

# Sahtu Land and Water Board

Annual Technical Training 2012



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# Sahtu Land and Water Board Annual Technical Training

Today's presentation will discuss the land and water regulatory system in the Sahtu region.

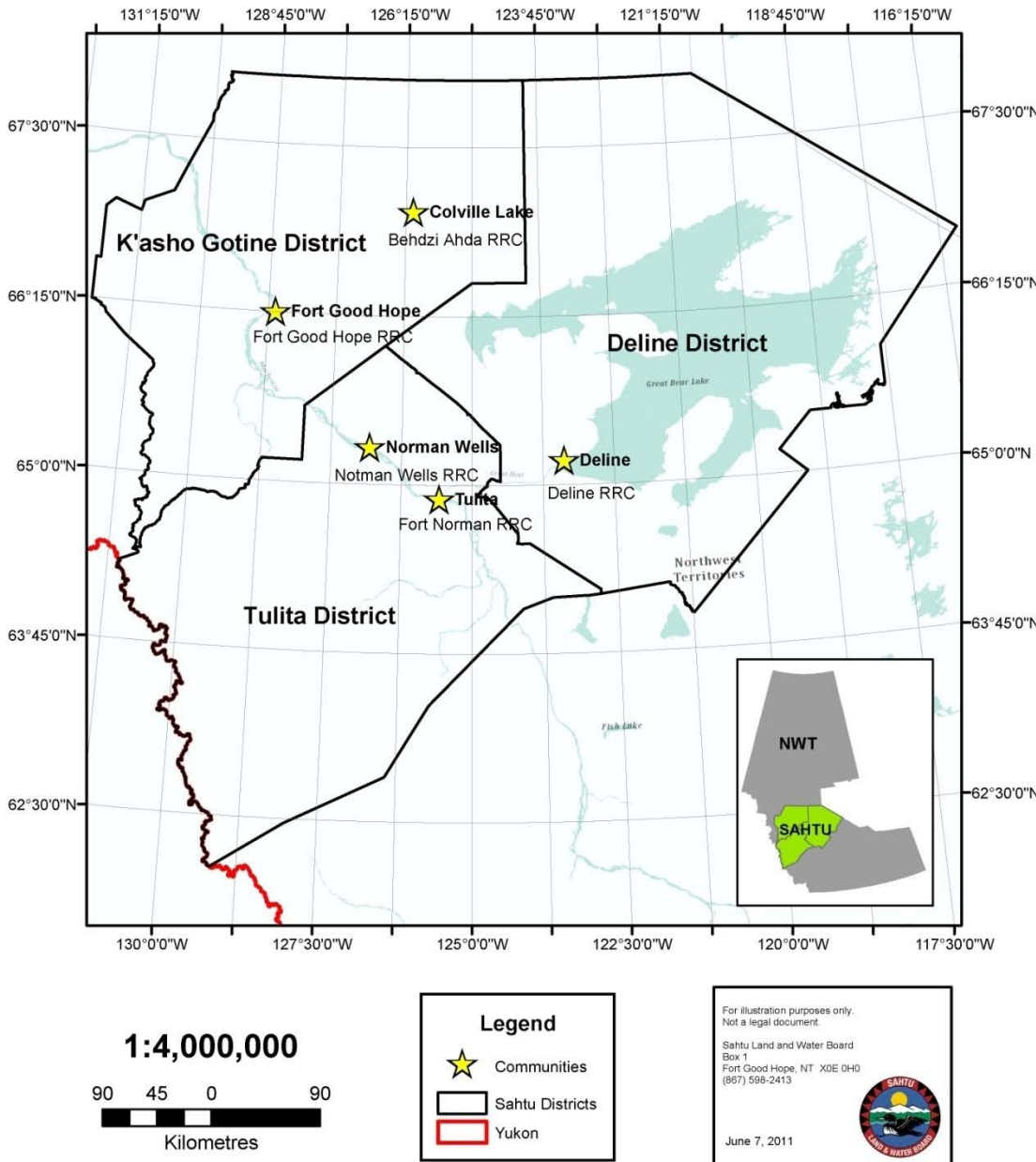
- The establishment of the Sahtu Settlement Area.
- What is co-management?
- Establishment and roles of the different boards.
- Different pieces of legislation.
- What an administrative tribunal does?
- Community engagement/traditional environmental knowledge.
- Land Use Permits/Water Licences process, timelines, and activities.
- Career paths.

