

GLUPB Response to GNWT Review Comments on the October 2011 Draft Revised Gwich'in Land Use Plan

This document is a summary of the Government of the Northwest Territories (GNWT) comments on the October 2011 draft revised Gwich'in Land Use Plan (Plan), recognizing that, once approved, the final Plan will obligate regulatory authorities, including the GNWT, to follow the Plan within the bounds of their legislated authority.

The comments and recommendations provided below are based on an interdepartmental review and using the following broad principles as a basis:

- Consistency with relevant GNWT legislation, policy, and GNWT initiatives (e.g., *Forest Management Act*, Northwest Territories (*NW*)*T Species at Risk Act* (SARA), Protected Areas Strategy, the regulatory improvement initiative etc.).
- Consistency with the planning objectives and principles as set out in the Gwich'in Comprehensive Land Claim Agreement, to which the GNWT is a signatory;
- Consistency with other regional land use plans in the Mackenzie Valley, Draft 3 of the Sahtu Land Use Plan);
- Fit of the Plan within the integrated system of land and water resource management system as contemplated under the *Mackenzie Valley Resource Management Act* (MVRMA) and the goal of an effective and efficient system. Specifically, a regional land use plan should not provide unnecessary duplication of regulator's function; and
- Factual accuracy, clarity, readability, and ease of implementation for developers and regulators alike.

General Comments

Consistent with the context noted above, broadly the current draft does fit within the integrated system of land and water management as set out in the MVRMA and is consistent with the principles and objectives for regional land use planning derived from the Gwich'in Comprehensive Land Claim Agreement, and described on page 3 of the current draft. The GNWT also appreciates that a final Plan provides opportunity for Gwich'in Communities and designated organizations to highlight values that should be respected in decisions made regarding conservation, development, and the use of land, resources and waters.

Overall the Plan is clear, easy to read and understand, and contains good visual representations of the process. Information is presented at the appropriate level.

There are some parts of the current draft that could be re-worded to ensure the appropriate legislated authority has a clear understanding of how it will check that applications received conform to the Plan. More specific comments are provided below.

The GNWT will work with the Gwich'in Land Use Planning Board (Planning Board) and the other approving parties to confirm that the Regional Plan of Action is not binding. The Planning Board must review the language in the Regional Plan of Action to ensure that wording contained throughout this document does not imply otherwise. As well, it is suggested that the Regional Plan of Action be updated as appropriate and include reference to guidelines developed or under development by regulatory agencies.

GNWT Recommendation:

Because the GNWT notes that the revised Plan contains a number of significant changes from the previous draft, the GNWT recommends that the Planning Board host a tripartite meeting to discuss all parties' comments and recommendations prior to the Plan being finalized by the Planning Board.

Specific Comments by Chapter

CHAPTER 2: INFORMATION ABOUT THE GWICH'IN SETTLEMENT AREA AND ITS RESOURCES

Pg. 2 -1.2 *What is a Land Use Plan?*

GNWT Recommendation

The GNWT recommends that s. 1.2 '*What is a Land Use Plan*' include a statement that the plan will respect Ministerial authorities for their jurisdiction.

GLUPB Response: Changed the tone by deleting “obligated”, but not sure that the recommended statement is necessary. It doesn't fit the tone or level of detail for this section. As a signatory of the Plan, the minister wouldn't sign off on a Plan that conflicted with Ministerial authority. The Planning Board also ensures policy is appropriate for the regulatory framework. Statement of “working with” list implies cooperative efforts to develop plan.

Pg. 9 -2.1.2 -Paragraph 1

Population can be updated with the following 2011 data: Aklavik (population 655), Inuvik (population 3,504), Fort McPherson (population 797) and Tsiigehtchic (population 128). Please make sure the source is changed accordingly.

GLUPB Response: Updated

Pg. 13 -2.1.3 -Figure 6

2007 average personal income can be updated with the following 2009 data: Inuvik (\$51,867), Fort McPherson (\$34,045), Aklavik (\$31,174) and NWT (\$52,998). Please make sure the source is changed accordingly.

