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Your file - Votre référence

Our file - Notre référence

7392-10-2

October 15, 2010

Judith Wright-Bird, Chair
Sahtu Land Use Planning Board
P. O. Box 235
Fort Good Hope, NT
X0E 0H0

Dear Ms. Wright-Bird:

Re: The Departmental Review of the Draft 3 Sahtu Land Use Plan, July 12, 2010

Indian and Northern Affairs Canada is pleased to submit its comments on the Draft 3 Sahtu Land Use Plan, pursuant to your letter of July 22, 2010. The review was carried out by our internal Working Group, with representation from the NWT Region and from Headquarters in Ottawa.

Once the Board has assessed INAC's comments, our officials would be pleased to discuss these matters in more detail with the Board and its staff, prior to presenting them at the Board's Public Hearing in late November.

Should you have any questions concerning this submission, please contact myself or Marc Lange, Manager, Environment and Conservation Division, at (867) 669-2588 [or at Marc.Lange@inac-ainc.gc.ca].

Sincerely,

Trish Merrithew-Mercredi
Regional Director General
Northwest Territories Region

Attachment

Cc Ethel Blondin-Andrew, Chairperson, Sahtu Secretariat Inc.
The Honourable J. Michael Miltenberger, Minister of Environment and Natural Resources, Government of the Northwest Territories (GNWT)

Canada

DRAFT 3 SAHTU LAND USE PLAN - COMMENTS FROM THE DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

Part 1.0 BACKGROUND AND OBJECTIVES

The Sahtu Land Use Planning Board [the Board] submitted its Draft 3 Land Use Plan [the Plan] to the Department of Indian Affairs and Northern Development [the Department; INAC] on July 12, 2010. The INAC Working Group, with representation from the NWT Region and from Headquarters has since undertaken a comprehensive review of the Plan. The purpose of this document is to provide the Board with constructive feedback resulting from INAC's review. The attached comments reflect outstanding concerns held by the Department and, more importantly, aim to assist the Board in developing and submitting its Final Draft Land Use Plan for consideration.

Part 2.0 SCOPE OF THIS REVIEW

INAC reviewed the Draft Plan using three primary objectives:

I. To ensure completeness and accuracy, particularly regarding the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* [SDMCLCA], the *Mackenzie Valley Resource Management Act* [MVRMA] and other existing legislation.
II. To ensure INAC's positions on priority issues, programs, projects, and proposals, are understood and that legislative initiatives are adequately addressed.
III. To advance professional regional land use planning principles and practices, and ensure that the document is comprehensive, integrated, and balanced.

Part 3.0 GENERAL COMMENTS and KEY ISSUES

This Draft Plan reflects a major reworking from previous versions, and many of INAC's recommendations on earlier drafts have been incorporated. The layout of the Plan has improved, making this draft both easier to read and more functional than the previous version. In this regard, the Appendices offer a convenient way of locating all the CRs, Actions and Recommendations in one place.

3.1 Regulatory Improvement

INAC believes an approved Sahtu Land Use Plan will provide a welcome degree of regulatory certainty to communities, proponents, governments and regulators operating within the Sahtu Settlement Region. The need for improved land use planning as a fundamental component of the northern environmental regulatory regime has been identified in a number of reviews and studies over the past few years, including most recently the *Road to Improvement Report* by Mr. McCrank. As noted in the recent Report of the Auditor General – *Sustaining Development in the Northwest Territories*, INAC considers land use planning as an important tool for balancing investment and development opportunities with environmental stewardship and community aspirations. Recent litigation in the Sahtu over prospecting permits arose from a lack of guidance that land use planning can be expected to provide.

3.2 Zoning Balance and Proposed Conservation Areas

Land use zoning and the use of Conformity Requirements are perhaps the most fundamental pieces to this Plan. A key consideration for the Department in evaluating this Plan is the degree to which the proposed zoning and conformity requirements (CRs) strike an appropriate balance between conservation and development.

The zoning balances set out in the Plan will change as a result of the NWT Protected Areas Strategy (PAS) and other processes running their course. Currently within the Plan, 72.4% of the land is open to some form of development, with 27.6% in conservation and municipalities. The combination of Conservation Zones (CZs) (4.4%); National Parks/Historic Sites (2.63%) and Proposed Conservation Initiatives (PCIs) (20.44%) total 27.47% of the SSA. Areas that are open (30.82% zoned for General Use) or open with minor conditions (Special Management Zones make up 41.54%) make up 72.4% of the SSA, which as noted above will become a larger value in the final Plan.

The Cordillera region of the Sahtu has high mineral potential, and the Department would like to stress the importance of maximizing access for mineral development in this region. Currently greater than 50% of lands prospective for mineral development are located within PCIs, including areas known for having high mineral potential. If this balance of PCIs and CZs were to remain, it would have a significant negative impact on resource development opportunities in the Sahtu.

The Department recognizes that the final boundaries of the Shuhtagot'ine Nene PCI will be determined through the NWT Protected Areas Strategy process. Given the extent of the mineral potential in the Cordillera region, and the geographic extent of the Shuhtagot'ine Nene PCI, the Department recommends that the Board, in working with staff of the PAS, make a concerted effort in applying the "Guidelines for Non-Renewable Assessment" (through Step 5 of the PAS process), to ensure that the boundary definition process is as thorough and balanced as possible. The Department has an expectation that the PCI Zones will reduce in size as the respective PAS areas are formally evaluated and established, so that they will cover less geographic area than as presently depicted.

Following the boundary definition exercise defined in the PAS process, INAC will require that suitable lands not included in final protected areas boundaries due to their development potential be zoned by the Board as areas of General Use or Special Management. In addition, the Department is not supportive of the possibility for a 'dual designation' of established protected areas as Conservation Zones under the Plan. INAC would prefer to have the Board support the results of the PAS process in the Plan, which will make decisions on boundaries and management, then reflect any zoning changes accordingly as part of the Plan's regular amendment process.

The Department appreciates that the Board defines zones in the Plan in a manner consistent with section 11(1)(f) of the NWT and Nunavut Mining Regulations. However, it should also be clear that any zone prohibitions apply only to above-threshold activities, and that any below-threshold land uses would not be subject to the Plan and should be allowable land uses in all zones.

