



# Sahtu Land Use Planning Board

Box 235, Fort Good Hope, NT, X0E 0H0

Phone: (867) 598-2055 Fax: (867) 598-2545

Email: [slupb@netkaster.ca](mailto:slupb@netkaster.ca) Website: [www.sahtulanduseplan.org](http://www.sahtulanduseplan.org)

March 25, 2011

To: SLUPB Distribution List

**Re: Notice of Rescheduled Public Hearing on Draft 3 Sahtu Land Use Plan, May 3-5, 2011, Norman Wells, NT**

Dear Sirs and Madams,

The Public Hearing ("the Hearing") on Draft 3 of the Sahtu Land Use Plan (SLUP) that was postponed in November 2010 will be held **May 3-5, 2011 at the Dennis Drolet Memorial Hall in Norman Wells, NT**. The purpose of the Hearing is to provide planning partners an opportunity to present their views on the proposed Sahtu Land Use Plan, and for the Board to gather input for final revisions. The Hearing format will be informal to make all participants feel comfortable, and promote dialogue between the parties.

Please find attached a Revised Draft Agenda, the Hearing Procedure previously sent, and other documents necessary to your effective participation. The agenda will be revised again in late April once the number of delegates and presenters is confirmed. The Hearing will be audio recorded and transcribed and will form part of the SLUPB's public record on Plan development.

### **Registration and Presentations**

Please fill out the attached registration form and return it to the SLUPB by **April 11<sup>th</sup>**. For those wishing to make a presentation, any speaking notes or slides should be submitted to the Board by **April 21<sup>st</sup>**. Please note that the Board is discouraging the use of PowerPoint presentations, unless maps or graphics need to be displayed to illustrate a point. Presentation Guidelines are attached.

### **Hearing Documents**

Draft 3 of the Plan was previously released and distributed on July 12, 2010. The Draft 3 Plan and all supporting documents are available for download on the Board's website at [www.sahtulanduseplan.org](http://www.sahtulanduseplan.org). All written comments and summary notes of consultations held since the release of Draft 3 are also available for download on the Board's website under the Public Comments tab.

### **Recent Work**

The Board has held numerous meetings since the Hearing was postponed to address key outstanding issues. It has also invited follow-up comments from certain parties to clarify points made in their earlier submissions. As per above, these comments and notes are available on the Board's website and we encourage all parties to review them prior to the Hearing. While the Board is not making any decisions until after the Hearing, these meetings and follow-up submissions have greatly assisted the Board in identifying possible solutions for future consideration. We have therefore attached a brief summary of key results and documents in



which you can find more information. Please feel free to comment on these in your presentations to the Board at the Hearing.

### **Purpose and Format of the Hearing**

The Hearing is focusing on key issues on which the Board is seeking further direction to assist it in identifying appropriate final revisions. They are:

- 1) Proposed Changes to Zoning;
- 2) Revisions for select Conformity Requirements;
- 3) Implications of removing Actions or placing them in a separate, non-binding document; and
- 4) Implementation Issues.

Further details on these topics are included in an attachment. All parties are encouraged to comment on these topics in their presentations, in addition to any other comments they may wish to present.

The Hearing will consist of two parts:

- 1) During the first part of the Hearing, all Parties will have the opportunity to present their views to the Board on the proposed Sahtu Land Use Plan. There will be an opportunity for questions following each presentation. The Board has hired facilitators who will be tracking key discussion points arising from the presentations for use in the second half of the Hearing.
- 2) During the second part of the Hearing, a facilitated discussion will be held on key topics or questions that have arisen from the presentations. The discussions are likely to be focused around the Hearing topics described above, but the Board may choose any themes that arise in the presentations.

The intent of this informal Hearing format is to foster open communication between all participants on subjects for which the Board has conflicting or unclear direction. The goal is to better understand constraints, explore areas of common ground and identify options for final revisions that meet the guiding principles for land use planning in the Sahtu Settlement Area and have broad-based support. A combination of formats may be used as appropriate, from plenary to small group discussions, to optimize participation and results from these discussions.

### **Pre-Hearing Conference**

The Board will schedule a pre-hearing conference call for **Monday April 18<sup>th</sup> from 1:30 pm to 5:00 pm** to review the draft agenda, discuss the Hearing format, Hearing procedures, submission of presentations, and any other matters of common interest to assist interested parties in preparing effectively for participation. If you are interested in participating in this call, please **RSVP by April 11<sup>th</sup> on the Hearing Registration Form**. We will post summary notes of the call on our website.

### **Implementation Issues**

The Board has recently changed its approach to dealing with implementation issues in this final year of Plan development. **The Board is inviting full comment and discussion on all aspects of Plan implementation at this Hearing**. This will provide the Board with a more



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holistic understanding of the Plan and will help to identify where final revisions need to be made. The Board will then undertake final revisions to the entire Plan. This will result in the Final Draft Plan that the Board will adopt and submit to SSI, the GNWT and INAC for approval.

Following submission of the Plan for approval, but prior to approval, the Board will hold an Implementation Workshop to identify detailed processes, roles and responsibilities for Plan Implementation. The results will be documented in a Plan Implementation Guide that will support the Final Approved Plan.

The Board believes this change in process will expedite the completion of the Plan and simplify Plan implementation discussions later on.

