

Ms. Heidi Weibe
Executive Director
Dehcho Land Use Planning Committee
PO BOX 199
FORT PROVIDENCE NT X0E 0L0

Dear Ms. Weibe:

GNWT Comments on the June 2005 Draft of the Dehcho Land Use Plan

On behalf of the Government of the Northwest Territories (GNWT), thank you for the opportunity to review the current draft of the Dehcho Land Use Plan (DLUP). In July and early August, your meetings with GNWT staff facilitated our review. It is noted that with the considerable research of your staff, including ongoing correspondence with the GNWT, a number of GNWT legislation, policy and guidelines are referenced.

Further, the current draft and background documents have compiled considerable information that will be useful for the GNWT, both as a planning partner in the establishment of the Plan and its other initiatives. It is apparent from the statement of vision and goals in the Plan that they are similar to those held by the 15th Legislative Assembly of the GNWT and supportive of the GNWT's ongoing policy implementation towards sustainable development.

Our Dehcho Land Use Planning Committee (DLUPC) member, Mr. Ron Antoine, has been copied on all correspondence regarding the development of these comments. We thank Mr. Antoine for his continued participation as he brings his expertise and experience to the DLUPC table, as do all members of the Committee.

Please find enclosed a document that summarizes GNWT comments on the June 2005 draft of the Plan. As you noted in your summer presentation, fall 2005 dialogue on a number of the points raised will facilitate changes to the Plan. Contacts are provided. Comments address both subject matter and document format. The GNWT's input is intended to be constructive and should be viewed in the cooperative and collaborative spirit in which it is intended.

.../2

As expressed earlier, the GNWT remains concerned about the clarity of roles and responsibilities regarding land use planning in the Dehcho within the context of integrated resource management. The GNWT must consider broad public interests even as it defines policy for the Dehcho region. As well, the Plan raises concerns about the necessary GNWT resources that could be required to fulfill such policy if it were to be adopted.

Please note that while considerable comment has been documented during this stage of the DLUP review, there were a number of key GNWT personnel who were not available or had sufficient opportunity to thoroughly review and provide their views. In spite of this, it is felt that the enclosed document does capture the GNWT's primary comments and concerns.

ENR staff within Policy, Legislation and Communications (PLC) will continue to facilitate ongoing GNWT review as required. Individual Departmental contacts are also available to help clarify Department specific concerns. Attached for your convenience is an updated GNWT contact sheet.

Further, ENR PLC will coordinate the approval process when a final draft of the Plan has been prepared. Cabinet approval will be required. For planning purposes, to co-ordinate amongst Departments and have the final draft approved by the GNWT is likely to take two to three months. This information is offered so that appropriate timelines can be taken into account.

Once more, thank you for the opportunity to review the current draft of the proposed DLUP. We hope that you find our comments helpful in highlighting areas for improvement and look forward to working with you and your staff throughout the fall.

Sincerely,



 R. P. Bailey
Deputy Minister

Enclosures

c. List Attached

Mr. Robert Overvold
Regional Director General, Northwest Territories
Indian and Northern Affairs Canada

Mr. Bob McLeod
Secretary To Cabinet
Department of Executive

Mr. Peter Vician, Deputy Minister
Industry, Tourism and Investment

Ms. Debbie Delancey, Deputy Minister
Municipal and Community Affairs

Mr. Dave Murray, Deputy Minister
Health and Social Services

Mr. Mark Cleveland, Deputy Minister
Education, Culture and Employment

Mr. Russell Neudorf, Deputy Minister
Transportation

Mr. Robert McLeod, Deputy Minister
Ministry of Aboriginal Affairs

Ms. Margaret Melhorn, Deputy Minister
Finance

GNWT Contact List for DLUPC September 2005 Submission

The contacts listed below will be pleased to facilitate communications regarding specific information as indicated in the table provided in the September 2005 submission. Overall questions, including any on cumulative effects, should be directed to the Government of the Northwest Territories (GNWT) Main or Environment and Natural Resources (ENR) Contact. In order for the GNWT to appropriately track dialogue on changes to the Dehcho Land Use Plan (DLUP), it is requested that Dehcho Land Use Planning Committee (DLUPC) staff respect the contacts indicated. We appreciate your help in these regards. In the longer term, this will help us to facilitate the GNWT approval process.

Please note that GNWT uses a standard e-mail format that has been indicated once below.

GNWT Main Contact:

Doris Eggers Environment and Natural Resources 920-8046
Director, Policy, Legislation and Communications
Doris.Eggers@gov.nt.ca

GNWT Contacts:

| Name | Department | Phone |
|----------------|---|--------------|
| Jim Stevens | Transportation | 920 - 3366 |
| Joseph Laferla | Finance | 920 - 6364 |
| Jane McMullen | ENR | 920 - 8069 |
| Steve Iveson | Ministry of Aboriginal Affairs | 873 - 7108 |
| Tom Andrews | Prince of Wales Northern Heritage Centre - Education, Culture and Employment | 873 - 7688 |
| Trish McFaull | Municipal and Community Affairs | 920 - 8625 |
| Greg Brady | Industry, Tourism and Investment | 873 - 7340 |

ENR Contacts:

Given the number of technical items related to expertise within ENR, as in the past we request that you continue to use the contacts below for specific items as indicated in the Summary Table.

| Name | Department | Phone |
|-------------|--------------------------|--------------|
| Ray Case | Wildlife Management | 920 - 8067 |
| Tom Lakusta | Forest Management | 874 - 2009 |
| Ken Hall | Environmental Protection | 920 - 6476 |

Dehcho Land Use Plan (DLUP) GNWT Comments on the June 2005 Version

Purpose:

The purpose of the comments provided in this document are to help shape further changes to the DLUP in fall 2005, through appropriate dialogue between the Government of the Northwest territories (GNWT) and the Dehcho Land Use Planning Committee (DLUPC) and amongst parties to the Dehcho Interim Measures Agreement (IMA).

