

CANADIAN
BOREAL
INITIATIVE



INITIATIVE
BORÉALE
CANADIENNE

Heidi Wiebe, Executive Director
Dehcho Land Use Planning Committee
Box 199
Fort Providence, NT, X0E 0L0
Ph: (867) 699-3164
Fax: (867) 699-3166
Email: hwiebe@dehcholands.org

January 27, 2006

Dear Ms. Wiebe:

RE: Revised Draft: NDÉH TS'EDĪCHÁ: Dehcho Ndéh T'áh Ats'et'i K'eh Eghálats'ênda/ RESPECT FOR THE LAND: The Dehcho Land Use Plan

The Canadian Boreal Initiative is pleased to submit comments on the revised Dehcho Land Use Plan (the "Plan"). We would like to commend the Dehcho Land Use Planning Committee for its efforts towards achieving a balanced approach to land use in order to meet the present and future cultural, economic and environmental needs of Dehcho residents, in a manner that takes into account the interests of all Canadians.

As an organization, the Canadian Boreal Initiative works with a broad range of organizations across Canada to promote conservation and sustainable resource development for communities and ecosystems in the boreal region in a manner that respects and affirms Aboriginal rights. We work across sectors to find solutions based in science, traditional knowledge and leading-edge conservation practices.

Our vision for the future of the boreal region is embodied in the Boreal

Conservation Framework, to which the Dehcho First Nations, together with Alberta-Pacific Forest Products, Suncor, Tembec, Domtar, the World Wildlife Fund, the Canadian Parks and Wilderness Society, ForestEthics, Poplar River First Nation, and Innu Nation, are original signatories. The Framework approach has recently been endorsed by the Ethical Funds group and the Nature Conservancy, and is gaining momentum across Canada as a means to balance the often competing demands of industry, conservationists and Aboriginal peoples.

As requested, our review of the Plan focuses on key questions identified by the Committee, and in particular, on the Plan's approach to zoning, together with specific recommendations intended to strengthen the Plan as a leading example of how the Boreal Framework may be implemented "on the ground" to achieve an appropriate balance between conservation and sustainable use.

Application of Conservation First Planning Principles

Criticism of earlier drafts of the Plan has focused on the size and extent of Conservation Zones. However, given the Plan sets goals consistent with the maintenance of ecological¹ and cultural² integrity, the Plan has devised an approach to zoning well-suited to achieving these goals, and CBI supports the implementation of the Zones as described in the Revised Plan, with some important qualifications.

The Plan is centered on Conservation Zones and Protected Area Strategy Zones, which together comprise 52.7 % of the Plan Area. This represents, in our view, an acceptable balance between conservation and development zones. However, we wish to caution that this approach will not, in and of itself, ensure that ecological integrity is maintained. Scientific review of previous conservation planning initiatives has determined that, overall, more than 50% of a planning area is usually necessary to achieve ecological objectives such as maintenance of viable populations of native species.³

Maintenance of ecological integrity requires conservation strategies that extend beyond protection to also include sustainable management of remaining areas⁴.

¹ Section 2.1.2 – Goals 1: Air and water quality, and water quantity will remain substantially unaltered or improve from the present condition to sustain life indefinitely. Goal 2: A full complement of indigenous plant and wildlife species will continue to flourish in their natural habitats at viable population sizes, within the range of natural variations for future generations.

² Section 2.1.2 Goal 3: There will always be traditional lands important to each community, free of industrial and other uses where people can go to harvest healthy animals, foods, medicines, and experience their cultural traditions. Goal 4. Dehcho language and culture will be integrated into all aspects of community life.

³ F.K.A. Schmiegelow, S.G. Cumming, S. Harrison, S. Leroux, K. Lisgo, R. Noss, and B. Olsen. 2006. Conservation Beyond Crisis Management: A Reverse-Matrix Model. BEACONS Discussion Paper No. 1. Available online at: www.nr.nalberta.ca/research/beacons/PDFs/BEACONS1.pdf.

⁴ Mixed-use areas have several important conservation roles, including supporting wildlife populations, facilitating movement of wildlife between protected areas, and maintaining the integrity of aquatic systems

The Plan recognizes this, and attempts to define sustainable management strategies through the use of thresholds designed to limit ecological disturbance, within bounds that are compatible with the habitat requirements for key species.

The thresholds identified in the Plan are well suited for managing the cumulative effects of multiple land uses occurring in the Dehcho territory, and the thresholds are well targeted at key ecosystem attributes (i.e., habitat amount and fragmentation).

