

# Proposed Revisions for Final Draft Sahtu Land Use Plan

Discussion Document – September 2011

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Sahtu Land Use Planning Board



# Proposed Revisions for Final Draft SLUP: Discussion Document

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## Introduction

The Board has compiled and reviewed all comments received since the release of Draft 3 in July 2010. This includes both oral and written comments, and the May 2011 Public Hearing Transcripts and Workshop Report. This document outlines the proposed revisions that the Board is considering making for key sections of the Final Draft Sahtu Land Use Plan ("Final Draft"), the key issues the Board has considered in developing these revisions, and outstanding issues where further discussion is required. The proposed revisions should be considered general in nature and are focused on addressing the most significant issues. Further revisions are still being considered to address editorial comments and to harmonize the general structure of the Plan's Conformity Requirements, Actions and Recommendations to increase clarity.

The Board is holding technical discussions in the Fall 2011 to discuss these proposed revisions with interested planning partners. The intent is to discuss outstanding issues, explore solutions, and ensure that the Final Draft is clear, effective and can be fully implemented. The Board will consider the results of these discussions in determining revisions for the Final Draft Plan.

## Scope of Authorizations

### Draft 3 Wording

Draft 3 states that the Plan applies to any land use activity that requires an authorization under any federal or territorial legislation or that may be authorized by a disposition of an interest in land from government or a District Land Corporation. This is based on the Board's reading of S. 46(1) of the MVRMA, which requires that the "First Nations [District Land Corporations], departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area."

The Board understands this to be constrained by its mandate under S. 41 (2) – i.e. the licences, permits and authorizations must relate to the conservation, development and use of land, waters and other resources in a settlement area. For illustrative purposes, the Board included a list of authorizations taken from the approved Gwich'in Plan to provide some clarity on the authorizations expected to be subject to the Plan.

### Comments

The Board has heard that the list of authorizations is overly broad and would result in unnecessary work to review applications that should not be subject to the Plan for a variety of reasons:

- 1) The authorization is for a minimal impact land use and it is felt that the Plan's requirements are too onerous for such land uses;
- 2) The authorization is administrative in nature (like a business licence) as opposed to authorizing a land use;
- 3) The authorization relates to an activity beyond the Plan's mandate; or

3) The authorization will only ever be issued with another more prominent authorization such as a land use permit or water licence, and can therefore be eliminated to streamline the conformity determination process.

Specific requests were received from SSI, the GNWT and Deline:

- The GNWT requested that tourism and archaeological authorizations be exempt from the Plan.
- SSI proposed a narrow list of authorizations and dispositions be subject to the Plan only (see below).
- Deline proposed the use of an exclusion list instead (the opposite approach to SSI).

The Board also received other comments adding authorizations to Table 11.

SSI Proposal (from April 26, 2011 Submission)

"Environmental" Authorization	Land Disposition Instrument
<ul style="list-style-type: none"> <li>• Type A and B land use permit</li> <li>• Type A and B water licence</li> <li>• Habitat Alteration, Disruption, Destruction Authorization</li> <li>• Authorization for deposit of deleterious substances</li> <li>• Certificate of Public Convenience and Necessity</li> </ul>	<ul style="list-style-type: none"> <li>• Type A and B land use permit</li> <li>• Timber cutting permits and licences</li> <li>• Land lease (issued by District Land Corporation)</li> <li>• Quarry permit (issued by District Land Corporation)</li> <li>• Subsurface resource rights/access (issued by District Land Corporation)</li> <li>• Prospecting permit</li> <li>• Mineral claim/lease</li> <li>• Dredging Lease</li> <li>• Coal licence/lease</li> <li>• Quarry permit</li> <li>• Surface lease</li> <li>• Licence of occupation</li> <li>• Easement</li> <li>• Exploration Licence</li> <li>• Significant Discovery Licence</li> <li>• Production Licence</li> </ul>

**Proposed Revisions**

The Board is interested in exploring how the list could be narrowed while still ensuring that key land uses are subject to the Plan. At the Hearing, the Board heard a suggestion to create an exclusion list of authorizations, that for one of the reasons above, should not be subject to the Plan. The Board requests input from planning participants on this.

The Board has included a revised Table 11 below. It includes all authorizations included in Draft 3 as well as those the Board was asked to add through comments. The Board asks that any party that would like to see an authorization exempted from the Plan, identify the authorization and outline for the Board why they feel it should be exempted. The Board is looking for certainty that it won't be exempting any key land uses from the application of the Plan by

exempting individual authorizations. For each authorization that a party identifies for exemption, please identify:

- the nature of the authorization (what does it authorize the holder to do?);
- the nature of the land use activity it is typically linked to (what is the land use it is authorizing?);
- any rights or interests in land typically associated with the authorization (e.g. associated with O&G or mineral rights, leases, etc);
- if it is ever issued in the absence of other authorizations or always just one of many (e.g. does this use also always require a land use permit or water licence, or is it sometimes issued on its own?); and
- rationale for why it should be exempt.

The Board requests that each organization that would like to propose exemptions prepare a summary of proposed exemptions with the above information and submit it to the Board by Sept 30th so that the Board can review and distribute these documents to participants prior to the meeting to enable fuller discussions. The Board will then invite open discussion on each authorization being proposed for elimination and will make its decision following these discussions.

### **Other Comments/Discussions**

**Minimum Thresholds for Specific CRs:** For several CRs a minimum threshold was suggested – i.e. exempting low impact authorizations from application of the CR. This is an alternative approach, or one that may be used in combination with an overall exclusion list. This was flagged for each CR where the issue was raised and will be discussed at the second workshop following resolution of the broader issue of which authorizations will be subject to the Plan in general. (E.g. CR #13. You might be requiring security on cabins because if you are applying to all authorizations then people would not be allowed to build without posting security. Anybody building a 10X10 cabin with a roof will fall under this CR.)

**Below Threshold Activities:** At the Hearing the Board heard concerns raised about how to manage below-threshold activities – those that require no authorizations. “They could fall outside the scope of the Plan yet have significant impacts for ecological integrity. As far as we know, there is no publicly accountable monitoring of these activities so we have potential environmental impacts of these things, which could, in a cumulative way, add up to greater impacts than other developments, which are subject to a permit. We’d like to talk about mechanisms to bring these under the scope of the SLUP requirements, such as through MVLUR amendments.”

While it is likely beyond the SLUPB’s ability to address these concerns at the moment, there may be some potential to address these through the cumulative effects work to be undertaken by the Sahtu Working Group following Plan approval.

**Table 11. Key Regulators and Authorizations that Implement the Sahtu Land Use Plan (Updates in RED based on comments)**

<b>Regulator</b>	<b>Authorization</b>	<b>Associated Act/Regulation</b>
Land Administration, [SSI]	Research licence Land lease Quarry permit Subsurface resource rights/access	<i>Sahtu Dene and Métis Comprehensive Land Claim Agreement</i>
Aurora Research Institute	NWT scientific research licence	<i>NWT Scientists Act</i>
Prince of Wales Northern Heritage Centre	Archaeological permit	<i>Northwest Territories Act Northwest Territories Archaeological Sites Regulations</i>
Environment and Natural Resources, GNWT	Free timber cutting permit Timber cutting permit/licence Timber transport permit/licence Timber scaling licence Mill licence (Forest) research licence Fire permit Outfitter licence Wildlife Research Permit Commercial Wildlife Licence General Wildlife Permit Licence or permit authorizing discharge	<i>Forest Management Act Wildlife Act Wildlife Licences and Permits Regulations Wildlife Business Regulations Wildlife Management Outfitter Areas Regulations Environmental Protection Act</i>
Investment, Tourism and Industry, GNWT	Tourism operator licence Big game outfitter licence Establishment of territorial Parks	<i>Tourism Act Territorial Parks Act</i>
Sahtu Land and Water Board	Type A and B land use permit Type A and B water licence	<i>Mackenzie Valley Resource Management Act Mackenzie Valley Land Use Regulations Northwest Territories Waters Act Northwest Territories Waters Regulations</i>
INAC Mining Recorders Office	Prospecting permit Mineral claim/lease Dredging Lease Coal licence/lease <b>Coal Permit</b>	<i>Territorial Lands Act <b>Northwest Territories and Nunavut Mining Regulations</b> Territorial Dredging Regulations Territorial Coal Regulations</i>
INAC Land Administration	Quarry permit Surface lease Licence of occupation Easement	<i>Territorial Lands Act Territorial Lands Regulations Territorial Quarrying Regulations</i>

<b>Regulator</b>	<b>Authorization</b>	<b>Associated Act/Regulation</b>
		<i>Federal Real Property and Federal Immovables Act</i>
INAC Oil and Gas Directorate	Exploration Licence Significant Discovery Licence Production Licence Subsurface Storage Licence	<i>Canadian Oil and Gas Operations Act Canadian Petroleum Resources Act</i>
Department of Fisheries and Oceans	<del>Authorization for the harmful alteration, disruption or destruction of fish habitat</del> <del>Authorization to kill fish by means other than fishing</del> <del>Authorization for deposit of deleterious substances</del> Commercial Fishing Licence Scientific Collection Permit	<i>Department of Fisheries and Oceans Act Fisheries Act Fishery Regulations Northwest Territories Fishery Regulations</i>
National Energy Board	Certificate of Public Convenience and Necessity <del>Geophysical or Geological Operation Authorization</del> <del>Operations Authorization (for drilling and production related work or activities).</del>	<i>National Energy Board Act Canada Oil and Gas Operations Act (COGOA)</i>
Environment Canada /Canadian Wildlife Service	<del>Scientific Permits</del>	<i>Migratory Birds Convention Act</i>

## Existing Uses

### Draft 3 Approach

The SLUPB’s approach in Draft 3 is to exempt a land use activity from the zoning prohibitions, but to apply the Plan’s other CRs upon renewal or amendment. The Plan provides for the Board to consider an exception to the other CRs where it can be demonstrated that a CR may prevent the continuation of an existing lawful land use.

### Summary of Comments & SLUPB Response

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Request for Full Exemption</b></p> <ol style="list-style-type: none"> <li>1) Exemption from portions of the Plan should continue throughout the life of the pre-approved activity even when authorizations or dispositions require renewal or amendment if compliance with certain sections of the Plan would cause the project to be rejected. Industry must have certainty that the capital outlay and project can proceed throughout its life.</li> <li>2) Requiring a developer to alter their program to the extent outlined in the Plan's CRs essentially forces them to work under a new set of rules. Reword so exemptions under the Plan extend to all CRs and that it is new or significantly changed projects that would not be exempt under the Plan.</li> <li>3) Where a potential conflict between the terms and conditions of an existing land use authorization and the Plan's CRs arise at the time of Plan approval, the existing authorization should be paramount; an exception granted by the Planning Board to continue the existing lawful land use should not be required in these circumstances. Moreover the CRs should not be allowed to prevent the developer from acquiring successor interests or upgrading the development.</li> <li>4) It is unacceptable that once a final plan is approved previously authorized land use is expected to upgrade their activities in the process of renewing and amending authorizations. This requirement will significantly change the operating environment under which a developer has agreed to work and may make certain projects unfeasible and/or unfinanceable. In effect this would amount to an amendment of Section 2, Part 1, paragraph 2 of the Exemption List Regulations, at least in the SSA. The passage in the Regulations explicitly exempts such projects from requiring even a Preliminary Screening. Exempted authorized activities should be permitted to continue to operate as previously approved even</li> </ol>	<p>The Board is not persuaded by these arguments and has instead worked to build in greater flexibility in the CRs to address issues with hard setbacks for example. Further rationale provided below.</p>

<p>when applying for renewal or amendments of permits and authorizations. Exemptions under the Plan need to extend [to] all conformity requirements and renewals and extensions should also be exempt from all conformity requirements.</p>	
<p><b>Support for Existing Approach</b></p> <ol style="list-style-type: none"> <li>1) INAC can confirm its support for the Plan's provision for exempting existing rights on existing projects.</li> <li>2) An existing land use that is exempt from the zoning prohibitions of the Plan is not exempt from the other CRs of the Plan (p. 26). Therefore, CR#2 can apply to proposed land use under a grandfathered right created before the LUP came into effect. KGLC will want to preserve this.</li> <li>3) The applicants carrying out the work either know or should know that a land use plan is being prepared and will come into effect and will apply to them. We shouldn't be allowing people to get their foot in the door and then not have to worry about the Plan because they are grandfathered. Nor should we develop a land use plan that doesn't apply to large tracts of the Sahtu because it's all grandfathered. On the other hand, we shouldn't deny entirely the ability of existing rights holders to exercise their rights. So the question is how we're going to allow them to exercise their rights – and that is, in accordance with the Plan. There are ways to carry out most development activities. I don't think anyone is talking about moving a mine to a different location, but rather how you mine. I thought that's what Draft 3 tried to do.</li> <li>4) The SLWB has no issue with the SLUPB approach to grandfathering existing uses.</li> </ol>	<p>Provides rationale for current approach.</p>
<p>An exempted activity should remain allowable, provided that an application to continue the activity is submitted to the applicable regulatory authority within one year from the date the previous authorization's expiration. The time it takes for the regulatory process should not count against the applicant.</p>	<p>OK – will change wording to exempt those with applications in progress.</p>
<p>Re the SLUPB's ability to grant exceptions to deal with grandfathering conflicts: The Planning Board ought to be asking itself, are we putting ourselves in a position where we're going to make people apply for exceptions and we don't have the option to turn them down?</p>	<p>Given the amount of flexibility built into most of the CRs now, this would be rare.</p>

**Proposed Revisions & Outstanding Issues**

The SLUPB is not persuaded by the comments requesting a full exemption for existing uses. The point of a renewal is to re-assess conditions to ensure they are still appropriate and relevant. Otherwise all authorizations would be indefinite. If the Board were to grant a full

exemption to existing uses, the Plan would have little or no application in the Sahtu Settlement Area until existing rights and uses expired. The Board questions the point of spending the time and money to produce the Plan if there is no intent to implement it in the near future. This issue must be addressed before the Board can consider any requests to broaden the exemption. There have been no solutions brought forward to address the issue so far.

Barring any new solutions, the Board intends to continue with its current approach, with minor revisions as discussed above, and to address editorial comments for clarity.

The Board proposes open discussion on this issue to explore the views of the Parties and other potential solutions to this question.

## Conformity Determination Process

### Draft 3 Approach

The process in Draft 3 followed the MVRMA S. 47(1), which relies on the regulator (preliminary screener) to do the Conformity Determination, but allows for a referral to the SLUPB by anyone involved in the application or affected by the land use activity. This creates uncertainty as to who will actually do the Conformity Determination and when it will be carried out.

### Summary of Comments & SLUPB Response

Comments / Issue	Response / Status
<p>CAPP has concerns that the current process of conformity determination will add increased complexity to the early stages of project review. In particular, we are concerned about:</p> <ol style="list-style-type: none"> <li>1) Concurrent timing of the conformity determination – whereby a project undergoing preliminary screening would be undergoing conformity determination at the same time. Proponents and regulators should not have to dedicate the time and resources required to screen a project if it is ultimately found to not conform.</li> <li>2) Unclear accountabilities for making the conformity determination – the Plan appears to suggest that either the Sahtu Land and Water Board or the Planning Board will make the conformity determination.</li> <li>3) Lack of defined timeline for making a conformity determination or how it fits within the 42 day preliminary screening timeline.</li> </ol> <p>CAPP suggests that the Plan needs to provide for a sequential conformity determination process with a defined timeline and clear accountability for who will conduct the determination. It is CAPP's belief given the nature of the conformity criteria that the Land and Water Board are best placed to perform this function, or the Plan should establish clear criteria for referral to the Planning Board if required.</p>	<p>Optimal discussion to be discussed during workshop.</p>
<p>For the first 5 years, the SLUPB should do the conformity determinations. The approving governments should address implementation resource requirements for the Board as they approve the Plan.</p>	<p>Agree</p>
<p>Suggest the SLUPB make arrangements with other authorizing agencies for there to be a single conformity determination made (where multiple authorizations are involved), ideally by the SLUPB.</p>	<p>Agree</p>
<p>The SLUP includes a complex framework of CRs and other requirements. If a conformity determination prolongs the time required to process applications, S. 61 of the MVRMA prevents the SLWB from issuing permits, licences or other authorizations. The SLUPB should consider options for a conformity determination process and select an approach,</p>	<p>Agree</p>

which is most likely to ensure that regulatory delays are minimized.	
Does the applicant have an opportunity to appeal decision of non-conformity?	If it is done by the Preliminary Screener, it can be appealed to the SLUPB. If the SLUPB does the CD, then the Board's decision is final and binding.
SSI provided a simplified decision-tree consistent with their proposed approach for conformity determination (will depend on outcome of "Scope of Authorizations" discussion - see attached schematic).	<b>Discuss</b>

### Options and Considerations

**Who:** Currently, the SLWB forwards all applications to the SLUPB as a part of its list of referral organizations. They have stated that, as the author of the Plan, the SLUPB is best placed to determine whether an activity conforms or not. The SSI has suggested that the SLUPB carry out the conformity determinations for the first 5 years. This is consistent with the process initially followed for the Gwich'in Plan as well.

If the Conformity Determination is left to the preliminary screener, there is the potential that someone affected by the application could refer it to the SLUPB at the last minute, creating uncertainty and prolonging the regulatory process while the SLUPB carries out a determination.

