

These are Committee interim decisions used to inform discussion with government and agencies. Actual revisions to the November 2005 draft plan may differ from those of this interim report as a result of these discussions.

DIAND COMMENTS	PROPOSED DLUPC RESPONSE
<p>Plan Implementation Prior to a Deh Cho Final Agreement: DIAND views the completed Plan, in advance of a Deh Cho Final Agreement, as a document that will be a guide to its activities in the Deh Cho and will continue to consider means of implementing the Plan in this context.</p>	<p>DIAND has made a significant leap forward in regards to it's position on implementation since the Working Draft. However, participants in this \$4 million process expect the Plan to be used and implemented. DIAND may face public opposition if the Plan is not fully implemented. We are committed to working with DIAND to ensure the Plan is fully implementable.</p>
<p>Plan Implementation Prior to a Deh Cho Final Agreement: The Draft Plan remains quite prescriptive particularly in the areas of air and water quality guidelines and mine site reclamation and security. Action 18 (mine reclamation) is in conflict with existing legislation. Recommend removing Appendix 10 and references to it, otherwise the Department will not be able to recommend to our Ministers that he favourably consider this aspect of the Plan.</p>	<p>Partially Accepted: Change Air Quality Action to a recommendation and include new Action for federal government to clarify federal responsibilities in regulating air quality. Water Term addressed below. DIAND's Draft Mine Reclamation Guidelines do not address the communities issues in their current form. We have submitted comments. We need to maintain this term in some form to address community issues. Existing legislation does not go far enough to ensure cleanup of existing and future mining activities.</p>
<p>Consider language around land ownership i.e. on page 153, first sentence, the statement that the "Acho Dene Koe First Nation has been actively developing their oil and gas resources and would like to continue to do so." Until a Final Agreement is concluded, this language should be revised to reflect current ownership frameworks.</p>	<p>Accepted.</p>
<p>Size and Extent of the Conservation Zones: Plan is not sufficiently balanced and represents an increase in conservation from the interim land withdrawal negotiations. DIAND requests the Committee reduce the extent of protected lands in respect to the Kakisa and Tathlina Lakes area, Trout Lake area, Wrigley area, and around Nahnni National Park Reserve.</p>	<p>Partially Accepted: The Committee is revisiting zoning with some communities with a goal of identifying where some additional lands can be opened for development. However, Conservation Zones were defined based on community priorities, PAS initiatives, a federal park establishment process and avoiding high potential areas where development should proceed. High potential areas for development were in some cases carved out of Conservation Zones to allow for those opportunities. PAS and National Park establishment processes both include detailed studies which may lead to boundary revisions in the future. The Plan will be amended to reflect those future decisions. Changing designations in these areas now could lead to land use conflicts if two processes allow different activities for the same lands.</p>

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<p>Conservation, Special Management and General Use Zones in Relation to Mining and Oil & Gas Management: The Plan is weighted towards conservation, with little emphasis on how or why development would actually proceed in open areas. Demonstrated high mineral potential is in CZ while many areas in GUZ have low potential.</p>	<p>While some mineral potential areas fall within Zone 6, the Committee received numerous submissions directing this change, including DFN and Parks Canada, raising this as a major issue for them. To zone this area otherwise is to provide conflicting direction in an area being studied for National Park status. Areas having lower potential were not closed to development as we have been told repeatedly that our information is incomplete and the next significant discovery could be anywhere. We did not want to foreclose any exploration opportunities. With respect to oil and gas, zones were developed to allow for development in high priority areas.</p>
<p>Conservation, Special Management and General Use Zones in Relation to Mining and Oil & Gas Management: Many GUZ or SMZ, are "islands" within Conservation Zones with no access routes to existing transportation routes identified by permissive zoning. Although 5.3.6 (page 95) includes access across Conservation Zones, recommend identifying logical access corridors in advance to provide more certainty for potential investors.</p>	<p>Not Accepted: Given that we don't know where resources will be developed, it is premature to plan access routes. This could limit industry's choices later. DIAND is welcome to do such an analysis with industry and submit recommendations for our consideration. We do not have the time, funding or resources available to undertake such work at this time.</p>
<p>Conservation, Special Management and General Use Zones in Relation to Mining and Oil & Gas Management: Modify flow chart of Figure 9 (Page 170) to reflect the first step after receipt of application is that the Regulatory Authority has to check to determine if the application is related to a right exempt from the plan.</p>	<p>Accepted.</p>
<p>Conservation, Special Management and General Use Zones in Relation to Mining and Oil & Gas Management: The exemption of existing rights from the zoning requirements is not at all well highlighted on the maps. Clearly show exempted rights, logical access corridors similar to the pipeline corridor and a reasonable "buffer zone" around the right to allow for development. Mineral Development Division staff available to work constructively with the Committee and industry to do this. DIAND cannot support the Plan being forwarded to INAC Minister for favourable consideration until these issues are resolved.</p>	<p>Partially Accepted: We will reword the Existing Dispositions section under permitted uses to provide flexibility in location of resource development infrastructure but do not agree with providing buffers. This would not be fair to new developments coming on stream after the Plan is approved as they would not receive a spatial buffer. We will work with DIAND staff to identify better graphic representation of mineral interests.</p>
<p>Section 5.5.1 Conservation Zones [pages 122-143]: Oil and gas includes low impact activities not requiring land use permits or petroleum exploration licences. Include reference indicating that seismic can be conducted in such a way as to minimize habitat fragmentation.</p>	<p>Partially Accepted: If there is no land use permit required, it's not affected by the Plan. Add general reference to availability of low impact and minimal impact seismic and promote used wherever possible.</p>
<p>Regional surveys such as geochemistry and geophysical [low-impact seismic] would not be calculated in cumulative effects accounts. These activities should not be excluded from the edge areas [up to 1-2 Km within the CZ] of some Conservation Zones to help assess resources in the adjacent GUZ and SMZ.</p>	<p>Not Accepted: A number of the Conservation Zones are very narrow. A 1-2 km seismic use area on all sides would in some cases cover the entire zone. See for example Zones 2,7,8,9,10, 12 and 18. It is also inconsistent with the intent of the Zones.</p>

