

DEH CHO LAND USE PLANNING COMMITTEE
One Land One Plan



Ndéh Łié - Mek'ée Ats'et'ı Łié
Dehcho Ndéhé T'áhagot'ıgha Sááhníogıpáh-ké

REGIONAL FORUM INFORMATION PACKAGE

March 29-31, 2005

Hay River Reserve



February 2005

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List of Acronyms

A&D	Alcohol and Drug
AEUB	Alberta Energy and Utilities Board
CCME	Canadian Council of Ministers of the Environment
CLW	Current Land Withdrawals
CZ	Conservation Zone
DCLUPC	Deh Cho Land Use Planning Committee
DFN	Dehcho First Nations
DIAND	Department of Indian Affairs and Northern Development
EDA Model	Economic Development Assessment Model
ENGO	Environmental Non-Governmental Organizations
GHL	General Hunting License
GIS	Geographical Information System
GLUPB	Gwichin Land Use Planning Board
GNWT	Government of the Northwest Territories
IBP Site	International Biological Programme Site
IMA	Interim Measures Agreement
MMCF	Million Cubic Feet
MUZ	Multiple Use Zone (Trout Lake only)
MVLUR	Mackenzie Valley Land Use Regulations
MVRMA	Mackenzie Valley Resource Management Act
NGE	Nahanni Greater Ecosystem
NPC	Nunavut Planning Commission
NWA-NWT	Native Women's Association of the Northwest Territories
PAS	Protected Area Strategy
RCMP	Royal Canadian Mounted Police
RRSPs	Registered Retirement Savings Plan
SIC	Special Infrastructure Corridor
SMART	Sustainable Model for Arctic Regional Tourism
SMZ	Special Management Zone
RWED	Resources Wildlife and Economic Development
TCEQ	Texas Commission on Environmental Quality
TK	Traditional Knowledge
TLUO	Traditional Land Use and Occupancy
VEC	Valued Ecosystem Components

Definitions

Agriculture: Agriculture is defined as cultivation of the soil and the grazing of livestock, not including confined barn livestock production, greenhouses, and game-ranching

Developers: Any individual or business carrying out a development as defined below.

Development: Development means any undertaking, or part of an undertaking that is carried out on land or water and requires a Type A or B land or water permit as described in the Mackenzie Valley Land Use Regulations or in the Schedules under the Northwest Territories Waters Regulations (Appendix 1).

Forestry: Sustainable, selective, winter harvest of timber; timber is defined as saw logs, not including cones, seeds, seedlings, saplings, fence posts, fuel wood, Christmas trees and trees intended for transplanting - aspen, white spruce and jack/lodgepole pine only

Land: Land includes all parts of the natural and cultural landscape including people, landforms, water, air, fire, minerals, plants and animals.

Mackenzie Valley Pipeline Components: Mackenzie Valley Pipeline Components as defined in Section 1.1.1.2 of the "Application for Approval of the Mackenzie Valley Pipeline, Volume 1: Pipeline Project Overview" submitted to the National Energy Board in August 2004, will be permitted as a non-conforming use in the zones for which they are planned. This includes the possible expansion to 1.9 Bcf/d described in this section insofar as all additional components remain within the defined pipeline corridor.

Mining: "Mine" means any work or undertaking in which minerals or ore containing minerals are removed from the earth or from talus by any method, and includes works, mills, concentrators, machinery, plant and buildings below or above ground belonging to or used in connection with the mine; "mineral" means precious and base metals and other naturally occurring substances that can be mined, but does not include (a) coal, petroleum and related hydrocarbons, native sulphur, construction stone, carving stone, limestone, soapstone, marble, gypsum, shale, clay, sand, gravel, volcanic ash, earth, ochre, marl or peat, or (b) any other substances regulated under the Territorial Coal Regulations, the Territorial Dredging Regulations or the Territorial Quarrying Regulations; Mining Includes mineral staking, surveying, exploration, construction, production, closure, abandonment and reclamation.

Non-conforming Use: A land use which is restricted in the land use plan through zoning or terms but which existed at the time of Plan approval.

Non-Consumptive Tourism: Any outdoor recreational activity as defined in the Travel and Tourism Act, not including Big Game Outfitting. Tourism businesses may or may not include a tourist establishment as defined in the Travel and Tourism Act. Tourism services may include but are not limited to fishing, hiking, cultural skills and interpretation, dog-sledding, and canoeing, but do not include big game outfitting.

Oil and Gas: Oil and Gas operations include exploration, drilling, production, conservation, processing and transportation of oil and gas in the Northwest Territories. "Gas" means natural gas that is or can be produced from a well, both before and after it has been subjected to any

processing, and includes marketable gas and all fluid components not defined as oil; "Oil" means crude oil and all other hydrocarbons, regardless of gravity, that are or can be produced from a well in liquid form including crude bitumen but including condensate. 1974-75-76, c. 15, 2.2

Pipeline: Oil and gas pipeline means a pipeline that is used, or is intended to be used, for the transmission of hydrocarbons alone or with any other commodity.

Regulatory Authorities: Regulatory authorities are those government departments, Boards or Agencies with the authority to manage land, water and resources in the Dehcho territory. They include but are not limited to, the Mackenzie Valley Land and Water Board, the Mackenzie Valley Environmental Impact Review Board, The National Energy Board, Parks Canada, Canadian Wildlife Service, Environment Canada, DIAND, Department of Heritage Resources, Department of Fisheries and Oceans, and Department of Resources, Wildlife and Economic Development, (Government of the Northwest Territories).

Run of the River Hydroelectric Development: Developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation (World Bank).

Executive Summary

Nothing in this land use plan will impact or reduce in any way, the treaty and aboriginal rights and activities of the Dehcho Dene Descendants. Traditional Land Use, Occupancy and Harvesting will continue in all areas at all times. If Dehcho Dene Descendants are exercising their traditional rights outside their own traditional lands, they are encouraged to respect traditional Dene protocol by notifying the local leadership and/or individual land stewards.

The Committee has developed its first “Working Draft” Land Use Map, Terms and Policy Recommendations for use in the Dehcho territory. The Working Draft will be presented at the Regional Forum to be held March 29-31, 2005 on the Hay River Reserve. This Package contains everything you need to know to prepare for and participate in the Forum. Please review the document in advance. The Actions and Considerations sections list things for you to think about when you review the package. We plan to have a final draft submitted by March 2006 and we are looking for constructive dialogue to achieve this goal. The Forum logistics and agenda are provided towards the end, including guidelines for presentations, and submission deadlines. Additional documents referred to in this Package are attached as appendices at the end.

The Planning Process section details the general methods used to develop the Working Draft Map zones including a flow diagram. The process has included research into Conservation Values and Development Potential and Community mapping to capture community concerns and interests.

The Working Draft Map (Map 1) has 3 zones:

- Conservation Zones – areas having significant ecological and cultural values. Conservation Zones are meant to provide temporary protection to lands of important cultural or ecological value. Most land uses are prohibited in conservation zones, though some do permit non-consumptive tourism as determined by community interest.
- Special Management Zones – areas where there is significant potential for both conservation and development together. The purpose of Special Management Zones is to manage development through special terms on lands where high resource potential co-exists with high conservation values. Zones may be established to promote certain types of development or protect values while allowing development to proceed. Most land uses are permitted in special management zones though there are a few restrictions.
- General Use Zones - all remaining areas. General Use Zones allow development to proceed relatively unhindered, subject to existing regulations and some Dehcho wide terms. All land uses are permitted in General Use Zones.

The Proposed Land Use Zones are shown in Map 1 and are described in Tables 5 and 6. Descriptions include the type of zone, zone objectives, permitted uses, data used to set the boundaries and a checklist of conservation values and resource development potential present in each zone.

As currently proposed, 50% of the Dehcho is included in Conservation Zones (though 29% of this is due to lands protected or managed under other processes), 23% is included in Special Management Zones and 27% is included in General Use Zones.

Maps 2 and 3 compare the proposed zones to the Current Land Withdrawals and 3rd party dispositions. The land use plan is expected to revise and replace the land withdrawals so it is important to understand where changes have been made and why.

The Terms described in Table 7 were developed to address the issues raised through overlap of high resource potential and conservation values, but also to address general issues brought to our attention during consultations. Some apply only to certain zones, some to certain types of zones, and others to the entire Dehcho planning region.

The Land Use Summaries section examines the Working Draft development process from the perspective of each land use. The constraints were the same for each. These include DFN's Generalized Density of Traditional Use data and wildlife data. These layers are displayed individually, as they were used in creating Special Management Zones and merged as the "Conservation Intersect" which was the basis for the Conservation Zones.

Each set of land use maps (Maps 4-9) shows where the potential exists based on the Committee's existing data. This is compared to the community mapping results, showing where communities support or do not support each land use, as well as overlap between communities with different views. The final map in each set shows the results of the Proposed Zoning on each land use – areas where that use is permitted, permitted with conditions and not permitted.

The Economic Development Assessment (EDA) Model section outlines revisions completed since the 2004 consultations. These focus on the Oil and Gas, Mining and Forestry sectors. Considerable efforts have been made to reflect the true resource potential and associated costs of each land use. The level and extent of revisions reflects the contribution and interest of planning partners. The results for the Working Draft will be presented at the Regional Forum.

The Working Draft Policy Recommendations are designed to address issues brought to the attention of the Committee for which zoning or mandatory terms are not appropriate. Some require a flexible approach. Others are more complicated and require long-term efforts from multiple directions. These have been grouped into recommendations to deal with:

- Respecting Dene Laws and Principles
- Health, Social and Cultural Impacts and Benefits
- Sustainable agriculture
- Capacity Building
- Economic Development Strategy Planning and
- Encouraging Secondary Industries.

Introduction

The Deh Cho Land Use Planning Committee (the DCLUPC or Committee) was established in May 2001 through the Deh Cho First Nations Interim Measures Agreement (IMA). The purpose of the Committee is to develop a land use plan for the Deh Cho territory for lands outside the existing municipal boundaries and the Nahanni National Park Reserve.

The purpose of the Plan is to promote the social, cultural and economic well being of residents and communities in the Deh Cho territory, having regard to the interests of all Canadians (IMA, S.3). Taking into consideration the principles of respect for the land, as understood and explained by the Deh Cho Elders, and sustainable development, the Plan shall provide for the conservation, development and utilization of the land, waters and other resources in the Deh Cho territory (IMA, S.4). As such, Elders play an important role in guiding Plan development.

Once approved, the Land Use Plan will provide legally binding direction to Regulatory Authorities and decision-makers in their assessment of development projects.

History and Milestones of Land Use Planning in the Dehcho Territory

Land Use Planning has a long history in the Dehcho territory. Previous mapping projects included the Dene Nation - Dene Mapping Project (1974-1983) and an initiative funded through the Northern Land Use Planning Program (1990-91). Unfortunately, neither of these proved legally defensible on grounds of poor research methodology documentation.

This current land use planning initiative is one part of the overall Dehcho Process – the negotiations process on lands, resources and self-governance. The following are important milestones in the Dehcho Process leading up to the establishment of the Planning Committee and beyond.

- 1993 – The Deh Cho Declaration was adopted during the 1st Annual Deh Cho Assembly in Kakisa Lake.
- 1994 - Dehcho Chiefs met with the Minister of Indian Affairs and presented their Self-Government paper “The Deh Cho Proposal”.
- 1996-2002 - The Dehcho First Nations (DFN) set out to document land use and occupancy data in eight DFN communities that could be submitted as evidence to a court of law.
- 1997 – Delegates of 5th Annual Deh Cho Assembly resolved to implement a Moratorium over mining, oil and gas, forestry and other resource development.
- May 2001 – The Deh Cho First Nations Interim Measures Agreement (IMA) was signed, committing Canada, the GNWT and the DFN to negotiate agreements on land, resources, and governance, and to recognize appropriate interim measures in the Deh Cho Territory for negotiations to advance. **The DCLUPC is established under this agreement and given four years to complete a land use plan for the Dehcho territory.**
- February 2002 – The Committee members are selected and begin work. The Committee adopts the IMA Planning Guidelines as the Terms of Reference which sets out four Phases:
 - Phase 1: Committee Establishment and Office Setup
 - Phase 2: Information Gathering and Analysis
 - Phase 3: Plan Preparation
 - Phase 4: Plan Implementation – To begin after Plan approval
- 2002 - The Dehcho/ Tlicho Boundary negotiations were finalized, revising the IMA boundary.
- Fall 2002 – DCLUPC initiates research contracts on wildlife, oil and gas, minerals, forestry, tourism and agriculture. See Table 1 for a complete list of research completed to date.

- April 2003 - The Interim Land Withdrawals were signed, withdrawing land from disposal and mineral staking under the Territorial Lands Act for five years to allow time for land use planning and the completion of Dehcho Process negotiations. The Interim Resource Development Agreement (IRDA) was also signed in 2003 committing Canada and the DFN to negotiate terms and conditions for a new exploration cycle rights issuance.
- Summer-Fall 2003 – DCLUPC begins Information Sessions with communities and planning partners (Table 2) and distributes the first round of research reports and the new Dehcho Atlas V. 2b.
- August 2003 – The Interim Land Withdrawals are approved, starting the five year withdrawal.
- Winter 2003-04 – DCLUPC begins development of Land Use Options, the Economic Development Assessment Model and research on cumulative effects indicators and thresholds for the Dehcho territory
- Summer 2004 - DCLUPC begins consultations on Land Use Options (Table 3)
- Fall 2004 – The Committee completes additional forestry, oil and gas and mining research and undertakes revisions to the EDA model to address feedback
- Winter 2004-05 – DCLUPC develops a Working Draft Map, Terms and Recommendations for discussion at a Regional Forum

Table 1. Research Completed to Date

Title	Author
Mineral Potential Mapping Deh Cho Territory, NWT	C.S. Lord Northern Geoscience Centre (2003)
Mineral Priority Areas of the Deh Cho Territory Synoptic Level Results	GSI – GeoSystems Integration (2004)
Oil & Gas Potential Evaluation of the Deh Cho Territory	C.S. Lord Northern Geoscience Centre (2003)
Oil & Gas Resources and Field Size Distribution of the Deh Cho Territory	Drummond Consulting (2004)
A Spatial Analysis and Literature review of Timber Potential in the Deh Cho Territory,	PACTeam (2003)
Delivered Log Cost Guide	J.C. Bartlett & Asstes Ltd (2004)
Economic Parameters For Estimating the Delivered Wood Cost in the Deh Cho Planning Area	Meyers Norris Penny LLP (2005)
Long Run Sustainable Yield	RWED, GNWT
Tourism Potential in the Deh Cho, NWT: A Spatial Analysis	Deh Cho Environmental (2003)
A Spatial Analysis and Literature Review of Wildlife and Wildlife Habitat in the Deh Cho Territory	EBA Engineering Consultants Ltd (2003)
Wildlife Working Group Summary Report	Deh Cho Land Use Planning Committee (2003)
Deh Cho Cumulative Effects Study	Salmo Consulting Inc (2004)
Summary of the Dene Nahodhe Workshop	Deh Cho Land Use Planning Committee (2004)
The Economic Development Assessment Model 1.0	Ellis Consulting Services (2004)
Socio-Demographic & Job Creation Needs Analysis for the Deh Cho Territory	PACTeam (2003)
Deh Cho Atlas V. 2b	DCLUPC (2003)
Draft Land Use Options Atlas. Deh Cho Land Use Planning Committee.	DCLUPC (2004)

Table 2. List of Information Sessions (2003)

Date	Who	Where
August 13	Fort Providence Tri Council	Fort Providence
August 18	West Point First Nation	West Point Band Office
August 19	Jean Marie First Nation	Jean Marie River
August 21	Fort Simpson Tri-Council	Fort Simpson
August 21	Public Meeting	Fort Simpson
August 28	Katlocheeche First Nation	Hay River Reserve
August 29	Pehdzeh Ki First Nation	Wrigley
September 2	GNWT/RWED	Fort Simpson
September 3	Town Council	Hay River
September 3	RWED/Fisheries	Hay River
September 3	Public Meeting	Hay River
September 4	Public Meeting	Yellowknife
September 5	Federal Government	Yellowknife
September 5	Government of the Northwest Territories	Yellowknife
September 8	Kaagee Tu First Nation	Kakisa
September 10	NGOs	Yellowknife
September 15	Enterprise	Enterprise
September 17	Fort Liard	Fort Liard
September 18	Tourism Sector	Fort Simpson
September 24	Federal Government	Ottawa
October 6	Industry/Regulators	Calgary
October 21	Sambaa Ke Dene Band	Trout Lake
October 22	Nahanni Butte Dene Band	Nahanni Butte

Table 3. Land Use Options Consultations (2004)

Date	Who	Where
July 12-13-2004	Katlocheeche First Nation	Hay River Reserve
July 12	Public Meeting	Hay River Reserve
July 13	Agriculture Sector	Hay River
July 14	Hay River Town Council	Hay River
July 14	Government Sector	Hay River
July 14	Public Meeting	Hay River
July 15-16	West Point First Nation	West Point Band Office
July 20	Enterprise	Enterprise
July 22-23	Jean Marie First Nation	Jean Marie River
July 22	Public Meeting	Jean Marie River
July 27-28	Fort Simpson Tri-Council	Fort Simpson
July 27	Public Meeting	Fort Simpson
July 29	Forestry Sector	Fort Simpson
July 30	Government Sector	Fort Simpson
August 3 – 4	Nahanni Butte Dene Band/Public Meeting	Nahanni Butte
August 5-6	Sambaa Ke Dene Band	Trout Lake
August 5-6	Fort Providence Tri-Council/Public	Fort Providence
August 9-10	Pehdzeh Ki First Nation	Wrigley
August 9	Public Meeting	Wrigley
August 12-13	Fort Liard Tri-Council	Fort Liard

Date	Who	Where
August 12	Public Meeting	Fort Liard
August 17	Government of the Northwest Territories	Yellowknife
August 17	Public Meeting	Yellowknife
August 18	Government of Canada	Yellowknife
August 18	GNWT Tourism Association	Yellowknife
August 19	ENGOS	Yellowknife
August 20	Pipeline	Yellowknife
August 23	Government of Canada	Ottawa
August 25	Oil and Gas Sector	Calgary
August 27	Mining Sector	Vancouver
September 7	Kaagee Tu First Nation	Kakisa
October 1	DFO (George Low)	Fort Providence

This package is the result of all the research, consultations and mapping completed and the feedback received to date. The Committee has developed its first “Working Draft” Land Use Map, Terms and Policy Recommendations applicable to the Dehcho territory. The Working Draft will be formally presented at the Regional Forum to be held March 29-31, 2005 on the Hay River Reserve.

This is the first draft of the Committee’s proposed zones, terms and policies. The Committee has tried to promote opportunities for natural resource development that minimize impacts to the local people and environment while addressing feedback provided to the Committee during initial information sessions and consultations. Please review the information carefully, submit comments, and assist us in making a better plan for everyone.

Nothing in this land use plan will impact or reduce in any way, the treaty and aboriginal rights and activities of the Dehcho Dene Descendants. Traditional Land Use, Occupancy and Harvesting will continue in all areas at all times. If Dehcho Dene Descendants are exercising their traditional rights outside their own traditional lands, they are encouraged to respect traditional Dene protocol by notifying the local leadership and/or individual land stewards.

