



SAHTU Land & Water Board
P.O. Box 1
Fort Good Hope, NT
X0E 0H0

July 30 2009

Ms. Heidi Wiebe
Plan Development Lead
Sahtu Land Use Planning Board
P.O. Box 235
Fort Good Hope, NT
X0E 0H0

Our File: SLUPB
Your File:

Dear Heidi,

Re: Sahtu Land Use Plan – Draft 2
April 30, 2009
Comment from SAHTU Land & Water Board

The SAHTU Land & Water Board received your letter dated April 30, 2009 requesting feedback on the "Sahtu Land Use Plan - Draft 2". Our comments are provided in the attached Notes to File.

I hope you will find our comments helpful.

Respectfully yours,
SAHTU Land & Water Board

Rhianna Leighton
Land Technician

Attachment: 3

Re: Draft 2 - Sahtu Land Use Plan
April 30, 2009

Definitions

- Page viii - “authorizations” – should accommodate references made in MVRMA Sections 52(3), 59(1), 62, 63(2), 65,66,76, 83(4), 90(d), 97(3), 111(1), 118(1), 118(2), 124(1), 124(2), 128(2), 129(a), 134(1)(b), 138(1)(b), 139(1), 140(3)(b), 141(5)(b), and 157(1) .
- Page viii – “authorizations” should accommodate references made in MVLUR Sections 16(2), 16(3), and 16(4).
- Perhaps the clearest interpretation of “authorization” would come from MVRMA Section 90(d); “...the issuance to permittees by a board of authorizations for uses of land not authorized in their permits.”
- Page viii – “land use” – should include land use that does not require a permit, licence, or authorization because many land uses exist that are not part of defined projects, or are below the threshold of activities or events associated with a project that does not require a permit, licence, or authorization.

2.6 Regulatory Environment

- Page 65 – Indian and Northern Affairs Canada – does not approve Type A permits from land and water boards in the Mackenzie Valley.

3.3.3 Terms – Special Management Terms – Reclamation and Abandonment

- Page 98 – CR#20 – Furnish and maintain security... should change “will require” to “should consider” because the SLUPB does not have legislated authority to compel the SLWB, a Regulatory Authority, to prescribed specific terms & conditions, including security deposits, in Land Use Permits and/or Water Licences.

G.T. Govier
Executive Director

Notes to File:

**File: Sahtu Land Use
Planning Board**

Date: July 27, 2009

**Subject: Sahtu Land Use Planning Board
Draft 2 – April 30, 2009
Review Comments on Draft 2**

- Received the CD copy of the SLUPB Draft 2 on May 13, 2009
- Sent to Library under number 105.01, May 19, 2009
- SLUPB requests comments by July 31, 2009 regarding Draft land use terms
- SLWB Executive Director has requested all technical staff review Draft 2 with amalgamated comments to be forwarded to SLUPB on or before July 31, 2009

- Page viii – “land” – including land, water and other resources under land can and will be confusing. It may be more expedient to define resources as land is defined and define land and water separately.
- Page ix – “Sahtu lands” – when using the term settlement lands as identified in the SLCA what is meant, all the land in the Sahtu area or those owned fee simple by the various land corporations (surface and sub-surface rights)? Readers may not have access to the definition in the SLCA.
- Page ix – “wildlife” – Latin is a lovely language but is it necessary? Will the people who use this Land Use Plan know the term *ferae naturae*?
- Page 2 – 2nd paragraph – Is it necessary to capitalize “applicants” and “organizations” (in Sahtu Organizations)?
- Page 14 – 2.1 Geographic location – Taiga Cordillera Eco-zones has footnote “1”, to what does it refer, No. 1 on page viii?
- Page 15 – Paragraph above 2.2.1 Local Leadership – Is the first “lands” needed or wanted? Is the term community boundaries or municipal boundaries?
- Page 62 – SLWB – “the deposit of waste” is all that is needed. The deposit of waste only has the potential to impact water (surface or ground) but the deposit of waste is not “to water”.
- Pages 63-67 – All these organizations are review organizations for land use permits and water licences depending upon the type of development and what is involved (reference ITI pg. 64)
- Page 79 - 3.3.2 Land Use Zoning- While there is only one Heritage Zone in the present land use plan, it may be expedient for future endeavours to write this term in a more general way to allow for future Heritage Zones (if they are ever needed).
- Page 87 – final paragraph under **Bulk Water Removal** – the conditions under which bulk water removal are permitted, such as those under the INAC Policy, need to be defined.

