

Deh Cho Land Use Planning Committee
General Delivery
Fort Providence, NT
X0E 0L0

March 18, 2005

Attention: Heidi Wiebe, Executive Director

Draft Deh Cho Land Use Plan

Thank you for the opportunity to review the current draft of the Deh Cho Land Use Plan. As requested, below are the Department of Municipal and Community Affairs' comments to the Deh Cho Land Use Planning Committee (DCLUPC) on the draft plan:

- The "Introduction" refers to the land use plan applying outside of municipal boundaries. Several communities in the Deh Cho do not have formal municipal boundaries but rather administrative delineations for the purpose of defining jurisdiction (Development Control Zones). Therefore, by strict interpretation, the provisions of the draft land use plan would apply in those communities that do not have formal municipal boundaries. For a community such as Trout Lake, for example, the Conservation Zone designation would technically apply within the community. Under this designation no development is permitted. Consequently by a literal reading of the land use plan, there would be no development permitted in this community, including housing, community infrastructure etc. At a minimum the definition of community boundaries needs to be expanded to include Development Control Zones.
- Related to the subject of community boundaries is the issue of remote community infrastructure (i.e. community infrastructure located outside of community boundaries). Comments were previously submitted from MACA by e-mail on September 20, 2004 regarding this matter. The DCLUPC response appears to be that these types of issues can be addressed when the land use plan is reviewed every five years. The five-year amendment review does not satisfactorily address this issue. While the Department and communities strive to project capital planning requirements as far into the future as possible, there are instances when it is not possible to provide this level of foresight. When there are cases where critical community infrastructure is required on a short turnaround basis, there needs to be sufficient flexibility in the land use plan to permit this type of development. This could be facilitated simply by adding a clause to the land use plan that either exempts

this type of development or permits remote community infrastructure under certain types of circumstances.

- The definition for “land” captures features that are far beyond the scope of any existing legal definition for this term. From a legal standpoint, it is questionable whether a commonly accepted term can be expanded and modified to such a degree that it bears no relationship to its legally accepted definition.
- The definitions for “mining”, “oil and gas operations” and “pipeline” seem to capture components that are outside of the generally accepted definitions for these terms.
- In the strict sense of the term, the Mackenzie Valley Environmental Impact Review Board is not considered a regulatory authority.
- The “definitions” section in general is phrased in a somewhat confusing manner. For example, the definition for “Mining” reads “Mine means any work...”. Is the definition meant to apply to the term Mining or Mine? This type of ambiguity is repeated for several other items in the “Definitions” section.
- The definition for “Mackenzie Valley Pipeline Components” is not actually a definition but rather a provision of the land use plan and would be more appropriate located in the main body of the document.
- Table 8 (page 24) should clarify that “Corridor/Road Density” is intended to apply to roads outside of community boundaries.

Once again, thank you for the opportunity to comment on the Deh Cho Land Use Plan. If you require clarification on any of these points, please contact the undersigned at 920-8038.

Sincerely,

Mark Davy
Senior Environmental Planner