For these reasons, the SLUPB is proposing that the best process, at least initially, may be for the SLUPB to carry out the Conformity Determination. **Open discussion of proposal or alternatives.**

**When:** Require open discussion of the options for when the Conformity Determination is carried out, with a goal of reaching consensus on one of them (or a modification of one of them). The options are:

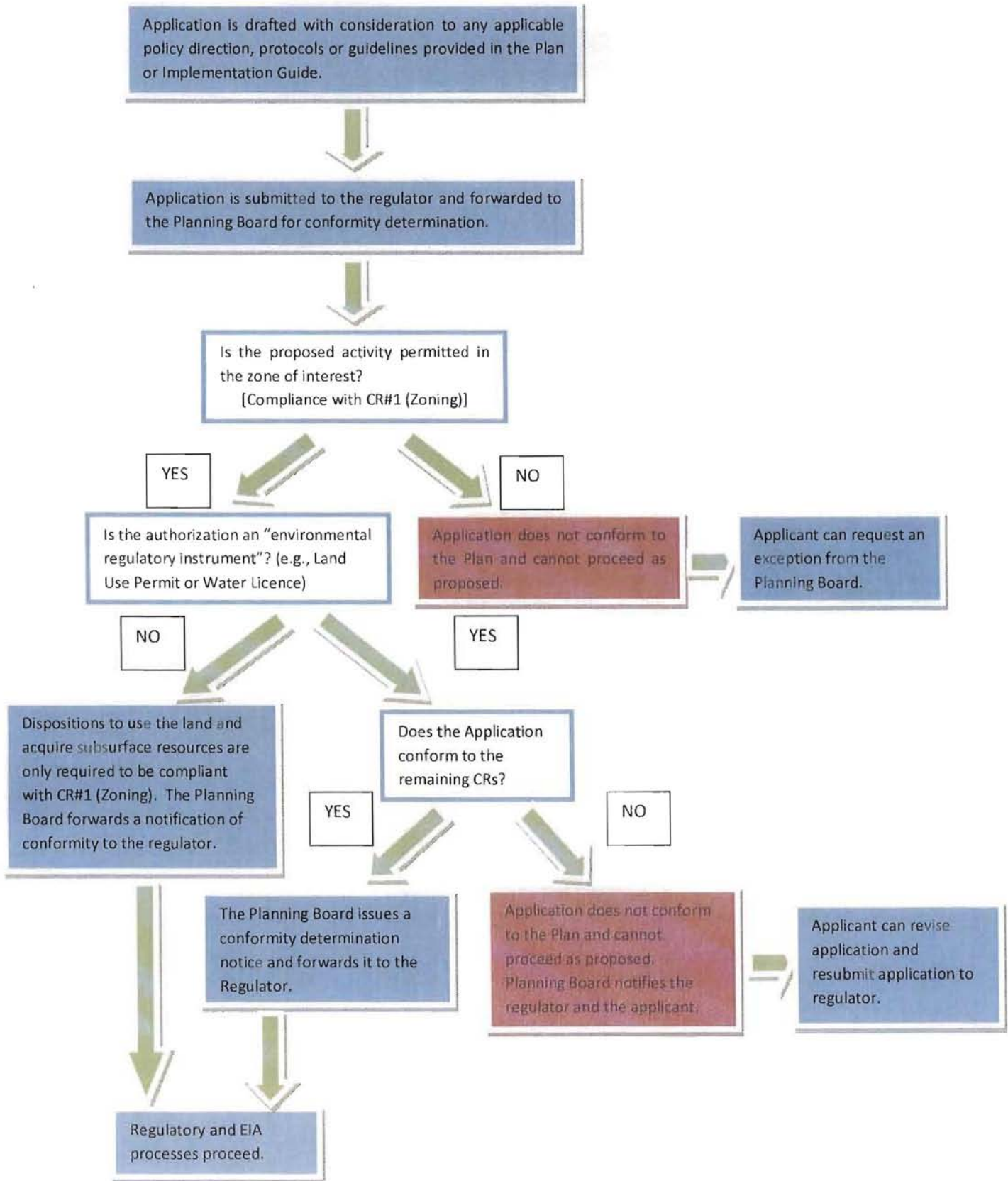
- 1) Front-end: Have the applicant consult with the SLUPB in advance of the current regulatory process to determine conformity before an application is submitted to the SLWB or other regulator.
  - a. Pros: Avoids delays and uncertainty of preparing and submitting applications that may or may not conform.
  - b. Cons: Will require a separate application process to be developed – the SLUPB will need sufficient information about the activity to determine conformity, and certainty that the design of the activity is sufficiently developed at this stage that it will not change as the applicant submits the fuller applications required of other regulatory stages.
- 2) During Completeness Check: Have the SLWB forward application to the SLUPB during completeness check (Gwich'in model)
  - a. Pros – Advances conformity determination to the earliest stage of the existing regulatory process
  - b. Cons: What if the application is deemed incomplete by the SLWB. Would potentially require the SLUPB to redo the conformity determination with the completed application.

- 3) During preliminary screening: The SLUPB carries out the Conformity Determination and provides its response during the existing comment period for existing applications (current approach).
  - a. Pros: No modifications required to existing system.
  - b. Cons: Could result in a waste of time and resources by all if the application is deemed not to conform. (This could be minimized by the applicant discussing the application with the SLUPB in advance to ensure it is designed properly but the risk is there).

**Detailed Process Group Discussion**

- Map out process and timing (flowchart) based on results of discussion above
- Discuss SSI's model for a 2-step Conformity Determination process (depends on outcome of discussion on Scope of Authorizations)

Figure 1 – Proposed Conformity Determination Process Pathway



## Conformity Requirements

### General Revisions to CRs

- Break CRs into 2 clear sections – 1) Zoning and 2) Conditions
- To the extent possible, the CRs will specify the condition only and will be silent as to implementation responsibilities (Regulator vs. applicant vs. conformity determiner) and timing issues (e.g. “designed and carried out”). The general responsibilities of the different parties involved will be outlined at the start of the Conformity Requirements section. The detailed implementation responsibilities for parties associated with each individual CR will be specified in a separate Implementation Guide, which will accompany, but not be part of the Plan (similar to that provided for Draft 3).
  - E.g. Applicants are responsible for demonstrating how the activity as planned meets each of the Plan’s Conformity Requirements, and where appropriate and feasible, the Plan’s Recommendations.
  - The Conformity Determiner is responsible for reviewing the application and deciding whether the activity as designed conforms to each of the Plan’s CRs.
  - The Regulator is responsible for authorizing the activity, and attaching any conditions necessary to implement the Plan’s CRs throughout the life of the activity, to the extent of their jurisdiction.
  - Inspectors are responsible for inspecting the terms and conditions of the authorizations.

### CR #1 – Zoning

#### Summary of Comments & SLUPB Response

Comments / Issue	Response / Status
Numerous zone changes requested	<ul style="list-style-type: none"> <li>• Done (see attached map).</li> <li>• <b>Ramparts PCI</b> – Should the Final Draft show the current land withdrawal boundary or the proposed boundary under consideration? <b>Need response.</b></li> <li>• Default zone for excised areas will be SMZ.</li> </ul>
Re-order Zones to be consistent throughout Plan	Agreed – Zones will be renumbered as per order in Zone Descriptions.
<b>Zoning and O&amp;G:</b> 1) Open the subsurface under CZs to allow directional drilling. 2) Allow exploration activities to encroach onto the edge of CZs.	No. This is not supported by communities at this time.

#### Proposed Revisions

- No significant changes to the wording of the CR, only minor editorial revisions to address very specific wording requests (e.g. broaden example in 2a) to all petroleum products (not just gas) coming from any other zone (may not be from adjacent zone))
- Will address other minor comments and revisions in context and rationale sections regarding O&G and mineral exploration and development

**Outstanding Issues/Questions**

- Whether to include current land withdrawal boundary for the Ramparts PCI or the proposed boundary with SMZ zoning for areas left out of proposed NWA. [For clarity, if the land withdrawal boundary is maintained then the Plan will include written direction that any areas left out will be given a default designation of SMZ upon establishment of the NWA until such time as the Plan can be formally amended.]

**CR #2 - Protection of Special Values (Formerly CR #14)**

**Draft 3 Wording**

*Before any land use activity is authorized within a Special Management Zone, Conservation Zone or Proposed Conservation Initiative, Regulators shall assess the potential impacts from the activity on the values for which the zone was established and ensure that appropriate measures are in place to minimize impacts to the zone values.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
CR #14 should not apply to GBLW SMZ; only CR #16	Agreed – will remove application of this CR from GBLW SMZ
Move closer to CR #1 (Zoning) to make the linkage clearer	Done
1) Subjective elements include "appropriate measures", "minimize impacts". 2) Duplicates the statutory environmental assessment process. Reconstruct wording to emphasize the values of interest that should be addressed in all regulatory processes. 3) Replace "assessment and mitigation" with "protect" [the values of the zone].	1) Subjective elements removed. 2) Disagree that this CR duplicates the existing process. This CR creates the process requiring the values to be protected. 3) Done

**Proposed Revisions**

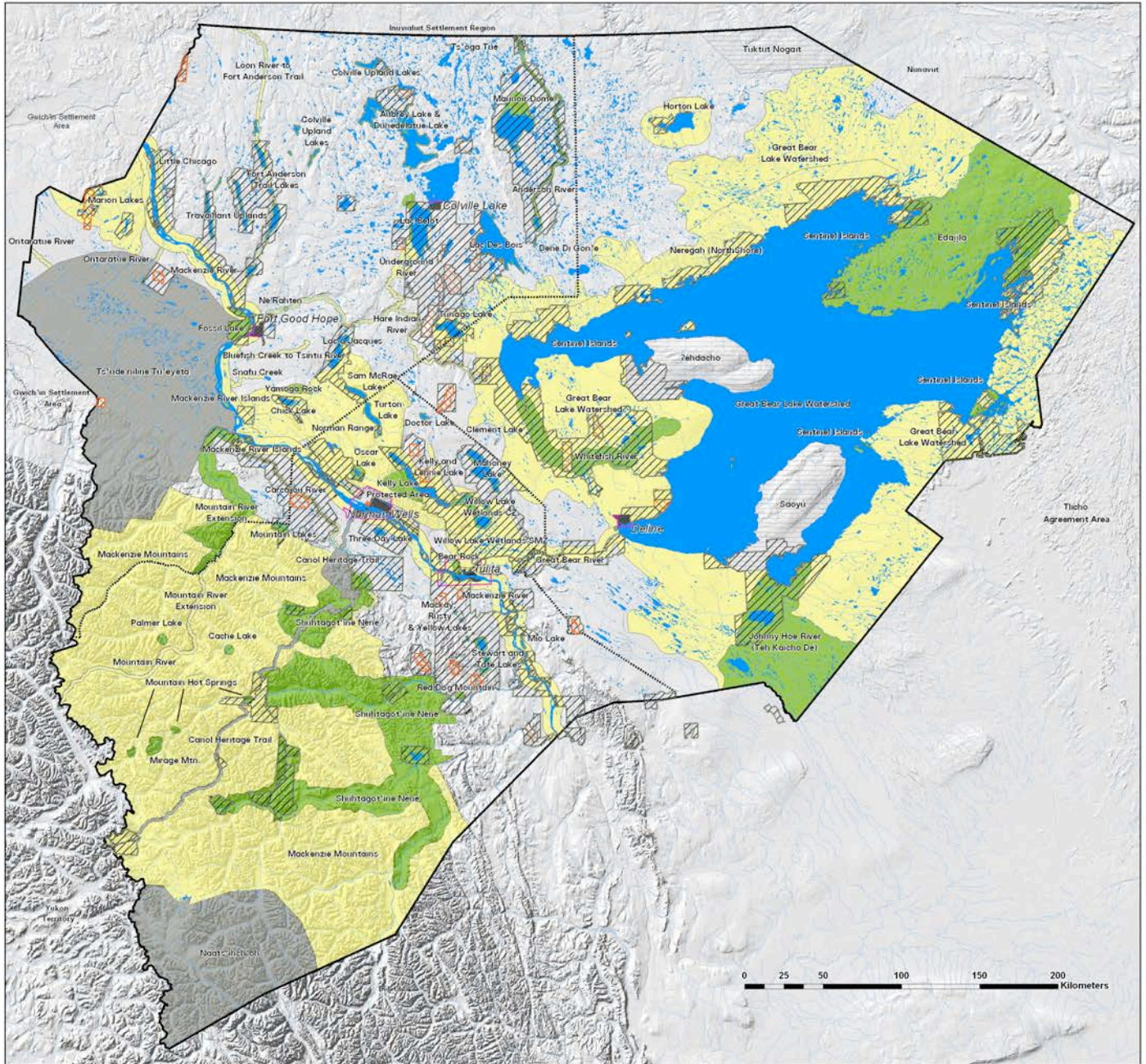
*Any land use activity proposed within a Special Management Zone, Conservation Zone or Proposed Conservation Initiative must be conducted in a manner that protects the values of the zone as defined in the Plan's Zone Descriptions.*

**Outstanding Issues/Questions**

- Do the proposed revisions address issues of ambiguity, timing, and duplication of processes?
- Should this CR do more? Should Special Management Zones have some other enhanced protection over General Use Zones than what is provided through this CR and CR #3 below (formerly CR #15)?

# Sahtu Land Use Plan - Proposed Final Draft

Aug 2011



## Proposed DRAFT 4 Zoning

- |                                  |                        |            |
|----------------------------------|------------------------|------------|
| Community Boundaries             | Sahtu Communities      | Subsurface |
| Conservation Zones               | SSA Boundary           | Surface    |
| General Use Zones                | District Boundary      |            |
| National Park/Historic Site      | Rivers and Streams     |            |
| Proposed Conservation Initiative | Lakes and Large Rivers |            |
| Special Management Zones         | Block Land Transfer    |            |

**CR #3 – Project-Specific Monitoring (Formerly CR #15)**

**Draft 3 Wording**

- 1) Any land use activity proposed for a Special Management Zone, Conservation Zone or Proposed Conservation Initiative shall include a site-specific monitoring program that is sufficient to monitor the effectiveness of the proposed mitigation measures and any impacts on the values identified for the zone in which the activity is proposed.
- 2) Monitoring reports shall be distributed to relevant community organizations and made publicly available, where confidentiality issues do not prevent such distribution.

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Consider changing the wording of the CR to read: "... a site-specific monitoring program that is sufficient to monitor the effectiveness of the proposed mitigation measures in protecting important zone values and any impacts on such values."	OK
CR#15 (2) Who determines "relevant community organizations"?	Listed organizations.
Make reports available to government orgs as well	Agreed. Included
Acknowledge that monitoring programs should be scaled to fit the scale of activity proposed	Added "activity". That is the intent of "sufficient to monitor the effectiveness of activity's proposed mitigation measures". The scale should fit the potential for impact, not only project size.
<ol style="list-style-type: none"> <li>1) Should be revised to require a site-specific monitoring plan to be submitted as part of the application.</li> <li>2) The Plan should provide guidance about designing monitoring plans.</li> </ol>	<ol style="list-style-type: none"> <li>1) Speaks to role and responsibilities and timing questions, which will be dealt with in the Implementation Guide.</li> <li>2) The Board would look to the regulators to provide input on what is needed.</li> </ol>

**Proposed Revisions**

- 1) Any land use activity proposed for a Special Management Zone, Conservation Zone or Proposed Conservation Initiative shall include a site-specific monitoring program that is sufficient to monitor the effectiveness of the activity's proposed mitigation measures in protecting zone values as defined in the zone descriptions and any impacts on such values.
- 2) Monitoring reports shall be distributed to District and community land corporations, the band office/community council and renewable resource councils of affected communities, to relevant government departments, agencies and co-management boards and made publicly available, where confidentiality issues do not prevent such distribution.

**Outstanding Issues/Questions**

- Is there still a need to include "where confidentiality issues do not prevent such distribution" in 2)? What information in a monitoring report would need to be kept confidential?

- Other comments about monitoring were about the need for community land use monitoring everywhere. Proposing new CR to address this issue (see CR #6)

**CR #4 – Community Engagement and Traditional Knowledge (formerly CR #2)**

**Draft 3 Wording**

*1) Before any land use activity is authorized, Regulators shall ensure that relevant community organizations (land corporation(s), first nation and/or community council, renewable resources council) and potentially affected community members have had the opportunity to meet with the applicant in person to:*

- a) discuss the proposed activities,*
- b) identify specific locations and issues of concern, and*
- c) provide traditional knowledge that is relevant to the location, scope and nature of the proposed activities.*

*2) Regulators shall ensure that a land use activity is designed and carried out in a manner that addresses community concerns and incorporates relevant traditional knowledge.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Strengthen CR</b></p> <p>1) Existing standards for TK and community engagement should be enhanced. Applies to all activities, whether or not they are subject to permitting. Including TK and community engagement in the land use plan shows the stake that communities have in the land and water. Communities need to know about and provide input in all development activities.</p> <p>2) An opportunity to meet does not guarantee meaningful engagement. The language should be amended to promote more meaningful participation at every stage in the decision making process. Include language accommodations. If necessary, all communications need to be translated to Slavey. The level of community engagement should be proportional to the size of the proposed project (some projects may require more than one meeting in the community others may just require info exchange). Regulators should be willing to alter or prevent the land use activity to address community concerns Make it clear that the requirements of community engagement</p>	<p>1) Hearing participants agreed that it is important to retain CR on community engagement and TK in the Plan.</p> <p>2) <b>Discussion:</b> What level of description is appropriate in the CR vs including suggestions for effective community engagement in Implementation Guide.</p> <p>3) <b>Discussion:</b> While this language was not</p>

<p>do not cover the Crown's constitutional duty to consult.</p> <p>3) The DLUP contains better language for community engagement: (1) Before deciding whether to authorize a lup or on what terms, Responsible Authorities will require applicants to demonstrate meaningful community involvement with affected communities and individuals. [...] (3) Community involvement (a) will begin prior to the application and will continue throughout the life of the proposed land use at intervals appropriate to the nature of activities; (b) will include full and direct reporting of land use activities to the affected communities in plain language; and (c) will be carried out in English and the local language.</p> <p>4) One of the biggest issues is retaining community control over land use. This is best accomplished by having people come to talk to us directly. The process should be for a lot of consultation. Even if we agreed, we still have to negotiate the details later on how it's done. That gives everyone security and they know that there will be no surprises. Anyone who wants to develop on the land should have to speak to the community first and the community should decide whether or not they want to allow them to develop.</p> <p>5) Recommend that R #3 be incorporated into CR 2. The wording should make it clear that the meeting is to take place at the end of each season of work, as set out in the "Context and Rationale" section of Recommendation 3.</p>	<p>accepted in the Dehcho Land Use Plan, it fits with other comments in this section. To what extent would including these elements be helpful?</p> <p>4) <b>Discussion:</b> The SLUPB cannot require community support, only community input in decisions. However that community input can be given strong consideration. To what extent should such direction be included in the CR?</p> <p>5) <b>Discussion:</b> Received positive comments on R #3 so propose to accept this suggestion. Draft 3 wording is: <i>"Applicants are encouraged to meet with residents and community representatives upon completion of their land use activities to discuss the results of the work, any issues that arose, community concerns, next steps and lessons learned."</i></p>
<p><b>Appropriateness &amp; Duplication</b></p> <p>1) Remove subsection 2. The evaluation of community engagement and TK incorporation is more appropriately the jurisdiction of the SLWB.</p> <p>2) Appears to duplicate existing community engagement processes. Need to justify why this is in the Plan.</p> <p>3) Propose that use of TK and community engagement are better dealt with through policies and guidelines than through legally binding requirements.</p>	<p>The discussion at the Hearing was to keep this CR in. The Plan is supporting, harmonizing and integrating processes, not duplicating them. Can add this under the context and rationale section.</p>

<p>4) The MVRMA requires the LWBs and MVEIRB to consider TK put before it. Not all legislation requires the consideration of TK, so CR 2 is important in that it adds to and supplements the need to consider TK for the wide range of permits and authorizations subject to the Plan. Same with community engagement.</p>	
<p><b>Ambiguity</b></p> <p>1) How will conflicts in differing views of relevant TK be resolved should a community member bring forth concerns that are unrelated to the mandate of the Regulator? As it is currently worded, unrelated matters could potentially have an impact. How will conflicts be resolved in determining if the mitigation measures effectively address the identified concerns?</p> <p>2) It would be subjective to determine "relevant" organizations. "Ensure" could be construed to mean that the regulator is obliged to set up meetings. Conformity assessment would be difficult. The intent is unclear and redundant and could be read as a veto on the proposed activity. Words such as "takes into account" or "considers" are more appropriate.</p>	<p>1) Regulators and the SLUPB will be reasonable in determining conformity. In the event of a disagreement, it is the SLUPB that will determine whether TK and community concerns have been appropriately addressed and integrated.</p> <p>2) Organizations can be listed. With new CR structure, "ensure" is no longer needed (e.g. "community orgs (list) must have the opportunity to meet..."). "Regulators shall ensure..." will not be used.</p>
<p><b>Minimum Threshold</b></p> <p>1) These terms for consultation might exhaust a small project. It is important to keep in mind the scope and size of the project when you require it.</p> <p>2) Not always feasible for small-scale operators to meet in person with community orgs. Teleconferencing or other means of communicating with relevant community orgs should be acceptable for small-scale land use activities.</p> <p>3) While the NWT Tourism Act requires full consultation on all new applications, it further provides for a system of automatic annual licence renewal where there has been no significant change to the activities of a tourism business. CR#2 as written would require tourism operations to undergo lengthy and possibly expensive consultation annually, even where there has been no change in operation.</p> <p>4) (From Working Group at Hearing)</p>	<p><b>Discussion</b> - Is a minimum threshold appropriate for this CR and what should that threshold be?</p>

