



WWF-Canada

4th Floor, 4921-49th Street
P.O. Box 1934
Yellowknife, NT X1A 2P5
Canada

Tel: (867) 873-9893
Toll Free: 1-800-26-PANDA
(1-800-267-2632)
Fax: (867) 873-9593
panda@wwfcanada.org
www.wwf.ca

January 27, 2006

Heidi Wiebe
Executive Director, Dehcho Land Use Planning Committee
Fort Providence, NT Canada X0E 0L0
Ph: 867-699-3162
Fx: 867-699-3166

RE WWF-Canada comments on the Dehcho Land Use Plan – Revised Draft Plan November 2005

Dear Ms. Wiebe

Thank you for the opportunity to provide comments on the “Dehcho Land Use Plan – Revised Draft Plan November 2005”. WWF congratulates the Dehcho First Nations and the Dehcho Land Use Planning Committee (DCLUPC) for a thoughtful and solid product and process. The various reports and community meetings have been of a high calibre and this is certainly evident in the high quality of the information used to produce the Land Use Plan, including conservation values assessment, economic opportunities and cumulative effects assessment.

In particular, WWF-Canada commends the DCLUPC for the professional process to engage communities and outside expert analysis in developing the Plan.

The focus of the Plan is appropriately on land use zones to ensure a diversity of opportunities into the future for social, economic and ecological benefits. In other words, WWF agrees that the evaluation of natural capital in the Dehcho is the primary concern at this point in the development of the Land Use Plan to ensure that social capital can be generated from nature’s wealth for generations to come.

With this letter we provide an assessment of how effectively the Dehcho Land Use Plan has addressed national/international agreement and/or commitments (Appendix 1), and we raise specific areas of concern with the Plan.



Specific Areas of Concern

Contaminants (Section 2.3.3 - Sustainable Development)

The Plan indicates that contaminated sites cleanup is permitted in all Zones, however it fails to address the impacts of development on existing contaminated sites. WWF recommends that a map and/or a list of contaminated sites in the Dehcho Region be provided as an appendix to the Plan. We further recommend that an environmental assessment be conducted on any development that has the potential of impacting a contaminated site.

Access (Section 2.3.3 - Sustainable Development)

The Plan allows access for development through Conservation Zones under certain conditions. WWF recommends that any proposal for new access through a Conservation Zone requires a full environmental assessment, including a discussion of options.

Pipelines (Section 2.3.3 - Sustainable Development)

A Special Infrastructure Corridor intersects several Conservation Zones, which means that feeder pipelines and associated infrastructure may also be allowed in Conservation Zones under certain restrictions. WWF recommends that developers submit a routing study with all applications for any proposed feeder pipelines which considers alternative routings in order to minimize area, and environmental and cultural impacts in the Conservation Zone.

Forestry (Section 2.3.3 - Sustainable Development)

One of the actions prescribed in the Plan is to establish appropriate silviculture practices for the Dehcho. WWF recommends considering forest management practices that meet or exceed the highest certification standards. Currently the accepted certification standards in Canada are those developed by the Forest Stewardship Council (FSC), whose membership includes the timber industry, the forestry profession, aboriginal organizations, community forestry groups and environmental groups.

Cumulative effects indicators and thresholds (Section 2.3.3 - Sustainable Development)

We notice that the cautionary target thresholds have been dropped. The cautionary target thresholds would still be useful for Responsible Authorities when checking conformity to the Plan in case the monitoring frequency does not evaluate significant changes within a short time frame.



Plan Implementation (Section 3.2)

The flow chart in Figure 2 is useful to describe the order to check conformity requirements. Table 4 also provides a good summary of the regulatory approvals under the current structure based on the Mackenzie Valley Resource Management Act (MVRMA).

What constitutes a “new” application in Figure 2? There may be instances where a development proposal is related to an existing right, but the proposed development essentially constitutes a new project because of a change in the scope and/or magnitude of the project. Is this accounted for in the conformity checking process?

Plan Revisions (Section 3.3)

The Plan review process needs to be ongoing even though the actual endorsed revisions may be periodic. Hence, there is a capacity requirement to ensure ongoing assessment and adaptive management in preparation of endorsed Plan revision.

WWF-Canada looks forward to continuing to work with the Dehcho Land Use Planning Committee and providing whatever support we can to ensure that this Plan is finalized.

Sincerely,

Freya Nales
GIS Analyst, NT Office
WWF-Canada
4th Floor, 4921-49th Street
P.O. Box 1934
Yellowknife, NT X1A 2P5

Submitted on behalf of WWF-Canada, including William Carpenter, NT Regional Conservation Director and Tony Iacobelli, Director, Forests and Freshwater Conservation.

cc. William Carpenter, WWF-Canada, NT
Peter Ewins, WWF-Canada
Tony Iacobelli, WWF-Canada



Appendix 1: An assessment of the incorporation of national and international agreements and/or commitments in the Dehcho Land Use Plan

In this section, we assess how effectively the Dehcho Land Use Plan (revised draft, November 2005) has addressed national and international agreements and/or commitments. A list of the agreements and/or commitments is provided at the bottom of the section.

