



Sahtu Land Use Planning Board

Rules of Procedure Sahtu Land Use Plan

October 23, 2014

SLUPB Rules and Procedures

Table of Contents

INTRODUCTION	2
Part 1 - Definitions	2
Part 2 - Application and Variation of Rules	4
Part 3 - Flexibility of Proceedings.....	5
Part 4 - Conformity Determinations.....	5
Part 5 - Exception Applications.....	8
Part 6 - Amendments to the Plan.....	11
Part 7 - Hearings.....	14
Part 8 - General Matters	20
Part 9 - Coming Into Force.....	23

INTRODUCTION

The Sahtu Land Use Planning Board makes these Rules pursuant to paragraph 25.1.3(e) of the Sahtu Dene and Metis Comprehensive Land Claim Agreement and paragraph 30(1)(a) of the *Mackenzie Valley Resource Management Act*.

The Rules are intended to ensure that the processes and procedures of the Board meet the requirements of fairness and natural justice and to provide a practical reference to those requirements.

Part 1 - Definitions

1.1. In these Rules:

- a) "Act" means the *Mackenzie Valley Resource Management Act*;
- b) "Activity" means a physical activity that involves the use of land, water or resources or the deposit of waste;
- c) "Amendment Application" means a proposed amendment to an approved land use in the Plan as well as any documentation and representations relevant to the proposed amendment submitted by an applicant or by the Board;
- d) "Authorization" means 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;
- e) "Board" means the Sahtu Land Use Planning Board established under Chapter 25 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement and section 38 of the Act;
- f) "Communities and Residents" means community councils and individuals ordinarily residing in the Settlement Area;
- g) "Comprehensive Agreement" means the Sahtu Dene and Metis Comprehensive Land Claim Agreement;
- h) "Conformity Determination" means the process undertaken by the Board to determine whether an Activity is in accordance with a land use plan under section 47 of the Act;
- i) "Director" means the Executive Director of the Board or such other person that may be designated by the Board to fulfil the role of the Director as set out in these Rules;
- j) "Document" includes any record or information in written, photographic, magnetic,

- electronic or other form;
- k) “Elder” means a member of the community or a Sahtu Organization recognized as such in accordance with Sahtu culture, customs and traditions;
 - l) “Exception Application” means an application submitted to the Board to limit or waive a condition of land use established in the Plan under paragraph 44(b) of the Act;
 - m) “Intervener” means a member of the public, other than a Party, that wishes to participate at a hearing;
 - n) “Participant” means a person enrolled in the Enrollment Register pursuant to chapter 4 of the Comprehensive Agreement;
 - o) “Party” means a person, organization, or a department of government referred to in Rule 7.3(1) that is participating in a hearing;
 - p) “Plan” means the Sahtu Land Use Plan, as amended from time to time;
 - q) “Planning Partners” means Communities and Residents, Sahtu Organizations including SSI, 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;
 - r) “Proponent” means a person, company, department or agency that is seeking an Authorization from a Regulatory Authority;
 - s) “Register” means the register established pursuant to Section 7.1.8 of the Comprehensive Agreement;
 - t) “Registry” means the online registry maintained by the Board;
 - u) “Regulatory Authority” means a body having authority under any federal or territorial law to issue an authorization;
 - v) “Rules” means the Rules and Procedures of the Sahtu Land Use Planning Board;
 - w) “Sahtu Organization” means the corporations set forth in schedule 4 to the Register (Land Corporations), any Indian Band (First Nation) located in a community in the Settlement Area, a Renewable Resources Council established pursuant to Section 13.9.2 of the Comprehensive Agreement and the corporations established pursuant to Schedule 8 to the Register (District Land Corporations);

- x) “Settlement Area” means the area defined in Appendix A of the Comprehensive Agreement;
- y) “SSI” means “The Sahtu Secretariat Incorporated” which is the organization formed by the seven Sahtu land corporations, four Dene land corporations and three Métis land corporations with the enactment of the *Sahtu Dene and Métis Land Claims Settlement Act*; set forth in Schedule 5 to the Register; and
- z) “Traditional Knowledge” means knowledge and values, which have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another.