3.3 Prospecting Permit Protocol

Regarding the "Prospecting Permit Protocol" and Settlement Agreement, INAC recommends that the Planning Board seek clarity from the Tulita District Land Corporation

(TDLC) to ensure that key messages and intentions from the Protocol and Settlement Agreement are appropriately referenced in the Draft Plan.

3.4 Mackenzie Gas Project (MGP) / Infrastructure Corridor
The Plan does not include a MGP/infrastructure corridor on Map 4, nor does it include any specific description of the MGP project. With regard to the MGP, should the Plan be approved prior to the commencement of construction, the Plan will apply to the various land use activities associated with that Project. INAC requests the inclusion of the MGP proponent's study corridor for illustrative purposes in the Final Draft Plan, including on the zoning maps. The Department understands that pipeline corridors are acceptable uses in Conservation Zones and Special Management Zones that the MGP corridor may cross, however, an explicit statement in the Plan to the effect that the MGP corridor would be an allowable land use in all the Zones it crosses, would provide certainty for this proposed land use.

In addition, several areas in the Plan address similar issues to the ones contained in the "Foundation for a Sustainable Northern Future - Report of the Joint Review Panel for the Mackenzie Gas Project" (JRP Report). The Final Draft Plan provisions on the MGP should be consistent with the outcome of the MGP review.

3.5 Issuance of a Subsurface Right to Oil and Gas
The Department notes that a subsurface prohibition may not necessary to protect surface values, which is what the Board and the communities are most concerned with. Surface activity on relatively small Conservation Zones (CZs) may be avoided entirely even if petroleum exploration rights for the subsurface were to be granted. For instance, development of a discovery could be accomplished by directional drilling so as to not disturb the surface of the CZ. If subsurface exploration rights extending beneath a CZ were to be issued at the discretion of the Minister, the CR #1 limiting surface operations would still need to be respected. Relevant CZs include # 24, 25, 26, 27, 30, 35, 36, 37, 38, 40, 41, 42, 52, 53, & 55.

3.6 Legal Perspectives
Recognizing that the remaining legal issues are relatively minor in comparison to those posed by the Draft 2 Plan, the Department requests that the Board address the legal concerns described throughout Parts 4.0 and 5.0 below, with the assistance of their Counsel, so that greater clarity and detail can be provided in the Final Draft Plan.

Part 4.0 DETAILED COMMENTS

4.1 INTRODUCTION TO LAND USE ZONING

CR #1: Land Use Zoning – pg. 37
After a Proposed Conservation Initiative has been realized, the prohibition on oil & gas and mining may no longer apply, depending on the management plan designed to meet conservation objectives. For instance, with a National Wildlife Area, if the conservation priority is identified as migratory birds, then winter activities could for example be considered as long as they do not negatively affect the value needing protection.

CR #1: Land Use Zoning – pg. 37
2. c) "the activity takes place outside known or suspected……. ."

Subject to similar provisions under *2(b)*, INAC suggests instead the following wording: *"the activity avoids localized areas of particular ecological significance and cultural areas identified....."*

Bulk Water Removal – pg. 43
While the Board's efforts to strengthen the "Policy Respecting the Prohibition of Bulk Water Removal from Major River Basins in the Northwest Territories" are appreciated, INAC believes satisfactory steps have been taken to prevent bulk water removal. The inclusion of bulk water removal as a land use restriction is accurate, however the Department feels the statement quoted below, from the Context and Rationale on page 43 of the Plan, is unnecessary and suggests removing it from the document.

"In 2003, INAC developed a consistent policy prohibiting bulk water removals from major drainage basins in the NWT, such as the Mackenzie River. Policies are discretionary, not legally binding. By including the prohibition of bulk water removal in the Plan, this discretionary policy becomes a mandatory prohibition."

Mineral Exploration and Development – pg. 44
Definition
The Northwest Territories and Nunavut Mining Regulations are currently being amended and a current distinction between "exploratory work" from "representation work" will no longer exist. The definition of "work" in the regulations is also under full revision.

Context and Rationale
The sentence describing Free Entry and prospecting protocol does not identify what lands are allowable for prospecting under Mining Regulations. This is a key component of the Mining Regulations for the protection of the surface and subsurface right holders. If this is intended to be a general description, it is recommended that the Board refer to the protection of lands under Section 11(1) of the Northwest Territories and Nunavut Mining Regulations.

The Draft Plan's reference to Free Entry is irrelevant, as it is a tenant of Common Law and is not mentioned in the Regulations. It is a label given to this type mineral tenure that is often misused and misunderstood. The Northwest Territories and Nunavut Mining Regulations follow a regime similar to ones used by most provinces and territories in Canada.

The following description of the mineral tenure system is an oversimplification and implies there are no parameters or constraints on the regime: "*whereby anyone 18 years of age can obtain a prospector's licence, enter onto land and stake a mineral claim. Once the claim is recorded by the Mining Recorder, it gives the holder of a recorded mineral claim the exclusive right to prospect on, remove minerals from, or develop a mine on land within the boundaries of a recorded claim.*"

The Plan should simply refer to the regulations. If the Board feels compelled to describe the mineral tenure system then the following alternative wording is recommended to replace the first paragraph:
"Mineral tenure in the SSA is administered by INAC through the Northwest Territories and Nunavut Mining Regulations. The Regulations provide for any individual who is 18 years of age or older to apply for a Licence to Prospect. On receipt of the application for a licence and the applicable fee, the Mining Recorder shall issue the applicant a licence. The

Licensee then has the right to enter onto open Crown Land and stake mineral claims. The locator of the claim then has to apply to have the claims recorded by the Mining Recorder. The application must be accompanied by the applicable fee. Once the claim is recorded, the holder of the recorded claim must then submit representation work to the Mining Recorder in order to maintain the claims in good standing. The amount (dollar value) of work required, the type of work accepted, and the period over which the work must be reported are set out in the Schedules of the Regulations. Government District Geologists administer this work and verify adequacy with the Mining Recorder. The property is either eventually brought to production through a mining lease or the claims lapse back to the Crown. Every stage of work requiring sub-surface rights and authorizations are regulated. The Land and Water Boards undertake regulatory determinations and/or environmental screenings of any surface authorizations, such as Land Use Permits and Water Licences. The designated regulatory agencies may refer advanced exploration projects or exploration projects with significant local concern to the Mackenzie Valley Environmental Impact Review Board for an Environmental Assessment determination. The basic tenant is that the property must continue to be advanced toward production or tenure is reverted to the Crown.

