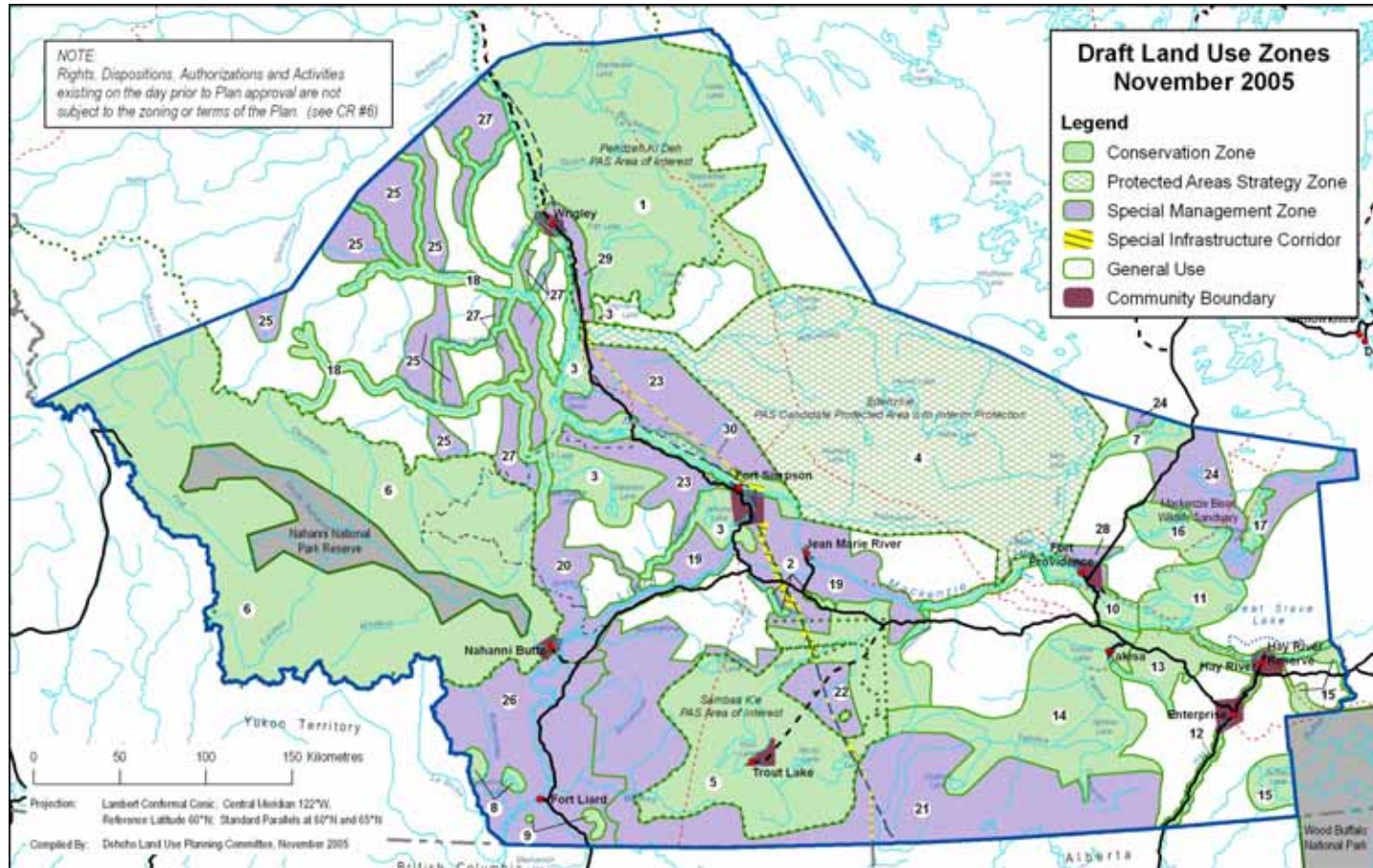


Revised Draft Land Use Plan



Regional Forum
February 6th – 10th 2006

DEHCHO LAND USE PLANNING COMMITTEE
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Dehcho Ndèh T'áshoo't'èh Sáhshoo'èè-èè

Overview

- Purpose
- Introduction and Background
- The Plan and Background Report
- Scope and Application
- Zoning and Terms
- Implementation
- Example Conformity Check
- Revisions, Exceptions and Amendments
- Final Steps



Purpose

- The purpose of The Regional Forum 2006 is to review the Revised Draft Plan – November 2005
- This Draft has already been presented to the Communities and Planning Partners during Pre-Forum Information Sessions held in December and January.
- DLUPC requested comments by January 27th, 2006.
- Any changes requested at Pre-Forum Information Session have not yet been made.
- The Regional Forum is an opportunity for planning partners to make presentations and discuss the plan.

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Introduction & Background

- Dehcho Land Use Planning Committee was established in 2001 through the Interim Measures Agreement
- The purpose of the Plan is to promote the social, cultural and economic well being of residents and communities in the Dehcho territory, having regard for the interests of all Canadians
- Planning Partners: GNWT, Canada and DFN
- Extensive Research, Consultations, Mapping, Documentation and Feedback

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Introduction & Background

- 4 Years of Work
- 101 Information and Consultations Sessions
- 10 Mapping Sessions
- 33 Re-zoning Sessions
- 2 Regional Forums
- >10 Leadership, Elders Meetings and Negotiation Sessions
- 3 Dehcho Assemblies
- 2 Special Workshops (Wildlife and Dene Nahodhe)
- ~ Various Other Meetings
- >20 Research Projects
- 3 Drafts: Working Draft, Draft and Revised Draft
- 107 Written Submissions
- >700 Comments & Responses