Part 2 - Application and Variation of Rules

- 2.1. These Rules apply to all activities of the Board under sections 44-50 of the Act.
- 2.2. Consistent with the Plan and the broad application of the principles of natural justice and procedural fairness, the Board shall give these Rules such fair, large and liberal construction as best ensures just, expeditious and fair consideration of issues arising under these Rules.
- 2.3. In interpreting these Rules, the Board will be guided by the guiding principles and goals set out in sections 1.4 and 1.5 of the Plan and section 35 of the Act.
- 2.4. The Comprehensive Agreement, the Act, and the Plan shall supersede these Rules in the event of a conflict.
- 2.5. Where any procedural matter is not provided for in these Rules, the Board may at any time give directions governing the procedure to supplement these Rules that it considers necessary for the fair determination of an issue.
- 2.6. On its own initiative or at the written request of an individual, body or agency participating in a Board process under these Rules, the Board may, dispense with, vary or supplement any part of these Rules that it considers necessary for the fair determination of an issue by way of a direction on procedure.
- 2.7. Where any issue arises during the course of a proceeding, the Board may take any action consistent with these Rules, or permitted by law, in order to enable it to fairly and effectively decide on the issue.

- 2.8. Where there is a conflict between any rule and any direction on procedure issued by the Board, the direction on procedure prevails over the rule.
- 2.9. The Board may amend or add to these Rules at any time.

Part 3 - Flexibility of Proceedings

- 3.1. In conducting its business, the Board is not bound by the strict rules of evidence.
- 3.2. To the extent consistent with its duty of procedural fairness, the Board will emphasize flexibility and informality in the conduct of its proceedings.

Part 4 - Conformity Determinations

4.1. Activities Exempt from Conformity Determinations

The Land Use Activities described in section 2.5 of the Plan are exempt from Conformity Determinations.

4.2. Conduct of Conformity Determinations

Conformity Determinations shall be conducted by the Board.

4.3. Referrals for Conformity Determinations

- (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.
- (3) Referrals under Rule 4.3 must contain
 - (a) The name and contact information for the party referring the Activity for a Conformity Determination;
 - (b) The name and contact information of the Proponent;
 - (c) The identification of all Regulatory Authorities;

- (d) A description of the Activity that would be subject to the Conformity Determination or the Proponent's regulatory application, if available; and
- (e) In the case of a referral under Rule 4.3(2)(b), the person wishing the Board to carry out a Conformity Determination under paragraph 47(1)(b) of the Act must also submit a request in Form A and provide a concise statement containing the following:
 - i. the location of the land and a brief description of the Activity that would be reviewed during the Conformity Determination;
 - ii. why the person believes that he/she may be directly affected by the Activity that would be subject to Conformity Determination;
 - iii. a description of any issues the person wishes the Board to consider; and
 - iv. the person's contact information.
- (4) The Board may refuse to consider a request under Rule 4.3(2)(b) if the Board determines that the person may not be directly affected by the Activity for which a Conformity Determination is sought. Where the Board refuses to consider a request under Rule 4.3(2)(b), the Board shall provide reasons in writing.

4.4. Notice of Conformity Determination

- (1) Where a request for a Conformity Determination is referred to the Board under Rule 4.3(2)(a) or the Board has determined that a person who has filed a request in Form A is directly affected by the Activity for which the request for a Conformity Determination is sought, the Board shall provide notice that the Board will be undertaking a Conformity Determination to:
 - (a) the Proponent;
 - (b) SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies; and
 - (c) any other person or organization, at the Board's discretion.
- (2) The Board shall post the notice of Conformity Determination on the Registry.
- (3) The content of the Notice of Conformity Determination may include:
 - (a) requests for the Proponent to provide information relevant to the Conformity Determination;
 - (b) an invitation for comments from members of the public; and

- (c) timelines for receiving the information and comments in (a)-(b).

