



# Sahtu Land Use Planning Board

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March 14, 2017

To: Sahtu Land Use Plan Amendment Distribution List

**RE: January 9, 2017 Amendment Application comments received and next steps**

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On January 9, 2017, the SLUPB issued a Notice of Amendment Application. The SLUPB has accepted and reviewed twelve (12) written submissions on the application. The SLUPB's review of the comments received are summarized in the attached document. The application, comments, and all previously released amendment scoping documents can be found on the SLUPB's on-line registry:

[www.sahtulanduseplan.org/am2015-01](http://www.sahtulanduseplan.org/am2015-01)

Based on the comments received, the SLUPB is not prepared at this time to adopt the amendments as proposed in the January 9, 2017 Amendment Application. It is hosting a meeting with the three MVRMA Approval Parties (Sahtu Secretariat Incorporated, Government of the Northwest Territories, Government of Canada) to consider next steps in the process. This meeting has been proposed for March 22-23 in Tulita.

The agenda for the meeting is in development. Anticipated topics to be covered will include: an overview of the SLUP amendment process and the SLUPB's activities since 2015, review of the SLUPB zoning proposal and comments received, and discussion on the proposed Conformity Requirement #20. The SLUPB would also accept additional input from the Approval Parties that will support the finalization of the SLUP amendment process.

For clarity the SLUPB will be coordinating this next step with the 3 approval parties. The meeting will not be open to the public to participate, but the public may attend and observe. The SLUPB will provide a report on the outcomes of the meeting which will be posted to the SLUPB's website. Members of the public and other interested parties wanting to communicate further views at this meeting should do so by contacting any one of the three approval parties.

Questions and requests for additional information on the SLUP amendment process should be directed to Scott Paszkiewicz, the SLUPB's Executive Director, at 867-598-2055 or [exec\\_director@sahtulanduseplan.org](mailto:exec_director@sahtulanduseplan.org).

Mahsi,

Heather Bourassa  
SLUPB Chair



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## SLUPB Response to Comments Received on the January 9, 2017 SLUP Amendment Application

### AMENDMENT APPLICATION BACKGROUND

On January 9, 2017 the Sahtu Land Use Planning Board (SLUPB) released a Sahtu Land Use Plan (SLUP) Amendment Application. The 18 amendments proposed in the application would have the effect of rezoning lands in Proposed Conservation Initiative (PCI) Zone 41- Nááts'ihch'oh, as Special Management Zones (SMZ). Lands within the South Nahanni Watershed were proposed as new SMZ 41-South Nahanni Watershed. Lands outside of the watershed would be added to existing SMZ 38- Mackenzie Mountains. The amendments would also and create a new Conformity Requirement (CR) #20 applicable only to the new SMZ 41.

The scoping of the Amendment Application occurred over a two year period following the establishment of the Nááts'ihch'oh National Park Reserve of Canada (NANPR) in December, 2014. In April 2015, the SLUPB released a Background Report to communicate its understanding of important values to consider for the area, overview of data and information available, and the SLUPB's approach to amending the SLUP. The SLUPB accepted written comments on the report and hosted 3 public meetings (Tulita, Norman Wells, and Yellowknife) in July, 2015, to gather additional public input.

Based on the input collected, a Draft Amendment Application was released for review by the 3 Mackenzie Valley Resource Management Act (MVRMA) Approval parties: The Sahtu Secretariat Incorporated (SSI), Government of the Northwest Territories (GNWT), and Government of Canada- Indigenous and Northern Affairs Canada (INAC). The Draft Amendment Application was presented on October 7, 2015 for a 60-day review period. When the two government approval parties requested an extension of the review period, the SLUPB posted the Draft Amendment Application to its public registry in December 2015. The SLUPB hosted a follow up public meeting in June 2016 in Tulita. Comments received from the government approval parties and other interested parties were accepted by the SLUPB and posted to the registry.

In the autumn of 2016, the SLUPB met to consider all the information that had been collected through the scoping process to finalize the Amendment Application. The Amendment Application was released on January 9, 2017. The Amendment Application, comments received, and scoping documents are posted to the SLUPB online registry:

[www.sahtulanduseplan.org/am2015-01](http://www.sahtulanduseplan.org/am2015-01)

### COMMENTS RECEIVED

The SLUPB accepted and reviewed twelve (12) written submission received up to the start of the SLUPB's February 22-23, 2017 meeting.

The following summarizes the SLUPB's understanding of the comments received and the key positions of the organizations that made submissions:

**Tulita Land/Financial Corporation-** The Land Corporation wants the remaining lands of Zone 41 PCI not included in the NANPR ("remainders") to become conservation zones (CZ) or remain PCI. It was noted that the submission was CC'ed to the SSI.

