necessary, and ensure clarity in environmental standards for all who are interested in the board's work.

I join with other commentators and reviewers of the regulatory system in the Mackenzie Valley to re-emphasize the importance of settling land claims and land use planning. Completing this work would ensure long-term certainty for all parties involved in resource development, but there is still a lot of work to be done. It should be noted that of a total of 61 environmental assessment referrals since the MVRMA came into force in 1998; 53 of those have come from regions of the Mackenzie Valley without settled land claim agreements.

• (1105)

So while the effective legislative framework will be a key contributor to certainty, we suggest that coming to agreement with the first nations whose claims to rights and lands are outstanding, and then eventually some land use planning for those areas, are equally important steps toward certainty for development.

There are a number of provisions in this proposed legislation that will improve the consistency and predictability of the regulatory process. For example, the board supports timelines for licence proceedings and supports the development of enforceable project certificates. The improved and updated enforcement provisions, including administrative monetary penalties, should ensure compliance with the law and provide an expedited process to address those few instances where enforcement is necessary.

The board's overall approach to reviewing the bill and to commenting to government has focused on identifying changes that we felt could improve the legislation by enhancing certainty, predictability, and timelines.

There are five points that I have here. I'm not too sure if I have time within the five minutes, but they are on file with you. If you would like me to proceed with some of them, I could.

**The Chair:** We do have time, if you would like to do that.

**Mr. Willard Hagen:** Okay. Thank you for that.

Part 3 of the bill amends the Northwest Territories Waters Act. Board members' liability is addressed in clause 84 of the bill. Proposed section 11.3 sets out an "immunity from suits" provision, such as lawsuits, for members of the new Inuvialuit water board.

Part 4 of the bill amends the MVRMA. Clause 124 addresses board members' liability by replacing section 20 of the MVRMA.

These provisions are intended to protect board members when acting in good faith to conduct public business. But the provision found in clause 124 is legally inferior protection. There is a real difference between saying that no suit can be brought and saying that a board member is not liable. In the case of our board, that means we would have to defend such a lawsuit. We wonder why the same bill sets out two different standards of protection for board members doing the same job.

Secondly, from beginning to end, major licensing proceedings can last quite a while. Even with the new timelines, these proceedings are likely to last well over a year. Quorum issues arise, and appointments to our board are only three years in duration. As an example, the National Energy Board appointments are between five and seven years.

Clause 136 of the bill proposes the insertion of a new section 57 into the MVRMA. In a case where quorum may be lost because of the expiry of a member's term, the chair of the board must write the federal minister two months in advance asking for the extension of the member's term. The minister is deemed to approve if he does not respond.

We suggest that this approach leaves the board and a licence applicant who may have invested large amounts of money in the regulatory process with a great deal of uncertainty. The consequence of a loss of quorum would likely be starting over. This particular provision is found in the proposed amendments to the NWT Waters Act and part 5 of the MVRMA as well. It would be clearer, simpler, and much more efficient to simply say that if a board member is necessary for quorum and his term will expire during a proceeding, the term is automatically extended until a board decision is rendered. This is a common provision in many other statutes establishing administrative tribunals.

One of the improvements set out in the bill involves the issuance of certificates as required by clause 211, which adds proposed section 131.3 to the act. It is not clear to the MVLWB, then, why proposed section 62 of the act, inserted by clause 137 of the bill, makes no reference to certificates. The requirement that the provisions of part 5 of the act be satisfied are there in proposed section 62, but we suggest that the responsibilities of the land and water board to comply with certificates should be more clearly articulated in that proposed section.

• (1110)

It is also clear from the bill that when a condition in a water licence recommended by the review board and included in a certificate must be amended, the process is likely to add many months to the time it takes to amend the water licence. Subclause 224(3) of the bill proposes adding section 142.21 to the act. It is going to take up to eight months to amend a certificate. This will be in addition to the time set out for the water licence amendment process—nine months of the board's time. If the amendment is required for operational purposes, this means that an application must be filed almost a year and a half in advance. We suggest that consideration be given to a more expedited process for amendments that do not pose material environmental risks.

The bill should make provision for the land and water board to dismiss an application for either a permit or a licence when the applicant consistently and repeatedly fails to give information necessary for the board to bring an application proceeding to a close. On rare occasions, the board has made such decisions on the understanding that as an administrative tribunal, it controls its own process. But such actions leave questions. There should be clear authority to terminate a proceeding that is going nowhere based on criteria specified in legislation.

In conclusion, I would like to thank the committee for its time and for listening to my presentation. We would be pleased to answer any questions that may arise.

Thank you.

**The Chair:** Thank you very much.

We'll begin the rounds of questions with Mr. Bevington.

**Mr. Dennis Bevington:** Thank you, Mr. Chair.

Mr. Hagen, I want to thank you especially for your presentation here today, because of course our job in the committee is to look at the opportunities we have to improve any legislation that comes in front of us, and you've given us some issues that I think would perhaps be subjects of amendments that will be put forward in the future. So it's very valuable work. I know you're not in a position to speak to the contentious issues within this bill, and I respect that.

There's a question, though, that comes in here, and it goes back to the previous panel on which Ms. Rabesca Zoe spoke to the operational changes, and I think Mr. McCrank spoke to them a little bit as well. Operational changes have taken place in the system. Wouldn't you think it would be wise and cautious to live through the operational changes to the legislation and to give time for this to actually become a full act of Parliament before we start dealing with structural changes that affect relationships between first nations, the Government of Canada, and the Government of the Northwest Territories?

Wouldn't this process be better held in abeyance until we understand the operational changes that were proposed and they are implemented?

**Mr. Willard Hagen:** Thank you for that, Mr. Bevington.

I myself am appointed as chair of the Mackenzie Valley Land and Water Board to follow the process laid out in legislation in the Mackenzie Valley Resource Management Act and other acts that we refer to. That's what I'm appointed to do, and I have no comment on the structuring. If they change the MVRMA on us into the future, then as good soldiers we will continue to regulate according to whatever the changes may be.

Thank you.

• (1115)

**Mr. Dennis Bevington:** Mr. McCrank.

**Mr. Neil McCrank:** Mr. Bevington, I think it was clear even when I was doing my review of the regulatory systems that there were adjustments, amendments, and improvements to the regulatory system being put in place. Mr. Hagen and I, I know, discussed that during the timeframe.

We had a round table discussion at the end of my consultation with all of the different parties. I think there were some 100 or so parties that I consulted with. When we had a round table in this very room in March of 2008 and reviewed the improvements that were made, everybody was in agreement that this was a good step in the right direction.

But could it achieve the ultimate objective of having a system that met all of the criteria that I outlined in my report? Two of those criteria were these. Could the system, even with those improve-

ments, end up being understandable to the outside world and to the public within the NWT? Also, could all of those regulatory bodies have the capacity necessary to perform the function of a resource regulatory body?

I don't think there was any surprise when I, at the end of this, recommended the structural change to accommodate that, because those issues were discussed at the round table, and I think there was, by and large, pretty much agreement that there have to be some significant changes to reach those objectives, assuming that everybody agrees with those objectives and criteria that I outlined.

As for those at the meeting in the round table, some said to take bold action—that there has to be some bold action to bring this system to a point where it will work effectively and responsibly in the interests of the public of the Northwest Territories.

**Mr. Dennis Bevington:** Mr. Pollard, you've been engaged in this. You didn't give us many details about what you were doing, but I appreciate that you were engaged in this.

Once again, the previous panel presented a draft framework for a process respecting changes to the regulatory system. Did they present that framework to you?

**Mr. John Pollard:** I think the response I've received from most of the first nation aboriginal governments in the Northwest Territories is that they're opposed to the structure that I recommended to the minister.

**Mr. Dennis Bevington:** Well, I'm asking you if you received the draft framework for process dated November 22, 2011?

**Mr. Neil McCrank:** I'm aware of it. Yes, sir.

**Mr. Dennis Bevington:** So where did it go once you received it?

**Mr. John Pollard:** It wasn't for me to decide on the framework—

**Mr. Dennis Bevington:** You were engaged in dealing with the regulatory system in the north—

**Mr. John Pollard:** That is correct.

**Mr. Dennis Bevington:** —and you received the document. It was just information to you?

**Mr. John Pollard:** That is correct.

**Mr. Dennis Bevington:** So it didn't interfere....

What was your role? Was it to sell the changes that were proposed by the Government of Canada or was it to engage the stakeholders in this territory in a meaningful discussion about those changes?

**Mr. John Pollard:** My role was to look at the regulatory system, to look at changes that could be made to the regulatory system without disturbing land claims, within the laws of Canada, to make recommendations to the federal government, to the minister, and then to engage people in discussions on those proposed changes.

**Mr. Dennis Bevington:** So you had a draft framework that was put forward. Did you respond to it, to the first nations, about how changes were going to be made to these fundamental aspects of their land claims, to the importance of them?

**Mr. John Pollard:** Mr. Chairman, I think the draft framework that's being discussed is a framework agreement about how to go about doing this, as opposed to what I was doing, which was going out to engage people. So it wasn't in my purview to deal with that framework.

**Mr. Dennis Bevington:** Okay. That's fair enough.

**The Chair:** Thank you, Mr. Bevington.

We'll turn to Mr. Strahl now for his round of questioning.

**Mr. Mark Strahl:** Thank you, Mr. Chair.

Mr. Pollard, again, I think it's always beneficial to maybe speak to an audience that is broader than just those of us around the table. Can you explain the changes that have been proposed? What does this mean? How many people, how many boards, are we talking about coming into the single board? How many board members are there under the current system and how many are envisioned under the system proposed in Bill C-15?

• (1120)

**Mr. John Pollard:** Thank you, Mr. Chairman.

At the very beginning of this process, I went and looked at the pertinent land claims and legislation. I took the liberty of going back and looking at the Dene-Métis claim, the comprehensive claim, which was not ratified. It was not signed. It was not agreed to. I went back and looked at that to see just what people thought about the regulation of land and water in the Mackenzie Valley, in the settlement region, as it's called, in the comprehensive claim.

The comprehensive claim that failed called for one land and water board. Then, after that failure, certain groups took up regional land claims, the first one being the Gwich'in. They were accommodated in their land claim with a five-person land and water board.

Next came the Sahtu. They had five people on their land and water board.

Then came the Tlicho claim, which was more comprehensive. They became a government, and they received a land and water board as well.

So that's 15. In the meantime, there is the Mackenzie Valley Land and Water Board. Inasmuch as those three regional panels only deal with things in their own region, the Mackenzie Valley Land and Water Board deals with the unsettled areas of the Northwest Territories, commonly known as the South Slave and Dehcho.

In addition—I stand to be corrected, because the chairman is right next to me—they would deal with any transboundary issues. If a development crossed two boundaries in the Northwest Territories, then it would be dealt with by the Mackenzie Valley Land and Water Board.

That brings to 20 the people who are regulating in the unsettled regions and also in the settled regions of the Northwest Territories.

I'm going from memory, but I think it's section 99 of the existing act that says when you become a member of a regional panel, you automatically become a member of the Mackenzie Valley Land and Water Board. Technically, then, there are 20 people on that board at the present time.

If you look at, I think, section 108 of the existing act, there is a provision in there for two more regional panels. I attribute them to one in the South Slave and one in Dehcho. They have never been proclaimed by the government, but the act allows for it.

That would bring you to a potential of 30 people who, at the end of the day, would be adjudicating on land and water issues in the Mackenzie Valley.

I also heard from some of the people who are negotiating claims at the present time that they would like to have their own regional panel as well. So there's a base there of 30 in the legislation, and I could see that it could go further, depending on land claims.

I hope that's an explanation of the number of people.

**Mr. Mark Strahl:** Yes. So the proposed change brings that from 30 down to....

**Mr. John Pollard:** Well, I went back and looked at each of the settled land claims. I think it's been pointed out to the committee before that each of the claims—and these claims trump legislation—say that where, by legislation, an area larger than the settlement area is formed to be taken care of by a larger board, then the regional panels can go away or they can stay. It's either go or stay.

I looked at what the rule was if you just had the minimum appointment, and it's one from each of the settled land claims. Then I said, okay, there are two regional panels that are not in play, so that would be two more aboriginal seats. It's a co-managed system, so government gets to put five on there. That was 10, and with the chairperson, 11.

So in effect, the potential of 30 has been reduced down to 11.

**Mr. Mark Strahl:** Thank you.

In the previous panel, Mr. Seeback mentioned that this single board was “contemplated” in those other comprehensive agreements. You held over 50 consultations, from my understanding. Is that fact in dispute? I've read the sections of those agreements that seem to contemplate that, but you've obviously been on the road. You've had those 50 meetings.

So is there any acknowledgement of that? Or how do we square that circle where the agreements appear to show that this was contemplated, but we heard quite different in the previous panel?

• (1125)

**Mr. John Pollard:** I've been unable to ascertain that myself. I've said to people, “Look, it's in the land claim, so tell me why we can't pick this up by legislation and enact it?” I think I got the feeling that first nations aboriginal people in the Northwest Territories—and in fact across Canada—are deeply welded to the land and water. I mean that there's a connection there that is deep, and I think that this is at some times a very emotional issue. They cherish their land and water boards. They cherish these regional panels. I respect that.

I think that it's in black and white that by legislation it can be changed, yes, but there's an emotional attachment and a regional attachment to these panels, and it's very difficult for these aboriginal groups to foresee giving up their regional panels. I understand it.

**The Chair:** Thank you.

We'll now turn to Ms. Jones for the next questions.

**Ms. Yvonne Jones:** Thank you very much.

I thank you for your presentation this morning and for taking the time to be here to educate us and to tell us how this legislation will impact you in the work you do.

I'd like to start by first of all asking Mr. Hagen some questions, who outlined that he was the chair of the Mackenzie Valley Land and Water Board.

How do you become chair of this board? Are you appointed? Are you elected? If you're appointed, who appoints you?

**Mr. Willard Hagen:** The nomination of the chairman is actually the only nomination that the full board gets to make. The full board nominates a name or names, up to three. They put the name forth to the Minister of AANDC, who then makes the decision on the appointment.

**Ms. Yvonne Jones:** Okay.

I guess the fact that the board itself is not really taking a side in terms of what direction it should go in concerns me a little, because I would see your board as being the group that has the most experience here in dealing with land and resource management issues and how that affects the aboriginal people. I probably would have liked to see more of a position in terms of where your board stands on all of this.

However, I have a couple of questions arising from the presentation that you guys have given this morning. One, you talked about how the board "supports timelines for licence proceedings and supports the development of enforceable project certificates". But then at the end, you also talked about how it would be a delayed process and would take much longer than anticipated, and you would like to see that process expedited in some way. Can you explain that to me? How would you see the process being expedited and how can that be changed?

**Mr. Willard Hagen:** Thank you very much for that question.

Just to put it in a bit more of a legal context, if you have no problem with that, I'm going to let John Donihee address that.

Thank you.

**Ms. Yvonne Jones:** Yes, no problem.

**Mr. John Donihee (Legal Counsel, Mackenzie Valley Land and Water Board):** Thank you very much, Mr. Chairman.

The concern identified in that point in the presentation is that the actual amendment process for a certificate would, by statute, take at least eight months.

We've had experiences in the past when major mining projects have required changes to water licences where the provisions in the water licence were recommended as part of an environmental assessment. So it was a measure that came out of the environmental assessment and was approved by the federal minister, and then, by virtue of section 62 of the act, it's required that the measure end up in the water licence. Subsequently, the companies had to come back and amend that particular measure that came out of the environmental assessment.

Our concern is that if it's a major environmental change, of course it ought to go back and be reviewed carefully, including by the minister. But if we're talking about simply an operational change of some sort that affects the measure, eight or nine months is a long time to get approval for a change that is really not going to have a large impact on the environment. I do want to simply emphasize that the change would take place in the context of a water licensing proceeding, which itself will take almost a year. That's where we came up with the number of 17 months.

The suggestion was simply that if the change to the measure is not going to have any kind of significant environmental effect, why do we need to take so long to do it?

• (1130)

**Ms. Yvonne Jones:** Thank you for the explanation.

Next, is this something that can be done through regulation as opposed to through legislation in the bill? If the bill were to pass as it is right now, could the change that you're talking about with regard to expediting a process for these kinds of permits be done through regulation between the government and the board itself?

**Mr. John Donihee:** Thank you again, Mr. Chairman.

I'm not sure of the answer to that. It's quite a technical question.

**Ms. Yvonne Jones:** Yes.

**Mr. John Donihee:** I think the answer is no, because we're suggesting that where a measure ends up being approved by the federal minister, and consequently in a certificate, then the way the certificate amendment process works is laid out quite specifically in the draft legislation. There's no provision in that arrangement for amending a certificate to deal with a situation like this, where it was a minor or operational kind of issue that would not necessarily have a serious environmental consequence.

**Ms. Yvonne Jones:** It's quite obvious that you guys did a lot of work around it, though, and sought some expert advice and legal counsel, and so on. Are you in support of this bill as it is today? Will this benefit the process of moving development in the Northwest Territories?

**Mr. Willard Hagen:** In my opening remarks, I stated that we had made a decision as the Mackenzie Valley Land and Water Board not to comment on the restructuring. We're appointed to issue permits, water licences, deposit of waste—or not—under the current MVRMA and other legislation. That's what we do. If this bill comes forth and they change the MVRMA on us, we will then regulate the new changes.

We have made the conscious decision not to become involved. That's for the elected people, not the appointed, we feel.

Thank you.

**Ms. Yvonne Jones:** Are you prepared to support holding up this bill on devolution, which could be for an extended period of time, to make the changes with regard to the pieces you've outlined this morning?

**Mr. Willard Hagen:** Again, I have no comment on any changes to or approval of Bill C-15. We're just here to regulate, and that's what we choose to do.

Thank you.

**Ms. Yvonne Jones:** Thank you.

**The Chair:** Thank you, Mr. Hagen.

Thanks, Ms. Jones.

We'll turn to Mr. Leef now.

**Mr. Ryan Leef:** Thank you, Mr. Chair.

Thank you to all our witnesses.

Mr. McCrank, my questions will be for you. I'm the member of Parliament for the Yukon, and of course we've gone through devolution and board composition discussions. We've worked with 11 of our 14 first nations who have settled their land claims agreements, and we work well with the other three. We're familiar with final agreements and self-government agreements under the structure of an umbrella final agreement.

We heard clearly in the panel earlier that there was deep concern more around the fact that the boards were felt by the representative chiefs...that the process was working, so why change what's not broken?

I sit on the natural resource committee in Ottawa as well, and what I've heard clearly there, from witness after witness, is that the process in the Northwest Territories can be complex. It can be costly, unpredictable, and time-consuming.

So on the one hand, we have one group saying, no, it's working perfectly. But then we have industry, we have individuals and businesses, we have chambers, and we have even the Government of the Northwest Territories saying, and recognizing that, no, there are some real challenges with the way we've structured this. It seems to me there's a real disconnect there between one group's perception of how things are working and another group's perception of how things are working.

You had the benefit of comparing and contrasting those regulatory systems between the Northwest Territories and the Yukon. Can you give us your perspective on the difference that we heard today and what I've heard, both on this committee and on the natural resource committee, and compare that a bit with the Yukon experience?

• (1135)

**Mr. Neil McCrank:** Mr. Leef, thank you for that question.

I'm not sure I can bridge the gap between what you've heard from some people and what you've heard from other people. I was unable to bridge that gap either other than, as I have said, we had a round table discussion here in this room where all parties were involved. I don't think there was any suggestion at the end of that round table discussion that there were not significant issues that had to be addressed.

As I've said, some of the members who would have been opposed probably to the changes that are being suggested were saying some considerable action has to be taken to bring about an improved

system. To contrast that to the Yukon... I think I made this comment the last time I appeared before this committee. In retrospect, I actually wish I had started with the Yukon.

The Yukon was kind of an add-on in that I was working here in the Northwest Territories and I went to Nunavut for a little while and I went to the Yukon for a little while. Everything seemed to be operating pretty smoothly so I tried to focus my effort on the Mackenzie Valley. I wish I had spent more time at the beginning on the Yukon to see why it actually works so well. Of course, there's the fact that you have 11 of the 14 aboriginal communities under that umbrella agreement in agreement with it, and the fact that you have one environmental board, one board really that operates within the context of the Yukon, which provides the certainty. There's also the lack of complexity of the regulatory system. I think that is why the Yukon is so successful.

I do recall hearing from specific individuals in industry. I was a regulator for long enough to know that you take with a grain of salt what you get from industry, or from any one participant. I do recall one instance where there was a mine proposed right on the border between the Northwest Territories and the Yukon. According to what I heard at the time—it might be folklore—the ore body was actually better situated in the NWT, but because of the complexity of the regulatory system, the mine was actually situated in the Yukon.

To answer your question, I don't think we're going to get full agreement on the part of everybody that these issues have added complexity in this territory such that it hinders development. I have made it clear that I'm not interested in development from my own point of view. I'm interested in seeing that there is an environment in which development can take place. It's taking place in the Yukon. It doesn't appear to be taking place in the Northwest Territories, with some exceptions.

**Mr. Ryan Leef:** Thank you.

Mr. Pollard, when you were going through consultations here and talking with groups and engaging them, including the first nations, you outlined the structure of the current board quite well. We're looking at moving from roughly 30 people involved in this to 11. I think one of the bigger concerns on the panel before was that they were articulating there would now be no regional representation whatsoever on this board. You explained that at least 50% of the board was going to be made up of regional representation, and then 50% of government, and a chairperson. The Government of the Northwest Territories obviously represents everyone in the Northwest Territories, and the regions would be represented by their key spokespersons as well as their elected MLAs that work for the GNWT.

What kind of feedback were you hearing as you were consulting in terms of that regional representation still existing on the main board?

• (1140)

**Mr. John Pollard:** There is a definite concern that you're taking away a regional decision-making body from a region where people could conceivably go and see that board at work. We took that into consideration in section 104 of the existing act. It allows the chairperson to designate a smaller group of the main board to go and conduct the business of the board as far as applications are concerned.

**Mr. Ryan Leef:** On site?

**Mr. John Pollard:** Well, what we've done is that we've written that into the new bill. The chairperson will have the ability to send those people forth—

**Mr. Ryan Leef:** Were those accommodations made based on input that you had heard, then?

**Mr. John Pollard:** Yes.

**Mr. Ryan Leef:** So this was part of the consultation process. You heard that feedback and you made those accommodations.

