



# Sahtu Land Use Planning Board

## Implementation Guide Sahtu Land Use Plan

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The Sahtu Land Use Plan and supporting documents can be downloaded at:

[www.sahtulanduseplan.org](http://www.sahtulanduseplan.org)



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# Sahtu Land Use Plan: Implementation Guide

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## Acronyms

AANDC	Aboriginal Affairs and Northern Development Canada
ABA	Access and Benefits Agreement
CAPP	Canadian Association of Petroleum Producers
CIMP	Cumulative Impact Monitoring Program
COGOA	Canada Oil and Gas Operations Act
CR	Conformity Requirement
CWS	Canadian Wildlife Service
CZ	Conservation Zone
DFO	Department of Fisheries and Oceans (now Fisheries and Oceans Canada)
ENR	Department of Environment and Natural Resources (GNWT)
EPA	Established Protected Area
GBLW	Great Bear Lake Watershed
GBLWMP	Great Bear Lake Watershed Management Plan
GNWT	Government of the Northwest Territories
GUZ	General Use Zone
INAC	Indian and Northern Affairs Canada
ITI	Department of Industry, Tourism and Investment (GNWT)
LWBs	Land and Water Boards (SLWB, MVLWB)
MVEIRB	Mackenzie Valley Environmental Impact Review Board
<i>MVLUR</i>	<i>Mackenzie Valley Land Use Regulations</i>
MVLWB	Mackenzie Valley Land and Water Board
<i>MVRMA</i>	<i>Mackenzie Valley Resource Management Act</i>
NEB	National Energy Board
NWT	Northwest Territories
PAS	Protected Areas Strategy
PCA	Parks Canada Agency
PCI	Proposed Conservation Initiative
PDAC	Prospectors & Developers Association of Canada
PWNHC	Prince of Wales Northern Heritage Centre
RRC	Renewable Resources Council
<i>SDMCLCA</i>	<i>Sahtu Dene and Métis Comprehensive Land Claim Agreement</i>
SLUP	Sahtu Land Use Plan
SLUPB	Sahtu Land Use Planning Board
SLWB	Sahtu Land and Water Board
SMZ	Special Management Zone
SRRB	Sahtu Renewable Resources Board
SSA	Sahtu Settlement Area
SSI	Sahtu Secretariat Incorporated
TK	Traditional Knowledge

## 1.0 Introduction

This Implementation Guide is one of three supporting documents to the Sahtu Land Use Plan (SLUP) as listed in S. 1.6. It contains information requirements, interpretation and criteria for conformity determinations to guide applicants and regulators on the application of the Plan's Conformity Requirements. As a non-legally binding support document, this guide is not subject to the SLUP approval process. Rather it presents the Sahtu Land Use Planning Board's (SLUPB) expectations for how the SLUP is to be implemented by illustrating how the SLUPB intends to determine conformity and carry out its mandate. For additional clarity, proponents and stakeholders are encouraged to contact the Sahtu Land Use Planning Board.

It will be noted that not all Chapter and Sections of the SLUP are referenced in this guide. With the aim to learn through implementation, the SLUP's supporting documents are written to provide flexibility to aid the land use planning processes. These documents may be expanded and updated as needed by the SLUPB without a formal amendment to the SLUP.

Applicants and regulators are expected to adhere to this guide, but ultimately must determine for themselves how best to implement the SLUP and their responsibilities under S. 46 of the MVRMA. Users are also expected to be knowledgeable of any changes to legislation, data sources, and reference materials which may be available. This material includes the appendix tables in this guide that were provided by GNWT and AANDC, for which the SLUPB has no ownership.

## 2.0 Application and Effect of the Plan

### Guidance on S. 2.1 - Area of Application

#### Application of the Plan to Lands Administered by the Parks Canada Agency

S. 34 of the *MVRMA* states that the Plan “does not apply in respect of lands in a settlement area that comprise a park to which the *Canada National Parks Act* applies, that have been acquired pursuant to the *Historic Sites and Monuments Act* or that are situated within the boundaries of a local government.”

This excludes application of the Plan to any lands administered by the Parks Canada Agency, and includes lands under water (emphasis added). This is an important distinction because lands are not always acquired by the Parks Canada Agency for National Historic Sites or National Monuments. If lands are not acquired, then these sites are subject to the Plan. Where lands have been acquired, then the Plan ceases to apply to these areas once the Parks Canada Agency acquires those lands.<sup>1</sup>

#### Application of the Plan to Sahtu Settlement Land Parcels Located Outside the SSA

There are Sahtu Settlement Land parcels situated in the Dehcho territory. For clarity, the Plan does not apply to these parcels.

### Guidance on S. 2.4 - Application to Land Use Activities and Applicants

As stated in S. 2.4 of the Plan, the Plan applies to land use activities that require 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 First Nation.

Land use activities that are not specifically mentioned in CR #1 are still subject to the Plan and must conform to all applicable Conformity Requirements (most CRs set out in Chapter 3 apply to any land use activity; some apply only to specific activities). For example, tourism activities or military operations that require a licence, permit or other authorization related to the use of land, water or resources are subject to the Plan, even though these types of activities are not specifically mentioned.

Activities that do not require an authorization or disposition are not subject to the Plan. For example, this category includes hiking, canoeing, and subsistence harvesting activities (the right to gather, hunt, trap and fish throughout the Sahtu Settlement Area at all seasons of the year provided to Sahtu Dene and Métis participants under the *SDMCLCA*).

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<sup>1</sup> Parks Canada submission, October 1, 2010

## Guidance on S. 2.5 D. - Application of the Plan to Legacy Land Uses

The SLUP is not intended to operate retroactively by cancelling or amending authorizations for land uses that have been issued before the Plan comes into effect or by sterilizing or expropriating pre-existing interests and entitlements and preventing the land uses that are necessary to exercise the rights that they create. The Plan therefore includes specific direction on the application of CRs to “legacy land uses”, a defined term that includes uses undertaken pursuant to successor interests and entitlements to those granted before the Plan came into effect.

The Plan exempts legacy land uses from CRs that take the form of zoning restrictions or other prohibitions of certain uses. However, the Plan anticipates that legacy land uses will be brought into compliance with the other CRs in the Plan that govern how these uses are to be carried. This conformity will be achieved through the normal legal and regulatory processes that allow for changes in the conditions governing these activities when authorizations are issued, renewed or extended after the Plan comes into effect. In this way, all activities will contribute to achieving the Plan’s vision and goals for the SSA and will operate under similar rules. The following explanations and examples are intended to provide guidance on the application of the Plan’s provisions governing legacy land uses.

1. For illustrative purposes, a map of key existing land interests is included in the Background Report.
2. The list of interests and entitlements in 1.2 is for illustrative purposes only and is not intended to be exhaustive.
3. An example of an “interest in land granted by a First Nation that is equivalent to any of these interests or instruments” (1.2.13) is an access agreement negotiated with a District Land Corporation pursuant to Chapter 21 of the SDMCLCA.
4. The definition of legacy land uses includes uses relating to successor interests and entitlements (1.3). For example, if mineral exploration is authorized under a pre-existing prospecting permit or mineral claim and is exempt from the CR prohibition of this activity in a Conservation Zone under the Plan, mine development would also be exempt if the proponent became entitled to obtain a mineral lease after the Plan is approved by satisfying the specified performance and financial requirements outlined in the NWT-Nunavut Mining Regulations.
5. Land uses that are necessarily incidental to the exercise of rights created by pre-existing interests and entitlements are also included as legacy land uses (1.4). For example, quarrying that was not authorized when the Plan was approved but that is necessary to build a mine that qualifies as a legacy land use is exempt from the CRs (e.g., zoning restrictions) that would otherwise prohibit it. Necessary incidental land uses could also include uses necessary to transport a resource that is located within a Conservation Zone to market.



6. Applications for extension or renewal referred to in 1.5 must be submitted prior to the expiry of the existing authorization, but the new authorization does not need to be issued before the expiry date in order to for the land use to continue as a legacy land use.
7. The exemption for CRs that would prohibit legacy land uses does not apply to authorizations for renewals or extensions that increase the geographic scope of these land uses or alter them in other significant ways unless the extensions or other changes are necessarily incidental to the exercise of rights pursuant to interests and entitlements (3.1). For example, the construction of a mine based on a successor mineral lease would be exempt. The extension of a seismic program to a location not covered by the existing authorization would not be exempt.
8. The Plan does not apply CRs to the authorizations, renewals or extensions that are issued pursuant to legislative provisions that do not allow for changes to the conditions governing legacy land uses (4.1). One example is the extension of land use permits that does not allow for any change in conditions under the MVRMA. Another example is storage authorizations relating to existing land use permits, which allow the proponent to continue to store any equipment related to an existing activity in its present location for up to 1 year until it can be removed.
9. The Plan does not apply CRs to renewals of Tourism Operator Licences for which no land use permit or water licence is required, and for which there are no material changes to operating conditions (4.2)
10. **Mackenzie Gas Project:** Application has been made for a major pipeline and associated infrastructure (including camps, stockpile sites, barge landings, access roads, borrow sites, airstrips, helipads, fuel storage sites, and water sources) to be constructed down the Mackenzie Valley<sup>2</sup>. In March 2011, the Federal Cabinet approved an Order-in-Council authorizing the National Energy Board to issue a Certificate of Public Convenience and Necessity (CPCN) for the Project. The approval requires that construction of the project begin before the end of 2015 for the approval to remain valid. The proponent has not yet decided whether to proceed, due to current economic uncertainties. Given that the Certificate of Public Convenience and Necessity has been already granted for this project, it would be exempted under the Plan's provisions for legacy land uses (subsection 1.1).

## Guidance on S. 2.6 - Exceptions

The scope of exceptions that the Board will grant are discussed in S. 2.6 of the Plan. Further guidance is provided here on the process to apply for exceptions and the Board's considerations in deciding whether or not to grant an exception.

Applicants must apply to the SLUPB in writing, using the form provided in Appendix 4, describing the nature of the exception being applied for and the reasons why it is necessary. Applicants are encouraged to address the considerations outlined below in their applications,

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<sup>2</sup> As defined in Section 1.1.1.2 of the "Application for Approval of the Mackenzie Valley Pipeline, Volume 1: Pipeline Project Overview" submitted by Imperial Oil Resource Ventures Limited to the National Energy Board, October 7, 2004.

and demonstrate the need for the exception. Letters of support for the exception from affected communities or other planning partners, and any other supporting documentation to demonstrate the need for the exception should be included with the application.

Once the application is received and deemed complete, the SLUPB will consider it. Factors to be considered by the Board in making its decision include, but are not limited to:

- Will granting the exception enable the Plan to continue to meet the goals for the zone?
- Why is the exception required? Is it consistent with the reasons described in the Plan for which an exception might be granted?
- How will the exception benefit the residents and communities of the Sahtu Settlement Region?
- Is the exception request supported by affected communities? Does it reflect the interests of other planning partners?
- What are the ecological, social, cultural and economic effects of allowing the proposed land use?
- What implications will the proposed land use have for other activities occurring or likely to occur in the region, and in the zone specifically?
- Is the exception potentially precedent setting, i.e. is it likely to lead to more requests for similar exceptions?
- Is the issue better handled by a Plan amendment proposal?

The Board will consider each application for an exception based on its own merit and may consult affected communities or other planning partners if necessary to make its decision. The Board will issue its decision, accompanied by reasons, in writing to the applicant and regulators. Decisions of the Board are a matter of public record.

Exceptions may take time to consider and regulatory approvals cannot be granted until one has been granted. If there is a possibility that an exception may be needed, then applicants are strongly encouraged to discuss this with the SLUPB prior to submitting their regulatory applications, and to submit their application for an exception to the SLUPB at the same time as their regulatory applications are submitted. This will enable the SLUPB to provide its decision within regulatory timeframes.

## 3.0 Conformity Requirements

### Guidance on S. 3.3 and S. 3.4- General Conformity Requirements and Special Management Conformity Requirements

CRs are intended to be complementary and not duplicative of existing regulatory and governmental decision-making requirements. They are also intended to be scaleable. Implementation responsibilities will vary from activity to activity based on the size, scale, location, and nature of the activity and the potential for impacts to community values. Regulators and land owners are expected to use their discretion to ensure that the Plan's CR are implemented appropriately in relation to the proposed activity and potential for impact to the values identified in the Plan.

The Plan sets minimum requirements only and in no way binds land owners or regulators from carrying out their duties over and above the Plan's requirements. A positive conformity determination does not restrict land owners or regulators from imposing any additional conditions to authorizations they deem necessary.

While land owners and regulators hold ultimate responsibility for ensuring that the authorizations they grant conform to the Plan, the onus is on applicants to demonstrate how they are meeting all applicable CRs in their applications. Applicants should review the Plan and supporting documents and use the information provided as a starting point for developing their applications. Applications must meet the Conformity Requirements specified in the Plan to proceed through the regulatory system and should consider relevant Recommendations. Project applications that are designed according to these requirements can proceed to the next stage of the regulatory process.

