

NDÉH TS'EDJICHÁ:
Dehcho Ndéh T'áh Ats'et'ı̄ K'eh Eghálats'ęnda

RESPECT FOR THE LAND:
The Dehcho Land Use Plan



Prepared by:
The Dehcho Land Use Planning Committee

Revised Draft Plan - November 2005

DEHCHO LAND USE PLANNING COMMITTEE
One Land One Plan



Ndéh Lié - Mek'ęé Ats'et'ı̄ Lié
Dehcho Ndéhé T'áhagot'ı̄ gha Sáhniogjáh-ké

Dedication

This Plan is dedicated to...

The Dehcho Elders who have passed down the principles of
Respect for the Land upon which this Plan is based;

To the late Phoebe Nahanni and Michel Corbeau Landry for their
dedication to land use planning, and

To the Youth, who are the leaders of tomorrow.



Denea Adeline of Deh Gah Got'ie First Nation. Photo Credit: DLUPC

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To the **Elders** for their vision, insight and guidance.

To the **Youth**, who are the leaders of tomorrow.

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- Anyone else we may have missed.

The cover photo of the Dehcho (Mackenzie River) looking toward the Camsell Range is shown with permission from Paul Nopper - © Aiva (Aerial Images & Video Adventures) 2001. Thanks Paul!

Mahsi Cho for your contribution to the Dehcho Land Use Plan. The Plan was improved by your contribution!

Executive Summary

The Dehcho Land Use Planning Committee (the “Committee”) has developed the Revised Draft Land Use Plan and Background Report for the Dehcho territory. This document is the Plan.

The purpose of the Plan is to promote the social, cultural and economic well-being of the residents and communities of the Dehcho territory, having regard to the interests of all Canadians. The Plan is intended to form part of an integrated land and resource management regime and outlines what types of activities should occur, generally where they should take place, and terms and conditions necessary to guide land use proposals and development projects over time. The Plan does not apply within Nahanni National Park Reserve and community boundaries.

The Plan is based on the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development. The Plan balances development opportunities, social and ecological constraints. It reflects community values and priorities while taking into consideration the values of all Canadians.

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.

The Plan (both Zoning and Terms) does not apply to any rights, dispositions, authorizations or activities existing in the Dehcho territory on the day prior to Plan approval. These existing uses are allowed to continue as non-conforming uses. Renewal of permits, licenses and authorizations for existing uses are allowed.

The Plan only applies to activities for which a permit, license or authorization is required as described in the Plan. Minor land uses such as hiking or canoeing for which no authorization is required, are not subject to the Plan.

The Plan is only intended to apply to non-traditional commercial uses. Traditional and domestic uses such as fur harvesting, minor trade of excess wildlife harvests, use of timber for fuel wood, community building needs, or Christmas trees, are exempt from the Plan.

Further discussion on the Scope and Application of the Plan are discussed in Chapter 1.

The Plan contains five zone types:

- **Conservation Zones** are designated in areas having significant ecological and cultural values. Conservation Zones are meant to provide flexible protection to lands of important cultural or ecological value. All development except tourism is prohibited in Conservation Zones. Two of the zones prohibit tourism as well. There are 17 Conservation Zones covering 40.7% of the Plan Area.
- The **Protected Area Strategy Zone** is a separate designation for candidate protected areas that have been withdrawn from disposition through the Protected Area Strategy (PAS) process. This zone type represents a transition between an area subject to the Land Use Plan and the approved protected area, which is managed under the legislation and authority

of the sponsoring agency and the Park Management Plan. At the moment, only Edehzhie (Zone 4) has this designation, covering 12.0% of the Plan Area.

- **Special Management Zones** are designated in areas where there is significant potential for both conservation and development together. Special Management Zones may be established to promote certain types of development or protect values while allowing some forms of development to proceed. Special Management Zones use a combination of Terms and land use restrictions to achieve these goals. There are 11 Special Management Zones covering 24.1% of the Plan Area.
- **General Use Zones** permit all land uses, subject to existing regulatory processes, Acts and Regulations, and the Terms of this Plan. General Use Zones cover 23.2% of the Plan Area. They are not numbered.
- The **Special Infrastructure Corridor** (Zone 30) delineates a study corridor for the Mackenzie Valley Pipeline based on the current routing of the proponent and negotiated corridors through current land withdrawals. This corridor overlaps the other zone types rather than cutting a portion out of them. The current routing crosses Zones 1, 3, 4, 5, 19, 21, 22, 23, and 29. A route is still being negotiated through Zone 1 (Pehdzeh Ki Deh) and the final routing will be reflected in the Plan once negotiations are complete. This zone covers 0.4% of the Plan Area.

There are 3 types of Terms:

- **Conformity Requirements (CR)** describe permitted and non-permitted uses within the Dehcho territory or identify conditions for development that must be met on all new applications before the application can be approved.
- **Actions (A)** identify new activities (e.g. research, meetings) which are required to achieve the goals of the Plan. Actions are directed at various planning partners, including DFN, government departments, agencies, Regulatory Authorities, businesses and other organizations.
- **Recommendations (R)** provide guidance to our planning partners on additional activities that will help achieve the goals of the Plan. They are not legally binding requirements, but should be given consideration in future land use decisions.

The Plan will be approved by the Dehcho First Nations, the Government of the Northwest Territories, and will be considered by the Minister of DIAND. The Minister may, under section 109 of the *Mackenzie Valley Resource Management Act*, provide written policy directions, binding on the Mackenzie Valley Land and Water Board. By approving the Plan, Governments agree to implement the Terms within their jurisdiction and ensure that new land and water uses comply with the Plan. The Background Report supports the Plan by providing context, rationale and methodology, but is not subject to approval by the Parties.

Upon approval of a Dehcho Final Agreement, the approved Plan will be a land management tool that provides legally binding direction and guidance to Regulatory Authorities and decision-makers in the evaluation of development projects, protected area proposals, and other potential land uses.

The Revised Draft Plan contains 3 chapters.

Chapter 1 introduces the Plan and sets the context for planning decisions. It describes the Scope and Application of the Dehcho Land Use Plan and the Format and Content of the Plan.

Chapter 2 includes the Vision and Goals, Zoning and Terms of the Plan. The proposed Land Use Zones are shown in Map 1 and described in Table 1 of the Revised Draft Plan. The Land Use Zones focus on 5 land uses (oil and gas, mining, forestry, agriculture and tourism) and identify in general where each of these uses is appropriate. Other land uses such as access, transportation, infrastructure, community expansion and hydro development, are considered in the Plan through Terms.

The Terms consist of Conformity Requirements, Actions and Recommendations and provide further guidance and clarity regarding the future development of the region. They are presented in relation to the issues raised during consultations. Issues are grouped according to Dene Culture, Traditional Use, Sustainable Development and Community Issues. The Terms apply to the entire Dehcho territory unless otherwise noted (there are a few Terms that apply to specific zones only).

Chapter 3 describes Plan approval and implementation, including revisions to Land Withdrawals, Conformity Determinations, and Plan Revisions, Exceptions and Amendments.

Appendix 1 contains a numbered list of all Conformity Requirements, Actions and Recommendations. The other appendices include documents referenced in the Terms.

The Background Report contains six chapters.

Chapter 1 introduces the Plan and Background Report and sets the context for planning decisions.

Chapter 2 describes the Plan area, culture, people, land and resources, and highlights the key conclusions of all the research included in Plan development.

Chapter 3 describes the current regulatory and policy context of the region and how the Plan is integrated into that system. There is also a discussion of how the Plan integrates with other land use initiatives, including the Protected Areas Strategy, the Nahanni Park Expansion Process, the Cumulative Effects Assessment and Management (CEAM) Framework and Strategy, transboundary activities, and community planning initiatives.

Chapter 4 describes the overall planning process as laid out in the guidelines presented in Appendix 2 of the Dehcho First Nations Interim Measures Agreement, under which the Committee was established. It defines the methods used to develop the zones and the nature and purpose of the five zone types. This chapter explains the types of Terms included in the Plan and how they address planning related issues. The methodology used in the Cumulative Effects and Economic Development Model Assessments is also defined in this chapter.

Chapter 5 provides a detailed description of each zone, identifying the permitted uses, zone objectives, conservation values and resource potential, and any specific Terms applicable to the Zone.

Chapter 6 assesses the impact of the Plan from various perspectives, including:

- A comparison of the Land Use Zones with existing dispositions;
- Land use comparisons which show how the Zoning relates to the development potential, community interest and existing situation for each of the five key land uses;

- A comparison of the Land Use Zones against conservation goals;
- The Economic Development Assessment; and
- Cumulative Effects Assessments.

Appendix 8 contains all the questions and comments raised during the summer consultations or through written submissions on the June 2005 Draft Plan and the Committee's responses to them. Many of the responses are also reflected in changes to the Revised Draft Plan. The other appendices contain additional background information not required in the Plan.

For reference, discussion of Cumulative Effects Assessment and Economic Development Assessment occurs in multiple places throughout the Plan and Background Report according to subject:

- Chapter 4 of the Background Report describes methodology, assumptions and rationale for both topics.
- Chapter 6 of the Background Report describes the Assessment results for both topics
- Chapter 2 of the Plan describes the Conformity Requirement and detailed methodology for Cumulative Effects.

The Committee has strived to provide as much detail as possible in the Revised Draft Plan and Background Report in order to address all the questions raised at summer consultations and through written submissions. The Plan will go through one more revision to address future comments before being submitted for approval at the end of March 2006.

NOTE: The maps provided in the Plan and Background Report are for illustrative purposes only. While the Plan uses the best information available at the time of writing, we make no guarantees of completeness or accuracy. The maps may become outdated after print. Interested persons or organizations requiring up to date information should contact the data source for the most current files.

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Acronyms

A	Action
A&D	Alcohol and Drug
AB	Alberta
AEUB	Alberta Energy and Utilities Board
ALCES	A Landscape Cumulative Effects Simulator
ARI	Aurora Research Institute
AVHRR	Advanced Very High Resolution Radiometer
BC	British Columbia
BOE	Barrels of Oil Equivalent
CAFF	Conservation of Arctic Flora and Fauna
CARC	Canadian Arctic Resources Committee
CCME	Canadian Council of Ministers of the Environment
CEAM	Cumulative Effects Assessment and Management
CIRL	Canadian Institute for Resource Law
CLW	Current Land Withdrawals
COGOA	<i>Canada Oil and Gas Operations Act</i>
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
CPRA	<i>Canada Petroleum Resources Act</i>
CR	Conformity Requirement
CWS	Canadian Wildlife Service
CZ	Conservation Zone
DLUPC	Dehcho Land Use Planning Committee
DFN	Dehcho First Nations
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian Affairs and Northern Development
EA	Environmental Assessment
EC	Environment Canada
EDA Model	Economic Development Assessment Model
ENR	Department of Environment and Natural Resources (GNWT)
FFMC	Freshwater Fish Marketing Corporation
GC	Government of Canada
GEWEX	Global Energy and Water Cycle Experiment
GHL	General Hunting License
GIS	Geographic Information System
GNE	Greater Nahanni Ecosystem
GNWT	Government of the Northwest Territories
GPS	Global Positioning System
GSL	Great Slave Lake
GSLAC	Great Slave Lake Advisory Committee
GUZ	General Use Zones
Ha	Hectares
IBP Site	International Biological Programme Site
IMA	Dehcho First Nations Interim Measures Agreement
IRS	Indian Remote Sensing (satellite imagery)
ITI	Department of Industry, Tourism and Investment (GNWT)
JMR	Jean Marie River
km²	Square Kilometre
LUZ	Land Use Zone

m³	Cubic Metre
MACA	Municipal and Community Affairs
MERA	Mineral and Energy Resources Assessment
MCMF	Million Cubic Feet
MMER	<i>Metal Mining Effluent Regulations</i>
MNP	Myers Norris Penny LLP
MRBB	Mackenzie River Basin Board
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLUR	<i>Mackenzie Valley Land Use Regulations</i>
MVLWB	Mackenzie Valley Land and Water Board
MVP	Mackenzie Valley Pipeline
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NBIOME	Northern Biosphere Observation and Modeling Experiment
NEB	National Energy Board
NLUIS	Northern Land Use Information Series
NRA	Non-Renewable Resource Assessments
NRCan	Natural Resources Canada
NWA-NWT	Native Women's Association of the Northwest Territories
NWT	Northwest Territories
PAS	Protected Area Strategy
PC	Parks Canada
PWNHC	Prince of Wales Northern Heritage Centre
R	Recommendation
RAs	Regulatory Authorities
RCMP	Royal Canadian Mounted Police
RRSPs	Registered Retirement Savings Plan
RWED	Resources Wildlife and Economic Development
SARA	<i>Species at Risk Act</i>
SEDEX	Sedimentary Exhalative Sulphides
SIC	Special Infrastructure Corridor
SMART	Sustainable Model for Arctic Regional Tourism
SMZ	Special Management Zone
TCEQ	Texas Commission on Environmental Quality
TFA	Territorial Farmers Association
TK	Traditional Knowledge
TLUO	Traditional Land Use and Occupancy
TOR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
VEC	Valued Ecosystem Components
WMI	Whitehorse Mining Initiative Leadership Council Accord

Definitions

Actions: New activities (e.g. research, meetings) which are required to achieve the goals of the Plan.

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

Communities: Include for the purposes of this plan only, Fort Simpson, Fort Providence, Fort Liard, Hay River Reserve, Hay River, Wrigley, Jean Marie River, Trout Lake, Nahanni Butte, Kakisa and Enterprise and all aboriginal and non-aboriginal residents thereof¹.

Community Boundaries: Extent of community lands including Block Land Transfers, Development Control Zones, Municipal Boundaries, and the Hay River Reserve.

Conformity Requirements: Describe permitted and non-permitted uses within the Dehcho territory or identify conditions for development that must be met on all new applications before the application can be approved.

Corridor Density: Density of all linear features wider than 1.5 m, including roads, trails, utility corridors, pipeline right-of-ways and seismic lines and all other linear features where natural ground cover has been removed due to human disturbance². It is expressed as km/km² and is calculated for each quarter of an oil and gas grid as defined in the *Canada Oil and Gas Land Regulations* (under the *Territorial Lands Act*).

Dehcho First Nation(s): Consists of, for the purposes of this plan only, the Dehcho Tribal Council including Łııdli Koe First Nation (Fort Simpson), Deh Gah Got'ie First Nation (Fort Providence), Acho Dene Koe First Nation (Fort Liard), Katlodeeche First Nation (Hay River Reserve), Pehdzeh Ki First Nation (Wrigley), West Point First Nation (Hay River), Tthek'edeli First Nation (Jean Marie River), Sambaa K'e First Nation (Trout Lake), Na?ahdee First Nation (Nahanni Butte), Ka'agee Tu First Nation (Kakisa), Fort Simpson Metis Local 52, Fort Providence Metis Local 57 and Fort Liard Metis Local 67³.

Developers: Any person engaged in a development activity requiring a license, permit or authorization from a federal or territorial government department, agency or institution.

Development: Any authorizations from Regulatory Authorities including any undertaking, or any part of an undertaking, that is carried out on land or water and, except where the context otherwise indicates, within the Dehcho territory, and includes measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* and an acquisition of lands pursuant to the *Historic Sites and Monuments Act*⁴ but does not include Scientific Research including activities undertaken in Conservation Zones.

Ecosystem: Subdivisions of the global ecosphere, vertical chunks which include air, soil, or sediments, and organisms (including humans). Because social and economic activities affect the environment as a whole, the ecosystem approach incorporates environmental, social, and economic elements into its definition⁵.

Environment: The components of the Earth and includes (a) air, land and water;(b) all layers of the atmosphere; (c) all organic and inorganic matter and living organisms, including people; and (d) the interacting natural systems that include components referred to in paragraphs (a) to (c)⁶.

Existing Rights, Dispositions, Authorizations and Activities: Any rights, dispositions, authorizations or activities existing in the Dehcho territory on the day prior to Plan approval.

Forestry: Any work or undertaking to harvest or manage an area for the production of timber and other forest produce, or to maintain woody vegetation for such indirect benefits as the protection of watersheds, the provision of recreation areas, or the preservation of natural habitat⁷.

Geophysical Operation: The measurement or investigation, by indirect methods, of the subsurface of the earth for the purpose of locating oil and gas or of determining the nature of the seabed and subsurface conditions at a proposed drilling site or of a proposed pipeline route, and includes a seismic survey, resistivity survey, gravimetric survey, magnetic survey, electrical survey and geochemical survey and any work preparatory to that measurement or investigation, such as field tests of energy sources, calibration of instruments and cable ballasting, but does not include a velocity survey or a vertical seismic survey that is not a walkaway vertical seismic survey.

Governments: Includes Local Governments, Government of the Northwest Territories (GNWT), Government of Canada (GOC) and all subsidiary departments and agencies of each.

Human Disturbance: Any relatively discrete event arising from anthropogenic (human) sources that disrupts an ecosystem, community, or population structure and changes resources, substrate availability, or the physical environment. Sources include agricultural operations, resource extraction, industrial processes, combustion of wood or fossil fuels, earthmoving activities, and entrainment of road dust into the air^{8 9}.

Invasive Plant: Any invasive alien plant species that has the potential to pose undesirable or detrimental impacts on humans, animals or ecosystems¹⁰.

Land: Means land, including any water, air and all layers of the atmosphere above and the subsurface below¹¹.

Local Government: Any local government established under the *Cities, Towns, and Villages Act, Hamlets Act, Charter Communities Act, or Settlements Act*, of the Northwest Territories, including a city, town, village, hamlet, charter community, or settlement, whether incorporated or not, and the GNWT acting in place of a local government¹².

Low Impact Seismic: Low impact seismic (LIS) refers to operational procedures that minimize the effects of seismic operations on the environment. The objective of LIS is to create a narrow, continuously meandering line. This method reduces the line of sight to less than 200 m, avoids larger trees (avoidance cutting), and leaves the soil and ground cover generally undisturbed. Line width may vary from 1.5 to 4.5 m and be hand cut or mechanically cut. The average line width cannot exceed 4.5 m and maximum line width cannot exceed 5.0 m.¹³

Mackenzie Valley Pipeline: As defined in the Application by Imperial Oil Resource Ventures Limited Pursuant to Parts III and IV of the *NEB Act*, submitted to the National Energy Board

October 7, 2004, consists of: 1,220 km of NPS 30 pipe from the Inuvik area facility to the NGTL Interconnect in Alberta; four compressor stations; one heater station; a meter station; and a pig receiver and block valve just south of the NT-AB border. Construction and operation of the Mackenzie Valley Pipeline requires associated infrastructure, including: barge landing sites; construction material stockpile sites; fuel storage sites; camps; access roads; airstrips and helipads; and borrow sites¹⁴.