This coarse evaluation indicates that critical international commitments made by the Government of Canada on behalf of all Canadians are strongly reflected in the Dehcho Land Use Plan. In particular, the Conservation Zones and Special Management Zones address important indicators of environmental performance and balanced sustainable development regarding wildlife management, habitat protection, climate change adaptation, and maintenance of wetlands, among other values.

Standards	Legislation, Policy or Agreement	Possible Interpretation	Potential Actions	Incorporation into Dehcho Land Use Plan
<i>CONSERVATION ZONES</i>				
Sustainable Wildlife Management	CBD(8)	Conserve biological resources	Prohibit industrial resource activity	Generally adheres to this principle, although the Plan does provide conditional access through Conservation Zones.



	CBD(8.1)	Ensure current land use supports conservation	Permit traditional uses only in conservation zones	Recreation is also an acceptable use, which will need to be monitored to ensure ecological integrity is maintained.
	RAMSAR (2.2); (2.6)	Protect waterfowl breeding wetlands	Include significant wetlands in Conservation Zones	Documented through wildlife studies and incorporated into the Plan.
Protected Areas System Completion	CBD(8.D)	Maintain species populations through habitat protection	Ensure functional connectivity between protected areas and intervening landscapes. Limit road access to conservation zones to limit threats.	The Conservation Zones also act to safeguard conservation options while communities make final protected areas decisions under the NWT Protected Areas Strategy.
	RAMSAR (3.1); (4.1)	Conserve wetlands	Include wetlands in conservation reserves	Documented through wildlife studies and incorporated into the Plan.
	CAFF(1)	Protect freshwater, marine and terrestrial habitat	Establish protected areas	Freshwater and terrestrial habitats are generally well represented in the Conservation Zones.
Invasive Species Control	CBD(8.H)	Prevent introduction of invasive species	Prepare list of indigenous species; request for permits must include listing of species intended to be cultivated/	Not addressed in the Plan. It is unclear whether this is a current threat in the Dehcho, although the NWT Biodiversity Strategy likely has guidance regarding the issue of invasives.



			introduced	
Right to Indigenous Lifestyle	CBD(8.J); (10.C)	Respect and preserve indigenous lifestyles	Permit traditional land uses in conservation zone and reserves	Clearly articulated in the Plan.
	NS(3)	Encourage traditional lifestyles	Permit traditional land uses in conservation zone and reserves	Clearly articulated in the Plan.
Participatory land use planning	MVRA(C)	Land use planning to involve participation of First Nation and residents	Meaningful community consultation in land use planning. Consult First Nations and residents to identify sensitive areas.	Traditional land use and occupancy information and other cultural values from First Nations was incorporated into Conservation Zone design.
	CAFF(3)	Encourage participation of indigenous people	Meaningful community consultation in land use planning. Consult First Nations and residents to identify sensitive areas.	Well planned and structured community meetings.
Water Rights of Indigenous People	MVRMA(75)	Right to unaltered waters	Prohibit any action that would alter quality and quantity of water	Explicit statement in the Plan to prohibit dams on the main stem of the Mackenzie River.



Remedial Action	NS(2)	Remediation of contaminated sites	Identify contaminated sites and ensure no adverse impacts to the ecological integrity of conservation zones from contaminated sites outside of conservation zones.	Contaminated sites cleanup is permitted in all Zones, in consultation with communities. Monitoring of impacts of contaminated sites on conservation Zones is not addressed.
SPECIAL MANAGEMENT ZONES				
Sustainable Wildlife Management	CBD(8.C)	Conserve biodiversity outside protected areas	Identify sensitive areas and list appropriate prohibitions	Cumulative effects thresholds and permissible activities are described in the Plan.
	RAMSAR(2.6)	Protect waterfowl habitat	Within SM zones, identify waterfowl habitat areas	Wildlife conservation values incorporated into the Plan.
Best Practices: Forestry	KYOTO(3.3)	Report carbon sink losses	Development plans to include estimates of carbon sink losses and counter or offset	The Conservation Zones and SMZs can be considered part of an overall climate change adaptation strategy. However, a framework for carbon sinks has not been formally endorsed by the



