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SAHTU LAND USE PLAN ASSESSMENT REPORT

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Acronyms

| | |
|----------------|---|
| CR | Conformity Requirement |
| CZ | Conservation Zone |
| ENR | Department of Environment and Natural Resources (GNWT) |
| EPA | Established Protected Area |
| GNWT | Government of the Northwest Territories |
| GUZ | General Use Zone |
| INAC | Indigenous and Northern Affairs Canada |
| LWBs | Land and Water Boards (SLWB, MVLWB) |
| MVEIRB | Mackenzie Valley Environmental Impact Review Board |
| MVLWB | Mackenzie Valley Land and Water Board |
| MVRMA | Mackenzie Valley Resource Management Act |
| NEB | National Energy Board |
| NWT | Northwest Territories |
| PCI | Proposed Conservation Initiative |
| RRC | Renewable Resources Council |
| SDMCLCA | Sahtu Dene and Metis Comprehensive Land Claim Agreement |
| SLUP | Sahtu Land Use Plan |
| SLUPB | Sahtu Land Use Planning Board |
| SLWB | Sahtu Land and Water Board |
| SMZ | Special Management Zone |
| SRRB | Sahtu Renewable Resources Board |
| SSA | Sahtu Settlement Area |
| SSI | Sahtu Secretariat Incorporated |
| TK | Traditional Knowledge |

Definitions

"Action" means a measure directed at various bodies, including Designated Sahtu Organizations, departments and agencies of the federal and territorial governments, and co-management boards, to advance planning issues or fill data gaps needed to move the Plan forward during future review cycles.

"applicant" means an individual, company or organization applying for an authorization relating to the use of land.

"approving parties" means the Sahtu Secretariat Incorporated (SSI), and the territorial and federal Ministers who are responsible for approving the Plan.

"authorization" includes a licence, permit or other authorization relating to the use of land, water or resources or the deposit of waste, issuable under any federal or territorial law.

"Board" means the Sahtu Land Use Planning Board unless the context implies otherwise.

"community organizations" means district and community land corporations, the local first nation and/or community council, and the renewable resources council, or any successor organizations to any of these organizations.

"Conformity Requirement" means a requirement of the Plan that is to be implemented through the issuance of licences, permits, other authorizations, and dispositions.

"Designated Sahtu Organization" means a Sahtu organization designated pursuant to chapter 7 of the *SDMCLCA* and includes the Sahtu Secretariat Incorporated, or any successor organization.

"disposition" means the issuance of a lease or interest relating to the use of land and water as per S. 25.2.9 of the *SDMCLCA*, and includes an equivalent interest granted by a district land corporation.

“legacy land use” means a land use activity that is defined and exempted from some or all of the Conformity Requirements as per S. 2.5 D of the Plan.

“land use activity” means a physical activity that involves the use of land, water or resources or the deposit of waste.

“land” includes land, waters and other resources.

“planning partners” means residents, communities, Designated Sahtu Organizations, departments and agencies of the territorial and federal government, co-management boards, industry, businesses, non-government organizations and members of the general public who are affected by or interested in participating in the planning process.

“Recommendation” means a statement that identifies additional factors or measures for applicants and regulators to consider or act on during project reviews. Recommendations are not legally binding.

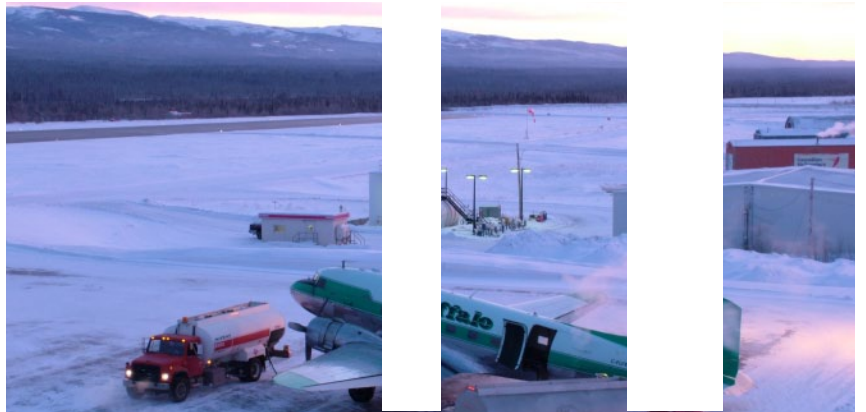
“regulator” means a body having authority under any federal or territorial law to issue an authorization, whether or not the body is a “designated regulatory agency” under Part 5 of the *MVRMA*.

“Sahtu First Nation” means the Sahtu Dene and Metis as represented by The Sahtu Secretariat Incorporated, or by any successor to that corporation, as it is defined in the *MVRMA*.

“Sahtu Settlement Area” means the area within the Northwest Territories described in Appendix A of the *SDMCLCA*.

“zone” means an area in which specified land uses are prohibited and specific Conformity Requirements are applied as per Conformity Requirement #1 in the Plan.

EXECUTIVE SUMMARY



Executive Summary

The Sahtu Land Use Planning Board (SLUPB) is the regional planning body for the Sahtu region of the Northwest Territories. The Board's mandate is set out in the *Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA)* and includes direction to develop a Land Use Plan for the Sahtu Settlement Area; monitor the implementation of the Plan; determine whether referred activities are in accordance with the Plan; adopt amendments to the Plan; and carry out a comprehensive review of the Land Use Plan at 5 year intervals.

The Board worked from 1998 to 2013 to develop the Land Use Plan for the region. Despite some challenges and setbacks, the SLUPB was ultimately able to produce a land use plan that successfully integrates the interests of a range of planning partners and sets land use direction for the Sahtu area. The Sahtu Land Use Plan (SLUP) was approved and enacted in August 2013.

Following three years of Plan implementation, the SLUPB retained HTFC Planning & Design to conduct an assessment of the Sahtu Land Use Plan's development and implementation to date. The intent of the assessment was to engage with Sahtu planning partners through interviews and surveys to evaluate the awareness and effectiveness of the Sahtu Land Use Plan and identify areas of priority for the planning partners.

This assessment report has been prepared for the Board and its planning partners to support their collaboration in implementing the SLUP. The report is intended to:

- **Inform** the activities of the Board and its planning partners;
- **Support** preparations for a round of upcoming community meetings to discuss the SLUP;

- **Identify** key points of discussion for the planning partners to consider in preparing for the SLUP five-year review; and
- **Aid** the Board in meeting its monitoring responsibilities.

The interviews and surveys conducted as part of this assessment reveal some consensus on the success of the plan, the functioning of the SLUPB, the regulatory process in the NWT, and items to consider addressing in the Plan's five-year review:

1. The majority of **planning partners are positive about how the Sahtu Land Use Plan has been implemented** to date.
2. Regulatory agencies that are responsible to implement portions of the Plan have **successfully issued numerous authorizations under the new regulatory framework**.
3. **The Board is well respected** and believed to be functioning effectively, though with limited financial and human resources.
4. **The Plan is seen as an effective tool for managing land use at a regional scale** (particularly through its different zones).
5. Representatives of Sahtu organizations were confident that **zoning is protecting some of the most sensitive cultural and natural areas** in the region.
6. **The Sahtu Land Use Planning Board website is seen as an easy-to-use tool** for getting information about the Plan and current conformity determination or amendment processes.
7. Overall, the Plan seems to be working as expected. However, with only three years of implementation following over a decade of planning, there is a broad consensus that **the Plan has not yet been fully tested**.

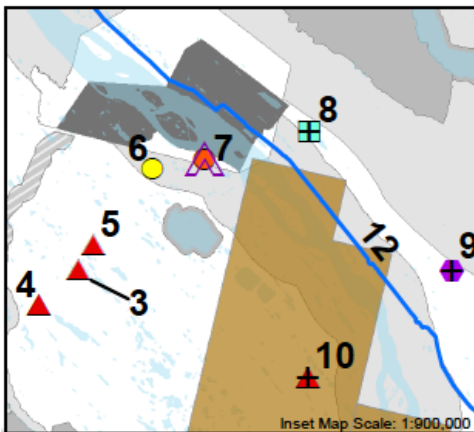


Figure 1: Regulators have successfully issued numerous authorizations since SLUP approval in 2013. See authorizations map in main text for more information (SLUPB, 2016).

With these considerations, significant changes to the SLUP may not yet be necessary. However, this report identified a number of priorities for the planning partners to consider in continuing to implement the SLUP and preparing for the upcoming 5-year review of the Plan. The priorities, discussed in detail in Section 5 of the assessment report, are:

A. Correct Errors in the Sahtu Land Use Plan:

Regulators, Sahtu organizations, and other plan users are encouraged to inform the Sahtu Land Use Planning Board of any errors they might notice in the Plan, and propose corrections where applicable.

B. Reflect Devolution in the SLUP and Implementation

Guide: The GNWT, the Government of Canada, and other agencies that issue permits and authorizations should assist the Sahtu Land Use Planning Board in confirming and updating the Land Use Plan and Implementation Guide to reflect the new responsibilities since devolution.

C. Increase the User-friendliness of the SLUP: Consider how the Plan could be made clearer for plan users – both project proponents and regulators. Consider the development of other user-friendly materials to aid in communication efforts.

D. Revisit the SLUP Vision and Goals: The current vision and goals are well-grounded in community process and reflect the perspectives of Sahtu residents. But these should be revisited in the five-year review to ensure they are still relevant.

E. Review the SLUP Conformity Requirements:

Planning partners provided comments on each of the Plan's 19 Conformity Requirements (CRs). Some of these CRs currently present challenges in terms of interpretation and application. They may also duplicate other regulatory processes. Conformity Requirements that appear to be a top priority for review are CR #2 (Community Engagement and Traditional Knowledge) and CR #3 (Community Benefits). Secondary priorities for review include CR #7 (Wildlife); CR #12 (Financial Security); and CR #14 (Protection of Special Values).



Figure 2: The SLUPB should review conformity requirements like CR #2 – Community Engagement and Traditional Knowledge – during the five-year review (Sahtu Atlas, 2005).

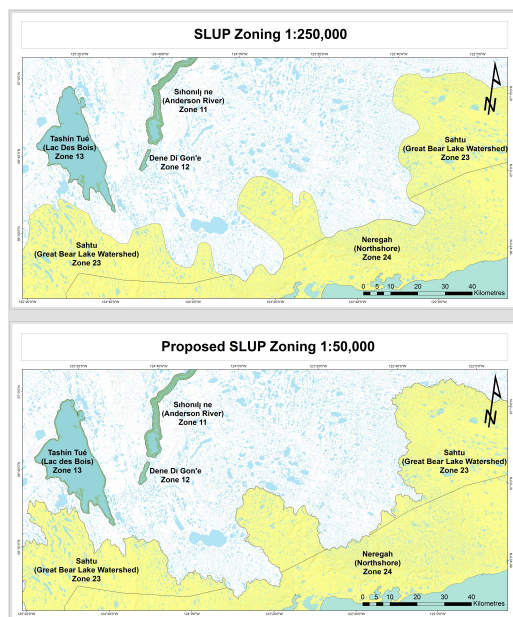


Figure 3: SLUPB staff should continue the process of refining the scale of zone mapping (SLUPB, 2016)

- F. Address SLUP Actions and Recommendations** (including the Sahtu Land Use Working Group): The Actions and Recommendations in the Plan should be reviewed to determine if they are influencing action to address these priorities. Establishing the Sahtu Land Use Working Group (Action Item #1) may allow for a forum to address the other actions and recommendations.
- G. Continue to Clarify SLUP Mapping:** SLUPB staff should continue the process of refining the scale of zone mapping and developing accurate physical descriptions of zones. This will make implementing the plan easier for regulators and provide more clarity for industry.
- H. Provide Specifics on Referrals for Conformity Determinations:** The SLUPB should provide clarification on processes for referring a conformity determination to the Board. This information should be prominently displayed or re-circulated so that more planning partners and community members become aware of the appropriate mechanism to refer a project for conformity determination. The SLUPB should also work to clarify its commitment to hard timelines during its conformity determination process (rather than estimates) to address regulators' and proponents' uncertainty around the conformity determination process.
- I. Develop a Communication Strategy:** The SLUPB should work with its planning partners to develop a concise communication strategy aimed at raising awareness and building understanding of the Plan amongst key audiences. For each target audience, the Plan would identify the priority messages and the best means of communication.
- J. Enhance Functionality of the SLUPB Website:** The SLUPB website is already an easy-to-use tool. However, the SLUPB could take a few simple steps to add functionality to the website and help with increasing the general understanding of the Plan and the role of the Board (see main text for detailed recommendations).

K. Further Articulate Roles and Responsibilities within the SLUPB: The SLUPB should further articulate its policy on the level of communication it is comfortable delegating to staff on development applications. The SLUPB should update the Implementation Guide to reflect this policy.

L. Maintain Board Membership: Board vacancies have presented an on-going challenge for the SLUPB since its inception. The approval parties will have to set a priority of filling any vacancies that arise in the future. Honorarium rates for SLUP Board members should also be considered as a potential factor in attracting and retaining qualified Board members.

M. Develop Methods to Monitor Implementation: The SLUPB should work with the planning partners to develop a defined process for monitoring plan implementation. Initial steps should focus on developing methods to track authorizations issued (and declined) under the Plan. Information-sharing mechanisms should be defined for each agency that issues authorizations or permits under the SLUP.

N. Archive Community Research Materials: The SLUPB should continue to work with the SSI and Sahtu communities to determine appropriate arrangements for secure storage of the materials that were gathered during the initial years of community research for the Plan.

O. Provide Access to Community Research Materials: The SLUPB, SSI, and Sahtu communities should investigate the intellectual property rights associated with the existing community research materials and establish systems to manage the materials. The parties' aims are to fulfill prior commitments with respect to sharing and using the materials and to make the records available to the individuals and communities who generated them.

Ongoing dialogue will be necessary within the SLUPB and amongst approval parties in scoping what may realistically be accomplished during the upcoming 5-year review process.



Figure 4: Traditional activities in the Sahtu region (Sahtu Atlas, 2005)

INTRODUCTION + APPROACH



Photo: Sunrise over Fort Good Hope., Sahtu Wildlife, Flickr Creative Commons, 2007

INTRODUCTION & APPROACH

1.1. BACKGROUND

The Sahtu Land Use Planning Board (SLUPB) is a public institution within the integrated system of land and water management established through Chapter 25 of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (SDMCLCA). The Board's mandate is set out in the 1998 *Mackenzie Valley Resource Management Act* and includes direction to develop a land use plan for the Sahtu Settlement Area; monitor the implementation of the Plan; determine whether referred activities are in accordance with the Plan; adopt amendments to the Plan; and carry out a comprehensive review of the Land Use Plan at 5 year intervals.

The Sahtu Land Use Planning Board was established in 1998, and in August of 2013, the Sahtu Secretariat Incorporated, the Government of the Northwest Territories, and the Government of Canada approved a Sahtu Land Use Plan. This first generation plan was approved as a "living document," recognizing that ongoing work would be required to:

- Review the application of the Plan within the integrated management system;
- Reconsider planning topics that failed to gain consensus during Plan development;
- Respond to new data and information, as well as economic, social and environmental changes; and
- Refine the Plan through regular review and amendment.

Following three years of implementation, the Sahtu Land Use Planning Board (SLUPB) retained HTFC Planning & Design to conduct an assessment of the Sahtu Land Use Plan's development and implementation to date.

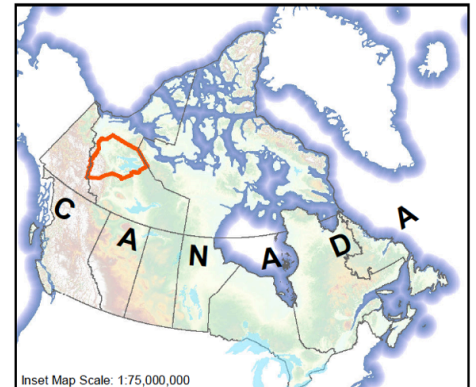


Figure 5: Sahtu Settlement Area, shown in red (SLUPB, 2016)

The intent of the assessment was to engage with Sahtu planning partners to evaluate the awareness and effectiveness of the Sahtu Land Use Plan and identify challenges and opportunities by reviewing past plan development and current plan implementation performance.

This assessment report has been prepared for the Board and its planning partners to support their collaboration in implementing the SLUP. The report is intended to:

- Inform the activities of the Sahtu Land Use Working Group, which is currently being established;
- Support preparations for a round of upcoming community meetings to discuss the SLUP;
- Identify key points of discussion for the planning partners to consider in preparing for the SLUP five-year review; and
- Aid the Board in meeting its monitoring responsibilities.

1.2. METHODS

There were two key methods used in developing this report: a document review and consultation with Plan users.

DOCUMENT AND FILE REVIEW

During the document and file review, HTFC Planning & Design reviewed key documents related to the Sahtu Land Use Plan and co-management boards in the Northwest Territories. This included:

- The Sahtu Land Use Plan
- Sahtu Land Use Plan Supporting Documents (including the Implementation Guide, Background Report, and Rules of Procedure)
- Government Publications
- Records of Authorizations by the Sahtu Land and Water Board and Mackenzie Valley Land and Water Board



The research also included a trip to the Sahtu Land Use Planning Board office in Fort Good Hope in June 2016 to meet Board staff and review files on site.

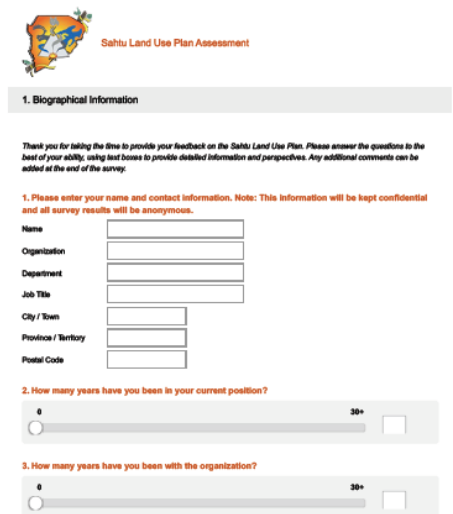
SURVEYS AND INTERVIEWS

HTFC Planning & Design worked with the Sahtu Land Use Planning Board staff to develop a detailed survey questionnaire and interview guide to solicit input from the SLUPB's planning partners. The questionnaire was developed to be replicable so that it can serve as a tool to assess Plan implementation over time. The questionnaire was circulated digitally using the SurveyMonkey survey tool. A copy of the questionnaire is included in Appendix A.

HTFC Planning & Design provided the questionnaire to a range of Sahtu Land Use Plan users and planning partners identified by the Sahtu Land Use Planning Board staff. This includes representatives of Sahtu Designated Organizations, regulators, granters of authorizations and dispositions, oil and gas and mining industries, and other parties who had experience using or developing the Sahtu Land Use Plan. See Appendix A for the full list of organizations that received survey invitations.

If the primary contact from an organization was not clear, survey links were sent to multiple contacts at the same organization (indicated in parentheses). In a few instances, contacts that were sent survey links forwarded these links on to other employees in their organization whom they thought may have had better awareness of the Plan. In most cases, only one person responded from each organization.¹

In total, 71 survey invitation links were sent out over email. 39 surveys were completed. 4 respondents declined to take the survey. The remaining surveys were left incomplete (either because someone else from the organization had



The screenshot shows the beginning of a SurveyMonkey survey titled "Sahtu Land Use Plan Assessment". It includes a map of the Sahtu region and a section for biographical information. The form asks for name, organization, department, job title, city/town, province/territory, and postal code. It also includes two questions about the respondent's current position and years with the organization, both with a range from 0 to 30+ years.

Sahtu Land Use Plan Assessment

1. Biographical Information

Thank you for taking the time to provide your feedback on the Sahtu Land Use Plan. Please answer the questions to the best of your ability, using text boxes to provide detailed information and perspectives. Any additional comments can be added at the end of the survey.

1. Please enter your name and contact information. Note: This information will be kept confidential and all survey results will be anonymous.

Name

Organization

Department

Job Title

City / Town

Province / Territory

Postal Code

2. How many years have you been in your current position?

0 30+

3. How many years have you been with the organization?

0 30+

Figure 6: The SurveyMonkey survey tool was used to get feedback from Sahtu planning partners.

¹ The only exceptions were Natural Resources Canada (2 respondents), Transport Canada (2), GNWT Department of Transportation (2), and ConocoPhillips (4).

completed the survey or because no response was received after multiple email reminders).²

In addition to the surveys, nineteen respondents were identified by the Sahtu Land Use Planning Board to participate in interviews for this project. The interviewees represented the Sahtu Secretariat Incorporated, the Sahtu Land Corporations, the Mackenzie Valley Regulatory Boards, the Gwich'in Land Use Planning Board, the Government of Canada, the Government of the Northwest Territories, and one private consultant. 17 of the 19 interviews requested were completed. There was no response from two of the Sahtu Land Corporations.³ See Appendix A for the full list of interview participants.

The interviews were semi-structured, with the goal of encouraging conversation. The interview questions were adapted from the survey questionnaire and tailored to address the background and expertise of individual interviewees. Interviewers used unscripted probing questions to learn more about particular topics when necessary.

HTFC reviewed and analyzed the interview and survey data according to the assessment framework developed in conjunction with the Sahtu Land Use Planning Board. In this assessment framework, findings were organized by stakeholder type (e.g. industry, regulatory boards, etc.) as well as by theme (e.g. communication with the SLUPB, use of the Plan's conformity requirements, etc.). The major themes and findings are reflected in the structure of this report's Working Now section (Chapter 3).

The next sections in this report are based upon the review of documents, archived files and authorizations granted under the SLUP, as well as the analysis of the consultation activities described in this section.

² Up to five reminder emails were sent to encourage response to the survey. HTFC stopped sending reminder emails to organizations once one response from the organization was received.

³ Up to eight separate attempts were made to contact each interviewee by phone or email.

LOOKING BACK (1998 - 2013)



LOOKING BACK (1998 – 2013)

2.1. INTRODUCTION

The Sahtu Land Use Plan and Board are products of the 1994 Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA), and the 1998 Mackenzie Valley Resource Management Act (MVRMA).

This section introduces the legal basis of the Sahtu Land Use Plan and the Sahtu Land Use Planning Board through the SDMCLCA and the MVRMA.

SAHTU DENE AND METIS COMPREHENSIVE LAND CLAIM AGREEMENT (SDMCLCA)

The Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA) is considered to be a modern treaty between the Sahtu Dene and Metis and the government of Canada. It recognizes Sahtu Dene and Metis ownership of more than 40,000 square kilometres of land, and applies an integrated system of land and water management in the Mackenzie Valley.

The Agreement established three Sahtu co-management boards responsible for resource management in the Sahtu Settlement Area:

The Sahtu Land Use Planning Board (SLUPB)

for developing a land use plan for the settlement area and for reviewing and proposing approvals, exceptions and amendments to the plan.



Sahtu Land Use Planning Board (SLUPB)

The Sahtu Land and Water Board (SLWB) to regulate land and water use through the settlement area.



Sahtu Land and Water Board (SLWB)

The Sahtu Renewable Resources Board (SRRB) as the main instrument of wildlife management in the settlement area.



Sahtu Renewable Resources Board (SRRB)

MACKENZIE VALLEY RESOURCE MANAGEMENT ACT (MVRMA)

The Authority and Mandate of the Sahtu Land Use Planning Board stem from the 1998 Mackenzie Valley Resource Management Act. This Act established the Sahtu Land Use Planning Board (SLUPB) and directed the Board to develop a vision and land use plan for the Sahtu Settlement Area.

LAND USE PLANNING BOARDS

The MVRMA sets out requirements for membership and quorum of the land use planning boards. Boards must consist of five (5) members, of which two members must be appointed on the nomination of the Sahtu Secretariat Incorporated (SSI) (not including the chairperson) and one member must be appointed on the nomination of the territorial Minister (GNWT) (MVRMA, 38(2)).

For quorum of the Board, there must be a minimum of three (3) members, of which:

- One must be one of those appointed by the SSI.
- Another must be one of those not appointed in this way (MVRMA, 38(3)).

Sahtu Land Use Planning Board Membership

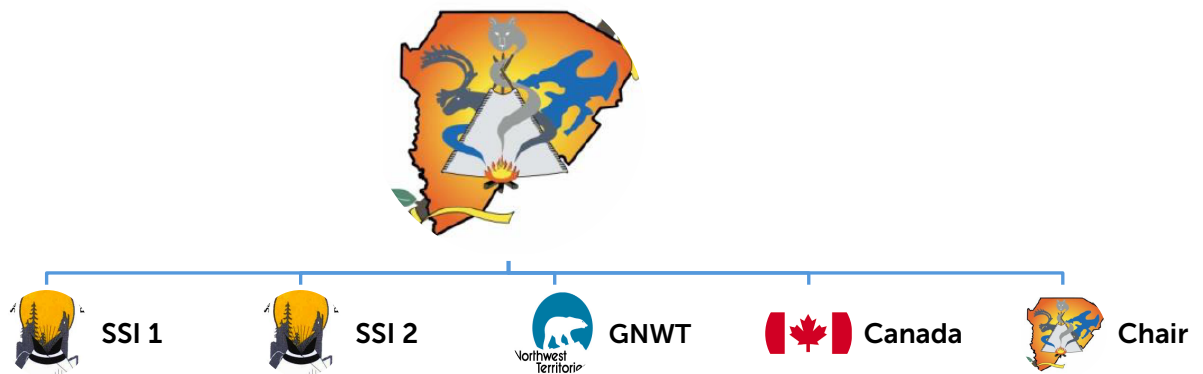


Figure 7: Board Member Requirements for Land Use Planning Boards under the MVRMA

LAND USE PLANS

A land use plan is a document that sets out the pattern for future development of an area. It outlines how, where, and when development should occur. A land use plan may include maps and diagrams. It may also include written statements, policies, guidelines, or forecasts.

The maps show areas where future development may occur, as well as areas where certain types of development may be prohibited to promote the conservation of land, water, and resources. The text of the Plan explains the maps and includes vision statements, goals, and requirements about how future development is to occur. The text will also include instructions on how the planning Board may, under certain circumstances, make changes (exceptions or amendments) to the Plan.

The following section (2.2) provides greater detail about the fifteen years between the creation of the Sahtu Land Use Planning Board and the enactment of the Sahtu Land Use Plan, including:

- a) A timeline and narrative of Board activities and milestones since 1998;
- b) An analysis of funding, staffing, and Board membership; and
- c) A discussion of lessons learned.

2.2. BOARD ACTIVITIES & MILESTONES

This section presents a timeline of major activities and milestones of the Sahtu Land Use Planning Board from its creation in 1998 to final approval of the Land Use Plan in August of 2013. The figures and text in this section provide general information on Board membership, staffing, and key milestones throughout this period.

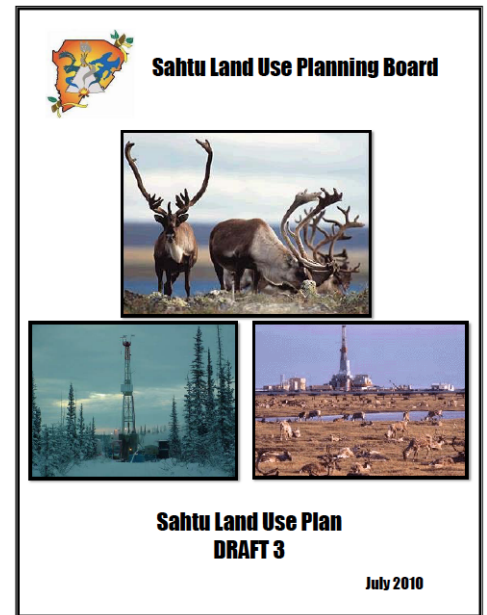
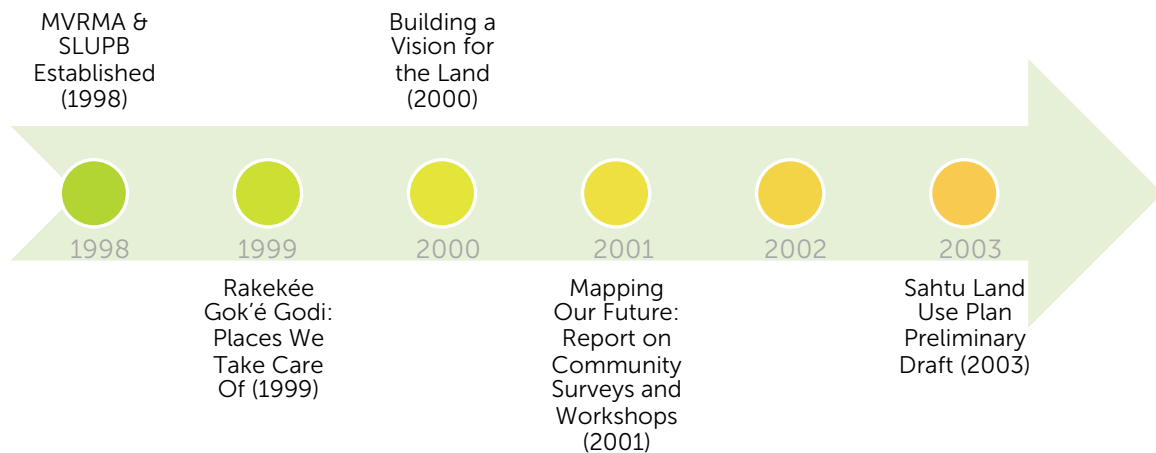


Figure 8: Sahtu Land Use Plan Draft 3, July 2010



Once the MVRMA established the Sahtu Land Use Planning Board (SLUPB) in 1998, it was hoped that a land use plan could be developed in five years. The SLUPB was strongly staffed at the time, including a Senior Planner/Executive Director, Planners/Special Consultants, Office Manager/Finance, a Planner Trainee (in 2000), and up to 16 Community Researchers (for a period of two years).

This team focussed its resources on community based research and visioning to support the creation of the Plan. They were able to conduct detailed community-based research activities in the five Sahtu communities, which included presentations, meetings, newsletters, visioning workshops, radio shows and traditional knowledge interviews (July-October 1999). This research generated a wealth of information with respect to historic use and values. Much of the data was documented through the Sahtu GIS Project.

