



Northwest
Territories Environment and Natural Resources

Ms. Judith Wright-Bird, Chairperson
Sahtu Land Use Planning Board
BOX 235
FORT GOOD HOPE NT XOE OHO

Dear Ms. Judith Wright-Bird:

The Government of the Northwest Territories (GNWT) thanks the Sahtu Land Use Planning Board (the Board) for the opportunity to provide further clarification with respect to the GNWT letter of comment on Draft 3 of the Sahtu Land Use Plan dated February 25, 2011.

The Board has requested a clarification of the GNWT's comments on the ability of an approved Sahtu Land Use Plan to fetter the discretion of regulators. Please allow me to convey to the Board in the clearest terms the GNWT's acknowledgment that an approved Sahtu Land Use Plan, by its very nature, will necessarily fetter the discretion of those bodies that the *Mackenzie Valley Resource Management Act* (MVRMA) requires to implement it.

The GNWT's use of the term "fettering" in this context is of a more generic nature and relates to the extent to which elements of Draft 3 narrow or eliminate discretion granted by legislation to various actors in the integrated system. The GNWT notes that a similar use of the term appears to have been employed in the Sahtu Secretariat Incorporated's submission to the Board dated March 31, 2011, at pages 13 and 15.

The Board recognizes in its letter of March 23, 2011 at page 2, "the (MVRMA) system calls for judgements about the *extent* to which it is appropriate for the Plan's terms to fetter a regulator's discretion in setting conditions and issuing authorizations" (emphasis in original). The GNWT agrees with this assertion of the Board.

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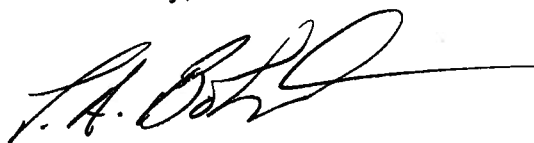
The GNWT's concerns reflect a GNWT position on the aspects of Draft #3 of the Sahtu Land Use Plan unacceptably eliminate or narrow the discretion of government, regulators and other bodies that compose the integrated system of land and water management in the Mackenzie Valley. It is also the GNWT's position that aspects of Draft 3 unacceptably intrude upon areas best left to the legislative discretion of government. As we have stated in our correspondence and in meetings with the Board's staff, a failure to resolve these matters (and other issues previously noted) may justify a decision by the GNWT not to approve a land use plan that has been adopted by the Board and submitted to the GNWT for its consideration.

Finally, I wish to emphasize that the GNWT's comments are made in support the objective of an integrated system of land and water management in the Mackenzie Valley envisioned by the signatories to the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*. Within the integrated system, each component has an important role to play. While the regional land use planning process was intended to accommodate regional variation in land, water and resource use choices, it is the GNWT's view that it was not intended to result in a refashioning of the roles, composition, or application of the integrated system in each region of the Mackenzie Valley.

You have written expressing a need for us to work collaboratively to address the issues. The GNWT would be happy to meet further with the Board's officials to find solutions to these issues.

I trust that this letter has been helpful in clarifying the GNWT's position for the Board, and I again wish to thank the Board for its work in advancing a land use plan for the Sahtu Settlement Area.

Sincerely,

A handwritten signature in black ink, appearing to read "G. A. Bohnet", with a long horizontal flourish extending to the right.

Gary A. Bohnet