Applicants are encouraged to contact the SLUPB staff in the development of their applications to ensure they understand the requirements and are addressing them properly. In addition, applicants can make the conformity determination more efficient by doing the following:

- Identifying if the activity qualifies for an exemption as per S. 2.5;
- Downloading zoning shapefiles from the SLUPB website ([www.sahtulanduseplan.org](http://www.sahtulanduseplan.org)) and including the zoning on all maps submitted as part of their applications;
- Including digital GIS files of their proposed activities with their applications so the land owner, regulator or SLUPB can conduct their own analysis and track land use; and
- Addressing each of the CRs specifically in their applications and demonstrating how they conform.

Should there be a need for an exception to a Conformity Requirement the Applicant must apply to the SLUPB in writing. The authority and process for exceptions is described in S. 2.6 of the Plan and S. 2.4 in this Guide.

## CR #1- Land Use Zoning

- 1) *Land must be used in accordance with the land use zones shown in Map 2 and Table 3. The zone types consist of General Use Zones, Special Management Zones, Conservation Zones, Proposed Conservation Initiatives and Established Protected Areas. Map 2 and Appendix 2 Zone Descriptions identify the location of each zone. Bulk water removal is a prohibited land use in all zone types. The prohibited land uses in Conservation Zones and Proposed Conservation Initiatives are mineral exploration and development, oil and gas exploration and development, quarrying, power development, and commercial forestry. Established Protected Areas are exempt from the Plan's other CRs; they are managed according to the legislation under which they are established and any applicable management plans. Any land use not prohibited in a zone is permitted, subject to the conditions of this Plan.*
- 2) *Despite the land use prohibitions that apply in Conservation Zones and Proposed Conservation Initiatives, quarrying, transportation and infrastructure development that would be prohibited, or any water use other than a bulk water removal that would be prohibited is permitted in such zones if and to the extent that it is demonstrated that:*
  - a) *such activity is necessary in order to carry out a permitted land use outside the zone, and the user will be authorized to conduct the land use outside the zone (for example, subject to other applicable Plan conditions, water may be taken from a Conservation Zone to the extent necessary to carry out authorized oil and gas activities in a Special Management Zone or General Use Zone, and a pipeline and related infrastructure may be built in a Conservation Zone in order to transport hydrocarbons lawfully produced in a Special Management Zone or General Use Zone, or to connect authorized pipelines in other zones);*
  - b) *no feasible alternative to carrying out the activity in the Conservation Zone or Proposed Conservation Initiative exists;*
  - c) *the activity avoids significant ecological and cultural areas as identified in the Zone Descriptions, Background Report or by community organizations; and*
  - d) *its design, construction, operation and maintenance minimize any foreseeable adverse impacts on the ecological and cultural values identified for the zone, including subsistence use, either by avoiding such impacts or mitigating them to the extent possible.*

### Context and Rationale

Conservation Zones and Proposed Conservation Initiatives are established to protect significant ecological and cultural areas. Communities feel that these most important areas should be off limits for development to avoid impacts and preserve these values. CR #1 therefore prohibits six key land uses that are believed to be inconsistent with the preservation of these areas: Bulk water removal, mineral exploration and development, oil and gas exploration and development, power development, commercial forestry, and quarrying. Existing (legacy) land uses are allowed to continue, (subject to S. 2.6) so it is expected that some land use activity will continue to occur in some of these areas.

The Plan must also allow for access to be constructed across these zones where necessary to transport resources to and from other zones where such activities are permitted, Water and granular materials are required in the construction of that access. As well, some lakes in nearby Conservation Zones or PCIs may be better able to support water withdrawal than lakes in Special Management or General Use Zones. The Plan allows for such uses in CZs and PCIs but applies strict conditions to that use. As these zones are intended to have exploration and development activities restricted as much as possible, the construction of a transportation corridor or infrastructure, quarrying or water withdrawals related to oil and gas and mineral exploration and development in a CZ or PCI must be the only option available for the proposed land use and used as a last resort.

## **Implementation Guidance**

### General Guidance

Because CZs and PCIs are intended to have exploration and development activities restricted as much as possible, the construction of a transportation corridor or infrastructure, quarrying or water withdrawals related to oil and gas and mineral exploration and development in a CZ or PCI must be the only option available for the proposed land use. Economic reasons alone will not be sufficient justification for allowing these uses in a Conservation Zone or PCI. Applicants will need to provide information pertaining to all route/location options, the criteria used to assess those options, and demonstrate that none of the other options are viable. Evidence of community support or non-support for locating these activities in a CZ or PCI will be strongly considered in the conformity determination.

For clarity, the extension of the Mackenzie Highway or the construction and operation of the Mackenzie Valley Pipeline Corridor and its associated infrastructure through a Conservation Zone or PCI are examples of transportation and infrastructure development that would be allowed under this CR, provided they met the conditions in 2 a-d.

### Information Requirements

- For all applications, GIS files identifying the location of all proposed land use activities and a description of the activity.
- If the activity involves development of a transportation corridor or infrastructure, quarrying or use of water in a CZ or PCI related to a permitted use in another zone:
  - A description of alternative options for locating such activities outside these zones;
  - An explanation of why they are not viable; and
  - Evidence of community support or non-support for this activity in the CZ or PCI.

### Criteria for Conformity Determination

- 1) Identify if the application is exempt from CR #1 as per S. 2.5 of the Plan because it is related to:
  - a) activities necessary to deal with an emergency threatening human safety, life, property or the environment;
  - b) Sahtu Dene and Metis harvesting rights;
  - c) activities proposed within an Established Protected Area;

- d) a legacy land use (identify the land interest);
- e) community expansion, or quarrying or infrastructure for municipal use; or
- f) cleanup of contaminated sites or historic industrial sites.

Exempt applications are considered to have a positive conformity determination for this CR. All other CRs still apply.

- 2) Check the proposed land use against Map 2 to determine which zone(s) the activity is proposed in.
- 3) Check Table 3 to determine if the proposed land use is permitted in those zones. Refer to the land use definitions in the Plan.
  - a) Bulk Water Removal in any zone does not conform.
  - b) Any land use other than Bulk Water Removal in a General Use or Special Management Zone conforms.
  - c) Oil and gas exploration and development, mineral exploration and development, commercial forestry, power development or quarrying in a Conservation Zone or Proposed Conservation Initiative do not conform.
  - d) The development of a transportation corridor and infrastructure, quarrying or use of water in a Conservation Zone or Proposed Conservation Initiative related to oil and gas or mineral exploration and development is permitted if the use meets the following conditions:
    - i) It's necessary to carry out an authorized activity permitted in another zone;
    - ii) There is no other alternative but to have the activity in the CZ or PCI;
    - iii) It avoids significant cultural and ecological areas; and
    - iv) Impacts to the ecological and cultural values of the zone are minimized.
  - e) Land uses other than those listed in a) and c) in a Conservation Zone or Proposed Conservation Initiative conform.

Land use activities that meet the above conditions are deemed to conform to this CR.

### **Rationale for Prohibited Uses**

Conservation Zones and Proposed Conservation Initiatives are established to protect significant ecological and cultural areas. Communities feel that these most important areas should be off limits for development to avoid impacts and preserve these values. CR #1 therefore prohibits six key land uses that are believed to be inconsistent with the preservation of these areas: Bulk water removal, mineral exploration and development, oil and gas exploration and development, power development, commercial forestry, and quarrying. Legacy land uses are allowed to continue, (subject to S. 2.5 D. of the Plan) so it is expected that some land use activity will continue to occur in some of these areas. Specific rationale for each of the prohibited uses is provided following.

Bulk Water Removal: Protection of water is one of the most important issues for communities and residents. Canada is the largest single owner of fresh water resources in the world.<sup>3</sup> Many Canadians are concerned about the bulk removal of water from major drainage basins, such as the Great Bear Lake and the Mackenzie River. Canada's Federal Water Policy (1987) states that Canada will "take all possible measures within the limits of its constitutional authority to prohibit the export of Canadian water by interbasin diversions, and strengthen federal legislation to the extent necessary to fully implement this policy."<sup>4</sup> In 2003, AANDC developed a policy prohibiting bulk water removals from major drainage basins in the NWT, such as the Mackenzie River.<sup>5</sup> CR #1 supports, and is consistent with this policy.

Mineral Exploration and Development: While prospecting is a low impact activity, the later stages of exploration and mine development have the potential for much larger environmental impacts. Mine development, mineral processing techniques, infrastructure and access needs all contribute to impacts on the environment. Because of the progression of rights established through the *Northwest Territories and Nunavut Mining Regulations*, all phases of exploration and development must be prohibited.

Oil and Gas Exploration and Development: Oil and gas exploration has the potential to disturb and fragment large areas because of the need for access roads and seismic lines. Depending on the width, nature and density of seismic lines, the area of impact for species like boreal woodland caribou, that are sensitive to linear development, can be quite significant. Oil and gas development requires extensive infrastructure to gather, process and transport the resources to market, all of which have the potential to impact CZs and PCIs.

Power Development: Power development may involve the alteration of land, and construction of buildings, infrastructure, transmission lines, access roads, and in the case of hydro-electric development, the impoundment of water. Micro-generation projects (producing less than 100 KW) to provide electricity to cabins, small tourism establishments and other such operations that are permitted in Conservation Zones have limited impacts and are generally constrained to the immediate area of operations, so these are not prohibited.

Commercial Forestry: Commercial forestry involves cutting trees and may include processing and transportation of trees or forest products resulting in habitat disturbances at the harvest site, mill site and on access roads. These are not compatible uses within CZs and PCIs.

Quarrying: Any construction project requires a supply of quarry materials in close proximity to proceed. The *SDMCLCA* ensures that access to such materials is maintained, even on Sahtu lands. However, extraction of these materials disturbs the environment at the excavation site, and requires the construction of access roads between the source of these materials and the construction site. Quarrying, as a stand-alone activity, is prohibited in Conservation Zones and PCIs. However, it is permitted if it is needed to carry out a land use permitted in another zone in accordance with CR #1, S.2, or if it relates to a land use that is exempted under Section 2.5 of the Plan.

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<sup>3</sup> Water Exports and NAFTA, Johansen, 1999

<sup>4</sup> Federal Water Policy, Government of Canada, 1987, Available at: [http://www.ec.gc.ca/Water/en/info/pubs/fedpol/e\\_fedpol.htm](http://www.ec.gc.ca/Water/en/info/pubs/fedpol/e_fedpol.htm)

<sup>5</sup> "A Policy Respecting the Prohibition of Bulk Water Removal from Major River Basins in the Northwest Territories", INAC, 2003. Available at: <http://publications.gc.ca/collections/Collection/R2-274-2003E.pdf>

Transportation Corridor and Infrastructure Development): Transportation corridor and infrastructure development are important considerations in the development of a land use plan. They are essential to the development of a region, allowing essential goods and services to be transported efficiently, providing access to power and communications, and lowering costs for communities, government and land users. Those exploring for and developing renewable and non-renewable resources need to be able to transport supplies and resources to and from their development sites as economically and efficiently as possible.

However, the development of transportation corridors and infrastructure may negatively impact cultural and ecological values by disturbing land, altering wildlife habitat, and increasing access. This is not compatible with the intent of Conservation Zones and Proposed Conservation Initiatives. Transportation corridors and infrastructure are better suited to General Use and Special Management Zones, but this is not always possible or economically feasible. It may be necessary to build a road, pipeline or infrastructure within or across Conservation Zones or PCIs in order to get resources out. The Plan prohibits the development of transportation corridors and infrastructure related to oil and gas and mineral exploration and development within Conservation Zones and Proposed Conservation Initiatives but allows for such development on a restricted basis in accordance with CR #1, S.2 and in relation to activities exempted as per S. 2.6.

## **CR #2- Community Engagement and Traditional Knowledge**

- 1) *For all land use activities, community organizations and potentially affected community members must be adequately engaged with respect to:*
  - a) *The proposed activities,*
  - b) *Specific locations and issues of concern, including important heritage resources, and*
  - c) *Traditional knowledge that is relevant to the location, scope and nature of the proposed activities.*
- 2) *The proposed activities must be designed and carried out with due regard for community concerns, and incorporate relevant traditional knowledge.*

### **Context and Rationale**

Land use planning is intended to integrate community values into land use decisions. While the SLUPB has collected considerable information from communities with which to make broad land use decisions, it is by no means exhaustive, nor is it of the scale required for project-specific decision-making. It is imperative that communities are engaged in all stages of land use decisions to be able to bring their information and values forward.

The collection of traditional knowledge is a critical component of community engagement. Communities have first-hand knowledge of the local environment based on their close cultural relationship with the land. They can assist applicants in identifying suitable areas to work, and areas that must be avoided because of cultural significance or regular use for recreation or harvesting, as well as providing insight into local environmental conditions and trends.