Minimal Impact Seismic: Minimal Impact Seismic involves the creation of lines where cutting of forest growth is restricted to the width necessary to create a walking trail for foot access. There is no cutting of standing trees and little if any cutting of shrubs. Minimal impact lines can include the use of existing lines and thus avoid cutting of new lines¹⁵.

Mining: Any work or undertakings related to the exploration for or development of a mineral resource; the extracting of minerals from a mineral resource, the processing of ore, other than iron ore, from a mineral resource to the prime metal stage or its equivalent, the processing of iron ore from a mineral resource to the pellet stage or its equivalent and the restoration of strip-mined land to a usable condition. Mineral Resources include: (a) a base- or a precious-metal deposit; (b) a coal deposit; (c) a mineral deposit from which the principal extracted substance is diamond or ammonite gemstone, potash, sodium chloride, gypsum or silica (if extracted from sandstone or quartzite); (d) a certified non-bedded deposit from which an industrial mineral is the principal mineral extracted; (e) a bituminous sands or oil shale deposit^{16 17}.

Minor Infrastructure: Includes but is not limited to fuel caches, navigation markers and communication towers. Minor infrastructure is limited to land and water uses requiring a Type B land use permit or water license as per the *Mackenzie Valley Land Use Regulations* or those minor land and water uses not requiring any land use permits or water licenses.

No Net Loss: A working principle which strives to balance unavoidable habitat losses with habitat replacement on a project-by-project basis so that further reductions to resources due to habitat loss or damage may be prevented¹⁸.

Non-Conforming Use: A land use which is restricted in the Land Use Plan through Zoning or Terms but which existed on the day before Plan approval.

Non-Exclusive Geophysical Survey: A geophysical operation that is conducted to acquire data for the purpose of sale, in whole or in part, to the public¹⁹.

Oil and Gas Operations: Oil and Gas operations include exploration (excluding non-exclusive geophysical surveys), 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 excluding condensate^{20 21}.

Parties: Means Dehcho First Nations, Canada and the GNWT²².

Pipeline: Means a pipeline that is used or is intended to be used for the transmission of oil, gas or any other commodity²³.

Pipeline-right-of-way: A strip of land over and around pipelines where a pipeline company has acquired rights to use the land for the construction, operation and maintenance of its pipelines, however, ownership of the land remains with the landowner. All activities within the right of way are governed by the *NEB Act*, the *NEB Pipeline Crossing Regulations, Parts I and II*, and easement agreements negotiated between the landowner and the pipeline company²⁴.

Precautionary Principle: Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation²⁵.

Recommendations: Provide guidance to our planning partners on additional activities that will help achieve the goals of the Plan. They are not requirements, but should be given consideration in future land use decisions.

Regulatory Authorities: Any government department or agency or institution with the authority to issue licenses, permits or authorizations within the Dehcho. They include but are not limited to: The Mackenzie Valley Land and Water Board (MVLWB), Department of Fisheries and Oceans (DFO), Department of Indian Affairs and Northern Development (DIAND), Parks Canada (PC), Environment Canada (EC), National Energy Board (NEB), Department of Environment and Natural Resources (ENR), Department of Industry, Tourism and Investment (ITI), Prince of Wales Northern Heritage Centre (PWNHC), Aurora Research Institute (ARI) and Protected Area Management Committees. As per the Pipeline Settlement Agreement, the Dehcho Resource Management Authority (DRMA) will also be established and become a Regulatory Authority.

Run of the River Hydroelectric Development: Developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation²⁶.

Significant Environmental Features: Sites of important ecological significance, some of which also provide unique wildlife habitat for different species. They include but are not restricted to karst topography, hot and cold springs, waterfalls, ravines, cliffs and other unique geological features.

Significant Habitat Features: 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, and early open water areas.

Sustainable Development: Development that meets the needs of the present without compromising the ability of future generations to meet their own needs²⁷.

Terms: Consist of Conformity Requirements, Actions and Recommendations.

Tourism: Any outdoor recreational activity as defined in the *Travel and Tourism Act*, not including Big Game Outfitting²⁸. 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.

Toxic Air Pollutants: includes a wide range of metallic oxides, chemical compounds and other substances. Examples include volatile organic compounds (VOCs), and polycyclic aromatic

hydrocarbon (PAHs). Toxic Air Pollutants are also referred to as non-criteria pollutants and are not governed by nationwide ambient air quality objectives which provide a basis to help determine acceptable air quality²⁹.

Traditional Knowledge: The collective intellectual property of Dehcho First Nations' members Stories, Customs, Experiences, Knowledge, Practices, Beliefs and Spiritual Teaching passed on by their parents from their ancestors³⁰.

Traditional Land Use and Occupancy: Traditional Land Use refers to activities involving the harvest of traditional resources like hunting, trapping, fishing, gathering of medicinal plants and berry picking, and travelling to engage in these kinds of activities. The mapping of traditional land use records the locations where these activities occur. Occupancy refers to the area which a particular group regards as its own by virtue of continuing use, habitation, naming, knowledge, and control. The mapping of occupancy records stories and legends about places, ecological knowledge of places, indigenous place names, and habitation sites like cabins and burial grounds³¹.

Viewshed: Everything visible from specific vantage points identified by affected communities.

CHAPTER 1: INTRODUCTION



DFN tent at the Kakisa Assembly 2005. Photo Credit: DLUPC

1.1 Introduction

The Dehcho Land Use Planning Committee (the DLUPC or Committee) was established in May 2001 through the Dehcho First Nations Interim Measures Agreement (IMA). The Committee is mandated to develop a Land Use Plan for the Dehcho territory for lands outside the existing community 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 Dehcho 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 Dehcho Elders, and sustainable development, the Plan shall provide for the conservation, development and utilization of the land, waters and other resources in the Dehcho 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.

1.2 Scope and Application of the Dehcho Land Use Plan

The Dehcho Land Use Plan will guide the future conservation, development and utilization of the land, waters and other resources in the Dehcho territory. While much research and discussion have gone into Plan development, it is not possible to anticipate or address every possible use of the land and resources. Furthermore, not every use requires direction or should be subject to the Terms of the Plan. The statements below are meant to provide guidance and clarity as to the appropriate scope and application of the Dehcho Land Use Plan.

1. Location – The Plan applies to the Dehcho territory as defined in the IMA, outside of Nahanni National Park Reserve and community boundaries.
2. Social Context – The purpose of the Plan is to promote the social, cultural and economic well-being of residents and communities in the Dehcho territory, having regard to the interests of all Canadians, so social, cultural and economic issues are discussed and addressed through Terms as appropriate.
3. Legal Context – The Plan is consistent with the Dehcho First Nations Interim Measures Agreement and the current regulatory regime. It does not supersede any Acts, Regulations or Agreements but is meant to enhance and add value to the way the land, water and resources are managed in the Dehcho territory by providing clarity and guidance on significant land use issues. Where the Plan defines a use as “permitted”, this allows the development application to proceed to the existing regulatory system. **It does not imply approval or consent for any project.** All applications are still subject to the existing regulatory system.
4. Land Uses - The Plan identifies five key land uses for which Zoning is applied: agriculture, forestry, tourism, mining and oil and gas. New applications for these land uses can only be approved if they are a permitted use for the zone in question, as per the Land Use Zone

Map of the approved Land Use Plan. The Plan only applies to activities for which a permit, license or authorization is required as described in the Plan. Direction is provided on other land uses through Terms to address specific issues raised during Plan development. These include access, minor infrastructure, hydro-electricity development, sports hunting and fishing. There are many other uses of the land, water and resources which are not discussed. If the Plan is silent on a use or issue, then the activity is deferred to the existing regulatory process.

5. Traditional land use and occupancy - **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.** The Land Use Plan cannot and will not restrict treaty and aboriginal rights and activities as protected by law. Traditional Land Use, Occupancy and Harvesting is a permitted use throughout the entire Dehcho territory. Mapping of traditional land use and occupancy is used to identify culturally important lands where other uses may need to be restricted to allow traditional land use and occupancy to continue unaffected. The zone maps do not list traditional land use and occupancy as a permitted use because it can occur everywhere. The Plan only lists those land use activities that need to be regulated.
6. Existing Rights, Dispositions, Authorizations and Activities – The Plan (both Zoning and Terms) does not apply to any rights, dispositions, authorizations or activities existing in the Dehcho territory on the day prior to Plan approval. These existing uses are allowed to continue as non-conforming uses. Renewal of permits, licenses and authorizations for existing uses are allowed. For greater clarity, see CR # 6.
7. New Activities – The Plan only applies to new activities which require a permit, license or authorization and which are initiated after the Plan has been approved by DFN and the GNWT and favourably considered by DIAND.
8. Commercial Use – The Plan only applies to non-traditional commercial uses. Traditional and domestic uses such as fur harvesting, minor trade of excess wildlife harvests, use of timber for fuel wood, community building needs, or Christmas trees, are exempt from the Plan.
9. Emergency Use - Where an emergency threatens life, property or the environment, any person may carry out any land use that is necessary to cope with the emergency. If the activity is not in conformity with the Land Use Zone, a written report describing the emergency and those actions taken to respond to the emergency will be submitted to Regulatory Authorities and the Committee as soon as possible.
10. Research Permits - The Plan does not apply to scientific research permits.
11. Land Users - The Plan applies equally to all users (aboriginals, non-aboriginals, residents, non-residents, governments, businesses, organizations, etc.) of the land, water and resources in the Dehcho unless otherwise specified (e.g. statement #5 above). Where a land use is shown as permitted, it is permitted for everyone interested in developing those resources, subject to existing regulatory processes and approvals. Where a land use is not permitted, the restriction applies equally to everyone.
12. Audience - The Plan is primarily directed at Regulatory Authorities who are responsible for implementation of the Terms of the Plan. However, the Plan and Background Report should

be reviewed by all potential land users and used as guides to ensure applications conform before filing them. Furthermore, the Plan and Background Report contain detailed information and Recommendations that may provide useful insight into community values, interests and expectations.

1.3 Plan Format and Content

The Plan identifies a Vision and Goals for the region, determined in consultation with communities and planning partners. The Plan strives to achieve these through a combination of Land Use Zones and Terms.

1.3.1 Land Use Zones

Land use zones define smaller areas with similar features, objectives and values. Zone boundaries are defined by biophysical and cultural factors. The zones focus on 5 key land uses – oil and gas, mining, forestry, tourism and agriculture. Each zone identifies which of these 5 land uses are permitted and which are restricted. This is the principle component of the Land Use Plan that guides what types of development are appropriate and where they should take place. Once the Plan is approved, new land uses for these five sectors can only be approved if they are shown as permitted uses for that area in the Land Use Zone Map.

1.3.2 Terms

The Plan is meant to identify Terms necessary to guide land use proposals and development projects which promote the social, economic and cultural well-being of residents and communities of the Dehcho territory, having regard to the interests of all Canadians. The Plan includes many Terms to address issues raised through consultations with communities and planning partners that could not be addressed by Zoning. In some cases, the Terms provide greater clarity to the Zoning or highlight specific exceptions. For instance, while forestry is not permitted in several zones, there are Terms which provide for salvage logging and timber recovery in all zones, where circumstances warrant such actions. In such cases, the Term takes precedence over the Zoning. Further guidelines and exceptions are provided in S. 1.2 Scope and Application.

CHAPTER 2: VISION, ZONING AND TERMS



Jim Thomas of West Point First Nation viewing maps. Photo Credit: DLUPC

NOTE: The maps provided in this Plan are for illustrative purposes only. While the Plan uses the best information available at the time of writing, we make no guarantees of completeness or accuracy. The maps may become outdated after print. Interested persons or organizations requiring up to date information should contact the data source for the most current files.

2.1 Vision and Goals

Every planning region needs a vision to guide decision-making. We asked communities and planning partners to share their vision for the Dehcho with us and many people participated enthusiastically. We have created a comprehensive vision for the Dehcho territory from the responses and identified some overarching goals to achieve that vision.

2.1.1 Vision

“The Dehcho territory is a place rich in spirit, culture and resources. The people are stewards of the land – they protect the land and the land provides for them. The land is protected and the people maintain a strong connection to the land through traditional land use and occupancy. Families are strong and healthy, both physically and spiritually. Youth and Elders are actively engaged in their culture and language to ensure they are passed on to future generations.

The Dehcho people manage their governments, lands and resources to meet the social, cultural, economic and environmental needs of current and future generations in a fair manner. People are healthy, happy and self-sufficient. Education and training are a priority, to ensure that Dehcho people take the lead in activities on their lands. Long-term sustainable development, designed to meet the needs of the region, provides long-term social and economic benefits and opportunities that help to develop individual, community and regional capacity, without compromising the values of the people. The economy is robust and diversified, and supports the goals of the people.”

2.1.2 Goals

In order to achieve the vision, we must have clear goals. Many of these goals are timeless. They can be used over the short term to determine the success of the Plan, and over the long-term to chart progress as the region moves towards the vision.

1. Air and water quality, and water quantity will remain substantially unaltered or improve from the present condition to sustain life indefinitely.
2. The full complement of indigenous plant and wildlife species will continue to flourish in their natural habitats at viable population sizes, within the range of natural variations for future generations.
3. There will always be traditional lands important to each community, free of industrial and other uses where people can go to harvest healthy animals, foods, medicines, and experience their cultural traditions.
4. Dehcho language and culture will be integrated into all aspects of community life, and among all members of society through a variety of programs and individual efforts.
5. The Dehcho Final Agreement will be completed including a self-governance agreement.
6. Development will increase to provide economic benefits to the region.
7. Education and training levels will increase over the next generation.
8. Dehcho people will take on higher-level jobs within the region and move into roles of authority and leadership. Overall employment income will rise with education.
9. The Dehcho will become economically self-sufficient through its own revenue generation. There will be a good diversity of business sectors, types and ownership. Individual and regional dependence on external funding will be reduced.

10. Health, education and social programs will increase to keep pace with development. Indicators of health and social well-being will improve.

The Plan has been designed to achieve these goals through a combination of Zoning and Terms.

2.2 Land Use Zones

Zoning was developed in consultation with communities and Planning Partners. Some overarching principles were used to guide decisions about how certain lands should be zoned.

- Protect the Water – Dehcho (Mackenzie River) and Liard River, important lakes and smaller rivers important to communities;
- Protect important areas for wildlife and traditional land use and occupancy;
- Support community interests in PAS sites;
- Address community concerns;
- Ensure regional connectivity and access are addressed;
- Provide sustainable development opportunities for jobs and revenues for the Dehcho territory; and
- Protect existing rights, dispositions, authorizations and activities.

The Plan uses five types of zones to achieve its goals:

- **Conservation Zones** are areas having significant ecological and cultural values. They are meant to provide flexible protection to lands of important cultural or ecological value. All development except tourism is prohibited in Conservation Zones. Two of the zones prohibit tourism as well.
- The **Protected Area Strategy Zone** is a separate designation for candidate protected areas that have been withdrawn from disposition through the Protected Area Strategy (PAS) process. This zone type represents a transition between an area subject to the Land Use Plan and the approved protected area, which is managed under the legislation and authority of the sponsoring agency and the Park Management Plan. At the moment, only Edehzhie (Zone 4) has this designation.
- **Special Management Zones** are areas where there is significant potential for both conservation and development together. Special Management Zones may be established to promote certain types of development or protect certain values while allowing some forms of development to proceed. Special Management Zones use a combination of Terms and land use restrictions to achieve these goals.
- **General Use Zones** permit all land uses, subject to existing regulatory processes, Acts and Regulations, and the Terms of this Plan.
- The **Special Infrastructure Corridor** delineates a study corridor for the Mackenzie Valley Pipeline based on the current routing of the proponent and negotiated corridors through current land withdrawals. A route is still being negotiated through Zone 1 (Pehdzeh Ki Deh) and the final routing will be reflected in the Plan once negotiations are complete.

The Land Use Zones focus on 5 land uses and identify in general where each of these uses is appropriate:

- **Oil and Gas Operations:** (referred to simply as “Oil and Gas” in Table 1). Oil and Gas operations include exploration (excluding non-exclusive geophysical surveys), 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 excluding condensate^{32 33}.

- **Mining:** Any work or undertakings related to the exploration for or development of a mineral resource; the extracting of minerals from a mineral resource, the processing of ore, other than iron ore, from a mineral resource to the prime metal stage or its equivalent, the processing of iron ore from a mineral resource to the pellet stage or its equivalent and the restoration of strip-mined land to a usable condition. Mineral Resources include: (a) a base- or a precious-metal deposit; (b) a coal deposit; (c) a mineral deposit from which the principal extracted substance is diamond or ammonite gemstone, potash, sodium chloride, gypsum or silica (if extracted from sandstone or quartzite); (d) a certified non-bedded deposit from which an industrial mineral is the principal mineral extracted; (e) a bituminous sands or oil shale deposit^{34 35}.
- **Forestry:** Any work or undertaking to harvest or manage an area for the production of timber and other forest produce, or to maintain woody vegetation for such indirect benefits as the protection of watersheds, the provision of recreation areas, or the preservation of natural habitat³⁶.
- **Tourism:** Any outdoor recreational activity as defined in the *Travel and Tourism Act*, not including Big Game Outfitting³⁷. 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.
- **Agriculture:** Agriculture is defined as cultivation of the soil and the grazing of livestock, not including confined barn livestock production, greenhouses, and game-ranching.

Some of these land uses include low impact activities that do not require permits, licenses or authorizations. The Zoning does not restrict such uses. The Terms provide greater clarification and describe some exceptions to these five land uses.

The Dehcho Land Use Zones are shown in Map 1. Table 1 provides an overview of the size of each zone and identifies which land uses are permitted (as shown by a ✓) or restricted (no check mark).

