



Sahtu Land Use Planning Board

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To: SLUPB Distribution List

Re: Adoption of the SLUPB Rules of Procedure

To effectively implement and monitor the approved Sahtu Land Use Plan (SLUP), the Sahtu Land Use Planning Board (SLUPB) has prepared and adopted Rules of Procedure. The Rules are intended to ensure that the processes and procedures of the Board meet the requirements of fairness and natural justice and to provide a practical reference to those requirements.

The Rules were prepared pursuant to s.30(2) of the *Mackenzie Valley Resource Management Act*. Copies of the Sahtu Land Use Planning Board's proposed Rules were made available to the public at the office of the Sahtu Land Use Planning Board in Fort Good Hope, Northwest Territories, and at www.sahtulanduseplan.org. A notice was published in the July 5, 2014 Canadian Gazette, and sent to the SLUPB general distribution list.

Interested parties were invited to submit written representations to the Board with respect to the proposed Rules. The Board received 4 written submissions from the Government of the Northwest Territories- Department of Lands (GNWT), NWT & Nunavut Chamber of Mines, Canadian Association of Petroleum Producers (CAPP), and Aboriginal Affairs and Northern Development Canada (AANDC). In addition, Husky Oil Operations Limited sent a letter stating that their comments were incorporated into CAPP's submission.

The board reviewed and considered all comments received at its regularly scheduled meeting in August, and adopted the rules at its next regularly scheduled meeting on Oct 23-24. The Board grouped the comments into three categories: general recommendations for clarity, concerns regarding duplication of efforts within the regulatory regime, and concerns regarding regulatory timelines.

General Recommendations for Clarity

The Board incorporated changes throughout the document where in the Board's view, suggested edits improved the general text for clarity and consistency with the *Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA)*, *Mackenzie Valley Resource Management Act (MVRMA)*, and *Sahtu Land Use Plan (SLUP)*.

In addition to accepting some of the suggestions received, the finalized Rules include 2 referenced forms: Referral for Conformity Determination (Form A, Rule 4.3) and Application for Exception to the SLUP (Form B, Rule 5.1). The Board also included additional detail for how the Board would initiate a SLUP Amendment (Rule 6.1(7)).

Concerns Regarding Duplication of Efforts within the Regulatory Regime

The Board crafted the Rules of Procedure as per its mandate and functions, as defined by the *SDCLCA*, *MVRMA*, and *SLUP*. Recognizing its part in an integrated resource co-management regime, the Board aims through best practices to organize its activities in coordination with other



co-management boards, territorial and federal regulatory authorities, departments and agencies, the Sahtu Secretariat Incorporated, Designated Sahtu Organizations, project proponents, and public as appropriate.

Concerns or perceptions of duplication of efforts are not new to the Board. Similar concerns were raised throughout the SLUP's development and approval process. To orient users, the Board prepared a *SLUP Implementation Guide* to describe the Board's practices and the role of the SLUP in the regulatory regime. With one year of SLUP implementation and the first round of regulatory applications passing through the system, the Board has incorporated lessons learned into the Rules. The Board also anticipates that with user familiarity of the SLUP, exception and conformity determination processes concerns and questions will be further minimized.

Concerns Regarding Timelines

There are no timelines established in the MVRMA for SLUPB processes. The Rules were prepared with the benefit of one year of implementation and in consideration of recent regulatory regime adjustments, including amendments to the MVRMA and Devolution. The Board is committed to timely decision making while maintaining procedural fairness for all parties.

While a conformity determination cannot be made until a complete application is submitted, many questions and uncertainties can be addressed through front-end dialogue before an application is formally submitted. To avoid delays, the SLUPB encourages applicants to work with regulators and the SLUPB when developing their applications. By properly addressing all applicable conformity requirements in their applications and seeking exceptions from the SLUPB in advance, proponents may avoid conformity determination referrals to the SLUPB and limit the potential for a non-conformity determinations.

The adopted Rules of Procedure are available from the office of the SLUPB and on the SLUPB website www.sahtulanduseplan.org. Any questions regarding the Rules should be directed to Scott Paszkiewicz at exec_director@sahtulanduseplan.org or 867-598-2055.