



Northwest
Territories Environment and Natural Resources

JAN 31 2006

Ms. Heidi Wiebe
Executive Director
Dehcho Land Use Planning Committee
GENERAL DELIVERY
FORT PROVIDENCE NT X0E 0L0

Dear Ms. Wiebe:

**GNWT Comments on
November 2005 Version of the draft Dehcho Land Use Plan**

On behalf of the Government of the Northwest Territories (GNWT), I am pleased to submit comments on the November 2005 draft Dehcho Land Use Plan (the plan).

The GNWT recognizes and appreciates the time and effort that has been taken by the Dehcho Land Use Planning Committee (DLUPC) to compile background information and solicit views from communities. The considerable technical work done to gather information, map the land and its resources, develop economic models, and consult with individuals and communities on their values and objectives related to the land and its resources, and the efforts of the DLUPC to capture this work in a draft plan and background report has been very useful.

We know that the plan, once completed by the DLUPC and approved by the parties, will be a very important and valuable guide for developers, governments and other stakeholders. It is essential that the DLUPC and the approving parties, the Dehcho First Nations, the GNWT and Canada, take the necessary time and find ways to work together to ensure we get it right.

September and October 2005 correspondence from the GNWT regarding the June 2005 draft plan and the DLUPC's proposed changes indicated that the GNWT could only approve a plan that was consistent with the Deh Cho First Nations Interim Measures Agreement (IMA). It also stated that a plan must be within the scope of existing GNWT policy and legislation. Terms that would be problematic were pointed out and contacts were given to facilitate dialogue regarding further changes. Where follow-up occurred, progress has been made.

..12



The November 2005 version of the plan has become clearer by separating the plan from the background information. However, the November 2005 draft plan has added a number of conformity requirements and still retains language that is directive to regulatory authorities. The GNWT has significant concerns with this approach and it is unlikely that it could approve a final draft plan that does not clearly define expected roles and operate within current GNWT policy and legislation. This is a necessary condition until a Dehcho Final Agreement is ratified, at which time the plan would be revised to reflect provisions in the Final Agreement.

Moving to other matters, it is very important that the plan fully recognize the integrated nature of land and resource management in the Northwest Territories so that the plan fits well with the other instruments that are used to manage land and resources.

Detail in this letter and its attachments are intended to define what would be needed by the GNWT so that the next version of the plan would be likely to meet its approval. With this end in mind, attachments to this letter focus attention on which sections of the plan require change and for what reasons.

GNWT comments are intended to help more clearly identify where the GNWT has problems with specific terms and why, so that these terms can be constructed in a manner likely to be approved by the GNWT while still promoting the intended land use values and objectives.

In a number of cases significant collaboration will be required to re-work particular terms that address shared mandates. For instance, in the case of cumulative effects, the GNWT would expect a collaborative drafting of term(s). Multiple instruments, including a land use plan, must be tied together to address cumulative effects management. Terms on cumulative effects in the draft plan could be developed through a collaborative process that builds on work done to date by the DLUPC and others. The GNWT would participate in such a process.

With its current review of the plan, the GNWT concludes that significant changes will be required prior to submission of a final draft plan for approval. As such, it is unlikely that a final draft plan that is likely to meet approval could be achieved by March 31, 2006. As noted, collaboration is required. In light of this, the GNWT suggests that the Parties and the DLUPC meet to discuss a path forward that meets the needs of each Party.

At such a meeting we could discuss:


- A means and timeframe to collaborate;
- Revised timeframes for a final draft plan; and
- the approval process, implementation, and land withdrawal process.

One more area of particular concern to the GNWT is the extended role the DLUPC proposes for itself in the current draft. The DLUPC states that it will have a decision-making role with respect to community development, minor infrastructure and cumulative effects. Further an extended role is stated for the DLUPC to determine conformity to the plan. The GNWT did not envision this under the scope of the IMA, nor would such a role be possible until a Dehcho Final Agreement is completed. The DLUPC also extends its authorities with respect to the plan review process, plan exceptions and plan amendments. These are other matters the Parties need to discuss.