### **Legal Issues**

Some parties have made comments regarding the permissible content of a land use plan under the *MVRMA*. **The Board directs that any party that considers a term of Draft 3 to be outside the authorized scope of a land use plan under the *MVRMA* to submit complete written argument in support of its position by April 21, 2011.** Argument should include references to all legislative or treaty provisions and legal authorities that the party wishes the Board to consider. Any such arguments will be posted on the Board's website within one day of receipt. **Other parties have the right to submit written comments in response by April 29.** The Board will consider any such arguments and comments, inform participants when the hearing opens whether or not the Board concurs with the party's position, and provide written reasons within a reasonable time after the hearing.

By contrast, the Board invites discussion at the Hearing of any concerns that a matter might be dealt with better outside the planning process, or that a term of the Plan might reduce the effectiveness with which another process deals with the matter. Comments of this nature go to the effectiveness of Plan content rather than jurisdiction.

The Board's legal counsel, Dick Spaulding, is discussing legal issues that could arise during the hearing with counsel who intend to participate on behalf of other parties. The purpose is to ensure that any legal issues are dealt with fairly but with minimal disruption to the informal hearing process. **If your organization intends to have legal counsel at the hearing and your counsel has not been contacted already by Mr. Spaulding, please have your counsel contact him as soon as possible** by email at [rhspa@sympatico.ca](mailto:rhspa@sympatico.ca) or by phone at (613) 730-2746.

### **Travel**

Hearing participants are responsible for their own travel arrangements. Contact information for Norman Wells hotels and northern airlines is attached to assist you.

### **Summary**

We encourage all planning partners to attend the Hearing. This is an important opportunity for input into the Sahtu Land Use Plan and a chance for collaborative discussions with other planning partners. Your participation in this event will improve the final Plan and contribute to building better relationships between all planning partners.



If you have any questions on the Hearing, please contact Heidi Wiebe, our lead planner, at [heidi.wiebe@shaw.ca](mailto:heidi.wiebe@shaw.ca) or 403-984-3916. We look forward to seeing you in May.

Respectfully,

A handwritten signature in black ink, appearing to read 'JWB' with a stylized flourish at the end.

Judith Wright-Bird  
Chairperson  
Sahtu Land Use Planning Board

### **Summary of Key Dates and Contacts:**

- **ASAP:** Legal counsel expecting to appear at the Hearing for a Party to contact the Board's legal counsel, Dick Spaulding at [rhspa@sympatico.ca](mailto:rhspa@sympatico.ca) or by phone at (613) 730-2746.
- **April 11<sup>th</sup>:** Deadline to Register for Hearing/Workshop and Pre-Hearing Conference – Send form to Ida Mak at [idamak@netkaster.ca](mailto:idamak@netkaster.ca) or fax to 867-598-2545 (ph: 867-598-2055).
- **April 18<sup>th</sup>:** Pre-Hearing Conference, 1:30-5:00 pm MST. Teleconference information will be sent to participants following registration.
- **April 21<sup>st</sup>:**
  - Deadline to submit written arguments in support of any jurisdictional objection to Plan content. Submissions should be sent either to Heidi Wiebe at [heidi.wiebe@shaw.ca](mailto:heidi.wiebe@shaw.ca), (fax: (867) 598-2545; Ph: (403) 984-3916) or Dick Spaulding at [rhspa@sympatico.ca](mailto:rhspa@sympatico.ca) (fax: (613) 730-9876; Ph: (613) 730-2746).
  - Comments, speaking notes and/or slides to be submitted to the SLUPB for presentations to be made at the Hearing. Email to Ida Mak at [idamak@netkaster.ca](mailto:idamak@netkaster.ca) or fax to 867-598-2545 (ph: 867-598-2055).
- **April 29<sup>th</sup>:** Deadline for all Parties to comment on any jurisdictional objection raised by any other Party. Submissions should be sent to Dick Spaulding at [rhspa@sympatico.ca](mailto:rhspa@sympatico.ca) or fax (613) 730-9876 (Ph: 613-730-2746).
- **May 3-5:** Public Hearing and Workshop in Norman Wells.

### **Attachments:**

- 1) Overview of Hearing Topics
- 2) Draft Public Hearing Agenda
- 3) Summary of Results and Input since October 2010
- 4) Registration Form
- 5) Presentation Guidelines
- 6) SLUPB Procedure for the Public Hearing
- 7) Travel Information



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## Overview of Hearing Topics

### 1) Proposed Changes to Zoning

**Context:** Since Draft 3 was released, the Board has had requests for the following changes to zoning that it will be considering as part of its final revisions:

- a. Change *Edaííla* from a Proposed Conservation Initiative (PCI) to a Conservation Zone (CZ).
- b. Add Clement Lake to the Great Bear Lake Watershed Special Management Zone (GBLW SMZ) or add it as a new SMZ.
- c. Merge Neregah SMZ into the GBLW SMZ but require a higher level of enforcement for archaeological and heritage resources in that area.
- d. Revisions to *Shúhtagot'ine Néné*, *Nááts'ihch'oh* and other changes in the Mackenzie Mountains as described in the Summary of Results and Input since October 2010.