Information Package Contents and Organization

The Information Packages contain everything you need to know to prepare for and participate in the Regional Forum. The document is organized as follows:

- Introduction – Planning process, purpose of the package; considerations
- Planning Process – General methods used to develop the Working Draft Map zones
- Zone Objectives – Description of zone intent or rationale
- Working Draft Map and Summary Tables
 - Area calculations,
 - Permitted and non-permitted uses for each zone,

- Land use and conservation potential of each zone,
 - List of terms applicable to each zone.
- 🌐 Working Draft Terms - Conformance requirements/actions, rationale for the term and zone application
- 🌐 Land Use Summaries – A look at the Working Draft Map as it relates to each land use
 - An overview of the development constraint layers applied to all land uses
 - Comparative maps for each land use (oil and gas, mining, forestry, agriculture and non-consumptive tourism) showing
 - Resource Potential,
 - Areas where communities supported development of that resource, and
 - Permitted areas based on the proposed zoning.
- 🌐 Working Draft Policy Recommendations – Recommendation to address key issues
- 🌐 EDA Model Update – An overview of changes made to the Committee's Economic Development Assessment (EDA) Model
- 🌐 Regional Forum Logistics – What you need to know to get there and participate
 - Location and time
 - Map of Hay River / Hay River Reserve
 - Format of the Regional Forum
 - Draft Agenda
 - Presentation Guidelines

Actions

These packages are being distributed in advance to provide communities and planning partners the opportunity to review the Committee's Working Draft Map, Terms and Recommendations in depth and prepare comments in advance of the Regional Forum. **Participants should come to the Forum prepared to present and discuss their views on the Working Draft.**

The Committee suggests communities and planning partners take the following actions to assist in their preparation for the forum:

- **Contact the Committee by March 11th, 2005 to let us know if you intend to make a presentation.**
- Review the document carefully.
- **Consult** with members of your organization with expertise in this area, who may be affected by our work or who may be interested in providing input
- Assess the implications of the Committee's work on your organization's needs and interests
- Identify features that you support
- Identify features that may be problematic
- Suggest revisions required to address problematic areas (e.g. delete term, rewording, change zone designation or zone boundary, etc.)
- **Please send digital (MS Word or PDF) and hardcopy comments in writing to the Committee by March 18, 2005** (see "Considerations" below for detailed questions to think about during your review). This will allow the Committee to identify specific themes for discussion to address key issues. Communities are encouraged, but not required to submit written comments.

- Develop presentation if desired. **Send digital and hardcopies of your presentation handouts (MS Word, Powerpoint, or PDF) to the Committee by March 18th, 2005** for copying and binding in participant packages.

More guidelines for written submissions and presentations are provided at the end of this document along with contact information.

Considerations

The Working Draft Map, Terms and Recommendations are the first draft the Committee has compiled for public review. This draft needs to be refined, with the help of our planning partners, to ensure we have struck the right balance between conservation, development and utilization of the land, waters and other resources in the Deh Cho territory. We need to ensure we avoid unnecessary duplication, but that we also haven't allowed key issues to fall through the cracks in the regulatory system. We urge our planning partners to focus on the intentions behind our decisions, and help us identify positive changes to achieve that intent.

In your written submissions and presentations, please consider the following topics:

- What aspects of the plan do you support and why?
- What aspects of the plan can you not live with for 5 years (the revision cycle) and why?
- How should the plan change to address these concerns? This could include word changes, deletion of terms or recommendations, addition of terms or recommendations to address new issues, changes in permitted vs. non-permitted uses in specific zones, boundary changes for certain zones, etc. If you have a proposed mapping change, please contact our office to discuss appropriate file formats.
- Are there reports, plans, strategies or guidelines produced by your organization, department or agency you feel should be considered in the decision making process? If so, please identify these and provide a copy to the Committee for future consideration.
- Does the plan create unnecessary duplication in effort or authority? The Committee's work overlaps with many other jurisdictions. Any areas we duplicate should add value to the way resources are managed. We do this by identifying standards that should be used in the Dehcho or raising new issues for consideration by Regulatory Authorities. If what we are proposing is already being done, please let us know.
- Please be as specific as possible. The Committee would like to avoid unnecessary delays during the revision process due to misinterpretation of comments, or insufficient direction on how to correct the problem. If you are unable to identify a specific solution for your comments, then try to outline your concerns in detail so we have clear direction.

Next Steps

Following the Regional Forum, the Committee will give careful consideration to all oral and written comments received on the Working Draft. The Committee will revise the Working Draft Map, Terms and Recommendations to address the comments to the best of our judgement, to ensure the plan reflects the priorities of the people of the planning region and adds value to the way that resources are used and developed.

The revised Map, Terms and Recommendations will be formatted into a poster plan so that all critical information is easily available on a series of foldout posters. An accompanying planning document will be developed which includes biophysical, social, economic and cultural

descriptions, vision and goals, methods, and implementation information. This document and the posters together will form the Draft Dehcho Land Use Plan.

The steps following the Regional Forum can be summarized as follows:

- Revise Map, Terms and Recommendations and develop Draft Land Use Plan (Spring 2005)
- Present Draft Plan to communities and planning partners and request feedback (Early Summer 2005)
- Revise the plan based on comments (Fall 2005)
- Send out Revised Draft Plan for consideration (late Fall 2005)
- Regional Forum (early 2006)
- Develop Final Draft based on comments from the Regional Forum (Feb 2006)
- Submit Plan for approval (March 2006)

As described, there will be 3 more revision cycles before the Plan is submitted for approval. Each revision should provide greater clarity and move us closer to an approved plan. For this to work, we must have clear direction now from all parties as to what is, and is not acceptable. We look forward to your full and meaningful participation in our planning process.

Planning Process

The Committee has conducted research into the ecological and cultural values of the Dehcho and the potential for various land uses – agriculture, tourism, oil and gas, mining and forestry (see Table 1 on p.2). The Committee has presented this research to communities and planning partners so everyone can see the information we are using to make our decisions. We have also completed mapping in each community to determine where residents would like to encourage the various land uses and where they have concerns. All of this information has been used to develop the proposed land use zones.

The Land Use Plan is meant to revise the Current Land Withdrawals and replace them upon approval of the Plan. At every step, the Committee compares our work to the withdrawals to see what changes may be required. Revised Land withdrawals may be used to implement development restrictions under the various zones.

The Working Draft Map has 3 zones: Conservation Zones, Special Management Zones and General Use Zones. A flowchart outlining zone development is shown in Figure 1.

The Committee felt Conservation Zones should have both an ecological and a cultural component as their foundation. They were developed as follows:

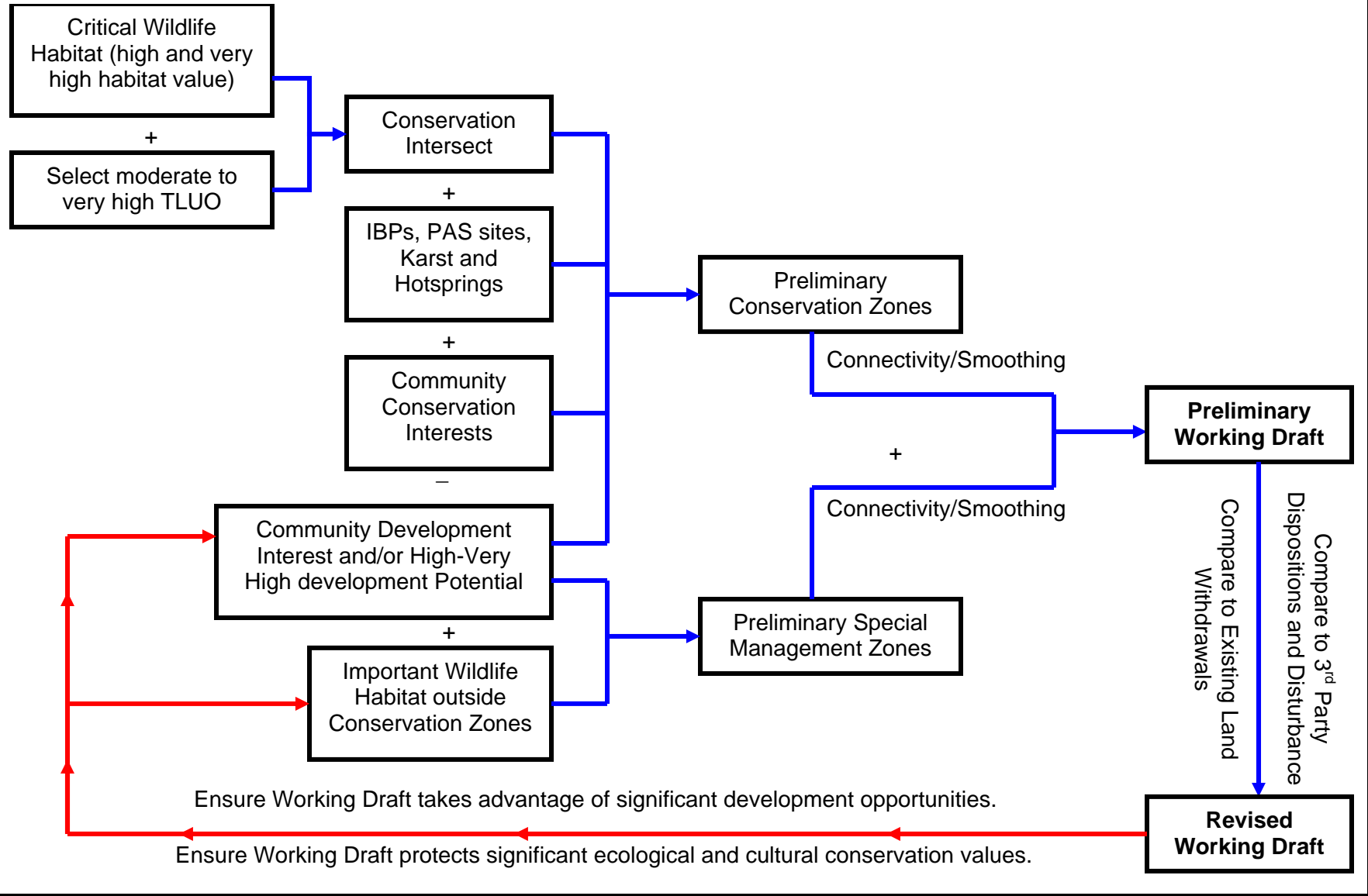
- Identify critical wildlife areas (high and very high value)
- Identify moderate to very high traditional land use, occupancy and harvesting values
- Combine these layers to create the “conservation intersect”. This was the base layer for every conservation area.
- Identify other features such as IBP sites, migratory bird sites, Karst topography and areas of community conservation interest identified through consultations.
- Subtract areas of high development potential or where communities expressed support for development. These became Special Management Zones.

Special Management Zones were developed wherever there was significant potential for both conservation and development simultaneously. The Committee carefully assessed the overlap between wildlife areas, development areas, existing dispositions, community interests and traditional land use, occupancy and harvesting layer by layer to identify where special conditions would be required. This was a highly repetitive process to gradually refine Special Management Zones to best reflect the values considered in their development.

The Committee simplified the Zones by connecting adjacent areas of similar purpose and smoothing boundaries. Areas left open became General Use Zones. We then compared the zones to 3rd party dispositions and the existing Land Withdrawals. The land use plan is expected to revise and replace the land withdrawals, so it is important to understand where changes have been made and why. In places where the zone boundaries were close to the land withdrawals, we used the existing withdrawals. The result of this effort is the Working Draft Land Use Map.

Terms were developed to address the issues raised through overlap of high resource potential and conservation values but also to address general issues raised through consultations. Some apply only to certain zones, some to certain types of zones, and others to the entire Dehcho planning region. The terms are described in Table 7.

Figure 1. Methods Used to Develop Working Draft



Land Use Zones

The following section describes the Proposed Land Use Zones, their intent and how they will be managed through Proposed Terms. Map 1 shows the Proposed Zones. Table 4 explains the amount of land falling into each zone type. Table 5 describes the objective of each zone, permitted uses and applicable terms. Table 6 identifies the conservation values and resource potential present in each zone, regardless of how much overlap there is. Even if the land use potential or conservation value only overlaps a small corner of the zone, it is still included. This table is provided for information purposes; to identify those values and land uses requiring consideration in each Zone. Table 7 describes the Proposed Terms and the rationale for each.

Zone Objectives

The purpose of Conservation Zones is to provide temporary protection to lands of important cultural or ecological value. These may be small, culturally important areas established to provide lands for exclusive community use. Conservation Zones can also complement the NWT Protected Areas Strategy (PAS) by providing a short-term, flexible alternative while a community decides the most appropriate use of the land. Areas deserving of permanent protection should be moved through the PAS process. Conservation Zones can also provide faster protection for Candidate Protected Areas Sites, since it can take years before lands are withdrawn through PAS, allowing development to proceed during this time. Most land uses are prohibited in conservation zones, though some do permit non-consumptive tourism as determined by community interest. Currently, 50% of the Dehcho territory is included in Conservation Zones, though roughly one-third (29%) of this area are due to lands protected or managed under other processes.

The purpose of Special Management Zones is to set special conditions to manage development on lands where high resource potential co-exists with high conservation values. Some of the zones are established to promote a certain type of development while others are established to protect certain values while allowing development to proceed. Most land uses are permitted in special management zones though there are a few restrictions. Currently, 23% of the Dehcho territory is included in Special Management Zones.

General Use Zones allow development to proceed relatively unhindered, subject to existing regulations and some Dehcho wide terms. All land uses are permitted in all General Use Zones. Currently, 27% of the Dehcho territory is included in General Use Zones.

Table 4. Percent of Plan Area in Each Zone Type.

Name	Area-Ha	Area-Km2	% of Dehcho Plan Area
Dehcho Plan Area	21,579,630	215,796	100%
Conservation Zones *	10,814,374	108,144	50%
Special Management Zones	4,865,385	48,654	23%
General Use Zones	5,899,871	58,999	27%

* Includes Nahanni National Park Reserve (4,821 km²), Municipal Areas (1,611 km²) and Edehzhie (25,185 km² - Withdrawn through PAS)

MAP 1: Working Draft Land Use Map

Table 5. Zone Description, Objective, Permitted Uses and Applicable Terms

ZONE NAME	ZONE NUMBER	STATUS	Permitted Uses					ZONE OBJECTIVES	DELINEATION	Application of Specific Terms to Zones										
			OIL & GAS	MINING	FORESTRY	TOURISM	AGRICULTURE			Community-Based Forest Management	Mackenzie Pipeline	GHL	Protected Area Candidate Site (PAS)	Trout Lake MLZ	Nahanni Park Expansion	Sport Fishing	Leave No Trace Principle	Use of Traditional Materials	Lake Tourism	Visitor Quotas
Nothing in this land use plan will impact or reduce in any way, the treaty and aboriginal rights and activities of the Dehcho Dene Descendants. Traditional Land Use, Occupancy and Harvesting will continue in all areas at all times. If Dehcho Dene Descendants are exercising their traditional rights outside their own traditional lands, they are encouraged to respect traditional Dene protocol by notifying the local leadership and/or individual land stewards.																				
Pehdzeh Ki Deh	1	CZ				✓	Community interest in PAS; Protecting burial sites, Old Wrigley, Trail between Pehdzeh Ki Deh and Edehzhie; Community interest in developing a park between Willow River, Camsell Bend and River between Two Mountains; Protect Critical Wildlife Habitat and Traditional land use, occupancy and harvesting areas	Pehdzeh Ki Deh PAS Map (up to IMA Boundary), Community Mapping of burial sites, Old Wrigley and Bulmer Lake Trail, Intersect along trail connection; supported by conservation intersect		✓		✓						✓		✓
TtheK' edeli (JMR Five Lakes)	2	CZ					Protect land and water for community cultural use	2km Buffer and CLW		✓								✓		
K' áá tuh (Sibbeston Plains)	3	CZ				✓	Protect important traditional land use, occupancy and harvesting and subsistence harvesting areas around lakes and Mackenzie River, burial sites and critical wildlife habitat for moose, waterfowl, woodland caribou and fish; take advantage of very high tourism potential;	Community Mapping of CLW, 2km buffer to Mackenzie River and around Little Doctor Lake, Intersect and Woodland caribou data support connectivity;		✓								✓		
Edehzhie	4	CZ					PAS	PAS File		✓		✓						✓		✓
Sambaa K'e / Redknife River	5	CZ				✓	PAS proposal – Protect entire Trout Lake watershed, historic and cultural values, critical woodland caribou Habitat, lake trout; Important for traditional and subsistence use; Interest in sustainable tourism; Protect Redknife River spawning grounds, burial sites and Redknife Lakes critical woodland caribou area	Sambaa K'e PAS Map, amended along CLW for connectivity with Five Lakes and Redknife River, Redknife Lakes defined by RWED Woodland Caribou Data, supported by CLW		✓		✓				✓	✓		✓	✓
Nahanni Greater Ecosystem Conservation Zone	6	CZ					Nahanni National Park Reserve Expansion, protect Nahanni watershed, hot springs and karst, critical wildlife habitat including Woodland Caribou calving areas; Community interest; boundary moved to allow for existing mineral claims / leases	CLW within Nahanni Greater Ecosystem (NGE), amendments following water catchments around existing claims / leases, watershed around Clearwater River, Woodland Caribou Calving Ground; Wildlife Constraints Layer						✓			✓		✓	
Birch Lake	7	CZ					Community wish to protect watershed to Birch Lake; important traditional land use, occupancy and harvesting area - lots of furbearers (trapping), waterfowl, spawning areas and moose habitat, connectivity with Edehzhie	Community mapping										✓		✓
Kotanelee / Fisherman Lake	8	CZ				✓	Community interest in PAS along Kotanelee; Protect important traditional land use, occupancy and harvesting, cultural areas and trails, critical habitat for sheep, moose, bison, Woodland Caribou and Trumpeter Swans; potential and interest in tourism,	Community Mapping, cut off at NGE, area supported by conservation intersect										✓	✓	
Fort Liard Conservation Zone (a,b,c)	9	CZ				✓	Important traditional land use, occupancy and harvesting, cultural areas, and important habitat for moose, Woodland Caribou, and bison; potential and interest in tourism	Community Mapping, Conservation Intersect, Wildlife Constraint Layer										✓	✓	
Upper Mackenzie	10	CZ				✓	Protect Mackenzie River, critical wildlife habitat, traditional and cultural use, fish spawning grounds and important migratory bird sites (Mills Lake, Beaver Lake)	2km Buffer to Mackenzie, from Trout River to Beaver Lake, supported by Intersect and CLW										✓		
Great Slave Lake Shoreline	11	CZ				✓	Support Community Interests; Established commercial and subsistence fishing grounds; Protect spawning grounds, and critical wildlife habitat for migratory birds, bison and moose; Concentration of traditional activities and trails along shoreline, including at Point LaRoche ; Good trapping area; Existing tourism business on Big Island; Good potential for additional tourism and berry harvesting.	2km buffer along southern shoreline from Beaver Lake to IMA boundary, Big Island, Deep Bay and adjacent lake included based on Intersect and wildlife Constraint layer. Supported by CLW.										✓		
Hay River Corridor	12	CZ				✓	Support community interest in protecting traditional land use, occupancy and harvesting areas, moose habitat, burial sites and tourism potential along river, highway.	2km buffer to Hay River Corridor										✓		
Heart Lake, McNally Creek, Muskeg River	13	CZ				✓	Support community cultural education and tourism interests (interpretive trails along rivers and education projects at Heart Lake, aesthetics (waterfalls), connectivity, protect traditional land use, occupancy and harvesting, trails and wildlife habitat areas, moose, Woodland Caribou, furbearers.	Community Mapping, 2 km buffer along McNally Creek, Muskeg River, around Heart Lake IBP site and up to Mackenzie buffer, connectivity amendments supported by Intersect										✓		