Background - GNWT Summer 2005 Review Process:

GNWT Departmental staff reviewed the proposed Plan and provided specific comments on the Plan's contents and identified areas where further dialogue would be appropriate to ensure mutually agreed upon wording.

Staff represented the following Departments:

- Ministry of Aboriginal Affairs (MAA)
- Municipal and Community Affairs (MACA)
- Prince of Wales Northern Heritage Centre - Education, Culture and Employment (PWNHC)
- Transportation (DOT)
- Finance, including Bureau of Statistics
- Industry, Tourism and Investment (ITI)
- Environment and Natural Resources (ENR)

All Departments have promoted awareness of the DLUP's development to appropriate Departmental staff. Deputy Ministers of participating Departments are aware of undertakings by Departmental staff.

ENR has coordinated Departmental comments in this review. A meeting was held to identify inter-Departmental concerns and discuss GNWT process. The Deputy Minister of ENR has passed on information routinely.

GNWT Next Steps:

- ENR will coordinate appropriate briefings for GNWT Departmental and political needs.

- In July correspondence, the Chair of the DLUP approached the Department of Executive, and the Ministers of ENR and ITI, and the federal department of Indian and Northern Affairs Canada (INAC) to invite these Departments to meet to discuss the DLUP approval process. ENR will play a role in the follow-up necessary to convene this meeting.
- ENR will serve as a policy and main GNWT contact to facilitate further dialogue on the continued drafting of the DLUP so that a timely and effective approval process can be undertaken. It is the GNWT's intent to ensure that input throughout the development of the Plan is considered appropriately during the approval process.

General Comments on the present draft of the DLUP:

The 15th Legislative Assembly of the GNWT has stated that its Vision and Goals (<http://www.assembly.gov.nt.ca/pdf/VisionAndGoals.pdf>) will be achieved in actions undertaken through its Business Plan. The vision and goals noted in the current draft of the DLUP (Introduction to Chapter 5) reflect similar targets. The GNWT must distribute its resources appropriately to ensure movement towards these goals in all areas of the GNWT. This is facilitated through similar goals proposed for the people of the Dehcho in the DLUP. However, policy and resources applied to achieve these goals must be consistent throughout the Northwest Territories (NWT). In its present form, there needs to be further dialogue with the DLUPC to ensure that the DLUP adopts wording that would allow the GNWT to fulfill its obligations without compromising the needs of the people of the NWT as a whole. Further dialogue is required in a number of areas, some of which are highlighted below.

The GNWT respects the interests of all parties to the Dehcho process, many of which are brought to the table in interim mechanisms such as the IMA and monitoring of Dehcho First Nations resolutions. However, it must be respected that these are specific party interests that the GNWT must consider in light of its overall mandate to promote the public interests of all residents of the NWT.

Further, it is anticipated that there would be wide-spread use of this plan by governments, agencies and developers. Therefore, to the extent possible, statements made in the plan should reflect long term planning.

The zoning approach is useful to both governments and potential developers. Within the attached table, the GNWT suggests ways to improve format to more clearly tie pieces together to make the DLUP more easily read and understood. For instance, page 160 is key and should be pulled forward in Chapter 5. Definitions of Permitted Uses should be contained within this section.

However, within the context of specific zones, moratoriums on certain categories of development, such as hydro and big-game outfitting, could be better addressed by clear statements under "Development Values" for specific zones.

A Conformity Requirement could clearly define expectations and due process for consultation regarding any related proposals of these types. It should be recognized that there is considerable variation within these sorts of initiatives.

Finally, there are aspects of the draft DLUP that enter the realm of what are often Economic Measure or Wildlife Management chapters in negotiations toward land claims and self-governance. It should be respected that these negotiations have not yet taken place.

While it is apparent that the approved DLUP would be subject to revision following completion of negotiations, the difficulties in this approach are noted given some of the contexts discussed below regarding the concepts of:

- Integrated Resource Management - the fit of the DLUP with other authorizations
- Community and Economic Growth Potential
- GNWT Strategic Planning
- GNWT Implementation of the final DLUP
- Plan Revisions and Plan Assessment

Integrated Resource Management

As defined in its policy on Sustainable Development (<http://www.enr.gov.nt.ca/plc/pdf/Sustainable%20Development%20Policy%20-%20FINAL.pdf>), the GNWT considers land use plans to be one instrument to help ensure that development within the NWT takes place in a sustainable manner. Through a coordinated process of Integrated Resource Management, many components and disciplines of resource management will be used. In addition to land use planning, water use planning, environmental assessment and protection, legislative and regulatory mechanisms, and policy development and application need to be linked in order to attain sustainable development within the Dehcho and throughout the NWT. Further dialogue through the land use planning process may help to clarify some of these links. However, others may not be discernable at this time as discussions through the Dehcho process continue. The GNWT is fully mindful and respectful of the commitments it has made through the Interim Measures Agreement (IMA).

For example, Actions 6, 15, 16, 17, 18 each stipulate specific measures, or standards that regulating agencies must adopt. Given the range of on-the-ground circumstances for each development proposed, public interest may be better served through greater flexibility to apply standard best practices on a case by case basis. These could be guided by Terms in the land use plan but would allow for better use of current information, much of which is continually evolving. While it is noted that the DLUPC wishes to “go beyond the status quo”, it must be recognized that this is evolving rapidly to better serve all concerned. Regional “terms and conditions” may not be appropriate in all cases.

In addition, care must be taken to ensure that wording in the document is targeted to the appropriate reader, whether government, an agency, or a developer. In some cases it appears that Terms have been developed with the interest of developers in mind and not that of government agencies who are mandated to act in the public interest.

Further dialogue in these regards should address wording related to Regulatory Authorities and Terms and Conditions. Much of the dialogue is in relation to cumulative effects. There are a number of agencies in addition to the GNWT that would have an interest in this further dialogue, including the federal government and partnership agencies such as the Mackenzie River Basin Board and the Cumulative Effects Assessment and Management Framework Steering Committee. This is of particular note when considering that many agencies are developing policy to better define ways to integrate instruments and address social, cultural and economic factors and the use of traditional knowledge.

