

# Sahtu Land Use Planning Board Public Hearing on the Draft 3 Sahtu Land Use Plan

Government of The Northwest  
Territories Presentation  
May 02, 2011



Slide 1



# Introduction

- The Government of the Northwest Territories (GNWT) is pleased to present its comments on the Draft 3 Sahtu Land Use Plan.
- The GNWT appreciates the hard work of the Board and staff in advancing an improved land use plan.
- The GNWT supports regional land use planning and the completion of an acceptable land use plan for the Sahtu.



## Introduction continued...

- The GNWT wants to see an approved land use plan that will promote and protect the social, cultural and economic well-being of communities in the settlement area, having regard to the interests of all NWT residents.
- A SLUP should clearly show what types of activities are permitted or not permitted in which areas.



## Introduction continued...

- The SLWB has the lead responsibility for the regulation of land and water in the Sahtu.
- Draft #3 of the SLUP, in the GNWT's view, creates a role for the SLUPB in the regulation of land and water that goes beyond what was envisioned in the SDMCLCA and the MVRMA.
- This creates duplication, confusion and in some cases appears to renegotiate the Claim and the Act.



# Introduction continued...

The GNWT views that a Final SLUP should:

- Be A living document
- Not be overly prescriptive
- Contain clearly defined roles
- Fit within the existing integrated regulatory regime
- Be consistent with the SDMCLCA and the MVRMA
- Not add to the regulatory regime's complexity
- Not contain legally binding Actions and Recommendations
- Be capable of being approved by Canada, the GNWT and SSI

The GNWT would be unable to approve a SLUP that does not address the above.



## Introduction continued...

- This presentation reflects past GNWT submissions and specific Hearing topics identified by the Board.
- The GNWT's intention is to offer suggestions that will assist the Board in preparing a future draft land use plan that the approving parties are prepared to approve.



# Zoning

- The GNWT supports the requested zoning changes since Draft 3 was released.
- The GNWT is comfortable with the current zoning balance in Draft 3 and with the zoning changes as proposed.



## Zoning continued...

- The GNWT does not support protected areas receiving dual designation as both a protected area and as a Conservation Zone in the land use plan.

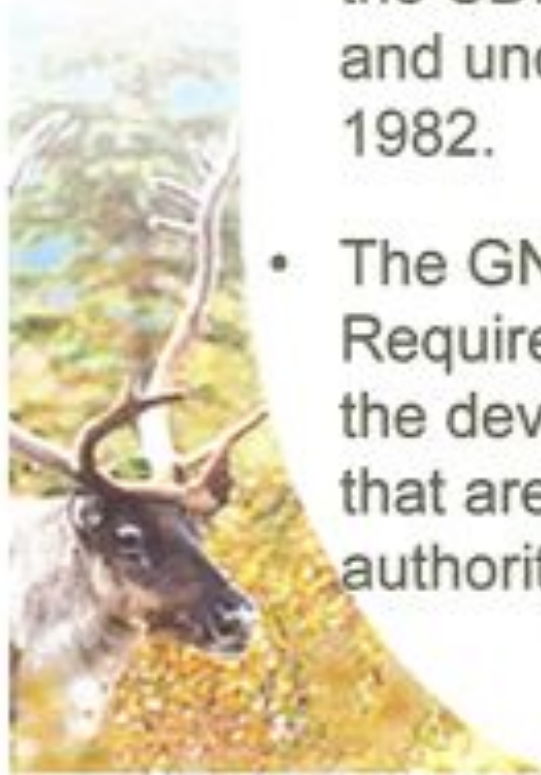




# Conformity Requirements

## CR #2 – Community Engagement and Traditional Knowledge

- Consultation requirements already exist under the SDMCLCA, the Sahtu Land and Water Board, and under section 35(1) of the *Constitution Act*, 1982.
- The GNWT recommends that Conformity Requirement #2 should be removed in favour of the developing consultation guidelines by SLUPB that are consistent with those of the regulatory authorities.



# CR #3 – Community Benefits

- The GNWT supports the intent of this requirement.
- CR duplicates a requirement for benefit plans which already exists under the MVRMA the SDMCLCA and COGOA.
- CR will be difficult to implement given that it is ambiguous and subjective – i.e. definition of benefit, community, etc.



## CR #3 – Community Benefits

- The GNWT recommends that CR #3 be removed recognizing the current system for requiring benefit plans is sufficient. An alternative could be a principle statement that is consistent with the MVRMA and the SDMCLCA.



