

***Disclaimer**

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Requested changes documented in these notes do not mean that the Board will make these changes. Some requests are beyond the Board's mandate or jurisdiction to address. The Board must consider all comments and requests and balance the interests of multiple parties. The Board will revise the Plan as it deems appropriate to achieve the right balance.

Ottawa General Consultation Summary Notes

Delta Hotel

September 16, 2010

9 am – 12 noon

Participants:

Bob Overvold, SLUPB member
Heidi Wiebe, SLUPB
Ida Mak, SLUPB

Ahmed Zedan, Nature Canada
Allison Woodley, CPAWS
Chris Morton, INAC, Land and Water Management
George McCormick, INAC, Oil and Gas, Gatineau
James Lariviere, INAC, Minerals, Gatineau
Jeff Holwell, INAC, Land and Water Management
Mary Granskou, Canadian Boreal Initiative
Matt Bender, INAC, Land Use Planning
Patrick Duxbury, Consultant for SSI
Ramona Creighton, INAC, Implementation Branch
Rick Meyers, Mining Association of Canada
Tina Gear-Zakhem, INAC, Implementation Branch
Tom Duncan, INAC, Land Use Planning

Start time: 9:10 am

Bob Overvold: Opening comments

Heidi started with the context slides.

Exceptions

George: Say a developer wanted to go through a Conservation Zone because it was shorter than going around it, what is the timeframe that we're looking at for reviewing exceptions?

Heidi: There are no set timeframes for the SLUPB but the SLWB has to render a decision on applications within 42 days. We do not intend to increase this timeframe for applications. Our process will fit in to the 42 days.

Bob mentioned that access across Conservation Zones will be talked about later in the plan and that exemptions will be mentioned later as well.

Matt: Is it realistic to think that the Plan could determine conformity or assess a request for an exception within the 42 day timeframe? Would you have to go to community consultation?

Heidi: We would not go to community consultation. Whether or not we are the body responsible for determining conformity, the SLUPB would carry out our own internal process. We haven't worked out the timelines but the understanding is that the SLUPB would review all applications whether or not they are referred to us as part of our monitoring responsibilities. Then if an application is referred to us, we are ready with our decision regardless. Where an application is referred to us, the SLUPB's decision is final.

Bob: In the case of exceptions, the staff would do the research and the Board would probably have a teleconference to make the final decision. This could realistically fit into the 42 day timeframe.

Mary: Would there be a process that allows third parties to stay abreast of decisions?

Heidi: The Board's decision on an exception would be available on the SLWB's public record. The SLUPB is also responsible for maintaining a public record of our own decisions. These would likely go on our website.

Allison: Would there be a public process once the SLUPB granted an exception?

Pat: That would probably depend on the timeline. The SLWB has 10 days to assess whether or not an application is complete. This is when the SLUPB would make their decision and if there was public involvement it would probably take place during this time.

Heidi: We need to distinguish between SLWB and SLUPB processes. The SLWB has a public process for reviewing applications but the SLUPB's public process occurs during plan

development. Once the plan is approved, our decision-making relates only to whether or not an application conforms to the plan. There will not be a public process in our assessments and as I mentioned, if there is disagreement on conformity, the SLUPB's decision is final.

Bob: Here is how I think the process would work: when an application is submitted it will be assessed to see whether or not it conforms to the plan. If it does then the application would continue along in the regulatory process. If an applicant requests an exception because they cannot conform to the plan then the Board would either grant one or not. This decision would take place within the SLWB timeframes. Last year, I believe it was George, asked the question about duplication in the regulatory process. We are trying to fit within current processes so that we don't make current wait periods longer.

Pat pointed out that at the CAPP meeting there was a question regarding whether or not applications had to be renewed within a year or whether the application just had to be submitted before a developer lost their grandfathered rights in an area. The term should perhaps be re-worded to ensure that as long as an application is submitted, rights should be allowed to continue.

Heidi continued onto zoning.