Community and Economic Growth Potential

The "Introduction" refers to the land use plan applying outside of municipal boundaries. Dialogue with the DLUPC has resulted in a confirmation that communities within the context of the plan are also to consider Development Control Zones, a process used for several communities in the Dehcho that do not have formal municipal boundaries, but rather administrative delineations for the purpose of defining jurisdiction. It will be important that all communities have adequate land resources surrounding the community to fully address needs arising from population growth and to take advantage of business and development opportunities that may be presented. Such needs include sufficient land for housing, health and educational facilities, business and industrial enterprises, and increased community infrastructure such as water use and waste disposal sites. It will also be important that there is adequate access to transportation means and resources required to undertake the proposed development, such as water and aggregate materials. In this time of considerable secondary business opportunities that would support the primary industry sectors, these needs are of particular importance. This is consistent with the desire to promote local opportunities noted in Goals 6 through 10 of the current draft of the DLUP. It is important that the DLUP not be too restrictive in the vicinity of communities.

Comments were previously submitted from MACA by e-mail on September 20, 2004 regarding this matter. The DLUPC 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 would not satisfactorily address this issue. While the communities and MACA 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.

Maps 52 through 56 demonstrate this need given the significant portion portrayed as having "Differing Community Views". This suggests that some communities recognize the potential for limitations on community and economic growth

Further dialogue in these regards is necessary and could be addressed through changes to process regarding exceptions, revisions and the amendment process. Dialogue will have to address the needs in certain circumstances for some types of remote community infrastructure.

GNWT Strategic Planning

The wise use and development of resources within the NWT, and educational and other initiatives required to support these, are the subject of a number of GNWT strategic and implementation plans. The GNWT acknowledges the DLUPC recognition of some key planning initiatives of the GNWT such as the Non-renewable Resource Strategy and the NWT Protected Area Strategy. However others are in place and under development as well, some within the context of the Northern Strategy. It would not be in the best interests of the GNWT to approve a DLUP that would be incompatible with these initiatives that promote NWT public interests, including those of the people of the Dehcho, as expressed through means other than the DLUP process.

While the GNWT recognizes that the DLUP is for a five-year planning horizon, a clear path forward to amend and review the DLUP would need to be in place. The GNWT feels it is prudent to point out areas of concern at this time and to ensure that the DLUP is consistent with current interests. These interests lie primarily in GNWT mandated interests related to the provision of infrastructure including clean water, energy and transportation. Further comment is contained in the attached table. Examples of current GNWT strategies that could be compromised with current DLUP wording include:

- Investing in Roads for People and the Economy: A Highway Strategy for the Northwest Territories that identifies an all-weather road through the Mackenzie Valley as a long-term objective of the GNWT. The applicable area, north of Wrigley, is identified as a Conservation Zone (Zone 1).
- NWT Drinking Water Framework and Strategy will be implemented to promote the use of source water protection areas for community drinking water supply sources and watershed protection initiatives. Some current wording of terms is limiting in these regards.
- Greenhouse Gas and Energy Management strategies enumerate actions towards conserving energy resources and promoting the use of alternative energies to the NWT's current use of considerable diesel power.

There are some activities captured in the current definitions of industrial sectors, such as “mining” and “oil and gas” that could restrict activities in certain areas that would in all cases provide benefit to the people of the Dehcho and help them reach their goals as stated in the DLUP.

It would also be more appropriate to place some of the definitions within the Section in which they are used for better clarity and intent. This is particularly applicable for discussion of “Permitted Uses”.

General Use Zones

This approach is useful to both governments and potential developers. Within the attached table, the GNWT suggests ways to improve format to more clearly tie pieces together to make the DLUP more easily read and understood. For instance, page 160 is key and should be pulled forward. Definitions of Permitted Uses should be contained within this section.

GNWT Contacts

In order to facilitate further dialogue to advance the drafting of the DLUP, the GNWT has provided contacts for specific discussions. These are attached. ENR acts as a general contact and can help direct specific requests by the DLUPC.

