



Northwest  
Territories Environment and Natural Resources

AUG 24 2012

Ms. Heather Bourassa, Chairperson  
Sahtu Land Use Planning Board  
BOX 235  
FORT GOOD HOPE NT X0E 0H0

Dear Ms. Bourassa:

**GNWT Detailed Comments on the  
Sahtu Land Use Plan for September 6-7, 2012 Tripartite Meeting**

---

The Sahtu Land Use Planning Board (SLUPB) has requested more detailed comments on the Sahtu Land Use Plan (the Plan) to be submitted on August 24, 2012 so that all parties have time to review and digest each other's comments and prepare effectively for discussions on equal footing.

The Government of the Northwest Territories (GNWT) is submitting detailed comments that describe broad Plan Approval Principles that are being applied in our analysis of the Board's June discussion document. The GNWT is using these principles to identify specific wording concerns that remain and must be addressed in the final Draft of the Plan. These are consistent with our longstanding concerns with respect to approving the Plan. The most important is the need to fully respect the authorities, and roles and responsibilities set out in the Sahtu Dene and Métis Comprehensive Land Claim Agreement and the *Mackenzie Valley Resource Management Act (MVRMA)*.

.../2



The GNWT shares the SLUPB's view that that constructive dialogue among parties and a cooperative spirit will contribute to resolving outstanding concerns as we move towards Plan approval. We again express an interest in ongoing dialogue at the working level with our planning partners, including planning board staff and approving parties, leading up to the tripartite meeting. The GNWT sees this type of dialogue as a way to ensure there is a mutual understanding of planning partners' perspectives and concerns, and to find mutually agreeable solutions.

Sincerely,

  
Ernie Campbell  
Deputy Minister

**Attachment**

c: Ms. Zoe Raemer, A/Regional Director  
Aboriginal Affairs and Northern Development Canada, NT Region

Ms. Ethel Blondin-Andrew, Chair  
Sahtu Secretariat Incorporated

Mr. David Little, Executive Director  
Sahtu Secretariat Incorporated

## GNWT Critical Issues for Sahtu Land Use Plan Approval

### Purpose of Document:

The following table summarizes the GNWT's key outstanding issues and the GNWT's requirements to approve the Sahtu Land Use Plan when a final draft is submitted.

Critical Issue	GNWT Requirements for an approved SLUP
<p><b>Dual Designation and Protected Areas</b></p> <p>Currently, the study areas for Ts'ude niline Tu'eyeta proposed protected area and Naáts'ihch'oh are identified as Proposed Conservation Initiatives (PCI) in the draft land use plan. We need to reach a common understanding with other approving parties about what zoning or management rules will or will not apply in a PCI, both now and when part of the PCI is established under the legislation of the sponsoring agency (in this case as a National Wildlife Area and a National Park Reserve under Environment Canada's legislation).</p>	<ul style="list-style-type: none"> <li>There should be a single management system for Proposed Conservation Initiatives, including Territorial Parks and National Wildlife Areas. (Option 1 of June 12 SLUP Discussion Document). Once they receive final designation as established protected areas, the management system of that designation would prevail. The Plan should not direct management in these areas but refer to them as Protected Area Zones, or some such name, to indicate that there is a different management system in place.</li> <li>Once a Proposed Conservation Initiative is established under its legislation (e.g. National Wildlife Area) there should be a joint decision by approving parties on the LUP zone designation for areas cut out of the final boundary. It is the GNWT's understanding that areas cut out of the Ts'ude niline Tu'eyeta (Ramparts) and Naáts'ihch'oh will be Special Management Zones.</li> </ul>
<p><b>Authorizations and surface rights issuance that Implement the Plan</b></p> <p>Some authorizations are able to implement all or parts of the requirements of the Plan, while others cannot. Therefore for Plan clarity, an exhaustive list must be in place that can identify what parts of the plan apply through various authorizations. Underlying this matter is the need to ensure that approving parties agree which agency should implement a particular component of the plan and that agency's role is consistent with both the SDMLCA and the MVRMA. Without this common understanding, there is risk that an approved plan would not be implemented fully and cause undo additional regulatory duplication.</p>	<ul style="list-style-type: none"> <li>For each CR, the GNWT will indicate by way of a Table of Authorizations which authorizations will be issued in conformity with the Plan. Then those instruments are used to ensure the GNWT conducts its authorities "in accordance with the plan". A table is being prepared to complete this analysis based on the principles identified in this document</li> </ul>
<p><b>Circumstances in which specific CRs would be applied</b></p> <p>The GNWT wants to discuss with the approving parties possible approaches to be sure that the plan components are practical and reasonable to the scale or other commonly agreed dimension of the project. If plan conditions (CRs primarily) cannot be generally applied or are not workable and enforceable broadly, it may be more</p>	<ul style="list-style-type: none"> <li>Not all land use activities and land disposition should be captured by all CRs in the plan. For example, it may not be appropriate for a single tourism operator to conform to all CRs. The plan needs to specify what CRs apply to a particular authorization.</li> </ul>

appropriate for that specific matter to be addressed solely through the regulatory process. The Plan could still highlight that particular planning objective in some other way.

#### Conformity Determination Process

The GNWT wants to ensure that all approving parties have a common understanding of how and when it is determined that activities are carried out in accordance with the plan. The GNWT see this "conformity check" role as a primary function that occurs early in the process consistent with roles and responsibilities identified in the SDMCLCA and the MVRMA.

- CRs must be practical and reasonable to the scale or other commonly agreed dimension of proposed activities/projects.

- GNWT supports a front end conformity determination process. At the same time that an application is checked for completeness, regulators or authorities responsible for issuing surface rights will ensure that proposed land use activities (or land uses), as described in the application, conform to the Plan. If required, a regulator will make a s. 47(1) referral to the Board at this time. This is consistent with "Generalized Best Practices Regarding Conformity with the Land Use Plan" described in the draft revised 2010 Gwich'in Land Use Plan.

- The GNWT does not support the concept of conditional conformity; conformity is a final determination on whether a proposed land use activity is or is not in accordance with the plan. s. 47(1) does not contemplate a determination based on future events.
- There should not be an automatic referral for the first couple of years after plan approval. The Plan should be written with sufficient clarity that a regulator can readily determine whether an authorization for a proposed land use activity can be issued in compliance with 46 (1).

#### Actions and Recommendations

The GNWT wants to be sure that approving parties have a common understanding on expectations as to what commitments are being made if a party approves the plan with respect to those plan components identified as Actions or Recommendations.

- Actions and Recommendations that would be acceptable for GNWT should reflect work that is in progress or has been identified in business planning by the GNWT but should not include items not likely viable in current business planning cycle. New initiatives can be considered during the plans five-year review