As in earlier correspondence, it remains evident that the GNWT's current strategic priorities, its sustainable development policy, and the NWT Protected Area Strategy are built on similar underlying values to those presented in the plan. While regional priorities may differ from those of territorial interest, the common values allow me to say with confidence that the current plan can evolve to something that could be approved by the GNWT.

In closing, further to your January 15, 2006 letter, the GNWT will be pleased to participate in the upcoming Regional Forum. However, participants are still being identified and presentations are yet to be developed so it may not be possible to provide presentations for the requested date of February 1, 2005.

Sincerely,


R. P. Bailey
Deputy Minister

Attachment

c. List Attached

Grand Chief Herb Norwegian
Dehcho First Nations
Chairperson, Dehcho Land Use Planning Committee

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

Mr. Robert McLeod
GNWT- Secretary to Cabinet

Ms. Gabriella Sparling, Deputy Minister
GNWT- Aboriginal Affairs and Intergovernmental Relations

Mr. Donald Cooper, Deputy Minister
GNWT- Justice

Ms. Debbie Delancey, Deputy Minister
GNWT- Municipal and Community Affairs

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

Mr. Dave Murray, Deputy Minister
GNWT- Health and Social Services

Mr. Russell Neudorf, Deputy Minister
GNWT- Transportation

Mr. Tom Beaulieu, Associate Deputy Minister
GNWT -Environment and Natural Resources

Mr. Ron Antoine
GNWT Representative
Dehcho Land Use Planning Committee

**Attachment 1:
GNWT General Requests With Respect to November 2005 Version of DLUP**

Attachment 1 outlines generic requests with respect to the November 2005 version of the DLUP.

A summary table identifies Terms that would require removal or collaboratively altered wording to increase the likelihood of approval by the GNWT of a final draft land use plan. Attachment 3 points out others.

General:

- In any upcoming documents or public statements regarding the plan, it should be referred to as a draft plan.
- The GNWT notes that the plan that would be presented for approval has become clearer by pulling the “plan” out from other “background information”. This approach should be retained.
 - In addition to this approach taken, the GNWT requests that no cross-referencing to the Background Report occur except in a clear statement in the first paragraph of the Introduction (1.1) to note its existence. It should be clearly noted that the Background document does not constitute part of the proposed plan.
 - Attachment 3 notes specific references to the background report that should be removed. There may be others.
- The intent of Recommendations (page 12) needs to be consistent throughout the plan. Page 12 and DLUPC presentations note that recommendations are advisory in nature. Page 43 second full paragraph implies otherwise. The GNWT requests that Recommendations be moved to the Background Report so that misinterpretation of obligations is not possible once the GNWT approves a “final draft land use plan” (final draft plan) as per the IMA Appendix II Section 23.
 - The GNWT could give consideration to leaving Recommendations in an Appendix to the plan provided that a clear introductory statement as to their intent was given.
 - Individual references to recommendations in the body of the draft plan should be removed. For your convenience, Attachment 3 notes a number of references to Recommendations; this should not be used as a comprehensive list.

- Definitions noted for land, oil and gas, and others appear to go beyond the context of a land use plan. The GNWT understands that these are selected from other legislation but using them in the proposed draft plan compounds the problem of users of the proposed plan discerning what is addressed in the land use plan versus what is addressed in other instruments of integrated land and resource management.
- As stated in earlier correspondence, while the GNWT appreciates the DLUPC desire to improve the status quo, actions are being taken towards the goals stated on page 6 in a broader integrated land and resource management regime. As such, the DLUPC may want to focus stated goals on land use. Attachment 3 provides some examples in these regards.
- On page 7 and 8 under Land Use Zones a focus is placed on 5 land uses. The GNWT acknowledges that the newly added language ties land use with current regulatory process and exempts low impact use. It is suggested that additional wording may be required with respect to potential higher impact land uses that are not covered in any of the five uses discussed.

Consistency With IMA:

The following concerns are noted with respect to making the draft plan consistent with the IMA.