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<p>"Non-exclusive survey" and Section 43 on Geophysical Operations of the IMA [pages 4 and 10 respectively]: Non-exclusive seismic operations would be permitted across certain parts of withdrawn areas and should be reflected in the wording and provisions of the Plan.</p>	<p>Partially Accepted: Reference S. 43 of the IMA in the Plan in oil and gas sections (permitted uses), and show the map in relation to CZ. We propose that only 1 non-exclusive seismic line be permitted to cross each Conservation Zone. Exceptions can be considered by the Committee should more be required.</p>
<p>3.4 Cumulative Effects Analysis and Management - Thresholds and Limits of Acceptable Change: Plan should set out the overall framework for the cumulative effects thresholds only, leaving the details - the quantifying and application of the detailed limits, up to others to develop and implement over time. This would allow time for implications for Regulatory Authorities and other parties to be addressed.</p>	<p>The Committee intends to maintain cumulative effects as part of the Plan but will consider revisions to it's indicators and thresholds.</p>
<p>Thresholds and Limits of Acceptable Change: The Draft Plan limits the definition of thresholds to biophysical indicators as opposed to a full suite of indicators as proposed by Salmo [pg. 83]. Formal evaluations of indicators and thresholds with input from all affected groups are required to define limits of acceptable change. DIAND recommends the Committee conduct Phase 2 analysis and consider social indicators. This could be a recommendation in the Plan.</p>	<p>The Committee has been asking for feedback and input on cumulative effects indicators and thresholds for over a year and has received little to date. The Committee chose indicators for which data is available to assess and monitor changes. Many of the biophysical and social indicators cannot currently be measured. It is inappropriate to select indicators that cannot be assessed or managed. We will consider a list of recommendation related to cumulative effects needs in the Plan.</p>
<p>Role and Scope - The model [as described in Section 4.8 Cumulative Effects Analysis - pages 82-86] is fairly complex and contains multiple threshold criteria for a number of VECs. It is therefore difficult to fully understand, and decisions based on estimates of effects relative to thresholds could be poorly predictable and problematic for effective regulation</p>	<p>We are willing to work with our planning partners to define workable indicators and thresholds based on the best available data. Adaptive management will be a key feature in revisions to this term to allow changes to be made efficiently should our thresholds not achieve the desired goals.</p>
<p>DIAND is recommending that a focussed workshop be held in the near future to get a better handle on the biophysical indicators and to frame the questions for the Phase 2 work required to follow up on the effort by Salmo et al. One of the outcomes could be a description of resources required to implement cumulative effects management of this type.</p>	<p>The Committee lacks the necessary time and capacity to commit to such a workshop at this time. We will reconsider this in the future.</p>
<p>Conformity Determinations: Concerned with 30-day review period for the DCLUPC/RA to determine conformity (Section 6.2.3 [pg. 169-171, Figures 9 & 10], Lengthy timelines and complexity are a recognized disincentive of the northern operating environment. Revise to be consistent with terminology of MVRMA, and to clarify how the MVLWB and Dehcho Land Use Plan processes will interact.</p>	<p>Clarify in Plan - our proposed conformity checks are integrated within existing processes and timeframes and add no further delays.</p>
<p>Executive Summary - page iii-v: Paragraph on Chapter 6, page iv, third sentences - the list "of the five key land uses" is incomplete as the Conservation Zones, the Special Management Zones and the Special Infrastructure are all forms of land use as well.</p>	<p>Partially Accepted: Zones are not land uses, but rather a way of categorizing which land uses are permitted. However, other land uses are discussed in the Plan - access, transportation, infrastructure, hydro development, etc and these will be added.</p>