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Revised Draft Plan

Text changes highlighted in grey

Chapter 1: Introduction

- S. 1.2 Scope & Application

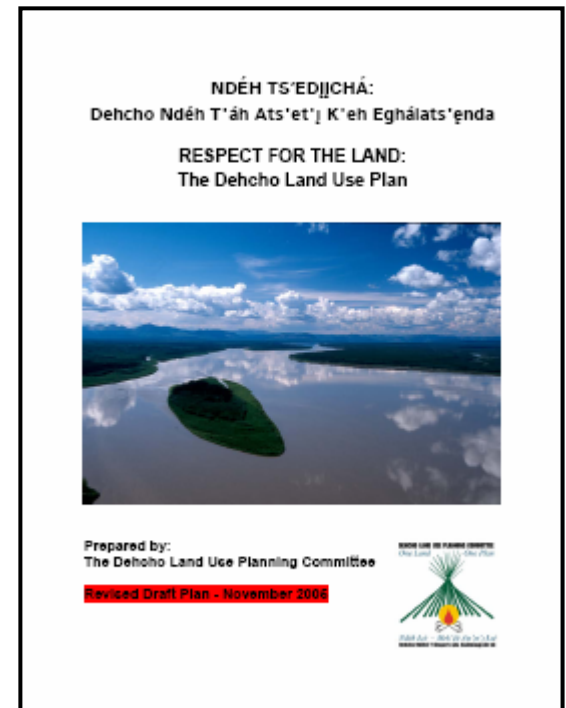
Chapter 2: Vision, Zoning and Terms

Chapter 3: Plan Approval and implementation

Appendix 1. Summary of Conformity Requirements, Actions & Recommendations

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PLAIN LANGUAGE SUMMARY



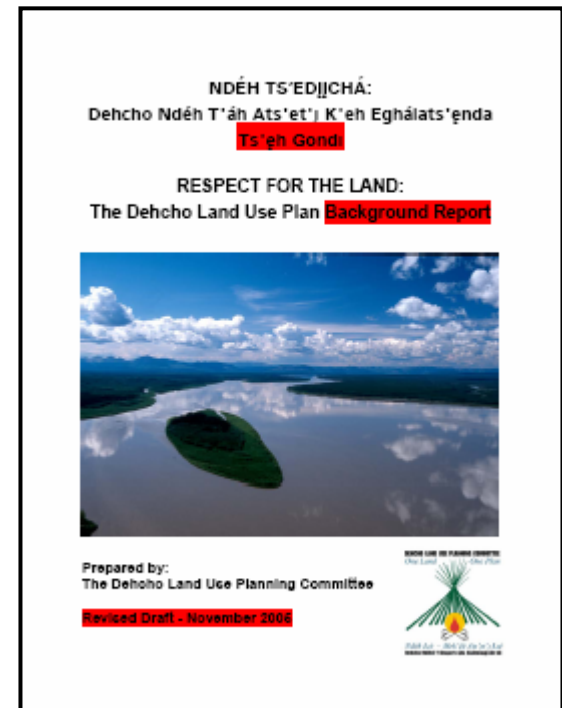
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Decho Ndéh T'áh Ats'et'j K'eh Egháats'enda

Revised Draft Background Report

- Chapter 1: Introduction
- Chapter 2: People, Land and Resources
- Chapter 3: Regulatory and Policy Framework
- Chapter 4: Planning Process
- Chapter 5: Land Use Zone Descriptions
- Chapter 6: Plan Assessment
- Appendix 8 - Comments and Responses on Draft Plan



Scope and Application

- 1. Location** – Applies to Dehcho territory outside Community Boundaries and Nahanni National Park Reserve
- 2. Social Context** – Purpose of the Plan is to promote the social, cultural & economic well-being of residents and communities, having regard to the interests of all Canadians
- 3. Legal Context** – Consistent with DFN Interim Measures Agreement & current regulatory regime; “Permitted” does not imply consent or approval by DFN but allows the application to proceed to the rest of the regulatory system
- 4. Land Uses** - Agriculture, Forestry, Tourism, Mining and Oil and Gas through Zoning; others through Terms; if a land use is not discussed then the Plan defers to the existing regulatory system
- 5. Traditional Land Use and Occupancy** – The Plan does not affect this



Scope and Application

- 6. Existing Rights, Dispositions, Authorizations & Activities** - Exempt from the Zoning and Terms of the Plan
- 7. New Activities** – The Plan only applies to new activities initiated after Plan approval
- 8. Commercial Use** - The Plan only applies to non-traditional commercial uses
- 9. Emergency Use** – Any land uses required to cope with an emergency are permitted
- 10. Research Permits** – The Plan does not apply to scientific research permits
- 11. Land Users** – The Plan applies equally to all land users
- 12. Audience** – Primarily directed at Regulatory Authorities responsible for implementation but should be reviewed by all land users



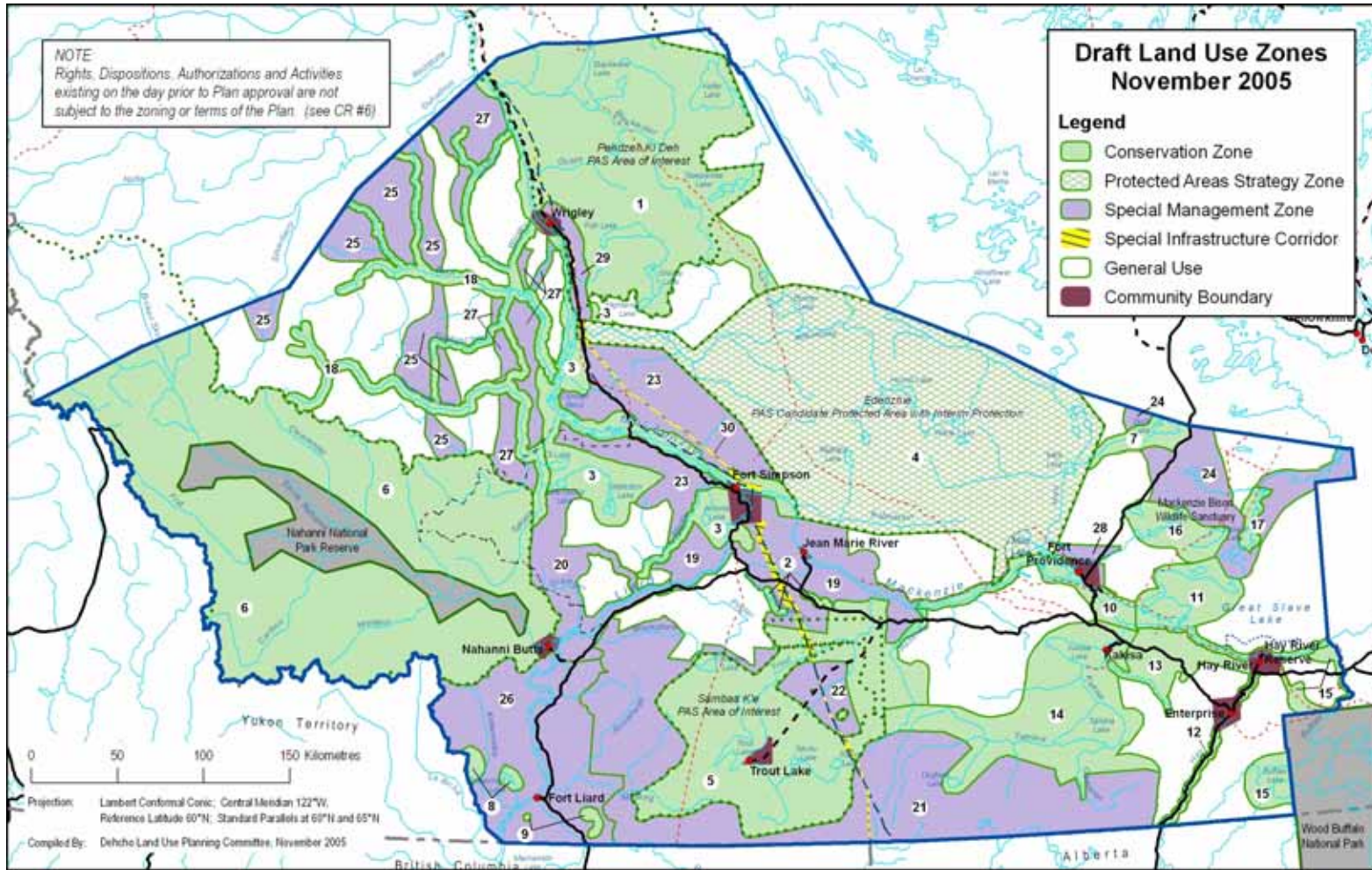
Zoning

- **No new land or water uses will be allowed unless they are permitted within the Plan.**