4.5. Opportunity to Provide Information and Comments

- (1) The Proponent shall provide information requested by the Board during a Conformity Determination within 10 business days of receiving a request for information from the Board. The Board may extend the period for the Proponent to provide information upon application by the Proponent for an extension.
- (2) Unless otherwise determined by the Board, public comments invited by the Board in a notice shall be submitted in writing.
- (3) The Board shall post all public comments it receives on the Registry.
- (4) The Proponent shall have no fewer than 10 business days from the end of a public comment period to provide a written response to any public comments

4.6. Considerations for Conformity Determination

- (1) At any time, the Board may decide that it has insufficient information to make a Conformity Determination.
- (2) The Board will consider the following when conducting a Conformity Determination:
 - (a) the information contained in Form A, if applicable;
 - (b) any comments or information received by the Board in accordance with the Notice of a Conformity Determination and Rule 4.5;
 - (c) any information provided by a Regulatory Authority and/or the person or body referring the Activity for a Conformity Determination; and
 - (d) any other information requested or obtained by the Board.

4.7. Conformity Determinations

- (1) The Board shall provide written reasons for Conformity Determinations.
- (2) A Conformity Determination shall include one of the following decisions:
 - (a) that an Activity conforms with the Plan;
 - (b) that an Activity does not conform with the Plan; or
 - (c) if the Board receives an Exception Application or an Amendment

Application relating to an Activity subject to a Conformity Determination, that the Conformity Determination is suspended until a decision on the Exception Application or Amendment Application has been made.

- (3) The Board will post a copy of its Conformity Determination in the Registry and transmit a copy of the Conformity Determination to:
 - (a) the Proponent;
 - (b) SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies; and
 - (c) the person or body that referred the Activity for a Conformity Determination, if not included in (a)-(b).
- (4) A decision of the Board in a Conformity Determination is final and binding.

4.8. Hearings

The Board, in its discretion and taking public feedback into account, may hold a hearing in respect of a Conformity Determination. Any hearing will be governed by Part 7 of these Rules.

Part 5 - Exception Applications

5.1. Content and Form of Applications

- (1) Exception Applications must be made in writing to the Board.
- (2) Applications under this Part must be made in Form B and must contain, at a minimum:
 - (a) the name and contact information of the applicant;
 - (b) a summary of the condition(s) of land use for which the exception is sought;
 - (c) a description of the nature of the exception sought;
 - (d) a summary of any Activities that would fall within the scope of the exception being sought and a description of the location of said Activities, including identification of relevant land use zone(s) and GIS information or maps in a scale of 1:250,000, or another scale agreed to by the Board that is appropriate to clearly illustrate the location and scope of Activities;
 - (e) a summary of potential environmental, cultural and economic impacts of

the proposed Activity and a description of potential benefits to the Participants and Communities and Residents;

- (f) a description of why, in the view of the applicant, the exception is necessary; and
- (g) any record of communications with affected Sahtu Organizations, Participants, Communities and Residents, SSI and the relevant government departments and agencies relating to the Activity for which the exception is sought.

5.2. Notice of Exception Application

- (1) Where the Board receives an application in accordance with the requirements of Rule 5.1, the Board shall provide a Notice of Exception Application to:
 - (a) the applicant;
 - (b) SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies; and
 - (c) any other person or agency, in the Board's discretion.
- (2) The Board shall post the Notice of Exception Application on the Registry.
- (3) The Notice of an Exception Application shall contain:
 - (a) a description of the nature of the exception being sought;
 - (b) notice that no regulatory approvals relating to the Activity subject to the Exception Application are to be granted pending the outcome of the Board's review of the Exception Application; and
 - (c) details of the location where information about the Exception Application may be obtained or viewed by members of the public.
- (4) The Notice of an Exception Application may contain
 - (a) an invitation for comments from Sahtu Organizations and/or Planning Partners;
 - (b) timelines for receiving comments; and
 - (c) any other information the Board considers appropriate.

5.3. Opportunity to Provide Information and Comments

- (1) The Board may, at any time, require the applicant to submit additional information, as long as the applicant is provided no fewer than 10 business days from the time of the request to submit the information.
- (2) The Board may invite comments from Sahtu Organizations and/or Planning Partners on an Exception Application on a timeline to be determined by the Board.
- (3) The Board shall post all comments it receives under Rule 5.3(2) on the Registry.
- (4) The applicant shall have no fewer than 10 business days from the end of a comment period to provide a written response to any comments on the Registry.