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Definitions - Development - page xvii: This definition appears to include any scientific research requiring permits which would be excluded from the Conservation Zones. Clarify that scientific research should not be excluded from CZs.	Accepted
Definitions - Environment - page xix: Insert "including people" after the word "organisms".	Accepted
Definitions - Oil and Gas - page xx: To be consistent with the IMA, the definition should be "Oil and Gas Operations", not oil and gas, and the term "geophysical operations" is limiting. Change the term and in the first sentence, replace "geophysical operations" with "Non-exclusive [geophysical] survey" as used in the IMA.	Accepted
Section 2.2 Communities and Economy - pages 16-22 - Comment [Issue not previously addressed]: The most fundamental use of wildlife in the NWT is as food. Harvest statistics / quantified economic values are not routinely available [pg. 21]. The plan identifies this data gap, yet makes no recommendation to address it. Salmo suggests subsistence activity as a social indicator as it reflects current conditions and values [pg. 101]. Suggestion: Include a recommendation in the plan that addresses this data gap.	Accepted: Recommend governments take steps to fill this gap.
Section 2.3.10 Oil and Gas - pages 46-47; Section 6.4.2 Land Use Comparisons Oil and Gas - page 183; Section 6.4.6 Economic Development Assessment - pages 203-204. Representation of oil and gas potential - language quite definitive. Gives erroneous impression that the resource is quantified and assured. Review language to indicate that high potential areas only became recognized as such through exploration, and that numbers presented are probabilistic estimates, not certainties. Include a statement which would show the probability and spread with the selected estimate.	Accepted
Section 3.3.4 Oil and Gas - pages 56-57: Applicable legislation is incomplete (first sentence). No mention of MVRMA, although the MVLWB is established by the Act. Also, incomplete description of oil and gas policy. Clarify and expand the first sentence accordingly. Include reference to the policy base as follows: "Oil and gas in the Northwest Territories is managed under two federal acts, the Canada Petroleum Resources Act and the Canada Oil and Gas Operations Act. These acts flow from federal policy stated in 'Canada's Energy Frontiers – a framework for investment and jobs' [1985]. The two petroleum acts form the existing legislative base under which oil and gas is conducted in the Northwest Territories."	Accepted
Section 3.3.4 Oil and Gas - pages 56-57: In the fifth sentence regarding the Canada Petroleum Resources Act [CPRA], the wording is incorrect and incomplete. Edit the sentence to read: "The CPRA regulates oil and gas rights, interests and royalties."	Accepted

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Section 3.3.4 Oil and Gas - pages 56-57: Insert the following sentence before the fifth sentence: "Under the Canada Oil and Gas Operations Act [COGOA], the DIAND Minister may require the proponent of any 'work, activity or development plan' to submit for approval a benefits plan containing provisions for training and employment opportunities for northerners and other Canadians and for northern businesses and other Canadian businesses to have a full and fair opportunity to supply goods and services on competitive basis."	Accepted
Section 3.3.4 Oil and Gas - pages 56-57: In the statement of the second bullet on page 57, the wording is incorrect. There is nothing in the 5 steps of the Citizen's Guide [March 2003 edition] referenced earlier in the paragraph that provides a basis for the wording in the final part of the bullet. i.e., to determine if and where lands can be opened to exploration." End the sentence after "first nations." Following the five bullets, for greater certainty, mention could be made of Section 41 of the IMA which, in part, reads: "Canada will not initiate any new issuance cycle for oil and gas exploration licences under the CPRA without the support of the affected Deh Cho First Nations."	Accepted
Section 3.3.5 Mining - page 57: Issuance of mineral rights is regulated by DIAND through the Canada Mining Regulations. The current wording states that "Mining is primarily regulated through the CMRs.... ." This implies activities associated with mineral right are regulated by CMRs when, in fact, they are not. The MVLUR authorize activities that exceed thresholds outlined in that Regulation. This Section wouldn't include Coal Rights as they are issued under the Territorial Coal Regulations. Repword the first sentence to read: "The issuance of Mineral Rights is regulated by DIAND through the Canada Mining Regulations under the Territorial Lands Act."	Accepted
Section 3.3.5 Mining - page 57: In the third sentence, the reference to "prospecting license" should be "Prospector's Licence" as described in the CMRs.	Accepted
Section 3.3.5 Mining - page 57: Include a reference to the Territorial Coal Regulations in this Section, and perhaps to the revised definition of Mining on page xix, which now includes "coal deposits".	Accepted
Section 3.4 Regulatory Authorities - page 60: Several references throughout the previous Section 3.3 Regulatory Framework - pages 54-60 are made to the MVEIRB as a Regulatory Authority, yet the list on page 60 does not include it.	Partially Accepted - MVEIRB is not an RA. Amend other pages to reflect this.
Section 3.7 The Policy Framework - page 62: Expand the last sentence of this paragraph to read as follows: "The Plan complements existing government policy to provide consistent direction for resource management in the Dehcho territory, or recommends changes to existing government policy where required, when the status quo is insufficient."	Accepted

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<p>Section 3.7.3 Oil and Gas - page 65: Regarding the description of the Interim Resource Development Agreement [IRDA] terms in the first sentence, it is the understanding of the Department that the equivalent share to the Deh Cho royalties from the Mackenzie Valley is not expressly linked to rights issuance in the Deh Cho and has in fact been flowing to the Deh Cho First Nations. The commitment in the IRDA was not to “negotiate” parcels and terms and conditions as stated. DIAND therefore suggests that the Committee accurately reflect the terms of the IRDA in regard to consultation on rights issuance as per Section 14 of the IRDA and royalty sharing in Sections 1-11 of the IRDA.</p>	<p>Accepted</p>
<p>Section 3.7.3 Oil and Gas - page 65: In the second sentence, the wording is incorrect since the Crown does not share royalties with others. Reword the sentence to reflect the actual provision for “resource royalties” as per page 4 of the IRDA. The following revised wording would be consistent with that provision: “In return, DFN would receive a payment from Canada equivalent to a percentage share of the federal royalties collected from the Mackenzie Valley in the previous year.”</p>	<p>Accepted</p>
<p>Section 3.8.1 NWT Protected Areas Strategy - pages 69-70: Quotation marks do not make sense (1st & 2nd sentences of 1st paragraph pg 69).</p>	<p>Accepted</p>
<p>Section 3.8.1 NWT Protected Areas Strategy - pages 69-70: In the first sentence of the first paragraph on page 70, while what is written is correct, other assessments, such as renewable resource and socio-economic assessments may also be undertaken for candidate protected areas, and the term “cultural assessment” is no longer used. Consider re-wording: “During the land withdrawal, a number of assessments and studies are carried out, including the ecological and non-renewable resource values; renewable resource and socio-economic assessments; and cultural values studies.”</p>	<p>Accepted</p>
<p>Section 3.8.1 NWT Protected Areas Strategy - pages 69-70: The second paragraph on page 70 could be clarified. Add a sentence at the beginning of this paragraph stating: “Currently there are 3 prospective protected areas in the Dehcho.” The second sentence would then begin: “Edehzhie is being...”</p>	<p>Accepted</p>
<p>Section 3.8.1 NWT Protected Areas Strategy - pages 69-70: In the third paragraph on page 70, the second last sentence is somewhat misleading - it is true for the Dehcho, but not necessarily in the NWT in general. Add the words “In the Dehcho” at the beginning of the sentence: “In the Dehcho, Land Use Planning complements...”</p>	<p>Accepted</p>
<p>Section 3.8.1 NWT Protected Areas Strategy - pages 69-70: The DIAND Comparison of Protected Areas Strategy and Conservation Zones table in Appendix 5 was for reference purposes only during the planning process. If the PAS Steering Committee and Secretariat were to work with the Dehcho Land Use Planning Committee to develop this tool further, DIAND would still prefer that it not be included in the Plan. Delete Appendix 5 and all references to it in the Plan, including the one in the fourth paragraph on page 70.</p>	<p>Partially Accepted: Given the many questions we continue to receive from DIAND staff and other planning partners about how the Plan and PAS initiatives relate to each other, if this appendix must be deleted then we would like to quote some sections in the body and reference this document.</p>