# Sahtu Settlement Area

## Sahtu Dene and Metis Comprehensive Land Claim

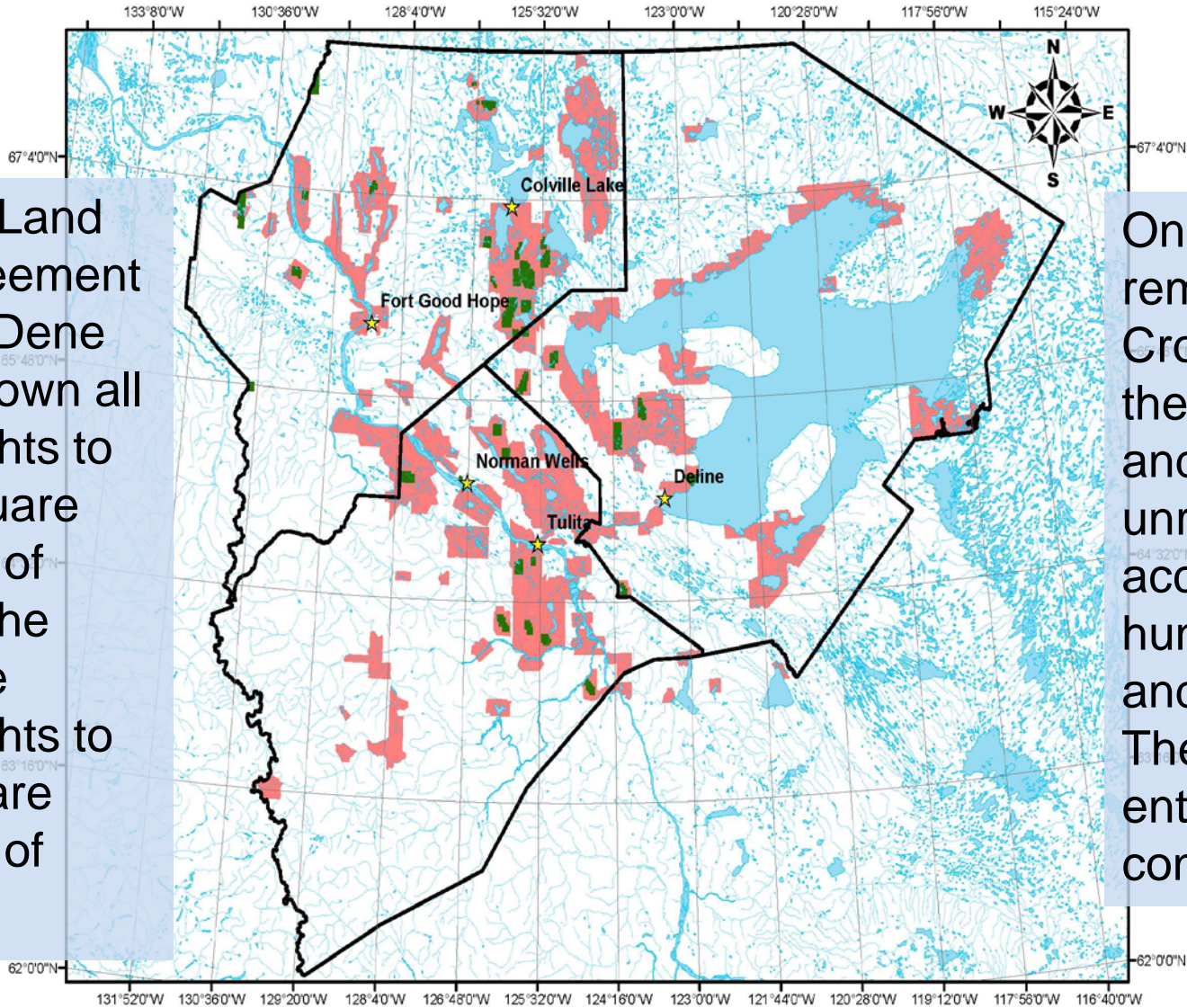
Agreement 1993

- ❖ Established co-management control over 283,171 square kilometres of land and water, including Great Bear Lake.
- ❖ Gives rights in decision making over the use of land, water, and resources within the Sahtu Settlement Area.
- ❖ Establishes Sahtu organizations that manage funds, access to land, and the rights and responsibilities of the Sahtu First Nation.
- ❖ Settlement area is broken into 3 district land corporations and 5 municipal land corporations.





# Surface and Subsurface Lands of the Sahtu Settlement Area



■ Sahtu Surface Rights  
■ Sahtu Subsurface Rights

150    75    0    150  
 Kilometres

For illustration purposes only.  
Not a legal document.

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Under the Land Claim Agreement the Sahtu Dene and Metis own all surface rights to 39,624 square kilometres of land, and the subsurface mineral rights to 1,813 square kilometres of land.

On the remaining Crown Land, the Sahtu Dene and Metis have unrestricted access to hunting, fishing, and trapping. They are also entitled to consultation.