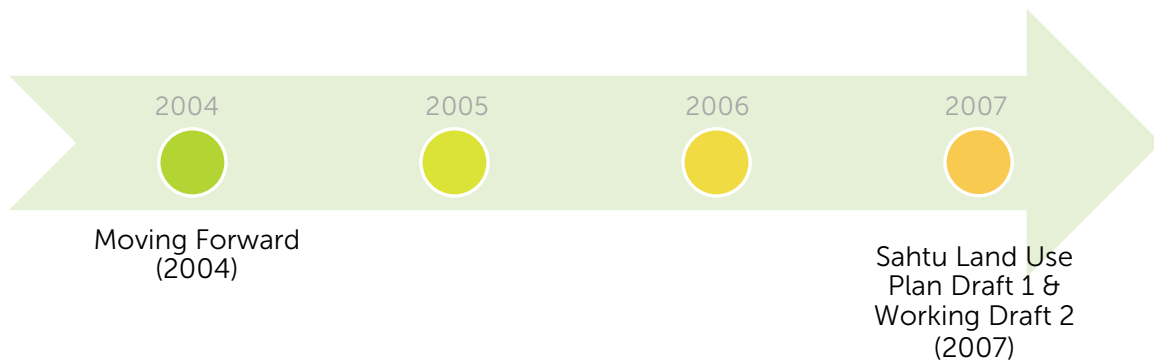


Figure 9: The Sahtu Land Use Planning Process (Sahtu Atlas, 2005)

The work and staffing levels were made possible through core funding levels of around \$700,000/year. During this time period, all Sahtu Co-Management boards (SLWB, SRRB, and SLUPB) were funded to a similar amount. However, funding for two planning positions (the Social Planner and the Resource Specialist) ran out in 2001. The Senior Planner

also moved on during this time, creating a complete staff turnover. The Board and staff completed a Preliminary Draft of the Sahtu Land Use Plan in 2003, which set out the vision and initial zoning for the planning area; however, the draft was not deemed complete enough to be passed by the approving parties.

2004-2007



The period between 2004 and 2007 was characterized by lower funding and staffing levels than the previous years, and high turnover at the Board level. In 2004, the 10-year implementation plan reduced the SLUPB's core funding to \$318,385/year (2004 dollars). To make matters more challenging, the Board lost quorum in spring 2004 and was down to one member by October 2004. The SLUPB operated without an Executive Director or staff from July 2003 to September 2005. Not surprisingly, progress on the Sahtu Land Use Plan was limited during the early part of this period.

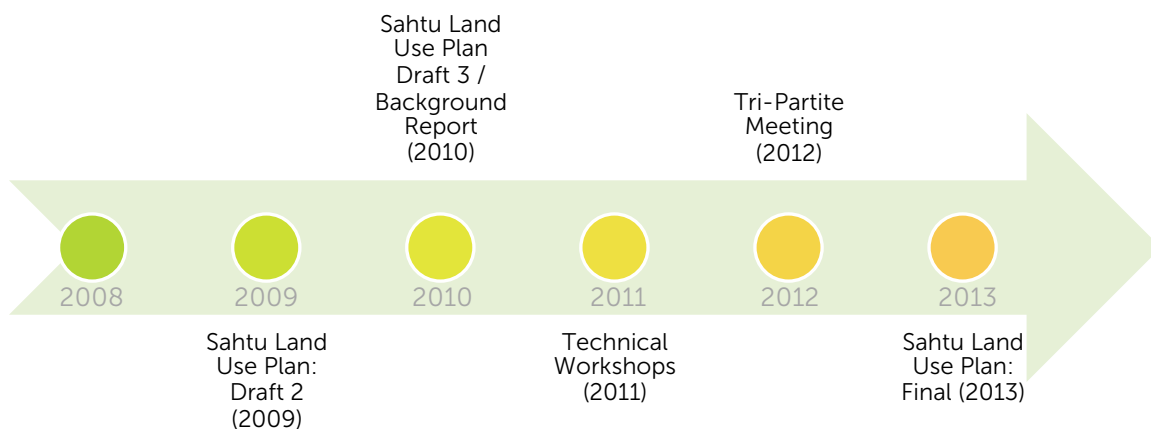
To address these challenges, a Special Consultant was brought in to do an operational review, with the goal of plotting a route to completing the Plan. The Special Consultant produced a report entitled "Sahtu Land Use

Planning Process: Operational Review Report “Moving Forward” in April 2004, which presented a work plan and budget to re-invigorate and complete the planning process.

Meanwhile, while progress on the Sahtu Land Use Plan had stalled, the community of Deline initiated *The Water Heart: A Management Plan for the Great Bear Lake and Its Watershed*. The *Water Heart* presented a community-based management plan for the Great Bear Lake watershed. To give it legal authority, *The Water Heart* was intended to be later incorporated into the Sahtu Land Use Plan. *The Water Heart* was published in May 2005.

Around the same time, the Sahtu Land Use Planning Board was able to fill most of its vacancies and return to a size of four members. Work on the Sahtu Land Use Plan was able to resume under a new Executive Director and Special Consultant. In 2007, the SLUPB was able to release Draft 1 of the Sahtu Land Use Plan, which was shortly followed by the SLUP Working Draft 2.

2008-2013



2008 marked ten years since the creation of the Sahtu Land Use Planning Board; Sahtu planning partners were eager to see the Plan completed. In September of that year, a new work plan and funding package for the SLUPB were established that were intended to help the Board meet its goal of getting the Plan to approval stage. This funding package increased the SLUPB's annual operating budgets to over \$1 million/year. This allowed the Board to be resourced with a staff of 5 full time employees/consultants to carry out planning activities, including an Executive Director, a GIS Analyst, a Planner/Communications Specialist, an Office Manager, and a Calgary-based Plan Development Lead.

During this period, the Board itself was also rejuvenated with an influx of new members. In 2009, all five Board positions were filled for the first time. These five positions remained filled from 2009 until 2012.

The strong funding and staffing levels in conjunction with an active Board allowed for a significant amount of work to be done during this period. The SLUPB was able to take on management of its GIS mapping system during this period. Technical workshops on the SLUP and a Tri-Partite Meeting (SSI, GNWT, AANDC) were held in 2011 and 2012. Many milestone documents were completed, including the *Implementation Guide* and *Background Report*. The period concluded with the completion of the Sahtu Land Use Plan Final Draft, which was sent to the three approval parties (see below) in February 2013.

PLAN ADOPTION

To come into effect, the Sahtu Land Use Plan had to be approved by three external signatories (*MVRMA*, S. 43):



SSI (Sahtu Secretariat
Incorporated)



Government of Northwest
Territories (GNWT)



Federal Government

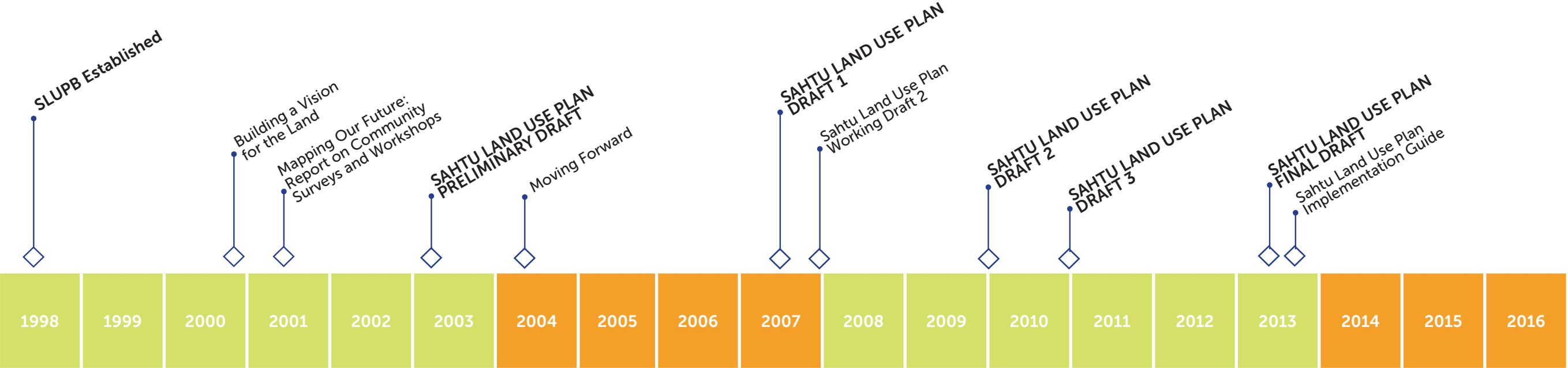
The Sahtu Land Use Planning Board adopted the SLUP on April 29, 2013. It received approval from SSI on July 4 2013 (with letters of support from each Land Corporation). It received approval from GNWT on July 25. Lastly, it received Federal approval (through AANDC) on August 8.

Following approval by the Federal Government on August 8, 2013, the Plan became a legally binding document.



Figure 10: Kathryn Bruce, Norman Yakeleya, Ethel Blondin-Andrew, Heather Bourassa and Bob McLeod celebrate following the completion of the Sahtu Land Use Plan (Iman Kassam, 2013).

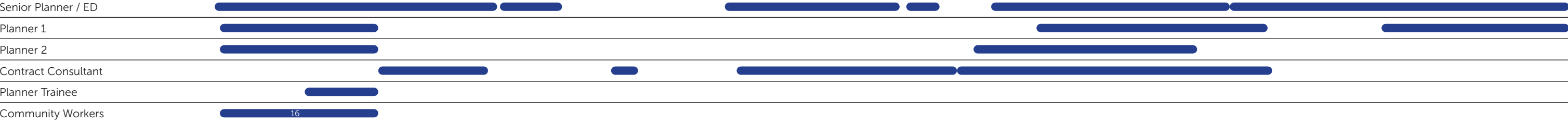
MILESTONE DOCUMENTS & EVENTS



BOARD MEMBERS



BOARD STAFF



2.3. SUMMARY

Despite some challenges and setbacks, the Sahtu Land Use Planning Board was ultimately able to develop a successful land use plan that integrates the interests of a range of planning partners and sets land use direction for the Sahtu area.

The Sahtu Land Use Planning Board has shown it can operate effectively when it has the professional capacity and the resources to do so. Looking back upon the history of the Sahtu Land Use Plan, it is clear that the Board was most productive during the early research period (1998-2003) and leading up to Plan adoption (2008-2013), when funding and staffing levels were at their highest.

Board membership has posed frequent challenges for the SLUPB since 1998. During this period, the Board lost quorum several times. Any loss of quorum is significant because it halts all ongoing decision-making processes.

Furthermore, the Plan was approved just before the northern regulatory regime changed significantly through devolution from the Federal Government to the Government of the Northwest Territories. New government departments and staff are now responsible for Plan implementation, which presents ongoing needs for training, education, and Plan awareness.

The Sahtu Land Use Plan is now considered a precedent-setting northern land use plan – one that addresses a very large geographical area in the context of difficult access and multiple stakeholder interests. Since the adoption of the Plan, the SLUPB has made considerable strides in advancing Plan implementation by developing a public registry, considering referrals for conformity determinations, undertaking a Plan amendment process, and engaging in ongoing communication. The following sections discuss the planning partners' progress in implementing the Plan to date, and their priorities for implementation in the coming years.

WORKING NOW: SAHTU LAND USE PLANNING BOARD (2013 - PRESENT)



WORKING NOW: SAHTU LAND USE PLANNING BOARD (2013 – PRESENT)

3.1. INTRODUCTION

This chapter, *Working Now: Sahtu Land Use Planning Board (2013 – Present)* tells the story of the SLUPB following adoption of the Sahtu Land Use Plan. It discusses the mandated roles of land use planning boards under the SDMCLCA and the MVRMA, drawing on input from interviews and surveys with the SLUPB's planning partners. It begins with an overview of activities from 2013-Present.

2013-PRESENT

Following Plan approval in 2013, the Board's core funding remained at the levels set in the 2004 implementation plan. The funder's (INAC) expectation was that incremental funding would also be reduced. Staff levels were reduced to one (Executive Director/Senior Land Use Planner), until a GIS Analyst/Planner was hired in July 2014.

Another challenge was that the Sahtu Land Use Planning Board briefly lost quorum (or was reduced to three members) in May 2013, February 2015, and May 2016. In September 2016, the Board achieved full membership, with continued support from two full time staff.

Since 2013, the SLUPB has focussed on the following implementation activities:

- Printing and distributing the approved Plan, and rolling out the SLUP at the August 2013 SSI annual assembly in Tulita (2013).
- Redesigning the SLUPB webpage to communicate planning activities, creating an on-line zoning map, making GIS files available to the public for download, and hosting an online registry to post information regarding the SLUPB decision making process (2014).
- Drafting and adopting Rules of Procedure regarding conformity determination, exceptions applications, amendments to the Plan, and public hearings (2014).

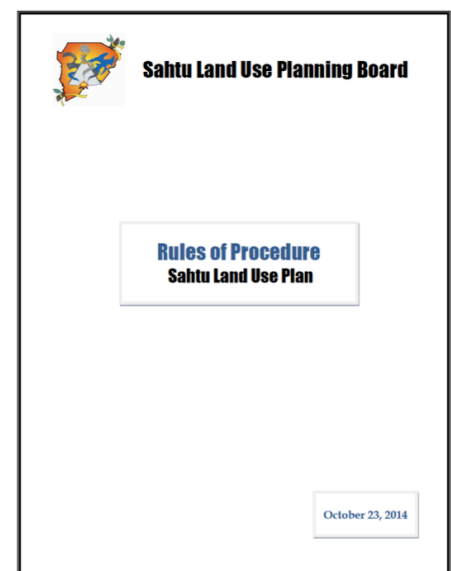


Figure 11: SLUPB Rules of Procedure, 2014

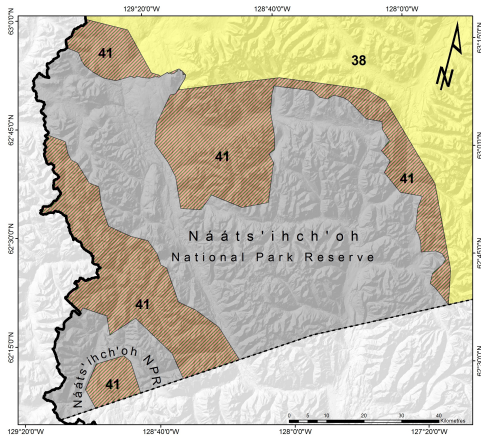


Figure 12: Zone 41 and the Naatsh'ihch'oh National Park Reserve (SLUPB, 2016)

- Revising GIS zoning shapefile to a unified 1:250,000 scale (2014).
- Responding to the first referral for conformity determination, with decision delivered (2014).
- Revising land use zoning maps related to the creation of the Nááts'ihch'oh National Park Reserve (2015).
- Conducting an initial Plan amendment process following the creation of a new National Park Reserve: Issued a Background Report for public comment, hosted 3 public meetings, and prepared the Draft Amendment Application for MVRMA Approval Party Review (April-Oct 2015). Hosted a follow up public meeting (June 2016), and currently preparing second amendment application for public comment.
- Ongoing revision of the GIS zoning shapefile to 1:50,000 scale.
- Providing information to applicants and regulators to support Plan implementation.
- Conducting ongoing communication with planning partners through interactions with the three approval parties (i.e. presentations at SSI annual and regular meetings, participating in Government of the Northwest Territories Planning Forum), as well as engaging other planning partners (i.e. NWT Board Forums, MBRMA workshop).
- Coordinating this Sahtu Land Use Plan Assessment.

The following activities are being planned for the upcoming calendar year:

- A Review of GIS protocols, methodology and physical limits zone description.
- Convening the Sahtu Land Use Working Group.
- Conducting community scoping sessions in the five Sahtu communities.

These activities have been undertaken according to the main roles and responsibilities of land use planning boards following approval of their land use plans under the Mackenzie Valley Resource Management Act. These roles are summarized in the following table.

ROLES OF A LAND USE PLANNING BOARD UNDER THE MVRMA FOLLOWING PLAN APPROVAL

| S. | Role | MVRMA Text |
|----|---|--|
| 44 | Monitor Plan Implementation | Subsequent to the approval of a land use plan, a planning board shall monitor the implementation of the Plan; and (b) where so authorized by the Plan, consider applications for exceptions to the Plan. (MVRMA) |
| 45 | Engage in Trans-boundary Planning | The planning board for a settlement area may cooperate with any body responsible for land use planning in any other area, either within or outside the Northwest Territories, that is adjacent to the settlement area. |
| 47 | Conduct Conformity Determinations on Referral | A planning board shall determine whether an activity is in accordance with a land use plan where a. the activity is referred to the planning board by a first nation or a department or agency of the federal or territorial government or by the body having authority under any federal or territorial law to issue a licence, permit or other authorization in respect of the activity; or b. an application for such a determination is made by any person directly affected by an activity for which an application has been made for a licence, permit or authorization. |
| 48 | Consider Amendments to the Plan | A planning board may, on application or on its own motion, adopt any amendments to a land use plan that the Planning board considers necessary. Sections 42 and 43 apply (the need for a public hearing and submission to the First Nation, the territorial Minister, and the federal Minister), with such modifications as are required, in respect of any amendment to a land use plan. |
| 49 | Keep Public Records of Applications and Decisions | A planning board shall a. keep a public record of all applications made to it and all decisions made by it; b. furnish, on request and on the payment of a fee prescribed under subsection (2), copies of a land use plan or of any decision made by it; and c. have the custody and care of all documents filed with it. |
| 50 | Conduct Planning Activities Leading Towards the Five Year Review | A planning board shall carry out a comprehensive review of a land use plan not later than five years after the Plan takes effect and thereafter every five years or at any other intervals agreed to by the federal Minister, the territorial Minister and the first nation of the settlement area. |

The following sections in this chapter examine some of the key roles that the Sahtu Land Use Planning Board has taken on since the Plan was adopted in August 2013 in greater detail. These sections include:

- Monitoring Plan Implementation
- Conducting Conformity Determinations on Referral
- Considering Amendments to the Plan
- SLUPB Website: Keeping Public Records of Applications and Decisions
- Summary: Overall Effectiveness of the SLUPB

3.2. MONITORING PLAN IMPLEMENTATION

As described above, the MVRMA says it is the responsibility of land use planning boards to monitor the implementation of plans after they have been approved. The following sections look at how the Sahtu Land Use Plan has been implemented through authorizations, dispositions, permits and licences after the Plan came into effect. It closes with a discussion on monitoring inspection and enforcement in the Sahtu region.

AUTHORIZATIONS, DISPOSITIONS, PERMITS AND LICENCES

The Mackenzie Valley Resource Management Act requires that after a land use plan is adopted

...Sahtu First Nations, departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area (MVRMA 46(1)).

**SAHTU Land & Water Board
Land Use Permit**

Permit Class: Type A Land Use Permit Permit No.: S13Q-004

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this permit, authority is hereby granted to:

HRN Contracting Ltd
Permittee

To proceed with the land use operation described in the application of:

Signature: Rod Gunderson Date: October 15, 2013

Type of Land Use Operations: Quarry

Location: Approximately 35 kilometres southeast of Norman Wells and four kilometres north of Vermillion Creek.

This permit may be assigned, extended, discontinued, suspended or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at: Fort Good Hope, NWT This 3rd Day of December Year 2013

Witness: *[Signature]* Larry Wallace (Chairman)
SAHTU Land & Water Board

Commencement Date: December 3, 2013 Expiry Date: December 2, 2018

NOTE

IT IS A CONDITION OF THIS PERMIT THAT THE PERMITTEE COMPLY WITH THE PROVISIONS OF THE MACKENZIE VALLEY RESOURCE MANAGEMENT ACT AND REGULATIONS AND THE TERMS AND CONDITIONS SET OUT HEREIN. A FAILURE TO COMPLY MAY RESULT IN SUSPENSION OR CANCELLATION OF THIS PERMIT BY THE BOARD.

THIS PERMIT SHALL BE POSTED OR BE AVAILABLE ON SITE.

If you have any questions please call the SAHTU Land & Water Board at (867) 598-2413

Figure 13: Type A Land Use Permit Issued by the Sahtu Land and Water Board.

This means that any authorizations or permits these regulatory bodies issue must now conform to the zoning and other requirements in the Sahtu Land Use Plan.

Under the MVRMA, land use planning boards are not licensing bodies and therefore do not mandatorily review all applications for development in their planning area (as described below, this is most often the responsibility of the Sahtu Land and Water Board).

This process is different than the process in other territories or provinces. For example, in Nunavut, the Nunavut Planning Commission is responsible for both the creation of land use plans and the review of all applications for project proposals to determine whether the project proposals are in conformity with the plans (*Nunavut Land Claims Agreement, 11.5.10(a)*).

Land Use Permits and Water Licences Issued Since Adoption

The regulatory body primarily responsible for issuing permits related to land and water use in the Sahtu area is the Sahtu Land and Water Board (SLWB). The SLWB have made 15 authorizations since the approval of the Plan. Of these:

- Eleven required conformity checks that were completed by regulatory staff
- One was reviewed as a legacy land use. As such, it was exempt from CR #1-Zoning, but was required to meet other applicable conformity requirements.
- Three did not require conformity determination, as they were located on municipal land (SLWB Land Use Permit and Water Licence Authorizations since Approval of the Sahtu Land Use Plan, provided June 29, 2016 by SLWB).⁴

⁴ The Sahtu Land and Water Board commented that each new application tests the Plan and the systems in place. They have now developed a spreadsheet to track each application, with information including the name of the proponent, the zone in the SLUP, the CRs that apply, and how each CR has been met.



Figure 14: Mackenzie Valley Land and Water Board (MVLWB) Logo

The Mackenzie Valley Land and Water Board (MVLWB) issues land use permits and water licences for proposed projects that cross jurisdictional boundaries (for example, a road that would pass through both the Sahtu area and the Gwich'in area). Since the Sahtu Land Use Plan was approved, the MVLWB has reviewed one trans-boundary application. The MVLWB referred this application to the Sahtu Land Use Planning Board for a conformity determination (see information below on the Mackenzie Valley Fibre Optic Link). In 2015, the MVLWB also referred an application for the Howard's Pass Access Road (HPAR) Upgrade to the Sahtu Land Use Planning Board. No authorization has been granted on this application yet.

Two maps are presented on the following pages showing the locations of the authorizations that are currently active in the Sahtu Settlement Area. The first map shows active legacy land uses, which represent authorizations and rights issued prior to the Plan coming into effect. The second map presents land uses that have been authorized in the Sahtu Settlement area since the SLUP was approved. For both maps, interests are illustrated by type of authorization. Authorizations are numbered and additional details on the projects, proponents and authorizations are included under corresponding numbers in Appendix B.

Note that even though resource development has declined dramatically in the Sahtu area since 2012, a number of development authorizations have been successfully granted with the Plan in place.



Figure 15: Sahtu Land and Water Board (SLWB) Logo

Monitoring Land Use Permits and Water Licences

The Sahtu Land and Water Board now keeps detailed records on the land use permits and water licences issued in the Sahtu region since Plan adoption. According to the SLWB, when the Plan was first approved, SLWB staff did a simple informal conformity check with the Plan. Now they have developed a formalized system. They ask the proponent for a table listing the CRs in the SLUP that apply to their developments and ask proponents to provide an explanation of how they have met each one.

Staff review this table and application during a 10-day 'completeness check' (to see if the application is complete). During this phase, they consider conformity, and will ask for additional information if they feel it is required in order to determine conformity. After the conformity check, they can deem an application 'complete', 'incomplete', or request 'more information.'

The next period is for public review. During the public review, staff look to comments from reviewers to see if they highlight any conformity gaps that need to be addressed.

Sahtu Land and Water Board staff are now working on a manual for all land and water board regulatory staff in NWT, which has a section on determining conformity (generally) and an appendix checklist specific to the SLUP. The checklist addresses "relevant CRs", "Conformity YES/NO", and "Conditions applied" (with explanation of whether they are standard conditions, or new ones).

SLWB staff then brief their board on their judgment about conformity. The SLWB issues authorizations, but does not formally "determine" conformity: by issuing the licence, conformity with the Land Use Plan is implied. Conformity with the SLUP can also be ensured using conditions that are applied to the permits.

Documents associated with applications for land use permits or water licences are uploaded onto an online public registry. This registry is hosted by the Mackenzie Valley Land and Water Board and includes a specific section for the Sahtu Land and Water Board (as well as the Gwich'in and Wek'eezhii Land and Water Boards).

The SLUPB may partially monitor the implementation of the Plan by checking this online registry regularly; however, the online registry does not include information on the internal reviews done by Land and Water Board staff on how the

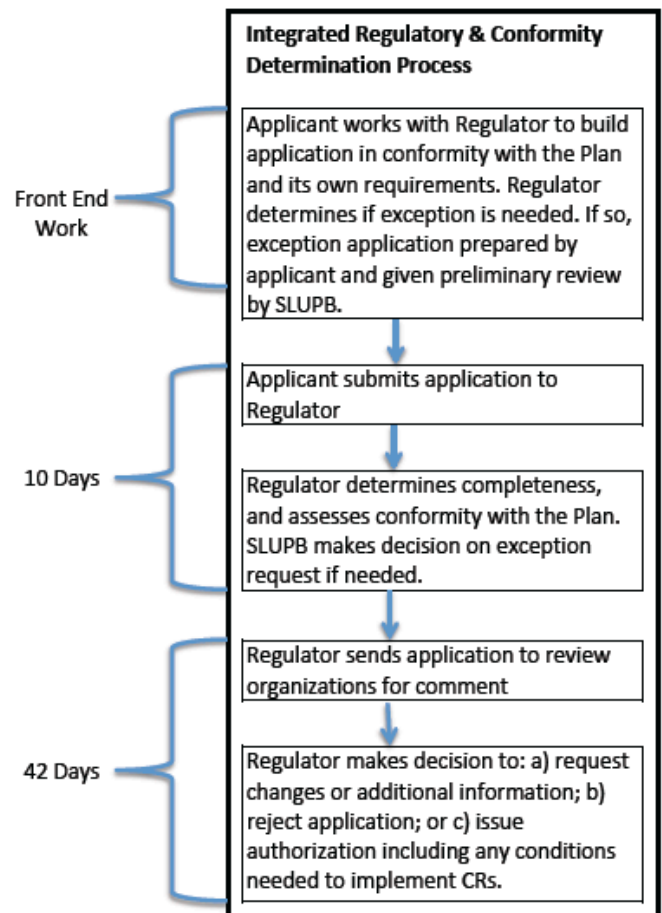


Figure 16: Best practice flow chart for regulator review of development applications if not referred to SLUPB (SLUP Implementation Guide, 2013)

applications meet the CRs in the Plan. Therefore, the SLUPB may consider initiating a system whereby the Land and Water Boards automatically forward these staff conformity check documents on to the SLUPB once licences are issued.

Other Authorizations and Dispositions Issued Since Adoption

As described above, the MVRMA S. 46(1) says that land use plans must also be followed when Sahtu First Nations, government departments, and other licencing bodies are "issuing licences, permits, or other authorizations relating to the use of land or waters or the deposit of waste."

The *Sahtu Land Use Plan Implementation Guide* lists a number of these other authorizations and dispositions that may need to consider the land use plan, including:

- Research licences
- Land leases
- Quarry permits
- Subsurface resource rights/access/leases
- Timber cutting/transporting permits and licences
- Outfitter licences
- Commercial Wildlife Licences or General Wildlife Permits
- Pesticide Application Permits
- Tourism operator licences
- Prospecting permits, Mineral claim/leases, Dredging leases or Coal licences/leases
- Licences for Oil and Gas exploration and discovery, etc.

Interviewees who were responsible for issuing these kinds of authorizations and dispositions described a number of challenges with implementing the Plan. For example, one respondent from the GNWT said:

How can we be sure if the authorizations (we are granting) do conform to the Plan? By putting terms and conditions into some of them? Or do they [the CRs] not really apply to this authorization (if it's about wildlife as opposed to something that is about land use permits)? (GNWT)

Other challenges arise when multiple regulators are involved in reviewing one project. For example, a proponent may need to get a land lease in addition to a land use permit. In this case, both the government and the land and water board would need to review the application. However, problems could arise if one regulator would determine a project conformed with the Plan while the other regulator determined it did not.

Application for Licence/Permit/Authorization

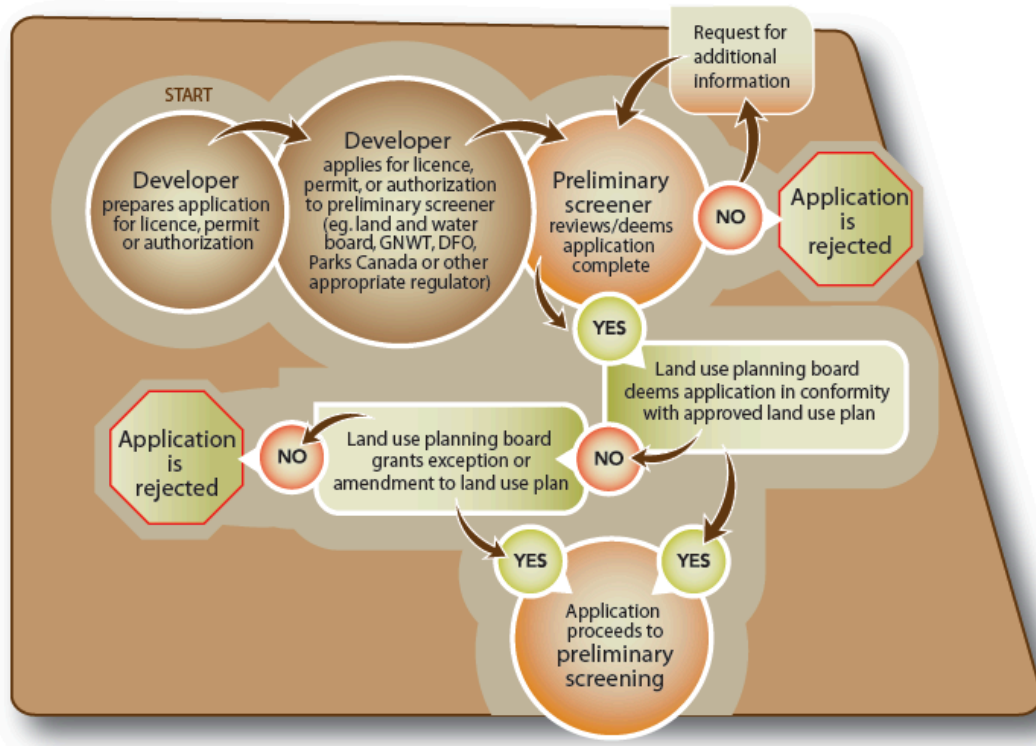


Figure 17: Application Process for Licence, Permit, or Authorization (MVEIRB, 2011)

The Sahtu Land Use Plan acknowledges this potential scenario and provides some guidance. It says, “Duplication of regulatory requirements [in the case where multiple regulators are issuing authorizations for one proposal] may be avoided by identifying one or more lead authorizations as needed, to ensure conformity with the applicable CRs by each land use that is subject to the Plan. Land use permits and water licences may be the appropriate lead authorizations for many land uses. In some cases, other authorizations may be needed to complement the requirements that can be addressed through land use permits and water licences to ensure conformity with CRs when they apply to land uses that do not require a land use permit or water licence” (p. 58).