Conservation Zones	Areas having significant ecological and cultural values. Conservation Zones are meant to provide flexible protection to lands of important cultural or ecological value. No development except tourism (40.7%)
Protected Area Strategy Zone	Candidate protected areas that have been withdrawn from disposition through the Protected Area Strategy (PAS) process. At the moment, only Edehzhie (Zone 4) has this designation (12.0%)
Special Management Zones	Areas of high conservation and development value. Established to promote certain types of development or protect values. Combination of Terms and land use restrictions used to achieve goals (24.1%)
General Use Zones	Remaining areas where all development is permitted, subject to general terms and existing laws and regulations (23.2%)
Special Infrastructure Corridor	Constrains development of the Mackenzie Valley Pipeline to this corridor and identifies conditions for development within this zone. It overlaps other zones (< 0.4%)



Draft Land Use Map

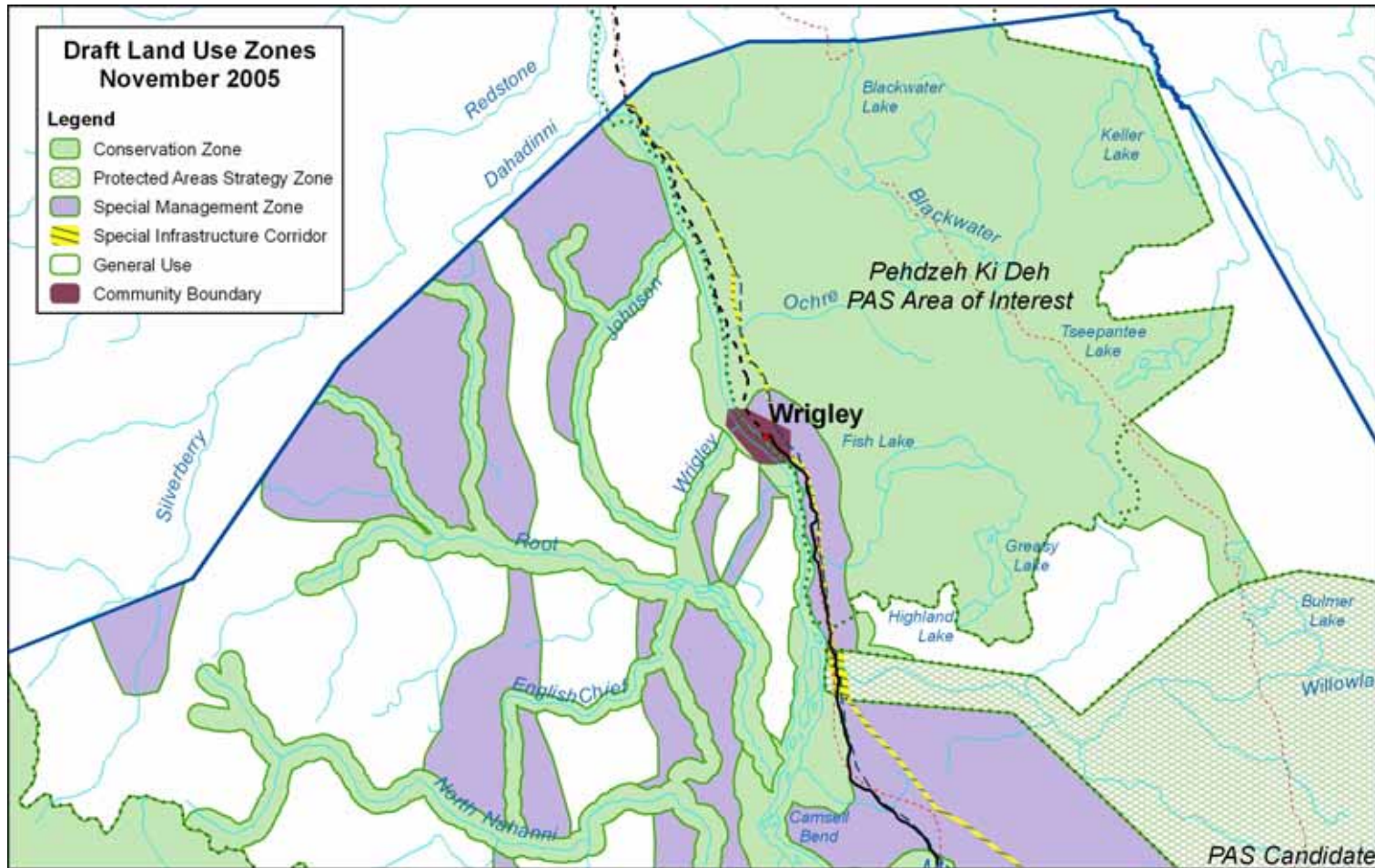


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North

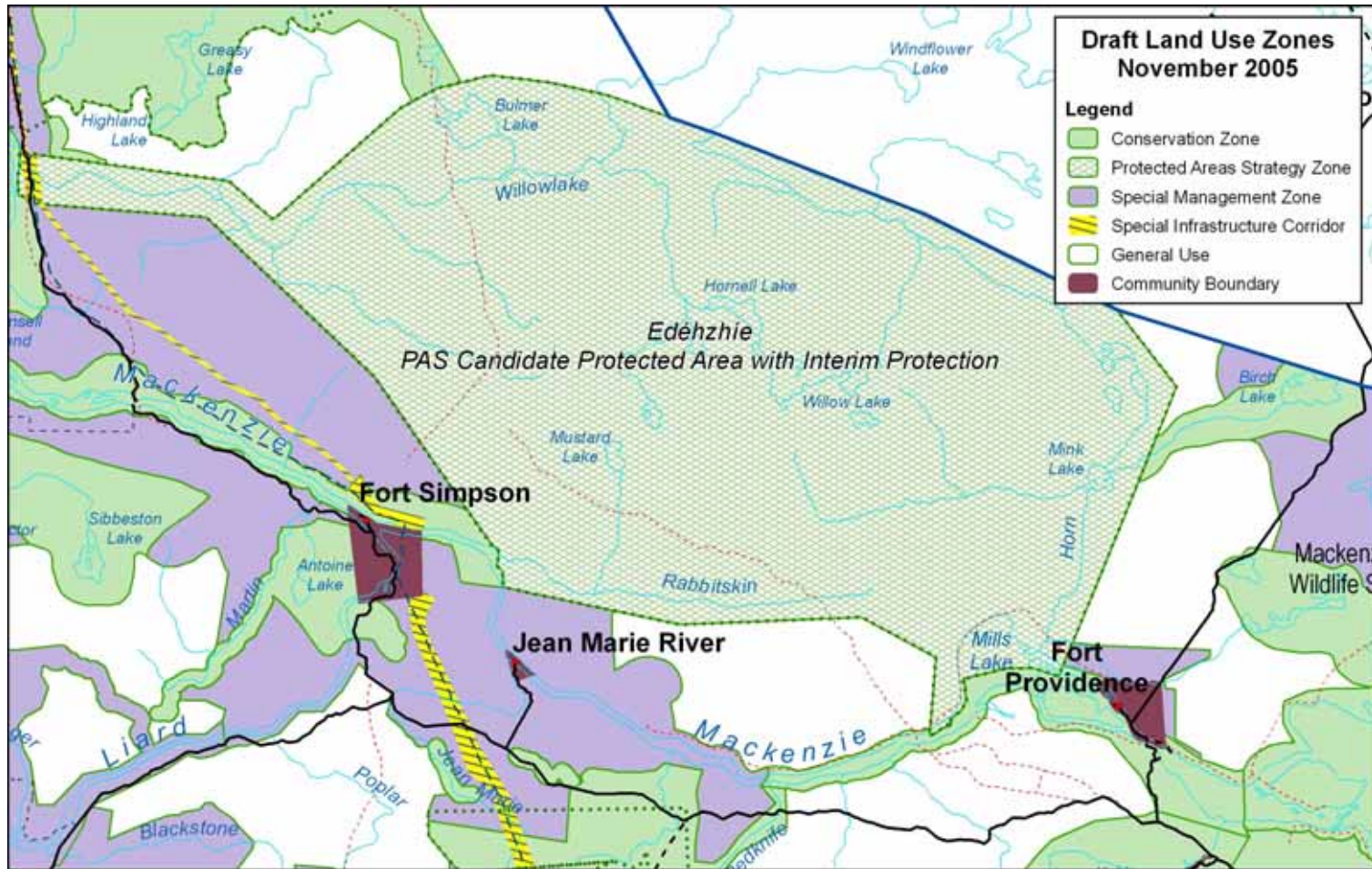


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North East

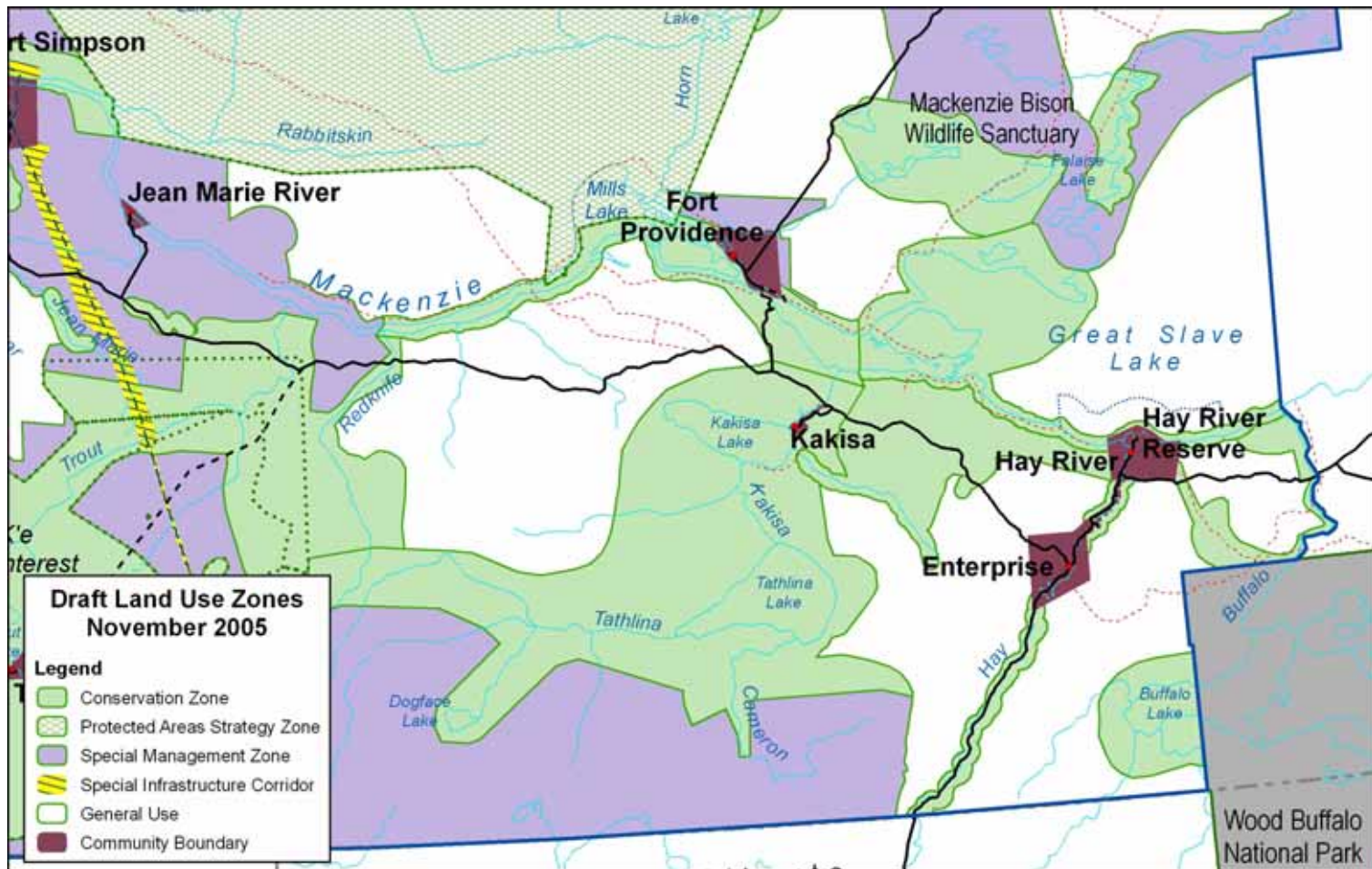


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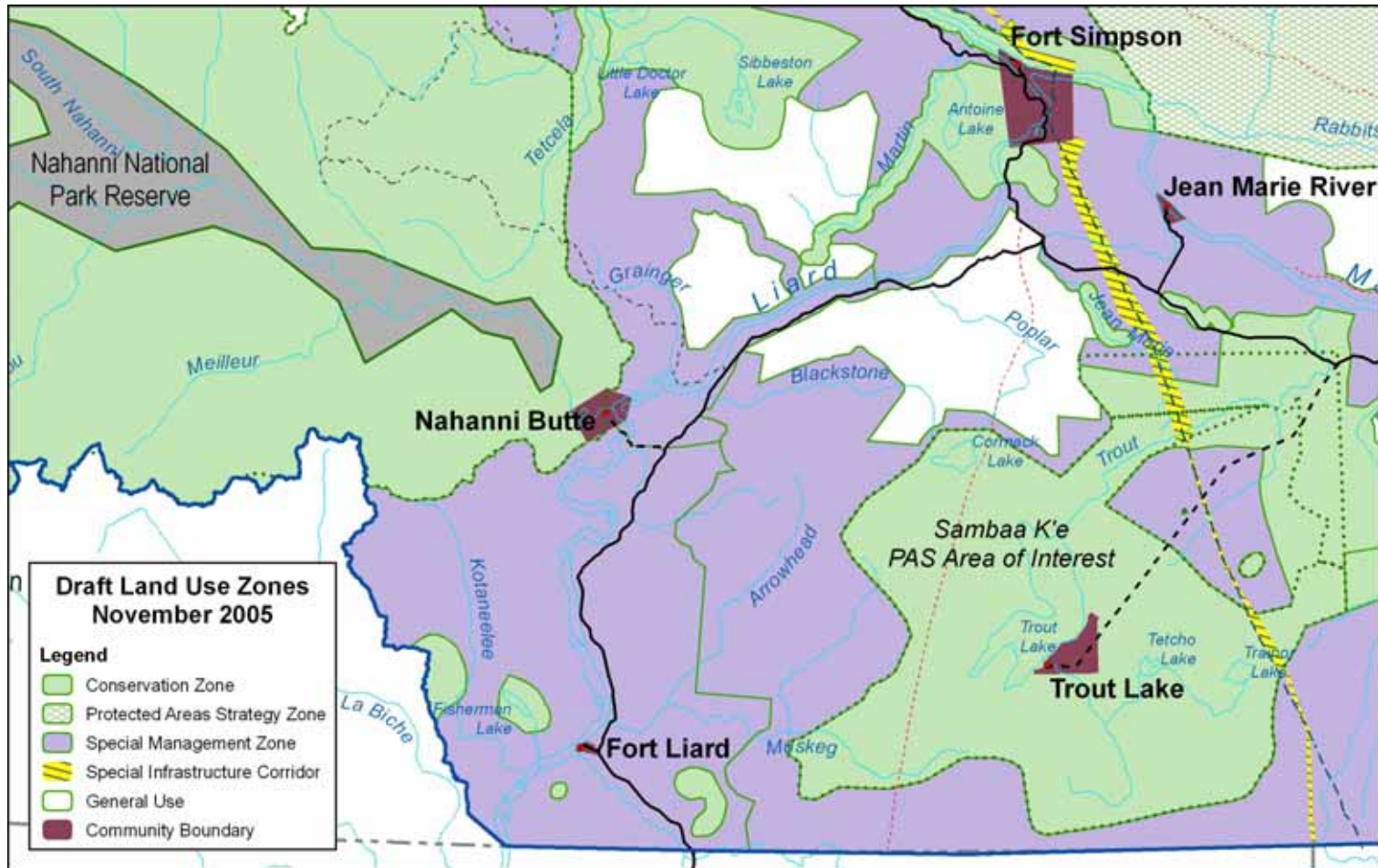