- Chapter 3 needs discussion amongst the parties and collaborative work. Terms of Reference were to address approval and implementation, and land withdrawals. (IMA Section 7 of Appendix II).
- IMA context needs to be clear throughout the plan.
 - A number of matters in the current draft plan appear to be based on broad statements in the IMA that state that a "final plan" would
 - *"Promote the social, cultural and economic well-being of residents and communities in the Dehcho Territory, having due regard to all Canadians. (IMA Section 3);"* and
 - *"Provide for conservation, development and utilization of the land, waters and other resources in the Dehcho Territory" (IMA Section 4).*
 - These statements were intended to be contextual as indicated by: *"Regional planning in the Dehcho Territory is intended to form part of an integrated land and resource management regime ..."* (IMA Appendix II Introduction)".

- This sentence continues to state a more specific objective ...
“and outline what types of activities should occur and generally where they should take place, and terms and conditions necessary to guide land use proposals and development projects over time.”
- The above statement should be the basis of content in the proposed plan. As such, the plan is intended to guide, not direct.
- The limited application of the plan needs to be fully recognized. Section 2 of the IMA clearly states that the final plan would only apply outside the existing boundaries of a local government and Nahanni National Park Reserve (NNPR). Discussions regarding both municipal and NNPR boundaries persist in other venues currently.
- The legal context of the plan needs to be fully recognized. Section 70 of the IMA clearly states that the IMA does not constitute a binding contract between the Parties. As such, references in the proposed draft land use plan that imply legally-binding obligations should be removed. With a final plan, developed following completed Dehcho Process negotiations, this would change. That said, the GNWT will respect its obligations accepted by approval of a final draft plan to the extent possible.

Relation to GNWT Negotiations:

- As noted in earlier correspondence, reference to Dehcho First Nation resolutions in a final draft plan would not be acceptable to the GNWT (For example, CR#16).
- In the November 2005 version of the plan a considerable number of Conformity Requirements were added. Many of these additional terms direct regulatory authorities to take specific actions. This approach is not acceptable to the GNWT as authorities would only change through the negotiation process. As per the IMA, the plan presented for approval is to be a “final draft land use plan”, in other words, interim in nature.
- The GNWT considers the “Plan Review Process” a matter for Main Table negotiation.
- In the present version of the proposed plan, the DLUPC has extended its authority with respect to plan exceptions and plan amendments. This is unacceptable to the GNWT. These are matters for future negotiations among the Parties.

- Parties need to discuss the land withdrawals aspect of the proposed plan as provided for in Appendix II of the IMA. The outcome of these discussions will impact upon future GNWT comments with respect to zoning, and perhaps some conformity requirements.
- Commissioner's Land, the Town of Hay River, Land Withdrawal, Land and Water Regulation, Forest Management, the NWT Protected Area Strategy, and Tourism are matters of the IMA. While these interests may overlap with the sections on Land Use Planning, in the interests of open and fair negotiations, the GNWT would not be able to approve an interim draft land use plan that contains elements related to these matters that would impact on processes defined in the IMA or compromise ongoing negotiations.
 - While these noted matters do relate to land use, it is important that any language and wording used in the final draft land use plan are completely consistent with these other discussions or are not presented in the proposed plan.
 - For example, Attachment 1 notes requested changed wordings with respect to proposed Protected Areas.
 - Land use management related to Commissioner's land and community lands need to be fully respected and consistent. Some aspects of community development are subject to other sections of the IMA, namely Commissioner's Lands and the Town of Hay River. As such, anything compromising these should be removed from the final draft plan.
- In the present version of the proposed plan, the DLUPC has extended its authority with respect to community boundaries, minor infrastructure and cumulative effects. This is unacceptable to the GNWT. These are matters for future negotiations among the Parties.
- In the present version of the proposed plan, the DLUPC has extended its authority with respect to conformity requirements. This is unacceptable to the GNWT. This is a matter for future negotiation among the Parties.
- Regulatory authorities who would be required to determine conformity to the final draft plan must have their role(s) clearly articulated.
 - In the present version of the plan, the Mackenzie Valley Land and Water Board is noted to be a primary agent in determining conformity.