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6.4.5 Cumulative Effects Assessment on pages 192-198. For the reader interested in the cross-linkages between Chapters dealing with the same topic area, in this case "cumulative effects", it would be very helpful if an index could be included in the second Draft Plan covering major topic areas such as this one [i.e., not a listing for every word in the Definitions list].	Accepted
Section 5.1 Vision and Goals - pages 92-93: The scope of the definition of "Terms" is first introduced at the top of page 93 under Section 5.1.2 Goals, [Conformity Requirements, Actions and Recommendations] without saying so, and the word "Terms" does not appear until the bottom of page 96 under Section 5.4 Regional Land Uses, where it is fully explained and the abbreviations [CR], [A] and [R] are first introduced. Given the importance of this concept throughout the entire Plan, not only should the latter portion of Section 5.1.2 Goals be expanded, prior to the first usage of the abbreviations such as CR #1 / A #1 in the immediately following Section 5.2 Zoning, the abbreviations should also appear after the definitions of Conformity Requirements on page 96 and for Actions and Recommendations at the top of page 97, so that all further references to these abbreviations are clearly understood.	Accepted
5.3.2 Existing Dispositions, Rights and Interests -pg 93: Needs some recognition in this section that contaminated site remediation will be dealt with as a non-conforming use and not included with activities termed "development". Otherwise, in the CZs where development is prohibited, remediation of contaminated sites would be excluded.	Accepted: Describe in Permitted use section (ask Carol Mills if more detail is required).
Section 5.4 Regional Land Use Issues [Terms] - Plant Gathering Areas - page 100; Revegetation - page 103: In the Plan, the Committee has changed the term on native plants in response to a comment from the MVLWB. There is an IR right now in the Canadian Zinc Surface Drilling EA concerning native seed mixes. The following is some suggested wording on this topic: "With respect to the availability of native seed mixes for ecozones in the Dehcho, the Committee may wish to review the responses to Information Request Number: IR0405-002-9, concerning the availability of an appropriate native seed mix for the Taiga Cordillera Ecozone. These responses are available on the Mackenzie Valley Environmental Impact Review Board's public registry for EA0405-002, Canadian Zinc Phase III Drilling."	Accepted: Include note about recent findings in term description.
Section 5.4.2 Traditional Land Use and Occupancy - Action #5 on Protection of Significant Cultural and Traditional Use Sites - page 100; Action #32 on Seasonal Restrictions - page 100 [see also pages 16 & 20 herein]: At the end of each Action statement, add the following: "This will not be required for minor project applications that require a Type B land use permit or water licence according to MVLURs or uses not requiring any land use permits or water licences."	Partially Accepted: These terms should be applicable to both Type A and B permits and licenses but the term will be amended to reflect that the amount of effort is commensurate with scale of the activity.