**GNWT Comments on the June 2005 Draft of the Dehcho Land Use Plan
Tabular Summary
September 2005**

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|---|---|-------------------------------------|
| <p>The "Introduction" refers to the land use plan applying outside of municipal boundaries. Several communities in the Dehcho 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.</p> <p>Table 8 (page 24)</p> | <p>1.1 Introduction</p> | <p>Likely not the intent of the plan given intent to integrate with community plans. Further discussions may be required to be sure all clear and unintended limitations to growth and development opportunities are not limited.</p> | <p>MACA</p> |
| <p>The statement about "8 COSEWIC listed species" is misleading.</p> | <p>Table 8 3.3.2 Fish and Wildlife</p> | <p>Should clarify that "Corridor/Road Density" is intended to apply to roads outside of community boundaries. Species are listed under the Species at Risk Act (SARA). COSEWIC undertakes status reviews and makes recommendations. Of the species listed, Grizzly bear and Wolverine have not yet been listed on Schedule 1 of SARA. The final paragraph in this section should reference ENR's "Wildlife Division". It should be noted that SAR legislation may offer opportunities to address wildlife management concerns, including with respect to cumulative effects.</p> | <p>MACA ENR (Wildlife)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--|--|---------------------------------------|
| <p>(P. 56): The final sentence of this section states: "The Prince of Wales Northern Heritage Centre is the territorial museum that houses a collection of cultural and heritage resources and issues NWT Archaeologist Permits for development operations that pertain to, or will affect heritage resources."</p> | <p>3.3.3 Heritage Resources and Archaeological Sites</p> | <p>The Prince of Wales Northern Heritage Centre acts as the official repository for archaeological artifacts collected in the Northwest Territories, issues NWT Archaeologist's Permits authorizing archaeological investigations in the NWT, and reviews land use applications to determine the effects of proposed development activities on heritage resources.</p> | <p>PWNHC</p> |
| <p>(p. 60) Air monitoring and management related to Agricultural activities.</p> | <p>3.3.8. Agriculture</p> | <p>Recommend the plan refer to available GNWT ambient air quality standards available at: www.enr.gov.nt.ca/eps/pdf/ambient_airquality.pdf</p> | <p>ENR (Environmental Protection)</p> |
| <p>Information about the <i>Forest Management Act</i> suggests how that Act can be applied is misrepresented.</p> <p>The Forest Management Act allows for enforcement at the "authorization" level on direction contained in a regulatory document, not at the LUP level.</p> <p>The statement in the document "However, under the Forest Management Act, the GNWT may transfer control, management and administration of any forest back to the (continued) Minister of DIAND for the purposes of entering into Forest Management Agreements with the government of any Province or Territory, or with any person, institution or firm relating to timber harvesting, or researching or managing forests" suggests that information about Forest Management Agreements in the Forest Management Act has been misinterpreted. The Act provides for an area to be established as a Forest Management Agreement Area for a specific development or management initiative not as a general course of action related to a land use plan. Clause 8 and 9 of the Act provide the key statements.</p> | <p>Regulatory and Policy Framework (general)</p> <p>3.3.6</p> <p>(and see 3.7.5)</p> | <p>Further dialogue to clarify.</p> | <p>ENR (Forest Management)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|---|---|--------------------------------|
| <p>The Forestry Section does not correctly convey ENR's responsibilities or the regulatory framework in which we work.</p> <p>The Plan indicates that the Federal Government is involved in Forest Management Agreements. This is not a correct interpretation of the information.</p> | <p>3.7.5 The Policy Framework</p> | <p>Similar policy goals are notable but it needs to be clearer how the land use plan and the forest management instruments will be linked appropriately.</p> <p>Terminology should be used in an accurate and consistent manner to common use. For instance, conservation and preservation are not the same.</p> | <p>ENR (Forest Management)</p> |
| <p>(p. 69) DLUP noted as main initiative to guide conservation and development and does recognize need to align with other initiatives in realm of conservation and community, economic resource and environmental management planning. Mandates in these areas will need to be clearly linked to implement the final DLUP. The draft DLUP notes the need to align goals and research already.</p> | <p>3.8 The Land Use Plan and Other Land Use Initiatives</p> | <p>GNWT and broader strategic planning regarding forest management, tourism, energy (including hydro), and drinking water management are all touched on in the plan. Collaborative alignment of these and the DLUP would help to achieve common goals to promote the values demonstrated within the current draft Plan.</p> <p>Linkage clarity will be necessary at all steps of the Plan development and implementation.</p> | <p>GNWT (main contact)</p> |
| <p>(Pgs 69-70) The idea that the PAS results in permanent protection, a key difference between the PAS and the land use planning process, is referenced only midway through the second last paragraph. This section could better reflect that the PAS results in a range of protection (depending on the reasons for protection, results of detailed studies and assessments, decisions of the Candidate Area Working Group and community members, etc.)</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>Emphasize that the NWT PAS results in the permanent protection of lands. One possibility is to include a statement to that effect after the description of the eight steps of the PAS process (currently pg. 69). Emphasize that the NWT PAS can result in a range of protection.</p> | <p>ENR (Wildlife)</p> |
| <p>(Pg. 70, paragraph 1) This section refers to the detailed assessments carried out during interim land withdrawal under the PAS process, but mentions only ecological, cultural, and non-renewable resource assessments, leaving out renewable resource assessments and socio-economic analysis. Furthermore, cultural resources are studied and documented through the PAS process, but are not assessed (although some conclusions as to the</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>Include references to renewable resource assessments and socio-economic analyses. Change the reference to cultural resource assessment to "cultural values study".</p> | <p>ENR (Wildlife)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|---|--|---------------------------|
| <p>significance of these resources may be made by the participating Aboriginal groups).</p> <p>(Pg. 70, paragraph 1) The last sentence in this paragraph references management of approved protected areas "through protected areas legislation". There is no specific Territorial "protected areas legislation" and the management of the area will be based on a management plan developed by the sponsoring agency and the community(ies) involved.</p> <p>(Pg. 70, paragraph 3) This paragraph describes the similarities and differences of the land use planning process and the PAS. As land use planning processes differ in the different regions of the NWT, it should be noted that these points apply only to the Dehcho region.</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>Amend the sentence to read: "Once approved, the protected area will be designated through the appropriate legislation and managed in accordance with its management plan. It will no longer be subject to the Plan".</p> | <p>ENR (Wildlife)</p> |
| <p>(Pg. 69, paragraph 3)</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>Amend the sixth sentence in the paragraph to read: "Land Use Planning in the Dehcho complements the PAS by providing immediate..."</p> | <p>ENR (Wildlife)</p> |
