



Sahtu Land Use Planning Board

Box 235, Fort Good Hope, NT, X0E 0H0
Phone: (867) 598-2055 Fax: (867) 598-2545
Email: info@sahtulanduseplan.org; Website: www.sahtulanduseplan.org

April 9, 2014

Zabey Nevitt, Executive Director
Mackenzie Valley Land and Water Board
7th Floor-4910 50th Avenue
PO Box 2130
Yellowknife, NT X1A 2P6

DELIVERED BY FAX

**Re: Mackenzie Valley Fibre Optic Link Project
Conformity Determination with the Sahtu Land Use Plan**

Dear Mr. Nevitt:

This letter is a response to the March 26, 2014 referral to the Sahtu Land Use Planning Board (SLUPB or the Board) for a conformity determination of applications from the Government of the Northwest Territories- Department of Finance (GNWT) for Land Use Permit MV2014X0009 and Water Licence MV2014L1-003 for the Mackenzie Valley Fibre Optic Link Project (the Project) as per section 47(1)(a) of the Mackenzie Valley Resource Management Act.

The SLUPB requires additional time to complete the conformity determination. The SLUPB issued a Notice of Conformity Determination on April 1. The deadline for affected parties to provide public comment is April 15. The SLUPB submitted an initial Information Request to the GNWT on April 9, attached to this letter. The GNWT has until April 25 to respond.

The board will review any public comments received and the GNWT's response to the initial information request to determine if additional informations requests will be made, or to render a decision on conformity. On or before April 30, 2014 the SLUPB will notify the MVLWB the status of the Conformity Determination.

Should you have any question, contact me at 867-598-2055 or exec_director@sahtulanduseplan.org.

Regards,

Scott Paszkiewicz, Executive Director
Sahtu Land Use Planning Board

CC: Sean Craig- GNWT-Department of Finance
Sandy Kalgutkar- GNWT-Department of Finance
Nick Lawson- Stantec Consulting Ltd.
Paul Dixon- Sahtu Land and Water Board
Sue McKenzie- Gwich'in Land Use Planning Board



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April 9, 2014

To: Sandy Kalgutkar, Department of Finance Government of the Northwest Territories

CC: Sean Craig, Department of Finance Government of the Northwest Territories
Nick Lawson, Stantec Consulting Ltd.
Zaby Nevitt, Mackenzie Valley Land and Water Board
Notice of Conformity Determination Distribution List

DELIVERED BY FAX

Re: Initial Information Request for Conformity Determination

The Mackenzie Valley Land and Water Board (MVLWB) referred the Government of the Northwest Territories - Department of Finance ("GNWT") application for a Land Use Permit MV2014X0009 and a Water Licence MV2014L1-0003 for the Mackenzie Valley Fibre Optic Link Project (the "Project") on March 26, 2014 (the "Applications") for a conformity determination pursuant to Section 47(1)(a) of the Mackenzie Valley Resources Management Act and the Sahtu Land Use Plan ("SLUP").

After an initial review of the Applications the SLUPB has determined this project will be required to demonstrate conformity with fourteen (14) of the nineteen (19) Sahtu Land Use Plan (SLUP) Conformity Requirements (CR's). The attached initial Information Request (IR) was prepared so the GNWT can provide further information required for the SLUPB conformity determination process. Please provide your response no later than 5 PM on April 25, 2014.

After reviewing the GNWT's response and any comments from the public, the SLUPB may request further information from the GNWT. The responses should be submitted, and any questions sent by email to exec_director@sahtulanduseplan.org.

Regards,

Scott Paszkiewicz
Executive Director
Sahtu Land Use Planning Board



Initial Information Request for Conformity Determination

Following the referral for Conformity Determination, project applications were downloaded from the MVLWB public registry. After initial view, the SLUPB seeks clarity in its understanding of the status of the applications. It is the SLUPB's understanding that:

- There are on-going pre-construction activities for this project focused on collecting information necessary to support detailed design and construction planning (PDR 3.7).
- Spill Contingency Plan, Waste Management Plan, and Environmental Protection Plan are submitted in Draft forms (PDR Appendices B).
- No original Traditional Knowledge studies have been conducted specifically for this project.
- Not all access and benefits agreements were finalized prior to application submittal (PDR 5.4).