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South East



South West

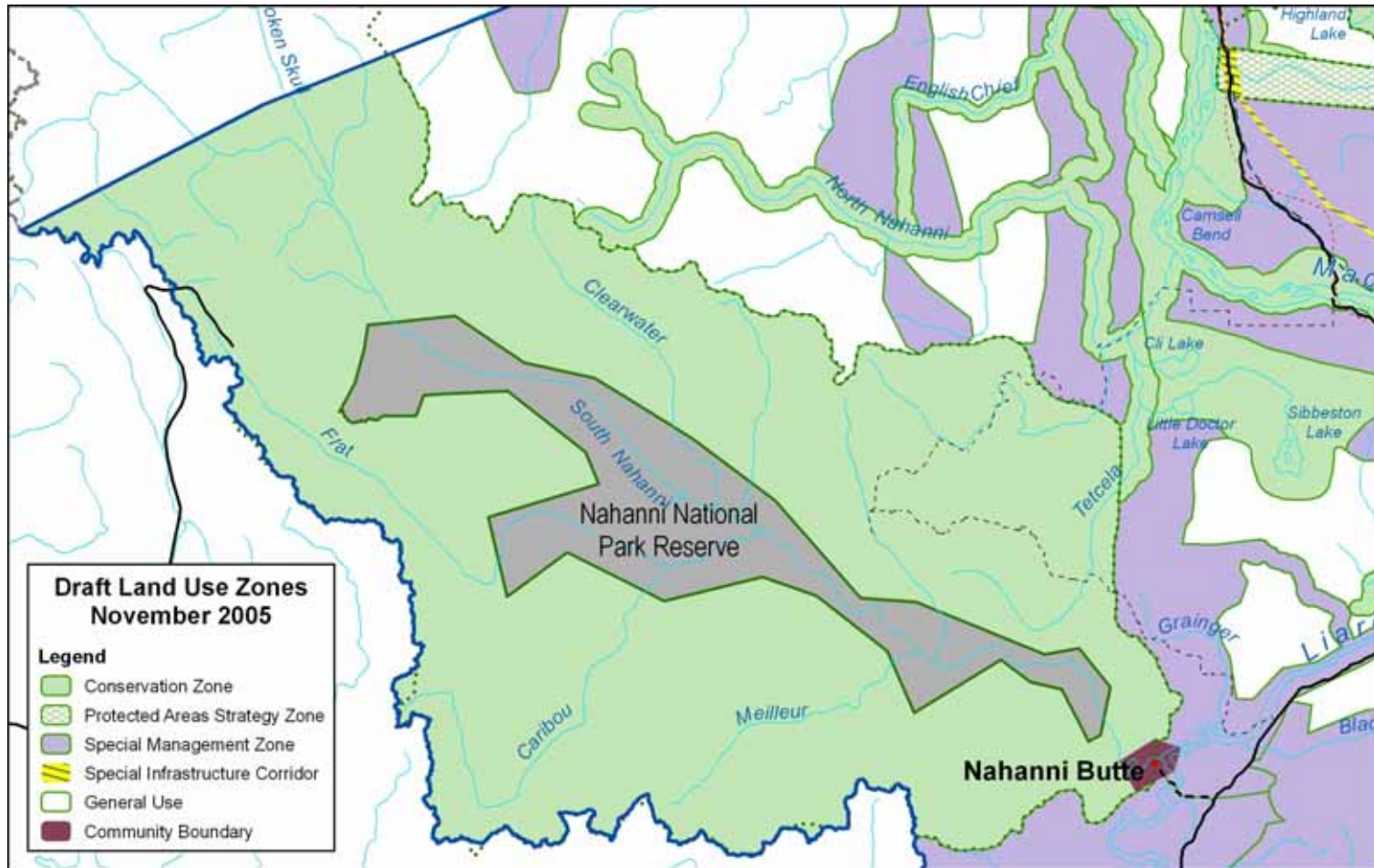


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West



Terms

- **Terms:** The Plan includes Terms to guide the future development of the Dehcho and address issues raised during Plan development.
 - **Conformity Requirements (CR)** describe permitted and non-permitted uses within the Dehcho territory or identify conditions for development that must be met on all new applications to be approved
 - **Actions (A)** identify new activities (e.g. research, meetings) required to achieve the goals of the Plan. Directed at various planning partners, including DFN, government departments, agencies, Regulatory Authorities, businesses and other organizations.
 - **Recommendations (R)** provide guidance to our planning partners on additional activities that will help achieve the goals of the Plan.



Traditional and Cultural Terms

Cultural Practices	R #1 R #2 R #3 R #4 R #5 R #6	<ul style="list-style-type: none"> ▪ Respect Dene Laws, Values and Principles ▪ Fire Feeding Ceremony ▪ Show Respect ▪ Sharing ▪ Take Only What You Need ▪ Do Not Waste
Use and Recognition of Traditional Knowledge	R #7 R #8	<ul style="list-style-type: none"> ▪ Integrate traditional and cultural knowledge into all aspects of activities and decision making. ▪ Promote value of traditional and cultural knowledge by providing opportunities to use skills and knowledge in the workplace for local people.
Culture and Language	R #9	<ul style="list-style-type: none"> ▪ Create more opportunities for Dene cultural and linguistic experiences.
Use of Guides and Monitors	A #3 R#11 R#12	<ul style="list-style-type: none"> ▪ DFN will outline contract terms and develop a list of potential project guides and monitors (1 year) ▪ Notify First Nation 10 days before arrival ▪ Explore use of guides and monitors in Dehcho Process



Traditional and Cultural Terms

Use and Recognition of Traditional and Cultural Knowledge	CR #2	<ul style="list-style-type: none"> Document traditional knowledge and scientific information where appropriate
Protection of Significant Traditional Land Use and Occupancy Sites	CR #3	<ul style="list-style-type: none"> Assess impacts on known historical, archaeological, cultural and Traditional Land Use and Occupancy sites.
Plant Gathering Areas	CR #5 A #2	<ul style="list-style-type: none"> Identify Plant Gathering Areas to be avoided or mitigated for. Dehcho First Nation will develop a list of culturally important plants (1 year)
Traditional Economy	A #1	<ul style="list-style-type: none"> Research and document harvest statistics and quantify the economic value of traditional foods and materials
Use of Traditional Materials	A #4	<ul style="list-style-type: none"> Develop educational materials about sustainable harvesting and sharing of traditional materials
Visual Quality	R #11	<ul style="list-style-type: none"> Consult to determine acceptable visual impacts to community and TLUO areas.
GHL Hunting	R #19	<ul style="list-style-type: none"> Establish Special Harvesting Areas for the exclusive use of DFN harvesters through Dehcho Process



Sustainable Development Terms

Land Use Zones	CR #1	<ul style="list-style-type: none"> No new land or water uses will be permitted unless they are in conformity with the permitted uses as listed in Map 1 and Table 1.
Existing Rights, Dispositions, Authorizations and Activities	CR #6 R #13	<ul style="list-style-type: none"> Subject to regulatory requirements existing interests on the day prior to plan approval will be allowed to continue as non-conforming uses. Developers with existing interest are encouraged to harmonize activities with intent of surrounding zones
Contaminated Sites	CR #7	<ul style="list-style-type: none"> Clean-up and reclamation of contaminated sites is permitted in all zones, after consultation.