However, survey and interview responses indicate that “lead authorizations” are not specifically identified for reviews and that coordination between different regulators on one project is not done in the method described in the Implementation Guide. Regulators may thus appreciate some additional guidance or structure on the process. The SLUPB may consider whether or not it should have a role in providing this guidance or structure. The situation may also be addressed amongst the planning partners as part of the Sahtu Land Working Group.

Ultimately, it is unclear how often these challenges arise because the Sahtu Land Use Planning Board does not have direct information on how many of these authorizations and dispositions have been granted since the Sahtu Land Use Plan was adopted. The SLUPB is also not aware if and how the organizations granting these authorizations and dispositions considered the Plan when making their decisions.

Because the Plan is intended to be used to inform these other authorizations and dispositions as well and Land Use Permits and Water Licences, the SLUPB should develop methods to track the authorizations being granted as part of its responsibility to monitor the implementation of the Plan.

INSPECTION AND ENFORCEMENT

The responsibility for inspection and enforcement of permits, authorizations, and dispositions following devolution in the NWT lies mainly with various departments and agencies of the GNWT. Some federal departments, like INAC and Environment Canada, also have inspection and enforcement responsibilities in the Sahtu region.

A full analysis of inspection and enforcement of the Sahtu Land Use Plan was outside the scope of this report. However, a number of survey respondents and interviewees did provide comments related to inspection and enforcement that may be relevant to informing the Plan's Five Year Review.

Inspection in the Sahtu region appears to be a challenge for both Canada and the GNWT. One interviewee said:

I keep hearing that a big concern is monitoring and inspection aspect. I'm not locally based, but this is what I hear. There are not enough inspectors or monitors on the ground to ensure implementation. My understanding is that there is a shared monitoring and enforcement agreement between INAC and GNWT due to the small number of officers. It's very hard to get access to places in the north. (Canada)

According to another interviewee, the GNWT has two different departments that deal with inspections: the Department of Lands inspects compliance with land use permits, while ENR inspects compliance with water licences (it is unclear whether this system provides additional oversight over projects or if this may introduce gaps in inspection).

Due to the challenges with inspection in the region, conformity requirements in the Sahtu Land Use Plan may not be getting applied as expected. One interviewee pointed out that it may not be in the inspector's authority or ability to

monitor the ongoing conformity requirements in the Plan (such as CR #13: Closure and Reclamation). The interviewee added:

"You issue a permit and away it goes, so does any discussion about how that conformity requirement will be honoured over time." (MVLWB)

Inspection and enforcement in the Sahtu region should be examined in more detail in future studies. Potentially, planning partners (or a Sahtu Land Use Working Group) may look at ways of coordinating or collaborating upon inspection as a long-term action item.

3.3. CONDUCTING CONFORMITY DETERMINATIONS

Even though the Sahtu Land Use Planning Board is not a licensing body, it may still be required to undertake a conformity determination on a land use activity if it is requested to do so by a Land and Water Board, the SSI, the GNWT, INAC, or a person directly impacted by a development proposal (MVRMA 47(1)). In such a situation, the conformity determination of the SLUPB is final and binding (47(4)).

Since the Plan was adopted, the Sahtu Land Use Planning Board has received two conformity determination referrals:

1. The Mackenzie Valley Fibre Optic Link (GNWT Department of Finance, 2014); and
2. The Howard's Pass Access Road (HPAR) Upgrade (Selwyn Chihong Mining Ltd, 2015).

Because the Board has only received two conformity determination referrals, it may be too early to consider revisions with the conformity determination process. However, the two conformity determination referrals have opened discussions about the referral process and the broader regulatory process that will be important to consider as implementation proceeds.

MACKENZIE VALLEY FIBRE OPTIC LINK

The Mackenzie Valley Fibre Optic Link project was the first conformity determination referred to the Sahtu Land Use Planning Board.

The total time for conformity determination by the SLUPB for this project was 1 month, 6 days. The Mackenzie Valley Land and Water Board requested on March 26, 2014 that the Sahtu Land Use Planning Board make a conformity determination on this project on March 26, 2014. The SLUPB made the conformity determination, with reasons for decision, on May 2, 2014.

The Fibre Optic application was notable because it crossed a number of boundaries, including both the Gwich'in and the Sahtu settlement areas. Because the Sahtu Plan was only adopted in 2013, this was the first time the Mackenzie Valley Land and Water Board dealt with an application that required conformity with two plans at the same time.

Therefore, the Mackenzie Valley Land and Water Board forwarded this project to both the Sahtu Land Use Planning Board and the Gwich'in Land Use Planning Board for Conformity Determinations.

Challenges arose during the process because the Sahtu and Gwich'in Land Use Planning Boards had two different procedures to dealing with the request for a conformity determination, based on two different interpretations of the MVRMA. The Gwich'in Land Use Planning Board had developed their approach to conformity determinations with more than a decade of applications. At the same time, the Sahtu Land Use Planning Board was still formalizing their approach, using a draft form of their Rules of Procedure document. They considered this conformity determination as a good opportunity to test these Rules of Procedure.

When it came time for conformity determinations, the Gwich'in Land Use Planning Board said the application was incomplete and they needed more information to say whether or not it would conform to their land use plan.



Figure 18: Mackenzie Valley Fibre Optic Link Project (Ledcor, 2015)

However, the Sahtu Land Use Planning Board determined the project was not in conformity with the Sahtu Land Use Plan because it did not provide evidence to satisfy CR #4: Archaeological and Burial Sites and CR #2: Community Engagement and Traditional Knowledge (which also meant the Board was unable to determine compliance with CRs 3, 5, 7, 9, 11, and 14).

The Fibre Optics proponent was not able to submit additional information to meet the CRs because the SLUPB's decision was final and binding (the determination letter notes "the decision does not preclude the proponent from filing a new application with new information, which will be considered a new activity").

On October 31, 2014, the proponent submitted a new application for the project to the Mackenzie Valley Land and Water Board. This time, the application was not forwarded to the Sahtu or Gwich'in Land Use Planning Boards for conformity determination (however, the GLUPB later had to make an exception to the Gwich'in Land Use Plan for the project). The MVLWB issued a Land Use Permit for the project on December 16, 2014. The project is now underway.

This project highlights the challenges in trans-boundary projects. There may be a need to harmonize processes, as much as possible, between adjacent planning areas. The project also highlights the need to provide clear expectations about process to proponents.


HOWARD'S PASS ACCESS ROAD UPGRADE

The Howard's Pass Access Road (HPAR) Upgrade is the second conformity determination the Sahtu Land Use Planning Board has worked on. The Mackenzie Valley Land and Water Board made a request for conformity determination on this project to the Sahtu Land Use Planning Board on December 3, 2015. At this time, a final conformity determination on this project has not been made.

HTFC received a number of comments on the HPAR Upgrade process from interview and survey respondents. Like the Mackenzie Valley Fibre Optic Link, this referral process has raised some discussion with respect to the regulatory process in the Sahtu region. Because the conformity determination is still in process, comments on the HPAR Upgrade referral have been left out of this report. Comments from planning partners will be provided to the Board for consideration once a determination has been made.



Figure 19: Equipment working on Howard's Pass Access Road near the Selwyn deposit in the Yukon (Selwyn Chihong Mining, Ltd., 2014)



Sahtu Land Use Planning Board
Box 275, Fort Good Hope, NT, X8E 0H0
Phone: (867) 598-2055 Fax: (867) 598-2545
Email: info@sahtulanduseplan.org Website: www.sahtulanduseplan.org

**APPLICATION FOR A CONFORMITY DETERMINATION
AS A PERSON DIRECTLY AFFECTED
Form A (Rule 4.3)**

| | | |
|---|--------------------|---|
| Applicant Information: Directly Affected Person per Mackenzie Valley Resource Management Act section 47(1)(b) | | |
| Name | | Organization/Company Name (if applicable) |
| Address | | |
| City | Prov./Territory | Postal Code |
| Phone | Fax | |
| Email | | |
| ACTIVITY PROPONENT INFORMATION | | |
| Proponent | | Contact Person |
| Address | | |
| City | Prov./Territory | Postal Code |
| Phone | Fax | |
| Email | | |
| ACTIVITY REQUIRING THE REFERRAL FOR CONFORMITY DETERMINATION | | |
| Project name: | | |
| Proposed Start Date: | Proposed End Date: | |
| In which land use zone, or zones, will the activity take place? (Please specify) | | |
| <input type="checkbox"/> General Use Zone: <input type="checkbox"/> Special Management Zone: <input type="checkbox"/> Conservation Zone: <input type="checkbox"/> Proposed Conservation Initiative Zone: | | |
| Please briefly describe the location of the land: (include place names, co-ordinates or names of nearby communities, and if possible, GIS files identifying the location of the land use activity) | | |

Figure 20: SLUPB Application for a Conformity Determination Form (SLUPB Rules of Procedure, 2014)

UNOFFICIAL REQUESTS FOR CONFORMITY COMMENTS

The SLUPB recounted several cases where they received phone calls, emails, or faxes from regulators asking if applications conform to the Sahtu Land Use Plan. These requests did not follow the format for referrals that is set out in Part 4 of the SLUPB's *Rules of Procedure: Sahtu Land Use Plan* (October 23, 2014), which says:

- (1) Referrals to the Board for a Conformity Determination must be made in writing.
- (2) Referrals for a Conformity Determination may be made by
 - a. A First Nation as defined in the Act or a department or agency of the federal or territorial government or by the body having authority under any federal or territorial law to issue an Authorization in respect of the Activity; or
 - b. A person who is directly affected by the Activity that would be subject to a Conformity Determination under paragraph 47(1)(b) of the Act. (SLUPB *Rules of Procedure*, 4.3)

In the case of referral under the last point, the person wishing the Board to carry out a Conformity Determination must submit a form that is included in the appendices of the *Rules of Procedure* document (see image in sidebar).

The SLUPB expressed that it is often not clear if the communications from regulators are requests for the Sahtu Land Use Planning Board to do a conformity determination or if the regulators are just looking for informal comments from the Sahtu Land Use Planning Board on whether they saw any potential issues with the proposed development. In correspondence following each of these requests, the regulators said they only wanted information only, not a formal conformity determination.

In each case, the Sahtu Land Use Planning Board has made it clear that it will not weigh in on a development application unless the application is formally referred for conformity determination.

This approach is different than the approach used by the Gwich'in Land Use Planning Board, where staff regularly comment (without prejudice) on whether they think applications may or may not conform to the Plan.

One regulator wished that the SLUPB was able to provide more guidance on conformity questions because of the expertise of the SLUPB:

"We are looking for guidance from the Land Use Planning Board – they are more immersed in these things and their understanding is more nuanced [than our own organization's]. The problem is ensuring we have the expertise and the knowledge of all the intricacies and the intent of the land use plan – whether that's Land and Water Board resource tools that we can use or by more direct hands-on involvement from Land Use Planning Board staff – any assistance would be helpful."

However, not all regulators expressed these challenges. The Sahtu Land and Water Board said, "We communicate with the SLUPB daily, through staff-on-staff communications. If our Board feels it needs to go to their Board, [then] they'd feel it would be a formal conformity determination." This distinction between staff-to-staff and Board-to-Board communication could be helpful to note as the SLUPB continues to refine its conformity determination procedures.



Figure 21: Gwich'in Land Use Planning Board Logo

Based on feedback from our interviews and surveys, it appears that some regulators are hesitant to ask the Sahtu Land Use Planning Board to make a formal conformity determination because they are uncertain about the length of time such a process would take or a worry that the SLUPB might determine the application did not conform to the Plan, which would be a final and binding decision.

When asked what they would expect if they would refer an application to the SLUPB for a conformity determination, regulators provided some insightful comments:

Should such a determination be sought in future, we would [require information on the SLUPB's] turnaround time, the process to be followed, the type and format of the response, as well as any other similar applications and their outcomes ("case studies" to serve as guidance). Further, in regard to the response: An outline of what information would be most critical to the Board in its deliberation should be provided, so as to avoid undue delay and hardships for all parties. (Regulator)

We don't yet have a detailed procedure around when we'd send something to the SLUPB for a formal conformity determination. [I suspect] we'd put it to the Board for any kind of a legal thing, absolutely. Also for processes already underway or if staff work is not getting anywhere. (Regulator)

In summary, there appears to be a need for more clarity on referrals for conformity determination from the Sahtu Land Use Planning Board. Suggestions for providing additional clarity are included in Section 5.

3.4. CONSIDERING AMENDMENTS TO THE PLAN

NÁÁTS'IHCH'OH NATIONAL PARK RESERVE

Since the adoption of the Sahtu Land Use Plan in August 2013, there has only been one proposed application to amend the Plan: to amend the SLUP following the creation of the Nááts'ihch'oh National Park Reserve.

The Nááts'ihch'oh Background Report (available on the SLUPB website) provides context and background to this proposed SLUP amendment. The background report was the first step in the amendment process (which also includes holding public meetings and getting agreement on the amendment from the three approving parties). The Background Report was released on April 17, 2015. In the report, the Board proposed a timeline to finalize the amendment application by September 2015 (p. 18).

The amendment process is still ongoing as of fall 2016, more than one year after the initial anticipated deadline. The government respondents interviewed for this project recognized this fact:

[The amendment process has been] working as expected: slow. There is an assessment of all mineral potential, wildlife, nature in an area that Parks Canada does. Through that process they identify areas that will be excluded from final park boundary based on mineral potential. If there are any community concerns, these are incorporated into the park boundaries. There is now uncertainty in those areas that are not included in the national park boundaries – which is not good for development. (Canada)

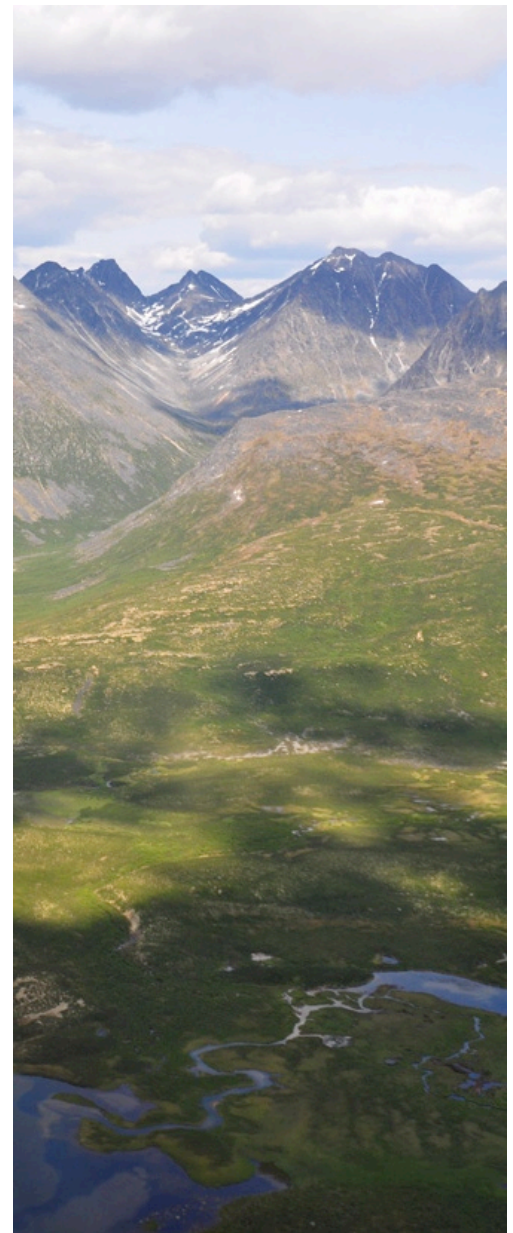


Figure 22: Lake Divide in Nááts'ihch'oh National Park Reserve, Parks Canada, 2016)

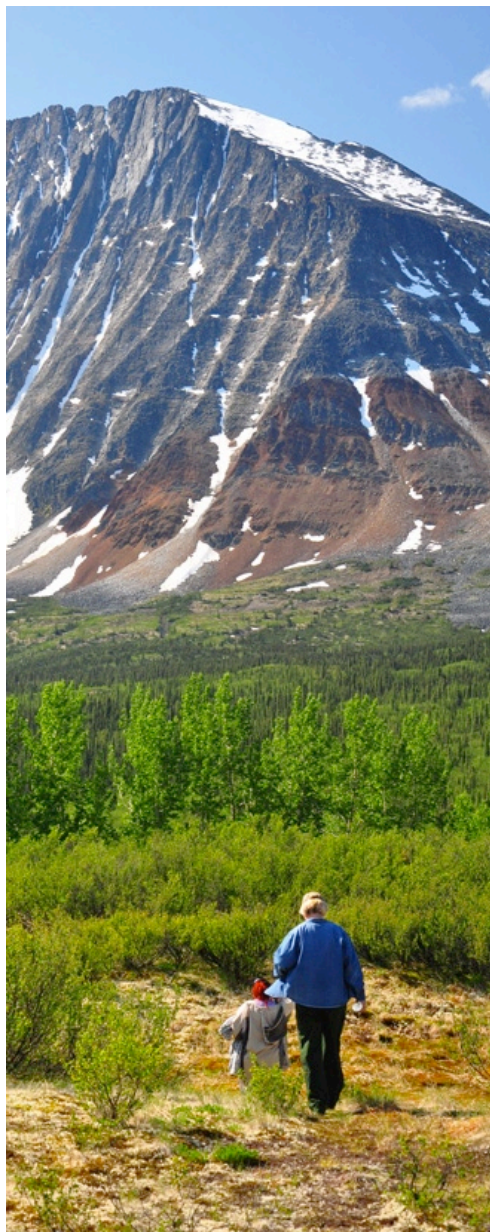


Figure 23: Hiker at Nááts'ihch'oh National Park Reserve, Parks Canada, 2016

A GNWT representative also spoke to uncertainty around the zoning of portions of the *Proposed Conservation Initiative* zone (Zone 41) that were not included in the National Park Reserve.

The default is that (the Zone 41 Area) remains as a proposed conservation initiative – which is a high degree of protection. (GNWT)

The respondent is referring to section 2.2 of the Sahtu Land Use Plan, which states:

The approach of the Plan is to zone all areas proposed for protection— including initiatives for Parks Canada to establish a national park or to acquire a national historic site—as Proposed Conservation Initiatives, having the same status as Conservation Zones under the Plan until the protected area or national park is established and the national historic site is acquired. (SLUP, 2.2)

The respondent explained that government and industry would prefer that the areas be zoned less restrictively, but feels that there is little incentive for the Sahtu communities to engage in discussions on zoning changes to the Plan because the default zoning meets the Sahtu communities' desire for maximum conservation.

These barriers to negotiation have caused delays with the proposed amendment. The SLUPB indicates that this has cost them both time and money. According to the SLUPB, a number of projects planned for 2016 (and possibly 2017) may have to be put on hold in order to finish the amendment that was intended to be complete by this time.

The SLUPB also indicated that budgetary constraints have forced them to compromise on their approach to consultation for this amendment process. They said their ideal process would have brought representatives from all of

the interested parties together for 3 meetings: 1 to introduce the amendment; 1 to discuss; and 1 to finalize. Due to budget constraints, the SLUPB wasn't able to bring the groups together in one place. Instead, the Board's staff and Chair travelled to each of the communities and were able to hold just one meeting with each group. That one meeting had to serve to introduce, discuss, and seek direction on the amendment, which was not ideal as it is often difficult for organizations to provide direction at an introductory meeting without more time for discussion and consideration.

3.5. SLUPB WEBSITE & COMMUNICATION

As described above, section 49 of the MVRMA says, "A planning board shall keep a public record of all applications made to it and all decisions made by it." The Sahtu Land Use Planning Board primarily meets this obligation through its website.

The SLUPB website contains a registry that includes sections on Conformity Determinations and Amendment Applications, which contain the applications, final conformity determination or amendment, as well as information requests, responses, and comments from outside parties.

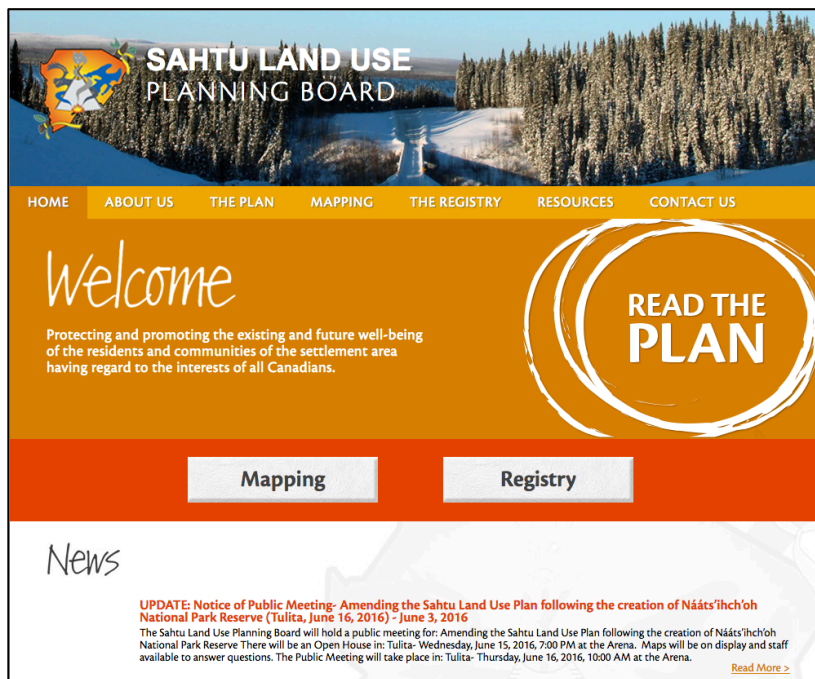


Figure 24: SLUPB Website Home Page (2016)

Although currently empty, the registry also includes pages for Exceptions and Plan Review.

In addition to the registry, the website contains information about the Sahtu Land Use Planning Board (including photos of Board members and staff), downloadable copies of the Plan and supporting documents, an online map of the Sahtu Land Use Plan zoning, background documents, and contact information.

Data on traffic to www.sahtulanduseplan.org suggests that visitors use the site primarily for downloading the Plan or accessing the Registry to get information on the proposed National Park amendment (AM2015-01) or conformity determination (CD2015-01). Visitors also used the website to learn about the Board or staff or to contact them for other information. Less frequently, visitors used the page to view the web zoning map or view the development archive.

| Rank | Page Title | Pageviews |
|------|---|-----------|
| 1 | SLUPB Home Page | 13813 |
| 2 | The Plan | 6080 |
| 3 | Registry | 3760 |
| 4 | AM2015-01 | 3098 |
| 5 | CD2015-01 | 2874 |
| 6 | Board & Staff | 2376 |
| 7 | Contact Us | 2174 |
| 8 | Conformity Determinations | 1925 |
| 9 | Amendment Applications | 1724 |
| 10 | About Us | 1477 |
| 11 | Web Map | 1448 |
| 12 | Response to Request to Postpone Meeting | 1319 |
| 13 | Other Documents | 712 |
| 14 | CD2014-01 | 528 |
| 15 | Development Archive | 423 |

Figure 25: Top 15 pages visited on SLUPB website, Google Analytics 2014-2016

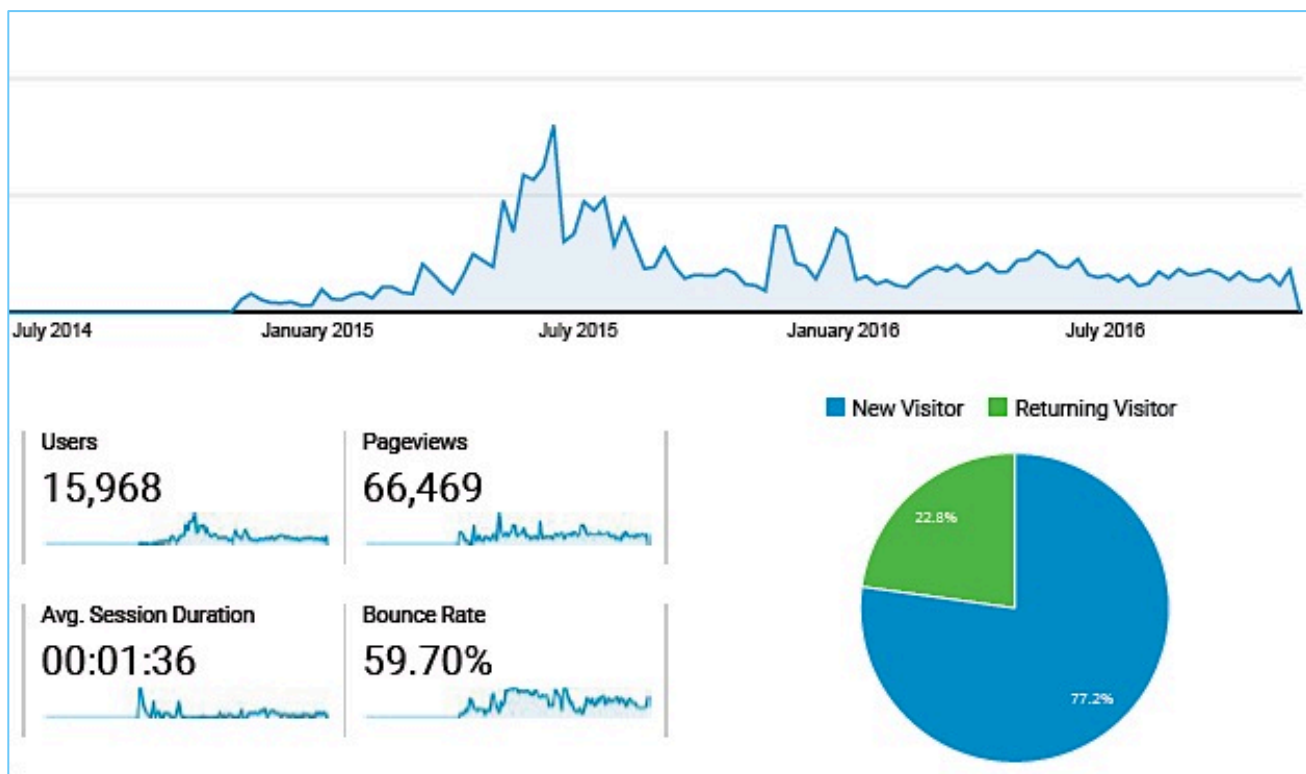


Figure 26: Audience overview of the SLUPB website, Google Analytics, Nov 13, 2013- Nov 13, 2016

The majority of survey or interview respondents said they visited the website fairly infrequently (every few months or less than once per year). This makes sense if visitors are coming to the site primarily to download the Plan or to get information about the Board.

Since the website tracking was initiated at the end of 2014, nearly 16,000 unique users have visited the site, resulting in approximately 66,500 page views.

These page views spiked in the summer of 2015, likely in response to the Sahtu Land Use Planning Board publishing information on the proposed National Park amendment and the conformity reviews.

People from around the world visit the Sahtu Land Use Plan website, although more pageviews (13%) come from Yellowknife than from any other city in the world. 5% of pageviews come from the "Hay River" area (which includes

How often do you visit the Sahtu Land Use Planning Board website?

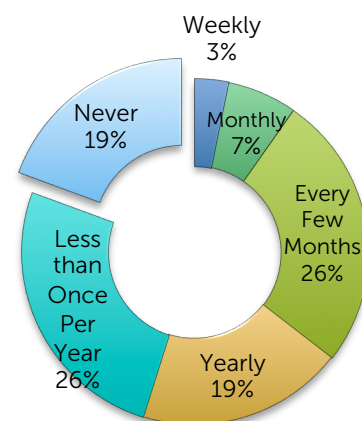


Figure 27: Frequency of visits to the SLUPB website (Survey Responses, 2016)

Fort Good Hope and other parts of the Sahtu), while 2.5% come from Calgary.⁵

Survey respondents were generally very positive about the SLUPB website; 56 percent of respondents agreed or strongly agreed that the website is helpful and user-friendly. No respondents disagreed with this statement. When asked why they liked the website, respondents had the following comments:

“It is well set up and easy to navigate.”

“The tabs are clear. The dropdown menus work well. I have been able to locate quickly what I want; it is simple and not cluttered.”

Only one respondent had a question about the website. The respondent wondered if there was a place in the registry that showed the latest status for the Howard’s Pass Access Road (HPAR) Upgrade conformity determination. The status of projects could be more clearly displayed on the SLUPB registry. See Section 5 for a more detailed recommendation of how this could be accomplished.

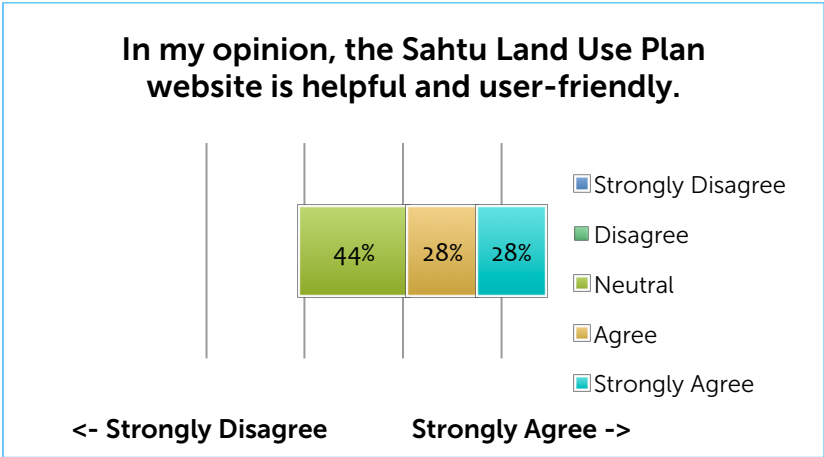


Figure 28: User-Friendliness of website (Survey Responses, 2016)

⁵ Curiously, 4.5% of combined views of the Sahtu Land Use Planning Board website come from Moscow and Saint Petersburg, Russia. While it is possible there is a strong interest in northern land use plans from this country, it is more likely these numbers represent bot traffic or other malicious activity.

