

(DRAFT) Conformity Requirement Implementation Guide

-Draft 3 Sahtu Land Use Plan-

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INTRODUCTION

This document describes information requirements, criteria, and provides further interpretation where necessary for each Conformity Requirement (CR) in the Sahtu Land Use Plan (SLUP). It also describes further implementation requirements related to CRs, where additional consideration is required in the regulatory process beyond the initial conformity determination to fully implement the CR.

Applicants are encouraged to pay special attention to the information requirements and include the information listed in their applications for land use authorizations to ensure an efficient conformity determination process. Regulators must also be aware of these information requirements and ensure they have been met before deeming applications complete.

The Sahtu Land Use Planning Board (“the Board”) will work with regulators and other planning partners over the final year of Plan development to refine this document. It is expected that a revised version will be included in the Final Draft SLUP that the Board adopts and submits to SSI, the GNWT and INAC for approval.

CR #1: LAND USE ZONING

- 1) *Land must be used in accordance with the land use zones shown in Map 4 and Table 6. The zone types consist of General Use, Special Management, Conservation, and Proposed Conservation Initiatives. Map 4 and Chapter 5 Zone Descriptions identify the location of each zone. Bulk water removal is a prohibited land use in all zone types. The prohibited land uses in Conservation Zones and Proposed Conservation Initiatives are mineral exploration and development, oil and gas exploration and development, quarrying, power development, and commercial forestry. Any land use not prohibited in a zone is permitted, subject to the conditions of this Plan.*
- 2) *Despite the land use prohibitions that apply in Conservation Zones and Proposed Conservation Initiatives, quarrying, transportation and infrastructure development that would be prohibited, or any water use other than a bulk water removal that would be prohibited is permitted in such zones if and to the extent that it is demonstrated that:*
 - a) *such activity is necessary in order to carry out a permitted land use outside the zone, and the user will be authorized to conduct the land use outside the zone (for example, subject to other applicable Plan conditions, water may be taken from a Conservation Zone to the extent necessary to carry out authorized oil and gas activities in an adjacent Special Management Zone, and a pipeline may be built in a Conservation Zone in order to transport gas lawfully produced in an adjacent Special Management Zone or to connect authorized pipelines in adjacent zones);*
 - b) *no feasible alternative to carrying out the activity in the Conservation Zone or Proposed Conservation Initiative exists;*
 - c) *the activity takes place outside known or suspected significant ecological and cultural areas as identified in the Zone Descriptions (Chapter 5), Background Report or by community organizations (First Nation, charter community, renewable resource council or land corporation) ; and*

- a) *its location, project design, construction, operation and maintenance minimize any foreseeable adverse impacts on the ecological and cultural values identified for the zone, including subsistence use, either by avoiding such impacts or mitigating them to the extent possible.*

Information Requirements

- For all applications:
 - GIS files identifying the location of all proposed land use activities; and
 - Description of the activity.
- If the activity involves development of a transportation corridor or infrastructure, quarrying or use of water in a CZ or PCI related to oil and gas or mineral exploration and development:
 - A description of alternative options for locating such activities outside these zones;
 - An explanation of why they are not viable; and
 - Evidence of community support or non-support for this activity in the CZ or PCI.

Direction for Conformity Determinations

- 1) Identify if the application is exempt from the zoning prohibitions as per S. 2.3.2:
 - a) activity related to an existing land interest (identify the land interest);
 - b) community expansion, or quarrying or infrastructure for community use;
 - c) cleanup of contaminated sites or historic industrial sites ; or
 - d) activities to deal with an emergency threatening life or property.

Exempt applications are considered to have a positive conformity determining for this CR. All other CRs still apply.
- 2) Check the proposed land use against Map 4 to determine which zone the activity is proposed in.
- 3) Check Table 6 to determine if the proposed land use is permitted in those zones. Refer to the land use definitions in the Plan.
 - a) Bulk Water Removal in any zone does not conform.
 - b) Any land use other than Bulk Water Removal in a General Use or Special Management Zone conforms.
 - c) Oil and gas exploration and development, mineral exploration and development, commercial forestry, power development or quarrying in a Conservation Zone or Proposed Conservation Initiative do not conform.
 - d) The development of a transportation corridor and infrastructure, quarrying or use of water in a Conservation Zone or Proposed Conservation Initiative related to oil and gas or mineral exploration and development is permitted if the use meets the following conditions:
 - i) It's necessary to carry out an authorized activity in an adjacent zone:

- ii) There is no other alternative but to have the activity in the CZ or PCI;
 - iii) It avoids significant cultural and ecological areas; and
 - iv) Impacts to the ecological and cultural values of the zone are minimized.
- e) Land uses other than those listed in a) and c) in a Conservation Zone or Proposed Conservation Initiative conform.