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**Canada Parks and Wilderness Society- Northwest Territories Chapter (CPAWS)-** CPAWS is not supportive of current application, with the remainders proposed as SMZs. The submission referred to the NANPR development process and the February 2012 Ratification Draft as the rationale for further consideration of conservation options.

**Government of Canada-Indigenous and Northern Affairs Canada (INAC)-** The SLUPB understood the federal government to be supportive of the special management zoning proposal. The government was also generally supportive of proposed CR 20, with changes. These changes included language to clarify CR 20 Part (a) regarding wildlife, and a new proposed Part (c) to reduce potential impacts to recreationalists. The submission included a request for further discussion with the three parties, and was CC'ed to SSI and GNWT.

**GNWT-** The SLUPB understood the territorial government to be supportive of the special management zoning proposal. The government was also generally supportive of proposed CR 20, with changes regarding: parties responsible, impacts to wildlife, and inclusion of mountain goats. The SLUPB accepted the comments as a unified government submission, noting that a separate submission from the Department of Environment and Natural Resources (ENR) had been received by staff but withdrawn prior to the SLUPB's review. The accepted submission included a request for further discussion with the three parties, and was CC'ed to SSI and INAC.

**Norman Wells Renewable Resources Council (NW RRC)-** The SLUPB understood that the NW RRC wants the remainders to remain as PCI, raising concerns of the impacts to the NANPR, watersheds, and wildlife, especially caribou calving grounds.

**Tulita Dene Band-** The SLUPB understood that the Tulita Dene Band would like the remainders to be zoned as CZs, in particular lands identified in the February 2012 Ratification Draft that were not included in the NANPR. The letter acknowledged ongoing work with ENR regarding the development of a conservation plan for mountain caribou. Once completed, it could provide new information to the land use planning process and perhaps contribute to the 5-year review.

**Sahtu Renewable Resources Board (SRRB)-** The SLUPB noted similarities, and in some cases identical language, to the Tulita Dene Band submission. The SLUPB understood that the SRRB would like the remainders to be zoned as CZs, in particular lands identified in the February 2012 Ratification Draft that were not included in the NANPR. The SRRB acknowledged ongoing work with ENR regarding the development of a conservation plan for mountain caribou. The SLUPB commented that since the GNWT is an approval party, it may be more appropriate for the SRRB to present their position to the GNWT (as ENR is a wildlife manager).

**NANPR Management Committee-** The committee supports conservation zoning for areas adjacent to the NANPR, in particular the upper headwaters of the South Nahanni River and the proposed parcel identified as Zone 41C.

**WCS Canada-** WCS Canada presented a position for additional conservation zoning in areas identified as sensitive wildlife habitat for mountain caribou, grizzly bears, and Dall's sheep. The submission referenced the February 2012 Ratification Draft as lands for CZ consideration. The submission also called for stronger and more explicit provisions for CR 20.

**Ron Berdahl-** The SLUPB received the prospector's comments as supportive of the proposed SMZ. The SLUPB noted his past work and future interests, which is consistent with the SLUPB's understanding of the areas of high mineral potential. It was also understood that his interest is in areas excluded from the February 2012 Ratification Draft.

**Canoe North-** As a tour group that operates on rivers in the Mackenzie Mountains, the SLUPB understood their interest in protecting these rivers (their submission mentions the Natla, Keele, Mountain, and Redstone Rivers).

**NWT and Nunavut Chamber of Mines-** The SLUPB understood that the NWT and Nunavut Chamber of Mines wants Zone 41 lands open for mineral exploration and development, and interpreted this as



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supportive of the SMZ proposal. They raised concerns with CR 20 Part (a), and regarded Part (b) as manageable.

**Kaska Regional Coordinator-** The SLUPB acknowledged an email request, and staff response, to extend the submission deadline. No written submission was received by the SLUPB meeting date.

## **SLUPB DISCUSSION POINTS ON KEY ISSUES RAISED**

### *Understanding of MVRMA Approval Party Positions*

The SLUPB noted that two (GNWT and INAC) of the three approval parties provided written submissions, and understood that both Governments were supportive of the proposed SMZ, and to a degree with CR 20. Both Governments offered suggested changes to the CR and proposed further three party discussions with the SLUPB.

SSI did not provide a written submission on the Amendment Application, nor has SSI provided any previous formal written comments throughout the amendment process. During the course of this 2-year process the SLUPB has sent representatives to SSI meetings, and through this manner the SLUPB understands that SSI will seek input from Designated Sahtu Organizations with an interest in the Zone 41. Based on this, the SLUPB notes that it received a written submission from the Tulita Land/Financial Corporation on the Amendment Application. However, it did not receive comments from the Fort Norman Metis Land Corporation, Norman Wells Land Corporation, or the Tulita District Land Corporation. This leaves the SLUPB uncertain of SSI's position on the proposed amendments.

