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UNCLASSIFIED

April 15, 2013

Mr. Scott Paszkiewicz
Executive Director
Sahtu Land Use Planning Board
P.O. Box 235
FORT GOOD HOPE, NT XOE OHO

Dear Mr. Paszkiewicz:

The Government of Canada is pleased to provide the Sahtu Land Use Planning Board (Planning Board) with a shared set of final comments on its penultimate Draft Sahtu Land Use Plan. This review document reflects the collaborative efforts of twelve federal departments and agencies. It aims to provide the Planning Board with constructive comments and clear solutions for finalizing the Sahtu Land Use Plan for approvals. Once the Planning Board has assessed Canada's comments, federal officials would be pleased to discuss their observations in more detail with the Planning Board and the approving parties.

Once again, Canada is pleased to assist the Planning Board towards the successful completion of a Final Sahtu Land Use Plan. Should you have any questions on this submission, please contact Matt Bender at (819) 956-9350.

Sincerely,

Kathryn Bruce
Regional Director General
Northwest Territories Region

Government of Canada Review of the 2013 Draft Sahtu Land Use Plan

Part 1.0 BACKGROUND AND OBJECTIVES

On February 5th, 2013, the Sahtu Land Use Planning Board submitted its 'penultimate draft' land use plan (the Draft Plan) to the approving parties: the Sahtu Secretariat Incorporated (SSI), the Government of the Northwest Territories (GNWT), and the Department of Aboriginal Affairs and Northern Development (AANDC). As the responsible Minister for federal approval, AANDC has reviewed the 2013 Draft Plan and has coordinated input from federal departments and agencies with a defined role in the Sahtu Land Use Plan. In developing this submission, AANDC has also worked collaboratively with the approving parties to align expectations and assist the Planning Board with its final revisions. As this is the last opportunity to comment on the Draft Plan before it is finalized, the reviewers have taken considerable care in confirming their respective interests and expected outcomes.

Part 2.0 GENERAL COMMENTS AND KEY OBSERVATIONS

The 2013 Draft Plan reflects the diligent work of the Planning Board and its partners. While a set of federal recommendations and expectations are identified in sections 3 and 4 of this document, Federal Departments are pleased to see that the Draft Plan reflects the input provided on previous draft plans. As an overview, Canada offers the following observations on the 2013 Draft plan. These are based on criteria identified by federal departments during recent reviews, and from results summarized from the September 2011 *Federal Workshop on Northern Land Use Planning Review and Approvals*.

- 1. Legal and Policy consistency and accuracy** – Broadly, the 2013 Penultimate Draft has been written in a manner that is compliant with land claims agreements and legislation, and is consistent with Government of Canada policy. If approved, the Sahtu Land Use Plan will meet Canada's obligation under the Sahtu Dene Metis Comprehensive Land Claim Agreement (SDMCLCA).
- 2. Effective, Efficient, and Credible Planning Process** – The planning process, including its use of zoning and conformity requirements, is clearly worded and well described. Federal departments consider the planning process outlined by the Sahtu Land Use Planning Board as being transparent, credible, and founded on accepted professional practice.

3. **Clarity** – Updates to the Draft Plan, including those recommended in this document, are leading to a plan that is clearly written and well understood by its stakeholders.
4. **Governance & Implementation** – The Draft Plan accurately reflects the authority, roles, and responsibilities of its implementing bodies. Provisions requiring regulatory conformity are directed to the appropriate bodies, and the plan is clear on how these provisions will be implemented.
5. **Regulatory Improvement & Efficiency** – This Plan can be expected to contribute positively to the environmental regulatory regime. Once implemented, it will provide additional certainty to proponents, regulators and key stakeholders. In turn, this certainty will guide and streamline project proposals, environmental assessments, regulatory approvals, and environmental monitoring.

Departments also recognize that as per legislation, the Sahtu Land Use Plan is very much a living document. As a *first generation* plan, it is designed to be flexible over time. Section 5.7 of the Draft Plan allows for amendments to be made at any time, either by application or by the Planning Board's initiative. Consistent with legislation, plan amendments would follow the same approvals process outlined in S.43 of the MVRMA.

To remain effective, approved plans under the MVRMA must also be reviewed every five years. S.50 of the Act states, the "Planning Board shall carry out a comprehensive review of a land use plan not later than five years after the plan takes effect and thereafter every five years or at any other intervals agreed to by the federal Minister, the territorial Minister and [SSI]." As demonstrated with the Gwich'in Land Use Plan, once a land use plan is approved, Canada remains committed to working with its partners to collaboratively update and improve it over time, and as required.