<p>Problematic wording with CR 2 - "before any land use activity is authorized." The word "any" makes it so that all authorizations need a face-to-face meeting. Face-to-face meetings provide opportunities for community members to participate, TK to be included in all applications, and Elders to be involved in meetings. It was noted that some companies are small and do not have the resources to meet in person. Suggested that teleconferences with interpreters could be used for meetings that would not be required to be face-to-face. Perhaps a threshold can be identified for the kinds of permits that require face-to-face meetings. Large projects and those involving oil &amp; gas, minerals, or impacting water &amp; wildlife should require face-to-face meetings. The collection of stories, plants, some research or tourism licences would fall under a threshold where consultation could be done through teleconference.</p>	
<p><b>Timing</b></p> <ol style="list-style-type: none"> <li>1) In CR #2 2). delete the words" .... and carried out. ... " because this cannot be ensured by Regulators during implementation</li> <li>2) There is no issue with "and carried out" as the authorization is for the life of the project. Reference LWB guidelines and policies in the context.</li> <li>3) There is concern from other Parties about the "design and carried out" language. This is a timing issue again. We suggest the SLUPB focus on the "design" part in the conformity determination, and the SLWB look after the "carried out" portion through their conditions they attach and enforcement of those conditions.</li> </ol>	<p>Addressing timing elements through general structural revisions to all CRs. Will include an intro section explaining general roles and responsibilities for all CRs, and providing clarity about specific roles and responsibilities for each CR in the Implementation Guide.</p>
<p><b>Implementation</b></p> <ol style="list-style-type: none"> <li>1) CR should clarify that in person meetings are not required, but that the opportunity was provided if requested.</li> <li>2) Land Corporations should issue a letter verifying proper use of TK and community engagement</li> <li>3) Delete – "before land use is authorized,</li> </ol>	<ol style="list-style-type: none"> <li>1) This was the intent of the Draft 3 wording.</li> <li>2) Will incorporate suggestion in Implementation Guide. This could be done now as part of community input on applications, if it isn't already.</li> <li>3) Agreed.</li> <li>4) <b>Discussion:</b> R #5 from Draft 3 references</li> </ol>

<p>regulator shall ensure...” Leave out who is being directed.</p> <p>4) Implementation Guide can include suggestions for effective consultation.</p>	<p>guidelines that provide such guidance. Propose to move contents of R #5 into Implementation Guide for this CR to provide that direction.</p>
<p>Include consultation process from Prospecting Permit Protocol in the Plan. Would be a step backwards to lose that after a lawsuit.</p>	<p><b>Discussion:</b> Is this acceptable? E.g. “ <i>The engagement process set out in the Sahtu Prospecting Permit Protocol (Schedule A of the Sahtu Settlement Agreement) for the issuance of prospecting permits shall continue under the Sahtu Land Use Plan.</i>”</p>
<p>Suggest removing “and potentially affected community members”. As written, it sounds as though proponents are responsible for consultation with all community individuals. Consultation with community organizations should identify any affected community members</p>	<p><b>Discussion:</b> Suggest narrowing to “directly affected” instead. If an activity is going to cross someone’s trapline or a family burial site for example, that individual/family should be notified and engaged. The community can identify any such members affected by a proposed activity.</p>
<p>When you do traditional knowledge you have to get it from the people that know the area and not just grab somebody off the street. It’s good to spell out really clearly who you’re talking about, who to talk to.</p>	<p><b>Discussion:</b> Good suggestion. Is this appropriate to include in the CR? Implementation Guide?</p>
<p><b>Context and Rationale</b></p> <p>1) Policies and guidelines on TK and consultation developed by other Boards should be referenced in the Plan.</p> <p>2) Add GTA to CR 2, as its original intent is about community control, and direct community involvement. It was set up as their land to keep others out.</p>	<p>1) These are best discussed in the Context and Rationale sections. This CR needs to apply everywhere, not just the Group Trapping Area.</p>
<p>Needs to exempt renewals or new permits replacing expired ones where consultation will already have taken place.</p>	<p>Should be dealt with in Existing Use (Grandfathering) discussion. Some consultation should be done as part of a renewal. If adequate consultation has already been carried out then it will conform.</p>
<p><b>Recommended rewording for CR 2:</b></p> <p>1) Before any land use activity is authorized, Regulators shall assess how relevant community organizations (land corporation(s), first nation and/or community council, renewable resources council) and potentially affected community members have been engaged with respect to:</p> <ul style="list-style-type: none"> <li>• The proposed activities,</li> <li>• Specific locations and issues of concern, and</li> <li>• Traditional knowledge that is relevant to the location, scope and nature of</li> </ul>	<p>1) Closer, but only requires assessment of community engagement – no actual requirement is set and it doesn’t address the many other issues that have been raised.</p> <p>2) Recommendations for subsection 2 are good.</p>

<p>the proposed activities.</p> <p>2) Regulators shall ensure that a land use activity is designed and carried out with <u>due regard</u> for community concerns and incorporates relevant traditional knowledge.</p> <p>Subsection 2 should be reworded to “in a manner that <u>considers and where appropriate addresses</u> community concerns...”</p>	
<p><b>TK Confidentiality</b></p> <p>1) Proponents should be required to keep TK confidential and acknowledge that the Sahtu Dene and Metis always own the TK.</p> <p>2) Need an agreement between community and proponent addressing confidentiality and intellectual property.</p>	<p>Discuss in context and rationale rather than CR itself. This is more appropriate to A #9.</p>

**Proposed Revisions**

OPEN DISCUSSION as per issues/questions below

**Outstanding Issues/Questions**

- 1) Given general agreement to keep this CR, to what extent should the Plan try to describe effective community engagement as outlined in the “Strengthen CR” section, either in the CR itself, or as guidance in the Implementation Guide? What elements should be in the CR and what is best placed in the Implementation Guide?
- 2) Ultimately, the communities will be most satisfied if we can incorporate elements of “community control” into this CR. While it is illegal to require community support before an activity is authorized, it is possible to ensure that community input is given strong consideration. Would that be an acceptable approach to addressing this community interest?
- 3) Should there be a minimum threshold for community engagement and what should that threshold be? How can that be worded into the CR or Implementation Guide?
- 4) Is it appropriate to include the community engagement process established under the Prospecting Permit Protocol in this CR? Or as a separate Action?
- 5) What is appropriate in setting requirements to consult directly affected community members (e.g. where an activity will impact someone’s trapline or a family’s hunting camp). The community can identify directly affected individuals.
- 6) Is it appropriate to provide guidance on who to gather TK from in the CR? Implementation Guide?
- 7) Propose to integrate Recommendation #3 into the CR directly, and Recommendation #5 into the Implementation Guide. Discussion?

**CR #5 – Community Benefits (formerly CR #3)**

**Draft 3 Wording**

*Before any land use activity is authorized, Regulators shall ensure that communities will benefit from the proposed land use.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b><u>Lack of Authority/Resources to ensure benefits</u></b></p> <ol style="list-style-type: none"> <li>1) LWBs and NEB do not have access to ABAs. Ensuring community benefits are beyond its mandate, jurisdiction, and ability to enforce.</li> <li>2) Do not have the resources to ensure that communities will benefit by all activities that we authorize, nor do we have the resources to ensure those benefits are carried out.</li> </ol>	<p>Valid issues raised in both comments. Will need to ensure that final wording addresses these.</p>
<p><b><u>Lack of Clarity</u></b></p> <ol style="list-style-type: none"> <li>1) What does benefit mean? What if communities disagree on whether or how they might benefit?</li> <li>2) What is "the community"? How does a regulator measure if a community benefits? Benefits are subjective. What should a regulator do if it concludes a community will not benefit?</li> <li>3) Be clear about who is involved – not "community" or "local" – specify who is doing what and who approves it.</li> </ol>	<p>Can define "community" in terms of organizations, and "benefits". Examples of benefits can be provided in the Implementation Guide, as well as spelling out roles and responsibilities. Can include mechanism for communities to provide input on how they will benefit.</p>
<p><b><u>Duplication, Too onerous</u></b></p> <ol style="list-style-type: none"> <li>1) Concern with conflict between this CR and provisions of Chp 22 of SDMCLCA and that wording allows proponents to "shop around" for a community body that will be amenable to the proposal. Make sure the CR conforms to Chp 22, that it is detailed, and specifies the land corps as the bodies to negotiate agreements with.</li> <li>2) Industry already must negotiate INAC benefits agreements, and Access Agreements. This creates the expectation that another SLUP agreement be added.</li> <li>3) The project planning stage, not the land use plan conformity review, offers the proponent and local communities the best opportunity to identify potential benefits. In our view, this conformity requirement is not required. This issue is adequately addressed by recommendation number 10, which is maximizing benefits, and other existing mechanisms that exist in the claim</li> </ol>	<ol style="list-style-type: none"> <li>1) This was not about negotiating access or benefits agreements; though that is one way this CR could be satisfied. Revised wording should remove this issue.</li> <li>2) Intended to set a basic test that communities "must benefit", not "must sign a benefit agreement." Signing a benefit agreement of any kind would fulfill this CR.</li> <li>3) Overall discussion at Hearing to maintain this CR but address issues. Agree that there is overlap with R #10. If this CR stays, R #10 can be removed.</li> </ol>

<p>or under other regulatory authorities.</p> <p>4) Small projects wouldn't be able to meet this test. You may have 2 university students doing a mapping project. It may benefit the academic community or the industry but not the community. Does that mean it shouldn't go ahead? Maybe this is a threshold question where small projects should be exempt from this CR.</p> <p>5) There are things going on at the community level right now – negotiating benefits, making agreements. The SLWB looks for this when they give out their permits. Why is it being discussed here to take it away? The Plan should recognize and strengthen that. If communities are happy with the current processes, then just put that in. Don't raise it again for others to take it away.</p> <p>6) Sub-section 35 (a) of the MVRMA states as a principle that a land use plan promote the social, cultural and economic well-being of residents; thus this CR is redundant and speaks to the nature of a land use plan itself to a certain degree.</p>	<p>4) <b>Discuss minimum threshold.</b></p> <p>5) Can include overview of current benefits discussions in Context and Rationale Section.</p> <p>6) <b>Discussion</b> on what this CR should say and do.</p>
<p><b>Public Interest Test</b></p> <p>1) Not everything will be in the community's interest. Is it a fair expectation that every use must benefit communities?</p> <p>2) Consider other ways to address this issue such as a "Public interest test" or community support test.</p>	<p>1) Agreed. Can bring "interests of all Canadians" into CR.</p> <p>2) A public interest test is what was intended in Draft 3. Should the focus change? Cannot require community support through a land use plan.</p>
<p><b>Strengthen CR</b></p> <p>1) Access agreements are only required on Sahtu Settlement Lands, not Crown lands.</p> <p>2) Explore ways to strengthen community benefits through Impact and Benefit Agreements or other agreements, including a serious commitment to capacity building.</p> <p>3) Find ways to encourage industry to support the development of consulting services to do the pre-application or front end work.</p> <p>4) Community benefits needs to be addressed in the Plan. Communities don't feel that existing processes are enough to ensure appropriate benefits. The benefits principle should also apply to activities for which no authorizations are required. TK and community engagement is currently considered by the SLWB to be a benefit.</p> <p>5) The current requirement that "communities will benefit" could be met by the smallest community</p>	<p>1) Include as rationale for this CR.</p> <p>2) Currently discussed in R #10 – can be incorporated into Implementation Guide.</p> <p>3) Could be included as an example of generating benefits in Implementation Guide.</p> <p>4) General discussion at the Hearing to maintain the intent of this CR.</p> <p>5) Suggestion may add more ambiguity.</p>

<p>benefit. In contrast, Déline’s elders suggest that there should be a fair sharing of any benefits of resource development. The SLUPB should consider changing the italicized direction under CR 3 to something like: “Proposed land uses shall protect and promote the existing and future well-being of the residents and communities of the SSA, having regard to the interests of all Canadians.”</p>	
<p><b>Recommended Rewording:</b></p> <ol style="list-style-type: none"> <li>1) Before any land use activity is authorized, Regulators shall be informed by applicants how communities will benefit from the proposed land use.</li> <li>2) Suggest rewording to “confirm that the proposed activity has considered and incorporated community benefits where possible.”</li> </ol>	<p><b>Discussion:</b> Need to decide on what this CR should achieve then consider these wording suggestions accordingly.</p>

**Proposed Revisions**

OPEN DISCUSSION based on issues/questions raised and common principles

- General agreement that there should be benefits, mostly to communities, but sometimes it’s the broader “Canadian interest” that benefits.
- The level of benefits needs to be assessed.
- Those who are to benefit should have a say in the degree to which they are benefiting (not just the regulator or conformity determiner).

**Outstanding Issues/Questions**

- What should the goal of this CR be? 1) A Public Interest Test; or 2) An assessment or consideration of benefits (which provides no actual requirement for anyone to benefit)?
- Should there be a minimum threshold for activities to which this CR should apply and if so, what is it?

**CR #6 – Community Land Use Monitors (formerly R #2 – Wildlife Monitors)**

**Draft 3 Wording**

*Applicants are encouraged to work with the local Renewable Resources Council (RRC) to hire a qualified monitor, who will assess the presence of wildlife in the area of operations, monitor impacts on wildlife from the proposed activities, and keep the RRCs and SRRB informed of activities affecting wildlife. Where a monitor judges that an activity may have a negative impact on wildlife, the monitor should discuss this with the applicant and attempt to resolve the concern. Any unresolved concerns should be reported to the land use inspector and the RRC so that appropriate action may be taken to mitigate impacts.*

**Summary of Comments & SLUPB Response**

Comments / Issue	Response / Status
Need to have monitoring everywhere, not just in SMZs. Underlying concern is not	Suggest broadening and strengthening R #2 to address this fundamental issue.

just for wildlife but all areas of value to the community and monitoring of land use in general.	Switch focus from wildlife monitoring to land use monitoring.
Inspectors are underfunded and there is community distrust of monitoring conducted solely by the applicant. Applicants regularly fund community monitors. This is considered a community benefit. Need a CR for community monitor – currently only a recommendation. Monitor needs independence. Monitoring builds trust and communication between communities, regulators and proponents.	
Clarify that the monitor works for the RRC and not the applicant.	<b>Discussion:</b> Funding and hiring responsibilities and the extent to which this should be in the Plan.
This should be a requirement, not a recommendation.	<b>Discussion:</b> Have proposed changes to make this a CR. Are they acceptable?
Acknowledge the role of Regulators in resolving concerns related to land use activities to not unfairly burden RRCs. Suggested revisions for last sentence.	Accepted. Added “regulator”
There needs to be flexibility based on the scale of the activity.	Agreed. “ <i>The level of funding and monitoring will be appropriate to the scale of land use activity and potential for impact to community values.</i> ”

**Proposed Revisions**

*1) For any land use activity, an independent, qualified community land use monitor must be hired to identify sensitive and important community values in the area (e.g. wildlife and wildlife habitat, berry sites, recreation areas, trapping areas, burial sites, etc.), monitor impacts to these from the proposed activities, and keep the RRC and other community organizations informed of activities affecting wildlife and community values in the area. The level of monitoring will be appropriate to the scale of land use activity and potential for impact to community values.*

*2) Where a monitor judges that an activity may have a negative impact on wildlife or significant cultural or ecological areas, the monitor should discuss this with the applicant and attempt to resolve the concern. Any unresolved concerns should be reported to the appropriate regulator and shared with the land use inspector, the RRC and other community organizations so that appropriate action may be taken to mitigate impacts.*

**Outstanding Issues/Questions**

- Discuss whether this is appropriate as a CR?
- Discuss funding/hiring responsibilities – SLUPB understanding is that the applicant generally funds the RRC to hire the monitor. Should that be locked into the CR? If not, what should the roles and responsibilities be for this? Does this change if its only kept as a recommendation?
- Should there be a minimum threshold if it is a requirement?

- Is there an alternative? Is there a possibility of having a full time monitoring position for the region or for each community that each activity contributes to, rather than hiring an independent monitor for each separate activity?

**CR #7 – Archaeological Sites, Historic Sites and Burial Sites (Formerly CR #4)**

**Draft 3 Wording**

*A land use activity shall not take place within 500 m of suspected or known burial sites, historical sites or archaeological sites.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Combine CRs with Setbacks</b>                      Create a best practices section to encompass all the prescriptive elements in CRs 4, 7 and 12 and put onus on applicant to demonstrate compliance with the Best Practices to a reasonable extent. Recommended wording: “Each Applicant shall demonstrate that appropriate measures are in place in accordance with Best Practices defined in the Sahtu Land Use Plan to prevent and/or mitigate adverse impacts from the land use activity to any suspected or known burial sites, historical sites or archaeological sites.”</p>	<p>Strongly considered but would require breaking up elements of CR #7 and 12. Added flexibility to all CRs instead.</p>
<p><b>Too Onerous – Need Flexibility</b></p> <ol style="list-style-type: none"> <li>1) A 500 m buffer is too large, especially for low impact, non-invasive activities.</li> <li>2) Burial sites, archaeological sites and historical sites vary in their significance. Perhaps the CR should be for burial sites only or consider a range of buffers based on significance.</li> <li>3) Concerned about the 500 m buffer; could be highly restrictive where there are many sites. More flexibility is needed. Following an assessment, they may choose a variety of mitigation options – avoidance, surveys, etc. Avoidance of archaeological sites is always the preference. Could understand the desire for a larger buffer for burial sites.</li> <li>4) The 500 m is a bit much. Could change that to a goal-based approach such as protect the cultural integrity of the site.</li> <li>5) When activities take place, it’s usually handled case by case. It all depends on which areas they are going to work. We</li> </ol>	<p>Split the buffer, keeping the 500 m setback only for burial sites, and recognizing the current 150 m buffer for all others. Also built in flexibility and community input for where this buffer cannot be met without jeopardizing the viability of the activity. Will include goal-based statement in Context and Rationale section.</p>

<p>know where the burial sites and wildlife routes are.</p>	
<p><b>Archaeological Assessments</b></p> <ol style="list-style-type: none"> <li>1) For large-scale projects you could ask that an archaeological assessment be done but you wouldn't want this for all projects.</li> <li>2) The Plan should define culturally rich areas (areas with significant cultural resources) and require an archaeological assessment of those areas prior to land use authorization.</li> </ol>	<ol style="list-style-type: none"> <li>1) <b>Discuss minimum threshold</b></li> <li>2) Linked this to known concentrations as identified by PWNHC or communities.</li> </ol>
<p>Concerned with "suspected sites" – too ambiguous.</p>	<p>"suspected" has been removed. "Known" means either identified by the PWNHC or by communities during community engagement/TK studies. Will be defined in Plan/Implementation Guide.</p>
<p><b>Suggested Rewording</b></p> <ol style="list-style-type: none"> <li>1) CR 4 should incorporate a statement like "Unless expressly authorized by a permit or in writing by an inspector", as found in S. 6 MVLURs. Suggest revising wording to a goal-based statement noting that all of these sites must be preserved; or an objective-based statement noting the land use activities must not encroach upon archaeological sites and burial sites and refer to regulations.</li> <li>2) Recommended rewording: A land use activity shall not take place within 150 m of suspected or known burial sites, historical sites or archaeological sites, unless expressly permitted by a regulator.</li> </ol>	<ol style="list-style-type: none"> <li>1) Not accepted. Planning is intended to reduce discretionary decision-making. Will include goal in context and rationale.</li> <li>2) Not accepted for the same reason as #1. The point is to consistently apply a standard that addresses community concerns.</li> </ol>

**Proposed Revisions**

1) A land use activity must not be located within 500 m of known burial sites, or within 150 m of known historical sites or archaeological sites, unless measures are developed in cooperation with affected communities, or in the case of burial sites, with affected families, to fully mitigate all impacts to the site.