CR #1: No new land or water uses will be permitted unless they are in conformity with the permitted uses as listed in Table 1 and Map 1.

Map 1. Draft Land Use Zones

Table 1. Zone Descriptions

Conservation Zones - 40.7%								
Zone Number	Zone Name	Permitted Uses					Area (Km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
1	Pehdzeh Ki Deh				✓		17,053	8.15%
2	JMR Five Lakes						181	0.09%
3	Sibbeston Plains				✓		5,536	2.65%
5	Sambaa K'e / Redknife River				✓		12,214	5.84%
6	Greater Nahanni Ecosystem				✓		28,147	13.45%
7	Birch Lake						720	0.34%
8	Fisherman Lake / Clara Deh				✓		332	0.16%
9	Bovie and Betalamea Lakes				✓		158	0.08%
10	Upper Mackenzie				✓		1,312	0.63%
11	Great Slave Lake Shoreline				✓		2,221	1.06%
12	Hay River Corridor				✓		394	0.19%
13	Heart Lake, McNally Creek, Muskeg River				✓		1,540	0.74%
14	Kakisa and Tathlina Watershed				✓		7,100	3.39%
15	Buffalo Lake				✓		1,212	0.58%
16	Falaise Lake Wetland Complex				✓		1,270	0.61%
17	Moraine Point and Islands				✓		377	0.18%
18	Northwest Rivers				✓		5,359	2.56%
Protected Area Strategy Zone - 12%								
Zone Number	Zone Name	Permitted Uses					Area (Km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
4	Edézhzie				✓		25,183	12.03%
Special Management Zones - 24.1%								
Zone Number	Zone Name	Permitted Uses					Area (Km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
19	Jean Marie Special Management Zone			✓	✓	✓	4,974	2.4%
20	Nahanni Special Management Zone			✓	✓	✓	2,781	1.3%
21	Cameron Hills / Blackstone / Arrowhead River	✓	✓	✓	✓		14,631	7.0%
22	Trout River	✓					1,215	0.6%
23	Fort Simpson Special Management Zone			✓	✓		5,909	2.8%
24	Birch Falaise Corridor	✓	✓	✓	✓		3,630	1.7%
25	Peel River Plateau	✓	✓	✓	✓		4,880	2.3%
26	Liard Range / Franklin Mountains	✓	✓	✓	✓		7,803	3.7%
27	Southeastern Mackenzie Mountains	✓	✓	✓	✓		3,523	1.7%
28	Fort Providence Special Management Zone			✓	✓	✓	328	0.2%
29	Wrigley Special Management Zone			✓	✓		696	0.3%
General Use Zones - 23.2%								
Zone Number	Zone Name	Permitted Uses					Area (Km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
	General Use	✓	✓	✓	✓	✓	48,572	23.2%
Special Infrastructure Corridor - 0.4%								
Zone Number	Zone Name	This zone overlays, or floats, over the underlying zones. The intent is to add an additional permitted use (the pipeline), and set of conditions for pipeline development within a restricted portion of each of those zones.					Area (Km ²) (approx.)	% of Plan Area
30	Special Infrastructure Corridor						924	0.4%
>>> Plan Area calculations exclude Nahanni National Park Reserve and Community Boundaries <<<								

2.3 Terms

Terms are meant to provide guidance for the future development of the Dehcho territory. They were developed to address planning issues raised during consultations. Terms cover a broad range of topics including:

- Clarification of additional permitted and non-permitted uses not covered in Zoning;
- Identification of specific exceptions to Zoning;
- Identification of conditions for development; and
- Description of Actions and Recommendations required to achieve the goals of the Plan.

There are 3 types of Terms - **Conformity Requirements (CR), Actions (A), and Recommendations (R)**.

Conformity Requirements (CR) describe permitted and non-permitted uses within the Dehcho territory or identify conditions for development that must be met on all new applications before the application can be approved. For clarity, Zoning is treated as a Conformity Requirement. CRs will be checked, implemented, monitored and enforced by government departments, agencies and other regulatory authorities in consultation with the Committee where appropriate or required. Regulatory Authorities will ensure all relevant Conformity Requirements are attached as conditions to any new permits, licenses or authorizations granted and will monitor conformity.

It is recommended that governments and Regulatory Authorities develop clear processes to determine conformity for each Conformity Requirement pertaining to them in advance of Plan approval.

Actions (A) identify new activities (e.g. research, meetings) which are required to achieve the goals of the Plan. Actions are directed at various planning partners, including DFN, government departments, agencies, Regulatory Authorities, businesses and other organizations. Timeframes have been identified for the completion of these Actions where appropriate. The Parties agree to complete those Actions pertaining to them by approving this Plan.

Recommendations (R) provide guidance to our planning partners on additional activities that will help achieve the goals of the Plan. Many Recommendations touch on issues important to the communities, but for which no clear vehicle exists to implement them. Recommendations are directed at various planning partners. They are not requirements, but should be given consideration in future land use decisions. Implementing such Recommendations may assist in building a positive, more productive relationship between communities, developers and regulatory authorities.

Appendix 1 contains a numbered list of all Conformity Requirements, Actions, and Recommendations.

The Plan groups similar issues together into four categories – Dene Culture, Traditional Land Use and Occupancy, Sustainable Development, and Community Issues. A brief description is provided for each issue, followed by the proposed Terms.

Where Terms require support of the affected First Nation or community, this can be demonstrated by a Band Council Resolution and/or written support or resolutions from other government bodies (Metis Organizations, Hamlets, Tri-councils).

Where timeframes are given in which to complete Actions, they refer to the period starting with Plan approval (e.g. “within one year” means within one year of Plan approval by all three Parties).

The Terms apply to all zones in the Dehcho Territory except:

- Mackenzie Valley Pipeline (CR #12 – Applies specifically to Zone 30 and crosses Zones 1, 3, 4, 5, 19, 21, 22, 23 and 29 – See R #14);
- Fishing Lodges (CR #23 applicable only to Zone 5)
- Cumulative Effects Management (CR #25 applicable to all Special Management Zones and General Use Zones).

These three Terms are referred to as “Specific Terms”. All other Terms are considered “General Terms”.

2.3.1 Dene Culture

The loss of Dene culture and language was raised as a major concern in every community. Dehcho communities are changing as more people take regular jobs. If people are working, they are spending less time on the land. A culture based on people’s relationship with the land may suffer if the people do not have the opportunity to go out on the land regularly. The impacts are not clear. The following Terms are meant to address the issue of maintaining and developing traditional knowledge and culture.

Respect Dene Laws, Values and Principles

In Dene culture, many approaches to 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 as described in Chapter 2 of the Background Report. 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.

R #1: Everyone operating in the Dehcho should familiarize themselves with the Dene Laws, Values and Principles and conduct their business in conformity with them.

The Plan identifies some ways in which these traditional values might be applied to modern resource development.

Fire Feeding Ceremony:

R #2: Developers should show respect for the land before starting a new operation. This can be done by having a Fire Feeding Ceremony prior to breaking ground. Developers should 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:

R #3: Developers should respect the Dehcho First Nations as stewards and first occupants of the land. Developers should talk to First Nations first about their operations rather than waiting until they have to through consultation requirements. Developers should respect First Nations’ knowledge, comments and decisions.

Sharing:

R #4: The Dehcho First Nations are sharing the natural resources. Developers should share the benefits with Dehcho First Nations through training, revenues and jobs, etc.

Take Only What You Need:

R #5: 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. Developers should develop a strategy to ensure long-term benefits accrue to communities from current and future operations.

Do Not Waste:

R #6: Developers can implement this principle in a number of ways. Developers should:

- 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 offered to someone who can use them.
- Ensure the operation does not require more natural resources to access and extract the target resource than what you actually get out.
- 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 where practical.
- 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.

Use and Recognition of Traditional and Cultural Knowledge

While many policies and documents talk about the value of traditional knowledge and the need to integrate it into decision making, understanding and implementation have been slow. A lack of cultural understanding is still a barrier to effective integration of traditional and scientific knowledge. As a result, traditional knowledge is generally reduced to reporting results of a few studies, rather than a full transformation of the way things are done based on a new set of principles.

CR #2: Regulatory Authorities will require all applications for new land and water permits, licenses, and authorizations to document both traditional knowledge and scientific information where appropriate. Traditional Knowledge will be documented in accordance with the affected First Nations' Traditional Knowledge Policies and Protocols, where such documents exist. The level of data collection required will be appropriate to the scale and nature of the activity and the potential to impact traditional land use and occupancy.

R #7: 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 activities are culturally as well as environmentally appropriate.

R #8: Businesses and governments 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. Examples include Elders Committees, environmental monitors, hiring local harvesters 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.

Culture and Language

The preservation of culture and language will take a concerted effort from everyone. As the Dehcho increases its involvement in a wage-based economy, the ties to the land and community that sustain language and culture may erode. 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. However, there are many ways to build on culture and language development within the community and workplace.

R #9: Communities, non-government organizations, aboriginal organizations and businesses should work cooperatively to create more opportunities for Dene cultural and linguistic experiences.

This could include:

- Establishing more on-the-land programs,
- Establish training opportunities for traditional harvesting activities 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,
- Putting 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).

2.3.2 Traditional Land Use and Occupancy

The protection of traditional land use (hunting, fishing, trapping, gathering and occupancy) is the most common concern raised by Dehcho First Nations members. People want to ensure they always have the opportunity to use the land as they always have. While some residents are moving towards wage employment and using the land less, they still make time to go out on the land on weekends, holidays or cultural leave. Some residents rely almost entirely on a traditional land-based lifestyle. For others, the land is their backup plan. They say that money comes and goes but the land is forever. They know that they may not always have a job. They know that when things are tight, they can go back to the land and it will look after them. While people know that development must occur to provide jobs and revenues, they want to ensure that it is done respectfully and only in areas where it is appropriate. There is a collective belief that there are places where development should not be allowed, to protect culturally and ecologically significant areas or maintain lands for traditional land use and occupancy only. The following Conformity Requirements, Actions and Recommendations provide different forms of protection for traditional land use and occupancy, and sites of traditional or cultural significance.

Protection of Significant Traditional Land Use and Occupancy Sites

CR #3: Regulatory authorities will require applications for new land and water uses to assess the impact of the proposed activities on known historical, archaeological, traditional land use and occupancy 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. Applications will demonstrate consultations with appropriate Regulatory Authorities and affected First Nations and individuals whose cabins, traplines or other traditional land use and occupancy sites are affected, in order to develop appropriate avoidance buffers and mitigation measures that ensure the protection of important cultural, heritage, and traditional land use and occupancy sites within the area of their proposed development project. The degree of consultation and mitigation will be appropriate to the scale and nature of the activity and the potential to impact traditional land use and occupancy sites. Regulatory Authorities will require support of the affected First Nations for all proposals to remove heritage resources from DFN lands. Pursuant to the *Northwest Territories Archaeological Sites Regulations*, the investigation of archaeological sites and removal of heritage resources from DFN lands must be conducted under a NWT Archaeologist's Permit.

Traditional Economy

The most fundamental use of wildlife in the NWT is as food. Yet quantifying the economic value of food is dependent on wildlife harvest statistics that are not routinely available. Local harvesting data is relatively poorly documented. To address this data gap the following Action is required.

A #1: The GNWT, in conjunction with Dehcho First Nations and other relevant government agencies and departments, communities, and interested business organizations (e.g. Economic Development Corporations) will work cooperatively to research and document harvest statistics and quantify the economic value of traditional foods and materials to the Dehcho region.

Consultation

Consultation is a major issue for all communities. Only through early, continuous and meaningful consultation can communities be assured that their concerns over use of the land are heard. While consultation does not imply consent by the First Nation, consultations should result in some changes to project planning due to information brought forward during informed discussions with communities. The final development should be better designed and more appropriate to local values, needs and conditions.

CR #4: Regulatory Authorities will require that all applications for new land and water uses demonstrate full and meaningful consultation by the Developer with affected communities and individuals based on current best practices as defined by policy, legislation, case law, agreements and negotiations. This is separate from any consultations required by the Crown as part of their fiduciary duties. The degree and nature of consultation required will be appropriate to the scale and potential impacts of the proposed development. 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 the local language.

Plant Gathering Areas

CR #5: Regulatory authorities will require that all applications for new land and water uses demonstrate coordination with affected First Nations to identify plant gathering areas to be avoided or mitigated for, including, but not limited to those plant species listed in Appendix 2³⁸. Regulatory authorities will require applications to include a survey of these plants for the development area and the mitigation measures that will be used to ensure continued access to these plant species for community use.

A #2: Dehcho First Nations will develop a list of plants they consider culturally important and in need of protection within 1 year.

Visual Quality

R #10: Developers are encouraged to consult with affected First Nations and/or local governments to determine acceptable visual impacts on the community and traditional land use and occupancy areas from the proposed development.

Use of Guides and Monitors

Dehcho First Nation(s) need to be kept informed of activities occurring on their traditional lands. They need to know where non-residents are and what they are doing far enough in advance to be able to request changes should the planned activities pose a threat to their traditional or cultural use of the land. This can best be achieved by hiring a community guide or monitor to accompany Developers or tourism operators while on traditional lands. Guides and monitors have many skills to offer. They have an intimate knowledge of the terrain and can recommend appropriate travel routes. They can recognize and steer clear of significant cultural sites or areas important for community use. They may be able to assist with plant surveys, wildlife monitoring and other requirements.

R #11: Developers are encouraged to notify First Nations of the location of their activities at least 10 days before arrival on site and hire a local guide or monitor to accompany them. If a guide or monitor will be used on site, Developers should determine reporting requirements in consultation with the guide or monitor based on their knowledge of the area and the activities planned.

A #3: Dehcho First Nations will outline contract terms and develop a list of community members who are familiar with their traditional area and proficient on the land to act as guides and monitors on projects within 1 year.

R #12: Dehcho First Nations should consider exploring the use of guides and monitors through the Dehcho Process negotiations.

Use of Traditional Materials

Dehcho First Nations have raised concerns about the non-resident harvest of traditional materials they depend on, such as birch bark, or fur and hides from harvested animals. While they are happy to share the resources, they would like to ensure resources are harvested and used properly and not wasted. Individuals wishing to harvest traditional materials should contact the local First Nations for approval and guidance.

A #4: Dehcho First Nations will develop a strategy to educate the public about the importance of traditional materials in Dene culture and encourage the sustainable harvest, full use and sharing of these materials, including birch bark and animal parts, within 4 years.

2.3.3 Sustainable Development

Many of the Terms developed by the Committee are aimed at clarifying or improving the way in which development is currently managed. They were developed to address specific issues raised by communities or planning partners. Like everything else in the Plan, they will only apply to new applications for development submitted after Plan approval.

Existing Rights, Dispositions, Authorizations and Activities

CR #6: Subject to applicable regulatory requirements, Acts and Regulations, all rights, dispositions, authorizations and activities existing on the day prior to Plan approval in the Dehcho territory are permitted, including development arising from rights existing on the day prior to Plan approval, even if they do not conform to the Land Use Zones. These existing rights, dispositions, authorizations and activities are allowed to continue as non-conforming uses. These interests are further defined as follows:

- Renewal of permits, licenses and authorizations for existing rights, dispositions, authorizations and activities are allowed.
- There may be instances where it is not possible to construct required infrastructure within the boundaries of existing rights, dispositions, authorizations or activities for physical, environmental or cultural reasons. Where such factors exist, any non-conforming associated infrastructure required for the development of rights, dispositions, authorizations and activities may extend beyond the existing boundary of those rights, dispositions, authorizations or activities to the minimum extent that can be reasonably justified to mitigate physical, environmental or cultural issues.
- Existing rights, dispositions, authorizations and activities are not subject to the Terms of the Plan.
- If an existing right, disposition, authorization or activity expires or lapses, it ceases to be considered “existing”, and any new activities associated with those prior rights, dispositions, authorizations or activities are considered new activities and would be subject to the full extent of the Plan.
- If an application is made for a permit, license or authorization to alter the existing non-conforming use, then the application is considered a new activity and is subject to the full extent of the Plan.

R #13: Developers of existing rights, dispositions, authorizations and activities in the Dehcho are encouraged to harmonize their activities with the intent of the surrounding zone wherever possible.

Contaminated Sites

CR #7: Activities related to clean-up and reclamation of contaminated sites is permitted in all zones, in consultation with affected communities.

Non-Exclusive Geophysical Surveys

As per S. 43 of the IMA, DFN and Canada have identified lands where non-exclusive geophysical surveys would be restricted. These are shown in Map 2.

CR #8: Non-exclusive geophysical surveys will be permitted in areas as shown in Map 2. Where such areas fall into Conservation Zones or Special Management Zones that restrict geophysical operations (i.e. those that restrict oil and gas), these activities will be permitted as non-conforming uses, subject to existing regulatory processes and approvals.

A #5: DFN and Canada are directed to renegotiate these areas to harmonize these with the Plan's Land Use Zones within one year.

Minor Infrastructure

There is an ongoing need for the development of minor infrastructure to serve the needs of communities, and existing and future development. Minor infrastructure includes developments such as fuel caches, navigation markers, communication towers, and associated buildings (e.g. storage shed). Minor infrastructure is limited to land and water uses requiring a Type B land use permit or water license as per the *Mackenzie Valley Land Use Regulations* or those minor land and water uses not requiring any land use permits or water licenses. Infrastructure not requiring land use permits or water licenses will be permitted throughout the Dehcho territory.

CR #9: Type B land use permits and water licenses relating to minor infrastructure as defined in the Plan are permitted within Special Management and General Use Zones. The Committee will consider exceptions for any future applications for Type B land use permits or water licenses relating to minor infrastructure in Conservation Zones providing they demonstrate:

- An immediate need for the infrastructure;
- The reasonably foreseeable future infrastructure needs of the region have been considered in the selection of appropriate design and location;
- Environmental, social, economic and cultural values were considered in selecting the site; and
- Appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

Granular Resources

Close access to granular resources is a key requirement for any development or maintenance project to be economical. While development of new granular deposits is not consistent with the intent of Conservation Zones or some Special Management Zones, restricting access to deposits in these areas may have significant impacts on development expected to occur in other Zones.