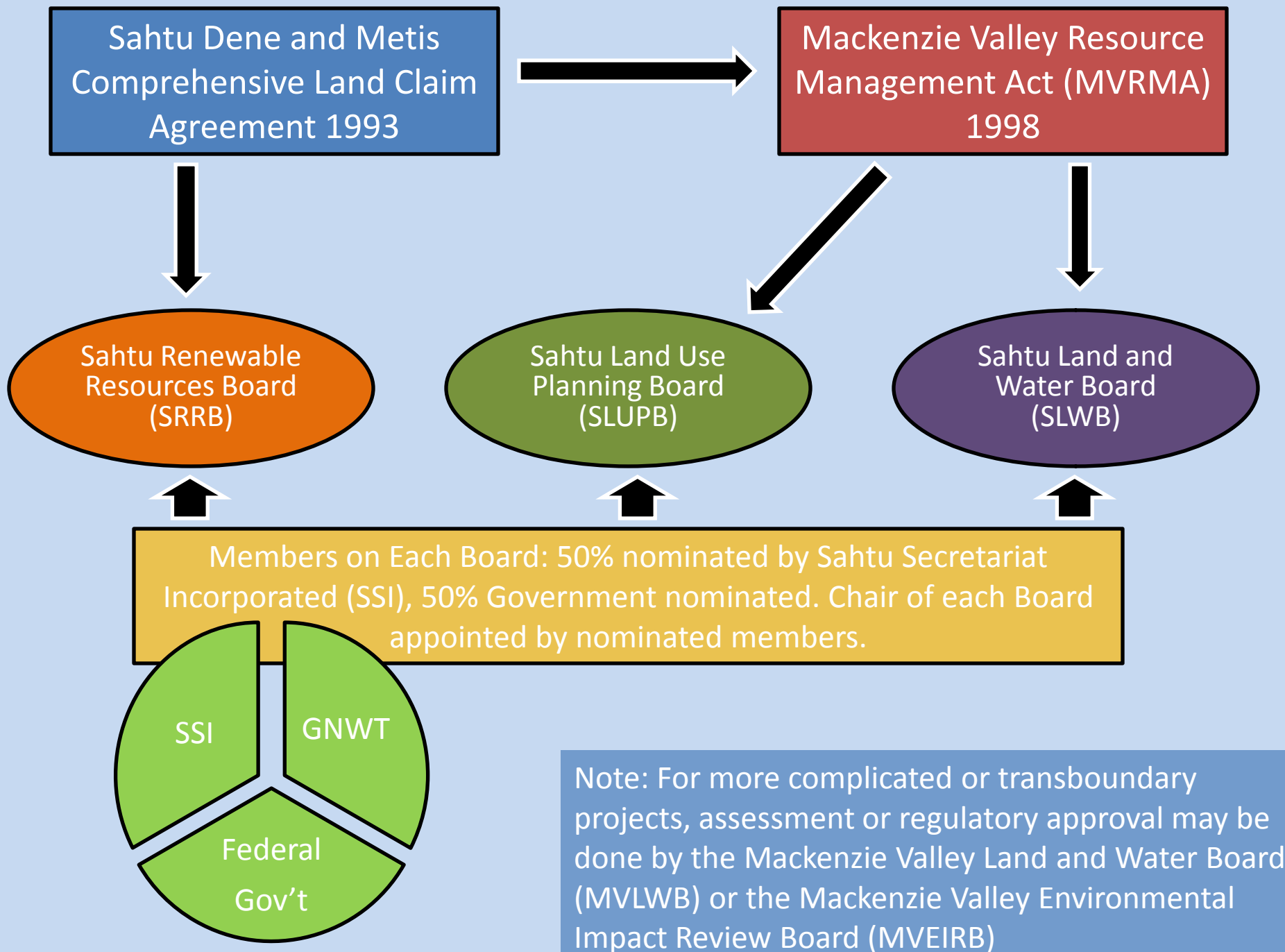
# What is Co-management?

The Sahtu Dene and Metis Comprehensive Land Claim Agreement along with the *Mackenzie Valley Resource Management Act* established co-management boards to make land use and resource management decisions.

Co-management is a system that recognizes the traditional knowledge of Sahtu residents and gives them the right to participate in decision making.

In terms of the various established resource and regulatory Boards, co-management means a system of resource management that considers environmental, economic, and social concerns from Aboriginal, territorial, and federal levels of government.

Co-management boards are accountable to the public, because members are nominated and appointed for limited terms.





# Co-management Boards Roles and Responsibilities in the Sahtu Settlement Area

Wildlife and Forestry		Sahtu Renewable Resources Board
Fisheries		Sahtu Renewable Resources Board
Environmental Assessment		Mackenzie Valley Environmental Impact Review Board
Water Licences		Sahtu Land and Water Board
Land Use Permits		Sahtu Land and Water Board
Land Use Planning		Sahtu Land Use Planning Board



# Regulatory Authority

Authority is granted to the SLWB to issue, amend, renew, or cancel Land Use Permits and Water Licences on Crown, Private, and Settlement Lands.

## Land Use Permitting

- ❖ *Mackenzie Valley Resource Management Act*
- ❖ *Mackenzie Valley Land Use Regulations*

## Water Licencing

- ❖ *Northwest Territories Waters Act*
- ❖ *Northwest Territories Waters Regulations*





# Administrative Tribunal

The Board operates like a Court. An Administrative Tribunal is set up by government to be nonpartisan and make decisions regarding particular pieces of legislation.