2) A land use activity proposed in an area with known concentrations of burial sites, archaeological sites or historic sites that have the potential to impact those sites must carry out a survey of the area to locate such sites.

**Outstanding Issues/Questions**

- Discuss minimum threshold for archaeological assessment
- Have we achieved an acceptable balance of community control and flexibility?

**CR #8 – Watershed Management (formerly CR #5)**

**Draft 3 Wording**

*Before a land use activity is authorized anywhere within a regional watershed containing an SMZ, CZ or PCI, Regulators shall consider the effects of the proposed activity in combination with other past, present and anticipated future land use activities, and ensure that it will not substantially alter the water quality, quantity and rate of flow within a SMZ, CZ or PCI.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Ambiguous Expectations</b></p> <p>1) Speaks to cumulative effects. That concept has very broad latitude for interpretation, both in the difficulty of predicting future land use activities in the area as well as to what detail of analysis the regulators are to consider these effects. Also requires assessment of downstream water sources. This certainly sounds acceptable if it is kept reasonable but again is very open to interpretation of what would be required to do that.</p> <p>2) Define "substantially alters". Quality can be monitored but rate of flow can be seasonally variable and without proper data SLWB cannot monitor past activities or predict future variability.</p>	<p>1) Removed cumulative effects type language as that will be dealt with in A #5.</p> <p>2) "substantially alters" comes from the SDMCLCA and Water Strategy and wasn't defined there either. Please suggest definition or alternative language.</p>
<p><b>Goal-Based Approach</b></p> <p>1) This is inconsistent with the land claim agreement, which allows for compensation should there be a substantial alteration of water quality, quantity and flow. An alternative to the current approach is that of the NWT Water Stewardship Strategy where there is a <u>goal</u> to keep waters that flow into or through the NWT substantially unaltered in quality, quantity or rate of flow. Alternative, if it is to be a CR, then duplicate rather than paraphrase the land claim and/or existing regulations.</p> <p>2) We recommend the SLUPB use a goal-based approach as it allows the specific issues to be addressed while leaving the particular terms and conditions to the regulators. The Plan should set a general goal that regulators would implement the specifics of. Because the territory is unique and waters are unique, it would be difficult to be globally prescriptive in the Plan itself.</p>	<p>1) The land claim sets a minimum standard. It is not inconsistent to go beyond the claim. Communities and the GNWT/INAC Water Strategy all say they want to protect water everywhere. CR reworded to clarify the intent, make it more general and narrow the application. Still goes beyond the claim though. Need to discuss alternatives to meet community interests if this is not sufficient.</p> <p>2) If this can only be a goal, a goal is not a CR. Need to discuss how community interests can be met if the CR is removed.</p>

<p><b>Strengthen Water Protection</b></p> <ol style="list-style-type: none"> <li>1) The intent of the claim was to keep our water clean for all times, not to open the door to polluting it. The regulator should do as much as possible to make sure that the water is not polluted in any way. That's the first goal and it should be protected as much as possible. We're not just restricted to our fee simple lands. Those are lands we own but we use all the land in our districts.</li> <li>2) The integrity of the water system must be respected (rain, ground, surface)</li> </ol>	<ol style="list-style-type: none"> <li>1) The CR is now clearer but focused on protecting water within CZs, PCIs and SMZs, and is silent on water protection in GUZ. This can be adequately managed through existing regulatory processes.</li> <li>2) Added "surface and groundwater" into CR for clarity.</li> </ol>
<p><b>Roles and Responsibilities</b></p> <ol style="list-style-type: none"> <li>1) This CR might result in regulators with little expertise in water making decisions about water quality, quantity and rate of flow.</li> <li>2) Need more independent water assessments to monitor the watershed and drinking water in the Sahtu. In most cases the developer does its own monitoring. We need certainty that the water is protected.</li> <li>3) Looked after by other boards.</li> <li>4) If the onus is on the applicant to prove they are not altering water quality, quantity and rate of flow, then the CR is ok as written.</li> <li>5) CR 5 gets into cumulative effects, which is difficult for the SLWB to do.</li> </ol>	<ol style="list-style-type: none"> <li>1) The onus is on the applicant to demonstrate no impacts and the SLWB would be involved in most applications.</li> <li>2) Handled under monitoring CRs and Actions</li> <li>3) Agreed – that's why we refocused the CR to planning elements – enhanced protection for the key zones of concern.</li> <li>4) Yes, the onus is on the applicant</li> <li>5) Cumulative effects elements have been removed.</li> </ol>
<p><b>Standards</b></p> <ol style="list-style-type: none"> <li>1) The Plan endorses the CCME non-degradation policy, which potentially creates a prohibition on all land use activities that might discharge waste into water at levels above background levels. This is inconsistent with current water licensing regime. SSI recommends the SLUPB consider a policy framework focused on source control and management of waste into water rather than non-degradation. Another approach would be to adopt specific water quality objectives such as CCME Guidelines for the Protection of Aquatic Life.</li> <li>2) A third party assessment of standards that would be acceptable for the Sahtu Region should be completed and incorporated into a revised Land Use Plan through the Five Year review process.</li> <li>3) CR #5 should require at least the minimum standard out there.</li> <li>4) These are case-by-case decisions.</li> </ol>	<ol style="list-style-type: none"> <li>1) Heard from various other parties that water quality is too variable to manage with one set of guidelines so broad application of CCME guidelines or any one set seems to be a non-starter.</li> <li>2) Can be addressed as part of the Sahtu Working Groups A #6</li> </ol>

A map or resources referencing "regional watersheds" should be provided for additional information	Removed reference to regional watersheds to simplify the CR. If "regional watersheds" gets added back in, then a map can be included.
If hydro projects are constructed in the Sahtu region, depending on the type of hydro development (e.g. dam, run of river) it is possible that changes to water quantity and rates of flow may occur. This requirement may limit the potential to develop hydro in the region and may specifically impact any future development of the Great Bear River.	This CR would permit run of the river hydro on the Great Bear River, just no hydro project that substantially alters water flow. This was discussed with NWT Hydro and they had no concerns with CR 5. Any plans for hydro development along the Great Bear River can be dealt with in future plans revisions or through an exception if necessary.
This CR could apply to the whole SSA.	Yes, that was always the intent.
Recommended rewording: Before a land use activity is authorized anywhere within a regional watershed containing an SMZ, CZ or PCI, Regulators shall consider the effects of the proposed activity in combination with other past, present and anticipated future land use activities, with due regard for the SDMCLCA and in particular section 20.1.1 to 20.1.19.	This doesn't appear to address community issues.

### Proposed Revisions

Suggesting one approach based on the original intent of the CR. Important lakes and rivers for communities are protected in CZs, PCIs and SMZs. So the original intent was to make sure that activities occurring in GUZ don't impact water in those special areas. This forces an awareness of watershed scale considerations. There is also a goal to protect water everywhere, not just on Sahtu lands. Finally, the SLUPB has been asked to be general and goal-based, not prescriptive.

Proposed Wording: *Any land use activity located in a General Use Zone must not substantially alter the quality, quantity and rate of flow of surface or ground water within Special Management Zones, Conservation Zones and Proposed Conservation Initiatives.*

### Outstanding Issues/Questions

- If not the above approach, then what are the alternatives?
- What is the acceptable solution between GNWT requirement that we not change anything from what is in the land claim and addressing community interests that all water be protected?

## CR #9 – Drinking Water (formerly CR #6)

### Draft 3 Wording

1) *Before a land use activity is authorized, Regulators shall assess the potential impacts of the proposed activity to downstream drinking water sources.*

2) *Regulators may not authorize a land use activity that would result in the contamination of water within community catchments as shown in Map 6.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Protect Drinking Water</b></p> <p>1) Water is important to our people. It comes up often. The community is looking for a secondary source of water to ensure clean water in case of upstream impacts we can't control.</p> <p>2) Concern about good drinking water. Communities already have experience with upstream contamination – in the Mackenzie River and along transportation routes (eg the Fort Good Hope spill); there appears to be little coordination among agencies. It is difficult to assess contamination levels when there is no baseline data. Existing guidelines, such as CCME, are not high enough. Existing standards should be enhanced using the land use plan.</p>	<p>Rationale for this CR.</p>
<p><b>Ambiguity</b></p> <p>1) Ambiguous. "Contamination" is not defined -</p> <p>2) There should be an acknowledgement in this CR that effluent quality is always a consideration in project planning in the environmental review process, whether it is a small exploration camp with grey-water discharge or a mine with tailings pond discharge. The size of the catchment also needs to be considered. This section needs to be clarified on how regulators might judge a source of potential contamination within a catchment.</p> <p>3) In regulating water quality, a comparison to background is often made. However there may be background levels that in and of themselves can be considered contaminants. Levels may change over time.</p> <p>4) Part 2 - what limits or standards should the regulators use to determine "contamination"? Clarity will be needed for Regulators to determine monitoring efforts within watershed sources, as some are too large for effective monitoring.</p>	<p>1) "Contamination" comes from the GNWT's "Managing Drinking Water Quality in the Northwest Territories: A Preventative Framework and Strategy" (May 2005): "Contamination – The presence or unwanted transfer of a substance into drinking water, making it impure or harmful". This definition will be added to the Plan and the Implementation Guide.</p> <p>2) Agreed. The focus here is not on what leaves the project, but the effect to downstream drinking water sources. A description of current processes and policies can be referenced in Context and Rationale section, and expectations better described in the Implementation Guide.</p> <p>3) One would assume that non-contaminated sources were selected for community drinking water sources.</p> <p>4) See definition above. The intent is for an applicant to determine whether there is any potential for the effluent from their proposed land use to render a downstream community's drinking water source undrinkable.</p>
<p><b>Mapping</b></p> <p>1) The Board should explain why an area upstream of the Mackenzie River cannot be</p>	<p>Will update Map 6 this fall with new ones from MACA/ENR.</p>

<p>included in the FGH community catchment</p> <ol style="list-style-type: none"> <li>2) If you could remove the community catchment map then you could just re-word the CR.</li> <li>3) Map 6 is at an ineffective scale for a proponent or regulator to determine if a development application was located within a specific community source watershed. To determine conformity it's better for a developer to contact the Department of Municipal and Community Affairs to access the most current map.</li> <li>4) The maps need to be better or need to be removed because they are not accurate right now and they are much too small to be useful.</li> <li>5) The Departments of Environment and Natural Resources along with Municipal and Community Affairs are working with Sahtu communities to better define Source Drinking Water Catchment Zones. These areas will be mapped and protection plans prepared that identifies threats to drinking water and protection measures to ensure integrity. Updated maps to replace Map 6 will be available fall 2011.</li> </ol>	
<p><b>Appropriateness</b></p> <ol style="list-style-type: none"> <li>1) We question the role or ability of a land use planning board to review community drinking water sources and restrict development, when there might be other government departments already in control of this issue.</li> <li>2) The CR limits the authority of the SLWB to establish scientifically defensible criteria for the lawful deposit of waste into water. Suggest Item (2) of the CR be reconsidered.</li> </ol>	<p>The data came from ENR/MACA. The purpose of planning is to identify permitted and prohibited uses (restrict development) and guide regulatory decisions to achieve specified goals, which means fettering discretion. Regulators may set any criteria they wish for the deposit of waste, as long as it doesn't contaminate a community's drinking water source area.</p>
<p><b>Proposed Revisions / Recommendations</b></p> <ol style="list-style-type: none"> <li>1) If CR #6(2) were removed, the intent would still be captured through CR #6(1). Can maybe use some of the wording from the implementation guide instead as that provides more clarity.</li> <li>2) The two conformity requirements could be combined into one and reworded as follows. "Before a land use activity is authorized, Regulators shall assess the potential impacts of the proposed activity</li> </ol>	<ol style="list-style-type: none"> <li>1) Disagree. Section 1 requires an assessment while Section 2 directs what must be done with the results.</li> <li>2) Disagree for same reason as 1 above. The point is to do something with the assessment.</li> <li>3) The SLUPB's understanding is that the CCME Guidelines for Canadian Drinking Water Standards are "end of tap" standards – that is after the water has</li> </ol>

<p>to contaminate downstream drinking water sources.”</p> <p>3) Consider adopting the CCME Guidelines for Canadian Drinking Water Standards as the standard to be met before any land use which may affect water upstream of a community catchment area is deemed to conform. The Plan should provide clear guidelines or water quality objectives for applicants to address when preparing their applications.</p> <p>4) A goal-oriented approach may be more effective than detailed prescription.</p> <p>5) Onus should be on the developer to prove that an activity will conform with the plan.</p> <p>6) Recommended rewording for CR 6 (2) Regulators may not authorize a land use activity that would result in the contamination of water within community catchments as shown in Map 6.</p>	<p>been treated/filtered, so is not applicable here.</p> <p>4) The SLUPB is aiming for a general approach.</p> <p>5) That has always been the case and will be clarified further at the start of Chapter 4 and the Implementation Guide.</p> <p>6) This was the Draft 3 wording. It has been updated using new CR structure only.</p>
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**Proposed Revisions**

A land use activity must be assessed for its potential to impact downstream drinking water sources. Any activity that would result in the contamination of water within community catchments as shown in Map 6 is prohibited.

**Outstanding Issues/Questions**

- Awaiting new mapping

**CR #10 – Wildlife (Formerly CR #7)**

**Draft 3 Wording**

- 1) A land use activity shall be designed and carried out based on the most current wildlife information for species of concern (specific locations, sensitive periods, etc.) as obtained from ENR, CWS, DFO, the SRRB and local renewable resources councils (RRCs), including but not limited to fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, Dall’s Sheep, grizzly bears and black bears.*
- 2) Before any land use activity is authorized, Regulators shall ensure that appropriate measures are in place to prevent and/or mitigate long-term adverse impacts from the proposed land use to the wildlife groups listed above, their habitat and migration patterns, and important community harvesting areas (including Special Harvesting Areas).*
- 3) In particular, the area shown in Map 7 is known to be important rutting and winter habitat for the bluenose west barren-ground caribou herd. It is also considered to be Boreal woodland caribou habitat. Regulators shall ensure that appropriate measures are in place to prevent and/or mitigate long-term adverse impacts from the land use activity to barren-ground and boreal woodland caribou and their habitat, within the area shown in Map 7 from October 8th to March 31<sup>st</sup>.*

4) In addition, Regulators shall ensure that no land use activity takes place around known habitat sites during sensitive periods except in accordance with the horizontal setbacks and minimum flight altitudes identified in Table 8.

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Include the Group Trapping Area with other harvesting areas in CR #7 (2)	Done.
Map 7 should also identify the rutting and overwintering habitat of the Bluenose East Barren Ground Caribou herd.	OK.
Include reference to the in-water construction timing windows for the protection of fish and fish habitat in Table 8.	OK.
The list in subsection 1 is not meant to be an exhaustive list of species that may be of concern. Subsection 2 should apply to all wildlife in the SSA.	Added " <i>and any other species of concern as identified by the RRC</i> " to subsection 1. Referenced subsection 1 list in subsection 2 for consistency.
No mention or inclusion of wildlife management plans developed by the SRRB. Include a mechanism for the SLUPB to review and where necessary, incorporate final wildlife management plans. Proponents should be directed to refer to wildlife management plans.	Added wildlife management plans to subsection 2. The SLUPB reviews mgmt. plans and policies as part of its information gathering. Many are referenced throughout the Plan and Background Report. As the Plan is updated and amended, new ones will be added and referenced.
<p><b><u>Caribou Protection</u></b></p> <p>The plan should:</p> <ol style="list-style-type: none"> <li>1) protect against immediate impacts to the caribou from land use activities (CR only talks about long term adverse impacts);</li> <li>2) provide minimum aircraft altitude requirements for caribou under Table 8 or Subsection 3;</li> <li>3) provide specifically for caribou monitoring to address yearly changes in migration patterns;</li> <li>4) provide cumulative impact provisions for the caribou in SSA</li> </ol>	<ol style="list-style-type: none"> <li>1) Deleted "long-term"</li> <li>2) No such information currently exists for caribou. The SLUPB relies on wildlife managers to supply such information.</li> <li>3) Already happening through collars on the barren-ground caribou since 1996 and boreal caribou since 2004 and more collars being deployed</li> <li>4) The Plan is not talking about cumulative effects management for any resource at the moment because of lack of agreement on methods. This is included in A #5.</li> </ol>
<p><b><u>Habitat Sites</u></b></p> <ol style="list-style-type: none"> <li>1) CR#7, 4) identifies horizontal setbacks. Be more precise as to what is being setback from (as identified in Table 8)</li> <li>2) "Known habitat sites" is undefined and potentially unclear. The CR should be redrafted to clarify that it refers only to</li> </ol>	Done

the listed sites in Table 8, instead of creating a blanket prohibition with listed exceptions.	
How will these setbacks be implemented in practice? It is unclear how year round activity (e.g. production facilities) will be accommodated. Some flexibility required.	Provided additional flexibility, but the idea is not to have year-round activities operating within these setbacks.
LWBs can only include conditions related to wildlife habitat, not pertaining to wildlife itself. Further specify the responsibilities of each Regulator to provide more clarity. E.g. ENR would determine conditions pertaining to wildlife and LWBs would determine conditions pertaining to habitat.	Can be clarified in Implementation Guide
Recommend development of habitat protection measures for CR #7.	Table 8 are a type of habitat protection measure. What else is intended?
Questions whether the Plan or regulatory authorities responsible for the use of land or water have the authority to mandate minimum elevations for aircraft.	Wildlife managers provided minimum altitudes and setbacks based on current practices applied in regulatory authorizations.
Might need to have new condition requiring habitat assessment if new COSEWIC or SARA listed species known to be in an area. Talk about the goal.	Has not previously been raised as an issue. Assume this will be a requirement of legislation.

**Proposed Revisions**

*1) Any land use activity must follow approved wildlife management plans and be based on the most current wildlife information for species of concern (specific locations, sensitive periods, etc.) as obtained from ENR, CWS, DFO, the SRRB and local renewable resources councils (RRCs), including fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, Dall’s Sheep, grizzly bears and black bears and any other species of concern as identified by the RRC.*

*2) Impacts to wildlife (as identified in Item 1), their habitat and migration patterns, and important community harvesting areas (including the Fort Good Hope-Colville Lake Group Trapping Area and Special Harvesting Areas) must be prevented or mitigated.*

*3) In particular, the areas shown in Map 7 are known to be important rutting and winter habitat for the bluenose east and west barren-ground caribou herds. It is also considered to be Boreal woodland caribou habitat. Appropriate measures must be in place to prevent and/or mitigate impacts from the land use activity to barren-ground and boreal woodland caribou and their habitat, within the area shown in Map 7 from October 8th to March 31<sup>st</sup>.*

*4) In addition, all land use activities must follow the horizontal setbacks and minimum flight altitudes identified in Table 8 when occurring near the habitat sites and during sensitive periods listed in that table, unless the activity cannot feasibly meet these requirements, and it can be demonstrated that alternative mitigation measures will protect the habitat sites.*

**Outstanding Issues/Questions**

- Have we added sufficient flexibility for the setbacks?