Prospecting permits are also administered by the Northwest Territories and Nunavut Mining Regulations and each application has to follow a set application and fee process. Designated Sahtu Organizations review prospecting permit applications through the negotiated Sahtu Protocol, whereas INAC informs the designated Sahtu organizations that applications are pending and asks for comments on whether the permits should be granted or not. Prospecting permits do not confer mineral rights, but give the holder of the permits first right to stake and record a mineral claim."

Oil and Gas Exploration and Development

Definition – pgs. 44 & 45

It is not clear in the second paragraph how the prohibition within CZs and PCIs extends to the "transportation of oil and gas", since CR #1 *2)* seems to include transportation within access. Oil and Gas Management considers a pipeline as transportation.

Pipeline development such as the MGP would be within the meaning of the National Energy Board Act, rather than the COGOA.

Context and Rationale – pg. 45

See previous comment on prohibition of rights issuance as opposed to authorizations. A specific oil and gas development may not require extensive infrastructure to gather, process and develop, and may not be incompatible with certain proposed conservation initiatives. The concern should be with the authorization of a surface activity, not with the issuance of a right.

Significant Discovery Licences and Production Licences would fall into the category of grandfathered existing 3rd party rights or successor rights, so would be exempted.

Issuance of an oil and gas right is a matter of Ministerial discretion under current legislation. It may be entirely possible to avoid any surface disturbance within a CZ, even through there is a right to explore the subsurface.

4.2 APPLICATION OF OTHER CONFORMITY REQUIREMENTS – pgs. 47 - 75

4.2.1 General Conditions

CR #2 - Community Engagement and Traditional Knowledge – pgs. 47 & 48

In this **CR #2,** the Board obligates regulators to "ensure that relevant community organizations 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) may provide traditional knowledge that is relevant to the location, scope and nature of the proposed activities." This is worthwhile; however, such a requirement could pose issues with respect to the enforcement of licences, permits and other authorizations that compel an applicant to undertake such activities. The Department is therefore requesting further clarification to determine when an applicant will have successfully met these requirements, and in whose judgment this determination will be made, i.e., the Regulator (an INAC inspector), a community, a land claims organization, or the applicant itself.

In addition, further clarification is requested on how and when a conformity determination on this CR will be made, and how the intent of this CR will be implemented. For example, whether this CR is intended to be implemented through a completeness check, whereby the regulator would determine whether CR#2(1) has been met in the application and if not the application is deemed incomplete, or if it intended is to be implemented through conditions applied to authorizations, or both. This request for clarification also applies to CR#3.

In **CR #2** *2),* delete the words "....and carried out...." because this cannot be ensured by Regulators during implementation.

In INAC's view, CR #2 should not be the sole responsibility of a Regulator. Proponents / applicants have a clear responsibility to provide the Regulator with proof that they had the opportunity to meet or attempted to meet with the affected parties to discuss *a), b) and c).* The Board could assist in this regard by providing an NTS key map index showing where TK studies have been undertaken without revealing contents. This relatively simple step could help proponents determine, in advance, any potential gaps in TK.

The Department is concerned with the number of different public and community engagement requirements from different sources which applicants may be requested to fulfill. The Land and Water Boards require up front community engagement and new guidelines are being developed for applicants to follow. In addition, Action #3 and Recommendation #5 also address this issue. The Department requests that the Planning Board work closely with the Land and Water Boards to ensure coordination, consistency and clarity on this issue so that applicants know what is expected of them, and that there are no inconsistencies or unnecessary duplication.

CR #3 - Community Benefits – pgs. 48 & 49

In this **CR #3**, the Board requires that "regulators shall ensure that communities will benefit from the proposed land use." However, it may be difficult for a regulator to determine what "benefit" means, or indeed for a community or communities to agree on whether or how they might benefit. Some further definitions and guidance would be useful here.

Third paragraph on page 49: The Board should provide greater rationale as to why "it is imperative that those most affected by a land use should also benefit the most from it." Other parts of the SDMCLCA deal with compensation issues around access, and benefits

provisions for oil and gas are regulated under existing legislation and are approved by the Minister on a case-by-case basis. This CR #3 also overlaps with Recommendation # 10 (pg. 274) and may need to be clarified.

In this regard, perhaps CR #3 should not be the sole responsibility of the regulator. This is a matter the proponent/applicant should be discussing with the communities affected when discussing their proposed activities. The proponent/applicant then could provide that information with their application, if needed.

We would further note that Benefits Plans for oil and gas activities are submitted to INAC by proponents under existing oil and gas legislation for approval by the Minister. No authorization for an oil and gas activity can be granted by the National Energy Board prior to the Minister's decision with regard to the Benefits Plans.

If a requirement for benefits plans were to be extended to 'every stage of the regulatory process' as stated in the Plan and that regulators 'shall ensure that communities will benefit from the proposed land use', the Plan would result in excessive duplication of existing requirements, prolongation of the regulatory process, and potentially infringe on the Minister's responsibility for benefits plan approval.

It is recommended that the Board reconsider its current wording of CR#3 with these observations in mind.

CR #5 - Watershed Management - pgs. 51 & 52 (also Background Report, section 2.3.1, pg. 45) Please note that the NWT Water Stewardship Strategy has now been finalized and states that Land Use Planning contributes to achieving the Water Strategy's vision and goals, some indirectly applying to watersheds. The Strategy was jointly released by Canada and the GNWT and tabled in the Legislative Assembly on May 20, 2010.

In CR #5, Regulators are required to consider effects of a project within a "regional watershed" containing SMZs, CZs, and PCIs. A map or resources referencing "regional watersheds" should be provided for additional information.

CR #6 – Drinking Water – pg. 52

Context and Rationale

In the first paragraph, the wording does not take into consideration the state of the natural water quality. It is possible that some water bodies in their natural state are not of a quality fit for public consumption. The statement inadvertently suggests improving the water quality of some lakes and rivers beyond their natural state. This paragraph would be better phrased: "The waters of the Northwest Territories will remain clean, abundant and productive for all time.", removing reference to public consumption.

Some extensive Karst areas which fall within GUZs appear to have the protection equivalent to a CZ under this CR. The Board should provide an explanation as to why the Karst in GUZs is particularly sensitive or needs special protection, and how this might affect development activities in these areas. Perhaps it is for the benefit of paleontological cavers.

1) "……..most current information….." Suggest changing this to *"most current publically-available information….."*.