The importance of community engagement and traditional knowledge has been recognized for some time by regulators. The SLWB requires applications to describe community consultation activities<sup>6</sup>, including actions taken as a result of consultation, and to include traditional environmental knowledge.<sup>7</sup> The MVLWB and MVEIRB include similar provisions in their guidelines. The Plan includes these requirements to reinforce the importance of early and ongoing involvement of communities and the integration of traditional knowledge into land use decisions.

## **Implementation Guidance**

### Information Requirements

- A record of engagement efforts, including notifications, attendance, summary notes, presentation materials/handouts, indication of whether an interpreter was used.
- TK, or evidence that it was collected if it is kept confidential at the request of the community.
- Summary table of community issues and sites of concern identifying if/how they were addressed, any outstanding issues, any that were deemed beyond the scope of the project, and an indication of how the project was designed/modified to incorporate community input and TK.
- If the community and proponent determine that engagement or the collection of TK is not necessary, then either a letter or some other indication from the community indicating this.

### Criteria for Conformity Determination:

- Conformity with this CR is primarily determined through assessment of the application since engagement and TK collection are done in preparation of applications.
- Activities could be considered complete if a level of satisfaction with the process was expressed. Information submitted that could demonstrate this may include:
  - a) Communities express satisfaction with the opportunities provided for engagement and submission of TK. For example, a letter from the District Land Corporation
  - b) Engagement activities allowed for an informed discussion of the proposed activities, an exchange of information on the specific locations and issues of community concern, and the provision of traditional knowledge relevant to the proposed activities;
  - c) Community issues and locations of concern were given due regard and addressed to the extent possible; and
  - d) Community input and traditional knowledge were incorporated into the design and operation of the proposed activity.
- Previous engagement activities should be taken into account where a licence, permit or authorization is being renewed or extended with no material change in activity. As above, community input into the need for and nature of engagement in such circumstances will be considered in determining adequate engagement.
- If there is conflict between the direction provided by different community organizations, or between community organizations and other stakeholders, the applicant is encouraged to

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<sup>6</sup> SLWB Land Use Permit Process (Draft), May 19, 2004.

<sup>7</sup> Traditional environmental knowledge is knowledge and experience that aboriginal people have acquired through living on the land. This knowledge has evolved over the years and is current. From "Draft Traditional Environmental Knowledge Policy", SLWB, Dec. 16, 2003.

discuss and resolve the conflict with community organizations directly. If this cannot be done, then the applicant should discuss the situation with the regulator and/or SLUPB (where the application is being referred for a conformity determination by the SLUPB).

- This CR is intended to be complementary, and not duplicative, of community engagement and traditional knowledge collection that is already happening or required as part of regulatory and governmental decision making.

### Information Sources

Engagement policies and guidelines have been developed by many departments and agencies, some to guide applicants in meeting process requirements, and some to guide their own departments in carrying out their responsibilities for community engagement. Readers are encouraged to refer to these guidelines as appropriate. Please note that these may all be updated from time to time, and the most updated version should always be used. Key guidelines noted by the Board during Plan development are:

- Land and Water Board Draft Engagement Policy and Guidelines (revised as of October 2012, and includes the following documents)<sup>8</sup>:
  - Revised Draft Community Engagement and Board Consultation Policy
  - Revised Draft Community Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits
  - Draft Reference Bulletin: Procedural Framework for Addressing the Adequacy of Crown Consultation
- The Government of the Northwest Territories' Approach to Engaging with Aboriginal Governments<sup>9</sup>
- Aboriginal Consultation and Accommodation – Updated Guidelines for Federal Officials to Fulfill the Duty to Consult. <sup>10</sup>
- MVEIRB provides guidance regarding community engagement in its Environmental Impact Assessment Guidelines<sup>11</sup>
- In addition, there are numerous guidelines put out by various industry associations (e.g. PDAC<sup>12</sup>, CAPP<sup>13</sup>), and by First Nations organizations across Canada that also offer useful advice.

### **Additional Recommendations Regarding Community Engagement**

- The Board recommends early and continuous engagement throughout the project, and joint planning (two-way information flow, genuine consideration and accommodation of interests, and community involvement in project design). The goal is to move from engagement towards collaboration and accommodation.
- Applicants are encouraged to meet with residents and community representatives at the end of each season of work to discuss the results of the work, any issues that arose, community concerns, next steps and lessons learned.

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<sup>8</sup> As of October 2012, Available at: <http://mylwb.com/current-initiatives/working-groups>

<sup>9</sup> Released June 8, 2012, Available at: [http://www.daair.gov.nt.ca/\\_live/documents/content/RRR%20English%20Brochure.pdf](http://www.daair.gov.nt.ca/_live/documents/content/RRR%20English%20Brochure.pdf)

<sup>10</sup> "Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Legal Duty to Consult", Minister of the Department of Aboriginal Affairs and Northern Development Canada, Ottawa, March 2011. Available at: <http://www.aadnc-aandc.gc.ca/eng/1100100014664/1100100014675>

<sup>11</sup> Dated March 2004, Available at: [http://www.reviewboard.ca/upload/ref\\_library/MVE%20EIA%20Guidelines\\_1195078754.pdf](http://www.reviewboard.ca/upload/ref_library/MVE%20EIA%20Guidelines_1195078754.pdf)

<sup>12</sup> PDAC's E3 Plus, Available at: <http://www.pdac.ca/e3plus/>

<sup>13</sup> CAPP's "Guide for Effective Public Involvement", December 2003, Available at: <http://www.capp.ca/getdoc.aspx?DocID=73244>; or "Developing Effective Working Relationships with Aboriginal Communities", January 2006, Available at: <http://www.capp.ca/getdoc.aspx?DocID=100984>

- During Plan development, communities provided the following comments regarding community engagement:
  - Small or large projects, communities want to know about them. There is a standard expectation that anyone proposing land use activities within a community's traditional land use area will come talk to the community first, explain what they want to do, where and for how long, and seek the community's input and permission.
  - The Dene and Metis have an oral culture so in-person meetings are encouraged wherever possible to avoid conflicts resulting from paper-only communications.
  - Communities have expressed a preference for public meetings over those with community or land corporation leadership only.
- 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.

### **Additional Recommendations Regarding the Collection of Traditional Knowledge**

During Plan development, communities provided the following comments regarding Traditional Knowledge, which applicants should bear in mind:

- TK rests with the RRC and applicants should work through them to coordinate TK collection.
- While many residents still have concerns about TK being made public, community leadership agreed that TK can be used in project planning unless specific confidentiality concerns require non-disclosure. TK is always owned by the Sahtu Dene and Metis.
- TK must be specific to the project.
- Only a few people have TK and it should be collected from the right people (those with direct knowledge of the area in question).
- TK studies should be open to broader community involvement.
- The purpose in collecting TK is to protect the area in which the activity will be carried out.
- TK should include place names, the history of the area, and who lives and traps there.

## **CR #3- Community Benefits**

*All applications for land use must demonstrate how residents and communities will benefit from the proposed land use. In the absence of any definable benefits to residents or communities, benefits to the broader public interest will be considered.*

### **Context and Rationale**

The objectives of the *SDMCLCA* (S. 1.1.1) include:

- c) to recognize and encourage the way of life of the Sahtu Dene and Métis which is based on the cultural and economic relationship between them and the land;
- d) to encourage the self-sufficiency of the Sahtu Dene and Métis and to enhance their ability to participate in all aspects of the economy; and
- e) to provide the Sahtu with specific benefits, including financial compensation, land and other economic benefits.

The purpose of land use planning is to protect and promote the existing and future social, cultural and economic well-being of the residents and communities of the settlement area having regard to the interests of all Canadians (MVRMA S. 35). This same goal of promoting benefits and well-being of residents is given to the land and water boards (MVRMA S. 58) and MVEIRB (MVRMA S. 115). It is imperative that those who are most affected by the land use should also benefit the most from it.

## **Implementation Guidance**

### Information Requirements

- Applications must include a description of how residents and communities will benefit from the proposed land use activity.
- Where an Access and Benefits Agreement or COGOA Benefits Plan is required, or an Impact Benefit Agreement has been negotiated, applications must include evidence that one has been signed.
- In the absence of any definable benefits to residents or communities, then applications should provide information on how the proposed land use is in the broader public interest.

### Criteria for Conformity Determination

The fundamental requirement is for the proponent to identify the benefits of the proposed land use activity and provide that information to regulators for their consideration in assessing the merits of the proposed activities. Applications that include a description of how residents and communities will benefit, or that can demonstrate benefits in the broader public interest will conform.

- Where a Benefits Plan, submitted to the Minister pursuant to COGOA for oil and gas operations, an Access Agreement, a privately agreed access and Benefits Agreement, or an Impact Benefits Agreement has been developed, applications must include evidence that one has been approved or signed, if that has yet to occur, that benefits consultations have taken place and a plan or agreement is in the process of being developed. While the SLUPB and Regulators do not have access to the contents of these agreements due to confidentiality, their presence indicates that communities are benefiting from the land use activity.
- Applicants and regulators are encouraged to look beyond strict financial benefits and identify other means (as per above) by which the proposed activity will benefit communities.
- If the proponent cannot identify any means by which residents and communities could benefit from the proposed project, but can identify a broader public interest that is served, the Regulator may consider that as an alternative.

## **CR #4- Archaeological Sites and Burial Sites**

- 1) *Land use activities must not be located within 500m of known or suspected burial sites, or within 150m of known or suspected archaeological sites, unless measures are developed in cooperation with the Prince of Wales Northern Heritage Centre, affected communities, or in the case of burial sites, with affected families where possible, to fully mitigate all impacts to the site.*

- 2) *In areas where there is a high risk of impact to known or suspected archaeological sites, as determined by the PWNHC, an archaeological impact assessment must be conducted prior to commencement of the land use activity.*

## **Context and Rationale**

The *Mackenzie Valley Land Use Regulations (MVLUR)* protect known monuments and known or suspected historical and archaeological sites and burial grounds throughout the Sahtu Settlement Area by requiring a 30 m setback. The *Northwest Territories Archaeological Sites Regulations* require Class 1 or Class 2 permits to be issued before sites can be surveyed or disturbed, respectively. In addition the Sahtu Land and Water Board may include conditions for the assessment and avoidance of such sites in its land use permits. The current process is to include a 150 m setback around all sites, to account for geographical error margins associated with digital data. Due to the sensitive nature of burial sites, a 500 m setback is proposed to better protect burial sites from potential impacts. New sites discovered in the course of land use activities will be managed in accordance with requirements under the *MVLUR* and the *Northwest Territories Archaeological Sites Regulations*.

Due to the confidential nature of this data, applicants are directed to work with communities and the Prince of Wales Northern Heritage Centre to identify exact locations of sites within the area of proposed activities.

## **Implementation Guidance**

### Information Requirements

- Applications should:
  - document work to identify the locations of burial sites and other archaeological sites through discussions with the PWNHC, affected communities, and specific families where possible if burial sites are known to exist in the project area; and
  - demonstrate that the buffers will be adhered to (using a map to show adherence to setbacks or formal commitments if the information is deemed confidential).
- If activities are to occur within the specified buffers, applications must:
  - explain why the setbacks cannot be met;
  - identify alternative mitigation measures to prevent impacts to the sites; and
  - demonstrate the involvement of the PWNHC, communities, and affected families where necessary/possible in the development of those mitigation measures.
- If the PWNHC determines that an archaeological impact assessment is needed, then the assessment must be included in the application, or supplied to regulators prior to the activity being authorized.

### Criteria for Conformity Determination

- Activities must conform to both parts to conform.
- Part 1 is deemed to be met:
  - by demonstrating that no aspects of the activity will be carried out within the 150 m and 500 m setbacks; or

- where an applicant intends to carry out activities within those setbacks, by demonstrating that impacts to the actual sites will be fully mitigated<sup>14</sup> and that those mitigation measures were developed cooperatively with, and are supported by the PWNHC, affected communities, and if burial sites are involved, the affected families where they can be located.
- Part 2 will be deemed to be met:
  - If the PWNHC determines that an archaeological impact assessment is not required; or
  - If the PWNHC determines that an archaeological impact assessment is required, by the proponent submitting an assessment.

## CR #5- Watershed Management

*For water licenses and land use permits, the Land and Water Boards will ensure that, subject to Chapter 20 of the Sahtu Dene and Metis Comprehensive Land Claim Agreement<sup>15</sup>, the proposed land use activity:*

- a) does not substantially alter quality, quantity, or rate of flow for waters that flow on, through, or are adjacent to Sahtu Lands, and*
- b) is subject to mitigation measures to minimize potential impacts on surface and groundwater that flow into CZs, SMZs, or PCI.*

### Context and Rationale

Water is a fundamental requirement of life. Lakes and rivers provide drinking water for communities, habitat for fish and wildlife, and act as travel and shipping routes. Water is necessary for the development of roads, infrastructure and resource development. At any one time, there are multiple uses of water occurring within a watershed, all with the potential to impact water. Project-specific decisions must be made within a larger context that takes into account all uses within a watershed.