- A final draft plan must acknowledge the GNWT's authorities with respect to values and implied objectives related to forest, wildlife and habitat interests. Hence there may be a conformity role for the GNWT. As previously noted, further discussion amongst Parties to the IMA on Party roles is required.
- In earlier correspondence the GNWT noted that direction with respect to *Inspections and Enforcement* (3.2.4) is not acceptable to the GNWT.
- Clear roles need to be articulated with respect to conformity requirements that are limited to the purpose of the proposed final draft land use plan as noted in Appendix II of the IMA.

Consistency With Existing GNWT Policy and Legislation:

The following concerns with the November 2005 version of the plan are noted regarding GNWT policy and legislation.

- The GNWT does not intend to amend policy or legislation to accommodate a final draft land use plan. Zoning and Terms must be able to be implemented within existing means. If zoning or terms direct regulatory authorities, this goes beyond the IMA as well as opens the door to ambiguities. Any terms should offer guidance only.
- Following negotiations and approval of a Final Agreement, the plan would be finalized and then any necessary revisions, and appropriate policy or legislation instruments would be changed.
- For these reasons the GNWT requests that where the GNWT indicates that changes would be required to its policy and legislation, that aspect of the proposed plan should be removed if alternative wording that preserves elements of the intent can not be found and agreed upon by all Parties to the IMA.
- Alternative approaches within existing means are available to highlight the intent of some Terms. Interested parties could express desired change to the GNWT (and other appropriate agencies) through existing means such as the Protected Areas Strategy, work on legislation such as the proposed Species at Risk Act or the *Travel and Tourism Act*, or various partnerships and working groups such as the Cumulative Effects Assessment and Management Framework or the Woodland Caribou Working Group.
- Table 4 on page 45 is labelled "Implementation Vehicles for Zoning and Key Terms". The GNWT asks that this table be removed and used internally as a way to identify those that should be in full agreement with each of the related

Terms. The table is useful in identifying linkages within an integrated resource management regime and could be used to portray these, rather than as “implementation vehicles”.

- in terms of mandate, the GNWT should also be included regarding consultation, water management, digital mapping, and revegetation.
- Where the GNWT is portrayed as having sole authority, some work is still being undertaken with respect to forestry terms; terms on big game outfitting, fishing lodges, and sport fishing are still under discussion.
- GNWT authority has not been recognized for drinking water, digital mapping, and consultation and should be added.
- As stated earlier, the plan should not direct regulatory authority. In the case of the draft or interim plan, approval will be sought for a plan within existing means. “Means” extend beyond having the authority to do something; means also relate to priorities and available resources.
- Any reference to specific guidance documents with respect to Terms should be first to NWT standards, then Canada, then others.
- Clear roles for specific agencies should be stated in these terms.
- *Water Management Terms* (page 23 and Chapter 3) relate to GNWT legal and mandated jurisdiction with respect to drinking water and NWT representation in multi-agency water management initiatives. These authorities must be acknowledged with respect to water management Terms.
 - Water Management Terms must be worded in such a manner as to guide not direct actions. For instance the GNWT would consider an approach that became non-directive that calls attention to the intended value and objective and recognizes the role of multiple agencies.
 - For instance, a suggested alternative approach is characterized in the following wording related to Conformity Requirement 14, by way of example only: *Developers will determine if their proposed development is within, or in close proximity to, water bodies used as community or traditional drinking water sources by consulting nearby communities. When it is determined that this is the case, developers will document plans to appropriately manage their activities to preserve drinking water quality. These plans would be based upon information obtained from communities, the land and water board, and the Department of Health and Social Services. Authorities would consider such a plan in the regulatory process.*

- A consideration of air quality standards go beyond an element of a land use plan and should become a recommendation or be removed.
- If used in a recommendation, *Air Monitoring and Management* (page 24 and Chapter 3) terms (Action #7 and Recommendation # 16) wording should be altered and considered collaboratively using a similar approach to that suggested for water management terms; that is to say, Environment Canada and the Government of the Northwest Territories could help to determine an appropriate wording that would identify what expectations would be placed on who to do what, including who must be consulted in the process in order to protect healthy air.