Land use activities that meet the above conditions will receive a positive conformity determination for this CR.

Interpretation

Conservation Zones and Proposed Conservation Initiatives are areas where exploration and development activities are intended to be prohibited. The Plan must make allowances for existing uses so it is expected that some land use activity will continue to occur in these areas. The Board was also swayed by arguments that access may be required across CZs and PCIs to transport resources from adjacent zones where such activities are permitted, and that water and granular materials are required in the construction of that access. As well, some lakes in nearby Conservation Zones or PCIs may be better able to support water withdrawal than lakes in Special Management or General Use Zones. Therefore the Plan allows for such uses in CZs and PCIs but applies strict conditions to that use.

The construction of a transportation corridor or infrastructure, quarrying or water withdrawals related to oil and gas and mineral exploration and development in a CZ or PCI must be the only option available for the proposed land use. Economic reasons alone will not be sufficient justification for allowing these uses in a Conservation Zone or PCI. Applicants will need to provide information pertaining to all route/location options, the criteria used to assess those options, and demonstrate that none of the other options are viable. Evidence of community support or non-support for locating these activities in a CZ or PCI will be strongly considered in the conformity determination.

Suggestions for Applicants

Applicants can make the conformity determination more efficient by doing the following:

- Identifying if the activity qualifies for an exemption as per S. 2.3.2;
- Downloading zoning shapefiles from the SLUPB website (www.sahtulanduseplan.org) and including a map and the digital files in their application showing the location of their proposed activities in relation to the land use zones;
- Ensuring their proposed activities are permitted before submitting the application;
- Including all information regarding land use activities proposed for CZs or PCIs, that is necessary for a conformity determination to be made, including community feedback on the proposed use.

CR #2 - COMMUNITY ENGAGEMENT AND TRADITIONAL KNOWLEDGE

1) Before any land use activity is authorized, Regulators shall ensure that relevant community organizations (land corporation(s), first nation and/or community council, renewable resources council) and potentially affected community members have had the opportunity to meet with the applicant in person to:

- a) discuss the proposed activities;*
- b) identify specific locations and issues of concern, and*
- c) provide traditional knowledge that is relevant to the location, scope and nature of the proposed activities.*

2) Regulators shall ensure that a land use activity is designed and carried out in a manner that addresses community concerns and incorporates relevant traditional knowledge.

Information Requirements

- Summary of the applicant's community engagement efforts (include dates of meetings/calls/correspondence, participants, agenda/subject and summary of discussions);
- Description of community issues and sites of concern;
- Summary of relevant community traditional knowledge; and
- Description of how the traditional knowledge and community feedback was considered and used in the design of the proposed activities.

Direction for Conformity Determination

- 1) Review summary of community engagement efforts.
 - a) Ensure in-person meetings occurred. If the applicant made best efforts to meet with communities and was unsuccessful, evidence of effort should be provided with an explanation of why meetings did not occur, along with a summary of community input gathered from other forms of community engagement (e.g. written submissions, phone calls, email, etc.).
 - b) Community engagement summary should reflect discussion of the proposed activities and describe community feedback.
- 2) Check that traditional knowledge has been collected that is relevant to the location, scope and nature of proposed activities.
- 3) Determine if the land use activity as proposed addresses community issues and reflects use of the traditional knowledge that was gathered.

Further Implementation Requirements

Apply any conditions to authorizations necessary to implement proposed mitigation measures and address any outstanding community concerns.

Interpretation

The intent is to require that applicants meet in-person with relevant community organizations for all applications. Best efforts are required from the applicant to meet this requirement. There may be specific circumstances where despite best efforts, the applicant has been unsuccessful in arranging a meeting with appropriate community representatives. The SLWB has recently amended its policies regarding consultation to accommodate such a situation. If the applicant can demonstrate that such circumstances exist, this requirement will be deemed to be met, but this is expected to be very rare.

The purpose of gathering traditional knowledge is to access the community's knowledge about the land, water and resources to ensure that all land uses are designed, and decisions are made, based on a comprehensive understanding of the environment and values of the area.