ZONE NAME	ZONE NUMBER	STATUS	Permitted Uses					ZONE OBJECTIVES	DELINEATION	Application of Specific Terms to Zones														
			OIL & GAS	MINING	FORESTRY	TOURISM	AGRICULTURE			Community-Based Forest Management	Mackenzie Pipeline	GHL	Protected Area Candidate Site (PAS)	Trout Lake MLZ	Nahanni Park Expansion	Sport Fishing	Leave No Trace Principle	Use of Traditional Materials	Lake Tourism	Visitor Quotas	Cumulative Impacts Mgmt (Table 8)			
Kakisa & Tathlina Watershed	14	CZ				✓	Protect important community traditional land use, occupancy and harvesting area; steep slopes of Cameron Hills are sensitive to erosion; shallow lakes have large fluctuations in water levels; protect water and critical habitat for moose, woodland caribou, furbearers, waterfowl and fish; area supports commercial fishery and existing tourism operations.	CLW around Dogface lake, east along contour of Cameron Hills to connect with 2km buffer around east side of Tathlina Lake. Community mapping to expand CLW on west side supported by Intersect, woodland caribou and wolverine data; CLW surrounding Kakisa Lake.										✓						
Buffalo Lake	15	CZ				✓	Support community interest in protecting Buffalo lake watershed, traditional areas and trails, critical moose habitat, fish spawning grounds	Moose data, IMA Boundary, CLW along trail, supported by community mapping										✓						
Falaise Lake Wetland Complex	16	CZ				✓	Protect important wildlife habitat / wetland complex identified by community and planning partners, critical habitat for bison, waterfowl, trumpeter swans, whooping crane (non-breeding), and furbearers (good area for trapping)	2km buffer around lakes, to the highway, defined by bison data, smoothed for connectivity.										✓						
Northwest Point & Islands	17	CZ				✓	Protect Northwest Point (CWS Migratory Bird Site) and other islands / shoreline important for Rare Birds including Whooping Crane (non-breeding pairs), Caspian turns and gulls.	Defined by Whooping Crane Data of left hand side, with 2km buffer out from the shoreline plus Northwest Point. Cut out high mineral potential adjacent to Falaise lake										✓						
Nahanni Watershed Special Management Zones	18	SMZ		✓		✓	Allow for existing mineral claims / leases and Nahanni National Park Reserve Expansion Process; Protect Karst and Hot Springs	Cutouts outside CLW but within NGE, amendments followed water catchments around existing claims / leases, also defined by watershed around Clearwater River and the Wildlife Constraint Layer								✓							✓	
Jean Marie / Martin River	19	SMZ			✓	✓	✓	Support existing community forestry and sawmill business and capacity for development; protect water, traditional land use, occupancy and harvesting, and critical wildlife habitat for moose, woodland caribou, furbearers and waterfowl; support tourism potential	Community mapping, defined by wildlife habitat on east side, Edehzhie in North, forestry potential, Woodland Caribou data around Martin River, supported by conservation intersect, CLW and connectivity with surrounding zones	✓	✓												✓	
Nahanni Butte Special Management Zone	20	SMZ			✓	✓	✓	Protect important areas for traditional land use, occupancy and harvesting; support community interest in sustainable forestry and tourism; create opportunities but protect water and resources for future generations; protect critical habitat for woodland caribou, moose, bison, sheep, and goats.	Community mapping up to CLW in the North, GNE in west, joining with Buffer along Liard River, supported by intersect, moose and Woodland Caribou data.	✓													✓	
Cameron Hills, Blackstone, Arrowhead River	21	SMZ	✓	✓	✓	✓	Promote continued development of resources within this zone while minimizing impacts; protect significant traditional land use, occupancy and harvesting areas, and the core area of critical habitat for woodland caribou; protect critical habitat for moose, and furbearers (wolverine and marten)	Community Mapping around Cameron Hills, up to Kakisa & Tathlina Watershed, following IMA border, across below Sambaa K'e / Redknife and up to Blackstone River. Defined by Woodland Caribou data			✓												✓	
Trout River	22	SMZ	✓				Protect historic and cultural values, critical woodland caribou habitat; develop oil and gas resources; manage access; maintain corridor aesthetics.	Community Mapping			✓		✓											✓
Fort Simpson Woodlot	23	SMZ			✓	✓	Maintain existing community forestry interests	CLW, IRS satellite imagery																✓
Birch-Falaise Corridor	24	SMZ	✓	✓	✓	✓	Protect critical habitat for trapping species, moose, bison and waterfowl; allow for development of mineral potential	Defined by woodland caribou data, 2km buffer along the shore to the IMA boundary and mineral potential																✓
Peel River Plateau	25	SMZ		✓	✓	✓	Protect traditional land use, occupancy and harvesting, critical habitat for sheep, grizzly bears and woodland caribou; allow for tourism (current outfitters) and mineral development.	Wildlife Data - sheep, goats, grizzly bears, supported by CLW														✓	✓	
Liard Range	26	SMZ	✓	✓	✓	✓	Allow for oil and gas development; protect critical habitat for sheep, goats, furbearers, woodland caribou, moose; buffer adjacent conservation zone; develop tourism Potential, maintain areas for Traditional land use, occupancy and harvesting,	Defined by adjacent IMA boundary, Community mapped areas, supporting Sheep & Goat Layers and 2km Liard River Buffer																✓
Southeastern Mackenzie Mountains	27	SMZ	✓	✓	✓	✓	Protect important traditional valley travel routes and critical habitat for woodland caribou, grizzly bears, moose, furbearers, CWS Migratory Bird site (Trumpeter Swan, Peregrine Falcon (subspecies anatum)); allow for tourism and mineral development	Central area from Nahanni to Wrigley defined by CWS migratory bird site; the top is supported by the conservation intersect; woodland caribou data defines the Root River buffer; moose data defines the Johnson and Wrigley Rivers; North Nahanni and Fish Trap Creek follow CLW				✓										✓	✓	
Fort Providence SMZ	28	SMZ			✓	✓	✓	Protect community cultural and traditional land use, occupancy and harvesting, aesthetics, local resources and critical habitat for moose, furbearers; develop timber potential	CLW (subsurface), connectivity with Edehzhie	✓							✓						✓	

ZONE NAME	ZONE NUMBER	STATUS	Permitted Uses					ZONE OBJECTIVES	DELINEATION	Application of Specific Terms to Zones												
			OIL & GAS	MINING	FORESTRY	TOURISM	AGRICULTURE			Community-Based Forest Management	Mackenzie Pipeline	GHL	Protected Area Candidate Site (PAS)	Trout Lake MUIZ	Nahanni Park Expansion	Sport Fishing	Leave No Trace Principle	Use of Traditional Materials	Lake Tourism	Visitor Quotas	Cumulative Impacts Mgmt (Table 8)	
Trout Lake Access	29	SMZ			✓	✓	✓	Provide winter only access to community; Part of zone included in PAS proposal; protect historic and cultural values, connect with fish spawning areas in Redknife and Trout Rivers; protect woodland caribou habitat; manage access; allow local forestry operations	Defined by Samba K'e PAS zones, to the Upper Mackenzie River Buffer					✓								✓
Mackenzie Valley Pipeline Corridor	30	SIC						Delineate existing pipeline corridor south of Fort Simpson. Restricts construction of the Mackenzie Valley pipeline components to this corridor, subject to all other regulatory approvals. Expansion of this zone north of Fort Simpson is currently under negotiations between DFN, the developer and the Government of Canada. Zoning will be revised to reflect this new area upon completion of negotiations. This zone overlays all other zones it crosses rather than replacing those zones.	Current pipeline routing / existing land withdrawals		✓											

Table 6. Resource and Conservation Values Present in Zones

ZONE NAME	ZONE NUMBER	Presence of Moderate to Very High Resource Potential *					Presence of Important Wildlife Areas or Conservation Values *									
		AGRICULTURE	FORESTRY	MINERAL	OIL & GAS	TOURISM	WOODLAND CARIBOU	MOOSE	GRIZZLY BEAR	SHEEP / GOATS	BISON	WOLVERINE	WATERFOWL / BIRDS	KARST / HOT SPRINGS	INTERSECT	TRADITIONAL USE
Pehdzeh Ki Deh	1		✓	✓	✓	✓	✓	✓				✓	✓		✓	✓
Ttheek' edeli (JMR Five Lakes)	2	✓	✓		✓	✓		✓				✓			✓	✓
K' áá tuh (Sibbeston Plains)	3	✓	✓	✓		✓	✓	✓	✓			✓	✓		✓	✓
Edehzhie	4	✓	✓	✓	✓	✓	✓	✓				✓	✓		✓	✓
Sambaa K'e / Redknife River	5	✓			✓	✓	✓	✓				✓	✓		✓	✓
Nahanni Greater Ecosystem Conservation Zone	6	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓
Birch Lake	7			✓			✓	✓						✓	✓	
Kotaneelee / Fisherman Lake	8	✓	✓	✓	✓	✓		✓		✓		✓	✓		✓	✓
Fort Liard Conservation Zone (a,b,c)	9	✓	✓	✓	✓	✓		✓				✓			✓	✓
Upper Mackenzie	10	✓	✓			✓	✓	✓				✓			✓	✓
Great Slave Lake Shoreline	11	✓	✓	✓	✓	✓	✓	✓			✓	✓			✓	✓
Hay River Corridor	12	✓	✓	✓	✓	✓	✓	✓				✓			✓	✓
Heart Lake, McNally Creek, Muskeg River	13	✓	✓	✓	✓		✓	✓				✓			✓	✓
Kakisa & Tathlina Watershed	14	✓	✓		✓	✓	✓	✓				✓	✓		✓	✓
Buffalo Lake	15	✓	✓	✓	✓	✓		✓				✓			✓	✓
Falaise Lake Wetland Complex	16	✓		✓		✓	✓				✓	✓			✓	✓
Northwest Point & Islands	17			✓		✓		✓			✓	✓			✓	✓
Nahanni Watershed Special Management Zones	18			✓		✓	✓		✓	✓		✓	✓			

ZONE NAME	ZONE NUMBER	Presence of Moderate to Very High Resource Potential *					Presence of Important Wildlife Areas or Conservation Values *									
		AGRICULTURE	FORESTRY	MINERAL	OIL & GAS	TOURISM	WOODLAND CARIBOU	MOOSE	GRIZZLY BEAR	SHEEP / GOATS	BISON	WOLVERINE	WATERFOWL / BIRDS	KARST / HOT SPRINGS	INTERSECT	TRADITIONAL USE
Jean Marie / Martin River	19	✓	✓		✓	✓	✓	✓				✓		✓	✓	
Nahanni Butte Special Management Zone	20	✓	✓	✓		✓		✓	✓	✓		✓	✓	✓	✓	
Cameron Hills, Blackstone, Arrowhead River	21	✓	✓		✓	✓	✓	✓			✓	✓		✓	✓	
Trout River	22				✓	✓	✓	✓				✓		✓	✓	
Fort Simpson Woodlot	23	✓	✓			✓		✓				✓		✓	✓	
Birch-Falaise Corridor	24	✓		✓	✓	✓	✓	✓		✓		✓		✓	✓	
Peel River Plateau	25			✓		✓	✓	✓	✓					✓	✓	
Liard Range	26	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	
Southeastern Mackenzie Mountains	27		✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	
Fort Providence Special Management Zone	28	✓	✓			✓						✓		✓	✓	
Trout Lake Access	29	✓			✓	✓		✓				✓		✓	✓	
Mackenzie Valley Pipeline Corridor	30	✓	✓		✓	✓	✓	✓			✓	✓		✓	✓	

* Boxes are checked if the value or land use potential is present in any portion of the zone.

✓ Indicates zones where the potential exists and the land use is permitted.

Table 7. Description of Terms

Term	Description	Need/Issue	Zones Affected	Land Use Affected
Traditional Land Use, Occupancy and Harvesting	Nothing in this land use plan will impact or reduce in any way, the treaty and aboriginal rights and activities of the Dehcho Dene Descendants. Traditional Land Use, Occupancy and Harvesting will continue in all areas at all times. If Dehcho Dene Descendants are exercising their traditional rights outside their own traditional lands, they are encouraged to respect traditional Dene protocol by notifying the local leadership and/or individual land stewards.	To protect treaty and aboriginal rights and activities of the Dehcho Dene descendants.	Dehcho wide	All
Consultation	Regulatory Authorities will require that all applications for new land and water uses demonstrate full and meaningful consultation with affected communities and individuals as defined by the Dehcho First Nations Consultation Principles (DFN 2004, Appendix 2). Consultation will begin prior to the application and will continue throughout the life of the proposed development. Consultation includes full and direct reporting of development activities to the affected communities in plain language. Consultations will be done in English and South Slavey.	In recognition of the Dehcho Dene as the stewards of the land to respect local culture and ensure inclusion of elders.	Dehcho wide	All
Traditional Knowledge	Regulatory Authorities will require all applications for new land and water permits to document both traditional knowledge and scientific information.	To respect and use traditional knowledge in the Dehcho.	Dehcho wide	All
Protection of Significant Cultural and Traditional Use Sites	Developers will assess the impact of their proposed activities on known historical, archeological, cultural and traditional use sites including burial grounds, sacred sites, cabins, trap lines, and cultural sites as identified by the Prince of Wales Northern Heritage Centre and local Dehcho First Nations. Developers, in consultation with Regulatory Authorities and local First Nations will develop appropriate mitigation to ensure the protection of important cultural and heritage areas.	The Dehcho Dene Descendants consider Traditional land use, occupancy and harvesting the most important use of the land, which needs to be respected. To protect wildlife and subsistence harvesting / Traditional Land Use areas.	Dehcho wide	All
Protect Plant Gathering Areas	Developers will undertake mapping with local communities to identify plant gathering areas to be avoided or mitigated for, including, but not limited to those listed in Appendix 3.	To protect Dene culture. Plants have both medicinal and spiritual uses.	Dehcho wide	All

Term	Description	Need/Issue	Zones Affected	Land Use Affected
3rd party dispositions	Existing activities in the Dehcho Planning Area will be allowed including development arising from rights existing at the time of Plan approval, even if the activities are not in keeping with the land zones. These existing uses will be allowed to continue as non-conforming activities. Renewal of permits, licenses and authorizations for existing activities will be allowed.	The Committee respects the interests and rights of 3rd party dispositions and wishes to prevent undue hardship while ensuring the goals of the plan are achieved.	Dehcho wide	All
Visual Quality	Regulatory Authorities will require Developers to provide communities with a viewshed analysis of the proposed development for consideration of alternatives.	Community interest to protect areas of tourism and Traditional land use, occupancy and harvesting areas	Dehcho wide	All
Access Planning	The construction of new all-weather roads is prohibited in all conservation zones. New all-weather roads in Special Management Zones or General Use Zones are discouraged unless Developers can demonstrate support for this through an access planning study. This study will include future access needs by residents, governments and other stakeholders in the region. Developers of an all-weather road will also complete a routing study to determine the most environmentally sensitive route, based on minimizing impacts to the following: critical wildlife habitat, significant ecological and cultural sites, minimizing water crossings and minimizing overall gradient. Those portions of zones 6 and 18 lying between Prairie Creek and the NWT highway system, and all of zone 12 are exempt from this term.	To plan for long term access in the region while reducing the number of roads needed.	Dehcho wide	All
Non-Consumptive Tourism	Regulatory Authorities will not issue any new Big Game Outfitters Licenses in the Dehcho territory.	Respect Dene Culture / Values, protect wildlife and subsistence harvesting (DFN Resolution # 4, May 6, 2004)	Dehcho wide	Tourism
Water Monitoring / Management	a. Regulatory Authorities will manage activities / water crossings upstream of and around community water intakes in accordance with the Canadian Drinking Water Quality Guidelines (Health Canada 2004).	Water is the most important resource to communities. Development must not impact the quality and availability of drinking water to communities	Dehcho wide	All

Term	Description	Need/Issue	Zones Affected	Land Use Affected
	c. No hydroelectric development that involves flooding or impoundment of water will be permitted on the Mackenzie and Liard Rivers. Run of the river hydroelectric projects will be permitted on other rivers outside of conservation zones, subject to the support of affected communities.	To ensure no significant change in water levels or flow, to protect wildlife habitat (especially riparian areas) and impact on water quality; support DFN Resolution # 2, November 8, 2001	Dehcho wide	All
Air Monitoring / Management	The Developer will conduct all its operations in conformity with Alberta Energy and Utilities Board Guide 60: Upstream Petroleum Industry Flaring, Incineration, and Venting (AEUB 2003). Ambient air quality for criteria pollutants will not exceed Maximum Desirable Level or Maximum Acceptable Level concentrations, whichever is lower, as established under the Canada Wide Standard by the Canadian Council of Ministers of the Environment (CCME 2003). Ambient air quality for toxic pollutants will not exceed Short-Term and Long-Term Effects Screening Levels established by the Texas Commission on Environmental Quality (TCEQ 2003).	To protect human and environmental health	Dehcho wide	Oil and Gas
Salvage Logging	Developers will minimize timber harvesting /clearing for non-forestry land uses by reducing width or reusing existing clearings, right of ways, roads, trails and operational areas, or using non-forested lands. Where timber cutting cannot be avoided, Developers will notify and provide opportunities for local forestry operations or communities to undertake salvage logging or make use of the cut wood for local building needs. All reasonable attempts will be made to avoid wasting usable timber resources.	To respect Dene values and not waste resources. Minimize impact of industrial activities on wildlife, the environment, traditional land use, occupancy and harvesting and aesthetics and to maximize benefits to local communities	Dehcho wide	Oil & Gas + Mining + Forestry
Mining Reclamation	Regulatory Authorities will require Developers to submit a reclamation plan for approval and post sufficient security to cover the full costs of reclamation as a condition for operating approval. Reclamation and security requirements apply to both exploration and production phases. Regulatory Authorities will use the guidelines provided in Appendix 4 (Wenig and O'Reilly 2005) as a basis for setting reclamation and security requirements as applicable.	Community Interest: to ensure the timely reclamation of habitat and wildlife recovery; to ensure financial liability for cleanup falls entirely with the proponent and not society; to reduce risk to humans, wildlife and the environment, to improve image of industry	Dehcho wide	Mining
Revegetation	Developers will use seed mixes native to the Canadian Boreal Forest for revegetation.	Reduce invasive species and limit bison range to address community concern about Woodland Caribou and moose declines in these areas.	Dehcho wide	All

Term	Description	Need/Issue	Zones Affected	Land Use Affected
Tourism Guidelines	Tourism operators will apply SMART (Sustainable Model for Arctic Regional Tourism) Principles in planning and managing tourism operations in the region as listed in Appendix 5 (SMART 2005).	To assist the Dehcho tourism sector to adopt and innovate economically, environmentally and culturally sustainable tourism practices.	Dehcho wide	Tourism
Digital Post-Operation Mapping	Developers will provide to the Deh Cho Land Use Planning Committee, affected communities and Regulatory Authorities digital mapping of their development (new roads, seismic, well sites, cut blocks etc...), as GPS waypoints, shapefiles, digitized air photos, or satellite imagery at a minimum resolution of 5 metres within 30 days following construction.	Facilitate baseline data collection, monitoring of development footprint and enforcement	Dehcho wide	All
Commercial Fishing	Regulatory Authorities will only permit commercial fishing on all lakes except Great Slave Lake with the support of local leadership.	To support community interests; existing regulatory regime will continue on Great Slave Lake.	Dehcho wide	Fishing
Use of Guides	Developers and tourism operators will notify local communities of the location of their activities and are encouraged to hire a local guide to accompany them.	Community Interest, protect wildlife, subsistence harvesting / Traditional Land Use, share Dene culture and encourage tourists to use local businesses and services	Dehcho wide	All
Community Infrastructure	All existing community infrastructure outside of current community boundaries will continue as a non-conforming use for as long as it is required. Any plans for future expansion of community boundaries or infrastructure should be brought to the attention of the DCLUPC during plan revisions so the area can be zoned appropriately.	To harmonize the Regional Land Use Plan with municipal boundary and infrastructure needs	Dehcho wide	All
Dehcho Wide Forest Management	RWED, in consultation with First Nations will establish appropriate silviculture practices for the Dehcho, including selective, winter harvesting. RWED will work cooperatively with First Nations to increase the level of timber processed in the Dehcho territory.	To maintain healthy stands, protect wildlife habitat and employ appropriate measures, and ensure resources for future generations in accordance with Dene values	Dehcho wide	Forestry