GLUPB Response: Updated

Pg. 13 -2.1.3 -Figure 8

Change title to: Figure 8: Employment and Unemployment Rates (2009).

Pg. 19 -Figure 11: Species in the GSA listed under the Species at Risk Act

Table labelled figure 11 is wrong. To date, no species have been listed or assessed under the NWT *Species at Risk Act*. The column entitled "NWT SARA" identifies the species RANKS as identified by the General Status Ranking Program. The title, as written, is also misleading. Additional information on the General Status Ranking Program can be found at:

<http://nwt-species-at-risk.ca/tiki/tiki-index.php?page=GenStatusRanking> .

GLUPB Response: Corrections made, information updated

Pg. 23 -Figure 13: Mineral Tenure

This map shows all the mineral tenure, including cancelled, lapsed, terminated, surrendered, withdrawn prospecting permits, mineral claims and mineral leases. When mapping mineral tenure, it is best practice to show only the active tenure as all others are no longer relevant. Given that mineral tenure can change rapidly and be difficult to keep up to date, a better approach is to direct readers to where the most up to date information can be located.

GLUPB Response: Changed map to mineral showings with bedrock geology.

CHAPTER 3: LAND OWNERSHIP, MANAGEMENT, AND REGULATIONS

In the interest of clarity and ease of Plan implementation, the list of regulatory agencies and authorizations that are subject to the Plan should be clearly, accurately and prominently described in the Plan, with reference to the associated legislation. Appendix C, which is referenced in the last paragraph of s. 3.2 should be comprehensive and incorporated into the Plan itself.

The GNWT's preferred approach is that all regional land use plans throughout the Mackenzie Valley apply consistently to the same list of authorizations.

GNWT Recommendation:

A clear statement as to what authorizations are subject to the Plan, including a comprehensive table, should be prominently displayed within the body of the Plan. A suggested location is early in section 4.

The GNWT would like to work with the Planning Board and other approving parties prior to the Plan's approval to agree on a comprehensive list. Such agreement notwithstanding, at this time the GNWT considers the following authorizations as those which should not be captured in the Plan. These authorizations are described in Appendix 1 of these comments, with rationale stated as to reasons for their exclusion:

- Tourism Operator Licence, *Tourism Act*

- Free Timber Cutting Permit, *Forest Management Act*
- Timber Transport Permit, *Forest Management Act*
- Fire Permit, *Forest Management Act*
- Forest Research Licence, *Forest Management Act*
- Timber Scaling Licence, *Forest Management Act*
- Archaeological Permit, *Northwest Territories Act*

GLUPB Response: Moved appendix C into revised section on Regulation. Given the work the GNWT has done regarding the approval of the Sahtu Land Use Plan, it is expected that the list of authorizations found in that plan is acceptable. This list is very similar, as well as, updated to reflect new responsibilities and legislation created under devolution. Please verify.

Pg. 38 -Figure 17: Gwich'in Land and Water Board Process

The proposed new regional condition 4.4.1 -Water Quality and Quantity states that at the earliest, a determination of conformity will be made from the results of the preliminary screening. The process set out in Figure 17 shows that the conformity check and potential referral for a conformity determination by the Land Use Planning Board happens prior to preliminary screening. Figure 17 does not accurately reflect the proposed changes to the conformity determination process and timing.

GNWT Recommendation

It is the GNWT's preference that the Planning Board not change the conformity check process as described in section 5.3 of the Plan, and as set out in Figure 17. The GNWT therefore recommends that all conditions are worded such that a conformity check can be done readily based on information made available at the time a proponent applies for an authorization. Specific comments on condition wording are provided below.

GLUPB Response: The wording of regional condition 4.4.1 has been revised so conformity determination is reflected in Figure 17.