**Mr. John Pollard:** I wanted to make sure that the chair of the new board had the ability to send people to a region to allow the people in the region to see their application being disposed of in that region, and I think that's written into the legislation.

**Mr. Ryan Leef:** So that was based on direct feedback you heard as you were consulting on that?

**Mr. John Pollard:** That is correct.

**Mr. Ryan Leef:** So you would not necessarily agree, then, with the comments we heard before, which were that the concerns of the local regions or the first nations of that area...that they weren't offered that opportunity or that this was a surprise to them that this composition has changed. I mean, it made it sound as though today was the first time that they had heard of this.

**Mr. John Pollard:** No, I think there was knowledge about what I was doing. We had discussions. This term "super-board" came up a long time ago.

I think we have tried to make it available to the chairperson of the new board to address those regional issues by sending people to adjudicate in the region from whence that application comes.

**Mr. Ryan Leef:** Thank you.

**The Chair:** Mr. Leef, Mr. Hagen did have some comments in responding, I think.

**Mr. Willard Hagen:** Yes, thank you, Mr. Chair.

I guess one point is missing from all the presentations is this fifty-fifty split on the appointment of board members. You have to remember that the Mackenzie Valley Land and Water Board is a public board. You can be appointed from any of the regions, but once you're appointed, you represent the residents of the Northwest Territories and Canada. You don't represent your interests or your region. You speak for the whole Northwest Territories.

I think that's a very important point to remember. You may have people from these regions, but once they're on the board, they are now speaking for the public. I think that's a very important point that's been missed.

**The Chair:** Thank you, Mr. Hagen.

Mr. Bevington, we'll turn to you for the next questions.

**Mr. Dennis Bevington:** Well, I'll just make a comment here on this NWT-Yukon business that you hung your hat on, it seems, when you looked at the two, Mr. McCrank. In 2009-10 when you did your work, there was a tenfold exponential GDP on mining in the Northwest Territories compared to the Yukon.

We're engaged in mining in a very big way here. We have very successful mines here. Our economy is very much tied to it. The Yukon, on the other hand, is still struggling to build that successful mining economy. When I look at exploration, what I see, interestingly enough, is that in the last year, the NWT, under the existing regulatory system, now has doubled the Yukon expenditures on exploration.

I find this whole comparison routine that you, the federal government, and this Conservative Party have gone on about between our two territories totally inappropriate. It's really a Mickey Mouse way of trying to deal with very significant and serious issues here in the Northwest Territories. So what you've done now... You've explained it very clearly in the discussion you had with my colleague. I don't think we have to go into it any further, but that's the reality of it.

Here's my question to you. In your process, when was the first time that anyone—and I'd like you to tell me who—suggested the amalgamation of the boards to you? Which group in the Northwest Territories or which group at the federal level first put that proposal on the table in your time?

• (1145)

**Mr. Neil McCrank:** Thank you, Mr. Chairman and Mr. Bevington.

Let me answer the first question first.

**Mr. Dennis Bevington:** There was no first question.

**Mr. Neil McCrank:** Well, I want to make a comment on the comment you made, that I hung my hat on the comparison between the Yukon and the NWT. I was responding to a question by the honourable member about the issue of why there's this disparity in the Yukon versus the disparity in the NWT between those who believe that development can take place and those who don't, and in the Yukon, where they seem to be *ad idem*.

My indication was that I have no explanation for that. I think we could learn a lot from the way the Yukon have conducted their business. But I have not hung my hat on it, nor was it ever part of my report that the system in the NWT should be changed because of what is happening in the Yukon. I was responding to a question by the honourable member.

The second question was regarding who suggested that the boards be amalgamated. I don't think I can give you a specific answer for that. It certainly was not the federal government. They gave me no instruction. Minister Strahl said it is an open book, take a look at the regulatory system, and with your experience come up with some suggestions, if there are any, for improvement.

During the course of that four or five months that I spent mostly in the NWT, it became clear that based on the criteria that we had all talked about for a regulatory system, not all of those criteria could be met by the current structure. It was not understandable. It was very complex.

Secondly, there was a capacity issue that wasn't being addressed because of it, and as a result—

**Mr. Dennis Bevington:** So basically what you're saying is that it's your idea.

**The Chair:** Pardon me, Mr. Bevington.

**Mr. Dennis Bevington:** I don't have much time here.

**The Chair:** This won't come off your time, Mr. Bevington.

I just want to remind audience members that cameras are not allowed during the hearings. They're allowed afterwards. I just want to remind folks of that.

I apologize, Mr. Bevington. We'll turn back to the questioning.

**Mr. Neil McCrank:** If it was my idea...and it may have come out of the discussion. It was clearly a matter for discussion, at this very round table, in terms of the number of boards. There was general agreement, as I saw it. In fact, as I say, parties were saying, "Take some significant action with respect to this, because there is a problem."

**Mr. Dennis Bevington:** So you, as the ex-chair of the Alberta energy utility board.... Was that your role?

**Mr. Neil McCrank:** That's correct.

**Mr. Dennis Bevington:** So you, dealing with an Alberta structure, came back with a decision for us in the Northwest Territories about how we should be structured here, even though we're a completely different and unique jurisdiction. If you had looked at the constitutional development of the Northwest Territories over the past 25 years, you probably would have realized that this is a much more complex opportunity for first nations, for Inuvialuit people, than exists in Alberta.

Mr. Pollard, when—

**The Chair:** Sorry, you're out of time.

**Mr. Neil McCrank:** Can I just respond to that?

• (1150)

**The Chair:** Mr. McCrank, please respond in a—

**Mr. Neil McCrank:** Mr. Bevington has made an assertion.

My role, when I came to this post, was not to try to emulate what went on in Alberta. In fact, I don't think you can see any comparison between what was eventually recommended and what is in Alberta. My role, having been involved with regulatory bodies across this country—the Ontario Energy Board, and boards in the Maritimes and Quebec—was to put all of that together, with the consultation and the people I spoke to, and come up with some suggested improvements.

That's what it was. It wasn't to emulate any specific board. I'll be the first to defend Alberta, if you ask me that, but that was not the purpose, nor did it in any way, shape, or form result in that kind of an approach.

**The Chair:** Thank you, Mr. McCrank.

We'll turn now to Mr. Leef for the next five minutes.

**Mr. Ryan Leef:** Mr. Chair, I do take a bit of umbrage with Mr. Bevington's concerns when I raised the questions I raised. I think it's important to focus on best practices across the three territories to see what works. Certainly, that was the nature of my questions, to determine what those best practices are and to see if we can deploy them across the three territories. It may be a bit of a cliché, but as we say, there's no sense in reinventing the wheel. If we find a system that's working, we want to be able to take the good from that system, and we also want to eliminate the things that aren't unique to a particular region or that don't work so well.

I will correct the record for Mr. Bevington. Clearly, while he's talking about 2008-09 and Yukon's mining practices, in 2010, 2011, and 2012, Yukon contributed to 10% of Canada's GDP in exploration alone. We have three operating mines going right now and three more in the permitting phase, so I'm not sure where he's getting his facts about the Yukon territory stalling out in mining.

When we're looking at those best practices, we're looking at what worked in a jurisdiction and what didn't. We have the Yukon example. The Yukon has had devolution for over 10 years now.

Maybe Mr. Pollard can answer these questions, or you, Mr. McCrank, if they're well suited to you.

What experiences from the Yukon were taken into consideration? What were seen as positive measures and mechanisms built into the devolution agreement in Bill C-15, and what was left out because it wasn't working? What did we learn from the Yukon experience, both the good and the bad, that we were able to take or that we were able to leave behind?

**Mr. Neil McCrank:** Since I raised the issue after you asked the question, what I looked at in terms of what was going on in the Yukon, which by the way was brought to the table here in the NWT when we had a round table with I believe some people from the Yukon, I think it was just some simplicity to the system that everybody understood. There were some complaints about the environmental board, which was going through a five-year review at the time, but by and large it was the fact that there was a considerable amount of understanding and simplicity to the system that would encourage people to try to use it, and that was not what we were seeing in the Northwest Territories.

**Mr. Ryan Leef:** Excellent. Thank you.

Mr. Seeback had a couple of questions. I'll pass the rest of my time to him.

**Mr. Kyle Seeback:** Mr. McCrank, there is one thing you talked about in your opening statement that I found interesting and wanted to give you the opportunity to expand on. You said, and if I'm misquoting you, feel free to correct me, that locals say it should be in the land use planning aspect.

Why do you say that, and what do you envision by that? How does that fit into all of this?

**Mr. Neil McCrank:** Thank you for that question, sir.

I sat in on some of the regulatory bodies of the land and water boards that were operating within this jurisdiction during the time I was doing my report, and what struck me was that I thought they were dealing with issues that should have been addressed at the land use planning stage. They were talking about whole areas being excluded from development. I think that's a perfectly legitimate concern on the part of the residents of the Northwest Territories whether they be aboriginal or otherwise.

**Mr. Kyle Seeback:** When you say land use planning, just for edification, you're talking about what use the land can be put to, right?

**Mr. Neil McCrank:** Correct. NWT is no different from any other jurisdiction. Alberta is going through land use planning at the moment.

One of my main complaints for the years as the regulatory authority was that the issues we were being asked to deal with were not regulatory issues. They were land use issues.

That's what I mean by local input. It should be very evident and very carefully considered. That's where I think the aboriginal community and other members of the Northwest Territories should have their say about development, at the land use planning stage, not at the stage of the regulatory authority.

**Mr. Kyle Seeback:** Right, for example, this land here shouldn't be a mine; this land here shouldn't be this; this can be, and that should be local. That's what you're talking about.

**Mr. Neil McCrank:** If you want to carve out an entire area because it has certain burial grounds associated with it or whatever, it is carved out, and there's no development. No industry is going to want to go there. Once they go to an area where you say development should occur, then there should be a debate about the regulatory issues, not about the land use issues.

• (1155)

**The Chair:** We want to thank our witnesses for being here. We certainly appreciate the wealth of knowledge that you bring to this table and we certainly appreciate your willingness to answer the questions.

Colleagues, we'll now suspend the meeting through the lunch hour. We invite the people from the public who are visiting to come back for 1:30. The hearings will continue at 1:30. The room will be locked for that period of time so we'd ask everyone to vacate the room as soon as possible to assist the staff in making the room secure.

We'll now suspend.

• (1155)

(Pause)

• (1330)

**The Chair:** We'll call this meeting back to order. I want to thank the public for joining us again. We also want to thank our witnesses as well for joining us for this panel.

This is the fourth panel and we have representation from the Northwest Territories Treaty 8 Tribal Corporation. We have with us Chief Sangris. Thank you so much for being here.

From the Dehcho First Nations we have Chief Norwegian. Thank you for being here as well.

From the Dene Nation we have Bill Erasmus. Thanks for joining us as well.

We'll begin with your opening statements and then we'll continue on with rounds of questioning.

I just want to remind our witnesses that taking opening statements beyond the 10 minutes limits the ability for questions to be asked after. We have been giving some variances in time, but I just wanted to remind folks that we're seeking to keep to our 10-minute introductory statements.

We'll begin with Chief Sangris.

Thanks so much for joining us. We'll turn to you for your opening statement.

**Chief Edward Sangris (Chief, NWT Treaty 8 Tribal Corporation):** Thank you, Mr. Chair.

*[Witness speaks in his native language]*

I'd like to welcome the standing committee to our traditional territory of Akaitcho. You're in the traditional territory of the Yellowknives Dene, which we, as Yellowknives Dene, call Chief Drygeese territory. It's within the Akaitcho region.

The Akaitcho count has four first nations: the Yellowknives Dene Dettah and N'Dilo, the Deninu K'ue, and the Lutsel K'e.

I'd like to welcome all the elders and all the people and the youth who are here today.

To begin, the Akaitcho have used and occupied our traditional territory, which we call Akaitcho territory, and within that territory, specifically for the Yellowknives Dene what we call Chief Drygeese territory, since time immemorial.

We as Akaitcho entered into the treaty with the crown on July 25, 1900. We, the Akaitcho Dene, still have those existing Akaitcho and treaty rights within our territory. In those days, our people always had treaty rights, right from the first contact. Our people have lived here in our territory and have hunted, fished, trapped, and gathered for the livelihood of their people, as we do today.

The aboriginal treaty rights of Akaitcho Dene do not only exist on paper. We have actively lived this right up to this date. We have provided subsistence for the lives of our people in the treaty. When they made a treaty, our ancestors said, "As long as the sun rises, the river flows, and the grass grows, our people will not be hindered or interfered with to pursue their way of life." We still follow that protocol today.

On July 25, 2000, one hundred years after the treaty was signed, the Akaitcho entered into a framework agreement with Canada and the GNWT to negotiate lands, resources, and a governance agreement, which we call the Akaitcho framework. In our framework, there are some subjects that are being negotiated, such as: economic development; resource revenue sharing, including royalties; lands and waters; hunting, fishing, trapping, and gathering; and renewable and non-renewable resources.

Now I'm going to introduce Don. We will share our presentation.

• (1335)

**Mr. Don Balsillie (Chief Negotiator, Akaitcho First Nations, NWT Treaty 8 Tribal Corporation):** Thank you, Chief.

Thank you, Mr. Chairman.

I'd like to take this opportunity to thank the forum for making themselves available to the Akaitcho people to express at this particular forum some of the concerns that we have relating to Bill C-15.

Before I begin, I did read, as did many others in the north, the papers in which Mr. Bevington stated that a forum of this nature, to a large degree, has limitations regarding what it can actually persuade governments to consider when we hear concerns, suggestions, and recommendations on matters of this nature. To some degree, in the back of my mind, I ask myself whether I should save my breath to cool my porridge here or whether we are just barking into the wind. What sort of opportunity do we as northerners have here to actually see some beneficial changes possibly coming out of what is being discussed here today? It would be very interesting to see how these things move forward.

Nevertheless, it's a good venue at which to have all the stakeholders and the aboriginal governments gather in a room to have a dialogue. With some degree of interest this morning I heard Mr. McCrank speak, as well as Mr. Pollard, with reference to the work that they undertook to help lead us to this point we are at today.

One of the things that were mentioned was the gap that existed and how to bridge this gap. It became very apparent to me that there really is a lack of proper communication among all the parties. Just before I spoke this morning, you heard the chief speaking his language. There's no interpretation available here. From what I understand, in many venues where these matters were talked about, there wasn't proper translation equipment. People missed the point and people were not allowed to speak. With the technology we have available to us, it behooves me to ask why this sort of thing would be allowed to happen. You can see here today that we don't have interpretation equipment available for our elders who are very interested in seeing what is happening. These elders have been around these processes for the last 50 years. This is their homeland. This is where they reside. This is where their children, their grandchildren, and their great-grandchildren are going to continue to live. They want to prosper, be involved, and hear what other people have to say so they can in turn articulate in a proper fashion what they believe are the appropriate measures to be taken on behalf of everyone. That is a bit of a concern I want to express here before I get into my point.

• (1340)

**The Chair:** I do want to remind you that we're under some serious time constraints. There are approximately two minutes left. I'm sure your points would be in excess of that so we'll give you some additional time. We need to be mindful of that.

**Mr. Don Balsillie:** Thank you.

Having been a chief before, sometimes I get onto a roll.

**The Chair:** I appreciate that.

We're all politicians around this table. We understand that.

**Mr. Don Balsillie:** Thank you for that. I would like to begin by saying that the Akaitcho territory, as you're probably aware, is the economic engine of the Northwest Territories. The research we've conducted shows clearly that Canada has benefited greatly from the extraction of natural resources from the Akaitcho territory over the years. We have enclosed a separate report entitled "Economic and Social Development on Akaitcho Dene First Nations' Land", dated December 2007.

This report outlines some of the ways that Canada has benefited from resource development in the Akaitcho Territory. The discovery of gold in the Akaitcho territory in the mid 1930s set off the first substantial staking rush. The Con and Giant mines followed. Both mines remained open until 2003 or 2004. They produced a combined total of approximately 12 million ounces of gold. These mines were on our doorstep as you can see, and they have left a legacy of arsenic and other contaminants that we're still dealing with today. Discovery Mine, located 88 kilometres northeast of Yellowknife, produced approximately one million ounces of gold. From 1935 to 2004 its value was approximately \$5.9 billion. Around the same time, we had a major lead and zinc deposit being extracted on the south side of Great Slave Lake at the Cominco mines. That was in the sixties, and that produced a substantial financial benefit as well—approximately \$2.9 billion. So we've contributed to the well-being of the Northwest Territories substantially from the Akaitcho territory.

More recently, in 1991, diamonds were discovered more than 300 km northeast of Yellowknife, also within the traditional territory of the Akaitcho people. These diamond mines have transformed the region's economy, bringing unprecedented wealth and prosperity to a large part of the population of the north. Diamonds have become the most valuable of all natural resources ever produced in the NWT. Access to all of the diamond mines is gained by winter roads that run through the traditional territory of the Akaitcho people.

As of 2006, the combination of the Ekati and Diavik diamond mines alone to the NWT's real GDP was approaching 50%. Recently rare earth minerals have been discovered in Akaitcho territory. These minerals are of enormous wealth in the production of various high-technology products. Uranium is also a mineral of which there are huge deposits within the Akaitcho territory.

Over the past 100 years, other important economic activities have taken place within the Akaitcho territory. Numerous smaller mines, mostly gold-producing, have opened and closed. All of these projects represent expansion of the NWT economy through the exploitation of natural resources taken from the Akaitcho territory. The majority of economic activities upon which the NWT was founded involve natural resource extraction from the Akaitcho traditional lands.

There is no denying that staggering wealth has been generated from the natural resources found in the Akaitcho territory. However, this wealth has not resulted in a similar rise in wealth for the Akaitcho first nations. The Akaitcho have never been paid rent or any other compensation for the use of their land at the Con, Giant, or Pine Point mines. The Akaitcho have never received any direct compensation for the more than 15 billion dollars' worth of minerals removed from our traditional territory. Despite the fact that aboriginal title is still an unresolved issue, as a result Akaitcho have opened their land for development for generations, but Akaitcho have had no better socio-economic outcome than have other first nations with no economic assets to speak of.

Canada has benefited greatly from resource extraction within the Akaitcho territory. However, Canada, not Akaitcho, has benefited from that resource extraction. The primary outcome of the extraction from Akaitcho has been increasing impacts upon the exercise of our aboriginal and treaty rights within this particular territory.

Chief.

• (1345)

**Chief Edward Sangris:** How much time do I have?

**The Chair:** Technically you have none, but we want to hear from you. That's what we're here for. So if you have specific concerns about the legislation, we'd be very interested.

**Chief Edward Sangris:** Thank you.

As you know, they knew our position from Akaitcho on the things that are before us today. We cannot agree to the proposed bill as it sits, because we haven't finalized the Akaitcho process or negotiations. How can we as Dene agree to something that we already own and have somebody else be the boss of it? That's why we as Akaitcho do not agree with devolution and all the other bills before the committee.

I don't want to tell you about the argument I had with the Prime Minister about the chicken and the egg, but we as Akaitcho want to see our negotiations finish before any devolution takes effect. The very things that we are negotiating in our agreement, in the devolution, we haven't finalized with Canada or the GNWT.

In conclusion, Akaitcho suggest that there be broader strategy to allow Akaitcho Dene to participate in and benefit from resources developed in Akaitcho territory. As you have heard, Akaitcho have a GDP of 50% or more in the NWT. While Akaitcho may be prepared to participate in devolution and benefit from resources that are developing, we cannot prepare to participate in the process until we see a comprehensive study done on how the first nations can be engaged to develop a long-term strategy for the future of our first nations and the future economy of the NWT.

Like anybody else, we cannot sit by while resource extraction... It's not an indefinite process in terms of our negotiations, and we as Akaitcho want to be prepared for the future too. Above all, issues need to be addressed in a comprehensive fashion to ensure that Akaitcho benefit from future resources in the other developments in the NWT, the same with other regions, resources, developers, or governments. This Mackenzie Valley Resource Management Act is one of the very things we are negotiating in the Akaitcho process.

As you can see, we have grave concerns. We have given you a submission, which I will not repeat here. I'm sure the committee will review that submission in this regard.

• (1350)

**The Chair:** Thank you. We do have copies of that submission. We'll make sure the committee members get that, absolutely.

Thank you, gentlemen, for your opening statements.

We'll turn now to Chief Norwegian.

Thank you so much for being here. We know you're all busy, gentlemen, and we appreciate the fact that you have taken time out of your busy day to be here.

I'll turn it over to you, Chief Norwegian.

**Grand Chief Herb Norwegian (Grand Chief, Dehcho First Nations):** Mr. Chair and standing committee members, thank you for allowing me to come before you to talk about some really important issues that we all face here in this part of Canada.

It wasn't too long ago when the Canadian government was just a visitor in our homeland. It wasn't too long ago when we started talking about trust and peace among our people. Today when we take a look at the various laws and government positions that are being taken on our homeland, it puts us in a real awkward position, because for many of us, we're still landlords. None of us have given up our land, particularly in the Dehcho territory. Not one grain of sand belongs to the Government of Canada. That is our position and it will remain our position.

When we see these positions that are being put before us, such as the bill on the Mackenzie Valley Resource Management Act and devolution, it puts us at a disadvantage. Here we are dealing with a situation that we have no control over. Instead, what happens is that the door is left wide open for an onslaught of development where it would only be the minister who would have final say over such development.

In the Dehcho territory right now we are negotiating with Canada trying to reach an agreement to put us back on track where we should be. Over the last few years it's been difficult especially when we had the Mackenzie Valley Resource Management Act dropped on us. In the same breath, our people have been looking at a number of ways of how we can actually start managing our land. We have always taken the view that we needed something that would be equivalent to the Mackenzie Valley Resource Management Act, something that we call the Dehcho resource management authority. That was created about 10 or 12 years ago. We had some great discussions. We had Canada on side with it. There were a number of agreements in place. Today, it is still our belief that the Dehcho resource management act is still very much alive in the minds of our people.

