

NWT	Answers
<p>1. When did regional planning begin and describe why it began?</p>	<p>1. Regional land use planning in the NWT has been in progress since 1984, when the Basis of Agreement on Northern Land Use Planning was signed by the federal and territorial Governments, with the participation of the Aboriginal organizations which existed at the time (NWT Environmental audit, 2005).</p> <p>The first attempt to develop a Land Use Plan was through the Mackenzie Delta Beaufort Sea Land Use Planning process which was appointed in 1987 and included Gwich'in representatives. The Mackenzie Delta Beaufort Sea Land Use Plan produced in 1991 was not approved or implemented by government. After the signing of the Gwich'in Land Claim in 1992, the Gwich'in Interim Land Use Planning Board was given the task to begin land use planning again. However, it was not until the Mackenzie Valley Resource Management Act was passed in 1998 that there was the legal authority to produce a Gwich'in Land Use Plan (Gwich'in Land Use Planning Board, 2003).</p> <p>A land use plan sets out rules for how certain geographic areas will be managed to provide for conservation, development, and use of lands, waters and other resources. This includes setting out what activities are allowed, or not, in specific areas (usually referred to as zoning)</p> <p>The Government of the Northwest Territories considers regional land-use plans to be the primary instrument to define where certain land use activities can take place. The Government of the Northwest Territories recognizes that the purpose of regional land-use planning in settled claim areas in the Mackenzie Valley is to protect and promote the existing and future well-being of the residents and the communities of the settlement areas, having regard to the interests of all Canadians. Territorial land interest must take community and regional aspirations into account. It is a The Government of the Northwest Territories priority to promote and support effective land-use planning in all regions in the NWT (Government of North West Territories n.d.)</p>
<p>2. Describe the state of regional planning in the jurisdiction.</p>	<p>2. Land use plans are required in the Gwich'in and Sahtu settlement areas as a result of their comprehensive claims, and the process to complete their land use plans is set out in the The Mackenzie Valley Resource Management Act. A land use plan is also being developed for the Dehcho area as part of the negotiations process with the Dehcho Dene and Métis people. The development of land use plans in other areas of the NWT is not legally required through comprehensive claims or legislation, but can be pursued by governments and Aboriginal people if desired. For example, the Tłı̄chǫ people have developed a land use plan for their lands which was approved in 2012. The Gwich'in Land Use Plan was approved in 2003 and is now being reviewed. The Sahtu Land Use Plan was approved in 2013 (Northwest Territories Protected Areas Strategy website, n.d).</p> <p>Community Conservation Plans:</p> <ul style="list-style-type: none"> • Aklavik Community Conservation Plan

	<ul style="list-style-type: none"> • Inuvik Community Conservation Plan • Ulukhaktok Community Conservation Plan • Paulatuk Community Conservation Plan • Sachs Harbour Community Conservation Plan • Tuktoyaktuk Community Conservation Plan <p>(Government of North West Territories, n.d.)</p>
<p>3. What legislation guides the planning process? and describe the links to other legislation.</p>	<p>3. The Mackenzie Valley Resource Management Act, 1998 (MVRMA) established an integrated co-management system to manage public and private lands and waters, as provided for in the land claims agreements in the Mackenzie Valley. The MVRMA is designed to ensure that Aboriginal people and other Northerners can participate meaningfully in decision-making processes. The Minister of Indian and Northern Affairs has primary responsibility for implementing the MVRMA, and Indian and Northern Affairs Canada has specific responsibilities for carrying out this mandate through land use planning, environmental monitoring, enforcement of development permits, and support for all co-management boards. Environment Canada also has environmental monitoring responsibilities in the Northwest Territories (Berger, 2010).</p> <p>The Mackenzie Valley Resource Management Act (MVRMA) establishes co-management boards to carry out land use planning (Sahtu Land use Planning board website, n.d.).</p> <p>Land use plans are required in the Gwich'in and Sahtu settlement areas as a result of their comprehensive claims, and the process to complete their land use plans is set out in the The Mackenzie Valley Resource Management Act.</p> <p>The development of land use plans in other areas of the NWT is not legally required through comprehensive claims or legislation, but can be pursued by governments and Aboriginal people if desired. For example the Tłı̄chǫ</p> <p>Protected Area Strategy The NWT Protected Areas Strategy (PAS) outlines a community-based process to establish a network of protected areas across the NWT. It recognizes the need to balance conservation and economic development, while respecting Aboriginal rights, third party interests, and land use planning processes (Northwest Territories Protected Areas Strategy website, n.d.).</p>
<p>4. What is the composition of the planning body?</p>	<p>4. Example from the Gwich'in planning process:</p> <p>The composition of the planning board consists of five members including, apart from the chairperson, two</p>