2) "Karst topography" is a general term; suggest referring to *"karst features"* and specify.

4) The requirement for a rare plant survey might be excessive for some kinds of minor land use activities. Suggest the following *"may require a rare plant survey..."*.

Table 9 – pg. 63
A map of the ecoregions in the Plan is required so the second column may have context.

CR #13 - Closure and Reclamation - pgs. 64 - 66
The first part of CR #13 on financial security should be amended. It is recommended that The Board remove the reference to "where the amount calculated exceeds $50,000." While this is currently the practice of the Mackenzie Valley Land and Water Board (MVLWB), such a limit may not be appropriate in the future, since this amount is not fixed in the Regulations. Financial security can be posted and maintained under $50,000, and is advisable as numerous small projects can lead to large residual liability if no security has been posted. In addition, it should be noted in this section that the Minister of INAC cannot hold reclamation security for land use activities on private lands, i.e. Sahtu Settlement Incorporated (SSI) lands. For CR#13 *1)*, the Department is recommending the following wording Board's consideration:
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, or that does not take place on Sahtu privately-owned lands, in an amount sufficient to cover the full cost of reclamation and post-closure activities.

The Board should modify the wording in the first paragraph at top of page 65 to reflect wording in May 3 INAC comments on paramount (footnote 68). This paragraph should read as follows: "INAC recently stated that its Mine Site Reclamation Guidelines for the NWT (2007), which stem from the NWT Mine Site Reclamation Policy, may be used as a reference document in regards to expectations for abandonment and reclamation requirements in the absence of similar guidelines for the oil and gas industry."

For the information of the Board, INAC and the LWBs (through their Plan Review Process and Guidelines working group of which the SLWB is a member) have recently agreed to develop a joint closure and reclamation guideline, based on INAC's Mine Site Reclamation Guidelines and the LWBs draft Closure and Reclamation Plan Preparation Guidelines. The goal is to consider mineral exploration and advanced exploration projects as well as mines, and to ensure sufficient technical and process considerations are provided for proponents. This information can be included in the Plan, however, the Board should ask INAC for an update on the status of these guidelines prior to releasing their final Draft Plan.

For the information of the Board, note that the Imperial Norman Wells Type A Water Licence S03-L1-001 has the following condition: "2. Licensee shall have posted and shall maintain a security deposit in the amount of Two Million ($2,000,000.00) dollars pursuant to Section 17(1) of the Act and Section 12 of the Regulations. The security deposit shall be maintained until such time as it is fully or in part refunded by the Minister pursuant to Section 17 of the Act. This clause shall survive the expiry of this Licence or renewals thereof."

This condition was initially established by the NWTWB before the licence was renewed by the SLWB. Although, the statement in the Plan on page 66 is accurate ("The SLWB has stated that it has never collected security for any application in the Sahtu Settlement Area"), it could be changed to reflect that Sahtu's only type A Water Licence has a security deposit

at this time. The correct context is that that SLWB does not collect security deposits, but rather it sets the security deposit amount, and INAC on behalf of the Minister administers (collects) the security deposits.

Suggest changing 2nd sentence in 2nd last paragraph of CR#13 (pg66) to:
"Only federal and territorial governments, and their departments, agencies, and crown corporations, and municipal government's are unofficially exempt from the Act."

Note: Boards generally do not require governments to provide security deposits, since they are Crown representatives. They are not officially exempt in legislation, but rather this is common practice.

CR #15 - Monitoring - pgs. 67 & 68
Regarding the monitoring of minor land uses within SMZs, the requirements/protocols should be clear, recognizing that there are limitations. For example, plant surveys in February would not be feasible. There are challenges (in methodology and relevance) in integrating site-specific monitoring within a larger regional monitoring program, so the requirements could be onerous for small companies.

CR #20 - Water Withdrawal – pg. 71
This restriction on water withdrawal except from the lake outlets could create problems for oil and gas operations, and for ice road construction. Suggest use language of 'no reasonable alternative' similar to access across CZs.

Part 5.0 SPECIFIC COMMENTS and RECOMMENDATIONS

TABLE OF CONTENTS – pg. i
Under Chapter 2 in sub-section 2.1.1, since this sub-section also applies to Proposed Conservation Initiatives, the title of this section should be expanded to include the words: '.....and to Proposed Conservation Initiatives.'

Definitions - pgs. ix - xi
"Action" is defined as "a requirement of this Plan that is to be implemented outside of the regulatory process, and outside the granting of leases, interests in land, and consents to the use of land." There is no definition of "action" in the Gwich'in Land Use Plan, it is not clear from the definition herein whether actions are meant to be legally binding pursuant to section 46 of the MVRMA. In addition, the definition of "actions" in Chapter 6 (pg. 263) does not make this any clearer: "**Actions** are Plan requirements that are intended to be implemented outside of the regulatory process." For the information of the Board, "leases" are in fact "interests in land", and need not be listed separately in the definition.

The Departmental position communicated to the Board on November 27, 2009, as part of INAC's response pursuant to the joint meeting with the Board on October 23, 2009, was that "Actions" were not legally binding on the parties, although the parties would make reasonable efforts to fulfil them. The specific quote is as follows: "....the Department would not be bound by s. 46 of the MVRMA to implement the urges and recommendations of the Board; although the Department would want to ensure that the Actions & Recommendations did not pose any unnecessary risk in an approved plan, assuming that the internal resources were available to implement them."

There is no definition of **"Recommendation"** in this section. The Board should include one here, setting out precisely what the Board expects of parties in connection with the Recommendations in the Plan and the extent to which, if at all, they are intended to be binding on the parties. However, there is a definition in Section 6.1 (pg. 263) that could be transferred to this part of the Plan, and in Section 2.4 (pg. 29), the Board refers to "non-binding recommendations...".

For these reasons, it is important that the Board include precise and complete definitions of both Actions and recommendations and to verify whether they are meant to be legally binding pursuant to s. 46 of the MVRMA. Additionally, the Department recommends that the Board include "reasonable efforts" language in both Actions and Recommendations, while avoiding "best efforts" terminology, since best efforts are not always achievable or desirable. For additional comments on specific Actions, see comments on Chapter 6 on pages 7 and 8 herein.