This whole act, Bill C-15, puts us in a real awkward position. What we're seeing here is that as the bill is being put into place and as devolution unfolds and empowers the territorial government, it puts us in a very difficult position. The very authorities that we seek for ourselves are the things that are going to be transferred to the territorial government.

For us, the territorial government has always been a government that has just sat on the sidelines. It's more of an interim government. When we see governments unfold in our different regions throughout the valley, such as the Dehcho, you will see a new style of life in the valley. You will see Dehcho governments. You will see Tlicho governments. You will see Sahtu governments. These are the governments that will be thriving new governments once we have some final agreements. Once devolution and the Mackenzie Valley Resource Management Act are in play, it will take that ability away from us.

We've always had these concerns. It really hasn't fit well with the kinds of things we're trying to do in our territory. It creates a lot of problems, especially when we're trying to negotiate with Canada and trying to reach a final agreement. Every step of the way we have had to fight in order to get where we are today. Right now in our Dehcho process agreements we're probably about 60% concluded. Every inch of the way it has been like climbing this incredible mountain. Every time we have taken a step, there has been something in our way; an avalanche of some magnitude seems to have come in our direction, but we've prevailed. We've weathered the storm, and we've stayed right on track.

• (1355)

Thanks to the great elders and to the ones who have passed on. These are the ones who have given us that spiritual strength and the guidance to stay there and stay on top of these issues. This is what we're dealing with. It's not just the Dehcho. It's people right down the valley, the people in the communities who are just up in arms and wondering what is going on. Why is this being shoved down our throats?

Like the rest of the regions, the Dehcho have taken a very firm position, especially on devolution. The Dehcho have not taken a position on whether we support it or not. We're still exploring and we're still trying to analyze what this is going to mean to us in the long run. Today, I'm hoping that you people who sit on this committee have a real serious look at this Bill C-15, because you're actually going to change the whole lifestyle and the way that our people live here in the north, and that is a pretty serious step.

I have to speak on behalf of our people, and our young people especially, because it's their tomorrow that we're dealing with here. The elders came from yesterday and told us exactly the very thing that I'm talking about here today. What we're dealing with here is the future of our young people, the young people who want to take on this new future, this new creation, this new thing that we're creating for them. If it doesn't happen, only one person is to blame, and it's got to be Canada. We're still standing firm and we are going to continue to move forward.

These are the things that I think are firm, that we feel in our hearts, and we'll continue to stand. It's important that Canada, and you, understand that we want to do business with Canada, but how can

we do business with them when they can't be trusted? Every inch of the way we had to fight. When I say "we", I'm talking about people in the north here, us people. We're the ones who have to put up with every bill and every act that you've put before us. I think today we're together more than anything else, and I think that we need to continue to keep this pressure on because it's making life miserable for a lot of our people.

I hope that people who are on this committee understand exactly where it is that we're coming from because I'm sure that, once it goes ahead, there will be some serious problems. The things that are just happening at this pace, it's incredible. I'd like to think that there is a solution in this. I'd like to try to be as diplomatic as possible and try to grab some results. But at the same time, when you're being stonewalled and you're dealing with a tsunami of issues that the federal government is dealing with, it's really, really hard to deal with a government in that kind of situation.

I'd like to leave it at that. My assistant here might want to say a few words.

Again, I want to thank you for these comments. Thank you very much.

• (1400)

**The Chair:** Thank you.

We'll turn to Chief Erasmus now. Thank you so much for being here.

**Chief Bill Erasmus (National Chief, Dene Nation):** Thank you, Mr. Chairman.

*[Witness speaks in his native language]*

I want to thank you for being here so that we have an opportunity to speak to your committee. You invited us to appear. As others have said today, you're in our homeland, and you're welcome here.

I want to support the people who made presentations and who are part of our nation, the Dene Nation. We heard from many of them this morning. You have key people here to help explain the reality that exists here in a legal context, because this is all legal.

I have beside me Elder Francois Paulette, who chairs the Dene Nation Elders Council. I'll make reference to him and other leaders, who on our behalf in the early seventies went to court to challenge Canada's claim to our homeland here. Francois Paulette was the leading chief of the time, and we have two more of those chiefs who are still alive. We have Elder Daniel Sonfrere on the Hay River Reserve—and we'll hear from Chief Roy Fabian a little later today—and also Chief Charlie Barnaby, who is still alive. Those are the three people who we still have alive from that time. We heard from Chief Sangris a little earlier; his father also represented us from this area.

It has to be clear that we are direct descendants of people who entered into the legal instruments with Great Britain on behalf of your people, on behalf of your subjects. We are not subjects of the crown. We are part of what are called "Indian Nations". The royal proclamation that your king endorsed in 1763 made it very clear that in order to come into our territory you had to enter into treaties with us.

Those treaties in 1899 and 1900 were made to gain access to the Yukon, which people referred to this morning. The gold rush was taking place in the Yukon. Many people were coming through this territory. They were interfering with us, so the crown was compelled at that time to enter into an agreement with us. Later, in 1921, the next treaty, Treaty No. 11, the last numbered treaty, happened because oil was discovered down the Mackenzie River in the Sahtu territory, so a treaty was made again in 1921 to have legal access into that territory.

We found out in the fifties and sixties that Canada in fact believed they owned our land, so we got ourselves organized. Our organization in the early days was called the Indian Brotherhood of the Northwest Territories. I have evidence here that I'll provide to you, which includes our constitution, bylaws, and other documents.

We organized ourselves. We went to court to challenge Canada's assertion over our lands, and Justice William Morrow came up with his decision.

What he did was very remarkable for that time, because rather than asking people to come to Yellowknife from all of our 30-odd communities, he went into our communities, our settlements, and our villages, and he spoke to people who were still alive and had been present at treaty time. There were interpreters and there were chiefs, and this included people on both sides, because Canada still had people alive who were there at treaty time.

He heard all the evidence and concluded that our people are the prima facie owners of the land, so we are the landowners, as Chief Norwegian just stated. That has never been contested in court.

So whatever happens here is very, very important. You're attempting to pass legislation on lands that belong to Indians who you have no legal authority over.

● (1405)

There's one question I want to pose to you, Mr. Chairman. Your legal obligation as a parliamentarian is to have authority over whatever it is you propose to legislate, so please provide to us the legal authority and boundaries that you have to pass legislation in our territory. That's one question we'd like to present to you. I don't know if you do that, or if indeed the Prime Minister does that, or the Governor General, but we would like to see that, because nowhere will you find it on paper that you have the authority. We'd be very interested to see it.

I could go on to a large extent here, but I want to tell you that I have copies of the Paulette case. I don't have copies of the Frank Calder case, which proved that the Nisga'a also had title, but as a parliamentarian you could find that easily in your government library.

It's significant because prior to that—I believe all of the people here at the table remember 1973, when the judgments were made—we were told that we didn't have anything called “treaty” rights or “aboriginal” rights. If there was such a thing, it was either legislated away or it was extinguished at treaty time.

So when these judgments came down, we were very pleased. It was 41 years ago. We thought at that time that we would be able to exercise this right that is clearly inherent. It doesn't come from

Canada. It doesn't come from Great Britain. It has always been here. We've been here for at least 30,000 years.

Today we find ourselves in this predicament that is, as Chief Norwegian says, very awkward. Indeed it is.

I have been the elected leader of the Dene since 1987, and I've had the privilege, Mr. Chairman, to be involved in discussions like this and to sign agreements on behalf of our people. I will present to you—contrary to what we heard this morning from some of the witnesses—that we indeed signed an agreement in principle. On behalf of the Dene, I signed. On behalf of the Métis, Mike Paulette signed, and on behalf of Canada, Prime Minister Mulroney signed. The territorial government didn't have an official signature. As you know, they are an administrative arm of the federal government. They were there as witnesses but not as sub-signatories. We then did sign a final agreement in April 1990.

So we do have a final agreement that was signed. This first document was signed in Behchoko, commonly called Rae-Edzo. This document was signed in N'Dilo in 1990. It was signed by the federal government, ourselves, and the Métis, with the territorial government again as witnesses.

There was a final agreement in April of that year, and by November, in this very room that we're meeting in, Canada met with us and walked away from the table. When people say the agreement failed, it's because Canada walked away from the table. They then unilaterally imposed a whole new way of dealing with our people. Rather than all of our 30 communities, they changed their policy, which at that time was to deal with all of our people. They began to deal with regions.

We have five regions, and they vary in size—some as few as four communities, and others as large as 11. In 1992, as you heard this morning, the Gwich'in came up with their agreement, which we've always supported. It's constitutionally entrenched. It's subject to treaties 8 and 11, which are the foundation of the fabric of the country up here.

The Sahtu came up with their agreement—signed, endorsed, constitutionally entrenched—in 1993.

The Tlicho, as we heard, are now in their ninth year of governance. They have 39,000 square miles of land that they outright own and legislate with legislative authority. Someone now is trying to change that.

So we have a huge issue that we need to deal with.

● (1410)

I don't want to take all the time because I want to have Elder Paulette also make some comments because it's paramount that he does.

The point I want to make, Mr. Chairman, is that the consent of the Dene Indians is required. If you look at treaties 8 and 11, which we will give you copies of, it was very clear that Queen Victoria for the first treaty, and King George V for the next treaty, came up to acquire our consent. Justice Morrow made it very clear that we did not surrender. We were never defeated in war. We never relinquished our rights. Our treaties were instruments of peace and friendship, international instruments. They go all the way up to the Arctic Ocean, which in law means 200 miles out into the Arctic Ocean. So you begin to get into it.

Treaty 11 also goes into the Yukon, so what happens in the Yukon is subject to Treaty 11. The present day Nunavut Treaty 11 goes to Coppermine. It encompasses Coppermine, Paulatuk, Inuvik, Sachs Harbour, Tuktoyaktuk—where they want to build that new road—and so on. That is all Treaty 11 territory. These instruments cannot be denied. They're valid. We need to talk about what the future's going to compel us to deal with.

In my conclusion, Mr. Chairman, I want to support what Mr. Bevington said, who's a resident of the Northwest Territories, who grew up with us and married among us. His grandchildren play hockey with our grandchildren. He talked about the fact that we have always talked about our future. I'll also provide you with a report that Commissioner Jim Bourque provided to people of the north in the early nineties, which talked about options for constitutional development. We've had very in-depth discussions. We've always been regarded as people who would determine their own futures, not someone from the outside.

Finally, I want to make reference to two letters, one that I sent to Justice Beverley McLachlin, the Right Honourable Chief Justice of Canada in the Supreme Court, which I sent on October 25, 2012, because of our deep concerns as to what was being proposed in devolution and other developments in Canada. What I outlined to Justice McLachlin were some of the things that I mentioned today, but I made specific reference to the courts, because in a parliamentary democracy, which you are part of, we have our own government on this side. The parliamentary democracy that you are a part of has a separate institution called the judicial fabric, which you have to follow. It has to be enforced. You make the laws and the executive arm tries to enact them. If they don't enact them properly, and someone challenges it and they win the court case, then things have to change.

The problem is that things have not changed according to the ruling, so we made reference to Supreme Court judgments. For example, Chief Justice Lamer of the Supreme Court of Canada, on the aboriginal right to self-government, said, "the Crown is under a moral, if not a legal, duty to enter into and conduct [self-government negotiations with first nations] in good faith."

Per Justice Wilson of the Supreme Court of Canada on the aboriginal right to self-government:

Shared sovereignty, in our view, is a hallmark of the Canadian federation and a central feature of the three-cornered relations that link Aboriginal governments, provincial governments and the federal government. These governments are sovereign within their respective spheres and hold their powers by virtue of their constitutional status rather than by delegation.

In other words, no one delegated authority to us. We are here in our own standing and sovereignty.

● (1415)

Per Justice Binnie of the Supreme Court of Canada on the aboriginal right to self-government:

What is significant is that the Royal Commission itself sees aboriginal peoples as full participants with non-aboriginal peoples in a shared Canadian sovereignty. Aboriginal peoples do not stand in opposition to, nor are they subjugated by, Canadian sovereignty. They are part of it.

We are very fortunate, Mr. Chairman, to have people like George Erasmus, who lives in this community and is still alive, and who chaired this commission. I suggest you speak to him and ask him what the Supreme Court meant when their report came out in the early 1990s when Canada spent over \$60 million on the subject we're talking about today.

Also, per Justice Wilson of the Supreme Court of Canada and Justice Dussault of the Quebec Court of Appeal, who was the co-chair of the Royal Commission on Aboriginal Peoples with George Erasmus, on the treaty right to self-government, after noting "the essential link between the right and power of a people to govern themselves and the act of treaty making", they wrote that the "implicit treaty right of governance has not been recognized" and that the time was right for Canadians and their governments to recognize the inherent right of aboriginal peoples to self-government and to make room in the Canadian federation for its exercise.

The Royal Commission found that the spirit and intent of the treaties required the crown to respect the inherent right of the treaty nations to govern their own affairs and territories. It has also confirmed that in entering into nation-to-nation treaties with first nations, the crown has already acknowledged their self-governing nation status.

Finally, per Justice Wilson of the Supreme Court of Canada and Justice Dussault of the Quebec Court of Appeal on the treaty rights of self government:

[The first nations of Canada] have waited steadfastly for implementation of their treaty rights.... It is the Crown that has marginalized the treaties to the point where questioning their validity—clearly as a last resort—might become an option....

If the validity of the historical treaties—or certain key components of them, including the extinguishment clauses—were placed before the courts, key aspects of many portions of the written texts might be set aside.

If this occurs that would result in a crown having to negotiate the historical treaties from scratch.

Mr. Chairman, it's clear that what you're doing is in question. You are here under section 91 powers. The provinces have section 92 powers. We have section 35 powers under the Canadian Constitution. We ensured that happened in 1982. Our people went to England. We had Lord Denning render a judgment saying that if the constitution indeed comes to Canada, you have to act as if you were England. In other words, you have to honour the treaties.

Mr. Chairman, with that I thank you. We will present you with some of our documents. There's a table of contents. I won't read them out because of the lack of time, but they are provided for you.

Thank you for this opportunity. *Mahsi cho.*

**The Chair:** Thank you.

We are running over time here.

Did Mr. Paulette want to make a comment? It's important that we hear. It's more important than if we ask questions.

• (1420)

**Mr. Francois Paulette (Chief, Dene Nation Elder's Council):** I will work on being as diplomatic as I can be. You young people who are sitting here know very little of our history. I'm a direct descendant of the headmen and leaders who entered into treaty at Smith's Landing in 1899.

At the age of 21, I became a chief in my community. I'm a non-elected chief. A year after that, we engaged in the Paulette case that's been talked about. I'm not going to get into that.

What I do want to say about the Paulette case is that Judge Morrow in his ruling says that your version of the treaty, Treaty 8 and Treaty 11, where we extinguished.... That's what the crown says. As for Justice Morrow's ruling, in his words he doubted that the Dene ever surrendered. I want you to look at that case.

I'm going to get right into the 1930 NRTA act in the south and Alberta, Saskatchewan, and Manitoba. In 1930 Canada, the crown, deliberately made omission of the treaty first nations at these talks about the resources, their lands, and their way of life, and to this day the first nations are struggling and talking about their resources. You just look south of the 60th parallel and the tar sands.

Neil Young's concert honoured the treaties. Bill C-15 devolution resembles and perhaps is the NRTA act that is now being imposed on the Dene up here. It is no different. The Dene play a very small part, if any, in the bilateral relations that you have with the crown.

This NWT Act does not have a constitution. There was an attempt in 1990 to have a constitution developed by all people, including non-indigenous people. Why hasn't that happened? It should have happened or we wouldn't have this discussion. That's a huge oversight of the territorial government and the crown, but now you want to implement and change the NWT Act without consulting the people, without consulting the treaty first nations. That's a sin.

• (1425)

In 1967, forty civil servants got off the plane here in Yellowknife, and today there are about 5,000 civil servants controlling every facet of our lands that you are about to transfer to the north. These legal documents, by convention, by Parliament, you are dismantling them. I find that to be very unconstitutional. I find that to dishonour our forefathers and your forefathers.

By the way, the NWT Act is weaker than the Indian Act. The Indian Act has more power and authority over the NWT Act by law and by Constitution.

These are my final comments as I want to keep this short. Below the 49th parallel there was the George Bush doctrine where he said that if you are not with us, then you are against us. Harper has adopted this philosophy, this doctrine. Your standing committee is carrying out this doctrine because your minds are already made up. You are just rubber-stamping. I feel very dishonoured that our treaties are not being respected.

We have two unfinished pieces of business with treaties. Dehcho Treaty 8, are you expecting these people to be harnessed into this mega-regulatory board? I doubt it. I would ask you to ease off these lands. These resources are going to be here. They are not going anywhere. It's a pity where we are in our history. What you call democracy is not being followed.

Are you adhering to the UN Declaration on the Rights of Indigenous Peoples? Are you adhering to other conventions that were made at the UN? No.

All the rules and laws that were there to protect our waters have been lifted. Where is our protection?

I'm very embarrassed and insulted that you are carrying this out on the people who are the rightful owners of this land.

I want to stop there. Thank you.

**The Chair:** Thank you, Mr. Paulette.

Gentlemen, we appreciate your taking time out of your day. We came here to listen and that's what we've done. We certainly appreciate that you have come with great wisdom and your life experiences. Thank you for your testimony.

Our time has expired, but as I said, we came here to listen, and certainly it was important that we did so. Thank you, gentlemen, for being here and for taking the time to bring your testimony.

Chief Erasmus, did you have a question or a final comment?

• (1430)

**Chief Bill Erasmus:** Thank you, Mr. Chairman.

I left out just one point in trying to rush my presentation. You are most likely aware that we wrote the committee to invite them to come to all of our communities because this impacts all of us. We believe the proposed bill would guarantee the Northwest Territories provincial powers that would make them a responsible government. That needs to be read into the record.

The final point I wanted to make is that earlier today we sent a letter to Her Majesty Queen Elizabeth II, to inform her of the deliberations that are happening here and also to inform your government that it has to adhere to our treaties. I also want you to know that so it's on the record. The letter we sent to Queen Elizabeth is not cc'd to you but it is cc'd to Governor General David Johnston, who represents the crown, as you know, and who is a direct representative for the Indian treaties. Also, it was sent to the Hon. George Tuccaro, who is the Commissioner of the Northwest Territories. It was also sent to the Dene leadership and to United States President Barack Obama, because the Royal Proclamation of 1763 doesn't cover only what is called Canada. It covers all of North America, which includes the United States of America. It was also sent to the Honourable Prime Minister Stephen Harper, for his attention.

Thank you.

**The Chair:** Thank you, gentlemen.

Mr. Bevington.

**Mr. Dennis Bevington:** It's not the usual parliamentary practice to have witnesses without questions. Can we do something about that through committee hearings in Ottawa if we're not able to question these witnesses? I think it's important to question these witnesses, because they represent the non-fulfilled land claims in the Northwest Territories. I have some specific questions I want to ask them. Dialogue is important.

If you're going to make this ruling now, can we give some guarantee that there will be some committee time later on in the month when we can bring these people back either to Ottawa or through—

**The Chair:** I'm happy to entertain your questions if you do have questions for the witnesses. It's important.

We'll turn it over to you, Mr. Bevington.

**Mr. Dennis Bevington:** Well, if you're—

**The Chair:** Feel free to ask your questions.

**Mr. Dennis Bevington:** Okay. Thank you.

One of the key aspects of this is how this action on the part of the federal government is going to affect the negotiations on the claims agreements that are still outstanding.

I'd like some comments back on how you see this bill, which is likely going to be passed through Parliament. In the last while, I haven't seen this Conservative government do anything that fails to get through this particular committee, usually without any amendments. In the case that you are faced with this new designation of authority in the Northwest Territories going forward, how do you see this impacting your ongoing claims negotiations? As other witnesses have pointed out, they are very important to the future of the Northwest Territories. Everyone agrees that we need to get the claims completed.

• (1435)

**The Chair:** Was that directed to anyone specifically?

**Mr. Dennis Bevington:** Certainly it's for the Akaitcho and the Dehcho.

**Mr. Don Balsillie:** Thank you, Mr. Chairman and Mr. Bevington.

The devolution process and the structural changes being contemplated for the legislation for the Mackenzie Valley Resource Management Act and other regulatory changes that we see coming forth really have, in our opinion, a major impact on our ability to negotiate unencumbered by those instruments, because they do set limitations clearly in front of us as to what it is we can and cannot negotiate.

I could go on in great detail about those, but those are in our submission. We've handed in a 28-page document. They do have major impacts on our ability to have flexibility in certain areas where we feel we should have the opportunity to sit and negotiate arrangements, or arrangements that we feel are appropriate for our particular region. The dynamics of the Akaitcho territory, as you can see, are quite different from other regions.

We have almost half of the Northwest Territories population base sitting in the Akaitcho territory. That's Yellowknife. Most of the infrastructure of the north—roads, railways, airports, all-season

highways, etc.—are within the Akaitcho territory, from which most of the GDP that has been generated for the last 50 to 80 years has come. The forecast into the future in terms of the mining strategy and where we go from here as a territory has a major impact within the Akaitcho territory.

So the dynamics of what we see today and what we see being forecast for the future should allow us to have the ability to negotiate arrangements that we feel are ones we can live with. They should allow us to partake in the future benefits of economic development here in the north. You've heard other from regions where they have very little development, if any at all, so the impacts are a lot less. Groups that settled 20 years ago, 15 years, or nine years.... Today we're faced with different social and environmental impacts that we didn't see at that time.

So yes, there will be major impacts for us.

**Mr. Larry Innes (Legal Counsel, Dehcho First Nations):** Perhaps I could just add some specifics to what Mr. Balsillie has said.

One of the principles that Canada has had in its negotiations with aboriginal peoples in respect of the co-management of lands and resources is that there's a degree of parity between the aboriginal perspective and that of crown governments.

What we see in the specific changes being made under Bill C-15 is that this balance is no longer present. In fact it has radically shifted in favour of federal representatives, and the numbers of representatives, to the extent that the chair would be federally chosen. A quorum on the super-board, on the reconstituted MVRMA, would no longer even require a representative from the region.

So we fail to see, from the perspective of the Dehcho First Nations, how Canada is fulfilling its obligations to maintain some parity, some equality, either at the table with the Dehcho First Nations in its negotiations or indeed for the Dehcho in its reconstituted super-board. Neither is being maintained.