The PDR (4.9.3.2) lists zones where MVFL activities will occur. Where activities occur in the General Use Zone, Sahtu Land Use Plan (SLUP) Conformity Requirements (CR's) 1-13 apply. For activities in Special Management and Conservation Zones CR's 1-14 apply.

The following items have been raised by the board. Notations following each item refer to corresponding SLUP CR's. The GNWT's responses should demonstrate how conformity is intended to be achieved for the acknowledged CR's. Where CR 14 is noted, the board is seeking additional description on how activities will be designed and carried out in a manner that protects, respects or takes into account the values listed in the SLUP Zone Description and Table 5 for each applicable zone.

1. Review of project shapefiles show the preferred route passing through Zone 62- Willow Lakes Wetlands Special Management Area near Zone 32- Bear Rock Conservation Zone. This zone is not included in the PDR, please clarify. (CR's 1, 14)
2. Provide copies of route maps that were presented at community consultations informing that the proposed route would pass through SLUP conservation zones. (CR's 2, 14)
3. The PDR references existing and proposed linear land use activities through the Central Mackenzie Valley. Please identify the departments, agencies, or organizations that have been consulted in this shared corridor. Explain the Department of Finance's level of coordination with these entities to limit conflicting land use activities. Verify that access has been granted for use of the ROWs, campsites, and drilling areas as proposed. (CR's 1, 14)
4. The PDR references traditional land uses. These are cited from previous conducted studies for other projects, in particular the Project Description Reports for the Mackenzie



Valley Highway all weather extension (PDR 4.9.2). Clarify if any original Traditional Knowledge studies were conducted specifically for this project documenting traditional land uses. Provide copies of traditional knowledge studies done and/or interviews with land users. (CR 2)

5. As understood, field studies and route investigation activities are ongoing and not complete (PDR 3.7). Describe how traditional knowledge will be collected and incorporated into field studies, and what methods of community engagement will be used in determining final route selection? (CR 2) In particular:
 - a. All activities occurring in the Fort Good Hope-Colville Lake Group Trapping area (CR 2, 14).
 - b. Identification of potential archeological and burial sites. (CR's 2, 4, 14)
 - c. Identification of locations of rare plants and sensitive features. (CR's 2, 9, 14)
 - d. Engagement with Renewable Resource Councils and Sahtu Renewable Resource Board on Wildlife and Wildlife habit, and harvesting sites (CR's 2, 7, 14)
 - e. Engagement with families and traditional users regarding special management and conservation zones and their use in those zones for firewood and timber collection, hunting, trapping, berry picking, fishing, recreation, boating, transportation and trails, and/or who may have cabins, camps or outposts? (CR's 2, 14)
6. Please explain how the GNWT intends to provide for the ability of the Sahtu Dene and Metis (Participants) to participate in the economic aspects of the activity being proposed and how this will protect and promote the economic wellbeing of the Participants. (CR 3)
7. Please advise if the GNWT has engaged any of the Designated Sahtu Organizations that represent the Sahtu Dene and Metis (Participants) on the economic aspects of the activities and which organizations those are and the extent of that engagement. (CR 3)
8. Please advise if this engagement has resulted in any signed agreements in the nature of what are commonly called "Benefits Agreements". If so please advise which organizations those agreements are with. (CR 3)
9. Describe the analytical methods used to assess the socio-economic impacts to the Sahtu as a region and/or for individual Sahtu communities. Provide a copy of the September 20, 2012 Mackenzie Valley Fibre Link Socioeconomic Analyses report conducted by CRG Consulting cited in PDR Section 3.9.2. (CR 3)
10. PDR Table 4-40 identifies previously recorded archeological sites within 1 Km of the proposed route. Describe the measures that have been developed in cooperation with the Prince of Wales Northern Heritage center, affected communities, or affected families (in case of burial sites) to mitigate archeological sites within 150m and burial sites within 500m of the proposed route. (CR's 2, 4)
11. In the absence of baseline information collected through field studies and final route selection, explain how site-specific monitoring programs are being developed. Describe the monitoring program(s) proposed. Providing details on where monitoring will occur,



when, and by whom. Provide details on how community input is being incorporated. (CR 2, 11)

12. Provide a record of consultation with users of the Little Chicago Area to ensure that proposed MVFL activities are scheduled and located as not to not conflict with existing traditional uses and respects the wildlife and historical values as described in the SLUP. (CR 14)