	<p>members appointed on the nomination of the Gwich'in First Nation and one member appointed on the nomination of the territorial Minister. The main office of the board shall be located in the settlement area referred to in the Gwich'in Agreement (Mackenzie Valley Resource Management Act, n.d.)</p> <p>Example from the Sahtu planning board.</p> <p>The Sahtu Land Use Planning Board (SLUPB) is an institute of public government. It is a neutral board expected to make decisions in the best interests of the Sahtu communities, while considering the interests of all Canadians. It was created to give the people of the Sahtu a voice in how the land use decisions are made.</p> <p>The Sahtu Land Use Planning Board is made up of nominees from the Sahtu Secretariat Incorporated (SSI), the Government of the Northwest Territories and the Government of Canada. SSI has 2 nominees on the Board, whereas the Government of the Northwest Territories has 1 and the Government of Canada has 1. These 4 members nominate the Chairperson who makes up the fifth and last member. Members are appointed by the Minister of AANDC for a 3-year term, and are expected to make decisions in a fair and neutral manner (Sahtu Land use Planning board website, n.d.).</p>
<p>5. What land do the land use plans apply to?</p>	<p>5. Completed regional plans in the NWT cover Aboriginal, Crown and Commissioner's land, but exclude National Parks, National Historic Sites and some municipal lands.</p>
<p>6. Describe the jurisdictions</p> <p>a. planning process (i.e what are the stages)</p>	<p>6a. From the Gwich'in Planning Process:</p> <p>1) Information Collection and Analysis At this stage we gather information about community issues and resources such as wildlife; forests; sand and gravel; tourism and roads.</p> <p>2) Plan Options What needs to be in the Plan? Here we present ideas that could be in the Plan.</p> <p>3) Draft Plan Production This is our first effort at a Land Use Plan. After all groups have had a chance to comment, we produce the Final Plan</p> <p>4) Final Plan Production This document is submitted to the Gwich'in Tribal Council, the territorial government and the federal government for approval. The Board will consider all of the comments the approval agencies make. If the Board decides to change the final plan based on the comments, then all of the agencies have to agree to the changes.</p>

	<p>5) Implementation At this stage we begin to use the Plan for making decisions about land use and resource management.</p> <p>6) Review and Amendment (Gwich'in Interim Land Use Planning Board, 1997) five years after the Plan is approved we review it to ensure we've met the goals and objectives. This gives us an opportunity to change the Plan.</p> <p>Note: Community meetings are an important part of the process at every stage</p> <p>See Appendix 1 for land use planning process visual.</p>
<p>b. associated planning products.</p>	<p>6b. From the Mackenzie Valley Resource Management Act:</p> <p>A land use plan may include:</p> <ul style="list-style-type: none"> (a) maps, diagrams and other graphic materials; (b) written statements, policies, guidelines and forecasts; (c) descriptions of permitted and prohibited uses of land, waters and resources; (d) authority for the planning board to make exceptions to the plan and the manner of exercising that authority; (e) any other information that the planning board considers appropriate.
<p>7. Describe how the information gathering stage of the planning process is coordinated amongst the planning body.</p>	<p>7. The planning board gathers information about community issues and resources such as wildlife; forests; sand and gravel; tourism and roads.</p> <p>Aboriginal Traditional Knowledge has played an important and, in some cases, central role in NWT land use planning, where this planning has taken place (NWT Environmental audit, 2005).</p> <p>Example from the Tłıchǵ planning process</p> <p>The Tłıchǵ land use plan relied on a traditional knowledge database (gathered since 1993) and extensive cultural mapping exercises done with the guidance of knowledge of the Elders.</p> <ul style="list-style-type: none"> • Tłıchǵ language was used first and foremost in the discussion of the plan's direction. • The process was designed, driven and guided by Elders and their experience on the land is reflected in this Plan. • Tłıchǵ place names identify key locations throughout Tłıchǵ lands. • There was full opportunity for community consultation and involvement during the preparation of the Tłıchǵ Land Use Plan.