This is fundamentally disrespectful to the principles under which the Dehcho have entered these negotiations, and it's fundamentally at odds with the honour of the crown.

**The Chair:** Chief Sangris, you had something to say as well.

**Chief Edward Sangris:** Yes.

To the question of devolution, the question hasn't been answered by the government on the fiduciary duty of the government, of the crown. That question has to be answered. We Akaitcho have never ceded or surrendered our land. That's why we are still in negotiations. Yet the question of the fiduciary duty of the crown hasn't been answered by the government to Akaitcho to satisfy us that we should go along with devolution.

That is only one of the many concerns we have for the Akaitcho. We have noticed the experiences in every province where the governments, between the provincial and federal governments, throw a ball around on who really has the duty to consult and accommodate those first nations that are non-reserve. North of 60, there are only one or two reserves. The rest is not on reserve.

*Mahsi.*

•(1440)

**The Chair:** Thank you.

I believe Ms. Jones has some questions and maybe some comments—

Oh, sorry, Chief Erasmus, I missed you there. We'll hear from you first, and then we'll hear from Ms. Jones.

**Chief Bill Erasmus:** Thank you, Mr. Chairman. I want to thank you for your patience and your understanding on the importance of this dialogue.

As I sit here and listen, I'm remembering what was actually occurring at the time. I want to take a little bit of time to remind people what was happening in 1990, when all of us were at the table.

We were mandated—I can only speak to our side—through all of our people, the descendants of the Dene. That included the treaty Indians and the non-treaty Indians. Some of our people called themselves Métis. Whatever they called themselves, we made agreement amongst ourselves that we define our own membership. This includes people who we accept in our communities. In other words, anyone could be a Dene based on our own laws and our own requirements. That's how we were at the table.

Now, in 1990, when, as I mentioned earlier, Canada walked away from the table, it was really quite a volatile time. I don't know what you were doing at the time, but as I say, I was the political leader of the Dene. You will remember that the Oka crisis was taking place at that time, in the summer of 1990. Meech Lake accord discussions were going on, which was the whole question of what authority Quebec would have. Quebec had problems with the Constitution being amended as it was. There was also a whole discussion of authorities that we would have as first nations.

Initially when we were in our negotiations, up until 1986 we had many issues at our table. We were trying to have a full package that would include political authority, recognizing the people of the north in charge of their own homeland. What happened in 1986 was that we couldn't go that far, and we agreed to get into discussions on a “mini” package. It was called a mini-package because it was smaller, which included land and economics. It did not include compensation, as negotiator Don Balsillie mentioned earlier, it didn't include delivery of programs and services by our people, and it didn't include royalties and revenue-sharing.

When we signed the agreement in principle in 1988, Dennis Patterson was the Government Leader—he was not called the premier then—in September 1988, and he got a call from Prime Minister Mulroney. Dennis Patterson, as you probably are aware, is a senator now, which is good, because it keeps him involved. When we have an opportunity to speak to the Senate, we will have that discussion.

But Prime Minister Mulroney told Dennis Patterson that they were prepared to enter into a northern accord. He asked Dennis Patterson to call me, as the leader of the Dene, to let us know that we would soon engage in those discussions, as we were going to sign the AIP. I was a little bit concerned that the discussion hadn't come up earlier, and I asked Dennis Patterson why. He said, well, I can't answer you that question, but I am passing the message on.

Mr. Chairman, one of the points I'm making is that if you go back and look at the early documents that talk about a northern accord, it was not devolution, what it is today. In 1988 the idea was that we had gone as far as we could with the authorities that cabinet had and the discussions on our side relating to land and resources, but we were prepared to get into an accord.

As you know, an accord is much different from devolution. The intent was never to have Canada be the recognized owners of the resource, transferring it to someone else, because our agreement didn't allow that. So you have to take it within the context of the reality, the legal reality, of the day.

•(1445)

It has moved from the Dene being the landowners—the Dene and the Métis, whatever we might call ourselves—to the feds suddenly having control and giving that to a territorial government, which is part of their administration under section 91, and granting them section 92 powers, essentially making them a province. For us as a people, that would change our constitutionally entrenched agreement and provide us a little bit of money.

In other words, take authority away from us, give it to someone else, and give us a little bit of money. It's really important that you understand that, Mr. Chairman.

Again, I just want to make the comment that Don Balsillie made. We've also provided a copy of the Official Languages Act in the Northwest Territories, which recognizes all our languages, including that of the Inuit. We're asking that the next time you come here, you please provide for interpreters so that it is in our language.

Thank you.

**The Chair:** Thank you, Chief.

I also want to thank Mr. Strahl for ceding his time to allow for extended witness time.

We'll turn to Ms. Jones.

**Ms. Yvonne Jones:** Thank you very much.

I want to thank you for your presentations today. They're not only very passionate, but they obviously speak to the long history you've had of working with your aboriginal governments and in your communities.

I want to state for the record, in case you weren't here this morning, why I'm standing to the side of the room. I have a back problem, and I find it very difficult to sit, so while I'm not sitting at the table with you, I'm standing in the room with you. I want to point that out and point out that I'm very attentive to the issues you're bringing forward.

I sense from your presentations that you have a lot of distrust of governments and of the federal government, I guess because of the long history of trying to move forward the aboriginal and first nations agenda in the country. Any of us who are involved, either at this table or at any level in the country, can certainly see and understand some of the poor track records that we've had with first nations people. Your points are well taken in that manner.

My concern as a committee member is how the passing of this bill could impact, first of all, the treaty agreements that you already have. There has been a lot of discussion on that. Secondly, how will it impact the resolution of your land claims and will it in fact delay any of that process in any way? I look forward to hearing your response.

**The Chair:** Was that directed to anyone specifically, Ms. Jones? I think the question was with regard to possible delays.

**Ms. Yvonne Jones:** I'm sure they all have an answer, because they're all politicians themselves.

**Voices:** Oh, oh!

**Ms. Yvonne Jones:** One person to address it would be fine as well.

**The Chair:** I fear to ask that we make short comments.

**Ms. Yvonne Jones:** Maybe Mr. Innes could address it.

**The Chair:** Mr. Innes, we'll turn to you.

**Mr. Larry Innes:** It looks as though I'm the efficient one.

Thanks for your question, Ms. Jones.

Perhaps the best way to answer this is to say that the Dene have been at the table for decades. Several of the regions have settled their agreements. However, as I'm sure was pointed out in detail this morning, the settlement of those agreements contemplated regional structures in which the people of a particular region could bring matters concerning their lands and resources to a body that they themselves were adequately represented on. That body could then give proper consideration to the issues before that region.

That opportunity is being denied to the unsettled regions, to the Dehcho and to the Akaitcho, by the changes that are being put forward in this bill. The super-board, the revamped MVRMA structure, is not a regional structure. It does not provide voice for the people of those regions. It in fact makes them just one of 11 members on a body that is ultimately under the control of the federal minister.

That is not devolution. That is a continuation of federal control and the dictating of northern policy to northerners from Ottawa, which is not what this bill intended or what this bill, being called the Northwest Territories devolution act, should actually achieve. We're seeing yet again a purpose disguised in the title of a bill, which claims to be providing for the devolution of control to northerners when in fact it does the opposite.

You talked a little bit about what this would mean in terms of the settlement for those first nations who are not yet parties to a final agreement. For the Dehcho—and I'm here representing the Dehcho—I can only say it will increase the time that it takes to reach a resolution of their agreement, and it will increase the time that it will take to bring the benefits of resource development, proper planning, proper land use management, conservation, and other things to that region, which has been waiting for a very long time, as the grand chief pointed out earlier.

These issues have been before Canada for decades. They are not being resolved through this legislation. The only proper thing that this committee should recommend is that the two issues of territorial devolution and the revamping of the regulatory structures of the

Northwest Territories be separated and considered on their separate merits.

Canada should not be dictating to the regions through legislation the structures for co-management that it wants. It should be at a table negotiating these matters in good faith, and that is not what we're seeing in this legislation today.

• (1450)

**The Chair:** Thank you.

Now we are absolutely over time, but I do want to thank you for your patience and your willingness to stay with us during our extended period of time with you. Thank you for taking the time away from your communities as well. I know you're all very busy people.

Gentlemen, thanks again.

We'll now suspend. I should just note that we have representatives from the Katlodeeche First Nation, as well as the North Slave Métis Alliance, the Acho Dene Koe First Nation, and the Fort Liard Métis Local 67, who will be on our next panel.

We'll suspend for just a few minutes and set up for the next panel.

The meeting is suspended.

• (1450)

(Pause)

• (1500)

**The Chair:** I will call the meeting back to order.

For our next panel, we have the privilege of having representation from the Katlodeeche First Nation. We have Chief Fabian with us. Thanks so much for coming.

Joining him we have Peter Redvers. Thank you so much for being here.

We also have with us Bill Enge from the North Slave Métis Alliance. Thank you so much for being here.

**Mr. Bill Enge (President, North Slave Métis Alliance):** Thank you.

**The Chair:** We also have with us Christopher Devlin, who is joining you. Thank you so much for being here.

From the Acho Dene Koe First Nation, we're going to have Chief Deneron. I'm not certain if he's in the room, but we hope he'll join us shortly. From Fort Liard Métis Local 67, we're hoping to have President McLeod with us. If those two gentlemen are in the room, we'd love to have them join us at the front of the room. We will proceed and hope they join us.

To begin, we'll turn to Chief Fabian for his opening statement. Then we'll go down the line.

Chief Fabian.

**Chief Roy Fabian (Chief, Katlodeeche First Nation):** *[Witness speaks in the Dehcho Dene language]*

Thank you, Mr. Chairman, for allowing me to speak here today.

As the chief of Katlodeeche First Nation, I would like to talk about several things. Eventually, I'd like to allow my technician to say a few things about some other things that I can't deal with.

My great-grandfather signed the Katlodeeche First Nation treaty in 1900. I want to talk a little bit about under what conditions he signed that treaty. I think it's important, because a lot of times we miss that point. What gave him the right to sign that treaty? I want to talk about that a little bit.

As for the people, we have been living on this land from time immemorial. We developed our integrity based on the integrity of the land. We developed our culture, our language and our capacity. Through those things, we thrived on Denendeh. Our people were thriving. When Canada came to us hat in hand and asked us to share the land with them, our forefathers did that. My great-grandfather shared the land with Canada and the crown, but he did it with the crown. Canada's people are subjects of the crown. You need to remember what the relationship is here. As subjects of the crown, you should make sure that you get direction from the Queen before you come and talk to us. That is something that is really important which I needed to say.

As a Dene people we had our own government based on our integrity, culture, language and capacity. We had a full-blown government just like yours. In fact, it was such an intricate form of government that we thrived on this land. Today, after over 114 years of treaty relationships, I don't sit here like my great-grandfather. Therefore, my people, the Katlodeeche First Nation people, told me that we are not to negotiate another treaty, that we are to stick to Treaty 8, because we cannot negotiate a better treaty than the one that our forefathers made when they were thriving on this land and had full capacity to be able to thrive on this land. Today we don't have that, so don't even think about trying to negotiate a new treaty.

What the Katlodeeche First Nation wants to talk about is treaty implementation. We're not going to sign any kind of a land claim. I don't think I can do a better job of negotiating a better treaty than my forefather did. I always need to remember that.

As previous speakers said here, we as Katlodeeche First Nation do not cede, release or surrender our land. We still have full authority over our traditional territory.

• (1505)

As they said before, when the Paulette case took place, Judge Morrow confirmed that the Dene version of the treaty is the correct version, and that the English version does not apply. It was a year after that, that we, the Katlodeeche First Nation, took a reserve. When they were negotiating that reserve, the elders at that time made sure that they did not cede, release, or surrender. Canada told us, told our chiefs, "If you settle this reserve, you will also have the opportunity to settle the land claims later on." It's based on us taking a reserve. Therefore, we believe we still have full treaty and aboriginal rights on our traditional land. We did not cede, release, or surrender.

That means that there are four things that we have. First, we have the right to harvest, hunt, trap, and fish on our land. Second, we have the right to manage our resources. Third, we have title to our land. Fourth, we have self-government and we govern our land.

The unfortunate situation we are in is that we have an administration governing us. As Bill Erasmus pointed out, the Government of the Northwest Territories is an administrator of Indian Affairs, yet somehow you're going to devolve all this power to them. In order for you to do that, for us we still have control of our lands and resources. We have a right, an aboriginal and treaty right, to our lands and resources. You can't devolve it to the Government of the Northwest Territories without our consent. That means that you're going to have to accommodate me. Somehow you're going to have to make it right so that I can have a say on my land.

Right now I don't have a say on my land. For example, the Government of the Northwest Territories is passing legislation on my land that I believe is illegal. Things like the Wildlife Act, the Forest Management Act, and all these other acts that the Government of the Northwest Territories passes, are not supposed to apply to my land. The Katlodeeche traditional land is not ceded territory, so you can't do that.

We reluctantly participate in a lot of things your government applies to us. The Mackenzie Valley Resource Management Act is one of them. We did not get consulted when you devised that thing, but we participated in it. As we participated in it, we began to see that it was something that worked for us to be able to protect the environment. That's the most important thing that we do as first nations, protect the land, because without the land we're nothing.

And you, as Canadians, are nothing without the land. You know that, and that's why you are fighting so hard with us to try to gain control of it. But you're not worried about the environment. You're worried about trying to exploit the resources and to kill the land. That's not where we want to go. As a first nation, we want to protect Mother Earth, so we will not support this resource management act revision. We have treaty and aboriginal rights that my technician is going to talk to, that are going to be important to us. We've given you our submission. You know what our issues are.

• (1510)

We can't sit by and allow this thing to take place. We don't necessarily agree with devolution, but we have no choice but to participate. At the same time if you're going to give the resources to the Government of the Northwest Territories, make sure that the Mackenzie Valley Resource Management Act is in place to make sure they're going to protect the land the way you did. You're the ones who devised that document and now you want to change it. Why? Because you want to exploit the resources.

There's talk that this is a sustainable process. It isn't a sustainable process. What you guys are talking about is that you're just going to blow it wide open. What's going on in Alberta is going to go on here. That's something I could never agree to. The thing about it is that the resources are limited. If we exploit it all at once in the next 50 years, what are the future generations going to have? They're going to have nothing. They're going to look back and wonder what the hell those guys did. Your children are going to be in the same place, not just mine. Your future children are going to look back and say what did those guys do? Now we have nothing to live with here. That's what we're talking about here. We're not talking about anything else. As a Dene person, I need to look forward. I need to look into the future to my grandchildren and ask what I am going to do for them, not what I am going to do for myself.

This is the question all of you need to ask yourselves: what are you willing to do for your children? You guys hear all the horror stories that are going around as a result of all this development that's taken place—global warming and all that. We're ignoring it. We can't. We mustn't if we want to create a future for our future generations.

I hope you think twice about what you're doing with that resource management act. What you're going to do is destroy the land. That's what we're talking about.

With that, I'll let my friend Peter Redvers talk to a few of those issues.

*Mahsi cho.*

• (1515)

**The Chair:** Thank you again.

We've run out of time, but if you have a few comments with regard to the technical aspects of the bill, we'd happily hear from you.

**Mr. Peter Redvers (Consultation Facilitator, Katlodeeche First Nation):** Thank you. A few of the points that were made in the brief just need to be reiterated or emphasized.

First of all, the Katlodeeche First Nation has taken the position that Bill C-15, particularly part 4, the amendments to the Mackenzie Valley Resource Management Act—more specifically, the restructuring of the land and water boards—will actually prejudice KFN's ability to negotiate with Canada and the GNWT full implementation of its land and resource management rights within its traditional territory, either on its own or through a regional body set up through the Dehcho First Nations. That opportunity is denied.

KFN would also like to point out that a question has arisen a couple of times this morning about why certain clauses might have been in the land claims agreements, specifically the Gwich'in and Sahtu agreements, if they weren't contemplating the creation of a territorial board and the loss of regional boards.

We would respectfully point out that, in fact, once the two claims, the Sahtu and Gwich'in claims, were settled and the boards were established, there's a section in both of those claims that says when there's a territorial board established, "it shall assume" the authorities of the regional boards. Also, then, sections 24.4.6 and 25.4.6 of those agreements—which is the key section—say, "Legislation may

provide for regional panels of the Land and Water Board", and say that the respective first nations will be consulted.

I think the point we're making is that those sections of the agreement were actually completed and fulfilled in 2000. The regional boards were established. Then, for sections 24.4.6 of the Gwich'in agreement and 25.4.6 of the Sahtu, where the territorial board was established in 2000 under the MVRMA, that was completed. Check that one off.

At the same time, paragraphs 24.4.6(b) and 25.4.6(b) were also implemented, so that the regional boards became "panels" of the land and water board. So in a sense, that section of the agreement was fulfilled. It was completed. It was done by the creation of the territorial board with the regional panels in 2000.

To say that these amendments are implementing the agreement is in fact not true. They are actually overriding sections of the agreement that have fully been implemented as per the agreements and as per the establishment of the MVRMA and the territorial and regional panels in 2000. Changing that again will affect KFN's ability to negotiate its own authorities.

The other point, which I think might be becoming a little obvious here, is that the intent of these changes was to create a more efficient and effective system. Well, with all due respect, you don't do that by pissing people off. I have lived in the north for 38 years, and I can assure you that development, proper and sustainable development, and proper discourse, and respectful discourse occur when parties speak and act respectfully towards each other. When one party imposes their will on another, it creates a situation where there is going to be more confrontation and a more adversarial relationship. So I'm going to predict there will be more challenges to decisions made by the body set up under this amended board, and that's something you need to take into account.

A quick point also in the KFN... With all due respect to Mr. Pollard, when he met with the first nations—and I was a part of those most recent consultations—he was throwing numbers out about how this board structure would result in up to 50 members of the board. That was completely fallacious.

He knew at the time—or the minister knew at the time—that there were only the five regional boards that were likely to be set up, that the other claimant groups were not in fact requesting, and that in some cases their AIPs did not include the establishment of land and water boards, so that was incorrect. The maximum for board members might be 30. With the reduction in some of the regional board members, that could be anywhere from 20 to 25.

There are some options that were put forward. None of those were considered as to whether or not there was some way to do this that would allow the regional boards, so in that sense the consultation process failed because it did not make an attempt to accommodate.

Third is time limits. Along with no regional boards, the imposition of time limits, particularly ministerial-controlled time limits, will affect the procedural aspects of consultation. One of the things that seems to be overlooked is that the regional boards fulfill a very important role in the procedural aspects of section 35 consultation. There was buy-in through the claims agreements. They were respected and accepted, which meant that the deliberations and processes carried out through those boards could be seen to be fulfilling procedural aspects of consultation.

That opportunity is now lost. I believe it's going to result in more time being spent by the Government of Canada in having to carry out its own consultation processes, because the procedural aspects will not be adequately fulfilled. Again, that's KFN's position in the brief that's been submitted.

● (1520)

There are two points. On ministerial authority, whether it be federal or territorial authority, there is no reason for the increase in that. It will undermine the credibility of the board. It may put the boards in a position of being biased, particularly in the appointment of the chair, and ultimately you'd end up with a system that's micromanaged by politicians rather than being managed under legislation and regulation.

If you are wanting to look for a way to slow down processes or make them less effective, with all due respect to you who are politicians, let's get politicians involved, because as soon as decisions become political rather than technical, governed by legislation and regulation, the world becomes a little more complicated. I think you are going to find ministerial authority is not going to make things more efficient and effective, but in fact micromanagement is going to again undermine those processes.

Getting down to real specifics, there are two specific amendments that could be made to those sections and aspects of the bill, the MVRMA amendments, that are reasonable.

In terms of that ministerial authority, particularly with the environmental reviews on page 4 of the brief, the following could be added: "If the review board deems a development to be particularly complex due to its scope, technological or infrastructure requirements, location within or near an ecosystem recognized or designated as requiring special protection, and/or potential for high impacts on treaty or aboriginal rights, the board may set or adjust time limits at its own discretion, as long as all affected parties are notified in advance of these decisions." The boards need to be given the flexibility they need in order to accommodate the complex geocultural and geopolitical nature of the NWT. That would be proposed subsection 128(2.5).

Another proposed amendment would be that proposed subsection 128(2.4) could read, "If the review board requires the person or body that proposes to carry out the development, or a first nation directly affected by the proposed development, to provide information...". In essence they can call a time out. Basically the legislation allows the board to call a time out when industry requires and needs to gather information. It doesn't give a time out for first nations to gather information, and that would be traditional knowledge information of relevance to deliberations of the board. Traditional knowledge is recognized in the act but there is no mechanism by which first

nations can use time within that process to carry out traditional knowledge research to better represent their interests.

Finally, in the latter part of the KFN brief that was presented, pages 6 to 8 point out in detail the formal consultation process that was carried out between June and essentially October and November of this past year. As you can see if you follow through that, and I ask you to review it, there were considerable problems with the formal consultation process. I know the term "consultation" has been applied to the work Mr. Pollard has done. I have not yet seen any documentation tabled by Mr. Pollard in terms of the details of that consultation process, such as who said what where, and how the decisions that he arrived at were reached. KFN would like to point out that in its view the formal process of consultation carried out in the last period of time was utterly inadequate under the law, and you as the committee need to be made aware of that.

Thank you.

**The Chair:** Thank you.

We'll turn now to Chief Deneron. Thank you so much for joining us.

**Chief Harry Deneron (Chief, Acho Dene Koe First Nation):** Thank you, Mr. Chairman.

My name is Harry Deneron, and I represent the Acho Dene Koe First Nation from the southwest of the territory.

You know, Mr. Chairman, it's pretty hard for me to pull up a chair here after the previous presentation, and sitting next to Mr. Fabian over here.

I was born and raised in northeast B.C. Today all the development is happening in the Horn River basin and the Liard basin, and yet the B.C. government doesn't recognize us there. Today they confiscate the wildlife we get, and we're threatened not to set nets in certain lakes. It's very difficult.

I became a chief in 1975. That's a long time ago. At that time we had one voice, one organization, the Dene Nation. We laid claim to the entire north to the ocean. Of course we don't think alike, and we don't speak alike. I think it was in 1990 that a group from a different region walked out, and we were left alone with the Dehcho First Nations.