CR #10: As per S. 20 of the IMA, Regulatory Authorities may issue new permits in Conservation Zones under the *Territorial Quarrying Regulations* only:

- For sources of material which had been opened prior to Plan approval;
- For new sources of material required for essential community construction purposes;
- With the consent of the Dehcho First Nations; or
- In cases where, in the opinion of the Minister of DIAND, no alternative source of supply is reasonably available in the surrounding area and after consultation with the Dehcho First Nations.

Map 2. Non-Exclusive Geophysical Survey Restrictions

Access

The goal of the Plan is to provide efficient access to the land and resources while preventing a proliferation of unnecessary roads and impacts. There are some areas of significant value that are better protected by restricting access. The Samb'aa Ke Dene Band (Trout Lake) does not want all weather access to their community. On the other hand, careful planning needs to occur to avoid isolating development areas without adequate access. The following term will guide access development within the Dehcho territory.

CR #11: Regulatory authorities will manage access (including seasonal roads, all weather roads, pipelines, and transmission or utility corridors) in the Dehcho by requiring the following:

- Developers will submit an access planning study with all applications for new access corridors which demonstrates:
 - reasonably foreseeable access needs for the zone have been considered,
 - the most appropriate type and/or level of access for the zone,
 - that meaningful consultation has been held with affected First Nations on the construction, operation and abandonment of the corridor,
 - that meaningful consultation has been held with other potential users of the proposed access corridor;
- Developers will submit a routing study with all applications for new access corridors which considers alternative routings and demonstrates:
 - how the proposed corridor is the least environmentally or culturally damaging option, and
 - how the Developers will minimize the area affected by the project, the intensity of disturbance, and use the best available technology to minimize environmental impacts;
- New access corridors will be routed through General Use Zones or Special Management Zones in order of preference;
- New Access corridors may be permitted through Conservation Zones providing the application demonstrates the following:
 - There is no reasonably feasible alternative to the proposed corridor through the Conservation Zone, and
 - The proposed corridor must be the shortest possible length through the Conservation Zone, while avoiding the most sensitive ecological and cultural areas and ensuring Dehcho First Nation(s) traditional land use and occupancy activities in the area are not disturbed;
- Once an access corridor has been established through a Conservation Zone, all future access through that zone will follow the existing corridor unless the Developer can demonstrate that:
 - The proposed activity cannot proceed without a new access corridor,
 - The proposed activity and new access corridor will benefit the local residents and communities, and
 - The new corridor meets all the conditions listed above for access through a Conservation Zone.
- New access corridors to communities must be supported by the affected First Nation and local government.

Mackenzie Valley Pipeline

The Plan recognizes that applications for a proposed Mackenzie Valley Pipeline are in progress. While the pipeline is a transboundary use affecting lands across multiple settlement regions, this Plan can only provide direction for pipeline construction, operation and reclamation within Dehcho lands. Should the pipeline be approved, the following Terms will guide development on Dehcho lands.

CR #12: Subject to regulatory approval and any conditions imposed on them by the appropriate Regulatory Authorities and Agencies, development of the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications will be permitted within the Special Infrastructure Corridor (Zone 30). The Plan recognizes the need for access and infrastructure outside of this corridor. The pipeline corridor, additional access, gravel resources, camps and minor infrastructure will be managed in accordance with the above Terms for Access, Granular Resources and Minor Infrastructure. Regulatory Authorities will direct larger infrastructure requirements to be located in General Use Zones and Special Management Zones in order of preference. Pipeline infrastructure will be considered a permitted use in Conservation Zones providing it meets the following conditions:

- There is no reasonably feasible alternative to the proposed location of infrastructure in the Conservation Zone;
- The proposed infrastructure avoids the most sensitive ecological and cultural areas and ensures Dehcho First Nation(s) traditional land use and occupancy activities in the area are not disturbed;
- The proposed infrastructure minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts; and
- The Developer can demonstrate that meaningful consultation has been held with affected First Nations on the construction, operation, reclamation and abandonment of the infrastructure.

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 requests to address future expansion of the pipeline and related infrastructure will be addressed during Plan revision.

R #14: The Mackenzie Valley Pipeline is expected to cross Zones 1, 3, 4, 5, 19, 21, 22, 23 and 29 and lie within Zone 30 (the Special Infrastructure Corridor). The Developer of the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications should recognize the values and intent of these underlying zones and harmonize its activities with the intent of those zones.

R #15: The Developer should consult with the Committee to determine if specific mitigation measures are required to address significant values in these zones.

Commercial Fishing

The Dehcho First Nation(s) rely heavily on local lakes for subsistence fishing. Due to the importance of this resource to communities, they need to actively participate in decisions affecting their use of lakes. The Plan reaffirms the Department of Fisheries and Ocean's (DFO) current policy of seeking community support in the establishment and management of commercial fisheries on community lakes.

CR #13: Regulatory Authorities will only permit commercial fishing on lakes with the support of the affected First Nation. This term does not apply to Great Slave Lake, which will continue to be managed by the Great Slave Lake Advisory Committee.

During consultations, several First Nations raised concerns about commercial fishing on Great Slave Lake and their level of input on the Great Slave Lake Advisory Committee. Great Slave Lake is a shared resource between multiple settlement areas. Because water is a transboundary issue, it must be managed by the Great Slave Lake Advisory Committee, which includes all the affected organizations.

A #6: Dehcho First Nations will meet directly with the Great Slave Lake Advisory Committee to resolve the concerns of its membership within one year.

Water Monitoring / Management

Water is the most important resource to the Dene. Without water, nothing survives. It features prominently in their culture and legends. The Dehcho takes its name from the Mackenzie River (Deh=River; Cho=Big). It provides them with drinking water, food, and travel routes. The Dehcho Dene fully understand the concept of a watershed. They understand where the water comes from and where it goes and that problems in one spot may affect everything downstream. That is why, when they talk about protecting water, they talk about large areas. The following Terms are aimed at ensuring clean, healthy water for future generations of people and wildlife.

CR #14: Regulatory Authorities will manage activities / water crossings upstream of and around community water intakes in accordance with the CCME Drinking Water Guidelines³⁹ wherever possible. Where background conditions or extenuating circumstances make such guidelines inappropriate, Regulatory Authorities will ensure best practices are used to avoid or mitigate impacts to drinking water quality.

CR #15: Regulatory Authorities will ensure water users minimize the use/loss of water for industrial processes through best available technologies. Regulatory Authorities will ensure that all wastewater will meet or exceed CCME Freshwater Aquatic Guidelines wherever possible. Where background conditions or extenuating circumstances make such guidelines inappropriate, Regulatory Authorities will ensure best practices are used to avoid or mitigate impacts to the aquatic environment. Regulatory authorities will manage long-term (20 years) water quality and quantity to stay within 10% of baseline levels as determined by monitoring and ensure no net loss of wetlands and shorelines.

CR #16: No hydroelectric development that involves flooding or impoundment of water will be permitted on the Mackenzie and Liard Rivers as per DFN Leadership Resolution #2 from November 2001 (see Appendix 4). Run of the River Hydroelectric Development (defined as developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation) will be permitted on other rivers outside of Conservation Zones, subject to the support of affected First Nations and local governments. Rivers and tributaries in the Dehcho region will remain substantially unaffected in quality, quantity and flow.

Air Monitoring / Management

Some developments have the potential to impact air quality. Even communities, which all use diesel fuel for heating, and have many vehicles driving around produce air pollution which must be monitored and reduced as much as possible. Communities want to ensure the air stays clean and that developments will not produce harmful pollutants to be released into the air. The Dehcho First Nations conducted research on air quality standards and identified 3 which cover all aspects of air quality and define acceptable levels of pollutants appropriate to the Dehcho territory⁴⁰. The GNWT has produced Draft Air Quality Standards and is currently revising them. While the Draft GNWT air quality levels are similar to the standards proposed, they do not cover the range of pollutants or processes addressed by the selected standards. As there are currently no legally enforceable air quality standards in the NWT, the Plan can only recommend use of these standards wherever possible, recognizing that application of these standards is not always appropriate given local background levels and circumstances.

R #16: Developers should conduct their operations in conformity with Alberta Energy and Utilities Board Guide 60: Upstream Petroleum Industry Flaring, Incineration, and Venting⁴¹ wherever possible. Ambient air quality for criteria pollutants should 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 Environment⁴² wherever possible. Ambient air quality for Toxic Air Pollutants (see definitions) should not exceed Short-Term and Long-Term Effects Screening Levels established by the Texas Commission on Environmental Quality⁴³ wherever possible.

The MVLWB currently does not have a means to apply conditions relating to air quality to land use permits, nor is there a mechanism to inspect and determine compliance should such standards be in place. Given that there is no clear regulatory vehicle at this time to implement air quality standards, this has been identified as a critical regulatory gap and Action is required to address this.

A #7: Responsible government departments and agencies, in conjunction with DFN, will develop legally enforceable air quality standards and a legal mechanism to require compliance (through permitting or other means) and monitor compliance (through inspections) within 4 years.

Mining Reclamation Planning and Security

The north has a long history of abandoned mines that have never been properly cleaned up. Some of these have left an environmental legacy that continues to pose a hazard to environmental and human health. Government policy currently requires Developers to submit a security deposit for mine reclamation, but it does not cover all aspects of mining and has previously resulted in insufficient funds being posted to cover the full costs of cleanup. The MVLWB currently requires a security deposit on all activities incurring greater than \$5000 in reclamation costs⁴⁴. For large projects, DIAND determines the level of security required using a program called "RECLAIM". For smaller projects, the MVLWB has developed an internal system to estimate reclamation costs. DIAND collects and manages all security deposits and DIAND inspectors determine when a site has been adequately reclaimed and issues a Letter of Clearance.

A recent regulatory review completed by CARC (Canadian Arctic Resources Committee) and CIRL (Canadian Institute for Resource Law)⁴⁵ identified several flaws in the current system

consistent with community concerns, and proposed ways to improve security and reclamation of mines within the NWT. In order to minimize the impacts of mining on the environment and human health in the Dehcho region, and to reduce the fiscal liability to both the Canadian public and Dehcho residents, the Plan sets out clear conditions for reclamation planning and security deposits for new mining activities within the Dehcho territory. Reclamation and security requirements apply to exploration, production and post production phases of mining.

CR #17: Regulatory Authorities will not allow any mining activity requiring a permit, license or authorization to be approved, initiated or continue unless an accepted, updated Closure and Reclamation Plan (C&R Plan) is on file and security has been posted in a sufficient amount and type to cover the full costs of closure and reclamation as described in the accepted, updated reclamation plans. For minor or short term activities for which separate C&R Plans are not currently required, reclamation plans will be clearly described in the project application and security amounts will be determined based on those activities. For greater clarity, Regulatory Authorities will not approve applications for development unless the conditions listed below for reclamation planning and security are met.

Reclamation Planning

- C&R Plans or reclamation sections of project applications – referred to here as “reclamation planning”) will clearly define the reclamation goal to be achieved at the end of the activity.
- The reclamation goal will be defined in advance of project initiation in consultation with affected communities and will be consistent with the intent and objectives of the surrounding Land Use Zone as described in the Dehcho Land Use Plan.
- Where it is not possible to completely reclaim a component of mining activities (e.g. residual structures, tailings pond, contamination or other “mining legacy” which will continue to exist once reclamation is deemed complete), and where the mining legacy has the potential to impact the health or well-being of affected First Nations or communities, the proposed reclamation goal must clearly state this and be accepted and supported by affected communities and First Nations.
- The reclamation goal will be a key consideration in mining activity design to reduce the impacts and need for reclamation at all stages of the project. This will be demonstrated through the consideration of alternative methods and best practices in project design.
- Reclamation planning will describe all activities necessary to achieve the reclamation goal and include itemized cost estimates.
- Reclamation planning will provide for progressive reclamation (phased reclamation) wherever possible.
- Reclamation planning will include an enforceable deadline for completing all reclamation phases (not including post-closure monitoring).
- Reclamation planning will include parameters for long-term post-closure monitoring as required (and determined by risk analysis) to ensure no unanticipated impacts will result from mining activities.
- Reclamation planning will be reviewed and updated every 5 years, with a Final Reclamation Plan being submitted and accepted in the final year of operations. Interim and Final Plans will consider the use of new technologies to improve the reclamation goal. Amendments to reclamation plans will meet or exceed the initial reclamation goal, but will not lower it.
- Failure to update or submit reclamation plans will result in a suspension of operations until the plans are submitted and accepted.

Reclamation Security

- Security will cover the full cost of all required categories of work as described in the accepted reclamation plans, including:
 - Compliance with environmental and public health/safety requirements during operations;
 - Reclamation;
 - Closure and interim operations until reclamation is complete;
 - Cleanup;
 - Post-closure, including short and long-term monitoring and site maintenance;
 - Responding to unpredicted catastrophes; and
 - Any special or supplementary costs deemed necessary for activities that use cyanide leaching or other toxic chemicals to extract minerals from the ore.
- Costs will be determined by Regulatory Authorities or a third party and be based on costs for the government or a third party to do the reclamation work.
- Costs will factor in inflation for the life of the mining activity and closure and reclamation periods.
- Security will be in the form of cash or independently guaranteed instruments (not reachable by the Developers creditors under bankruptcy) and liquid.
- The security deposit must be secured and used only for closure and reclamation work on the proposed mining activity.
- The security should be available to the developer to use for accepted closure and reclamation activities providing an accepted Final Reclamation Plan is on file and cost estimates are below the total amount posted.
- Failure to post additional security required as a result of revisions to reclamation plans, or failure to maintain adequate security (e.g. where a surety bond or other financial security instrument expires), will result in an immediate suspension of operations until sufficient security is posted.

Revegetation

CR#18: Regulatory Authorities will require Developers to use seed mixes for revegetation that do not include invasive plant species as defined by ENR. Regulatory authorities will require developers to use seed mixes native to the Northern Canadian Boreal Forest as they become available⁴⁶.

Forestry

The Dehcho First Nations have a strong relationship with the forest. It provides food, shelter and medicine for them. Today, forestry can also provide jobs. First Nations may be affected by forest harvesting activities or when forests are damaged by fires or disease. As a renewable resource, communities are interested in developing forestry but they want to ensure that it is done sustainably and with their full input. It is important to avoid harvesting ecologically important areas such as old growth forests, as well as areas important for traditional land use and occupancy. Most First Nations do not like to see clearcut forestry (where all the standing timber is cut) and feel harvesting should only happen in the winter when the ground is hard. However there may be times when other methods may be more appropriate.

General Silvicultural Practices

A #8: Regulatory Authorities, in consultation with affected First Nations will establish appropriate silviculture practices for the Dehcho within 4 years.

Community-Based Forest Management

Jean Marie River, Nahanni Butte and Fort Providence have established community-based forestry operations. Other communities are becoming interested in similar ventures. They would like to ensure access to quality timber within sustainable levels and ensure that all operations conducted on these lands use environmentally sensitive practices in keeping with their Dene Values, Laws and Principles. Due to the impact that other businesses could have on their operations, First Nations need to be involved in forestry management decisions affecting these lands.

CR #19: All new forest operations will be conducted as per sections 47-56 of the Interim Measures Agreement. The GNWT will work cooperatively with First Nations to increase the percentage of timber processed in the Dehcho territory.

Timber Recovery

CR #20: Regulatory Authorities will require Developers to minimize the loss and waste of timber resources by applying the following conditions to new applications for land or water uses:

- 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 feasible.
- Where timber cutting cannot be avoided and is not required by the Developer, Developers will notify and provide opportunities for local forestry operations or First Nations to undertake timber recovery or make use of the cut wood for firewood or local building needs, providing the recovery operations do not increase the level of environmental disturbance.

Prevention Measures and Salvage Logging

Fires and forest disease are a natural part of the ecosystem. While forestry activities are not permitted in some zones, fires, disease and insect infestations may occur anywhere, and may damage viable timber resources that could be used by communities or others for fuel wood, construction or other projects. Communities and governments require flexibility to take standard precautions to prevent fires or outbreaks in areas of high risk, including around communities. Where fires or disease have occurred, it may be possible to salvage timber following such events. The Plan will allow for such opportunities in all zones in consultation with affected First Nations providing they can be done without further damage to the ecosystem and do not hinder natural regeneration processes.

CR #21: Forest management activities required for fire and disease prevention (including harvesting and prescribed burns) is permitted in any zone with the support of affected First Nations. Salvage logging is permitted following fires, disease or insect infestations in Dehcho forests with the support of affected First Nations, providing that salvage activities will not increase the level of environmental disturbance or hinder natural regeneration processes.

Tourism

Most First Nations and local governments are interested in developing more tourism in their communities, and in some cases, on their traditional lands. Most are looking at cultural or ecotourism opportunities based on their cultural traditions and respect for the land. Tourism is a way to provide jobs and revenues with minimal impacts. However, some communities have reported concerns with current tourism activities – overfishing, fish guts being left around, and problems with existing operations. More education and enforcement is required to ensure

visitors treat the land with respect, adhere to current laws and provide a net benefit to communities. The following Terms were developed to address these issues.

SMART Principles

R #17: Regulatory Authorities are encouraged to apply the SMART (Sustainable Model for Arctic Regional Tourism) Principles⁴⁷ in approving and regulating tourism operations in the region as listed in Appendix 3.

Leave No Trace

R #18: Regulatory Authorities will encourage individuals and tourism operators visiting the Dehcho territory to follow Leave No Trace⁴⁸ guidelines during their stay.

Big Game Outfitters

The Dehcho First Nations do not support Big Game Outfitting because it is culturally inappropriate to harvest animals you don't eat. This is supported by DFN Resolution # 4, May 6, 2004 (see Appendix 2 of the Background Report).

CR #22: Regulatory Authorities will not issue any new Big Game Outfitters Licenses in the Dehcho territory.

GHL Hunting

First Nations have expressed concern about increasing tourist use of the North Nahanni and Root Rivers which have long been significant subsistence harvesting areas for their communities. They would like hunting restricted in Zone 18 to ensure the continued sustainability of subsistence activities for their communities. Currently, resident hunting is permitted in all parts of the Dehcho. As such a term may establish different rights for aboriginal vs. non-aboriginal residents, this issue could be better addressed through the Dehcho Process. The Plan will not restrict resident hunting rights in the Dehcho territory.