Please note that the Board has an outstanding question with the K'asho Got'ine District on the zoning of 4 settlement parcels in the Ramparts PCI, *Ts'ude niline Tu'eyeta*, on which it requests an answer before the Hearing.

**Focal Question:** Please comment on the overall balance of the zoning with the changes as proposed. Does it provide an appropriate balance between the interests of all Parties in the region?

### 2) Revisions for Select Conformity Requirements (CRs #2, 3, 4, 5, 6, 7, 12)

**Context:** The Board received considerable feedback, some conflicting, on the above CRs as presented in Draft 3. In order to identify appropriate revisions for the final draft, the Board needs to find common understanding on these issues. The Board is therefore asking participants to focus on if/how a final draft should address the issues underlying these CRs, rather than the wording as proposed in Draft 3. The Board invites comment on the following questions.

**Broad Focal Question:** How can Conformity Requirements best achieve their intended purpose?

#### **CR #2 – Community Engagement and Traditional Knowledge:**

**Context:** The Board has received a wide variety of input on this CR – direction to provide more clarity on expectations and implementation, direction to make it less onerous (e.g. removing requirement to consult affected individuals), direction to make it stronger (e.g. define basic consultation requirements in the Plan), direction to harmonize it with yet-to-be-completed community engagement policies to be developed by the land and water boards, and direction to delete it from the Plan.



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**Focal Question:** How should the Plan integrate the variety of perspectives and initiatives on community engagement and traditional knowledge while addressing fundamental community concerns on these issues?

**CR #3 – Community Benefits:**

**Context:** Some regulators have commented that this CR cannot be implemented within their mandates. Governments have commented that this requirement is unclear, duplicates other processes, goes beyond the Board’s intended mandate in the MVRMA or may prevent activities such as research that may have broader benefits to others beyond communities. Communities have responded strongly in favour of having an overall requirement to ensure communities benefit from development.

**Focal Question:** How should the Plan address the issue of ensuring that communities benefit from development?

**CRs #5 (Watershed Management) & #6 (Drinking Water):**

**Context:** These CRs are included in the Plan to provide basic protection for waterways, water bodies and community drinking water sources, regardless of the zone. Most comments on these CRs were seeking definitions for key words to better understand how they would be implemented – e.g. “substantially altered” and “contamination”. The Board has previously received direction to be goal-based and to keep its requirements non-prescriptive. As a result, it has used wording from the Sahtu Land Claim Agreement (“the right to have waters...remain substantially unaltered as to quality, quantity and rate of flow”) and from “Managing Drinking Water Quality in the Northwest Territories – A Preventative Framework and Strategy” (defines contamination as “the presence or unwanted transfer of a substance into drinking water, making it impure or harmful.”) The mapping that the Board uses for CR #6 arose from this strategy. Such broad “goal-based” wording can be ambiguous and is more difficult to define than prescriptive requirements.

**Focal Question:** What is the right balance of prescriptive and goal-based direction that will provide the appropriate level of guidance needed to protect water and ensure consistent implementation? If more concrete direction would be helpful in the Plan, then what should it be?

**CRs #4 (Archaeological Sites, Historic Sites and Burial Sites), #7 (Wildlife), and #12 (Ecologically Significant Areas):**

**Context:** On CR #4, many parties commented that the 500 m setback on all sites is too large, but may be appropriate for burial sites. Therefore the Board is considering applying this setback to burial sites only. In addition, both CAPP and the NEB grouped these three CRs together because they all include setbacks. The NEB has suggested that they be combined into one Best Practices CR that requires compliance with them to a reasonable extent, providing some limited flexibility where necessary to address unique circumstances.

**Focal Question:** Please comment on these proposed options.

### **3) Implications of removing mandatory Actions or placing them in a non-binding document**

**Context:** INAC and the GNWT have stated in their comments that they will not support mandatory Actions in a final Plan. INAC stated (see “INAC\_October 16-11”) that they



support some of them (i.e. the Sahtu Working Group) but that Actions 7-13 should be made non-binding. In follow-up discussions, the Board and INAC discussed alternative wording for many of these Actions that may assist in addressing some of the concerns (see “INAC Action Meeting Summary Notes\_Feb 18-11”).

The GNWT has asked that all Actions and Recommendations be removed from the Plan and put in a separate Implementation document so that they are not legally binding (see “GNWT\_Feb 25-11”). In further discussions, the Board and the GNWT identified more acceptable wording on a few Actions but the GNWT maintained their opposition to having mandatory Actions in the Plan (see “GNWT Action Meeting Summary Notes\_Feb 18-11”).

On the other hand, communities and industry have indicated support for many of the Actions in the Plan. If both governments maintain their position that they will not approve a Plan with mandatory Actions, then the Plan will not be approved unless the Board removes them.

**Focal Question:** The Board invites comment from all Parties on what the removal of mandatory Actions (or changing them to Recommendations) would mean for them. How should the Board address such a significant change? Would the Plan need to change in other ways to make up for the removal of Actions? Would you still support the Plan without mandatory Actions?

#### 4) Implementation Issues

**Context:** The Board has received considerable comment from all Parties on Plan implementation, with many comments asking for additional clarity on how the Board sees implementation working. There are two aspects to implementation – the overall process, and implementing specific Plan requirements.