Zoning Consistency with GNWT Policy and Legislation

- The GNWT has not fully considered zoning at this time. The GNWT will give full consideration of proposed zoning through its political process. It is anticipated that this would come about in review of the next version of a draft land use plan that better addresses GNWT needs.
- Conservation Zones associated with particular traditional and wildlife values are important. The GNWT appreciates the close working arrangement that has been established with the NWT Protected Areas Strategy Secretariat. It is important that representative ecological and cultural areas are appropriately protected.
- As stated in earlier submissions, the GNWT still remains concerned with designating greater than 50% of the land in conservation zones. This approach may overly limit development opportunities for Dehcho First Nations proponents as well as others.
- In addition, tourism development is prohibited in the case of zones 2 (JMR Five Lakes near Jean Marie River) and 7 (Birch Lake near Fort Providence) tourism is prohibited as well. This further limits development opportunities.
- A conservation zone (page 7) is noted as not allowing any development save tourism; even this is prohibited in two cases. Careful consideration of the term "protect" in relation to Conservation Zones should be given as this could be interpreted in different ways - in its extreme to mean non-use of a resource or no land use that might alter the state of the aspect being protected. By way of comparison, the Protected Area Strategy affords varying levels of protection depending upon the targeted value.
- Special Infrastructure Corridor (Zone 30) related to the proposed Mackenzie Valley pipeline is an example of an existing proposed development that is

being reviewed by other process in an integrated land and resource management regime.

- While recognizing that some residents of the Dehcho may not be supportive of the Mackenzie Gas Project, there are other means in place to express these thoughts.
- Present language in the plan implies that in order to have proposed development conform to the plan, no disturbance to traditional land use or occupancy would be allowed (Conformity Requirement 12). This is inappropriate given that it is inevitable that disturbance will occur. Other existing policy, legislation, and negotiated instruments are in place to provide for specific interests for Dehcho residents in these regards.

**Summary of Requested Actions With Respect to
Terms Related to GNWT Jurisdiction**

Tables and comments below clearly summarize GNWT requests at this time with respect to Conformity Requirements and Actions. It has been requested that Recommendations be removed to the Background Report.

Conformity Requirements:

GNWT Analysis	Action Required
Subject to Negotiations or Elsewhere in IMA	Remove 3, 4, 11, 13, 15 partial, 16, 23, partially 25, 27
Elsewhere in IMA	Ensure consistency 8, 10
Would Require Additional Policy or Amended Legislation and therefore is inconsistent with what GNWT would likely consider as appropriate for land use plan given integrated resource management	Remove 5, 6, 9, 14, 17, 18, 20, 21, 22, 24, 26
Intent consistent with existing policy and legislation	Alter wording or approach in collaborative means with multiple parties but GNWT could consider aspects of these conditionally: 1, 2, 7, 12, 25
GNWT Comment Pending	19

Actions:

GNWT Analysis	Action Required
Intent consistent with existing policy and legislation however additional clarification and discussion would need to take place.	Could possibly be collaboratively reworded to recommendation. Hence remove from proposed plan as per general status of recommendations: 2, 7, 10, 11, 12, 13
Intent inconsistent with existing policy and legislation or inappropriate for a land use plan	Remove 3, 4, 6
Subject to negotiations	Remove 1, 8, 9, 14, 15, 16, 17

**Attachment 2:
GNWT Requests With Respect to The Protected Areas Strategy (PAS)**

With respect to GNWT policy, the proposed draft plan continues to complement one prime objective of the GNWT Sustainable Development Policy with respect to the establishment of Conservation Areas "...to protect special values related to wildlife habitat, unique or representative ecosystems, prime forests, productive agricultural soils, and heritage, recreational, tourism, scientific and aesthetic resources." (*Sustainable Development Policy, page 7*)

Zoning Analysis

The draft plan incorporates PAS efforts to establish protected areas through the designation of Conservation Zones. The DLUPC has included an analysis of ecological representation as part of their efforts to incorporate conservation planning principles into the design of this draft plan. The PAS is working to advance the analysis and identification of ecologically representative areas and will provide the results of this work to the DLUPC for future consideration.