	<ul style="list-style-type: none"> • Workshops were undertaken in all four Ṭḥcḥq̣ communities. • The Ṭḥcḥq̣ storytelling process was used to explain and understand the land and its importance. <p>In preparing for the development of the Tḥcḥq̣ Land Use Plan, the Ṭḥcḥq̣ Lands Protection Department and the Tḥcḥq̣ Land Use Planning Working Group initiated a number of activities that helped with the compiling of information about Ṭḥcḥq̣ lands. This process included data collection and workshops, which used cultural and traditional knowledge. Furthermore, the Tḥcḥq̣ Land Use Planning Working Group developed the Ṭḥcḥq̣ GIS Library and indentified significant environmental and cultural features (Tḥcḥq̣ Land Use Plan, 2012).</p> <p>Example from the Gwich'in planning process: During the planning process the planning board was aware that information and knowledge for certain sectors and in certain areas was scarce. The board dealt with this by allowing for possible exceptions and amendments to the plan if new information is revealed within the five year life of the plan. The planning board encourages stakeholders, to continue research and further develop the information base of the planning region. New information generated will be included into the plan at the five year review (Gwich'in Land Use Planning Board, 1999).</p>
8. Describe how conflicts between: a. the governments are addressed	8a. Information not found.
b. the stakeholders are addressed	8b. Information not found.
c. others involved, i.e. overseer and planning body	8c. Information not found.
9. Describe how decisions are made amongst the planning body throughout the planning process.	9. Information not found.
9a. Describe who is employed to conduct the planning work, i.e. contractors, planning board staff, etc.	9a. Information not found.

10. Describe the role of the body who oversees the planning process	10. Information not found.
11. Describe how the process is funded.	11. Information not found.
12. Describe the role that the a. a .Provincial/Territorial government play during the planning process.	<p>12. Overall: Land use planning involves making decisions about how the land will be used in the future. It takes into account the social/cultural, environmental and economic interests of all planning partners, which includes the people of the planning region, the Government of the Northwest Territories, Government of Canada, industry, and non-governmental organisations (NGOs) (Sahtu Land use Planning board website, n.d.).</p> <p>12a. The federal Minister may, after consultation with a planning board, give written policy directions that are binding on the planning board with respect to the exercise of any of its functions under this Act (MVRMA, 1998). Government supplies policies to the planning board as well as participation mentioned above.</p>
b. First Nation(s)/ First Nation government(s) play during the planning process.	<p>12b. The MVRMA states that land use planning must involve the participation of the first nation and of residents and communities in the settlement area. Furthermore, the act states that the planning board shall take into consideration a land use plan proposed by the first nation for its settlement lands in the settlement area, and may incorporate that plan into the land use plan for the settlement area.</p> <p>Example from the Thcho, Land Use Plan</p> <p>The Department of Culture and Lands Protection is a department of Th çhø Government. The DCLP is responsible for managing Th çhø lands and its resources. To achieve this, the Department works closely with numerous environmental agencies, government agencies, resource development companies and the Th çhø Assembly to help serve and protect Th çhø lands. Th çhø law provides direction for the DCLP. The DCLP has worked through the The Th çhø Land Use Planning Working Group to produce the Th çhø Land Use Plan. The DCLP is the departmental ‘window’ through which the Th çhø Government directs all inquiries concerning Th çhø lands, and where issues related to proposed activities and development are reviewed.</p>
c. Stakeholders	12c The MVRMA states that land use planning must involve the participation of the first nation and of residents and communities in the settlement area.
And describe how these groups interests are communicated to the planning body?	Interests can be communicated at the outset of the planning process, during consultation, and during the review and feedback of draft products.

13. Describe the land designation system used in the jurisdiction

13. Most of the planning processes in the NWT discuss utilizing Cumulative effects management

Example from the Gwich'in Land use Plan:

The Gwich'in Land Use Planning Board is proposing a land use plan for the area in which land is designated into three categories:

Gwich'in Protected Areas (GPA): land uses are restricted to small scale community approved renewable resource activities. All other activities are prohibited. Included in this designation, and subject to the same restrictions, are **Gwich'in Heritage Protected Areas (GHPA)**

Gwich'in Special Management Areas (GSMA): all land uses are possible providing certain terms and conditions described in the plan are met by all users requiring permits, licenses or other authorizations.