Given that the Plan will primarily be implemented primarily by regulators and others directly involved in the regulatory process, the Board will rely primarily on the advice of regulators and others involved in those processes in refining the process for Plan implementation. One area where we’ve heard different options put forward is for the timing of the conformity determination process. Some have suggested that it should be done simultaneously with preliminary screening to avoid lengthening the regulatory process. Others have suggested that it should be done before an application goes to preliminary screening to avoid having all parties expend time and energy screening an activity that does not conform to the Plan.

With respect to implementing the terms of the Plan, the Board has provided some guidance regarding its expectations for how Conformity Requirements should be implemented. It will continue to refine this work, and may expand it to provide similar guidance for Actions. However, the on-the-ground process of implementation must still occur within the existing regulatory process, and similar to above, the Board looks to the expertise of others directly involved in those processes to assist it in refining the Plan direction so it is clear, functional and effective.

**Focal Questions:**

Please comment on:

- a) whether conformity determination should happen simultaneously with preliminary screening or prior to preliminary screening;
- b) implementation issues related to the specific CRs or Actions in Draft #3.



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## Draft Public Hearing Agenda

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**Dates: May 3-5, 2011**

**Location: Dennis Drolet Memorial Hall, Norman Wells, NT**

### Day 1 – May 3, 2011

8:30 am Coffee and Registration

**9:00 am Opening Prayer**

Introductions & Hearing Expectations

Welcome from Host Community (Norman Wells Land Corporation, Town of Norman Wells)

9:30 am Review of Agenda  
SLUPB Opening Remarks  
Overview of Draft 3 and recent input on the Plan

**Community Presentations** (40 min/community - 30 min presentation, 10 min questions)

10:00 am **Déline** (Déline Land Corporation, Déline Renewable Resources Council, Déline First Nation)

*10:40 am Health Break*

10:55 am **Fort Good Hope** (K'asho Got'ine District Land Corporation, Yamoga Land Corporation, Fort Good Hope Métis Nation Local 54 Land Corporation, K'asho Got'ine Charter Community, Fort Good Hope Renewable Resources Council, other delegates)

11:35 am **Colville Lake** (Ayoni Keh Land Corporation, Behdzi Ahda' First Nation, Colville Lake Renewable Resources Council, other delegates)

**12:15 PM LUNCH BREAK (CATERED)**

1:15 pm **Norman Wells** (Norman Wells Land Corporation, Town of Norman Wells, Norman Wells Renewable Resources Council)

1:55 pm **Tulita** (Tulita District Land Corporation, Tulita Land Corporation, Fort Norman Métis Nation Local 60 Land Corporation, Tulita Dene Band, Charter Community of Tulita, Tulita Renewable Resources Council, other delegates)

*2:35 pm Health Break*



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## Day 1 Continued...

**Presentations From Approving Parties** (40 min each – 15 min presentation, 25 min questions)

- 2:50 pm      **SSI**  
3:30 pm      **INAC**  
4:10 pm      **GNWT**  
4:50 pm      End of Day wrap-up/announcements
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## Day 2 – May 4, 2011

- 8:30 am      Coffee, Registration, Announcements

**Presentations from Other Parties** (20 min each – 10 min presentation, 10 min questions) – PRESENTATION SLOTS TO BE FINALIZED FOLLOWING REGISTRATION

- 9:00 am      **Other Government Departments & Agencies**  
                 **Other Boards**  
                 **Oil and Gas Industry**  
                 **Mineral Exploration Industry**  
                 **Tourism/Outfitting Industry**  
                 **ENGOS / Other NGOs**

**12:00 PM LUNCH (CATERED)**

*Note: Longer lunch break today to enable preparations for afternoon discussions. The afternoon session will run from 2-6 pm.*

- 2:00 pm      Presentations from Other Registered Delegates (Continued)  
3:00pm      **Elders Comments on Presentations**  
4:00 pm      *Health Break*  
4:15 pm      **Introduction from SLUPB/Facilitators on Discussion Topics and Format**  
4:30 pm      Discussion Topic #1  
6:00 pm      End of Day wrap-up/announcements
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**Day 3 – May 5, 2011**

- 8:30 am Coffee, Registration, Announcements
- 9:00 am Introduction to Workshop Topic #2
- 10:30 am Health Break*
- 10:45 am Continue Discussions on Topic #2
- 12:00 pm Lunch*
- 1:00 pm Introduction to Workshop Topic #3
- 3:00 pm Health Break*
- 3:15 pm Closing Remarks from all Parties
- Community organizations
  - Approving Parties
  - Other Registered Parties
- 4:30 pm Closing Remarks from the SLUPB  
Next Steps
- 5:00 pm Closing Prayer



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## Summary of Results and Input since October 2010