Term	Description	Need/Issue	Zones Affected	Land Use Affected
Community-Based Forest Management	No new forest management authorizations will be issued in these zones without the support of the affected community leadership. Exceptions will be granted for subsequent timber cutting licenses that have no significant changes, free timber cutting permits, forest management authorizations issued in relation to the incidental use of timber, research licenses, and scaling licenses that will not jeopardize the community's annual harvest and processing plans. Selective winter harvesting will be practiced unless community approval is granted for other methods. Harvesting operations will use a line skidder and all timber >4" top will be used. Material too small to process into lumber will be sold as firewood. The community will have Right of First Refusal on all merchantable timber harvested during existing and future industrial activities within the First Nations' traditional lands.	To facilitate access to land with minimal damage, maintain healthy stands, protect habitat, employ appropriate techniques, prevent waste, ensure resources for future generations, and to support existing First Nation Forestry enterprises	19, 20, 28	Forestry
GHL	Regulatory Authorities will restrict hunting to GHL license holders only in this zone unless otherwise approved by the local First Nation. This does not restrict hunters operating under existing outfitting licenses.	To protect subsistence harvesting and wildlife	27	All
Protected Area Candidate Site (PAS)	These areas will be managed according to the DCLUP until the Protected Area Candidate Site and management plan are approved. The conservation zone will be reassessed during the next revision cycle.	To support community interest in PAS	1, 4, 5	All
Trout Lake MUZ	Regulatory Authorities will not approve any all weather roads in this zone.	In support of community interest	22, 29	All
Sport Fishing	There will be no catch and release fishing. Tourists will catch only what they intend to eat during their visit and then stop.	Respect Dene Values – Catch and release harms the fish and is disrespectful; protect fish stocks and subsistence harvesting	5, 28	Tourism
Leave No trace Principle	Regulatory Authorities will encourage individuals and tourism operators using the identified Conservation Zones to follow Leave No Trace guidelines during their stay (RWED, 2004).	Protect wildlife, traditional land use, occupancy and harvesting, aesthetics of tourism areas, prevent cleanup falling to local authorities/ land owner	Conservation Zones only	Tourism

Term	Description	Need/Issue	Zones Affected	Land Use Affected
Use of Traditional Materials	Individuals wishing to harvest traditional materials will contact the local First Nations for approval and guidance. RWED, in consultation with First Nations, will encourage full use and sharing of all animal parts.	Respect Dene Values - only take what you need, protect traditional land use, occupancy and harvesting, ensure adequate supply and sustainable use of cultural materials for the communities for clothing, crafts and shelter.	8, 9	Tourism
Lake Tourism	There will be no new lodges without the written support of Sambaa K'e First Nation	Community Interest in sustainable community-based tourism	5	Tourism
Visitor Quotas	Regulatory Authorities, in consultation with local communities will determine the need for visitor quotas restricting total number of visitors and group size to maintain the wilderness experience and protect the ecological and cultural values of the region.	Community Interest, protect wildlife and subsistence harvesting / Traditional Land Use, maintain wilderness experience / sustainable business	1, 4, 5, 6, 7, 25, 27	Tourism
Mackenzie Pipeline	Subject to regulatory approval and any conditions imposed on them by the appropriate Regulatory Authorities and Agencies, development of the Mackenzie Valley Pipeline Components will be permitted within the Special Infrastructure Corridor (Zone 30). The pipeline components will still be subject to all conditions in each of the underlying zones to the extent possible without prohibiting that use. All future expansions or tie-ins and related infrastructure, will be subject to the full extent of the conditions in each of the underlying zones. It is not anticipated that feeder pipelines will extend across any Conservation Zones during the next 5 years. Any revisions to address future expansion of the pipeline and related infrastructure will be addressed during Plan revision.	To identify a Pipeline Corridor, beyond which the pipeline would not extend	30, 1, 2, 3, 4, 5, 19, 21, 22	Oil & Gas

Term	Description	Need/Issue	Zones Affected	Land Use Affected
Cumulative Impacts Management (TABLE 8)	Regulatory Authorities will manage cumulative impacts for new developments in the General Use and Special Management Zones using as a minimum, the species, indicators and thresholds set out in Table 8. Boreal Woodland Caribou, as the most sensitive terrestrial species, is the primary focus for establishing and implementing thresholds. Woodland Caribou thresholds will apply throughout the plan area. Developers will demonstrate that their activities will not exceed the critical thresholds. Once a threshold is reached, approval of new developments will be managed through a "no net loss" system. With the approval of regulators, Developers may reclaim other lands to lower the index or use technologies that do not lead to an increase in cumulative effects.	To manage the cumulative impacts of development to protect wildlife habitat, subsistence harvesting and land to provide for future generations in accordance with Dene values	All Special Management Zones and General Use Zones	All
Seasonal Restrictions (TABLE 9)	No licensed activities will be permitted during seasonal closures as listed in Table 9 unless Developers can demonstrate that there will be no adverse effects on wildlife. Aircraft will maintain a minimum altitude of 650 metres when flying over these sites during seasonal closures. The Developer will consult with Dehcho First Nations, RWED and the Government of Canada to obtain the most updated wildlife distributions.	Protect wildlife during critical life stages	Dehcho wide	All

Table 8. Cumulative Impacts Indicators and Thresholds

Indicator	Description	Threshold	Species	Zone	Land Use
Corridor / Road Density	Corridor and Road density will be used to manage impacts from linear development greater than 1.5 m wide. Any linear disturbance of 1.5m or less in width will not be included in this density analysis. Density should be calculated using Management Units to be defined shortly. Road density includes seasonal and all-weather varieties. Corridor density includes roads, trails, utility corridors, pipeline right-of-ways and seismic lines and is used for woodland caribou due to their sensitivity. Regulatory Authorities will initiate species monitoring and special management when Cautionary and Target Thresholds are exceeded, respectively. Where only a single threshold is present, this is considered the critical threshold. The Dehcho Boreal Caribou Working Group may revise this term for Boreal Woodland Caribou in consultation with the DCLUPC.	Critical: 1.5 km/km ² ; Target: 1.2 km/km ² ; Cautionary 1.0 km/km ²	Boreal Woodland Caribou	Special Management	All
		Critical: 1.8 km/km ² ; Target: 1.5 km/km ² ; Cautionary 1.0 km/km ²	Boreal Woodland Caribou	General Use	All
		0.6 km/km ² in winter range	Mountain Woodland Caribou	Special Management	All
		1.61 km/km ²	Moose	Special Management	All
		0.6 km/km ²	Grizzly Bears	Special Management	All
Habitat Availability	Habitat availability is based on the % of habitat disturbed or altered for species found within the planning unit.	<10% loss of habitat for all VEC species (EBA, 2003)	All VECs	Dehcho wide	All
		<5% of available habitat disturbed	Boreal Woodland Caribou	Special Management	All
		<97% of moderate to high capability habitat disturbed	Moose	Special Management	All
		<30% of available habitat cleared	Marten	Special Management	All
		<10% of available habitat disturbed	Grizzly Bears	Special Management	All
Minimum Core Area	Core areas are relatively undisturbed source areas for plant and animal populations or metapopulations that are at least 500 m from human disturbances including roads, trails, seismic lines, well sites, industrial facilities, communities, etc. Core areas will be larger than the minimum home range or territories of the target species. Expressed as % of available habitat in large core areas.	Critical: >65% large core areas (greater than 1,000 Ha and 500 m wide); Target: >75% large core areas; Cautionary: >85% large core areas	All	Special Management	All

Indicator	Description	Threshold	Species	Zone	Land Use
		Critical: >40% medium core areas (>200 ha and 350 m wide); Target: >50% medium core areas; Cautionary: >65% medium core areas)	All	General Use	All
Minimum Patch size	Patches are areas of habitat secure from disturbance and mortality associated with human activities. Minimum patch size is set by the amount of range typically used by the species in a 24-48 hour period.	>5 ha	Moose	Special Management	All
		>515 ha	Boreal Woodland Caribou		
		>1,000 ha of suitable habitat	Grizzly Bear		
		>200 ha of suitable habitat	Marten		
Specialized Habitat Features	Special habitat features are areas or features that are critical to the survival or reproduction of the population. They include but are not limited to mineral licks, dens, wallows, nests, calving areas, spawning areas, staging areas, whelping areas, and lambing areas, key migration routes.	No disturbance (minimum 250 m buffer)	All VECs	Special Management	All
		No Net loss (taking into account mitigation or compensation)		General Use	All
Significant Environmental Features	Sites of important ecological significance in the region which include but are not restricted to karst topography, hot and springs, waterfalls, ravines, cliffs and other unique geological features.	No disturbance	N/A	Special Management	All
		No Net loss (taking into account mitigation or compensation)		General Use	All
Stream Crossing Density	This is an indicator of sediment and mortality sources and stream habitat fragmentation in a watershed. It is expressed as the number of access corridor (road, trail, utility corridor or cutline) crossings per km ² of stream or watershed. It is calculated using watersheds.	<0.32/km ²	Fish	Special Management	All
		<0.5/km ²	Fish	General Use	All

(modified from Salmo Consulting 2004)

Table 9. Seasonal Restrictions

Species	Breeding Season (rutting, spawning, mating areas)	Birthing Season (calving, lambing areas, den and nest sites, spawning areas)	Migration (Migratory Bird Sites, staging sites, water bodies)
Bison	mid-July- late September (Peak early August)	April - July (Peak May)	NA
Woodland Caribou (Boreal & Mountain eco- type)	Early October - early November	Early-mid June	NA
Grizzly Bears	Late June - early July	Mid-Jan and mid-March	NA
Marten	July – August	Late-March / April	NA
Moose	Mid-September to late-November	Late-May, early-June	NA
Sheep	Mid-November - mid-December	Early May - late June	NA
Wolverine	Late April - early September	Late March - mid April	NA
Goats	November	late-May to mid-June	NA
Fish	Will be established through consultation with Dehcho First Nations, RWED (Resources, Wildlife and Economic Development) and Department of Fisheries and Oceans (Canada)	NA	same as spawning periods
Migratory Birds, Waterfowl	NA	NA	March-May; September- October
Whooping Crane	Late April – May	May - September	late April - mid May - late September-October

Species	Breeding Season (rutting, spawning, mating areas)	Birthing Season (calving, lambing areas, den and nest sites, spawning areas)	Migration (Migratory Bird Sites, staging sites, water bodies)
Peregrine Falcon (<i>subspecies</i> <i>anatum</i>)	Early March - late August	Early March - late August	NA

(Selected from Banfield 1974, RWED 2005, GLUPB 2003)

MAP 2: Comparison of Land Use Zones with Current Land Withdrawals

MAP 3: Comparison of Land Use Zones with Existing Activities and 3rd Party Interests

Land Use Summaries

The land use summaries examine the Working Draft development process from the perspective of each land use.

The constraints were the same for each land use – they included the generalized traditional use and occupancy data, and critical wildlife data. These layers are displayed individually, as they were used in delineating Special Management Zones and merged as the “Conservation Intersect” which was the basis for the Conservation Zones.

Each set of land use maps shows where the potential exists based on the data collected by the Committee over the last few years. This is compared to the community mapping results, showing where communities support or do not support each land use, as well as overlap between communities with different views. The final map in each set shows the results of the Proposed Zoning on each land use – areas where that use is permitted, permitted with conditions and not permitted.

It is important to remember that the final maps reflect a combination of current knowledge, community support and broader considerations. The Committee will review the Plan every five years to see if revisions are required. No decision made through land use planning is ever final. If the data, community support or other considerations change during this period, those changes will be addressed and reflected in future revisions of the Plan.

MAP 4: Constraint Layers

MAP 5: Oil and Gas

MAP 6: Mining

MAP 7: Forestry

MAP 8: Non-Consumptive Tourism

MAP 9: Agriculture

Economic Development Assessment Model

The EDA Model was constructed for the Deh Cho Land Use Planning Committee to simulate the impact of major alternative land use options in the Deh Cho. The report "The Economic development Assessment Model 1.0 (July 2004)", outlines the model structure, operating procedures and preliminary results. The model was presented at the summer 2004 round of consultations and included in the Draft Land Use Options Atlas (July 2004). Feedback and assistance was requested from planning partners to revise and improve the model.

Comments from consultations and formal written submissions focused on the value of such a model in the planning process and questions regarding its accuracy and structure. The EDA model's purpose is to assist planning partners with broad scale planning decisions, not for business planning decisions. The level and extent of revisions reflects the contribution and interest of planning partners. Revisions for the Oil & Gas, Mining and Forestry sectors are presented below. The GNWT also requested a copy of the model in order to review the model structure. These revisions are still being finalized in the model. Once complete, the economic implications of the Working Draft will be assessed and results will be presented at the Regional Forum.

Oil & Gas Revisions

Key sector concerns related to the economic risks associated with Northern exploration, where infrastructure is limited and geological potential is poorly documented. The Committee contracted Ken Drummond of Drummond Consulting to produce a report "Oil and Gas Field Size Distribution of the Deh Cho Territory" to better determine the gas potential of the region. (http://www.dehcholands.org/reports_oil_gas_potential.htm)

The Committee used the map showing Remaining Recoverable Gas as the basis for revisions. The area was split into 3 regions (Liard, Trout Lake and Cameron Hills) and scenarios established to better reflect geological potential, relative costs (seismic, exploration and production wells, pipeline and tie-ins, and operating costs) and proximity to infrastructure. Sources included Operator Annual Reports, industry enquiries and research findings.

It was assumed 16 wells (10mmcf/day) would be developed south of 61°30' over 20 years as infrastructure develops northward from the Alberta / BC border. A volume of 7,071 million m³ or 4.5% of the Ultimate Recoverable Gas in the Dehcho (160,000 million m³) is the expected production over the period. The majority could be expected in the Trout Lake region reflecting higher costs and risk in other regions.

Mining Revisions

Comments from the mining sector focused on ensuring geological potential is reflected both in determining potential and the risks of exploration. DCLUPC staff met with Malcolm Robb (DIAND) and Jainping Zhang and Diane Baldwin (GNWT) to establish appropriate scenarios which are outlined below. The GNWT also provided a potential diamond model and information on the Coates Lake property. Canadian Zinc provided a scoping study of the Prairie Creek property. Considerations included timeline for regulatory approval, existing dispositions and prevailing market conditions. The model also provides the option of running scenarios with different mines turned on.

Table 10. Mining Scenario used in EDA Model

Mine	Deposit Type	Start Date	Duration (years)
Cantung	Tungsten	2006	5-7
Prairie Creek	Lead, Zinc, Silver	2009	20 +
South of Nahanni	Gold	2012	15
Coates Lake	Copper, Silver	2014	20-25
Pine Point (Westmin Style)	Lead, Zinc	2015	7-10
Modeled after Tehera / Snap Lake	Diamond	2015	8-10
Emerald	Gem - emerald	2015	8-10

Forestry Revisions

DCLUPC worked closely with RWED to revise the forestry sector data. Summarization problems with the original data required new analysis to reflect actual saw log potential and appropriate development scenarios. RWED provided a Long Run Sustainable Yield Average for Aspen, White Spruce and Pine derived from mapped stands in the original PACTeam report, RWED inventories and spatial data on the distribution of Spruce Budworm data.

Spatial revisions changed the volume and distribution of saw log stands. Consequently the Delivered Log Cost Guide required complete revisions. Myers Norris Penny LLP produced a new report entitled "Economic Parameters for Estimating the delivered Wood Cost in the Deh Cho Planning Area". The report provided parameters for harvesting saw logs from 3 regions (Liard, Simpson and Enterprise). Scenarios are provided below.

Ft Liard and Ft Simpson each start with volumes of 5000m³ of Aspen which continues through to year 20, reflecting existing operations in Jean Marie River. Spruce was chosen for "additional" increments in both regions, based on profitability. Enterprise harvests Spruce for years 1-20 reflecting existing permits. Results indicate the importance of secondary processing to add value and help establish a sustainable forestry industry. This is particularly important for the Aspen harvest but also with Spruce harvested through Enterprise, to recoup additional haul costs.

Table 11. Forestry scenario used in EDA Model.

Year	Aspen	Spruce	Annual Harvest in Yr 20
Ft Liard	5000 m ³ /yr (years 3-20)	Increments of 5000 m ³ /yr every 2 yrs (years 5-20)	45,000 m ³ / year
Ft Simpson	5000 m ³ /yr (years 1-20)	Increments of 5000 m ³ /yr every 2 yrs (years 3-20)	55,000 m ³ / year
Enterprise		5000 m ³ /yr (years 1-20)	5,000 m ³ / year

Working Draft Policy Recommendations

During consultations, the Committee has had many issues brought forward that people wish to see addressed through the land use plan. Not all of these can or should be solved through the zoning process or the establishment of mandatory terms. Some require a more flexible approach. Other issues are more complicated, requiring long-term efforts from multiple directions. In this section, we have explained some of these issues and made recommendations to various organizations that we feel can best address these. We encourage Regulatory Authorities, Developers, communities and governments to review these recommendations, identify actions within their mandates and implement them.

Traditional Land Use, Occupancy and Harvesting

Nothing in this land use plan will impact or reduce in any way, the treaty and aboriginal rights and activities of the Dehcho Dene Descendants. Traditional Land Use, Occupancy and Harvesting will continue in all areas at all times. If Dehcho Dene Descendants are exercising their traditional rights outside their own traditional lands, they are encouraged to respect traditional Dene protocol by notifying the local leadership and/or individual land stewards.

Respect Dene Laws and Principles

In Dehcho culture, many types of resource development are seen as disrespectful to Mother Earth. They open the Earth, take what they want and leave scars behind. They operate on economic principles that are sometimes in direct contravention of Dene Laws and Principles. While many people recognize the need and value of these industries to the economic well-being of the Dehcho, the conflict of values often leads to opposition to new developments.

The Deh Cho Land Use Planning Committee held a workshop on Dene Nahodhe (“Being Dene”) to try and determine how we could overcome these cultural barriers to development. We looked at the Dene Laws, Principles and Values to understand the key values held by Dehcho Dene Descendants. We discussed development to understand what people do not like about it and tried to find ways to make resource development culturally acceptable. The Dehcho Dene Descendants consider themselves stewards of the land and as such, they are responsible for protecting it. People told us that if development follows the Dene Laws, Principles and Values then it will be okay. The participants felt very strongly about this. They put together a statement to send this important message.

Deh Cho Dene Nahodhe

“Yamoria came to the homeland of the Deh Cho Dene with laws from the Creator. These laws were given to the Dene to live by. The most important law was respect for Creation – Mother Earth. We were put here by the Creator to take care of Mother Earth. The foundation of our Deh Cho government and Mother Earth is Nahe Nahodhe. Nahe Nahodhe is who we are and where we came from. We stand firm behind this belief.”

Accepted by the Elders and Youth at the Deh Cho Land Use Planning Committee’s Dene Nahodhe Workshop in Fort Providence on April 1, 2004.

So it is important to review the Dene Laws, Principles and Values and identify ways to apply these to development to make it culturally acceptable.

Dene Laws

1. Share what you have.
2. Help each other.
3. Love each other as much as possible.
4. Be respectful of Elders and everything around you.
5. Pass on the teachings.
6. Be happy at all times.
7. Sleep at nights and work during the day.
8. Be polite and don't argue with anyone.
9. Young girls and boys should behave respectfully.