Review organizations like federal government departments, the territorial government, and aboriginal governments and organizations act as expert witnesses for the Board.

After compiling expert testimony and staff recommendations, the Board will make a decision on any particular application. That decision is final.

There is an option for Judicial Review of the Board's process or fairness.

Public hearings can be used at the discretion of the Board but are required for Type 'A' Water Licences. Board members act as judges during the hearings.



# Community Engagement

There are many opportunities for public involvement in land and water use decisions.

- 1) **Land Leases:** When the federal government decides to provide leases on lands for development in the Sahtu, they must first engage communities on what lands should or should not be available for development.
- 2) **Access/Benefits Agreements:** After leases have been issued to companies, those companies must consult with district land corporations to sign agreements on what the social and economic benefits will be to people within the Sahtu if on lands with surface or subsurface rights.
- 3) **Permit/Licence:** Before submitting their application to the SLWB, a company must conduct community engagement with all affected parties. This can involve different types of engagement.



# Community Engagement Continued

Community engagement is required for new Land Use Permits and Water Licences well in advance of the submission of an application. This allows communities enough time to review information and provide comments on proposed development.

Types of Engagement Activities:

❖ **Written Notifications**: Should include enough details similar to what will be submitted to the Board on proposed activities. Often used for Extensions, Amendments, Project start-up, Notification of Public Meetings

❖ **Community Public Meetings**: Required for new Land Use Permits and Water Licences. Project proponent is required to have a flexible schedule, advertise the meeting, and provide enough information.



# Community Engagement Continued

❖ **Face-to-Face Meetings:** Required for Type A Water Licences, but again can be required at the discretion of the Board. This is a meeting between the proponent and select members of an Aboriginal government or organization.

❖ **Workshops:** The Board may require workshops when information needs to be shared with a large number of affected parties or if technical issues arise.

Once a proponent has completed all required engagement activities they are required to submit an engagement log with their application outlining all written or verbal correspondence with dates, times, lists of attendees, copies of information presented, and lists of issues raised with proponent responses.





# Traditional Environmental Knowledge

Traditional Environmental Knowledge (TEK) is required by the Sahtu Land and Water Board for all Land Use Permit and Water Licence applications.

TEK is acquired through experience living on the land and having a practical relationship with the land. It is considered to be of equal value to modern scientific knowledge.

For the purposes of applications, TEK must be current and site specific that is sourced from elders and others who have an intimate knowledge of the project area.

The Sahtu Land and Water Board is interested in TEK that deals with the possible impacts of a development on the traditional uses of land and water.



# TEK Continued

Elements of relevant information to include:

- ❖ **Terrain-** description of the area (potential difficulties of moving in the area)
- ❖ **Soils/Geology-** including any permafrost considerations
- ❖ **Climate-** expected conditions during project phases
- ❖ **Vegetation-** uses (feeding grounds or berry picking sites)
- ❖ **Water use-** quality/quantity for camp use, plants, and animals
- ❖ **Stream flow-** crossings, freeze-up, spawning areas
- ❖ **Annual and seasonal trends-** related to wildlife or climate
- ❖ **Transportation-** routes related to traplines, access to land
- ❖ **Significant sites-** burial sites or archaeological significance
- ❖ **Importance of site specific areas-** legends, beliefs, sacred sites
- ❖ **Traditional use-** how might fishing, hunting, or trapping be affected



# Activities Requiring a Land Use Permit

- 1) Use of explosives
- 2) Use of vehicles
- 3) Drilling
- 4) Campsites
- 5) Fuel caches
- 6) Fuel containers
- 7) Building construction
- 8) Hydraulic prospecting
- 9) Earth moving and clearing
- 10) Preparation of lines, trails, or right-of-ways

Type 'A' Land Use Permits typically require more information and are larger development projects than type 'B' Land Use Permits.



# Activities Requiring a Land Use Permit Continued

## Permit Thresholds

Activity	Type 'A'	Type 'B'	No Permit
Explosives	>150kg/30 days	>50kg<150kg/30 days	<50kg/30 days
Use of vehicles	>10 tonnes	>5 tonnes<10 tonnes	<5 tonnes
Drilling equipment	>2.5 tonnes	>500kg<2.5 tonnes	<500kg
Campsites	>400 person days	>200<400person days	<200 person days
Fuel Caches	>80,000L	>4,000L<80,000L	<4,000L
Fuel Containers	>4,000L	>2,000L<4,000L	<2,000L