"Authorization" is defined to include "a licence, permit or other authorization relating to the use of land, issuable under any federal or territorial law." This does not seem to include water licences. Further, INAC would like clarification on whether the definition is intended to include consents to use land (i.e., such as would be issued by a District Land Corporation via an access agreement pursuant to Chapter 21 of the SDMCLCA. It should be noted that the definitions of "action", "conformity requirement", and "responsible authority" do expressly include "consents to use the land." The Board may also wish to consider these comments in the context of other federal permits, licences, and authorizations, such as *Fisheries Act* authorizations and *Navigable Waters Protection Act* permits.

"Regulator" is defined as a "body having authority under any federal or territorial law to issue an authorization, whether or not the body is a "designated regulatory agency" under Part 5 of the MVRMA. The considerations noted above with respect to "authorization" also apply here; as well, is "regulator" intended to include, for example, the District Land Corporations? In as much as access agreements are required from these Corporations in certain circumstances pursuant to Chapter 21 of the SDMCLCA, they could be considered regulators in the broad sense.

Note that **"responsible authority"** is a defined term in the *Canadian Environmental Assessment Act* (CEAA) and defined differently than in the Plan. The Board may want to explicitly distinguish between the two definitions or choose another term. The MVRMA focuses on "responsible ministers" which is defined in Part 5 as any minister of the Crown in right of Canada or of the territorial government having jurisdiction in relation to the development under federal or territorial law. The Board should review the definition and readjust accordingly. Certain Terms referenced in the Plan do not appear to be used consistently throughout the document, such as "Boards", "Land and Water Boards", "Regulatory Boards" or "Co-management Boards".

"Traditional environmental knowledge" and **"traditional knowledge"** are defined separately; however, "traditional environmental knowledge" appears to be a subset of "traditional knowledge." Is there a need for two separate definitions? The sources cited for these definitions are the Sahtu Land and Water Board's (SLWB) Draft Traditional Environmental Knowledge Policy and the Government of the Northwest Territories' (GNWT) Traditional Knowledge Policy. If the Board hasn't done so already, they may wish to consider the Mackenzie Valley Environmental Impact Review Board's Guidelines for

Incorporating Traditional Knowledge in Environmental Impact Assessment for additional definitions and guidance in this regard. Just for the Board's information, the difference between 'TK Guidelines' and 'TK in EIA Guidelines' is important.

The Northwest Territories and Nunavut Mining Regulations are undergoing amendments. The distinction between "exploratory work" and "representation work" will no longer exist. The definition of "work" in the regulations is under full revision to clarify what will be considered "work" under the Mining Regulations.

"mineral exploration and development" - pg. 44
Geological reconnaissance work for the purpose of delineating geological trends in adjacent areas is for information/knowledge purposes only, and does not result in any rights progression. It has no more of an environmental impact then camping and therefore is below-threshold. Valuable knowledge can be garnered from looking and sampling rocks in PCI or CZ areas in order to delineate trends in geologic features adjacent to these areas that may be buried, covered or otherwise inaccessible.

Chapter 1 – Introduction
1.3 GUIDING PRINCIPLES - pg. 3
Regarding the second objective from the SDMLCA in relation to mineral development: *"To encourage the self-sufficiency of the Sahtu and to enhance their ability to participate fully in all aspects of the economy",* given the disproportionate amount of lands in the SSA zoned as CZ and PCI, this objective may not be achievable.

1.9.3 Protected Areas Planning – pg. 12
With reference to the first paragraph in this Section and for the information of the Board, while the NWT Protected Areas Strategy provides a territorial vision for the conservation of special natural and cultural values, the establishment of protected areas is not always coordinated through the NWT Protected Areas Strategy. Various sections in the Plan which refer to processes and assessments (ie, MERA) specific to the National Parks establishment, lead by the Parks Canada Agency, are distinct from the NWT PAS planning process.

Suggested revision – "In the NWT, establishment of most protected area initiatives is coordinated through the NWT Protected Areas Strategy (PAS) process, which is consistent with the *SDMCLCA*. In addition to areas in the Sahtu being established through the PAS, Naats'ihch'oh Proposed National Park Reserve is following a process specific to National Park creation, and the Doi T'oh Proposed Territorial Park Reserve is being established as a commitment described in the *SDMCLCA*."

Table 1. Comparison of Protected Areas and SLUP Conservation Zones – pg. 13
A specific reference to Section 11(1)(f) should be included in this Table since "Subsurface protection is provided for CZs pursuant to Section 11(1)(f) of the Northwest Territories and Nunavut Mining Regulations."

Regarding the Type of Protection row and the Protected Areas column in this Table, it is only Parks Canada's legislation that enables the sub-surface to be protected. Environment Canada (Canadian Wildlife Service) legislation does not, nor does GNWT legislation. Subsurface withdrawal on other-than-Parks Canada protected areas is only possible with an OIC Land Withdrawal from INAC. INAC does not withdraw the subsurface as a matter of course for NWA's and other conservation values.

Recommendation: The wording in the Table should be:
"Only Parks Canada's National Park designation provides surface and subsurface rights withdrawal. All other protected area designations provide a varying degree of protection under the *Territorial Lands Act*."

Regarding the Type of Protection row and the SLUP Conservation Zones (CZ) column, the CZ designation does not provide for the withdrawal of the subsurface through any sort of OIC land withdrawal. The Northwest Territories and Nunavut Mining Regulations state:
11.(1) no person shall prospect for minerals or stake a claim on lands
(f) that are subject to a prohibition on prospecting or staking a claim under a land use plan that has been approved under federal legislation or a land claim agreement;.
Recommendation: The wording in the Table should be:
"Recording of mineral claims is not allowed within CZs pursuant to the Northwest Territories and Nunavut Mining Regulations."

The NWT Protected Areas Strategy – pg. 14
Since the Department submitted comments on Draft 2, the PAS has developed new messaging that we feel more clearly describes the initiative's objectives.

Suggested revision: "The PAS has two complementary goals: to protect special natural and cultural areas and core representative areas in each NWT ecoregion. Core representative areas are intact areas that best represent the biological diversity of an ecoregion. These goals allow for flexibility in how protected areas are identified and managed. For example, depending on its location, one protected area may include different cultural values and representation from multiple eco-regions. Other areas may be identified based on a single value.

The identification, establishment and management of protected areas in the NWT must be fully compliant with land claim negotiations and land claim agreements. This means that early in its process, the PAS requires community and regional Aboriginal organization involvement.