Dene Principles

1. This land was created by "the one who provides for all", and we came from this land. We recognize our equality with this land and all living creatures.
2. We recognize and respect the natural laws, which regulate the cycle of seasons, the rhythms of the earth, the ways of the animals.
3. No one individual has the right to own the land. As the one's who came from this land, we have a collective right to use the land and its resources to ensure our survival as a people. We also have a collective responsibility to protect the land and resources for our children and grandchildren.
4. We take only what we need from the land. We honour and give thanks to the spirit of the land and that which we take from the land. We do not waste anything that we have taken from the land. But share it with all who are in need.
5. The survival of the whole group (family, community) is more important than the accumulation of individual wealth or status.
6. Individual rights and freedoms are respected and encouraged within the larger, more important context of a collective identity and collective responsibilities for the survival and well-being of the entire group.
7. The laws of the Dene, which have been passed down to us by our elders, teach us how to respect the land, ourselves, and each other. They teach us how to live in balance and good health, and how to protect ourselves and our children. We must continue to live by these laws and pass them on to our children.
8. We respect and care for each other, in particular, we honour and provide for our elders, who cared for us and passed on the gifts of generations past. We also honour and provide for our children who will pass on the ways of the Dene to generations yet to come.
9. We come from male and female, and we respect and honour the contributions which both men and woman make in working together for the survival of the people.
10. We respect and honour our leaders and medicine men and woman who share their special skills, experience, wisdom and powers for the benefit of their people. We don't expect them to work for us or serve us, but we look to them for guidance and instruction to help us govern ourselves in a good way.
11. Everyone has the right to be heard and to take part in the decision making process on discussion of matters which will affect us.
12. We respect the right of the Dene, in family groups, in communities, or in regions, to make decisions, without interference from outside, with respect to matters which affect them alone in their territory.

Dene Values

1. **SHARING:** The Dene shared in the use of the land and the resources of the land. In particular food. The work of maintaining the camp was shared, as was the responsibility for caring for children, and protecting the safety and health of the family.
2. **RESPECT:** One showed respect for oneself and for others, for leaders and elders and those with special skills, and for the land and all living things.
3. **CARING:** Caring was shown for all members of the extended family. The widows, orphans, and elders unable to provide for themselves were cared for by their community. Concern was shown for the safety and protection of oneself and others in the home.
4. **EQUALITY:** Equality among all people, and the equality of humans and all other living creatures were recognized.
5. **SELF-RESPECT AND PRIDE:** Everyone, as equals, had reason to respect themselves and take pride in doing well, whatever it was their particular responsibility to do. There was pride in being self-reliant, in being someone who could contribute something to the family and community (DFN, 2004).

The Committee recognizes and respects the Dene Laws, Principles and Values. We strongly recommend everyone operating in the Dehcho familiarize themselves with these values and conduct their business in conformance with the relevant Laws, Principles and Values. The Committee has established a series of recommendations that we believe address some of the principles and shows how these traditional values might be applied to modern resource development.

Fire Feeding Ceremony

One of the recommendations repeated throughout the workshop was to show respect for the land before starting a new operation. This can be done by having a Fire Feeding Ceremony prior to breaking ground. The Committee recommends businesses hold a Fire Feeding Ceremony with the local First Nation prior to commencing new operations to show respect for the culture and use of resources.

Show Respect

Respect the Dehcho First Nations as stewards and first occupants of the land. Talk to them first about your operations rather than waiting until you have to through consultation requirements. Respect their knowledge, their comments and their decisions.

Sharing

The Dehcho Dene Descendants are sharing their natural resources. Share the benefits with them through training, revenues and jobs, etc.

Take Only What You Need

The communities do not see the need to develop everything now just because they can. They want to save resources for future generations as well. Develop a strategy to ensure long-term benefits accrue to communities from current and future operations.

Do Not Waste

This principle can be respected in a number of ways.

- Ensure that all aspects of operations are as efficient as possible.
- Ensure that incidental use of resources (e.g. trees harvested to clear seismic lines) are not wasted but used efficiently or given to someone who will use them.

- Ensure the operation does not require more natural resources to access and extract the target resource than what you actually get out.
- Every effort should be made to minimize the footprint of operations and reduce the amount of natural habitat cleared or disturbed. This includes concentrating operations, sharing access, and reusing existing cut lines and trails,
- Develop and use Best Available Technologies and Best Management Practices to increase efficiency.
- Reduce flaring by pooling gas volumes until sufficient quantities are available to make transport economically feasible.
- Ensure optimum, responsible recovery of resources while minimizing energy and other resource expenditures (e.g. water), taking into consideration the full economic and environmental costs required for enhanced recovery procedures.

Health, Social and Cultural Impacts and Benefits

The communities have expressed many concerns about the social and cultural impacts of development. It is widely believed that increasing development will result in greater social and cultural impacts on the affected communities if not handled properly. The Social Agenda for the NWT (GNWT 2002) quotes one participant as saying, *"one of the elders told me what to talk about here is the oil and gas pipeline...she said to tell you: 'The liquor store had expanded, the bars had expanded and so did the graveyard when the first pipeline came through. We need to have something in place before the next pipeline comes in.'.... please don't make history repeat"*. We have heard similar comments during our consultations with communities about the impacts of development. The GNWT's Non-Renewable Resources Management Strategy (GNWT, 2000) states, *"Previous experience with large-scale resource development projects such as the Norman Wells pipeline to Zama, and the Ekati diamond mine, has taught us that the social impacts of sudden increased population pressures on small communities, and of sudden changes in employment and wage patterns, can result in negative social impacts"*.

If people are working, they are spending less time on the land. A culture based on the people's relationship with the land may suffer if the people do not have the opportunity to go out regularly. The stories and language are being lost as Elders pass away and children and adults are too busy at school and work. People may be losing their connection to the land.

At the same time, employment income makes people more independent and less reliant on others. "With more money in their pockets, people may rely less upon income support programs and gain new skills. But rapid economic development can also lead to housing shortages, inflation, and a shortage of educated/trained workers, more addictions, family stress, a shortage of child-care and other issues. So society needs to prepare for economic development" (GNWT, 2002). Wage employment shifts more responsibility for community well being from the community to the individual person through the choices they make. Some people make good choices and some make bad choices. These choices affect the individual, the family and the community.

Dehcho communities are changing. They may be moving away from the traditional economy as employment increases. This may result in increases in health and social problems and the loss of their culture. The impacts are not clear. The Committee considered these issues as they identified where lands should be developed or protected to best address community needs while providing economic development opportunities. In addition, the Committee has developed a series of recommendations for communities, businesses and governments to consider.

Money Management

Appropriate government agencies and departments should establish community money management workshops aimed at both individuals and community level organizations to teach principles of sound financial management and long-term planning. Businesses are encouraged to assist employees learn proper money management through seminars (e.g. how to set up a bank account, use of credit, RRSPs, long-term planning, etc.) and different payroll systems (e.g. direct deposit rather than paycheques).

Health and Social Services

The Committee encourages governments to increase training and funding available for community Health and Social Services (counseling, interagency planning, more RCMP officers, A&D programs, parenting workshops, etc.) in preparation for increased health and social problems.

Separation of Camps and Communities

The Dehcho has many small communities (less than 100 people) that are used to a relatively quiet, peaceful life. Residents have raised concerns about the potential health and social impacts of having large numbers of visitors from crew camps to their community, as well as the strain placed on supplies and resources meant for the local community. The Committee recommends Developers provide all necessary services on site and encourage their workers to refrain from visiting communities other than for business or medical reasons or to enjoy established tourism services.

Culture and Language

The Committee urges communities, governments, non-government organizations, aboriginal organizations and businesses to work cooperatively to create more opportunities for Dene cultural and language experiences. This could include:

- Establishing more on-the-land programs,
- Establish training opportunities for hide preparation and traditional food processing,
- Establishing Slavey language classes in each community and at large worksites,
- Providing opportunities for Elders to pass on their knowledge through regular cultural events,
- Establishing cross-cultural training programs for new workers,
- More emphasis on language and cultural training in schools;
- Integrating Slavey words and phrases into workplace culture, signage and communications,
- Providing employees cultural leave, and
- Providing access to or hosting cultural foods and events (e.g. drum dances, feasts).

However, efforts to maintain culture and language must start in the home. Elders and parents are encouraged to speak their language to their children and introduce them to traditional skills and culture at home. Programs and special initiatives cannot replace regular exposure to Dene language and culture through family interaction.

Use and Recognition of Traditional and Cultural Knowledge

Businesses and governments should strive to integrate traditional and cultural knowledge into all aspects of their activities and decision-making that affect Dehcho lands and residents to ensure actions are culturally as well as environmentally appropriate. Businesses and

government should actively recognize and promote the value of traditional and cultural knowledge by providing opportunities for local residents or established employees to make use of their cultural skills and knowledge through appropriate employment opportunities, incentives and recognition (e.g. wildlife monitors, hiring hunters or trappers to provide cultural foods for camps, using respected community members to run cross-cultural training programs, hiring cultural advisors and liaisons, Cultural Innovation awards, etc.).

Flexible Shift and Holiday Options

Situations where parents are working out of town, on rotation shifts can be very disruptive to family well-being. On the other hand, the two-weeks-in-two-weeks-out shift rotation can be very advantageous for a single trapper who has regular opportunities and the financial means to go out on the land with all the best equipment. For this reason, the Committee recommends employers provide as much flexibility as possible in allowing employees to choose the most appropriate work hours and shifts to meet their needs. This applies equally to selection of vacation periods, to allow families to line up vacation times to the greatest extent possible.

Recommendations from the Native Women's Association of the NWT

On November 5-6, 2004, the Native Women's Association of the NWT (NWA-NWT) held their Annual Planning Workshop in Fort Providence. The theme for this workshop was "First Nations Women's Perspectives on Resource Development – Oil, Gas and Mining". Over two days, women from all across the Northwest Territories shared information, experiences and perspectives on resource development with representatives from government, industry and non-government organizations. Some of the objectives were to:

- Examine the costs and benefits of resource development in First Nations communities in the NWT.
- Understand the efforts of industry, Aboriginal and public governments, and First Nations women to minimize the costs and maximize the benefits of resource development.
- Make recommendations for amendments to these plans and/or other actions needed to support First Nations women to manage and benefit from resource's development.

As part of the workshop, participants broke into groups according to settlement region to answer the question "What actions should leaders or the NWT Native Women's Association take to ensure resource development is done right?" The recommendations from Dehcho participants were:

For Leaders:

1. Approach companies to put money into social programs in the region. Companies should accept and support community recommendations (e.g. with respect to ceremonies and back to the land programs).
2. Communicate with community members about the projects.
3. Share information from workshops and give feedback.
4. Involve more youth.
5. Settle land claims and get resources (to invest in) for the people.
6. Advocate for and start financial training now for individuals and families. It is important that local people benefit from resource development. We need to reduce social problems.
7. Review legislation to make sure it is working for the protection of people and the quality of their lives.
8. Equal pay and benefits and access to jobs and training for women.
9. Train and employ our people first [be]fore bringing in southerners.

10. Monitor and enforce commitments and agreements.
11. Require companies to invest in community infrastructure.

For the NWA-NWT:

12. Push for more training for youth and women especially for trades and professional roles (geologists).

Both Leaders and NWA-NWT:

13. Make better use of elders (e.g. share TK).
14. Ensure that our water is protected. Put water on the radar screen.
15. Protect medicinal plants. If they are lost, they will be lost forever.
16. Get resources for and practice traditional knowledge, language, and preservation of traditional healing, rituals and ceremonies.
17. Protect intellectual property rights over TK (e.g. knowledge of medicines and plants). Information is power.
18. Invest in promoting and teaching traditional arts and crafts to make sure the next generation has these skills/knowledge.
19. Develop and take action on organized crime rings.
20. Self defence training for women to ensure their safety especially when the bridge comes.
21. More recognition and opportunities for women's achievement in small and big ways that better our communities.
22. Land includes water and air. Promote this holistic definition.
23. Harmonize time and benefits, cultural interests, stress and work place issues among all work places to enable greater flexibility for workers and greater benefits to families (NWA-NWT 2004)

The Committee wishes to thank the Native Women's Association of the NWT for choosing such a timely theme and inviting us to participate in these discussions. The Committee supports the recommendations put forth and encourages the responsible authorities to implement those recommendations within their mandate.

Agricultural Practices

The Committee recognizes the many benefits of locally produced agricultural products, including freshness, greater consumption of healthy foods, local employment and reduced dependence on southern markets. Some of these products are, or can be produced within municipal boundaries (through gardens, green houses, community plots), so are not affected by the land use plan. Most communities expressed support for or interest in community-based agricultural activities that would provide fresh, cheap produce for local consumption.

Outside of municipal areas, the Committee supports and encourages sustainable agricultural development on existing suitable lands, which minimizes impacts on the environment, wildlife, and traditional land use, occupancy and harvesting. Agricultural development should minimize clearing, draining or the use of chemicals.

Communities, governments and agricultural organizations should work together to address the many obstacles to agricultural development in the north with the goal of increasing local production and use of agricultural products. The development of new policy and regulatory instruments such as a GNWT Procurement Policy as recommended in "Common Ground –

NWT Economic Strategy 2000” could provide the necessary incentives to move this goal forward (GNWT 2000).

Capacity Building

The lack of capacity is a huge issue in the north. Communities often do not have adequate financial and human resources or infrastructure to effectively participate and benefit from many development projects. The Committee strongly encourages communities, governments and Regulatory Authorities to make capacity building a key factor in all decision making, and a key focus of their administrations. Programs and policies should seek to encourage developments and businesses which do not strain or overwhelm current capacities, and which provide or promote opportunities for:

- education and training,
- local hiring practices,
- flexible qualification requirements which respect alternatives to traditional education levels,
- joint ventures,
- partnerships,
- community ownership,
- revenue sharing, and
- local contracting/purchasing preferences.

Development Awareness

Large developments bring many unforeseen impacts, positive and negative. Governments and Developers should engage in more community consultations and public education programs to develop public awareness and facilitate participation. Business operators are encouraged to provide site tours and develop educational materials (videos, pamphlets, school programs, etc.) to better inform local communities about their activities.

Economic Development Strategy

As part of the planning process, the Dehcho Land Use Planning Committee has developed an Economic Development Assessment (EDA) model to determine what economic opportunities will be created by opening up lands to natural resource development. This model identifies the key costs and revenues of developing resources based on current estimated resource quantities and values. It allows the user to compare the costs and benefits of opening up different lands for development or determine the implications of different land uses on the Dehcho economy and population.

However, the model only determines what the economic results will be if the resource gets developed. It does not examine who develops the resources. If all development occurs as a result of non-Dehcho businesses, the Dehcho will benefit far less than if Dehcho companies are the ones actually doing the development.

For this reason, the Committee recommends the Dehcho First Nations, relevant government agencies and departments, and interested business organizations (e.g. Chamber of Commerce, Economic Development Corporations) work cooperatively to develop and implement a strategy or action plan to identify key business opportunities the Dehcho should focus on, and how they can maximize Dehcho benefits from current and future development.

This strategy should start by identifying the current opportunities in the region. It will need to identify what the Dehcho needs to be economically independent once a Dehcho Final Agreement is signed. Then, it needs to clearly establish the steps and programs required to achieve that vision. The strategy should address the following topics:

- Long term training and skills development required to allow the Dehcho to fully participate in the development of its own resources;
- Examine the various ways the Dehcho can benefit from development - new businesses, joint ventures, ownership, employment, contracting, revenue sharing, royalties, Impact Benefit Agreements, etc.;
- Economic diversification to minimize boom and bust cycles related to non-renewable resource development;
- Methods to ensure an equitable distribution of resource revenues between Dehcho communities to avoid “have” and “have-not” regions; and
- Methods of managing development to ensure long-term benefits for future generations (e.g. pacing development, establishment of sustainability funds, etc.).

Given the importance of these questions, the Committee recommends work begin on this strategy immediately, and be finished prior to the signing of the Dehcho Final Agreement.

Encourage Secondary Industry

The Dehcho is resource rich but most of the benefits still flow out of the territory. One of the reasons for this is the lack of secondary industries and processing. When raw materials are harvested and shipped out in raw forms, they are only worth a fraction of the value they are worth after processing. Whether it is minerals, gas, trees, or other products, the establishment of secondary industries keeps the resource in the Dehcho longer, provides employment and training opportunities during the processing phase and provides for a much greater trade value upon completion.

Establishing secondary industries here also provides an opportunity to ensure that valued resources are put to good use; so that trees are made into “fiddles, not chopsticks”. Some Dehcho resources are recognized as having higher quality than similar supplies south of the 60th parallel (e.g. Dehcho timber). When shipped raw to southern markets, it is mixed in with lower grade products and loses value. There are opportunities to search out and take advantage of specialized markets that will pay premium prices for properly processed Dehcho resources.

To this end, the Committee encourages governments, businesses, communities and Economic Development Corporations to work cooperatively to promote and establish more secondary industries appropriate to the Dehcho environment.

Regional Forum Logistics

Location and Time

The Regional Forum will be held at the Chief Lamalice Complex on the Hay River Reserve. Accommodations, car rentals, restaurants and other visitor services are found across the river in the Town of Hay River. There is typically an ice road crossing the Hay River at this time of year, which greatly reduces the travel distance (5-10 minutes between hotel and complex). Should the ice road be closed, participants will have to go back down Highway #2, turn onto Highway #5 then take the first left past the bridge. The highway route requires 20-30 minutes travel time. See the map attached at the end for ice crossing and highway routes.

The Forum will run March 29-31, 2005 from 9 AM to 5 PM each day. Monday, March 28th and Friday April 1st are designated travel days.

Format of the Regional Forum

The Regional Forum is meant to provide communities and planning partners an opportunity to present their views publicly to the Committee and to other participants. The atmosphere will be informal, to ensure everyone feels comfortable presenting his or her views in a respectful, non-threatening environment. After opening remarks and introductions, we will begin with presentations, starting with the communities. Each presenter will have 15 minutes to present, followed by questions. The Committee will have the opportunity to ask questions first, followed by other participants. If the presenters are uncomfortable answering any questions they may decline, but are requested to respond within two weeks after the Forum.

Depending on the final number of presenters, presentations will most likely take the bulk of the time. However, the Committee would like to reserve some time on the last day for open discussion of key issues raised during presentations or written submissions. If you would like to see a specific discussion topic on the agenda for the 3rd day, please let us know when you respond and we will do our best to accommodate you.

The Committee is planning a community feast for the first evening to welcome participants and provide them with an opportunity to mingle in a social setting. The following evenings will be left open for evening sessions if required or for separate break out groups for Elder and youth participants. This will allow them to discuss what they have heard and prepare comments to present back to the group.

There has been little response to date for attendance and presentations as many people are waiting to receive the packages before making decisions. The Committee has extended the RSVP deadline to March 11, 2005 to respond and let us know how many people from your organization will be attending and whether or not you intend to make a presentation. Because of this, the agenda will not be finalized until after March 11th. We urge all participants to come for the full duration of the Forum and not just the day they intend to present. The Forum is meant to provide an opportunity to present your views, but also to listen to others.