| <p>Page. 69, paragraph 3</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>This paragraph could be strengthened by a reference to the PAS Principles related to land use planning, which reads: "Locally based land use planning and resource management processes will take the lead on identifying community and regional interests in areas being considered for protection." (Protected Areas Strategy, 1999, pg. 10).</p> <p>As indicated</p> | <p>ENR (Wildlife)</p> |
| <p>(Pgs 69-70) - There are several typos in this section, as follows: Pg. 69, paragraph 1 – first quotation is missing an end-quote mark. Pg. 69, point 3 under "The process has eight steps" – should read "Review and submit proposal for candidate protected area status". Pg. 70, paragraph 2 – the last sentence is missing a closing parenthesis.</p> | <p>3.8.1 NWT Protected Area Strategy</p> | <p>Amend the sentence to read: "The Plan will be amended to designate these areas as protected once their final designation is achieved." (italics indicate proposed change)</p> | <p>ENR (Wildlife)</p> |
| <p>(Pg. 70, paragraph 3) - The last sentence in this paragraph indicates that areas can be designated "as protected under the PAS". The PAS is a process and has no legislative authority to protect land.</p> <p>Section 3.8.1 (pg. 70, paragraph 2) and Section 5.5.1 (Zone 4: Edehzhie)</p> | <p>3.8.1 NWT Protected Area Strategy & 5.5.1 Conservation Zones</p> | <p>These sections refer to the interim land withdrawal for the Edehzhie Candidate Area. The DLUPC may wish to mention</p> | <p>ENR (Wildlife)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--|---|--------------------------|
| <p>The proposed approach taken for cumulative effects assessment uses indicators and thresholds not currently used by ENR, though the notion has been accepted through the Paramount EA. Preliminary review of this section notes that there may be some difficulties in applying thresholds in the manners suggested.</p> | <p>4.8 Cumulative Effects Analysis</p> | <p>that the interim land withdrawal expires in June 2007.</p> <p>Further dialogue to work collaboratively with DLUPC to achieve the intended goals.</p> <p>Indicators and thresholds used will need to be rationalized through sound knowledge, including methodologies, in full collaboration with the legislated resource managers for forests and wildlife (i.e. GNWT) and those who can appropriately track the agreed upon indicators.</p> <p>Forest ecosystem classification and long term monitoring programs to evaluate impacts of land use activities should be considered as an alternative effective approach. Forest, wildlife, habitat baseline information and GIS and remote sensing techniques will all be required to define usable tools.</p> <p>The GNWT recognizes the role of the many partners cooperating through the Cumulative Effects Assessment and Management Framework and the lead role assigned to the DLUPC in the Regional Plan of Action. Ongoing collaboration is required.</p> | <p>GNWT Main Contact</p> |
| <p>(p. 92) Goal #3 typo – remove first “be” Goals – the goals stated in the DLUP align well with those of the GNWT.</p> | <p>5.1.2 Goals</p> | <p>Given similar direction, the GNWT is undertaking work on several measures that may help to assess progress towards goals. These may be useful to assess the effectiveness of DLUP implementation.</p> | <p>Finance</p> |
| <p>(p. 93) Zoning – This section starts into the actual Terms before introducing the concepts and what they mean (this happens later in 5.4). Also, zone types are not introduced until later. confusing flow in Chapter 5.</p> | <p>5.2 Zoning</p> | <p>Suggest re-arranging Chapter 5 somewhat.</p> <p>Consider using cross-references with Terms on wall charts and in Zone descriptions</p> | <p>GNWT Main contact</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|---|---------------------------------|---|---|
| <p>The GNWT considered ease of use, especially with the wall chart as a starting point, to discern user-friendliness. Some problems arose.</p> | | <p>(could use Term numbers in both places).</p> <p>Use of words Terms, conditions and Terms and Conditions causes some confusion. Might want to consider changing "conditions" to "provisions" as these are what you want regulating bodies to somehow provide for in the Terms and Conditions that they may use in their particular regulatory instruments. This would also get away from getting too specific at a regional scale.</p> | |
| <p>(p. 93) "Permitted Uses" is inconsistently used between Table 13 and this section. Permitted uses are not described except in the definitions.</p> <p>Definitions of "permitted uses" are captured from legal definitions around taxation and environment. In some cases this misrepresents the context within the DLUP; e.g "mining" includes restoration; oil and gas – conservation; forestry – maintenance of woody vegetation. Such activities desirable.</p> | <p>5.3 Permitted Uses</p> | <p>For ease of DLUP use, "Permitted Use" information could be brought together more thoroughly with close reference to linking terms used in the wall charts.</p> <p>Second sentence in 5.3 might better read "Where Terms are listed, Regulatory Authorities will ensure that these are provided for in the terms and conditions of permits, licenses, leases or authorizations."</p> <p>Consider clarifying terminology for permitted uses around intended context.</p> | <p>GNWT Main contact</p> |
| <p>Conformity requirements are stated as a function of the DLUPC. All will require considerable collaboration with regulators to ensure the bulleted expectations are met. .</p> | <p>Chapter 5</p> | <p>Given its mandates within the Dehcho and throughout the broader GNWT, further dialogue is required regarding many aspects of all the Conformity Requirements. Greater linkage clarity and appropriate roles need to be defined. Some aspects may go beyond what was envisioned by the GNWT in the Interim Measures Agreement (IMA).</p> | <p>GNWT Main Contact and Ministry of Aboriginal Affairs</p> |
| <p>Conservation zones and some special management zones encompass large areas around communities that restrict "forestry". If not considered traditional use, this restriction could be interpreted to include domestic use of timber and would prohibit any timber harvesting for fuel-wood or building use. This is not</p> | <p>5.2 Zoning</p> | <p>Further dialogue necessary to determine wording to place in appropriate context.</p> | <p>ENR (Forest Management)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--|--|-------------------------|
| <p>consistent with the context of conservation within the <i>Forest Management Act</i>.</p> <p>(p.95) The first bullet, first sub-bullet obligates developers to submit an "access planning study", which would outline the "long-term access needs for the zone..."</p> | 5.3.6 Access | <p>It should be stipulated that any developer can only provide information on their own "long-term access needs" for any zone. If this is what is meant, it is unclear. If it is meant to obligate any developer to plan for other future economic development access plans, it is inappropriate.</p> | ITI |
| <p>Access is related to Transportation requirements. At July meeting GNWT noted that there may be limitations posed with this provisions that would make road alignments and access to aggregates difficult. Consideration of provisions requested here in the context of planning or management.</p> | 5.3.6 Access | <p>Clarification necessary on intent and means to address Transportation concerns.</p> <p>Note that the GNWT has reviewed the draft DLUP, and this section in particular, in its role as a developer. This offers additional perspective.</p> | Transportation |
| <p>(p. 96) Information contained regarding Terms, their context and expectations for their implementation is buried in the introduction to 5.4.</p> | 5.4 Regional Land Use Issues | <p>Move information on bottom of page 96 and top of page 97 up in this Chapter.</p> | |
| <p>(p. 98) Action #4 The regulatory authority will require the developer to document Traditional Knowledge (TK) along with scientific knowledge in accordance with affected First Nation's TK policies and protocols when applying for licenses or permits. If this is meant to apply to Timber Permit Applications, no mechanism exists. Timber Cutting License Applications could have this requirement covered under Section (2)(i) of the Forest Management Regulations.</p> | 5.4.1. Dene Culture(#4) | <p>Further clarity required.</p> <p>Might wish to consider re-wording to attain documentation of methodologies, not traditional knowledge itself.</p> <p>Consider having an appendix that contains existing policies and protocols and add to this on an ongoing basis.</p> | ENR (Ft Simpson Region) |