Access	CR #11	<ul style="list-style-type: none"> Include planning and routing studies to identify least environmentally and culturally damaging access route



Sustainable Development Terms

Air Monitoring and Management	A #7 R#16	<ul style="list-style-type: none"> ▪ Develop legally enforceable air quality standards and a legal mechanism to require and monitor compliance ▪ Conduct operations in conformity with 3 key air quality standards.
Community Infrastructure and Expansion	CR #27	<ul style="list-style-type: none"> ▪ Community Infrastructure outside of current community boundaries will continue as an existing use. Exceptions will be considered for future expansion.
Commercial Fishing	CR #13 A #6	<ul style="list-style-type: none"> ▪ Commercial Fishing is only permitted on lakes where supported by First Nations (except Great Slave Lake). ▪ DFN to meet with Great Slave Lake Advisory Committee to resolve membership concerns (1-year)
Revegetation	CR #18	<ul style="list-style-type: none"> ▪ Developers to use seed mixes which do not include invasive species



Oil and Gas Terms

Non-Exclusive Geophysical Surveys	CR #8 A #5	<ul style="list-style-type: none"> • Non-Exclusive Geophysical Surveys permitted in areas as shown in Map 2. • DFN and Canada to negotiate areas to harmonize them with the Plan's Land Use Zones (1 year)
Mackenzie Valley Pipeline	CR #12 R #14 R #15	<ul style="list-style-type: none"> ▪ Development of the Mackenzie Valley Pipeline will be permitted within the Special Infrastructure Corridor (30) ▪ Recognize and harmonize activities with the values and intent of underlying zones. ▪ Consult Committee to determine if specific mitigation measures are required to address significant values.

Mining Terms

Mine Reclamation Planning and Security	CR #17	<ul style="list-style-type: none"> ▪ Approval of applications will be subject to conditions for reclamation planning and security
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Tourism Terms

Big Game Outfitters	CR #22	<ul style="list-style-type: none"> Regulatory Authorities will not issue any new Big Game Outfitters Licenses in the Dehcho territory
Fishing Lodges	CR #23	<ul style="list-style-type: none"> New fishing lodges in Zone 5 will not be approved without written support of Smbaa K'e First Nation
Sports Fishing	A #9	<ul style="list-style-type: none"> Regulatory Authorities will meet with communities to address concerns with sport fishing and enforcement
SMART Principles	R #17	<ul style="list-style-type: none"> Apply the Sustainable Model for Arctic Tourism Principles in approval / regulation of tourism operations
Leave No Trace	R #18	<ul style="list-style-type: none"> Individuals and Tourism operators to follow Leave No Trace guidelines during their stay
Visitor Quotas	R #20	<ul style="list-style-type: none"> To be developed where needed to maintain the wilderness experience and protect ecological and cultural values



Wildlife Terms

Cumulative Effects Management	CR #25	<ul style="list-style-type: none"> ▪ Cumulative Effects will manage development in General Use and Special Management Zones.
Cumulative Effects Research (Various)	A #10-16 R #23	<p>Cumulative Effects Research to assess impact of terms, key indicator species, other indicators (biophysical and social), appropriate revegetation standards, Access control measures and influence of natural disturbance. Annual Review of Term to ensure goals are being met.</p>
Digital Pre- and Post-Operation Mapping	CR #24	<ul style="list-style-type: none"> ▪ Provide digital mapping of proposed development with application and 30 days after completion of the activity.
Significant Features and Seasonal Restrictions	CR #26 R #24	<ul style="list-style-type: none"> ▪ Developers will avoid physical disturbance and flying over Significant Habitat and Environmental Features. ▪ Take note of critical periods.



