



# Sahtu Land Use Planning Board

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## **SLUPB Staff Report: June 16, 2016 Tulita Public Meeting Summary Nááts'ihch'oh Amendment Process**

Presented: SLUPB Teleconference July 26, 2016

### **Overview of Open House and Public Meeting**

At its April 28 teleconference, the SLUPB directed staff to organize a public meeting in Tulita. The purpose of the meeting was to present to the public the collective work on the amendment process and seek input to guide next steps. This would include presenting the draft amendment application prepared by the SLUPB and comments received, in particular the alternative zoning submitted by the Government of the Northwest Territories Department of Lands (GNWT).

The public meeting was hosted by the SLUPB on June 16 from 10:00 AM until approximately 4:30 PM. The evening prior (June 15), the SLUPB hosted an open house from 7:00 PM until approximately 10:00 PM. During the open house, wall maps were on display and SLUPB Staff and Chair were available to answer questions on the amendment process. Maps included the SLUPB zoning proposal, GNWT zoning proposal, and various thematic (i.e. mineral tenure, wildlife habitat, cultural sites, etc.) maps used to inform the process.

In addition to SLUPB Chair and staff, twenty people signed in on the morning of June 16. This included representatives from: Tulita (community members), Tulita Land Corporation, Fort Norman Metis Land Corporation, Tulita Dene Band, Deline Land Corporation, The Sahtu Secretariat Incorporated, Selwyn Chihong Mining LTD., Parks Canada, Sahtu Renewable Resources Board, and Canadian Parks and Wilderness Society-NWT. SLUPB staff estimated an additional 15-20 people participated in the open house, or arrived late for the public meeting, who did not sign in.

### **Roles, Agenda, Presentations**

The meeting was chaired by the SLUPB Chair. Her role was to provide an introduction and ensure that the meeting was conducted in an orderly manner. The SLUPB Executive Director presented for the SLUPB and facilitated the public comment session. GNWT Staff also made a presentation. The SLUPB's GIS Analyst/Planner recorded notes during the public comment session. Following the meetings, the PowerPoint presentations and maps were posted to the SLUPB online registry.

#### Meeting Agenda:

- I. Welcome and Introductions
  - II. Overview of the Sahtu Land Use Plan
  - III. Review of the Nááts'ihch'oh Amendment Process
  - IV. Presentation of SLUPB Proposed Zoning
  - V. Presentation of GNWT Proposed Zoning
  - VI. Facilitated Discussion
  - VII. Closing Remarks
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The Chair opened the meeting by clarifying the purpose of the meeting. This being to present an overview of work to date including zoning proposals prepared by the SLUPB and GNWT, and gathering of input to inform the SLUPB as it considers the next steps in the process. She stated that the zoning alternatives presented should be considered as starting points for later discussions. Participants were not being asked to choose one alternative over another, and no final decisions were to be made during the meeting.

The SLUPB's Executive Director made a series of presentations. He began with a brief overview of the Sahtu Land Use Plan (SLUP) focusing on zoning. He then provided a review of planning activities including: the issuance of a Background Report (April 2015), written comments submitted on the report, 3 public meetings (July 2015) held in Tulita, Norman Wells, and Yellowknife, and the draft amendment application for approval party review (October 2015). Following the release of the draft amendment application he explained that the governments requested additional time to submit their comments. The GNWT comments were submitted in March 2016 and Government of Canada's in April 2016.

After covering this material, presentations were made on two zoning proposals. First by the SLUPB, then by the GNWT. Both presentations included maps and rationale for how the proposals were developed. Both zoning proposals were posted as wall maps in the back of the room, and smaller maps available at each table. During break times participants were encouraged to review the maps and prepare for the afternoon discussion.

### **Facilitated Discussion**

During the morning presentations, SLUPB staff took general questions regarding the SLUP and amendment process. Participants were asked to hold specific questions regarding the zoning proposals and next steps until the afternoon. In general, comments from the public regarded clarification of the process, accesses to information, and public engagement. As the discussion flowed, the Executive Director wrote comments and suggestions to the SLUPB on flip chart paper. The Executive Director said that he would take the list back to the Board for consideration. The following are a list of questions, comments and suggestions raised. When noted "Added to list", refers to suggestions from the public to be delivered to the Board:

- Do SLUPB members represent the party that nominated them?
  - Response: Board members are nominated by SSI, GNWT, or Canada, and appointed by the Minister of Indigenous and Northern Affairs Canada. However do not represent them once on the Board. They act as an independent body to carry out the SLUPB mandate per the SDMCLCA and MVRMA.
- It was asked if there was a need for an amendment now, or could the re-zoning wait for the 5-year review?
  - Response: The SLUPB initiated the amendment process after the Nááts'ihch'oh National Park Reserve received royal assent (December 2014) as per section 2.2 of the SLUP. There are no set timelines. Ultimately any changes to the SLUP require approval by the SSI, GNWT and Government of Canada. This could be done through an amendment, or as a component of the 5-year review.
- Questions were raised on the management of Established Protected Areas (Saoyú-?ehdacho and Nááts'ihch'oh National Park Reserve)



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- Response: It was clarified that the SLUP does not apply to these areas. They are managed by the federal legislation (*Canada National Parks Act*) that established them.
  - Meeting participants asked to see comments submitted to the SLUPB.
    - Response: All written submissions are available on the SLUPB online registry.
  - Did the Government of Canada give comments on zoning?
    - Response: The Government of Canada's comments are available on the online registry. Unlike the GNWT, the Government of Canada's comments did not provide an alternative zoning proposal.
  - What happens if another District Land Corporation (Deline) provides comments regarding zoning?
    - Response: The Board received a letter (February 2016) from the Tulita District Land Corporation. No other District Land Corporation has submitted comments.
  - It was noted that Caribou habitat exists throughout Zone 41. However, the wildlife maps that are displayed only show the Important Wildlife Areas, and that the "straight lines" do not necessarily reflect how wildlife move through the area.
    - Response: The SLUPB relies on the best available data for its decision making process, which is presented on the maps on the wall. The SLUPB does not have a mandate for wildlife management. If wildlife management organizations/agencies have better data to share the SLUPB would welcome it into the process.
  - Industry should have clarity and certainty with the zoning to give assurance to investors.
    - Acknowledged. That is the intent of the amendment process to rezone the Proposed Conservation Initiative (PCI), and amend the Plan through an open process that results in approval from the SSI, GNWT, and Government of Canada.
  - Several questions were raised regarding Traditional Knowledge (TK), including interviews conducted by the SLUPB in the late 1990s.
    - Response: The SLUPB has reviewed the TK available in its files as part of its information gathering. In 2015, the SLUPB requested from Parks Canada and the Tulita District Land Corp a traditional knowledge study conducted during the park reserve planning process. The response from Parks Canada at the time, was this was confidential and could not be shared.
    - Chief Andrew (speaking in his language), supported by other Tulita community members, told the story of Nááts'ihch'oh and how the park reserve was created.
    - Added to the list: The SLUPB will review its TK interviews and mapping conducted in the 1990s to see if they provide any additional TK information to process. The SLUPB will also follow up with Parks Canada again to see if it can obtain a copy of the traditional knowledge study.
  - If there is a decision made by Tulita people today will the government respect that decision? GNWT does not listen to the people of Tulita and it is always what they want; feels like that after the people speak, their opinion is not considered.
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- Response: The purpose of the meeting is to gather additional information. There is no expectations to make any decisions today. The SLUPB must carry out its process as per the Mackenzie Valley Resource Management Act. When any amendment to the SLUP is proposed by the Board, it must be approved in order: SSI, GNWT, and then Canada.
  - Working with people from the Deh Cho, people from Tulita discussed the importance of the area and protection of the area. It was thought that the park would be the whole area of zone 41. The participant did not understand why the government did not listen to the Tulita people with the park boundaries. They suggested that with the Park establishment process that it should have included the whole area of Zone 41, where the government would have bought out the mineral claims and outfitters.
    - Response/Acknowledged. The SLUPB was not part of the park reserve development process and cannot comment on the final boundary decision. Through the amendment process the Board is looking to make a decision(s) on how to re-zone the lands that are left out of the park reserve.
  - Comment that there should be verbatim written notes regarding the meetings, as to have a written record of everything that is said as a lot of what is said may not be written down and submitted in a formal letter.
    - Response/Acknowledged: The SLUPB staff is taking notes and will produce a meeting summary that will be posted to the on-line registry. This is not a public hearing, and the cost of recording and transcribing this meeting was not within the SLUPB's budget. Through the SLUPB's rules of procedure should a final amendment application be proposed, there will be further opportunities to comment in writing.
  - There should be a TK study done again for the area of Nááts'ihch'oh as to get "everything straight"; the word Nááts'ihch'oh was used by the mountain people. A new crew of people always comes saying a different story.
    - Response: The SLUPB has conducted this process by looking back at what was done and recorded in the past.
  - Comment that there is a need to be careful as to not impose the meetings on people that do not want to be involved.
    - Response: The SLUPB has proposed a process that allows interested parties or individuals to participate.
  - Difficult to get everyone to agree on the zoning proposals.
    - Acknowledged. The role of the SLUPB is to hear all points of view, and prepare plan amendments for approval by the three parties.
  - It was shared that the Nááts'ihch'oh Management Committee may consider submitting written comments to the SLUPB.
    - Response: The SLUPB Executive Director presented the SLUPB's draft zoning proposal to the management committee at its recent meeting in Norman Wells. Should the committee or others want to make a submission, the Board will
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receive it.