The scale and scope of traditional knowledge to be gathered should be appropriate to the size of the project, the potential for impacts to the environment or community, and the degree of community concern. The amount of information gathered should be sufficient to understand community concerns, understand the landscape from their perspective, and allow the applicant and regulators to make appropriate decisions to address those concerns.

For small projects with limited potential for impacts, or for which communities express little concern, sufficient information may be gathered at a community meeting or by talking to a few key individuals using the area in question. For larger projects with potential for significant impacts or projects that raise significant community concerns, a more formal TK study will likely be required.

The study area should be defined based on the potential area of impact of the proposed land use, taking into consideration the movements of wildlife, water and air. The community should identify study participants based on which community members use the study area. The TK is expected to focus on land, waters and resources within the study area that are sensitive to, or potentially affected by the proposed land use and may include:

- identifying community recreation and harvesting areas, and significant community cultural or spiritual sites;
- stories about sites that speak to their cultural significance;
- information regarding historic and current use of the area by community members;
- information about water, wildlife, air quality, land or other valued components of the environment that are potentially affected by the study (provides base-line information);
- information about ecological sensitivities (unstable ground such as karst, lakes that are sensitive to rapid drawdown, presence of rare or unique features, etc.);

- information pertaining to the land use being proposed (e.g. community traditional knowledge about the presence of certain types of rocks or indicators, knowledge of landscape conditions that may help applicants in deciding where to explore, locate camps, access roads, etc.); and
- any other information that will assist applicants and regulators in designing the land use to minimize impacts to the environment and community values.

CR #3 - COMMUNITY BENEFITS

Before any land use activity is authorized, Regulators shall ensure that communities will benefit from the proposed land use.

Information Requirements

- Description of how communities will benefit from the proposed land use activity

Direction for Conformity Determination

- Ensure that benefits to communities outweigh impacts to them.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to ensure that these benefits are maintained.

Interpretation

Potential benefits may include employment and contracting opportunities, funds for traditional knowledge studies or other community involvement initiatives, transfer of knowledge through reports, development or improvements to community infrastructure or access if these are being upgraded to accommodate the applicant's use. If the proposed use is on Sahtu settlement lands and is subject to a confidential access agreement, providing evidence of a signed access agreement is sufficient. Any additional benefits that are public information should be included in the summary.

CR #4 - ARCHAEOLOGICAL SITES, HISTORIC SITES AND BURIAL SITES

A land use activity shall not take place within 500 m of suspected or known burial sites, historical sites or archaeological sites.

Information Requirements

- Map showing the location of land use activities in relation to known or suspected burial, historical and archaeological sites, all buffered by 500m.

Direction for Conformity Determination

- Check that no land use activities will be located within 500m of known or suspected burial, historical and archaeological sites.

Further Implementation Requirements

- Attach any conditions to authorizations necessary to maintain this requirement for the duration of the land use activity.

Interpretation

Information pertaining to known or suspected sites can be gathered from the TK gathered under CR #2, the Prince of Wales Northern Heritage Centre, the SLUP, and any other accessible sources of information.

CR #5 - WATERSHED MANAGEMENT

Before a land use activity is authorized anywhere within a regional watershed containing an SMZ, CZ or PCI, Regulators shall consider the effects of the proposed activity in combination with other past, present and anticipated future land use activities, and ensure that it will not substantially alter the water quality, quantity and rate of flow within a SMZ, CZ or PCI.

Information Requirements

- Identify which watershed the proposed land use is in and if there are any Special Management Zones, Conservation Zones or Proposed Conservation Initiatives within the watershed;
- Identify other past, present or anticipated future uses occurring within the watershed;
- Assess potential impacts from the proposed use in combination with other past, present and anticipated future uses on the water quality, quantity and rate of flow within the SMZ, CZ or PCI; and
- Describe mitigation measures proposed to minimize impacts to these zones.

Direction for Conformity Determination

- Determine whether the proposed use will substantially alter the water quality, quantity or rate of flow within a SMZ, CZ or PCI.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to ensure the proposed land use activity will not substantially alter the quality, quantity and rate of flow of water within a SMZ, CZ or PCI.