Social and Economic Terms

Consultation	CR #4	<ul style="list-style-type: none"> ▪ Full and meaningful consultation by the Developer with affected communities and individuals based on current best practices
Secondary Industries	R #25	<ul style="list-style-type: none"> ▪ Promote and establish more secondary businesses
Dehcho Business Development	R #26	<ul style="list-style-type: none"> ▪ Develop additional policies, procedures and incentives to assist Dehcho and Northern businesses
Economic Development Strategy	A #17	<ul style="list-style-type: none"> ▪ Develop and implement an economic strategy to identify business opportunities.
Money Management (1)	R #28	<ul style="list-style-type: none"> ▪ Teach principles of sound financial management and long term planning
Money Management (2)	R #29	<ul style="list-style-type: none"> ▪ Assist employees to learn proper money management



Social and Economic Terms

Health and Social Issues	R #27	<ul style="list-style-type: none"> ▪ Increase training and funding available for community health and social services.
Camps and Communities	R #30	<ul style="list-style-type: none"> ▪ Work with communities to determine camp locations and appropriately interactions
Flexible Shift and Holiday Options	R #31	<ul style="list-style-type: none"> ▪ Employers are encouraged to provide flexible shift and holiday options.
Capacity Building	R #32	<ul style="list-style-type: none"> ▪ Community, Governments and Regulatory Authorities should make capacity building a key factor in all decisions.
Development Awareness	R #33	<ul style="list-style-type: none"> ▪ Increase public awareness about development and facilitate participation.



Approval and Implementation

- March 31st, 2006 the Final Draft Plan will be submitted for approval.
- DFN & GNWT will approve the Plan.
- Government of Canada (GC), will consider the Plan and may provide binding direction to the Mackenzie Valley Land and Water Board.
- By approving the Plan, governments agree to implement it to the extent of their authority and mandates.



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Implementation Approach

- DLUPC will monitor conformity with government departments, agencies and institutions that authorize, approve, monitor and enforce land uses.
- No new legislation is required to implement the plan immediately – only policy direction from ministers to departments to work according to the Plan.
- New set of subsurface land withdrawals is required to implement zone restrictions on mining and oil and gas.
- The surface will be managed through binding policy direction from ministers to their departments.



Example Conformity Check

Oil and Gas Development in Cameron Hills (Zone 21)

- Developer submits a **Land Use Permit** application to MVLWB
- Is it related to existing disposition or not?
- Is the application complete?
- MVLWB distributes application to DLUPC, other regulatory authorities, and stakeholders for 30 day review

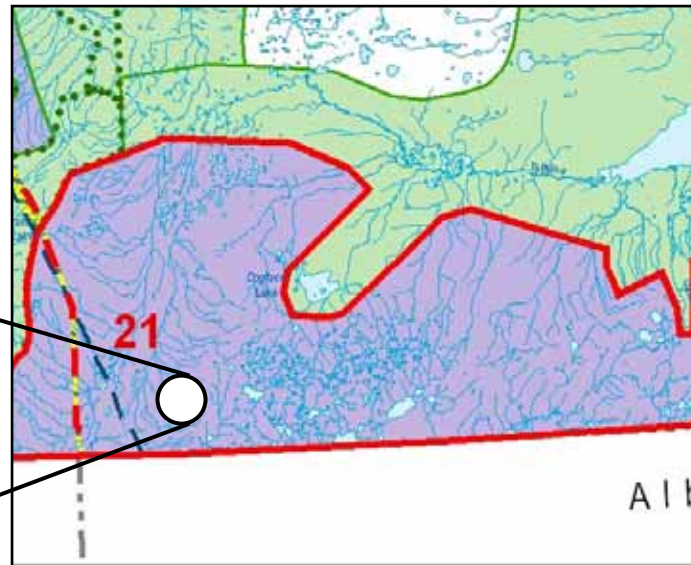
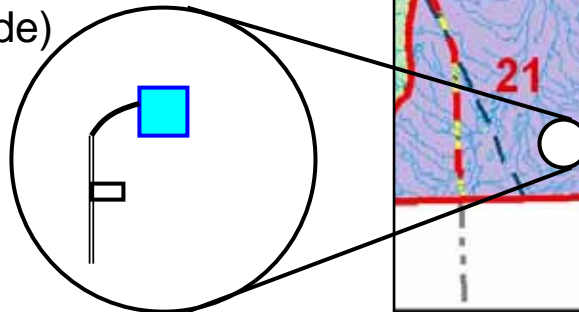
Permit Required for:

3 well sites (120 m x 120 m)

Access (All weather road)

Pipeline ROW (20 m wide)

Camp



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Example Conformity Check

- **DLUPC**
 - **CR #1 – Land Use Zones:**
 - Is the land use permitted within the area described?
 - Yes, Oil and Gas is permitted in Zone 21.
 - **CR #25 – Cumulative Effects Management:**
 - Does the proposed development fall below the Cumulative Effects Thresholds set for the described area based on available data?
 - Yes, It falls below the 1.8 km/km² Corridor Density required. Similar checks would be carried out for other indicators.
 - DLUPC will also have a general role in monitoring implementation of the Plan, including reviewing applications and permits to ensure conformity requirements are applied appropriately when requested.