Both the PAS and land use planning are community supported processes and as such should have consistent rationale if not consistent boundaries. A Conservation Zone that is larger than the PAS Area of Interest poses no conflict. However, if part of a PAS Area of Interest is within a Special Management Zone it would be open to disposition, which is not consistent with the interim protection afforded areas proposed for long term protection under PAS.

The PAS Secretariat would work with the DLUPC to resolve the discrepancy in these boundaries. This would include consultation with Trout Lake and other affected communities.

Note: these comments are based on the boundaries for the Smbaa K'e Area of Interest put forward in the report "Smbaa K'e Candidate Protected Area: NWT Protected Areas Strategy Step 2 Report", dated August 2005. Please clarify in Citation #235 in the Notes and References section what month the report was published, as there was more than one draft of this report produced in 2005.

Editorial Note

At different points the proposed plan and background report refer to "Protected Area Strategy Zones" (e.g. pg. iii, 7, 11) and "Protected Areas Strategy Zones" (e.g. pg. 9 Map 1). The same two terms are used throughout the Background Report. It is recommended that the name "Protected Areas Strategy Zones" be used consistently throughout all DLUPC documents for this type of zone.

PAS Background Report Corrections and Clarification Required

Section 5.3

- p. 74 and 107 – The existing land withdrawal under the PAS process expires on June 30, 2007 NOT in October 2007.
- p. 108 – there is a difference in the interpretation of the potential in Edehzhie for oil and gas as reported by the CS Lord Geoscience Centre Phase 1 NRA and the Drummond report. Please include an explanation for this difference in this section.

Section 5.4

- pg. 116-117 – Zone 5: Sambaa K'e
 - It appears from the maps that Zone 5 consists of lands additional to those that have been put forward by Sambaa K'e First Nation as an Area of Interest in the PAS.
 - There is also one section in the northwest corner that is in the PAS Area of Interest but is not put forward in the Plan as part of Conservation Zone 5, but rather as part of Special Management Zone 19.

Attachment 3:

GNWT Requested Changes or Questions Regarding Specific Plan Elements

Notwithstanding the requests already noted elsewhere, the following pinpoint these requests and identify areas where meaning is uncertain or analyses continue.

Executive Summary

Page iv

The first paragraph after the Recommendations definition should be written as follows to reflect s.9 & s. 10 of the IMA:

When the Plan is complete it will be forwarded to the Dehcho First Nation for approval. Following approval by the Dehcho First Nations, the plan will be forwarded to the GNWT Minister of Environment, and Natural Resources for approval and the Minister of Indian and Northern Affairs Canada (DIAND) for consideration. Following consideration of the plan and after consultation with the Mackenzie Valley Land and Water Board, the Minister of DIAND may, under section 109 of the Mackenzie Valley Resource Management Act, provide written policy directions, in relation to the Plan, binding on the Board with respect to the exercise of its functions.

This sentence should be removed – *By approving the Plan, Governments agree to implement the Terms within their jurisdiction and ensure that new land and water uses comply with the Plan.*

This sentence should be removed – *The Background Report supports the Plan by providing context, rationale and methodology but is not subject to approval by the Parties.*

Special Infrastructure Corridor - what about access agreements for roads into that corridor?

Page v & vi

The section on "*The Background Report contains six chapters, ...*" All references to the Background report should be removed entirely from the Plan.

Page vi

The last paragraph on this page should be re-worded as follows:

The Committee has strived to provide as much detail as possible in the Revised Draft Plan in order to address topics raised through written submissions and during the summer consultations. The Plan will proceed through a review process until all the Parties interests are satisfied and a final plan is approved.

