

Government of Canada Comments on “Sahtu Land Use Plan - The First Five Years: A Look Back to Move Forward” (dated January 23, 2018)

General:

The scope of the amendments recommended by the Board on page 18 is reasonable, as a minimum. The Government of Canada (GoC) would recommend the following comments also be considered in determining the final scope of the amendments.

Vision and Goals:

The vision and the goals of the plan are described in section 1.5 of the plan. As mentioned in “Sahtu Land Use Plan - The First Five Years: A Look Back to Move Forward”, these goals may be reviewed with communities during the five year review. As well there may be consideration given to reformatting the goals as statements that can be measured.

While the goals may or may not need any changes, the Board may wish to consider developing indicators to measure if the plan has been successful in reaching these goals. This would be helpful in future reviews to assess the success of the plan in meeting the goals, and the need to make changes to the plan requirements. These indicators are not necessarily content that is required as part of the plan; instead, it could be part of the Implementation Guide, Action Plan or another supporting document to the plan, and thus does not necessarily need to be completed as part of the five year review.

Mapping and Zone Descriptions:

We support the Board’s recommendation on page 18 to update zoning maps to a 1:50,000 scale and improve zone boundary descriptions. Wherever feasible, it is preferred that land use planning parcels and boundaries are clearly, concisely and effectively described to avoid ambiguity and misinterpretation. It is recommended to involve boundary experts (Natural Resources Canada - Surveyor General Branch) at an early stage to provide guidance based on lessons learned if the Sahtu Land Use Planning Board intends to revise boundary descriptions for land use planning zones. There are technical aspects that are important to consider in the preparation of land descriptions so as not to create any overlaps and ensure intent is captured.

The Canada Lands Survey System (CLSS) provides the framework and infrastructure for defining, demarcating and describing boundaries of Canada Lands and of private land in the North. Legal survey plans and cadastral datasets for geographical information systems (GIS) are available to support Land Administrators. Legal responsibilities of the Surveyor General are delivered through the main and regional office of the Surveyor General Branch. The Surveyor General Branch (SGB) is available to help in the development of Guidelines which could include and is not limited to the preparation of updated

zone boundary descriptions, options for archiving, collecting of meta data, ground-truthing, capacity building, and workshops. Prior to finalizing the descriptions, it is recommended to have the descriptions reviewed by a Canada Lands Surveyor for clarity and intent.

A Geographic Information System (GIS) has certain limitations. It is important to understand how boundaries are represented within the GIS environment to ensure boundary information is interpreted as intended. Official boundaries are demarcated on the ground and represented on Legal Survey Plans.

The Yellowknife Regional Office of the Surveyor General Branch has an established relationship with the Sahtu, which extends to the implementation of a multiyear Legal Survey Program (Sahtu Dene and Metis Comprehensive Land Claim Agreement) and more recently the development of a legal description for the Déljıne Final Self – Government Agreement.

All references to area in square kilometers should be identified as approximate if the zones/corridors are un-surveyed. For example, on page v, “42,432 sq km” would be better described as “approximately 42,432 sq km”. The same applies throughout the document. Alternatively, a caveat should be included at the beginning of the Plan to indicate that all references to areas within the Plan are un-surveyed and should be considered as approximate.

Zoning:

We support the Board’s inclusion of rezoning the remainder of the Proposed Conservation Initiative Zone 41 that lies outside of Nááts’ihch’oh National Park Reserve in the scope of the amendments. In February 2017 CIRNAC wrote to the Board suggesting that the final wording on this amendment would best be resolved in a meeting between the parties; this could be rolled into discussions during the five year review.

We also support the Board’s proposal to continue the zoning for the Sahtu expansion of Tuktut Nogait as a Proposed Conservation Initiative, until the schedule to the *Canada National Parks Act* has been amended to include the expansion.

We also recognize that as the Board moves from 1:250,000 to 1:50,000 scale maps, choices will need to be made with respect to where the zone borders should be that will impact the zoning designations in the Plan. Discussions on these choices could also be a part of the five year review amendments.

New Information / Review of Omitted Issues:

The document refers to emerging issues that may impact future land use (page 7, for instance). As well, the document states that “during the development of the SLUP, a number of items raised in the planning process were set aside for future consideration as part of the 5-Year Review, or considered for amendments as they arose” (page 13). We suggest that the five year review determine whether these topics should be considered for inclusion in the amendments, or otherwise.

Review of Governance and Legislative Authorities:

GoC supports the recommendation on page 18 of “Sahtu Land Use Plan - The First Five Years: A Look Back to Move Forward” that the Board update the Plan with legislative changes that have occurred since 2013, particularly those related to devolution. In addition, the GoC recommends the scope of the updates be broadened to include review of existing regulations and authorizations, to ensure that they are appropriately identified as requiring or not requiring conformity reviews (e.g., Environment and Climate Change Canada alerted the Board a couple of years ago that it would like to have its National Wildlife Area permits exempted from application of the LUP; i.e. that these permits would not be subject to conformity reviews).