PART 3.0 – TRI-PARTY DISCUSSIONS

Canada has worked collaboratively with the approving parties to advance mutually acceptable wording pertaining to the following three items:

3.1 The Great Bear Lake Watershed.

Canada recommends that the following wording for CR#15 be included in the Final Plan:

Regulators shall ensure that:

- (a) ***Applicants proposing land use activities in the Great Bear Lake Watershed engage Deline community organizations in order to understand the cultural and environmental values set out in the Water Heart - the Great Bear Lake Watershed Plan;***

- (b) Any land-use activities permitted in the watershed are consistent with the maintenance of the area as self-sustaining ecosystems; and***
- (c) Any land use activity requiring a land use permit or water licence includes a site specific monitoring program consistent with CR #11.***

Given the addition of (c), it is understood that CR #11(2) would be removed.

3.2 Financial Securities

As noted throughout the planning process, the posting of financial security for the abandonment and reclamation of development projects is a very important matter to Sahtu residents, who would clearly like to see this requirement reflected in the plan. Canada firmly agrees that the environment, human health, and public safety must be safeguarded through the posting of appropriate amounts of financial security as determined by relevant legislation and regulation through the permitting process. To acknowledge this, the following wording is recommended for CR#12:

"When required by a land use permit or water licence issued by the Land and Water Board, financial security must be posted and maintained with the Minister of Aboriginal Affairs and Northern Development. The Land and Water Board will ensure that closure and reclamation plans are in accordance with legislation and regulation."

3.3 Proposed Conservation Initiatives (PCIs)

The Plan confirms that once a park or protected area is established, the Plan will be amended to change the zoning of that park or protected area from PCI to Established Protected Area (EPA). Any portion of the PCI not included in the park or protected area boundary must also be rezoned and that zoning should reflect the information collected and decisions made during the park or protected area boundary determination and establishment process. For example, during boundary determination, information from a Mineral and Energy Resource Assessment (MERA) is used to exclude areas of high economic potential. For consistency, areas excluded from final park or protected area boundaries due to their development potential should be zoned to allow for responsible resource development.

Canada therefore recommends the following statements be added to the end of Section 2.2:

"For clarity, upon the establishment of a park or protected area which encompasses some but not all of a PCI, the SLUPB will engage the approving parties with regard to alternate zoning for all portions of the PCI. Information documented on the values of the PCI during the park or protected area establishment process should be used to set out special management conditions for the portion of the PCI excluded from the park or protected area."

PART 4.0 – SPECIFIC COMMENTS AND DEPARTMENTAL RECOMMENDATIONS

The Sahtu Land Use Planning Board is encouraged to consider and incorporate the following comments. Transport Canada, Environment Canada, Natural Resources Canada, Public Works and Government Services Canada, Industry Canada, and the Canadian Coast Guard have reviewed the 2013 Draft Plan and do not have outstanding areas of concern.

4.1 ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA (AANDC)

CR#1- Bulk Water Removal

Reference: Page 29 (Plan)

Comment: To avoid misunderstanding and misinterpretation of the intent of the prohibition on Bulk Water Removal it is recommended that the section be expanded to provide context and greater clarity with respect to the acceptable use of water resources.

Recommendation(s):

- (1) Add a sentence to put the prohibition on bulk water removal in the correct context.
- (2) Add a sentence clarifying the intent of the prohibition: i.e. "Bulk water removal is prohibited in all zones to ensure..."
- (3) Clearly articulate the difference between 'bulk water removal' and 'use of water (more than 40L)'.

Rationale: The AANDC policy as referenced in footnote 21 provides context in terms of it being developed to address concerns regarding transboundary water export only. In the absence of this context, the quoted definition of bulk water removal is easily misinterpreted as a 'prohibition on taking more than 40 L of water out of a water body'. While the final sentence in the section "For Clarity, the Plan's prohibition..." very clearly outlines certain uses that are not prohibited, the section as a whole is somewhat confusing to any reader who has not read the full AANDC policy for the correct context.

CR #3- Community Benefits

Reference: P. 36 (Plan) and P. 17-18 Implementation Guide.

Comment: Current wording could be interpreted to mean that a signed COGOA benefits plan is required for conformity. For clarity, a benefits plan may have been developed, but not signed, at the time of conformity determination.

Recommendation(s):

- (1) P. 36 (Plan): Delete first bullet "Economic benefits..." and replace with "Examples of economic benefits instruments include Benefits Plans¹ required for oil and gas operations submitted to the Minister of AANDC pursuant to the Canada Oil and Gas Operation Act (COGOA), Access Agreements for access to Sahtu owned lands, privately negotiated Access and Benefits Agreements, and Impact Benefits Agreements negotiated between mining applicants and affected communities for major projects as a best practice."