Example Conformity Check

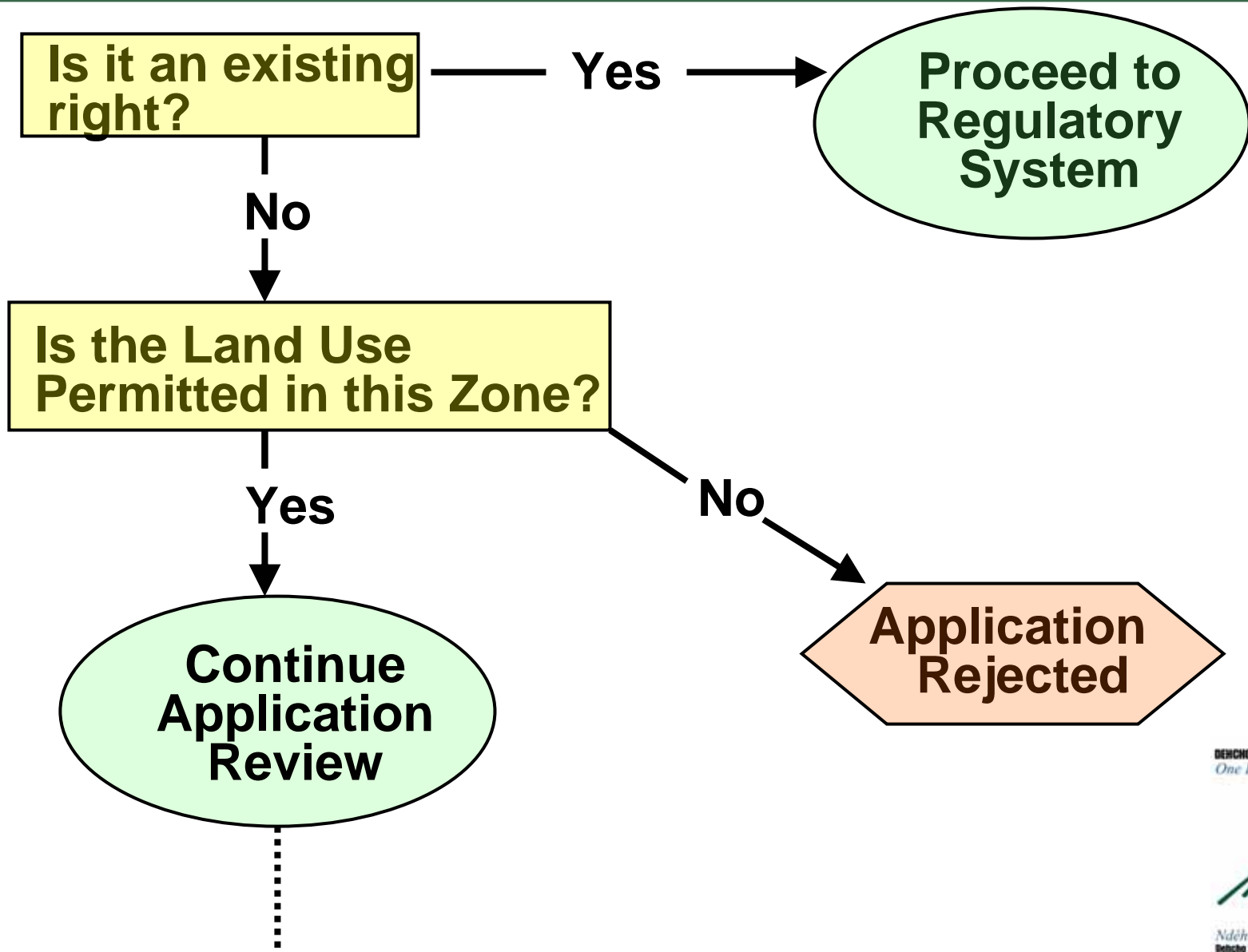
- **Regulatory Authorities**
 - CR #1 Land Use Zones
 - CR #2 Use and Recognition and Cultural Knowledge
 - CR #3 Protection of Significant Traditional Land Use and Occupancy Sites
 - CR #4 Consultations
 - CR #5 Plant Gathering Areas
 - CR #6 Existing Rights, Dispositions, Authorizations and Activities
 - CR #9 Minor Infrastructure
 - CR #11 Access
 - CR #15 Water Monitoring and Management (2)
 - CR #18 Revegetation
 - CR #20 Timber Recovery
 - CR #24 Digital Pre and Post Operation Mapping
 - CR #25 Cumulative Effects Management
 - CR #26 Significant Features and Seasonal Restrictions

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Example Conformity Check



Example Conformity Check

Community Consultation Questions:

- Is there any TK relevant to the application? (CR #2)
- Are there any Significant TLUO Sites? What are the impacts? Which individuals are affected? (CR #3)
- What consultation is required? who should be consulted? (CR #4)
- Are there any Plant Gathering Areas, which should be avoided or mitigated for? (CR #5)
- What are the concerns regarding Access Corridors? Which is the least environmentally or culturally damaging option? (CR #11)
- Is the community interested in recovering timber? (CR #20)
- Which Wildlife species and significant features are present and when are critical periods? (CR #25 / CR #26)



Example Conformity Check

Questions to be answered through application:

- Is relevant scientific information included? (CR #2)
- Have required NWT Archaeologist's Permit been obtained? (CR #3)
- Have affected communities and individuals been consulted? (CR #4)
- Have plant gathering areas been addressed with First Nations and is a survey of plants included? (CR #5)
- Does the application demonstrate appropriate design, location, site selection or mitigation for minor Infrastructure? (CR #9)
- If granular resources are required from Conservation Zones, does the application have consent from Dehcho First Nations? (CR#10)



Example Conformity Check

Questions to be answered through application:

- Have access planning and routing studies identified the least environmentally or culturally damaging route? (CR #11)
- Will development minimize use/loss of water (10% baseline)? (CR #15)
- Are seed mixes native to the Northern Canadian Boreal Forest? (CR #18)
- Will development minimize loss and waste of timber resources? (CR #20)
- Has digital mapping for the proposed development been provided? (CR #24)
- Does the development fall within the Cumulative Effects thresholds? (CR #25)
- Have Significant Features and Seasonal Restrictions been considered and mitigated? (CR #26)



Revisions, Exceptions and Amendments

Revisions

- 1st Revision with ratification of the Dehcho Final Agreement
- Revisions every 5-years
 - Do vision & goals reflect values of the region?
 - Any exceptions and amendments requested?
 - Consider new data, regional economics, status of Land Use Initiatives, large projects and new land uses
- Ratified by 3 parties

Amendments

- New, potentially recurring situations (e.g. new land uses) or requests for major changes (early plan revision process)

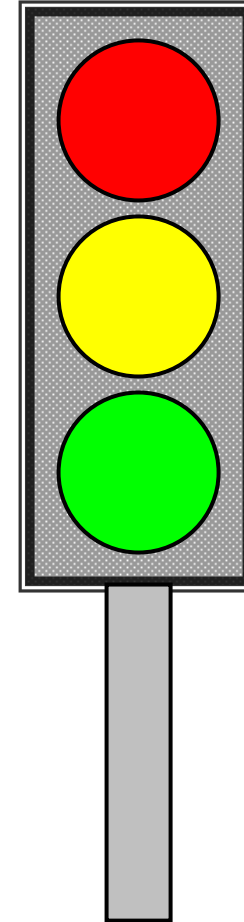
Exceptions

- Allow minor variances / flexible approach to the plan if necessary (must be supported by affected First Nations).



Final Steps

- DLUPC will review final comments and feedback from Regional Forum
(February 2006)
- Final Revisions to zones
(February 2006)
- Final Draft Dehcho Land Use Plan will be prepared
(February / March 2006)
- DLUPC submits Final Draft Plan to the Parties for approval
(March 31st, 2006)



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Mahsi Cho



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