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<p>Action #6 on Consultation / Action #7 on Plant Gathering Areas - page 100: These appear to be a functions of the MVLWB/MVEIRB and as such may not be appropriate in the Plan, since the Committee doesn't have a regulatory function. If Action #6 is retained, add the following statement to it: "This will not be required for minor project applications that require only a Type 'B' land use permit or water licence according to MVLURs or uses not requiring any land use permits or water licences."</p>	<p>Not accepted: Consultation is required for all projects. The Plan merely supports the Crown's legal obligations with respect to consultation requirements.</p>
<p>Action #9 on Visual Quality - page 100: This is a rather nebulous Action item. What criteria will be used to judge the "visual impacts" of a development, following the definition of "Viewshed" on page xx?</p>	<p>Change to recommendation ("encourage developers to work with communities to identify acceptable visual impacts from new land uses"). Viewshed analysis is a standard GIS operation that determines whether or not a site can be seen from designated areas.</p>
<p>Action #10 on Use of Guides and Monitors - page 101: There is no existing legislation requiring developers to notify First Nations of the location of their activities before arrival on site. As such, this is outside the scope of the Plan.</p>	<p>Change to recommendation for now and add Action for DFN to make this a negotiation issue.</p>
<p>Section 5.4.3 Sustainable Development - pages 101-112: Water Monitoring / Management - page 102: Regarding the references to the CCME Freshwater Aquatic Guidelines in Actions #15 and #16, the NWT Waters Act and Regulations already addresses the intent of these Actions, not through a set standard, but on a case-by-case basis. The more stringent CCME Guidelines would be very difficult to follow because sometimes the background natural water quality levels can exceed the CCME requirements, and it depends on the specific location of where in the hydrological system the water intake or project end-of-pipe is situated. Therefore it is not always practical to follow this blanket CCME requirement. Delete the references to the CCME Guidelines in these two Actions and replace it with appropriate wording referring to the application of the NWT Waters Act and Regulations by the Regulatory Authorities.</p>	<p>Partially Accepted: Provide more flexibility in water quality terms to recognize potentially high background levels. Add "or naturally occurring baseline levels as determined by pre-development assessments". Include statement referencing NWT Waters Act and Regulations</p>
<p>Tourism Fishing Lodges - page 105: Regarding Action #26, a Tourism Licence must first be issued by the GNWT before DIAND can issue a Surface Land Lease for a fishing lodge. Consider expanding the scope of this Action to indicate how the Regulatory Authorities will have to work cooperatively to implement it.</p>	<p>Action 26 is primarily directed at the GNWT instructing them not to issue new licenses in this area.</p>
<p>Digital Pre- and Post-Operation Mapping – page 106: The Lands Division (DIAND) doesn't normally have access to the type of data addressed in Action #29. It is not a requirement now - a sketch only, as prepared by IMAG for Lands, is used for consultation purposes. May be more appropriate and practical for major projects only - those being assessed through EA. The Committee may want to expand/clarify how the Regulatory Authorities could best carry out the intent of this Action. May not be a reasonable expectation that smaller developers provide it.</p>	<p>It is our understanding that the MVLWB currently require digital files be submitted with applications. The term will be revised to be directed at the MVLWB.</p>

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<p>Cumulative Effects Management - pages 107-109: Regarding the thresholds for Habitat Availability on page 109, the formula for the calculation of threshold values would indicate that thresholds are calculated Dehcho-wide, whereas comments in the text suggest thresholds would be calculated for each zone, or for each section. If thresholds will be calculated per zone, question arises regarding enclosed Conservation Zones and whether these are included in the calculation. If thresholds are to be calculated by section, clarify whether exceeding a threshold within a single section would result in the activity within that section being prohibited. Clarify this Section accordingly.</p>	<p>CEAM Revisions</p>
<p>Action #32 on Seasonal Restrictions - page 110: Regulation of developer movement and access is largely the responsibility of the MVLWB and the Wildlife Division (GNWT), and as such, this Action may not be required. Also, the rationale should be provided for the 250m limit and references given for the data used in Table 11, the Critical Life Cycle Periods chart on page 111. The term "suspected significant habitat features" should be defined [through footnote if necessary] and cross-referenced with maps showing known breeding/birthing areas.</p>	<p>Not Accepted: Similar terms were approved in the Gwichin and Lancaster Sound Plans. Details were developed in cooperation with the GNWT, CWS and other planning partners. The Plan will not include detailed maps because these could become quickly outdated. Some detailed maps are available in the Committee's wildlife reports. The term specifically states that developers should access the most currently available data from ENR, First Nations and other sources.</p>
<p>Recommendations #17 & 18 on Money Management - pg 113: These items would be more appropriately dealt with by the DCFN or by the individual communities. Workshops on money management are available through many community colleges or online, but it is not the responsibility of government, either federal or territorial, to provide them, nor is it the responsibility of small business owners in the Dehcho to provide them.</p>	<p>Add DFNs to list but keep recommendation. Governments and businesses are already doing this in some cases and our recommendation is just supporting the trend (e.g. Diamond Mines). This is not a requirement, just a recommendation. It is in everyone's best interest to assist with this.</p>
<p>Recommendation #20 on Separation of Camps and Communities - page 114: Although the intent of this Recommendation is understood, it is in contravention of the Canadian Charter of Rights and Freedoms. In the Executive Summary on page iii, reference is made to "taking into consideration the values of all Canadians", and freedom of movement is one of those values held by all Canadians.</p>	<p>Partially Accepted: Keep recommendation but revise wording to encourage developers to discuss camp locations and appropriate camp/community interactions with affected communities as not all communities have an issue with this. While camps can't restrict worker movements, many set camp policies which could alert workers to any community concerns and ask for their cooperation.</p>
<p>Recommendation #21 on Flexible Shift and Holiday Options - page 114. This is covered under the Labour Laws of the NWT and should therefore be deleted.</p>	<p>Not Accepted: As a recommendation we are alerting businesses to things they can do to attract more workers. It is not in conflict with the Labour Laws and respects the right of businesses to set their own contract terms.</p>