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The Canada Oil and Gas Operations Act (COGOA) requires that, "no authorization of any [oil and gas operations] work or activity shall be issued until the Minister has approved, or waived the requirement of approval of, a benefits plan in respect of the work or activity". The NEB does not see the contents of the Benefits Plan.

- (2) P. 17-18 (Implementation Guide): under “Criteria for conformity determination (first bullet): Delete “*Evidence of a signed ABA, Impacts benefit Agreement or COGOA Benefits plans will fulfil this CR*” and replace with: “*Where a Benefits Plan, submitted to the Minister pursuant to COGOA for oil and gas operations, an Access Agreement, a privately agreed Access and Benefits Agreement, or an Impact Benefits Agreement has been developed, applications must include evidence that one has been approved or signed or, if that has yet to occur, that benefits consultations have taken place and a plan or agreement is in the process of being developed.*”

Rationale: A Benefits Plan for oil and gas operations would not be completed at the time of a conformity determination. Current wording implies a sequential rather than parallel process that is inconsistent with current practice. It is unclear whether a 'signed' plan means an 'approved' plan. An AANDC approved benefits plan, or an AANDC waiver of the requirement for it, must be in place before the regulator can issue an authorization but quite often this signature does not occur until late in the process. The Benefits Plan for oil and gas operations is submitted by a proponent for approval by the AANDC Minister or delegate: it is not an agreement so does not bear the signature of the Sahtu organization.

Chapter 4 – Recommendation #3 - Community Land Use Monitors

Reference: Page 50 (Plan)

Comment: Use of the word ‘necessary’ in Recommendation #3 - Community Land Use Monitors implies a requirement rather than a recommendation.

Recommendation(s):

- (1) Delete “*Where deemed necessary by the community*” from initial statement under “Community Land Use Monitors”

Rationale: Avoids confusion between recommendations and requirements for conformity.

Chapter 5 – Plan Implementation

Reference: P. 54-59 (Plan)

Comment: For added clarity, the references to ‘recommendations’ should be better defined.

Recommendation(s):

- (1) 5.1 -Page 54 (final paragraph): The Recommendations included in the Plan are regulatory in nature, *and while not mandatory, applicants and regulators are encouraged to consider these recommendations* in carrying out their responsibilities.
- (2) 5.1- Page 55 (first paragraph): delete “and Recommendations where appropriate” from end of second sentence.
- (3) 5.8- Page 59: Delete final bullet, “*To what extent are Recommendations being implemented?*” and replace with: “*How effective are the current Recommendations?*”

Rationale: Recommendations are not intended to be legally binding.

4.2 NATIONAL ENERGY BOARD

Use of the Term “Resources”

Reference: Page 20 and throughout

Recommendation:

- (1) For consistency with *SDMLCA* and *MVRMA*, the terms “resource” and “resource managers” should be clarified throughout the document.

Rationale:

The Draft Plan identifies that: “the Plan applies to any land use activity pursuant to the *SDMCLCA* and the *MVRMA*.” Section 25.2.9 of the *SDMCLCA* states that: “*Upon approval of a land use plan, those authorities with jurisdiction to grant licences, permits, leases or interests relating to the use of land and water in the settlement area shall conduct their activities and operations in accordance with the plan.*” and that Section 46(1) of the *MVRMA* states that: “*The ...Sahtu First Nations, departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan...*”

However, the SLUP expands “authorization” to include “resources” in addition to the use of land or waters or the deposit of waste. “authorization” includes a licence, permit or other authorization relating to the use of land, water or resources or the deposit of waste, issuable under any federal or territorial law.

Note: The terms “resource” and “resource managers” occur elsewhere in the SLUP, e.g., section 1.2 (page 8), section 1.4.1 (Vision page 11) and section 1.4.2 (Goals page 13).

Legacy Land Uses: Application of Plan to Future Licences

Reference : Page 21

Comment: It may appear that, while an authorization on an existing Exploration Licence is not subject to SLUP CRs, subsequent dispositions for a Significant Discovery Licence or a Production Licence may be prohibited or restricted. The SLUP states, “*Accordingly, a land use that has been authorized when the Plan is approved may be undertaken or continued despite any nonconformity with the Plan until the authorization or disposition on which it depends expires or becomes eligible for renewal or amendment. From that date forward the Plan applies to the land use to the extent provided for below.*”

Recommendation:

- (1) The Plan should be clear as to whether future development could be prohibited or restricted.