5.4. Considerations of the Board

When considering an Exception Application, the Board may consider any of the following factors:

- (1) whether the Activity may have a significant impact on a value or objective that a conformity requirement in the Plan is intended to protect or achieve;
- (2) whether compliance with the conformity requirement would unreasonably burden the Activity in a manner that is disproportionate to the benefit from the Activity;
- (3) whether the proposed exception:
 - (a) relates to a zoning prohibition rather than a condition of land use which may be addressed by a Land and Water Board;
 - (b) is consistent with the reasons described in the Plan for which an exception might be granted;
 - (c) addresses unforeseen consequences of a Activity;
 - (d) relates to a new Activity or is based on new information that the Board did not consider in developing the Plan;
 - (e) if allowed, has implications for other Activities that are occurring, or may occur, in the area;
 - (f) is more appropriately addressed through an amendment to the Plan;
 - (g) is justified in the circumstances;
- (4) whether further public input and/or information is necessary; and

- (5) any other consideration determined by the Board.

5.5. Decisions on Exception Applications

- (1) All decisions on Exception Applications must be in writing.
- (2) The Board will post a copy of its decision respecting an Exception Application on the Registry and provide a copy to:
 - (a) the applicant;
 - (b) SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies; and
 - (c) any other person, at the discretion of the Board.
- (3) A decision of the Board regarding an Exception Applications is final and binding.

- 5.6. The Board, at its discretion and taking public feedback into account, may hold a hearing in respect of an Exception Application. Any hearing will be governed by Part 7 of these Rules.

Part 6 - Amendments to the Plan

6.1. Applications for Amendments to the Plan

- (1) The Board may receive Amendment Applications to address the following issues, including but not limited to:
 - (a) changes in land, water, wildlife habitat or resource information;
 - (b) a land, water, wildlife habitat or resource use that was unconsidered in the Plan;
 - (c) concerns of Sahtu Organizations or SSI;
 - (d) more specific management directions from other co-management boards, Sahtu Organizations, SSI or government departments and agencies;
 - (e) changes in the socio-economic situation of the Settlement Area; or
 - (f) any change in the boundary of an area proposed or already designated for protection as Conservation Zones or Proposed Conservation Initiatives or Established Protected Areas.

- (2) An Amendment Application must be provided to the Board in writing and shall include the following information:
 - (a) the identity of the applicant and a description of how the applicant is affected by the Plan;
 - (b) a list of all proposed amendments and their purpose, including the applicable sections of the Plan,
 - (c) a description of any current uses of the land, the proposed changes, and ;
 - (d) a description of how the proposed amendment is consistent with the guiding principles of the Plan and why the amendment is necessary; and
 - (e) any information relied upon in support of the application.
- (3) The Board may request additional information from the applicant before deciding whether the Amendment Application is complete.
- (4) All complete Amendment Applications shall be placed in the Registry.
- (5) The Board may decline to consider or defer consideration of a complete Amendment Application where, in the view of the Board, the requested amendment:
 - (a) is intended to be a remedy for non-conformity of a proposed Activity or for the denial of an Exception Application;
 - (b) would be inconsistent with the guiding principles for the Plan;
 - (c) would be more appropriately considered in the process of a comprehensive 5-year review or other available solutions;
 - (d) is not necessary; or
 - (e) is not appropriate or timely in light of planning priorities and the allocation of Board resources.
- (6) The Board will notify the applicant of the Board's decision under Rule 6.1(5) and post its decision on the Registry.
- (7) If an Amendment Application is brought by the Board, the Amendment Application shall include the information required under Rule 6.1(2) and shall comply with Rules 6.3 to 6.6.

6.2. Scope of Proposed Amendment

- (1) Where the Board decides to consider an Amendment Application, the scope of the proposed amendment shall be determined by the Board.
- (2) In determining the scope of a proposed amendment, the Board may confer with any person or body the Board considers appropriate.