James stated his understanding that the Board would not use a default zone designation for areas that will be excised from the PAS areas. Heidi agreed that the Board has decided to create a process to appropriately zone those areas rather than using one default zone. Some areas may be zoned for conservation and others for general use or special management to protect specific values.

Matt: How will the SLUPB reconcile PAS with the SLUP? INAC is concerned that there is high mineral potential in some of the large PAS areas. I'm not convinced that those are issues for the SLUPB though. I think that as we come through with the mineral assessments we can then reassess the boundaries. I think that any debate is an internal INAC debate since we are on the working group and this is not a Board decision.

Heidi: We saw that same remark in INAC's Draft 2 comments – they are concerned, but recognize it is another process so did not have any recommendations revisions for the Board re zoning in the Mackenzie Mountains.

Rick: We think that the plan has come a long way in the terms and we see that the PAS areas are not the SLUPB's decision. We will continue to work with INAC on our issues.

James: How much does the plan reflect the Places we take care of report?

Heidi: Not all of the areas are picked up. The Background Report has a map of the sites mentioned in the report. We protect areas that the communities bring up during consultations.

Bob reminded the group that PAS areas will not grow. They will most likely shrink. He also mentioned that all of Edailla will not automatically become a Conservation Zone now that Deline has requested that the zone be protected under the Plan.

Rick: And I would hope that if there was a mineral assessment carried out that the boundaries of a zone would be reassessed to allow for economic development.

James: In the Gwich'in all Conservation Zones had mineral assessments done. Has the SLUPB considered asking for such studies?

Heidi: The Board is not funded to do these kinds of assessments. There is direction in the Plan for government to work with communities to carry out those assessments where they are supported by the communities. There are areas where development will not be accepted such as in sacred sites like Bear Rock. Most Conservation Zones are quite small. Remember that they are only 4.4% of the Sahtu. But some of the larger ones may be areas where government and communities would like to see those assessments done and the Plan supports that initiative with a recommendation.

Mary: How do you summarize the difference between Conservation Zones and Special Management Zones?

Heidi specified that there is no new development in CZs. Grandfathered rights are allowed to progress but that is because planning cannot change the past but is future focused. SMZs allow development.

Matt: With respect to EAs, SMZs identify up front, the special values that must be protected. It ideally results in applications that are better built.

Heidi confirmed that in 2005 MVEIRB suggested that land use plans will create more clarity for areas where development can and cannot occur. SMZs are there to front end the identification of special values in the area so that those values can be given special attention. The plan attempts to identify the values in specific zones to create better informed applications and authorizations.

There was a short discussion on whether or not the Conservation Zones would allow prospecting and industry research. Heidi confirmed that industry research is not allowed in CZs. Matt stated that it would not make good business sense to prospect in the 4.4% of the Sahtu which is zoned for conservation. It would make more sense to prospect in the remaining areas that are SMZ or GUZ. Pat mentioned that government research is allowed in Conservation Zones but that industry research (prospecting) is not.

Heidi continued through zoning changes.

James: Re: dual designation - The Board mentioned that if an area went through PAS but was not offered subsurface protection, the Board would consider keeping the area as a CZ under the plan to protect the subsurface. Is this correct and does that mean that once all PAS areas are established there will no longer be anymore PCIs?

Heidi: The Plan applies to all areas that are not National Parks, Monuments or Historic Sites so the plan would have to decide whether or not it should exempt its application to certain protected areas. The plan does apply to all other areas in the Sahtu so once all PAS areas have been completed the PCIs would likely disappear from the zoning. And yes, PAS areas that want subsurface protection under the plan would likely be zoned as CZs.

Break: 10:35 am

Return from break: 10:55 am

Heidi opened up the floor for zoning questions.

Mary: Can you give us some context on how the plan deals with targets and collaboration?

Heidi spoke about targets but decided to speak more about both topics later on in the presentation on the slides that relate specifically to these issues.

Allison: How does the zoning link back to the goals which includes protecting ecological integrity? How was the landscape scale included in decision-making for issues like protecting caribou?