Five and a half years ago, we asked the government to see if we could do a stand-alone land comprehensive claim. I guess today I can say that in early December last year we signed off on our AIP. It's in the hands of the minister to either sign on or reject it. I'm hoping he will sign on so that we can move forward.

I guess we're here because of devolution, and Bill C-15, and the super-board. I've been through all of these before. Devolution I don't have any problem with. It's nothing new. Where I have a problem with devolution is if we think we're going to create lots of work and be prosperous. I know that to work in northeast B.C., you have to have some skill and be certified with six tickets to work for an oil company.

I think in 1978 it was the last time in the territory, in and around Liard, that we had some training undertaken by "Hire North", as it was called. They were the ones who built the highway north of the B.C. border. Every one of those people who went through that training, who were in the workforce, and who had skills have either gotten old, or I'm sorry to say, passed away.

Every time you leave human resources development with no training, you're asking for big trouble. I don't see that we're going to greatly benefit from devolution, but I believe it's not too late. I think we can start training, and I think we can undertake those developments that will happen in our region.

The super-board I have no problem with either. We have to say that in the past the Mackenzie Valley water board made recommendations, only to find that enforcing the recommendations were federal Fisheries and Oceans or federal land-use inspectors.

• (1525)

So if we feel that there should be a new way to protect our environment, we must have something with enforceable rules that apply to those recommendations.

I work in northeast B.C. where there is a board or commission called the BC Oil and Gas Commission. They send you a notification telling you that certain companies have made an application to work in your area, and you have 30 days to respond or no response is required. That's it. I don't have a problem with that.

They also have very strong enforcement people if someone breaks the environmental rules and regulations. I believe that it's about \$10,000 a day. We don't have that in the territory. I've never seen it. So if there is a change, I don't have any problem with it if we do it right. I know some people are very protective of the treaty that happened for us in 1921 or so. Today we find that the only thing our kids do is play games and none of them are out in the bush. I believe there are only two people who trap in our area today. We have 776 members, so we do have a problem there too.

That's all I have to say.

Thank you.

• (1530)

**The Chair:** Now we go to President Enge.

Thank you so much for being here. We'll turn it over to you for your opening statement.

**Mr. Bill Enge:** Thank you, Mr. Chairman, and good afternoon, panel members.

My name is Bill Enge, and I am the president of the North Slave Métis Alliance. I have been president since 2004. With me is my legal counsel, Christopher Devlin, who is assisting me with any questions you may have respecting my presentation.

To begin, I thank the committee for the opportunity to provide the views of the North Slave Métis Alliance, or the NSMA, on the Northwest Territories lands and resources devolution agreement and amendments to other acts in the Northwest Territories.

Since the devolution agreement forms the framework upon which all the amendments included in Bill C-15 are built, the North Slave Métis Alliance's presentation focuses on that key document.

The North Slave Métis Alliance represents a contemporary section 35.1 aboriginal rights-bearing Métis community within the Great Slave Lake area of the Northwest Territories. In June 2013 the Supreme Court of the Northwest Territories declared that NSMA and its members have a good prima facie claim as a Métis community that holds aboriginal rights protected by section 35 of the Constitution Act, 1982, in the area north and east of Great Slave Lake, Northwest Territories.

Because the North Slave Métis Alliance and its members hold these section 35 aboriginal rights in the region to the north and east of Great Slave Lake, we cannot support the devolution agreement in its current form. This is because the devolution agreement in its current form runs roughshod over our members' aboriginal rights.

Today I'll give you a brief overview of our community and then describe some of the questionable actions the crown has taken in the devolution process respecting the North Slave Métis Alliance and its members' section 35 aboriginal rights.

In June 2013 the Supreme Court of the Northwest Territories handed down a decision about our community. The court accepted thousands of pages of historical research and sworn affidavits that revealed that an historical community of Métis people had its ethnogenesis in the Great Slave Lake area in the early 18th century. That Métis community was regionally based rather than based in any one particular fort, village, or town, and was ethnically distinct from the Dene and European people who also used and occupied the Great Slave Lake area.

The Métis community of the Great Slave Lake area has continued from historical to present time. The Métis community continues to exercise its collectively held, unextinguished aboriginal rights as Métis people to the north, south, east, and west of Great Slave Lake.

All of this historical research is consistent with the principles articulated by the Supreme Court of Canada, in the case of *R. v. Powley*, respecting the identification of Métis communities that hold aboriginal rights protected by section 35 of the Constitution Act, 1982.

Currently the contemporary Métis community of the Great Slave Lake area is subdivided into different constituencies, each represented by incorporated societies. The North Slave Métis Alliance was incorporated in 1996 by the contemporary constituency that uses and occupies the traditional Métis lands north and east of Great Slave Lake. In 1997 three other constituencies to the south of Great Slave Lake incorporated an umbrella group, the South Slave Métis Tribal Council, now known as the Northwest Territory Métis Nation.

The Northwest Territory Métis Nation was created by Métis constituencies in Fort Smith, Fort Resolution, and Hay River to promote the unity and aspirations of the Métis of the South Slave region. The Supreme Court of the Northwest Territories noted the distinct and different goals of the North Slave Métis Alliance and those of the Northwest Territory Métis Nation.

The record shows that the North Slave Métis Alliance and the Northwest Territory Métis Nation have both been representing their constituents for all intents and purposes for the same number of years.

This leads me directly to one of the questionable actions the crown has taken in the devolution process respecting the North Slave Métis Alliance and its members' section 35 aboriginal rights. Why was the North Slave Métis Alliance a part of the devolution discussions when they began, in 2001, but not now, in 2014?

The North Slave Métis Alliance was a party to the devolution discussions in 2001, when they began. The North Slave Métis Alliance was a founding member of the aboriginal summit, a group created as a vehicle for aboriginal government leaders in the Northwest Territories to work together on the devolution process.

• (1535)

Devolution negotiations stalled in 2005. When they started up again, the North Slave Métis Alliance was not invited back to the table.

When the North Slave Métis Alliance was part of the devolution negotiations, the definition for who could be a member included aboriginal groups, in a process to obtain recognition of their rights. When the North Slave Métis Alliance requested inclusion in the reinvigorated devolution negotiations, Canada told the North Slave Métis Alliance that the North Slave Métis Alliance cannot be included because the North Slave Métis Alliance does not meet the new definition for who can be a member. The new definition provides that an aboriginal group can only be a member if the crown chooses to engage in a formal process with the crown for the negotiation of a land claim agreement with that aboriginal group.

The NSMA asked to engage with Canada. Instead of engaging, Canada has stonewalled engagement with the North Slave Métis Alliance by repeatedly asking the North Slave Métis Alliance for more information about its organization and members.

The North Slave Métis Alliance provided Canada with the information it requested. In June 2013 the Supreme Court of the Northwest Territories ruled in favour of the North Slave Métis Alliance on exactly the same information that the North Slave Métis Alliance provided to Canada. With that in mind, if the Supreme Court of the Northwest Territories has found that the North Slave Métis Alliance has a good case for aboriginal rights, why then does the crown continue to refuse to recognize that the North Slave Métis Alliance is an aboriginal rights-bearing group and to facilitate its inclusion in the devolution agreement?

Why is Canada privileging the Northwest Territory Métis Nation over the North Slave Métis Alliance? The Minister of Aboriginal Affairs and Northern Development Canada wrote the North Slave Métis Alliance a letter in August 2013, acknowledging that the North Slave Métis Alliance members have a good claim to Métis hunting rights north of Great Slave Lake. Regardless, Canada has told us that the North Slave Métis Alliance has to go somewhere else and be someone else if we want to participate in devolution.

Canada's position is that all self-government and land claim negotiations in the Northwest Territories are derived from Dene ancestry. Canada refuses to negotiate land claims and self-

government on the basis of Métis ethnicity. Consequently, Canada is negotiating with the Northwest Territory Métis Nation and other aboriginal groups purely on a policy basis.

In other words, Canada's policy is to negotiate aboriginal rights and titles in the Northwest Territories based on aboriginal people's Dene ancestry, rather than on the basis of any assessment of their Métis rights. Canada informed the North Slave Métis Alliance that its members would be better off having their rights represented by the Northwest Territory Métis Nation.

The Northwest Territory Métis Nation is poised to sign a land and resources agreement in principle with Canada and the Government of the Northwest Territories, which will clarify ownership and rights of the Northwest Territory Métis Nation in relation to lands and resources in the South Slave region. But if North Slave Métis Alliance members join the Northwest Territory Métis Nation, they would voluntarily forfeit their Métis rights north of Great Slave Lake, which the court and the minister so recently recognized.

Is this fair? Is this right? Is this a nation that upholds the rule of law? The law and the minister have recognized our Métis rights, but Canada is telling us to give up those Métis rights to our traditional lands north of Great Slave Lake because of its national policy directive.

This brings me to my final question. Is the North Slave Métis Alliance's exclusion from the devolution agreement just about money?

The devolution agreement and the various intergovernmental agreements flowing from it provide numerous benefits to the aboriginal parties that have been allowed to participate. The benefits range from representation on an intergovernmental council on land and resource management, which provides a forum for the parties to influence land and resource management policy in the Northwest Territories, to the receipt of funding pursuant to a resource revenue-sharing program.

But the North Slave Métis Alliance members are being left out in the cold. The structure of schedule 17 of the devolution agreement, the "Northwest Territories Intergovernmental Resource Revenue Sharing Agreement", reflects that reality.

• (1540)

The revenue-sharing schedule clearly states that the Northwest Territory Métis Nation includes only three communities: Fort Smith, Hay River, and Fort Resolution, all of which are south of Great Slave Lake. To the north of Great Slave Lake, there are only Indian groups named in the schedule. This means that there is no Métis organization representing Métis rights in the region to the north of Great Slave Lake. So North Slave Métis Alliance members have nowhere to go to have their Métis rights, so recently recognized by the courts and the minister, represented in the devolution process.

The revenue-sharing schedule also provides that the funding transfers to aboriginal groups will be based on membership numbers of each group. The addition of North Slave Métis Alliance members to any of the other aboriginal organizations will mean that these organizations will get more money when devolution is effected. This per capita distribution of the devolution funding is undoubtedly desirable from the point of view of any aboriginal organizations that will get more money if they get our members on their membership lists. It seems to us our members' Métis rights are just a political and financial windfall for the lucky group or groups our members get frogmarched into.

In conclusion, in the Northwest Territories the crown is not honouring Métis rights. The crown refuses to recognize the North Slave Métis Alliance as an aboriginal rights-bearing Métis collective. Canada maintains this position in spite of substantial evidence and a court ruling in the North Slave Métis Alliance's favour. Canada is only negotiating with the Northwest Territory Métis Nation because of policy decisions, which have nothing to do with Métis rights. These policy decisions have driven Canada to tell us that North Slave Métis Alliance members' rights would be better represented by the Northwest Territory Métis Nation. But joining the Northwest Territory Métis Nation would require North Slave Métis Alliance members to voluntarily forfeit their Métis rights north of Great Slave Lake. This is not a legitimate choice for our members. It's not fair. Forcing our members to do this is arguably a contravention of the laws of this nation.

To Canada, the North Slave Métis Alliance is an inconvenient truth. Canada wants certainty in the Northwest Territories but is attempting to achieve it at the expense of our members' section 35 constitutionally protected aboriginal rights. The North Slave Métis Alliance cannot and will not stand idly by and let this happen.

This concludes my presentation. I thank the committee for the opportunity to present our views. We look forward to answering any questions you may have.

Thank you.

• (1545)

**The Chair:** Thank you, Mr. Enge.

Bill, I asked you at the beginning of this time how to pronounce your last name, and then I mispronounced it, so I do apologize.

Folks, we'll turn to the rounds of questioning starting with Mr. Bevington.

**Mr. Dennis Bevington:** Thank you.

I have some questions for Katlodeeche. What's your perspective on the clause that creates the territorial board and the loss of the regional boards? How will that affect it going forward?

**Mr. Peter Redvers:** Thank you.

I believe in my kind of hurried presentation, given the time, we were trying to point out from KFN's perspective that it appears that those clauses, certainly in the two agreements—the Gwich'in and the Sahtu as we look at them—suggest that what was contemplated in the creation of the territorial board was actually fully enacted in 2000 when the territorial board was established with the regional panels. Therefore, that piece, I guess, of the claims agreement was

concluded, so the intent or the move right now to pull back those regional boards is in fact a clear violation of that agreement.

That's obviously for those groups to determine. The only reason we're raising that, or KFN is raising that, is simply that again the removal of the regional boards will prejudice the Katlodeeche First Nation's ability to negotiate its own authorities and responsibilities in terms of land and resource management, either on its own or through the Dehcho region as a part of a regional land and water board or panel.

**Mr. Dennis Bevington:** Mr. Enge, you've talked a lot about the devolution agreement. How does your organization look at the changes to the Mackenzie Valley Resource Management Act? Have you an opinion on the impact that will have on your ability to exist in a good fashion in the North Slave, to allow you to have the kinds of inputs that you're looking for on the resource development issues that may come forward, or on your ability to exercise control over land and resources? How do you see it?

**Mr. Bill Enge:** Thank you, Mr. Bevington, Dennis if I may, since we have been acquainted with each other for a number of years.

The changes to the act are going to cause to be brought into effect a super-board, as it's being known. This super-board calls for guaranteed representation by three of the settled land claim areas. Then there are government appointments after that to make up the remainder of the board.

The North Slave Métis Alliance does not currently have any representation on any of the boards in the Northwest Territories even though we have pointed that out to the minister a number of times. We will not be provided with a seat at these super-boards so that we can ensure that our rights and interests are voiced and represented. So we cannot support the changes to the Mackenzie Valley Environmental Impact Review Board as it does not accommodate the aboriginal rights and interests of the North Slave Métis people.

We are being excluded from the devolution agreement and we are being excluded right now from every single board in the Northwest Territories. We find that patently unfair, unjust, and plain wrong. There have to be some changes made to the act in its form to accommodate the North Slave Métis people to make sure that they too can participate as equal aboriginal peoples in the development of the north.

So not only is the devolution agreement unsupportable by us, but all the rest of the amendments that go along with it cannot be supported because we are being left out in the cold. Our rights are not being respected by these changes to the act. It's time for this government to do something about that.

Thank you.

• (1550)

**Mr. Dennis Bevington:** Was there any attempt by Mr. Pollard to engage you at all in any of this?

**Mr. Bill Enge:** Indeed I had one of my legal representatives and members of my environment staff participate in the presentation by Mr. Pollard. We have a number of questions that came from that. Again, the kinds of assurances that I've heard back in terms of feedback from my staff do not lead me to have confidence in what is being proposed and contemplated by the changes to this legislation.

Thank you.

**The Chair:** We turn now to Mr. Strahl for the next questions.

**Mr. Mark Strahl:** Thank you very much to all of our witnesses for sharing your testimony with us here today.

I just want to mention some other testimony that we heard when this bill first came before the committee. It's an ongoing study. The minister was before committee and the question came up about unsettled claims. He said that the conditions of devolution clearly protect the duty, the responsibility, or the possible claims of aboriginal groups in the territory and beyond. There is nothing here that can affect the comprehensive land claims process that is taking place right now. These negotiations will go on.

My question is for Chief Deneron. You mentioned that you have an agreement in principle that you have signed and you are waiting for a response to that. Is there any indication from your first nation that devolution will put the brakes on your ongoing negotiation?

**Chief Harry Deneron:** If we are going to implement our AIP and if there are any changes in any policy, now is the time to accept them and integrate them with our final agreement and accept those changes.

**Mr. Mark Strahl:** Thank you.

You also mentioned your concern that only a couple of people in your territory are trapping in the bush, as you said. It's certainly not unique to the north. I know that my nine-year-old son also does a lot of the gaming you mentioned.

But for your community, I'd like to know what are some of the economic opportunities that you would like to pursue for your people. Has the current regulatory regime, such as it is, presented any challenges to some of the projects that you may have wished to pursue?

**Chief Harry Deneron:** Let me first explain that we live so close to the B.C. border that 80% of our job needs come from northern B. C. development. It's not very hard to see, because when you fly out of Fort Liard, once you clear the treetops you see a bunch of lights to the south, and that's the border. North of that border, there are no lights.

I believe this is the reason we're here today. I don't think gas and oil stop at the border. I believe there is gas north of the border too. If it's not a safe place to invest for those developers, they're not going to come here. I think that's more the reason we're here today.

Most recently, we're working with the minister's office with regard to gas and oil. Amoco Canada used to own the Pointed Mountain gas fields. When they left, there was nothing left. Those lands were assigned to Amoco in 1970. We lived with gas and oil development in our area. When Amoco was there, there was no IBA in place. There was nothing. We did not benefit from that development. We got nothing.

Today, working with the minister's office on gas and oil, the different oil companies made plans to go back there and explore some of those old wells. Today we have kind of agreed with the minister that the different oil companies should take over those leases for 21 years.

The word from the company is that there are 13 trillion feet of recoverable shale gas in that area from that one parcel, so that's a pretty bright outlook for us if we can go in there with a new devolution team and maybe explore that area. On that basis, I think our future looks pretty bright.

● (1555)

**Mr. Mark Strahl:** Thank you.

**The Chair:** Gentlemen, we want to thank you for your time before us today.

Ms. Jones allocated her time so that testimony could continue, so we thank Ms. Jones for that.

Gentlemen, we do thank you for coming here, for answering questions, and more importantly, for bringing your testimony to our committee.

We'll now suspend for a short break, colleagues. We'll return in about 10 minutes.

● (1555)

(Pause)

● (1605)

**The Chair:** We'll call our meeting back to order.

I didn't warn the witnesses before we broke, but we do have some changes to the list. The groups that will be represented include the Northwest Territories and Nunavut Chamber of Mines. We also have representatives from the Northwest Territories Chamber of Commerce and from the Northern Territories Federation of Labour.

I do want to thank you all for being with us today. We certainly appreciate your willingness to take time out of your busy day in order to join us.

We'll begin with representation from the Northwest Territories and Nunavut Chamber of Mines. We have Tom Hoefler, who is the general director, as well as Michael Hardin.

Thank you for joining us. We'll turn it over to you, gentlemen, for your opening statement.

● (1610)

**Mr. Tom Hoefler (Executive Director, NWT and Nunavut Chamber of Mines):** Thank you very much, Mr. Chair and the folks here. My name is Tom Hoefler. I'm the executive director of the NWT and Nunavut Chamber of Mines.

We are an industry association and champions for mining in the two territories. Our review of Bill C-15 was also done collectively with our sister national organizations, the Prospectors and Developers Association of Canada, and the Mining Association of Canada.

I'm joined by our legal counsel, Michael Hardin, who has helped us with our submissions and who has a wealth of northern regulatory knowledge, having worked with us for over 20 years.

We would like to start by thanking the minister of AANDC and his staff for their consultations with us and for the very detailed response to our concerns. Although we did not get everything we were hoping for in Bill C-15, we are thankful for the improvements being proposed and for the minister's assurances of our continued involvement in the regulatory improvement process.

We have submitted to you a detailed brief, and I will now take you through the deck that we also provided in advance.

Turning to slide 2, we have a number of key messages. Our minerals industry is the foundation of the NWT economy. We support the devolution of land and resources to the new landlord, the Government of the Northwest Territories, and our interest in Bill C-15 will focus on regulatory improvement, specifically amendments to the MVRMA.

There has been a significant decline in exploration spending. We are encouraged by amendments to the MVRMA that can help turn this around, but more amendments are needed, especially with respect to unwarranted referrals of small exploration projects to environmental assessment. Therefore we believe that more changes are required to create certainty again for investors.

I'll turn to slide 3 to introduce the importance of our industry. Over the past 80 years the value of NWT mineral production has exceeded \$60 billion.

In the next slide you will see that mining is the biggest business in the Northwest Territories. We're the largest single private-sector contributor to the economy, and we add even further benefits through construction, transportation, and real estate.

In the next slide, mining creates huge value for the NWT as data from Natural Resources Canada demonstrates. As you can see, the value of NWT mining production is many times greater than that of Nunavut and the Yukon.

In fact in the next slide you can see that we're globally significant. Our diamond mines have established the Northwest Territories and Canada as the third most valuable producer in the world.

In the next slide you will see that our mines turn that production value into benefits for the NWT and Canada, and for aboriginal and northern residents and businesses. For detail beyond the figures shown here, I encourage you to download from our website the publication "Measuring Success". There's a picture of the cover shown on that slide.

The next slide shows the unfortunate reality that no mine lasts forever. This chart shows the current lives of our NWT mines. While we are hopeful that their owners may be able to find ways to extend them in the future, there is no guarantee of this. Importantly since discovering and permitting a mine is a 10-year-plus process, we need to be attracting a constant flow of exploration investment annually. This is where the dilemma lies.

The next slide shows the annual exploration spending. I draw your attention to the Northwest Territories in blue. Note how it declines and essentially flatlines compared to our neighbours. Note how successful Nunavut and the Yukon have been in attracting investments over the same time period. Since our mineral potential

is at least equal to that of our neighbours, we know something is structurally wrong here in the Northwest Territories.

Let me emphasize that in the next slide, which reveals a steady decline in the NWT's competitiveness and our loss of Canadian market share. Let me note too that the small uptick projected for 2013 is not due to an increase in exploration but is rather due to investment in just a very few of our advanced projects.

Why, you will ask, have exploration dollars fled the Northwest Territories? The next slide gives two principal reasons. First is the uncertainty caused by unsettled land claims in two of the most prospective parts of the territories, namely the Akaitcho region and the Dehcho region.

The second reason is the complex, costly, and unpredictable nature of the regulatory process under the Mackenzie Valley Resource Management Act. For these reasons, we continue to emphasize the urgency of quickly settling land claims. We also look to devolution to play an important role, particularly with the NWT government's launch and implementation of its first-ever NWT mineral development strategy. We are also hopeful that the amendments to the MVRMA proposed in Bill C-15 will be seen by investors as a step in the right direction.

However, we respectfully submit that the Bill C-15 reforms will not achieve the full turnaround that is needed without additional key amendments to the MVRMA beyond those in the current bill.