6.3. Notice of Amendment Application

- (1) For the purpose of providing notice of consideration of an amendment of the Plan, the Board shall:
 - (a) provide written notice to the applicant, SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies;
 - (b) post a notice on the Registry; and
 - (c) publish notice in one or more media sources, which may include internet-based media, that has daily or weekly circulation in the area of the Settlement Area to which the amendment relates.
- (2) Notices under 6.3(1) shall contain at a minimum:
 - (a) a description of the proposed amendment, as scoped by the Board;
 - (b) the identity of the person or organization that has applied for the amendment;
 - (c) instructions for accessing any materials relating to the Amendment Application on the Registry;
 - (d) an invitation for interested persons to provide comments regarding the proposed amendment and how it may affect them; and
 - (e) the date by which all comments are to be received by the Board.

6.4. Public Consultation on Amendment Applications

- (1) In its discretion, the Board may seek comments on any of the following:
 - (a) whether additional information is needed to consider the Amendment Application;
 - (b) any concerns regarding the proposed amendment; and

- (c) whether the application should be adopted or rejected.
- (2) The Board may elect to receive comments in writing, orally or both.
- (3) The Board will post any comments it receives under Rule 6.4(1) on the Registry.
- (4) The person or body that submitted the Amendment Application shall have no fewer than 10 business days from the close of the public comment period to respond to public comments.
- (5) The Board shall review all comments received before making a determination on an Amendment Application.

6.5. Decisions on Amendment Applications

- (1) If the Board decides to adopt a proposed amendment, the Board shall submit the proposed amendment to SSI, the Territorial Minister and the Federal Minister for approval. An amendment to the Plan comes into effect when approved in accordance with subsections 43(1)-(4) of the Act.
- (2) Where an amendment to the Plan has been approved by the Board, SSI, the Territorial Minister and the Federal Minister, the Board shall:
 - (a) amend the Plan accordingly;
 - (b) post the amended Plan on the Board's website and make copies of the amended Plan available to the public in the Board's main office; and
 - (c) provide notice of the availability of the amended Plan to the applicant, SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies.

6.6. Hearings on Amendment Applications

The Board may, at its discretion and taking public feedback into account, hold a public hearing on an Amendment Application. Any public hearing will be governed by Part 7 of these Rules.

Part 7 - Hearings

7.1. General

- (1) The Board may conduct any hearings that it considers to be desirable for the purpose of carrying out any of its functions.

- (2) Hearings may be conducted in writing or orally or a combination of those methods.
- (3) Where the Board holds a hearing in writing, it may dispose of the proceeding on the basis of the documents filed by Parties and Interveners in the hearing or require additional information before disposing of the proceeding.
- (4) The Board may agree to participate jointly in a hearing with a Regulatory Authority and may adopt the rules for public hearings of such Regulatory Authority for the purpose of the hearing.

7.2. Notice of Hearing

- (1) If the Board sets a matter down for a hearing the Board shall issue a Notice of Hearing in accordance with these Rules.
- (2) A Notice of Hearing must
 - (a) be in writing;
 - (b) briefly describe the subject matter of the hearing;
 - (c) indicate whether the hearing will be a written or oral hearing;
 - (d) indicate the date, time and place of the hearing, which must not be less than 30 days after the date of the notice;
 - (e) if the Board intends to receive written evidence or submissions, indicate any dates for the submission of written materials; and
 - (f) indicate how any materials that may be considered by the Board can be viewed by the public.
- (3) A Notice of Hearing may contain
 - (a) a schedule showing the time limits for filing and serving any written materials for the hearing; and
 - (b) any other information and procedural requirements that the Board considers necessary.
- (4) In communicating the Notice of a Hearing, the Board shall:
 - (a) provide written notice to same persons and agencies that received notice under the notice provision in these Rules that pertains to the subject matter of the hearing;
 - (b) post a notice on the Registry; and

- (c) publish notice in one or more media sources, which may include internet-based media, that has daily or weekly circulation in the area of the Settlement Area to which the hearing relates.
- (5) The Board may issue an amended Notice of Hearing. An amended Notice of Hearing shall be communicated in accordance with Rule 7.2(4).