CHAPTER 4: LAND USE PLAN FOR THE FUTURE: VISION AND LAND ZONING

Pg. 40 -Third paragraph

Northern Woodland caribou management plan should read Northern Mountain caribou management plan. The Northern Mountain caribou management plan has been finalized so should not be included in the list of plans that the Gwich'in Renewable Resource Board is currently working on.

GLUPB Response: Revised the wording to reflect the list on GRRB website

Pg. 49 -4.4 -Regional Conditions that Apply in All Zones

The GNWT suggests that the Planning Board consider a new Regional Condition under section 4.4 that is specific to archaeological site protection. The rationale for the proposed regional condition is to develop a consistent approach for archaeological site

protection throughout the Mackenzie Valley. The suggested wording below is consistent with the wording proposed in draft 3 of the Sahtu Land Use Plan:

Archaeological Site Protection

1. A land use activity must not be located within 500 m of known burial sites, or within 150 m of known historical or archaeological sites, unless measures are developed in cooperation with the Prince of Wales Northern Heritage Centre and the Gwich'in Social and Cultural Institute to mitigate impacts to the site.
2. In areas where there is a high risk of impact to recorded or unrecorded archaeological sites, as determined by the Prince of Whales Northern Heritage Centre (PWNHC), an archaeological impact assessment must be conducted prior to the commencement of a development project.

GLUPB Response: The Gwich'in Social and Cultural Institute reviews applications and provides site specific recommendations, so there isn't immediate need to add this condition at this stage of the Plan review. The Planning Board will add this to the Regional Plan of Action and bring it to plan stakeholders for discussion during the next plan review.

Pg. 49 -4.4.1 -Water Quality and Quantity

This proposed regional condition requires all new activities to demonstrate that water quality and quantity will remain substantially unaltered. As noted in the guidance for determining conformity "the intent of this condition is to have regulatory authorities set site specific terms and conditions for development authorizations using a strict precautionary approach".

The GNWT recognizes the importance of water to Gwich'in communities and is supportive of the intent behind this regional condition. The GNWT has been a leader in the development of the 2010 *NWT Water Stewardship Strategy* and the *NWT Water Stewardship Strategy Action Plan 2011-2015* and is committed to ensuring that the principles and goals of the Water Stewardship Strategy are implemented in an appropriate manner given the tools available within the integrated system.

As written the GNWT has a number of concerns with this proposed regional condition:

- The regional condition is subjective and difficult to implement within the regulatory context;
- The test for conformity is unclear, specifically "level of concern expressed by Gwich'in participants who will have expectations as to what clause 19.1.8 means";
- The timing of the conformity determination after preliminary screening departs from the model where a conformity check is conducted by regulators at the time of receipt of an application; and
- The Planning Board may lack the technical capacity to make a determination on

conformity for this condition if an application were referred.

As well, it is pointed out that the regional condition is not fully consistent with the Gwich'in Comprehensive Land Claim Agreement in that the Land and Water Board can issue a permit where water is lost or damaged if the applicant has entered into an agreement with the Gwich'in Tribal Council (GCLCA, sections 19.1.15 and 19.1.16). Presumably this would be the case if the loss or damage is unavoidable and the project is beneficial to the people of the region.

GNWT Recommendation (Water Quality and Quantity continued):

The GNWT recommends that the proposed regional condition be removed from the next draft of the Plan. The GNWT would support including the protection of water quality and quantity as an overarching principle under section 1.4 of the Plan or as an overarching planning goal or objective. Project specific conditions are most appropriately addressed through the Gwich'in Land and Water Board's water licencing process.

GLUPB Response: In order to make sure regulators and proponents are aware of the level of concern that residents of the GSA have regarding water quality and quantity by making it a regional condition ensures it is read and considered every conformity determination. As is explained in the Plan itself, the condition is really only a restatement of obligations in the Land Claim. The Land Use Plan can be used as a tool to flag issues and processes for consideration so that proponents are well prepared when submitting regulatory applications.