The *SDMCLCA* gives participants the right to have waters which are on or flow through or are adjacent to Sahtu lands remain substantially unaltered as to quality, quantity and rate of flow when such waters are on or flow through or are adjacent to Sahtu lands (S. 20.1.8 (a)), subject to 20.1.15 and 20.1.16 of the *SDMCLCA*. This CR supports those provisions.

The majority of lakes and rivers within the SSA that hold special significance to the Sahtu Dene and Métis are captured within Special Management Zones, Conservation Zones or Proposed Conservation Initiatives. Sahtu Settlement Lands overlay parts of these zones, but not all areas.

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<sup>14</sup> The Prince of Wales Northern Heritage Centre works with communities and affected families, where possible, to develop mitigation measures for burial grounds. To date, mitigation of any impacts to burial grounds in the NWT has been possible by avoidance. However, situations do sometimes arise where avoidance is not possible. Flooding is an example from other jurisdictions where avoidance is not possible. The PWNHC is committed to working with communities and affected families, where possible, to determine appropriate mitigation in such instances.

<sup>15</sup> This CR is subject to 20.1.15 and 20.1.16 of the *SDMCLCA*.

The intent of this CR is to ensure that impacts to water are minimized within these zones, regardless of land ownership.

For clarity, this CR applies to all zones, including General Use Zones. Impacts to water within SMZs, CZs and PCIs may originate in adjacent or upstream areas so the focus has to be on watersheds, not zone boundaries. The intent is to ensure that impacts from land use proposed upstream of or near key water bodies are scrutinized for their potential to impact water in such areas, regardless of which zone the activity is located in.

## **Implementation Guidance**

### Information Requirements

- Applications need to include an assessment of the potential for the proposed activities to impact water quality, quantity and rate of flow for waters that flow on, through, or are adjacent to Sahtu lands specifically, and more generally, impacts to surface and groundwater within SMZs, CZs and PCIs, regardless of which zone(s) the activities occur in (applicable to all activities in any zone). The geographical area of analysis must extend as far as the potential impacts to surface and groundwater.
- If there is potential for a substantial alteration of water in relation to Sahtu lands, then S. 20.1.15 and 20.1.16 of the SDMCLCA will be triggered.
- Applications should identify proposed mitigation measures to minimize or eliminate potential impacts.
- The collection of baseline and monitoring data on water quality, quantity and rate of flow may be required to demonstrate either no substantial alteration or that impacts are minimized where proposed activities have the potential for impacts to water in relation to Sahtu lands, or within SMZs, CZs or PCIs. The need for data collection should be discussed with the LWBs.
- The results of discussions with communities and water managers about potential impacts to water, specific locations of concern, and proposed mitigation measures should be included in applications.

### Criteria for Conformity Determination

- To conform to part a), an application must demonstrate that the proposed land use activity has little to no potential to substantially alter water quality, quantity and rate of flow for waters that flow on, through, or are adjacent to Sahtu lands. Where the LWBs deem that a substantial alteration is possible from the proposed activities, they will ensure that S. 20.1.15 and 20.1.16 are followed and the activity will be deemed to conform.
- To conform to part b), an application must demonstrate either:
  - That there is little to no potential for impacts to surface and groundwater within SMZs, CZs and PCIs from the proposed activities; or
  - How potential impacts to surface and groundwater within SMZs, CZs and PCIs have been minimized or eliminated.
- The LWBs will ensure conformity with the intent of this CR through their powers in relation to S. 20.1. 15 and 20.1.16 of the SDMCLCA, and their authority to attach conditions to their authorizations.

## CR #6- Drinking Water

- 1) *Any land use activity that would result in the contamination of surface or groundwater within community catchments is prohibited.*
- 2) *Where there is reasonable potential for any land use activity to affect a downstream drinking water source:*
  - a. *the affected community must be informed and engaged with respect to potential impacts, the design of mitigation measures and monitoring programs;*
  - b. *baseline water quality data must be collected from the drinking water source prior to the start of any activity; and*
  - c. *regular water quality testing of the source watershed must be conducted to monitor potential impacts.*

### Context and Rationale

Clean drinking water is of utmost importance to residents and communities. The first strategy outlined in the 2005 NWT Drinking Water Framework and Strategy is “Keeping NWT Water Clean”. It focuses on protecting drinking water at the source – the lakes and rivers from which drinking water is taken.

The Department of Environment and Natural Resources (GNWT) identified the immediate areas of land around the community water source from which water drains into each of the community water supply areas (community source catchments). They also show the larger upstream areas from which water flows into the community source catchments. Current maps of each community's source catchments and upstream watersheds are provided in the Background Report for illustrative purposes. The GNWT has indicated that these maps will be updated further in the future. The implementation guide identifies where updates can be obtained.

This CR is intended to flag for regulators when land use activities may impact drinking water sources so that appropriate conditions and water standards will be implemented through authorizations. It is intended to be complementary and not duplicative of existing regulatory and governmental decision-making requirements.

### Implementation Guidance

#### Information Requirements

- Applications need to include an assessment of the potential for the proposed activities to contaminate community drinking water catchments as shown in Background Report mapping or as updated by ENR from time to time. The geographical area of analysis must extend as far as the potential impacts to surface and groundwater.
- If there is potential for contamination of drinking water catchments, then the following are required:
  - A record of community engagement regarding potential impacts and the design of mitigation measures and monitoring programs; and
  - Baseline data and a monitoring program for the potentially affected catchment(s).



### Criteria for Conformity Determination

- If applicants can demonstrate that the proposed activity has little to no reasonable potential to contaminate surface or groundwater within community catchments, the activity will be deemed to conform.
- Where there is a reasonable potential for the activity to contaminate community catchments, conformity will be met by the following:
  - Applicants are required to meet with affected communities to discuss the potential impacts, and cooperatively design mitigation measures and monitoring programs that demonstrate to the community that their water supply is safe;
  - Applicants will be required to supply baseline data on water quality within the affected community catchment to serve as a benchmark against which to measure impacts.
  - Applicants will be required to monitor impacts to water within those catchments on a regular basis (frequency to be determined by regulators) to demonstrate throughout the life of the activity that they are not contaminating the drinking water source catchment. This requirement is expected to be harmonized with any existing monitoring requirements (e.g. as part of water licence SNP monitoring).

Regulators may attach any conditions necessary to ensure compliance with the intent of this CR within the extent of their authority.

### Information Sources

Maps of community drinking water source catchments and upstream watersheds as currently delineated are provided in Background Report. These are under review and are expected to be amended in the future. Compliance with this CR will be based on the most updated version of these maps as supplied by ENR, or any better data set that may be available in the future.

## **CR #7- Fish and Wildlife**

*1) Land use activities must be designed using the most current information for identified species of interest and species at risk as obtained from ENR, CWS, DFO, PCA, the SRRB and the local Renewable Resource Councils.*

*2) Impacts to wildlife, their habitat and migration patterns, and important community harvesting areas must be prevented or mitigated to the extent possible.*

*a. In particular, all reasonable steps should be taken to follow the horizontal setbacks and minimum flight altitudes identified in Table 4 when near habitat sites during sensitive periods described in that table, unless human safety is of concern, and measures are developed with the appropriate organizations and the RRC to mitigate impacts to these species and their habitat.*

*b. In addition, DFO has established in-water construction timing windows for the protection of fish and fish habitat. These are updated from time to time and are available at <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/os-eo21-eng.htm>. During these periods, no in-water or shoreline work is allowed except under site- or project-specific review and with the implementation of protective measures.*

- c. *Barren-ground caribou and woodland caribou are especially important to communities and have been shown to be sensitive to disturbance. Map 3 of the SLUP shows important rutting and wintering habitat for barren-ground caribou (Oct 8-Mar31), boreal and mountain woodland caribou range, and the summer habitat of the South Nahanni Herd of Mountain Woodland Caribou. All land use activities occurring in these areas during the specified times are required to address impacts to caribou and their habitat.*

## **Context and Rationale**

The maintenance of wildlife and their habitat is critical to the well-being of the Sahtu Dene and Métis. It is a fundamental part of their culture, diet, and economy. Key harvesting areas are especially important to communities. Some species, such as caribou, are known to be sensitive to different forms of land use. Other species have special status under federal or territorial legislation such as the *Species at Risk Act*, the *Migratory Birds Convention Act*, and the *Fisheries Act*. For these reasons, all land uses must be designed using current, accurate wildlife information to mitigate impacts to important species groups, their habitat and important community harvesting areas.

Wildlife managers consistently apply setbacks and minimum flight altitudes for key wildlife habitat features in regulatory decisions to minimum disturbance to wildlife during sensitive periods. In order to streamline the regulatory process, wildlife managers in the SSA requested that the setbacks and minimum flight altitudes, identified in Table 4 of the SLUPB, be incorporated into the Land Use Plan. All land uses in the Sahtu Settlement Area are expected to adhere to these horizontal setbacks and minimum flight altitudes wherever reasonably feasible.

## **Implementation Guidance**

### Information Requirements

Applicants should include the following information in their applications:

1. Evidence that the most current information on wildlife species of interest and species at risk, their habitat (including the location of known habitat sites listed in Table X), and migration patterns was requested from wildlife managers and RRCs and a description of how that information was used in the design of the land use activity;
2. A record and results of engagement with RRCs (and possibly the entire community) to discuss impacts to wildlife, their habitat, migration patterns and important community harvesting areas and identify how impacts to these values can be prevented or mitigated;
3. Assessment of impacts to wildlife, their habitat, migration patterns, and important community harvesting areas and a description of measures that will prevent or mitigate those impacts;
4. Evidence or commitments that the setbacks and minimum flight altitudes will be used and complied with wherever reasonably feasible, except where human safety is a concern. E.g. include a map showing the location of activity components in relation to known habitat sites; provide a description of how unknown sites will be handled (e.g. use of wildlife monitors to scout ahead, mark sites and avoid). Where the setbacks cannot be complied with, rationale for this and a description of alternative mitigation measures developed with wildlife managers and RRCs is required;

5. An indication that DFO's in-water construction timing windows have been consulted.
6. For any land use activities occurring within the areas shown in Map 3 during the periods indicated, an assessment of impacts to woodland or barren-ground caribou (as appropriate) and proposed mitigation measures to address impacts.

#### Criteria for Conformity Determination

- Activities are deemed to conform to Part 1 when evidence is provided as per information requirements 1-2.
- Activities are deemed to conform to Part 2 when:
  - The Applicant can demonstrate that all significant impacts to wildlife species of interest, species at risk, and community harvesting areas can be successfully prevented or reasonably mitigated (Information Requirements 3 and 6);
  - Relevant community concerns regarding impacts to wildlife, their habitat, migration patterns and community harvesting areas have been addressed (Information Requirement 2);
  - The applicant can demonstrate that the activities as proposed will comply with the setbacks and minimum flight altitudes wherever reasonably feasible, and DFO timing windows as appropriate, or that alternative measures have been developed with and agreed to by wildlife managers and RRCs (Information Requirements 4 and 5).
- Regulators may attach any conditions necessary to ensure compliance with the intent of this CR within the extent of their authority.<sup>16</sup>

#### Information Sources

- Species at risk at the time of writing are identified in the Background Report. Current information for the Sahtu region is available at <http://nwt-species-at-risk.ca/tiki/tiki-index.php?page=SearchRegion#sahtu> or by contacting [sara@gov.nt.ca](mailto:sara@gov.nt.ca).
- Important wildlife habitat and community harvesting areas identified at the time of Plan development are shown in a series of maps in the Background Report. This information should be consulted as a starting point and updated in consultation with ENR, CWS, DFO, PCA, the SRRB and local RRCs.

## **CR #8- Species Introductions**

*Land use activities must not result in the intentional introduction of non-native plant and animal species, or of domestic animal species or subspecies, except by special approval by the appropriate authority. All reasonable precautions must be taken to prevent the introduction of non-native species or sub-species.*

### **Context and Rationale**

The introduction of non-native plant and animal species or domestic species can be detrimental to the viability of native species through direct or indirect competition, and disease transmission. Non-native plant and animal species may be introduced through a variety of

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<sup>16</sup> It is understood that the LWBs can only deal with wildlife habitat provisions in their authorizations, and AANDC will only enforce such conditions. Authority for managing direct wildlife impacts rests with other authorities (ENR, PCA, CWS, DFO), within the extent of their own legislation, inspection and enforcement authorities, and through their involvement under the MVRMA in reviewing and commenting on applications and associated plans (e.g. wildlife monitoring plans).

ways - improperly cleaned equipment, the use of inappropriate seed mixes used in revegetating disturbed land, stocking lakes for sport fishing, development of livestock operations, or the use of domestic pack animals in tourism and outfitting businesses. Disease transmission is of particular concern in the Mackenzie Mountains where there the use of domestic pack animals in outfitting poses a risk to wild populations of mountain goats and Dall's sheep. To avoid this, the GNWT recommended that domestic goats not be used as pack animals, and that domestic sheep and goats not be pastured anywhere in the vicinity of Dall's sheep or mountain goat ranges within the NWT.<sup>17</sup> This conformity requirement is intended to reduce the potential for species introductions by flagging this consideration in the regulatory process.