3.6. SUMMARY

This section looked at the work done by the Sahtu Land Use Planning Board since the Plan was adopted in August 2013.

Overall, survey respondents were positive about the work the SLUPB has been doing; 39 percent of respondents (7 out of 18 total respondents) said the Sahtu Land Use Planning Board has been very effective or somewhat effective. Only one respondent said the Board was somewhat ineffective. 10 out of 18 respondents were neutral.

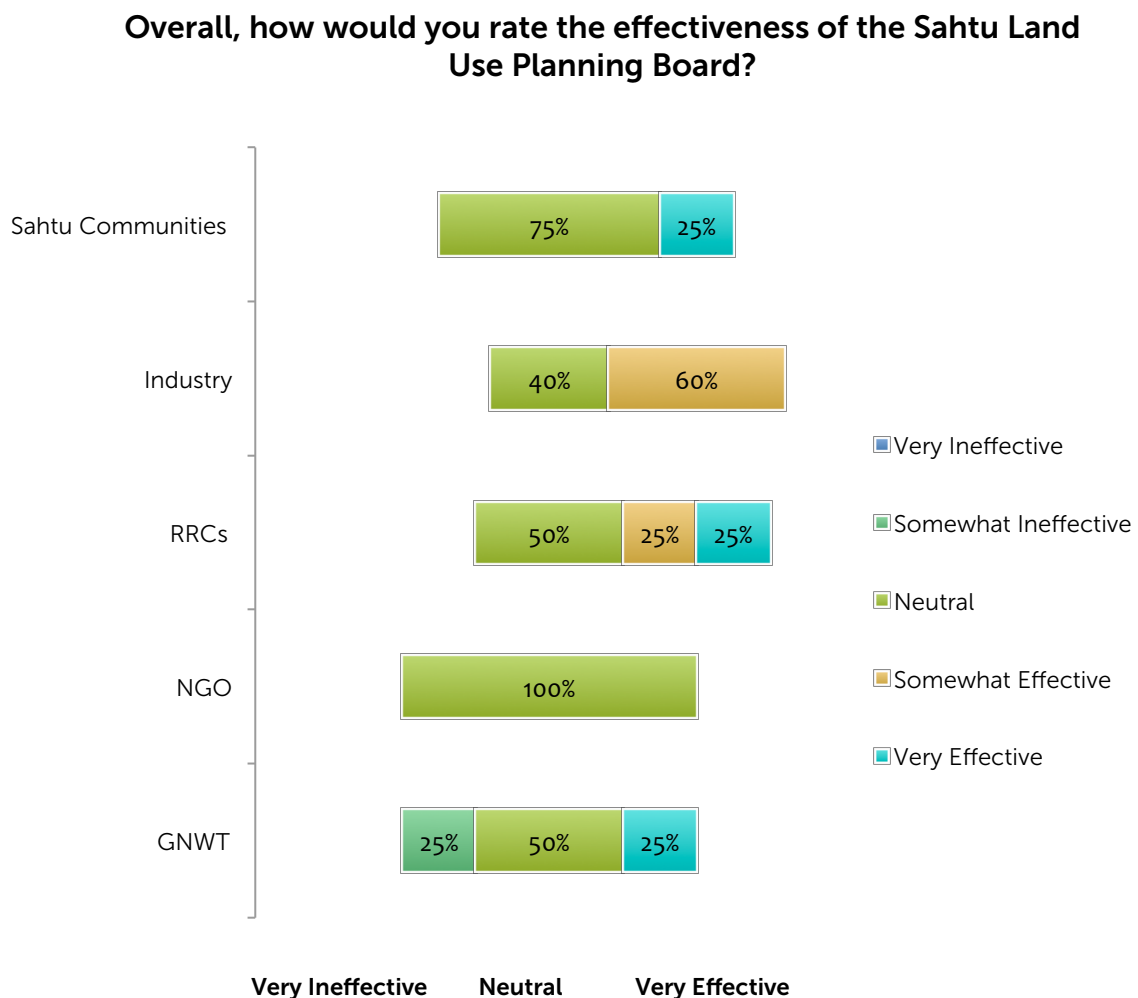


Figure 29: Overall effectiveness of the SLUPB (Survey Responses, 2016)

Respondents had some informative comments about the work of the Sahtu Land Use Planning Board:

"In recent months I have seen effective action and responses to Plan implementation challenges, including presentations to community members."⁶

"There are big shoes to fill. Our process expects a legally binding plan for a huge area with a small staff. And a Board that is made up of representatives, appointees who come from communities that are already stretched in terms of what they participate in. I want the planning Board to know we recognize that."

"They are not taking a lead on the Plan. They just aren't 'out there.'"

"We do try to meet with the Board when they are in town and they are very hospitable. But in terms of any other items that are a part of the MVRMA, the land use planning Board and staff have become good at saying no to things because they have no money. They have to narrowly interpret their mandate."

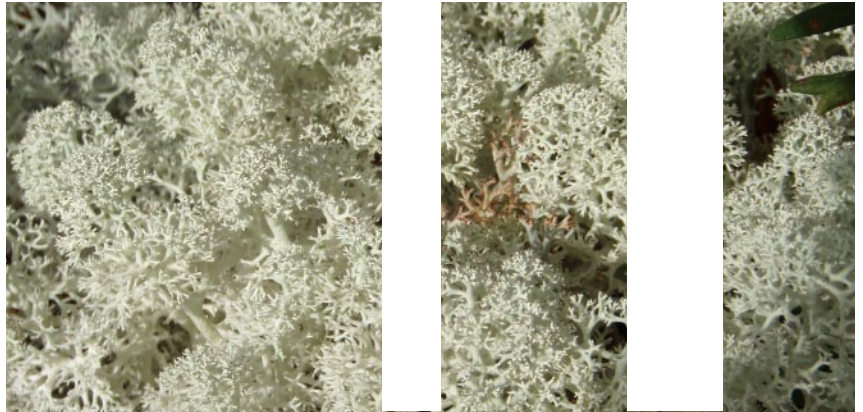
"I think that the SLUPB is very new and needs an opportunity to implement its responsibilities in real time before a fair critique can occur. It appears that the SLUPB is very capable. I question if it is funded to appropriate capacity in the event of a high volume of land use interests."

⁶ To maintain anonymity, organization names have been removed from comments in this section.

[illegible]

Figure 30: Sahtu mosaic (The Sahtu Atlas, 2005)

WORKING NOW: THE PLAN (2013 - PRESENT)



WORKING NOW: THE PLAN (2013 – PRESENT)

4.1. INTRODUCTION

This chapter looks at how the Sahtu Land Use Plan has been understood and utilized since its adoption in August 2013.

The land use plan that was developed as part of the Sahtu Land Use Planning Board's responsibilities had to meet a number of requirements in the MVRMA, including protecting and promoting the interests of Sahtu First Nations as well as those of "all Canadians." These requirements are outlined on the table below.

| LAND USE PLAN REQUIREMENTS IN THE MVRMA | | |
|---|--|--|
| MVRMA S. | Role | Regulation |
| 41 (2) | Conservation, Development, and Use | A land use plan shall provide for the conservation, development and use of land, waters and other resources in a settlement area. |
| 41 (4) | Consider First Nation Land Use Plans | A planning board shall take into consideration a land use plan proposed by the first nation for its settlement lands in the settlement area, and may incorporate that plan into the land use plan for the settlement area. |
| 35 (a) | Protect and Promote Interests of All Canadians | Land use planning for a settlement area shall be guided by the following principles: a) the purpose of land use planning is to protect and promote the social, cultural and economic well-being of residents and communities in the settlement area, having regard to the interests of all Canadians; |
| 35 (b) | Protect and Promote Interests of Sahtu First Nations | b) special attention shall be devoted to the rights of the Gwich'in and Sahtu First Nations under their land claim agreements, to protecting and promoting their social, cultural and economic well-being and to the lands used by them for wildlife harvesting and other resource uses |
| 35 (c) | Participation of First Nation and Local Communities | c) land use planning must involve the participation of the first nation and of residents and communities in the settlement area. |

How would you evaluate the overall effectiveness of the Sahtu Land Use Plan at this point in time?

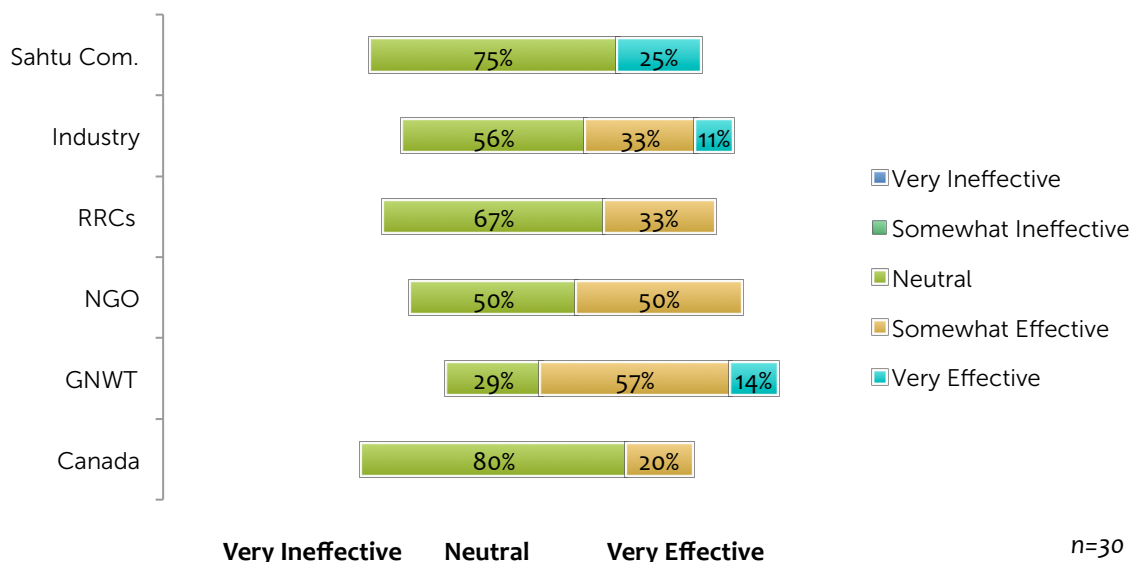


Figure 31: Overall effectiveness of the SLUP (Survey responses, 2016)

Although it is too early to tell how the Sahtu Land Use Plan has influenced the long-term conservation, development and “use of land, waters, and other resources” in the Sahtu settlement area, survey respondents were overwhelmingly supportive of how the Plan has been working to date. Every survey respondent rated the overall effectiveness of the Sahtu Land Use Plan at this point in time as Very Effective, Somewhat Effective, or Neutral (with an average rating of 3.53 out of 5).

Comments from respondents also echoed general support for the Plan:

“Overall, the SLUP is ‘a solid 90 percent’ in terms of effectiveness.” (GNWT)

“From a regulatory perspective, it has made the system better rather than worse. Haven’t heard of any huge issues – feeling that it has been going relatively well.” (INAC)

"I just want to say the Land Use Plan is a pretty good thing. It is important that it was part of the land claim and so we know how our lands are going to be managed. It gives us a way to plan more – it sets the stage for that – whether for economics or for conservation. (Sahtu Land Corps)"

4.2. AWARENESS AND UNDERSTANDING OF THE PLAN

To get a sense of the current levels of awareness and understanding of the Sahtu Land Use Plan, survey respondents were asked a number of questions. Of course, the survey respondents were selected because they were key contacts for the Sahtu planning partners, so these numbers will not be indicative of the awareness and understanding of the Plan among the general public, or throughout the planning partner organizations as a whole.

Overall, 81 percent of survey respondents (30 out of 37 respondents) said they had either a digital or hard copy of the Sahtu Land Use Plan. 19 percent said they did not have a copy of the Plan.

Survey respondents were also asked how often they consulted the Sahtu Land Use Plan. No respondents said they consulted with the Plan on a daily or weekly basis.⁷ 17 percent of respondents said they consulted the Plan monthly. 33 percent said they consulted the Plan every few months (the highest response in any category). 14 percent said they consulted the Plan annually, while an equal number said they had never consulted the Sahtu Land Use Plan. The remaining 22 percent said they consulted the Plan less than once per year.

⁷ Note that the people who were interviewed for this report likely utilize the Sahtu Land Use Plan more frequently than the people who were surveyed. The interviewees were not asked to respond to this question.

How often do you consult the Sahtu Land Use Plan?

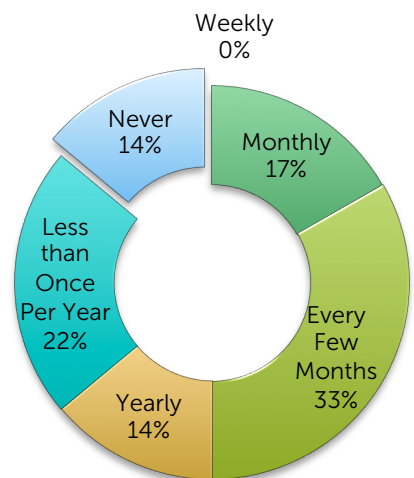


Figure 32: Frequency of consulting the SLUP (Survey Responses, 2016)

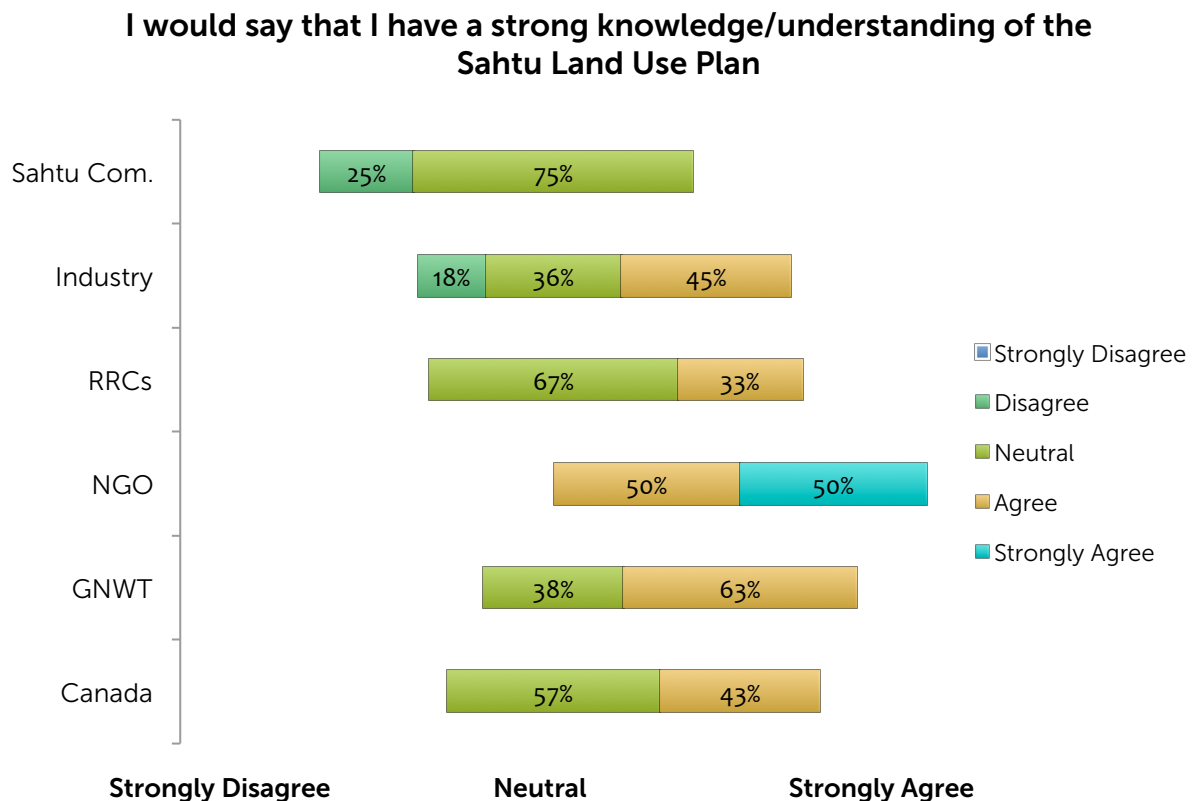


Figure 33: Understanding of the SLUP (Survey Responses, 2016)

When asked about their familiarity with the Sahtu Land Use Plan (and the reasons they had for referencing the Plan), respondents provided a number of different answers, depending upon the organization they worked with. Below, brief summaries of knowledge and understanding of the SLUP are provided for:

- A. Industry
- B. Communities
- C. Government and Other Regulators
- D. Others

A. INDUSTRY

The industry representatives surveyed as part of this assessment showed a range of familiarity with the Plan. In general, industry representatives used the Sahtu Land Use Plan when checking to see if a proposed development was in compliance with the Plan. They also referenced the Plan when exploring for minerals or oil; they would not search in areas where mining or drilling would be prohibited by the Sahtu Land Use Plan. One interviewee said:

"In going out, I use the SLUP to look at where I want to prospect. You have to be aware of land use plan – am I in an area that would allow that [prospecting]? If it does, what are the restrictions that I have to be aware of?"

While some industry representatives surveyed for this report indicated they had success navigating the regulatory system with the Plan in place, others expressed concerns about the Plan introducing regulatory hurdles and duplication. Targeted efforts to build proponents' understanding of the purpose and function of the Plan may help to temper the negative perceptions held by some industry representatives.

B. COMMUNITIES

Within the Sahtu communities, Land Corp. representatives who use the Plan are generally familiar with it, but raised concerns about awareness among Sahtu residents in general. Sahtu community representatives had a generally lower awareness of the Plan (as they typically do not use the Plan document) and further emphasized the need for the SLUPB to engage with people at the community level.

Representatives from various Sahtu organizations interviewed or surveyed for this report often knew about the Sahtu Land Use plan because they have been consulted as part of the initial approval for the Plan. While much good community-level work was done early in the land use



Figure 34: Husky Slater River Project Quarry Excavation (Nuna, 2016)



Figure 35: Colville Lake Aerial Photo (SSI, 2007)

planning process, there has been limited community interaction in recent years – largely as a result of the high cost of travel to the communities and limited operating budget of the Board.

Sahtu communities are, however, actively consulted on proposals for plan exceptions or amendments (such as the Nááts'ihch'oh amendment). In some cases, these organizations are informed of development applications but may not be as familiar with the Plan itself. For example, one respondent said,

"We don't look at the Plan directly, just look at the proposal getting forwarded to us [by the Sahtu Land and Water Board]." (Sahtu Land Corporation)

Other respondents from Sahtu organizations worried that community members had low levels of understanding about the Plan because it is written in a technical language that is not readily understood by the average person in the Sahtu region:

The land use plan has to make sense. It has to be something that people talk about on a daily basis. Too often we talk technically, and we take it away from the average person. If I could talk in my own language about the land use plan, I think it would make a lot more sense. (Sahtu Land Corporation Respondent)

As implementation of the Plan continues, it will be necessary to consider strategies to build awareness and maintain a sense of ownership of the Plan amongst Sahtu residents. This may include addressing the issues of clarity and simple language in the Plan's five-year review (see Part 5, below).

C. GOVERNMENT & OTHER REGULATORS

Governments and other regulators use the Sahtu Land Use plan when reviewing development applications to determine whether proposed developments are in compliance with the Plan, as required under the MVRMA. For example, the Sahtu Land and Water Board explained their use of the Plan as follows:

"When we have applications for land use permits or water licences we use the Plan. We provide evidence for this within their application for completeness and check if there are any outstanding issues. We also send applications out for review to about 40 other organizations so that they can review the Plan for conformity." (Sahtu Land and Water Board)

Interviews conducted as part of the assessment revealed strong awareness of the Plan among key contacts, particularly in the GNWT Department of Lands, the Sahtu Land and Water Board, and the Federal Department of Indigenous and Northern Affairs.

63 percent of survey respondents from the Government of the Northwest Territories (GNWT) and 43 percent of respondents from the federal government also said that they had a strong knowledge/understanding of the Sahtu Land Use Plan. However, beyond these central points of contact, familiarity with the Plan is typically somewhat less. Staff in the GNWT Department of Lands have recognized a need for internal training for other departments on the SLUP, and have hired consultants to develop training programs to strengthen awareness and implementation of the Plan throughout the GNWT.

D. OTHERS

For this report, a number of other contacts were interviewed or surveyed, including non-profit organizations (like Ducks Unlimited) and people who were involved in the history of development of the Plan. Due to the small sample size of these groups and the fact that they were identified specifically based on their use or knowledge of the Plan, this report will not make generalizations about these groups' knowledge of the Plan.

4.3. VISION & GOALS

The following sections examine comments related to the specific chapters of the Sahtu Land Use Plan. The next section looks at the Vision and Goals outlined in the Plan's first chapter. The following section looks at the Conformity Requirements in the Plan's third chapter. The last section in this Part looks at the Actions and Recommendations in the Plan's fourth chapter.

The Sahtu Land Use Plan includes four vision statements and corresponding goals for the Sahtu Settlement Area. These goals include preserving or enhancing the area's ecological and cultural integrity, while at the same time increasing its economic self-sufficiency.

| GOALS IN THE SAHTU LAND USE PLAN | |
|----------------------------------|--|
| 1 | Maintain the ecological integrity of the Sahtu Settlement Area |
| 2 | Maintain or enhance the cultural integrity of the Sahtu Settlement Area |
| 3 | Increase community capacity and decision-making authority in land and resource management |
| 4 | Increase the economic self-sufficiency of the region through sustainable development |

Survey respondents were asked if they thought the SLUP has contributed to achieving the four goals. Respondents were hesitant to answer this question for two reasons.

First, many respondents thought that the goals in the Plan were too broad to say whether or not the SLUP itself was making a difference in meeting the goals. For example, it is not clear how a land use plan would meaningfully preserve or enhance the Sahtu culture. If any of the goals are being met, it is likely that this is due to the fact that, in the words of a respondent from the Government of the Northwest Territories, “that capacity existed before the land use plan.”

Second, many respondents said they feel it is still too early to assess the progress towards these goals. The Sahtu Land Use Plan has been in place for only three years. Furthermore, development in the Northwest Territories over these three years has been limited, as expressed by the following respondent:

“It is too early to tell [whether the Plan is helping to achieve the vision and goals]. We haven’t had enough development to see whether these things happen. Everything has dropped off, other than hunting or trapping. When oil and gas was going – it was all going on in the general use area, so it wasn’t crossing any conservation area. There are lots of dream things, like mining or wind farms, but there is not enough happening.” (Land Corps)

Because of this hesitation from respondents to answer questions about vision and goals, this report will not include a detailed analysis of how respondents thought the Plan is, or is not, meeting each of the four goals. However, the Sahtu Land Use Planning Board may choose to use the responses to these questions as baseline data for surveys that may ask the same question in future years to see how opinions may change over time. Furthermore, the Sahtu Land Use Planning Board may want to consider refining these goals during the Five-Year Review.

The Sahtu Land Use Plan has contributed to the goal of maintaining or enhancing the Sahtu area's...

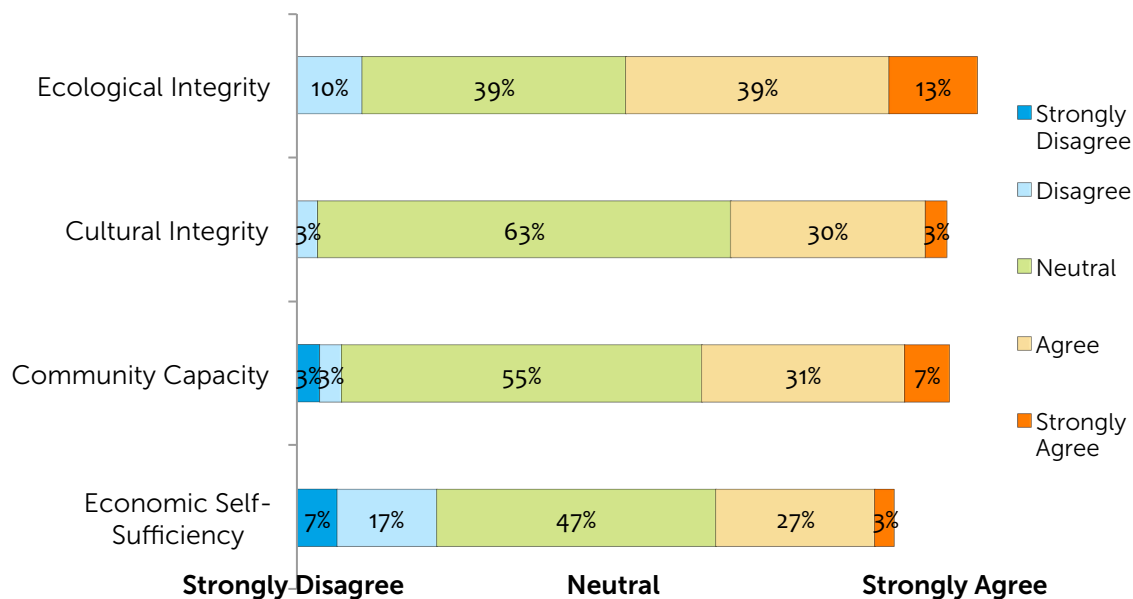


Figure 36: SLUP contribution to the four goals (Survey Results, 2016)

Despite the fact that respondents were hesitant to address how the Sahtu Land Use Plan was helping to achieve the four goals, there are still several informative comments that respondents had about whether the Plan was achieving the balance between conservation and development expressed in the vision and goals.

First indications are that the SLUP is providing a filter that can maintain ecological integrity. Future information, like traditional knowledge and other research will be needed to enhance understanding of ecological values and to inform the application of the Plan. (Non-profits)

There is a sense for applicants you need to jump through a lot of hoops before you apply. I don't think that's a bad thing, but if you're an applicant with a limited budget – it can hinder things. Communities ask for quite a bit, and if you're an applicant you may not be able to meet that. (GNWT)

Protecting the cultural integrity of the Sahtu Settlement Area is extremely important; however, in today's economy it can be difficult to navigate and ensure the majority of the population and the area benefit. (Sahtu Community Governments)

There is no such thing as sustainable development. We can mitigate most of the concerns brought forth during consultation but in reality, we have to accept the fact that we must alter the land and water to create economic benefits for ourselves. Very little of the north has ever been developed. (GNWT)

It is important to note that generally, industry representatives were supportive of the Sahtu Land Use Plan. This reinforces the findings in a report entitled, "Pathways to Petroleum Development: Public Engagement Report for the NWT Oil and Gas Strategy." (NWT Industry, Tourism and Investment, September 2015). When the 133 respondents in this study were asked to name the issue believed to have the greatest impact on whether oil and gas activity happens in the NWT, 0% identified "Land Use Planning Processes" as the primary reason. The main issue was, not surprisingly, commodity prices (21%).

4.4. CONFORMITY REQUIREMENTS

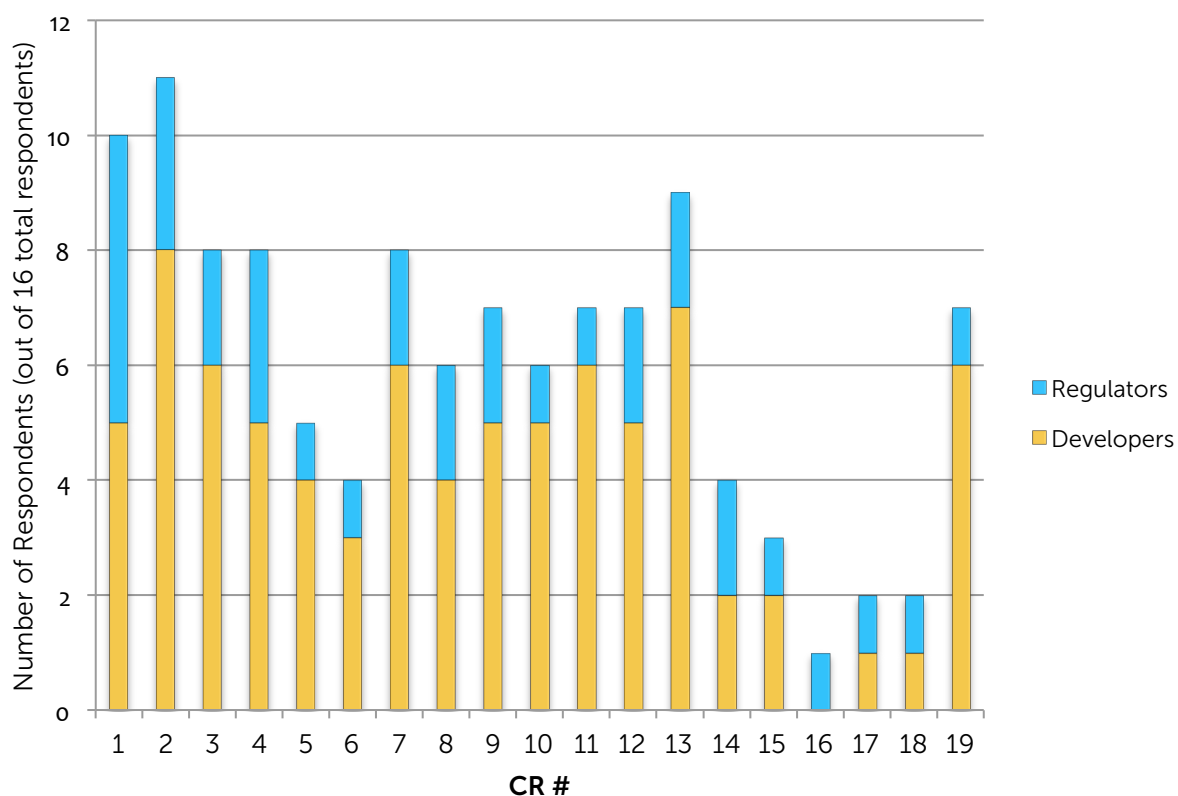
The Sahtu Land Use Plan uses a set of nineteen Conformity Requirements (CRs) to specify where certain types of land use are allowed. The conformity requirements also set out certain conditions that must be met for development to be permitted in particular parts of the Sahtu settlement area. See the following page for a list of the nineteen Conformity Requirements.