Interpretation

- Map 12 in the Background Report identifies major and regional watersheds in the SSA
- The Chapter 5 Zone descriptions provide information on existing values and uses which can assist in identifying other uses of water within a watershed

CR #6 – DRINKING WATER

- 1) *Before a land use activity is authorized, Regulators shall assess the potential impacts of the proposed activity to downstream drinking water sources.*
- 2) *Regulators may not authorize a land use activity that would result in the contamination of water within community catchments as shown in Map 6*

Information Requirements

- Assessment of impacts to downstream community drinking water sources, and particularly to water within community catchments.

Direction for Conformity Determination

- Ensure that any impacts from the proposed land use activity will not make the water within a community catchment unsafe as a drinking water source.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to ensure that water quality in community drinking water source catchments is maintained at a level safe for drinking water.

CR #7 - WILDLIFE

- 1) *A land use activity shall be designed and carried out based on the most current wildlife information for species of concern (specific locations, sensitive periods, etc.) as obtained from ENR, CWS, DFO, the SRRB and local renewable resources councils (RRCs), including but not*

limited to fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, Dall's Sheep, grizzly bears and black bears.

2) Before any land use activity is authorized, Regulators shall ensure that appropriate measures are in place to prevent and/or mitigate long-term adverse impacts from the proposed land use to the wildlife groups listed above, their habitat and migration patterns, and important community harvesting areas (including Special Harvesting Areas).

3) In particular, the area shown in Map 7 is known to be important rutting and winter habitat for the bluenose west barren-ground caribou herd. It is also considered to be Boreal woodland caribou habitat. Regulators shall ensure that appropriate measures are in place to prevent and/or mitigate long-term adverse impacts from the land use activity to barren-ground and boreal woodland caribou and their habitat, within the area shown in Map 7 from October 8th to March 31st.

4) In addition, Regulators shall ensure that no land use activity takes place around known habitat sites during sensitive periods except in accordance with the horizontal setbacks and minimum flight altitudes identified in Table 8.

Information Requirements

- Evidence that most current information was requested from the wildlife authorities for the wildlife groups as per above;
- A description of how that information was used in the design of the land use activity to mitigate impacts to wildlife, their habitat and migration patterns, and important harvesting areas (e.g. location, timing, setbacks, policies, choice/design of structures, etc); and
- A map showing location of proposed land use activities in relation to known habitat sites that demonstrates adherence to the setbacks in Table 8.

Direction for Conformity Determination

1. Check that the applicant has attempted to obtain the most current wildlife information and the land use has been designed based on that information.
2. Ensure that measures are in place to prevent and/or mitigate impacts to wildlife, wildlife habitat and migration areas, and important harvesting areas.
3. Check for adherence to the wildlife setbacks.

Further Implementation Requirements

- Include any conditions in authorizations necessary to ensure mitigation measures are in place for wildlife, habitat and harvesting areas for the duration of the land use activity.

Interpretation

Not all wildlife groups or species listed above need to be assessed in every application. The zone descriptions and initial contact with communities and wildlife authorities will determine the species of concern for the study area. Considerable information has been gathered by the SLUPB and is presented in the Background Report as a starting point. Applicants are expected to augment or replace that information with better or more site-specific information when it is available, as directed by wildlife managers. The goal is to avoid or reduce impacts on wildlife as much as possible with an emphasis on prevention.

CR #8 - GENERAL ENVIRONMENTAL IMPACTS

Any adverse environmental impact from a land use activity shall be minimized to the extent possible. This includes but is not limited to minimizing the footprint of a land use activity, and in particular, using an existing road, seismic lines or other disturbed area wherever possible.

Information Requirements

- Description of potential environmental impacts from the land use activity and measures proposed to minimize those impacts

Direction for Conformity Determination

- Ensure measures are included to minimize environmental impacts

Further Implementation Requirements

- Apply any conditions necessary to ensure the proposed mitigation measures are in place for the duration of the project

CR #9 - CLIMATE CHANGE

The design and operation of a land use activity shall take into account climate change factors, including but not limited to, preventing and/or mitigating adverse environmental impacts resulting from the degradation or aggradation of permafrost, and minimizing greenhouse gas emissions.

Information Requirements

1. A description of potential impacts of climate change and how the proposed land use activity has been designed to accommodate these factors;
2. A description of potential impacts to permafrost from the proposed activity and how these will be prevented and mitigated; and

3. A description of greenhouse gas emission sources from the proposed activity and how these will be minimized.

Direction for Conformity Determination

1. Check that:
 - a. major climate change impacts have been addressed in the design of the activity;
 - b. measures are in place to prevent and/or mitigate impacts to permafrost from the activity, including monitoring of permafrost if necessary; and
 - c. measures are taken to minimize greenhouse gas emissions.