## CR #4 – Archeological Sites

- The GNWT recognizes the importance of protecting burial sites.
- The GNWT considers the current SLWB buffer of 150 m adequate and to require that a 500 m setback be required in all instances across the entire Sahtu is unnecessary.



## CR #4 – Archeological Sites

- The GNWT recommends the Board revise wording to be goal-based assuring that all of these sites should be preserved but leaves the details to Regulators to determine based on the circumstance of each site.



## CR #5 – Watershed Management

- Wording in CR #5 is inconsistent with the SDMCLCA.
- Alters what was negotiated by the Parties to the SDMCLCA and changes its intent.



## CR #5 – Watershed Management

- The GNWT recommends the Board revise wording to be goal-based and consistent with the wording and intent in the SDMCLCA.



# CR #10 – Incidental Timber

- CR does not speak to a land use, but goes beyond the intent of a land use plan and speaks to the disposition of natural resources associated with land use.
- Forest management and conditions for Timber Cutting Licences and Permits falls squarely within the mandate of the GNWT, Department of Environment and Natural Resources, Forest Management Division.





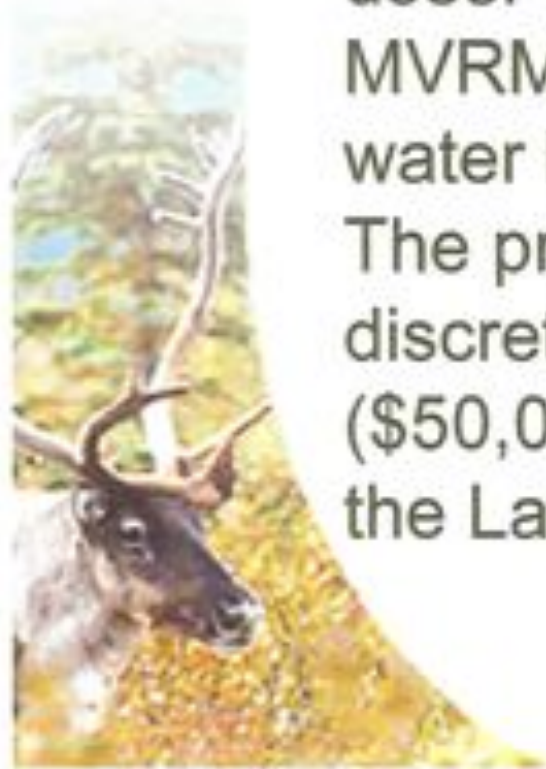
# CR #10 – Incidental Timber

- The GNWT recommends CR #10 be reworded to, “Regulatory Authorities shall require proposed land uses to be carried out on forested lands to be conducted in accordance with current direction of the Forest Management Supervisor of the NWT regarding timber recovery”.



# CR #13 – Closure and Remediation

- Various statutes, including the MVRMA, set out requirements for deposit of financial security in association with land uses. In particular, section 71 of the MVRMA provides discretion to a land and water board on the collection of security. The proposed CR would eliminate that discretion above a certain threshold (\$50,000); a matter left to the discretion of the Land and Water boards.



# CR #13 – Closure and Remediation

- The GNWT suggests securities are matters addressed through other elements in the integrated system of land and water management, hence does not need to be addressed in the land use plan. Suggest removal.



# Actions & Recommendations

- In general the GNWT supports the inclusion of non-binding Actions and Recommendations in the SLUP or its Implementation Plan.
- We also support the establishment of a Sahtu land use planning Working Group to deal with the many issues covered by the Actions and Recommendations of the SLUP.



# Implementation

- The GNWT points out it is the responsibility of the the regulatory authority to assess whether or not an application is in conformity with the land use plan.
- The land use planning board is involved only on referral or application when there is a dispute.



## Implementation continued...

- The GNWT recommends the Board consider releasing another draft of the SLUP for review by the approving parties before submitting a final version for their consideration for approval.



# Other Issues - Previous Approvals

- It is unacceptable that once a final plan is approved there is a blanket obligation for all previously authorized land uses to upgrade their activities in the process of renewing and amending authorizations.
  - How authorizations are updated or amended needs to be dealt with by the Regulators, considering the overall circumstances of the particular authorization.
- Therefore, this blanket obligation in the SLUP is inappropriate and needs to be removed.



# Closing

- The GNWT looks forward to participating in the Implementation Workshop.
- The GNWT remains committed to working with the SLUPB staff in concluding a Sahtu Land Use Plan that meets the interests of all parties through a collaborative effort.