Some conformity requirements only apply to specific types of projects or projects in specific zones. For example, CR#19 Water Withdrawal applies only to Zones 14 (Lac Belot) and 35 (Stewart and Tate Lakes). Therefore, respondents were more familiar with some conformity requirements than others.

Out of the 19 conformity requirements, regulators and developers who responded to the survey said that CRs 2 (Community Engagement and Traditional Knowledge), 1 (Land Use Zoning) and 13 (Closure and Reclamation) were relevant to the most projects they had worked on since the land use plan was adopted. CRs 15 to 18 were used in only one or two instances (this makes sense, because they only apply in special management zones).

Note that participants may not have been aware of the CRs they should have been using in all cases. For example, it would be expected that CR #1 (Land Use Zoning) would have applied to all projects. CR #19 should have been much less relevant because it only applies in two small areas; participants likely confused this CR with CR#5, Watershed Management. A graph showing the CRs that were relevant to projects that survey respondents worked on since the SLUP was adopted is shown on the following page.

Conformity Requirement (CRs) relevant to projects worked on since the land use plan was adopted



| CR # | Description of Conformity Requirement (CR) |
|------|---|
| 1 | Land Use Zoning |
| 2 | Community Engagement and Traditional Knowledge |
| 3 | Community Benefits |
| 4 | Archaeological Sites and Burial Sites |
| 5 | Watershed Management |
| 6 | Drinking Water |
| 7 | Fish and Wildlife |
| 8 | Species Introductions |
| 9 | Sensitive Species and Features |
| 10 | Permafrost |
| 11 | Project-Specific Monitoring |
| 12 | Financial Security |
| 13 | Closure and Reclamation |
| 14 | Protection of Special Values |
| 15 | The Great Bear Lake Watershed |
| 16 | Fish Farming and Aquaculture |
| 17 | Disturbance of Lakebed |
| 18 | Uses of Du K'ets'Edi Conservation Zone (Sentinel Islands) |
| 19 | Water Withdrawal |

GENERAL COMMENTS ON CONFORMITY REQUIREMENTS

Overall, there were mixed responses to the effectiveness of the Conformity Requirements. Respondents thought that certain CRs were straightforward and effective, particularly CR #1: Land Use Zoning. Respondents also raised specific challenges with some of the conformity requirements (which will be discussed in detail below).

A number of respondents also raised the question of regulatory duplication of certain conformity requirements with other legislation. One respondent (from industry) said that there was regulatory duplication in all of the conformity requirements other than CR #1: Land Use Zoning.

Generally, respondents felt this regulatory duplication was problematic and led to confusion. Others respondents just thought this created redundancies. For example, a respondent from the Sahtu Land and Water Board said, "The Plan doesn't change the way we were doing things beforehand. [However,] maybe it secures the things we were already doing." It is not clear whether regulatory duplication hindered development in the Sahtu settlement area; industry representatives who noted the regulatory duplication said they found ways to work around it:

"The biggest area of confusion was the apparent redundancy between the SLUP and the SLWB/GNWT and NEB requirements. However, for the most part the requirements were consistent enough that by adopting the more rigorous requirement, we could ensure we were meeting the rest." (Industry)

Respondents (particularly those from GNWT, who, since devolution, are responsible for issuing many kinds of permits and authorizations in the area) also expressed confusion about not knowing whether the conformity requirements applied for all types of dispositions.

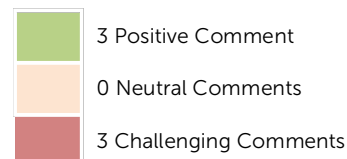
One response captures this confusion:

If the Land and Water Boards are not engaged [in approving a land use permit or water licence], do we need to conform to all of the requirements? Should there be set minimum thresholds in the implementation Guide? For example, if you require a Land Use Permit and Water Licence, you need CRs x to x. If another permit, only need to follow CR x for zoning. [The SLUPB and the GNWT] need to work with the LWB to find out what this should be. (GNWT)

The following sections include feedback from survey or interview participants who provided comments on particular conformity requirements.

A color graph at the start of each section shows the number of comments received on each CR, and the balance between positive comments and comments that revealed a challenge with the particular conformity requirement. Green squares indicate positive comments on how the CR works. Red squares indicate that respondents identified a challenge with a specific CR. The light brown color indicates comments about a particular CR that was neither overtly positive nor negative.

CR#1: LAND USE ZONING



Overall, most respondents said that they thought zoning is clear and is working well. Core conservation zones were identified by Sahtu communities early in planning process and have stayed through the different versions of the Plan. Communities had positive comments about the zones offering protection to key species and areas of cultural importance.

Challenges may arise with zoning, however, on complicated development proposals that cross multiple zones in the Plan. The other challenge with the Sahtu Land Use Plan is that the number of different zones makes the organization of the document more complicated.

Below are a number of select comments about CR #1.

Positives

"Zoning is really straightforward – fantastic." (GNWT)

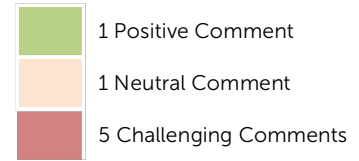
"CR 1 is easy to interpret." (Industry)

Challenges

When [proposed projects] bridge areas [crossing multiple zones], sometimes we have to do more investigation. Each time we do, there is a bit of a learning process. (Sahtu Land and Water Board)

The Gwich'in plan is much simpler to refer to. It makes sense from an applicant's perspective; the way the 2002 plan is structured. It goes zone by zone. For each zone there is specific guidance on what is important, what is not – if you know the zone you are working in, you've got it. You don't have to cross-reference the whole document. But the Gwich'in is much smaller [so this might not be possible in the Sahtu]. (GNWT)

CR#2: COMMUNITY ENGAGEMENT AND TRADITIONAL KNOWLEDGE



Respondents were mostly critical about CR #2: Community Engagement and Traditional Knowledge, and indicated a number of challenges about interpreting the CR. Several respondents acknowledged the overlap between this CR and regulatory processes that are done by the Land and Water Boards, the Territorial Lands Administration department of the GNWT, and the community engagement and traditional knowledge requirements that become part of environmental assessment studies.

Therefore, the Sahtu Land Use Planning Board may want to examine this CR as part of the Plan's 5-Year Review. One respondent from the GNWT suggested that the Sahtu Plan could take the same approach that is used in the Gwich'in Land Use Plan to address this topic (i.e. to focus on special values to be promoted rather than specific community engagement requirements).

Below are a number of select comments about CR #2.

Positives

[This CR is] easy to Interpret, as it is mainly associated with Territorial Lands Administration department tenure applications and specific land uses. (GNWT)

Neutral

The Territorial Lands Administration department pays special attention to the Plan's Conformity Requirement #2 (Community Engagement and Traditional Knowledge). We ask that the applicant provide information that there was community engagement (e.g. of the Deline Land Corporation) regarding his/her/their

proposed project. As per the Plan, the Territorial Lands Administration department requires that the applicant inform the potentially-affected community of construction associated with the proposed project and the project's location, and allow the community to provide its feedback. The applicant must indicate that it has incorporated community feedback into its project planning and its application form. (GNWT)

Challenges

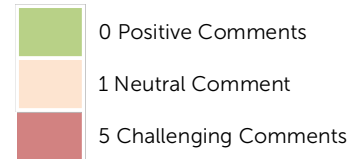
[This CR contains] regulatory duplication. The Land and Water Boards already have their own guidelines in terms of community engagement. (GNWT)

Gathering traditional knowledge proved to be fairly challenging. While reports were commissioned from Norman Wells and Tulita and we conducted several sessions with local experts, it seemed difficult to gather a comprehensive information on TK in the region. (Industry)

The Gwich'in plan doesn't focus on community engagement – it focuses on special values and what an applicant can do to mitigate these negative effects. (GNWT)

We would like the Plan to provide additional clarity on how proponents should engage Sahtu communities and what they should do to ensure that the social and environmental concerns of the people are adequately reflected and considered during applications for conformity with the SLUP. (SSI)

CR#3: COMMUNITY BENEFITS



Respondents also had a number of challenges with CR #3: Community Benefits. Many respondents indicated this CR should be clarified so that it is easier to tell what constitutes compliance with the requirement. Some respondents also noted that community benefits for larger projects are already included in the environmental assessment process and questioned whether including community benefits made sense on smaller projects. Once again, the Sahtu Land Use Planning Board may want to consider addressing this conformity requirement in the 5-Year Review.

Below are a number of select comments about CR #3.

Challenges

We already have a community benefits plan template – pre-plan or post. This is part of the environmental assessment process – right from the MVRMA [S. 35a, related to protecting and promoting the interests of all Canadians]. It is hard to assess training and capacity building for all projects; many of the projects that happen in Sahtu are specific single season or two season projects. (SLWB)

Community benefits (CR#3) has always been an issue for [our company] to deal with if these benefits are not realized as part of the service offerings of the project. Due to the technical nature of the builds it is difficult to incorporate community involvement for the specialized labour requirements of the build. (Industry)

We would appreciate greater clarity in how compliance with CR#3 is determined,

particularly in cases where it is established that there is a lack of definable benefits to residents or community of the Sahtu. Furthermore, greater clarity would assist in ensuring that access and benefit agreements with District Land Corporations provide preferential rights to Sahtu businesses with respect to certain opportunities. (SSI)

I feel that with the land claim agreement, there are other processes already in place that should address the community benefits CR, like the environmental assessment process. If you do have a large-scale project like a diamond mine, given the example of what has happened in the southern part of the territory here, that definitely gets brought in the environmental review process because they do look at socioeconomics. I feel that there are other processes that address that and that it's not the role of the planning Board. We'd just be restating something that takes place. But when you put it in the land use plan as a conformity requirement, and looking at best practices for when conformity should be determined, it does create a potential for delays - or would make things more difficult for a proponent because they would need to know this information up front than they may normally. (Other Respondent)

CR#4: ARCHAEOLOGICAL SITES AND BURIAL SITES



3 Positive Comment

1 Neutral Comment

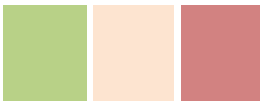
0 Challenging Comments

Respondents had no major issues with CR #4: Archaeological Sites and Burial Sites. Below is one of the positive comments about CR #4.

Positives

Easy to Interpret. This CR is also associated with Territorial Lands Administration department tenure applications and specific land uses. (GNWT)

CR#5: WATERSHED MANAGEMENT



1 Positive Comment

1 Neutral Comment

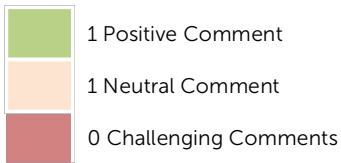
1 Challenging Comment

Only three respondents commented specifically on CR #5. The Sahtu Land and Water Board found this CR easy to understand and apply. A respondent from the federal government explained in detail how this CR was an example of regulatory duplication with the SDMCLCA (while at the same time it omitted references to other parts of the SDMCLCA which are also relevant). This comment about the challenge with CR #5 is provided below.

Challenges

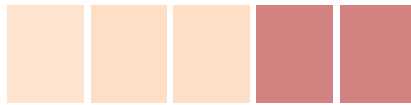
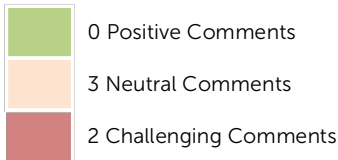
I find that this [CR] is confusing because the use of the footnote (Footnote 24) implies that the CR is subject only to [subsections] 20.1.15 and 20.1.16 of the SDMCLCA. I would prefer that it is more clearly stated that Water Management is subject to Chapter 20 as a whole, because it is in Chapter 20 that is found the references to the protection of navigation [etc.]. (Canada)

CR#6: DRINKING WATER



There were no significant challenges with CR #6. The SLWB called this CR "Fine."

CR#7: FISH AND WILDLIFE



Conformity Requirement #7 includes protective buffers from development around known location of certain kinds of fish and wildlife. Respondents thought the buffer areas were straightforward in concept. However, challenges arise when trying to implement this CR. Animals move around, making effective monitoring an issue. Animal populations also change over time, which means that buffer areas may need to be examined regularly. Because of these things, this CR should certainly be examined during the 5-Year Review.

Below are a number of select comments about CR #7.

Neutral Comments

Fish and wildlife – there is a question around updating buffer zones – both ways (increasing or decreasing the buffer area). Is timeline of every 5 years frequent enough, before the 5-year review period? (GNWT)

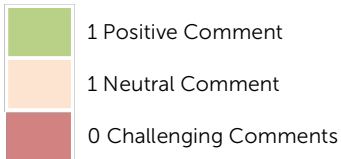
Challenges

[For CR #7,] the proponent submits a plan on how they will mitigate impacts. But there is no process for ensuring these things afterwards – for inspectors it is hard because animals move around. The checks and balances are not easily policed. (SLWB)

[When the Plan was being developed,] water use was a fairly contentious issue, raising significant concern amongst community members related to fish and wildlife. Although water use was well below regulated volumes, some individuals were concerned. (Industry)

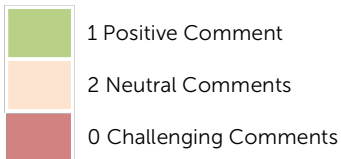
[In CR #7,] the references to flight altitudes are acceptable because they are guidelines only and are suitably qualified, thereby ensuring that an operator has appropriate discretion. If there had been an outright prohibition, this would have been problematic. In my view the Board does not have the jurisdiction in the land use plan to address matters that are within the jurisdiction of the federal government under the aeronautics power. The Legal question is whether the land use planning provisions authorize a land use plan that could address matters that fall within the federal jurisdiction over aeronautics, such as prescribing aircraft altitudes. There is nothing in the Sahtu Dane and Métis Comprehensive Land Claim Agreement (SDMCLCA) that addresses jurisdiction over aeronautics. In fact, by virtue of 3.1.21 of the agreement, it is confirmed that the Aeronautics Act applies. As for the scope of the aeronautics power, the courts have consistently found it to be any matter that is essential or integral to aeronautics and aerial navigation. Because there is no inconsistency or conflict, consideration of 3.1.22 is not necessary. (Canada)

CR#8: SPECIES INTRODUCTIONS



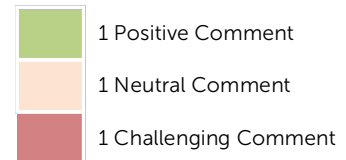
There were no significant issues related to CR #8: Species Introductions. The Sahtu Land and Water Board said they were fine with this CR. They put this as a condition on licences and permits.

CR#9: SENSITIVE SPECIES AND FEATURES



CR #9: Sensitive Species and Features also did not pose any significant challenges for regulators or developers. The Sahtu Land and Water Board said this CR was easy to apply if the sensitive species or features were identified. The GNWT also commented that this CR should also be reviewed regularly, particularly during the 5-Year Review period.

CR#10: PERMAFROST



There were no major issues related to CR #10: Permafrost. Respondents from industry groups said that following this CR was a challenge, but that they had ways of meeting the requirement.

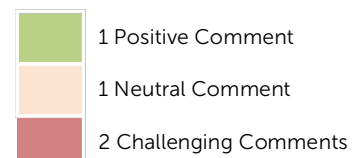
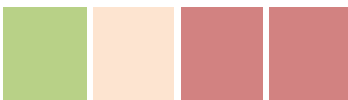
It is not clear how much this CR affects potential development in the Sahtu settlement area. However, the CR should be examined during the 5-Year review to verify that it is working as intended.

This comment about the challenge with CR #10 is provided below.

Challenges

There are general issues with permafrost protection as it relates to industrial activities. Clearing and trenching have permafrost issues. This is sometimes difficult, but engineers help with processes for protection for permafrost. (Industry)

CR#11: PROJECT-SPECIFIC MONITORING



Respondents thought that CR #11: Project-Specific Monitoring was relatively easy to understand and implement. However, it raised a number of issues related to logistics.

Although they were somewhat interested in the concept, this is one reason why the Gwich'in Land Use Planning Board said they would avoid putting a similar requirement in their own land use plan.

Below are a number of select comments about CR #11.

Positives

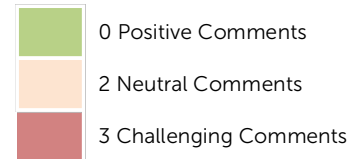
Project specific monitoring – where it's required by the Board, it's easy. (SLWB)

Challenges

Monitoring – we'd be more open to putting this in [an amended Gwich'in Land Use] plan if we didn't have issues with what qualifies a monitor to be a monitor. We don't have any standards for that. And sometimes there has been trouble finding people in the communities that are even available to be monitors. There are capacity issues. We can't put this as a demand onto a proponent when we know there may be a good chance they wouldn't even be able to get a monitor. And then there is the question of who is hiring the monitor? Does the proponent pay the community council? The tribal council? [It would be nice to be able to put this into the Gwich'in] plan, but we won't go there now. (Gwich'in Land Use Planning Board)

A second difficulty was related to project specific monitoring using local qualified monitors. While [our company] provided a number of environmental monitor training sessions each year, it was difficult to maintain a roster of available and qualified monitors. (Industry)

CR#12: FINANCIAL SECURITY



Many respondents pointed out regulatory duplication in regards to CR #12: Financial Security. According to the GNWT respondent, this CR “stems from a legacy issue in the Sahtu because people were concerned about it [Financial Security].” When the Plan was first being drafted, industry was not required to place financial security on projects. However, the Sahtu Land and Water Board started taking financial security on projects since 2010, examining the security required for each project on a case-by-case basis.

For the 5-Year Review, the SLUPB should review the Financial Security CR to see if it is now fully redundant or if there is still a benefit to keeping this requirement in the Plan.

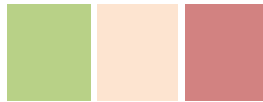
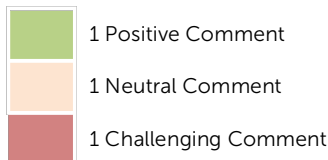
Challenges

Before 2010, SLWB did not take security. Since then, it always has unless security is already in place... it's now common practice. The SLWB Board considers value of security – some projects are so small that it's not worth the exercise of calculating and collecting it (but the Plan requires it for every development). (SLWB)

There are some CRs that are very similar to what the LWBs deal with, like security for example, so if the LWBs set security, hopefully we meet the intent of that CR, but I don't know in the end who is ultimately making that decision. (MVLWB)

The way the requirement is worded [in the SLUP], there's a question as to whether this should be in the Plan. That would be one that I would look at in terms of removing. (GLUPB)

CR#13: CLOSURE AND RECLAMATION



Closure and reclamation, CR #13, was a major concern for Sahtu community members during the development of the land use plan. The comment from GNWT recognizes the importance of this fact, even though there might be regulatory duplication. The challenge with the CR is knowing how to approve and monitor this requirement that can only be fully met once a project is complete, years into the future.

Below are a number of select comments about CR #13.

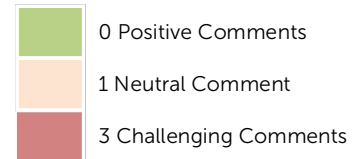
Positives

This is clearly very important to the Sahtu people – so it’s not bad to have it up front in the process, even if it is duplication [of what the Land and Water Boards do]. This is what people in Sahtu value most – so you have to be sure to address it. (GNWT)

Challenges

Closure and reclamation – this is an interesting one – we consider it to be ongoing after file issuance. We look at closure and reclamation planning in our initial submissions. A lot of the initial assessment is planning based when we’re determining conformity requirements. But it continues on through the life of the project. There is not a lot of process for this in the regulatory world. We accept plans, we accept assessments initially. As for reviews, there are no provisions for ongoing conformity checks. Legislation talks about a conformity determination being done and that’s it. And closure and reclamation happens post project many years after the project finalization. (SLWB)

CR#14: PROTECTION OF SPECIAL VALUES



Three respondents highlighted challenges to CR #14: Protection of Special Values. A respondent from the GNWT called this CR “difficult to interpret.” More emphasis on this CR in the Sahtu Land Use Plan Implementation guide, or a short newsletter sent out to Sahtu partners discussing how to interpret this CR, might help to provide clarity.

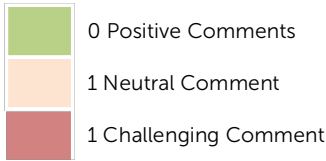
Below are a number of select comments about CR #14.

Challenges

CR 14 (the special conformity requirement that goes with this zoning) is a challenge for the GNWT. There are a lot of concerns because of its ambiguity. Primarily ambiguity around how such a general conformity requirement might play out in different scenarios – if it was referred to the planning Board – how would they determine whether the values (of the land) would remain “substantially unaltered”. It’s not that people disagree with the objective of that, but there’s no precedent yet for those who are concerned that the economic values are protected. It may be perceived as being prohibitive to industry. (GNWT)

Protection of special values – all of the special management conformity requirements – they are a little bit more complicated. Particularly the protection of special values. (SLWB)

CR#15 – CR #19 OTHER SPECIAL MANAGEMENT CONFORMITY REQUIREMENTS



There were few comments on CRs # 15 to 19. This could be related to the fact that these CRs only apply for certain Special Management areas where few recent developments have been proposed. Nevertheless, it may be beneficial to review these CRs during this period where major developments in the Sahtu area have been limited.

Below are a number of select comments about CRs #15 to #19.

Challenges

CR15 was the last hold out [in the development of the Sahtu Land Use Plan. There was debate around] how to make the [statement] “nothing you do will compromise ecological integrity” work. The government was worried about how to implement this. To the community, it would mean that they could still drink the water and eat the fish. (Other respondent)

CR 17 – Disturbance of Lakebed. I note that there is no reference to Chapter 20 of the SDMCLCA in this CR. It would provide additional clarity if it was noted (as in CR 5) that it is subject to Chapter 20 (again to point out the reference to the sections addressing navigation). (Canada)

4.5. ACTIONS & RECOMMENDATIONS

The Sahtu Land Use Plan contains a chapter on Actions and Recommendations that is intended to guide the Sahtu Land Use Planning Board and other regulators responsible for implementing the Sahtu Land Use Plan. As is indicated in the SLUP, the “approving Parties agree to make reasonable efforts to complete all Actions pertaining to them,” while the Recommendations are purely advisory in nature. The parties have been asked to “consider and implement recommendations wherever feasible and appropriate” (SLUP, p. 49).

While Draft 3 of the Sahtu Land Use plan contained 25 Actions and Recommendations, the majority were removed from the final draft of the Plan. The four actions and four recommendations included in the 2013 Sahtu Land Use Plan are summarized on the table below.

| ACTIONS & RECOMMENDATIONS IN THE SAHTU LAND USE PLAN | | |
|--|---|------------------------|
| No. | Item | Responsibility |
| 4.2 | ACTIONS | |
| 4.2.1 | Establishment of the Sahtu Land Use Working Group | SLUPB |
| 4.2.2 | Inspection and Enforcement Priorities | Government Departments |
| 4.2.3 | Access to Wildlife Information | Wildlife Managers |
| 4.2.4 | Water Withdrawals | DFO, SLWB |
| | | |
| 4.3 | RECOMMENDATIONS | |
| 4.3.1 | Air Quality | ENR |
| 4.3.2 | Climate Change | Applicants, Regulators |
| 4.3.3 | Community Land Use Monitors | Applicants |
| 4.3.4 | Incidental Harvest | Applicants |



Figure 37: Environmental Monitoring in the Sahtu (SRRB, 2014)

Normally, an assessment of the implementation of a land use plan would involve an analysis of whether or not the actions and recommendations in the Plan have been met. However, it is difficult to assess the actions and recommendations in the Sahtu Land Use Plan in this way. The SLUP does not have implementation indicators or timelines for its action items; indeed, many of the actions are considered to be ongoing and so could never be deemed complete.

This challenge is not unique to the Sahtu Land Use Plan. According to a respondent from the Gwich'in Land Use Planning Board (GLUPB), the early versions of the Gwich'in Plan also included a section on Actions and Recommendations. However, the GLUPB found that having the Actions and Recommendations section in the Plan didn't make these items happen any faster than not having them in the Plan. In order to make a streamlined document that would be most useful to regulators, proponents and to communities, they chose to take this material out of the Plan.

The GNWT expressed similar comments about the Actions and Recommendations in the Sahtu Land Use Plan. One respondent from GNWT said they did an internal survey about what different departments were doing to address the actions and recommendations in the Sahtu Land Use Plan. If departments were working on something related to an action item or recommendation in the SLUP, they were doing it as part of their mandate or day-to-day job. No GNWT department said they were taking action specifically because of direction from the Plan.

Action Item 4.2.2., for example, talks about setting inspection and enforcement priorities. However, according to the GNWT, inspectors already have a risk management index; if developments are near sensitive features, the inspectors would set priorities on how inspection would occur. In other words, they were already treating special features as priorities through government policies, regardless of any language in the Plan.

There is an even greater challenge with the items in the Recommendations section of the Plan. One respondent explained that recommendations are not legally binding, therefore, they get “put on the bottom of the pile” of priorities for the parties responsible for them.

Once it is established, the Sahtu Land Use Working Group (Action Item 4.2.1) may be the place to revisit these Actions and Recommendations. The Group could then consider if and how the Actions and Recommendations can be addressed in the context of the SLUP (see Part 5: Moving Forward for more information).

MOVING FORWARD



MOVING FORWARD

5.1. INTRODUCTION

With only three years of implementation following over a decade of planning, it is likely too soon to make substantive changes to the Sahtu Land Use Plan. However, the interview and survey findings discussed above suggest a number of potential priorities for the Board and its planning partners in continuing to implement the Plan and preparing for the 5-year Plan review.

A number of these priorities and directions are presented on the following pages. Some are specific to amending the Plan and supporting documents; others focus on on-going implementation, and addressing broader planning issues.

A successful 5-year review will require continued input from all of the planning partners:

- Regulatory agencies with growing experience applying the Plan;
- Proponents that are advancing projects under the new regulatory framework;
- Sahtu organizations that can communicate the priorities of Sahtu residents; and
- Non-governmental organizations that attend to specific values.

Each of these groups has played a role in developing and implementing the Plan to date. While the Sahtu Land Use Planning Board will take the lead in this and subsequent 5-year review cycles, contributions from each of these groups will be important in continuing to refine the regulatory process in the Sahtu and the 'living document' of the Sahtu Land Use Plan.

5.2. PRIORITIES FOR THE FIVE-YEAR REVIEW & BEYOND

The Sahtu Land Use Plan is a document jointly approved and implemented by the Sahtu Secretariat Incorporated, the Government of the Northwest Territories, and the Government of Canada. Leading up to 5-year review of the SLUP, we recommend that the Sahtu Land Use Planning Board and the three approval parties review specific elements of the Plan to assess the need for/value of potential plan amendments.

Note that any amendments to the Sahtu Land Use Plan will require the approval of the three approving parties, while Board documents (such as the Implementation Guide and Rules of Procedure) can be amended directly by the Sahtu Land Use Planning Board.

42. Farfa Niljine (Mountain River Extension)

| Designation | Conservation Zone | | | | |
|----------------------------------|---|----------------------------|-------------------------|---|-------|
| CRs & Prohibitions | CRs# 1-14 Prohibition: Bulk water removal; Mining E&D; Oil and Gas E&D; Power Development; Forestry; Quarrying | | | | |
| Map # | 11 | | | | |
| Area | 1,348 km ² | | | | |
| Land Ownership | <table><tr><td>Sahtu Subsurface Ownership</td><td>Sahtu Surface Ownership</td></tr><tr><td>-</td><td>11.6%</td></tr></table> | Sahtu Subsurface Ownership | Sahtu Surface Ownership | - | 11.6% |
| Sahtu Subsurface Ownership | Sahtu Surface Ownership | | | | |
| - | 11.6% | | | | |
| Location & Boundaries | A 5 km buffer is applied to the river from the Mackenzie Mountains to the Mackenzie River. South of Fort Good Hope in the K'tasho G'atine District. | | | | |

Reason for Establishment

The Mountain River was a traditional trail used by the Mountain Dene of Fort Good Hope. There are many named places, camping, hunting, fishing locations and stories associated with the river. It continues to be an important moose hunting area and is known as the shortest route to the highest mountains and sheep hunting areas.

Values to be Protected: Archaeological, burial, cultural and historic sites.

Values to be Respected: Moose use the tributary rivers and riparian areas along Mackenzie River. Harvesters say that in January, cold temperatures and deep snow cause moose to congregate along the major river valleys.²⁶⁰ Ice and flood action in fast-flowing river drainages keeps vegetation in an early successional stage, providing important food species such as willow and alder for moose in the winter time.²⁶¹

Wildlife habitat includes: furbearer habitat, moose habitat, important breeding duck habitat²⁶², Dall's sheep habitat, boreal woodland caribou habitat, wetlands, barren-ground, boreal woodland and mountain woodland caribou habitat. The zone is along the Bonnet Plume mountain woodland caribou herd's migration path and is part of its general habitat. Other wildlife found in the zone include bears, fish, mountain goat, waterfowl and migratory birds. An Important Wildlife Area for mountain woodland caribou occurs.

Of ecological significance are karst features, International Biological Programme site "Coral Peaks" - Site 59, may-be at risk plants, glacial refugia.

Wildlife harvested include: waterfowl, furbearers, fish, a high concentration of moose, and bears.

Values to Take into account: Traditional trails, recreational areas, cabins and outpost camps. Within the Fort Good Hope/Colville Lake Group Trapping Area.

Economic Importance: Oil and gas potential: 19% high, 21% moderate; 45% low. Oil and gas rights: exploration licence. Gravel and sand deposits. A potential hydroelectric power development site. In an outfitting region with operating businesses. Popular with white water canoeists, the river has tremendous tourism potential.

Figure 38: One of the priorities of the SLUP 5-Year Review will be to address discrepancies between zone descriptions.