## Implementation Guidance

### Information Requirements

- Applications must assess the potential for the introduction of non-native plant and animals species, or domestic animal species and describe the measures proposed to prevent that from occurring.
- With respect to the potential for species introductions resulting from revegetation, where active revegetation is required, applications must indicate that only plant species (sub-species and variety) native to the Sahtu Settlement Area will be used. Otherwise the reclamation plans should demonstrate approval by the appropriate authority of nonindigenous plant species (sub-species and variety) that are known not to persist or spread. Seed batch analysis must be included.
- If a species or sub-species introduction (other than through revegetation) is intended, applications must show approval from ENR.

### Criteria for Conformity Determinations

- An activity will be deemed to conform where any of the following circumstances exist:
  - The application demonstrates that there are no means by which a species introduction could occur; or
  - The application demonstrates that all reasonable precautions have been taken to prevent species introductions; or
  - Approval has been obtained from the appropriate authority where the introduction of non-native plant and animal species, or domestic animal species is intended.

## CR #9- Sensitive Species and Features

1) *Any land use activity requiring a land use permit or water licence must be designed using the most current available information on the location of rare or may-be-at-risk plants, hot and warm springs, mineral licks, karst topography, amphibian sightings, and ice patches and carried out in a manner that minimizes impacts to these features.*

2) *Specifically, land use activities:*

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<sup>17</sup> "Examining the Risk of Disease Transmission between Wild Dall's Sheep and Mountain Goats and Introduced Domestic Sheep, Goats, and Llamas in the Northwest Territories", Prepared for: The Northwest Territories Agricultural Policy Framework and Environment and Natural Resources, GNWT, August 2005.

- a) *must 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.*
- b) *that are situated within the boundary of glacial refugia or within 500 m of known hot or warm spring(s), and have the potential to impact rare or may-be at risk plants shall require a plant survey. Any rare or may-be-at-risk plants found in the survey shall be monitored for impacts from the activity.*
- c) *situated within the area of ice patches identified in Map 4 must contact the PWNHC ([archaeology@gov.nt.ca](mailto:archaeology@gov.nt.ca)) to determine if any ice patches are in the vicinity of the activity. Activities must not take place within 150 m of the edge of ice patches unless authorized by the PWNHC.*

3) *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).*

## **Context and Rationale**

All of the features or species described above require special consideration in regulatory processes. They may be rare, or of significant ecological value and need to be given special consideration when land use activities are happening around them. The goal of this CR is to ensure that these unique and sensitive features are protected, while allowing land use activities to occur around them. Given their small isolated locations, site-specific requirements offer greater flexibility than zoning restrictions.

## **Implementation Guidance**

### Information Requirements

- Applicants must demonstrate that they have accessed current data sources (described below) and:
  - Describe how their activities have been designed and will be carried out to minimize impacts to these features; and
  - Demonstrate how requirements 2a, b, and c have been complied with.
- Where requirement 2b is triggered, a plant survey and monitoring plan must be submitted with the application or must be required as a condition of authorization.

### Criteria for Conformity Determination

- Applications that demonstrate that the most up to date information has been accessed will be deemed to conform to Part 1.
- Applications will be deemed to conform to Part 2 where:
  - It is demonstrated that there is no potential for impact from the proposed activities on the specific features (e.g. because no features are known to exist in the vicinity of the proposed activities); or
  - Applications describe all reasonable measures to minimize impacts to these features generally, and demonstrate how each of the applicable requirements outlined in Parts 2a, b, and c will be complied with.
- Part 3 will be implemented by the LWBs attaching it as a condition to their authorizations.

### Information Sources

- ENR maintains an active GIS database of locations for may-be-at-risk plants, hot and warm springs, mineral licks, amphibian sitings, glacial refugia and karst, which can be requested by contacting [nwt\\_pas@gov.nt.ca](mailto:nwt_pas@gov.nt.ca).
- The “area of ice patches” shown on Map 4 identifies the general area where the ice patches are concentrated. The Prince of Wales Northern Heritage Centre maintains current GIS files on the locations of individual known ice patches and should be contacted at [archaeology@gov.nt.ca](mailto:archaeology@gov.nt.ca) to access the exact location of ice patches and for further information.
- Parks Canada Agency should be contacted as a data source as appropriate, particularly for information regarding areas bordering Nááts'ihch'oh that would be relevant for determining setbacks from mineral licks, karst and hot springs.
- Should the applicant be aware of other data sources, they are encouraged to use that information as well. Locations of sensitive species and features known at the time of Plan development are shown in Map 4 for illustrative purposes. Applicants are expected to use the most up-to-date information for these features.

## **CR #10- Permafrost**

*Any land use activity requiring a land use permit or water licence 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.*

### **Context and Rationale**

Melting permafrost causes ground movement such as heaving, slope failure, sinkholes, potholes, and erosion, which affect building walls and foundations, bridges, culverts and all forms of infrastructure. Land users need to be aware of these impacts and design their land use so they do not add to these impacts and can adapt to a changing environment.

### **Implementation Guidance**

#### Information Requirements

- Applications must include a description of potential impacts from the land use activity on permafrost and how these will be prevented and/or mitigated.

#### Criteria for Conformity Determination

- Applications that demonstrate that impacts to permafrost are considered in all elements of project design and operation and demonstrate reasonable efforts to prevent and/or mitigate impacts will conform.

## CR #11- Project-Specific Monitoring

*Any land use activity requiring a land use permit or water licence must include site-specific monitoring, that is sufficient to monitor the effectiveness of the activity's proposed mitigation measures and any impacts to the values in the surrounding area, as defined in the Plan's Background Report, zone descriptions and in discussions with communities.*

### Context and Rationale

Land use activities are designed and authorized based on assumptions and predictions about how the proposed activities may affect specific values. It is necessary to monitor whether these predictions hold true during and after the land use activities are carried out. Periodic monitoring allows the applicant to detect problems before they become serious and adjust their activities accordingly to protect the values present in the surrounding area. The SLWB currently requires applicants to do baseline assessments of soil, water and vegetation and monitor the area for a minimum of five years.<sup>18</sup> The scale and nature of monitoring depends on the scale of the proposed land use and its potential to impact zone values. Small short-term projects or those with little to no potential to impact the values of concern may require little to no monitoring. Larger projects or those with a higher potential for impacts may require a more developed monitoring program.

### Implementation Guidance

#### Information Requirements

Applications should include the following:

- A description of key values to be monitored based on community discussions, zone descriptions, the Background Report, and any other information sources available to the applicant.
- Specific community input on values to be monitored, the level of concern about impacts, the design of the monitoring program, and how that input was addressed or incorporated.
- An assessment of potential impacts from the proposed activity on the identified values.
- For each value for which a potential impact is identified, propose a means to monitor or verify that the proposed mitigation measures to protect each of the values identified is effective and working, and/or general monitoring of the value itself.

#### Criteria for Conformity Determination

To conform, an application must demonstrate that:

- Community input on the values to be monitored and the design of the monitoring program was duly considered and incorporated; and
- An effective means is proposed to monitor the effectiveness of mitigation measures and key values that are at risk of being impacted from the activity (including values central to the ecological integrity of the Great Bear Lake Watershed). Where impacts are expected to be avoided or minimal for a given value (e.g. because the site is being avoided), no monitoring of that value is required.

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<sup>18</sup> SLWB Comments on Draft 2, July 30, 2009. Available at:

[http://www.sahtulanduseplan.org/ftpfiles/public\\_comments/SLWB\\_July%2030-09.pdf](http://www.sahtulanduseplan.org/ftpfiles/public_comments/SLWB_July%2030-09.pdf)

### Information Sources

- NWT CIMP has identified valued components and is working towards monitoring protocols.<sup>19</sup> It is currently focusing on water, fish and caribou.<sup>20</sup> The LWBs also have established water monitoring requirements. Project-specific monitoring required by this CR is intended to be integrated and complementary to these existing programs and requirements. Applicants are encouraged to contact these organizations for specific guidance on monitoring.

### Further Guidance

- Involvement in environmental monitoring is very important to communities. Applicants are strongly encouraged to discuss monitoring opportunities with communities, including hiring local qualified residents for monitoring positions, providing training, or monitoring partnerships. See related Recommendation #3 (Community Land Use Monitors) in the Plan.
- Monitoring efforts are expected to be scaled to the size and nature of activity and potential for impacts (see examples below).

#### 1. Example of Medium to Large Project:

O&G Exploration involving camps, access roads, some drilling and seismic, expected to be multi-year activity. The activity is proposed near Norman Wells, partially within the Mackenzie River SMZ and partially in the adjacent General Use Zone:

- Key values/designations identified in the Zone Descriptions and Background Report for the Mackenzie River SMZ and surrounding area are:
  - The Mackenzie River itself (identified as a heritage site under Places We Take Care Of);
  - Water quality, quantity and rate of flow
  - Traditional/cultural use along the river (camps, cabins, recreational use, harvesting);
  - Archaeological sites and potential burial sites;
  - Special Harvesting Area for fish (under SDMCLCA);
  - Wildlife: Important Wildlife Area for moose, Migratory Bird Terrestrial Habitat Site.
- The proponent should discuss this list with community organizations and modify it as needed to focus on specific values and areas of concern in relation to the proposed activities.
- For each of the values for which the potential for impact exists, a means of monitoring either the proposed mitigation measure or the value itself must be developed to demonstrate that the value is not being impacted by the activity. In this example, that might involve:
  - before and after water sampling (depending on potential impacts to water quality, quantity and rate of flow);
  - The use of community, environmental and/or wildlife monitors to ensure avoidance of traditional/cultural use areas, archaeological sites, burial sites, impacts to wildlife, habitat and harvesting areas, etc.
  - In some cases, follow-up monitoring the following season may be required, depending on the nature of mitigation and the level of potential impact or concern.

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<sup>19</sup> Northwest Territories Cumulative Impact Monitoring Program (CIMP) Strategic Plan to 2015, AANDC, October 2012, Available at: [http://sdw.enr.gov.nt.ca/nwtdp\\_upload/CIMP\\_STRATEGIC\\_PLAN\\_2010\\_15\\_ENGLISH\\_OCTOBER\\_2012.PDF](http://sdw.enr.gov.nt.ca/nwtdp_upload/CIMP_STRATEGIC_PLAN_2010_15_ENGLISH_OCTOBER_2012.PDF)

<sup>20</sup> <http://www.aandc-aandc.gc.ca/eng/1337961408811/1337961481923>



## 2. Example of Small Project:

Tourism Lodge in Mackenzie Mountains SMZ: Construction and operation of a wilderness lodge, with fly-in or motorboat access, for fishing, hiking, paddling and wildlife viewing.

- Key values identified in the Zone Description and Background Report include:
  - The Keele River;
  - Important habitat for Dall's sheep, goats, mountain woodland caribou and moose;
  - Mineral licks, hot springs, rare plants;
  - Traditional use of the area, harvesting.
- The proponent should discuss this list with community organizations and modify it as needed to focus on specific values and areas of concern in relation to the proposed activities.
- For each of the values for which the potential for impact exists, a means of monitoring either the proposed mitigation measure or the value itself must be developed to demonstrate that the value is not being impacted by the activity. For this example, it is unlikely that the planned activities at the lodge itself would have any significant impact on these values so little to no monitoring is expected (maybe a log of wildlife sightings). However the construction of the lodge and the access to and from the area by flight or motorboat could impact these values. A monitoring plan would be needed to assess the impacts of construction, flights and/or motorboat operation on local wildlife. This might include employing a wildlife monitor during construction, maintaining a log of wildlife sightings, or relying on regular censuses done by wildlife managers if frequent enough.