R #19: The Committee recommends that the Dehcho First Nations and governments establish Special Harvesting Areas for the exclusive use of Dehcho First Nation harvesters through the Dehcho Process negotiations.

Fishing Lodges

Sambaa K'e First Nation has been developing a sustainable fishing business on Trout Lake. Multiple tourism establishments on the lake might affect the viability of their business and long-term sustainable harvest levels.

CR #23: Regulatory Authorities will not approve any new fishing lodges in Zone 5 without the written support of Sambaa K'e First Nation.

Visitor Quotas

Most communities think of tourism as small groups out on the land, participating in ecotourism or cultural activities – canoeing, interpretive trails, guided tours to culturally important places, educational workshops (e.g. birch bark canoe making, trapping). Small communities can be easily transformed by a regular flow of large numbers of tourists so they need to have a say in the types of tourism activities and the appropriate group size for such activities.

R #20: DFN and communities are encouraged to meet with Regulatory Authorities should there be a need to establish 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.

Discussions will need to address development and implementation of such a system, including registration, monitoring, management and enforcement.

Sport Fishing

Many of the concerns raised by communities about tourism relate to sport fishing. As the lakes in Alberta are being fished out, more and more people are coming to the Northwest Territories. The Communities are concerned about the large groups of people coming up, taking huge quantities of fish and leaving. Many of these groups come with the supplies they need and camp so very little money is spent in the communities. Some visitors are leaving litter and gut piles around which the communities have to deal with.

A #9: Regulatory Authorities will meet with communities to discuss their concerns about sport fishing and develop a strategy to address them, including a review of sport fishing quotas and licenses, monitoring and enforcement of laws.

Agricultural Practices

There are 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 community 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 community areas, the Plan supports and encourages sustainable agricultural development on existing suitable lands, which minimizes impacts on the environment, wildlife, and traditional land use, occupancy and harvesting.

R #21: Agricultural development should minimize clearing, draining and the use of chemicals.

R #22: 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 forward⁴⁹.

Digital Pre- and Post-Operation Mapping

One of the challenges faced by the Committee, communities and other regulatory authorities is a lack of up-to-date, accurate digital data on resource development with which to make informed decisions. As part of the planning process, the Committee has gathered a database of current disturbance and needs to maintain that in order to assess and monitor new developments with respect to some of the Conformity Requirements. The data collected here will allow the Committee and Regulatory Authorities to monitor the geographical extent of disturbance and perform cumulative effects assessments for the region.

CR #24: The MVLWB will require Developers to provide to the Dehcho Land Use Planning Committee, affected First Nations and communities, and Regulatory Authorities digital mapping of their proposed 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 at the time the application is submitted and within 30 days following completion of the activity, to allow monitoring of the actual development footprint.

Cumulative Effects Management

Cumulative effects are a growing concern across Canada. Most governments now have a responsibility to consider cumulative effects before approving developments under their jurisdiction and are in various stages of developing processes to manage them. Developments need to be reviewed in the context of the larger effects on the ecosystem, in terms of how they contribute to habitat loss, fragmentation and disruption.

The Plan includes four Cumulative Effects Indicators and Thresholds. See Chapter 4 of the Background Report for greater discussion of each Indicator. The Cumulative Effects Term applies equally to the General Use and Special Management Zones, but not to Conservation Zones where only tourism is permitted. This Term does not apply to activities that do not trigger an application under the *Mackenzie Valley Land Use Regulations*. For clarity, this Term also does not apply to Existing Rights, Dispositions, Authorizations and Activities. That is, they will not be subject to the thresholds, but they will add to the level of disturbance and will be included in cumulative effects assessments of future developments within the area. Boreal Woodland Caribou, as the most sensitive terrestrial species, is the primary focus for establishing and implementing thresholds.

Once the thresholds have been reached, Developers may:

- Employ technologies or mitigation methods that do not lead to an increase in cumulative effects. This may include re-using existing disturbed areas or employing Minimal Impact Seismic, or to a lesser extent, Low Impact Seismic (as defined by the MVEIRB⁵⁰ and in the front of this document) wherever possible to ensure new disturbance does not trigger a land use permit application used to assess cumulative effects);
- With the approval of Regulatory Authorities, reclaim other lands of similar ecological value, equivalent to the amount of land to be disturbed by their proposal such that the threshold will not be exceeded by the proposed development;
- Submit better data and studies demonstrating that the overall level of disturbance, including the proposed development is below the thresholds; or
- Apply to the Committee for an exception to the thresholds where extenuating circumstances exist (see S. 3.5 for a discussion of Plan Exceptions).

CR #25: The Committee and Regulatory Authorities will cooperatively manage cumulative effects for new developments in the General Use and Special Management Zones using as a minimum, the species, indicators and thresholds set out in Table 2 and using the criteria described below under Conformity Determinations for each indicator. Regulatory authorities will not approve new applications for land or water use that cause any of the thresholds to be exceeded, as determined by analysis completed by the Committee, or as submitted by the Developer if supported by better data not available to the Committee. Existing Rights, Dispositions, Authorizations and Activities are exempt from application of the thresholds. A pipeline constructed and operated in Zone 30 will also be exempt from this Term. This term will be reviewed annually in consultation with the Committee, governments and other planning partners and revised as required.

Table 2. Cumulative Effects Indicators and Thresholds

Indicator	Threshold	Species	Area Calculation
Corridor or Road Density	1.8 km/km ² Corridor Density (includes cutlines, winter roads, all-weather roads, transmission and utility corridors)	Woodland Caribou (<i>Rangifer tarandus caribou</i>)	Oil and Gas ¼ Grid
	0.6 km/km ² Road Density (includes winter and all-weather roads)	Grizzly Bears (<i>Ursus arctos</i>)	Oil and Gas ¼ Grid in Western Dehcho (SMZ 20, 26, 27, 28, 29 and GUZ)
Habitat Availability	<10% of land disturbed	N/A	Zone boundaries
Minimum Patch Size and Core Area	Critical: >65% large core areas (> 515 Ha);	Woodland Caribou (<i>Rangifer tarandus caribou</i>)	Zone boundaries
	Critical: >65% large core areas (> 1000 Ha);	Grizzly Bears (<i>Ursus arctos</i>)	Zone boundaries in Western Dehcho (SMZ 20, 26, 27, 28, 29 and GUZ)
Stream Crossing Density	<0.5 crossings/km ²	Fish	Oil and Gas ¼ Grid

Conformity Determinations:

A database of human disturbance is required to determine the current level of cumulative effects in relation to the thresholds. Existing human disturbance has been digitized from 5 metre resolution IRS satellite imagery. Anything visible when viewed at a scale of 1:10,000 and compared to 1:50,000 NTS mapsheets was captured in the dataset. This includes roads, trails, seismic lines, cutblocks, utility corridors, communities, airstrips, wellsites and anything else visible in the imagery using the described parameters. New applications are required by this Plan to submit digital files of the proposed developments. These files will be added to the database to determine if or how the proposed activity contributes to cumulative effects. If the Cumulative Effects Indices fall below the critical thresholds then the activity will be deemed to be in conformity.

The specific criteria used to determine conformity and implement each indicator are provided below.

Corridor or Road Density

Any linear disturbance of 1.5m or less in width will not be included in this density analysis. Corridor density includes roads, trails, utility corridors, pipeline right-of-ways and seismic lines and all other linear features where natural ground cover has been removed due to human disturbance. In areas where grizzly bears are present, road density (which only includes seasonal and all weather roads) will also apply. For clarity, this term does not apply within community boundaries. Density will be calculated for each quarter of an oil and gas grid as defined in the *Canada Oil and Gas Land Regulations* (under the *Territorial Lands Act*). For each ¼ grid, the total length (distance) of corridors or roads (depending on the indicator and species of interest) will be added and divided by the area of each ¼ grid. A quarter grid is approximately 60 km². This density will be compared to the critical threshold for the zone to determine if it has been exceeded. The Dehcho Boreal Caribou Working Group is in the

process of being established. This group may revise this term for Boreal Woodland Caribou annually, in consultation with the Committee, governments and other planning partners.

$$\text{Corridor Density} = \frac{\text{Total Length of Linear Corridors in a } \frac{1}{4} \text{ grid (km)}}{\text{Total Area of a } \frac{1}{4} \text{ grid (km}^2\text{)}}$$

Habitat Availability

Habitat availability is calculated as the percent of land disturbed (where natural ground cover has been removed due to human disturbance) within the Dehcho territory. The Committee will determine conformity with the 10% threshold by adding the total area of actual human disturbance (no buffers) and dividing by the area of the Land Use Zone in question (SMZ or GUZ).

$$\text{Percent of Habitat Disturbed} = \frac{\text{Total area disturbed}}{\text{Total area in the Land Use Zone}}$$

Minimum Patch Size and Core Area

Minimum Patch Size and Minimum Core Area are assessed together. Regulatory authorities will determine conformity using the following analysis:

1. Buffer all roads by 500 m and all other human disturbance features by 100 m.
2. Assess the size of all undisturbed patches falling within each zone.
3. Identify which patches meet or exceed the minimum patch size to be defined as core areas.
4. Identify what percent of each zone falls in core areas. Lakes are excluded from the Core Area calculations as they are not affected by land-based disturbance.

$$\text{Percent Core area} = \frac{\text{Total area of all core area patches falling within the zone}}{\text{Total area of the Land Use Zone (not including lakes)}}$$

5. Compare percent of Core area to the thresholds applicable to the zone.

Stream Crossing Density

Stream Crossing Density is similar to the Road Density but for water and fish. It is expressed as the number of stream crossings by roads (winter or all-weather) per km². Density will be calculated for each quarter of an oil and gas grid as defined in the *Canada Oil and Gas Land Regulations* (under the *Territorial Lands Act*). It is calculated by adding the number of stream crossings within each then dividing the total by the area of the grid. A quarter grid is approximately 60 km².

$$\text{Stream Crossing Density} = \frac{\text{Total number of stream crossings (\#)}}{\text{Area of } \frac{1}{4} \text{ grid (km}^2\text{)}}$$

Cumulative Effects Research

The assessment and management of cumulative effects requires a broad understanding of many factors and their relationships. While relationships and general principles can be learned from research in other areas, site specific differences may lead to different results between

areas. Nothing can replace the value of site specific research and observations to determine if a predicted result holds true. In conducting preliminary assessments of the Cumulative Effects Term and holding discussions with planning partners, many data gaps have been identified. Filling these gaps in a timely manner will lead to better decisions and adaptive management, so Actions have been described to do so. However, as per the Precautionary Principle, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

A #10: Regulatory Authorities, Dehcho First Nations and other interested Planning Partners will work together to develop habitat monitoring and assessment programs within four years to monitor the success of the Cumulative Effects Indicators and Thresholds and provide a basis for adaptive management.

A #11: Regulatory Authorities, government departments and agencies, businesses and industry organizations will work cooperatively to assess the impacts of the Cumulative Effects Management Term described above on industry and the development of the Dehcho region within four years to inform future reviews and revisions of the Term.

A #12: Responsible governments will continue research on boreal woodland caribou to gather data on the following subjects:

- Define caribou range for the purposes of population management with respect to development
- Determine and monitor boreal woodland caribou population trends
- Identify and assess other factors affecting woodland caribou, including natural mortality and wildlife harvest levels
- Identify and where possible quantify impacts to woodland caribou from various types of development
- Quantify level of habitat use and avoidance around human disturbance features

A #13: Responsible governments, in consultation with the Committee and other planning partners will assess other indicators (biophysical and social), species and thresholds for inclusion in future revisions of this Term within four years so recommended changes can be included in the next Plan Revision. The assessment will include defining appropriate data sources and methodology to assess and monitor those indicators. The assessment will also include consideration of a tiered threshold approach for new and existing indicators.

A #14: Responsible governments, in consultation with the Committee and other planning partners will identify appropriate revegetation standards for human disturbance areas based on wildlife habitat needs and conduct an assessment of historic human disturbances to determine which areas have naturally regenerated or reclaimed. This Action is to be complete within four years.

A #15: Responsible governments, in consultation with the Committee and other planning partners will identify appropriate access control measures that if used, would effectively mitigate linear disturbance impacts on wildlife. This Action is to be complete within four years.

A #16: Responsible governments, in consultation with the Committee and other planning partners will assess the influence of natural disturbances (e.g. fire) and other factors such as resident and traditional hunting on the current cumulative effects indicators and thresholds and recommend revisions to address these factors as appropriate. This Action is to be complete within four years.

R #23: The Committee, in consultation with governments, DFN, industry and other interested organizations will review the Cumulative Effects Management Term annually to determine if it is achieving the desired goals and will make revisions as required to achieve these goals.

Significant Features and Seasonal Restrictions

Many wildlife species have specific habitat needs during different seasons critical to their life cycle (e.g. breeding, spawning areas, dens, calving grounds, migration routes, etc.) Animals are often extra sensitive during these periods so it is important that such areas are given a wide berth to avoid disturbing the animals. Some species also show site fidelity – that is, they return to the same site every year. It is important to ensure such sites are not physically disturbed or damaged at any time, so that the animal may return to it the following year. Implementing seasonal restrictions and ensuring significant features are left intact year round protects wildlife while allowing development activities to proceed around these sensitive areas and periods.

CR #26: Regulatory Authorities will require all Developers to avoid physical disturbance of Significant Habitat Features and Significant Environmental Features as defined in the Plan at all times of year, and increase avoidance of occupied or suspected Significant Habitat Features to 250 m⁵¹ during critical life cycle periods as listed in Table 3 unless Developers can demonstrate that there will be no long term negative impact on wildlife. If Developers are using previously existing trails or disturbed areas and discover a significant feature, Regulatory Authorities will permit them to continue using the existing trail or disturbed area providing doing so reduces further disturbance to the site. The Developer will consult with the Dehcho First Nations and Regulatory Authorities to determine the location of significant features.

R #24: Aircraft should maintain a minimum altitude of 650 metres⁵² whenever safe and practical when flying over Significant Habitat Features listed in Table 3 relating to waterfowl or migratory birds during critical periods, other than for licensed wildlife research and monitoring purposes. The Developer will consult with the Dehcho First Nations and Regulatory Authorities to determine the location of significant features.

Table 3. Critical Life Cycle Periods

Species	Breeding Season (rutting, spawning, mating areas)	Birthing Season (calving, lambing, denning and nesting areas)	Migration (Migratory Bird Sites, staging sites, water bodies)
Bison	Mid-July to Late September (Peak early August)	April to July (Peak May)	NA
Woodland Caribou (Boreal & Mountain eco-type)	Early October to early November	Mid-May to Mid-June	NA
Grizzly Bears	Late June to early July	Mid-Jan to mid-March	NA
Marten	July to August	Late-March to April	NA
Moose	Mid-September to Late-November	Late-May to early-June	NA
Sheep	Mid-November to Mid-December	Early May to late June	NA
Wolverine	Late April to Early September	Late March to Mid April	NA

Species	Breeding Season (rutting, spawning, mating areas)	Birthing Season (calving, lambing, denning and nesting areas)	Migration (Migratory Bird Sites, staging sites, water bodies)
Goats	November	Late-May to Mid-June	NA
Fish	To be determined through consultation with DFN, and Regulatory Authorities		
Migratory Birds, Waterfowl	May to June	June to July	March to May; August to October
Whooping Crane	Late April – May	May – September	Late April to Mid-May; Late September to October

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.

A #17: Dehcho First Nations, relevant government agencies and departments, interested business organizations (e.g. Chamber of Commerce, Economic Development Corporations) and businesses will 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. The strategy should identify what the Dehcho needs to become economically self-reliant once a Dehcho Final Agreement is signed. Then, it needs to clearly establish the steps and programs required to achieve that goal. 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. phasing development, establishment of sustainability funds, etc.).

Given the importance of these questions, work should begin on this strategy immediately, and be finished prior to the signing of the Dehcho Final Agreement or within 4 years, whichever is sooner.

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 could keep the resource in the Dehcho longer, provide employment and training opportunities during the processing phase, and provide for a much greater trade value upon completion. This is well demonstrated by Jean Marie Log Homes. The economics of harvesting aspen solely for export are marginal at best in the Dehcho territory. However, by harvesting the logs, then building homes with them, the community has established a profitable and sustainable business which builds local capacity and creates employment.

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.

R #25: Dehcho First Nations, Governments, businesses, communities and Economic Development Corporations should work cooperatively to promote and establish more secondary industries appropriate to the Dehcho environment.

Dehcho Business Development

Dehcho businesses and contractors face stiff competition from southern markets that make it difficult for them to get established and prosper. Northern businesses face much higher costs for labour, goods, services and transportation among other things which makes their pricing less competitive than companies with lower input costs. If Dehcho and northern businesses are to prosper, then there must be policies and incentives in place to attract business and give them equal footing to compete with southern companies.

R # 26: Governments, Developers and other planning partners are encouraged to use Dehcho and Northern businesses wherever possible, and develop additional policies, procedures and incentives to assist Dehcho and Northern businesses become established and compete effectively in the marketplace.

2.3.4 Community Issues

While the Plan does not apply within community boundaries, it has the potential to affect communities in a variety of ways. The Plan is integrated with community-based planning and allows for the natural growth, relocation (e.g. West Point First Nation's plans to relocate to Six Mile Creek) or expansion of community boundaries. Development occurring outside communities can create tremendous benefits and impacts for communities relating to economic, social and infrastructure issues. The Plan addresses some of these issues through Zoning, where it identifies where lands should be developed or protected to best address community needs while providing economic development opportunities. In addition, communities, businesses and governments are encouraged to implement the following Recommendations wherever possible. While Recommendations are not legal requirements, consideration and implementation of these may provide benefits to all that far outweigh their costs.

Community Infrastructure and Expansion

CR #27: All existing community infrastructure outside of current community boundaries will continue as an existing use for as long as it is required. The Committee will consider exceptions for any future applications to expand community boundaries, relocate a community or develop new infrastructure.