7.3. Parties to a Hearing

- (1) Subject to Rule 7.3(5), the following persons, organizations and agencies may participate in a hearing as a Party:
 - (a) a person or entity whose application is subject to a hearing;
 - (b) SSI, Sahtu Organizations and relevant Regulatory Authorities and government departments and agencies; and
 - (c) any person who is granted Party status by the Board prior to or at a hearing.
- (2) Any person that does not meet the criteria of (a)-(c) above and who wishes to be a Party in a hearing must file with the Board a request to be a Party in writing within 7 days of the issuance of the Notice of Hearing. The request to be a Party shall contain, at a minimum:
 - (a) a concise statement indicating
 - a. why and how the person may be directly affected by the outcome of the hearing; or
 - b. if the person will not be directly affected by the outcome of the hearing, what the nature of the person's interest in the matter is and why the person should be permitted to participate;
 - (b) the nature and scope of the person's intended participation;
 - (c) the person's contact information; and
 - (d) if the person is acting on behalf of a group or association of persons, the nature of the person's membership in the group or association.
- (3) The Board will make a decision on an application for Party status in a timely fashion.
- (4) Prior to making a decision under Rule 7.3(3), the Board may seek the views of the Parties to the hearing and/or direct the person making the application to provide more information to the Board.

- (5) All Parties who intend to participate in a hearing must notify the Executive Director of their intentions within the time period specified in the Notice of Hearing to maintain their Party status for a hearing.
- (6) The Board shall maintain a list of Parties who provided notice under Rule 7.3(5) on the Registry.

7.4. Interveners

- (1) Subject to Rule 7.4(2), any person, organization, department or agency that is not a Party that wishes to participate in a hearing may do so as an Intervener.
- (2) The Board may require in the Notice of Hearing that Interveners who wish to make an oral presentation at a hearing register with the Board in advance of the hearing. Where the Board requires Interveners to register, the Board, in its discretion, may refuse the participation in a hearing by any non-registered Intervener.

7.5. Board Discretion over Participation

- (1) The Board may refuse to allow a person to participate in a hearing as a Party or Intervener if the Board is of the opinion that any of the following circumstances apply:
 - (a) the person's request to participate or participation is frivolous, vexatious, an abuse of process or of little merit;
 - (b) the person has not demonstrated that the person's participation will materially assist the Board or will not unnecessarily delay the hearing; or
 - (c) the Board considers it appropriate to do so for any other reason.

7.6. Order of Events at a Hearing

- (1) The order of events at a public hearing, unless the Board directs otherwise, will be as follows:
 - (a) Opening remarks by the Chairperson;
 - (b) Introduction of Board members and staff;
 - (c) Introduction of the Parties;
 - (d) Acknowledgment of written submissions;
 - (e) Review agenda for the hearing;

- (f) Request of introduction of any participants wishing to make an oral presentation;
- (g) Discussion of procedural matters/clarification of procedures;
- (h) Presentations by applicant, other Parties and questions of same;
- (i) Presentations or comments from Interveners;
- (j) Reply by the applicant, if any;
- (k) Closing remarks; and
- (l) Adjournment of the hearing.

7.7. Hearing Submissions and Evidence

- (1) The Board may decide which issues it will consider at a hearing and notify the Parties of such decision. The Board, at its discretion, may decline to consider submissions or evidence that are not relevant to the issues being considered by the Board at a hearing.
- (2) The Board may request written submissions from Parties or Interveners be filed with the Board and delivered to the applicant, if any, within the time period established by the Board.
- (3) Unless the Board directs otherwise, no documentary evidence may be presented at an oral hearing unless the evidence was filed with the Board and served on the Parties within the time period specified by the Board in accordance with 7.8.
- (4) Failure to disclose a document in accordance with these Rules may result in the Board ruling that it is inadmissible in the hearing.
- (5) Upon request of the Board, a Party must provide proof to the Board that documents were delivered to the other Parties.
- (6) Where a Party or Intervener wishes to have multiple individuals present at the hearing on its behalf, the Board may permit or require evidence to be given by one or more panels in accordance with the following:
 - (a) questions addressed to a panel may be directed to specific members of the panel or the panel in general;
 - (b) unless the Board otherwise directs, members of a panel may confer among themselves;
 - (c) panel members shall give their views and may be directed to comment on

the views of other panel members and to make concluding statements; and

- (d) where a question is directed to a specific member of a panel and that member is not able to answer the question because of a lack of knowledge or qualifications, the Board may permit another member of the panel to answer the question.
- (7) Any witness having technical expertise shall provide a summary of his/her background, including qualifications and/or experience for the public record.
- (8) Any witness who will give opinion evidence in a proceeding or hearing before the Board may be required by the Board to file a statement of their qualifications on the public record before their evidence is considered.