- 1) The final boundary of Naats'ihch'oh is not yet set and may not be known in time for the Board to complete its planning. To avoid further delays, the Board has proposed that it take the largest possible area for which the park is proposed, (i.e. the current land withdrawal plus the O'Grady Lake extension) and apply a default designation of special management to any areas left out of the final park boundaries in the future (see "Tulita District Follow-up Meeting Summary Notes\_Jan 6-7-11").
- 2) New input for zoning of the Tulita District: Following months of meetings in Tulita and Norman Wells, the Tulita District Land Corporation has submitted a resolution supporting revised zoning for the Mackenzie Mountains as directed by their Elders (see "TDLC Resolution\_Feb 25-11" for final results, "Tulita Elders Workshop Report\_Jan 24-25-11" for interim results). As part of these meetings, the communities directed that Shuhtagot'ine Nene, as reconfigured, be designated a Conservation Zone in the Plan. There is still potential for a portion of this new area to be advanced as a National Wildlife Area but its status is currently uncertain. The Canadian Wildlife Service is reviewing the new boundaries to assess if there is still a good fit with their mandate and conservation priorities (see "Tulita Elders Meeting Summary Notes \_Feb 22-11").
- 3) Other Zone Changes in the Tulita District (see "Tulita Elders Meeting Summary Notes \_Feb 22-11"):
  - a. The addition of 3 new small Conservation Zones (Cache Lake, Palmer Lake, and Mirage Mountain) in the Mackenzie Mountains and brought back one Mountain Hotspring CZ that was previously buried under Shuhtagot'ine Nene.
  - b. Addition of a separate Special Management Zone around the Mountain River to connect with Mountain River Extension Conservation Zone in the K'asho Got'ine District.
- 4) Both INAC and the GNWT have stated their opposition to having mandatory Actions in the Plan. The Board has met with both INAC and the GNWT to explore alternative wording for some of the Actions that would allow both governments to accept them as mandatory in the Plan. No clear solution has yet been found although some progress has been made (see "INAC Action Meeting Summary Notes\_Feb 18-11", "GNWT Action Meeting Summary Notes\_Feb 18-11", and "GNWT\_Feb 25-11").
- 5) As a reminder, the Board previously clarified that the Land Use Plan is intended to be binding on District Land Corporations with respect to the implementation of Conformity Requirements (Zoning and conditions) on their settlement lands, as well as the implementation of Actions (see "SLUPB Public Hearing Update\_Feb 17-11" for the Board's clarification and "GNWT\_Oct 25-10", "INAC\_Oct 16-10" and "KGLC\_Oct 13-10" for comments where the question was raised.)



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## Draft 3 Sahtu Land Use Plan

# Public Hearing Registration Form

**May 3-5, 2011, 9 am – 5 pm**  
**Dennis Drolet Memorial Hall**  
**Norman Wells, Northwest Territories**

**First Name:** \_\_\_\_\_

**Last Name:** \_\_\_\_\_

**I will be representing:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Postal Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

I wish to participate in the Pre-Hearing Teleconference, April 18<sup>th</sup>, 2011 from 1:30pm-5pm (Hearing format, Hearing procedures, submissions of presentations and agenda will be discussed):

Yes  No

I wish to make a presentation at the Public Hearing:

Yes  No

If so: **Please send presentations/speaking notes by April 21<sup>st</sup>, 2011.**

Email to: [idadamak@netkaster.ca](mailto:idadamak@netkaster.ca) or

Fax to: (867) 598-2545

I will attend the following days of the public hearing:

Tuesday, May 3, 2011, 9am-5pm:  Yes  No

Wednesday, May 4, 2011, 9am-5pm:  Yes  No

Thursday, May 5, 2011, 9am-5pm:  Yes  No

**All registration forms must be received by the SLUPB no later than April 11<sup>th</sup>, 2011.**



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## Draft 3 Sahtu Land Use Plan Public Hearing Presentation Guidelines

**May 3-5, 2011, 9 am – 5 pm**  
**Dennis Drolet Memorial Hall**  
**Norman Wells, Northwest Territories**

In preparing your presentation or speaking notes for Day 1 and 2 of the Public Hearing agenda, please keep the following in mind:

### Presentation Tips

- In efforts to promote active involvement from all participants, the Board is discouraging the use of Powerpoint presentations. Text heavy Powerpoint presentations can distract from the speaker's message and at times the text on the slides is not entirely congruent with the message that is delivered by the speaker. To minimize technical difficulties, ease transition time and minimize discrepancies on the Hearing record, the Board is encouraging presenters to avoid the use of Powerpoint presentations where possible.

The Board however, encourages the use of visual aids such as maps, posters or images and wall space will be available for their display throughout the three days. Where a speaker chooses to use a Powerpoint presentation, the Board will have a laptop computer and projector available for use.

- Please speak in plain language and avoid the use of jargon and acronyms. This will allow participants without a technical background to participate more effectively in the discussions.
- Simultaneous translation will take place during the Hearing. Presenters will be expected to speak slowly, enunciate carefully and to use plain language to allow for proper translation. Please remember that translators are specialists in the Dene language but cannot be specialists in all land use related fields. In structuring your presentation, please have the length of your presentation reflect a slower talking speed.
- The agenda is structured to allow all participants the chance to participate during the three days. Please respect the time that has been allotted to your organization and keep to your time limit as the agenda is already full from morning to evening.