Pg.50 -4.4.2 -Reclamation Using Native Species of Plants

The GNWT is supportive of the intent of the regional condition to minimize the introduction of invasive plant species into the GSA and site stability in reclaimed areas. The GNWT notes the following concerns with this regional condition:

- As is made evident through occasions of slumping and sloughing in natural settings, as well as through the long recovery period for indigenous vegetation after a natural disturbance such as flood or fire, species of plants native to regions across the NWT may not always offer a secure or certain path to site stabilization.
- As currently worded, it is unclear whether the condition requires exclusive use of native species, or their inclusion in a mix of other species. If exclusive use is intended, issues of availability, certification, germination and growth rate, as well as suitability of native species for site stabilization should also be considered.
- From a plan implementation perspective, the GNWT notes that a conformity check would be difficult given the level of specific reclamation plan information that is typically available at the time of project application.

GNWT Recommendation

The GNWT recommends that the following wording for condition 4.4.2:

Proponents seeking a permit, licence or authorization must state precautions that will be taken to avoid the introduction of invasive plant species.

The GNWT also recommends that the following guidance be included in the Plan:

Where a reclamation plan is required, it should state how active re-vegetation will be used to ensure the ecological integrity of the site; or, if active re-vegetation is not necessary, plans should state the site will be allowed to re-vegetate naturally.

All reclamation plans that propose active re-vegetation should indicate that only plant species (sub-species and variety) native to the Gwich'in Settlement Area will be used. Otherwise the reclamation plans should demonstrate approval of non-indigenous plant species (sub-species and variety) that are known to not persist or spread. Seed batch analysis should be included.

Reclamation plans should detail site monitoring procedures to ensure reclamation success.

Reclamation plans should be developed in consultation with the GNWT's Forest Management Division. The Forest Management Division is located in Hay River and can be reached at 867-874-2009.

GLUPB Response: Revised the wording, integrated many elements of recommendations.

Pg. 50 -Section 4.4.3 -Boreal and Northern Mountain Woodland Caribou

The paragraph following condition 4.4.3 is incorrect. The GNWT is not developing a Boreal Caribou Management Plan. The GNWT is implementing the NWT Boreal Woodland Caribou Conservation " Action Plan. If there is a need for a range management plan in the Gwich'in Settlement Area, such a management plan may be initiated but at this time there are no plans to do so.

The GNWT supports the intent behind this regional condition to identify issues with Boreal and Northern Mountain Woodland Caribou early on in the regulatory process. However, the GNWT notes the following concerns with the regional condition:

- This regional condition is unclear as worded and would be difficult to implement or to determine if a propose activity is in conformity with the Plan. Specifically, the words 'disturb' and 'important habitat' are unclear.
- The term 'important habitat' is inappropriate given the use of the term 'critical habitat', as used in the National Boreal Caribou Recovery Strategy.
- This regional condition is linked to condition 4.4.5 -Species at Risk. In the interest of Plan clarity and ease of implementation, the GNWT suggests that this condition be incorporated as part of s. 4.4.5.

GNWT Recommendation

The GNWT would like to work with the Planning Board and other approving parties prior to the Plan's approval to determine how the Plan can be aligned with Species at Risk legislation.

GLUPB Response: Revised wording incorporated into Species at risk regional condition

(renumbered from 4.4.5 to 4.4.4.) detailed in document summarising last edits to Plan.

Pg.51 -4.4.4 -Pit Management Plans for Granular Resources

This new condition requires all new granular resource pits to have pit management plans. The development of pit management plans will require consultation with the Prince of Wales Northern Heritage Centre to determine whether an archaeological assessment is required.

The GNWT recognises the importance of granular resources planning and management and notes that this condition appears to be consistent with current practice.

GNWT Recommendation

The GNWT recommends that implementation of the template for best practices for the content and structure of a pit management plan would be more appropriately located in the Regional Plan of Action.

If the Planning Board accepts the GNWT's recommendation for a regional condition on Archaeological Site Protection, then the consultation with the Prince of Wales Northern Heritage Centre would not be required.