**CR #11 – Species Introductions**

**Draft 3 Wording**

*A land use activity shall not result in the introduction of non-native plant and animal species, or of domestic animal species or subspecies, except by special approval by the ENR.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>The introduction of non-native species or domestic species CR should not be subject to ENR approval. It should just not be allowed.</p>	<p>The wording of this CR was carefully reviewed and scrutinized by all parties as part of the process to integrate the GBLWMP into Draft 3. This is the wording that was agreed to and therefore no further changes will be made.</p>
<p>Control of this problem is not easily managed, It would be very difficult to determine conformity. It is not clearly stated that this is intended as released into the wild. It is anticipated that this matter will be addressed in a new Wildlife Act. Remove or reconstruct wording to an objective-based condition, such as "Regulators should require developers to mitigate transport of non-native plant or animal species into the Sahtu." Later response: Keep the GBLWMP integration wording as agreed to previously.</p>	
<p>The wording does not offer a way to determine whether a land use application can proceed or not. At the time of the conformity determination, a regulator cannot unequivocally know if an activity will or will not result in the introduction of a non-native species. However the regulator can restrict the applicant from deliberately or negligently introducing such species. Reword to: "Non-native plants and animal species, or domestic animal species or subspecies, should not be deliberately introduced, except by special approval by the ENR."</p>	<p>The point of the CR is to set the rule. The rule is "don't introduce non-native species". Timing elements and implementation roles and responsibilities can be addressed with more clarity in the Implementation Guide.</p>

**Proposed Revisions**

NO CHANGE – MAINTAIN DRAFT 3 WORDING!

*A land use activity shall not result in the introduction of non-native plant and animal species, or of domestic animal species or subspecies, except by special approval by the ENR.*

**Outstanding Issues/Questions**

None

**CR #12 – Sensitive Species and Features**

**Draft 3 Wording**

1) A land use activity shall be designed and carried out based on the most current information on the location of rare and may-be at risk plants, hot and warm springs, mineral licks and amphibian sightings as obtained from ENR, and in a manner that mitigates impacts to these features.

2) A land use activity shall not take place on Karst topography, or if unavoidable, shall mitigate impacts to karst topography.

3) A land use activity shall not take place within 1000 m of any mineral lick.

4) Before a land use activity is authorized within the boundary of glacial refugia or within 500 m of known hot or warm spring(s), Regulators shall ensure that a rare plant survey is conducted, and shall require as a condition of their authorization, that any plants found are monitored for impacts from the activity.

5) Authorizations shall require that the location of any hot or warm spring or mineral lick discovered while carrying out an authorized activity be reported to [nwt\\_pas@gov.nt.ca](mailto:nwt_pas@gov.nt.ca), and any amphibian sightings to [nwtsoer@gov.nt.ca](mailto:nwtsoer@gov.nt.ca).

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Recommend that CR 12 be named “Rare and At Risk Species and Habitats”. The areas identified in CR 12 are only rare or at risk. They do not comprise the ecologically significant areas of the SSA.	Point accepted but used slightly different wording.
<b>Information</b> "... most current information ..... " Suggest changing this to "most current publically available information... ".	Used “available”. The datasets can be obtained but have restrictions on use to protect sites so are not fully “public”.
<b>Karst</b> 1) Some extensive Karst areas that fall within GUZs appear to have the protection equivalent to a CZ under this CR. The Board should provide an explanation as to why the Karst in GUZs is particularly sensitive or needs special protection, and how this might affect development activities in these areas 2) Karst topography" is a general term; suggest referring to "karst features" and specify. 3) The words “shall mitigate impacts to karst topography” create an absolute requirement that may not be manageable. Add words "to the extent practicable."	1) A rationale was provided in the Context and Rationale section in Draft 3. Karst features are very small but there are many scattered over the central portion of the Sahtu. The SLUPB chose site-specific protection through a CR, rather than a series of small CZs that would restrict development over larger areas. 2) OK 3) Disagree. These are sensitive areas that are not amenable to development – caves, cliffs, sinkholes, underground streams and springs. They should be avoided. 4) Changed to “Must not damage” but

<p>4) Unclear whether CR #12 imposes a prohibition for working in areas of karst topography. Prefer that karst lands that should be avoided be instead designated as a CZ. Otherwise it should be left to the SLWB to establish appropriate terms and conditions for these areas.</p>	<p>essentially prohibits work around karst features. As above, they are not areas that welcome invasive land use activities where damage would be possible.</p>
<p><b>Mineral Licks</b></p> <p>1) Some flexibility will be required with the setback for mineral licks.</p> <p>2) Mineral licks are not always obvious on the landscape. Add "known" in front of mineral licks.</p> <p>3) Question whether a 1000 m setback is necessary for mineral licks. Is the restriction year-round or will it recognize seasonality?</p>	<p>1) Added clause for flexibility.</p> <p>2) Done</p> <p>3) ENR-Sahtu polled other biologists in North America for setbacks around mineral licks and concluded that 1000m in mountainous terrain is a minimum. Also confirmed that use of licks is year-round so the setback is as well.</p>
<p><b>Rare Plants</b></p> <p>1) Define "rare plants". Do not have the resources or mandate to conduct such an undertaking. Suggested wording "...proponents shall undertake a rare plant survey, and shall ensure that any rare plants found are monitored for impacts from the activity."</p> <p>2) The requirement for a rare plant survey might be excessive for some kinds of minor land use activities. Suggest the following "<u>may</u> require a rare plant survey ...".</p>	<p>1) The onus to carry out the work is on the applicant – this will be clarified in Implementation Guide and at the front of the CRs. Rare and may-be-at-risk plants were defined in the Context and Rationale section and a list was provided in Table 9.</p> <p>2) "May" is discretionary. <b>Discussion:</b> Is a minimum threshold appropriate and what it should be?</p>
<p>Should add a goal in the preamble to protect general ecological integrity and biodiversity of these sensitive sites (e.g. karst and mineral licks).</p>	<p>OK.</p>
<p>Suggest moving this CR closer to the wildlife CR.</p>	<p>Done</p>
<p>Recommend the SLUPB consider developing policies to guide applicants in project design in these sensitive areas.</p>	<p>This whole CR could be characterized as guiding applicants in project design in these areas. What more is needed?</p>

**Proposed Revisions**

- 1) *A land use activity must be based on the most current available information on the location of rare and may-be at risk plants, hot and warm springs, mineral licks and amphibian sightings as obtained from ENR, and in a manner that mitigates impacts to these features.*
- 2) *A land use activity must not damage Karst features.*
- 3) *A land use activity shall not take place within 1000 m of any known mineral lick, unless the activity cannot feasibly meet this requirement, and it can be demonstrated that alternative mitigation measures will protect the lick.*

4) A land use activity proposed within the boundary of glacial refugia or within 500 m of known hot or warm spring(s), shall require a rare plant survey where the activity has the potential to impact these sites. Any rare or at risk plants found in the survey shall be monitored for impacts from the activity.

5) The location of any hot or warm spring or mineral lick discovered while carrying out an authorized activity must be reported to [nwt\\_pas@gov.nt.ca](mailto:nwt_pas@gov.nt.ca), and any amphibian sightings to [nwtsoer@gov.nt.ca](mailto:nwtsoer@gov.nt.ca).

**Outstanding Issues/Questions**

- Do the changes to the Karst and mineral lick sections adequately address the issues?
- Should there be a minimum threshold for conducting a rare plant survey?

**CR #13 – Closure and Reclamation**

**Draft 3 Wording**

1) Financial security shall be posted and maintained with the Minister of Indian and Northern Affairs Canada for any land use activity that is not carried out by a local government or the territorial or federal government, in an amount sufficient to cover the full cost of reclamation and post-closure activities, where the amount calculated exceeds \$50,000

2) On termination or abandonment of a land use activity, any area affected by the land use activity shall be restored to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem and expected future uses of the area as determined in consultation with residents, communities and responsible authorities, prior to the return of security.

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Appropriateness for SLUP</b></p> <p>1) This is a regulatory matter and subjective therefore difficult to assess conformity. How is a "self-sustaining ecosystem" measured?</p> <p>2) Securities are matters addressed through other elements in the integrated system of land and water management, hence should not be addressed in the land use plan. Suggest removal.</p> <p>3) Question the need for item 1 as currently written. It eliminates the discretion of the SLWB on whether to require security and will constrain current efforts among LWBs to harmonize security requirements.</p> <p>4) Every time the LWBs get an application, they go through the security analysis. They are the ones with the expertise and should be the ones making that call.</p> <p>5) We support the idea of this CR being in the</p>	<p>Final responses seem to indicate general agreement to maintain roughly the Draft 3 wording in the Plan with minor changes as per suggested rewordings.</p>

<p>Land Use Plan. But as pointed out by INAC, we would be more comfortable if we removed the fifty thousand (50,000) threshold because we think that that's something that is now covered under the Act as at the discretion of the Land and Water Board.</p> <p>6) The plan needs to require the collection of security. The full cost of land and water reclamation and post-closure activities should be used – the collection of security should also include the clean up of water since contamination of water is often a consequence of a land use activity.</p> <p>7) Yes - the developer should pay a security deposit. This should be in the Plan. The \$50,000 minimum should be removed. Developers with existing rights must conform to the land use plan as soon as it's approved. This should also apply to government.</p>	
<p><b><u>Progressive Reclamation</u></b></p> <p>1) Does the current reclamation CR allow for progressive reclamation? If not you should consider it.</p> <p>2) Reclamation expectations should be determined before determining the security, then returned (or portions of it returned) as expectations have been met.</p> <p>3) The GNWT would like to see Progressive Reclamation more prevalent in the document and speak to the ability to reduce security deposits if progressive reclamation is done. Developers should be credited for approved progressive reclamation, and the value of financial security required should be adjusted in a timely fashion. Provided wording for Context section.</p>	<p>1) <b>Discussion</b> – Open to adding a clause into the CR itself if appropriate.</p> <p>2) Agreed. That is our understanding of how it is supposed to work.</p> <p>3) GNWT provided wording which will be included in Context and Rationale.</p>
<p><b><u>Security Regime Issues</u></b></p> <p>1) Would like to see a system that fairly rates the amount of security bond to be posted and encourages the Board to dialogue with INAC and other regulatory officials to develop a system of security management that is consistent across the NWT</p> <p>2) The system is broken, so add wording that security shall be posted and maintained for the <u>actual cost</u> of clean-up and reclamation and shall be used for the reclamation and clean-up of the affected area. Sometimes inspections are not happening for 5 years after the clean-up is done and the applicant can't get their money</p>	<p>1) The Board is confined to dealing with issues in the Sahtu Settlement Area only.</p> <p>2) The CR requires an amount sufficient to cover the full costs. Fixing larger issues with how the money is used and returned is beyond the scope of the Plan.</p>

<p>back until that's done. Look at CARC reclamation report.</p>	
<p><b>Guidelines</b></p> <ol style="list-style-type: none"> <li>1) INAC and the LWBs have recently agreed to develop a joint closure and reclamation guideline, based on INAC's Mine Site Reclamation Guidelines and the LWBs draft Closure and Reclamation Plan Preparation Guidelines.</li> <li>2) It's important that there is coordination with the joint closure and reclamation guidelines being developed by INAC and the Land and Water boards.</li> <li>3) The LWBs are already developing policies. These are statutorily sanctioned policies. They will likely be done before the Plan is approved.</li> </ol>	<p>The updated policies will be reviewed, referenced, and where appropriate incorporated into the Context and Rationale section.</p>
<p><b>Ambiguity</b></p> <ol style="list-style-type: none"> <li>1) Subsection 2 - there is confusion as to whether the plan is suggesting the expectations should be set in consultation with residents and communities or whether the ultimate success of the reclamation efforts should be determined by residents and communities. The evaluation of regulatory requirements should be conducted by responsible authorities.</li> <li>2) How will developers know if reclamation has been done to a high enough standard to get their security back?</li> </ol>	<ol style="list-style-type: none"> <li>1) The reclamation goal is intended to be set in consultation with residents, communities and regulators. Land use inspectors and regulators would determine the ultimate success of reclamation efforts. This can be clarified further in the Implementation Guide.</li> <li>2) The final clause has been removed.</li> </ol>
<p><b>Threshold:</b> You might be requiring security on cabins because if you are applying to all authorizations then people would not be allowed to build without posting security. Anybody building a 10X10 cabin with a roof will fall under this CR.</p>	<p><b>Discussion:</b> Minimum Threshold?</p>
<p><b>Jurisdiction:</b> CR 13 can only be implemented by regulators with the legal authority to impose security requirements. If other regulators have that power then the reference to the Minister of INAC should be removed.</p>	<p>While security is collected by other organizations (NEB, INAC Land Administration) it is for other purposes. This CR is specific to security collected under the MVRMA.</p>
<p><b>Rewording</b></p> <ol style="list-style-type: none"> <li>1) Please consider changing "sufficient to cover the full cost of reclamation and post-closure activities..." to INAC's wording: "the cost of reclamation, including shutdown, closure and post-closure".</li> <li>1) Recommended wording: Financial security shall be posted and maintained with the Minister of Indian and Northern Affairs Canada for any land use activity that is not carried out by a local government or the territorial or federal government, or that does not take place on</li> </ol>	<ol style="list-style-type: none"> <li>1) Accepted – check on clause related to Sahtu lands</li> <li>2) Accepted</li> <li>3) Timing issues are being dealt with in the Implementation Guide in the description of roles and responsibilities (Applicants shall..., regulators shall...)</li> <li>4) Accepted</li> <li>5) Accepted</li> </ol>

<p>Sahtu privately-owned lands, in an amount sufficient to cover the full cost of reclamation and post-closure activities.</p> <p>2) Re (2): Timing issues with current wording. Suggest revising it to something like "the applicant shall provide in its application a description of how it intends to restore any area affected by the land use activity to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem and expected future uses of the area." Delete "prior to the return of security." All projects should be considered for reclamation purposes, whether or not security was required.</p> <p>3) Support the inclusion of this CR but remove \$50,000 minimum threshold as it may not be appropriate in the future.</p> <p>4) Recommended Wording for (1): Financial security shall be posted and maintained with the Minister of Indian and Northern Affairs Canada for any land use activity that is not carried out by a local government or the territorial or federal government, in an amount sufficient to cover the full cost of reclamation and post-closure activities.</p>	
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**Proposed Revisions**

*1) Financial security shall be posted and maintained with the Minister of Indian and Northern Affairs Canada for any land use activity that is not carried out by a local government or the territorial or federal government, or that does not take place on Sahtu privately-owned lands, in an amount sufficient to cover the full cost of reclamation, including shutdown, closure and post-closure activities.*

*2) On termination or abandonment of a land use activity, any area affected by the land use activity shall be restored to a viable, self-sustaining ecosystem consistent with the surrounding ecosystem and expected future uses of the area as determined in consultation with residents, communities and responsible authorities.*

**Outstanding Issues/Questions**

- Should a clause be added to the CR to say something about progressive reclamation? What?
- Need confirmation that the "Sahtu privately-owned lands" clause needs to be there.
- Is there a minimum threshold of land use activity that needs to be discussed?

**CR #14 – Climate Change (formerly CR #9)**

**Draft 3 Wording**

*The design and operation of a land use activity shall take into account climate change factors, including but not limited to, preventing and/or mitigating adverse environmental impacts*

*resulting from the degradation or aggradation of permafrost, and minimizing greenhouse gas emissions.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
The SLUPB should consider modifying CR 9 to require the consideration of the contribution of climate change impacts to the cumulative impacts of proposed land uses. Climate change will increase the sensitivity of some ecosystems to specific land uses, increasing the cumulative impacts of those land uses. Proponents should adapt their activities to avoid augmenting existing climate change impacts.	Will add discussion of how climate change contributes to cumulative effects into Context and Rationale. The SLUPB has deferred cumulative effects type requirements until they can be discussed through the Sahtu Working Group.
The words "Including but not limited to" make it difficult for a regulator to determine if it has met the CR. End the CR after "factors".	Broke this CR back into 2 separate clauses to avoid this phrase. The wording pertaining to permafrost was previously agreed to as part of the integration of the GBLWMP and cannot be deleted.
CR# 9 - LWBs are not currently equipped to make permafrost and GHG emissions assessments re: climate change. Specify this in the implementation Guide	Removed GHG emissions portion. The onus is on applicants to do an assessment and will be outlined in the Implementation Guide.
SSI questions whether the regulators implementing the Plan will have authority, which extends to jurisdiction over air quality and atmospheric pollutants. It is uncertain if S. 46(1) of the MVRMA can provide that authority. For sensitive areas such as permafrost, the CR would be enhanced if the Plan included protocols or guidelines to help applicants plan their activities appropriately in these sensitive areas.	Removed GHG emissions portion. As agreed, any further work on guidelines will be assessed post plan completion.
We just don't deal with climate change issues. Too onerous on small projects. Suggest moving into a recommendation.	Climate change is an increasingly important issue that should not be deferred. <b>Discuss minimum threshold?</b>

**Proposed Revisions**

- 1) A land use activity must be designed and carried out in a manner that *prevents and/or mitigates adverse environmental impacts resulting from the degradation or aggradation of permafrost.*
- 2) The design and operation of a land use activity must take into account climate change factors.

**Outstanding Issues/Questions**

- Should there be a minimum threshold for this CR?

**CR #15 – Ecological and Cultural Integrity (Formerly CR #16)**

**Draft 3 Wording**

*Before any land use activity is authorized in the Great Bear Lake Watershed (GBLW), Regulators shall ensure that the activity is consistent with the maintenance of the ecological and cultural integrity of the GBLW.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>The maintenance of ecological integrity is based on cumulative impacts on an ecosystem. You can make your best effort to minimize your impacts on every project and still negatively impact the ecosystem. Deline has said that the health of GBL is fundamentally important to them and more important than development. If development is going to create impacts that affect the ecological integrity then maybe it should not occur. If however, we are just looking at minimizing the impacts then every development can go forward as long as it minimizes its impacts to a certain level. Development can continue to occur even as the integrity of the ecosystem is being negatively impacted in a serious way. It's important to have this standard because of this difference.</p>	<p>Will add to Implementation Guide to improve understanding of intent</p>
<p>To remove any possibility of misunderstanding, the SLUPB should consider amending the italicized statement of CR 16 to read: "Before any land use activity is authorized in the Great Bear Lake Watershed (GBLW) — or in Zones 16, 18, 57, 58 and 59 — regulators shall ensure that the activity is consistent with the maintenance of the ecological and cultural integrity of the GBLW and Zones 16, 18, 57, 58 and 59."</p>	<p>Agreed.</p>
<p>CR#16 is vague to the point of being meaningless. Would not CR#16 be achieved ("maintenance of ecological and cultural integrity") if the preceding CRs, and following As and Rs are adhered to by Regulators and Proponents?</p>	<p>Wording was agreed to as part of the Integration of the GBLWMP. Further clarity as per above will be provided in the Implementation Guide.</p>
<p>Difficult to determine achievement. "Ecological</p>	<p>Cultural integrity was defined in the Context</p>

<p>and cultural integrity" are broad concepts that are not amenable to the creation of a legal requirement; they are principles for outcomes. Cultural Integrity has not been defined. Suggest rewording to create a goal-type clause. Changing "ensure" to "assess" might improve clarity, similar to CR 14.</p>	<p>section as per the GBLWMP and means "to protect and promote the existing and future well-being of the residents and communities of the SSA, having regard to the interests of all Canadians, and paying special attention to the existing and future social, cultural and economic well-being of participants, land use by participants and the rights of participants under the SDMCLCA."</p>
<p>The wording of the CR will make implementation difficult. Redirect the CR at applicants and provide guidelines that could direct applicants to plan activities which are compatible with the values present in the Great Bear Lake Watershed as described in Chp 5 of the Plan.</p>	<p>The onus is on applicants and this will be clarified in the Implementation Guide. Will work with Deline to provide as much guidance as possible on what is intended here.</p>

**Proposed Revisions**

(No changes other than structural amendments made to all CRs.)