Gwich'in General Use Areas (GGUA): all land uses are possible with no additional terms beyond those associated with the current regulatory system

Example from the Sahtu land use plan

Conservation Zones (CZs)

Green areas on the map show lands that are protected through the land use plan. Conservation Zones protect the most important areas by restricting new development in these areas. Bulk water removal, oil and gas development, mining, power development, forestry, and quarrying are not allowed in Conservation Zones.

Proposed Conservation Initiatives (PCIs)

PCIs are areas being protected outside the Plan through other territorial or federal processes, such as the establishment of National Parks, National Wildlife Areas, or Territorial Parks. Until they are established, the Plan protects these areas as if they were Conservation Zones by restricting new development.

Special Management Zones (SMZs)

Yellow areas on the map show where development can happen subject to the special management conformity requirements to protect values identified for each SMZ. Cultural sites, traditional uses, wildlife habitat, and sensitive environmental features are examples of values identified in the SLUP zone descriptions.

General Use Zones (GUZs)

These areas are open for development, but are still protected under the permitting system that is already in place across the Mackenzie Valley. GUZs are intended provide for economic opportunities in the Sahtu. The Plan still requires that development conform to requirements that apply to all zones (Sahtu Land use Planning

	<p>board website, n.d.).</p> <p>Example from Th̄cho Land use Plan Identification of Th̄cho Land Protection Zones The result of this work led to the formal identification of the land use zones, which are referred to in this Th̄cho Land Use Plan as “Th̄cho Land Protection Zones”. Five separate Th̄cho Land Protection Zones are identified:</p> <ol style="list-style-type: none"> 1. Wehexlaxodiale (Land Use Exclusion Zone) Area: 976 km2 Percentage of Tâichô Land: 2.5% 2. Tâichô Nawoo Ké Dét’ahot’ni (Cultural Heritage Zone) Area: 16,658 km2 Percentage of Tâichô Land: 42.2% 3. Gowhadô Yek’e t’ii k’e (Traditional Use Zone) Area: 5,521 km2 Percentage of Tâichô Land: 14% 4. Asii Haxowii Gha Enehatô (Enhanced Management Zone) Area: 16,042 km2 Percentage of Tâichô Land: 40.6% 5. Dèk’èasiùæedaà wehoodia (Habitat Management Zone) Area: 280 km2 Percentage of Tâichô Land: 0.7% <p>Each Th̄cho Land Protection Zone is described in detail in Chapter 5 of the Th̄cho Land Use Plan.</p>
<p>14. How does the land designation system provide management direction? i.e. how do land users interact with the approved plan?</p>	<p>14. From Sahtu Land use Planning Board website: If you are a developer or a land user who will require permits, licenses or other authorizations for land or water use, please refer to the relevant regional land use plan or community conservation plan as early as possible when developing your project plans.</p> <p>Conformity Requirements consist of land use zones and conditions for development. There are different conditions for development that apply to the different zone types. These conditions are called Conformity Requirements (CRs). All new activities occurring anywhere in the Sahtu Settlement Area are required to conform to (follow) these conditions. General conditions apply to all zone types, whereas Special Management Conditions apply to Special Management Zones , Conservation Zones , and Proposed Conservation Initiatives</p> <p>All proponents (someone who wants to develop on the land) must demonstrate that they have met the CRs before an application to work on the land or use the water can be granted. The CRs are mandatory.</p> <p>If a proponent wants to develop on the land, they would first look at the zoning map and figure out which zone they are in. This will tell them whether or not development is allowed and what CRs they have to follow (Sahtu Land use Planning board website, n.d.).</p> <p>See Appendix 2 for Conformity Requirements visual</p>

	<p>From MVRMA 1998:</p> <p>A planning board shall determine whether an activity is in accordance with a land use plan where</p> <p>(a) the activity is referred to the planning board by a first nation or a department or agency of the federal or territorial government or by the body having authority under any federal or territorial law to issue a licence, permit or other authorization in respect of the activity; or</p> <p>(b) an application for such a determination is made by any person directly affected by an activity for which an application has been made for a licence, permit or authorization.</p>
<p>15. What are the stages of the approval process for a regional plan?</p>	<p>15. Example from Sahtu Land use Planning Process:</p> <p>The land use plan was adopted on April 29, 2013 when the Sahtu Land use Planning Board felt that it was a final plan that all approving bodies would agree to. The plan was then submitted for sequential approval as required by Section 43 of the Mackenzie Valley Resource Management Act. The Sahtu Secretariat Incorporated approved the plan July 4, 2013 and then the Government of the Northwest Territories on July 25, 2013. The Plan came into effect the day the Minister of AANDC signed the Plan on behalf of the Government of Canada on August 8, 2013.</p> <p>Example The Gwich'in Land Use Plan 2003:</p> <p>The Gwich'in Land Use Plan was approved by three groups. The first group required to approve the Gwich'in Land Use Plan was the Gwich'in Tribal Council. The second was the territorial government and the third was the federal government.</p> <p>From MVRMA 1998</p> <p>(1) Following the adoption of a land use plan, the planning board shall submit it to the first nation of the settlement area, the territorial Minister and the federal Minister.</p> <p>(2) Where a first nation approves a land use plan, it shall notify the federal Minister and the territorial Minister in writing of the approval.</p>