Further Implementation Requirements

1. Attach any conditions to authorizations necessary to implement the proposed measures for the duration of the land use activity.

Interpretation

Expectations to consider and address climate change factors will be higher for long-term projects (e.g. infrastructure expected to last for 20 years or more), than for temporary uses of the land (e.g. a winter road). A preliminary list of climate change factors is provided in the context and rationale of the Plan and applicants will be expected to show consideration of these.

CR #10 - INCIDENTAL HARVEST

Where a proposed land use activity involves the incidental harvest or removal of resources that will not be fully used by the applicant, the remaining usable resources shall be distributed to local communities wherever reasonably feasible.

Information Requirements

- Describe if there will be any incidental harvest of resources, if the resources will be used in the project, and if not, how they will be distributed to local communities.

Direction for Conformity Determination

1. If there is no incidental harvest anticipated, or if the applicant intends to use all resources harvested, then the activity conforms.
2. If an incidental harvest is expected and the applicant cannot use it, the applicant is expected to discuss the distribution of resources to local communities as part of its

- community engagement efforts and identify in the application how those resources will be distributed to conform.
3. If the affected communities cannot use the resources and the applicant has made efforts to distribute them, then the activity conforms.

CR #11 - SPECIES INTRODUCTIONS

A land use activity shall not result in the introduction of non-native plant and animal species, or of domestic animal species or subspecies, except by special approval by the ENR.

Information Requirements

- Assessment of potential for the proposed land use activity to introduce non-native plant and animal species, or domestic animal species or subspecies and any measures taken to minimize the risk.
- Approval from ENR for any proposed introductions.

Direction for Conformity Determination

1. If there is no potential for introduction (either because there is no risk or acceptable mitigation measures are proposed), the activity conforms.
2. If there is a potential for introduction, then the applicant must provide authorization for the introduction from ENR to conform.

CR #12 - ECOLOGICALLY SIGNIFICANT AREAS

- 1) *A land use activity shall be designed and carried out based on the most current information on the location of rare and may-be at risk plants, hot and warm springs, mineral licks and amphibian sightings as obtained from ENR, and in a manner that mitigates impacts to these features.*
- 2) *A land use activity shall not take place on Karst topography, or if unavoidable, shall mitigate impacts to karst topography.*
- 3) *A land use activity shall not take place within 1000 m of any mineral lick.*
- 4) *Before a land use activity is authorized within the boundary of glacial refugia or within 500 m of known hot or warm spring(s), Regulators shall ensure that a rare plant survey is conducted, and shall require as a condition of their authorization, that any plants found are monitored for impacts from the activity.*
- 5) *Authorizations shall require that the location of any hot or warm spring or mineral lick discovered while carrying out an authorized activity be reported to nwt_pas@gov.nt.ca, and any amphibian sightings to nwtsoer@gov.nt.ca.*

Information Requirements

- Demonstrate that the most current information was obtained from ENR on the rare and may-be at risk plants, hot and warm springs, mineral licks and amphibians and describe how it was used in the design of the proposed land use;
- Demonstrate that Karst topography will be avoided, or if it can't, why, and how impacts will be mitigated;
- Include a map showing the proposed land use activities in relation to mineral licks;
- Identify if the activity is within the boundaries of glacial refugia or within 500 m of a known hot or warm spring, and if so, include a rare plant survey.

Direction for Conformity Determination

1. Rare and may-be at risk plants, hot and warm springs, mineral licks, amphibians, glacial refugia and karst all have limited distribution within the Sahtu Settlement Area (see map 8). If these features are not known to exist within the area for which the land use is proposed, then the activity conforms.
2. For activities occurring in areas where these features exist:
 - a. Check that the most current information was requested from ENR.
 - b. Assess that appropriate measures are proposed to mitigate impacts to these features.
 - c. Check that activities are avoiding mineral licks by 1000 m.
 - d. Check that a rare plant survey was completed if the activity is within glacial refugia or within 500 m of a hot or warm spring.

Further Implementation Requirements

1. Attach conditions to authorizations necessary to implement:
 - a. proposed mitigation measures,
 - b. the requirement to monitor impacts to rare or may-be at risk plants, and
 - c. the requirement to report new hot and warm springs, mineral licks and amphibian sightings found in the course of carrying out the land use activity.