# Activities Requiring a Land Use Permit Continued

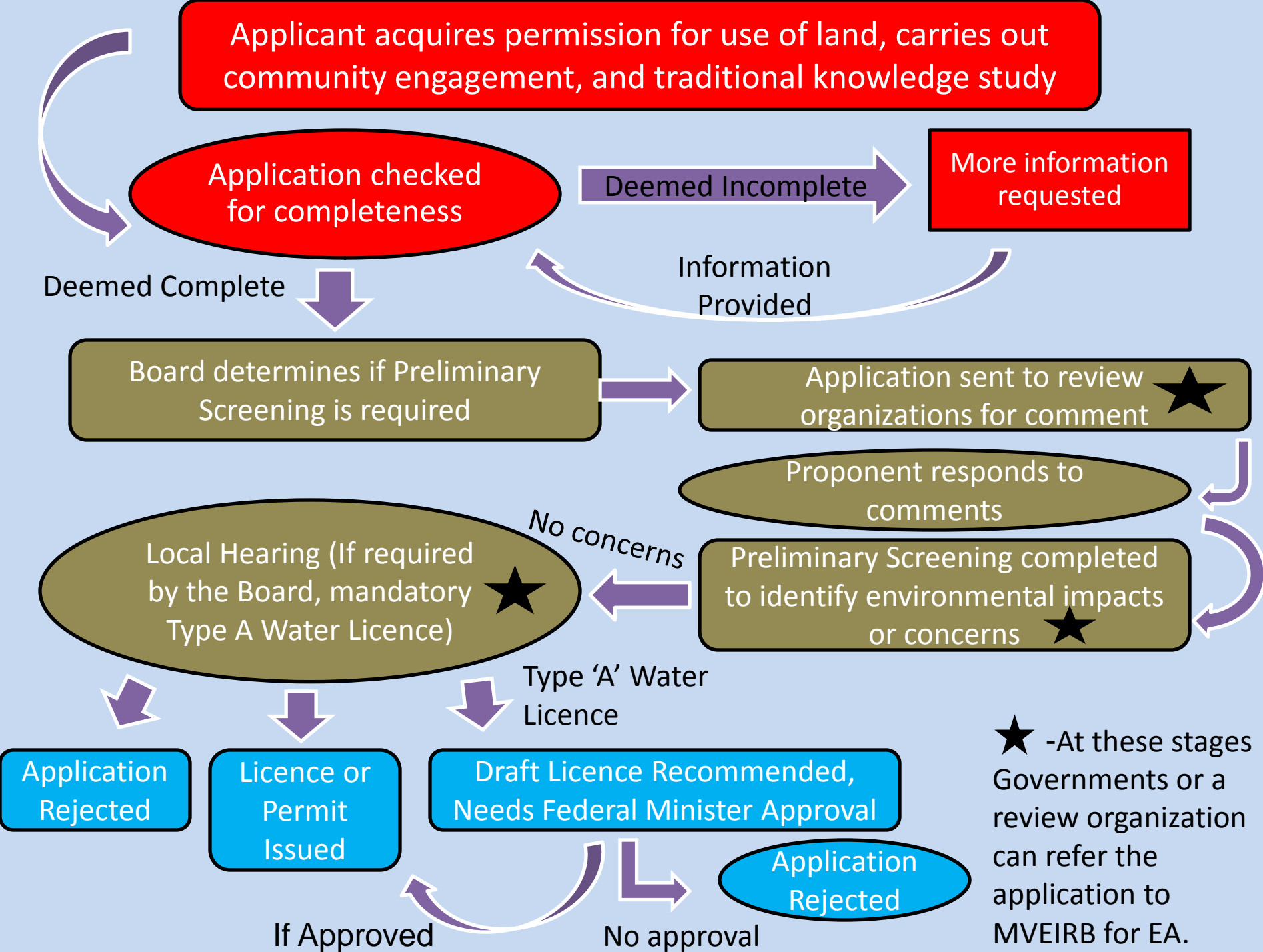
Activity	Type 'A'	Type 'B'	No Permit
Building Construction	N/A	>1,000m <sup>2</sup> , >5m high	<100m <sup>2</sup> , <5m high
Hydraulic prospecting	Use of stationary power driven machine	N/A	N/A
Earth moving and clearing	Use of a self-propelled power driven machine	N/A	N/A
Preparation of lines, trails, and right-of-ways	>1.5m width and >4 hectares	<1.5m width and >4 hectares	<1.5m width and <4 hectares



# Activities Requiring a Water Licence

More specific details about the Types of Undertakings are set out in Schedule 2 of the NWT Waters Regulations. Schedules 4-8 list the criteria for whether a Type 'A' or a Type 'B' Water Licence is required. Again a Type 'A' Water Licence is a bigger operation using more water and producing more waste.