	<p>(3) On being notified pursuant to subsection (2), the territorial Minister may approve the land use plan, and in that case shall notify the first nation and the federal Minister in writing. Federal approval</p> <p>(4) On being notified under subsections (2) and (3), the federal Minister may approve the land use plan, which takes effect on the date of its approval by the federal Minister.</p> <p>(5) Where a party to which a land use plan is submitted does not approve the plan, that party shall notify the other parties and the planning board, in writing, of the reasons for not approving the plan.</p> <p>(6) After a planning board has considered any reasons provided to it under subsection (5) and made any modifications to the land use plan that it considers desirable, it shall submit the plan for approval as provided in subsection (1).</p>
<p>16. Who is responsible for plan implementation and review?</p>	<p>16. A comprehensive review of the Gwich'in Land Use Plan five years after its approval is a legislated responsibility of the Planning Board:</p> <p>A planning board shall carry out a comprehensive review of a land use plan not later than five years after the plan takes effect and thereafter every five years or at any other intervals agreed to by the federal Minister, the territorial Minister and the first nation of the settlement area (Terms of reference for the five-year review of the Gwich'in land use plan, n.d.).</p>
<p>a. How often are the plans reviewed?</p>	<p>16a. Example from the Sahtu land use plan: The Plan is intended to be reviewed and updated every 5 years. However, the plan may be amended at any time (Sahtu Land use Planning board website, n.d.)</p>
<p>b. How are variance and amendments handled?</p>	<p>16b. Example from the Sahtu land use plan: Plan amendments may be considered for a variety of reasons, including the need to address a new land use, consider new information, update the status and application of the plan to a newly established protected area, or clarify Plan requirements. Any changes proposed by the Sahtu Land use Planning board must also be approved by the Sahtu Secretariat Incorporated, and governments of the Northwest Territories and Canada to take effect.</p> <p>The Gwich'in have an extensive implementation strategy see (Gwich'in Land Use Planning Board 2007. Implementing the Gwich'in Land Use Plan: A Five Year Work Plan (2003 TO 2008)).</p>

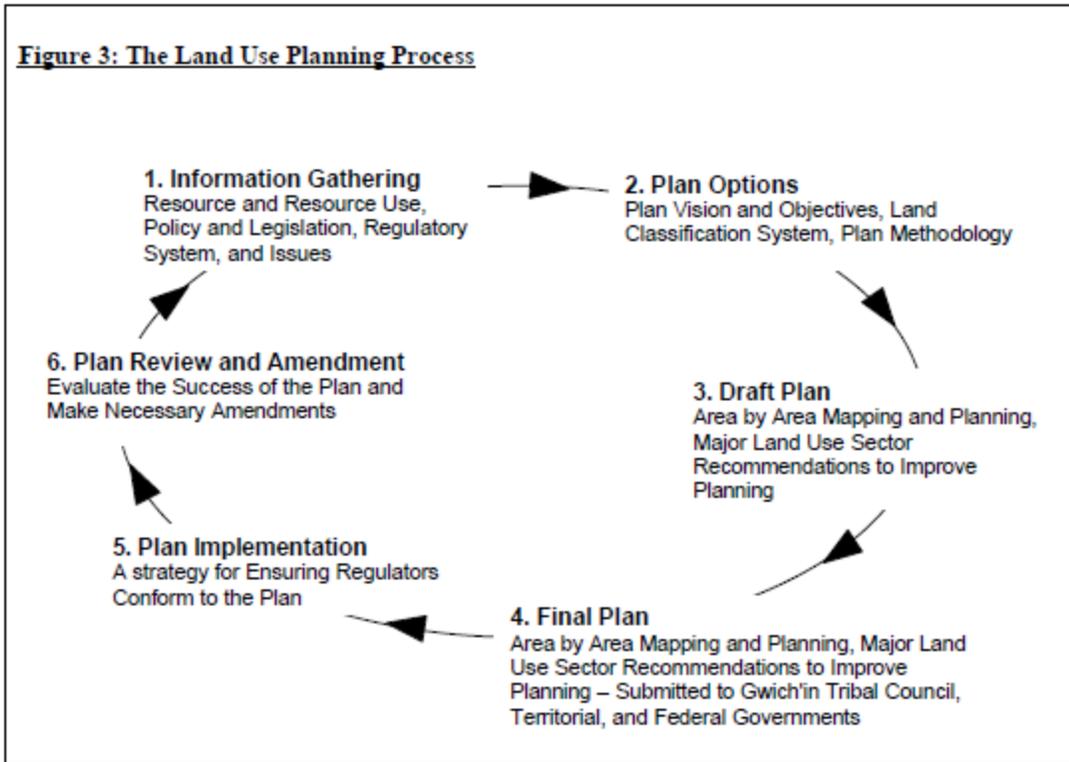
17. What is the average cost of regional planning processes in the jurisdiction?