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<p>Section 5.5 Land Use Zones - pages 116-159: Concerning oil and gas as a permitted use within the SMZs, the Plan refers to oil and gas as a permitted use within the GUZs and selected SMZs. If the Plan were to be in effect, would this mean that affected DFN's would have agreed to open these lands to oil and gas, or would opening of lands still be dependent on approval of a specific affected First Nation? This affects assertions made throughout the document as to how much resource would be open to development in the Dehcho under the Plan. Clarify the nature of commitment by the DCFNs in this regard once the Plan is signed.</p>	<p>Clarify in Plan that as per S. 39, 41 and 50 of the IMA, DFN support for new development is still required. In doing mapping for the land use plan, communities have identified lands where they will consider development, but they will not give a blanket approval without knowledge of the details of any project proposals.</p>
<p>Concerning this Section [pages 116-159] and Table 14. Resource Potential and Conservation Values Present in Zones on pages 120-121, the boundaries of Traditional Use lands of DCFNs may affect the availability of oil and gas lands within the SMZs. Does the absence of specific boundaries in the Plan imply that oil and gas should be managed uniformly within each SMZ traversed by a Traditional Use boundary? This matter affects consideration of the viability of the Plan. Consider adding the Traditional Use boundaries to the maps in the Plan.</p>	<p>Not Accepted: Community traditional use boundaries are an unresolved issue and are considered traditional knowledge by the communities. Affected First Nations should be determined as per S. 69 of the IMA.</p>
<p>Section 5.5.1 Conservation Zones - page 122: In the first paragraph, the last sentence is misleading - the wording implies that all Conservation Zones are in the PAS process, which is not the case. Add the word "Some" at the beginning of the sentence: "Some Conservation Zones."</p>	<p>Accepted</p>
<p>Zone 1: Pehdzeh Ki Deh - page 122: In the third sentence of the second paragraph under Zone Description and Objectives, it is understood what is meant, but there is no such thing as "protected areas legislation". The same comment applies to Zone 4: Edehzhie on page 126 and to Zone 5: Sambaa K'e / Redknife River on page 128. These three references should be re-worded to accurately reflect the existing situation with the use of legislation and the intent here regarding management.</p>	<p>Accepted</p>
<p>Section 5.5.1 Conservation Zones - Maps on pages 123-159: To improve the understanding of maps at different scales, include scale bars for all zone maps.</p>	<p>Accepted</p>
<p>Section 5.5.1 Conservation Zones - Zone 1: Pehdzeh Ki Deh Zone Description and Objectives - page 122/Map 20 - pg. 123: With reference to "overlap discussions with the Sahtu", there are several parcels of Sahtu Settlement Lands [Tulita District] - Sahtu owned lands within the Dehcho region, which are acknowledged and shown only on Map 51, page 174. For clarity, it would be useful to have a few lines explaining how the Sahtu Claim and the Dehcho Land Use Plan interact in the management of these parcels. They are all within Pehdzeh Ki Deh [Zone 1], so this Section would be a good place to discuss this, including showing them on Map 20 on page 123. A sentence or two could also be added to Section 6.4.1 Comparison to existing Third Party Authorizations, Interests and Dispositions on page 173.</p>	<p>Accepted</p>

DIAND COMMENTS	PROPOSED DLUPC RESPONSE
<p>Section 5.5.1 Conservation Zones - Zone 4: Edehzhie - page 126: In the Development Values section at the bottom of the page, the first sentence in the paragraph begins by stating "Potential for oil and gas and mining is mostly low or uncertain with a narrow section of moderate potential for both along the northeastern edge". The Department disagrees with this statement, and in fact it is contradicted in the last 2 bullets below that state: "High potential for petroleum in western Edehzhie, around the lower Willowlake River" and "moderate potential for petroleum in the rest of Edehzhie". Petroleum is generally taken to mean oil and gas, therefore these statements are contradictory. The Committee needs to resolve this contradiction by changing the statements or by adding more information to explain it.</p>	<p>Review and revise as required.</p>
<p>Under Development Values in the third sentence on page 126, while the delivery date for the final NRA report is "by the end of the summer 2006", DIAND can't guarantee this deadline will absolutely be met. Start the sentence with: "It is anticipated that the final report..."</p>	<p>Accepted</p>
<p>Section 5.5.1 Conservation Zones - Zone 5: Smbaa K'e/Redknife River - pages 128-129 [WS-1, last response on page 297]: Unnecessary revision [expansions] to the existing boundaries, adds uncertainty, areas overlay good gas potential. This exclusion could affect the economics of development in area. Provide additional rationale, in terms of having a significant positive effect on habitat protection, as to exactly why the boundaries have been expanded. Change southern boundary of this CZ back to the existing land withdrawal boundary.</p>	<p>We are supporting the PAS proposal of the community, of which DIAND is a partner. The Plan reflects the PAS area so as not to provide conflicting direction for land uses for the same piece of land. This zone may be revised in the future through studies and assessments completed as part of the PAS process.</p>
<p>Section 5.5.1 Conservation Zones - Zone 5: Smbaa K'e/Redknife River - pages 128-129 [WS-1, last response on page 297]: Qualitative terms are used to characterise oil and gas potential. Addition of quantitative estimates from the Drummond model would add precision. As a case in point, Zone 5 contains most of the higher potential grids for gas east of the Fort Liard area. Add a brief quantitative synopsis of oil and gas potential to these descriptions where appropriate.</p>	<p>Accepted - consider this in all zones where significant deposits are located.</p>
<p>Section 5.5.1 Conservation Zones - Zone 6: Greater Nahanni Ecosystem - pages 130-131: On Map 19 - Draft Land Use Zones on page 117, the full name of the Park is correctly labelled as Nahanni National Park Reserve, but in the legend, the word "Reserve" is omitted. The Committee should be consistent throughout the Plan and use the full name in all text and map references, including legends.</p>	<p>Accepted</p>
<p>Section 5.5.1 Conservation Zones - Zone 6: Greater Nahanni Ecosystem - pages 130-131: In Zone Description and Objectives pg 130 - may want to elaborate on the legislative linkages regarding both the Reserve and the Zone. The Nahanni National Park Reserve falls under the Canada National Parks Act as administered by the Parks Canada Agency. The MVRMA applies differently to National Parks [& NP Reserves] covered by the Canada National Parks Act. The proposed expansion area falls under the MVRMA until such time as the additional lands may be gazetted.</p>	<p>Accepted</p>