The next slide shows our many attempts to get regulatory improvements to the MVRMA just over the past six years. During the same period, we watched the steady decline of investment in the Northwest Territories. If we are to sustain the great benefits our industry is providing, we must seek improvements in the MVRMA to rejuvenate exploration investment. We're hopeful that following our submission today, the committee will help drive that point home and get additional changes made.

•(1615)

Let me speak now to the important changes that we support in Bill C-15, as shown on the next slide. Overall, we are happy to see definitive timelines. However, there is one proviso to this, which I will speak to when we reach the next slide.

We also support the expanded ministerial authority to issue policy directions to the Mackenzie Valley Environmental Impact Review Board. As well, we're happy to see that there is a clear mechanism included to authorize changes to the new development certificates without the need for a project to undergo a new environmental assessment.

Amalgamation of land and water boards has attracted considerable commentary. We recognize that the aboriginal community is validly concerned by the loss of the existing regional panels. You should know that a number of industry members, especially those who have developed close working relationships with the regional boards, have likewise expressed reservations.

On balance, we support the amalgamation proposal provided that it does not negate the existing working relationships that applicants and licence holders have developed with the regional board panels, that the amalgamated board maintains a strong regional presence, and that the board chair is authorized to appoint a representative from the settled land claim area that hosts the project under review. We're encouraged that the minister has indicated that AANDC will take this into consideration.

I will turn now to our final slide. We believe that further reform to the bill is needed in five key areas.

First is the unwarranted referral of the small exploration projects to environmental assessment. Mineral investors repeatedly identify the risk of an unwarranted referral as the number one reason to vote with their feet and invest elsewhere. These referrals are frequently made on the basis of public concern, an important term that is not defined anywhere in the act. Therefore, we recommend that the MVRMA set down clear and consistent standards for referring any development proposal to environmental assessment, especially those for small preliminary exploration programs. Unless that fundamental change is made, we fear that exploration spending in the NWT will continue to fall behind activity in competing regions.

The second area for reform relates to the need for proportionality in environmental assessments and the importance of ensuring a balance between environmental and economic objectives throughout the regulatory regime. With respect to proportionality, we have suggested a change to the MVRMA to establish that the scope and intensity of the process be scaled according to the potential adverse impacts of the projects in question. In the same section, we have proposed an amendment that expressly acknowledges the need to balance environmental and economic objectives and priorities.

Our third recommendation relates to timeframes. We support the approximate two-year timeframe for an environmental review. However, the proposed bill carries a real risk where a project nears the end of a two-year environmental assessment process and is then bumped to another conceivably two-year environmental impact review process. The result could be a two-plus-two, or a four-year review process. While the bill does allow for information from an EA to be considered in an EIR, there is no guarantee that this will occur. We recommend, therefore, that the act be amended so that the total time for an EA-to-EIR process is two years. Otherwise, it drives the unintended consequence of proponents demanding at the outset the highest level of review, an EIR, to guarantee them a two-year timeframe.

Our fourth concern is around aboriginal consultation. In November 2012, AANDC's minister indicated that the MVRMA would be amended to clarify the roles and responsibilities related to aboriginal consultation. However, Bill C-15 includes only a preliminary step in this direction, namely, a provision to enact regulations for this critically important area. While we are pleased

that AANDC is committed to involving our industry in the development of these regulations, we believe their creation will take some time. We recommend, therefore, that consideration be given to using the expanded ministerial powers to issue policy directions to more quickly bring greater clarity and certainty to this area.

Our final concern is with the proposed cost-recovery regulations. The NWT is already one of the highest-cost jurisdictions in the land. Therefore, we urge a cautionary approach to minimize killing the goose that lays the golden egg by imposing burdensome financial requirements that will be another deterrent to investment in the NWT. We do look forward to contributing to the development and review of these regulations, or in fact, the decision to postpone putting them into place.

That brings us to the end of our presentation. Thank you for your attention to our comments.

My colleague Mike Hardin and I would be glad to answer any questions.

● (1620)

**The Chair:** Thank you very much.

We'll now turn to you, Mr. Stanzell and Mr. Bradshaw, for your opening statement. You represent the chamber of commerce. Thanks so much for being here.

**Mr. Allen Stanzell (First Vice-President, Northwest Territories Chamber of Commerce):** Mr. Chair, and committee members, thank you for coming to Yellowknife and providing us with an opportunity to speak with you today.

The NWT Chamber of Commerce is the largest business organization north of 60 and we've long been a champion of devolution. We firmly believe the closer the authority is to the affected jurisdiction, the better the overall decision-making in the interests of that jurisdiction. As part of our preparation for this address, we polled our members to get a collective opinion regarding our position. With few exceptions, our members of the chamber network from Hay River to Inuvik support the points we wish to leave with you today.

First and foremost, the business community of the Northwest Territories supports the legislation as a whole and wishes to congratulate the federal and our aboriginal and territorial governments for their hard work and foresight in moving related agreements and this legislation forward. Is Bill C-15 perfect? No. Nothing visionary is ever perfect. In our view Bill C-15 is indicative of the vision shared by the people of the NWT.

To reinforce that statement I wish to refer to a poll conducted in early March 2013. The research was commissioned by an independent third party and conducted by an independent research firm. The methodology included interviews with 400 NWT adults balanced between larger centres and small communities. The key finding of that research was that nearly 7 in 10 respondents were either in favour of the devolution agreement or not opposed to it, while fewer than 2 in 10 were opposed. Clearly devolution of resource land and water authorities is a vision shared not just by the NWT business community but also by the vast majority of NWT residents.

We know some groups would have us roll back the hands of time and leave things as they were. While we respect their voice and thank them for their contribution, we disagree. We believe it's time for the NWT to make meaningful progress towards its maturity as a larger, more important contributor to the nation that is Canada.

We support the overarching intent and spirit of proposed amendments to the MVRMA and believe they are a positive step toward development and resource management in the NWT. We also believe there is more work to be done and challenges to be addressed. The NWT ranks very high in resource potential but very low with regard to mining and oil and gas investments because of regulatory infrastructure and other issues.

In short, Mr. Chair, we have a lot riding on the success of devolution and the efficacy of regulatory reform.

I think we would all agree that it's difficult to optimize devolution of authorities without effective legislation and regulations. Therefore in the limited time we have, I will focus on the five key points of MVRMA reforms that we hope will be addressed by the federal government.

First, the NWT Chamber of Commerce advocates for clear criteria to define projects of public concern and subsequently advocates for the NWT's regulator to make that determination rather than Ottawa. Specifically, there needs to be statutory criteria for the expansive interpretation of what might be of public concern in section 125 of the MVRMA. Clear criteria do not exist for determining public concern and that leaves the regulator with an open-ended obligation to accept such interventions without regard for merit.

There's an underlying belief that AANDC does not have authority to amend section 125 because it may violate land claim agreements. We believe that section 125 can be amended without contravening land claim agreements and in a manner that would better align the MVRMA with those agreements. The critical point here is to establish criteria for defining projects of public concern or thresholds that limit interventions to those of merit. As importantly, we believe the determination for defining a project of public concern should continue to reside with the territorial regulator, which would filter interventions through the new criteria.

Second, the NWT Chamber of Commerce advocates for more specificity with regard to referral of projects to preliminary screening in section 124 of the MVRMA. None of the amendments to the MVRMA address the issues related to preliminary screening of applications. Too often, proponents are ordered to undertake environmental assessments regardless of the scale of projects. We're

aware of simple exploration drilling applications being referred to EA. When the process costs more than the project, proponents have no choice but to withdraw their applications.

•(1625)

Such actions only drive investors out of the NWT. For a variety of reasons, we are already one of the most costly jurisdictions in the country in which to undertake exploration and project development. It makes no sense to burden resource investors with process costs that are unwarranted.

To be clear, we are not advocating for the elimination of the environmental assessment process; we are advocating for a more reasonable definition for project referral to an EA, perhaps based on the scale of projects.

Third, the NWT Chamber of Commerce advocates for environmental assessment and environmental impact review decision-making caps of not more than one year for simple applications, including brownfield projects, and not more than two years for greenfield projects.

We are aware of projects taking far too long to get to approval. De Beers' Gahcho Kué project took seven years to receive approval. In fairness, the proponent slowed the application process during the global recession of 2008. However, the uncertainty related to regulatory decisions in the NWT is one of the major concerns of mining and oil and gas executives around the world. Capital goes where it can grow, so investors move on to other jurisdictions that provide greater certainty. We are fortunate that De Beers is committed to northern projects and is very well capitalized. Other investors would not take the chance on a regulatory process that has no defined decision-making caps.

The duration and cost of the decision-making process affects every applicant, including the crown. It took more than two years for the Northwest Territories Power Corporation to receive a water licence renewal for the Taltson power plant. The plant has been operating since 1965. The corporation filed for a 15-year licence renewal, which is standard. The facilities were not being altered. Stream flows were not being altered. Yet the crown corporation was subjected to a costly two-year process, a cost that ratepayers had to pick up.

The current legislation and regulations need to be tightened up so that common sense may prevail. In our view, that begins with decision-making caps. The Yukon Territory provides applicants and investors with decision-making certainty through the Yukon Environmental and Socio-economic Assessment Board. The NWT must absolutely provide the same degree of certainty.

Fourth, the NWT Chamber of Commerce supports the creation of a single regulatory board for the entire NWT. We realize that this is a point of contention. However, in our view, federal legislation enables the government to create a single board with overarching authority. Notwithstanding that local boards have some merit, we don't believe the volume of applications in the NWT warrants multiple boards. Smaller boards don't have the resources to review complex applications. A single board would afford appropriate resources.

When powers were devolved to the Yukon, the Yukon environmental and socio-economic board was created as a central decision-making body for the territory. YESAB retained a local presence by establishing six designated regional offices that act as entry points for applicants. The same could happen in the NWT, where regional boards exist today. In that manner, a local presence and community ties are maintained when reviews take place in a central organization with the technical capacity to manage them efficiently.

Fifth, the NWT Chamber of Commerce advocates for a single-window application process for the NWT resource exploration and development projects—that is, a one-stop window for land and water use permits as well as licences.

Again, when powers were devolved to the Yukon, the right to issue mining licences remained with the federal government. In discussion with our industry colleagues in the Yukon, it seems that was an oversight. We have the opportunity here to ensure that the authority to issue licences resides in the NWT.

We are advocating for a single application window. In simple terms, when an application arrives for a resource exploration or development project, it triggers the system to address all aspects of the application concurrently, including all related federal and territorial authorities. This model is employed elsewhere in Canada. It creates vast efficiencies relative to the current system, where federal and territorial authorities work in a disintegrated fashion that leads to inconsistencies and regulatory duplication.

In the past 30 years, the transfer of responsibilities to the Government of the Northwest Territories has taken place for several programs and services, including the delivery of health care, social services, education, administration of airports, and forestry management. In our view, Bill C-15 is the next logical and single biggest step forward in history in the devolution of powers to our territorial government.

We are a resource-based economy. Managing our resources effectively and creating a healthy investment climate will support a strong local and national economy, and provide significant benefits to all of our communities and all of our residents.

● (1630)

Bill C-15 is a new beginning for the Northwest Territories.

That concludes our remarks, and again, thank you for the opportunity.

**The Chair:** Thank you, Mr. Stanzell.

We now have the Northern Territories Federation of Labour represented by Mr. Bob and Ms. Lockhart. Thank you so much for being here. We'll turn it over to you now for your opening statement.

**Mr. David Bob (Vice-President, Northern Territories Federation of Labour)** Mr. Chair and members of the committee, for the record, my name is David Bob, and I am the vice-president for Northern Territories Federation of Labour. With me is Ms. Sandra Lockhart, the regional vice-president for Tlicho/Somba k'e.

On behalf of the more than 9,200 members of the Northern Territories Federation of Labour I would like to thank you for providing this opportunity to express our views on part 4 of Bill C-15.

The NTFL is comprised of many different unions representing workers from a full range of occupations in both the Northwest Territories and Nunavut. We have been chartered with the Canadian Labour Congress since May 1980 and are dedicated to ensuring the protection of both organized and unorganized workers' rights.

At the outset, it is important to state that we are concerned that only one day of meetings has been scheduled and that the meetings are only in Yellowknife. Bill C-15 is very important legislation that fundamentally changes how we operate in the Northwest Territories. While it is generous of you to have provided financial assistance for travel to Yellowknife, there are many other effectively silenced voices in our territory that also deserve the opportunity to be heard.

Bill C-15 should really be split into two distinct bills that can be debated and voted on separately. Combining devolution legislation with amendments to the Mackenzie Valley Resource Management Act is a tortured exercise and one not worthy of a government wishing to be transparent and democratic. While some may quibble over the details and outcomes of devolution, that part of the bill will probably earn general consent from the people of the NWT.

The part of the bill that completely disrupts our existing regulatory system, however, is sure to elicit substantial adverse reactions. The intent of devolution is to transfer greater authority over land and resource decisions to the north and northerners, but we do not believe this would be achieved by the proposed changes to the regulatory regime contained in part 4 of the bill.

To make it perfectly clear, our primary concern is with the proposed elimination of regional boards. In our opinion and the opinion of what we believe is the majority of the people in the regions of the NWT, creating one mega-board will only allow greater outside political interference in the development decision-making and will adversely affect working people in the Northwest Territories.

Jobs are the essential driving force of the local economy in our communities. Many in the outlying communities continue to suffer from impacts of the current recession. Good well-paying jobs are very hard to come by. We are not arguing that regional boards should be operated solely as a make-work project, but we argue that some of the professed savings that are claimed to result from the creation of the mega-board are at the clear and direct expense of the economies and local communities where the regional boards now reside. The loss of these local jobs takes money out of the community. That in turn impacts local often struggling businesses that rely on these consumers' dollars.

We believe that these harmful effects have not been given the weight they deserve in the drive to centralize regulatory affairs in a mega-board far from the communities its decisions affect. The development of a mega-board based in Yellowknife will surely limit the regional input, reducing people's sense that they have a meaningful say in decisions that will affect their very way of life today and forever.

Consultation and effective democratic control over development decisions are being sacrificed in the drive for some ephemeral efficiency that may or may not be achieved through the workings of Bill C-15. Though quick decision-making may help a proponent get a faster response to the proposal, it does little help to ensure that the decisions are in the wider public interest. The Northern Territories Federation of Labour believes that the timeline provided for Bill C-15 places undue hardship on the individuals who represent their regions.

An average person's ability to fully understand the language contained within a proponent's proposal may be challenging at times. The burden this places on a board member to efficiently and fully communicate the nature of the proponent's proposal to the members of his or her community is difficult. Also, to gather and represent the region's concerns can be very challenging. Making their job harder by imposing arbitrary, unrealistic, or unnecessary deadlines is counterproductive.

In particular, those who sit on the new mega-board would face increased challenges in the collection of information if they represent regions that do not have fibre optic and high-speed connectivity. It is well-known that communities outside of Yellowknife that transmit signals through means other than fibre optic cable, and this is most of them, have regular interruptions of service. The lack of reliable communication infrastructure in much of the NWT makes emailing a risky business with many outages and dropped messages.

• (1635)

Communications problems are compounded by the seasonal nature of winter roads and the closure of highways and airports due to weather. Even mail service cannot be counted on at all times in the NWT. These are the realities that northern members of boards and agencies deal with day in and day out.

Having board facilities, services, and meetings in Yellowknife will greatly reduce the smooth and reliable flow of information, both inwards and outwards. The very attendance of board members and their ability to stand and speak for the concerns of those who reside within their regions are jeopardized by moving decision-making out of their communities and regions.

**Ms. Sandra Lockhart (Regional Vice-President, Somba K'e, Northern Territories Federation of Labour):** With the elimination of regional land and water boards, significant trust is lost. There will surely be a negative impact on the relationship between public government and the first nations people, especially in those regions that have signed treaties. Any collaborative spirit that might otherwise have underpinned an environmental assessment process will likely be lost.

Bill C-15 establishes a board system that is fundamentally different from and even hostile to that which was developed in accordance with the treaties of the Gwich'in, the Sahtu Dene, the Tlicho, the Dehcho, and the Inuvialuit. This unilateral attempt to reinterpret the purpose and intent of these land claim agreements, all of which were negotiated and signed in good faith, is unfortunately going to lead to strife and conflict.

This is regrettable, and it is a huge setback to the political development of the NWT. A more centralized regulatory system will inevitably threaten the growing sense of ownership and responsibility over regional boards that has been developing. Having one individual speaking on behalf of their region to a room full of representatives from other regions, who then get to vote and decide on a proposal, certainly does not guarantee that the desires of that region, of those most directly affected by the proposal, will be achieved.

There is also the issue of whether the new board will have the physical capacity to handle all environmental assessments in a timely manner. Where there was once a board in each region to handle proposals brought forward, now there will be only one, with a substantial workload.

Recent austerity measures have eliminated positions within the federal government, including those of professionals in the environmental field. These employees could have and would have been called upon to assist with environmental reviews. Is the necessary federal funding going to be allotted for needing staff to cover the dramatic increase in proposals that can be expected to be brought forward from proponents from the regions? Many northerners are concerned that the handover to the NWT of authority for the enforcement of regulations does not come with the resources necessary to do it.

Leaders are aware that many of the federal personnel employed during environmental assessment work have chosen to retire rather than transfer to the GNWT. This raises a concern about whether there are significant training dollars available so that newly hired local personnel can properly manage and enforce existing programs, not to mention implement new ones.

We also note with some disappointment the apparent lack of reference to and respect for local people who are well versed in traditional knowledge and who have much of value to say in environmental assessment matters. If they are unable to interpret regulatory legalese and to communicate these ideas to the public at large, much is lost. A mega-board hundreds of miles away in Yellowknife is not going to be able to take advantage of what these people have to offer.

Our recommendations are as follows: one, that the regional boards remain in existence to assist with the relaying and gathering of information from those who reside within the regions; two, that regional boards review any development proposal within their jurisdiction and create a regional position that reflects the informed views of those who reside within that proposed area; three, that a fail-proof auto-sent notification system be utilized to ensure email communication does not break down, and that accommodation, with time extensions, is permitted when it does; four, that procedures be put in place to ensure flight delays or cancellations don't deprive any board members of their right to participate in meetings; five, that the bill be amended to empower the regional and central boards to extend the 45-day time limit should it be necessary for the proper evaluation of a proposal; and six, that the bill require the government to adequately staff, train, and otherwise resource the boards, and should this not be done, that the time limits be waived.

• (1640)

In conclusion, we believe that the federal government has misplaced the priorities by putting forth Bill C-15 prior to settling the land claim agreements with the Akaitcho and the Dehcho. Recognizing the existing rights of all aboriginal peoples must be the first priority. After this is done, and only then, will Bill C-15 amended as we have suggested become a more palatable pill to swallow.

Finally, the Northern Territories Federation of Labour as a member of Alternatives North wishes to go on record as fully supporting and endorsing the analysis and recommendations in their brief.

Thank you again for your time.

**The Chair:** Thank you very much.

We'll start our rounds of questioning with Mr. Bevington.

**Mr. Dennis Bevington:** Thank you, Mr. Chair.

I want to thank the presenters here for their ideas. I'd like a short answer to my first question from everyone if possible. All three groups have come up with some recommendations for amendments to the MVRMA section of this bill.

Did you have an opportunity to present those in an official capacity to the Government of Canada over the last six months or year?

**Mr. Tom Hofer:** We did.

**Mr. Dennis Bevington:** Can you describe it?

**Mr. Tom Hofer:** We had two rounds of consultations with AANDC, two opportunities to review—

**Mr. Dennis Bevington:** So these recommendations were presented there?

**Mr. Tom Hofer:** Yes.

**Mr. Allen Stanzell:** We did not have an opportunity to officially present our side—

**Mr. Michael Bradshaw (Executive Director, Northwest Territories Chamber of Commerce):** —until today.

**Mr. David Bob:** The Northern Territories Federation of Labour has not presented to the government. We did have an open forum in Inuvik with citizens within that region.

**Mr. Dennis Bevington:** So with the exception of the NWT Chamber of Mines, this is your first chance to put these amendments forward. I'm interested in that, because of course part of the work we do will be to examine the amendments and ideas you're presenting and to see whether we can formulate amendments that we can put forward at committee. There will be a session probably within the next month. I would encourage you in all cases to give us the information so that we can judge whether we're receptive to putting forward those amendments.

It's good to get them formally on the record even if the history of amendments being accepted in the last two years is pretty abysmal with this government. We're quite willing to get on record any that we consider correct. We'll look at all of them. We'll ensure that every one gets scrutiny in that regard, because quite obviously there are things here that people look at as important but that are not included in this legislation.

I hear you guys speaking about the consolidation of the regional boards, and I don't find that the chamber of mines has put forward a very strong position on it. I see that the chamber of commerce, the union, is very much pro regional boards. Is this reluctance to firmly come out in favour of regional boards really an indication that you just want to stay onside with this legislation? This is a key issue in the Northwest Territories. This will determine, in some cases, the direction of our political development, and it has an enormous impact on social licence. You've heard through the process we've engaged in today that the social licence is going to play out through the north.

Is that why—and I speak directly to the chamber of mines—you've hedged your position on the regional boards?

• (1645)

**Mr. Tom Hofer:** Let me speak to our position.

If we look back in history to the establishment of the boards, I can say that probably by the time Mr. McCrank was brought into the game we were starting to face a lot of divergence in the processes the boards were using. I think each board was starting to run as a board by itself. There were inconsistencies from one region to the next, which doesn't bode well if you're trying to market a region for investment dollars. When Mr. McCrank came in, that was something he was facing.

From that period forward, I think the boards themselves started to feel the pressure. I have to say that I haven't ever seen so many media editorials speaking to our problems up here. I think there was a lot of recognition in the Northwest Territories that there was a problem.

The boards, in all fairness, started to look inwards at themselves. They asked whether their processes were working, whether they were being consistent, and they realized that they weren't. They started to create their own consistent processes. You heard this morning how they started to create working groups across the boards to try to create basically one consistent board.

None of that is in legislation. That happened, I think, just because of the pressure being put on it, public pressure, or hopefully through industry saying what it wanted to say.