GLUPB Response: Template for pit/quarry management plan included in Plan for the information of proponents or other readers of the Plan. Specific reference to PWNHC and GSCI is included to address concerns by GSCI.

Pg.52 -4.4.5 -Species at Risk

The GNWT appreciates that the intent of this regional condition is to ensure that proponents do early work in the planning stages of their project to identify Species at Risk issues early in the regulatory process. The GNWT is supportive of this intent. However, as worded, the regional condition does not align well with the federal or territorial Species at Risk Act and would be difficult for proponents, regulators and the Planning Board to interpret.

GNWT Recommendations

The GNWT would like to work with the Planning Board and other approving parties prior to the Plan's approval to determine how the Plan can be aligned with Species at Risk Legislation.

Condition 1

The Planning Board must ensure that this regional condition aligns with wording in the territorial *Species at Risk Act*.

GLUPB Response: Used wording by recommended by AANDC

Condition 2

The GNWT suggests that the Plan include a map that indicates the location of glacial refugia.

GLUPB Response: Map at the scale possible for the Plan would not provide certainty. Would be best for proponent to contact ENR, PAS secretariat for the best information and advice.

Pg.52 -4.4.6 -Development and Exploration of Uranium

This regional condition restricts exploration and development of uranium in the GSA for the five year period between approval of this Plan and the next review.

The GNWT recognises that it is important for proponents and regulators to be aware of potential regional and community concerns associated with uranium development as early as possible to avoid surprises during the regulatory process.

GNWT Recommendation

The GNWT recommends that this regional condition be removed. As an alternate approach the GNWT suggests that the Plan include a prominent statement about community concerns with exploration and development for uranium within the Gwich'in Settlement Area. This would alert any developers who choose to apply for such an activity that public concern would likely arise.

GLUPB Response: Revised condition to place emphasis on up-front consultation with the communities. Listing as a Regional Condition ensures due consideration by proponents and regulators.

Pg.53 -4.4.7 -Coal Bed Methane and Shale Gas Exploration and Development

This regional condition restricts exploration and development of coal bed methane and shale gas reserves for the five year period between approval of this Plan and its next review.

The GNWT supports a safe and sustainable approach to resource development as per the GNWT Sustainable Development Policy. In this regard, the GNWT is taking steps to review and assess the use of non-conventional hydraulic fracturing in the NWT, examining the current knowledge base and regulatory requirements such that informed decisions about this issue can be made. The GNWT is willing to keep both the GLUPB and the GTC informed of results of its investigations.

The GNWT continues to work with the federal department of AANDC, as well as the National Energy Board, to improve public understanding of hydraulic fracturing. In early 2012 community presentations took place in the Sahtu where there are proposed oil and gas activities. These sessions provided background information on geology, the framework for regulating oil and gas activities and, in particular, hydraulic fracturing activities. Similar sessions could be made available in the Gwich'in Settlement Area.

GNWT Recommendation

The GNWT recommends that this regional condition be removed. As an alternate approach the GNWT suggests that the Plan include a prominent statement about community concerns with non-conventional oil and gas exploration and development within the Gwich'in Settlement Area. This would alert any developers who choose to apply for such an activity that public concern would likely arise.

GLUPB Response: The Planning Board feels that framing the issue under a regional condition is the best way to have proponents and regulators respond to the concerns of residents of the GSA. Revised condition to place emphasis on up-front consultation with the communities.

The GNWT recognizes that regional condition 4.4.6 and 4.4.7 were proposed by the Planning Board largely in response to concerns raised by the Gwich'in Tribal Council. The GNWT will contact the Gwich'in Tribal Council to discuss a government-to-government approach to address the GTC's concerns, outside of the Plan review process.

GLUPB Response: Added text in the Plan to recognise the work to be done between GNWT and GTC outside of the Plan process.