Interpretation

For all features, emphasis should be on prevention and avoidance of the features themselves. They have limited distribution and best efforts should be made to locate activities away from these features.

CR #13 - CLOSURE AND RECLAMATION

- 1) Financial security shall be posted and maintained with the Minister of Indian and Northern Affairs Canada for any land use activity that is not carried out by a local government or the territorial or federal government, in an amount sufficient to cover the full cost of reclamation and post-closure activities, where the amount calculated exceeds \$50,000*
- 2) On termination or abandonment of a land use activity, any area affected by the land use activity shall be restored to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem and expected future uses of the area as determined in consultation with residents, communities and responsible authorities, prior to the return of security.*

Information Requirements

- Description of input from affected communities and responsible authorities on the reclamation goal and intended future use of the area;
- Identification of an appropriate reclamation goal based on that input;
- Closure and Reclamation Plan outlining activities required to attain that goal and fulfill any post-closure requirements such as monitoring.

Direction for Conformity Determination

1. Check that the reclamation goal was discussed with communities and relevant responsible authorities.
2. Determine if the proposed reclamation goal, and Closure and Reclamation Plan are appropriate given the intended future uses of the areas.
3. Calculate the amount of funds required for an independent third party to reclaim the site according to the Closure and Reclamation Plan and collect security from the applicant where the total amount exceeds \$50,000.

Further Implementation Requirements

- Attach any conditions to authorizations necessary to ensure compliance with the above requirements.
- Ensure the site is cleaned up according to the Closure and Reclamation Plan before financial security is returned.

CR #14 - ASSESSMENT AND MITIGATION

Before any land use activity is authorized within a Special Management Zone, Conservation Zone or Proposed Conservation Initiative, Regulators shall assess the potential impacts from the activity on the values for which the zone was established and ensure that appropriate measures are in place to minimize impacts to the zone values.

Information Requirements

1. An assessment of potential impacts from the proposed land use activity on the values for which the zone was established; and
2. A description of proposed measures to prevent and/or mitigate impacts to those values.

Direction for Conformity Determination

- Determine if the land use activity as proposed will have any long-term adverse impact on the values for which the zone was established to protect.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to prevent and/or mitigate impacts to the values for which the zone was established.

Interpretation

The Zone Descriptions in Chapter 5 identify the reasons for protection in every zone and a description of the ecological and socio-cultural values in the zone. Strong emphasis must be placed on prevention of impacts to these values, especially in Conservation Zones and Proposed Conservation Initiatives. These are the special places of the region and protection is the top priority. Best efforts are required to minimize impacts to the greatest extent possible. Land uses must not have any long term adverse impacts on the zone values.

CR #15 - MONITORING

- 1) Any land use activity proposed for a Special Management Zone, Conservation Zone or Proposed Conservation Initiative shall include a site-specific monitoring program that is sufficient to monitor the effectiveness of the proposed mitigation measures and any impacts on the values identified for the zone in which the activity is proposed.
- 2) Monitoring reports shall be distributed to relevant community organizations and made publicly available, where confidentiality issues do not prevent such distribution.

Information Requirements

- A monitoring plan focused on the values for which the zone was established, sufficient to monitor any potential impacts from the proposed activities

Direction for Conformity Determination

- Ensure an effective monitoring plan is in place before authorizing a land use activity.

Further Implementation Requirements

- Attach any conditions to authorizations required to enforce monitoring requirements, including the distribution of monitoring reports to communities and the public.

Interpretation

The scale and nature of monitoring required depends on the values for which the zone was established, and the potential for the proposed land use to impact those values. For land uses with little chance of impacting the values of the zone, the monitoring requirements may be relatively minor. The monitoring program must be sufficient to determine if the proposed mitigation measures are working as predicted.

Considerable information is provided in the Context and Rationale section for this CR on the Cumulative Impact Monitoring Program (CIMP), including valued components, indicators and monitoring protocols and applicants are referred to this information for guidance. Project-specific monitoring is expected to be consistent with regional monitoring priorities and practices wherever possible.

CR #16 - ECOLOGICAL AND CULTURAL INTEGRITY

Before any land use activity is authorized in the Great Bear Lake Watershed (GBLW), Regulators shall ensure that the activity is consistent with the maintenance of the ecological and cultural integrity of the GBLW.