			measures	Government of Canada.
Best Practices: Fisheries, Forestry, Mining	CBD(10.B)	Ensure use of resources has minimal adverse impact on biodiversity	Identify, notify and implement industry best practices	Best management practices largely addressed through future Actions and Recommendations, and partially through Conformity Requirements regarding cumulative effects thresholds.
Best Practices: Mining/ Hydrocarbon Exploration/ Development	RAMSAR(3.2)	Record impact of development projects on wetlands	Development plans to identify area and nature of impact on wetlands	Digital pre-and post-operation mapping by developers is required for all land use permit applications. Recording specific impacts on wetlands could be a requirement for other Responsible Authorities.
Best Practices: Hydrocarbons Exploration/ Development	CBD(10.E)	Public and private sectors to cooperate in developing methods for sustainable use of biological resources	Land Use Planning Committee and private sector to identify and agree on best practices	Best management practices largely addressed through future Actions and Recommendations, and partially through Conformity Requirements regarding cumulative effects thresholds.
	RAMSAR(4.2)	Compensate for loss of wetlands	Create additional nature reserves for waterfowl	The Plan requires no net loss of wetlands and shorelines due to development.
	KYOTO(2.1)	Promote use of environmentally sound technologies	Adopt environmentally sound technologies to reduce greenhouse gas emissions and limit	Not explicit in the Plan.



			adverse impacts of developments on natural buffers of disturbance events (e.g. floodplain buffers, erosion prone slopes, carbon sink areas).	
	KYOTO(3.3)	Report carbon sink losses	Development plans to include estimates of carbon sink losses and counter or offset measures.	Not an explicit requirement of development proposals, although this could be a requirement for other Responsible Authorities.
Invasive Species Control	CBD(8.H)	Protect from alien species which threaten ecosystems	Prepare list of indigenous species; permit requests to list species intended to be cultivated/ introduced	Requirement to use native seed mixes for revegetation. No requirement for removal of invasives or permitting for introduction of invasives, although this could be a requirement for other Responsible Authorities.
Right to Indigenous Lifestyle	CBD(8.J);(10.C)	Respect and preserve indigenous lifestyles	Permit traditional land uses with monitoring of wildlife and habitat.	Clearly articulated in the Plan.
Remedial Action	CBD(10.D)	Implement remedial action in degraded	Identify contaminated sites	Reclamation and security requirements are addressed in relation to exploration, production and



		areas		post production phases of mining. Contaminated sites cleanup is permitted in all Zones, in consultation with communities.
Impact Assessment	CBD(14.A)	Conduct EIA for projects that may have adverse effects	Incorporate EIA requirements as per MVRMA	Articulated in the Plan with regard to checking conformity.
Right to Indigenous Lifestyle	MVRMA(A);(B)	Protect and promote indigenous lifestyles	Meaningful community consultation in land use planning.	Clearly articulated in the Plan
Participatory LUP	MVRMA(C)	Land use planning to involve participation of first nation and residents	Meaningful community consultation in land use planning.	Clearly articulated in the Plan
Water Rights of Indigenous People	MVRMA(75)	Right to unaltered waters		Explicit statement in the Plan to prohibit non-Run of the River dams on the main stem of the Mackenzie and Liard Rivers.
Impact Assessment	MVRMA(146)	Monitor cumulative impact of land use, water use and waste deposits	Responsible Authorities (e.g. Land and Water Boards, Land Use Planning Board) ensure conformity to the land	Permitting process and conformity checking is detailed in the Plan.



			use plan.	
Greenhouse Gas Emissions and Climate Change Adaptations	KYOTO(3.7); (10.B)	Adopt best practices and adhere to Kyoto targets	Development plans to incorporate environmentally sound technologies and counter sink losses.	The Conservation Zones and SMZs can be considered part of an overall climate change adaptation strategy.
Climate Change Adaptations	NS(2)	Incorporate adaptation and mitigation measures	Development plans to include estimates of carbon sink losses and counter or offset measures.	The Conservation Zones and SMZs can be considered part of an overall climate change adaptation strategy.
Use of Cleaner Energy Sources	NS(2)	Increase use of cleaner energy sources such as hydro-electricity, natural gas and new technologies	Identify, notify and implement industry best practices.	Not explicitly described in the Plan.
Participatory LUP	CAFF(3)	Encourage participation of indigenous people	Consult first nations and residents to identify sensitive areas	Traditional Use and Occupancy clearly incorporated into the Plan.



MULTIPLE USE ZONES

Impact Assessment	All policies and agreements	Conduct EIA for projects that may have adverse effects	Adopt project classification that defines projects requiring impact assessments	Addressed through cumulative effects thresholds and permitting process regarding Responsible Authorities.
-------------------	-----------------------------	--	---	---

List of relevant legislation and agreements:

MVRMA - Mackenzie Valley Resource Management Act,
NS - Government of Canada Northern Strategy,
CBD - Convention on Biological Diversity (United Nations),
CAFF - Conservation of Arctic Flora and Fauna (Arctic Council),
KYOTO – Kyoto Protocol (to reduce greenhouse gas emissions),
RAMSAR – Ramsar Convention on Wetlands.