



Sahtu Land Use Planning Board

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March 7, 2017

Maurice Albert, VP External Affairs
Selwyn Chihong Mining LTD
2701-1055 West Georgia Street
Vancouver, BC
V6E 0B6

DELIVERED ELECTRONICALLY: malbert@chihongmining.com

Re: Howard's Pass Access Road (HPAR) Upgrade Conformity Determination (CD2015-01)

Dear Mr. Albert:

During its February 22-23, 2017 meeting the Sahtu Land Use Planning Board (SLUPB) reviewed the status of the *Howard's Pass Access Road (HPAR) Upgrade Conformity Determination (CD2015-01)* and made a decision to apply Rule 4.6(1) of the Rules of Procedure. By applying this rule, no further action will be taken by the SLUPB until the completion of the Developers Assessment Report (DAR) as part of the Environmental Assessment (EA) process.

Timeline

The Howard's Pass Access Road (HPAR) Upgrade ("Project") was referred to the SLUPB for a Conformity Determination on December 3, 2015 by the Mackenzie Valley Land and Water Board (MVLWB). The MVLWB conformity determination referral letter communicated the following:

- The Project Land Use Permit and Water Licence Applications were submitted to MVLWB (July 3, 2015);
- Parks Canada Agency referred the Project to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for an EA (July 10, 2015);
- This EA referral was done before the MVLWB assessed whether or not the Land Use Permit and Water Licence Applications contained all of the information necessary to deem them complete and initiate the review of the Project;
- The Government of the Northwest Territories (GNWT) raised the issue of conformity with the Sahtu Land Use Plan, requesting "the boards take the



necessary actions to complete and file on the public record as soon as possible a conformity determination for this land use activity.” (November 13, 2015);

- MVEIRB set a letter to the MVLWB requesting that MVLWB complete a conformity review for the project or refer to the SLUPB (November 25, 2015); and
- The MVLWB agreed with the GNWT and MVEIRB that the Project should be referred to the SLUPB.

Information Available to the SLUPB for Conformity Determination

Since the conformity determination referral the SLUPB has reviewed the application materials as posted on the MVLWB registry, and issued 3 information requests (December 8, 2015; December 14, 2015; April 5, 2016) to Selwyn Chihong Mining LTD (SCML).

The SLUPB has received responses (on March 8, 2016) from SCML to the two December 2015 information requests, as well as SCML’s response to the Sahtu Renewable Resource Board’s written submission. These documents are posted to the SLUPB online registry: www.sahtulanduseplan.org/cd2015-01

With respect to the April 5, 2016 Information Request, the SLUPB was presented two documents emailed on February 15, 2017. The first document contained three previously submitted letters of support (Fort Norman Metis Land Corporation, Norman Wells Land Corporation, Tulita Land/Financial Corporation). The second document contained two letters regarding the transfer of cooperation agreement commitments.

Rule 4.6(1) Decision

Upon review of all the information available, the SLUPB has taken the position that there are ongoing activities being conducted to gather information for the development of the Project which are relevant to the conformity determination. SCML’s written submissions to the Board, in particular responses to the December 14 Information Request, reference ongoing activities as part of the EA process. Based on these responses the SLUPB decided that a conformity determination cannot be made until more complete Project information is made available through the Development Assessment Report (DAR).

With insufficient information to make a conformity determination at this time, the SLUPB is applying Rule 4.6(1) of its Rules of procedure:

At any time the Board may decide that it has insufficient information to make a Conformity Determination.

This decision is taken to avoid the necessity of continued issuances of Information Requests by the SLUPB due to incomplete Project information.



Next Steps

The SLUPB will take no further action until the completion of the Development Assessment Report (DAR) as part of the EA Process. Once the DAR is completed, a copy should be submitted to the SLUPB. Furthermore, on completion of the DAR it is recommend that SCML review its previous submitted responses to SLUPB Information Requests and update them as needed with the new information about the Project, with reference to the relevant Conformity Requirements of the Sahtu Land Use Plan.

The decision to apply Rule 4.6(1) was made prior to the receipt of SCML's written response received February 27, 2017 (dated: February 26, 2017) responding to the April 5, 2016 Information Request. That submission will be made available to the SLUPB and posted to the registry.

Should you have any questions regarding the SLUPB's decision to apply Rule 4.6(1) please contact me at exec_director@sahtulanduseplan.org or 867-598-2055.

Regards,

A handwritten signature in blue ink that reads "All Set Scott".

Scott Paszkiewicz
Executive Director/Senior Land Use Planner

CC:

Rebecca Chouinard, Executive Director
Mackenzie Valley Land and Water Board

Mark Cliffe-Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board