A. CORRECT ERRORS IN SLUP

Although none of the study respondents identified errors in the Plan, SLUPB staff have identified a number of small typographical errors, some of which pose problems for interpreting and applying the Plan. These errors could be corrected relatively easily.

In addition, staff identified several errors in zone descriptions and found discrepancies between zone descriptions and the maps of those zones. In a few cases, zones were modified in the months leading up to Plan approval and the final zone descriptions were not adjusted to reflect those changes.

Regulators, Sahtu organizations, and other plan users are encouraged to inform the Sahtu Land Use Planning Board of any errors they might notice in the Plan, and propose corrections where applicable.

B. REFLECT DEVOLUTION IN SLUP AND IMPLEMENTATION GUIDE

On April 1, 2014, the responsibility for managing public land, water, and resources in the NWT was devolved from the federal Government to the Government of the Northwest Territories.

The 2014 devolution caused a change in the government departments responsible for issuing authorizations under the Sahtu Land Use Plan, as well as an adjustment in the roles of the approving parties.

The 2013 SLUP makes reference to specific government departments. Likewise, the Implementation Guide presents a table identifying the applicable regulatory agencies, and relevant Conformity Requirements for each authorization under the Plan.

The GNWT, the Government of Canada, and other agencies that issue permits and authorizations should assist the Sahtu Land Use Planning Board in confirming and updating the Land Use Plan and Implementation Guide to reflect the new responsibilities since devolution.

Discussing devolution will also provide an opportunity for the SLUPB to establish a system of monitoring permits and authorizations with the appropriate organizations (see below).



Figure 39: Devolution of lands and resources in the Northwest Territories took place on April 1, 2014 (GNWT, 2014)

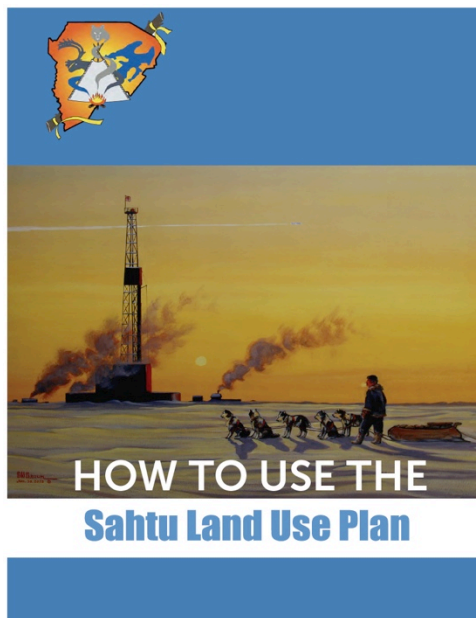


Figure 40: The SLUPB could work with regulators to develop user-friendly materials offering guidance on "How to use the Sahtu Land Use Plan"

C. INCREASE USER-FRIENDLINESS OF THE PLAN

Respondents noted that the SLUP is relatively text-heavy, and requires both regulators and proponents to reference several sections of the Plan in order to understand and apply it. Several respondents recommended considering how the Plan could be made clearer for plan users, including project proponents and regulators.

The SLUPB could work with the regulatory agencies to develop user-friendly materials offering guidance on "How to use the Sahtu Land Use Plan" for both proponents and regulators. These might be included directly in the Plan document, in the Implementation Guide, integrated into government publications, or developed as single page guidance documents, available on the SLUPB website. The parties may also consider a plain-language summary of the Plan, as was developed for Draft 3 of the SLUP.

D. REVISIT SLUP VISION AND GOALS

The vision and goals of a land use plan form the basis for the Plan as a whole and should be revisited and confirmed during periodic reviews. The current vision and goals of the SLUP stem from intensive community workshops, meetings, interviews, and discussions in the early years of the SLUPB's work (1998-2001).

Responses to survey and interview questions suggest that they continue to be seen as relevant, but a number of respondents emphasized the importance of returning to the vision and goals as the foundation of the Plan:

"You have to start by reconfirming vision and goals because everything stems from that. You have to figure out if these are still the goals of the people of the Sahtu region – and that will help to inform what changes need to be made to the Plan." (INAC)

The strength of the current goals is that they appear to be well grounded in community process, and reflect the perspectives of Sahtu residents, which are both holistic and balanced.

Plan implementation can strive to support these goals, but progress towards achieving them will depend on a wide range of factors, many of which are beyond the scope of the Land Use Plan. As stated in the SLUP itself, “Not all of these [vision and goals] can or will be addressed by the Plan through conditions for land use.” (SLUP, p.11). That is, the goals provide a strong vision for the planning area as a whole, but they are not measurable, and not achievable within the context of the land use plan.

We suggest that the approval parties retain the current goals and consider developing a series of measurable objectives that are specific to the Land Use Plan. The Plan-specific objectives could then be used for on-going monitoring, and reporting on progress under the Plan.

E. REVIEW SLUP CONFORMITY REQUIREMENTS

The Plan’s mandated 5-year review presents a timely opportunity to review each of the Plan’s conformity requirements in light of applications received to date.

The findings presented above offer insight into planning partners’ experience with the CRs, and highlight some existing concerns related to potential regulatory duplication and interpretation of individual CRs.

These points should be further explored in the context of each individual CR. Interpretation and application of the CRs—and particularly concerns related to regulatory duplication—offer additional potential topics for review by the approval parties.



Figure 41: Traditional activities and special values (Sahtu Atlas, 2005)

Based on the feedback from planning partners described in section 4.4, above, the Conformity Requirements that appear to be a top priority for review are:

- CR #2 – Community Engagement and Traditional Knowledge
- CR #3 – Community Benefits

Conformity requirements suggested as secondary priorities for review are:

- CR #7 – Wildlife
- CR #12 – Financial Security
- CR #14 – Protection of Special Values

Furthermore, we suggest that each of the planning partners assess whether new data (for example, new information on caribou habitat or mineral potential) has become available since 2013 that may warrant reconsideration of the current land use zones or other conformity requirements for the 5-year review. Any new relevant data (particularly data incorporated into approved resource management plans) or proposed SLUP zone amendments should be forwarded to the SLUP Board for consideration early in the 5-year review process. Note that any such changes to the existing zoning would be assessed in the context of the broader vision for a balance of conservation and development in the Sahtu.

As a long-term goal (not part of the 5-year review), the SLUPB may want to consider the “Best Practices” approach to Conformity Requirements identified in the current SLUP (p. 51). This section suggests that the Sahtu Land Use Working Group may “build on and refine the Plan’s Conformity Requirements into a set of Best Practices for land use in the Sahtu Settlement Area”, and that “The results may replace the Plan’s Conformity Requirements through future Plan amendments” (SLUP, p.51). This “Best Practices” approach offers a potential avenue to address concerns over regulatory duplication, but requires careful analysis and discussion amongst the planning partners.

Given the limited number of authorizations that have been granted since the Plan came into effect, the Board and approval parties would be prudent to conduct an initial analysis of Conformity Requirements as part of the 5-year review. This may lead to clarifying wording in the Conformity Requirements and Implementation Guide, and identifying lead regulatory agencies in cases of potential duplication. The Board would then continue to monitor application of the CRs for another 5-year term before making any substantive structural adjustments to the Plan.

F. ADDRESS SLUP ACTIONS AND RECOMMENDATIONS (INCLUDING SAHTU LAND USE WORKING GROUP)

The surveys and interviews conducted for this assessment documented a number of concerns related to the Actions and Recommendations in the Sahtu Land Use Plan. The topics addressed through the Actions and Recommendations are understood to be priorities for the Sahtu region, but as it is currently written, the SLUP does not seem to be influencing action to address these priorities.

It will be important for the approval parties to revisit the Actions and Recommendations to determine if and how they can be addressed through the Sahtu Land Use Plan.

We note that Action #1, establishing and convening the Sahtu Land Use Working Group, remains a priority of the Sahtu Land Use Planning Board.

In April 2016, the SLUPB sent a letter to SSI and 7 Land Corporations inviting them each to nominate an individual to sit on the Sahtu Land Use Working Group. As of November 2016, only one Land Corporation has nominated a representative to sit on the group.

The Group would present a multi-party forum for planning and communication amongst the Sahtu planning partners.⁸ The priorities identified in this report may also warrant discussion at the Working Group, including a necessary discussion around the Plan's Actions and Recommendations.

G. CONTINUE TO CLARIFY SLUP MAPPING

During the Sahtu Land Use Planning process (pre-2013), zones were mapped at a coarse scale of 1:1,000,000. This is an appropriate scale for looking at management of the region as a whole, but becomes difficult to apply and interpret at the scale of individual development projects. For example, at a scale of 1:1,000,000, the zone boundaries themselves (lines separating zones) were kilometers wide, creating potential confusion for developers working in areas along zone boundaries.

This limitation of the Plan was identified early in the planning process. In fact, the Preliminary Draft of the SLUP (2003) discusses scales of planning, noting that the Sahtu Region represents an immense planning scale. That plan anticipated smaller scale planning at a later phase that would address land use at a scale more appropriate for development projects.

In working closely with the Plan, SLUPB staff have also identified a number of discrepancies between zone descriptions and the digital shape files used to delineate the zones.

As described above, the SLUPB staff have initiated a process to address current challenges with both the scale and accuracy of spatial information in the Plan. The Board's GIS Analyst/Planner has been refining zone mapping and developing physical descriptions of zones. The SLUPB recently issued an RFP (request for proposals) for

⁸ The SLUPB should consider how the mandate of this group may compliment or differ from other working groups in the Sahtu Region, such as the SSI's proposed Sahtu Management Committee working group, which will engage the three Sahtu District Land Corporations with discussions on regional and community issues.

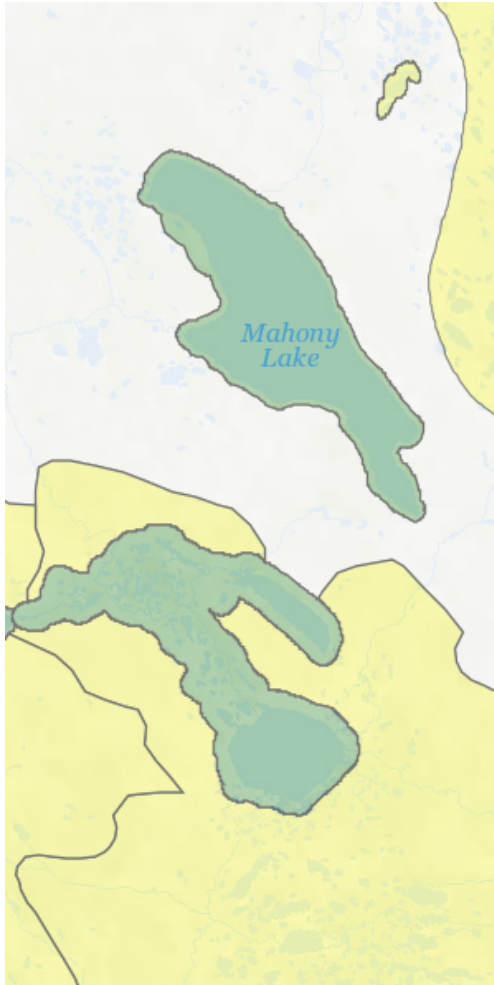


Figure 42: Sahtu zones on the Web Map. A priority for the Five-Year Review is to continue to clarify mapping and to ensure there are no discrepancies between zone descriptions and the maps of zones.

consultants to cross-check the Plan, shapefiles, and physical descriptions, and provide recommendations for further refining the shapefiles and zone descriptions. This work is currently well underway, and is expected to continue in preparation for the 5-year review.

H. PROVIDE SPECIFICS ON REFERRALS FOR CONFORMITY DETERMINATIONS


Based on feedback from our interviews and surveys, it appears that some regulators are hesitant to request the Sahtu Land Use Planning Board to make a formal conformity determination because they are uncertain about the length of time such a process would take or a worry that the SLUPB might determine the application did not conform to the Plan, which would be a final and binding decision.

There appears to be a need for more clarity on referrals for conformity determination from the Sahtu Land Use Planning Board.

The SLUPB has developed directions and an application form to request a conformity determination in the Board's Rules of Procedure (p. 25).

The directions and form could be located more prominently on the Sahtu Land Use Planning Board website, or re-circulated to planning partners so that more Sahtu planning partners or Sahtu community members become aware of the appropriate mechanism to refer a project for conformity determination.

The SLUPB should also work to clarify its commitment to hard timelines its conformity determination process (rather than estimates) to address regulators' and proponents' uncertainty around the conformity determination process.



Sahtu Land Use Planning Board
 Box 225, Fort Good Hope, NT, X0E 0H0
 Phone: (867) 598-2055 Fax: (867) 598-2545
 Email: info@sahtulanduseplan.org Website: www.sahtulanduseplan.org

**APPLICATION FOR A CONFORMITY DETERMINATION
 AS A PERSON DIRECTLY AFFECTED**
 Form A (Rule 4.3)

| | | |
|---|-----------------|---|
| Applicant Information- Directly Affected Person per Mackenzie Valley Resource Management Act Section 47(1)(b) | | |
| Name | | Organization/Company Name (if applicable) |
| Address | | |
| City | Prov./Territory | Postal Code |
| Phone | Fax: | |
| Email | | |
| ACTIVITY PROPONENT INFORMATION | | |
| Proponent | | Contact Person |
| Address | | |
| City | Prov./Territory | Postal Code |
| Phone | Fax | |
| Email | | |
| ACTIVITY REQUIRING THE REFERRAL FOR CONFORMITY DETERMINATION | | |
| Project name: | | |
| Proposed Start Date: | | Proposed End Date: |
| In which land use zone, or zones, will the activity take place? (Please specify) | | |
| <input type="checkbox"/> General Use Zone: <input type="checkbox"/> Special Management Zone: <input type="checkbox"/> Conservation Zone: <input type="checkbox"/> Proposed Conservation Initiative Zone: | | |
| Please briefly describe the location of the land: (include place names, co-ordinates or names of nearby communities, and if possible, GIS files identifying the location of the land use activity) | | |

Figure 43: Application form to request a conformity determination from the SLUPB Rules of Procedure (p. 25)

I. DEVELOP A COMMUNICATION STRATEGY

Surveys and interviews with SLUP planning partners have identified some gaps in awareness surrounding the Sahtu Land Use Plan, particularly with respect to industry contacts and Sahtu communities.

As a first step towards addressing these awareness gaps, we propose that the Board work with its planning partners to develop a concise communication strategy.

Such a strategy would focus on communicating the purpose and application of the SLUP to key audiences. For each target audience, the Plan would identify the priority messages and best means of communication. The communication strategy should recognize and build on existing avenues of communication, such as the SLUPB website.

The SLUPB and the GNWT Department of Lands may also consider collaborating in the delivery of the GNWT's internal training materials on the Sahtu Land Use Plan.

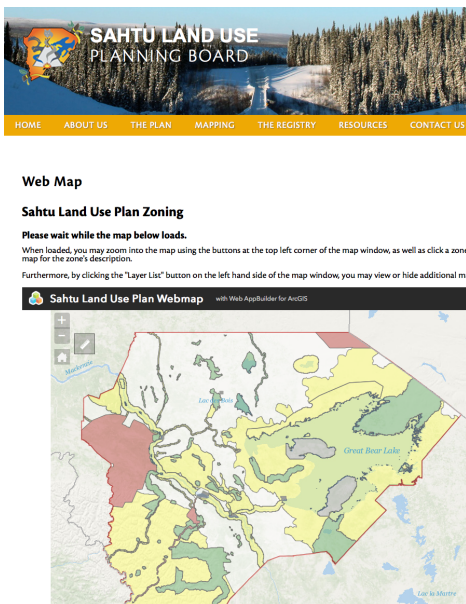


Figure 44: Web Map on the SLUPB website (SLUPB, 2016).

J. ENHANCE FUNCTIONALITY OF THE WEBSITE

Survey and interview respondents highlighted the Sahtu Land Use Planning Board website as an easy-to-use tool for getting information about the Plan and current conformity determination or amendment processes. Our assessment findings also led to three other simple steps the SLUPB could take to add functionality to the website and help with communication:

- 1) To help clarify how eligible parties or individuals can request a formal conformity determination from the SLUPB, the *Request for Conformity Determination Application Form* from the *SLUPB Rules of Procedure* (p. 24-25) should be put on the SLUPB website.

- 2) The status of projects undergoing a Conformity Review or Amendment process could be more clearly displayed on the SLUPB registry. As a template, the SLUPB could follow to the approach used on the MBLWB Registry system, which includes a brief project summary and a status table showing when applications were received and when approvals were issued.
- 3) For greater user-friendliness, the SLUPB could put a hyperlinked version of the Sahtu Land Use Plan on the website that would add more functionality than the PDF version. Each section of the Plan could be cross-referenced with links to the corresponding section of the Implementation Guide, so, for example, when looking at CR #2, a viewer could hover over a part of text and it would give help in interpreting what is meant. Definitions and acronyms could also be linked to pop-up windows linking to the full descriptions of these words. See the image below from the [Edmonton Zoning Bylaw 12800](#) for an example of how this might look.

A more detailed review of the website's effectiveness might be done at the same time as a SLUPB Communication Strategy (see below). This Strategy could address whether other forms of digital communication might be useful in supplementing the information on the website.

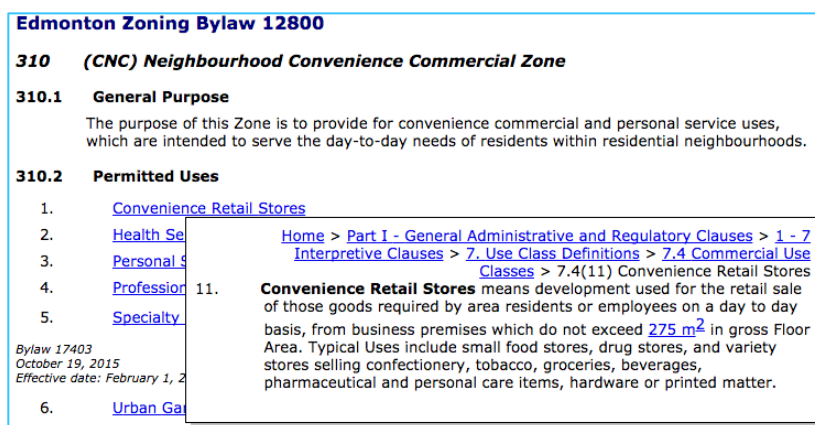


Figure 46: Edmonton Zoning Bylaw pop-up window

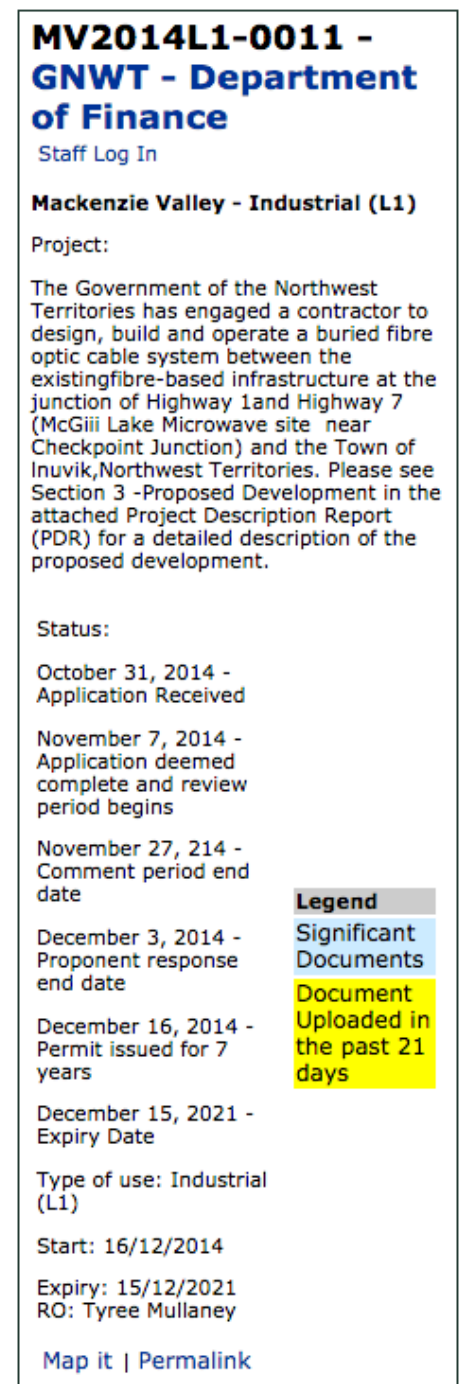


Figure 45: MVLWB Registry Summary (www.mvlwb.ca, 2016)

K. FURTHER ARTICULATE ROLES & RESPONSIBILITIES WITHIN SLUPB

Based on comments from planning partner organizations, we suggest that the Board consider text to specifically define the authority of Board staff to discuss applications and plan interpretation with other planning partners.

Currently, there is some confusion among Sahtu planning partners about how much information SLUPB staff will share with regulators or proponents regarding a particular development's conformity with the Plan. In interview and survey responses, regulators and proponents said that they would prefer to have more informal input from SLUPB staff regarding conformity. In response, SLUPB staff said they are willing to provide general support in interpreting the Plan, but are careful not to provide input on specific applications. In other cases, SLUPB staff said they are able to provide verbal advice and support interpreting the Plan, but that any written feedback on applications must come from the Board.

The Sahtu Land Use Plan *Implementation Guide*, addresses communication with applicants, as follows:

The Board recommends that applicants work with the regulator and the SLUPB when developing their applications to discuss any questions of interpretation, ensure they understand the Plan's requirements, and properly address all applicable CRs in their applications. [. . .] While a conformity determination cannot be made until a complete application is submitted, many questions and uncertainties can be addressed through front-end dialogue before the application is formally submitted. (Implementation Guide, p. 41)

We recommend that the Board articulate its policy on the level of communication it is comfortable delegating to staff. If necessary, the *Implementation Guide* should be updated

to be consistent with this position. Once the Board's decision is clearly articulated in writing, it will help to clarify roles and expectations for the planning partners who are contacting staff for implementation support.

L. MAINTAIN BOARD MEMBERSHIP

Board vacancies have presented an on-going challenge for the Sahtu Land Use Planning Board since its inception. A review of the Board's membership shows that since 1998, it has had full membership for a collective total of only 4.5 years. It has lost quorum on multiple occasions and has an overall vacancy rate of 24% (ranging from 3% for the Government of Canada appointee, to 32% for the SSI appointees).

Board appointments rely on action by multiple approval parties. Each party must identify and nominate suitable candidates to fill its seat(s) on the Board. Nominees must then pass government screening before being formally appointed by the responsible Federal Minister, which may deter some potential candidates.

At the time of preparing this report, the Sahtu Land Use Planning Board has quorum and all seats are occupied. However, in order to support a full and functioning Sahtu Land Use Planning Board, all of the approval parties will have to set a priority of filling any vacancies that arise in the future.

Honorarium rates for SLUP Board members should also be considered as a potential factor in attracting and retaining qualified Board members. At present, honorarium rates have not been adjusted since 2004. The Sahtu Co-Management Boards have been raising awareness about the need for increased honoraria for Board members. The Sahtu Land Use Planning Board's honoraria are currently the lowest among NWT co-management boards. The approval parties should continue to ensure that Board members are appropriately compensated for their work on the Board, at rates commensurate with similar positions in the NWT.

M. DEVELOP METHODS TO MONITOR IMPLEMENTATION

While responsibility to implement the SLUP is distributed among the Sahtu First Nations and government departments having authority to issue authorizations in the region, the responsibility for monitoring plan implementation lies with the SLUP Board. Section 44 of the MVRMA states,

“Subsequent to the approval of a land use plan, a planning Board shall monitor the implementation of the Plan.” (MVRMA, S. 44(a))

Over the first several years of implementation, the SLUP Board and staff have been in regular communication with the planning partners, both formally and informally discussing relevant regulatory applications. While the Board has been attentive to activities carried out under the Plan, monitoring to date has been somewhat ad hoc.

We recommend that the Board work with the planning partners to develop a defined process for monitoring plan implementation. Initial steps should focus on developing methods to track authorizations issued (and declined) under the Plan. Communication and information-sharing mechanisms should be defined for each of the agencies that issues authorizations or permits under the SLUP (as listed in the appendices of the SLUP Implementation Guide).

Authorizations should be tracked on either an on-going or annual basis. This will allow the Board to track progress and identify issues in real-time. At a minimum, the Board should have record of all authorizations granted (or turned down) under the Plan.

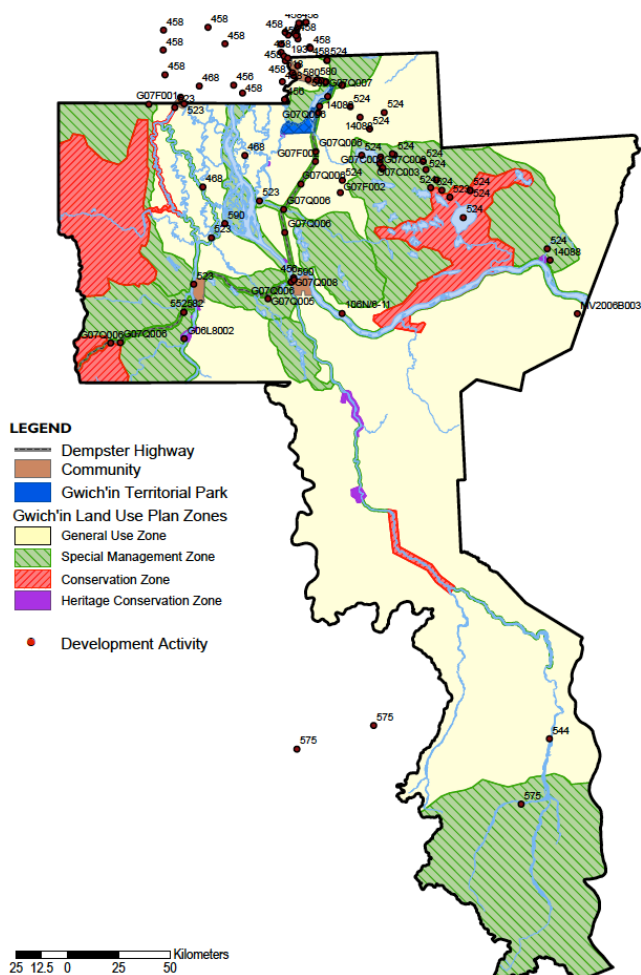


Figure 47.: The Gwich'in Land Use Planning Board tracked and published authorizations in their area in annual reports (GLUPB, 2007)

This should include the following information on each authorization:

- A description of the activity or development proposed;
- The location and zone(s) in which the activity is proposed;
- The Conformity Requirements relevant to the proposal;
- An explanation of how each of the CRs has been met;
- A brief description of the conformity determination process (including any unusual circumstances); and
- The reasons for which any authorizations that are not granted have been turned down.

Monitoring results can be analyzed at regular intervals (perhaps annually, or in coordination with the 5-year plan review cycle), and targeted analysis can be undertaken on an as-needed basis.

N. ARCHIVE COMMUNITY RESEARCH MATERIALS

The initial years of the SLUPB's work focused heavily on community research to document residents' visions for the land, along with their knowledge of land use, wildlife, and places important for their cultural, historical, and natural values.

The work generated a considerable volume of primary research materials that have been housed with the SLUP for over a decade. The Board is looking to work with the SSI and Sahtu communities to determine appropriate arrangements for secure long-term storage of these materials.

This initiative falls beyond the scope of the Board's current operational funding, but remains a priority for the Board. Supplemental funding will be needed, either through the land claim implementation process, outside funding



Figure 48: Elders Marie Theresa Kenny and Rosie Sewi participate in 2003 community workshop in Deline (Sahtu Atlas, 2005).

agencies, or through partnerships with cultural or academic organizations that might be well positioned to support the work, or ultimately house the research materials.

O. PROVIDE ACCESS TO COMMUNITY RESEARCH MATERIALS

Further to point N., above, the SLUPB would like to partner with the SSI and Sahtu communities to examine the intellectual property rights and commitments associated with the community research materials currently held by the SLUPB.

The intent of this work would be to understand and fulfill existing commitments with respect to sharing, use, and ownership of information. Wherever possible, the SLUPB would like to make the records accessible to the individuals and communities who generated them.

5.3. CONCLUSION

The interviews and surveys conducted as part of this assessment suggest that overall, planning partners are positive about how the Sahtu Land Use Plan has been implemented to date.

Regulatory agencies that are responsible to implement portions of the Plan have successfully issued numerous authorizations under the new regulatory framework. The Board is well respected and believed to be functioning effectively, though with limited financial and human resources. The Plan, and zoning in particular, is seen as an effective tool for managing land use at a regional scale. Representatives of Sahtu organizations were confident that zoning is protecting some of the most sensitive cultural and natural areas.

Overall, the Plan seems to be working as expected. However, with only three years of implementation following over a decade of planning, there is a broad consensus that the Plan has not yet been fully tested. Many of the participants who

we spoke with emphasized that development pressure in the Sahtu has also been limited in the years since plan adoption.

With these considerations, significant changes to the SLUP may not yet be necessary or advised. However, this report identified a number of priorities for the planning partners to consider in continuing to implement the SLUP and preparing for the upcoming 5-year review of the Plan.

These priorities include the following items, which are discussed in more detail in section 5.2 above.

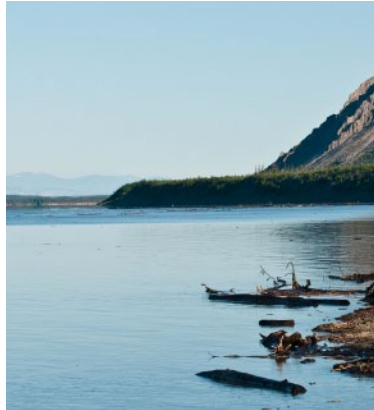
- A. Correct Errors in the Sahtu Land Use Plan
- B. Reflect Devolution in the SLUP and Implementation Guide
- C. Increase the User-friendliness of the SLUP
- D. Revisit the SLUP Vision and Goals
- E. Review the SLUP Conformity Requirements
- F. Address SLUP Actions and Recommendations (including the Sahtu Land Use Working Group)
- G. Continue to Clarify SLUP Mapping
- H. Provide Specifics on Referrals for Conformity Determination
- I. Develop a Communication Strategy
- J. Enhance Functionality of the SLUPB Website
- K. Further Articulate Roles and Responsibilities within the SLUPB
- L. Maintain Board Quorum
- M. Develop Methods to Monitor Implementation
- N. Archive Community Research Materials
- O. Provide Access to Community Research Materials

Ongoing dialogue will be necessary within the SLUPB and amongst approval parties in scoping what may realistically be accomplished during the upcoming 5-year review process.