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## **Content of the Presentations**

- In presenting your comments please remember that the Board has already reviewed all written comments and has heard your concerns during consultations on Draft 3. In an effort to help the Board move forward on significant issues, please do not focus on comments that have already been provided to the Board in past submissions. Instead, highlight your key messages and bring forth recommendations that would help the Board arrive at solutions.
- Although the Board has identified four topics on which it would like to make progress, this is an opportunity to bring forth comments on any subject matter that is of importance to you. At this point in time, the Board is seeking a way forward through solutions and welcomes a collaborative approach in resolving shared concerns.
- Although the Hearing includes all comments relating to Draft 3, it would be most effective to focus on the general direction that the Final Draft Plan should take.
- The Board encourages all participants to attend the Hearing and Workshops with a collaborative approach. This is an opportunity for all participants to share their concerns and to identify common solutions. It is in this spirit that the Board intends on encouraging dialogue and discussion at the Hearing.

## **Administrative Issues**

- Please submit your speaking notes, comments or presentations to the Board by April 21<sup>st</sup>, 2011. Notes can be emailed or faxed to Ida Mak, Communications Coordinator/Planner at [idadamak@netkaster.ca](mailto:idadamak@netkaster.ca) or 867-598-2545.
- Should you have any questions, please feel free to contact Heidi Wiebe, Plan Development Lead at [heidi.wiebe@shaw.ca](mailto:heidi.wiebe@shaw.ca) or by telephone at 403-984-3916.

**PROCEDURE FOR THE PUBLIC HEARING**  
**ON THE SAHTU LAND USE PLAN**



**SAHTU LAND USE PLANNING BOARD**

**JULY, 2010**

## **Table of Contents**

Introduction and Purpose .....	1
Section 1: Interpretation.....	2
Section 2: Guiding Principles .....	3
Section 3: Directions .....	3
Section 4: The Hearing Record.....	3
Duty to Maintain the Record of Hearing.....	3
Access to the Record .....	3
Section 5: Notice of Hearing .....	4
Notice of Public Hearing and Procedure.....	4
Notice of Hearing Information .....	4
Section 6: Scheduling and Location of Hearing .....	5
Section 7: Written Submissions .....	5
Section 8: Directed Questions & Government Information .....	5
Section 9: The Hearing .....	5
Language of the Hearing.....	5
Board Authority to Direct the Hearing .....	5
Participation at the Hearing.....	6
Opportunity for Questioning .....	7
Adjournment and Reopening of the Hearing .....	7

## **INTRODUCTION AND PURPOSE**

Pursuant to s. 42(2) of the *Mackenzie Valley Resource Management Act (MVRMA)*, the Sahtu Land Use Planning Board ("Board") has decided to hold a public hearing on the draft Sahtu Land Use Plan ("draft plan").

The purpose of the hearing will be to enable the following persons and organizations to participate in the development of the Sahtu Land Use Plan:

1. the residents and communities of the Sahtu Settlement Area;
2. the Sahtu Secretariat Incorporated (SSI) and other designated Sahtu organizations;
3. the governments of Canada and the Northwest Territories and their departments and agencies;
4. any body having authority under any federal or territorial law to issue an interest or authorization relating to the use of land, waters or resources in the Sahtu Settlement Area;
5. any person or organization having an interest in the conservation, development or use of land, waters or other resources in the Sahtu Settlement Area.

The Board has adopted this procedure to provide for an effective hearing and to ensure that the hearing meets the requirements of procedural fairness.

Following the hearing, the Board will evaluate the draft plan in light of the comments received, and may revise the document. The Board will then adopt the land use plan and submit it to the SSI and the territorial Minister and federal Minister for approval pursuant to s. 43 of the *MVRMA*.

The Board may amend or add to this procedure at any time.

## **SECTION 1: INTERPRETATION**

1.1 In this procedure,

"Agreement" means the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*;

"notice" means written notice

- i. delivered to the person;
- ii. sent by email, facsimile or other reliable electronic means, the receipt of which is reliably confirmed; or
- iii. mailed, receipt of which will be deemed to have occurred on the 10th day after posting, unless the Board is satisfied that the document was received on a later date;

but in the case of notice to residents or the public, "notice" means announcement by newspaper, radio, community poster or other public means, according to any reasonable directions given by the Board;

"party" means

1. any resident of the Sahtu Settlement Area;
2. any organization that duly represents a community in the Sahtu Settlement Area respecting land use planning matters;
3. SSI and other designated Sahtu organizations;
4. the Department of Environment and Natural Resources, Government of the Northwest Territories;
5. Indian and Northern Affairs Canada; and
6. any of the following interested persons or bodies that registers and is recognized as a party by the Board before or during the hearing:
  - other departments and agencies of the federal and territorial governments;
  - any body having authority under any federal or territorial law to issue an interest or authorization relating to the use of land, waters or resources in the Sahtu Settlement Area;
  - any person or organization having an interest in the conservation, development or use of land, waters or other resources in the Sahtu Settlement Area.

1.2 This procedure will be interpreted fairly and liberally in order to ensure a just and effective hearing.

1.3 In the event of any inconsistency between this procedure and the Agreement or the *MVRMA*, the Agreement or *MVRMA*, as the case may be, prevails.

## **SECTION 2: GUIDING PRINCIPLES**

- 2.1 In implementing this procedure, the Board will be governed by the following general principles set forth in s. 35 of the *MVRMA*:
- (a) the purpose of land use planning is to protect and promote the social, cultural and economic well-being of residents and communities in the settlement area, having regard to the interests of all Canadians;
  - (b) special attention shall be devoted to the rights of the Sahtu First Nations under their land claim agreements, to protecting and promoting their social, cultural and economic well-being and to the lands used by them for wildlife harvesting and other resource uses; and
  - (c) land use planning will involve the participation of the first nation and of residents and communities in the settlement area.