| <p>(p. 100) Action #5 Protection of Significant Cultural and Traditional Use Sites (p. 100). The last sentence of this section states: "Regulatory Authorities will require support of the affected First Nations for all proposals to remove heritage resources from DFN lands."</p> | 5.4.2 Traditional Land Use and Occupancy | <p>Addition of the sentence: "Pursuant to the Northwest Territories Archaeological Sites Regulations, the investigation of archaeological sites and removal of heritage resources from DFN lands must be conducted under a NWT Archaeologist's Permit." This clause should also be added to A #5 in Appendix 1 (p. 230).</p> | PWNH |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--|---|-------------------------|
| (p. 100) Action # 9 – Viewshed Analysis | 5.4.2 Traditional Land Use and Occupancy | May be difficult to implement. Unclear methodology. | ENR PLC |
| (p. 101) Rationale for Terms stated in first paragraph of 5.4.3. | 5.4.3 Sustainable Development | Might be better moved to earlier part of Chapter. | ENR PLC |
| (p. 102) Planning for around community water intakes has limited context. Better to promote planning. | | Further dialogue re: consideration of community drinking water source protection areas and potential initiatives related to watershed management (related to Drinking Water Strategy implementation.) | ENR PLC |
| (p. 102) CR #4 re: hydroelectric dams on the Liard and/or Mackenzie Rivers. This position may significantly limit energy options in the Dehcho. | 5.4.3 Water Monitoring/ Management - Hyaro | The GNWT strategic plan works towards economically healthy communities in the Dehcho region, as well as the entire NWT. Eliminating access to an industry that has potential to be highly beneficial to the citizens of the Dehcho region and NWT without in-depth discussions with appropriate information brought to the table may not be in the best interests of the region. A better common understanding of energy planning initiatives would be helpful. | IT! |
| (p. 104) (Action 20) Establishment of appropriate silvicultural practices in the Dehcho including selective, winter harvesting. Coming on stream is the Standard Operating Procedures for Commercial Timber Harvests that will address this issue. While silviculture practices have not previously been documented formally for the region, expertise has been applied through working with GNWT foresters on a case by case basis. A degree of flexibility to apply appropriate practice for on-the-ground circumstances is appropriate. | 5.4.3 Sustainable Development - Forestry | Further dialogue around forestry actions re: means to align with LUP goals. Good intent but conformity checks, if practical, would need to be highly collaborative. For information: ENR has the Muskeg Demonstration Forest (A Forest Ecosystem Research Network Site [FERNs]) near Fort Liard where various silvicultural harvests have been done including selective harvest. There are 22 FERNs sites across Canada with the Muskeg Demonstration Forest representing the Northern Boreal Forest. The Dehcho leadership has been on a tour there in 1995 & 1998. | ENR (Ft Simpson Region) |
| The plan only considers commercial harvesting as part of forestry. | 5.4.3. Sustainable Development | The Plan should consider other harvesting (ie fuel wood and other domestic use etc). These types of uses fall under the current regulatory framework. | ENR (Forest Management) |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|---|--|-----------------------------------|
| (p. 103) Air monitoring and management has not been included yet is an aspect of sustainable development. (also page 7 and 231) | 5.4.3 Sustainable Development. | Suggest that the Plan include a Term (recommendation) that refers to available GNWT ambient air quality standards (www.enr.gov.nt.ca/eps/pdf/ambient_airquality.pdf). | ENR (Environmental Protection) |
| (p. 105, Action #23) SMART designed as guideline only. | 5.4.2 Traditional Land Use Occupancy | Suggest likely only practical as recommendation. | ITI |
| (p. 105, Action #25) This action is directed at resource management. The resources this section targets appears to be big game. As worded the Action will give priority access to resources to non-resident and non-resident aliens over NWT residents. | 5.4.3 Sustainable Development-Tourism | Further dialogue to clarify intent and appropriateness. | ENR (Wildlife) |
| (p. 105, Action #27) Visitor quotas. | 5.4.3 Sustainable Development-Tourism | Collaboration on implementation means and conformity check. | ITI |
| (p. 106, Action #29) Useful Action proposed but concern on legal means. | 5.4.3 – Digital Pre-Operation and Post- Operation Mapping | NWT Geomatics Centre are involved in standards and other programs to facilitate use of digital and GIS information. Suggest as recommendation only. | NWT Centre for Geomatics |
| (p. 107, Cumulative Effects Management) Multiple implications, including use of up-to-date information, would be required to carry this through. Impacts multiple Actions. | 5.4.2 Traditional Land Use Occupancy | Further dialogue required. Considerable collaboration required. Presently does not acknowledge that cumulative effects will take place in Conservation Zones through all use, not just industrial. | GNWT Main Contact |
| (p. 113) paragraph before Money Management – seems out of place? | 5.4.4 Community Issues | Not applicable. | GNWT Main Contact |
| (p. 117) On Map 19 (and on page 158), Special Infrastructure Corridor (MV pipeline), the corridor stops at Ft. Simpson and it is noted that the DFN are "negotiating the corridor". MVPO staff attended a consultation session in Hay River in July and asked why the Corridor had been stopped at Fort Simpson. DLUPC noted that the corridor was being negotiated with Canada. Consequently, page 158 states that subsequent drafts would reflect the results of this negotiation. | 5.5.3 Zone 20: Special Infrastructure Corridor | It is anticipated that the final draft will contain a finalized corridor that would be reviewed at that time. It would be helpful if this could be viewed following completion of negotiations. | ITI |
| (p. 120, Table 14) Inconsistent use of Resource Potential and Development Values from pages 123 to 159. | 5.5 Land Use Zones | Consider use of same terms. Page 123 could change heading. | ENR PLC |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|---|--------------------------|---|-------------------------|
| | | <p>Use of term "intersect" in table. Is this explained somewhere? Could clarify.</p> <p>May make more user friendly if numbers of Terms are placed beside these in Special Terms section.</p> <p>Are some specific terms to apply throughout all zones, especially recommendations and promotion of best practices?</p> | |
| (p. 122) Only permitted use is tourism but if lodges with to expand or communities want to cut lumber from logs for building purposes this cannot be done as the only merchantable timber stands on the western edge of Trout Lake are incorporated into the conservation zone. | 5.5.1 Conservation Zones | Clarification on intent to ensure appropriate. Considerable resource potential is indicated with only limited existing use within conservation zones of over 50% of land. May be limiting growth in near future given revision time. | ENR (Fi Simpson Region) |
| (Pg. 122, paragraph 1) - The wording in this paragraph may be read as meaning that all conservation zones have also been designated current PAS candidate sites and areas of interest, which is incorrect. | 5.5.1 Conservation Zones | Amend the third sentence in this paragraph to read: "Several conservation zones have also been..." | ENR (Wildlife) |
| (Pg 126, "conservation values") - This section describes the conservation values for Zone 4: Edehzhie. It focuses on ecological values and does not refer to the cultural significance of the area. | 5.5.1 Conservation Zones | include a description of the cultural values and significance of Edehzhie to the Aboriginal communities that surround it. | ENR (Wildlife) |
