

# Board Teleconference Minutes



February 25, 2016, 9:00 am-10:00 am

Minutes by Deborah Simmons

## List of Acronyms/Terms Used

ENR	NWT Environment and Natural Resources
INAC	Indigenous and Northern Affairs Canada
SRRB/Board	ᐱᕐᕈᕈᕐ ᑕᑦᕐᕐᕐ ᑕᑦᕐᕐ ᑕᑦᕐᕐ ᑕᑦᕐᕐ (Sahtú Renewable Resources Board)
SYN	Sahtú Youth Network
TK	Traditional Knowledge
ᐱᕐᕈᕈᕐ ᑕᑦᕐᕐᕐ	Renewable Resources Council - RRC
ᐱᕐᕈᕈᕐ	Barren-ground Caribou

## List of Attendees

### Board Members

Michael Neyelle (Chair), Jeffrey Walker, Lesley Allen, Paul Latour

### Special Advisors

Keith Hickling (arrived late)

### Staff

Deborah Simmons, Joe Hanlon

### Guests

Lorraine Land (Olthuis, Kleer, Townshend LLP)

### Regrets

Leonard Kenny

## Meeting Agenda

- Opening prayer
- Special agenda item: Colville conflict of interest and bias motion

### 1. Opening Prayer and Review of Agenda (9:00 am)

*Opening prayer by Michael Neyelle*

## 2. Colville Conflict of Interest and Bias Motion

Presentation by Lorraine Land of draft preliminary ruling

### Discussion topics

- 4 key things for Board to keep in mind:
  - Land claim agreement provisions on conflict of interest take precedence over everything else (specific, constitutionally protected)
  - Therefore actions taken in normal conduct of regular employment or functions in Dene organizations are explicitly not in conflict
  - Modified test for policy boards
  - Can look at practical factors – re board being able to continue functioning, and prejudice to the board’s process including cost, if adjournment
- Note that there is no reference to the Déljñę ʔehdzo Got’jñę in the Colville submission
- The Government of the NWT submission concludes no conflict of interest or bias, and no grounds to adjourn the hearing
- SRRB options: accept and request that Board members in question step down from hearing decision (in which case there’s a problem with quorum), deny, or provide alternative relief to accommodate concerns
- Benefit of a ruling that puts in writing the Board’s efforts to prevent risk of conflict of interest or bias
- Risk that the Parties could request an injunction to stop the hearing
- Approach to presenting Board ruling in the media; Paul will be the spokesperson

### Decision 2016-041

D2016-041	<ul style="list-style-type: none"> <li>• Michael Neyelle, Leonard Kenny and Jeffery Walker are not currently in a conflict of interest on matters before the Board for decision at the Bluenose East ʔekwé Hearing, nor does their participation give rise to a reasonable apprehension of bias</li> <li>• The Board will allow Parties to raise motions regarding conflict of interest and/or bias if they have concerns during the hearing</li> <li>• The Board will take an alternative relief approach to ensure fairness at the hearing, including:           <ul style="list-style-type: none"> <li>○ Paul Latour will chair sessions related to the Déljñę conservation plan</li> <li>○ Michael Neyelle and Leonard Kenny will not participate in the panel to present the Déljñę management proposal</li> <li>○ Jeffery Walker will not participate in the panel to present the ENR management proposal</li> </ul> </li> <li>• Full reasons for decision will be presented by March 4 or earlier</li> </ul>	Consensus
-----------	---	-----------

Meeting adjourned at 10:00 am approximately

## Approval of Minutes

Approved by Board decision, June 29, 2016.



---

Michael Neyelle, Chair

## Summary of Decisions

Number	Description	Result
D2016-041	<ul style="list-style-type: none"><li>• Michael Neyelle, Leonard Kenny and Jeffery Walker are not currently in a conflict of interest on matters before the Board for decision at the Bluenose East ʔekwé Hearing, nor does their participation give rise to a reasonable apprehension of bias</li><li>• The Board will allow Parties to raise motions regarding conflict of interest and/or bias if they have concerns during the hearing</li><li>• The Board will take an alternative relief approach to ensure fairness at the hearing, including:<ul style="list-style-type: none"><li>○ Paul Latour will chair sessions related to the Délı̄nę conservation plan</li><li>○ Michael Neyelle and Leonard Kenny will not participate in the panel to present the Délı̄nę management proposal</li><li>○ Jeffery Walker will not participate in the panel to present the ENR management proposal</li></ul></li><li>• Full reasons for decision will be presented by March 4 or earlier</li></ul>	Consensus