There's a logic to having a single board out there in that the board was already moving in that fashion. If you're trying to market a region of 43,000 people to investors, they'll start to yawn and lose interest if you start to explain, "Come on in. There's a whole collection of different boards—but it depends where you are." I think there's an elegance to being able to sell it as having a consistent process.

**Mr. Dennis Bevington:** I mean, you could—

**Mr. Tom Hoefer:** The challenge that we're in right now, if you don't mind, is that—

**Mr. Dennis Bevington:** Well, I don't want you eating up all my time, if you don't mind.

**Mr. Tom Hoefer:** I'm not trying to eat up all your time. I'm trying to give you a fair answer.

I think what's happened now is that our companies have started to work very well with a lot of the boards. The boards are actually starting to work in a good style with companies, and companies are saying, "We like this." The boards are also creating good relationships with their regional land claim groups.

In all fairness, they are doing a good job now, and we like that. We don't want to lose that.

So we say, yes, there's an opportunity in having a single board, but the big proviso is don't lose the relationship that those boards have created with the communities and don't lose the expertise that those boards have created now to be able to work well with industry.

**Mr. Dennis Bevington:** I would just say that it's a larger relationship than just with communities. It's with aboriginal governments that are protected constitutionally, and that's what you're upsetting. It's not simply a relationship with communities.

**The Chair:** We'll turn to Mr. Leef for the next questions.

**Mr. Ryan Leef:** Thank you, Mr. Chair.

I suppose notwithstanding the opportunity today for each of you to present to the committee, just by way of comment, our being able to get up here is great. This is our tenth meeting on the devolution agreement. Today's collective meeting hours would be about the equivalent of two and a half weeks' worth of meetings in Ottawa.

Obviously you can see that with this set-up it's not always possible to move throughout the communities, but it's nice for us to be able to get to them when we can. I know, as a Yukon member of Parliament, that it would really be nice to be able to move this big machinery around with us to all of our communities when we need to consult, but it's not always in the essence of either budgetary issues or time.

On a note that Mr. Bevington made—again, notwithstanding the opportunity you have here today to comment—I think in terms of any other opportunities to have provided your recommendations ahead of time, obviously it falls to each of us, as your members of Parliament, to hold consultations and to hear from you ahead of time. Mr. Bevington would have had ample opportunity to provide that to government had he held those consultations directly with you.

Moving on to my set of questions, Mr. Stanzell, you did mention the Yukon example, the YESAB situation where there are six regional offices occurring. Of course there's an outlined structure for the makeup of this board. Do you envision that makeup somewhat the way as articulated, that regional boards could still exist, or regional offices could be opened under the new structure? Do you envision the current structure then to be somewhat of a minimum?

We've established the.... It's being called a mega-board, ironically, when it's actually a smaller board than what exists in terms of raw numbers. Do you envision that as somewhat of a minimum, with nothing preventing, as you go forward, regional offices from being established to ensure that localized input?

• (1650)

**Mr. Allen Stanzell:** I think that's a fair representation. I think there are recommendations for regional representation on the board. If that's supplemented with representation in the communities, that's something that we support. The regional flavour in the whole process should be maintained.

**Mr. Ryan Leef:** We're hearing that and certainly it's important to the Yukon. It was embedded in our transition and devolution, and as it's played out over the years I think it has, for all intents and purposes, worked quite well.

You mentioned the technical expertise challenge, so you have regionalized boards. You mentioned that a more centralized board would allow for that capacity development, that technical expertise. Of course Ms. Lockhart mentioned, and we're very alive to this—I certainly am, coming from the Yukon—that having that technical expertise to understand some highly technical projects doesn't always exist at the community level. To move that to an area where the financial and human resources can meet the technical demand is something that ensures environmental protection, effective timelines and progress, or in some cases, just out-and-out stopping of projects that aren't good for the region. Would that be a fair comment of your analysis of the centralized board?

**Mr. Allen Stanzell:** I think a centralized board does allow a concentration of resources, technical expertise certainly chief among them.

Mr. Bradshaw will add to that.

**Mr. Michael Bradshaw:** I think the lack of technical expertise is fairly evident if you're either an applicant or someone involved in the process. But it's not just an outside-in view. The Mackenzie Valley review board signed an agreement with the National Energy Board about a year and a half ago, which we were very grateful for because the NEB was offering its technical resources to all the other boards in the Northwest Territories that required a particular area of expertise. I know of at least three or four occasions where that expertise was used if we had it. To Allen's point, if the resources were centralized then we could staff up appropriately and operate efficiently.

**Mr. Ryan Leef:** Mr. Bob or Ms. Lockhart, in a hypothetical situation, I appreciate the challenges you raised because they very much existed in the Yukon with email and broadband and Internet communications and flights being.... It would be interesting to be in southern Canada listening to us talking about some of the mechanisms we have to build in to make sure that people can make meetings because flights don't go, but that's the reality of living in the north. Those are our real-life challenges. I appreciate that.

I see some of the ideas in centralizing this board as a way of addressing those challenges and dealing with them. Now if we were to merge the idea of having the regional offices exist—similar to the Yukon—to provide that input, to provide that very localized expertise, the local knowledge and community-based input, would that address some of the concerns that you have at this time and at the same time allow that centralized capacity development, financial and human resource ability and deal with some of those very real northern challenges with flights and communications, etc?

•(1655)

**Mr. David Bob:** I believe that would possibly address some of the concerns, having regional boards remain and continue to be established within the regions and working together with a centralized board.

**Mr. Ryan Leef:** Okay.

**Ms. Sandra Lockhart:** I want to clarify our position. We are still supporting regional boards. When you talk about centralization, what happens is when the community wants to share their traditional knowledge—you have to remember that this is done in traditional languages—when we talk about emails and transfer of knowledge and traditional knowledge, the component that we may not have expanded on is interpretation. There are some concepts that in English are difficult to put into language. If you take and centralize those regional boards or those offices—because I can see that coming down the road that everything will be in Yellowknife—you still need...because traditional knowledge is very much alive and very much related to the land and to the people. The people are in touch and alive to the land. So you have to capture that and you can't capture that just on paper. You have to be able to be with the people with the land.

So yes, it would help but I don't want it centralized just in Yellowknife. That knowledge can be centralized in the region and Yellowknife can go to the region and get that information.

**The Chair:** Thank you very much, Mr. Leef.

We're going to now turn to Ms. Jones for her questions.

**Ms. Yvonne Jones:** Thank you very much, Mr. Chair.

Thank you, all, for your presentations. I agree, I wish we had so much more time to have these discussions, but your input is being heard. Certainly it will all come into consideration as we do our work as a committee.

As a committee, one of the things we have an option to do is to bring forward amendments. You've proposed a number of them today. I would ask that you prepare them appropriately and have them submitted to our committee, to the federal minister, and to your current government. I think it's important that your input be

acknowledged not only at this committee but in the full process of what we have to do in the next few weeks.

I found the discussion very interesting around especially the Internet and the connectivity, because I think the whole north suffers from un-connectivity. I live in an area where I can't even get connected to the Internet any longer, because we're out. I think as long as northerners are disconnected through technology, we're going to be disconnected in many other ways. I think that has to be fixed. But that is a whole different committee and a whole different discussion, for sure.

One of the things you talked about was the loss of trust between government and first nations. You are here today representing chambers of commerce, mining chambers, the labour federation, and so on. You have a very different view, I guess, from what aboriginal governments would have, but yet you're expressing a lot of concern with regard to this bill.

My question comes right down to the fundamentals of it. Are you prepared to support the devolution bill as it exists today, in the Parliament of Canada, if no amendments are forthcoming to that legislation?

It's a big question, I know, but we need to know where you stand.

**Mr. Michael Bradshaw:** As we said at the outset of our remarks—Mr. Stanzell made it clear—our members from Inuvik to Hay River, from Fort Smith to Fort Simpson, are in favour of, or not opposed to, the legislation. It was also in our remarks that a devolution agreement poll, held a year ago, indicated that almost 7 in 10 NWT residents were supportive of that agreement.

Now, of course, those opinions were formed in the absence of the points that we've made here today. I think I can say, without too much fear of contradiction, that we'd be disappointed...but we also see devolution as a great step forward for the Northwest Territories.

•(1700)

**Ms. Sandra Lockhart:** I'd also like to go back to the statement we made that Bill C-15 should really be split into two. What's hidden inside is kind of like an omnibus bill. You have the devolution and then you have the whole Mackenzie Valley Resource Management Act hidden inside of that.

We would say there is a will to support devolution, but not in the current manner in which it's being presented. It's one that is not worthy of a government wishing to be transparent and democratic, and the government represents us, both the federal and the GNWT.

So it's no—not the way it's currently being presented.

**Mr. Tom Hofer:** If the question is whether we would we support the devolution bill as it is, with your...let me say the committee's inability to make the changes that we ask for, I think we would say yes. But what we would have to do then, and what we will certainly do anyway, is that we have an opportunity now, under the mineral development strategy, which the NWT government has released....

It has five pillars under it. One of them is regulatory improvement. One of them is aboriginal relations. If those changes don't come through this process, we then need to formulate plans to work more effectively to try to fill in the gaps.

**Ms. Yvonne Jones:** I asked the question simply because when we as a committee questioned the federal minister, I actually proposed to him separating the bill. The answer was no; the bill would go forward as it is in those two components.

I look at it and say that the best we can hope for now is to make amendments to the sections that need to be amended. We can continue to push to have it divided into two bills, but that was not supported by the premier and the Government of the Northwest Territories because it would delay the entire process of devolution and therefore have an impact economically on the entire region.

So I asked that question because we can propose some of the amendments that you're bringing forward and that have been brought forward by the aboriginal governments. At the end of the day, I guess I have to ask whether there is any confidence left to negotiate those other sections that we may not accomplish at the table or at the legislature immediately. That includes some of the things you've brought forward already.

**Ms. Sandra Lockhart:** I'm going to answer with another question. It really baffles me. The resources and the economic reasons to pass this legislation are not going anywhere right now. Nobody can touch them until we say, "Go ahead and touch them". If something is that valuable, the value always goes up, does it not? So there's lots of room here, and time is not the only essence we need to consider. We should be considering something that's sustainable, that is supported with social policy, that brings inclusion and unity among the federal government, the traditional peoples of the land, and the northerners.

I think there will be a will to continue to push, to push, to push, because ultimately this is about our territory and it's about living with land that can sustain this in the long run, not just for our generation but for seven more generations beyond today. I'm going to end by saying that if the resources we have today are going to make an economic boom out of the NWT, the value of everything is only going to go up. What needs to happen here is to make trust amongst its citizens the real priority. How could you put a price on that and want to rush that through if we're going to have progressive social policy that is divisive? It doesn't give any merit to us.

• (1705)

**The Chair:** Thank you, Ms. Lockhart.

Your time is up, Ms. Jones, but I think there were a couple of other responses.

Mr. Stanzell, we'll hear from you.

**Mr. Allen Stanzell:** Just briefly, we would look at Bill C-15 as a bit of a beginning. We would have the confidence that changes could continue to be made. If you look at the relationship between businesses and government throughout the course of history, that's the way things have worked.

**The Chair:** Thank you.

That wraps up this panel. We thank you for being here. We appreciate that you all have busy schedules and important things to be doing. The fact that you chose to share your day with us is something that we certainly appreciate. Your expertise is important for our committee. Thank you so much.

We will suspend shortly. But we do have representation—I want to make note of it—from the Northwest Territories Association of Communities. We also have Alternatives North, as well as the Town of Inuvik. They will be our next panellists.

Thank you to our current panellists. We appreciate your contribution. We'll suspend for a couple of minutes.

The meeting is suspended.

• (1705)

(Pause)

• (1715)

**The Chair:** I'll call this meeting back to order.

We're just getting some final logistics information and then we'll begin the process.

We appreciate everyone's willingness to stay with us through the day. We know that it's been a long day and it's been an important day. We appreciate everyone's willingness and patience to work with us.

Today, for the final panel, we have representation from Alternatives North, as well as the Town of Inuvik and the Northwest Territories Association of Communities. We are going to start from my right, moving to the left. Starting with Alternatives North we have two representatives from the organization. Pardon me, I'm... we're starting over here. No, we're starting over there.

**Voices:** Oh, oh!

**The Chair:** Folks, it's been a long day, and I do appreciate your patience. I'll get my bearings. We're going to begin with the Northwest Territories Association of Communities, and Ms. Brown and Ms. Gargan. Thank you for joining us. We certainly appreciate your patience and we look forward to hearing your opening statements.

**Ms. Tina Gargan (President, Northwest Territories Association of Communities):** Mr. Chairman, committee members, and committee staff, welcome to the Northwest Territories and our capital city of Yellowknife.

I am Tina Gargan, president of the Northwest Territories Association of Communities. I'm also the mayor of the hamlet of Fort Providence.

The NWTAC welcomes this opportunity to provide comments on Bill C-15, the Northwest Territories devolution act.

The NWTAC is a non-profit, non-governmental organization representing the interests of 32 incorporated NWT communities. The NWTAC represents a unified voice for communities on municipal goals and issues, based upon the membership's democratic adoption of resolution and policy. We promote these priorities through advocacy to the territorial and federal governments and through our membership in the national Federation of Canadian Municipalities.

Our members are significant municipal landowners and developers; are major users of water for supply of municipal water services, have local responsibilities for economic development, environmental affairs, and emergency services; and are key partners with the territorial government in all matters relating to the delivery of municipal government services to citizens. As such, we have a keen interest in the transfer to the territorial government of resource management responsibilities that affect these interests and in responsible environmental management throughout the NWT.

Bill C-15 is a very large and detailed piece of legislation. My presentation will speak to the NWTAC's principled positions on the new legislative arrangements proposed by Bill C-15.

The NWTAC strongly supports the devolution of resource management responsibilities to the Government of the Northwest Territories as proposed in Bill C-15. For NWT municipalities pursuing their mandates, the federal resource management regime and existing programming to date, while generally effective, has presented challenges, owing to the lack of territorial control over the legislation and over the design and delivery of programs serving communities' needs.

Changes to the legislation and even to regulations have relied upon the ability to get territorial business onto the very busy national legislative agenda. It's often a simple matter of geography. Ottawa is far away, and the basic functions of meeting, discussing, and acting are aggravated by time and distance. As the advocate of municipal interests, the NWTAC has had to focus lobbying efforts at the national level on matters related to local resource management in the Northwest Territories.

The NWTAC anticipates that the transfer of resource management responsibilities to the local and accountable territorial government will make a major contribution to the ability of local government and territorial legislators to work in partnership for the continuing improvement of public services. Living, working, and leading in the Northwest Territories, our territorially elected legislators will enjoy improved opportunities to bring their local knowledge to bear, to work in even closer partnership with municipal governments and representative bodies, and to far more quickly make the legislative, regulatory, and program improvements needed to serve our citizens. The development of programs and services for related or interlocking responsibilities can more effectively be coordinated within one government administration.

Improvements in the creation of law and programs with improved sensitivity to and knowledge of territorial realities have been obvious throughout the long history of the devolution of authorities to the territorial government level. A prime example of these improvements in the resource management field has been the transfer of forest management responsibilities to the GNWT. A host of opportunities for continuing improvements will come about as a result of the Bill C-15 devolution of powers.

• (1720)

As landowners and developers, NWTAC member communities will benefit from the transfer of federal lands to territorial control and in future will be able to deal with one management authority for lands outside municipal boundaries. Municipalities expect to benefit in areas where there is an overlap of authorities between federal laws

or in instances where the sound administration of municipal law is affected by federal legislation that is difficult to change.

For example NWTAC members have long voiced concern by resolution with legislative provisions to allow for the staking of mineral claims within communities. The concentration of authority for both mining law and land law under one government authority is expected to provide a more responsive and coordinated forum for the resolution of these and similar issues. This is just one example of the benefits expected from the concentration of legislative and program authority within one government.

Coordination in the planning and development of major infrastructure, such as integration in the development and management of territorial and municipal road systems, will be enhanced. With the transfer of funding program resources and responsibilities to the territorial government, more locally coordinated arrangements for planning and development of major intra-territorial capital projects will be possible.

Municipalities also look forward to the increase in revenue flowing to the territorial government, which is the supplier of the majority of the municipal funding. With increased territorial revenues, our member communities look forward to the prospect of increased territorial capacity to meet municipal fiscal needs. The NWTAC and our member municipalities enjoy a very positive and constructive working relationship with the Government of the Northwest Territories. With the vesting of resource management authority at the territorial level, the NWTAC and our municipalities will continue to build cooperation for the improvement of services to our citizens.

Regarding the proposed C-15 arrangements for changes to environmental legislation, the NWTAC supports the continuing and responsible improvements of environmental processes and protections. As the advocate of municipal government interests, the NWTAC places a priority upon the ability of environmental processes to respect and be responsive to local and regional interests. The proposals contained in Bill C-15 are of critical importance to the future of public government in the Northwest Territories. They are the latest stage in the historic development of the Northwest Territories toward full responsible government.

I congratulate and thank the committee for ensuring that a portion of these deliberations have taken place here in the NWT and that our citizens have had the opportunity to present their views for your thoughtful consideration.

On behalf of the NWTAC and its membership, I thank you and wish you well and safe travels home.

• (1725)

**The Chair:** Thank you. We appreciate the time you took to spend with us today. We certainly appreciate that you have travelled, and you have been with us.

We'll turn now to representatives from Alternatives North. We have Ms. Wenman. Thanks so much for being with us. We also have Ms. Hamre. Thanks so much for joining us.

**Ms. Christine Wenman (Representative, Alternatives North):** Thank you very much for the opportunity to be here and to present today. My name is Christine Wenman. I represent Ecology North, which is another non-profit organization. This has been a joint submission between Ecology North and Alternatives North.

Ecology North is a grassroots non-profit and Canadian registered charity that goes back in Yellowknife to 1971. We work with communities throughout the Northwest Territories on environmental issues.

**Ms. Karen Hamre (Representative, Alternatives North):** My name's Karen Hamre, and I'm representing Alternatives North. Alternatives North is a social justice coalition with individual members and organizations across the NWT.

**Ms. Christine Wenman:** We have submitted a rather comprehensive brief to the committee, and we're cognizant that we are the last witnesses here this afternoon so we will make this brief. We would like to emphasize three main points that were included in the brief. Our analysis is focused on the changes to the MVRMA that are included within Bill C-15.

The first point we'd like to make is that the changes to the MVRMA must be decoupled from the rest of the bill. Parliament needs to be free to debate those changes separately from the rest of Bill C-15. If these are not separated, they will be unable to show and discuss the problems with the MVRMA changes without also suggesting that they do not support devolution. These are very different issues.

We'd also like to bring forward, as has been heard here today, that the changes to the MVRMA are not in keeping with the spirit of devolution. There has been no evidence brought forward either today or previously that the changes proposed, such as amalgamating the boards or bringing more ministerial authority, will help the regulatory system to be more effective, efficient, or equitable.

Finally, as we've also heard here today very clearly, there is very little consensus on this section of the bill. This will detract from the effort to create the proper conditions for economic growth, jobs, and long-term prosperity in the NWT, which is supposed to be the intent of Bill C-15.

The second point we'd like to bring forward is that, uncoupled or not from the rest of the bill, the changes to the MVRMA need to be amended. First of all, there should be no dismantling of the regional land and water boards. The integrated co-management system that we have now works in the regions where land claims are settled. As was brought forward earlier by Mr. Willard Hagen, analyses have shown previously that the bulk of project proposals that are being sent to environmental assessment have been proposed in regions where land claim agreements have not been settled. If, however, we look to the settled regions, we can see substantial evidence that the

current system can effectively fulfill the integrated co-management responsibilities that were intended in the writing of the act. Eliminating the regional boards and the regional panels will create more challenges than it will solve, for instance, by reducing clarity and increasing an adversarial environment and also by creating logistical challenges. For instance, we heard today that there is an opportunity for project panels with three board representatives. These will inevitably bring problems of quorum and also not ensure regional representation. Although it may allow for regional representation, that's not required by the legislation within the panels.

It's also unclear whether the proposed changes will lead to the closing of the regional board offices or result in cuts to the staff. Certainly it is clear that those board offices are not guaranteed in the changes to the legislation. This would diminish the regional access to board services. It would diminish the roles that the regional boards play in liaising in the regions, with the communities, and with the first nation governments. It will create a communications and relationship gap between people and decision-makers. This will be difficult not only for the first nations but also for the existing project proponents and industries that have working relationships in those regions, as we heard just recently from Mr. Hoefer. In other words, there is very little evidence that has been brought forward that these changes will in fact fix the system. They are likely to create a more adversarial environment and cause less clarity.

We would also like to emphasize the point that the changes should not be increasing the federal or ministerial authority, thus in turn diminishing the board's authority. For example, we see increased ministerial authority in setting timelines. These authorities should be kept within the discretion of the board and not of politicians. The boards are intended to perform arm's-length, independent, quasi-judicial roles. Politicizing the regulatory decision-making system in fact jeopardizes that role of the board and results in less clarity for project proponents. The increase in federal and ministerial authority diminishes co-management principles, which are quite fundamental to the whole regulatory process and fundamental to land claim agreements.

• (1730)

The final point we would like to make is that there is a review mechanism that's included within the MVRMA, in section 148, and this review mechanism is the environmental audits. Two audits have been completed to date: one in 2005, and one in 2010. These have been done in a comprehensive manner. They are mandated in the legislation. They involved proper consultation with all stakeholders. In spite of this, little to no progress has been made on many of the key audit recommendations, and the federal government has never issued a formal response.

I would like to bring a caveat to that point, which is that working groups at the board level did emerge in response to the recommendations in the audit, and that many of these working groups began prior to Mr. McCrank's report and were in response to the audits themselves, showing that the regulatory and adaptive management mechanism works well.

Unlike some of the changes proposed in Bill C-15, these recommendations are based on empirical evidence and analysis of those projects that have been referred to environmental assessment. They offer useful and proven recommendations of how to improve the overall land management in the NWT, and they should have been the foundation of any proposed changes.

**Ms. Karen Hamre:** Thank you for the time to emphasize those points. We hope that the brief plus the points we've made today will be helpful in your decisions about amendments.

**The Chair:** Thank you so much.

We had one final witness, Mayor Roland. We anticipate that he may show up yet. If he does, I guess we'll end our questioning at that point and allow him to make his submission, and then we'll continue with the questioning. Until then, we'll turn to Mr. Bevington to ask the first questions.