| (Pgs 122, 126, 128) - These sections refer to the detailed assessments carried out during interim land withdrawal under the PAS process, but mention only ecological, cultural, and non-renewable resource assessments, leaving out renewable resource assessments and socio-economic analysis. | 5.5.1 Conservation Zones | Refer more generally to possible boundary changes as a result of "the resource assessments and studies required..." | ENR (Wildlife) |
| (Pgs 122, 126, 128) - These sections refer to the eventual management of approved protected areas "through protected areas legislation". There is no specific Territorial "protected areas legislation" and the management of the area will be based on a management plan developed by the sponsoring agency and the community(ies) involved. | 5.5.1 Conservation Zones | Refer to "designation through the appropriate legislation" and "management in accordance with an established management plan". | ENR (Wildlife) |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|---|---|---|--------------------|
| Table 14 | 5.5 Land Use Zones | It would be useful to separate out boreal woodland caribou and mountain woodland caribou in this table given the listing of boreal caribou under SARA. Moose and bison should be included in Zone 28. | ENR (Wildlife) |
| There is an expectation that the GNWT will implement the Plan through direction from the Ministers. | 6.2 Plan Implementation | This would come about through Cabinet approval; however currently there are many areas that would require significant collaboration. These would implicate GNWT resources considerably. A number of areas where this would be true have been pointed out in this table. The GNWT has ongoing dialogue with federal and other regulating agencies | GNWT Main Contact |
| Table 15 | 6.2.1 Implementation Vehicles | The section on Seasonal Restrictions should indicate that the <i>Wildlife Act</i> provides a vehicle for certain types of activities related to wildlife management. Access and use of an area for purposes other than hunting is not covered. | ENR (Wildlife) |
| (Pg. 166, paragraph 2) - This paragraph refers to the ecological and non-renewable resources assessments being carried out in Edehzhie. It does not mention the cultural studies, renewable resource assessments, and socio-economic analysis that are also taking place. | 6.2.2 Revised Land Withdrawals | Refer more generally to "resource assessments and studies". | ENR (Wildlife) |
| (p. 170 and 171) Figure 9 and 10 define a proposed implementation process for the Plan. Phrases are inconsistent within and between the two tables. | 6.2.3 Conformity Determinations 6.2.4 Inspections and Enforcements | Terms and conditions are part of a regulatory instrument. The DLUP sets out Terms defined as Conformity Requirements, Actions and Recommendations. Further work is needed to clarify expectations required in the DLUP for "Regulatory Authorities" to implement these through existing legislation. It should be understood that some linked relationships will evolve in the Dehcho process. The approved Plan will need to expect those existing at the present time. This has been noted above. | GNWT Main Contact |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|---|--|--|
| <p>(p. 171) Plan Revisions This section sets out clear high level guidance for Plan review. However, many of these would need to have defined indicators to help answer the questions laid out. There is limited presentation of how these judgments could be made.</p> | <p>6.3 Plan Revision</p> | <p>Because the draft LUP focuses on wildlife values, it is anticipated that considerable GNWT resources would be required to implement the DLUP. Available resources are limited. More dialogue is required to further define how the plan would be revised. Given similar values within the GNWT strategic planning context, there may be opportunity to use existing measures. However considerable resources would be required to do so. The Land Use Plan is much more multi-faceted that perhaps was envisioned in the IMA process.</p> | <p>GNWT Main Contact</p> |
| <p>Maps in Chapter 6</p> | <p>6.4 Plan Assessment</p> | <p>While revisions are intended to occur in a 5-year timeframe, exceptions and amendments may be more immediate. Again high-level criteria are well-laid out but would require considerable judgment by Parties to the IMA who may hold differing perspectives. Because the Plan precedes the completion of the Dehcho Process negotiations, this is compounded.</p> | <p>GNWT Main Contact</p> |
| <p>This section describes the eco-region representation analysis conducted by World Wildlife Fund for the DLUPC. It does not clearly explain how the criteria used in the analysis were chosen, how the weights associated with those criteria were chosen, what is meant by the various levels of representation identified in the analysis (e.g. "moderate", "adequate", etc.), and how the analysis addressed</p> | <p>6.4.4 Ecological Representation Analysis</p> | <p>The DLUPC has assimilated considerable information and presented multiple complex views well. Sustainable development needs to be promoted at this time given considerable opportunities available to the people of the Dehcho. Provide additional information on the methodology used by World Wildlife Fund to identify criteria, weight criteria, and address eco-regions that cross the boundaries of the Dehcho region. Provide quantitative definitions for the levels of representation identified (for example, in terms of the percentage of the eco-region covered) and</p> | <p>GNWT Main Contact ENR (Wildlife)</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--|--|----------------------------------|
| <p>eco-regions that cross the boundaries of the Dehcho region.</p> <p>(Paragraph 1) - This paragraph describes how the conservation zones established in the draft LUP contribute to goal 2 of the PAS (protection of core representative areas within each Ecoregion), according to an analysis completed by the World Wildlife Fund. The paragraph does not reflect that there are some differences between conservation zones and core representative areas established under the PAS.</p> | <p>6.4.4 Ecological Representation Analysis</p> | <p>explain how these definitions were developed.</p> <p>Amend the paragraph to read: "It is a stated goal of the PAS "to protect core representative areas within each Ecoregion". The Plan complements PAS efforts to establish protected areas through Conservation Zones so it is important to demonstrate how the Plan contributes to the representation goals. World Wildlife Fund has developed an automated routine that assesses areas (for example, proposed conservation zones or proposed protected areas) to determine how well they represent ecological features. The analysis assesses both ecoregions, and enduring features - physical habitat or landscape components defined by climate, topography, soil texture and surficial deposits. Enduring features provide a more detailed level of assessment. The ecoregion level assessment was also run to provide an indication of how well the conservation zones established in the Plan represent ecoregions in the Dehcho. (<i>italics indicate proposed changes</i>)</p> | <p>ENR (Wildlife)</p> |
| <p>(Pg. 191, Table 16) - This table summarizes the results of the World Wildlife Fund's eco-region representation analysis. At a quick glance, the reader might confuse the "% of the ecoregion within the Dehcho" with the percent of the ecoregion protected in order to achieve a given level of representation. The likelihood of confusing is increased because clear definitions of the various levels of representation are not provided elsewhere in this section (see substantive comments)</p> <p>Actions 6, 15, 16, 17, 18 each stipulate specific measures, or standards, that regulating agencies must adopt. We believe it is in everyone's best</p> | <p>6.4.4 Ecological Representation Analysis</p> <p>Appendix #1</p> | <p>Present the information in two separate tables (one to describe the percentage of each eco-region within the Dehcho and one to describe the level of representation of that eco-region, including percentages or some other quantitative data).</p> <p>As background knowledge increases with time, it may be more prudent to adapt methodologies and standards to</p> | <p>ENR (Wildlife)</p> <p>ITI</p> |

