



Deh Cho Land Use Planning Committee

May 16, 2005

Doris Eggers, Director
Policy, Legislation and Communications
Environment and Natural Resources, GNWT
Box 1320, 5102 - 50th Ave, 6th Fl. Scotia Ctr.
Yellowknife, NT, X1A 2L9

RE: GNWT Input for the Deh Cho Land Use Plan

Dear Ms. Eggers,

Thank you for your letter dated May 5, 2005 providing input to the Deh Cho Land Use Planning Committee's board meeting. The Committee reviewed your letter and the review the Committee's Preliminary Assessment and Results for Cumulative Effects Management in the Dehcho Territory provided by Tom Lakusta. We would like to take this opportunity to respond to your questions and provide greater clarity on our activities for the next year.

Plan Development

“Clarification is required about how the document, “Regional Information Package”, will be used to form a draft Plan.”

As presented at the Regional Forum, the “Working Draft” map, terms and recommendations form the basis for a full Draft Land Use Plan to be released this summer. They outline the legal requirements (zoning and terms) that will need to be met once the Plan is approved. The remaining contents of the Draft Plan are background information – biophysical, social and cultural descriptions, methodology, regulatory context, implementation, etc. As presented in both the Information Package and at the Regional Forum, the Plan will go through 3 more revisions before it is submitted for approval at the end of March 2006.

We are in the middle of that first revision cycle right now. The Working Draft was released in February with clear instructions to tell us what you like, what you don't like and how it needs to change. We received many submissions and verbal comments on the Working Draft which are guiding current revisions. We are considering each comment and revising the zones, terms and recommendations as required. We are also developing the remainder of the background sections.

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This work will result in the first full Draft Land Use Plan which is scheduled to be released early this summer.

Implementation

“More information on context will also help all agencies see how the proposed zoning will tie in with other resource management instruments such as policy, standards and legislation.”

This question is being addressed in some of the new sections currently being written – namely Regulatory Context, Zoning Implications and Implementation. In general, the Plan must work within the current regulatory system – that is, we must use current policies, agreements, acts and regulations to implement the Plan. However, the purpose of the Land Use Plan is to move beyond the status quo to address specific issues and guide appropriate development for the region. This is done through zoning, terms and recommendations that encourage certain uses, restrict other uses and clarify standards for development.

In order for the Plan to be implemented, there has to be a regulatory vehicle to accomplish what we propose. Implementation will require a combination of new land withdrawals, binding direction on the Mackenzie Valley Land and Water Board, and Ministerial Direction from all relevant departments to their staff to conduct their activities in conformance with the approved Land Use Plan. As a Party to the Interim Measures Agreement and member of the DCLUPC, the GNWT will be responsible for implementing those aspects of the Land Use Plan falling under their jurisdiction. As such, it will be important for the GNWT to begin considering how it will implement those terms and recommendations that fall to them. Any barriers to implementation should be flagged as soon as possible so the Committee can work with the GNWT to resolve the issues.

Sustainable Development Policy and GNWT Drinking Water Policy

We thank you for bringing these policies to our attention and will consider them in our revisions.

Clarity of Terms

We are carefully reviewing everything currently under “terms” and “policy recommendations” and will be undertaking substantial revisions to this section to divide the work into 3 categories. Conformity Requirements will describe anything the Committee will monitor and do conformity determinations on (e.g. permitted and prohibited uses within each zone). Actions will identify all items or activities which Government departments and agencies agree to implement upon approval of the Plan. Recommendations will be used for anything requiring a softer approach or for which there is no readily apparent vehicle for implementation. Your department will want to carefully assess all Actions which fall under the GNWT’s mandate.

Cumulative Effects

We appreciate your department’s support for the use of cumulative effects and best practices within the Dehcho territory. The Review completed by Tom Lakusta raises some very good questions. Committee staff will follow up separately with Tom on the specific questions raised as we go through Plan revisions, but we would like to deal with the general comments here.