- Page 88 – Power Development – Just a suggestion looking down the road to the future, perhaps instead of restricting any power development, a set of maximums for area used could be instituted as renewable forms (local) of energy generation can be very small and very useful (solar and wind). What type of power generation will the National Historic Site near Deline use in the future? Although, I suppose, exceptions can be applied for.
- Page 92 – Community Consultation – The SLWB requires the following information in an application: “Which organizations and individuals have been consulted (including the dates of any meetings held in local communities)? What action was undertaken as a result of the consultations? Any future meetings and proposed dates should also be referenced. Community consultation is an important and necessary part of the Land Use Permit and Water Licence Process.”
- Page 92 – Community Consultation – Forgive my ignorance but why would the Crown be held accountable for consultation on the application of a Water Licence or Land Use Permit? Not only does the SLWB require proof of consultation in an application, it also has the ability to accept or refuse the consultation carried out. The designation of a Tailings Impoundment Area would probably require a lot of research and because of the history of mining in the NWT, an EA. Additionally, under Sections 63 and 64 of the MVRMA, the SLWB must seek and consider the advice of any affected First Nations or Community.
- Page 92 – A#2 – Land and Water Boards have the ability to pass their own guidelines and policies regarding land use permit and water licence processes. The SLWB may choose to adopt another organizations protocols, guidelines or policies.
- Page 97 – CR#14 – “Applicants will meet with...” I would suggest replacing “meet” with “consult” as meet implies a physical presence while consult allows for physical, written or verbal communication.
- Page 97 – R#4 – What is a Renewable Resource Council Technician and a Traditional Knowledge Expert? To my understanding, there are Environmental Monitors and Wildlife Monitors and applicable training programs for each.
- Page 98- CR#18 – Having applicants develop a site-specific research and monitoring plan on short-term projects may be detrimental to doing business in the Sahtu. This needs to be defined better. At this point the SLWB requires proponents to do baseline assessments (for example when a drilling rig comes in) of soil, water and vegetation and monitor the area for a minimum of five years. To be effective, site specific research and monitoring needs to be specific. This CR is more applicable to larger, long-term projects such as Imperial Oil, MGP, mining and power projects.
- Page 98 – CR#19 – The Northwest Territories Waters Act defines tailings as waste, would the land use plan actually expect a company to haul their tailings out of the NWT? Please see Schedule V of the NWT Waters Act. Perhaps a definition of “waste” would be helpful. As well, no site can be returned to what it was prior to a land use. Perhaps a modification for the definition provided by footnote 131 can be used for a more sensitive area.
- Page 98 – CR#20: As stated in comments offered by the SLWB Executive, *the SLUPB does not have legislated authority to compel the SLWB, a Regulatory Authority, to*

prescribed specific terms & conditions, including security deposits, in Land Use Permits and/or Water Licence. If the GBLWMP is going to be used for the area and will take precedent over the SLUP (or becomes part of it), an issue on page 10 of “The Water Heart” (May 31, 2005), under 9.2 Special Management Zone Conditions (a)(iii) may need to be addressed as it states the SLWB shall ensure each authorized party will furnish and maintain security with the Minister.

- Page 99 – R#5 – instead of using “Dr. Derek Ford” perhaps “the scientific community” would be more appropriate and have farther reaching implications.
- Page 103 – Some of the source information for wildlife habitat may be out of date. It might be an idea to check with GNWT-ENR for the most recent information on caribou and other key animal species. I can’t remember which application it was for but ENR stated in their comments the information the company used was out of date and I believe the info that was used came from SLUPB maps.
- Page 114 – Land Ownership – The Great Bear River lies wholly within the SSA but has a number of Sahtu Surface Rights parcels along its banks.
- Page 114 – Socio-Cultural Importance – it might be an idea to add Bennett Field as an important item as it is related to Port Radium and Deline History.
- Note: It is great to have the Dene names of all the areas and would be even better if they were accompanied by the phonetic pronunciation of the Dene script, just a thought.

Joan Gordey
Regulatory Director

Re: Sahtu Land Use Plan Draft 2
Review Comments

2.6.5 Regulatory Environment

Government of Canada

- Indian and Northern Affairs Canada – does not approve Type A permits from land and water boards in the Mackenzie Valley. (pg 65)

3.3.2 Land Use Zoning

Great Bear Lake Watershed Management Plan

- Land, water and resources within the Great Bear Lake Watershed will be managed according to the terms of the Great Bear Lake Watershed Management Plan, which is given legal force through CR# 1 in this land use plan. To avoid inconsistencies in direction between these two documents, the remainder of this plan does not apply within the Great Bear Lake Watershed. (pg 9)
 - CR #1 should clearly indicate the Great Bear Lake Watershed. On the LUP map there are Special Management Zones, Proposed Conservation Initiatives and Conservation Zones within the Watershed boundary. If everything within the Great Bear Lake Watershed is to be managed through the Great Bear Lake Watershed Management Plan then why are there different Zones within it?
 - Heritage Zones: managed as provided for in the Great Bear Lake Watershed Management Plan. It shares many of the characteristics of the Great Bear Lake Special Management Zone but is differentiated by its cultural significance to the region. How is it managed for in the GBLWMP?? Shouldn't have to look it up (pg 79). Should it even be identified in the LUP if managed through the GBLWMP?

3.3.3 Terms

General Use Terms

- Economic benefits R#3: Applicants are encouraged to negotiate benefits agreements with communities for all land use activities, regardless of whether or not they are on Sahtu Settlement Lands. (pg 95) Should this really be a recommendation? It is not enforceable. Could create conflict down the road for companies that are unwilling/don't have the financial ability.

Special Management Terms

- Monitoring CR #18: Applicants will develop a site-specific research and monitoring program sufficient to document the impacts of their proposed land use activities on the ecological and cultural values identified for the zone in which the activity is proposed. Applicants will distribute the monitoring reports to relevant community organizations and make the reports publicly available. (pg 98) Is the SLUPB the organization that will be responsible for reviewing and accepting the research and monitoring programs?
- Reclamation and Abandonment CR #20: Responsible authorities will require applicants to furnish and maintain security with the Minister sufficient to achieve the reclamation goals

stated above for their land use activities and any ongoing measures that may be required after abandonment or closing. (pg 98) The SLWB may require security as stated in the *Mackenzie Valley Land Use Regulations*, Section 32, not will require.

4.4.2 Zone Descriptions

Mackenzie Mountains Special Management Zone:

- Land Ownership in the Sahtu Land Use Plan indicates that the entire area falls within Crown land. (pg 117) On a map with the Sahtu Settlement Lands as an overlay it appears as though there are a number of Sahtu Settlement Parcels within the Zone. Parcels 114,117,118 and portions of Parcels 32,127 and 132.

Rhianna Leighton
Land Technician