| Question/Concern Posed for Consideration | Cross Reference with LUP | Suggestion for DLUPC regarding further collaboration | Contact Department |
|--|--------------------------|---|-----------------------|
| <p>interests for the regulating agencies to maintain the discretion to select the most appropriate standards and methodologies to fulfill their duties.</p> | | <p>accommodate new information. Binding the hands of the regulating agencies for a minimum of five years may have undesirable consequences.</p> | |
| <p>The GNWT will be asked to approve a final draft of the Dehcho Land Use Plan and its components. It does not have the authority to approve the Resolutions of the Dehcho First Nations.</p> | <p>Appendix #4</p> | <p>See general comments. Could not "approve" this Appendix.</p> | <p>ITI</p> |
| <p>(Pg. 287) - At the Hay River Regional Forum, the GNWT PAS Secretariat asked whether renewable energy resources were considered in the development of the Working Draft. The table in Appendix 12 indicates that they were not, as "renewable energy development is primarily a municipal issue".</p> | <p>Appendix 12</p> | <p>Further dialogue as Energy Management plan develops. Alternative energy may not be limited to within a community.</p> | <p>ENR (Wildlife)</p> |
| <p>(Pg. 255-258) - This appendix provides information on the PAS and the Dehcho land use planning process that has not been reviewed and approved by all members of the PAS Secretariat or by the PAS Steering Committee (formerly the Implementation Advisory Committee).</p> | <p>Appendix 5</p> | <p>Remove Appendix 5 and, if desired, replace it with a table comparing the PAS and Dehcho land use planning processes to be developed cooperatively by the DLUPC and the PAS Secretariat.</p> | <p>ENR (Wildlife)</p> |
| <p>(Comparison of Draft Land Use Zones with Current Land Withdrawals) - Map 49 does not reflect the interim land withdrawal for the Edehzhie Candidate Protected Area.</p> | <p>Map 49</p> | <p>Re-title Map 49 to make it clear that only withdrawals under the Dehcho Interim Measures Agreement (IMA) are being shown (the legend may also need to be adjusted for clarity) OR show the Edehzhie interim withdrawal on Map 49 using a different pattern from the IMA withdrawals.</p> | <p>ENR (Wildlife)</p> |
| <p>(Draft Plan Land Withdrawals) - Map 50 includes the Edehzhie Candidate Protected Area in the revised land withdrawals anticipated as a result of the final LUP. The current Edehzhie interim land withdrawal (for the purposes of the PAS) expires in June 2007 and it is anticipated that a decision on final designation will be achieved by that time. As the Edehzhie land withdrawal is already in the PAS process it is recommended that for clarity and consistency it remain within this process in the future.</p> | <p>Map 50</p> | <p>Clarify whether the DLUPC intends to include the Edehzhie Candidate Protected Area in its revised interim land withdrawals and if so why. Note that this clarification may also result in changes to Section 4.6 (pgs 81-82), which discusses the relationship between the LUP and the current land withdrawals.</p> | <p>ENR (Wildlife)</p> |