Within this context, there are various options for protecting the land's important values. For example, Federal protected area designations include:

- National Parks,
- National Historic Sites,
- National Wildlife Areas,
- Migratory Bird Sanctuaries, and
- Marine Protected Areas.

Territorial protected area designations include:

- Cultural Conservation Areas,
- Critical Wildlife Areas,
- Wilderness Conservation Areas, and
- Natural Environment Parks.

In addition to these protected area designations, the PAS works with regional organizations and processes, such as land use planning, to ensure the development of a coordinated network of protection.

Each protected area designation is associated with specific legislation. As a result, each designation offers a different type or level of protection. A key difference relates to the activities permitted or prohibited within the protected area. This will depend on whether surface and or subsurface rights are protected through the respective legislation. Legally, the top of the land (surface rights) is managed differently than the underground (subsurface rights). Some types of protected areas manage and protect surface lands only – this is the case in Migratory Bird Sanctuaries and National Wildlife Areas. Some legislation protects both surface and subsurface lands – this is the case in National Parks. In most cases, industrial activities are not permitted in core representative areas."

The reference to the PAS website should remain as is.

Chapter 2 – Application and Effect
2.1.1. Application of the Plan to Protected Areas – pg. 19
Since this sub-section also applies to Proposed Conservation Initiatives, the title of this sub-section should be expanded to include the words: '.....and to Proposed Conservation Initiatives.'

Please replace the second paragraph with the following wording: "There are a number of protected areas at different stages of establishment. Some areas have been granted protection or interim protection under federal legislation, and some have been protected under the land claim. The status and the application of the Plan to these areas are summarized in Table 3."

Table 3. Protected Areas and Other Conservation Initiatives – pg. 21
Regarding the **Deline Fishery and Fort Franklin National Historic Site** and footnote reference 26, the accuracy of this citation needs to be verified.

Regarding the Tulita Conservation Initiative (TCI), for the information of the Board, while there was a decision to withdraw these sites from the PAS during a community meeting in January, 2010, the PAS Secretariat has yet to receive a confirmation of this from the TDLC. The PAS Secretariat requested this confirmation in the form of a letter in February, 2010. If this confirmation is received, inclusion of the TCI row in this Table would no longer be required.

Section 2.3.2 Exempt Uses - pgs. 23 - 29
This section has been expanded in much greater detail and accuracy than in the previous Plan, and is an improvement over it.

Is "an interest in land granted by a First Nation that is equivalent to any of these interests or instruments" intended to include access agreements negotiated with District Land Corporations pursuant to Chapter 21 of the SDMCLCA? If so, that should be made explicit (see comments with respect to "authorization" above). If not, please provide the appropriate rationale.

Map 2 on page 25 is intended to identify the location of key Existing Land Interests. This map is really a "snapshot in time" and will have to be updated as the Final Draft Plan is being developed. Before the Final Plan is approved, Map 2 will need to be updated to

include all existing land interests that will be "grandfathered" under this Section at the effective date of the approved Plan.

A. Existing Uses that Would be Prohibited by Zoning Requirements – pg. 24
(ii) the use was a matter of bona fide entitlement received from the Crown or a First Nation under:
This is correct and protects existing 3rd party rights, except the board needs to specifically list the Norman Wells Proven Area Agreement as a unique form of oil and gas right. Also, the Pioneer leases/Norman Wells Proven Area needs to be added to Map 2 on page 25.

Need to include a provision for extension of some activity related to the exercise of a right beyond the boundary of a right. For example, extension of a seismic line beyond the boundary of a SDL would allow for full imaging of the subsurface within the licence area. This could be problematic for a SDL abutting a CZ for instance. (Note this potential variance could be viewed as comparable to the exemption for community infrastructure beyond the boundaries of a community.)

C. Cleanup and Reclamation Activities – pgs. 26 & 27 (Map 3)
The inventory may not include sites such as the Norman Wells oilfield. This and others may be designated in the future. The Board therefore needs to add wording to include any sites which may be identified. Special mention should be made of anticipated major rehabilitation projects such as for Norman Wells. Also, should all existing oil and gas well sites be listed?

Section 2.4 EFECT OF THE PLAN – pg. 29
Note that the definition of 'regulator' on page xi uses only the word 'authorization'. This paragraph uses the phrase "every body having authority...to issue licences, permits or other authorizations..." referred to in the Plan as 'regulators'.

There is often confusion with oil and gas terminology which uses the term 'Exploration Licence', which is a title, not an authorization. This section therefore needs clarification, since the Plan should not affect the Minister's discretion to issue rights - the Plan should focus on land use and authorizations.

Chapter 3 – Vision & Goals
3.2 GOALS – pg. 33
3. "Increase the economic self-sufficiency of the region through sustainable development." This is good, but does this mean remove barriers?
a. "Address barriers to industry investment and increase non-renewable resource development in the region." However, achieving the economic aims of the Plan could be hampered by the stated "conservation-first" approach (pg. 36) to Plan development.

Chapter 5 – Zone Descriptions – pgs. 77 – 261
5.2 ZONE TYPES
Regarding all pages referring to Mineral Rights in each Zone:
Mineral rights are constantly changing as new properties are recorded and others are cancelled or expired. The claims, leases and permits (mineral rights) identified in this Chapter under "Economic Importance" for each zone will need to be updated when preparing the Final Draft Plan.

Definition of **Conservation Zones (CZ)** - pg. 78
For clarity, in the second sentence, emphasize that an area may include one or more of these features, but not necessarily represent all of them. Suggested revision: "These ***could*** include major lakes and rivers... and significant cultural sites."

Section 5.4 ZONE DESCRIPTIONS – pg. 84
It is difficult to quickly locate a particular Zone by flipping through the document in the current format, as organized by geographic location. The Department would prefer to have the Zones listed in numerical sequence as per Table 6 on pages 40, 41 and 42.

PCI Zone 19. Ts'ude Niline Tu'eyeta (Ramparts River and Wetlands)
Reasons for Conservation – pg. 92
It is recommended that the first bullet also reference the Metis of Fort Good Hope.