Conformity Determination: The Committee will review applications for new community infrastructure or expansion of community boundaries and will consider an exception providing it demonstrates that:

- There is an immediate need for the expansion or infrastructure;
- The long-term (at least 20 years) needs of the community have been considered in the selection of the new infrastructure or community boundaries;
- Environmental, social, economic and cultural values were considered in selecting the site; and
- Appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

Health and Social Issues

The communities have expressed many concerns about the health and social impacts of development. It is widely believed that increasing development will result in greater health and social impacts on the affected communities if not handled properly. The Social Agenda for the NWT⁵³ 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"*. The Committee has heard similar comments during its consultations with communities about the impacts of development. The GNWT's Non-Renewable Resources Management Strategy⁵⁴ 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"*.

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 development⁵⁵. Wage employment shifts more responsibility for community well being from the community to the individual person through the choices they make. These choices affect the individual, the family and the community.

R #27: Responsible government departments and agencies should increase training and funding available for community Health and Social Services (counseling, interagency planning, more RCMP officers, A&D programs, parenting workshops, etc.) to improve health and social conditions.

Money Management

R #28: Appropriate government agencies, departments and Dehcho First Nations are encouraged to establish community money management workshops aimed at both individuals and community level organizations to teach principles of sound financial management and long-term planning.

R #29: Businesses are encouraged to assist employees to 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).

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.

R #30: Developers are encouraged to work with communities to determine camp locations and identify appropriate interactions between the camp and community.

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.

R #31: Employers are encouraged to 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 coordinate vacation times to the greatest extent possible.

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.

R #32: Communities, governments and Regulatory Authorities should 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

Most communities have had little experience with development. The average person is not familiar with the day-to-day operations or the myriad of acts, regulations, policies and guidelines that are in place to guide development and ensure it is done safely. Their past experiences with development have not been positive. They were not properly consulted, they did not benefit, and the north is dotted with contaminated sites from prior development that were never cleaned up properly. This is reinforced by news stories of current development problems reported in the media (and it's mostly the problems, not the successes that hit the news). As a result, some communities are wary about opening up lands to development. Discussions about the economic benefits are not sufficient to change people's minds; they have survived this long without development, why can't they continue to do the same? Communities need to develop a level of comfort with development before they will be more receptive to it. This can only come from greater exposure to clear, unbiased information, and first-hand experience.

R #33: Governments, Developers and Dehcho First Nations should engage in more community consultations and public education programs to increase public awareness about development and facilitate participation. Business operators should provide site tours and develop educational materials (videos, pamphlets, school programs, etc.) to better inform local communities about their activities.

CHAPTER 3: PLAN APPROVAL AND IMPLEMENTATION



Sambia Deh Falls. Photo Credit: DLUPC

NOTE: The maps provided in this Plan are for illustrative purposes only. While the Plan uses the best information available at the time of writing, we make no guarantees of completeness or accuracy. The maps may become outdated after print. Interested persons or organizations requiring up to date information should contact the data source for the most current files.

3.1 Plan Approval

Once the Land Use Plan is complete, DFN and the GNWT will approve it. Following their approval, the Government of Canada (GC), represented by DIAND, will consider the Plan and may provide binding policy direction to the Mackenzie Valley Land and Water Board. This process is outlined in sections 9-11 of the Dehcho First Nations Interim Measures Agreement (IMA)⁵⁶.

S. 9. When the Plan has been completed it will be forwarded to the Dehcho First Nations for approval.

S. 10. Following approval by the Dehcho First Nations, the Plan will be forwarded to the GNWT Minister of Resources, Wildlife and Economic Development for approval and the Minister of Indian and Northern Affairs Canada (DIAND) for consideration.⁵⁷

S. 11. Following consideration of the Plan and after consultation with the Mackenzie Valley Land and Water Board, the Minister of DIAND may, under section 109 of the *Mackenzie Valley Resource Management Act*, provide written policy directions, in relation to the Plan, binding on the Board with respect to the exercise of its functions.

If any Party chooses not to approve the Plan, it should state its reasons in writing to the Committee and other Parties. The Committee will review the comments and make any changes to the Plan it considers desirable. It will then re-submit the Plan for approval, starting with the Dehcho First Nations again.

3.2 Plan Implementation

This Land Use Plan is not intended to maintain the status quo. Its purpose is to “promote the social, cultural and economic well-being of the residents and communities of the Dehcho territory, having regard to the interests of all Canadians”. It is guided by the principles of respect for the land, as understood and explained by the Dehcho Elders, and sustainable development. Where the current system achieves these goals, the Plan is silent or reinforces it to ensure that current measures are maintained. Where changes are required to achieve the Plan’s goals, the Committee has developed a system of Zoning, Conformity Requirements, Actions and Recommendations which need to be implemented to achieve the Vision and Goals set out in the Plan.

The role of the Committee in Plan implementation is guided by the Committee’s Terms of Reference (TOR) (see Appendix 3 of the Background Report)⁵⁸. The relevant sections guiding implementation are:

S. 24. Following consideration and plan approval, the Planning Committee will monitor land use in the Dehcho territory for conformity to the Plan.

S. 25. Following the signing of a Dehcho Final Agreement, the land use plan will be revised and updated to reflect the provisions of the Final Agreement.

The *MVRMA* provides greater clarity on the role of planning boards in the Mackenzie Valley with respect to monitoring conformity.

S. 47(1) A planning board shall determine whether an activity is in accordance with a land use plan where

(a) the activity is referred to the planning board by a first nation or a department or agency of the federal or territorial government or by the body having authority under any federal or territorial law to issue a license, permit or other authorization in respect of the activity; or

(b) an application for such a determination is made by any person directly affected by an activity for which an application has been made for a license, permit or authorization.

(2) The referral or application must be made before the issuance of any license, permit or other authorization required for the activity.

(3) A planning board shall transmit its decision to the first nation, department, agency, body or person that made a referral or application under subsection (1).

(4) Subject to section 32, a decision of a planning board under this section is final and binding.

As such, the Committee has a shared role in monitoring conformity with those government departments, agencies and institutions that authorize, approve, monitor and enforce land uses (collectively called Regulatory Authorities). Regulatory Authorities include but are not limited to the Mackenzie Valley Land and Water Board (MVLWB), Department of Fisheries and Oceans (DFO), Department of Indian Affairs and Northern Development (DIAND), Parks Canada (PC), Environment Canada (EC), National Energy Board (NEB), Department of Environment and Natural Resources (ENR), Department of Industry, Tourism and Investment (ITI), Prince of Wales Northern Heritage Centre (PWNHC), Aurora Research Institute (ARI) and Protected Area Management Committees. As per the Pipeline Settlement Agreement, the Dehcho Resource Management Authority (DRMA) will also be established and become a Regulatory Authority.

The Committee has outlined a number of Conformity Requirements, Actions and Recommendations required to address various planning issues. Governments, by approving this Plan, agree to implement these Terms to the extent of their authority and mandates.

The primary body for implementing the Land Use Plan will be the MVLWB. However, other government departments and agencies will also have a role to play in implementing aspects of the Plan. This approach is supported in other jurisdictions where S. 46 of the *MVRMA*⁵⁹ outlines the responsibilities of all Parties to implement an approved Plan.

S. 46 (1). The Gwichin and Sahtu First Nations, departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licenses, permits or authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan applicable in a settlement area.

The DLUPC envisions a similar level of coordination and cooperation from all relevant bodies in the Dehcho territory with respect to implementation of the approved Land Use Plan. The DLUPC Terms of Reference states, “The Parties share the objective that upon approval of a Dehcho Final Agreement, the approved Plan will be a land management tool that provides legally-binding direction and guidance to regulatory agencies and decision-makers in the evaluation of development projects, protected area proposals, and other potential land uses.” The concept of a legally-binding Land Use Plan is consistent with other northern plans established under land claims agreements.

All levels of government will assume their implementation responsibilities effective on the approval date of the Plan. This will be implemented through:

- S. 109 of the *MVRMA* (binding policy direction from the Minister of DIAND to the MVLWB),
- S. 23 of the *Territorial Lands Act* – the Plan will include a revised set of land withdrawals as per sections 12-14 of the IMA, which restricts the sale, lease or disposition of Crown land

(defined in the Act to include mines, minerals, easements, servitudes and all other interests in real property) for all conservation areas and those Special Management Zones where certain uses have been restricted.

- S. 11 (f) of the *Canada Mining Regulations* which allows the withdrawal of mining rights from disposition; and
- Direction from Department Ministers to their staff to conduct their activities in conformity with the approved Land Use Plan.

Given that the MVLWB is the primary body responsible for implementing the Plan, the binding policy direction under S. 109 of the *MVRMA* from the Minister of DIAND to the Board is a critical vehicle for implementation. This direction requires the board to conduct their activities in conformity with the approved Plan. Once this direction is provided, the MVLWB will be responsible for ensuring that all land use permits and water licenses contain Terms and Conditions that are in accordance with the Land Use Plan. Similar direction is also expected from other Ministers of both the GNWT and the Government of Canada, binding their departments (Regulatory Authorities for the purposes of this Plan) to conduct their activities in conformity with the Plan.

In order to achieve the Plan's vision and goals, implementation must be collaborative and comprehensive. No single department or agency can or should implement this Plan alone or in isolation. The DLUPC have envisioned a holistic approach to land management that seeks to maintain "One Land – One Plan". This will require integration, coordination and above all, communication between Parties to ensure we work together to achieve a common vision.

Implementation of the Plan will lead to a more integrated approach to resource management in the Dehcho territory. The Plan identifies what land uses are allowed where, providing greater regulatory certainty. This should lead to faster approval times once the necessary processes for coordination and reviews are established. **The Plan does not add any additional delays in the regulatory system but rather makes use of established timeframes for project review as established under existing Acts and Regulations.** No new legislation is required to implement the Plan immediately– only policy direction from the responsible Ministers to their departments and agencies, directing them to conduct their operations in conformity with the Approved Land Use Plan, and minor changes to existing processes as explained below.

While there will be some uncertainty due to the ongoing negotiations of the Dehcho Process, the Plan has been written in a clear manner, reflecting the current realities and should not present any immediate barriers to implementation. Once the Dehcho Final Agreement is signed and legislation is passed, the Plan will be reviewed, revised and approved by the Parties to be consistent with the Final Agreement.

3.2.1 Implementation Vehicles

The Plan must be integrated with the current regulatory system in order to be fully implementable. Current legislation exists to allow all Conformity Requirements and Actions to be implemented by the appropriate Regulatory Authorities. Table 4 describes how the Zoning and Terms are aligned with current practices, policy and legislation. Those Conformity Requirements or Actions requiring amendments to existing agreements or legislation will not come into force until such time as the amendments have been ratified.

Table 4. Implementation Vehicles for Zoning and Key Terms

Terms	Regulatory Authority	Implementation Vehicle
Land Use Zoning	MVLWB	S. 109 of the <i>MVRMA</i> - Binding Policy Direction from the Minister
	DIAND	Revised Land Withdrawals through S. 23 of the <i>Territorial Lands Act</i> ⁶⁰ or S. 11 (f) of the <i>Canada Mining Regulations</i> ⁶¹ .
General Terms	MVLWB	S. 109 of the <i>MVRMA</i> - Binding Policy Direction from the Minister
		S. 61, 118, and 130 of the <i>MVRMA</i> - MVLWB will include EA recommended measures
		S. 26 of the <i>MVRMA</i> and S. 15 of the <i>NWT Waters Act</i> ⁶² allow the MVLWB to impose any conditions necessary
Consultation	MVLWB, DIAND	The Federal Government, its departments and agencies have an obligation to meet consultation standards as established under current case law, which go beyond the definitions set out in the IMA and the <i>MVRMA</i> . Current processes require the Developer to demonstrate consultation with affected First Nations in their applications.
Traditional Land Use and Occupancy	PWNHC	Removal of heritage resources currently does not require consent of the First Nation under <i>Archaeological Sites Regulations</i> ⁶³ . However the regulations do require that conditions for obtaining a permit as set out in any land claims agreement be met. This requirement is likely to be in the Dehcho Final Agreement.
Water Monitoring / Management	MVLWB	The MVLWB currently requires Developers to adhere to CCME water quality standards ⁶⁴ and regularly imposes these as conditions on water licenses. In addition, a recent Auditor General's report has prompted efforts to set firm water standards for the NWT.
Mining Reclamation	MVLWB / DIAND	Currently, the Minister of DIAND sets the form of security while the MVLWB sets the amount, payment schedule and associated terms into the permits and licenses.
Digital Pre-and Post-Operation Mapping	MVLWB	MVLWB currently requires Developers to submit digital files with land use permit applications. This is consistent with that.
Cumulative Effects Management	MVLWB, DLUPC, DIAND, GNWT	S. 146 of the <i>MVRMA</i> requires the MVLWB to consider cumulative effects. Participation in the CEAM Steering Committee, federal and territorial policies and commitments also provide direction to implement CEAM Terms.
Seasonal Restrictions	MVLWB	The MVLWB can attach these as terms and conditions on licenses and permits.
	GNWT	<i>The Wildlife Act</i> ⁶⁵ provides the vehicle for certain types of activities related to wildlife management, though access and use of an area for purposes other than hunting is not covered.
Revegetation	MVLWB	The MVLWB can impose revegetation requirements as conditions on permits and licenses.
	GNWT	This is consistent with current forestry policy.
Forestry Terms	GNWT	Consistent with the Dehcho First Nations IMA and current practices.
		S. 16 of the <i>Forest Management Act</i> ⁶⁶ allows the Supervisor to set any terms or conditions into permits necessary for the proper management of the forests.

Terms	Regulatory Authority	Implementation Vehicle
		S. 53 of the <i>Forest Management Act</i> allows the GNWT to adopt a "code of rules or standards" developed by any association. This could provide a means for a community to set harvesting standards for the surrounding zone.
Big Game Outfitting	GNWT	Hunting restrictions can be implemented through various sections of the <i>Wildlife Act</i> .
Fishing Lodge (Trout Lake) / Visitor Quotas	GNWT	Tourism restrictions can be implemented through the <i>Travel and Tourism Act</i> ⁶⁷ and <i>Tourism Establishment Regulations</i> ⁶⁸ .
Sport Fishing	DFO, GNWT	The main issues pertain to the level of enforcement which is an existing regulatory process. More is needed.
Commercial Fishing	DFO	It is DFO's current practice to accept the community's decision on whether or not commercial fishing is allowed on community lakes. The Action reinforces this.

3.2.2 Revised Land Withdrawals

A key implementation vehicle for the Plan is a revised set of land withdrawals. Land withdrawals prohibit the disposition of rights on withdrawn lands. Withdrawals can relate to either surface rights (surface lease or land sale) or subsurface rights (exploration license, significant discovery license, production license, mineral claim, mineral lease, or prospecting permit). The Plan will **modify** the existing land withdrawals outside of community boundaries. The existing subsurface land withdrawals within community boundaries will remain unchanged. The current land withdrawals consist of:

- Subsurface only withdrawals (no oil and gas or mining), and
- Surface and subsurface withdrawals (no agriculture, forestry, tourism, mining or oil & gas).

Map 3 shows the comparison of Land Use Zones with the Current Land Withdrawals. The Conservation Zones, where only tourism is permitted, follow the existing land withdrawals fairly closely, with minor revisions in places. These revisions to the Current Land Withdrawals reflect the new data used in the planning process, and in some cases, changing priorities of the communities. Pehdzeh Ki Deh represents a major change from the land withdrawals. This area was not withdrawn as part of the other DFN Interim Land Withdrawals because the community chose to advance the area for protection under the Protected Areas Strategy (PAS) instead. It is still moving through this process but has not yet been withdrawn. By including the area as a Conservation Zone, the Plan supports the community's interest in protecting these lands until more permanent protection can be achieved through the PAS.

Edehzhie is **shown on this map in a different colour** as it has already been withdrawn through the PAS process (not the DFN Land Withdrawals). It is currently undergoing a number of **assessments, including the ecological and non-renewable resource values, renewable resource and socio-economic assessments, and cultural values studies.**

The Land Use Plan has identified where each land use (oil and gas, mining, forestry, tourism and agriculture) will be permitted or prohibited independently. Therefore, there must be a mechanism to independently permit or restrict each of the uses according to the Zoning.

Map 3. Comparison of Draft Land Use Zones with Current Land Withdrawals

Map 4. Draft Plan Land Withdrawals

Oil and Gas and Mining restrictions can be achieved through a combination of subsurface withdrawal mechanisms as shown in Map 4.

- Where both oil and gas and mining are restricted within a zone, a subsurface land withdrawal will be required under S. 23 of the *Territorial Lands Act* (47.7% of the Dehcho territory);
- Where only mining is restricted, but oil and gas is permitted (Zone 22), mining rights can be withdrawn from disposition under S. 11 of the *Canada Mining Regulations* (0.6% of the Dehcho territory);

Surface withdrawals do not provide sufficient flexibility to restrict one surface use while allowing another, as is required for many of the zones. Therefore, surface land uses (forestry, tourism and agriculture) will be implemented through binding policy direction from the Minister of DIAND to the MVLWB under S. 109 of the *MVRMA* to manage surface uses according to the Zoning described in Map 1 and Table 1.

The Land Use Comparisons section (Chapter 6 of the Background Report) looks at each land use independently and shows where it is permitted or restricted.

3.2.3 Conformity Determinations

In general, Regulatory Authorities will have primary responsibility for determining whether or not a new development application meets the Conformity Requirements described in the Plan. As per Section 24 of the IMA and S. 47 (1) of the *MVRMA*, the DLUPC will also check conformity on Conformity Requirements for new applications when requested to by communities, affected individuals, regulatory authorities or other governments departments or agencies. In addition, there are Terms where the Committee needs to have a more active role, such as where specific circumstances for exceptions to the Plan would be considered, or running Cumulative Effects Assessments. As the Committee currently maintains the database to run this analysis, the Committee will continue to run it for each new application.

Where the Committee is involved in determining conformity, standard, objective criteria will be applied. These will include:

- Is the use permitted within the area described?
- Does the application meet all the Conformity Requirements for the described area?
- Does the proposed development fall below the Cumulative Effects Thresholds set for the described area based on available data?

It is recommended that regulatory authorities develop standard criteria and processes for determining conformity on all Conformity Requirements which pertain to them before the Plan is approved to facilitate timely implementation of the Terms.

The Plan includes Terms to add value to the way resources are being managed and address issues raised during consultations. New Terms means new ways of doing things. At the very least, Regulatory Authorities will need to add a new step to their current processes to check the Land Use Plan before granting approval for new activities to determine whether or not they conform with the Plan. This section outlines the changes that may be required to fully implement the Plan.