DIAND COMMENTS	PROPOSED DLUPC RESPONSE
<p>Section 5.5.1 Conservation Zones - Zone 14: Kakisa and Tathlina Watershed - page 139: The area added to this CZ beyond the Current Land Withdrawal is also an area of potential oil and gas development. In order to allow for such an economic opportunity to be realized, DIAND suggests that this portion of the CZ be considered a SMZ instead.</p>	<p>Kakisa has rezoned this area to better reflect it's interests. Some lands on the western edge of the Zone were re-opened as a result.</p>
<p>The Proposed Mackenzie Gas Project [MGP] & Pipeline [primarily pages 158-159]; Definitions / Mackenzie Valley Pipeline - page xix; Map 19 Draft Land Use Zones - page 117; Table 13. Zone Descriptions - page 119; Zone 4: Edehzhie - page 127; Section 5.5.3 Zone 29; Special Infrastructure - pages 158-159: In looking at the definition on page xix, when comparing this wording and the wording in the MGP Volume 1, Section 1.1.1.2 as referenced on page 211, it is confusing because it could not be located. Over and above this issue, the wording of the definition is onerous - a long list of facilities, activities and land status [leases]. Consider adding an Appendix of cross-sectional drawings showing how the right-of-way and the actual cleared "corridors" work in terms of the facilities, activities and leases included in each.</p>	<p>The current definition was developed with DIAND's input. Please provide a workable definition if this is not satisfactory. The term is clear that some infrastructure and access will be permitted outside the corridor. The Committee does not see the need for cross sectional drawings, considering that pipeline infrastructure needs and placement are still evolving. Such decisions are better left to the EA process. A more flexible approach that provides direction without being prescriptive is better suited.</p>
<p>The Proposed Mackenzie Gas Project [MGP] & Pipeline [primarily pages 158-159]: Map 19 shows the corridor as Zone 30, but the Table 13 and Section 5.5.3 indicate the Zone as 29. Change the Zone number on the Map 19 to 29, and any on other maps and references throughout the Plan.</p>	<p>Accepted</p>
<p>The Proposed Mackenzie Gas Project [MGP] & Pipeline [primarily pages 158-159]: Regarding the specific geographic location of the corridor in relation to land not withdrawn. It appears that where the corridor enters non-withdrawn land, it decreases in width and this may limit the area in which a potential pipeline could be constructed. Perhaps the Committee could explain why the width of Zone 29 varies, and provide the approximate width of the corridor in kilometres in Zones 2, 4, 5, 21 & 22. Has the Committee consulted the MGP proponent on this Zone location and width? [Article 8.1 of the Settlement Agreement does say that the MGP proponent will be consulted on the proposed MV Pipeline route and/or its corresponding ancillary needs].</p>	<p>Varying widths result from negotiated corridor sections and unnegotiated sections linking them. Further negotiations will occur to identify a corridor through Pehdzeh Ki Deh this fall. All unnegotiated corridor sections will be replaced with the corridor shapefile recently received from the MGP as part of their application. The Committee regularly trades shapefiles with the MGP to ensure we both have the most accurate data. MGP personnel have been present at our consultation meeting and have not raised any specific issues.</p>
<p>Section 6.2.2 Revised Land Withdrawals - page 166: Regarding Section 10 of the CPRA [last bullet on this page] and the subsurface withdrawal of oil and gas lands, the opening of oil and gas lands for nomination by industry is discretionary on the part of the Minister. The requirement to withdraw by order of Governor-In-Council is therefore unnecessary. Oil and gas activities such as speculative seismic programs, which do not require issuance of petroleum interests, would be subject to normal conformity requirements and environmental screening. Delete the reference to Section 10(1) of the CPRA.</p>	<p>For clarity, we were using S. 10 of the CPRA as a vehicle for an oil and gas only withdrawal (where mining is permitted but oil and gas is prohibited) outside an oil and gas issuance cycle. Upon reflection, the Committee has realized that Zone 25 can in fact be opened to oil and gas so this provision will no longer be required in the next Draft.</p>