Draft Agenda

Tuesday, March 29, 2005

8:30 – 9:00 AM:	Registration/Sign-In
9:00 AM	Opening Prayer & Fire Feeding Ceremony
9:30 AM	Introductions Review Agenda Opening Remarks from the Chairman
10:15 -10:30 AM	Coffee Break
10:30 -12:00	DCLUPC Presentation of the Working Draft Map, Terms and Policy
<i>12:00 PM-1:30 PM</i>	<i>Lunch</i>
1:30 PM	Complete DCLUPC Presentation Begin Community Presentations (15 minutes each plus questions)
3:00-3:15 PM	Coffee Break
3:15 PM	Continue Community Presentations
5:30 PM	Closing Prayer
.....	
6:00 PM	Community Feast

Wednesday, March 30, 2005

8:30 – 9:00 AM	Registration/Sign-In
9:00 AM	Opening Prayer Continue Community Presentations
10:30-10:45 AM	Coffee Break
10:45 AM	Continue Community Presentations
<i>12:00 PM-1:30 PM</i>	<i>Lunch</i>
1:30 PM	GNWT Presentations
3:00-3:15 PM	Coffee Break
3:15 PM	Government of Canada Presentations
5:30 PM	Closing Prayer
.....	
7:00 PM	Evening Session if required or Elder/Youth Sessions

Thursday, March 31, 2005

8:30 – 9:00 AM	Registration/Sign-in
9:00 AM	Opening Prayer Business Sector Presentations
10:30-10:45 AM	Coffee Break
10:45 AM	Business Sector Presentations

Public Presentations

12:00 PM-1:30 PM	Lunch
1:30 PM	Open Discussion of Issues
3:00-3:15 PM	Coffee Break
3:15 PM	Open Discussion
4:00 PM	Delegates Closing Comments
4:45 PM	DCLUPC Closing Comments
5:00 PM	Closing Prayer

Written Submission and Presentation Guidelines

- Interested participants are asked to submit written comments by March 18, 2005. Please send both digital (MS Word, PDF) and hard copies. **All written submissions are considered public and will be posted on the Committee's website after the Regional Forum.**
- The Regional Forum will use translators. Please speak slowly to allow them to keep up.
- The Regional Forum will be fully transcribed and copies will be available on the Committee's website shortly after the Forum is completed.
- Participants do not have to make a presentation. You are welcome to come and listen or question other presenters.
- Presenters may choose to read their written comments, or may only highlight key points of their submissions as they wish.
- Please limit your presentations to 15 minutes to provide everyone a chance to speak. If you feel you need additional time, please contact us to discuss it.
- The Committee will have a laptop and projector available for PowerPoint presentations. If you have other audio-visual needs, please call us in advance to make arrangements.
- The Committee would like to make copies of all presentations available to participants to allow them to follow along. Please forward a digital or hardcopy of your presentation handouts or speaker notes to the Committee no later than March 18th so that we can prepare packages. If you are unable to meet this deadline, then we ask that you bring sufficient copies for participants with you. Please call our office for an estimate of attendance.
- We ask that you keep your presentation handouts short and printable in black and white (e.g. ensure graphs/charts are distinguished by shape, not colour).
- For the benefit of all participants, please avoid the use of jargon – use plain language as much as possible. If you are using acronyms, define them.
- The Committee and participants will have the opportunity to ask questions after each presentation. Please be respectful of presenters. It can take a lot of courage to speak in front of other people. If the presenter is unable or uncomfortable about answering, he or she may decline. However, we request that the presenter follow up with an answer to the Committee within two weeks.

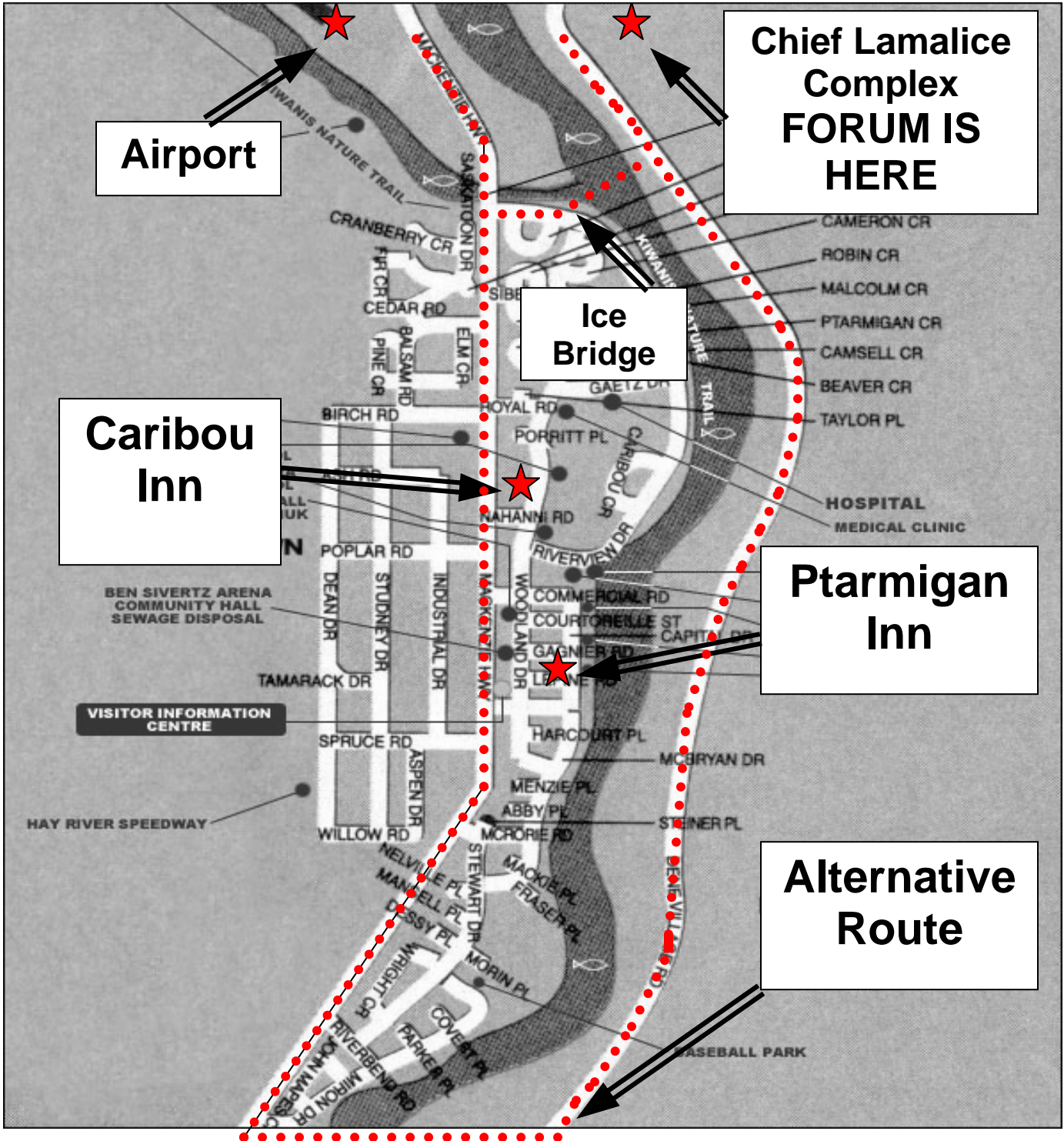
Please RSVP whether or not you will be presenting by March 11, 2005 to:

Sophie Bonnetrouge, Office Manager
Deh Cho Land Use Planning Committee
Box 199
Fort Providence, NT X0E 0L0
Email: sophieb@dehcholands.org
Ph: (867) 699-3162
Fax: (867) 699-3166

Please submit written comments and presentations handouts by March 18, 2005 to:

Heidi Wiebe, Executive Director
Deh Cho Land Use Planning Committee
Box 199
Fort Providence, NT X0E 0L0
Email: hwiebe@dehcholands.org
Ph: (867) 699-3164
Fax: (867) 699-3166

MAP 10: Hay River and Hay River Reserve



Ptarmigan Inn	10-J Gagner Street	Ph: (867) 874-6781
Caribou Inn	912 Mackenzie Hwy	Ph: (867) 874-6706
Ice Bridge	Mackenzie Hwy to Riverview Drive	
Airport	202 Airport Road	
Chief Lamalice Complex	Hay River Reserve	Ph: (867) 874-2628

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Appendix 1. Schedules from Northwest Territories Waters Regulations

SCHEDULE IV (Sections 5 and 8) LICENSING CRITERIA FOR INDUSTRIAL UNDERTAKINGS

Column I	Column II	Column III	Column IV
Water Use/ Item Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type "B" Licence	Water Use and Deposit of Waste Requiring a Type "A" Licence

1. Direct water use in respect of			
(a) oil and gas exploration; and	Use of less than 100 m ³ per day*	Use of 100 or more cubic metres per day*	None
(b) any other industrial undertaking	Use of less than 100 m ³ per day*	Use of 100 or more cubic metres per day and less than 300 cubic metres per day*	Use of 300 or more cubic metres per day*
2. (1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction	None
(2) Watercourse training, including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or	All other watercourse training	None

	placement		
(3) Flood Control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
(4) Diversions	Diversion of a watercourse that is less than 2 m wide at ordinary high water mark at point of diversion	All other diversions	None
(5) Alteration of flow or storage by means of dams or dikes.	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	All other alterations or storage
3. Deposit of waste in conjunction with			
(a) oil and gas exploration,	None	Deposit of drill waste to a sump	Deposit of drill waste in a manner other than to a sump
(b) oil and gas production, processing and refining,	None	None	All deposits of waste
(c) quarrying and gravel washing,	Deposit of waste in conjunction with quarrying above ordinary high water mark where there is no direct or indirect deposit of waste to surface water	Deposit of waste in conjunction with quarrying below ordinary high water mark or deposit of waste in conjunction with quarrying above ordinary high water mark where there is a direct or indirect deposit of waste to surface water	None
(d) hydrostatic testing,	Any deposit of waste associated with cleaning or testing of previously unused storage tanks or pipelines	Any deposit of waste associated with cleaning or testing of used storage tanks or pipelines	None
(e) cooling, or	Any deposit of waste that does not contain biocides or conditioners	Any deposit of biocides or conditioners	None
(f) other industrial undertakings	None	All	None

* Does not include water taken from an artificial reservoir with no natural inflow.

SCHEDULE V
(Sections 5 and 8)
LICENSING CRITERIA FOR MINING AND MILLING UNDERTAKINGS

Column I	Column II	Column III	Column IV
	Water Use and	Water Use and	Water Use and

Water Use/ Item Deposit of Waste	Deposit of Waste Permitted Without a Licence	Deposit of Waste Requiring a Type "B" Licence	Deposit of Waste Requiring a Type "A" Licence
1. Direct water use	Use of less than 100 m ³ per day*	Use of water for milling at a rate of less than 100 tonnes of ore per day, use of water for leaching other than production leaching or use of 100 or more cubic metres per day for undertakings other than milling or production leaching*	Use of water for milling at a rate of 100 or more tonnes of ore per day or use of water for production leaching
2. (1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction	None
(2) Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement	All other watercourse training	None
(3) Flood Control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
(4) Diversions	Diversion of a watercourse that is less than 2 metres wide at ordinary high water mark at point of diversion	All other diversions	None
(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	All other alterations or storage
3. Deposit of waste in conjunction with			

(a) placer mining, or	Any deposit of waste in conjunction with non-mechanized in-stream placer operations or with out-of-stream watercourse placer or testing operations, where no chemical additives are used and there is no direct or indirect deposit of waste to surface water	Any deposit of waste in conjunction with mechanized in-stream placer operations or with any operations where chemical additives are used	None
(b) other mining and milling	Any deposit of waste, other than from milling, where there is no direct or indirect deposit to surface water	Any direct or indirect deposit of waste to surface waters, or any deposit of waste from milling at a rate of less than 100 tonnes of ore per day	Deposit of waste from milling at a rate of 100 tonnes or more of ore per day

* Does not include water taken from an artificial reservoir with no natural inflow.

SCHEDULE VI
(Sections 5 and 8)
LICENSING CRITERIA FOR MUNICIPAL UNDERTAKINGS

Column I	Column II	Column III	Column IV
Water Use/ Item Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type "B" Licence	Water Use and Deposit of Waste Requiring a Type "A" Licence
1. Direct water use	Use of less than 50 m ³ per day*	Use of 50 or more cubic metres and less than 2,000 m ³ per day*	Use of 2,000 or more cubic metres per day*
2. (1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse less than 5 m in width at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres in width at ordinary high water mark at point of construction	None
(2) Watercourse training, including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a	All other watercourse training	None

	watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or		
	(d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement		
(3) Flood control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
(4) Diversions	Diversion of a watercourse that is less than 2 m wide at ordinary high water mark at point of diversion	All other diversions	None
(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	All other alterations or storage
3. Deposit of waste by			
(a) municipalities or settlements	Any deposit of waste in accordance with the <i>Public Sewerage Systems Regulations</i> of the Northwest Territories by a city, town, village or settlement serving 50 or fewer people where there is no direct or indirect deposit of waste to surface waters	Any deposit of waste by means of sewage collection or treatment system serving a population of between 50 and 2,000	Any deposit of waste by means of a sewage collection or treatment system serving a population of 2,000 or more
(b) camps or lodges	Any deposit of waste in accordance with the <i>General Sanitation Regulations</i> of the Northwest Territories by a camp or lodge serving 50 or fewer people, where there is no direct or indirect deposit to surface waters	Any deposit of waste by a camp or a lodge with capacity of more than 50 occupants per day or any direct or indirect deposit of waste to surface waters	None

* Does not include water taken from an artificial reservoir with no natural inflow.

SCHEDULE VII
(Sections 5 and 8)
LICENSING CRITERIA FOR POWER UNDERTAKINGS

Column I	Column II	Column III	Column IV
	Water Use and	Water Use and	Water Use and

Water Use/ Item Deposit of Waste	Deposit of Waste Permitted Without a Licence	Deposit of Waste Requiring a Type "B" Licence	Deposit of Waste Requiring a Type "A" Licence
1. Direct water use	None	Class 0	Classes 1 through 6
2. (1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction	None
(2) Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross- sectional area not significantly changed at point of removal or placement	All other watercourse training	None
(3) Flood Control	Construction of a temporary structure	Construction of any permanent in-stream structure	None
(4) Diversions	Diversion of a watercourse that is less than 2 metres wide at ordinary high water mark at point of diversion	All other diversions	None
(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	All other alterations of flow or storage

SCHEDULE VIII
(Sections 5 and 8)

LICENSING CRITERIA FOR AGRICULTURAL, CONSERVATION, RECREATIONAL AND MISCELLANEOUS UNDERTAKINGS

Column I	Column II	Column III	Column IV
Water Use/ Item Deposit of Waste	Water Use and Deposit of Waste Permitted Without a Licence	Water Use and Deposit of Waste Requiring a Type "B" Licence	Water Use and Deposit of Waste Requiring a Type "A" Licence
1. Direct water use	Use of less than 100 m ³ per day or use for construction of an ice bridge where the water used is removed directly from the watercourse*	Use of 100 or more cubic metres per day and less than 300 m ³ per day*	Use of 300 or more cubic metres per day*
2. (1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse that is less than 5 metres wide at ordinary high water mark at point of construction	Construction of a structure across a watercourse that is 5 metres or more in width at ordinary high water mark at point of construction	None
(2) Watercourse training including channel and bank alterations, spurs, culverts, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement	All other watercourse training	None
(3) Flood Control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
(4) Diversions	Diversion of a watercourse that is less than 2 metres wide at ordinary high water mark at point of diversion	All other diversions	None
(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ or instream storage of	All other alterations of flow or storage

3. Deposit of waste	Any deposit of waste where there is no direct or indirect deposit to surface water	a quantity of water less than 60 000 m ³	All other deposits of waste	None
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* Does not include water taken from an artificial reservoir with no natural inflow.

Appendix 2. Dehcho First Nations Consultation Principles

1. **Government Agencies have a Duty to Consult.** Federal and territorial government agency activities routinely infringe, or have the potential to infringe, on Deh Cho communities' constitutionally protected treaty and aboriginal rights. These agencies have a fiduciary duty to consult the Deh Cho communities on their activities. The Crown cannot use consultations undertaken by a project proponent as a substitute for Crown consultations.
2. **Co-ordination by the Government Agencies is Critical.** A multiple agency approach to consultations could result in either significant subject gaps or unnecessary overlaps that will tax the communities' limited resources. The agencies must ensure that their activities are properly planned and co-ordinated to minimize subject gaps and the impacts on community resources.
3. **Project Proponents Have a Duty to Consult.** A proponent may have a duty to consult if it receives a benefit (eg. approval to use Deh Cho land) from the Crown and this benefit might infringe Deh Cho communities' aboriginal and treaty interests. The proponent cannot use consultations undertaken by Crown agencies as a substitute for proponent consultations: e.g., see *Haida* decision of British Columbia Court of Appeal.
4. **Negotiations Must Be Part of the Consultations.** The term "consultation", as noted by the Supreme Court of Canada, is just the minimum component in fulfilling the fiduciary duty when aboriginal and treaty rights are infringed. This duty is a very broad one encompassing not only meaningful and focussed dialogue on rights and title, but also negotiations in circumstances where there is a need to accommodate First Nation and Métis interests. (See *Delgamuukw*.)
5. **Deh Cho Leaders Must be Respected.** The Deh Cho leaders have the primary responsibility for participating in consultations and negotiations. While proponents and the Crown should inform local Deh Cho communities, the deep consultations required by the Courts must be conducted with Deh Cho leaders. The proponents and the Crown must acknowledge Deh Cho self-governing rights by respecting the Deh Cho leaders, the leaders' decisions and positions, Deh Cho protocols for dialogue and Deh Cho communities' internal decision-making processes.
6. **Deh Cho Consultations are more than mere "Public" Consultations.** The consultations with Deh Cho leaders are not limited to stakeholder consultations and public reviews, which the proponent and the Crown must conduct to fulfill regulatory and legislative requirements. The proponent's and the Crown's duty to consult is a constitutional obligation, over and above any regulatory and legislative requirements. The Deh Cho consultations must consist of something beyond the notification and information exchange process conducted with other stakeholders, eg. *Mikisew Cree* decision of Federal Court. Information sessions organized by the proponents and the Crown are not sufficient consultations as required by the Courts, eg. *Taku Tlingit*, *Delgamukw*, *Haida*.
7. **Proponents and the Crown Must Involve the Deh Cho Leaders at the Early Planning Stage.** Both the Crown and the proponent must consult at the project's early

planning stage. The Crown and proponents often seek discussions and consultations too late in the planning process, resulting in inordinate and urgent demands on community resources.

8. **Consultations Must Analyze the Impact on Deh Cho Rights.** The consultations with Deh Cho leaders must, at an early stage, do the following:
 - a. provide Deh Cho leaders with all relevant information about a project, including the complete regulatory basis of a project;
 - b. identify the full nature of Deh Cho rights that may be infringed; and
 - c. conduct a specific analysis of which project impacts will infringe which Deh Cho rights. (See, for example, *Delgamuukw*, *Sparrow* and *Marshall* decisions of the Supreme Court of Canada.)

This process is not straightforward and takes time, resources and a serious commitment on behalf of all parties.

9. **The Crown and the Proponent Must Accommodate Deh Cho Rights.** On the basis of Principle 8, the Crown and the proponent must consult and negotiate with Deh Cho leaders in good faith to seek a workable accommodation on the Deh Cho treaty and aboriginal rights, including aboriginal title, that will be infringed. This means that the Crown and the proponent must propose a process in which it will listen to what Deh Cho leaders identify as Deh Cho rights and provide a response that fully and expressly recognizes, addresses and accommodates those rights. (See *Delgamuukw* and B.C. Court of Appeal decision in *Haida*).
10. **Project Approval Depends on Accommodation.** Project approval depends on Deh Cho leaders providing consent where Deh Cho rights are substantially infringed. The Deh Cho leaders will carefully scrutinize consultation efforts with the view to taking whatever action is necessary if a project proceeds without proper consultation. Some infringed rights may be so integral to the Deh Cho communities that the Deh Cho leaders have a legal right to veto the project.
11. **Communities Must Have the Capacity to Consult.** Meaningful consultation can only be achieved if the Deh Cho communities have the resources to meet the heavy demand for consultations. The Deh Cho communities have very limited resources. There is a real danger that core programs would have to be sacrificed to meet proponent and Crown requests for comments and meetings without financial assistance.
12. **Community Representatives May Participate in Discussions on a Without Prejudice Basis.** The Crown and the proponents typically plan many information meetings. To the extent that the Deh Cho communities have available resources, leaders and staff will attend such information sessions to become more familiar with a project. Participation by Deh Cho representatives (leaders or staff) at these information sessions should not be deemed to be consultation. Any comments, opinions and ideas expressed at these sessions are without prejudice to any future position of the Deh Cho leaders.

Any formal position of the Deh Cho leaders can only be provided to the Crown or a proponent either in writing or in person at a Deh Cho consultation meeting and only after

we have received full information disclosure, have had adequate time to review the material and have been provided with adequate financial and human resources to conduct our own analysis and develop our positions.