Definitions

Page xv

Recommendations – removal of this definition since the GNWT does not consider Recommendations as part of the proposed draft plan.

Regulatory Authorities – The last sentence, “As per the Pipeline Settlement Agreement, the Dehcho Resource Management Authority (DRMA) will also be established and become a Regulatory Authority”, should be removed. The language in the Settlement Agreement s 6.1 & s. 6.3 is permissive about providing for a stand-alone DRMA, not definitive.

BODY OF NOVEMBER 2005 DRAFT LAND USE PLAN

Introduction

Page 2

The last sentence under this heading, “Once approved, the LUP will provide legally binding direction ...”, should be changed to reflect the wording in Appendix II of the IMA which reads as follows:

“The Parties share the objective that upon approval of a Dehcho Final Agreement, the approved Dehcho Land Use Plan will be a land management tool that provides legally-binding direction and guidance to regulatory agencies and decision-makers in the evaluation of development projects, protected area proposals and other potential land uses”.

Scope and Application of the Dehcho Land Use Plan

Page 2

The first sentence should be written to reflect the intent expressed in Appendix II of the IMA for the LUP: “Regional land use planning in the Dehcho territory is intended to form part of an integrated land and resource management regime and outline what types of activities should occur, generally where they should take place and terms and conditions necessary to guide land use proposals and development projects over time”.

Social Context – put a period after “all Canadians” and remove the rest of the sentence.

Page 3

Emergency Use – the content under this section will need to be re-worded to reflect the appropriate mechanisms currently in place.

Audience – the first sentence, "*The plan is primarily directed at Regulatory Authorities who are responsible for implementation of the Terms of the Plan*", should be removed. The second sentence should refer only to the Plan and be re-worded so that potential land users are encouraged to review the Plan and are not being directed to do so. The last sentence should be removed completely.

Vision and Goals

To clearly place a land use plan as a tool within integrated land and resource management,

Page 6

Vision

Consider an increased focus on land use planning. A couple of examples from different First Nation Land Use Plans are presented as a guide to assist with this task:

Haida Land Use Plan

The Vision states that "to sustain Haida culture, a land use plan must adequately address certain priorities, beginning with the well-being of the land. We need to clearly understand the changes that have occurred to ecological conditions and our culture, and then provide directions for restoring and maintaining balance." Accordingly, the Vision is organized into three parts. Part 1 – *The Wellbeing of the Land* – considers the land and forests, rivers and lakes and the life that inhabits, in particular the cedar, salmon, bear, birds and plants that matter to Haida Culture. It describes what is known about them, why they are important and how they are connected to the Haida. Part 2 – *Condition of the Land* – describes the nature and pace of changes that have occurred from industrial use and disturbance. Part 3 – *The Natural Ability of the Land to Function and Provide* – considers what must be done to bring land and resource use into balance to ensure the continuity of Haida culture and the health of all human society.

Pikangikum Land Use Strategy – The Vision states that "A future in which, the Pikangikum people are able to maintain our ancestral responsibilities for keeping the land for the continued survival and well-being of the Pikangikum people".

Here are examples of three goals from the Pikangikum Draft Land Use Strategies document:

- Ensure Pikangikum First Nation customary stewardship responsibilities for “keeping the land” guide the protection and orderly development of lands and resources
- Secure resource-based economic development and employment opportunities for Pikangikum people
- Harmonize proposed new land uses with existing and customary land use practices of the Pikangikum people.

Here are examples of four goals from the Haida Land Use Plan:

- Protect, maintain and restore ecosystem integrity;
- Maintain spiritual and cultural values;
- Enhance sustainable economic opportunity within the inherent limits of the land to provide opportunity; and
- Foster community and social well-being.

Land Uses

Page 8

"Tourism:" the *Travel and Tourism Act* (as referred to) should be identified as GNWT legislation.

Terms

Page 12

Reference to recommendation(s) as Terms and any other sentences describing the intent of recommendations should be removed throughout this section.