Rationale: The application of the plan should be clear, for example:

- i) Imperial Oil Resources N.W.T. Limited currently draws large quantities of water from the Mackenzie River (SMZ #63) under its 10-year water licence. A prohibition on withdrawing bulk water could potentially be applied upon application to renew its Type A Water Licence if the SLUP comes into effect.
- ii) Oil and gas developers in the area draw bulk water from the Mackenzie River under Type B Water Licences and could be prohibited from future bulk water withdrawals if the SLUP comes into effect.

Section 4.3 – Recommendation #1: Air Quality

Reference: Page 51 (Plan)

Comment: The draft SLUP states, “There are currently no air quality regulations under the MVRMA, nor does there appear to be any comprehensive federal regulation of air quality in the NWT.”⁴⁰ **Footnote 40:** *The NEB can regulate emissions from oil and gas operations, but not for land uses from other resource sectors.*”

Recommendation:

- (1) For clarity, the NEB indirectly regulates air emissions by regulating the operations which produce air emissions. The following revised wording is recommended for clarification:
Footnote 40: *“The NEB regulates oil and gas operations that contribute to the air emission waste stream”.*

4.3 PARKS CANADA

Zone # 41 - Nááts'ihch'oh Proposed Conservation Initiative Zone

Reference : Page 141; Section 41

Comment : The zone description needs to be clear when referencing the entire proposed conservation initiative area or the August 22, 2012 proposed boundary for the NNPR. To be consistent with descriptions of other PCI zones, the zone description should reflect the entire PCI zone (the entire area currently under ILW).

Recommendation:

- (1) Editorial modifications are required for accuracy, please refer to the supporting Government of Canada Editorial Recommendations and Considerations Document.

Zone #66 Tukut Nogait National Park

Reference: Page 179

Comment: The current Zone title implies the area is already established and the zone description needs to clearly reflect the status of the area.

Recommendation:

- (1) Editorial modifications are required for accuracy, please refer to the supporting Government of Canada Editorial Recommendations and Considerations Document

Application of the Plan to Protected Areas: Saoyú-?ehdacho National Historic Site

References: Page 19, 34

Comment: The approach in the Plan should be consistent with the management arrangement for the private lands portion of Saoyu-?ehdacho.

Recommendation:

- (1) Editorial modifications are required for greater clarity; please refer to the supporting Government of Canada Editorial Recommendations and Considerations Document.

PART 5.0 CONCLUSION

Land use planning provides a forum to address and resolve conflicts over land-use at an early phase of project planning. Without land use plans, these conflicts are left to be resolved by other means such as private negotiation, litigation and project-specific environmental assessment and regulation, making them less predictable, expensive, and time consuming.

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*, Canada considers land use planning as an important tool for balancing investment and development opportunities with environmental stewardship and community aspirations.

Overall, an approved Sahtu Land Use Plan can be expected to meet Canada's obligation under the Sahtu Dene Metis Comprehensive Land Claim Agreement, streamline the regulatory process, and increase the quality of Aboriginal engagement.

Government of Canada Review of the 2013 Draft Sahtu Land Use Plan - Editorial Recommendations and Considerations -

In support of the coordinated federal review, AANDC and its partners have identified areas requiring additional clarity thru minor editorial changes. The following suggestions are provided to support the Sahtu Land Use Planning Board complete its Draft Plan for approvals.

1.0 Aboriginal Affairs and Northern Development Canada

AANDC	
Page Reference	Description & Rationale
Page 12	<p><u>Section 1.4.2 - Goal 1</u> <i>"Build on the Cumulative Impact Monitoring Program (CIMP) to develop a research and monitoring program necessary to understand and monitor the ecological and cultural-integrity of the Sahtu Settlement Area"</i></p> <p>Recommendation: Remove <i>cultural integrity</i>, as CIMP's current focus (at the direction of the CIMP WG, of which SSI is a part) is on the biophysical environment, not socioeconomic or cultural.</p> <p>Note: Further, Goal 2 explicitly mentions <i>"cultural integrity"</i>.</p>
Pages 13-16	<p><u>Section 1.5 - District Level Direction for Planning Outside of Community Boundaries</u> For greater consistency, rename sections to include references to districts:</p> <p>Recommendations:</p> <p>(1) 1.5.1 <u>Deline District</u>: The Great Bear Lake Watershed;</p> <p>(2) 1.5.2 <u>K'asho Got'ine District</u>: The Fort Good Hope-Coville Lake Group Trapping Area</p> <p>(3) 1.5.3 <u>Tulita District Elder's Zoning Workshop</u></p>
Page 15	<p><u>Paragraph 3</u> <i>"It is like out words our being wasted"</i>.</p> <p>Recommendation: Replace with, "It is like <u>our</u> words <u>are</u> being wasted".</p>
Page 16	<p><u>Section 1.5.3 – Tulita District Elder's Zoning Workshop</u> <i>"Naats'ihch'oh and Shuhtagot'ine Nene"</i></p> <p>Recommendation: Add special characters in names of the zones.</p>
Page 22	<p><u>Section 2.5 Plan Exemptions - Part D</u> <i>"...but not limited to, the following interests or entitlements:"</i></p> <p>Recommendation: Include <u>coal permits</u> in the list of legacy land uses.</p>
Pages 28 & 34	<p><u>Table 2 and Table 3</u> Totals on tables do not add up correctly.</p> <p>Recommendation: Ensure accuracy of table totals.</p>