*Any land use activity in the Great Bear Lake Watershed (GBLW), (zones v, w, x, y, and z<sup>1</sup>), must be consistent with the maintenance of the ecological and cultural integrity of the GBLW.*

**Outstanding Issues/Questions**

None

**CR #16 – Fish Farming and Aquaculture (Formerly CR #17)**

**Draft 3 Wording**

*Fish farming and aquaculture shall not be authorized within the Great Bear Lake Watershed.*

**Summary of Comments & SLUPB Response**

No comments

**Proposed Revisions**

(No changes)

*Fish farming and aquaculture shall not be authorized within the Great Bear Lake Watershed.*

**Outstanding Issues/Questions**

None

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<sup>1</sup> Zones are being renumbered from Draft 3 to accommodate changes and the new zone numbers are not yet set.

**CR #17 – Disturbance of Lakebed (Formerly CR #18)**

**Draft 3 Wording**

*A land use activity that would disturb the lakebed of Great Bear Lake, other than the installation of environmental monitoring equipment, and public, private or commercial wharves and docks, shall not be authorized.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>To prevent readers having to flip back and forth unnecessarily in the SLUP, the SLUPB may wish to make it clearer, under "Location and Boundaries" (p. 168) that the Du K'ets'Edi Conservation Zone comprises only the Crown portion of the islands in Great Bear Lake, while the Sahtu portion of any such islands is part of the GBL SMZ. That is, CR 18 applies only to the Conservation Zone — the Crown portion of the islands — and not to the GBLW SMZ— the Sahtu portion of the islands. This is clarified in the "Location and Boundaries" section of the GBL SMZ (p. 157), and the change above might help the discussion on p. 168.</p>	<p>The final statement was reversed. In draft 3, CR 18 applied to the settlement land portion, not the crown land portion.</p> <p>For clarity, the SLUPB is splitting the Sahtu Settlement Land portion of Du K'ets'Edi into its own SMZ, separate from the GBLW SMZ. CR 18 (now 17) will still only apply to the GBLW SMZ.</p>
<p>Boats and float planes could potentially temporarily disturb the lakebed of GBL. Travelling by water and air are 2 primary means of accessing Saoyú-?ehdacho National Historic Site of Canada. It is not clear whether these activities were considered under this requirement. These means of travel are essential. Parks Canada proposes that these activities be listed as exemptions.</p>	<p>Built this into the exception list for clarity.</p>

**Proposed Revisions**

*A land use activity that would disturb the lakebed of Great Bear Lake shall not be authorized, except:*

- a) the installation of environmental monitoring equipment,*
- b) the installation of public, private or commercial wharves and docks, or*
- c) any activity required for the management of Saoyú-?ehdacho National Historic Site of Canada.*

**Outstanding Issues/Questions**

- Check changes with Deline and Parks Canada

**CR #18 – Uses of Du K’ets’Edi (Sentinel Islands) (Formerly CR #19)**

**Draft 3 Wording**

*No permanent structure or land use other than the installation of research and monitoring equipment shall be authorized on Du K’ets’Edi (Sentinel Islands).*

**Summary of Comments & SLUPB Response**

No comments other than editorial change in Context and Rationale

**Proposed Revisions**

(No change)

*No permanent structure or land use other than the installation of research and monitoring equipment shall be authorized on Du K’ets’Edi (Sentinel Islands).*

**Outstanding Issues/Questions**

None

**CR #19 – Water Withdrawal (Formerly CR #20)**

**Draft 3 Wording**

*The withdrawal of water for industrial purposes from Lac Belot, Stewart Lake or Tate Lake, except from the outflow, shall not be authorized until DFO addresses community concerns related to observed water draw-down in these lakes.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
This is an action item as defined under Action #11. Lac Belot should remain open to the potential of water withdrawal. Based on the intent of CR #2, community concerns and TK would have to be taken into consideration and addressed prior to the issuance of a license, thus providing a further opportunity to address concerns prior to any approval	Deleted last clause as it is captured under A #11.
This restriction on water withdrawal except from the lake outlets could create problems for oil and gas operations, and for ice road construction. Suggest use language of 'no reasonable alternative' similar to access across CZs.	Considered, but not acceptable to the communities.
It is understood by DFO that the issue of water withdrawal in Tate and Stewart Lakes is no longer a concern. Can this be confirmed?	In recent discussions, Tulita representatives confirmed that they still consider Stewart and Tate Lake to be off limits for water withdrawal. Colville Lake very clearly stated the same. The
The water level on Lac Belot used to be	

<p>much higher. The lands around the lake used to be wetlands but now they are dry and the shoreline has moved out over 1 km. Withdrawal of water from Lac Belot also affects other lakes. Final community decision is that they do not want any water withdrawal from Lac Belot for development, only for drinking water purposes.</p>	<p>communities are very clear that they do not want any water withdrawal from these lakes at this time. Whether it is in the Plan or not, the communities will oppose any water withdrawal from these areas – better to advertise that fact in the Plan so everyone can plan accordingly.</p>
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**Proposed Revisions**

*The withdrawal of water for industrial purposes from Lac Belot, Stewart Lake or Tate Lake, except from the outflow, shall not be authorized.*

**Outstanding Issues/Questions**

None

**Former CRs**

**CR #8 – General Environmental Impacts**

- Deleted - agree that in its current form it added little value

**CR #10 – Incidental Harvest**

- Downgraded to Recommendation (See R #8 below)

**Requests for New CRs**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>Use objective-based targets in areas where industrial activity may occur. Set objectives that respect and incorporate limits of biologically and socially acceptable change for valued components, including waterfowl. Until targets are built into the Plan, apply “best management practices” (BMPs) that limit downstream affects of all activities in all zones where development may occur. Apply a CR to:</p> <ul style="list-style-type: none"> <li>• Limit construction of surfaces (i.e., roads, well pads, etc.) that may have a damming effects on upland recharge areas to maintain surface water flows across the landscape, and</li> <li>• Minimize erosion and sedimentation during planning and/or construction of infrastructure, and to maintaining surface water flows across the</li> </ul>	<p>Requested additional info from DUC on where the upland recharge areas are and see if they can be mapped, as well as how such matters are currently handled in regulatory process. Due to capacity limitations no further information has been received. No plans to advance this requirement at this time.</p>

landscape.	
Provide a CR for monitoring to make it more than just an Action (A#8) where qualified candidates are available proponents should give them reasonable consideration	See new CR #6
The Plan should require Regulators to consider cumulative impacts before land use activities are permitted	All work on cumulative effects is being deferred to Sahtu Working Group A #5
Under the existing Plan, boreal woodland caribou conservation will depend on limiting impacts from development in GUZs and SMZs. We recommend that the targets proposed by the Sahtu Target Implementation Project be implemented on a temporary basis until the Sahtu Cumulative Effects Management Plan of Action is complete, as a precautionary approach to ensure that ongoing development is consistent with the goal of maintaining the SSA's ecological integrity.	All work on cumulative effects is being deferred to Sahtu Working Group A #5
There are several areas that the Marxan computer program consistently selects 90 to 100% of the time, regardless of whether CZs and PCIs are locked in or not, and which are not protected in the existing protected areas network. These areas are deemed to be 'irreplaceable', meaning they likely cannot be found elsewhere in the ecoregion (see Figure 1). We recommend these irreplaceable areas be given a Conformity Requirement in Draft 4. The suggested requirement is: a) prior to issuing any permits or licenses to developers in the irreplaceable areas, an aerial landcover survey, including some on-the-ground confirmations, is required to verify that these areas do contain the infrequently occurring features expected; and b) if these infrequently occurring features can be confirmed, then developers must mitigate impacts on these features.	Have suggested that this work might best be done by the PAS secretariat and its partners directly, or by making such requests directly in the regulatory process, rather than making it a requirement in the Plan.

**Note:** Considering including all requests for new CRs, Actions and Recommendations that are not advanced in the Final Draft Plan in an appendix of the Plan for future consideration so they are not lost.

## Actions

### General Revisions

#### Draft 3 Wording

*"Action" means a requirement of this Plan that is to be implemented outside of the regulatory process, and outside the granting of leases, interests in land, and consents to use the land.*

#### Summary of Comments/Issues

- The Board exchanged legal arguments and responses with INAC, the GNWT and SSI on the question of whether the Plan could contain Actions (defined as legally binding in Draft 3). The Board continues to disagree with the parties but is putting questions of legal authority aside and focusing on the policy question of how to deal with Actions.
- All Parties have said that they will accept Actions that are not legally binding.
- Discussions at the Hearing indicated a willingness to give Actions a status above Recommendations (more than a suggestion), but less than a legal requirement.
- In discussions following the Hearing, an INAC representative suggested "best efforts" language.<sup>2</sup>
- SSI, INAC and the GNWT all support the Sahtu Working Group and associated Actions, and have indicated that some of the Actions as worded are not written as mandatory.
- SSI suggests that the Board and the Parties work in good faith to develop a voluntary mechanism, which commits the parties to implementation. An implementation plan could be developed in contractual form along the lines of the contracts that accompany land claims.
- There is general agreement and support for the intent of many of the Actions.
- There is general agreement also that priorities need to be set among some of the Actions in acknowledgement of capacity and resource constraints (perhaps short-term and long-term lists).

#### Proposed Revisions

"Action" means a measure that the approving parties agree to make best efforts to carry out.

#### Outstanding Issues/Questions

- General discussion on proposed language and status of Actions
- Discussion of approach for prioritizing Actions or assigning appropriate time frames

**PROCESS NOTE for ACTIONS:** In February 2011 the SLUPB staff met with the GNWT and INAC staff to discuss options to overcome issues related to Actions. The SLUPB developed a discussion document for those meetings with proposed revisions on some of the Actions. The SLUPB's discussion document and summary notes from the SLUPB meetings with INAC and the GNWT are all available on the SLUPB website. The comments below refer to the SLUPB proposed wording in some cases. The wording of some Actions have continued to evolve in response to comments, while for others, the SLUPB's proposals have not changed.

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<sup>2</sup> "Best efforts" is also used in the approved Gwich'in Plan (2003): "Actions stating 'shall' mean an obligation to carry out that action. Actions stating 'recommended' mean that there is an obligation to make best effort to carry out that action."

**Action #1 – Plan Implementation Monitoring**

**Draft 3 Wording**

*In order for the SLUPB to monitor implementation of this Plan, Regulators that authorize a land use activity in the SSA shall provide copies of such authorizations to the SLUPB on request within a reasonable time.*

**Summary of Comments & SLUPB Response**

No comments received

**Proposed Revisions**

No changes

**Outstanding Issues/Questions**

None

**Action #2 – Sahtu Working Group**

**Draft 3 Wording – A #2**

*The SLUPB shall establish and lead a Sahtu Working Group with representation from SSI and other designated Sahtu organizations, the federal and territorial governments, the SRRB, the SLWB, industry (oil and gas, mining, others), and non government organizations as a collaborative forum through which to discuss, study and resolve key regional land use issues and informed decision making. The Sahtu Working Group will work on Actions 3-6 below to develop appropriate measures for consideration and integration into future Plan revisions.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Rationale &amp; General Support/Concerns</b></p> <p>1) Clearly identify the intent of setting up the Sahtu Working Group and the rationale for it to strengthen the case for it.</p> <p>2) Question the need and practicality for a "self-funded" Sahtu 'Land Use' Working Group as it should more appropriately be called. At a time when there is movement afoot to streamline the NWT regulatory process, including the possible reduction in Boards and related agencies, and in a time of increasing funding restrictions we wonder about the support for such a Working Group. The LUP lays out an extremely ambitious, 4-year agenda for the Working Group. Given the above considerations and the lack of current and into the mid-term developmental pressure in the Sahtu Region, is there the motivation to sustain such a Working Group? However, we agree</p>	<p>1) Will assist the Board in monitoring and implementing the Plan, and will ensure progress for the first 5-year review. Need participation from everyone affected by and involved in implementation of the Plan.</p> <p>2) The Working Group will function similar to the technical meetings this fall. If they are effective, that may demonstrate the utility of having a group meet regularly to advance planning issues.</p> <p>3) Communities keep raising these issues. How involved are the communities in these other processes? This is a way to bring the community voice into the decision making process.</p> <p>4) Will ensure a balance of community participants and other participants - proposed 50/50 representation similar to</p>

<p>with the need to meet Actions 3-6 for the successful implementation of the LUP.</p> <p>3) There were questions about the need for such a broad group to be conducting this work. What about the normal processes that are already in place?</p> <p>4) There is some concern that through the Plan, there would be a Board created that would take away that process from the communities. We don't agree with that. We don't want someone else giving approval on our lands except us. We don't want another board. That creates third party control. The Plan should just tell everyone to come talk to FGH if they want to do work. That creates community control.</p> <p>5) General support from most organizations</p>	<p>co-management board representation. The Sahtu Working Group will not have anything to do with approval of specific land use authorizations; it is there to advance the Plan's Actions.</p>
<p><b>Funding</b></p> <p>1) The Sahtu Working Group will be a non starter without funding from outside sources (for both co-mgmt boards)</p> <p>2) Community organizations need funding for technical support and to participate in the working group. The WG should not be allowed to proceed without funding for their participation.</p>	<p>Costs to participate will be travel costs for 1 individual 3 or 4 times a year, and limited staff time between meetings to review materials and prepare input into issues. The Board can likely find funds for travel costs; funds for technical assistance could be more difficult but will be investigated. Will remove "self-funded" from context and rationale.</p>
<p><b>Participation</b></p> <p>1) At least one rep from each of the interested Sahtu communities should be included as SSI will be unable to speak for communities. Participants should be: 1 rep from each the SLUPB, GNWT, Canada, each Sahtu community, SRRB, SLWB, industry and NGO for a total of 12. Participation should not be voluntary. The WG should not be allowed to proceed without community participation.</p> <p>2) Recommend that the Board consider requesting that a representative from each PAS designated Working Group sit on the Sahtu Working Group to ensure that as PAS areas proceed through their process they are informed by regional values and objectives. This will also help address the situation likely to arise as the boundaries of the PAS areas change over time.</p> <p>3) Include the PAS Science Team as a resource of the SWG.</p> <p>4) If there is a working group it should be district based and not include outside</p>	<p>1) <b>Proposed Participation:</b> SLUPB (Chair/Facilitator), GNWT, INAC, SLWB, SRRB, O&amp;G, Mining, NGO, SSI, 7 community land corps (16 total ~50/50 representation). Assume that 3 of the 7 land corps wear dual hats as District Land Corps. Alternatively, propose 5 community reps, plus Tulita and K'asho Got'ine District reps (Deline District being represented through community rep). Same total of 7.</p> <p>2) Others such as PAS Science Team or Candidate Working Group members can be invited as resource people as needed to address particular issues or provide information</p> <p>3) See 2</p> <p>4) Need participation of others because they are affected by land use decisions and have information necessary to effective land use decisions.</p>

<p>interests like oil and gas and mining. If anything it should just be the parties to the land claim - the community, GNWT and INAC.</p>	
<p><b>Priorities</b>          1) <b>Prioritize</b> A# 2,3,5,6, and 8 (and prioritize within these actions). Action 4 can be addressed when more experience is gained with the Plan's implementation;          2) <b>Delete timelines</b> from Actions 3-6 and consider grouping them into 1 and prioritizing or organizing them.</p>	<p>Done. Prefer not to lock in priorities or timeframes in the Plan. The SLUPB can set these in discussion with Working Group members.</p>
<p><b>New Actions for SWG</b>          1) Should include a general mandate for addressing issues around implementation, in addition to the actions and recommendations identified in the Plan.          2) Request that working to achieve ecological representation be included in the work plan of the Sahtu Working Group.</p>	<p>1) Agreed – Will add implementation issues to the list          2) This is a zoning consideration, which has a significant impact on community interests. There is strong community opposition to zoning being discussed in the Sahtu Working Group – should be a matter for broad consultation and community engagement.          3) Also adding Action 8 (Community-Government Monitoring and Enforcement Strategy) and Action 9 (TK Guidelines) to the list as these require collaboration.</p>
<p><b>General Revisions</b>          1) The working group should not have the deliverable. It should be the SLUPB's deliverable. The group just shows up and participates.</p>	<p>1) Agreed. Wording changed to put the onus on the SLUPB.</p>

**Proposed Revisions (Note – have grouped all revisions for Former Actions 2-6, 8 and 9 together here). Specific comments and responses for each follow below.)**

*1) The SLUPB shall establish and lead a Sahtu Land Use Working Group as a collaborative forum through which to discuss, study and resolve key regional land use issues, and Plan implementation issues.*

*2) The SLUPB will chair the Working Group, which will have one (1) representative each from SSI, the 7 community land corporations, INAC, the GNWT (ENR), the SRRB, the SLWB, the oil and gas industry, the mineral exploration industry, and environmental non-government organizations for a total of 16 members. Other participants may be invited from time to time to participate as resource people.*

*3) The SLUPB will hold Working Group meetings 3 or 4 times a year to work on the following issues, listed in order of general priority, to advance these issues and identify solutions for consideration in future Plan amendments:*

- a. **Plan Implementation Issues:** Any uncertainty regarding interpretation or implementation challenges of the Sahtu Land Use Plan will be addressed as a standard agenda item at meetings of the Sahtu Land Use Working Group.*

- b. **Community Engagement Guidelines:** Review existing community engagement guidelines, discuss expectations for when and how engagement should occur, and define a set of best practices for the Sahtu Settlement Area, including guiding principles, processes, and roles and responsibilities of government, industry and community organizations.*
- c. **Traditional Knowledge Guidelines:** Develop guidelines for the collection (including purpose and scope), use and management of traditional knowledge within the Sahtu Settlement Area.*
- d. **Cumulative Effects and Monitoring Program:** Working through the NWT Cumulative Impact Monitoring Program:
  - i. identify research and monitoring priorities for the Sahtu Settlement Area, giving consideration to recommendations identified in the "Great Bear Lake Watershed Research and Monitoring Plan", and "Rakekée Gok'é Godi: Places We Take Care Of;*
  - ii. assess and fill key knowledge gaps; and*
  - iii. develop, test and implement cumulative impact management strategies including landscape targets, through the land use plan.**
- e. **Community-Government Monitoring and Enforcement Plan:** Assess current patrol, monitoring, inspection and enforcement activities for opportunities to partner with community organizations to increase both community involvement and the level of occurrence of these activities, and develop a plan to act on these opportunities where reasonable to do so.*
- f. **Best Practices:** Build on and refine the Plan's Conformity Requirements into a set of Best Practices for land use for the Sahtu Settlement Area. The results may replace the Plan's Conformity Requirements through future Plan amendments.*

**Proposed Timelines** (for discussion purposes and possible inclusion in Implementation Guide)

Year 1: Work on Community Engagement and TK Guidelines

Years 2-4: Focus on Cumulative Effects and Monitoring, and Community-Government Monitoring and Enforcement Plan – there will be tie-ins between those. Will likely only get a start on this and work will continue long into the 5-year review. Emphasis on getting interim cumulative effects management strategies up and running as soon as possible, consider pilot-testing options.

Year 4: Focus on reviewing CRs and developing Best Practices based on experience. If implementation issues arise early on, this one could get bumped up.

The SLUPB will set priorities and timelines with members of the SLUWG.

**Outstanding Issues/Questions**

- Major changes have been made to several Actions, in terms of wording, priorities and combining them. Has the SLUPB adequately addressed the issues?