## **SECTION 3: DIRECTIONS**

- 3.1 The Board may at any time give directions regarding hearing-related matters that are not provided for in this document.
- 3.2 Without departing from the requirements of procedural fairness, the Board may waive any requirement of this procedure at any time, either before or after the matter arises.

## **SECTION 4: THE HEARING RECORD**

### **Duty to Maintain the Record of Hearing**

- 4.1 The Board will prepare and keep a record of the hearing, containing:
- the notice of the hearing issued by the Board;
  - the record of any procedural decisions made by the Board before or during the hearing;
  - all documents and materials, including written submissions and directed questions and responses, placed in the record by the Board;
  - the transcript of the hearing; and
  - any written reasons for procedural decision given by the Board at or pertaining to the hearing.
- 4.2 Failure to produce or retain the transcript of the hearing on account of a mechanical or other dysfunction or other accident, including delays caused by weather, does not invalidate the hearing or record of hearing.

### **Access to the Record**

- 4.3 The record of hearing will be open to inspection at the Board's head office by a participant

or any member of the public at any reasonable time, other than when the record is being used by the Board in the course of Board business.

- 4.4 When requested by a person who is otherwise unable to secure copies, the Board will, upon payment of the Board's reasonable fees and in reasonable time, provide the person with copies of anything on the record of hearing.
- 4.5 As soon as is reasonably possible following the hearing, and upon payment of the Board's reasonable costs of reproduction, the Board will make available a copy of the written transcript to any participant requesting it.
- 4.6 The record of hearing kept by the Board in accordance with this procedure will be deemed correct as to the veracity of its details unless a person challenging it can show that it contains omissions or is inaccurate in some way.

## **SECTION 5: NOTICE OF HEARING**

### **Notice of Public Hearing and Procedure**

- 5.1 Pursuant to s. 42(2) of the Act, the Board will call the hearing by publishing a notice:
  - a) of the date, time and place of the hearing, and
  - b) specifying the procedure to be followed.
- 5.2 The notice of public hearing and procedure will be published at least 60 days prior to the hearing date.

### **Notice of Hearing Information**

- 5.3 At least 60 days prior to the hearing date, the Board will make available to all parties:
  - the draft plan to be considered at the hearing; and
  - the preliminary agenda for the hearing.

This notice may identify particular issues on which the Board invites the parties' views.

- 5.4 Notwithstanding the foregoing requirements, failure to give adequate notice does not invalidate the hearing where:
  - a) the person entitled to notice consents;
  - b) there is no actual prejudice to any participant arising out of the failure; or
  - c) prejudice caused can be offset by
    - i) adjourning the hearing where the Board feels that an adjournment would not unduly compromise the planning process, or
    - ii) through some other means that would not unduly compromise the planning process.

## **SECTION 6: SCHEDULING AND LOCATION OF HEARING**

- 6.1 In scheduling the time and place of the hearing, the Board will attempt to be mindful of any needs which the parties bring to the Board's attention, subject to the responsibility of the Board to schedule its proceedings such that the hearing is fair and the Board is able to accomplish its mandate in an orderly and expeditious manner.
- 6.2 The Board, or such person as the Board may designate, may adjourn or re-schedule the hearing to a specific or uncertain date, with or without terms and conditions.

## **SECTION 7: WRITTEN SUBMISSIONS**

- 7.1 On or before the 10<sup>th</sup> day prior to the hearing date, parties may submit representations respecting the subject-matter of the hearing to the Board in writing, and the Board will place such submissions in the hearing record.
- 7.2 Parties are encouraged to provide copies of their written submissions to each other prior to the hearing.

## **SECTION 8: DIRECTED QUESTIONS & GOVERNMENT INFORMATION**

- 8.1 At any time prior to or after the hearing the Board may direct written questions to any person on any issue relevant to the hearing, and will provide copies of any such directed questions to all participants.
- 8.2 Government responsibility to provide the Board with relevant information that the Board may request is provided in s. 22 of the *MVRMA*, as follows:

"Subject to any other federal or territorial law ... a board may obtain from any department or agency of the federal or territorial government ... any information in the possession of the department or agency ... that the board requires for the performance of its functions."

## **SECTION 9: THE HEARING**

### **Language of the Hearing**

- 9.1 Simultaneous English and North Slavey interpretation will be provided at the hearing to the extent reasonably possible.

### **Board Authority to Direct the Hearing**

- 9.2 The Board may give oral directions for the conduct of the hearing, before or during the hearing.

- 9.3 The Board may prohibit, limit or exclude the receipt of documents, materials, or oral representations that are:
- a) not relevant to the subject of the hearing;
  - b) repetitious; or
  - c) not likely to contribute materially to the purpose of the hearing.
- 9.4 The Board may set time limits for oral submissions, questions and answers by any or all parties at the hearing.
- 9.5 The powers referred to in Sections 9.2 - 9.4 may be exercised before or during the hearing, but any such exercise will take full account of the guiding principles referred to in Section 2 of this procedure.