Activity or Undertaking	Description
1. Industrial	Exploration, production, and transportation of oil and gas
2. Mining and Milling	Operation of a mine
3. Municipal	Municipality or camp using water or depositing sewage
4. Power	Hydro or geothermal electrical generation
5. Agricultural	Crops or water for livestock
6. Conservation	Construction of works for preservation or protection of the environment
7. Recreational	Commercial or public recreational development
8. Miscellaneous	Anything else





# Application Timelines

Land Use Permits	Water Licences
<p>After receiving an application the Board has <b>10 days (including weekends)</b> to deem an application <b>complete</b>.</p>	<p>There are <b>no</b> timelines for dealing with water licences in the <i>NWT Waters Act Regulations</i>.</p>
<p>Sections 22 and 23 of the <i>Mackenzie Valley Land Use Regulations</i> outline the timeline for Type 'A' and 'B' Land Use Permits. After deeming an application complete the Board has;</p> <p><b>42 days</b> for a <b>Type 'A'</b>: gather comments from reviewers, hold a hearing (if required), refer to MVEIRB, issue or reject the application.</p> <p><b>15 days</b> for a <b>Type 'B'</b>: however the SLWB treats Type 'B' like Type 'A' to give adequate time for comments from reviewers.</p>	<p>If an application is requesting both a Water Licence and a Land Use Permit for the same project, the SLWB will review and assess the application under the timeline set for Land Use Permits. This is so the project start date and end date is the same for the Water Licence and the Land Use Permit.</p>





# Using the Public Registry

The online Public Registry is a tool that allows anyone to view issued Water Licences and Land Use Permits including the terms and conditions, application documents, and maps.

You can access the Registry by visiting [www.slwb.com](http://www.slwb.com) and then clicking on the Go to Registry button at the top of the webpage.

Once on the Registry you will see a list of all Water Licences and Land Use Permits sorted by their year. You will also see the file name and company name.



## Sahtu Land and Water Board - Online Registry

[Home](#) [Mackenzie Valley Land and Water Board](#) [Wek'èezhìi Land and Water Board](#) [Gwich'in Land and Water Board](#)[Application Lists](#)  
[Applications Mapped](#)

## Select a file

App#	Company
<b>2011</b>	
S11T-002/S11L3-002	Husky Oil Operations Limited
S11A-003/S11L1-003	Husky Oil Operations Limited
S11C-001	Archer, Cathro & Associates (1981) Limited
S11B-004	Explor
S11B-005/S11L1-005	Husky Oil Operations Limited
S11L8-001	Imperial Oil Resources Limited
S11L1-004	Imperial Oil Resources N.W.T. Limited
<b>2010</b>	
S10L1-001	MGM Energy Corp
<b>2009</b>	

## S11T-002/S11L3-002 - Husky Oil Operations Limited

Approximately 40km SSE of the Town of Norman Wells - Staging Area - B

[Map It](#)

Project:

Status:

Board Meeting held Dec. 5, 2011 and approved Permit and Licence

Expiry- 04-Dec-16

[More Details](#)[Refresh](#)

### Registry

Title	Size	Date	Added
<b>1. Permit / Licence / other Issuances</b>			
<b>Land Use Permit</b>			
<a href="#">S11T-002 Land Use Permit.pdf</a>	600kb	12/13/11	12/13/11
<b>Reasons for Decision</b>			
<a href="#">S11T-002 Reasons for Decision.pdf</a>	873kb	12/13/11	12/13/11



# Online Public Registry Continued

Example from previous slide for Husky Oil Operations Limited

**S 1 1 T - 0 0 2** Land Use Permit

**S 1 1 L 3 - 0 0 2** Water Licence

Note: There could be an L for a Land Use Permit, but if there is a number right after the L, it is a Water Licence.

Water Licence Category  
Stands for Licence

Indicates what number of Permit  
or Licence for that year

Category of Land Use Permit

Year application received

Stands for Sahtu



Questions???







# Issuing Permits or Licences

There are 3 phases to issuing Land Use Permits and Water Licences:

Phase 1: Application Submission

Phase 2: Review

Phase 3: Issuance/Monitoring



# Phase 1: Application Submission

- ❖ Initial Contact
- ❖ Application Received
- ❖ Review of Application (Type 'A' or Type 'B')
- ❖ Acceptance of Fees
- ❖ "Deeming Complete" an Application



# Phase 1: Application Submission Continued

- ❖ Planning saves time and money for any proponent.
  - The North has a unique regulatory system.
  - The SLWB will give guidance on completing an application properly, if asked.
  - Applications can and have been returned “Deemed Incomplete.”

## Requirements for a Complete Land Use Permit or Water Licence Application:

- ❖ **Description of Development:** scope, scale and location of work as well as relevant completion with all relevant legislation.
- ❖ **Eligibility for a Permit:** company has the right to conduct business in the NWT and access agreements to land.
- ❖ **Engagement with Landowner:** engagement reports from communities, GNWT, AANDC, and Aboriginal Governments.
- ❖ **Environmental/Resource Impacts:** TEK, mitigation and remediation plans, waste management plans, and spill contingency plans.
- ❖ **Maps:** scaled to 1:250,000 and 1:50,000.
- ❖ **Fees:** application fees and other applicable fees. Different for land and water.