The direction above is suggested based on analysis of input from the planning partners interviewed and surveyed as part of the work. It has not accounted for the financial and human resources required to complete the work suggested. We expect that funding levels to the SLUPB will need to be increased beyond their current levels to make some of the work described above feasible.

As the regional planning body in the Sahtu, the Land Use Planning Board serves the role of coordinating regional, holistic, and forward-thinking guidance with respect to resource management in the Sahtu Region. The planning process that took place between 1998 and 2013 was ultimately successful in establishing a forward-thinking vision and regional land use plan based on holistic goals for the region. The Board's function of facilitating "planning" with the approval parties should not end with approval of the SLUP. As technologies, research, and development advance, the SLUPB and its planning partners can continue to explore regional planning issues and emerging areas that will recognize the lessons and values of the Sahtu area's past while providing guidance for the future.

APPENDIX A: SURVEY & INTERVIEW RESPONDENTS AND QUESTIONNAIRE



APPENDIX A: Survey & Interview Respondents and Questionnaire

| SURVEY DISTRIBUTION LIST | |
|---|------------------|
| INVITED RESPONDENTS | RESPONSE? |
| District Land Corporations | |
| Tulita District Land Corporation | No |
| Sahtu Community Governments | |
| Behdzi Ahda First Nation (2) | No |
| K'asho Got'ine Charter Community / Fort Good Hope Band (2) | Yes |
| Charter Community of Deline / Deline First Nation (2) | Yes |
| Town of Norman Wells (3) | Yes |
| Tulita Dene Band (2) | No |
| Hamlet of Tulita (2) | Yes |
| Sahtu Dene Council | No |
| Renewable Resources Councils | |
| Fort Good Hope Renewable Resources Council (2) | Yes |
| Norman Wells Renewable Resources Council (2) | Yes |
| Deline Renewable Resources Council (2) | Yes |
| Colville Lake Renewable Resources Council | No |
| Tulit'a Renewable Resources Council (2) | No |
| Government of Canada | |
| Environment Canada | Yes |
| Fisheries and Oceans Canada | Yes |
| Natural Resources Canada (2) | Yes |
| Parks Canada (2) | Yes |
| PWGSC | No |
| DND (2) | No |
| Transport Canada (2) | Yes |
| INAC / INAC-CARD (4) | Yes |
| Government of the Northwest Territories | |
| Environment and Natural Resources | Yes |
| Industry, Tourism and Investment (3) | Yes |
| Industry, Tourism and Investment - Mining Recorder's Office | Yes |
| Lands Administration (2) | Yes |

| | |
|--|------------------|
| Department of Aboriginal Affairs and Intergovernmental Relations (2) | Yes |
| INVITED RESPONDENTS | RESPONSE? |
| GNWT (Continued) | |
| Department of Transportation (3) | Yes |
| GNWT - Norman Wells Regional Office | Yes |
| Department of Lands, GNWT | Yes |
| Office of the Regulator of Oil and Gas Operations (OROGO) | Yes |
| Non-Profit Organizations | |
| Canadian Parks and Wilderness Society | Yes |
| Ducks Unlimited | Yes |
| Wildlife Conservation Society Canada | No |
| Industry & Contacts from Authorizations | |
| Canadian Association of Petroleum Producers (CAPP) | No |
| NWT & Nunavut Chamber of Mines | No |
| Mountain Island Exploration Ltd. | Yes |
| DEMCo | Yes |
| Olivut Resources Ltd. | Yes |
| ConocoPhillips (4) | Yes |
| HRN Contracting Ltd. | No |
| Husky Oil Operations (2) | Yes |
| Northwestel | Yes |
| Suncor Energy Inc. | Yes |
| GNWT - Dept of Finance | No |
| Bradley Wilson | No |
| Selwyn Chihong Mining | Yes |
| Other Public and Professional Interests | |
| NWT Chamber of Commerce | No |
| Private Consultants (2) | Yes (1) |

| INTERVIEW LIST | |
|---|------------------|
| INVITED INTERVIEWEES | RESPONSE? |
| Sahtu Secretariat Incorporated | |
| Sahtu Secretariat Incorporated | Yes |
| Land Corporations | |
| Deline Land Corporation | Yes |
| Norman Wells Land Corporation | Yes |
| Fort Norman Metis Land Corporation | Yes |
| Tulita Land Corporation | Yes |
| Fort Good Hope Metis Nation Local 54 Land Corporation | No |
| Yamoga Land Corporation | Yes |
| Ayoni Keh Land Corporation | No |
| Mackenzie Valley Regulatory Boards | |
| Mackenzie Valley Environmental Impact Review Board | Yes |
| Mackenzie Valley Land and Water Board | Yes |
| Sahtu Renewable Resource Board | Yes |
| Sahtu Land and Water Board | Yes |
| Adjacent Planning Boards | |
| Gwich'in Land Use Planning Board | Yes |
| Government of Canada | |
| Indigenous and Northern Affairs Canada | Yes (3) |
| Government of the Northwest Territories | |
| Department of Lands, GNWT | Yes (2) |
| Other Public and Professional Interests | |
| Private Consultant | Yes |



Sahtu Land Use Plan Assessment

1. Biographical Information

Thank you for taking the time to provide your feedback on the Sahtu Land Use Plan. Please answer the questions to the best of your ability, using text boxes to provide detailed information and perspectives. Any additional comments can be added at the end of the survey.

1. Please enter your name and contact information. Note: This information will be kept confidential and all survey results will be anonymous.

| | |
|----------------------|----------------------|
| Name | <input type="text"/> |
| Organization | <input type="text"/> |
| Department | <input type="text"/> |
| Job Title | <input type="text"/> |
| City / Town | <input type="text"/> |
| Province / Territory | <input type="text"/> |
| Postal Code | <input type="text"/> |

2. How many years have you been in your current position?

| | | |
|-----------------------|-----|----------------------|
| 0 | 30+ | <input type="text"/> |
| <input type="range"/> | | |

3. How many years have you been with the organization?

| | | |
|-----------------------|-----|----------------------|
| 0 | 30+ | <input type="text"/> |
| <input type="range"/> | | |

4. Please describe any previous positions that you have held which had involvement with the Sahtu Land Use Plan (SLUP)

5. Do you have a copy (either digital or hard copy) of the Sahtu Land Use Plan?

- ☐ Yes
- ☐ No
- ☐ I am not aware of the Sahtu Land Use Plan

6. How often do you consult the Sahtu Land Use Plan? (Choose the answer that best describes your use of the plan)

- ☐ On a daily basis
- ☐ On a weekly basis
- ☐ On a monthly basis
- ☐ Every few months
- ☐ On an annual basis
- ☐ Less than once per year
- ☐ I have never consulted the Sahtu Land Use Plan

Describe a specific time when you have referenced the plan.

7. I would say that I have a strong knowledge/understanding of the Sahtu Land Use Plan

| | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree | N/A |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

8. In my opinion, the Sahtu Land Use Plan is easy to understand/apply

| | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree | N/A |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain why you chose that option.

9. Have you encountered any errors, ambiguity, or gaps in the land use plan?

- ☐ Yes
- ☐ No
- ☐ I don't know

Please describe any specific errors, ambiguities, or gaps you have noticed



Sahtu Land Use Plan Assessment

3. Development of the Sahtu Land Use Plan Introductory Question



Sahtu Land Use Planning Board



Sahtu Land Use Plan DRAFT 3

July 2010

10. Were you involved in the development of the Sahtu Land Use Plan? (e.g. reviewing drafts or attending meetings and workshops)?

- ☐ Yes
- ☐ No
- ☐ I was not personally involved, but my organization was



Sahtu Land Use Plan Assessment

4. Development of the Sahtu Land Use Plan Follow-Up Questions

11. What role did you (or your organization) play in developing the Sahtu Land Use Plan (SLUP)?

12. What were the key land use planning issues for your organization?

13. In your opinion, to what degree were these issues addressed in the final Sahtu Land Use Plan?

| Very Unsatisfactorily | Unsatisfactorily | Neutral | Satisfactorily | Very Satisfactorily | N/A |
|--------------------------|------------------|---------|----------------|---------------------|-----|
|--------------------------|------------------|---------|----------------|---------------------|-----|

☐☐☐☐☐☐

14. Were there any key lessons you learned from the development of the plan?



Sahtu Land Use Plan Assessment

5. Implementation Introductory Question

15. Does your organization/department issue permits, licences or authorizations for development in the Sahtu region (i.e. are you a regulator)?

- ☐ Yes
- ☐ No
- ☐ Unsure



Sahtu Land Use Plan Assessment

6. Implementation - Questions for Regulators

16. How does the Sahtu Land Use Plan currently inform or influence your work as a regulator?

17. Are you aware of any steps that your organization is taking to track or monitor its use/application of the Sahtu Land Use Plan?

18. Is your agency responsible for reviewing development applications to ensure that they meet the requirements in the Sahtu Land Use Plan (e.g. land use zoning, community benefits, etc.)?

- ☐ Yes
- ☐ No
- ☐ Unsure



Sahtu Land Use Plan Assessment

7. Implementation - Development Application Review

19. When reviewing development applications, do reviewers look at the Sahtu Land Use Plan directly, or do they just follow other guidelines or policies to assess compliance?

- ☐ The Plan is looked at directly
- ☐ The Plan is not looked at directly
- ☐ Unsure

Please explain the process your organization uses to review development applications.

20. How has this process changed or evolved since you've been working with the Sahtu Land Use Plan?

21. Which of the Sahtu Land Use Plan's Conformity Requirement (CRs) are relevant to projects that you've worked on since the SLUP was adopted in 2013? [Select All That Apply from List]

- ☐ Land Use Zoning (CR #1)
- ☐ Community Engagement and Traditional Knowledge (CR #2)
- ☐ Community Benefits (CR #3)
- ☐ Archaeological Sites and Burial Sites (CR #4)
- ☐ Watershed Management (CR #5)
- ☐ Drinking Water (CR #6)
- ☐ Fish and Wildlife (CR #7)
- ☐ Species Introductions (CR #8)
- ☐ Sensitive Species and Features (CR #9)
- ☐ Permafrost (CR #10)
- ☐ Project-Specific Monitoring (CR #11)
- ☐ Financial Security (CR #12)
- ☐ Closure and Reclamation (CR #13)
- ☐ Protection of Special Values (CR #14)
- ☐ The Great Bear Lake Watershed (CR #15)
- ☐ Fish Farming and Aquaculture (CR #16)
- ☐ Disturbance of Lakebed (CR #17)
- ☐ Uses of Du K'ets'Edi Conservation Zone (Sentinel Islands) (CR #18)
- ☐ Water Withdrawal (CR #19)

22. Which of the CRs would you consider easy to interpret? Please explain.

23. Which of the CRs would you consider more difficult to interpret? Please explain.



Sahtu Land Use Plan Assessment

8. Formal Conformity Determination Introductory Question

24. Has your organization referred a project to the Sahtu Land Use Planning Board (SLUPB) for a formal conformity determination?

- ☐ Yes
- ☐ No
- ☐ Unsure



Sahtu Land Use Plan Assessment

9. Formal Conformity Determination Option A

25. Can you describe how your organization decided to refer the project for a formal conformity determination?



Sahtu Land Use Plan Assessment

10. Formal Conformity Determination Option B

26. Under what circumstance might you or your organization consider sending a future development application to the SLUPB for a formal conformity determination?



Sahtu Land Use Plan Assessment

11. Formal Conformity Determination Final Question

27. If, in the future, you referred an application to the SLUPB for a conformity determination, what would you expect or hope for from the conformity determination process? (e.g. in terms of turnaround time, process, type/format of response, etc.)



Sahtu Land Use Plan Assessment

12. Implementation Introductory Question 2

28. Does your organization/department apply for permits, licences or authorizations for development in the Sahtu region (i.e. are you a developer)?

- ☐ Yes
- ☐ No
- ☐ Unsure



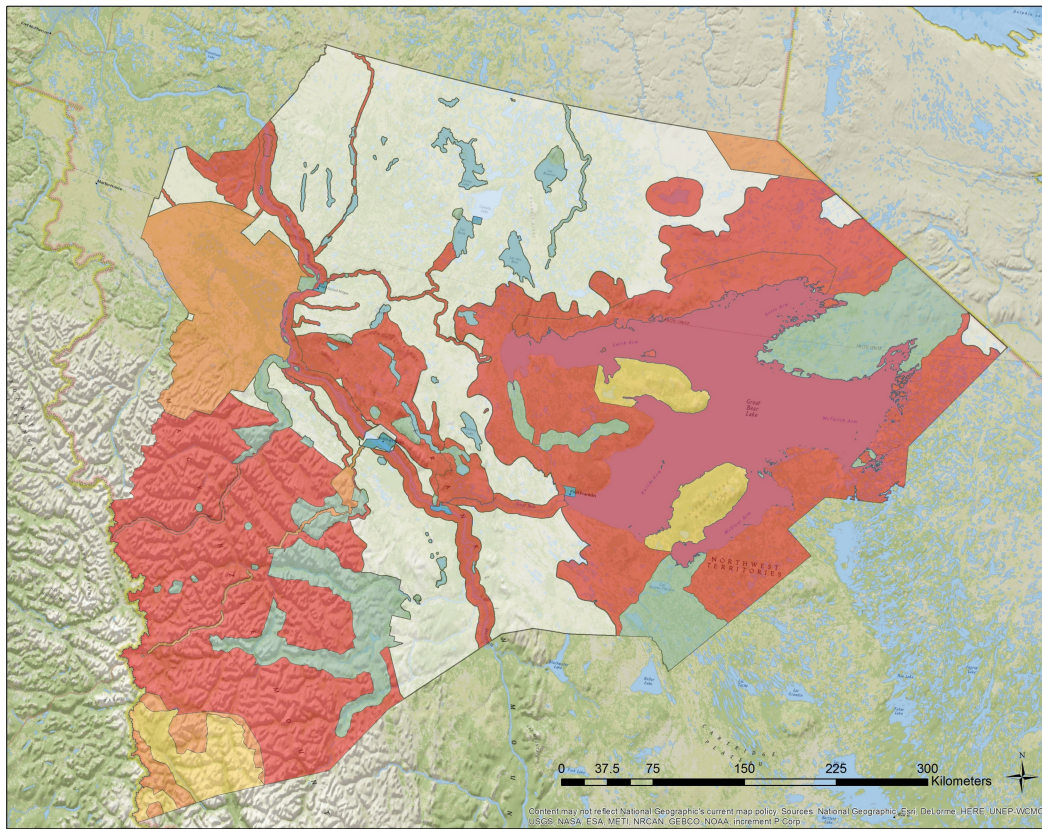
Sahtu Land Use Plan Assessment

13. Implementation - Questions for Developers

29. How does the Sahtu Land Use Plan currently inform or influence your work as a developer or development proponent?

30. If your organization has made new development applications since the Sahtu Land Use Plan (SLUP) was adopted (in August 2013), which land use zones have the developments been located in? (See map below)

- ☐ General Use Zones (GUZ)
- ☐ Special Management Zones (SMZ)
- ☐ Conservation Zones (CZ)
- ☐ Proposed Conservation Initiatives (PCI)
- ☐ Established Protected Areas (EPA)
- ☐ Our organization has made new development applications since the SLUP was adopted, but I do not know what zone they were in.
- ☐ Our organization has not made new development applications since the SLUP was adopted.



Legend

Land Use Plan Zoning

ZONE TYPE

- GUZ - General Use
- COMM - Community
- CZ - Conservation
- N_PARK - National Park
- PCI - Proposed Conservation
- SMZ - Special Management

31. Which of the Sahtu Land Use Plan's Conformity Requirement (CRs) are relevant to projects that you've worked on since the land use plan was adopted? [Select All That Apply from List]

- ☐ Land Use Zoning (CR #1)
- ☐ Community Engagement and Traditional Knowledge (CR #2)
- ☐ Community Benefits (CR #3)
- ☐ Archaeological Sites and Burial Sites (CR #4)
- ☐ Watershed Management (CR #5)
- ☐ Drinking Water (CR #6)
- ☐ Fish and Wildlife (CR #7)
- ☐ Species Introductions (CR #8)
- ☐ Sensitive Species and Features (CR #9)
- ☐ Permafrost (CR #10)
- ☐ Project-Specific Monitoring (CR #11)
- ☐ Financial Security (CR #12)
- ☐ Closure and Reclamation (CR #13)
- ☐ Protection of Special Values (CR #14)
- ☐ The Great Bear Lake Watershed (CR #15)
- ☐ Fish Farming and Aquaculture (CR #16)
- ☐ Disturbance of Lakebed (CR #17)
- ☐ Uses of Du K'ets'Edi Conservation Zone (Sentinel Islands) (CR #18)
- ☐ Water Withdrawal (CR #19)

32. Which of the CRs would you consider easy to interpret? Please explain.

33. Which of the CRs would you consider more difficult to interpret? Please explain.

34. How does your organization ensure that its applications conform to the requirements of plan (e.g. the conformity requirements, including land use zoning)?

35. Have you had difficulty meeting any of these CRs? Please explain.



Sahtu Land Use Plan Assessment

14. Sahtu Land Use Planning Board and Staff

36. Have you (or has your organization) had any communication with the Sahtu Land Use Planning Board members or staff?

- ☐ Yes - with Sahtu Land Use Planning Board members
- ☐ Yes - with Sahtu Land Use Planning Board staff
- ☐ Yes - with both Sahtu Land Use Planning Board members and staff
- ☐ No - with neither

37. What was the nature of the communication? (Check any options that apply)

- ☐ The SLUP Board offered advice on a development application.
- ☐ The SLUP Board provided support in interpreting the Sahtu Land Use Plan.
- ☐ The SLUP Board helped to clarify the development approval process.
- ☐ The SLUP Board met with our organization when developing the land use plan.
- ☐ To my knowledge, our organization has not communicated with the SLUP Board.
- ☐ Other (please specify)

38. How often does your organization communicate with the Sahtu Land Use Planning Board members or staff? (Choose the answer that best describes the frequency of communication)

- ☐ On a daily basis
- ☐ On a weekly basis
- ☐ On a monthly basis
- ☐ Every few months
- ☐ On an annual basis
- ☐ Less than once per year
- ☐ To my knowledge, our organization has never communicated with the Sahtu Land Use Planning Board or staff
- ☐ Other (please specify)

39. What do you see as the role of the Sahtu Land Use Planning Board now that the Sahtu Land Use Plan has been adopted?

40. Overall, how would you rate the effectiveness of the Sahtu Land Use Planning Board?

| Very Ineffective | Somewhat Ineffective | Neutral | Somewhat Effective | Very Effective | N/A |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Explain why you chose that option.

41. Would you recommend any changes to how the Sahtu Land Use Planning Board or staff operate?



Sahtu Land Use Plan Assessment

15. Sahtu Land Use Plan Website

SAHTU LAND USE PLANNING BOARD

HOME ABOUT US THE PLAN MAPPING THE REGISTRY RESOURCES CONTACT US

Welcome

Protecting and promoting the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians.

READ THE PLAN

Mapping **Registry**

News

UPDATE: Notice of Public Meeting- Amending the Sahtu Land Use Plan following the creation of Nááts'ihch'oh National Park Reserve (Tulita, June 16, 2016) - June 3, 2016

The Sahtu Land Use Planning Board will hold a public meeting for: Amending the Sahtu Land Use Plan following the creation of Nááts'ihch'oh National Park Reserve There will be an Open House in: Tulita- Wednesday, June 15, 2016, 7:00 PM at the Arena. Maps will be on display and staff available to answer questions. The Public Meeting will take place in: Tulita- Thursday, June 16, 2016, 10:00 AM at the Arena.

[Read More >](#)

42. How often do you visit the Sahtu Land Use Planning Board website? (Choose the answer that best describes the frequency of your visits)

- ☐ On a daily basis
- ☐ On a weekly basis
- ☐ On a monthly basis
- ☐ Every few months
- ☐ On an annual basis
- ☐ Less than once per year
- ☐ I have never visited the Sahtu Land Use Plan website

43. How have you used the Sahtu Land Use Plan website? [Choose all that apply]

- ☐ To find news about meetings or development proposals in the Sahtu planning area
- ☐ To get general information about the Sahtu Land Use Plan or Board
- ☐ To download the Sahtu Land Use Plan, Implementation Guide, or Background Report
- ☐ To view the Web Map of the Sahtu Land Use Plan zoning
- ☐ To view the Registry of Conformity Determinations and Amendment Applications
- ☐ To look at the documents related to the creation of the plan in the Development Archive
- ☐ To find contact information for the Sahtu Land Use Planning Board
- ☐ Other (please specify)

44. In my opinion, the Sahtu Land Use Plan website is helpful and user-friendly.

| Strongly Disagree | Somewhat Disagree | Neutral | Somewhat Agree | Strongly Agree | N/A |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain why you chose that option.



Sahtu Land Use Plan Assessment

16. Vision and Goals #1: Ecological Integrity

The Sahtu Land Use Plan sets out four vision statements and related goals for the Sahtu Settlement Area. Please review the following vision statement and assess how well you think the plan addresses the related goal.

Vision #1: Ecological Integrity

Vision: The ecological integrity of the region is maintained. The land, water and natural resources on which people depend are clean, healthy and abundant. There is a balance of industrial development and vast wilderness areas, a model of development hand in hand with environmental protection. Conservation Zones and legislated protected areas protect the most important places and values for future generations, while careful management allows sustainable development to proceed in all other areas.

45. Do you agree with the following statement?

The Sahtu Land Use Plan has contributed to the goal of maintaining the ecological integrity of the Sahtu Settlement Area.

Strongly Disagree

Somewhat Disagree

Neutral

Somewhat Agree

Strongly Agree

☐☐☐☐☐

Please explain why you chose the above option.



Sahtu Land Use Plan Assessment

17. Vision and Goals #2: Cultural Integrity

The Sahtu Land Use Plan sets out four vision statements and related goals for the Sahtu Settlement Area. Please review the following vision statement and assess how well you think the plan addresses the related goal.

Vision #2: Cultural Integrity

Vision: The region has cultural integrity. People use the land as they always have for hunting, trapping, fishing, gathering, spiritual renewal and healing. Elders are respected and play a central role in passing down the language, traditional skills, knowledge, stories and importance of the land to community leaders and the youth, strengthening cultural and spiritual connections to the land. Elders work with teachers to teach both traditional and modern skills in schools, which equip the youth to thrive and adapt in a changing environment.

46. Do you agree with the following statement?

The Sahtu Land Use Plan has contributed to the goal of maintaining or enhancing the cultural integrity of the Sahtu Settlement Area.

Strongly Disagree

Somewhat Disagree

Neutral

Somewhat Agree

Strongly Agree

☐☐☐☐☐

Please explain why you chose the above option.



Sahtu Land Use Plan Assessment

18. Vision and Goals #3: Community Capacity and Decision-Making Authority

The Sahtu Land Use Plan sets out four vision statements and related goals for the Sahtu Settlement Area. Please review the following vision statement and assess how well you think the plan addresses the related goal.

Vision #3: Community Capacity and Decision-Making Authority

Vision: Communities have sufficient authority, capacity and involvement in managing and monitoring land use to work in true partnership with land and resource managers, comanagement Boards, and regulators. Together, they provide a clear, efficient regulatory system that promotes sustainable development. Land use activities are designed, regulated and implemented with consideration for the specific values and characteristics of the people and the region. Land use decisions respect and integrate Sahtu Dene and Metis traditional laws, beliefs and management practices with scientific and regulatory frameworks. There is trust and respect amongst all participants in land and resource management.

47. Do you agree with the following statement?

The Sahtu Land Use Plan has contributed to the goal of increasing community capacity and decision-making authority in land and resource management.

Strongly Disagree

Somewhat Disagree

Neutral

Somewhat Agree

Strongly Agree

☐☐☐☐☐

Please explain why you chose the above option.



Sahtu Land Use Plan Assessment

19. Vision and Goals #4: Economic Self-Sufficiency

The Sahtu Land Use Plan sets out four vision statements and related goals for the Sahtu Settlement Area. Please review the following vision statement and assess how well you think the plan addresses the related goal.

Vision #4: Economic Self-Sufficiency

Vision: Long-term economic planning has resulted in strong renewable and non-renewable industries, providing economic self-sufficiency and stability, and employment diversity for the region. Residents are able to find work in their communities and on the land. Good access and infrastructure in the region reduces the cost of power, goods and services. A strong emphasis on training has created a skilled workforce to maximize employment and business opportunities.

48. Do you agree with the following statement?

The Sahtu Land Use Plan has contributed to the goal of increasing economic self-sufficiency of the region through sustainable development.

Strongly Disagree

Somewhat Disagree

Neutral

Somewhat Agree

Strongly Agree

☐☐☐☐☐

Please explain why you chose the above option.



Sahtu Land Use Plan Assessment

20. Sahtu Land Use Plan Overall Evaluation

49. The Sahtu Land Use Planning Board is coming up on its 5-year comprehensive review of the land use plan. Are there any changes that you would like to see considered with respect to the plan and its supporting documents at that time?

50. Would you recommend any changes to how the plan is implemented?

51. How would you evaluate the overall effectiveness of the Sahtu Land Use Plan at this point in time?

Very Ineffective

Somewhat Ineffective

Neutral

Somewhat Effective

Very Effective



Explain why you chose that option (e.g. do you have any outstanding concerns?)

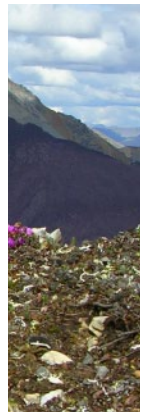
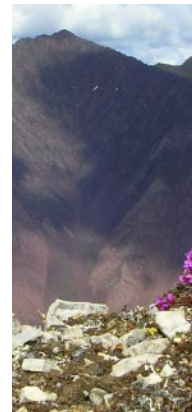


Sahtu Land Use Plan Assessment

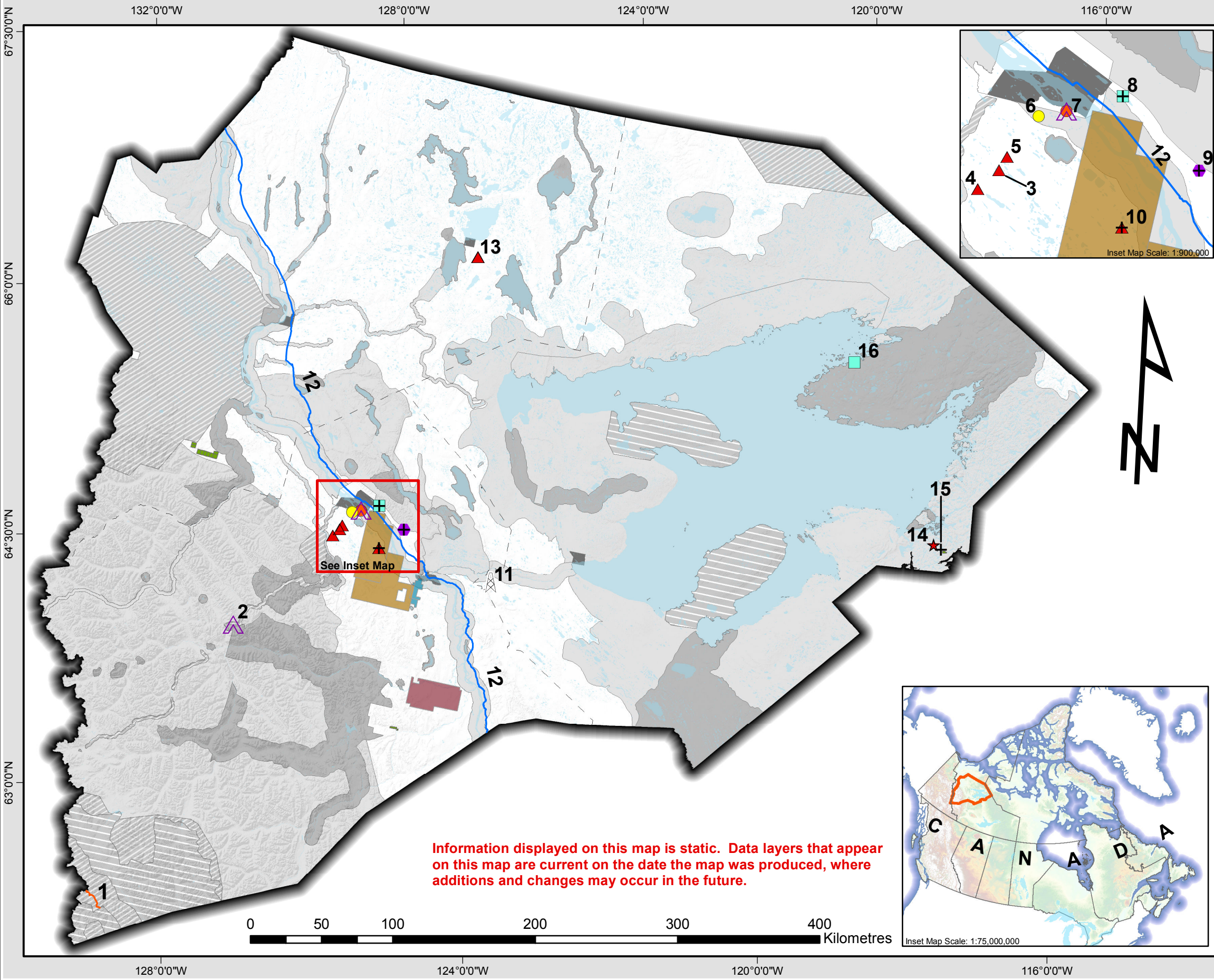
21. Other

52. Do you have any other comments or suggestions that you would like to share with respect to the SLUP or Sahtu Land Use Planning Board?