Heidi: When we're talking about landscape scale protection we need to look at two things, zoning and the terms as they are applied throughout the Sahtu.

Heidi then gave some examples of zones that protect wildlife values and spoke about terms that relate to wildlife. She also mentioned the caribou special management area under CR# 7, the general wildlife CR.

Allison: With reference to the caribou management area, can you describe how a polygon in a GUZ can provide protection to caribou?

Heidi delayed answering the question until we got to the slide on CR#7 because there is a map associated with the area.

Mary: How does the plan intend to deal with gaps? Plans are living documents and as time passes, our knowledge and understanding changes and grows. How will the plan include new information?

Mary used the example of Colville Lake where it is mostly GUZ and suggested that perhaps later when the understanding changes, the area may be zoned differently to reflect the need to protect specific values.

Heidi spoke about the Colville Lake area and mentioned that the community chooses to manage their lands themselves. The Plan is developed with communities and as such, we take a lot of direction from them regarding zoning. The GUZ in the Colville Lake area is a result of a community decision to manage their lands through discussions with companies and not due to a lack of information.

Heidi moved on to the GBLWMP.

Allison: Are there any pieces from the GBLWMP that did not get included?

Heidi: I spoke with Tom Nesbitt and Deline. They were happy with the integration when we were there for consultations. We will be receiving written comments on the finer details. There were only 1 or 2 minor recommendations that were not included because there was no context or background information available for them.

MGP

Matt: When our people in INAC looked at the plan we didn't see any comments regarding MGP but it's clear that it is allowed. It would be interesting to know how other INAC departments feel about this. We're in the final stages of putting together our comments for the Board.

George: I think being silent on MGP is a good approach. I'm not sure that there's agreement across the board on this but I think it is probably good that the plan does not address it.

Heidi went through the conditions of the Plan.

George: Are you requesting that TK be done before applications are submitted to the SLWB?

Heidi clarified what CR#2 is supposed to accomplish. It is supposed to give communities the opportunity to meet and speak with developers, discuss issues of concern and provide TK for the project. All this is expected to happen in advance of the application being submitted, with evidence of this work submitted with the application.

Pat: There might be an implementation issue with CR#6 (drinking water source term) because you might need a preliminary screening to take place before you would have an answer on this. What would the planning board do in such a situation?

Heidi: If there is no potential impact on the drinking water source because the activity level is outside of a catchment area then an application would continue through the regulatory process. If the activity does take place within the catchment area then the plan would grant a

conditional conformity determination but direct the appropriate regulatory bodies to include terms necessary to mitigate impacts to the drinking water source. There should not be a delay in the approval process. The plan's job is not to apply all of the terms to authorizations but to direct the proper regulatory body to do its job and apply relevant terms to protect drinking water sources. Is that somewhat clear?

Matt: It is clear but it's not easily done. The SLUPB has done a good job of trying to integrate into the current regulatory system so you should be commended for that.

Wildlife

James: Where did you get the wildlife setbacks? Would there potentially be an issue with mineral licks being located throughout the mountains in such high density that development would be hampered?

Heidi replied that the setbacks came from ENR, CWS and the SRRB. As for mineral licks, the dataset is owned by the GNWT and it is confidential so we only get density mapping. INAC could probably request the database from the GNWT. I don't imagine they are that close together though.

Allison: Why are there no setbacks for caribou?

Heidi: We did not get any because there is no habitat currently identified for caribou. Without identified habitat features it's impossible to determine a setback. The other sections of CR #7 provide some basic protection – using the most current information and mitigating impacts to caribou.

George: Are the migratory bird setbacks seasonal?

Heidi: Yes. The dates are included in the table.

Mary: It might be important to clarify why there are no setbacks for caribou so that people understand why and don't misinterpret their exclusion as the Board not having considered the health of caribou herds.

Mary: Re: Collaboration – I would suggest that you clearly identify the intent of setting up the Sahtu Working Group and the rationale for it.

Heidi skipped the last few slides and moved on to talking about implementation and the public hearing.

Meeting ended: 12:00 pm