7.8. Time Limits and Questioning

- (1) The Board may set time limits for oral submissions and questions by any or all Parties and Interveners at a hearing.
- (2) Unless the Board otherwise directs, Parties and Interveners may be
 - (a) questioned by or on behalf of another Party, or
 - (b) questioned by the Board and/or a member of the Board staff.
- (3) The Board may, in its discretion, allow Interveners to question Parties and/or other Interveners.

7.9. Decisions of the Board

Any decision or recommendation of the Board from a hearing shall be based upon a consideration of the whole record of the material properly placed before the Board.

7.10. Interpreter

The Board shall arrange for translation and interpretation services into the Dene dialect of the community in which the hearing is being held and/or other aboriginal languages as deemed necessary by the Board.

7.11. Location of Hearing

- (1) The Board will determine the place at which a hearing will be held.
- (2) At its discretion, the Board may hold a single hearing in one community or in a number of communities in the Settlement Area.

7.12. Record of hearing

- (1) All written materials filed in the course of a hearing will be placed on the Registry.
- (2) The Board shall provide a transcript of a hearing, which will be placed on the Registry.

Part 8 - General Matters

8.1. Traditional Knowledge

- (1) The Board will encourage the submission of any Traditional Knowledge during its proceedings.
- (2) The Board may make arrangements to secure information from or hear the testimony of an Elder or the holder of Traditional Knowledge at any time during a proceeding.
- (3) The Board may modify the Rules to accommodate customary protocols with respect to sharing of Traditional Knowledge.

8.2. Forms

The Board may specify that any document or communication must be submitted to the Board in a particular form and such forms will from time to time be appended to these Rules.

8.3. On-site Visits

At any time during a proceeding, the Board may schedule a site visit to an area relevant to a Conformity Determination, Exception Application, or an Amendment Application.

8.4. Setting of Time Limits and Extending or Abridging time

The Board may, on its own motion, or on a request by any Party, lengthen or shorten the time for any action to be taken in a proceeding subject to any conditions the Board may impose.

8.5. Failure to Comply with the Rules

- (1) Where a person or body has not complied with these Rules or a direction on

procedure issued by the Board, the Board may:

- (a) adjourn the proceeding until satisfied that its Rules or directions on procedure have been complied with; or
 - (b) take such other steps as it considers just and reasonable, including withdrawing the status of a Party in the proceedings.
- (2) A Board proceeding is not invalid because of an objection based only on a technical irregularity or a defect in form.

8.6. Late Filing

- (1) A person who wishes to file a document after the time limit set out by the Board may request leave of the Board to file the document after the time limit. The Board may grant such leave on any terms the Board considers appropriate.
- (2) No new information will be accepted for consideration in a proceeding after the public record has been closed unless the Board decides to reopen the public record on its own motion or a request to reopen the public record has been made and approved by the Board.

8.7. Adjournments

The Board may, on its own initiative or on motion by a Party, adjourn a proceeding on any terms that the Board considers appropriate.

8.8. Filing of Documents

- (1) Subject to Rule 8.8(2), a Document may be filed with the Board by personal delivery, courier service, ordinary mail, fax, electronic means or by any other means directed by the Board.
- (2) Documents may be filed by electronic means if
 - (a) the electronic means is compatible with the Board's information technology, equipment, software and processes; and
 - (b) the document is in a form acceptable to the Board.
- (3) A document is deemed to have been filed with the Board when it is received by the Board unless it is received after the Board's business hours, in which case the document is deemed to have been filed on the next business day of the Board.
- (4) Recognizing that Traditional Knowledge is often conveyed orally, the Board may,

in the context of a written hearing, elect to receive submissions and evidence orally rather than in writing.

