



JUL 19 2018

Ms. Heather Bourassa
Sahtu Land Use Planning Board Chair
PO BOX 235
FORT GOOD HOPE NT X0E 0H0

Dear Ms. Bourassa:

**The Government of the Northwest Territories (GNWT's) Response
to the Proposed Scope of the Sahtu Land Use Plan 5-Year Review**

Please find the GNWT's comments on the Sahtu Land Use Planning Board (SLUPB)'s proposed scope of the Sahtu Land Use Plan's 5-Year Review attached.

Thank you for the opportunity to comment on the proposed scope. The GNWT looks forward to working with the approving parties to advance and complete an efficient and effective review.

Sincerely,

Terry Hall
Director, Land Use and Sustainability
Lands

Attachment



Government of the Northwest Territories

Comments on the Proposed Scope of the Sahtu Land Use Plan 5-Year Review

for

SAHTU LAND USE PLANNING BOARD

**Sahtu Land Use Plan, The First 5 Years: A Look
Back to Move Forward**

SUBMITTED TO

Sahtu Land Use Planning Board

P.O. BOX 235

FORT GOOD HOPE, NT X1A 0H0

July 19, 2018

GNWT Response to the Proposed Scope of the Sahtu Land Use Plan 5-Year Review

Thank you for the opportunity to comment on the Sahtu Land Use Planning Board (SLUPB)'s proposed scope of the 5-year review of the Sahtu Land Use Plan (2013). The Government of the Northwest Territories (GNWT) looks forward to working with the approving parties to advance and complete an efficient and effective review.

In 2018, the Sahtu Land Use Plan ('the Plan') is due for its first 5-year review as mandated under section 50 of the *Mackenzie Valley Resource Management Act* (MVRMA). In 2017, the SLUPB released an assessment report on the implementation of the Plan over its first 3 years. From this assessment, the SLUPB determined that amendments to the Plan are necessary and released a proposed scope of the review for public comment in January 2018.

The SLUPB's minimum recommended amendments include correcting mapping, zone descriptions, formatting, typographical errors, and grammar; reviewing any legislative and regulatory changes; updating zoning maps to 1:50,000; and, completing the Zone 41 (Nááts'ihch'oh) Amendment. The GNWT supports these minimum recommended amendments proposed by the SLUPB, as well as a revision of the Implementation Guide. In addition, the GNWT proposes a review of the conformity requirements and actions and recommendations to reflect changing circumstances and to ensure that the language is appropriate to the scope and purpose of the Plan.

In 2016, the Department of Lands (GNWT) released the Regional Land Use Planning Guidelines that specify the GNWT's criteria and decision-making processes for land use plans where the GNWT's input is sought as either a reviewer or approver. This includes a revised plan undergoing a 5-year plan review.

The Guidelines outline a list of criteria for GNWT review and approval of regional land use plans under the MVRMA. While not all of the criteria are applicable at the time of scoping a plan review, these criteria were used to guide the GNWT's comments on the proposed scope of the 5-year review by the SLUPB. Below are more details on the GNWT's recommendations for the scope of this review. Comments are provided for additional clarity to the SLUPB about the GNWT's interests in the scope of the plan review.

Ideally, the GNWT would recommend a comprehensive review including all of the issues listed below. However, we are aware that this may not be possible due to time and resource constraints. We are looking forward to discussing these issues with the Sahtu Land Use Planning Board and the planning partners this fall.

Clarity, Readability and Accuracy

The 5-year review is an opportunity to clarify wording, zone descriptions and designations, and mapping information in both the Plan and the Implementation Guide.

Spelling should be verified to align with legislation and word usage should be defined and corrected. Definitions should also be clarified to reduce ambiguity. Changes to legislation and government/departmental responsibilities should be updated. Specifically, changes as a result of devolution - the transfer of the responsibility for public land, water and resource management from the Government of Canada to the GNWT - should be reflected throughout the Plan and Implementation Guide.

There is an opportunity through the review to clarify zone descriptions. Furthermore, initial review of zone designations with respect to more recent resource assessment information, proposed major projects and infrastructure corridors indicates that a more rigorous review of zone designations is likely warranted. For example, the review should consider the latest information on the Mackenzie Valley Highway.

The information delineated on the maps should be reviewed and confirmed (*e.g.* community boundaries and Block Land Transfer Boundaries). The updated GIS files (scale 1:50,000) should also be reviewed and approved as part of this review.

Flexibility

The 5-year review should consider new land use interests not contemplated during plan development (*e.g.* there is increasing interest in access to land for agriculture outside of community boundaries) and review the amendment process for clarity and ease of use to prepare the Plan for future development scenarios.

There are several community self-government negotiations underway that may involve revisions to existing community boundaries. Changes to any land subject to the Plan, as a result of revised local government boundaries, may have impacts on periphery zoning and

the proportion of land in each zone type across the region. This is an emerging area of interest and should be part of the review.

Regulatory and Legislative Fit

The review should ensure that there is consistency between the Plan and any changes in legislation or regulation since it was adopted in 2013, most importantly devolution. The GNWT has also passed new pieces of legislation and/or regulations since 2013. The review should also ensure that the new legislation and/or regulations do not result in unnecessary redundancy and/or ambiguity of authority.

Since the adoption of the Plan in 2013, Nááts'ihch'oh National Park was created and the Plan no longer applies within its boundaries. The Plan needs to be updated to reflect this change. Upon finalization of the boundary of Nááts'ihch'oh National Park, the SLUPB submitted an amendment request for a change in zoning of the remaining portions of Zone 41 that were not included in the park boundary. The GNWT supports the completion of the Zone 41 amendment process as part of this review.

The GNWT proposes that the review should reassess and clarify the purpose of the actions and recommendations to ensure they are within the scope and purpose of the Plan. Conformity Requirements (CRs) should also be reviewed to ensure there is no unnecessary redundancy with other legislation, such as the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (SDMCLCA) or the MVRMA.

Ease of Implementation

The process of conformity determination under the Plan has not been fully tested. However, the GNWT proposes that the Implementation Guide and related procedures require discussion and refinement.

The GNWT proposes this review consider the development of procedures for regulatory authorities to meet their conformity review requirements for the Plan. There is also uncertainty as to conformity sequencing and coordination among regulatory authorities. This review should ensure clarity as to when a project moves to regulatory or environmental assessment. In the absence of an MVRMA amendment, the GNWT recommends updating the Implementation Guide to clarify sequencing and coordination procedures. The review should also clarify the role of the SLUPB and its staff in discussions with proponents, other boards, and government staff.

Transboundary Consistency and Coordination

Many of the regulatory system-related implementation issues to date have involved transboundary infrastructure and/or resource management projects. The review should clarify the Plan's implementation in relation to transboundary issues (both regionally within the Mackenzie Valley and with the Yukon).