The Zoning definition directs the GNWT and other Parties to take on additional responsibilities. For purposes of the final draft plan, the first two sentences should remain; the rest of the sentences under this heading starting with “CR’s will be checked ...”, should be removed.

Actions – All sentences with the exception of the first one should be removed since they direct and commit the Parties and other third party organizations to undertake specific activities within specified timeframes. This language is not appropriate for a guidance document.

The sentence starting with “Appendix 1 ...”, will need to be re-worded to remove the reference to the word recommendations.

Page 13

The sentence starting with "*Where timeframes ...*", should be removed.

Respect Dene Laws, Values and Principles

Page 13

The first paragraph under this heading makes reference to Chapter 2 of the Background Report. This reference should be removed.

Page 13 & 14

The Recommendations (R#1 - #6) should be removed from this section of the Plan.

Use and Recognition of Traditional and Cultural Knowledge

Page 14

Remove recommendations #7 & #8 from this section.

Culture and Language

Page 15

Remove recommendation #9 from this section.

Vision, Zoning and Terms

Page 16

"Consultation" the word "should" is used in two instances that seem to infer that something is pre-ordained. The word "may" is a suggested substitute.

Visual Quality

Page 17

Remove recommendation #10 from this section.

Use of Guides and Monitors

Page 17

Remove recommendation #11 & #12 from this section. Additionally, the paragraph should be re-worded to reflect the importance of developers communicating and building strong relationships with the communities when activities are proposed on Dehcho Traditional lands.

Use of Traditional Materials

Page 17

The last sentence of this paragraph should highlight the importance of speaking with local First Nation prior to harvesting traditional materials. The reference to approval by the First Nation should be removed.

Existing Rights, Dispositions, Authorizations and Activities

Page 18

Clarification and collaboration required. Note general comments.

Remove recommendation #13 from this section.

Minor Infrastructure

Page 19

Further discussion by Parties to the IMA. Note general comments.

Granular Resources

Page 19, CR#10

Further discussion by Parties to the IMA with respect to intent regarding land withdrawals as opposed to conservation zones.

Access

Page 21, Access, CR#11

Characterizing the GNWT, Department of Transportation, Highways Division, as a developer under this proposed wording should be clarified in intent.

Mackenzie Valley Pipeline

Page 22

All references to Dehcho land should be changed to the Dehcho Territory for consistency in language throughout the Plan and in this section. The IMA refers to land use planning occurring in the Dehcho Territory.

Remove recommendations #14 & #15 from this section.

Air Monitoring/Management

Page 24

Remove recommendation #16 from this section.

Forestry

Page 27, CR#19

Still under consideration by GNWT. Note general comments.

Tourism

Page 28

Remove recommendations #17, #18, #19 & #20 from this section.

Also, the section under "Big Game Outfitters" should be removed in its entirety.

Agricultural Practices

Page 29

Remove recommendations #21 & #22 from this section.

Cumulative Research

Page 34

Further collaborative consideration.

Remove recommendation #23 from this section.

Significant Features and Seasonal Restrictions

Page 34

Remove recommendation #24 from this section.

Secondary Industry

Page 36

Remove recommendation #25 from this section.

Dehcho Business Development

Page 36

Remove recommendation #26 from this section.

Community Infrastructure and Expansion

Page 37

Further consideration. Note general comments.

Health and Social Issues

Page 37

Starting at the Health and Social Issues heading until the end of page 39 should be removed from the Plan. These items belong more appropriately in the Background Report.

Plan Approval

Page 42

The first sentence on this page should be re-worded to say "When the plan has been completed it will be forwarded to the Dehcho First Nations for approval.

Following approval by the Dehcho First Nations, the plan will be forwarded to the GNWT for approval. This repeats the language of s.9, & s.10 of the IMA.

Conformity Determinations

Page 49

First paragraph gives the DLUPC an expanded mandate and ongoing role. The reference to s. 47 (1) of the MVRMA to substantiate this enhanced role is incorrect since there is no final agreement at this point.

Inspections and Enforcement

Page 50

The paragraph starting with "Once a land use permit ..." needs to be re-written.

Note general comments.