Socio-Cultural Importance – pg. 95
Please add a reference to the completion of cultural research conducted through the PAS process:

- Cultural Evaluation of Ts'ude niline Tu'eyeta Candidate Protected Area Phase Two: Compilation and Review of Existing Research Documentation (2007) PACTeam; and
- Cultural Evaluation of Ts'ude niline Tu'eyeta Candidate Protected Area Phase One: Compilation and Review of Existing Research and Documentation (2006) (PACTeam)

Economic Importance – pg. 97
As with the section on **Ecological Importance**, the Working Group "oversaw" rather that "developed" renewable and non-renewable resource assessments. For the information of the Board, the Phase 2 Non-renewable Resource Assessment of this site is due for completion in October 2010, and will lead to further categorization of the economic potential of the Candidate Protected Area. Therefore, the classifications may change.

SMZ #15. Great Bear Lake Watershed (GBLW) - pgs. 156 - 162
The Department commends the Board for integrating the Great Bear Lake Watershed Management Plan (GBLWMP) into the Plan as Special Management Zone #15), as per INAC's previous recommendations.

PCI Zone 20. Shuhtagot'ine Nene (Mountain Dene Trail to the Mountains)
Socio-Cultural Importance – pg. 238
Regarding the third paragraph, this cultural and traditional use research was being coordinated by TDLC in collaboration with both the Shuhtagot'ine Nene and Naatsi'hch'oh Working Groups. Just for the information of the Board, the completed report has been presented to both groups for their consideration:

- Spirit of the Mountains: Shuhtagot'ine Nene and Naatsi'hch'oh Traditional Knowledge Study, December 2009.

PCI Zone 22. Naats'ihch'oh
Socio-Cultural Importance - pg. 242
Please note that the comment above on CZ 20 re the Spirit of the Mountains research also applies here.

Actions #1 to #6 - pgs. 263 – 271
In **Action #2 – Sahtu Working Group** (pg. 264), the Board specifies that this Board-led Sahtu Working Group will involve the participation of both the territorial and federal governments, in addition to SSI and other designated Sahtu organizations. In the Action #2, the Board makes it clear that the Sahtu Working Group will be responsible for working on Actions #3 through #6 (pgs 264 – 271). The Department supports these on-going initiatives leading to future Plan revisions.

Action #7 - Inspection and Enforcement Priorities - pg. 272
This Action could have financial and staffing implications for government, if hiring more inspectors or allocating additional resources would be required. Since the Department is guided by the MVRMA regarding the enforcement of inspections for the Mackenzie Valley as a whole, it would not be possible for the Department to make enforcement in the Sahtu a priority over all other regions.

As it is up to each individual department to set priorities on activities they wish to inspect, suggested wording is as follows:
"All government departments and agencies and other bodies having monitoring and enforcement responsibilities ***in the Sahtu should (or encouraged to)*** *give priority, where reasonable to do so, to inspection and enforcement of activities occurring within Conservation Zones and Proposed Conservation Initiatives, followed by Special Management Zones, then General Use Zones."*

INAC is not prepared to offer priority inspection and monitoring statuses for areas inside the Sahtu Management Zones based on the zone specific hierarchies. Currently there exists a risk determination process that guides INAC in setting inspection frequency and resource allocation levels for activities that have been proposed or authorized. This risk assessment process is applied to the entire NWT and should remain consistent in this regard. It considers the activity itself and evaluates potential impacts as they relate to people, the environment and property. The need to identify characteristics unique to the different management zones is identified and will occur, thus allowing for the zones protective needs to be better aligned within the NWT wide risk determination processes.
A suggested wording is as follows:

"INAC, as an agency responsible for monitoring and inspections in the Sahtu, will ensure appropriate integration of its risk assessment processes, with the unique characteristics the Special Management Zones identified in the Plan may hold. Adequate inspection frequencies, as risk is assessed, will be applied consistently across the entire NWT as appropriate within all Special Management Zones."

It may also be worth noting that the numbers referred to in the plan (Pg 272- 273), while accurate, in and around the 2400 active authorizations, is missing key information needed to set the true context of the issue. Of the 2400 active authorizations the majority are not high risk to people, the environment, or property. They are assessed as such. The 13% of authorizations inspected are activities assessed as higher risk. The target of 50 to 60% of the total assessed files not being reached is accurate, but the activities with the highest of risk are indeed met with appropriate inspection frequency and allocation of resources.

Action #8 – Community-Government Monitoring and Enforcement Strategy (pgs. 272 & 273)
Regarding this Action #8, the Board places the obligation on the Responsible Authorities to "collaborate". It is not clear what would be sufficient to meet the requirement to collaborate. Further, if the parties are unable to agree on a method of collaboration despite repeated efforts of the Responsible Authorities, they nonetheless could be deemed to have failed in their obligations under the Plan. The Department therefore requests that the Board elaborate on this Action.

The use of the mandatory "shall" language in **Actions #7** and **#8**, and additionally in **Action #9** (pg. 276), **Action #10** (pg. 278), **Action #11** for DFO (pgs 278 & 279), **Action #12** for the GNWT (pg. 279) and for **Action #13** (pg. 281) is problematic for the Department if the Board deems these and other Actions in the Plan as binding. If this is indeed the case, the Department recommends the use of the non-binding verb "should" rather than "shall", consistent with the Department's direction previously given to the Board last November.

Recommendation #5 - pgs. 264 - 267
Where a Recommendation is directed at a body other than government, a responsible/regulatory agency, or First Nation, the Board needs to make it clear what the expected role of government would be in implementing that Recommendation. For example, in this Recommendation #5, the Board suggests that government **and applicants** are encouraged to engage communities in a manner consistent with INAC's Interim Guidelines on Aboriginal Consultation and Accommodation. The Board should clarify whether government is expected to promote this or otherwise convince applicants to do this, and the consequences for government if the applicants cannot or will not abide by this Recommendation.

Action #3 & Recommendation #5 - Community Engagement Guidelines – pgs. 264 - 267
The following qualifier should be added to Recommendation #5 *1): "subject to requirements for community engagement within the SDMCLCA."*

Recommendation #7 – pg. 271
This Recommendation may not be suited to the Plan. It may be more appropriate as an information item in a cover letter that accompanies the Plan for signature by the Minister.

6.5 BUILDING ECONOMIC CAPACITY – pgs. 273 - 275
The section contains four Recommendations (8 -11) which in the Departments view are not consistent with the Economic Measures provisions of the SDMCLCA.

Of particular concern are Recommendations 9 and 10, which contemplate contracting (Recommendation #10 suggests that Federal and Territorial Government use preferential contracting for work in the SSA) and Recommendation #11 which contemplates participant funding.

