

**KEVIN O'REILLY—MLA FRAME LAKE**  
**Land Use Planning**  
**Committee of the Whole—2017-2018 Operating Budget Review**  
**Dept. of Lands—February 23, 2017**

**MR. O'REILLY:** Thanks, Mr. Chair. In general comments and I think even in the Minister's opening remarks he talked about how there is some sort of land use planning process that is being developed for the Crown lands in the Wekweeti Management Area, and he talks about a terms of reference being developed. Can he, number one, answer whether this land use plan is going to be legally binding? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Minister.

**HON. LOUIS SEBERT:** Thank you, Mr. Chair. Perhaps this question might be best answered by Mr. Hagen.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. In the interest of time you can just gesture towards Mr. Hagen if you would like me to address him. Thank you. Mr. Hagen.

**MR. HAGEN:** Thank you, Mr. Chair. As the Members know, I am sure, that it is the mandate commitment of the 18<sup>th</sup> Assembly to implement an agreed upon government structure allowing you to fly into Wekweeti management area on public lands. The Tlicho Government have one already established on private lands. So where we are now is we are collaborating with the Tlicho Government and other planning partners to develop a term of reference to move forward with planning for the public lands. You know, the public lands represent an opportunity to build a relationship through collaboration and it definitely will provide certainty regarding economic development, future prosperity, on and on, and of course some of those public lands in the Wekweeti take in two diamond mines and it also takes in the proposed road to Whati, and also it takes in the Bathurst caribou migration route also.

So it is a very important plan and we have full cooperation of the Tlicho Government to move forward on it. They are very keen to do so. We have had discussions with the Government of Canada. They are a signatory to the Tlicho Land Claim Agreement, so they have supported financially and with people the Gwich'in plan 25 years ago or so, the Sahtu plan, and the current draft of the Deh Cho Land Use Plan.

So far they have not said no, but we have not had a lot of luck getting support from them and moving this initiative forward, and we do not have the budget. We would need approximately \$5 million over four years to complete the plan, but we are doing what we can and we are collaborating, like I say, with the Tlicho Government right now and trying to develop a term of reference.

Our Aboriginal organizations that have rights in the region also, so it does get very complicated, so we are not dealing just with the Tlicho here, we are dealing with other Aboriginal governments. We have not moved very far along yet, but we are starting the process. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Hagen. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. That was a very detailed answer and I appreciate the deputy minister's comments. I guess, as I see it, there are two options for making sure this is a legally binding land use plan, and that is what our mandate calls for. One is to bring us under the Mackenzie Valley Resource Management Act, and Mr. Hagen mentioned the Gwich'in and the Sahtu Land Use Plans. This would be, I think, an ideal - that is the accepted and negotiated process in those two areas. Of course the Tlicho Government would have to have some say in this, but it would seem to make some sense to bring this under the MVRMA so that it is legally binding, you have got an agreed-upon process for developing plans, amending them, and all of that sort of thing.

The other option might be the Planning Act, which is a bit antiquated. It is on our side. So I guess I am asking the department to give some thought to what is going to be the legal bases for this land use plan? My recommendation is that you bring it in under the MVRMA, but of course subject to negotiation with the Tlicho Government. Is that on the radar for the department, or what legislation are they thinking about to making sure that this is a legally binding land use plan? Thanks Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Mr. Hagen.

**MR. HAGEN:** Thank you, Mr. Chair. The idea would be to bring it in under the MVRMA. I agree totally. I am one of the architecture signatories to the MVRMA, so it is near and dear to my heart, and I believe that the Tlicho Government is looking at it the same way. The territorial government is the lead on this. We have chosen to work collaboratively with the Tlicho Government. They did want to come, at first, to be a full partner but then in their land claim agreement if they wanted to be a full partner they would also have to put up their private lands to be part of the overall land use plan.

So that obviously would be a non-starter, so they are in full support of doing a land use plan on their public lands and we are in discussions now for terms of reference, and I take your remarks into consideration and that is where we are trying to lead the process. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Hagen. Mr. O'Reilly.

**MR. O'REILLY:** Thank you, Mr. Chair. I feel much more confident now about this, and I have known Mr. Hagen for years. I used to work at the Dene-Metis Negotiations Secretariat when I first came up here in 1985. The agreement that came out of that was to set up an integrated resource management system, the MVRMA is the implementation part of that, and I agree fully that that's what we should be pursuing. So I'm much more confident now than I was before I arrived in the Chamber today. Thank you, Mr. Chair. That's all I've got on this section. Thank you.