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We do not agree that it is beneficial to delay establishing thresholds. It is important to remember that Canada and the DFN committed at the outset of the land use planning process that the Land Use Plan would be the appropriate tool to advance the CEAM Regional Plan of Action for the DehCho territory. The Committee cannot further delay the commitment between these two parties.

The Committee has been communicating its intent to implement cumulative effects management through the Land Use Plan since its initial information meetings, held over the Summer and Fall of 2003. We released the initial report on Cumulative Effects Indicators and Thresholds by Salmo Consulting last summer. At that time, we asked communities and planning partners to review the report and provide guidance on the selection and implementation of indicators and thresholds appropriate to the Dehcho territory. No responses or guidance have been provided to date, other than Tom Lakusta's review. The Committee has provided adequate notice of our intentions for our planning partners to respond and provide input. We will proceed with our original intention of implementing cumulative effects terms through the Land Use Plan which will be submitted for approval next March.

Many points relate to data gaps that exist – width of disturbance, disturbance decay related to regrowth, habitat classification, etc. The Committee was not funded to develop new research – only gather existing information. We are developing the Plan with the best available data. While we do not always have all the information required, we are developing the Plan in keeping with the Precautionary Principle and the framework of Adaptive Management. We will not use a lack of information as the basis to delay action. We will implement the Plan to the best of our abilities with the information available and monitor it to see if we are accomplishing our goals. Where data gaps exist, we are looking to our planning partners to share their expertise and recommend “interim measures” until the data gaps can be filled.

As mentioned above, there are two more revision cycles, after the current one, during which comments will be sought and considered. They are tentatively scheduled for:

- Mid-June to September 2, 2005 and
- Mid-November to January 2006

The Committee welcomes the GNWT's input into threshold selection and will be happy to work with any contacts the GNWT designates to provide clarification as required. We look forward to your department's threshold recommendations and will give them careful consideration when they are received.

Conclusions

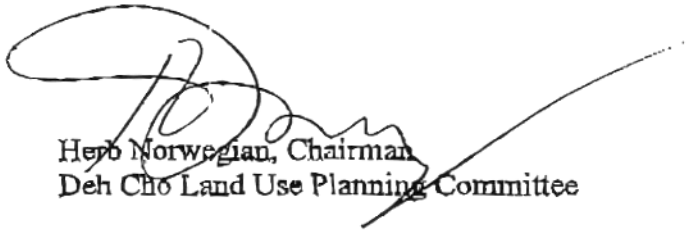
These recent submissions, as well as the initial submission for the Regional Forum raise some interesting questions. However, we are also looking for answers and clear direction. We need your department to take the lead on issues that are of concern to you. Raise the question, and then recommend a solution. Your department has greater access to resources and expertise than exists on our Committee. More importantly, your department will be responsible for implementing parts of the Plan. You are therefore in a better position to recommend a workable solution. If your staff do not have enough information to make a recommendation, we encourage them to contact our office to discuss details. We will be happy to help you help us.

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As per the letter sent to our distribution list dated April 11th, we will not be formally responding to every comment made in the GNWT's submissions. We have only followed up on those comments where we needed clarification or where we were looking for a recommendation from the GNWT (e.g. an appropriate definition for forestry). The Committee is compiling all comments and our responses in a table that will be appended to the Draft Plan this summer. Should GNWT staff require immediate responses to any of the questions or concerns in order to provide the Committee greater direction, please let us know. We will provide any information necessary to further GNWT involvement in the planning process.

We realize this will require more coordination and detailed discussions to work through various topics than has previously occurred. We appreciate the efforts ENR has made to date and would like to reiterate our commitment to working with the GNWT to ensure the best possible Land Use Plan for the Dehcho territory. Should you wish to set up meetings with staff to discuss any issues, please feel free to contact Heidi Wiebe at (867) 699-3164 or hwiebe@dehcholand.org.

Sincerely,



Herb Norwegian, Chairman
Deh Cho Land Use Planning Committee