The Context section under Recommendation #10 incorrectly suggests that the SDMCLCA requires territorial and federal governments to follow preferential hiring policies etc. The GNWT is required to follow its preferential hiring policies (12.2.1(b)). However the federal government is required to follow its procedures and approaches intended to maximize local and regional opportunities (12.2.1(a)). This is not the same as a preferential hiring policy. The first line of the Context section is not correct, and should be rewritten to simply state

that federal and territorial governments are required to follow their contracting policies and procedures intended to maximize local and regional employment opportunities, etc.

INAC has been working very diligently over the past few years to ensure that all parties and other federal departments understand the obligations under the Economic Measures Chapter of the SDMCLCA. Therefore, the Department wants to ensure that the Plan does not mislead anyone into thinking that the federal government has an obligation to ensure preferential contracting when procuring goods or services.

In the third paragraph, reference is made to contracting being further complicated by the Tlicho Agreement and putting Sahtu and Tlicho in direct competition with each other. INAC's position is that the contracting provisions are intended to maximize local business opportunities, not to pit two groups against each other. For clarity, there is no "preferential hiring" component in either Agreement.

Recommendation #10 - Maximizing Benefits – pg. 274
This Recommendation is directed to applicants, but the rationale refers to obligations of governments under the SDMCLCA. The obligations of oil and gas companies to consult on these matters is under s. 22.1.3, and the legal requirements of benefits plans relating to oil and gas activities are under the Canada Oil and Gas Operations Act. Therefore, this section of the SDMCLCA should be clearly referenced.

Recommendation #11 – Community Participation Funding – pgs. 274 & 275
Regarding this Recommendation, Implementation Branch provides funding to Aboriginal organizations representing the rights holders of the land claim agreements to cover their obligations under the Agreements. Additional funds are not readily available on top of the core funding that is provided, and land claim organizations must work within the budgets provided for this work. For this reason, INAC suggests that this Recommendation be removed, as the Department is unable to honour such a commitment at this time.

6.6 FILLING THE GAPS – pgs. 275 - 281
Recommendation #12 - pgs. 276 & 277
With respect to this Recommendation regarding a granular resource allocation plan, it should be noted that JRP recommendations 13-1 and 13-2 deal with the development of a Granular Management Plan (including the SSA, the Gwich'in Settlement Area, the Inuvialuit Settlement Area, and the Dehcho Region) and Pit and Quarry Management Plans by both INAC and the MGP proponents. This is not to say that there are any legal issues with Recommendation #12, only that this Recommendation might be at least partially fulfilled in connection with the governments' response to the JRP report.

Section 6.8 ACTIONS AND RECOMMENDATIONS SPECIFIC TO THE GREAT BEAR LAKE WATERSHED – pgs. 283 & 284
Since there are no Actions in this section, the word "Actions" can be deleted in this title.

Chapter 7 – Plan Approval and Implementation
Implementation – Key Regulators Table 11 – pg. 290 & 291
Regarding the first paragraph at the top of page 290, the reference to long-term uses should be changed from "roads", which are not leased, to something like a lodge or airstrip. Once a road is built, it becomes GNWT's responsibility and is no longer under federal jurisdiction.

INAC in its issuance of oil and gas rights cannot be described as "a key regulator under the MVRMA to implement the Conformity Requirements of the Plan" (page 290). There is nothing in the exploration licence issued by INAC which authorizes a land use activity such as drilling: such are authorized by the National Energy Board as regulator pursuant to s. 5(1)(b) of the Canada Oil and Gas Operations Act. (Suggest the latter be added to Table 11).

INAC in its role as oil and gas manager could better be described as a key land manager who will take into account the zoning under the Plan in its issuance of oil and gas rights.

Authorizations under the INAC Mining Recorder's Office should also include Coal Permits - please add to Table 11 on page 291. The Associated Regulation for these is the Territorial Coal Regulations, the same Regulation as for the Coal licence/lease. Also, the regulation for 'Mineral claim/lease' is mis-titled in the Table - it should read "Northwest Territories and Nunavut Mining Regulations". The title is currently reversed. Also note that it is the intent of INAC to separate the regulations so that Nunavut and Northwest Territories will have their own regulations for their Territory. The timeline for this change is undetermined.

BACKGROUND REPORT

Chapter 3: Economic Development & Natural Resources – pg. 95

Oil and gas is a significant part of the economy of the SSA and the region is a major contributor to the NT's economy through the Norman Wells oilfield. However, production from that field continues to fall with increasing maturity, and more work must be done if the region is to replace those lost reserves, and create new opportunities for Sahtu beneficiaries and jobs for the youth.

Include a reference to the Annual NWT Overview document for more information. Regarding the importance of exploration and related land access, add the following: "Exploration is required to help meet the training, employment and business needs of Sahtu beneficiaries. It is also important if the Sahtu region is to maintain the important contribution it makes to the health and strength of the NWT economy through its oil and gas production. Although resource exploration has fallen significantly in recent years, it continues to be the largest private sector supporter of local businesses, who provide workers and expertise in areas such as environmental monitoring, catering, seismic technicians, and heavy equipment operators."

In terms of economic benefits in the SSA, it would also be helpful to describe how many people are working in the business, e.g., employees at Norman Wells, various businesses like Willow Lake, Lorraine Doctor, etc.

3.1.2 Minerals and Mining – pg. 101

Regarding the second paragraph, it appears that diamonds and gold were produced in the Sahtu, which is not the case. Also, regarding the last bullet at the bottom of the page, it is not accurate to indicate that the Selwyn's Howard Pass project is proceeding through the MVEIRB, given that the bulk of the project is proceeding through the Yukon EA process. For the Board's information, the Project was approved by the Review Board in September 2009 with no terms and conditions, and did not require a response from the Minister.

The description of diamond production in Canada could be modified to reflect a new age of mining in the NT. Additional context can be found in the diamond report that the NWT and NU Chamber of Mines produced.

Page 102 – Fourth Paragraph
Regarding the first sentence: "It may take years for a mine to be built and despite the number of companies that are active in the area...". Suggest wording that speaks to the very low odds of exploration success, making exploration so hugely challenging. But that this exploration has very low impact, and the way to increase the odds is to try to maximize access to more land for low impact exploration.

4.5.1 Indian and Northern Affairs Canada (INAC) – pg 134
In the last paragraph of this section listing INAC's responsibilities, please add a note that the INAC Minister is required to approve Type A Water Licences.