Page 47	<p>4.1 Introduction To avoid the possibility of data gaps and miscommunication between plan amendments and review phases, AANDC proposes adding wording to the introductory section. This wording encourages new information and protocols to be shared among organizations.</p> <p>Recommendation: Incorporate the phrase, <i>“Where appropriate, new information or new protocols should be shared with Sahtu Organizations, departments and agencies of the federal and territorial governments, and co-management boards, to advance planning issues or fill data gaps needed to move the Plan forward during future review cycles”</i> at the end of the introduction.</p> <p>Action #1-Sahtu Working Group The role of the Sahtu Working Group can be confused with the role of the Planning Board. It is not clear upon reading this section what the distinction is between the Working Group's activities versus the Board's mandated activities, as well as the relationship between the two. I.e.: Does the working group make recommendations for the Board's approval? The Working Group should not make decisions or recommendations to outside parties on behalf of the Board.</p> <p>Recommendation: Clarify roles of Sahtu Working Group and Planning Board where appropriate.</p>
Page 49	<p>Action 1- Community Land Use Monitoring Program This is linked to Recommendation #3, except this paragraph specifically outlines key principles (e.g. standards, accreditation, responsibilities, and relationships among organizations) succinctly.</p> <p>Recommendation: This language should be repeated in Recommendation 3– as a suggestion on some specifics to assist achieving this task. Explicitly mentioning data management may be a consideration as information must be dealt with in logical fashion.</p>
Page 50	<p>Action #3 – Access to Wildlife Information <i>“Having this information updated and accessible for land users will improve regulatory efficiency”</i>. Clarification of who will benefit from accessible, updated information required.</p> <p>Recommendation: <i>“Having this information updated and accessible for land users, Sahtu Organizations, departments and agencies of the federal and territorial governments, and co-management boards, will improve regulatory efficiency”</i>.</p>
Page 52	<p>Recommendation 3 – Community Land Use Monitoring There is a potential lack of quality data / accountability. Part of the process should consider access / storage of monitors data and reports by related agencies (SRRB, SLUPB, ENR). The SLUP process should involve explicit communication among Sahtu agencies to avoid duplication and to ensure a community monitoring program can gain as much strength and genuine applicability as possible.</p> <p>Recommendation: AANDC suggests that “standards” regarding monitors and training should be outlined, (as done in Context and Rationale #6 Community Land Use Monitoring Program on p. 49)</p>

Page 54	<p><u>Section 5.1 - Shared Responsibility for Plan Implementation</u></p> <p>Maintain consistency with departmental name change.</p> <p>Recommendation: “responsible for conducting environmental assessments and recommending to the Minister of AANDC INAC whether or not a project should proceed”</p>
Throughout	<p>Maintain consistency with SDMCLCA in which there is no accent on Metis and Designated Sahtu Organization is a defined term</p> <p>Recommendation(s): (1) Remove accent on Metis (2) Capitalize Designated Sahtu Organization</p>
	<p>In some cases, reference to “communities” is too vague.</p> <p>Recommendation: Clarify the organization (ie: Land Corp, RRC, Municipality), where appropriate, with whom applicants should be working.</p>
Editorial Changes to Specific CRs	
#14 - Page 45	<p><u>Protection of Special Values</u></p> <p>Interpretation: 3rd bullet reads “take into account”.</p> <p>This terminology is inconsistent with the zone descriptions which use values “to be considered”.</p> <p>Recommendation: Replace “take into account” with “to be considered”.</p>
Editorial Changes to Implementation Guide	
Page 7	<p><u>Item 8</u></p> <p>The Land and Water Board’s do not issue storage authorization for water licenses, only for Land Use Permits.</p> <p>Recommendation: “Another example is storage authorizations relating to existing land use permits and water licences, which allow the proponent....”</p>
Page 32	<p><u>CR #13 – Closure and Reclamation</u></p> <p>Context and Rationale 1st Paragraph: “The reclamation standard referenced in INAC’s NWT Mine Site Reclamation Policy...”</p> <p>Maintain consistency with departmental name change</p> <p>Recommendation: Replace with AANDC</p>

