

SLUPB Public Hearing Opening Comments

We are all here because we want to complete the Sahtu Land Use Plan. That is our ultimate goal. It is the Board's intent to complete the Plan this fiscal year.

The Sahtu Land Use Plan has been almost 15 years in the making so far, but its history begins long before that.

Land use planning was first started in Northern Canada in the 1970s in response to major resource development activities occurring at that time. Key among these was the proposal for a Mackenzie Valley Pipeline. One of the reasons expressed by Justice Thomas Berger for the 10-year moratorium on the pipeline was to allow for the completion of land use plans. Negotiations between the aboriginal organizations, the federal and territorial governments on the framework for a northern land use planning program resulted in the "Basis of Agreement on Land Use Planning" in 1983. This document identified most of the guiding principles of land use planning which we see reflected in the Sahtu Dene and Metis Comprehensive Land Claim Agreement. The aboriginal organizations worked for decades to ensure that their land claim required the development of a land use plan in accordance with the following key principles:

- a) The purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians.
- b) Special attention shall be devoted to:
 - i) protecting and promoting the existing and future social, cultural and economic well-being of the participants.
 - ii) lands used by participants for harvesting and other uses of resources; and
 - iii) the rights of participants under this agreement.
- c) Water resources planning is an integral part of land use planning
- d) land use planning shall directly involve communities and designated Sahtu organizations; and
- e) The plan developed through the planning process shall provide for the conservation, development and utilization of land, resources, and waters.

These principles have all been enshrined in the Mackenzie Valley Resource Management Act in one form or another. As we discuss the Sahtu Land Use Plan over the next three days, it is essential that we keep these principles front and centre to keep us moving in the right direction.

A key feature of land use planning is its role in the integrated resource management system. Land use plans act as the gatekeeper in the regulatory system. They set the broad rules for development that all activities must follow. In this way, land use plans guide and direct all regulatory decisions made in relation to the conservation, development and use of land, waters and other resources. This brings clarity and consistency to the regulatory process and streamlines decisions by ensuring they are made at the most efficient point in the process. This benefits industry, regulators and communities. Since land use plans are driven by community input and guide all later decisions, plans are a key way of ensuring that the community voice is heard and followed in the regulatory process.

Under the Sahtu land claim and the MVRMA, land use plans **must** be implemented once the First Nation and governments have approved them. They are mandatory. The Parties to the land claim agreed to this and it is the direction of Parliament; it is **not** a Board decision. Under the land claim, the implementing bodies “shall conduct their activities and operations in accordance with the plan”. Under the MVRMA, they “shall carry out their powers” in accordance with the plan. In some other places in Canada, land use plans are advisory. Here in the Sahtu region, however, it is the Board’s responsibility to develop a land use plan that is binding.

We can look back to the history of the Sahtu land claim negotiations to understand why. The negotiators did not consider an advisory role for the Dene/Metis on matters of land and water management enough: those of us who were involved remember that the Dene/Metis asked for “control”. What was agreed to was a right to co-management. In this way the Dene/Metis were recognized as partners in decisions across the Sahtu settlement area, on both Crown lands and Sahtu settlement lands.

Following from the guiding principles of northern land use planning and its intended role in the regulatory process, the Board understands its mandate to be a broad one. It is not enough for the Plan to only establish zones of where development can and cannot occur. Many community issues relate to **how** development is carried out, not only where. The Board’s mandate is to develop a Plan that protects and promotes the social, cultural and economic well-being of residents and communities.

Our goal in developing the Sahtu Land Use Plan is to resolve issues that have been raised in the planning process for the primary benefit of those most impacted by land use decisions – the residents and communities. With the implementation of the land claim and the MVRMA, many new institutions and processes came into being. As with any new system, there will be gaps and problems initially. The holistic mandate of land use plans can help to bring these different processes and organizations together so we can see where the challenges lie overall and take steps to fix them. No other organization has this perspective.

The Board also recognizes that an important part of its mandate is to consider the interests of all Canadians in developing the Plan. We do this in several ways:

- 1) By considering how the Plan might affect land uses that are considered in the national interest. Examples of these are the Mackenzie Valley Pipeline and the establishment of Naats’ihch’oh. The Plan provides for both of these uses;
- 2) By consulting broadly with all Parties whose interests may be affected by the Plan, such as industry, outfitters, and environmental groups;
- 3) By ensuring that the Plan provides significant land access for economic development that benefits all Canadians through the revenues it generates; and
- 4) By promoting the well-being of communities, which is also in the national interest.

The Sahtu Plan attempts to resolve land use issues through different types of Plan direction – Zoning, Conformity Requirements, Actions and Recommendations. There has been considerable debate lately about what topics are appropriate for a land use plan and how far the Plan should go in providing direction to others. We provide this direction to help regulators and others understand what the issues are and how to carry out their work in a way that will contribute to community well-being. It is not intended to take over the jobs of others, but rather to guide others in carrying out their respective functions. While a process or initiative may already exist,

it can still benefit from further direction arising out of the planning process that brings community values to the forefront. The intent is to flag the issues and make progress so that in 5 years, some of these issues might drop off the table.

It is in this spirit that Draft 3 was written. Think back to all of the previous drafts and how far we have come. Some things, like the zoning, have been remarkably consistent. The other components have changed significantly through four drafts, and continue to evolve as the Board looks for the right balance between clarity, consistency and flexibility.

This Hearing is a step towards a final draft that all Parties can agree on. That is why the Board has asked you to focus your comments on what a final Draft Plan should look like, rather than the specific wording of Draft 3. If we can agree on the intent, the final wording will come.

We have set up this Public Hearing to bring all participants in this process together to discuss the Sahtu Land Use Plan. Until now, you have been giving us your individual comments. For the Plan to be successful, it must come from you collectively, with each of you understanding one another's perspectives and coming to agreement on what is in the best interest of everyone involved. We have designed this Hearing to foster that collaborative atmosphere and encourage dialogue between all the different parties represented here. We will spend the first day and a half giving everyone a chance to have their individual say once more. Then, we will bring everyone together for general discussions on key elements of the Plan to see what potential solutions may arise when we all listen and speak to one another.

We are developing this Plan in uncertain times. We are in the midst of devolution and self-government talks that have over-shadowed many of our own meetings recently. Planning is difficult enough without trying to also figure out what will change with devolution and self-government in the future. The Planning process was established based on current institutions and authorities. While these may change in the future, there is currently no direct impact on the land use plan from either of these processes. The Plan will be reviewed every 5 years after it is approved and can be amended at any time before then if needed. At such time as self-government or devolution are nearing completion and we know how areas of authority and jurisdiction will change, we can amend the Plan at that point to recognize and align with those changes. Until then, we can only plan with what we know. Similarly, the Plan can only be implemented through existing areas of jurisdiction.

As a closing thought, I would like to leave you with a quote from Stephen Kennett:

"Land use planning is an exercise of social choice that requires us to define a common vision, assume responsibility for our actions, take account of alternative values and interests, think about the long term, and make explicit choices now that will have important implications for our future and for the lives of future generations. Planning has the potential to draw upon our capacity for imagination, self-determination, generosity, foresight, and purposive action. It demands the best of us."