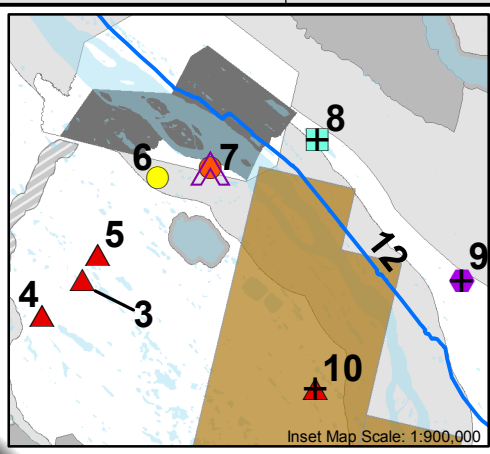
APPENDIX B: LEGACY LAND USES AND AUTHORIZATIONS SINCE SLUP APPROVAL



Land Uses in the Sahtu Settlement Area since SLUP Approval



Information displayed on this map is static. Data layers that appear on this map are current on the date the map was produced, where additions and changes may occur in the future.



Legend

- Active Mineral Claims (12 in total)
- Mackenzie Valley Fibre Optic
- Howard's Pass Access Road (HPAR) Upgrade
- Land Use Permits & Water Licences**
- Activity**
- Camp
- Communications
- Fuel Storage
- Geotechnical
- Industrial & Oil and Gas
- Miscellaneous
- Municipal
- Quarrying
- Road Private & Road Public
- Oil & Gas Rights**
- Company Name**
- Husky Oil Operations Limited
- International Frontier Resources Corporation
- MGM Energy
- SLUP Zoning**
- Zone Type**
- Community Boundary
- Conservation Zone
- General Use Zone
- Established Protected Area
- Proposed Conservation Initiative
- Special Management Zone
- District Boundaries
- Rivers & Lakes

- Data Sources:**
 - Hillshade - CDEM, Natural Resources Canada, Government of Canada.
 - Mining Leases and Mineral Claims - NWT Mineral Tenure, Mining Recorder's Office, Industry, Tourism and Investment, GNWT, October 31, 2016.
 - Oil & Gas Rights - Oil and Gas GIS Data, Petroleum Resources Division, Industry, Tourism and Investment, GNWT, 2016.
 - Rivers & Lakes - National Topographic Database (NTDB), Natural Resources Canada, Government of Canada.
 - Sahtu Land Use Plan Zoning - Sahtu Land Use Planning Board, 2015.
 - Sahtu Settlement Area - Canada Lands Administrative Boundary (CLAB), Canada Lands Survey System, Natural Resources Canada, Government of Canada, 2014.
 - Water Licences / Land Use Permits - Registry, Sahtu Land and Water Board (SLWB).
- Projection:**

Coordinate System: NAD 1983 NWT Lambert
Projection: Lambert Conformal Conic
Datum: North American 1983
Central Meridian: -112.0000
Standard Parallel 1: 62.0000
Standard Parallel 2: 70.0000
Latitude of Origin: 0.000
EPSG Code: CRS 3580
Data Scale: 1:250,000
Map Scale: 1:2,800,000

Information:

The Map is for illustrative purposes only. This map is not a legal document and should not be treated as such.

This map was developed by the Sahtu Land Use Planning Board (SLUPB). For further information about this map or other GIS products, contact:

















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Date Produced: November 7, 2016

Document Path: C:\GISData\Waps\Working_Files\2016\Sept_WL_LUPPermits\SinceSLUPApproval.mxd

Land Uses in the Sahtu Settlement Area since SLUP Approval

November 7, 2016

| Map Reference Number | Activity | Authorization No. | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | SLUP Zone | C.R.s That Apply to the Project | Notes |
|----------------------|---|---|---|---|--|-------------|---|---------------------------------|--|
| 1 |  | CD2015-01 (MV2015L8-0005) / (MV2015F0012) | Selwyn Chihong Mining Ltd. | No Authorisation Granted | SLUPB Conformity Determination (MVLWB) | | 41 | 1-14 | Currently under conformity determination (CD2015-01). |
| 2 |  | S15J-002 | INAC - Contaminants and Remediation Directorate | A - Land Use Permit & B - Water Licence | SLWB | 15-07-24 | 39 | 1-14 | Temporary campsites to be established in support of the Canol Trail Wire Clean-up Program. |
| 3 |  | S14L1-003 | ConocoPhillips Canada | B - Water Licence | SLWB | 14-07-31 | GUZ | 1-13 | ConocoPhillips plans to drill up to ten exploration wells using multi-stage hydraulic fracturing. Associated Land Use Permit is S14A-004 . Water Licence amended on March 5, 2015. |
| 4 |  | S14A-004 | ConocoPhillips Canada | A - Land Use Permit | SLWB | 14-07-31 | GUZ | 1-13 | ConocoPhillips plans to drill up to ten exploration wells using multi-stage hydraulic fracturing. Associated Water Licence is S14L1-003 . |
| 5 |  | S15A-001 | ConocoPhillips Canada | A - Land Use Permit | SLWB | 15-06-29 | GUZ | 1-13 | CPC proposes to suspend four exploration wells and abandon four groundwater monitoring wells. |
| 6 |  | S14S-001 | ConocoPhillips Canada | B - Water Licence | SLWB | 14-03-12 | 63 | 1-14 | ConocoPhillips Canada plans to conduct geotechnical borehole drilling around EL 470 for potential aggregate, permafrost, and future development considerations. |
| 7 |  | S14J-002 / S14L3-001 | ConocoPhillips Canada | A - Land Use Permit & B - Water Licence | SLWB | 14-03-12 | GUZ - NWBLT | 1-13 | ConocoPhillips Canada is creating an additional multi-season camp at their staging area at approximately kilometre 7 of ConocoPhillips access road. Associated Water Licence is S14L3-001 . |
| 8 |  | S15E-004 / S15L8-004 | GNWT - DOT | A - Land Use Permit & B - Water Licence | SLWB | 15-12-21 | GUZ | 1-13 | The Land Use Permit is for the construction of approximately 14 km of all-season access road from Quarry Road in the Town of Norman Wells to approximately 450 m beyond the existing bridge at Canyon Creek. |
| 9 |  | S13L8-008 / S13Q-004 | HRN Contracting Ltd. | A - Land Use Permit & B - Water Licence | SLWB | 13-12-03 | GUZ | 1-13 | HRN Contracting Ltd. is proposing to develop a quarry approximately 35km southeast of Norman Wells and 4km north of Vermillion Creek. The proposed quarry will have a combined area of 16 hectares, consisting of a staging area, storage area, and the quarry. |
| 10 |  | S13L1-006 / S13X-003 | Husky Oil Operations Ltd. | A - Land Use Permit & B - Water Licence | SLWB | 13-10-24 | GUZ | 1-13 | Husky Oil Operations Ltd. is consolidating various Land Use Permits and Water Licences into this one application. |
| 11 |  | S14L-005 | Northwestel | B - Water Licence | SLWB | 14-07-30 | GUZ | 1-13 | Install a communications tower south of Wolverine Creek microwave tower poviding a microwave transportation link to the community of Deline. |
| 12 |  | MV2014X0027 / MV2014L1-0011 | GNWT - Department of Finance | A - Land Use Permit & B - Water Licence | MVLWB | 14-12-16 | GUZ, GUZ - NWBLT, 5, 19, 32, 50, 52, 62, 63 | 1-14 | Original project (MV2014X0009 and MV2014L1-0003) were sent for conformity determination (CD2014-01) and did not conform to the SLUP. |
| 13 |  | S14A-006 / S14L1-004 | Suncor Energy Inc | A - Land Use Permit & B - Water Licence | SLWB | 14-11-17 | GUZ | 1-13 | Complete maintenance activities on Tweed Lake M-47 well within SDL024. |
| 14 |  | S15H-003 | DEMCo Ltd. | B - Water Licence | SLWB | 15-08-10 | 23 | 1-13, 15-17 | Fuel Cache(s) - Camsell River. DEMCo acquired Mineral rights previously held by Cooper and assumed all liability with LUP S07C-002. |
| 15 |  | S15L8-001 | INAC - Contaminants and Remediation Directorate | B - Water Licence | SLWB | 15-07-24 | 23 | 1-13, 15-17 | Great Bear Lake Remediation project encompassing Silver Bear Mines, El Bonanza Mines, Contact Lake Mine and Sawmill Bay Mine. |
| 16 |  | S16F-001 | Great Bear Lake Lodge Ltd. | A - Land Use Permit | SLWB | 16-06-14 | 27 | 1-16 | Application for the use of vehicles on an existing private road with tranfer of fuel along road as well as use of an existing quarry associated with operation of the Great Bear Lake Lodge on the Dease Arm of Great Bear Lake. Previously authorized under S08F. |

Land Uses in the Sahtu Settlement Area since SLUP Approval

November 7, 2016

| Map Reference Number | Activity | Authorization No. | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | SLUP Zone | C.R.s That Apply to the Project | Notes |
|----------------------|----------|-------------------|--|-------------------------------|-----------------------------------|-------------|----------------------|---------------------------------|-------|
| | | F94586 | DEMCo Ltd. (100%) | Mineral Claim | NWT Mining Recorder's Office (RO) | 14-09-30 | 23 | 1-13, 15-17 | |
| | | K19883 | Bear River Enterprises Ltd. (100%) | Mineral Claim | NWT Mining RO | 15-08-26 | GUZ | 1-13 | |
| | | K19884 | Bear River Enterprises Ltd. (100%) | Mineral Claim | NWT Mining RO | 15-08-26 | GUZ | 1-13 | |
| | | K16321 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16322 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16323 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16324 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16325 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16326 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16327 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16328 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | K16329 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 13-09-19 | GUZ | 1-13 | |
| | | EL494A | Husky Oil Operations Ltd. | Exploration Licence | Government of Canada | 13-08-29 | GUZ, 63 | 1-14 | |
| | | EL494B | Husky Oil Operations Ltd. | Exploration Licence | Government of Canada | 13-08-29 | GUZ, GUZ - NWBLT, 63 | 1-14 | |
| | | SDL147 | Husky Oil Operations Ltd. | Significant Discovery Licence | GNWT | 16-02-22 | GUZ, 63 | 1-14 | |
| | | EL495 | International Frontier Resources Corporation | Exploration Licence | Government of Canada | 14-03-16 | GUZ | 1-13 | |
| | | SDL148 | MGM Energy | Significant Discovery Licence | GNWT | 16-02-22 | GUZ, 63 | 1-14 | |
| | | SDL149 | MGM Energy | Significant Discovery Licence | GNWT | 16-02-22 | GUZ, 63 | 1-14 | |
| | | SDL150 | MGM Energy | Significant Discovery Licence | GNWT | 16-08-06 | GUZ, 63 | 1-14 | |

Legacy Land Uses in the Sahtu Settlement Area



132°0'0"W

128°0'0"W

124°0'0"W

120°0'0"W

116°0'0"W

66°0'0"N

64°30'0"N

63°0'0"N

66°0'0"N

64°30'0"N

63°0'0"N

128°0'0"W

124°0'0"W

120°0'0"W

116°0'0"W

Information displayed on this map is static. Data layers that appear on this map are current on the date the map was produced, where additions and changes may occur in the future.

0 50 100 200 300 400 Kilometres



Legend

- Active Legacy Mining Leases (4 in total)
- Active Legacy Mineral Claims (146 in total)

Legacy Land Use Permits & Water Licences

Activity

- Geotechnical
- Industrial & Oil and Gas
- Mining Exploration & Mining Exploration - Mine Shaft
- Miscellaneous
- Municipal
- Road Public

Legacy Oil & Gas Rights

Company Name

- BP Canada Energy Resources Company
- ConocoPhillips Canada Resources Corp.
- Husky Oil Operations Limited
- Imperial Oil Resources Ventures Limited
- MGM Energy Corp.
- Shell Canada Limited
- Suncor Energy Inc.

SLUP Zoning

Zone Type

- Community Boundary
- Conservation Zone
- General Use Zone
- Established Protected Area
- Proposed Conservation Initiative
- Special Management Zone
- District Boundaries
- Rivers & Lakes

Data Sources:

- Hillshade - CDEM, Natural Resources Canada, Government of Canada.
- Mining Leases and Mineral Claims - NWT Mineral Tenure, Mining Recorder's Office, Industry, Tourism and Investment, GNWT, October 31, 2016.
- Oil & Gas Rights - Oil and Gas GIS Data, Petroleum Resources Division, Industry, Tourism and Investment, GNWT, 2016.
- Rivers & Lakes - National Topographic Database (NTDB), Natural Resources Canada, Government of Canada.
- Sahtu Land Use Plan Zoning - Sahtu Land Use Planning Board, 2015.
- Sahtu Settlement Area - Canada Lands Administrative Boundary (CLAB), Canada Lands Survey System, Natural Resources Canada, Government of Canada, 2014.
- Water Licences / Land Use Permits - Registry, Sahtu Land and Water Board (SLWB).

Projection:

Coordinate System: NAD 1983 NWT Lambert
Projection: Lambert Conformal Conic
Datum: North American 1983
Central Meridian: -112.0000
Standard Parallel 1: 62.0000
Standard Parallel 2: 70.0000
Latitude of Origin: 0.000
EPSG Code: CRS 3580
Data Scale: 1:250,000
Map Scale: 1:2,800,000

Information:

The Map is for illustrative purposes only. This map is not a legal document and should not be treated as such.

This map was developed by the Sahtu Land Use Planning Board (SLUPB). For further information about this map or other GIS products, contact:

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Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|---|----------------------|----------------------------|---|------------------------------|-------------|----------|-----------|---|
| 1 |  | S07C-003 | Selwyn Chihong Mining Ltd. | A - Land Use Permit | SLWB | 09-10-08 | 16-10-07 | 41 | Helicopter supported exploration drill program in the Selwyn Mountains. |
| 2 |  | S12S-002 | Husky Oil Operations Ltd. | B - Water Licence | SLWB | 12-09-13 | 17-09-12 | GUZ | Type B Land Use Permit Application by Husky Oil Operations Ltd. for a Permafrost and Gravel Aggregate Survey. Husky will be drilling boreholes along previously cleared access to assess permafrost conditions and aggregate deposits. |
| 3 |  | S12X-006 | Husky Oil Operations Ltd. | B - Water Licence | SLWB | 12-12-05 | 17-12-04 | GUZ | Type A Land Use Permit Application by Husky Oil Operations Ltd. for a Groundwater investigation program. Husky will be drilling twenty shallow wells to a maximum depth of thirty metres or three metres into the top of the bedrock. |
| 4 |  | S13A-001 | ConocoPhillips Canada | A - Land Use Permit | SLWB | 13-06-11 | 17-10-25 | GUZ | Conoco Phillips plans to drill two horizontal exploratory wells which will be hydraulically fractured and flow tested. Access, camps, water sources, and groundwater program will remain the same as those approved under S12A-005 and S12L1-005. |
| 5 |  | S12A-005 | ConocoPhillips Canada | A - Land Use Permit | SLWB | 12-10-26 | 17-10-25 | GUZ | Conoco Phillips Canada plans to drill two vertical exploratory wells, set surface casing for a third well, and conduct a groundwater investigation program on EL 470. |
| 6 |  | S13L1-005 / S13A-002 | Husky Oil Operations Ltd. | A - Land Use Permit & B - Water Licence | SLWB | 13-07-19 | 18-07-18 | GUZ | For exploratory oil and gas drilling and completions program within the Slater River Program Area. The proposed program includes drilling, completions (by vertical hydraulic fracturing), etc. |
| 7 |  | S12L8-008 / S12E-008 | GNWT - DOT | A - Land Use Permit & B - Water Licence | SLWB | 13-01-15 | 18-01-13 | 63 | The GNWT - DOT plans to replace the existing Prohibition Creek Bridge. Winter 2012-2013 development includes site preperation, embankment construction, river protection construction and earth works. |
| 8 |  | S10L1-001 | MGM Energy | B - Water Licence | SLWB | 10-12-20 | 18-12-19 | 62 | Exploratory oil and gas Windy Island Drilling Program approximately 8 km north of Tulita. |
| 9 |  | S12L1-001 / S12A-001 | MGM Energy | A - Land Use Permit & B - Water Licence | SLWB | 12-07-24 | 17-07-23 | 63 | For exploratory oil and gas drilling 7 to 15 km south of Tulita. |
| 10 |  | S13L8-001 | GNWT - DOT | B - Water Licence | SLWB | 13-02-20 | 18-02-19 | 33 | The GNWT-DOT plans to install a permanent 18m clear span bridge across Rosalie Creek, approximately 36km outside the Community of Deline. |
| 11 |  | S13L8-002 | GNWT - DOT | B - Water Licence | SLWB | 13-02-20 | 18-02-19 | 14 | The GNWT-DOT plans to install a permanent 24m clear span bridge across Belot Creek, approximately 11km outside the Community of Colville Lake. |
| 12 |  | S12L3-002 | Great Bear Lake Lodge Ltd. | B - Water Licence | SLWB | 12-06-15 | 17-09-30 | 27 | The water system supplies water to a fishing lodge that accomodates a maximum of 80 persons (staff included). The attached description (see Application) and diagrams outline the operation of the system and location of its components. |

Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|---|----------------------|---|-------------------------------|-----------------------------------|-------------|----------|-------------|--|
| 13 |  | S09D-001 | INAC - Contaminants and Remediation Directorate | A - Land Use Permit | SLWB | 10-07-26 | 17-07-25 | 23 | The Land Use permit application is being submitted in support of the remediation activities required to cleanup the abandoned Silver Bear Mines (made up of five sites that include Terra, Northrim, Norex, Graham Vein and Smallwood mine sites). |
| | | F48828 | Bradley Wilson (100%) | Mineral Claim | NWT Mining Recorder's Office (RO) | 07-06-26 | 17-06-26 | 41 | |
| | | F66410 | Selwyn Chihong Mining Ltd. (100%) | Mineral Claim | NWT Mining RO | 05-06-09 | 16-06-09 | 41 | Anniversary date will be updated once work report is assessed. |
| | | F66411 | Selwyn Chihong Mining Ltd. (100%) | Mineral Claim | NWT Mining RO | 05-06-09 | 16-06-09 | 41 | Anniversary date will be updated once work report is assessed. |
| | | F66412 | Selwyn Chihong Mining Ltd. (100%) | Mineral Claim | NWT Mining RO | 05-06-09 | 16-06-09 | 41 | Anniversary date will be updated once work report is assessed. |
| | | F68549 | Selwyn Chihong Mining Ltd. (100%) | Mineral Claim | NWT Mining RO | 05-06-09 | 16-06-09 | 41 | Anniversary date will be updated once work report is assessed. |
| | | F69423 | Robert Bauer (100%) | Mineral Claim | NWT Mining RO | 09-10-14 | 17-10-14 | GUZ | |
| | | F92331 | Selwyn Chihong Mining Ltd. (100%) | Mineral Claim | NWT Mining RO | 05-05-16 | 16-05-16 | 41 | Anniversary date will be updated once work report is assessed. |
| | | K00160 | Burnstone Ventures Inc. (100%) | Mineral Claim | NWT Mining RO | 07-01-29 | 17-01-29 | GUZ | |
| | | K00166 | Burnstone Ventures Inc. (100%) | Mineral Claim | NWT Mining RO | 07-01-31 | 17-01-31 | GUZ | |
| | | K00167 | Burnstone Ventures Inc. (100%) | Mineral Claim | NWT Mining RO | 07-01-31 | 17-01-31 | GUZ | |
| | | K00868 | Diamond International Exploration Inc. (100%) | Mineral Claim | NWT Mining RO | 07-12-21 | 17-12-21 | GUZ | |
| | | K00869 | Diamond International Exploration Inc. (100%) | Mineral Claim | NWT Mining RO | 07-12-21 | 17-12-21 | GUZ | |
| | | K00870 | Diamond International Exploration Inc. (100%) | Mineral Claim | NWT Mining RO | 07-12-21 | 17-12-21 | GUZ | |
| | | K03962 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 24 | |
| | | K03963 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 24 | |
| | | K03964 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23, 24 | |
| | | K03965 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23, 24 | |
| | | K03970 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ, 23, 24 | |
| | | K03971 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ, 24 | |
| | | K03972 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ, 24 | |
| | | K03973 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ, 24 | |
| | | K03974 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03975 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03976 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03977 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03978 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03983 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03984 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03989 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K03990 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04002 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23, 24 | |
| | | K04003 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23, 24 | |
| | | K04004 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23 | |

Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|----------|----------------------|--|-------------------------------|------------------------------|-------------|----------|-----------|---|
| | | K04005 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23 | |
| | | K04017 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23, 24 | |
| | | K04020 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | 23 | |
| | | K04026 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04027 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04028 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04029 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04030 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04031 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04047 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04054 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04055 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ | |
| | | K04058 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-02-08 | 17-02-08 | GUZ, 23 | |
| | | K04201 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 08-04-10 | 18-04-10 | 23 | |
| | | K04205 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 08-04-10 | 17-04-10 | 23 | |
| | | K04208 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 08-04-10 | 18-04-10 | 23 | |
| | | K04709 | Sanatana Resources Inc. (100%) | Mineral Claim | NWT Mining RO | 07-10-26 | 16-10-26 | 24 | Claim will be cancelled 90 days after the current anniversary date as per Mining Regulations. |
| | | K05620 | Archer Cathro & Associates (1981) Limited (100%) | Mineral Claim | NWT Mining RO | 10-10-12 | 19-10-12 | 38 | |
| | | K05621 | Archer Cathro & Associates (1981) Limited (100%) | Mineral Claim | NWT Mining RO | 10-10-12 | 19-10-12 | 38 | |
| | | K05622 | Archer Cathro & Associates (1981) Limited (100%) | Mineral Claim | NWT Mining RO | 10-10-12 | 19-10-12 | 38 | |
| | | K06198 | Alberta Star Development Corp. (100%) | Mineral Claim | NWT Mining RO | 07-02-23 | 17-02-23 | 23 | |
| | | K06201 | Alberta Star Development Corp. (100%) | Mineral Claim | NWT Mining RO | 07-02-23 | 17-02-23 | 23 | |
| | | K06202 | Alberta Star Development Corp. (100%) | Mineral Claim | NWT Mining RO | 07-02-23 | 17-02-23 | 23 | |
| | | K06209 | Alberta Star Development Corp. (100%) | Mineral Claim | NWT Mining RO | 07-02-23 | 17-02-23 | 23 | |
| | | K07659 | Andesite Capital, L.L.C. (100%) | Mineral Claim | NWT Mining RO | 07-07-17 | 17-07-17 | 38 | |
| | | K07677 | Peter Risby (100%) | Mineral Claim | NWT Mining RO | 08-07-15 | 18-07-15 | 38 | |
| | | K07678 | Peter Risby (100%) | Mineral Claim | NWT Mining RO | 08-07-15 | 18-07-15 | 38 | |
| | | K07680 | Peter Risby (100%) | Mineral Claim | NWT Mining RO | 08-07-15 | 18-07-15 | 38 | |
| | | K07683 | Peter Risby (100%) | Mineral Claim | NWT Mining RO | 08-07-15 | 18-07-15 | 38 | |
| | | K09364 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 07-10-12 | 17-10-12 | 38 | |
| | | K09365 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 07-10-12 | 17-10-12 | 38 | |
| | | K09366 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 07-10-12 | 17-10-12 | 38 | |
| | | K10350 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 21-09-22 | GUZ | |
| | | K10359 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 21-09-22 | GUZ | |
| | | K10426 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 09-08-13 | 16-08-13 | GUZ | Claim will be cancelled 90 days after the current anniversary date as per Mining Regulations. |
| | | K12449 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K12463 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 17-11-17 | 38 | |
| | | K12464 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 17-11-17 | 38 | |
| | | K12465 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K12466 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K12467 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K12468 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K12469 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |

Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|----------|----------------------|------------------------------------|-------------------------------|------------------------------|-------------|----------|-----------|---|
| | | K12470 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 08-11-17 | 18-11-17 | 38 | |
| | | K13097 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 21-09-22 | GUZ | |
| | | K13101 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 21-09-22 | GUZ | |
| | | K13105 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 18-09-22 | GUZ | |
| | | K13106 | Talmora Diamond Inc. (100%) | Mineral Claim | NWT Mining RO | 11-09-22 | 18-09-22 | GUZ | |
| | | K14630 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-04-14 | 20-04-14 | 38 | |
| | | K14631 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-04-14 | 20-04-14 | 38 | |
| | | K14824 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14825 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14826 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14827 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 16-08-22 | 38 | Claim will be cancelled 90 days after the current anniversary date as per Mining Regulations. |
| | | K14829 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14831 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14832 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 16-08-22 | 38 | Claim will be cancelled 90 days after the current anniversary date as per Mining Regulations. |
| | | K14835 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 19-08-22 | 38 | |
| | | K14836 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 20-08-22 | 38 | |
| | | K14837 | Redbed Resources Corp. (100%) | Mineral Claim | NWT Mining RO | 12-08-22 | 20-08-22 | 38 | |
| | | K14868 | 974134 N.W.T. Limited (100%) | Mineral Claim | NWT Mining RO | 11-04-14 | 17-04-14 | 38 | |
| | | K15142 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-10-13 | 17-10-13 | 38 | |
| | | K15143 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-10-13 | 17-10-13 | 38 | |
| | | K15144 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-10-13 | 16-10-13 | 38 | Claim will be cancelled 90 days after the current anniversary date as per Mining Regulations. |
| | | K15153 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-10-13 | 21-10-13 | 38 | |
| | | K15154 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-10-13 | 21-10-13 | 38 | |
| | | K15191 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-08-11 | 21-08-11 | 38 | |
| | | K15192 | Aben Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 11-08-11 | 21-08-11 | 38 | |
| | | K15226 | Eagle Plains Resources Ltd. (100%) | Mineral Claim | NWT Mining RO | 12-08-24 | 22-08-24 | 38 | |
| | | K16362 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 18-06-12 | GUZ, 42 | |
| | | K16363 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 22-06-12 | GUZ, 42 | |
| | | K16364 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 22-06-12 | GUZ | |
| | | K16365 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 18-06-12 | GUZ | |
| | | K16366 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 18-06-12 | GUZ | |
| | | K16367 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 20-06-12 | GUZ, 42 | |
| | | K16368 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 20-06-12 | GUZ | |
| | | K16369 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 20-06-12 | GUZ | |
| | | K16370 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 21-06-12 | GUZ | |
| | | K16371 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 22-06-12 | GUZ | |
| | | K16372 | Gongbo Li (100%) | Mineral Claim | NWT Mining RO | 12-06-12 | 21-06-12 | GUZ | |
| | | NT-2505 | Redbed Resources Corp. (100%) | Mining Lease | NWT Mining RO | 71-07-23 | 34-07-22 | 38 | |
| | | NT-2506 | Redbed Resources Corp. (100%) | Mining Lease | NWT Mining RO | 71-07-23 | 34-07-22 | 38 | |
| | | NT-2878 | Selwyn Chihong Mining Ltd. (100%) | Mining Lease | NWT Mining RO | 78-07-26 | 20-07-25 | 41 | |
| | | NT-2879 | Selwyn Chihong Mining Ltd. (100%) | Mining Lease | NWT Mining RO | 78-07-26 | 20-07-25 | 41 | |

Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|----------|----------------------|---|-------------------------------|------------------------------|-------------|----------|----------------------------------|-------|
| | | SDL006 | BP Canada Energy Resources Company | Significant Discovery Licence | Government of Canada | 87-02-15 | nul | GUZ | |
| | | SDL042 | BP Canada Energy Resources Company | Significant Discovery Licence | Government of Canada | 87-09-24 | nul | GUZ | |
| | | EL470 | ConocoPhillips Canada Resources Corp. | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, GUZ - NWBLT, 39, 43, 60, 63 | |
| | | SDL138 | Husky Oil Operations Ltd. | Significant Discovery Licence | Government of Canada | 08-02-20 | nul | GUZ | |
| | | SDL139 | Husky Oil Operations Ltd. | Significant Discovery Licence | Government of Canada | 08-02-20 | nul | GUZ | |
| | | SDL140 | Husky Oil Operations Ltd. | Significant Discovery Licence | Government of Canada | 08-07-25 | nul | GUZ | |
| | | EL471 | Imperial Oil Resources Ventures Limited | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 38, 40, 43 | |
| | | EL472 | Imperial Oil Resources Ventures Limited | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 63 | |
| | | EL473 | MGM Energy Corp. | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 35, 63 | |
| | | EL474 | MGM Energy Corp. | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 50, 62, 63 | |
| | | EL475 | MGM Energy Corp. | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, GUZ - NWBLT, 43, 50, 63 | |
| | | SDL141 | MGM Energy Corp. | Significant Discovery Licence | Government of Canada | 08-08-05 | nul | GUZ | |
| | | SDL142 | MGM Energy Corp. | Significant Discovery Licence | Government of Canada | 08-08-05 | nul | GUZ | |
| | | SDL143 | MGM Energy Corp. | Significant Discovery Licence | Government of Canada | 08-07-29 | nul | GUZ | |
| | | EL467 | Shell Canada Limited | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 63 | |
| | | EL468 | Shell Canada Limited | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, 38, 39, 43 | |
| | | EL469 | Shell Canada Limited | Exploration Licence | Government of Canada | 11-12-20 | 20-12-19 | GUZ, GUZ - NWBLT, 39, 43, 63 | |

Legacy Land Uses in the Sahtu Settlement Area

November 7, 2016

| Map Reference Number | Activity | Authorisation Number | Proponent | Type of Authorization Granted | Agency Issuing Authorization | Date Issued | Expiry | SLUP Zone | Notes |
|----------------------|----------|----------------------|----------------------|-------------------------------|------------------------------|-------------|----------|-----------------|-------|
| | | EL486 | Shell Canada Limited | Exploration Licence | Government of Canada | 12-12-18 | 21-12-17 | GUZ, 38, 42 | |
| | | EL487 | Shell Canada Limited | Exploration Licence | Government of Canada | 12-12-18 | 21-12-17 | GUZ, 43, 44, 63 | |
| | | SDL023 | Suncor Energy Inc. | Significant Discovery Licence | Government of Canada | 87-09-28 | nul | GUZ, 18 | |
| | | SDL024 | Suncor Energy Inc. | Significant Discovery Licence | Government of Canada | 87-09-28 | nul | GUZ | |
| | | SDL145 | Suncor Energy Inc. | Significant Discovery Licence | Government of Canada | 09-06-18 | nul | GUZ | |