17. Information not found.

References

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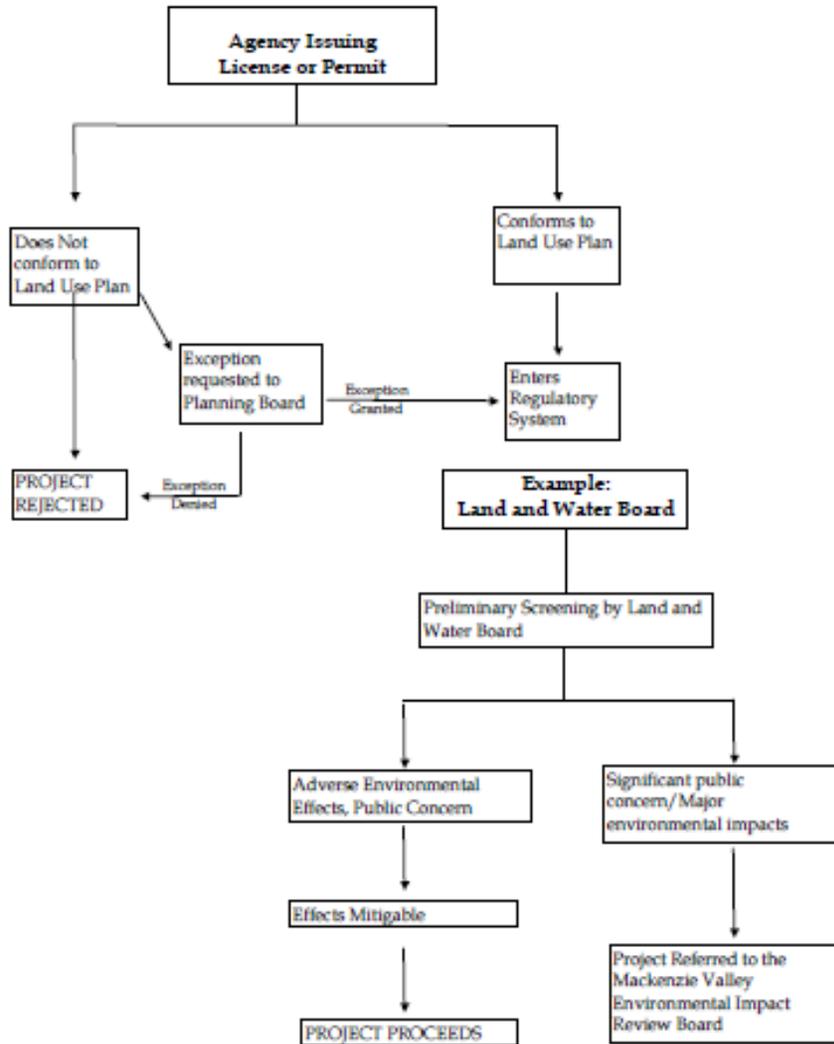
Appendix 1 Land use planning process used for Gwich'in land use plan



Source: Gwich'in Land Use Planning Board, 1999

Appendix 2 Conformity with the land use plan

Figure 9: Conformity with the Land Use Plan



Source: Gwich'in Interim Land Use Planning Board, 1997