2.0 Department of Fisheries and Oceans

DFO	
Page Reference	Description and Rationale
Page 13	<p><u>Section 1.4.2 - Goal 4a</u></p> <p>“Increase the economic self-sufficiency of the region through sustainable development: Address barriers to industry investment and increase non-renewable resource development in the region”.</p> <p>Consideration: Sustainable development vs. non-renewable resource development is contradictory.</p>

Page 26	<p><u>Section 3.1 – Spatial Application of Conformity Requirements</u></p> <p>Recommendation: Add zoning acronyms (SMZ, GU, PCI, CZ) to the paragraph above Table 1 for clarity of Table 1 headings.</p>
Page 50	<p><u>Action 4: Water Withdrawals</u></p> <p><i>“DFO also limits water withdrawal to 5% of available water volume from any water body per winter season”.</i></p> <p>Limits to water withdrawal have been increased from 5% to 10% of available water from any water body per winter season as a result of updates to the protocol in 2010.</p> <p>Recommendation: Replace with 10%</p>
CR Reference	Description and Rationale
#7: Page 38	<p><u>Wildlife</u></p> <p>Recommendation: Change to Fish and Wildlife for further clarification</p>
#12: Page 44	<p><u>Financial Security</u></p> <p><i>“Financial security must be posted and maintained with the Minister of Indian Affairs and Northern Development Canada”</i></p> <p>Recommendation: Replace with Aboriginal Affairs and Northern Development Canada</p>
#9: Page 41	<p><u>Sensitive Species and Features</u></p> <p>Recommendation: Incorporate reference to the <i>General Status Ranks of Wild Species in the NWT</i>.</p>
#19: Page 46	<p><u>Water Withdrawal</u></p> <p><i>“The withdrawal of water for industrial purposes from Lac Belot, Stewart Lake or Tate Lake, except from the outflow, shall not be authorized”.</i></p> <p>Consideration: This could present logistics problems. Bigger lakes like Lac Belot have less impact from water withdrawal than smaller lakes. In Goal 4c the plan has: <i>Address community and industry needs for access and infrastructure development</i>. Limited water sources in some areas for building ice roads may cause issues.</p>

3.0 Department of National Defence /Canadian Forces

DND	
Page Reference	Description and Rationale
Page 4	<p>Recommendation(s): Include the following acronyms in the Acronyms section.</p> <p>DND – Department of National Defence</p> <p>CF – Canadian Forces</p>
	<p>For Information, at the request of DND, AANDC facilitated a meeting between DND and Planning Board Staff to clarify DND’s concerns. AANDC and DND may provide additional comments at a later date.</p>
Implementation Guide	

Page Reference	Description and Rationale
5 (Implementation Guide)	<p><u>Section 2.4 - Application to Land Use Activities and Applicants</u></p> <p>DND understands that military operations which require permits, licenses or authorizations will be subject to the Plan conformity requirements as stated in section 2.4. The Canadian Armed Forces (CAF) has different level of military activities some of which are low-level which do not trigger or require an authorization under any federal or territorial legislation such as Ranger Patrols in and around local communities.</p> <p>To avoid misunderstanding and misinterpretation of the intent of Section 2.4 Application to land Use Activities and Applicants, we are proposing to add wording to the Implementation Guide to provide greater clarity.</p> <p>Recommendation: Include "CAF training activities which do not trigger or require an authorization under any federal or territorial legislation" in s. 2.4 (3rd paragraph) of the Implementation Guide as an additional permitted use in General CR#1 Zone list of activities that is not subject to the Plan.</p> <p>Rationale: These CAF training activities are considered low-level within the Sahtu Settlement Area. These activities would not require a land use permit under any federal or territorial legislation. It is important to emphasize that, under the SDMCLCA, we would still require to provide notification of our activities.</p>

4.0 National Energy Board

NEB	
Page Reference	Description and Rationale
There appear to be a number of statements within the CRs which might be considered 'recommendations' or 'guidance' rather than Conformity Requirements. Some, in fact are existing requirements of other applicable legislation. Some examples are as follows;	
CR#2 - Page 35 CR#3 – Page 36	<p>The SLUP implies that the 'Board' (SLUPB) is evaluating community engagement (CR #2) or encouraging applicants to maximize benefits (CR #3).</p> <p>Clarification: The evaluation of engagement falls to the screener or the Review Board. The evaluation of benefits, falls to AANDC (oil and gas benefits plans) or the Sahtu Land Corporations (Access and Benefits Agreements).</p>
Page 37	<p><u>CR #4 – Archeological Sites and Burial Site</u></p> <p>As worded, it is unclear who is responsible for determining mitigation.</p> <p>Recommendation: Clarify who is responsible for determining mitigation.</p>
Implementation Guide	
Page Reference	Description and Rationale
Page 48-49	<p><u>Appendix 2: Federal Authorizations and Dispositions that Implement the Plan</u></p> <p>The NEB does not 'authorize' or approve a benefits plan.</p> <p>Recommendation: The <input checked="" type="checkbox"/> should be attributed to AANDC.</p> <p>The footnote for "***" in Appendix 2 is not provided.</p> <p>Recommendation: Add footnote or remove "***".</p> <p>A <input checked="" type="checkbox"/> under "2 Community Engagement" for an NEB Authorization (2X) incorrectly implies that this is considered under the COGOA. Community engagement for oil</p>