## CR #12- Financial Security

*When Required by a land use permit or water licence issued by the Land and Water Board, financial security must be posted and maintained with the Minister of Aboriginal Affairs and Northern Development. The Land and Water Board will ensure that closure and reclamation plans are in accordance with legislation and regulation.*

### **Context and Rationale**

There is a public expectation known as the "polluter pays" principle that those seeking to develop natural resources and profit from them must also bear the costs and responsibility for clean-up related to those activities. This principle is enshrined in key policies in the NWT.<sup>21</sup>

The *Mackenzie Valley Resource Management Act* and the *NWT Waters Act* give discretionary authority to the Sahtu Land and Water Board (SLWB) to require the collection of financial security related to its authorizations. This security is intended to cover costs related to the abandonment of the land use activity, restoration of the site, and any measures that may be necessary after abandonment (e.g. monitoring activities). To date, the collection of security under the MVRMA within the Sahtu Settlement Area has not been a consistent requirement. The Parties have agreed that this should be a standard practice. Only federal and territorial

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<sup>21</sup> "Mine Site Reclamation Policy for the Northwest Territories", INAC, 2002, Available at: [http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnwt\\_1100100036039\\_eng.pdf](http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnwt_1100100036039_eng.pdf) and "Contaminated Sites Management Policy", INAC, August 2002, Available at: <http://www.aadnc-aandc.gc.ca/eng/1100100034643/1100100034644>

governments, and their departments, agencies, and crown corporations, and municipal government's are typically exempt from the need to post security.<sup>22</sup>

The appropriate Land and Water Board (either SLWB or MVLWB) will determine the amount of security required and implement this CR as a condition of authorization.

## **Implementation Guidance**

### Application

- This CR is only applicable to land use permits and water licences.
- Activities proposed by a municipal, territorial, or federal government are exempt.

### Criteria for Conformity Determination

This CR is implemented as a condition of authorization by the applicable land and water board (either SLWB or MVLWB). Security must be collected by the SLWB/MVLWB in an amount sufficient to cover the full costs of a third party carrying out all necessary reclamation, including shutdown, closure and post-closure activities.

## **CR #13- Closure and Reclamation**

*All applications for land use must include consideration of closure and reclamation and where appropriate, plans shall be developed in consultation with community organisations.*

### **Context and Rationale**

Once land use activities are completed, there is a public expectation that the area will be cleaned up and returned to a clean and healthy state. The reclamation standard referenced in AANDC's NWT Mine Site Reclamation Policy is to return affected areas to "viable and, wherever practicable, self sustaining ecosystems that are compatible with a healthy environment and with human activities."

The goal of this CR is to ensure that closure and reclamation is adequately planned for and that it includes input from potentially affected communities. It is a standard requirement to ensure that land use activities are cleaned up when they are done.<sup>23</sup> While closure and reclamation happen at the end of an activity, this phase of activity should be considered and planned for from the start to ensure consideration of the entire life cycle of activities and identify opportunities for progressive reclamation.<sup>24</sup> Closure and reclamation plans are expected to

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<sup>22</sup> Boards generally do not require governments to provide security deposits, since they are Crown representatives. They are not officially exempt in legislation, but rather this is common practice. Ref: AANDC, Departmental Review of the Draft 3 Sahtu Land Use Plan, Submitted to the SLUPB, October 15, 2010

<sup>23</sup> The MVLUR S. 15 require that "permittees restore the permit area to substantially the same condition as it was prior to the commencement of the operation" and that buildings and equipment be removed (S.16). The LWBs can attach conditions to their authorizations related to closure and reclamation (MVLUR S. 26(1)(o) and NWTWA S.15.(1) (a-e)).

<sup>24</sup> Progressive reclamation includes actions that can and should be taken during operations before permanent closure to reduce the overall reclamation costs, and shorten the time for achieving reclamation objectives, while providing valuable experience on the effectiveness of certain measures that might be

evolve over the life of a project, and considerable flexibility is built into the regulatory process to allow for that.

Closure and reclamation planning must involve the residents and communities who use the area. This allows for consideration of their current and intended future use of the area, and enables the activity to contribute to their long-term goals.<sup>25</sup> Where appropriate, a reclamation goal and reclamation plan should be discussed with communities during the application stage, and gradually refined with communities throughout the life of the project.

## **Implementation Guidance**

### Information Requirements

Applications should include:

- A description of how the applicant plans to reclaim and/or eventually close the site of land use activity; and
- A record of engagement with community organisations related to reclamation/closure and a description of how the proponent has addressed and/or reflected community and/or regulator concerns (ex. AANDC, DFO). This ties into community engagement requirements in CR #2.

### Criteria for Conformity Determination

- To conform, applications must fulfill the above information requirements and demonstrate that communities have had an opportunity to provide input and that community input has been appropriately incorporated into formal closure and reclamation plans and/or intent to reclaim/close the land use site.

### Additional Guidance on Closure and Reclamation Expectations

- The goal of this CR is to ensure that closure and reclamation is adequately planned for and that it includes input from potentially affected communities.
- For small-scale activities, the Parties agree that existing requirements under the *Mackenzie Valley Land Use Regulations* and other legislation (for activities that do not require a land use permit or water licence but require other authorizations) adequately address closure and reclamation requirements, providing that community input has also been taken into consideration.
- For medium to large-scale projects, regulators may eventually require a more formal closure and reclamation plan. These should be developed in consultation with community organizations, including discussion of the overall reclamation goal, intended future uses of the area, specific areas of concern, and other relevant factors.
  - It is expected that such plans will be relatively broad in the early stages of an activity, focusing on overall goals and objectives, identifying any community considerations, opportunities and constraints.

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implemented during permanent closure. Progressive reclamation enhances environmental protection, minimizes the duration of environmental exposure, shortens the timeframe for achieving the reclamation goal and objectives, and reduces the financial security requirement.

<sup>25</sup> Currently community organizations are involved in project reviews and have the ability to comment on closure and reclamation plans, in addition to being directly engaged by applicants. The SLWB requires consultation for all phases of final closure and reclamation plans (preliminary, interim, final).

- Applicants are encouraged to submit interim plans, updated periodically, as the project progresses from early exploration to development and closure.
- Applicants are encouraged to plan for and carry out progressive reclamation wherever possible.
- For Mining and Advanced Exploration projects, applicants are referred to the most recent version of the Draft Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories.<sup>26</sup>

## CR #14- Protection of Special Values

*Any land use activity proposed within a Special Management Zone, Conservation Zone or Proposed Conservation Initiative must be designed and carried out in a manner that protects, respects or takes into account the values of the zone as directed in the Plan's Zone Descriptions.*

### Context and Rationale

Each special management zone was established to protect specific values identified for that zone, while allowing development to proceed. Conservation Zones and Proposed Conservation Initiatives were also established to protect certain ecological and cultural features or values. A higher level of care and scrutiny is expected for all land uses proposed within any of these zones. The Zone Descriptions in Appendix 2 identify the reasons for establishment, and the values to be protected, respected and taken into account for each zone. Regulators and applicants are referred to the zone descriptions for the areas in which a land use is proposed, and are expected to design and manage the land uses in a way that protects these values.

### Implementation Guidance

#### Application

All SMZs, CZs and PCIs except Zones 23-27, 30 and 31

#### Information Requirements

Applications must include:

- An assessment of potential impacts from the proposed land use activity on the key values identified under "reason for establishment" and values to protect/respect/take into account sections of the relevant zone descriptions; and
- A description of proposed measures to protect/respect/take into account each of the values.

#### Criteria for Conformity Determinations

In order to conform, applications must:

- Fulfill the information requirements identified above; and
- Demonstrate that the activity can be designed and carried out in a manner that protects/respects/takes into account the values identified.

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<sup>26</sup> "Draft Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories", Land & Water Boards and AANDC, August 2011, Available at: [http://mvlwb.com/sites/default/files/documents/Draft-Closure-and-Reclamation-Guidelines\\_INAC-and-LWBs\\_Aug-11-2011.pdf](http://mvlwb.com/sites/default/files/documents/Draft-Closure-and-Reclamation-Guidelines_INAC-and-LWBs_Aug-11-2011.pdf)

## CR #15- The Great Bear Lake Watershed

*Regulators shall ensure that:*

- (a) Applicants proposing land use activities in the Great Bear Lake Watershed engage Deline Community organizations in order to understand the cultural and environmental values set out in the Water Heart- the Great Bear Lake Watershed Plan;*
- (b) Any land use activities permitted in the watershed are consistent with the maintenance of the area as a self-sustaining ecosystems; and*
- (c) Any land use activity requiring a land use permit or water licence includes a site specific monitoring program consistent with CR # 11.*

### **Context and Rationale**

The watershed is known for its ecological and cultural values and is the source of Deline's drinking water. The community of Deline, government, co-management boards and other partners developed the Great Bear Lake Watershed Management Plan (GBLWMP) between 2002 and 2005. The intent is to allow development, as long as it does not impact the overall ecological functions of the watershed, and it protects and promotes the existing and future well being of residents and communities of the SSA, having regard to the interests of all Canadians. This is expressed in the GBLWMP as ecological integrity and cultural integrity. Additional details may be found in the GBLWMP itself.

The Plan supports and reinforces the GBLWMP to honour the work done by the Great Bear Lake Working Group, to protect the community's drinking water, and the many cultural and ecological values that exist within the watershed.

### **Implementation Guidance**

#### Application

- Only applies to Zones 23-27, 30 and 31.

#### Criteria for Conformity Determination

To conform, applicants must demonstrate that community organizations have been meaningfully engaged and have had an opportunity to provide input into the proposed land use activity. Applications should include the following:

- Evidence that discussions have occurred with community organizations, particularly regarding the management of specific values potentially impacted by the proposed activity;
- Information on how impacts to these specific values will be avoided or mitigated; and/or a description of how the area is expected to recover or be reclaimed;
- Commitment to a site-specific monitoring plan, as per CR #11.

## CR #16- Fish Farming and Aquaculture

*Fish farming and aquaculture are prohibited within the portion of the Great Bear Lake Watershed located in the Sahtu Settlement Area.*

### Context and Rationale

Great Bear Lake's subsistence fishery is very important to the community of Délı̨ne. It is also home to trophy-size lake trout, which is important to the local economy. The lake contains a wide diversity of "morphotypes" or forms of lake trout, which allow populations to better adapt to environmental changes over the long term. This diversity has been extinguished or greatly reduced in the other Great Lakes due to over-harvesting and the introduction of non-native species. Great Bear Lake provides one of the only remaining models of how lake trout populations naturally function in a large lake ecosystem.<sup>27</sup>

Fish farming and other forms of aquaculture have the potential to alter the ecology of Great Bear Lake through introduced farmed-fish species, waste from fish farms, and other unforeseen impacts.<sup>28</sup> These uses are therefore restricted to protect the pristine nature of Great Bear Lake, the importance of its subsistence and trophy fisheries, and its importance as a benchmark for natural trout-lake ecosystem dynamics.

### Implementation Guidance

#### Application

- Only applies to Zones 23-27, 30 and 31.

#### Information Requirements

- Applications must identify if the proposed land use activity includes the farming of fish, shellfish or plants.

#### Criteria for Conformity Determination

- Any land use involving fish farming or other forms of aquaculture within zones 23-27, 30 or 31 does not conform and cannot be authorized.

## CR #17- Disturbance of Lakebed

*A land use activity that would disturb the lakebed of Great Bear Lake is prohibited, except:*

- a) the installation of environmental monitoring equipment;*
- b) the installation of public, private or commercial wharves and docks; and*
- c) the inspection, maintenance, or replacement of community water intake pipelines below the ordinary high-water mark of Great Bear Lake.*

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<sup>27</sup> Ibid

<sup>28</sup> Tom Nesbitt, June 3/10, Personal Communication

## Context and Rationale

Great Bear Lake has very clear, transparent waters (maximum recorded Secchi depth 30 m). Its productivity is very low, with standing crops of phytoplankton and zooplankton (microscopic plants and animals) being among the lowest found in freshwater systems and mainland lakes in North America. The Great Bear Lake food web is relatively simple with benthic (bottom dwelling) invertebrates being an important food source for fish species. The lake's low productivity, low inflows of nutrients from surrounding areas, and simple food web suggest a vulnerability to disturbance activities and potentially slow recovery times, were impacts to occur.

Disturbance of the lakebed increases the amount of sediment particles suspended in the water, reducing water clarity. Water clarity affects the ability of fish to find food, the depth to which aquatic plants can grow, dissolved oxygen content, and water temperature, which in turn affects fish. Lakebed disturbance can also cause nutrients that are stored in the sediments, such as phosphorous, to become available for algal growth. Equipment that disturbs the lakebed may also transfer pollutants to the water from leaks or unintended malfunctions. For these reasons, land uses that have the potential to disturb the lakebed, other than those listed above, are restricted.

## Implementation Guidance

### Application

- Only applies to Zone 23 (Great Bear Lake Watershed)

### Information Requirements

- Applications must assess the potential for the proposed land use to disturb the lakebed of Great Bear Lake and identify measures to mitigate any disturbance.

### Criteria for Conformity Determination

- The installation of environmental monitoring equipment, wharves and docks, and the inspection, maintenance, or replacement of community water intake pipelines in Great Bear Lake will be deemed to conform to this CR.
- For all other land use activities proposed within Great Bear Lake, an activity is deemed to conform if:
  - There is no potential to disturb the lakebed; or
  - Potential impacts from the activity to the lakebed can be fully mitigated.