- A participant wanted contact information for the SLUPB including a cellphone number.
  - Response: The Executive Director wrote his cellphone number on the flip chart, and reminded participants to visit the SLUPB website.
- Questions regarding if the SLUPB reached out to Tulita District Land Corporation to talk about their issues (after their February letter was submitted).
  - Response: The SLUPB was scheduled to present at a March meeting of the Tulita District Land Corporation. The meeting was cancelled, and the SLUPB has not been rescheduled. The SLUPB staff are available to meet with the District, The Land Corporations, and Band.
- Suggested that the SLUPB meet with people directly in their homes, as part of a house to house survey.
  - Response: This could be a rather expensive undertaking and not an activity the SLUPB had considered in its project budget.
  - Added to the list
- Suggested that a plain language summary of what is proposed be made. A couple of students can be hired to read this on the local radio station as to reach out to a broader audience.
  - Acknowledged.
  - Added to the list
- An App for Sahtu Land Use Plan should be developed to allow a broader reach to the affected audience.
  - Acknowledged.
  - Added to the list
- The SLUPB should host a workshop inviting community folks. It should have small groups with focus on what is land use planning, what the Board does, its mandate, and some map work.
  - Response: The SLUPB Executive Director, as the facilitator, pointed out that the room was set out with small groups around maps. Should anyone want to do map work, there was time. Staff would stay as long as people wanted to gather this input.
  - Added to the list
- Question regarding how long it will take to implement all of the suggestions and recommendations (workshops, apps, etc).
  - Responses: This information will be taken back, and the SLUPB will have to consider. Recognizing limitations of a small staff and financial resources, it is uncertain what the SLUPB may decide.
- The GNWT staff said the government would be interested in more conversations (with SSI, Land Corporations, District, Band, SLUPB, etc) to continue the dialogue.



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- Acknowledged. GNWT (and SLUPB) will coordinate following the meeting to continue the dialogue.
  - Added to the list- Meeting with GNWT and SSI inviting Land Corporations, District, Band, and SLUPB
  - Suggestion to get input from the Federal Government of Canada. Participant wanted to see Canada's proposal for the amendment.
    - Response: The SLUPB has invited and received input from the Government of Canada, which is available on the on-line registry. As an approval party, the SLUPB will continue to engage the Government of Canada.
  - A Selwyn Chihong representative stated that they have a proposed project in the area that is a legacy land use and appreciates the concerns of the community and work with them to accomplish the project while protecting the values of the area.
    - Acknowledged.
  - A participant wanted expert feedback from biologists to look at important animals.
    - Response: The SLUPB continues to seek input to inform the process. Parks Canada staff stated that collaring work is being done.
  - It was suggested that there be a review of all old land use planning documents and workshops; one in particular was done by legal counsel. This included comments on previously conducted conservation planning done locally in Tulita.
    - Response: SLUPB staff will review what is in its files, though much of this review is reflected in the work that has already been done to date.
    - Added to the list
  - It would be nice to see what other communities think about the zoning amendments, including Nahanni Butte.
    - Response: The SLUPB has an email distribution list which includes contacts outside of the Sahtu, including contacts in the Deh Cho and Yukon. It is up to them to choose to participate in the process.
  - Is there is communication with other adjacent planning Boards?
    - Response: The SLUPB does coordinate with other planning organizations, and has included the Deh Cho Planning Committee and Yukon Planning Council on its distribution list.

### **Meeting Conclusion**

The Executive Director stated that he would take the list of proposals submitted during the meeting back to the SLUPB for consideration, and said that a meeting summary would be prepared and posted to the on-line registry. He also provided an overview of planned activities for the SLUP 5-Year Review. This included the SLUPB contracting of a consultant to conduct a land use plan assessment, convening of a working group, and round of community meetings. He also stated that staff would remain in the building to answer questions and review the maps as long as participants wanted.

The Chair thanked everyone for their participation and adjourned the meeting.