Pg.52 -4.4.8 -Sumps

The GNWT notes that this new regional condition prohibits the use of sumps for drilling waste and grey water in response to concerns from communities about the degradation of sumps. The GNWT is aware that it is currently the Gwich'in Tribal Council's policy not to allow sumps on Gwich'in Private Lands and that it is also current practice of the Gwich'in Land and Water Boards not to allow the use of sumps.

The GNWT is also aware that the Mackenzie Valley Land and Water Board has recently created a terms and conditions sub working group to look at the regulation of sumps in the Mackenzie Valley.

GNWT Recommendation

The GNWT recommends the following wording:

Sumps are not the preferred method for disposal of drilling waste or greywater in the Gwich'in Settlement Area. Proponents should explore alternative methods of disposal of waste.

The GNWT suggests that the guidance for this condition make reference and direct proponents to any Land and Water Board guidelines that are developed for the management of wastes and, more specifically, the use of sumps.

GLUPB Response: Largely used recommended wording.

4.6 -Lands in Gwich'in Special Management Zones

Pg. 55 4.6 -Item 3

On page 55 of the Plan, paragraph 4, number three states "Areas where multiple land uses did not allow for year-round protection and special management areas did allow for adequate protection of resources". This is unclear. The GNWT requests that this wording be clarified.

GLUPB Response: Revised wording for clarity.

CONDITIONS THAT APPEAR IN MORE THAN ONE SPECIAL MANAGEMENT ZONE

Special Management Zones include conditions that appear in more than one special management zone. The table on page 58 is a very helpful tool for proponents and regulators to check which conditions apply in which zones. The following comments are organized by condition, rather than by page number, as these conditions appear in more than one section of the Plan.

Conditions Regarding Traditional Harvesting (All Special Management Zones)

The second part of this regional condition requires consultation prior to commencement of an activity requiring a permit licence or authorization. The GNWT notes that this consultative step is not captured in any of the process diagrams (e.g., Figure 20). As written, it is unclear what definition or process is being envisioned by "shall ... consult"? Does this mean 'engage', 'notify', or 'inform'?

GNWT Recommendation

The GNWT suggests that the process diagrams in the Plan be amended to show this and other consultative steps associated with the conditions.

The GNWT recommends that guidance for determining conformity, with regard to consultation, be provided to improve Plan clarity and ease of implementation.

GLUPB Response: "shall ... consult" means consult as defined in the GCLCA and the MVRMA (see below). Is based on current practice in the LWB process. Proponents of larger scale projects often undertake pre-application consultations. Smaller scale project consultation might be met through the referral process (noted in Fig 17 as consultation) that would accommodate both parties as the definition in the GCLCA has terms like "sufficient" and "reasonable".

Consultation means (Definitions, chapter 2, GCLCA)

- a) the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
- b) the provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and
- c) full and fair consideration by the party to consult of any views presented;

Added notes to Figure 17 and 20 regarding the potential need of consultations before submission of applications to regulatory authorities. Added wording to traditional

harvesting condition to better explain the objective of the consultation so it will be easier to assess.

The condition intentionally does not identify who has to consult so that Regulators have the option to consider the regulatory referral process as consultation if the scale and nature of the project warrants. If a project is of larger scale or has greater potential to impact traditional harvesting, Regulators may direct proponents to undertake pre-application consultation.

Conditions Regarding Tourism Value (Transportation Zone; 8 Miles; Campbell Hills; Mouth of the Arctic Red River)

The GNWT suggests the following wording for condition #2 (bold indicates recommended addition):

2. Department of Transportation activities related to maintenance, construction and operations on the existing right-of-way should be conducted such that the scenic value along the highway is preserved, **to the extent possible**.

GLUPB Response: The Board would rather leave wording as is. The word “should” does not have the strict requirement of “must” or “shall” so can be interpreted as making allowances that the phrase “to the extent possible” does. The difference is in the emphasis of the desired results but not in application.

Conditions Regarding Heritage Resources (all Special Management Zones other than Transportation)

The GNWT notes that there are many unrecorded archaeological resources throughout the Mackenzie Valley. Proponents should be aware of the potential for unrecorded or unknown heritage resources and take this into account in preparing a plan that considers the impacts of their proposed activities on heritage resources.