## CR #18- Uses of Du K'ets'Edi Conservation Zone (Sentinel Islands)

*The authorization of commercial renewable or non-renewable resource development, and the establishment of permanent structures other than the installation, maintenance and repair of research and monitoring equipment, are prohibited in Zone 26 - Du Kets'Edi Conservation Zone (Crown Land portion of Sentinel Islands).*

## Context and Rationale

The Sentinel Islands (Du K'ets'Edi) are scattered all around Great Bear Lake. Their ecological importance lies in their location. The Great Bear Lake Working Group stated that the islands are to be protected in a natural, undeveloped state, primarily to protect their cultural values and the water quality of Great Bear Lake. The Sahtugot'ine have used the islands primarily for cultural and safety purposes when travelling on Great Bear Lake. Many of the islands have mythical significance and have stories associated with them.

The GBLWMP states: "Participants and others shall use Du K'ets'Edi for temporary purposes only, including stopping and camping for safety reasons, research and monitoring (including the installation of research and monitoring equipment), and youth educational camps. Emergency shelters and youth educational shelters shall be authorized for temporary purposes only. The appropriate authorities...shall not authorize any commercial renewable or non-renewable resource development activities on Du K'ets'Edi."

## Implementation Guidance

### Application

- Applies only to Zone 29 (Du K'ets'Edi Conservation Zone (Crown lands))

### Criteria for Conformity Determinations

- Only applications for temporary uses as described above, or the installation, maintenance and repair of research or monitoring equipment will conform to this CR.
- All other land uses are prohibited.

## CR #19- Water Withdrawal

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

## Context and Rationale

The communities of Colville Lake and Tulita have observed rapid drops in water levels in Lac Belot, Stewart Lake and Tate Lake. The reasons for this are not clear. Because of their observations, they do not believe these lakes should be used as water sources for exploration and development activities. All three lakes are designated as Conservation Zones in part because of their importance to the communities for subsistence fish and wildlife harvesting and require special attention because of this. While no new land uses are allowed in Conservation Zones, there are existing uses within these areas, and exploration and development activities are expected to continue.

## Implementation Guidance

### Application

- Applies only to Zones 14 (Lac Belot) and 35 (Stewart and Tate Lakes)



#### Information Requirements

- Applications must identify if the proposed land use involves water withdrawal from Lac Belot, Stewart Lake or Tate Lake, other than from the outflow of these lakes.

#### Criteria for Conformity Determinations

- Activities will be deemed to conform if they do not require the withdrawal of water from Lac Belot, Stewart Lake or Tate Lake, other than from the outflow of these lakes.

## 5.0 Plan Implementation

### Guidance on S. 5.1, S. 5.2, & S. 5.3 - Key Bodies, Authorizations, and Dispositions that Implement the Plan's CRs.

Applicants, land owners, regulators, inspectors, communities and the SLUPB all have roles in implementing the Plan's CRs:

- Applicants are responsible for demonstrating in their applications how they are complying with the Plan's CRs (see additional guidance below);
- Land owners and Regulators are responsible for ensuring that the dispositions and authorizations they grant are in compliance with all applicable CRs, and for attaching any conditions to their dispositions/authorizations within their authority that may be needed to implement the intent of CRs;
- Inspectors are responsible for inspecting and monitoring land uses and authorizations within their authority. To the extent that those authorizations implement CRs, inspectors are inspecting compliance with the Plan as well.
- Communities are responsible for participating effectively in community engagement processes and providing traditional knowledge and local expertise relevant to the proposed land uses so that the activities can be carried out in a manner that minimizes impacts to affected areas and maximizes benefits to communities.
- The SLUPB is responsible for monitoring Plan implementation, determining conformity where applications are referred to it, and considering applications for exceptions.

For illustration only, Appendix 1 identifies key bodies, authorizations and dispositions that implement the Conformity Requirements of the Plan. It is not intended to be exhaustive. Ultimately, each regulator/land owner whose powers fall within S. 46 of the MVRMA is responsible for carrying out its powers in accordance with the Plan, and ensuring that all authorizations that it grants follow the Plan, whether or not it is included in this table.

It is expected that legislation or regulations may change from time to time (e.g. the proposed NWT Wildlife Act). Devolution and self-government negotiations are also in progress. If any authority listed in this table is transferred or delegated to a different entity as a result of self-government negotiations, devolution, legislation, or any other competent measure, this table shall be deemed to refer to the successor entity instead, provided that the successor entity is included in S. 46 of the *MVRMA*.

The tables in Appendices 2 and 3 are provided by AANDC and the GNWT respectively, and indicate which authorizations or dispositions will be used to implement which CRs. These tables are the result of the governments' analysis and the Board makes no representations as to their accuracy or completeness.

## Guidance on S. 5.4- Conformity Determination Process

As stated in the Plan, conformity determinations may be done by the regulator (or owner responsible for the disposition), or by the SLUPB. The SLUPB only does conformity determinations where the activity is referred to the Board. Referrals are expected to be done as needed, not as a common practice (e.g. where a question of interpretation arises). As applicants and regulators develop experience with the Plan and implementation procedures, referrals are likely to be increasingly rare. Figure 1 illustrates a best practice for integrating conformity determinations into existing regulatory processes, either with or without a referral.

The Board recommends that applicants work with the regulator and the SLUPB when developing their applications to discuss any questions of interpretation, ensure they understand the Plan's requirements, and properly address all applicable CRs in their applications. Applicants are referred to the general guidance for addressing CRs in S. 3.1). Applications should clearly demonstrate how every applicable CR has been met to facilitate the conformity determination. While a conformity determination cannot be made until a complete application is submitted, many questions and uncertainties can be addressed through front-end dialogue before the application is formally submitted.

This is also the best time to figure out if an exception to any of the CRs may be needed. If so, then the application for an exception can be filled out and submitted at the same time as the application to speed up that process. An exception can only be granted by the SLUPB, not the regulator. Exceptions may take time to consider, depending on the nature of activity and reasons for exception, so they should be started as soon as possible. Advance discussions will enable the Board to make those decisions in a timely manner.

Once an application is submitted to a regulator, assuming there is no referral, then the process for reviewing and granting the necessary authorizations will proceed according to existing processes. It is up to each regulator to check the application against the Plan and ensure that the authorizations they are granting are in accordance with the Plan.

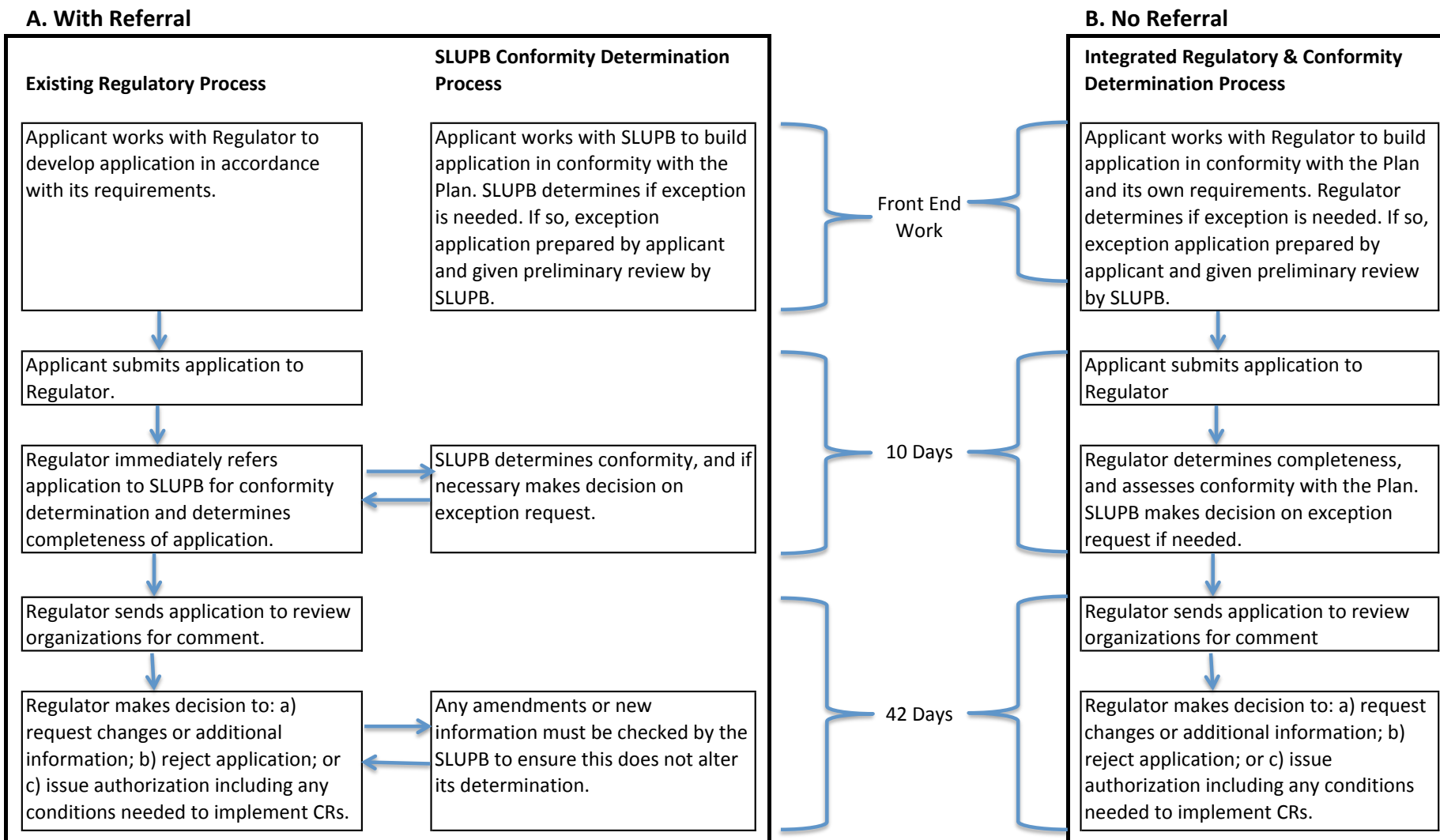
Figure 1 illustrates one possibility for a referral – where the Regulator is the referring organization. Where this is the case, the best practice is for the referral to occur as soon as the application is received, giving the SLUPB as much time as possible to determine conformity. In general, the SLUPB will endeavour to determine conformity within the 10 days allotted for the completeness check. If difficult questions arise requiring additional time for the Board to make a determination, or if application is made for an exception, then the Board will provide its determination within the timeframe allotted for the regulator to make its decision (42 days).

A referral can also be made by a first nation, or a department or agency of the federal or territorial government, another regulator, or anyone directly affected by the activity, at any time until a licence, permit or other authorization required for the activity is issued. Should a late referral be made, the SLUPB will endeavour to provide a conformity determination within 10 days. The Board intends to review land use applications for general conformity as part of its monitoring role, which will expedite formal conformity determinations where they are needed, especially where late referrals are made. Front-end work by the applicant in working with the SLUPB and the regulator will assist the Board in making a timely conformity determination.

Where an activity is determined to conform, the application will continue through the preliminary screening, environmental assessment (if referred) and regulatory phases.

Where an activity does not conform, under the *MVRMA*, the regulator may not issue an authorization for a non-conforming land use unless an exception is available under the Plan and is applied for and granted. This is express direction to the SLWB under s. 61(1) of the *MVRMA*; for all other Regulators, it is a necessary implication of s. 46(1). If the applicant wishes, it can submit a new application that meets the Conformity Requirements of the Plan. If circumstances warrant, the applicant may also apply to the SLUPB for an exception to the land use plan (see S. 2.6 of the Plan and S. 2.4 of this document for more information on how exceptions are handled).

**Figure 1. Conformity Determination Process - Best Practice**



## Guidance on S. 5.4- (Continued) Conformity Decisions

When activities are referred to the SLUPB for a conformity determination, the SLUPB will determine that either the activity conforms (positive determination) or that it does not conform (negative determination). The SLUPB will submit its conformity determination and reasons for decision in writing to the applicant, regulators, and to the referring party (where it was referred to the SLUPB by someone other than a regulator). As part of its decision, the Board may flag certain CRs or elements of CRs that require action or consideration by Regulators to implement as part of their S. 46(1) responsibilities. For instance, CR #12 – Financial Security can only be implemented by the LWBs attaching a condition to their authorizations.

Conformity Requirements set minimum land use requirements. They are not intended to be exhaustive. Regulators, acting under distinct legislative mandates, may apply additional land use conditions consistent with Conformity Requirements, as they deem appropriate.