DIAND COMMENTS	PROPOSED DLUPC RESPONSE
<p>Section 6.2.3 Conformity Determinations - pages 169-171: Revise to be consistent with MVRMA terminology and to clarify how the MVLWB and DLUP processes will interact. The Committee should clarify that DLUPC will not be a preliminary screener and will not have the ability to refer applications to EA. Figure 9 - To accurately reflect the MVRMA EA process, the 2 references to EA recommendations [second green box and final purple box should be changed to “recommended measures” or “recommended mitigative measures.”</p>	<p>Accepted</p>
<p>Section 6.2.3 Conformity Determinations - pages 169-171: Revise to be consistent with MVRMA terminology and to clarify how the MVLWB and DLUP processes will interact. Figure 9 - To accurately reflect the MVRMA EA process, the second sentence in the second green box should read as follows: “Once adopted by the Responsible Ministers, these become legally binding on Regulatory Authorities and Responsible Ministers.” There are 2 changes required: Change Minister to Responsible Ministers, because the decision to adopt a Report of EA is made by consensus among the Responsible Ministers. Add “and Responsible Ministers” at the end. Often government departments are Responsible Ministers for a development without being Regulatory Authorities, so both terms need to be included.</p>	<p>Accepted</p>
<p>Section 6.2.3 Conformity Determinations - pages 169-171: The Committee should clarify the following questions. The last sentence pg 169 is unclear – should “who” be “will”? Do the Regulatory Authorities and the DLUPC do their conformity checks concurrently or consecutively? Do both the Regulatory Authorities and the DLUPC do conformity checks on Actions? If yes, what happens if the DLUPC disagrees with the Regulatory Authority’s finding? Include in this Section simple table from overhead slide presented in YK July 28th 6th last one entitled “Regulatory Process – Conformity” comparing the DCLUPC and the Regulatory Authorities. Figure 9 - In the 1st purple box, the MVLWB does a conformity check and in the 1st yellow diamond, the Committee also does a conformity check. Is it necessary for both of them to do a conformity check? Does the MVLWB have to declare an application complete before forwarding it to the DCLUPC? If the Board determines an application incomplete and sends it back, why would the Committee want to, or need to see it?</p>	<p>P. 169 last sentence is a typo. The DLUPC intends that the conformity checks will happen within the existing timeframes and processes. The MVLWB will check the application for completeness within 10 days as they currently do. Once, and only if, it is declared complete, they have 42 days to make a determination. As part of that, they send it out to other government departments for review for 30 days. They will now also send it to the DLUPC. We will check conformity on the 5 conformity requirements only. RAs will check conformity on Actions and recommendations as applicable only. There is no duplication of conformity checks. The DLUPC will only check conformity on Actions if asked to do so by the responsible RA for reasons of interpretation. This will be clarified in the Plan.</p>
<p>Section 6.2.3 Conformity Determinations - pages 169-171 Comment: Figure 10 - page 171: The Lands Administration Division does not envision being responsible for deciding whether or not an application conforms to the Plan. However, Lands is willing to refuse an application, telling the applicant the Committee’s reasons an application does not conform. It is suggested that the bottom middle box be changed to read: “DCLUPC determines conformity and advise RAs within 30 days of receipt of an application whether or not the applicant’s project conforms to the Plan, with written reasons why if it does not conform.” See the attached diagram illustrating how Land Administration anticipates dealing with applications in the Dehcho once the Plan is approved. This diagram could be incorporated in the next draft of the Plan.</p>	<p>This contradicts S. 47 (1) of the MVRMA. Is Lands Administration aware that the Committee would normally only do conformity checks on actions when requested to? If this is DIAND’s position, the Committee will have considerably greater implementation funding requirements to take on the additional workload.</p>

DIAND COMMENTS	PROPOSED DLUPC RESPONSE
<p>DIAND has concerns with the length of 30-day review period in Figure 10 [page 171] for the DCLUPC/RA to determine conformity. Lengthy regulatory timelines and complexity are a recognized disincentive of the northern operating environment. Develop a recommendation which has a neutral or positive effect on the regulatory timelines. An example could be the dropping of the need for a “complete” application [page 169]. An application adequate for a conformity determination could be the standard.</p>	<p>The DLUP is not imposing any additional delays. The timeframes discussed are those currently used by the MVLWB.</p>
<p>To address concerns about potential lengthening of the regulatory process due to the 30-day conformity review period [Figure 10], the Committee could outline in the Plan how it will communicate with industry and other proponents to minimize the number of non-conforming applications, and encourage efficient conformity reviews. Example provided in text + refer to The Gwich'in Land Use Planning Board's “Generalized Best Practises Process” on page 14 of Implementation Strategy.</p>	<p>The Committee's ability to establish such guides will be determined by it's level of implementation funding. There is currently no requirement under the IMA for an implementation strategy. We will work with RA's to ensure the Plan is understood and can advise on the development of checklists or implementation guides as required.</p>
<p>Section 6.3 Plan Revisions - pages 171-172: The latter two portions of this Section on page 172 deal with Exceptions and Amendments, but visually they don't readily stand out. Given their importance perhaps they should be stand-alone, distinct Sections 6.4 and 6.5 respectively, with the existing Section 6.4 becoming 6.6. It is also recommended that the sentence that states “Exception requests must be supported by all affected First Nations.” be amended to read “The Committee will review the exception requests and consult with relevant First Nations and government departments.”</p>	<p>Accepted but this will require more implementation funding for additional community consultation costs.</p>
<p>Section 6.4.2 Land Use Comparisons - Oil and Gas - page 183: Gives impression that this potential resource is generally distributed. In fact, 17% of the remaining resource is located within 3.7% of the Dehcho, specifically within the Fort Liard SM Zone 26. This SMZ also includes high values where there is potential for larger, economically attractive fields. Include language to ensure readers understand the distribution of oil and gas resources between the SMZs and the implications for development.</p>	<p>Accepted</p>
<p>Section 6.4.2 Land Use Comparisons - Oil and Gas - page 183: In the second sentence of the first paragraph on page 183, the word "completing" should be "completed".</p>	<p>Accepted</p>
<p>Section 6.4.2 Land Use Comparisons - Oil and Gas - page 183: In the last paragraph on page 183, it states: "While most of the southern Dehcho is in a Special Management Zone to protect sensitive wildlife species, oil and gas is permitted". Was this meant to say oil and gas “exploration and development are” permitted?</p>	<p>Accepted</p>