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Yellowknife NT X1A 2R3

November 23, 2007

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

Dear Ms. Wright-Bird:

Re: Sahtu Land Use Plan – Working Draft 2, Section 1 & Discussion Draft Map

In mid-September 2007, John T'Seleie and Murray McKnight of the Sahtu Land Use Planning Board requested informal comments from the Department on this Discussion Draft Plan. We appreciate that this is a rolling draft and that the Board sought community input in October. As a work in progress, we understand that this current effort is intended to lead to the Draft 2 Land Use plan and we now understand that this will not be before the end of March 2008. We note that this timeline has been extended several times already and that we had most recently expected it by the end of December 2007. The continued delays in preparing the next draft of the Plan are of concern to us, as I am sure it is for the Board, and if we can be of any assistance to the Board in this regard, please let me know.

Our comments herein are largely general and high-level nature given the evolving nature of the document. However, we have appended some comments of a more detailed nature.

In terms of the Great Bear Lake Watershed Management Plan (GBLWMP) and our previous comments submitted to you in May 2007, we reiterate the importance of capturing at least the essence of the GBLWMP as well as its recommendations within the Sahtu Land Use Plan, if the GBLWMP is not appended in its entirety. In the end, the Sahtu Land Use Plan must address the vision, values and aspirations of the people of Deline as reflected in the GBLWMP to their satisfaction no matter how the GBLWMP itself is captured in the Plan. Section 25.2.4 (b) (i), (ii) and (iii) of the Sahtu Dene and Metis Comprehensive Land Claim Agreement is central in this context.

Regarding the Mackenzie Gas Project pipeline corridor, INAC recommends that the corridor be designated as a separate land use zone, be identified as an infrastructure corridor and consideration be given to a 3 kilometer-wide corridor.

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We expect that the Board will be adding more substantive and detailed sections in the document regarding cumulative effects management and on the Protected Areas Strategy and related areas of interest. We anticipate that all CZs, SMZs and Multiple Use Zones will be numbered and so noted on the map, with accompanying detailed descriptions in the Plan itself.

INAC supports the application of Conservation Zones, Special Management Zones and Multiple Use Zones in the Plan, but wants to ensure they are workable and effective in achieving their stated goals. Focusing on the values that need to be protected (e.g., water quality) rather than on the particular type of activity (e.g., mining) is the approach followed in the crafting of the GBLWMP and one we endorse. It is consistent with the concept of responsible economic development in the context of sound environmental management and avoids overly prescriptive requirements in land use plans.

Solid, ongoing coordination between land use planning and other conservation initiatives such as the Protected Areas Strategy and national park establishment is essential. As such, INAC recommends that areas that are being advanced in the PAS and national park establishment processes be labelled on the zoning map and text be included in the Plan to outline clearly how the three processes will continue to work together in a coordinated fashion. For example, the Final Draft Dehcho Land Use Plan Background Report outlines a process whereby the Protected Areas Strategy and national park expansion processes will be used to complete the final boundaries and designations of their respective candidate areas, with the results to be reflected in the Plan. INAC suggests the Sahtu Land Use Plan consider a similar approach.

Finally, we encourage the Board to seriously consider a Regional Forum to enable all stakeholders the opportunity to publicly comment on the Draft 2 Plan and hear comments from other stakeholders and the Board itself.

Should you have any questions or require clarification on any of the above, please do not hesitate to contact Arthur Boutilier at 867-669-2596 or myself at 867-669-2647.

Yours sincerely,

David Livingstone, Director
Renewable Resources and Environment,
NWT Region

Attachment

Appendix:

1.3 [pg 6] –the 4th paragraph is misleading. Sahtu settlement land is subject to a number of rights of access by the public and government which exceed the access rights ordinarily applicable to privately owned land. This paragraph suggests the opposite and should be deleted or corrected.

1.4 [pg 7] – clarification required as to land and resource ownership.

2.2 [pg 9] – This listing of objectives omits objective 1.1.1(a) of the Sahtu Dene and Métis CLCA i.e., to provide for certainty and clarity of rights ... to use lands and resources” which is as applicable to land use planning as the other stated objectives.

Pre-existing Rights - It appears that 2.9(1) [pg 18] and the opening words of 2.6.1A [pg 11] are intended to allow existing rights holders to carry out development activities, even if additional rights/authorizations are subsequently needed. However, 2.6.1.A7 and 2.6.1.B seem to contradict this intention.

2.6.2A [pgs 12 & 13] – Having set out an exhaustive list of what uses are prohibited, the non-exhaustive (or any other list) of what is permitted is confusing and can lead to gaps or conflicts between the lists.

2.7 [pg 14] – In the 3rd paragraph the phrase “as determined by the appropriate authority” is confusing. Will appropriate authorities decide if a prohibition applies at all? Are “development goals” the same as “General Management Goals and Objectives”?

General Management Goals and Objectives [pgs 14, 15 & 16] - 2.7.1 A-T are listed as general management goals and objectives. Some are drafted as mandatory, some are not:

- must make every effort
- must be consistent with
- should be proactive in nature
- must be managed conservatively
- as a general rule
- where deemed appropriate
- should make best efforts
- should make every effort
- shall clearly demonstrate
- developers are encouraged.

What is the intended legal status of these provisions? Whether they are recommendations to appropriate authorities or are binding direction to appropriate authorities, can they be expressed more uniformly and objectively?

2.7.2B [pg 17] – may stray too far into the role of the SLWB.

2.8 [pg 18] – It is unclear what the effect of the 2d sentence in the 2d paragraph is intended to be. Is this to be binding on the SLWB? The last sentence of this paragraph appears to be internally inconsistent.