

Heidi Wiebe

From: Joel Holder [mailto:Joel_Holder@gov.nt.ca]
Sent: Thursday, January 27, 2011 4:57 PM
To: Heidi Wiebe
Subject: RE: Meeting on Actions

Heidi,

Thanks for the heads up. We will be ready to meet with you to discuss Actions when you finalize a date.

For the meeting notes taken Nov. 15th, 2010 I have not heard back from anyone that they have concerns and have prepared responses to the Action items contained within. I have no issue with the notes and therefore no changes are required. Please post them publicly.

Please see attached additional information in response to the Nov. 15th meeting.

See you soon.

Joel M. Holder
Manager, Lands
Department of Environment and Natural Resources
Government of Northwest Territories
Box 1320, Yellowknife, NT X1A 2L9
Tele: (867) 920-3485
Fax: (867) 873-4229
Joel_holder@gov.nt.ca

GNWT Follow-up Information Concerning November 15th Meeting

On November 15th, 2010 a meeting was held between the GNWT, Sahtu Land Use Planning Board staff and representation from the Planning Board. The meeting gave opportunity to clarify wording in certain sections of the plan and the intentions of GNWT comments submitted Oct. 22, 2010. Through our discussions it was determined that some of the wording in the plan had been misinterpreted by the GNWT, that additional information was required to clarify suggested changes or that some rewording was still needed in order to satisfy the needs of parties.

The following information is meant to answer some of the outstanding GNWT issues resulting from the November meeting.

CR #7 – Wildlife

Action Item: The GNWT is to provide consistent direction on issues related to CR #7.

Response: After discussing the history behind the wording of CR #7 with ENR, Wildlife staff in Norman Wells it was determined the officially submitted GNWT comments on Draft 3 of the SLUP were inconsistent with the direction Regional ENR, Wildlife staff were giving the Planning Board staff.

The existing wording of CR #7 in SLUP Draft #3 is the correct wording and should remain as is.

CR #1 – Land Use Zoning

Action Item: Peter to follow-up and provide clarification on hydro issues to the SLUPB.

Action Item: Peter and Kris will follow-up on a clearer suggestion for the definition of “power development”.

Response: Zone 23, Mackenzie River Islands does not have hydro potential. GNWT's October 18th comment that current zoning could prohibit hydro development in the Mackenzie River Island Conservation Zone is incorrect and can be removed.

The current definition of Power Development is sufficient.

CR #6 - Drinking Water

Action Item: GNWT to follow up as to how they would see this CR rewritten and how the associated map (Map 6) should be used.

Response: The two conformity requirements could be combined into one and reworded as follows.

“Before a land use activity is authorized, Regulators shall assess the potential impacts of the proposed activity to contaminate downstream drinking water sources.”

Map 6 is at an ineffective scale for a proponent or regulator to determine if a development application was located within a specific community source watershed. To determine conformity it's better for a developer to contact the Department of Municipal and Community Affairs to access the most current map.

CR 10- Incidental Harvest

Action Item: Joel is to follow-up further and provide clarity on the GNWT position on this CR.

Response: In general, the context and rationale for the CR is correct and helps direct people toward highest utilization and to be responsive to local needs.

For timber specifically, the context should be updated to contain the following.

“Currently, forest resources on Crown land are under the authority of the GNWT. Land Use Permit holders are to avoid merchantable timber where possible and sensitive areas where timber is not to be decked are identified. The Land Use Permit holder does not have the authority to transport the timber unless they obtain an authorization from ENR, Forest Management, to do so.”

At a minimum, include a statement that indicates that “where the GNWT, as the Forest Regulator has authorizations that deal with incidental timber, they must be followed.”

CR 13 – Closure and Reclamation

Action Item: Kris to provide suggested wording for progressive reclamation.

Response: The GNWT would like to see Progressive Reclamation more prevalent in the document and speak to the ability to reduce security deposits if progressive reclamation is done. Developers should be credited for approved progressive reclamation, and the value of financial security required should be adjusted in a timely fashion.

The Context section should be updated to include the following.

“Progressive reclamation includes actions that can and should be taken during mining and mineral exploration operations before permanent closure (to take advantage of cost and operating efficiencies by using the resources available from project operations), to reduce the overall reclamation costs, and shorten the time for achieving reclamation objectives, while providing valuable experience on the effectiveness of certain

measures which might be implemented during permanent closure. Progressive reclamation enhances environmental protection, minimizes the duration of environmental exposure, shortens the timeframe for achieving the reclamation goal and objectives, and reduces the financial security requirement. Any progressive reclamation should be an outgrowth of the overall stated closure objectives.”

CR 14 – Assessment and Mitigation

Action: Joel to follow-up further with final direction on this CR.

After further discussion, it was agreed that the existing wording of CR #14 in SLUP Draft #3 should remain as is. It was thought that CR #14 is closely linked with CR#1 and could be brought forward in the listing of CRs to being #2.

ACTIONS AND RECOMMENDATIONS

Action: GNWT will provide further clarity on Actions and Recommendations.

The GNWT does not agree with the Boards position that Actions will be legally binding on all signatories to the plan. Therefore, all Actions should replace “shall” with “should”.

Actions 2-6 GNWT recognizes that these activities are ongoing, we need to be at the table as part of the process, GNWT supports the SWG as a good initiative to bring all parties together to work on Actions cooperatively.

Recommendation #5 – Remove “or guidelines from other jurisdictions”.

Action #7 – It is not possible for the GNWT to make enforcement in the Sahtu a priority over other regions. The GNWT has their own process for determining enforcement priorities that take into consideration the activity, the potential for impacts and proponent’s compliance history.

Action #10 – Change “to land users and the public” to “for planning purposes”. This information is sensitive and should not be made readily available to the public. Regulatory matters are different.