The MVLWB is the key Regulatory Authority as most developments require either a land use permit or water license. Figure 1 illustrates how the roles of the DLUPC, Developer, MVEIRB, MVLWB, and other Regulatory Authorities can be coordinated to ensure that all new developments requiring land use permits or water licenses conform to the Plan.

The MVLWB will review new applications for completeness within 10 days as per the current system. Once complete, the MVLWB will check the application for conformity with all relevant Conformity Requirements within its mandate. Where the MVLWB requires the Committee or other Regulatory Authorities to check conformity on other Conformity Requirements (e.g. cumulative effects assessment), the MVLWB will send the application out for a 30 day review period as per existing processes. The DLUPC will issue either a Letter of Conformity or Non-Conformity to the MVLWB and Developer on all conformity checks it completes. Letters of non-conformity will outline the reasons for the decision.

Some activities require licenses, permits or authorizations from other Regulatory Authorities but not from the MVLWB (e.g. small scale forestry and tourism activities). A separate implementation process is required for Conformity Requirements not involving the MVLWB, as shown in Figure 2 that provides for:

- Conformity checks,
- Attachment of terms and conditions to the permits, licenses and authorizations required to ensure conformity, and
- Monitoring and Enforcement of conformity.

For new applications submitted to other Regulatory Authorities but not the MVLWB, the Regulatory Authorities will determine conformity with all relevant Conformity Requirements within their jurisdiction. Where necessary, Regulatory Authorities will send the application to the DLUPC to determine conformity with other Conformity Requirements within the existing 30 day review period. The DLUPC will provide a Letter of Conformity or Non-Conformity back to the Regulatory Authority and Developer once complete.

For clarity, conformity determinations will be done within existing regulatory review timeframes. Plan implementation as proposed does not add any additional time to the existing regulatory system.

Within the scope of their jurisdiction, the MVLWB and other Regulatory Authorities will reject all applications not meeting conformity with the Plan's Conformity Requirements, relevant to that application. The Developer may choose to amend the application to be in conformity and resubmit but this will be considered a new application requiring a new conformity check.

3.2.4 Inspections and Enforcement

Once a land use permit, water license, or other authorization is approved, the Inspection and Enforcement divisions of various government departments and agencies will actively inspect and monitor developments to ensure that Developers comply with the Plan, as outlined in the Terms and Conditions of their respective authorization. As is currently the case, for land use permits and water licenses issued by the MVLWB, DIAND Inspectors will monitor and enforce compliance with the Terms and Conditions of the development.

Figure 1. Conformity Determination Process for Applications Requiring MVLWB Involvement

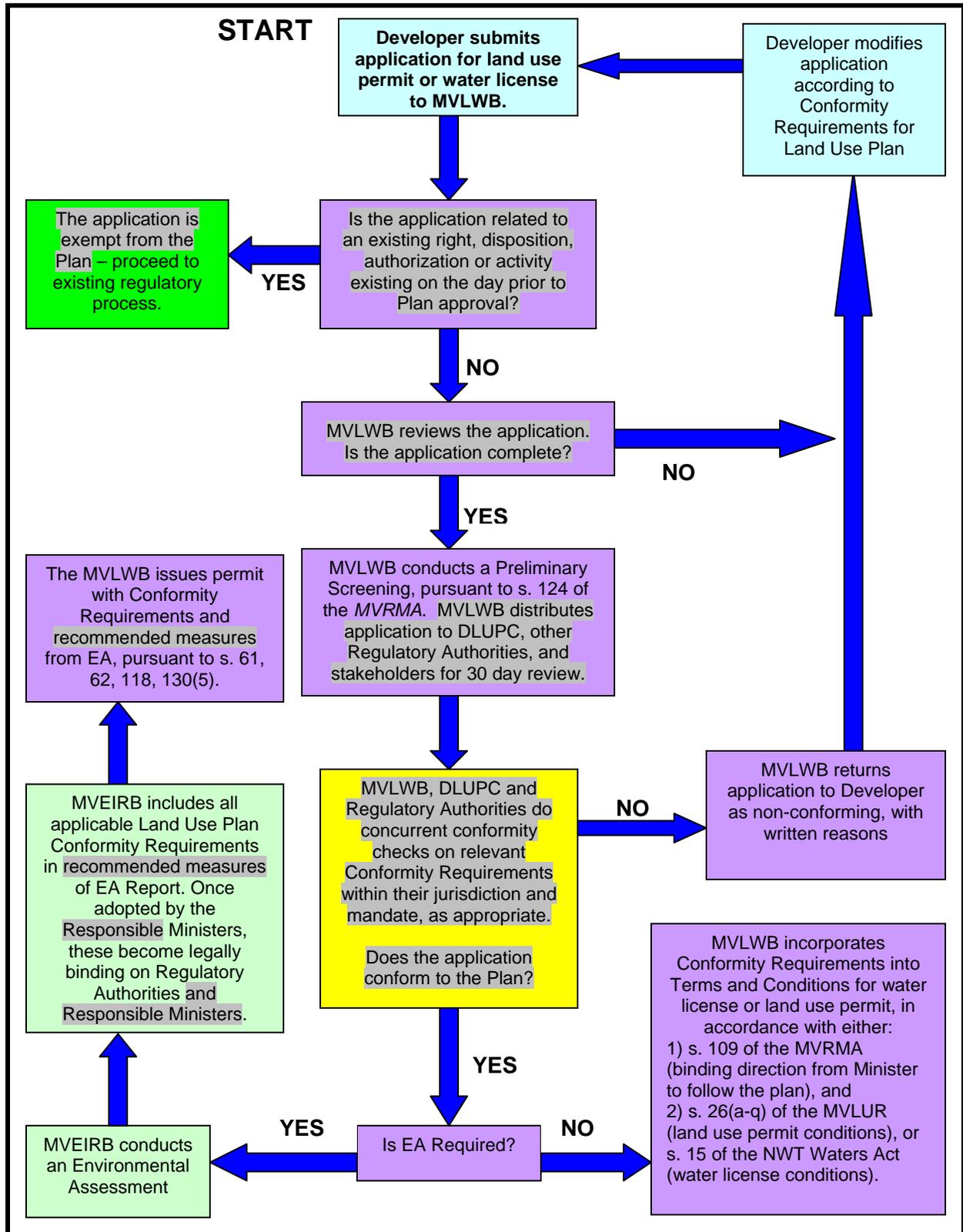
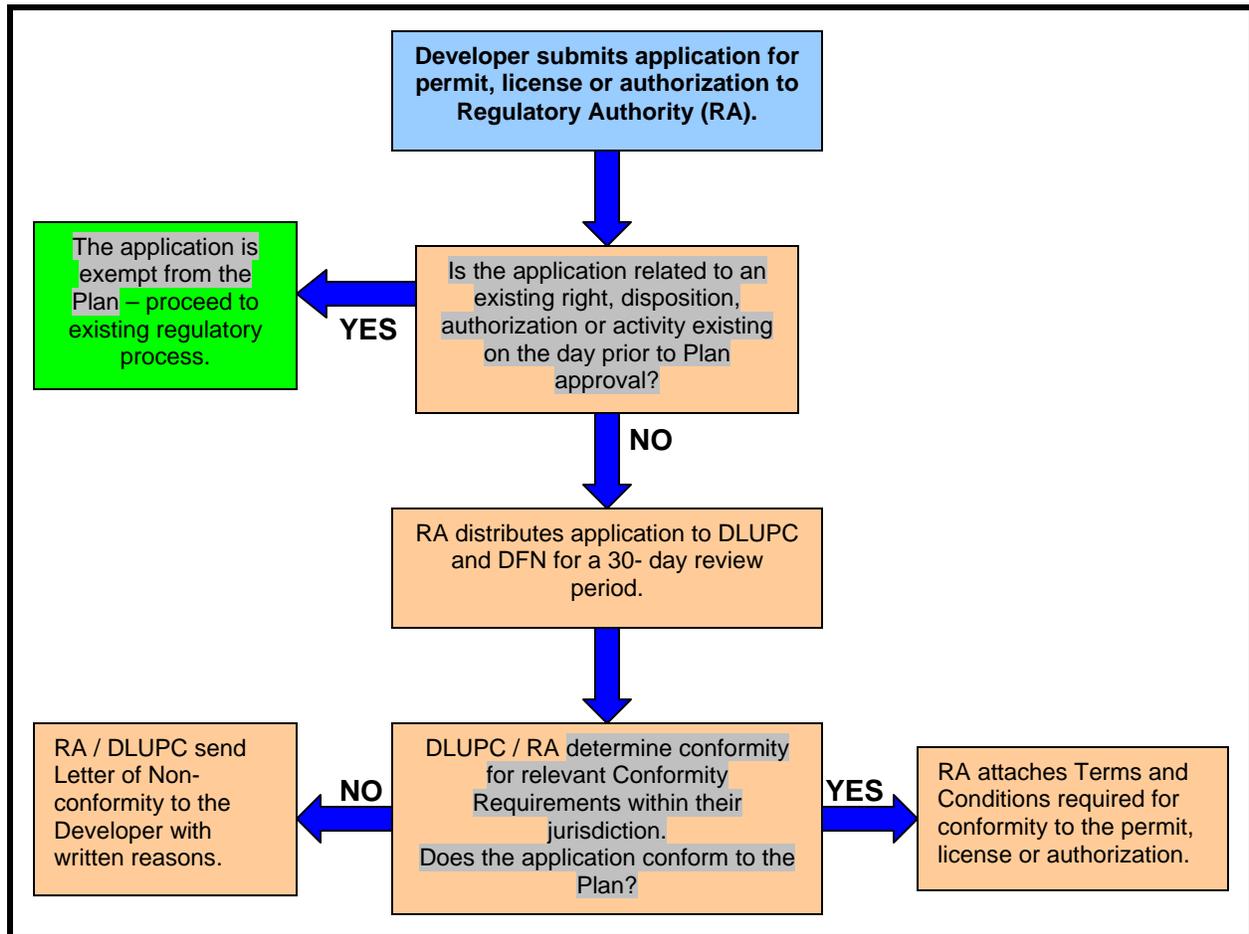


Figure 2. Conformity Determination Process for Applications to Other Regulatory Authorities (no MVLWB)



3.3 Plan Revisions

As per the IMA, the first revision of the Plan will occur with ratification of the Dehcho Final Agreement to bring the Plan into alignment with the terms of the Final Agreement. Following that, the Committee will review the Plan every five years to determine if revisions are required. Factors to be considered during Plan review are:

- Do the vision and goals still reflect the values of the region?
- Has the Plan achieved the goals set out for the region and individual zones?
- Have there been any exceptions or amendments requested that might signal a required change?
- Are there new data available that need to be considered in land use decisions?
- Does the Plan allow for sufficient economic opportunities to meet Dehcho needs following resolution of a Dehcho Final Agreement?
- Have there been any changes in other land use initiatives (community plans, PAS, Nahanni Park Expansion, etc.) that need to be reflected in the Plan?
- Have there been any large projects or changes that need to be addressed?

- Are there new land uses or technological advancements that need to be considered by the Land Use Plan?

The Plan Review process will be similar to the process of initial Plan development. The Committee will gather new information and data as it becomes available. This will facilitate decision-making during Plan Review but also allow for accurate conformity determinations based on the best available information. As Plan review approaches, the Committee will undertake consultations with communities and planning partners to determine the need for changes. Proposed changes will be assessed by the Committee's Economic Development Assessment model to determine the implications of these decisions. If affected, a Cumulative Effects Assessment will also be run to determine the impact of revised Zoning on current indices. The Committee will consult with communities, DFN, governments and other planning partners on all revisions. Plan revisions will be subject to the same approval process by all three Parties as the original Plan.

If changes to the Plan are required between Plan reviews, there are two processes to address that – exceptions and amendments.

3.4 Plan Exceptions

An exception will be used to allow minor variances to the Plan where specific circumstances warrant a more flexible approach. Exceptions will not be used to reverse the intent of the Plan. Developers must request exceptions from the Plan in writing, outlining the unique circumstances that require consideration in the land use decision. The Committee will review the exception requests and consult with affected First Nations, government departments and other planning partners. The Committee will consider the following in making its decision:

- Is the exception minor in nature?
- Will the exception benefit the residents and communities of the Dehcho territory?
- Is the exception supported by DFN, Canada and the GNWT?
- What are the environmental, social, cultural and economic effects of the activity?
- What implications will it have for other activities occurring or likely to occur in the region?

The Committee will issue its decision in writing.

3.5 Plan Amendments

Amendments will be used to deal with new, potentially recurring situations not addressed by the Plan (e.g. a new land use) or with requests for major changes to the Plan. An amendment may be initiated by an outside request or by the Committee itself. An amendment will require ratification by the three Parties – it is essentially an early Plan revision process. The Committee would research the issue, outline the proposed changes under the amendment and undertake consultations with communities, DFN, governments and other planning partners to request feedback on the proposed change before submitting the amendment to the three Parties for approval.

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Appendix 1. Summary of Conformity Requirements, Actions and Recommendations

List of Conformity Requirements

CR #1 – Land Use Zones: No new land or water uses will be permitted unless they are in conformity with the permitted uses as listed in Map 1 and Table 1.

CR #2 – Use and Recognition of Traditional and Cultural Knowledge: Regulatory Authorities will require all applications for new land and water permits, licenses, and authorizations to document both traditional knowledge and scientific information where appropriate. Traditional Knowledge will be documented in accordance with the affected First Nations' Traditional Knowledge Policies and Protocols, where such documents exist. The level of data collection required will be appropriate to the scale and nature of the activity and the potential to impact traditional land use and occupancy.

CR #3 – Protection of Significant Traditional Land Use and Occupancy Sites: Regulatory authorities will require applications for new land and water uses to assess the impact of the proposed activities on known historical, archaeological, traditional land use and occupancy 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. Applications will demonstrate consultations with appropriate Regulatory Authorities and affected First Nations and individuals whose cabins, traplines or other traditional land use and occupancy sites are affected, in order to develop appropriate avoidance buffers and mitigation measures that ensure the protection of important cultural, heritage, and traditional land use and occupancy sites within the area of their proposed development project. The degree of consultation and mitigation will be appropriate to the scale and nature of the activity and the potential to impact traditional land use and occupancy sites. Regulatory Authorities will require support of the affected First Nations for all proposals to remove heritage resources from DFN lands. Pursuant to the *Northwest Territories Archaeological Sites Regulations*, the investigation of archaeological sites and removal of heritage resources from DFN lands must be conducted under a NWT Archaeologist's Permit.

CR #4 - Consultation: Regulatory Authorities will require that all applications for new land and water uses demonstrate full and meaningful consultation by the Developer with affected communities and individuals based on current best practices as defined by policy, legislation, case law, agreements and negotiations. This is separate from any consultations required by the Crown as part of their fiduciary duties. The degree and nature of consultation required will be appropriate to the scale and potential impacts of the proposed development. 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 the local language.

CR #5 – Plant Gathering Areas: Regulatory authorities will require that all applications for new land and water uses demonstrate coordination with affected First Nations to identify plant gathering areas to be avoided or mitigated for, including, but not limited to those plant species listed in Appendix 2. Regulatory authorities will require applications to include a survey of these plants for the development area and the mitigation measures that will be used to ensure continued access to these plant species for community use.

CR #6 – Existing Rights, Dispositions, Authorizations and Activities: Subject to applicable regulatory requirements, Acts and Regulations, all rights, dispositions, authorizations and activities existing on the day prior to Plan approval in the Dehcho territory are permitted, including development arising from rights existing on the day prior to Plan approval, even if they do not conform to the Land Use Zones. These existing rights, dispositions, authorizations and activities are allowed to continue as non-conforming uses. These interests are further defined as follows:

- Renewal of permits, licenses and authorizations for existing rights, dispositions, authorizations and activities are allowed.
- There may be instances where it is not possible to construct required infrastructure within the boundaries of existing rights, dispositions, authorizations or activities for physical, environmental or cultural reasons. Where such factors exist, any non-conforming associated infrastructure required for the development of rights, dispositions, authorizations and activities may extend beyond the existing boundary of those rights, dispositions, authorizations or activities to the minimum extent that can be reasonably justified to mitigate physical, environmental or cultural issues.
- Existing rights, dispositions, authorizations and activities are not subject to the Terms of the Plan.
- If an existing right, disposition, authorization or activity expires or lapses, it ceases to be considered “existing”, and any new activities associated with those prior rights, dispositions, authorizations or activities are considered new activities and would be subject to the full extent of the Plan.
- If an application is made for a permit, license or authorization to alter the existing non-conforming use, then the application is considered a new activity and is subject to the full extent of the Plan.

CR #7 – Contaminated Sites: Activities related to clean-up and reclamation of contaminated sites is permitted in all zones, in consultation with affected communities.

CR #8 – Non-Exclusive Geophysical Surveys: Non-exclusive geophysical surveys will be permitted in areas as shown in Map 2. Where such areas fall into Conservation Zones or Special Management Zones that restrict geophysical operations (i.e. those that restrict oil and gas), these activities will be permitted as non-conforming uses, subject to existing regulatory processes and approvals.

CR #9 – Minor Infrastructure: Type B land use permits and water licenses relating to minor infrastructure as defined in the Plan are permitted within Special Management and General Use Zones. The Committee will consider exceptions for any future applications for Type B land use permits or water licenses relating to minor infrastructure in Conservation Zones providing they demonstrate:

- An immediate need for the infrastructure;
- The reasonably foreseeable future infrastructure needs of the region have been considered in the selection of appropriate design and location;
- Environmental, social, economic and cultural values were considered in selecting the site; and
- Appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

CR #10 – Granular Resources: As per S. 20 of the IMA, Regulatory Authorities may issue new permits in Conservation Zones under the *Territorial Quarrying Regulations* only:

- For sources of material which had been opened prior to Plan approval;
- For new sources of material required for essential community construction purposes;
- With the consent of the Dehcho First Nations; or
- In cases where, in the opinion of the Minister of DIAND, no alternative source of supply is reasonably available in the surrounding area and after consultation with the Dehcho First Nations.