**Mr. Dennis Bevington:** Thanks very much to the witnesses.

Ms. Gargan, on your new role as president of the NWTAC, you've been thrown right into it, I see, in good order. We are moving along in the day, and you kept your comments to the devolution agreement. I think that's generally seen here as not the problem within the bill. There is great support for it.

Do you think that putting the two bills together, one with general support and the other with quite a lack of support throughout the north, was a good idea on the part of the federal government?

• (1735)

**Ms. Tina Gargan:** Because I'm so new in my position, I'm going to turn that question over to Sara.

**Ms. Sara Brown (Chief Executive Officer, Northwest Territories Association of Communities):** Thank you, Mr. Bevington.

Really, we don't have clear direction from our members on that element, so it would be really inappropriate for us to comment. We do have a lot of direction about the empowerment of the GNWT and that's why we kept our comments to the devolution portion. It would really be inappropriate at this time for us to comment on that.

**Mr. Dennis Bevington:** To Alternatives North, of course you've chosen to go the other way and keep your comments to the Mackenzie Valley Resource Management Act.

I'm struck by the audit comment that the vast majority of MVRMA applications are processed in a timely fashion, and the timelines for an application in settled land claims regions with the existing regional boards are shorter and can be more reliably predicted than for unsettled regions. Now, the environmental audit didn't have the opportunity to analyze that, and of course, analyzing something as complex as that is difficult.

I think one of the things we haven't talked about, and it might explain it a little better, is the nature of the Mackenzie Valley Resource Management Act. It's unique in Canada in that it has a reference to the socio-economic and cultural well-being of the community. It has a very strong under law requirement, more so than other environmental assessments, which tend to be more focused on environmental impacts. This law has the requirement to do that extra work at a community level. Perhaps that's one of the reasons it was negotiated in the fashion that it was and the law was set up in the

fashion it was. The concerns of many of the people who have spoken here about getting rid of the regional boards exist because the law actually favours doing things that speak to the communities in the north.

Have you any thoughts on that particular direction?

**Ms. Karen Hamre:** Yes. The MVRMA is different by design; that's sort of the catchphrase. It is set up differently than a lot of other systems are, and that should be retained, absolutely.

Premier McLeod said that bringing decision-making closer to home...well, that includes closer to the communities as well, not just closer to Yellowknife. The MVRMA boards as they are set up now are in keeping with co-management principles of land claims and of the act itself. The way the boards are set up, there is a Mackenzie Valley board now. There is no need to create one. There is one.

Also, we already have panels. We have the Gwich'in, Sahtu and the Wek'eezhii, so there's no need to fix something that is (a) working and is (b) different by design. The part that's not working is the fact that we don't have land claims settled in the majority of the populated areas of the NWT, and not all the land use plans done either.

**Mr. Dennis Bevington:** Well, you might suggest, then, that there might be a case to be made that by going to a centralized board the actual functioning of the law—I think it's section 15 in the Mackenzie Valley Resource Management Act—remains the same. The same focus is still required of the act, yet we're changing the component pieces of it that were designed to provide that focus. Would this be a concern that would come out of the work you've done on this?

**Ms. Karen Hamre:** Yes.

• (1740)

**Mr. Dennis Bevington:** Yes. I sat on the Mackenzie Valley Environmental Impact Review Board for a number of years. We didn't have a problem doing the work in the timeframes that fit with this act, but certainly it was very important to have the confidence of the communities in order to do our work. If significant public concern was there.... That's one of the things that the regional boards seem to have the ability to avoid or to mitigate—significant public concern over a development.

With the attitude of communities towards Yellowknife, if we centralize these boards in Yellowknife, how will that play out?

**Ms. Karen Hamre:** I think what Grand Chief Erasmus said this morning basically speaks to that. There is trust with these boards as they are currently set up, and why fix something that's not broken?

**The Chair:** We'll turn to Mr. Seeback now for the next round of questioning.

**Mr. Kyle Seeback:** Thank you, Mr. Chair.

I can't see all of your name tag, Tina. Is it okay if I call you Tina? Great.

I welcomed your questions on devolution. I don't know if you were here when Premier McLeod was, but he used some strong language. He called it a game-changer for northerners, with the necessary tools to develop resources and grow the economy. I take it you would agree with those statements with respect to devolution.

**Ms. Tina Gargan:** I wasn't present when the honourable premier spoke today, and I'm not certain as to which words were used exactly, but we do support enhancement within the GNWT in building partnerships.

Thank you.

**Mr. Kyle Seeback:** I know that you're not supportive of the second aspect, which is of course the amendments to the MVRMA. One of the things.... I don't know if you were here earlier when we had Mr. McCrank testify before the committee. Were you here when we heard his testimony? I found it quite interesting, in that—

Mr. Chair, do you want to...?

**The Chair:** You go ahead.

**Mr. Kyle Seeback:** Do you want me to finish my question?

**The Chair:** Why don't you finish your question? Then we'll welcome....

**Mr. Kyle Seeback:** Okay.

He put forth something that I thought was quite interesting when we were talking about the ability to have local input. He was suggesting that local input is better served when you're dealing with zoning and deciding land use plans. That's where he thought community input was the most important, because you can then determine what type of development is actually permitted in certain areas.

From my review of the legislation, even with the changes, that in fact does not change. The ability of the board does not allow them to issue, amend, or renew licences unless they accord with applicable land use plans. So it seems to me that some of that is still present even in the proposed changes.

I would welcome your comments on that.

**Ms. Karen Hamre:** I have some personal comments on this one, in fact, because I sat for about a decade on the Gwich'in Land Use Planning Board. It's hard to overstate how important it is to have an approved land use plan.

**Mr. Kyle Seeback:** Absolutely.

• (1745)

**Ms. Karen Hamre:** One problem with the regulatory system is the lack of those land use plans. It's not the land and water board structure, per se.

There are two factors here, though—this after having said that, yes, we have to have these land use plans in place. One is that if there are any changes to the land and water board offices and the ability to have staff there, that has a huge impact on the land use planning boards.

I'm not sure if everybody is aware, but these are very small offices. They rely on each other. Sometimes they share staff. If you take staff away from a land and water board, you're going to impact the land use planning board. When something comes before the land

and water board, there are discussions as to conformity with the land use plan. So if they're at an office where they can discuss conformity, it's hugely important that this discussion can take place in the region.

My understanding of the bill as it's brought forward is that the federal minister would have the ability to make policy direction to the land use planning boards. That is a huge change, and that's not at all the intent under the land claims agreement for the land use plans. They have to have three levels of approval. They have to have the approval of the first nation, of the Government of the Northwest Territories, and of the federal government. The ministerial authority to give policy directions to land use planning boards absolutely flies in the face of that fundamental part of the land claim agreement.

**The Chair:** Thank you, Mr. Seeback. We'll come back to you.

We want to welcome Mayor Roland. We appreciate the fact that you have taken the time to come and join us. We appreciate that you have made a great effort to be here.

We'll turn it over to you to make your opening statement. Then we'll probably have some questions for you.

**Mr. Floyd Roland (Mayor, Town of Inuvik):** Thank you, Mr. Chairman. I apologize, but I thought I'd be a little earlier getting off the plane and making my way over here.

I don't have any prepared comments. My comments will be more from a historical point of view of being a resident and involved at the local level of government with an aboriginal organization initially and through public government and to the point where the agreement in principle was signed by the Government of the Northwest Territories along with the federal government.

I go to the big picture, I guess, to say that the north has been asking for decades, as far back as I can remember, to when leaders used to gather for regional meetings as well as when we'd hear the news in the territory about the request to gain control over what happens in the north, that those decisions be made by northerners. That debate has gone on in many meetings. I believe that even our representative, the member for Western Arctic, can confirm that at many meetings the leadership across the north has asked and made statements to fact that northerners need to be in control of what happens in the north.

This bill has now come to this point, and I must say it's been a long time in the works. There have been many debates, many discussions of what it should be, what should happen with it when it first comes over. There was some discussion even at the legislative assembly when I was still there regarding what legislation should be brought over and what changes should be made immediately. As we all know, government trying to bring over legislation from another level is time-consuming and challenging at best. It was felt that for a smooth transition with the concerns of industry and other groups across the north, it would be brought in mirroring what's happening now, and then the government of the day in the Northwest Territories could start introducing changes as it sees fit.

I welcome this day that a federal committee has come north to discuss northerners taking control of their destiny and future, and what is in place and not in place. Even the discussion when I came in about the makeup of these things shows that the more authority that comes north, the better off northerners will be and our future will be when we have people directly involved in making those decisions and making changes to what they see is best for northerners.

There will come a time, I believe, in the north when it's northerners who will be making these decisions, debating among each other what is required to be put in place and who is to benefit from all of this work that happens.

In short, that's where I am at this point. In my role as the mayor of the community of Inuvik, I believe it will work closely with the decisions that will be made. My region has been reliant if not on government, then on industry, and has always been challenged with the fact that—I'm not saying this to be insulting or anything—someone from afar is making key decisions on who benefits and what's in place for northerners when it comes to our own front yard, not even our back yard, but our front yard.

I am keen to see this follow through. We weighed the options heavily at the time when we were considering signing an agreement in principle with the federal government in moving this to the next stage. The time for debate has happened. While there is some debate needed in the sense of how the transition occurs, I think the key decision has been made and that is to give responsibility to northerners. Short and blunt and to the point, that's how I come to the table.

Thank you very much.

• (1750)

**The Chair:** Thank you.

We'll turn to Ms. Jones now for her questions. Then we'll have an opportunity for the other members to follow up with their questions, with the addition of a witness.

Ms. Jones.

**Ms. Yvonne Jones:** Witnesses, thank you for your presentations.

This probably will be my last opportunity to address you as a committee member, and I want to say that it has been a wonderful experience discussing this issue around a table with the people who live in the Northwest Territories, people who represent the various governments and organizations who are affected by this. I really want to thank you for taking the time to come out and tell us how this impacts you and giving us your feedback so that we can do a better job representing you on this issue in the Parliament of Canada.

What I've heard today is that devolution in itself works. The only thing that's standing between cutting the ribbon and eating the cake on devolution in the Northwest Territories right now is the fact that government has attached the changes to the Mackenzie Valley Resource Management Act. That's unfortunate, but that's what we're presented with.

What I'm hearing from people is that you would like to see the bill separated and have a separate debate. That is something we as a committee can undertake, but it seems that it's not an option right

now for the minister. In the context of that, we've heard there are a number of amendments that we can bring forward. I would ask that you have those amendments sent to all the committee members and be very clear on the direction you would like us to take.

I agree that when something works, you don't need to change it. We work hard to find things that are effective in the way we do our jobs, the way we make decisions, the way we interact with each other. It's important when we have that, that we be able to maintain and strengthen it and not necessarily change it or weaken it.

This will be my final question today. In the context of what we're dealing with right now, it's my understanding from the premier and his government that if this bill does not move forward, it will impede development and the progress within the economy of the Northwest Territories in the short term. What we're hearing from aboriginal governments is that it's weakening their power and giving them less say, and therefore they're prepared to wait and take the long route to do it right.

What I want to ask you is what your position is today. If this bill cannot be separated and goes through the Parliament of Canada in the form in which it is today, are you supportive or not supportive of it?

**The Chair:** I'm not seeing anybody jumping at the chance to answer, but we'll turn to Ms. Wenman to begin with.

**Ms. Christine Wenman:** We'll reiterate what has been said in the brief, which is that we anticipate implications to efficiency and an investment environment with the proposed changes.

As for answering the question directly, we haven't discussed that with our membership.

**Ms. Karen Hamre:** Alternatives North is a volunteer organization. We have as members church groups, anti-poverty groups, women's groups, labour groups across the NWT, and we chose to look specifically at those changes to the MVRMA. We didn't discuss the rest of the bill.

• (1755)

**Mr. Floyd Roland:** I was with the Government of the Northwest Territories for 16 years, and prior to that I was with the Inuvialuit Hunters and Trappers Committee and the claimant groups were signing—the Gwich'in were the next to sign—the overlap agreements we had worked on together. The continuing self-government negotiations and land claim negotiations that go on in the Northwest Territories in fact I think speak for themselves to say there is a need for that change to occur and to be done by northerners. So I think the comment about why we should change something that works only focuses on a small piece of this.

If it comes down to the fact, I would say I'd still go along with the public government side and those aboriginal groups who signed along with the government and followed up in this legislative assembly that sits now and that there's enough there to see that there's more benefit and decision-making authority that occurs in the north.

I'll give you examples of decisions made by representatives who spent little time in the north, who got their brief from reports, and then made decisions based on those that were not necessarily in the best interests of northerners. When you're discussing with different groups along the way, the message becomes very unclear when you have a number of groups running to different ministers' offices in Ottawa requesting that things change or not change or change in a certain way. I think one of the challenges right now that will be facing northerners is the question regarding who will be at the table to help make those decisions as this authority moves north. The Government of the Northwest Territories has in fact over quite a number of years been incorporated into governmental tables and aboriginal leader circles to sit down with the premier of the day to go over the issues that are of concern to all northerners and to try to come up with consensus in those areas.

So I see this as another one of those tools through which they will have a direct voice right to the leadership of the Government of the Northwest Territories, which, when you look at that assembly, is made up of elected northerners from across this great territory.

**The Chair:** Go ahead, Ms. Brown.

**Ms. Sara Brown:** Thank you.

Again I would echo the comments of Mayor Roland and our presentation. We're going to focus our comments on a strong, empowered, and vibrant territorial government. That's what we hope to see. Unfortunately we're not comfortable commenting on the second part of the act. We'll leave our comments there.

**The Chair:** I appreciate that. Thank you so much.

We'll turn now to Mr. Bevington. I don't know if you had any follow-up questions. We want to give you an opportunity with the addition of Mayor Roland.

**Mr. Dennis Bevington:** Thank you, Mayor Rolland, for coming here today. You were premier in a government that wrote letters saying you weren't in favour of the proposed changes to the Mackenzie Valley Resource Management Act. Was that your position at the time, and is it still your position?

**Mr. Floyd Roland:** We had set up a regional leaders table at which the grand chiefs and presidents of aboriginal groups along with the territorial government sat together to discuss certain issues. When this debate was being had in Ottawa, the Government of the Northwest Territories supported aboriginal groups, and I believe still does, when it came to the changes that were being looked at and not understanding what they might mean. In fact we think it would be appropriate to strengthen them through resources—human and financial—to make sure the work can be done. Barring that happening, then as I say, the control to northerners coming forward is important.

There were some areas in which decisions had to be made in the discussion about what level of authority is actually coming north. But taking a step back and looking at the big picture, I would say we need to move the decision-making north so we who live here will benefit from the decisions made, or we need to put in place conditions that we feel best meet the needs of northerners.

Thank you.

• (1800)

**Mr. Dennis Bevington:** Well, here today most of the discussion and debate has been around the super-board. Now, you're a claimant beneficiary for the Inuvialuit. Is that correct? How do you think your claimant group would like to see their regional structure taken away?

**Mr. Floyd Roland:** I guess that's where you go back to the actual land claim agreements and what's been put in place as being.... As we all know, those land claim agreements are constitutionally protected. In terms of some of the work anteriorly put up, there's room for discussion and debate about that.

Right now I know that there were concerns of some change to, for example, the NWT Water Board and what that might mean for the Inuvialuit on this board, or any changes coming forward. But as I point out, the Inuvialuit Regional Corporation, the chairperson, signed the agreement to move this forward.

Again, taking a look at the big picture and the authority that affects us, we believe it should be moved north. That's looking at the big picture. Yes, there are challenges within it. We all know that when governments open a piece of legislation, especially at a level like the NWT Act, it doesn't happen very often. Then, as we're having happen at this table, as required by protocol and processes, a debate about northern issues is happening, whether it be in the media or at this table or as will happen in Parliament, as we hopefully see this thing move forward and pass.

**The Chair:** Thank you.

We'll turn to Mr. Strahl for the final questions.

**Mr. Mark Strahl:** Thank you very much, Mr. Chair.

Thank you to the witnesses for your presentations and for making yourselves available to us.

As I think this is the last question of the day, I want to thank everyone involved, from the hotel to our analysts and clerk and all the support staff, for putting in a really full day. This is the equivalent of four full meetings of the AANO committee in Ottawa in one day. That would take us two weeks normally, and we've managed to hear that many witnesses and question that many witnesses here in a single day. I just would like to thank everyone who's made that possible.

Mayor, I had the privilege of coming up to Inuvik with the Prime Minister a couple of weeks ago, joining a number of folks in the community centre there. It's a beautiful facility. Mr. Leef and I were both there, and we noted that there was really only one point of spontaneous applause at the event. We talked about, obviously, hundreds of millions of dollars for a new highway. That got some attention. But when devolution was mentioned, there was actual spontaneous applause in the room for bringing this decision-making authority to the north.

As a former premier, and as someone whose signature is on some of the documents that have led us to this bill, can you talk to how this will benefit Inuvik specifically, and the whole NWT as well, with the changes that are proposed, bringing that...? As Tina said as well, Ottawa is a long way away, and the GNWT is here.

How do you think that devolution process will benefit your community and the Northwest Territories as a whole?

**Mr. Floyd Roland:** It will be a benefit at a number of levels, and representing a community that will see some benefit through increased jobs moving north, that's a direct benefit. From a municipal point of view, the more taxpayers in the community paying their taxes the better when it comes to providing those services.

I must apologize. Unfortunately, I wasn't at that event as I was ill. I would have liked to be there to hear what was said, but I did receive positive feedback on that from community members and leadership that were there. The comments on Twitter and Facebook were all positive.

In northerners' eyes, I think the biggest thing you can see is decisions being made that they can understand. Right now a lot of decisions being made, as was done in the past, didn't quite reflect the day-to-day requirements of our communities.

I was born and raised in Inuvik, and I've seen the boom and bust cycles. It's always frustrating when you dig a little more and find out the decisions being made and the conditions being put in place don't necessarily reflect those on the ground in the community that call this area home. That was always a challenge, especially when you sat and listened to many of the elders talk about a need for control in the north.

The very short side of it from a community perspective, the immediate positive response would be there are jobs coming north. The more important thing and long-term impact to the development of the north is that those making the decisions and preparing the analysis will call this place home. From the very interaction they have at the street level, at the grocery store, at the gas bar, at the regional leaders table, they will know exactly what the feeling is and what concerns need to be addressed as the leadership in the north so that decision-making power is important.

Your comment earlier fits into that big discussion about decisions being made by northerners or by non-northerners. Not to be disrespectful at all, but there's an expertise level throughout the north that has come from other places in Canada that has often discussed the way we should be, what should happen, and how it should happen.

I was in tourism before I got into politics. One of the things I would say was that when Mackenzie and others decided to explore the north, and they got as far as my end of the territory, they paddled up the rivers and saw there were people on the shore waving, and they thought, "What a lovely, friendly bunch of people this is. Let's go and check them out." When they stopped, they realized they weren't necessarily waving. They were just swatting the bugs. That's an image I sometimes first put on the table to gauge the impact of individuals who want to talk about the north.

The other one is how many people have been up to Sachs? That's within the Inuvialuit territory. That was the white fox capital of the Northwest Territories at one time, a very traditional community, our most northern community. It has three RCMP outposts. When you talk sovereignty and you talk Canada, we live there. My father travelled from Booth Island, as they called it, by dogsled and made a snow house every night to travel to the delta. That is in the lifetime of northerners as we discuss it.

While we haven't had the opportunity of southern Canada to make so-called big decisions and influence key decision-makers, we have adapted and lived the north, and we will continue to do that. This is another one of those adaptations, bringing in the authority to the north for decision-making.

I tell you, as I've come to Yellowknife this week, I'm going to spend the week knocking on ministers' doors within the Government of the Northwest Territories to talk about our taxation system, our education system, and our health system. It's better than my going all the way to Ottawa to try to get those meetings, which is not as easy to do definitely when it comes to northerners and those impacts and decisions that are made.

• (1805)

While I say yes, many decisions that were made were a benefit to northerners. There were also many decisions; we're cleaning some of those or we will be forever reminded of them right in this community of the city of Yellowknife. Giant Mine is a result of decisions made by a past government many years ago, adding into the decades. They had a process built in and when it came to northerners, what were northerners called? Even the Government of the Northwest Territories until a few years ago was called "the stakeholder". Excuse me but I'm not a stakeholder. This is my home.

I'll put this as politely as possible but you coming to the territories to have this meeting, I would consider you a stakeholder as we see the development of the north. I'm passionate about the north. I never believed I'd be in politics, but I tell you, from listening to the elders and the people of the north saying, "We want decisions made in the north; we want better decisions made in the north", I got involved. That's one of the reasons why I chose to come to this committee meeting, to share some thoughts and comments with you.

• (1810)

**The Chair:** Thank you.

I think that's a good place to end. I can tell you that what we've heard today is representation from people who are truly wanting to be in the public service. There are people who have diverging opinions and there are people who come with different ideas. People have been respectful and helpful and it's been a meaningful day for us. We certainly appreciate everyone's involvement. Of course, you being our last panel, we appreciate your willingness to be patient with us all day. We've spent a fair bit of time hearing testimony and you've been here as well.

Thank you.

I will dismiss our witnesses. I will put out some information to the public who are still here.

I wanted to inform people that our committee continues our work. We will continue to have hearings with regard to this bill. If individuals have submissions or briefs or want to contribute something, please make that available to committee members or to our clerk as soon as possible. That information is helpful. I should also note that the Senate committee continues to do their work. They're also holding hearings with regard to this. Some of you will be meeting with senators on those hearings as well. There's a lot of work that continues. We'd certainly appreciate and be willing to accept anything that individuals may have to contribute as we move forward.

Again, I want to thank our witnesses who are here at the table right now. For people who have contributed throughout the day, it's been a very important day for us. I also want to thank Mr. Strahl and the people who have facilitated this session. Certainly, this doesn't happen without a lot of work. We want to thank everyone who's been involved in making this happen. As well, I want to thank those people who have joined us for the day. It's been an important and meaningful day and we appreciate your contributions.

With that, I will adjourn our meeting. We'll see you all again sometime.

The meeting is adjourned.

---







Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>