### **Participation at the Hearing**

- 9.6 A party has the right to participate fully in the hearing.
- 9.7 Where there is any question as to the right of a person, body or organization to participate in the hearing as a party, the Board will provide that person and all other parties with an opportunity to make their views on the question heard before making its determination.
- 9.8 The right of a party to participate fully in the hearing includes the right:
- a) to represent himself or herself personally, with assistance from any person if he or she so wishes;
  - b) to make comments and provide information relevant to the subject-matter of the hearing;
  - c) to have a reasonable opportunity after the hearing to submit written comments responding to
    - i. written submissions provided before the hearing by any party, to
    - ii. questions or commitments requested of them by the Board, or
    - iii. statements made at the hearing by any other person;
  - d) through the Chairperson, to invite any other participant to respond at the hearing to any question relevant to the subject-matter of the hearing on which the party may have views or information.
- 9.9 Where a party who has been given notice of a hearing does not appear at the hearing, the hearing may proceed in the person's absence.

**Opportunity for Questioning**

- 9.10 Any member of the Board, its staff, consultants or legal counsel may ask any party any question relating to their submission, or their knowledge relevant to the subject-matter.
- 9.11 Any party may ask relevant questions of any other party at the hearing.
- 9.12 Any party making a submission may be asked to respond to questions at the hearing relating to their submission, or their knowledge relevant to the subject-matter of the hearing.
- 9.13 If a party is unable to respond to a question during the hearing, the Board may request the party to answer the question or provide any relevant information within its knowledge or ability to obtain, in writing, within a reasonable period following the hearing.

**Adjournment and Reopening of the Hearing**

- 9.14 Subject to the requirements of procedural fairness, the Board may adjourn the hearing from time to time, and may for any reason reopen the hearing upon reasonable notice to the parties, for the purpose of receiving further representations.



# Sahtu Land Use Planning Board

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## Draft 3 Sahtu Land Use Plan

# Public Hearing Travel Information

**May 3-5, 2011, 9 am – 5 pm**  
**Dennis Drolet Memorial Hall**  
**Norman Wells, Northwest Territories**

### Air Travel

#### **Canadian North**

Jet service to Norman Wells from major city centers such as Yellowknife, Edmonton or Calgary.  
Book online: [www.canadiannorth.com](http://www.canadiannorth.com)

#### **First Air**

Jet service to Norman Wells from major city centers such as Yellowknife, Edmonton or Calgary.  
Book online: [www.firstair.ca](http://www.firstair.ca)

#### **Northwright Airways**

Flights within the Sahtu and from Yellowknife to Norman Wells.  
Book online for scheduled or charter flights: [www.north-wrightairways.com](http://www.north-wrightairways.com)

### Accommodations

#### **Heritage Hotel – 867-587-5000**

Offers shuttle service to and from the airport, has a lounge and restaurant, includes a continental breakfast and offers internet access, tv, private bath, phones, radio, business services and fitness passes.

#### **Mackenzie Valley Hotel –867- 587-2511**

Private bath, phones, tv, a coffee shop that is open all day and a licensed restaurant for dinner service. Outflow rooms in trailer units are also available.

#### **Rayuka Inn – 867-587-2354 or 867-587-2355**

Private bath, tv, radio, phone, fax, wireless internet, laundry and shuttle service to airport. The coffee shop is open for breakfast, lunch and early supper.

#### **Yamouri Inn – 867-587-2744**

Private bath, fridge, phone, tv, licenced lounge and restaurant and wireless internet access are available. Airport transportation offered.

#### **Mackenzie House - 867-587-2418**

Esso's houses its workers in a 75 room building. When there is vacancy the rooms go out for rent. For reservations send them a fax to find out whether or not there is vacancy. Fax: 867-587-2219.



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## **Taxi Service**

Norman Wells has a taxi service that charges \$6.00 per person for travel to and from the airport.  
Triple M Taxi: 867-587-2121

## **Banking & ATMs**

A CIBC Bank is located in the Town Square. It closes for lunch from 12:30 pm - 1:30 pm.  
Monday-Thursday: 9:30 am – 4:00 pm  
Friday: 9:30 am – 5:00 pm  
Telephone: 867-587-2131

ATMs can be found at the Northern Store and Mary's Store, also located in the Town Square.

## **Norman Wells Historical Centre & Gift Shop**

The Norman Wells museum provides visitors with a bit of history on the Sahtu region and on the town itself. Photographs, crafts, artwork and displays give visitors a sense of traditional Dene lifestyles and the history of development such as the CANOL project. The Gift Shop features a variety of local Sahtu made crafts and art pieces including slippers, mitts, carvings, beading and more.

Monday to Friday: 10 am - 5:30 pm  
Saturday: 10 am – 4 pm  
Telephone: 867-587-2415

## **General Stores**

The Northern Store is located in the Town Square.  
Monday to Friday: 10 am – 8 pm  
Saturday: 10 am – 6 pm; Sunday: 1 pm – 5 pm  
Telephone: 867-587-2345

Mary's Store is a general store located in the Town Square.  
Monday to Friday: 9-8 pm  
Saturday: 10 – 8 pm; Sunday: 11 – 5 pm  
Telephone: 587-2822

## **Health Emergencies**

A health centre with nursing staff is located on Mackenzie Drive, the main road in town.  
Telephone: 867-587-3675