## Phase 2: Review

- ❖ Application sent to review organizations for comment and information.
- ❖ Proponent responds to comments.
- ❖ Preliminary screening completed to identify significant environmental impacts or public concern.
- ❖ Staff Report, Preliminary Screening Draft, Terms and Conditions, Reason for Decision , and Security deposit information are sent to the Board for review and a decision on the application.
- ❖ If the Board approves the application, the process moves to Phase 3: Issuance/Terms and Conditions





## Phase 2: Review Continued

After an application is deemed complete the Board circulates the application to other regulatory agencies, affected communities, and designated Sahtu organizations for review and comment. (*Note: For Water Licences, an advertisement is placed in newspapers.*)

**Distribution List depends on type of application (water or land) and district within the Sahtu. Typical list is as followed:**

- SLWB Board Members
- Deline District/Council
- Tulita District/Councils
- K'asho Got'ine District/ Councils

- SSI
- SLUPB
- SRRB
- Local Renewable Resource Councils

- MVEIRB
- MVLWB
- MACA
- ENR
- DOT
- ITI
- Department of Health and Social Services

- AANDC
- Transport Canada
- National Energy Board
- Environment Canada
- Fisheries and Oceans Canada



## Phase 2: Review Continued

**Preliminary Screening** is undertaken by SLWB staff to examine mitigation measures of a proposed application to assess any potential socio-economic or environmental impact. We examine:

❖ **Physical-Chemical Effects**- impacts to ground water, surface water, air, noise, land, and resource depletion.

*Examples: water quality changes, soil contamination, or loss of buffer zone.*

❖ **Biological Environment**- impacts to vegetation, fish and wildlife, and habitat.

*Examples: fish population changes, habitat reduction, or species introductions.*

❖ **Interacting Environments**- impacts on communities, social and economic concerns, and cultural and heritage sites.

*Examples: reduction or removal of endangered/keystone species, human health hazards, changes to or loss of archaeological heritage.*



## Phase 2: Review Continued

Staff Reports are drafted by SLWB Staff to help inform Board members about applications. Staff Reports summarize the key components of an application and provide recommendations on whether or not to approve the Permit or Licence.

Once approved the Board will issue the Permit or Licence with terms and conditions, all of which is made public on the Registry.

Terms and Conditions for a Land Use Permit are decided by general guidelines set out in Section 26 of the *Mackenzie Valley Land Use Regulations*. Conditions for a Water Licence are set out in Section 15 of the *Northwest Territories Waters Act*.

Examples include; location and area of lands that may be used, times at which work can be carried out, type of equipment allowed, disposal of toxic materials or sewage, and reclamation requirements.



## Phase 2: Review Continued, Posting Security

Under the *Mackenzie Valley Resource Management Act* and the *Northwest Territories Waters Act*, the SLWB can determine the amount of security required by an applicant to ensure the proper closure and reclamation of a site.

Security is requested as a deposit when a licence or permit is issued. In setting the amount of security, the SLWB may consider the ability of the applicant to pay the costs, the past performance of the applicant, prior posting of security, and/or the probability of environmental damage.



## Phase 3: Issuance/Monitoring

- ❖ Length of Land Use Permits
- ❖ Length of Water Licences
- ❖ Inspections
- ❖ Annual Reporting





## Phase 3: Issuance/Monitoring Continued

**Land Use Permits** are issued for a period not exceeding **5 years**, and can be extended for an additional period not exceeding **2 years**.

**Water Licences** can be issued for a period not exceeding **25 years**, but the Board has discretion to limit that time frame and more commonly issues Licences for **5 or 10 years**.

AANDC staff are certified as inspectors to monitor the terms and conditions of a Permit or Licence to ensure compliance. SLWB staff also conduct site visits from time to time to ensure compliance with established terms and conditions.

- For Water Licences, annual reporting is required on or before the date the Licence was issued.
- For Land Use Permits, an inspector or the Board can request reports on the progress of the land use operation.



# Phase 3: Issuance/Monitoring Continued

## **Land Use Permits Final Plan**

- ❖ Based on Section 29 of the *Mackenzie Valley Land Use Regulations*, every permittee is required “within 60 days after the completion of a land-use operation or the expiration of the permit, whichever occurs first”, to submit a final plan to the Board.
- ❖ This plan will detail the locations and scale of all work undertaken during the timeframe of the permit.

## **Letter of Clearance**

- ❖ Once a permittee has complied with all conditions of their Permit, the Board, with recommendation from AANDC Inspectors, issues a letter of clearance closing the file.

## **Water Licences**

- ❖ When a water licence expires and the licensee is not extending or renewing, the SLWB ensures the licensee has properly reclaimed the site after which the file will be closed.



# Issuance/Monitoring Continued

Under the *Mackenzie Valley Land Use Regulations* there are a couple sections that ensure proper remediation of developed areas.

Section 29(6) states, “notwithstanding the expiration or cancellation of a permit, the submission of a final plan or the giving of a notice of discontinuance under section 37, a permittee remains responsible for all obligations arising under the permit or under these Regulations until such time as the Board issues a letter of clearance pursuant to section 33.”

Essentially, this means a permittee is liable for any clean-up or reclamation needed on the land regardless of whether the Permit is expired.

