



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

**Telephone:** (867) 598-2413  
**Fax:** (867) 598-2325  
**E-mail:** sahtulan@allstream.net

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File: SLUPB

## Facsimile Cover Sheet

**To:** Sahtu Land Use Planning Board

**Fax Number:** (867) 598-2545

**Attention:** Judith Wright- Bird, Chairperson  
Edna Tobac, Executive Director

**From:** Crystal Thomas, Land Technician

**Number of Pages (incl. cover):** 4      **Date:** November 25, 2010

**Subject:** Sahtu Land Use Plan Draft 3 Comments

Please find the Sahtu Land and Water Board's comments for Draft 3 of the Sahtu Land Use Plan attached.



**SAHTU Land & Water Board**  
P.O. Box 1  
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X0E 0H0

November 25, 2010

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

Our File: SLUPB  
Your File:

Dear Ms. Judith,

**Re: Sahtu Land Use Plan – Draft 3  
Comments from SAHTU Land & Water Board**

Thank you for giving the Sahtu Land and Water Board (SLWB) an opportunity to comment on Draft 3 of the Sahtu Land Use Plan (the Plan). The SLWB comments are in response to the Sahtu Land Use Planning Board's (SLUPB) letter to our organization dated July 12, 2010.

The SLWB supports the efforts of the SLUPB in creating a Plan which will assist the regulatory system in which we operate. The SLWB appreciates the Plans incorporation of previous comments and concerns presented during the review process of Draft 2.

Continuous with the SLWB's previous correspondence, the provided comments are based on the regulatory functions and limitations of the SLWB within the Sahtu Settlement Area.

Respectfully,

**Paul Dixon  
Executive Director**

**Crystal Thomas  
Land Technician**

Copied to: Angela Plautz, Regulatory Policy Advisor, Mackenzie Valley Land and Water Board  
Shannon Ward, Manager, Policy, Planning and Communications, Mackenzie Valley Land and Water Board

## **GENERAL COMMENTS**

~~The SLWB believes the creation of a Plan for the Sahtu Settlement Area will benefit~~  
residents, applicants, and Regulators, so long as the plan provides clarity. While it is clear to each Regulator, which parts of the plan are in their jurisdiction, it may be unclear to an applicant or resident. All parties involved may benefit from increased clarity as to which Regulator is involved in each Conformity Requirement (CR).

## **SPECIFIC COMMENTS**

### **CR#2 COMMUNITY ENGAGEMENT AND TRADITIONAL KNOWLEDGE**

The Land and Water Boards (LWB), through Working Group 1, are currently working on a Public Engagement Policy and Guideline document that addresses community engagement, we suggest that the Land Use Plan adopt or reference the SLWB (or similar) community engagement policy when complete.

### **CR#3 COMMUNITY BENEFITS**

The local districts are responsible for access and benefits agreements; therefore, it is out of the LWBs jurisdiction to ensure these benefits are sufficient and maintained. The LWBs responsibility is to make certain an access and benefits agreement is obtained, for those permits which it is legally necessary. It is not in the LWBs authority to measure the contents of such an agreement.

### **CR#4 ARCHAEOLOGICAL SITES, HISTORICAL SITES AND BURIAL SITES**

The current SLWB practice is to place a 150m setback of suspected or known burial sites, historical sites or archaeological sites. Placing a setback range, which can vary depending on the sensitivity of a site, may be a method to consider.

### **CR#5 WATERSHED MANAGEMENT**

Regulators will need clarification from the Sahtu Land-Use Planning Board (SLUPB) as to what defines "substantially alters". Quality can be monitored but rate of flow can be seasonally variable and without proper data we cannot monitor past activities or predict future variability.

### **CR#6 DRINKING WATER**

In Part 1, when Regulators "assess the potential impacts of the proposed activity..." We will need clarity on what constitutes "assess"? In Part 2, what limits or standards should the Regulators use to determine "contamination"? Clarity will be needed for Regulators to determine monitoring efforts within watershed sources as some are too large for effective monitoring.

**CR#7 WILDLIFE**

Ranges and migratory patterns are ever changing. The plan should be flexible to this and it should be the part of the proponent to use the most current ranges. The LWBs can only include conditions related to wildlife habitat, not the wildlife itself. To clear up any future confusion, it would be beneficial to specify the responsibilities of each Regulator. For example, to implement CR#7, ENR would be determining conditions pertaining to the wildlife and the LWBs would be determining conditions pertaining to the habitat.

**CR#9 CLIMATE CHANGE**

The LWBs are not currently equipped to make permafrost and greenhouse gas emissions assessments in terms of climate change. This information should be provided in the Implementation Guide.

**CR#13 CLOSURE AND RECLAMATION**

The financial security policy is currently being discussed by the LWBs. The SLUPB should adopt the decision of the Boards. At this point in time, it is the SLWBs practice to leave the final decision of collecting security up to the Board.

**ACTION #2 SAHTU WORKING GROUP**

At present this action is not possible for the SLWB, our current level of resourcing is only sufficient for our present responsibilities, we would be unable to self-fund the responsibilities addressed in Action #2. This action item should be the continued responsibility of the SLUPB, with technical assistance from the other stakeholders.

**ACTION #3 COMMUNITY ENGAGEMENT GUIDELINES**

As stated above, the family of Land and Water Boards within the Mackenzie Valley are currently working on these guidelines. When complete the SLWB will forward the approved guidelines to the SLUPB.

**ACTION #5 - SAHTU CUMULATIVE EFFECTS MANAGEMENT PLAN OF ACTION**

See action #2. The SLWB recognizes the need for Action #5

**ACTION #6 SAHTU ENVIRONMENTAL MONITORING PROGRAM**

Current monitoring is the responsibility of DIAND, SLWB staff occasionally conduct site visits with INAC inspectors.