8.9. Public Registry

- (1) The Board shall maintain a public record for proceedings including:
 - (a) all documents filed in a proceeding, including written submissions, evidence, and any recordings or transcripts of hearings;
 - (b) all notices by the Board; and
 - (c) any decisions made by the Board during a proceeding.
- (2) At the Board's discretion, the Board may rely on the registries of Regulatory Authorities long as the Board posts details in its Registry respecting the location of any documents on the registries of Regulatory Authorities.
- (3) If a Party wishes to keep confidential any information in a document, the Party may, before filing the document, file a request for confidentiality with the Board.
- (4) The Board may, with or without a hearing, grant a request for confidentiality on any terms it considers appropriate.
- (5) If the Board grants a request for confidentiality under Rule 8.9(3), a Party may receive a copy of the document only if the Party files an undertaking stating that the Party will hold the document in confidence and use it only for the purpose of the proceeding.
- (6) Nothing in this Rule limits the operation of any statutory provision that protects the confidentiality of information or documents.

8.10. Additional Information, Documents and Material

- (1) The Board may require additional information from any Party at any time during a proceeding that the Board considers necessary to permit a full and satisfactory understanding of an issue in a proceeding.
- (2) The Board may engage specialists to provide evidence relevant to the issues raised in any proceeding. Any evidence received from a specialist will be disclosed to all Parties and Parties will be provided with an opportunity to provide a response to the Board.

8.11. Fees for Services

When requested by a person who is unable to secure copies, the Board may charge

reasonable fees to provide the person with copies of any materials in the public record.

Part 9 - Coming Into Force

- 9.1. These Rules come into force on the date they are adopted by the Board in accordance with the Act.
- 9.2. These Rules shall be published on the Board's website.



Sahtu Land Use Planning Board

Box 235, 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)	

Please attach:

- ☐ a description of the Activity or
- ☐ the proponent's regulatory application for the Activity (if available)

Please explain how you may be directly affected by the Activity: (if you are attaching a separate document, please identify it here)

Please identify the issues you would like the Board to specifically consider: (if you are attaching a separate document, please identify it here)

Please identify all Regulatory Authorities required to authorize the Activity: (see Appendix 1 of the Sahtu Land Use Plan Implementation Guide for assistance)

Is the Activity exempted under S. 2.5 of the Sahtu Land Use Plan? (if yes, please identify the specific exception)

APPLICANT SIGNATURE

I certify that the information provided is true and complete to the best of my knowledge.

Signature:

Date:



Sahtu Land Use Planning Board

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APPLICATION FOR EXCEPTION TO SAHTU LAND USE PLAN Form B (Rule 5.1)

APPLICANT INFORMATION		
Name		Organization/Company Name (if applicable)
Street Address		
City	Prov./Territory	Postal Code
Phone	Fax	
Email Address		

ACTIVITY REQUIRING THE REFERRAL FOR CONFORMITY DETERMINATION	
Project name and short description:	
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:	

Please attach the following to your application:

- ☐ **Summary of the exception request**, including:
 - The specific conditions of land use for which the exception is sought;
 - A description of the nature of the exception sought;
 - A summary of the activities that would fall within the scope of the exception sought, including the nature and purpose of each activity; and
 - An explanation of the reasons why you believe the exception is necessary.
- ☐ **Location of activities**, including:
 - A description of the location of the activities including the land use zone(s), any place names, co-ordinates and names of nearby communities, and any GIS information;
 - A map in a scale of 1: 250 000 with the general site area marked.
- ☐ **Information regarding ownership of the land in question**, including:
 - Identification of land owner and/or land manager and status of ownership; and
 - Proof of support for the proposed exception from the land owner and/or land manager.
- ☐ **Summary of potential environmental, cultural and economic impacts**, including:
 - Impacts on existing or potential land uses in the area; and
 - Impacts to land use in nearby communities.
- ☐ **Potential benefits to Participants and Communities and Residents**
- ☐ **Copies of records of communication about the Activities with relevant organizations or individuals**, including correspondence with:
 - Any affected Sahtu Organizations;
 - Participants;
 - Communities and Residents;
 - The Sahtu Secretariat Incorporated; and
 - Relevant departments of the Government of Northwest Territories or the Government of Canada.
- ☐ **Any additional comments or information you would like the Board to consider**

DISCLAIMER AND SIGNATURE

I certify that the information provided is true and complete to the best of my knowledge.

Signature:

Date: