

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

Sahtu Land Use Plan (SLUP) Post Workshop Final Comments

Government of the Northwest Territories (GNWT) staff have completed a review of the revised conformity requirements following a series of Sahtu Land Use Planning Board's (Board) workshops. Our recommended changes are attached.

The GNWT remains committed to working towards an approved SLUP to complete a key component of the integrated resource management system, as set out in the *Mackenzie Valley Resource Management Act*. An approved SLUP is an important step towards regulatory improvement in the Mackenzie Valley area of the Northwest Territories and fulfilling commitments made in the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*. The GNWT recognises the importance of a regional land use plan to provide local input into regional resource management decisions.

As stated in previous letters, the GNWT is concerned that the Draft 3 plan creates conditions that encroach on the roles of regulators. One of the GNWT's objectives in the review is to ensure that the Land Use Plan will not unnecessarily duplicate functions carried out by regulators elsewhere. The recommended revisions are intended to clarify the role of organizations for plan implementation.

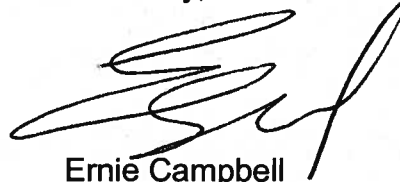
The GNWT recognizes efforts made in the past year on the Draft 3 plan. The removal of some contentious conformity requirements and the change to non-binding Actions and Recommendations are examples of positive steps forward. The GNWT remains committed to seeing a completed SLUP that meets the interests of all parties. We are looking for ways to move forward and hope that you will see these recommended changes as constructive solutions towards a completed Plan.

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The GNWT looks forward to receiving revisions from the Board and to the upcoming tri-partite meeting this April. Should you require clarification on any of the wording contained in the attachment, please contact the Environment and Natural Resources Lands Manager, Ms. Michelle Swallow at michelle.swallow@gov.nt.ca or (867) 920-6485.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernie Campbell', written in a cursive style.

Ernie Campbell
Deputy Minister

Attachment

GNWT RECOMMENDATIONS FOR DRAFT 3 REVISIONS

RECOMMENDATIONS FOR CONFORMITY REQUIREMENTS

The GNWT is concerned that many of the CRs are written such that a determination on conformity would not be possible at the time that an application is submitted. Many of the CRs address activities that would occur later in the regulatory process (e.g., CR#13- Closure and Reclamation), and as such it would be impossible to make a determination at the time an application is submitted. The GNWT is also concerned that a conformity determination would require expert judgement that may be beyond the capacity of the Planning Board. The GNWT understands that conformity check at the front end would be a check to ensure the presence of information that would then be used by whoever is the authorizing body. The GNWT looks forward to more information and clarity on the difference between a General Use Zone and a Special Management Zone. The implementation guidance is helpful but needs further refinement and review.

CR#1 – Zoning

Recommendations:

- a) Delete 1c) as the points are covered in 1d) in a much clearer and concise manner.

CR# 3 – Project Specific Monitoring

Recommendations:

- a) Add to beginning of CR “Regulators shall review...”
- b) This CR should apply only to authorizations requiring a land use permit or water license.

CR #4 - Community Engagement and Traditional Knowledge

Recommendations:

- a) Revised CR should state in 1) that “Regulators shall ‘review’ rather than ‘assess’.
- b) Suggest deleting a) The CRs of the plan.
- c) Suggest under Implementation Guidance deleting bullet 4 “The Board/regulator should defer to the communities....”
- d) Suggest deleting “well-being” in part 2).
- e) Add a reference that the SLWB guidelines be used once finalized.
- f) Suggest some plan guidance that this CR is intended to be complementary, and not duplicative, of community engagement that is already happening or required as part of regulatory / governmental decision making.
- g) Please clarify bullet 4 under Implementation Guidance: “All community meetings should be public, not just with the Board.”
- h) Please clarify bullet 5 under Implementation Guidance: “Transportation corridors like the highway and river transport are definitely above threshold”: above what threshold and what does that mean for transportation projects?
- i) The word “adequately” should be removed, since it is a highly subjective term.

- j) This CR should apply only to authorizations requiring a land use permit or water license.

CR #5 - Community Benefits

Recommendations:

- a) Change wording from how communities “will” benefit to “may” benefit.
- b) Suggest adding in “any” before word “employment”.
- c) Suggest some plan guidance that this CR is intended to be complementary, and not duplicative, of benefits already required as part of regulatory / governmental decision making.

CR#6 – Community Land Use Monitors

Recommendations:

- a) Suggest this be removed as a CR and made a recommendation until a proper monitoring program has been developed and capacity built into the RRCs.

CR #7 - Archaeological Sites, Historic Sites and Burial Sites

Recommendations:

- a) Regulators shall ensure that...
- b) Please describe which authorizations this CR applies to.

CR #8 - Watershed Management

Recommendations:

The GNWT recognizes the importance of water in the Sahtu and has been providing support through initiatives such as the NWT Water Stewardship Strategy. However we are not sure how this CR can be applied given the following concerns:

- o This CR is already captured within CR #2.
- o This CR is inconsistent with the land claim.
- o The ambiguity of the word substantially.

In particular we are concerned that this CR will be extremely onerous for DOT since the Transportation Corridor is enclosed within a SMZ.

CR #9 – Drinking Water

Recommendations:

- a) Suggest some plan guidance that this CR is intended to be complementary, and not duplicative of existing regulatory/governmental decision making requirements.
- b) Add to beginning of CR “Regulators shall ensure...”
- c) This CR should apply only to authorizations requiring a land use permit or water license.

CR #10 –Wildlife

- a) Suggest rewriting CR to:

Regulators shall review to ensure that:

- 1) *Land use activities must follow wildlife management plans, where they exist, and be based on the most current information for identified species of concern and species at risk as obtained from ENR, CWS, DFO, the SRRB and the local Renewable Resource Councils. All activities must follow the horizontal setbacks and minimum flight altitudes identified in Table 9 when near habitat sites and during sensitive periods, unless measures are developed with the appropriate agency and the RRC to mitigate impacts to habitat, or where human safety may be of concern.*
- 2) *Impacts to wildlife, their habitat and migration patterns and important community harvesting areas (including the Fort Good Hope-Colville Lake Group Trapping Area and Special Harvesting Areas see Map #xxxxx) must be prevented or mitigated to the extent possible.*
- 3) *Map 7 outlines the important rutting and winter habitat for the Bluenose-East and Bluenose-West barren-ground caribou herds. All land use activities should prevent or mitigate impacts on barren-ground caribou and their habitat to the extent possible.*

CR#11 – Species Introductions

Recommendations:

- a) Add to beginning of CR “Regulators shall review that...”
- b) Plan guidance should read
 - *All reclamation plans should state if active re-vegetation or other means will be used to restore the ecological integrity of the site. If active re-vegetation is not necessary; plans should state the site will be allowed to re-vegetate naturally. The uses of scarification, soil amendments or fertilizers are permitted.*
 - *All reclamation plans that require active re-vegetation must indicate that only plant species (sub-species and variety) native to the Sahtu Settlement Area will be used. Otherwise the reclamation plans should demonstrate approval of non-indigenous plant species (sub-species and variety) that are known not to persist or spread. Seed batch analysis must be included.*
 - *Reclamation plans should detail site monitoring procedures.*

CR#12 Sensitive Species and Features

Recommendations:

- a) Suggest adding to 1 a) – “minimizes” to last sentence. Would read: ... and carried out in a manner that *minimizes* or mitigates impacts to these features.
- b) Suggested that b) could be combined in the list with a) and treated the same. Also c), d) and e) could be combined and simplified.

- c) In e) add “, unless authorized by PWNHC” to the end of the sentence.
- d) Add ‘karst features identified in Map X’.
- e) Please describe which authorizations this CR applies to.

CR#13 – Closure and Remediation

Recommendations:

- a) Add to beginning of CR “Regulators shall review...”
- b) Change Part 2) change “to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem *and* expected future uses of the area”, to “to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem *or* expected future uses...”
- c) Please describe which authorizations this CR applies to.

CR#15 – Climate Change

Recommendations:

- a) Suggest this be made a recommendation or remove.

CR #17 - 20

Recommendations:

- a) Suggest titles be consistent with the content of the CR.

OTHER RECOMMENDATIONS

Authorizations

A summary table of which Conformity Requirements apply to each authorization (as per inclusion list) would be helpful.

Grandfathering

Existing authorizations for land uses are exempt from the provisions of the land use plan for the life of the existing authorization. For greater clarity, existing authorizations are not required to meet the CRs in the Final Land Use Plan so long as any renewals, replacements, extensions of term, transfer/ assignments, amendments and storage authorizations are not a significant change from the scope of the existing permit or licence. New authorization applications are subject to the plan with the exception of the zoning prohibitions in CR#1.