

Our File: EA1516-01  
Nov 24, 2015

Willard Hagen  
Mackenzie Valley Land and Water Board  
7th Floor, 4922 48th St, PO Box 2130, YK, NT  
X1A 2P6  
(604) 620-6188

Dear Mr. Hagen,

**Re: Howards Pass Access Road Upgrade Project EA, conformity with Sahtu Land Use Plan**

On Nov 13, 2015 the GNWT wrote to the Mackenzie Valley Land and Water Board, along with other parties, identifying the need for a conformity determination against the Sahtu Land Use Plan for the Howard's Pass Access Road Upgrade Project. The GNWT's letter is attached for your information.

The project was referred to the Review Board on July 10, 2015 before such a determination was made. According to the Sahtu Land Use Plan a conformity determination of the proposed land use activity should have been conducted. The Review Board does not have the authority to conduct such a determination or to directly ask the Sahtu Land Use Planning Board to conduct a determination.

The Howard's Pass Access Road Upgrade Project is undergoing an environmental assessment and a conformity determination would assist the Review Board in conducting a timely assessment. The Review Board respectfully requests that that the Mackenzie Valley Land and Water Board complete a conformity review of the project, or refer the development to the Sahtu land Use Planning Board for a conformity review, and submit the results to the Review Board.

If you have any questions please contact Simon Toogood at [stoogood@reviewboard.ca](mailto:stoogood@reviewboard.ca) or 867-766-7753.

Regards,



Simon Toogood  
Environmental Assessment Officer

Attachment: Hall, Terry. Letter to Hagen, Willard et al., 13 Nov, 2015.



Mr. Willard Hagen  
Executive Director  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50th Avenue  
P.O. Box 2130  
YELLOWKNIFE, NT X1A 2P6

NOV 13 2015

Mr. Paul Dixon  
Executive Director  
Sahtu Land and Water Board  
P.O. Box 1  
FORT GOOD HOPE, NT X0E 0H0

Mr. Scott Paszkiewicz  
Executive Director / Senior Land Use Planner  
Sahtu Land Use Planning Board  
P.O. Box 235  
FORT GOOD HOPE, NT X0E 0H0

Dear Sirs:

**Howard's Pass Access Road Upgrade Environmental Assessment (EA-1516-01)  
and the Sahtu Land Use Plan**

On July 10, 2015 Parks Canada referred the Selwyn Chihong Mining Ltd. Howard's Pass Access Road (HPAR) upgrade to the Mackenzie Valley Environmental Impact Review Board (Review Board) for environmental assessment (EA). The proposed development crosses Zone 41 of the Sahtu Land Use Plan (the Plan). The zone is currently a "proposed conservation initiative"; however, an amendment (AM2015-01) is presently in progress.

The proposed development was referred to the Review Board for EA before an appropriate regulatory authority had determined whether the proposed land use activity (as described in the application for a licence and permit) conforms to the Plan. The Plan states (p. 56) that determinations of conformity "will have preceded



the Review Board's assessments." Further, as noted within the Plan's Implementation Guide (p.41), a determination of conformity should be completed as soon as an application is received, and prior to the preliminary screening, EA (if referred) and regulatory phases.

Section 24.1 of the *Mackenzie Valley Resource Management Act* requires the boards of the Mackenzie Valley to coordinate their activities. There is no evidence on the public record with regard to the proposed land use activity and a conformity determination. The GNWT therefore respectfully requests that 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, that includes a consideration of Section 2.5 D of the Plan (Application to Land Uses that are a Legacy of Decisions Before the Approval of the Plan).

If you have any questions about this matter, please contact Lorraine Seale ([Lorraine\\_Seale@gov.nt.ca](mailto:Lorraine_Seale@gov.nt.ca)), Manager, Project Assessment Branch, and/or Darha Phillpot ([Darha\\_Phillpot@gov.nt.ca](mailto:Darha_Phillpot@gov.nt.ca)), Manager, Land Use Planning.

Sincerely,



Terry Hall  
Director  
Land Use and Sustainability

Attachment

c. Mr. Mark Cliffe-Phillips  
Executive Director  
Mackenzie Valley Environmental Impact Review Board

Mr. David Little  
Executive Director  
Sahtu Secretariat Incorporated

Ms. Catherine Conrad  
Senior Director  
Environment and Renewable Resources  
Indigenous and Northern Affairs Canada (Aboriginal Affairs and Northern Development Canada)