When developing the Plan, we consider the Committee to have generally applied appropriate scientific concepts and tools. Highlights of this approach include:

- 1) consideration of multiple scenarios during plan preparation and the involvement of community members in exploring the ecological, cultural and economic tradeoffs associated with plan options;
- 2) representation analysis was used to evaluate whether the protected areas network can represent community variation along environmental gradients; and,
- 3) habitat needs of focal species (caribou and grizzly bear) appear to have been considered during the development of cumulative effects thresholds.

Incorporation of Adaptive Management and the Precautionary Principle

Due to limitations in current knowledge, however, it should be expected that the Plan will need to adapt as understanding of the region's ecosystems evolve. This is recognized in the Plan, which establishes explicit provisions for research and monitoring to assess the effects of Plan implementation on biodiversity and ecological processes. In this manner, the Plan is intended to evolve and adapt through time. The Plan also appropriately anticipates that the indicator set used to develop cumulative effects thresholds must be improved over time. However, it will be necessary to ensure that these objectives are met during implementation, or the strategies outlined in the Plan may not be sufficient to ensure that ecological integrity is maintained.

Maintenance of Cultural Integrity

The Plan seeks to ensure cultural integrity through zoning and Terms directed towards maintaining traditional practices. Recognizing the inter-relationship between healthy ecosystems and healthy cultures, the Plan provides adequate provisions for areas in which Dehcho traditional practices will be prioritized. The Plan also recognizes that respect and accommodation for Aboriginal and treaty rights must be a paramount consideration in implementing the Plan. These provisions are consistent with recent legal developments, and, in our assessment, are broadly reflective of Aboriginal aspirations and best practices for

(Lindenmayer and Franklin 2002). These roles are of special importance in the boreal region given the broad-scales at which many ecological processes operate and the large home range sizes of some species.

maintenance of cultural integrity in Canada..

Sustainable Resource Development and other Economic Opportunities

The Plan also provides significant opportunities for sustainable economic development. Such opportunities are imperative for the future economic and community health of Dehcho residents.

Approximately 47% of the Plan Area is situated in Special Management or General Use Zones, which are intended to permit a wide range of uses, including resource extraction and other industrial developments, to be managed under appropriate terms and conditions and in consultation with affected Dehcho First Nations.

Consideration of Cumulative Effects

The Committee has recognized that zoning alone will not achieve the vision or goals of the Plan. CBI agrees, and notes that the global experience with conservation suggests that while a large protected areas network is an essential precondition for ecological integrity, such a network is not in itself sufficient to maintain ecological integrity over the long term unless there is also significant consideration given to the management of adjacent lands where development occurs.

The emphasis on the analysis and management of cumulative effects is accordingly a critical if somewhat less developed element of the Plan. The identification of thresholds for acceptable change in the Plan is an important step towards the implementation of an adaptive management approach. While recognizing the complexity of identifying multiple threshold criteria, CBI applauds the Committee's efforts in this regard. The difficulties inherent in cumulative effects management are perhaps downplayed in the Plan—however, it is commendable that there is at least a coherent strategy for addressing this critical aspect. It will be necessary to ensure that the adaptive management approaches to be developed will enable timely and efficient responses should indicators and thresholds so indicate.

Linkages between Land Use Planning and Community Life

The Economic Development Strategy and Economic Development Assessment (EDA) model identified in the Plan is a leading example of how zoning approaches can be complemented by cost-benefit analysis of how the benefits and burdens of development may accrue to local communities. The Plan recognizes the interconnection between development activities outside communities and the effects of such development on community infrastructure, health and social issues, and the capacity of community members. This

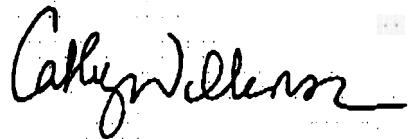
approach is to be commended.

Conclusion

For the reasons presented above, we believe that the Plan is appropriately balanced and well designed to achieve the primary goals of maintaining the ecological and cultural integrity of the Dehcho territory, in the interests of Dehcho residents and with appropriate consideration of the interests of all Canadians.

As a national organization working to across sectors to constructively engage industries, conservationists and Aboriginal peoples, we appreciate the challenges of striking a balance between the imperative to maintain ecological and cultural integrity while developing sustainable and viable economies for northern communities. We believe that the Plan represents an important contribution towards these goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Wilkinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cathy Wilkinson,
Executive Director

Specific Recommendations:

In support of the overall goals and objectives of the Plan, CBI wishes to make the following recommendations for consideration by the Committee:

1) That the proposed Zones be adopted and implemented as an appropriate and sustainable balance between conservation and sustainable use that will promote the social, cultural and economic well-being of the people of the Dehcho, in the interest of all Canadians.