Applicable Zones

- 15 – Great Bear Lake Watershed SMZ
- 16 – Neregah (North Shore) SMZ
- 18 - Edaálla PCI
- 57 – Johnny Hoe River CZ
- 58 – Whitefish River CZ
- 59 – Sentinel Islands CZ

Information Requirements

- Ecological and cultural integrity statements that
 - Assess the potential cumulative impacts of the proposed land use activities on the ecological and cultural integrity of the watershed, including impacts on the Valued Components (VCs) identified by the NWT Cumulative Impact Monitoring Program (CIMP) present within the GBLW ecosystems, using the indicators identified by CIMP as appropriate, and
 - Demonstrate that all aspects of the proposed activities are consistent with the maintenance of the ecological and cultural integrity of the GBLW.

Direction for Conformity Determination

- Ensure that the activities as proposed are consistent with the ecological and cultural integrity of the GBLW before authorizing any land use activities.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to prevent adverse impacts to the ecological and cultural integrity of the watershed.

CR #17 - FISH FARMING AND AQUACULTURE

Fish farming and aquaculture shall not be authorized within the Great Bear Lake Watershed.

Applicable Zones

15 – Great Bear Lake Watershed SMZ
16 – Neregah (North Shore) SMZ
18 - Eda  la PCI
57 – Johnny Hoe River CZ
58 – Whitefish River CZ
59 – Sentinel Islands CZ

Information Requirements

- Identify if the proposed land use activity includes the farming of fish, shellfish, or plants.

Direction for Conformity Determination

Any land use involving the fish farming or other forms of aquaculture within zones 15, 16, 18, 57, 58 or 59 does not conform and cannot be authorized.

CR #18 - DISTURBANCE OF LAKEBED

A land use activity that would disturb the lakebed of Great Bear Lake, other than the installation of environmental monitoring equipment, and public, private or commercial wharves and docks, shall not be authorized.

Applicable Zones

15 – Great Bear Lake Watershed SMZ

Information Requirements

- Identify any potential for the proposed land use to disturb the lakebed of Great Bear Lake and proposed measures to ensure there is no disturbance.

Direction for Conformity Determination

1. The installation of environmental monitoring equipment, wharves and docs in Great Bear Lake will be deemed to comply with this requirement.
2. For all other land use activities proposed within Great Bear Lake, determine whether there is any potential for the land use as proposed to disturb the lakebed of Great Bear Lake.
3. Any land use activity that will disturb the lakebed of Great Bear Lake does not conform.

Further Implementation Requirements

- Attach any conditions necessary to authorizations to ensure that the lakebed is not disturbed.

CR #19 - USES OF DU K'ETS'EDI (SENTINEL ISLANDS)

No permanent structure or land use other than the installation of research and monitoring equipment shall be authorized on Du K'ets'Edi (Sentinel Islands).

Applicable Zones

59 – Sentinel Islands CZ

Information Requirements

- Identify if the land use activity includes any permanent structures

Direction for Conformity Determination

1. Applications for the installation of research and monitoring equipment within Zone 59 will be deemed to conform.
2. Any land use requiring the establishment of permanent structures in Zone 59 do not conform and cannot be authorized.

CR #20 - WATER WITHDRAWAL

The withdrawal of water for industrial purposes from Lac Belot, Stewart Lake or Tate Lake, except from the outflow, shall not be authorized until DFO addresses community concerns related to observed water draw-down in these lakes.

Applicable Zones

33 – Lac Belot

53 – Stewart and Tate Lake

Information Requirements

- Identify if the proposed land use requires water withdrawal from Lac Belot, Stewart Lake or Tate Lake

Direction for Conformity Determination

1. Until DFO has met with Colville Lake and Tulita to address their concerns, any land use activity requiring water withdrawal from Lac Belot, Stewart Lake or Tate Lake must only take water from the outflow of these lakes to conform.
2. After DFO has met with Colville Lake and Tulita, water must be taken from Lac Belot, Stewart Lake and Tate Lake in accordance with the protocol arising from those discussions in order to conform.

Interpretation

DFO is requested to meet with Colville Lake and Tulita to discuss community concerns related to observations of rapid water drawdown in Lac Belot, Stewart and Tate Lake (Action #10) and develop solutions that address the communities' concerns. Thereafter, it is expected that regulators will manage water withdrawal in those lakes in accordance with the solution that DFO develops with those communities.