GNWT Recommendation

The GNWT suggests the following change in wording (cross out indicates recommended deletion):

1. Significant heritage resources are known to exist in the area. Applicants for permits, licences and authorizations should be prepared to assess the impact of their proposed activities on ~~known~~ heritage resources in the area and submit a plan for doing so with their applications.

GLUPB Response: Change made.

4.7 -Lands in Gwich'in Conservation Zones

Pg. 110 -4.7.1 -General Rules for Conservation and Heritage Conservation Zones

Section 4.7.1 of the Plan states that commercial tourism is not approved in conservation/heritage zones. However, section 4.7.2 (iii) further specifies that commercial tourism activity can be permitted in conservation/heritage zones subject to conditions of which the Planning Board will work with regulatory agencies to ensure are met.

GNWT Recommendation:

Provisions in the Gwich'in Comprehensive Land Claim Agreement address commercial tourism. Therefore, the GNWT recommends that the Planning Board clarify its position regarding the restriction of licencing for commercial tourism opportunities in the Gwich'in Settlement Area, then work with the Renewable Resource Board and the GNWT to be sure that the plan is clear to anyone who intends to undertake commercial tourism activities in the Gwich'in Settlement Area.

Pg 113 -Rules for Outfitting and Tourism

The Plan refers to a tourism licence. The proper term is Tourism Operator Licence under the *Tourism Act*. Please update the Plan accordingly.

GLUPB Response: Correction made

In the current administrative process under the *Tourism Act*, applications for Tourism Operator Licences are subject to a consultation period. In *A Guide for Tourism Operators*, the consultation process specifically states "The licence administrator must consult with Aboriginal organizations in the proposed area of operation". Stakeholders have 30 days to respond to the Licence Administrator, and applicants have a further 21 days to respond to any stakeholder concerns. This remains the most appropriate process for the Land Use Planning Board as well as other community agencies to review Tourism Operator Licences, and to identify whether the tourism activity will have a significant impact on the values/resources of the identified zone.

GNWT Recommendation

The GNWT has stated earlier in this document the GNWT's preferred approach is that the Plan include a clear statement as to what authorizations are subject to the Plan, including a comprehensive table, and that the GNWT would like to work with the Planning Board and other interested parties prior to the Plan's approval to agree on the comprehensive list. Tourism Operator Licences are one of the GNWT authorizations that are currently being reviewed by the GNWT.

GLUPB Response: This authorization is subject to the Plan. Plan zoning and policy in this draft will not greatly restrict opportunities in this industry, or alter the administrative process.

CHAPTER 5: PROCEDURES FOR IMPLEMENTING THE LAND USE PLAN

Pg. 139 s. 5.1

Section 5.1 describes the implementation responsibilities of the Planning Board, including both legislated and non-legislated responsibilities.

GNWT Recommendation

The GNWT recommends that this section clearly identify which of these are legislated and which are not.

Pg. 140 s. 5.2 -Obligations for Implementation

Section 5.3 describes the obligations of parties to implement an approved Plan. The GNWT notes that the statement in the last paragraph on page 140 *"the approval of the Plan also carries acceptance by the signatories of obligation to respect "Actions" in the Regional Plan of Action"* is inconsistent with statement on pg. 147 6.1.2 which states *"Though a companion document to the land use plan, approval of the plan does not carry any legal obligation for the actions listed in the RPA"*.

GNWT Recommendation

The GNWT recommends that the Plan states clearly and consistently that approval of the Plan does not carry any legal obligation for the actions listed in the Regional Plan of Action.

GLUPB Response: Changes made.

Pg. 141 s. 5.3

Section 5.3 states "all groups that issue land and water related authorizations have to conform to the Land Use Plan". For greater clarity this section should also reference the comprehensive list of regulatory authorizations that are subject to the Plan. Earlier in this document, the GNWT made the recommendation that an agreed upon comprehensive list be developed.