13. **“Consultation” as Defined in the Interim Measures Agreement (“IMA”) is not Adequate.** The narrow definition of “consultation” in the IMA is not adequate consultation for many projects. The current law on consultation and the fiduciary duty is much broader than the IMA definition of “consultation”. As well, the IMA is not legally enforceable (Section 70) and is without prejudice to any legal position the Deh Cho First Nations take on fulfillment of the fiduciary duty and consultation (Section 73). Section 72 also provides that the document will not create or deny rights with respect to consultation or fiduciary duties when our rights are at stake.

Appendix 3. Draft Deh Cho First Nations Traditional Land Use and Occupancy Study Species Taxonomy

Feb 1, 2005

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KINGDOM: VIRIDIPLANTAE (GREEN PLANTS)

Phylum: Embryophyta (Plants)

Special Wood

Class: Coniferopsida

Order	Family	Genus	Species	Common Name(s)	Dene Name
Coniferales	Pinaceae (Pines)	Pinus	banksiana	Jack Pine	góh
			contorta	Lodge Pole Pine	
		Larix	laricina	Tamarack	ndudhee
		Picea	glauca	White Spruce	t'su
			mariana	Black Spruce	
	Abies	lasiocarpa	Alpine Fir		
	Cupressaceae (Cypress)	Juniperus	communis	Common Juniper	góhtthízelé,
horizontalis			Creeping Juniper		

Division: Magnoliophyta (Flowering Plants)

Order	Family	Genus	Species	Common Name(s)	Dene Name
Malpighiales	Salicaceae (Willows)	Populus	tremuloides	Trembling Aspen	t'eyeh
			balsamifera	Balsam Poplar	ladzee
		Salix	spp.	Willow	k'á k'ádzáh (diamond) k'ítsı (red)
Fagales	Betulaceae (Birches)	Betula	papirifera	White Birch	k'ih
			occidentalis	Water Birch	
			glandulosa	Bog Birch	
			pumila var. glandulifera	Dwarf Birch	
		Alnus	rugosa	River Alder, Speckled Alder	k'eh
			tenuifolia	Mountain Alder	
		Myrica	gale	Sweet Gale	dakone

Berries

Division: Magnoliophyta (Flowering Plants)

Order	Family	Genus	Species	Common Name(s)	Dene Name
Rosales	Elaeagnaceae (Russian olives)	Elaeagnus	commutata	Silverberry	
		Sepherdia	canadensis	Buffaloberry, Soopolalie, Soapberry	ts'enehxooh, tsena hoę
	Rosaceae (Roses)	Amelanchier	alnifolia	Saskatoon	k'jjié, kı dzhıq
		Prunus	pensylvanica	Pin Cherry	
			virginiana	Choke Cherry	
		Rosa	acicularis	Prickly Rose	ıchıht'ó, untshu

Order	Family	Genus	Species	Common Name(s)	Dene Name
		Sorbus	scopolina	Western Mountain Ash	tsu dugg, kolò dzhí
		Rubus	idaeus	Wild Red Raspberry	dahkáá. dǫkalı
			chamaemorus	Cloudberry, Baked Apple Berry	ts'uekáá
			arcticus	Dewberry, Dwarf Raspberry	tsahlı kı
		Fragaria	vesca	Woodland Strawberry	ıdzeah, ıdzeah
			virginiana	Wild Strawberry	
		Potentilla	fruticosa	Shrubby Cinquefoil	
Saxifragales	Grossulariaceae (Currants)	Ribes	americanum	Wild Black Currant	ndatsene
			glandulosum	Skunk Currant, Wild Red Currant	dzhıg dehné, dzhıa dethı
			hudsonianum	Northern Black Currant	
			triste	Wild Red Currant	
			lacustre	Black Gooseberry, Swamp Gooseberry	tı dzhıg
			oxyacanthiodes	Northern Gooseberry	dahghoh, dahoze, dahothe
Dipsacales	Adoxaceae (Muskroots)	Viburnum	edule	Low Bush Cranberry, Mooseberry	netı'é, mathılıu
			opulus	High Bush Cranberry	etthılu
	Caprifoliaceae (Honeysuckle)	Symphoricarpos	albus	Common Snowberry	poisonous but used for healing by Cree
			occidentalis	Western Snowberry	
		Lonicera	dioica var. glaucenscens	Twining/Red Honeysuckle	kotsedtlelı, detsıнка naydı
			involucrata	Bracted Honeysuckle, Black Twinberry	
Ericales	Ericaceae (Heath)	Vaccinium	myrtilloides	Velvet-Leave Blueberry, Common Blueberry	ek'ezi, inkethı

Order	Family	Genus	Species	Common Name(s)	Dene Name	
			caespitosum	Dwarf Blueberry		
			oxycoccus	Small Bog Cranberry	dzhıq tethe, dę enda	
			vitis-idaea	Lingonberry, Bog Cranberry, Cowberry, Mountain Cranberry		
			Chamaedaphne	calyculata	Leatherleaf	poisonous but some native groups make tea
			Arctostaphylos (mansanita)	uva-ursi	Common Bearberry, Kinnikinnick	nedeni, netene
				alpina	Alpine Bearberry	dzhıq dę
				rubra	Red Bearberry	ęka dzhı
	Empetrum	nigrum	Crowberry	dzhıq tehthe		
Cornales	Cornaceae (Dogwood)	Cornus	canadensis	Bunchberry	glę dzhı, tsı alı	
			sericea	Red Osier Dogwood	dę dakalı	
Santatales	Santalaceae (Sandalwood)	Geocaulon	lividum	Northern Comandra	nothe dzhı	

Medicine Plants (Not a definitive list)

Class: Sphenopsida

Order	Family	Genus	Species	Common Name(s)	Dene Name
Equisetales	Equisetaceae	Equisetum	arvense	Horsetail	hędę

Class: Lycopodiopsida (Clubmosses)

Order	Family	Genus	Species	Common Name(s)	Dene Name
Lycopodiales	Lycopodiaceae	Lycopodium	annotinum	Clubmoss	mbedzıtı

Class: Filicopsida (Ferns)

Order	Family	Genus	Species	Common Name(s)	Dene Name
Filicales	Dryopteridaceae (Shield Fern)	Dryopeteris	carthusiana	Spiny Wood Fern	eya ha dala
		Matteauccia	struthiopetris	Ostrich Fern	eya ha dala
		Polypodiaceae	Polypodium	vulgare	Rock polypody fern

Division: Magnoliophyta (Flowering Plants)

Order	Family	Genus	Species	Common Name(s)	Dene Name
Ericales	Ericaceae (Heath)	Kalmia	polifolia	Northern Bog Laurel, Pale Bog Laurel, Swamp Laurel	
		Andromeda	polifolia	Dwarf Bog Rosemary	tl̄te, dedzhine, kothentelí naydí, kots̄udago dakalí
		Ledum	groenlandicum	Common Labrador Tea	gots'ago, kots̄udagoq
		Gaultheria	hispidula	Creeping Wintergreen, Teaberry,	
		Chimaphilia	umbellata	Pipssewa	
		Pyrola	asarifolia	Pink Wintergreen	tsa dzhí, deíc dzhí
	Primulaceae (Primrose)	Androsace	septendriionalis	Pygmyflower, fairy candelabra	yq naydı
	Sarraceniaceae	Sarracenia	purpurea	Pitcher Plant	
Malvales	Cistacea (Rock-Rose)	Hudsonia	tomentosa	Sand Heather	
Gentianales	Apocynaceae	Apocynum	androsaemifolium	Spreading Dogbane	
	Rubiaceae (Madder)	Galium	boreale	Northern Bedstraw	
Asterales	Asteraceae (Daisy)	Achillea	millefolium	Yarrow	dath eto atselı
		Artemisia	campestris	Field Sagewort	kotzezi naydı
			frigida	Pasture Sage	
		Aster	ciliolatus	Lindley's Aster, Fringed Aster	
			laevis	Smooth Aster	
			puniceus	Purple-Stemmed Aster	
			umbellatus	Flat-Topped White Aster	
		Leucanthemum	vulgare	Ox-Eye Daisy	
		Grindelia	squarrosa	Gumweed	
		Helenium	atumnale	Sneezweed	

Order	Family	Genus	Species	Common Name(s)	Dene Name
		Petasites	sagittatus	Arrow-leaved Coltsfoot	sq yenoshetí, tsqle (mbe) thone, dath etq tsho
		Solidago	canadensis	Canadian Goldenrod	
		Taraxacum	officinale	Dandelion	etq hlekq
Campanulales	Campanulaceae (Bluebell)	Campanula	rotundifolia	Bluebell	
Caryophyllales	Amaranthaceae (Amaranth)	Chenopodium	album	Lamb's Quarters	etq dítlí
		Chenopodium	captitatum	Straberry blite	tsa dshí (used as a dye)
Fabales	Fabaceae (Peas)	Astragalus	americanus	American Milk-Vetch	kozq dakalí
		Hedysarum	alpinum	American Alpine Sweet-Vetch, Sweetbroom	Déné thaę
Lamiales	Lamiceae (Mint)	Agastache	foeniculum	Giant Hyssop	
		Galeopsis	tetrahit	Hemp Nettle	
		Mentha	arvensis	Wild Mint	etq detsí
		Scutellaria	galericulata	Marsh Skullcap	
	Lentibulariaceae (Bladderwort)	Utricularia	macrorhiza	Bladderwort	tę dzhía, tue dzhí
	Orobanchaceae (Broom-Rape)	Boschniakia	rossica	Northern Ground-Cone	
	Plantaginaceae (Plantain)	Plantago	major	Broad-leaved Plantain	yatonetq
	Boraginaceae (Borage)	Mertensia	paniculata	Lungwort, Tall Bluebells	etq tsha
Nymphaeales	Nymphaeaceae (Pond Lily)	Nuphar	luten	Yellow Pond Lily	teta
Myrtales	Onagraceae (Evening Primrose)	Epilobium	angustifolium	Fireweed	gúh, gų
Cariophyllales	Polygonaceae (Buckwheat)	Oxyria	digyna	Mountain Sorrel	tsa dzí
		Polygonum	amphibium	Water Smartweed	
			viviparum	Bistort, Serpent Grass	tselí yaneshí, dedíe yaneshí
		Rumex	aquaticus	Western Dock	edethq
Ranunculales	Ranunculaceae (Buttercup)	Actaea	rubra	Red Baneberry	sq dzhí
Rosales	Rosaceae (Rose)	Geum	aleppicum	Yellow Avens	

Order	Family	Genus	Species	Common Name(s)	Dene Name
			rivale	Purple Avens	
		Potentilla	gracillis	Shrubby Cinquefoil	tl̥te dezhme, kothentelí naydí
	Saxifragaceae (Saxifrage)	Heuchera	richardsonii	Alum-root	
		Mitella	nuda	Mitrewort	nde(k)et̥q
	Urticaceae (Stinging Nettle)	Urtica	dioica	Stinging Nettle	kotsí
Scrophulariales	Scrophulariaceae (Figwort)	Pedicularis	langsдорffii	Lousewort	s̥q t̥ile
Liliopsida	Acoraceae (Sweet Flag)	Acorus	americanus	Sweet Flag, Calamus	dz̥end̥ı
	Alismataceae (Water Plantain)	Sagittaria	cuneata	Arrowhead	kodzelí(a) naydí, tsale thone
	Araceae (Arum-Lily)	Calla	palustris	Water Calla	
	Cyperaceae (Sedge)	Carex	aquaticus	Sedge	tl̥h̥q dathe tsho, nez̥h̥ı t̥l̥q
		Schoenoplectus	acutus	Bulrush	tl̥h̥q gath̥q
	Juncaginaceae (Arrow-Grass)	Triglochin	maritimum	Seaside Arrow-Grass	
	Liliaceae (Lily)	Veratrum	viride	False Hellebore	nd̥q dz̥eku
		Zigadenus	elegans	Mountain Death Camas	nahí
Poaaceae (Grass)	Hierochloe	odorata	Sweet-grass	hlek̥q	
Malpighiales	Salicaceae (Willows)	Populus	tremuloides	Trembling Aspen	t'eyeh
			balsamifera	Balsam Poplar	ladzee
		Salix	spp.	Willow	k'á k'ádzáh (diamond) k'ítsı (red)
Fagales	Betulaceae (Birches)	Betula	papirifera	White Birch	k'ıh
			occidentalis	Water Birch	
			glandulosa	Bog Birch	dí thílí, dí yoshetí
			pumila var. glandulifera	Dwarf Birch	
		Alnus	rugosa	River Alder, Speckled Alder	k'eh
			tenuifolia	Mountain Alder	
		Myrica	gale	Sweet Gale	dakone

Class: Coniferopsida

Order	Family	Genus	Species	Common Name(s)	Dene Name
Coniferales	Pinaceae (Pines)	Pinus	banksiana	Jack Pine	góh, kohę
			contorta	Lodge Pole Pine	
		Larix	laricina	Tamarack	ndudhee
		Picea	glauca	White Spruce	t'su
			mariana	Black Spruce	tsua
	Abies	lasiocarpa	Alpine Fir	tsutsı	
	Cupressaceae (Cypress)	Juniperus	communis	Common Juniper	góhtthírelé
	horizontalis		Creeping Juniper		

Other Food

Order	Family	Genus	Species	Common Name(s)	Dene Name
Apiales	Apiaceae	Angelica	lucida	Wild Celery	noga etsq the
		Cicuta	maculata	Water Hemlock	yagodı (poisonous but can be smoked to relieve headaches)
		Heracleum	lanatum	Cow Parsnip	etsq deko naydı
		Sium	suave	Water Parsnip	hıue tıq ıę
	Araliaceae (Ginseng)	Aralia	nudicalis	Wild Sarsaparilla	
Carophyllales	Portulacaceae	Claytonia	tuberosa	Tuberous Spring Beauty	tselı yaneshı, dedıe yaneshı
Liliopsida	Liliaceae (Lily)	Allium	textile	Wild Onions and Chives	tıhq dzhıq
		Maianthemum	canadense	Wild Lily-of-the-Valley	tsqı dzhı
	Poaceae (Grass)	Calamagrostis	Canadensis	Marsh Reedgrass	tıhqgo dıtılı (used for drinking straws and mattress stuffing)
		Hordeum	jubatum	Foxtail Barley	tı tse (used as mattress stuffing)
		Phragmites	australis	Reed	
	Typhaceae (Cattail)	Typha	latifolia	Cattail	nathıthq thıq

(Cizek 2005)

Appendix 4 –Mining Reclamation and Security Regime

1. Scope of Application of the Reclamation and Security Regime

a. Scope of Lands Subject to Reclamation and Security Regime

- All potentially affected lands within the jurisdiction (i.e. private, public, federal, regional, local).

b. Scope of Mines Subject to Reclamation and Security Regime

Mineral exploration

- Initial exploration.
- Advanced exploration.
- Link to reclamation standards for commercial production.

“Small” mines

- Appropriately defined scope of “small” mines.
- Full application of reclamation and security requirements, provided that:
 - Discretionary requirements are applied in light of site-specific circumstances (other than the miner’s financial assets);
 - Exemptions are allowed for non-discretionary requirements only to the extent those requirements are wholly inapplicable or would provide no additional environmental protection;
 - Appropriate minimum security amounts are set on a per square unit basis for all “small” mines; and,
 - Actuarially determined contributions to security pools are allowed in lieu of individual financial instruments (only where measured liabilities do not exceed the total pool on a regular basis);

Existing mineral tenure holders who have not yet commenced commercial production

- Full application of new regime to future production.
- Regime for fair compensation of tenure holders for outright expropriation of tenures.

Existing non-orphan mines

- Mine subcategories:
 - Mines that are still producing commercial minerals and any expansions or use of new areas that have not been previously reviewed or approved;
 - Mines that are no longer producing, but have not yet been officially ‘closed’ (i.e. they have not received government approval of a closure plan or a formal liability release and the current owner is not financially solvent, or is unable or unwilling to carry out reclamation); and,
 - Mines that are officially closed.
- Appropriately timed application of new reclamation requirements for purposes of achieving land use and environmental objectives in:
 - An applicable regional land use plan, if one exists and is up-to-date; and,
 - Any other applicable legal or policy commitments relating to land use,

conservation, biodiversity, etc.

- Application of new security requirements if, within an appropriate period, a mine owner does not conduct sufficient reclamation to achieve applicable land use and environmental objectives.

Mines producing all types of minerals and using all kinds of production methods

2. Reclamation Planning

a. Mandatory reclamation planning as condition for obtaining and maintaining approval to operate.

b. Planning Phases

- Initial or ‘conceptual’ reclamation plan reviewed and approved in conjunction with reviews and approvals of mining operations. This plan includes an estimate of post-closure monitoring and maintenance items and cost, and a funding mechanism to pay for these items post-closure.
- ‘Detailed’ cost-analysis reclamation plan due three years after initial mine startup (or sooner for mines expected to have a short life-span).
- Detailed approved plan reviewed periodically—at least every three years (or more frequently for mines expected to have a short life)—and updated as necessary for engineering and cost changes.
- Final plan – Plan with detailed engineering plans and specifications that can be utilized for RPF/bidding purposes, due the earlier of: at least two years before planned closure; or immediately after unplanned closure.

c. Reclamation objective—i.e. required condition of the reclaimed area

- Mine-specific reclamation objective that accounts for, and reflects a rational, regional distillation or synthesis of land use objectives derived from:
 - Land use/environmental objective, trigger, or thresholds set through a transparent, integrated landscape planning process;
 - Other local, regional, national or international land use or environmental commitments or policies;
 - Generic, minimum ambient environmental standards and negative targets (e.g. no perpetual toxics; no perpetual water treatment; no cyanide leaching); and,
 - Any applicable “no net loss” policy or similar disturbance trading scheme.
- Absent any relevant external objectives (the first two sub-items in the previous bulleted item):
 - A generic objective of restoring ecological productivity and diversity, by at a minimum: restoring pre-mining habitat and hydrological conditions; revegetating using native plants and soils; and, recontouring land to original topography to the greatest extent possible;
 - Appropriate negative targets (e.g. no cyanide leaching; no material risk of acid mine drainage; no operations that will require perpetual water treatment); and,
 - Any applicable “no net loss” policy or similar disturbance trading scheme.

d. Specifications on the timing of reclamation work

- Limit on the total allowable amount of unreclaimed land at any given phase of mining.
- Progressive Reclamation—i.e. phased reclamation per mining phases or per other factors.
- Enforceable deadline for completing all reclamation phases (not including post-closure monitoring).

e. Required content of proposed reclamation plans

- Identification and description of all mine facilities, activities, and phases.
- Identification of areas to be reclaimed, within and outside of the licenced mine areas.
- List of legal approvals needed to gain access to affected areas outside the boundaries of the licenced mine operations and other mine facilities.
- Identification of desirable uses and conditions of the reclaimed land, as per the applicable objectives in subpart 2.c.
- Detailed description of work in each of the following areas of focus (largely from Kuipers (2000), Section 4.1.7):
 - Recontouring;
 - Topsoil replacement or salvage;
 - Revegetation and introduced species control;
 - Slope stability and erosion control;
 - Hydrology;
 - Air and water quality;
 - Geochemical modeling and acid mine drainage prediction and prevention;
 - Public health and safety;
 - Wildlife habitat;
 - Aesthetics, including visual impact; and,
 - Long term monitoring and treatment;
- Baseline data on water quality, hydrology, wildlife, habitat, etc.
- Risk assessments—ecological; human health; and engineering, including (WMI 1994, p. 14):
 - Potential for and prevention of leaching and transport of contaminants from the tailing area, rock dumps, precipitates and residues, mine workings and landfill areas;
 - Long term stability of engineered structures, including tailings dams, pit slopes, waste rock slopes;
 - Need for long term treatment; and,
 - How passive structures will be designed to safely accommodate storm events, tremors, climate change and other extreme conditions.
- Demonstration of long run success of reclamation at other mines under similar geochemical circumstances or using similar reclamation techniques.
- Plan for dismantling and proper disposal of facilities and removal of refuse, debris and hazardous materials.
- Analysis and costing of alternative reclamation techniques including preferred alternative, based on full cost accounting/life cycle costing techniques that address costs that will be incurred in another jurisdiction.
- Identification of appropriate time periods and criteria for determining the success of work in each of the above areas of focus.