**Draft 3 Wording - Action #3 – Community Engagement Guidelines**

*The Sahtu Working Group shall collaborate to develop community engagement guidelines that define guiding principles, processes, and roles and responsibilities of government, industry and community organizations for community engagement in the SSA within 4 years. These may be incorporated into future revisions of the Sahtu Land Use Plan.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>Considering the detail provided in CR#2 and the discussion under R#5 including the INAC consultation principles, CWS questions the need for an exhaustive exercise to “develop community engagement guidelines”. CWS sees the need for a detailed ‘how to’ manual for addressing how proponents should conduct themselves in communities and how to best present their case. Such a topic specific project could be done by the SLUPB under contract.</p>	<p>Have changed the focus of the CR to review of existing guidelines and pulling out best practices for the region. So far the communities haven’t been consulted on the LWB’s guidelines – need to ensure that the communities are full participants in identifying expectations and best practices in order for them to be effective in addressing community concerns.</p>
<p>It may be effective to consider simply adopting or adapting the community engagement protocols that other organizations have already established - e.g the LWBs.</p>	
<p>Maybe reword to speak about harmonizing existing guidelines rather than adding a new set. We don’t want to create a whole new set of guidelines.</p>	

**Draft 3 Wording – Action #4 – Best Practices**

*The Sahtu Working Group shall build on and refine the Plan’s Conformity Requirements into a set of Best Practices for land use for the Sahtu Settlement Area within 4 years. The results may replace the Plan’s Conformity Requirements through future Plan amendments.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>We are in full agreement to establish a working volume of Sahtu ‘Best Practices</p>	<p>No changes made to this Action.</p>
<p>Agree that a ‘best practices’ approach is the preferred way of conducting developmental activities. Regulators such as CWS and other agencies should be building-in best practices approaches to their ongoing permitting activities. Perhaps the LUPB should focus its efforts at that level.</p>	
<p>Strongly supports the inclusion of best practices. The development of guidelines that SSI is suggesting is in line with this.</p>	

**Draft 3 Wording – Action #5 – Sahtu Cumulative Effects Management Plan of Action**

*The Sahtu Working Group shall develop and begin implementation of a Sahtu Cumulative Effects Management Plan of Action within 4 years. Through the Plan of Action, the Working Group shall identify key knowledge and data gaps, design and implement research and data gathering projects to address those gaps, identify and test interim management strategies including targets, and implement chosen management strategies. The results of this work may be integrated into future Plan amendments.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Re-word the text to allow for the community to work on monitoring and cumulative effects protocols or guidelines to integrate traditional knowledge protocols first, not just science-based methods.	While this is a good idea for CIMP, it is not the intent of this Action, which is to get some form of cumulative effects management framework up and running. The communities should work directly with CIMP on TK protocols.
We support the Plan’s approach to set up a broadly-based Sahtu Working Group to tackle the job of setting up a detailed implementation plan to manage cumulative effects through targets and thresholds. We suggest that one of the first tasks for such a group should be consideration of landscape thresholds (perhaps on a regional pilot basis) as a mechanism to fill this critical gap. We believe that there would be support for such work from the conservation community. Cumulative effects work elsewhere in Canada may also be used as guidance.	Agreed. Have given first priority to some of the faster resolved issues as this one will take a while, but this is among the top priorities for the Sahtu Working Group.

**Draft 3 Wording – Action #6 – Sahtu Environmental Monitoring Plan**

*Within 4 years, the Sahtu Working Group shall develop a Sahtu Environmental Monitoring Program that defines regional monitoring priorities, practices and direction for work carried out under the Cumulative Impact Monitoring Program within the Sahtu Settlement Area. In developing the Sahtu monitoring program, the Working Group should consider research and monitoring recommendations identified in the "Great Bear Lake Watershed Research and Monitoring Plan", and "Rakekée Gok'é Godi: Places We Take Care Of".*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
We can't put off developing the monitoring program. We need to start it right away and not wait 4 years. It will also create employment. There is usually a waiting period	Have included this among the top priorities for the Sahtu Working Group.

<p>between when meetings are held and when things actually start getting done. There is no more time to wait.</p>	
<p>There is already a CIMP program. If communities have an issue with CI monitoring, why don't they just take their issues right to CIMP and deal with it there? The first sentence talks about defining regional monitoring priorities, practices and direction for work carried out under CIMP – maybe reword to something more generic that doesn't look like you're taking away their mandate.</p>	<p>CIMP doesn't address regional monitoring priorities. They look to each region to define those. The intent is to have the Working Group discuss those and provide that input.</p>

**Draft 3 Wording – Action #8 – Community-Government Monitoring and Enforcement Strategy**

*Within 4 years, responsible authorities with enforcement responsibilities shall collaborate with appropriate community organizations (land corporations, renewable resources councils, First Nations, community councils) to develop and begin implementing a Sahtu community - government strategy to partner in patrols, monitoring, inspection and enforcement responsibilities. The strategy should emphasize training initially with a long-term goal to maximize community involvement in these areas of responsibility.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Need for Strategy</b></p> <ol style="list-style-type: none"> <li>1) GNWT and INAC have their own inspectors but who will be our monitors? Their inspectors don't come from here. We should have a few people from Deline to represent us.</li> <li>2) When bathymetric surveys are done they should also hire a local monitor who will take before and after recordings of animals and plants so they know what the impacts are. It creates a record for people so they know what changes are happening, and from which activities. They should have baseline studies and take studies of the lake pre-and post project.</li> <li>3) When patrol, inspection and enforcement responsibilities arise, the Sahtu Dene &amp; Metis government and organizations should be entitled to nominate qualified candidates.</li> <li>4) Community involvement in monitoring is not discussed. Make reference to the training of monitors from the community and the opportunity for community organizations (including Sahtu Dene &amp; Metis government and KGLC) to nominate their community members who have qualifications for such positions.</li> <li>5) Concern that enforcement and monitoring of developer activities is inadequate.</li> </ol>	<p>These comments speak to the need for this Action.</p>

<p>SSI supports community-based monitoring but the authority to require these activities seems to fall well outside the Planning Board's mandate.</p>	<p>Has been added to SWG list, which is led by SLUPB.</p>
<p><b>Ambiguity / Duplication</b></p> <ol style="list-style-type: none"> <li>1) It is not clear what would be sufficient to meet the requirement to collaborate. If the Parties are unable to agree on a method of collaboration despite repeated efforts of the Responsible Authorities, they nonetheless could be deemed to have failed in their obligations under the Plan.</li> <li>2) We're already creating opportunities for community members to go out with ENR staff. If it's already occurring, does it need to be in a land use plan? It's the government that sets its priorities, not the Plan telling us what those are. It's an active part of all of our field programs to have involvement of community participants.</li> </ol>	<ol style="list-style-type: none"> <li>1) Has been added to SWG list, which is led by SLUPB, removing direct responsibility for this from the Parties.</li> <li>2) Not all organizations are doing this. The Plan is directed at more parties than ENR. Where existing programs are in place, an organization can say they are actively fulfilling this Action already.</li> </ol>
<p><b>Suggested Revisions</b></p> <ol style="list-style-type: none"> <li>1) Suggested wording – remove 4-year time frame and "...shall collaborate with appropriate community organizations... as human and fiscal resources permit to develop and implement a Sahtu community – government strategy to partner in patrols, monitoring and/or inspection responsibilities..." As worded, implementation is to begin within the 4-year timeframe. What happens if the defined 4-year time frame cannot be met?</li> <li>2) Add "where reasonable to do so" (as it appears in Action #7) to Action #8 to reflect the independence required of some Regulators and subsequent inability of the NEB to implement this Action. Reword to (revision underlined): "Within 4 years, responsible authorities with enforcement responsibilities, <u>where reasonable to do so</u>, shall..."</li> <li>3) In response to SLUPB proposed rewording: It still seems onerous. If you could link it to the SWG that might work. There was also the suggestion to look at the JRP Report for monitoring. Conrad Baetz in the Inuvik office had no specific objections to this Action.</li> </ol>	<ol style="list-style-type: none"> <li>1) Timeframes have been deleted</li> <li>2) Done</li> <li>3) Agreed – linked to SWG and modified to provide additional flexibility.</li> </ol>

**Draft 3 Wording – Action #9 – Traditional Knowledge Guidelines**

*SSI and other Designated Sahtu Organizations shall collaborate with community governments (First Nations, Charter community councils), the SRRB and Renewable Resource Councils to develop guidelines for the collection (including purpose and scope), use and management of traditional knowledge within the Sahtu Settlement Area.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Participants</b></p> <ol style="list-style-type: none"> <li>1) SRRB developed our Traditional Knowledge Guideline several years ago. We are open to assisting other organizations develop similar policy.</li> <li>2) Regulators should be identified to participate and industry consulted in their development.</li> <li>3) SSI is interested in this Action but lacks the funds and capacity to carry out this initiative on its own. Suggest the SLUPB consider carrying it out on its own or in collaboration with local regulators.</li> </ol>	<p>Added this Action to SWG to enable broader input into guidelines.</p>
<p><b>Appropriateness</b></p> <ol style="list-style-type: none"> <li>1) In the absence of TK guidelines, the Plan should provide protections on how TK should be used</li> <li>2) Is the issue of TK ownership and control the Plan's job to resolve?</li> <li>3) The current wording is acceptable as long as it is acknowledged that governments have different considerations and obligations when it comes to keeping information confidential.</li> </ol>	<p>Direction on how to use TK needs to come from the communities primarily. By adding this Action to the SWG the Board can assist communities in developing these guidelines while enabling consideration of other Parties issues.</p>
<p><b>Content of Guidelines</b></p> <ol style="list-style-type: none"> <li>1) TK is intellectual property and should remain confidential</li> <li>2) The issue is confidentiality of TK data. Communities want TK kept confidential. What if we get ATIP'd? Governments can only agree to keep things confidential in accordance with privacy and access to info legislation.</li> <li>3) Community TK and engagement guidelines need to be developed (acknowledging the differences among communities). Need TK to be properly prepared and well planned. Community ownership of TK needs to be respected. TK and engagement procedures and protocols are specific to certain communities. There needs to be high standards.</li> <li>4) Need a regional TK policy. Need one policy with direction provided at 3 different levels – SSI (regional), District level and community level. Need to know who to go to for TK. What happens to all the work when it's done, and where do they get the information to begin with? (Intellectual property rights). TK is not just about the environment. TK issues: Ownership, permission, sharing of information (Boards should not share TK – confidential).</li> <li>5) The SLWB and MVEIRB may have their own confidentiality guidelines.</li> </ol>	<p>These are issues to be discussed in developing the TK Guidelines and do not affect the wording of the Action itself.</p>

**Action #3 – Inspection and Enforcement Priorities (Formerly Action # 7)**

**Draft 3 Wording**

*All government departments and agencies and other bodies having monitoring and enforcement responsibilities shall give priority, where reasonable to do so, to inspection and enforcement of activities occurring within Conservation Zones and Proposed Conservation Initiatives, followed by Special Management Zones, then General Use Zones.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>INAC is not prepared to offer priority inspection and monitoring statuses for areas inside the Sahtu Management Zones based on the zone specific hierarchies. Suggested rewording: "INAC, as an agency responsible for monitoring and inspections in the Sahtu, will ensure appropriate integration of its risk assessment processes, with the unique characteristics the Special Management Zones identified in the Plan may hold. Adequate inspection frequencies, as risk is assessed, will be applied consistently across the entire NWT as appropriate within all Special Management Zones.</p>	<p>Proposed alternative wording for discussion in February (below). Both governments agreed that this addressed their issues.</p>
<p>It is not possible for the GNWT to make enforcement in the Sahtu a priority over other regions. The GNWT has their own process for determining enforcement priorities that take into consideration the activity, the potential for impacts and proponent's compliance history.</p>	

**Proposed Revisions**

All government departments and agencies and other bodies having monitoring and enforcement responsibilities shall consider the zone designation in setting their inspection and enforcement priorities, recognizing that Conservation Zones and Special Management Zones have been identified as sensitive areas requiring a higher level of care.

**Outstanding Issues/Questions**

None

**Action #4 – Access to Wildlife Information (Formerly Action #10)**

**Draft 3 Wording**

*Responsible authorities (ENR, CWS, SRRB, and DFO) shall develop and maintain current data on important and critical wildlife habitat for fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, Dall's Sheep, grizzly bears and black bears and make the data readily accessible to land users and the public.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Confidentiality</b></p> <p>1) For some wildlife species, making information publicly available may be problematic. Re-phrase your CR so that information of sensitive or at-risk species does not have to be given. Eg: Wildlife managers may not want to divulge the location of herds of animals to outfitters.</p> <p>2) This is more of an issue of discretion about what information to provide. You would need to include wording about "reasonable information" or selection of target species. It may also need to specifically reference publicly available information or that takes into consideration ATIP requirements.</p> <p>3) In response to SLUPB Proposed rewording: The wording looks good. Keep ATIP in mind. If we have traditional knowledge, which communities generally want kept confidential, if we get ATIP'd, there is nothing we can do to avoid disclosure of that information. Suggest adding something to Action #10 along the lines of "Data will be provided subject to laws of general application regarding privacy and access to information." or something similar.</p>	<p>1) Removed "public" – the intent is to give it to applicants and others involved in regulatory reviews for use in project design and decisions.</p> <p>2) Proposed wording to narrow the scope and address ATIP issue.</p> <p>3) Other than the SRRB, the other organizations listed distribute scientific information, not traditional knowledge. Is ATIP still a concern? Added clause as recommended.</p>
<p>Who is going to coordinate and pay for this initiative? Is it up to each individual organization or will there be some coordination? This is a massive undertaking and would be a very long-term project.</p>	<p>The intent is to make information currently used in decision-making more accessible. This shouldn't require a huge expenditure. The Action is for each individual organization to carry out. The Plan can act as a coordinating hub by identifying data sources.</p>
<p>When it comes to wildlife management and research, CWS (and ENR for that matter) are Regulatory authorities. If this statement is restricted to regulatory responsibilities associated with development proposal, and not wildlife research and management, then it can stand but perhaps some rewording is in order.</p>	<p>"Responsible authorities" is broader than "regulatory authorities" and includes those with responsibility for wildlife research and management.</p>
<p>Change "to land users and the public" to "for planning purposes". This information is sensitive and should not be made readily available to the public. Regulatory matters are different.</p>	<p>Done.</p>

**Proposed Revisions**

*Responsible authorities (ENR, CWS, SRRB, and DFO) shall develop and maintain current data on important and critical wildlife habitat for fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, Dall's Sheep, grizzly bears and black bears necessary to make effective land use decisions, and make that data accessible to applicants and other parties involved in land use planning and regulatory processes. Data will be provided subject to laws of general application regarding privacy and access to information.*

**Outstanding Issues/Questions**

- Does the revised wording address confidentiality issues and scope of work?
- Are we missing any orgs that have wildlife information?

**Action #5 – Fish Habitat and Water Withdrawals (Formerly Action #11)**

**Draft 3 Wording**

*DFO shall work with communities*

- a) *to document community traditional knowledge of*
  - i. *fish and fish habitat, and*
  - ii. *water levels and quality; and*
- b) *to discuss*
  - i. *community concerns related to water withdrawal,*
  - ii. *DFO's winter water withdrawal protocol, and*
  - iii. *alternative solutions.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>DFO supports Part b) of this statement and will continue discussions with communities as they are requested. Item iii. can only be discussed in the context of a specific project. In regards to Part a), DFO is limited to sediment discussion regarding water quality. Water quality is the mandate of Environment Canada. Documenting Traditional Knowledge on fish and fish habitat for the Sahtu would be a massive undertaking. DFO does support this concept, however can only support such undertaking as resources permit.</p> <p>Suggested Wording - DFO shall work with communities as requested and as resources permit a) to document community traditional knowledge of i. fish and fish habitat, and b) to discuss i. community concerns related to water withdrawal, ii. DFO's winter water withdrawal protocol, and iii. alternative solutions to water</p>	<p>Concerned that "as resources permit" is too large a loophole. SLUPB preference is to find agreement on what is reasonable and maintain that and make the rest a recommendation. See proposed wording below.</p>

withdrawal related to specific projects	
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**Proposed Revisions**

*Action #5: DFO shall work with communities as requested to discuss community concerns related to water withdrawal, DFO’s winter water withdrawal protocol, and alternative solutions to water withdrawal related to specific projects.*

**New Recommendation #11:** *DFO is encouraged to work with communities to document community traditional knowledge of fish and fish habitat.*

**Outstanding Issues/Questions**

- Need a response from DFO on whether these proposed revisions are acceptable.

**Action #6 – Air Quality (Formerly Action #12)**

**Draft 3 Wording**

*(1) ENR shall ensure that interested parties are provided with a paper copy of the Annual Air Quality Report, and directed to ENR’s Air Quality Programs Coordinator as necessary.*

*(2) ENR shall continue to study the feasibility and advisability of expanding the air quality monitoring network in the NWT. This will be based primarily on industrial development, population growth, and available resources.*

*(3) ENR shall continue to develop air quality related regulations, guidelines and/or standards, as appropriate, for application within territorial jurisdiction through the NWT Environmental Protection Act. ENR will continue to work with the Land and Water Boards and responsible federal agencies to encourage their air quality objectives for new and existing developments, territory-wide.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
I emailed the wording over to our Air Quality specialist and she had no problem with the content so I have no problem with the content.	Wording was kept as agreed upon during the integration of the GBLWMP.

**Proposed Revisions**

No changes

**Outstanding Issues/Questions**

- What is EC’s role in air quality monitoring? Should they be added to this Action?

**Action #7 – Emergencies Activity Reporting (Formerly Action #13)**

**Draft 3 Wording**

*Where a land use activity is carried out, that would be prohibited under a zoning requirement if not for the emergency exemption, the body responsible for carrying out the activity shall provide a written report to the Board describing the operation, indicating when the emergency*

*is likely to end and what, if any, restorative measures consistent with the vision and goals of the Plan are planned, as soon as possible.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Suggest revising the Action to include the option of submitting a report after the emergency has concluded. The current wording requires an indication of when the emergency might end, implying that the report should be submitted while the emergency was still ongoing, which may not be possible.	Agreed. Reworded

**Proposed Revisions**

*Where a land use activity is carried out, that would be prohibited under a zoning requirement if not for the emergency exemption, the body responsible for carrying out the activity shall provide a written report to the Board as soon as possible, describing the operation, the expected period of emergency activities, and what, if any, restorative measures consistent with the vision and goals of the Plan are planned.*

**Outstanding Issues/Questions**

None

**Requests for New Actions**

<b>Comments / Issue</b>	<b>Response / Status</b>
TK research should be conducted for each community identifying key areas of concern and people who are experts on specific areas (e.g. mapping land use areas of families in each community	The Board will discuss this suggestion with communities following Plan approval.

## Recommendations

### R #1 – Air Quality

#### Draft 3 Wording

*The SLWB should recommend to those applying for permits, licences or other authorizations that they conduct all activities in the SSA in conformity with the standards set out in the GNWT’s Guidelines for Ambient Air Quality Standards, and other applicable federal or territorial regulations, guidelines or standards as they are developed.*

#### Summary of Comments & SLUPB Response

- No comments

#### Proposed Revisions

- No change proposed

#### Outstanding Issues/Questions

- None

### R #2 – Community Research Liaison (Formerly R #4)

#### Draft 3 Wording

*Individuals or organizations interested in carrying out research in the Sahtu Settlement Area are encouraged to establish and maintain a working contact with the appropriate organization(s) in affected communities (Land Corporation, first nation, and/or renewable resources council).*

#### Summary of Comments & SLUPB Response

Comments / Issue	Response / Status
Research is often very technical. Could you include a CR to require a plain language report of research and monitoring studies?	Added.
The SRRB may be a logical fit for the working contact.	The RRC might work best as it is a community contact that is required, rather than regional.