2) That the Plan be revised to restrict industrial activity in Conservation Zones. We are concerned that CR #8 and CR #21 will permit industrial activity to occur within conservation zones. Under CR #8, non-exclusive geophysical surveys will be permitted in some conservation zones. Seismic lines used in geophysical surveys can result in substantial disturbance to wildlife habitat. Under CR #21, salvage logging can be permitted in conservation zones. Salvage logging disturbs a critical ecological process (natural disturbance), and will reduce the ability of conservation zones to recover from fire and provide habitat for the full suite of native species⁵. If geophysical surveys and salvage logging are permitted to occur within conservation zones, protection of their ecological value will be jeopardized. We therefore recommend that CR #8 be changed such that geophysical surveys are not permitted in conservation zones and that CR #21 be changed such that salvage logging is not permitted in conservation zones.

3) That disturbance thresholds be further refined and improved through the rigorous implementation of an adaptive management approach. We note that implementation of disturbance thresholds will be of special importance in southern parts of the Dehcho territory where development is likely to be most intense and protection is lowest. For example, the Northern Alberta Uplands ecoregion is only partially represented in the protected areas network, and disturbance thresholds are exceeded in some parts of the ecoregion. On page 30, the Plan states that development can continue once thresholds are reached if other lands of similar ecological values are reclaimed. We recommend the wording be changed such that it is clear that reclamation must be successfully completed before additional development occurs. Otherwise, disturbance could exceed thresholds. Clarity with respect to the need to complete reclamation prior to additional development could be achieved by adding the following statement:

"Reclamation must achieve revegetation standards based on wildlife habitat needs (see A #14) before additional development can occur."

4) That cutlines 1.5 m or narrower be included when calculating disturbance thresholds. The Plan currently proposes not to include such cutlines. This omission could result in high densities of narrow cutlines and, if these cutlines

⁵ For an examination of issues associated with salvage harvesting, see: D.B. Lindenmayer, D.R. Foster, J.F. Franklin, M.L. Hunter, R.F. Noss, F.A. Schmiegelow, and D. Perry. 2004. Salvage Harvesting Policies After Natural Disturbance. *Science* 303:

are detrimental to wildlife habitat, the thresholds could fail to maintain wildlife habitat. If research findings exist that indicate that cutlines 1.5 m or narrower are not detrimental to caribou, we suggest that these findings be mentioned in the Background Report. If such research findings do not exist, we recommend adopting the precautionary approach and including narrow cutlines when calculating corridor density.

5) That R#3 under 2.3.1 be upgraded to a Conformity Requirement. There should be an obligation for Industries to consult affected First Nations.

6) That R#4 under 2.3.1 should also be upgraded to an Conformity Requirement, as there may be little impetus for developers to conform to sharing their resource revenues or to invest in training and jobs for local communities

7) CR#3 should be revised to recognized that traditional land use and occupancy research is ongoing; and developers can play a role in improving the knowledge base beyond that held by the Prince of Wales Northern Heritage Centre and local Dehcho First Nations. There should be an incentive for developers to not only assess the impact of proposed activities on known sites, but to support new research to improve the knowledge base for traditional land use and occupancy research.

8) R#11 may not be strong enough. There should be requirements for developers to notify affected Dehcho First Nations of locations of their activities. Guides can be hired where mutually agreeable. Reporting requirements should be in conformity with local practice.

9) CR #13 – where possible, First Nations should be given first right of refusal for commercial fishing licenses. These discussions can occur via Action #6.

10) Forestry – insert 'or unique ecological areas' after 'important areas such as old growth forests...' (pg. 26).

11) With regard to R#20, CBI recommends that the Committee examine the Gwaii Haanas model as an example of how First Nations and Parks Canada have applied a precautionary approach to determining visitor quotas in sensitive areas.

12) CR#25 would exempt existing activities from the application of the cumulative effects thresholds model. This significantly weakens the overall cumulative effects management framework, and would effectively shift the burden of compliance with thresholds to future developments, some of which may be more appropriate and sustainable than existing developments. While CBI recognizes that existing rights holders must be accommodated, it is inequitable to exclude their activities from consideration within a cumulative effects management framework. Existing developments should be assessed within the framework, and decisions about how such effects are to be managed should be properly taken by Regulatory Authorities in accordance with applicable law.