- Demonstration that analyses used for designing the reclamation plan were conducted, and relevant data collected, by competent personnel using appropriate methods, models, or other tools.
- Identification of reclamation personnel and demonstration of their qualifications, including personnel responsible for reclamation if production ceases with or without official closure.
- Identification of any liabilities (actual or potential) resulting from past practices and activities at the mine site and surrounding region.
- Demonstration of corporate commitment to sustainable development principles and sound environmental practices, as enunciated by external, respected sources. (Possible sources include: ISO 1400; Mining Association of Canada, “Guiding Principles Towards Sustainable Mining (April 2004) (www.mining.ca/english/tsm/principles.html), International Council on Mining and Metal, “Sustainable Development Framework” (www.icmm.com/icmm_principles.php); and Prospectors and Developers Association of Canada, “Environmental Excellence in Exploration” (www.e3mining.com).
- Demonstration of successful reclamation record of the mine proponent and relevant parent companies or subsidiaries at other mines.

f. Government review of proposed reclamation plan

- Coordination with approval of mining operations and of closure and post-closure plans (if distinct from reclamation plans), and functional tie to any environmental assessment or monitoring conducted for those other approvals.

g. Content of reclamation plan approval decision (in addition to provisions related to previous topics)

- Adoption of reclamation plan by reference, with any needed modifications.
- Appropriate mix of: ambient environmental quality standards; technology-based standards; and best management practices.
- Reopener clause based on periodic review of reclamation plan and periodic reports.
- Parent company agrees to be liable for obligations of subsidiary-project proponent.
- Fees for government inspections and oversight of reclamation process.
- Reclamation obligations are not affected by approval of closure plan.
- Approval terms and conditions apply to future owners.
- Linkage to reclamation of abandoned/orphaned sites. For example:
 - Limit on the total area of unreclaimed land per jurisdiction or region; and,
 - Proponents of new mines get “no net loss” credit, in approvals of those mines, for reclaiming abandoned/orphan mines.

3. Security

a. Security required, along with reclamation plan, as condition for operating approval

b. Type of financial instruments allowed

- No self assurances (e.g. mine’s own property, equipment, corporate guarantee, or self-bond). Instruments must be independently guaranteed, so not reachable by company’s creditors under bankruptcy, and liquid.
 - Cash; surety bonds, irrevocable letters of credit; other forms only if readily liquid

- and can be assumed as cash; and,
- Evolution from surety bond to cash as production commences with the goal of completely replacing the bond with cash over a set period of project life. Regulator then invests the cash in an interest-bearing Treasury bill or similar instrument. Company can then obtain compensation from the cash fund for actual costs incurred (Kuipers, 2000, p. IV-19).
- Able to be used directly for work on the relevant mine.
- Payable to and held by the mining regulator, or to another authority of the jurisdictional government provided that the secured funds are used only for reclamation or related purposes.
- If multiple instruments are required to satisfy conditions of multiple approvals, consideration of whether a single instrument can be provided instead of multiple instruments.
- Instrument accompanied by proof of guarantor's financial health.
- Instrument can be readily tracked in its various forms.
- Even where there is a single regulator/approval, if reclamation work is phased, multiple instruments may be submitted in phases corresponding to each reclamation phase, in lieu of a single instrument covering the entire cost of all reclamation phases.

c. Scope of work and risks to be covered by financial instrument(s)

- Instruments should cover the full cost of all required categories of work—including:
 - Compliance with environmental and public health/safety requirements during operations;
 - Reclamation;
 - Closure - Kuipers (2000, p. IV-14) recommends estimating at least 2 years of “interim operations” until reclamation is completed;
 - Cleanup;
 - Post-closure, including short and long term monitoring and site maintenance; and,
 - Responding to unpredicted catastrophes (unless covered by insurance the maintenance of which is not itself dependent on payment of premiums from solvent companies).
- Instruments should also cover economic loss and lost economic value of natural resource damages (for specific, identifiable and quantifiable values).
- No generic limits or caps on amount of security (e.g. per acre cap in Alaska).
- Special or supplemental costs for mines that use cyanide leaching or other toxic chemicals to extract minerals from the ore. (Kuipers (2000), p. IV-12).

d. Rigorous costing methodologies

- Regulators or independent third parties, not mining companies, conduct the cost calculations. Mining company provides information on the nature and scope of work to be done and can provide feedback on calculation methodologies.
- Costing based on the costs that would be incurred if the government or a third party, rather than the mining company, has to perform the required work.
- Cost estimates derived from verifiable sources (see Kuipers (2000), p. IV-13 for list).
- Comprehensive itemization of cost categories for each work task, including costs of (from Kuipers (2000), p. IV-13):

- Owning or leasing, operating and maintaining equipment and vehicles;
- Labour;
- Transporting all structures, equipment, materials, and labour to the mine site; and,
- Removing or disposing all structures, equipment, and materials, including debris and chemicals, including associated transportation costs (CSP2 recommends 5% for mobilization/demobilization).
- Indirect costs, including (from Chambers, CSP2 & Kuipers (2000)):
 - Contingency – costs that reflect the level of detail and completeness of the cost estimate, as well as the degree of uncertainty of factors and assumptions used in the cost estimate;
 - Engineering redesign – costs that stem from a lack of detailed information and plan development in a financial assurance estimate, as well as the need to account and design for actual conditions at the time of reclamation and closure;
 - Engineering, procurement, and construction management costs;
 - Contractor overhead – costs that account for administration, management, public relations, safety, environmental, legal, performance bonding and other costs associated with doing business;
 - Contractor profit;
 - Contractor insurance and performance bonding;
 - Agency administration — costs that would be incurred by agencies if they had to arrange with contractors to conduct the reclamation or other work, and oversee and investigate reclamation work; and
 - Annual increases in costs due to inflation.

e. Timing of submission of instruments (not including issues related specifically to phased security)

- Instruments provided up front—i.e. as a pre-condition for granting approval of the operating permit and reclamation plan or any other approval allowing environmental disturbance needing to be reclaimed.
- Instruments periodically reviewed for adequacy. Review allows bonds to keep pace with inflation and provides operators with ongoing environmental performance incentives.

f. Phased Security

- Generally restrictive approach to allowing phased security, due to problems discussed in Kuipers (2000), pp. IV-17 – IV-18.
- Where phased security is allowed, reclamation costs for individual instruments should be determined on the basis of predictions of annual reclamation costs, rather than on cost-per-acre predictions for each acre expected to be reclaimed in each phase (Kuipers (2000), p. IV-18).
- Even using annual expected reclamation costs, if the annual costs in later years are expected to be considerably higher than those costs in early years, the value of the initial instrument and all subsequent instruments should be no lower than the highest annual expected reclamation cost, or even some highest multi-year period. Alternatively, a single instrument covers expected annual costs for all years, but gets reduced annually on the basis of costs that have already been incurred.

- If company is allowed to submit multiple instruments per distinct phases of the reclamation work, each instrument should be submitted before each phased disturbance corresponding to the reclamation phases.

g. Amendment or supplementation of instruments

- Mandatory review of security in conjunction with mandatory review of reclamation plan. (Kuipers (2000, p. IV-20) suggests review occur every 3 years.)
- Discretionary review at other times as circumstances warrant.
- Clear criteria for when instruments can and should be amended or supplemented. Criteria should be tied to changes in actual or estimated costs of reclamation and other work covered by security and to expansions of the mine footprint beyond originally approved footprint.

h. Mining companies' forfeiture of security

- Clear criteria for forfeiture:
 - Failure to comply with reclamation plan, operational approval, closure & post-closure plans within specified time periods, or pursuant to notices of deficiency;
 - Abandonment (automatic forfeiture); and,
 - Mine operator is unable to maintain the financial security;
- On regulator's demand, the holder of the security should pay the security amount to the regulator.
- Only after prior notice to, and opportunity to comment by, public and mining company, except in emergencies.

i. Release of security

- Instruments released when reclamation is complete—as verified by independent third party experts—and potential impacts mitigated for a long period after closure.
- Release only after public notice and comment

j. Bond pools

- As supplement to, but not in lieu of, mine-specific security and based on tax on value of mineral production.
- Pool allowed in lieu of mine-specific security requirements, if at all, only for small mines and start-up companies and only if eligible miner forfeits any rights to conduct mining if regulators need to use pool for work at the miner's site.
- Pool can cover emergencies and existing, orphaned sites.

4. Integration with other legal regimes

a. Mineral Tenure Regimes

- Tenure-granting decisions reflecting broad public interest criteria including rough estimates of reclamation feasibility and costs.
- Conditions in mineral tenure instruments making it clear that:
 - Tenure rights are conditioned on tenure holder obtaining approval of reclamation plan and proposed security;
 - The existence of tenure rights is irrelevant to whether the tenure holder's

- reclamation plan and security should be approved;
- Denial of reclamation plan or proposed security is not grounds for claim of compensation for taking or expropriation of tenure right; and,
- Mineral tenure is automatically forfeited, without compensation, if mining regulator determines that tenure holder has committed a substantial breach of the reclamation and security requirements.

b. Financial Incentives Other Than Security

- Royalties and/or corporate tax regimes that provide incentives to miners to reduce the footprints to be reclaimed and to conduct reclamation as soon as possible. Items to address include:
 - Whether and when reclamation expenses and security should be deductible business expenses;
 - Whether interest on security should be taxable income; and,
 - Whether royalty rates should be based on net or gross revenue.
- Consideration of establishing a regional, national, or international mining certification program.
- Requirements that corporate reports (for investors, stock holders, and securities commissions) treat long term reclamation costs as liabilities notwithstanding that such liabilities may have low or negligible net present values applying conventional discount rates and generally accepted accounting practices.¹

c. Common law and other legislative liabilities

- Reclamation and security requirements don't preclude other common law or legislative liabilities.
- Government approval of reclamation is not an automatic bar to common law tort liability and compliance with government approval conditions is not conclusive evidence of due care.
- Liability in legislation for contaminated sites—joint and several; strict; and retroactive.
- Liability in legislation to government for “natural resource damages”.

5. Process for developing a reclamation regime

- New regime developed through public consultations.
- Regime instruments—legislation, regulations, policy or guidelines—produced in a sequence that facilitates public participation in regime design.
- Commitment to review and assess the new regime after a designated period.
- Regime is developed in the context of a broader sustainability strategy for mineral production, processing, and consumption.

¹Compare Whitehorse Mining Initiative, Environment Issue Group, Final Report (Nov. 1994) at 15 & App. 3 (para. 3) (noting that the “CICA Handbook recognizes the need to consider reclamation expenses in measuring and [publicly] reporting net income”) and Mining Minerals and Sustainable Development Project, Breaking New Ground – Mining, Minerals, and Sustainable Development – The Report of the MMSD Project (International Institute for Sustainable Development, 2002) at 347 (noting that closure costs “may look small when discounted at 6-8% or more over 30 years. See also Repetto, *supra* note 6 (concluding that major Canadian and U.S. mining companies were significantly underreporting environmental liabilities) and Global Reporting Initiative Guidelines and Mining Supplement (forthcoming) (www.globalreporting.org/guidelines/sectors/mining.asp).

- Consideration given to whether the regime should be developed in the context of the development of a uniform, multi-jurisdictional regime for reclamation and security.

6. Written text of reclamation regime

- Readable and understandable texts.
- Consolidated texts for each level of legal and non-legal source (legislation; regulations; policy/guidelines) or, if not consolidated, clear ‘road map’ linking multiple sources at each level and linking sources among levels.
- Mining industry terms of art used in texts are:
 - All defined;
 - Used consistently in all regime components; and,
 - Consistent with terms used in other, mining-related legal and policy sources.
- Text sources are readily accessible to the public.

7. Government Decision Making

a. Reasonable limits on delegation of regulatory discretion (from legislative to regulatory and from regulatory to policy) to ensure accountability and transparency in exercise of discretion

- Meaningful standards to provide reasonable bounds for discretion.
- Binding time frame for exercising discretion.
- Public participation in decision-making (see *infra* part 8).
- Discretionary decisions explained in statements of reasons that include responses to public comments.
- Meaningful judicial/tribunal review of discretionary decisions (see *infra* part 8).

b. Decisions Based on Sustainability Principles

Equity—Inter- and Intra-generational

Precautionary principle

- Lack of full scientific certainty shall not be used as a reason for postponing decisions or actions to avoid or remedy threats of serious or irreversible damage.
- Burden of proof is generally on the mining project proponent.
- Reclamation techniques that are untested or that otherwise have uncertain chances of success should be disapproved or at least accompanied by higher security and increased monitoring and adaptive management checks.

“Polluter pays”

- Principle applied through a full-cost accounting of social and environmental costs.

Pollution prevention is generally better than pollution treatment

- Principle applied on a holistic analytical basis, so pollution or other wastes are not simply transferred from one environmental medium to another.

View of “public interest” that recognizes the broad array of interests and values at stake

- Broad geographic scope of interests and values—local, regional, national, international.

- Aboriginal/non-aboriginal interests
 - Aboriginal interests recognized, in part, through government solicitation and use of traditional knowledge and consultation.
- Commercial/non-commercial/government interests.

c. Decision-making structure

- A single agency, preferably the agency responsible for environmental quality (especially water protection), administers all reclamation and security requirements, in order to ensure accountability, and to promote efficiency and avoid inconsistency.
- Transparent process for coordination/integration with other orders of government (provincial/state/territorial, Aboriginal, municipal) and with land use planning and other land management programs. Coordination should be reflected in legal sources or at least publicly available written agreements that clearly define the coordinating agencies' roles and responsibilities.
- If decision-making functions are divided or duplicated among several agencies, a process for coordinating those agencies' proceedings for purposes of streamlining the overall approvals, facilitating information transfer, and use of expert advice, and resolving inter-agency disputes.
- Consideration of appropriateness of granting an Aboriginal veto to approvals of reclamation plans or security instruments.

d. Adaptive Management

Monitoring of reclamation progress and environmental conditions

- Establishment of good baseline for pre-mining conditions to measure success of reclamation activities.
- Reclamation test and research programs (e.g. revegetation plots and test covers for waste, if required).
- See also other parts below.

Structured process for government and public review of monitoring results and decisions on whether mid-course changes are warranted

- Conditions in approvals and other mine-related dispositions that allow mid-course changes through adaptive management decisions.
- Regular schedule for considering reclamation plan revisions and changes to security requirements based on:
 - Periodic progress reports;
 - Analysis of monitoring data and setting of thresholds or triggers for a management response;
 - Review of progress of mining and reclamation activities; and,
 - Updated costing of reclamation techniques.

Annual full-cost accounting

- Annual accounting of costs of reclaiming unreclaimed land and related work versus security and other funds available to meet costs.

Adequate Funding

- For research on reclamation techniques and security regimes.
- For regulatory oversight and independent audit.

8. Public Participation and Accountability

a. Types of Participation

- Public notice.
- Informal public hearings (available to all members of the public).
- Written comments (available to all members of the public).
- Formal administrative appeals with funding for citizen participation.
 - Rational, not unduly restrictive requirements for “standing” to participate in appeals:
 - Standing can be based on harm to not only legally protected, economic interests (e.g. land ownership; lease or licence interest), but also to: human health and use/enjoyment of the environment;
 - Cognizable harms include cumulative harms;
 - Credible risk of harms, not just actual harms, suffices; and,
 - Proof of risk of harm for standing purposes not as rigorous as level of proof required to demonstrate merits of appeal.

b. Timing of Participation

- Participation available at every key decision point in the reclamation process, including periodic reviews of reclamation plans and security instruments.

c. Access to information

- Broad scope of records available (key documents posted to websites).
- Prompt release of records.
- Reasonable costs for obtaining records.

d. Government Inspections

- Purpose: To determine compliance with reclamation plan approval, operating approval, and related approvals.
- Scope: Based on detailed itemization of required activities. Particular attention to water management, toxic chemical use, and occurrence of metals leaching and acid mine drainage (AMD) or predictors of AMD.
- When: During all mine phases (operations; closure; post-closure; reclamation).
- Frequency: random and regularly scheduled (Kuipers (2000, p. IV-19) recommends monthly) and in response to serious public complaints or petitions.
- Follow up: Process for addressing any deficiencies, short of formal enforcement.

e. Enforcement

- Broad array of available remedies:
 - Civil Penalties -
 - Specified minimum per day of violation; and,
 - Maximum fine amount pegged in proportion to minimum of: annual corporate profits or actual damage.

- Criminal penalties & jail terms for egregious offenses (e.g. knowledge, intent) for mine employees, managers and owners;
- Judicial discretion to allow penalties to go to environmental funds/projects rather than straight to general funds;
- Injunctive relief—court order requiring reclamation; order shutting down ongoing production; and,
- Administrative remedies and judicial enforcement of administrative orders.
- Appropriate triggers—i.e. definitions of violations.
- Defenses, provided that:
 - Burden of proving defenses is on the defendant; and,
 - No ‘due care’ defense based on economic infeasibility, for violations of specific requirements (e.g. use of specific treatment technology).
- Process for prompt and rigorous response to citizen complaints.
- Citizen suits.

f. Independent oversight committees

- Both jurisdiction-wide and mine-specific.
- Mandate to include reclamation, planning, research, monitoring, and public reporting.
- Adequate funding for public participation in committees, including clear, objective funding formula to protect committees from having to renegotiate funding annually.

g. Judicial oversight in non-enforcement contexts

- Oversight of both discretionary and non-discretionary reclamation and security decisions.
- Meaningful standards of judicial review.
- Appropriate rules of standing and costs to provide fair opportunities for citizens to seek judicial review.

From: Wenig, M.M and O'Reilly, K. 2005. "The Mining Reclamation Regime in the Northwest Territories: A Comparison with Selected Canadian and U.S. Jurisdictions". Available at: <http://www.indelta.com/cgi-bin2/carcpub.cgi?http://www.carc.org/2005/mining49.NWTMiningReclam%20final%20-21Jan05.pdf>.

Appendix 5. Sustainable Model for Arctic Regional Tourism (SMART)

Mission: Assist the arctic tourism sector to adopt and innovate economically, environmentally and culturally sustainable tourism practices.

Basic principles for SMART

These principles should be seen as goals and guidelines, not as conditions. The principles are recommended for use in tourism companies, communities, regional tourist boards, and landowners.

Sustainable Arctic Tourism:

Supports the local economy Supporting stands for employing staff, buying goods and services and paying tax locally. Tangible benefits from tourism are a positive force.

Operates environmental friendly Establish and continuously improve environment policies. Transportation, waste and lodging impact policies are adjusted to local conditions.

Supports the conservation of local nature The ecological carrying capacity of the area must be respected. The local inhabitants and tourism operators have a right to participate in land-use planning on local and regional level. The operator should have thorough knowledge and co-operate with other actors and should give active support to preferably local conservation projects.

Respects and involves the local community Promoting and preserving local cultures, lifestyles and values set limits and rules to tourism. Quality tourism depends on active support from and benefit to local people. The networking between different stakeholders in the region is highly encouraged.

Ensures quality and safety in all business operations Sustainable tourism is quality tourism. This includes administration, planning, acting as a good host and implementing safety issues in quality management policy.

Educates visitors about local nature & culture Sustainable tourism is based on curious and respectful visitors. Operators use knowledgeable guides and constantly improve the awareness level of the personnel. The visitor is given information of the sustainable tourism in the region.

SMART is a multinational project combining the resources of partners from Finland, Sweden, Norway and Canada. The mission of the project is to assist the arctic tourism sector to adopt and innovate economically, environmentally and culturally sustainable tourism practices. The activities of the project are aimed for the benefit of tourism companies in the Arctic area.

<http://www.arctictourism.net/>