	<p>and gas activities or development is considered under the MVRMA. The <input checked="" type="checkbox"/> should be footnoted to account for this.</p> <p>Recommendation: Include a footnote to clarify community engagement for oil and gas activities is under MVRMA rather than COGOA.</p>
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5.0 Parks Canada.

Parks Canada	
Page Reference	Description and Rationale
Page 16	<p><u>Section 1.5.3 – Tulita District Elder’s Zoning Workshops</u></p> <p><i>“Following those meetings, the Tulita District forwarded the SLUPB a resolution on February 25, 2011 outlining its final direction for zoning within the Tulita District”.</i></p> <p>Recommendation: Include a footnote for resolution along the lines of, “Subsequent Tulita District resolutions were passed regarding the Nááts’ihch’oh National Park Reserve boundaries”.</p>
Page 19	<p><u>Section 2.2. Application of Plan to Protected Areas</u></p> <p>The approach in the Plan should be consistent with the management arrangement for the private lands portion of Saoyú-?ehdacho.</p> <p>Recommendation:</p> <p><i>...However, upon establishment, such areas will be subject to management direction from the sponsoring legislation, and in many cases, management plans or management agreements developed specifically for these areas. In order to avoid conflict and duplication with that direction, the Plan will not provide any further direction to protected areas once established. under the Protected Areas Strategy, or otherwise (in the case of Doi T’oh Territorial Park and Canol Heritage Trail) once they are completed.</i></p> <p><i>...Once a proposed protected area is established, it too will be designated as an Established Protected Area. The Plan will provide no further direction within Established Protected Areas. All Established Protected Areas will be managed according to their sponsoring legislation, management plans and/or management agreements as determined during the establishment process. All Established Protected Areas will be managed according to their sponsoring legislation and management plans (where applicable) and the Plan will provide no further direction within these areas.</i></p>
Page 34	<p><u>Table 3</u></p> <p>It is important to be clear that the Plan will not apply to either the Crown-owned or settlement lands portions of Saoyú-?ehdacho.</p> <p>Recommendation: Reword comment in Saoyú-?ehdacho row in Table 3: “The Plan does not apply in these Areas to either the settlement lands or Crown (Parks Canada) lands within the site.”</p>
Page 141	<p><u>Zone 41: Summary Table</u></p> <p>Recommendation: Reword the following section: Location and Boundaries: <i>The Nááts’ihch’oh PCI zone includes the headwaters of the South Nahanni River. The</i></p>

	<p>entire Nááts'ihch'oh Nááts'ihch'oh PCI zone is currently under an Interim land withdrawal.</p>
Pages 141-142	<p><u>Section 41: Reasons for Establishment</u></p> <ul style="list-style-type: none"> • Nááts'ihch'oh National Park Reserve, when gazetted, will be within the headwaters of the South Nahanni River. Its protection will offer extended protection to the South Nahanni River which is currently protected by the Nahanni National Park Reserve in the Dehcho Region. - Together, the Nahanni and Nááts'ihch'oh national park reserves <u>will protect much of</u> the entire South Nahanni watershed. • The mountain, Nááts'ihch'oh (Mount Wilson), from which the park takes its name is credited with great spiritual powers." • Nááts'ihch'oh PCI Zone includes the upper portion of the South Nahanni River. • The entire Nááts'ihch'oh PCI zone is mountain woodland caribou habitat and constitutes a significant part of their migration routes...From late spring through late fall, the South Nahanni herd of mountain woodland caribou calve, over-summer and rut primarily in the Little Nahanni River and Lened Creek areas to and across the Yukon border. The Redstone herd of mountain woodland caribou utilize the full north and eastern portion of the South Nahanni watershed.
Pages 141 - 142	<p><u>Section 41: Values to be Protected & Values to be Respected/Considered</u></p> <p>It is confusing to have these headings divided by a section on wildlife.</p> <p>Recommendation: Amalgamate these two headings.</p>
Page 142	<p><u>Section 41: Values to be Protected</u></p> <p>Recommendation: "An Important Wildlife Area for sheep, and critical sheet sheep habitat, and winter sheep habitat are also found in the area".</p> <p><u>Section 41: Economic Importance</u></p> <p>"Oil and gas potential: 95% low".</p> <p>Because there were 0 identified this statement is not straightforward.</p> <p>Recommendation: Oil and gas potential: 0-5%.</p> <p>"Mineral rights: leases".</p> <p>Recommendation: Mineral rights: leases and claims.</p> <p><u>Section 41: Conservation Initiative Status</u></p> <p>"On August 22, 2012 an announcement was made to establish the park". The Plan must be clear on what was announced on August 22, 2012.</p> <p>Recommendation: On August 22, 2012 an announcement was made to establish Nááts'ihch'oh National Park Reserve.</p>
Page 143	<p><u>Section 41: Dall's Sheep</u></p> <p>"However, current and potential sheep habitat occurs across the Area of Interest".</p> <p>Clarification: (1) Parks Canada's information outlines a definitive habitat therefore the use of the phrase <i>potential</i> may cause confusion. (2) Strange terminology. Should refer to the zone rather than 'area of interest'.</p>