## Guidance on S. 5.6- Monitoring Implementation of the Plan

The Board will monitor Plan implementation primarily through its participation in regulatory processes. The Board will informally assess conformity of proposed activities as part of its monitoring role, to determine how well the Plan is being implemented. Where an activity is referred to the Board, the Board can formalize and report on its determination. The Board can also monitor implementation success by periodically checking key authorizations and rights dispositions to see how well the Plan's CRs are captured, and determine where any gaps may exist. The Board may periodically request copies of authorizations and rights dispositions from regulators and land owners (other than confidential agreements) to fulfill its monitoring role.

Other questions regarding the success of Plan implementation can be answered through regular dialogue with communities and other planning partners. The Sahtu Working Group is the best forum to discuss and resolve implementation issues, monitor progress on Actions, and determine the extent to which Recommendations are being considered and implemented. Regular communications with Sahtu communities will also keep the Board informed of community perceptions on whether the Plan is meeting their expectations and helping to advance the broad vision and goals they set for the region.

In addition, the Board will continue to gather information on the values and resources discussed in the plan to better inform land use decisions and be prepared for the five-year review.

The exception process is described in Chapter 2.

## Guidance on S. 5.7- Amendments

The Plan amendment process is described under S. 48 (1) of the *MVRMA*: “A planning board may, on application or on its own motion, adopt any amendments to a land use plan that the planning board considers necessary.”

A Plan amendment is not intended to be a remedy for non-conformity of a proposed land use activity, or for Board denial of an exception application. Plan amendments must continue to uphold the guiding principles for the Plan as established under the *SDMCLCA* and the *MVRMA*.

An amendment may be a lengthy and potentially expensive process. The Board will consider the need, appropriateness and timing of the requested amendment in light of planning priorities, the urgency of the situation requiring the amendment, constraints and the availability of other solutions, including Plan revisions that may be considered in the process of comprehensive 5-year review. If, in the Board's opinion, the requested amendment may be necessary, its representatives would confer with the person or organization requesting the amendment and any other parties necessary to scope the amendment process appropriately. The Board will conduct any research and consultations necessary to understand the nature of the amendment and its implications. The Board will then prepare a draft proposed amendment for public consultation.

Under Section 48(2) of the *MVRMA*, the Board is required to give notice of the proposed amendment, and may hold a public hearing to consider the proposed amendment. The Board will distribute the proposed amendment broadly for comment. The Board will determine the need for a public hearing based on the feedback received. Following comment and a possible public hearing, the Board will decide whether to adopt the proposed amendment, including any final revisions that the Board may make. If the Board adopts the amendment, it will submit the amendment to SSI, GNWT and Canada following the same approval process as described in S. 43 of the *MVRMA*. The amendment will come into effect when approved by the federal Minister.

# APPENDICES

**Material included in the Appendix Tables was provided to the SLUPB by the GNWT and AANDC for reference purposes only and is subject to change. Users of the Implementation Guide are expected to be knowledgeable of any changes to legislation and for additional clarity are encouraged to contact the SLUPB.**



**Appendix 1. Key Regulators/Land Owners, Authorizations and Dispositions that Implement the Plan.**


<b>Regulator/Land Owner</b>	<b>Authorization</b>	<b>Act/Regulation/Instrument</b>
District Land Corporations	Research licence Land lease Quarry permit Subsurface resource rights/access	<i>Sahtu Dene and Métis Comprehensive Land Claim Agreement</i>
Environment and Natural Resources, GNWT	Timber cutting permit Timber cutting licence Timber transport permit Mill licence Outfitter licence Commercial Wildlife Licence General Wildlife Permit Pesticide Application Permit	<i>Forest Management Act Wildlife Act Wildlife Licences and Permits Regulations Wildlife Business Regulations Wildlife Management Outfitter Areas Regulations Environmental Protection Act Pesticide Act Pesticide Regulations</i>
Investment, Tourism and Industry, GNWT	Tourism operator 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	<i>Territorial Lands Act Northwest Territories and Nunavut Mining Regulations 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 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	Section 35(2) Fisheries Act Authorization	<i>Fisheries Act Fishery (General) Regulations</i>

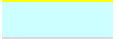
<b>Regulator/Land Owner</b>	<b>Authorization</b>	<b>Act/Regulation/Instrument</b>
	Authorization to kill fish by means other than fishing Commercial Fishing Licence Licence to Fish for Scientific Purposes	<i>Northwest Territories Fishery Regulations</i>
National Energy Board	Certificate of Public Convenience and Necessity Geophysical or Geological Operation Authorization Operations Authorization (for drilling and production related work or activities).	<i>National Energy Board Act Canada Oil and Gas Operations Act (COGOA)</i>
Environment Canada /Canadian Wildlife Service	Scientific Permit	<i>Migratory Birds Convention Act</i>
Transport Canada	Approval of work, site, and plans for work	<i>Navigable Waters Protection Act</i>
Canadian Nuclear Safety Commission	Licence to Prepare a Site and to Construct Licence to Operate Licence to Decommission Licence to Abandon	<i>Nuclear Safety and Control Act Uranium Mines and Mills Regulations</i>

## Appendix 2. Federal Authorizations and Dispositions that Implement the Plan

Authorization	Issuing Authority	1 Zoning	2 Community Engagement	3 Community Benefits	4 Heritage Resources	5 Watershed Management†	6 Drinking Water	7 Wildlife	8 Species Introductions	9 Sensitive Species & Features†	10 Permafrost†	11 Project-Specific Monitoring	12 Financial Security†	13 Closure & Reclamation	14 Protection of Special Values	15 Ecological Integrity	16 Fish Farming & Aquaculture	17 Disturbance of Lakebed	18 Uses of Sentinel Isles	19 Water Withdrawal
Land Use Permit (Type A or B)	SLWB*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Water Licence (Type A or B)	SLWB*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<b>Oil and Gas</b>																				
Exploration Licence	AANDC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																	
Authorization for a geological/geophysical program	NEB/AANDC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																
Significant Discovery Licence	AANDC	<input checked="" type="checkbox"/>																		
Production Licence	AANDC	<input checked="" type="checkbox"/>																		
Authorization for drilling and production related work	NEB/AANDC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>								
Certificate of Public Convenience	GiC/NEB	<input checked="" type="checkbox"/>																		
<b>Mineral and Coal Tenure</b>																				
Prospecting Permit	AANDC - MRO	<input checked="" type="checkbox"/>																		
Mineral Claim	AANDC - MRO	<input checked="" type="checkbox"/>																		
Subsurface Lease (Mineral Lease)	AANDC - MRO	<input checked="" type="checkbox"/>																		
Coal Licence / Coal Lease	AANDC - MRO	<input checked="" type="checkbox"/>																		
Coal Permit	AANDC - MRO	<input checked="" type="checkbox"/>																		
Dredging Lease	AANDC - MRO	<input checked="" type="checkbox"/>																		
<b>Surface Tenure</b>																				
Surface Lease	AANDC-OPS	<input checked="" type="checkbox"/>	<i>P</i>		<i>P</i>			<i>P</i>		<i>P</i>					<i>P</i>					
Easement and Licence of Occupation	AANDC - OPS	<input checked="" type="checkbox"/>	<i>P</i>		<i>P</i>			<i>P</i>		<i>P</i>					<i>P</i>					

Authorization	Issuing Authority	1 Zoning	2 Community Engagement	3 Community Benefits	4 Heritage Resources	5 Watershed Management†	6 Drinking Water	7 Wildlife	8 Species Introductions	9 Sensitive Species & Features†	10 Permafrost†	11 Project-Specific Monitoring	12 Financial Security†	13 Closure & Reclamation	14 Protection of Special Values	15 Ecological Integrity	16 Fish Farming & Aquaculture	17 Disturbance of Lakebed	18 Uses of Sentinel Isles	19 Water Withdrawal
Quarry Permit	AANDC - OPS	<input checked="" type="checkbox"/>																		
<b>Research</b>																				
Scientific Permits	EC - CWS	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					
Scientific Collection Permit	DFO	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>					
<b>Other</b>																				
Approval for Works**	TC	<input checked="" type="checkbox"/>															<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Commercial Fishing Licence	DFO	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Fisheries Authorization	DFO	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>					
Licences under the Nuclear Safety & Control Act	CNSC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Uranium Mines and Mill Regulations	CNSC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

 Applies to Special Management Zones, Conservation Zones, and Proposed Conservation Initiatives Only

 Applies to Great Bear Lake Watershed Only

 Applies to Lac Belot, Stewart Lake and Tate Lake Only

### Appendix 3. GNWT Authorizations and Dispositions that Implement the Plan

Instrument	Enabling Legislation	1 Zoning	2 Community Engagement	3 Community Benefits	4 Heritage Resources	5 Watershed Management	6 Drinking Water	7 Wildlife	8 Species Introductions	9 Sensitive Species & Features	10 Permafrost	11 Project-Specific Monitoring	12 Financial Security	13 Closure & Reclamation	14 Protection of Special Values	15 Ecological Integrity	16 Fish Farming & Aquaculture	17 Disturbance of Lakebed	18 Uses of Sentinel Isles	19 Water Withdrawal		
Land Lease	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Easement	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
License	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Permission to Occupy	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Right of Way	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Reserve	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Quarry Permit	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Quarry Lease	Commissioner's Land Act	<input checked="" type="checkbox"/>																				
Pesticide Application Permit	Environmental Protection Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>													
Timber Cutting Permits	Forest Management Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
Mill License	Forest Management Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																<input checked="" type="checkbox"/>		
Timber Cutting License	Forest Management Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		
Timber Transport Permit	Forest Management Act	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																		

Instrument	Enabling Legislation	1 Zoning	2 Community Engagement	3 Community Benefits	4 Heritage Resources	5 Watershed Management	6 Drinking Water	7 Wildlife	8 Species Introductions	9 Sensitive Species & Features	10 Permafrost	11 Project-Specific Monitoring	12 Financial Security	13 Closure & Reclamation	14 Protection of Special Values	15 Ecological Integrity	16 Fish Farming & Aquaculture	17 Disturbance of Lakebed	18 Uses of Sentinel Isles	19 Water Withdrawal
Permit to Burn (areas larger than 25m <sup>2</sup> )	<i>Forest Protection Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>												<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Commercial Wildlife Licenses	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Fur Farm Licenses	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Game Farm Licenses	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Outfitter License (Big Game)	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
General Wildlife Permit	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Licenses to Capture Wildlife	<i>NWT Wildlife Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Tourism Operator License	<i>Tourism Act</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	

- Applies to Special Management Zones, Conservation Zones, and Proposed Conservation Initiatives Only
- Applies to Great Bear Lake Watershed Only
- Applies to Lac Belot, Stewart Lake and Tate Lake Only

## Appendix 4. Application for an Exception to the Plan.



# Sahtu Land Use Planning Board

Box 235, Fort Good Hope, NT, X0E 0H0  
Phone: (867) 598-2055 Fax: (867) 598-2545  
Email: [info@sahtulanduseplan.org](mailto:info@sahtulanduseplan.org); Website: [www.sahtulanduseplan.org](http://www.sahtulanduseplan.org)

## APPLICATION FOR EXCEPTION TO THE SAHTU LAND USE PLAN

APPLICANT INFORMATION		
Company Name	Contact Person	
Street Address		
City	Prov./Territory	Postal Code
Phone	Fax	
E-mail Address		

ACTIVITY REQUIRING THE EXCEPTION	
Project Name and Short Description:	
Project Start Date:	Project End Date:
<b>IN WHICH LAND USE ZONE, OR ZONES, WILL THE ACTIVITY TAKE PLACE:</b>	
<input type="checkbox"/> GENERAL USE ZONE (GUZ): <input type="checkbox"/> SPECIAL MANAGEMENT ZONE (SMZ): <input type="checkbox"/> CONSERVATION ZONE (CZ):	
<b>PLEASE INCLUDE WITH YOUR APPLICATION:</b>	
<input type="checkbox"/> <b>Summary of the exception request</b> (Please tell the SLUPB why you are requesting an exception, including a list of all regulatory authorizations required for the activity)	
<input type="checkbox"/> <b>Summary of the operation</b> (describing the purpose and nature of all activities)	
<input type="checkbox"/> <b>Location of activities</b> (include place names, co-ordinates and names of nearest communities. The SLUPB also requests that you attach a small scale map (e.g. 1:125,000) with your general site area marked.)	
<input type="checkbox"/> <b>Summary of potential environmental, cultural, and economic impacts</b> (include impact on other existing or potential land uses in the area.)	
<input type="checkbox"/> <b>Description of the benefits to the residents/communities of the Sahtu Settlement Area.</b>	

LETTERS OF SUPPORT
<b>Do you have the support from the affected communities?</b> (Please provide copies)
<b>Do you have the support from the Sahtu Secretariat Incorporated, Government of the Northwest Territories and/or the Government of Canada?</b> (Please provide copies)
<b>Please attach any additional comments or information you feel are necessary to support your application.</b>

DISCLAIMER AND SIGNATURE
I certify that the information provided is true and complete to the best of my knowledge.
Signature: _____ Date: _____