The GNWT appreciates that this section states clearly the respective roles of regulators and the Planning Board in determining conformity.

Pg. 147 s. 6.1.2

The GNWT has noted earlier that the Planning Board must review the language in the Regional Plan of Action to ensure that wording contained throughout this document does not imply otherwise.

GNWT Recommendation

The GNWT recommends the following wording changes to the last sentence in s. 6.1.2: Most actions are "recommended" and mean the party receiving the recommendation should act in good faith and make ~~best~~ **reasonable** efforts to carry out that action

GLUPB Response: Change made.

**APPENDIX 1:
GNWT AUTHORIZATIONS PREFERRED
TO BE OUTSIDE OF SCOPE OF PLAN CONFORMITY**

The GNWT suggests the authorizations listed below should not be captured under the Plan; there may be others as well. Discussions continue to ensure that a comprehensive list of what is covered under the Plan is agreed upon by all approving parties to a final Plan.

Authorization: Tourism Operator Licence, *Tourism Act*

(NOTE: The plan refers to a tourism licence. The proper term is Tourism Operator Licence under the *Tourism Act*.)

Rationale:

The Tourism Operator Licence authorizes a business to provide guided commercial tourism activities in a specific geographic area as defined by geographic coordinates. The licence authorizes the holder to provide guided activities such as day tours, or multi-day tours where the clients are provided with guided or interpretive services (nature viewing, canoe or raft tripping, cultural experiences). No rights to the land or water are invested with the licence. Multiple licence holders may conduct activities in the same area.

Applicants for new or amended licences are required to demonstrate that they have land use permits or permission to cross private lands under land claims settlements, *if* their use triggers such a requirement. However, in most instances the nature of the activity licensed under a Tourism Operator Licence does not trigger such requirements.

A Tourism Operator Licence is issued after mandatory consultation with local community governments and Aboriginal organizations who may have an interest in the area.

Authorization: Free Timber Cutting Permit, *Forest Management Act*.

Rationale:

This authorization is a non-commercial permit to allow an individual to cut wood to build a home or to heat a home in the winter for amounts up to 60 cubic meter or 16 cords. The authorization applies to non-settlement lands only. The Free Timber Cutting Permit is a personal use authorization. Commercial purposes would require a timber cutting licence.

The permit is for tracking purposes. It allows the GNWT to meet national requirement for reporting on how much timber is used each year. No rights to the land or water are invested with the permit.

Authorization: Timber Transport Permit, *Forest Management Act*.

Rationale:

A Timber Transport Permit allows an individual to transport timber off of private and onto public land.

This authorization is used to track the movement of timber obtained legally. The authorization is required for both commercial and individual purposes. No rights to the land or water are invested with the permit. The permit is only used for crossing NWT boundaries.

Authorization: Fire Permit, *Forest Management Act*

Rationale:

The authorization permits burning both within city limits and across the NWT. Permits are for a short duration: 24 hour to 72 hour period. Fire permits are subject to preliminary Screening under the MVRMA, unless it is for an area under 10 square metres, which is exempt.

Authorization: Forest Research Licence, *Forest Management Act*.

Rationale:

This is a permit to conduct research in a forest research context. No rights to the land or water are invested with the permit. This licence is no longer used as anyone conducting research in the NWT that needs a license now has to go through Aurora Research Institute.

Authorization: Timber Scaling Licence, *Forest Management Act*.

Rationale:

This is a professional licence. It authorizes a forester to measure trees. No rights to the land or water are invested with the permit.

Authorization: Archaeological Permit, *Northwest Territories Act, Northwest Territories Archaeological Sites Regulations*

Rationale:

This permit allows archaeologists to conduct archaeological research. No rights or interests in land are associated with the authorization. It just permits archaeologists to access archaeological sites for research purposes. A large scale research project may also require a Land Use Permit under the MVRMA. Archaeological permits go through a consultative process with affected communities (pursuant to the land claim).