	<p><i>"The current Nááts'ihch'oh boundary area is not noted for having particularly high density sheep populations in comparison with other areas of the Mackenzie Mountain portion of the Sahtu".</i></p> <p>Recommendation: The <i>Nááts'ihch'oh PCI zone</i> is not noted for having particularly high density sheep populations in comparison with other areas of the Mackenzie Mountain portion of the Sahtu.</p> <hr/> <p>Section 41: Mountain Woodland Caribou</p> <p>Recommendation: The entire northern section of the Nááts'ihch'oh <i>PCI zone</i> is used by Redstone caribou and the area south of the South Nahanni River is used by the South Nahanni herd. The snow patches in the high alpine areas <i>between the Selwyn and Lened claims</i>, are used by caribou and their young calves in July to escape insect harassment. The <i>same area, concentrated along the Little Nahanni River and Lened Creeks</i>, covers much late summer range, which is a critical time for caribou to gain sufficient fat reserves to make it through the fall rut and then through the winter.</p> <hr/> <p>Section 41: Grizzly Bears</p> <p>Recommendation: The largest very high density grizzly bear area lies almost totally <i>between the Selwyn and Lened claim areas, particularly along the Little Nahanni watershed</i>.</p>
Page 179	<p>Tuktut Nogait National Park:</p> <p>The title for this zone should reflect that the Zone only refers to the Sahtu portion of Tuktut Nogait.</p> <p>Recommendation: Change title of zone to: <i>Tuktut Nogait (Sahtu Expansion)</i></p> <p>There are no Settlement Lands within the proposed expansion, so the number 96.3% in the table should be removed</p> <p>Recommendation: <i>"Sahtu Surface Ownership: 96.3%" none"</i></p> <p>In the Inuvialuit Settlement Region, Tuktut Nogait is an established National Park, while the expansion of the park into the Sahtu still requires an amendment to the <i>Canada National Parks Act</i> before the area is officially established.</p> <p>Recommendation: Edit introductory paragraph in zone description: <i>"Tuktut Nogait is a National Park under Parks Canada. In the Inuvialuit Settlement Region, Tuktut Nogait is a National Park under the administration of Parks Canada. Parks Canada and the Deline Land Corporation have signed an Impact and Benefit Agreement (2005) to expand the National Park into the Sahtu Settlement Region. When the Canada National Parks Act is amended to include the Sahtu part of Tuktut Nogait, then the Sahtu Land Use Plan will no longer apply. For greater details on valued components and status of park legislation, contact Parks Canada.</i></p> <p><i>"In mid-June, the herd's 85,000 animals return to the park to give birth"</i></p> <p>Recommendation: Remove reference to the herd size.</p>
CR Reference	Description and Rationale

#1: Page 28	<p><u>Land Use Zoning</u></p> <p>Allowances are made for some land use prohibitions to occur in CZs and PCIs under certain circumstances.</p> <p>Note: Some of these activities may not be permitted under any Interim Land Withdrawal that may be in place for a PCI, if they require a disposition of land.</p>
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6.0 Transport Canada

Transport Canada	
Implementation Guide	
Page Reference	Description & Rationale
Page 47	<p><u>Appendix 1. Key Regulators/Land Owners, Authorizations and Dispositions that Implement the Plan</u></p> <p>Note: The Navigable Waters Protection Act (NWPA) will be changed to the Navigation Protection Act in the near future.</p>