#### Proposed Revisions

*Individuals or organizations interested in carrying out research in the Sahtu Settlement Area are encouraged to establish and maintain a working contact with the appropriate organization(s) in affected communities (renewable resources council, Land Corporation, or first nation), and prepare a plain language summary of the research upon completion.*

#### Outstanding Issues/Questions

- None

**R #3 – Communications and Coordination (Formerly R #6)**

**Draft 3 Wording**

*Every department, agency and organization, operating in the Sahtu Settlement Area, including community organizations, is encouraged to have a communications position dedicated to establishing and maintaining effective communications (using both oral and written means), and coordinating with communities and other organizations, and increasing community involvement in decision-making.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p>1) INAC should fund a communication person for each community with links to the land corporations and RRCs</p> <p>2) There has to be back and forth communication between us and developers so we know what is happening on the land. There is not enough on-going communication.</p>	Rationale for the Recommendation
<p>It is doubtful “every department, agency, and organization operating in the Sahtu Settlement Area” would or could support a dedicated position such as identified here. Perhaps a ‘liaison’ person based with the LUPB could serve as a go-between for fostering effective communication between such bodies and the communities.</p>	<p>It’s a recommendation, not a requirement. Doing this may go a long way to improving relations with communities. That said, the recommendation has been softened mildly. Instead of a dedicated position, suggested that there is a position with that responsibility (possibly among other duties).</p>

**Proposed Revisions**

*Every department, agency and organization operating in the Sahtu Settlement Area, including community organizations, is encouraged to have a staff position responsible for establishing and maintaining effective communications (using both oral and written means), and coordinating with communities and other organizations, and increasing community involvement in decision-making.*

**Outstanding Issues/Questions**

- None

**R #4 – Inspection and Enforcement Funding (Formerly R #7)**

**Draft 3 Wording**

*INAC is encouraged to seek additional funding for its inspectors to enable them to patrol priority areas identified in discussion with communities, and increase inspection levels to achieve their target inspection rate within the Sahtu Settlement Area.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
This Recommendation may not be suited to the Plan. It may be more appropriate as an information item in a cover letter that accompanies the Plan for signature by the Minister.	The Board feels it is important not only to identify issues but to seek ways to address them. This recommendation supports those efforts.

**Proposed Revisions**

- No change proposed

**R #5 – Economic Development Strategy (Formerly R #8)**

**Draft 3 Wording**

*District land corporations and relevant community organizations (land corporations, community councils, First Nations, and RRCs) are encouraged to work with ITI to develop an economic development strategy and action plan to identify economic needs and opportunities, including opportunities arising from establishment of Conservation Zones and new Protected Areas, and capitalize on the opportunities within each district.*

**Summary of Comments & SLUPB Response**

- No comments

**Proposed Revisions**

- No change proposed

**R #6 - Building Capacity (Formerly R #9)**

**Draft 3 Wording**

*The territorial and federal governments are encouraged to work with Sahtu businesses to build their capacity (e.g. training, financial assistance, splitting contracts where feasible) to be more successful in procuring contracts and maximize Sahtu business and contracting opportunities for qualified businesses for work carried out within the Sahtu Settlement Area.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
The Context section under R #10 (refers to R #9) incorrectly suggests that the SDMCLCA requires territorial and federal governments to follow preferential hiring policies etc. The GNWT is required to follow its preferential hiring policies (12.2.1 (b)). However the federal government is required to follow its procedures and approaches intended to maximize local and regional opportunities (12.2.1 (a)). This is not the same as a preferential hiring policy. The first line of the Context section is not correct, and should be rewritten to simply state that federal and territorial	The context section will be corrected as per comments.

<p>governments are required to follow their contracting policies and procedures intended to maximize local and regional employment opportunities, etc. INAC has been working very diligently over the past few years to ensure that all parties and other federal departments understand the obligations under the Economic Measures Chapter of the SDMCLCA. Therefore, the Department wants to ensure that the Plan does not mislead anyone into thinking that the federal government has an obligation to ensure preferential contracting when procuring goods or services. In the third paragraph, reference is made to contracting being further complicated by the Tlicho Agreement and putting Sahtu and Tlicho in direct competition with each other. INAC's position is that the contracting provisions are intended to maximize local business opportunities, not to pit two groups against each other. For clarity, there is no "preferential hiring" component in either Agreement.</p>	
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**Proposed Revisions**

- No change proposed (comments were to fix errors in context section only)

**R #7 – Community Participation Funding (Formerly R #11)**

**Draft 3 Wording**

*SSI, INAC and the GNWT are encouraged to work together to find ways to fund community participation in planning and regulatory processes.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
INAC suggests that this Recommendation be removed, as the Department is unable to honour such a commitment at this time.	Recommendations are not legal requirements but still serve to advance and resolve land use issues. It is important to maintain this one.

**Proposed Revisions**

- No change proposed.

**New Recommendation #8 – Incidental Harvest (Formerly CR #10)**

**Draft 3 Wording**

*Where a proposed land use activity involves the incidental harvest or removal of resources that will not be fully used by the applicant, the remaining usable resources shall be distributed to local communities wherever reasonably feasible.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
<p><b>Duplication</b></p> <p>1) The SLWB already has a standing term in their permits for trees that are over 8ft in length to be cut up and left on the</p>	This has been changed to a Recommendation in light of the number of issues

<p>side of the access road for community use.</p>	<p>raised.</p>
<p><b>Appropriateness of Requirement in LUP</b></p> <ol style="list-style-type: none"> <li>1) It can create a social expectation. Communities may perceive timber as a benefit until they don't need it anymore and then it may become a nuisance. From a project economics standpoint it might be problematic. There are associated costs with making resources accessible (moving it and to where, etc.) and potential clean up costs if the community no longer wants the resource. If the intent is that the oil and gas industry should provide incidental harvest to communities, we suggest this is an unnecessary additional cost to impose on all projects. Rework to capture that proponents should work with communities to identify opportunities where timber could be made available.</li> <li>2) Such a requirement could discourage sharing of by-products with communities where it is cheaper to burn remnant lumber than carry it away from the site.</li> <li>3) A removal requirement could increase the environmental impact of the activity (result in wider seismic lines for trucking, for example).</li> <li>4) Might reduce room for communities to work out with the developer how they could benefit most.</li> <li>5) The CR as written sets a general rule that it goes to the community and that's not always the most appropriate approach. A single rule doesn't make sense. On a case-by-case basis the regulator can decide whether its best to leave it there, transport it, or give it to the community. And this happens all the time. To the extent that it can be done, it's being done already.</li> <li>6) We have to make sure our terms and conditions are enforceable by the INAC inspectors. If we put in a condition saying the proponent has to haul the wood to FGH, the inspectors would laugh at us. You can't take a proponent to court because he didn't haul a cord of wood down the road. But the company can agree to it, and generally they'll keep their word if that's what they've negotiated separately with the community. A lot of times we require them to bucket it, crush it so it's not a fire hazard. That is our concern and the inspectors – to reduce fuel build up for fires and that's what we put in the conditions.</li> </ol>	
<p><b>Ambiguity</b></p> <ol style="list-style-type: none"> <li>1) As written, it is unclear what is meant by "remaining usable resources" and "distributed to".</li> <li>2) Compliance could be hard to measure</li> </ol>	
<p><b>Jurisdiction</b></p> <ol style="list-style-type: none"> <li>1) This does not speak to land use, but to the disposition of natural resources associated with land use. The CR potentially infringes on the GNWT's regulatory authority with respect to the forest resource. The GNWT is currently preparing to regulate incidental harvest of trees through a permit under</li> </ol>	

<p>the regulations to the NWT Forest Management Act. This CR may not be consistent with that regulation, or with the permitted content of a land use plan set out in S. 41 MVRMA. Remove or reconstruct wording to an objective-based condition, such as "regulators should require developers to avoid waste of usable resources."</p> <p>2) Forest management and conditions for Timber Cutting Licences and Permits falls squarely within the mandate of the GNWT, Department of Environment and Natural Resources, Forest Management Division. Timber operations are required to follow all applicable federal and territorial legislation including the Forest Management Act and Forest Management Regulations. Operators wishing to harvest timber commercially in the Northwest Territories must apply to obtain an authorization to harvest timber from ENR. Also, the Land Use Permit holder does not have the authority to transport the timber unless they obtain an authorization from ENR, Forest Management, to do so. This CR should be removed. The CR is too prescriptive and binds ENR in the issuance of Timber Cutting Licenses or Timber Cutting Permits. The current Forest Management Act and regulations provide sufficient direction.</p> <p>3) If someone is harvesting timber for seismic operations under a land use permit, the Forest Management Supervisor isn't involved. The Forest Management Supervisor is involved when you're talking about timber cutting permits and timber cutting licences. The other problem with this CR is that the land use permit has to say that the timber has to be collected and brought back. You've got an issue there between the authority provided under a federal permit and what the GNWT might be able to do with their legislation. It's a paramouncy problem.</p>	
<p><b>Timing</b> Support the intent of this CR but as worded, conformity could not be determined until after the incidental harvest took place and had been distributed. Consider revising this into a policy statement or protocol that encourages applicants to share surplus resources or incidental harvest with nearby communities.</p>	

**Proposed Revisions**

*Applicants are encouraged to avoid waste of usable resources and share any incidental harvest with nearby communities.*

**Outstanding Issues/Questions**

- Does the proposed revisions, including downgrading this to a Recommendation, address the concerns sufficiently?

**R #9 – Granular Resource Allocation Plan (Formerly R #12)****Draft 3 Wording**

*The Sahtu Secretariat Incorporated and the Sahtu District Land Corporations are encouraged to work with Sahtu municipal governments, the Government of the Northwest Territories, and Indian and Northern Affairs to develop a Sahtu Granular Resource Allocation Plan for resources outside of community boundaries.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
JRP recommendations 13-1 and 13-2 deal with the development of a Granular Management Plan and Pit and Quarry Management Plans by both INAC and the MGP proponents. This R might be at least partially fulfilled in connection with the governments' response to the JRP report.	It is important to retain this recommendation until the future of the MGP is determined. If the project goes ahead, the SLUPB requests INAC to sort out any duplication between the JRP report/government response and the SLUPB's Recommendation and suggest appropriate revisions.

**Proposed Revisions**

- No change proposed

**Outstanding Issues/Questions**

- None

**R #10 – Non-Renewable Resource Assessments (Formerly R #13)****Draft 3 Wording**

*INAC and the GNWT, through the NWT Geoscience Office, are encouraged to work with communities to carry out non-renewable resource assessments of Conservation Zones within the Sahtu Settlement Area, where supported by communities.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
Hydro potential research - I saw that research potential for oil and gas and mineral will be allowed to go ahead in CZs. Will hydro-electric potential research also be allowed in the Plan?	Will follow-up with NWT hydro to see what that would involve before responding.
Under PAS legislation, the Edaijla area would have received government-sponsored geosciences mapping and mineral potential surveys. We note the recommendation from the Board that government-sponsored mineral potential work be allowed in 'Conservation Zones'. We fully support this idea and would hope that the Edaijla area, being a part of the mineral rich Bear Geological Province, be	Can use this as an example in Context and Rationale section.

among the first to be considered for this important work.	
The DLC/DRRC recommend the wording of R#13 be revised to: "Where requested in writing by the responsible community authorities (the responsible land corporations and renewable resource councils), INAC and the GNWT, through the NWT Geoscience Office, are encouraged to work with such authorities to assess the need for and scope of renewable and non-renewable resource assessments for all or parts of Conservation Zones within the communities' respective Sahtu Districts.	Accepted in part – NTGO only does non-renewable

**Revised Wording**

*Where requested in writing by the responsible community authorities (the responsible land corporations and renewable resource councils), INAC and the GNWT, through the NWT Geoscience Office, are encouraged to work with such authorities to assess the need for and scope of non-renewable resource assessments for all or parts of Conservation Zones within the communities' respective Sahtu Districts.*

**Outstanding Issues**

- Should something be added to cover renewable resource assessments? Who would be the responsible party to contact on that?

**New Recommendation #11 (Formerly part of Action #11)**

*DFO is encouraged to work with communities to document community traditional knowledge of fish and fish habitat.*

**R # 12 – Mapping the Underground River (Formerly R #14)**

**Draft 3 Wording**

*The community of Colville Lake is encouraged to work with Karst specialists and other partners to study the site and delineate the route of the Underground River.*

**Summary of Comments & SLUPB Response**

- No comments

**Proposed Revisions**

- No change proposed

**R # 13 – Contaminated Sites (Formerly R #15)**

**Draft 3 Wording**

*INAC is encouraged to work cooperatively with communities to inventory, prioritize, research, monitor and remediate contaminated and waste sites in the SSA.*

**Summary of Comments & SLUPB Response**

- No comments

**Proposed Revisions**

- No change proposed

**R #14 - Strengthening Culture and Education (Formerly R #16)**

**Draft 3 Wording**

*The appropriate government authorities should make every reasonable effort to support initiatives on the part of the Sahtu Dene and Métis to maintain and strengthen the land-based culture and its transmission from the elders to the younger generations.*

*Culture and education priorities are as follows:*

- 1. Facilitate land-based activities for community members, particularly where the elders can pass on their culture to the younger generations.*
- 2. Assist elders and local/regional educators in defining clear teaching roles for the elders in the schools, and in the developing and incorporating culturally-appropriate teaching materials in the school curriculum. Support the inclusion of materials on the Sahtu region in the curriculum, incorporating both Dene and Métis traditional knowledge and scientific knowledge about the watershed in the curriculum.*
- 3. Support the community's efforts to develop its capacity in the fields of ecological and cultural research, monitoring and management.*
- 4. Support community efforts to promote and communicate Dene and Métis culture, to develop greater mutual respect between Dene and Métis and people of other cultures.*

**Summary of Comments & SLUPB Response**

<b>Comments / Issue</b>	<b>Response / Status</b>
R #16 seems to be straying considerably from the goals and objectives of the LUP. Suggest this be omitted, or reworded to provide a closer link between strengthening culture and planning	This was integrated from the GBLWMP in consultation with all Parties.

**Proposed Revisions**

- No change proposed

## R #15 – Fisheries Management (Formerly R #17)

### Draft 3 Wording

*The management of fisheries within the Great Bear Lake Watershed should be proactive in nature and precautionary in approach. The managers of GBLW fisheries should ensure that:*

- i. All stocks fished for recreational or commercial purposes are maintained at sustainable levels consistent with identified fishery quality objectives. Licensed operators and harvesters should be responsible for providing harvest statistics and biological information specified in their authorizations to the appropriate authorities;*
- ii. Lake trout populations on GBL should not fall below levels that ensure that the catch of large trophy lake trout (fish in excess of 9kg) by any lodge remains stable at baseline levels. Baseline levels should be established for various stocks as determined by harvest studies in areas used by fishing lodges;*
- iii. Arctic grayling populations should be maintained at levels that ensure the high quality of trophy fisheries. Baseline levels should be established for various stocks as determined by harvest studies in areas used by fishing lodges; and*
- iv. As a general rule, fish stocks should be managed conservatively in order to minimize the risk of degrading the quality of GBLW fisheries.*

### Summary of Comments & SLUPB Response

- No comments

### Proposed Revisions

- No change proposed

## R #16 – Transboundary Cooperation (Formerly R #18)

### Draft 3 Wording

*The Déline Land Corporation and Renewable Resources Council are encouraged to assist their elders in meeting with elders in adjacent jurisdictions, to discuss cooperative principles and processes by which the larger watershed of Great Bear Lake may be kept clean and bountiful for all time.*

### Summary of Comments & SLUPB Response

- No comments

### Proposed Revisions

- No change proposed

## Deleted Recommendations

### Former R #2 – Wildlife Monitors [became CR #6]

#### Draft 3 Wording

*Applicants are encouraged to work with the local Renewable Resources Council (RRC) to hire a qualified monitor, who will assess the presence of wildlife in the area of operations, monitor impacts on wildlife from the proposed activities, and keep the RRCs and SRRB informed of activities affecting wildlife. Where a monitor judges that an activity may have a negative impact on wildlife, the monitor should discuss this with the applicant and attempt to resolve the concern. Any unresolved concerns should be reported to the land use inspector and the RRC so that appropriate action may be taken to mitigate impacts.*

#### Comments and revisions included under CR #6

### Former R #3 – Project Summary Meeting [Incorporated into CR 4]

#### Draft 3 Wording

*Applicants are encouraged to meet with residents and community representatives upon completion of their land use activities to discuss the results of the work, any issues that arose, community concerns, next steps and lessons learned.*

#### Comments and revisions included under CR #4

### Former R #5 – Community Engagement Guidelines [To be deleted as Recommendation and moved to Implementation Guide for CR #4]

#### Draft 3 Wording

*1) In advance of the development of the Sahtu community engagement guidelines, government and applicants are encouraged to engage communities in a way that respects and embodies the legal and practical principles expressed in INAC’s Interim Guidelines on Aboriginal Consultation and Accommodation, or guidelines from other jurisdictions.*

*2) SSI, designated Sahtu organizations, and other community organizations are encouraged to make effective use of community engagement opportunities to ensure their values and priorities are considered in land use decisions.*

#### Summary of Comments & SLUPB Response

Comments / Issue	Response / Status
<p><b>Guidelines</b></p> <p>1) Under the MVLWB, all land and water boards are working together to draft consistent policies and guidelines for consultation. This will provide consistent guidelines across the Mackenzie Valley for</p>	<p>Will make basic correction identified. Otherwise, will incorporate as guidance for CR #4 by referencing all known guidelines on community engagement. This should address all other issues raised.</p>

<p>consultation. Our draft guidelines will go out this fall so please keep an eye out for them.</p> <p>2) Federal Guidelines are currently being revised. Web link at: <a href="http://www.ainc-inac.gc.ca/ai/arp/cnl/intgui-eng.asp">http://www.ainc-inac.gc.ca/ai/arp/cnl/intgui-eng.asp</a></p>	
<p><b>Implementation Expectations</b></p> <p>1) What if Federal guidelines conflict with 'guidelines from other jurisdiction'? Further recommendation for conflict resolution provisions.</p> <p>2) The Board needs to make it clear what the expected role of government would be in implementing this Recommendation. Clarify whether government is expected to promote the use of INAC's Interim Guidelines on Aboriginal Consultation and Accommodation or otherwise convince applicants to do this, and the consequences for government if the applicants cannot or will not abide by this recommendation.</p>	
<p><b>Corrections</b></p> <p>1) Remove "INAC Interim guidelines on Aboriginal..." and replace with "Federal Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult." These are not just INAC's guidelines</p> <p>2) The following qualifier should be added to Recommendation #5 1): "subject to requirements for community engagement within the SDMCLCA."</p> <p>3) Remove "or guidelines from other jurisdictions".</p>	

**Proposed Revisions**

- Revisions to Implementation Guide not yet determined. Will focus on referencing existing guidelines to assist applicants in carrying out effective community engagement.

**Former R #10 – Maximizing Benefits**

**Draft 3 Wording**

*Applicants are encouraged to work with relevant community organizations (land corporations, community councils, First Nations, and RRCs) and businesses to maximize the economic benefits to communities, businesses and residents from proposed land uses.*

### Summary of Comments & SLUPB Response

<b>Comments / Issue</b>	<b>Response / Status</b>
The obligations of oil and gas companies to consult on these matters is under s. 22.1.3, and the legal requirements of benefits plans relating to oil and gas activities are under the Canada Oil and Gas Operations Act. Therefore, this section of the SDMCLCA should be clearly referenced.	This Recommendation is sufficiently covered under CR #5 so has been deleted.

### Requests for New Recommendations

<b>Comments / Issue</b>	<b>Response / Status</b>
Additional studies should be conducted prior to the next review of the Plan on irreplaceable areas as identified by Marxan Model, including confirmation that they contain the expected infrequently occurring features.	If this recommendation is included it should be directed at government, as it is their model and they should be ground-truthing their own data.
State the intention to work with other jurisdictions to achieve full ecological representation and cooperation on other matters of trans-boundary concern.	This can be included in the Transboundary section of the Plan.