For Water Licences, a standard Term and Condition is,  
“The Licensee shall monitor the project area affected by activities relating to the issued Water Licence for a minimum of five (5) years to ensure that mitigation, reseeding, erosion control and restoration efforts have been successful. These efforts shall be performed to the satisfaction of the Board and the Water Licence Inspector.”



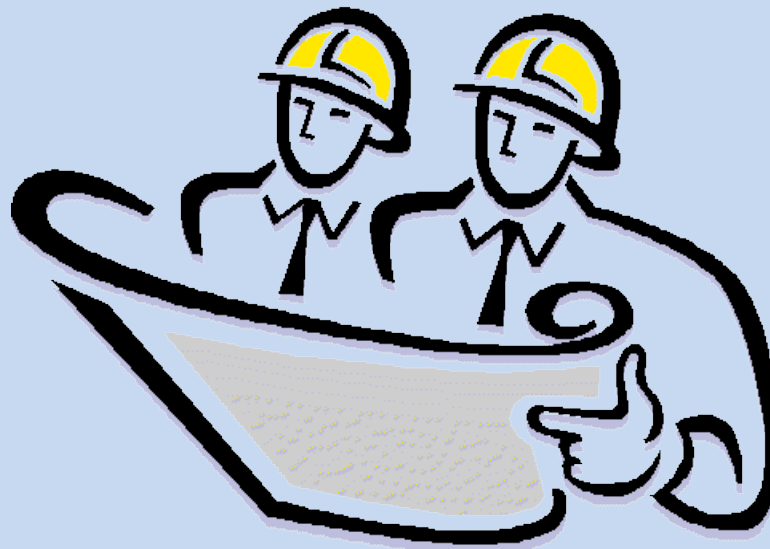
Questions???







# Career Paths in the Regulatory Field







# Careers at the SLWB

**Executive Director**: responsible for managing the day to day operation of the SLWB. Makes decisions regarding policies, guidelines, and strategic plans of the organization.

**Manager of Finance and Administration**: responsible for the organizations' budget and human resources.

**Regulatory Clerk**: responsible for organizing and filing all licence and permit applications as well as maintaining the public registry.

**Regulatory Specialists**: review and assess incoming land use permit and water licence applications as well as monitor issued permits and licences.



# Careers within the Broader Environmental Regulation Field

- ❖ **Regulatory specialists**: the various land and water boards, governments, consultant firms, and companies require people with this expertise.
- ❖ **Environmental Inspectors**: conduct site inspections to assess compliance of development operations. Most levels of government have these types of positions.
- ❖ **Environmental Monitors**: survey developments to observe and record wildlife, habitat condition, and ensure compliance with terms and conditions.
- ❖ **Labratory technician/analyst**: catalogue and analyze water and waste samples from developments to determine if they are within acceptable parameters.

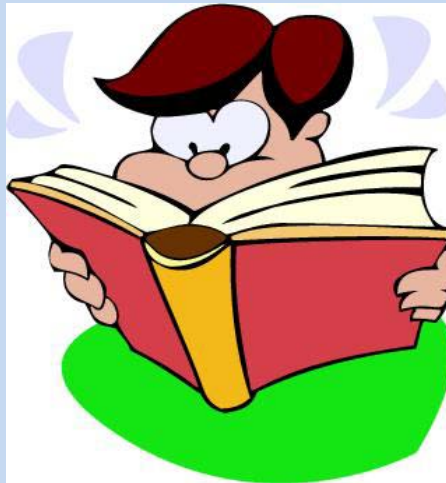


# Careers Continued

- ❖ **Geologist:** study the solid matter as well as the processes of the Earth. (rocks, minerals)
- ❖ **Hydrologist:** study the movement, quality, and distribution of water.
- ❖ **Ecologist:** study the relationships between living things and their environment.
- ❖ **GIS technician:** (Geographic Information Systems) capture, manage, store, and manipulate geographic data. (multilayered maps)
- ❖ **Policy Advisor/Analyst:** make decisions regarding policies and ensure proper implementation and evaluation.



# What to Study?



Sciences



Biology

Ecology

Chemistry

Geosciences

Careers: hydrologist,  
geologist, environmental  
monitor/inspector, ecologist,  
lab technician/analyst,  
gis technician

Both an Arts  
or a Science  
path could  
lead to  
certain  
regulatory  
or inspector  
careers.

Arts



Geography

Environmental  
Studies

Political Studies

Careers: regulatory  
specialist, policy  
analyst/advisor



# Aurora College

Aurora College offers 3 programs that would be an excellent starting point for entering this field of work.

- ❖ **Environment and Natural Resources Technology Access Program**
  - Is a 10 month program designed to prepare students to meet the admission requirements of the second program.
- ❖ **Environment and Natural Resources Technology Program**
  - Is a 2 year diploma program featuring classwork and hands on experience preparing students for a career as technicians or officers in environmental resource management.
- ❖ **Environmental Monitor Training Program**
  - Is a 5 week program designed to give students pre-technician level training in environmental concepts and measures. It prepares students to work on various development projects.





Thank You!!

Questions???