*Moving forward: The SLUPB will meet with the 3 approval parties in a 4-way discussion to consider options to advance the amendment process.*

### *NANPR Development and the February 2012 Ratification Draft*

During the review of the comments received, the SLUPB acknowledged multiple references to the NANPR development process and the February 17, 2012 Ratification Draft. In its April 17, 2015 Background Report, the SLUPB outlined its understanding of the NANPR development process. Members of the SLUPB familiar with the NANPR development process questioned the details of the accounts presented in some of the written submissions received. However, the underlying message of the written submissions is consistent with the April 2015 Background Report. This being: a recognition of Sahtu leadership's support for the Ratification Draft, the Government of Canada's decision not to support it, and the subsequent disappointment expressed by Sahtu leadership in the final NANPR boundary determination.

This information has been considered and the concept of amending the SLUP to include CZs for important wildlife areas, and SMZs for areas with high mineral potential, was presented to the 3 approval parties in October 2015 in the form of a Draft SLUP Amendment Application. From the response received, the SLUPB was of the opinion that this proposal would not be acceptable by all of the approval parties.

*Moving forward: Planning partners wishing to express further comments regarding the NANPR development (or expansion), or conservation zoning options reflecting the 2012 Ratification Draft should direct them to the 3 approval parties.*

### *SLUPB Position Regarding PCI Zoning*

The PCI Zone 41 remains in effect until amendments are adopted by the SLUPB and approved by the three MVRMA Approval Parties. For clarity it should be acknowledged that the PCI designation is for areas for which a formal legislated protection is being sought (SLUP Section 3.2 Page 28). With the NANPR now established, and Parks Canada expressing no interest in sponsoring an ongoing formal process to expand the NANPR, the SLUPB has no procedural course to propose an amendment to the Plan with any (or all) of the Zone 41 remaining as PCI. Per the SLUPB's interpretation of SLUP Section



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2.2, it is mandated to carry out an amendment process that will result in a zoning alternative that will be approved by the three parties.

*Moving forward: The SLUPB will not consider SLUP Amendments that include zoning options for continued PCI designation unless a formal process is brought forward to expand the NANPR.*

### Wildlife

For clarity the SLUPB does not have a wildlife management mandate. However, impacts of various land uses on wildlife habitat has been an ongoing topic for consideration during land use plan development and implementation. Land use planning decision making is based on this best available information of values (i.e. wildlife) identified through planning exercises.

Through SLUP Action #3 (SLUP page 52), wildlife managers are asked to make reasonable efforts to share as circumstances require, current available data on important and critical wildlife habitat. Throughout the amendment process, the SLUPB has gathered and requested the most up to date information (traditional knowledge and scientific) on identified wildlife habitat, and presented this best available information in documents and maps in written form and at public meetings.

The SLUPB has and will continue to request that wildlife managers (ENR, CWS, PCA, SRRB, DFO) provide any new information that has not been considered. The SLUPB has noted that the GNWT (ENR as a department of the territorial government), INAC (CWS, PCA, DFO as agencies within the federal government) and the SRRB have raised comments regarding the language of proposed CR #20 Part (a), the inclusion of mountain goats, reference to cumulative impacts to wildlife habitat, and development of a mountain caribou conservation plan.

The SLUPB is not opposed to revisiting the proposed language to clarify and appropriately communicate the SLUP's effect on valued wildlife species and their habitat within a land use planning context. The SLUPB will consider these comments in future discussion with the 3 approval parties.

*Moving forward: Wildlife managers as identified in SLUP Action #3 are encouraged to contact the SLUPB and provide any new information on valued wildlife species not reflected in the scoping materials posted to the SLUPB registry. Planning partners wishing to express further comments regarding valued wildlife species should direct them to the 3 approval parties.*

### **NEXT STEPS**

The SLUPB has invited the three approval parties to have a 4-way discussion of the proposed amendments and seek a means to bring the amendment process to a successful closure. The meeting is scheduled for March 22-23, 2017 in Tulita. The meeting will provide an opportunity for the SLUPB to review and share the input it has received from planning partners throughout the 2-year process, as well as consider and discuss the 3-parties' positions on zoning and CR #20. The meeting will not be open to the public to participate, but the public may attend and observe. The SLUPB will provide a report on the outcomes of the meeting which will be posted to the SLUPB registry. Members of the public and other interested parties wanting to communicate further views at this meeting should do so by contacting any one of the three approval parties.

Any comments on this document or questions regarding the SLUP amendment process should be directed to Scott Paszkiewicz, the SLUPB's Executive Director, at [exec\\_director@sahtulanduseplan.org](mailto:exec_director@sahtulanduseplan.org) or 867-598-2055.