CR #11 - Access: Regulatory authorities will manage access (including seasonal roads, all weather roads, pipelines, and transmission or utility corridors) in the Dehcho by requiring the following:

- Developers will submit an access planning study with all applications for new access corridors which demonstrates:
 - reasonably foreseeable access needs for the zone have been considered,
 - the most appropriate type and/or level of access for the zone,
 - that meaningful consultation has been held with affected First Nations on the construction, operation and abandonment of the corridor,
 - that meaningful consultation has been held with other potential users of the proposed access corridor;
- Developers will submit a routing study with all applications for new access corridors which considers alternative routings and demonstrates:
 - how the proposed corridor is the least environmentally or culturally damaging option, and
 - how the Developers will minimize the area affected by the project, the intensity of disturbance, and use the best available technology to minimize environmental impacts;
- New access corridors will be routed through General Use Zones or Special Management Zones in order of preference;
- New Access corridors may be permitted through Conservation Zones providing the application demonstrates the following:
 - There is no reasonably feasible alternative to the proposed corridor through the Conservation Zone, and
 - The proposed corridor must be the shortest possible length through the Conservation Zone, while avoiding the most sensitive ecological and cultural areas and ensuring Dehcho First Nation(s) traditional land use and occupancy activities in the area are not disturbed;
- Once an access corridor has been established through a Conservation Zone, all future access through that zone will follow the existing corridor unless the Developer can demonstrate that:
 - The proposed activity cannot proceed without a new access corridor,
 - The proposed activity and new access corridor will benefit the local residents and communities, and
 - The new corridor meets all the conditions listed above for access through a Conservation Zone.
- New access corridors to communities must be supported by the affected First Nation and local government.

CR #12 – Mackenzie Valley Pipeline: Subject to regulatory approval and any conditions imposed on them by the appropriate Regulatory Authorities and Agencies, development of the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications will be permitted within the Special Infrastructure Corridor (Zone 30). The Plan recognizes the need for access

and infrastructure outside of this corridor. The pipeline corridor, additional access, gravel resources, camps and minor infrastructure will be managed in accordance with the above Terms for Access, Granular Resources and Minor Infrastructure. Regulatory Authorities will direct larger infrastructure requirements to be located in General Use Zones and Special Management Zones in order of preference. Pipeline infrastructure will be considered a permitted use in Conservation Zones providing it meets the following conditions:

- There is no reasonably feasible alternative to the proposed location of infrastructure in the Conservation Zone;
- The proposed infrastructure avoids the most sensitive ecological and cultural areas and ensures Dehcho First Nation(s) traditional land use and occupancy activities in the area are not disturbed;
- The proposed infrastructure minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts; and
- The Developer can demonstrate that meaningful consultation has been held with affected First Nations on the construction, operation, reclamation and abandonment of the infrastructure.

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 requests to address future expansion of the pipeline and related infrastructure will be addressed during Plan revision.

CR #13 – Commercial Fishing: Regulatory Authorities will only permit commercial fishing on lakes with the support of the affected First Nation. This term does not apply to Great Slave Lake, which will continue to be managed by the Great Slave Lake Advisory Committee.

CR #14 – Water Monitoring / Management (1): Regulatory Authorities will manage activities / water crossings upstream of and around community water intakes in accordance with the CCME Drinking Water Guidelines wherever possible. Where background conditions or extenuating circumstances make such guidelines inappropriate, Regulatory Authorities will ensure best practices are used to avoid or mitigate impacts to drinking water quality.

CR #15 – Water Monitoring / Management (2): Regulatory Authorities will ensure water users minimize the use/loss of water for industrial processes through best available technologies. Regulatory Authorities will ensure that all wastewater will meet or exceed CCME Freshwater Aquatic Guidelines wherever possible. Where background conditions or extenuating circumstances make such guidelines inappropriate, Regulatory Authorities will ensure best practices are used to avoid or mitigate impacts to the aquatic environment. Regulatory authorities will manage long-term (20 years) water quality and quantity to stay within 10% of baseline levels as determined by monitoring and ensure no net loss of wetlands and shorelines.

CR #16 – Water Monitoring / Management (3): No hydroelectric development that involves flooding or impoundment of water will be permitted on the Mackenzie and Liard Rivers as per DFN Leadership Resolution #2 from November 2001 (see Appendix 4). Run of the River Hydroelectric Development (defined as developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation) will be permitted on other rivers outside of Conservation Zones, subject to the support of affected First Nations and local governments. Rivers and tributaries in the Dehcho region will remain substantially unaffected in quality, quantity and flow.

CR #17 – Mine Reclamation Planning and Security: Regulatory Authorities will not allow any mining activity requiring a permit, license or authorization to be approved, initiated or continue unless an accepted, updated Closure and Reclamation Plan (C&R Plan) is on file and security has been posted in a sufficient amount and type to cover the full costs of closure and reclamation as described in the accepted, updated reclamation plans. For minor or short term activities for which separate C&R Plans are not currently required, reclamation plans will be clearly described in the project application and security amounts will be determined based on those activities. For greater clarity, Regulatory Authorities will not approve applications for development unless the conditions listed below for reclamation planning and security are met.

Reclamation Planning

- C&R Plans or reclamation sections of project applications – referred to here as “reclamation planning”) will clearly define the reclamation goal to be achieved at the end of the activity.
- The reclamation goal will be defined in advance of project initiation in consultation with affected communities and will be consistent with the intent and objectives of the surrounding land use zone as described in the Dehcho Land Use Plan.
- Where it is not possible to completely reclaim a component of mining activities (e.g. residual structures, tailings pond, contamination or other “mining legacy” which will continue to exist once reclamation is deemed complete), and where the mining legacy has the potential to impact the health or well-being of affected First Nations or communities, the proposed reclamation goal must clearly state this and be accepted and supported by affected communities and First Nations.
- The reclamation goal will be a key consideration in mining activity design to reduce the impacts and need for reclamation at all stages of the project. This will be demonstrated through the consideration of alternative methods and best practices in project design.
- Reclamation planning will describe all activities necessary to achieve the reclamation goal and include itemized cost estimates.
- Reclamation planning will provide for progressive reclamation (phased reclamation) wherever possible.
- Reclamation planning will include an enforceable deadline for completing all reclamation phases (not including post-closure monitoring).
- Reclamation planning will include parameters for long-term post-closure monitoring as required (and determined by risk analysis) to ensure no unanticipated impacts will result from mining activities.
- Reclamation planning will be reviewed and updated every 5 years, with a Final Reclamation Plan being submitted and accepted in the final year of operations. Interim and Final Plans will consider the use of new technologies to improve the reclamation goal. Amendments to reclamation plans will meet or exceed the initial reclamation goal, but will not lower it.
- Failure to update or submit reclamation plans will result in a suspension of operations until the plans are submitted and accepted.

Reclamation Security

- Security will cover the full cost of all required categories of work as described in the accepted reclamation plans, including:
 - Compliance with environmental and public health/safety requirements during operations;
 - Reclamation;
 - Closure and interim operations until reclamation is complete;
 - Cleanup;
 - Post-closure, including short and long-term monitoring and site maintenance;

- Responding to unpredicted catastrophes; and
- Any special or supplementary costs deemed necessary for activities that use cyanide leaching or other toxic chemicals to extract minerals from the ore.
- Costs will be determined by Regulatory Authorities or a third party and be based on costs for the government or a third party to do the reclamation work.
- Costs will factor in inflation for the life of the mining activity and closure and reclamation periods.
- Security will be in the form of cash or independently guaranteed instruments (not reachable by the Developers creditors under bankruptcy) and liquid.
- The security deposit must be secured and used only for closure and reclamation work on the proposed mining activity.
- The security should be available to the developer to use for accepted closure and reclamation activities providing an accepted Final Reclamation Plan is on file and cost estimates are below the total amount posted.

Failure to post additional security required as a result of revisions to reclamation plans, or failure to maintain adequate security (e.g. where a surety bond or other financial security instrument expires), will result in an immediate suspension of operations until sufficient security is posted.

CR#18 - Revegetation: Regulatory Authorities will require Developers to use seed mixes for revegetation that do not include invasive plant species as defined by ENR. Regulatory authorities will require developers to use seed mixes native to the Northern Canadian Boreal Forest as they become available.

CR #19 – Community-Based Forest Management: All new forest operations will be conducted as per sections 47-56 of the Interim Measures Agreement. The GNWT will work cooperatively with First Nations to increase the percentage of timber processed in the Dehcho territory.

CR #20 – Timber Recovery: Regulatory Authorities will require Developers to minimize the loss and waste of timber resources by applying the following conditions to new applications for land or water uses:

- 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 feasible.
- Where timber cutting cannot be avoided and is not required by the Developer, Developers will notify and provide opportunities for local forestry operations or First Nations to undertake timber recovery or make use of the cut wood for firewood or local building needs, providing the recovery operations do not increase the level of environmental disturbance.

CR #21 – Prevention Measures and Salvage Logging: Forest management activities required for fire and disease prevention (including harvesting and prescribed burns) is permitted in any zone with the support of affected First Nations. Salvage logging is permitted following fires, disease or insect infestations in Dehcho forests with the support of affected First Nations, providing that salvage activities will not increase the level of environmental disturbance or hinder natural regeneration processes.

CR #22 – Big Game Outfitters: Regulatory Authorities will not issue any new Big Game Outfitters Licenses in the Dehcho territory.

CR #23 – Fishing Lodges: Regulatory Authorities will not approve any new fishing lodges in Zone 5 without the written support of Smbaa K'e First Nation.

CR #24 – Digital Pre- and Post-Operation Mapping: The MVLWB will require Developers to provide to the Dehcho Land Use Planning Committee, affected First Nations and communities, and Regulatory Authorities digital mapping of their proposed 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 at the time the application is submitted and within 30 days following completion of the activity, to allow monitoring of the actual development footprint.

CR #25 – Cumulative Effects Management: The Committee and Regulatory Authorities will cooperatively manage cumulative effects for new developments in the General Use and Special Management Zones using as a minimum, the species, indicators and thresholds set out in Table 2 and using the criteria described below under Conformity Determinations for each indicator. Regulatory authorities will not approve new applications for land or water use that cause any of the thresholds to be exceeded, as determined by analysis completed by the Committee, or as submitted by the Developer if supported by better data not available to the Committee. Existing Rights, Dispositions, Authorizations and Activities are exempt from application of the thresholds. A pipeline constructed and operated in Zone 30 will also be exempt from this Term. This term will be reviewed annually in consultation with the Committee, governments and other planning partners and revised as required.

CR #26 – Significant Features and Seasonal Restrictions: Regulatory Authorities will require all Developers to avoid physical disturbance of Significant Habitat Features and Significant Environmental Features as defined in the Plan at all times of year, and increase avoidance of occupied or suspected Significant Habitat Features to 250 m during critical life cycle periods as listed in Table 3 unless Developers can demonstrate that there will be no long term negative impact on wildlife. If Developers are using previously existing trails or disturbed areas and discover a significant feature, Regulatory Authorities will permit them to continue using the existing trail or disturbed area providing doing so reduces further disturbance to the site. The Developer will consult with the Dehcho First Nations and Regulatory Authorities to determine the location of significant features.

CR #27 – Community Infrastructure and Expansion: All existing community infrastructure outside of current community boundaries will continue as an existing use for as long as it is required. The Committee will consider exceptions for any future applications to expand community boundaries, relocate a community or develop new infrastructure.

Conformity Determination: The Committee will review applications for new community infrastructure or expansion of community boundaries and will consider an exception providing it demonstrates that:

- There is an immediate need for the expansion or infrastructure;
- The long-term (at least 20 years) needs of the community have been considered in the selection of the new infrastructure or community boundaries;
- Environmental, social, economic and cultural values were considered in selecting the site; and
- Appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

List of Actions

A #1 – Traditional Economy: The GNWT, in conjunction with Dehcho First Nations and other relevant government agencies and departments, communities, and interested business organizations (e.g. Economic Development Corporations) will work cooperatively to research and document harvest statistics and quantify the economic value of traditional foods and materials to the Dehcho region.

A #2 – Plant Gathering Areas: Dehcho First Nations will develop a list of plants they consider culturally important and in need of protection within 1 year.

A #3 – Use of Guides and Monitors: Dehcho First Nations will outline contract terms and develop a list of community members who are familiar with their traditional area and proficient on the land to act as guides and monitors on projects within 1 year.

A #4 – Use of Traditional Materials: Dehcho First Nations will develop a strategy to educate the public about the importance of traditional materials in Dene culture and encourage the sustainable harvest, full use and sharing of these materials, including birch bark and animal parts, within 4 years.

A #5 – Non-Exclusive Geophysical Surveys: DFN and Canada are directed to renegotiate these areas to harmonize these with the Plan's Land Use Zones within one year.

A #6 – Commercial Fishing: Dehcho First Nations will meet directly with the Great Slave Lake Advisory Committee to resolve the concerns of its membership within one year.

A #7 – Air Monitoring / Management: Responsible government departments and agencies, in conjunction with DFN, will develop legally enforceable air quality standards and a legal mechanism to require compliance (through permitting or other means) and monitor compliance (through inspections) within 4 years.

A #8 – General Silvicultural Practices: Regulatory Authorities, in consultation with affected First Nations will establish appropriate silviculture practices for the Dehcho within 4 years.

A #9 – Sport Fishing: Regulatory Authorities will meet with communities to discuss their concerns about sport fishing and develop a strategy to address them, including a review of sport fishing quotas and licenses, monitoring and enforcement of laws.

A #10: Regulatory Authorities, Dehcho First Nations and other interested Planning Partners will work together to develop habitat monitoring and assessment programs within four years to monitor the success of the Cumulative Effects Indicators and Thresholds and provide a basis for adaptive management.

A #11 – Cumulative Effects Research (1): Regulatory Authorities, government departments and agencies, businesses and industry organizations will work cooperatively to assess the impacts of the Cumulative Effects Management Term described above on industry and the development of the Dehcho region within four years to inform future reviews and revisions of the Term.

A #12 – Cumulative Effects Research (2): Responsible governments will continue research on boreal woodland caribou to gather data on the following subjects:

- Define caribou range for the purposes of population management with respect to development
- Determine and monitor boreal woodland caribou population trends
- Identify and assess other factors affecting woodland caribou, including natural mortality and wildlife harvest levels
- Identify and where possible quantify impacts to woodland caribou from various types of development
- Quantify level of habitat use and avoidance around human disturbance features

A #13 – Cumulative Effects Research (3): Responsible governments, in consultation with the Committee and other planning partners will assess other indicators (biophysical and social), species and thresholds for inclusion in future revisions of this Term within four years so recommended changes can be included in the next Plan Revision. The assessment will include defining appropriate data sources and methodology to assess and monitor those indicators. The assessment will also include consideration of a tiered threshold approach for new and existing indicators.

A #14 – Cumulative Effects Research (4): Responsible governments, in consultation with the Committee and other planning partners will identify appropriate revegetation standards for human disturbance areas based on wildlife habitat needs and conduct an assessment of historic human disturbances to determine which areas have naturally regenerated or reclaimed. This Action is to be complete within four years.

A #15 – Cumulative Effects Research (5): Responsible governments, in consultation with the Committee and other planning partners will identify appropriate access control measures that if used, would effectively mitigate linear disturbance impacts on wildlife. This Action is to be complete within four years.

A #16 – Cumulative Effects Research (6): Responsible governments, in consultation with the Committee and other planning partners will assess the influence of natural disturbances (e.g. fire) and other factors such as resident and traditional hunting on the current cumulative effects indicators and thresholds and recommend revisions to address these factors as appropriate. This Action is to be complete within four years.

A #17 – Economic Development Strategy: Dehcho First Nations, relevant government agencies and departments, interested business organizations (e.g. Chamber of Commerce, Economic Development Corporations) and businesses will 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.

List of Recommendations

R #1 – Respect Dene Laws, Values and Principles: Everyone operating in the Dehcho should familiarize themselves with the Dene Laws, Values and Principles and conduct their business in conformity with them.

R #2 - Fire Feeding Ceremony: Developers should show respect for the land before starting a new operation. This can be done by having a Fire Feeding Ceremony prior to breaking ground. Developers should 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.

R #3 – Show Respect: Developers should respect the Dehcho First Nations as stewards and first occupants of the land. Developers should talk to First Nations first about their operations rather than waiting until they have to through consultation requirements. Developers should respect First Nations' knowledge, comments and decisions.

R #4 - Sharing: The Dehcho First Nations are sharing the natural resources. Developers should share the benefits with Dehcho First Nations through training, revenues and jobs, etc.

R #5 – 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. Developers should develop a strategy to ensure long-term benefits accrue to communities from current and future operations.

R #6 – Do Not Waste: Developers can implement this principle in a number of ways. Developers should:

- 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 offered to someone who can use them.
- Ensure the operation does not require more natural resources to access and extract the target resource than what you actually get out.
- 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 where practical.
- 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.

R #7 – Use and Recognition of Traditional and Cultural Knowledge (1): 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 activities are culturally as well as environmentally appropriate.

R #8 – Use and Recognition of Traditional and Cultural Knowledge (2): Businesses and governments 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. Examples include Elders Committees, environmental monitors, hiring local harvesters 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.

R #9 – Culture and Language: Communities, non-government organizations, aboriginal organizations and businesses should work cooperatively to create more opportunities for Dene cultural and linguistic experiences.

This could include:

- Establishing more on-the-land programs,

- Establish training opportunities for traditional harvesting activities 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,
- Putting 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).

R #10 – Visual Quality: Developers are encouraged to consult with affected First Nations and/or local governments to determine acceptable visual impacts on the community and traditional land use and occupancy areas from the proposed development.

R #11 – Use of Guides and Monitors (1): Developers are encouraged to notify First Nations of the location of their activities at least 10 days before arrival on site and hire a local guide or monitor to accompany them. If a guide or monitor will be used on site, Developers should determine reporting requirements in consultation with the guide or monitor based on their knowledge of the area and the activities planned.

R #12 – Use of Guides and Monitors (2): Dehcho First Nations should consider exploring the use of guides and monitors through the Dehcho Process negotiations.

R #13 – Existing Rights, Dispositions, Authorizations and Activities: Developers of existing rights, dispositions, authorizations and activities in the Dehcho are encouraged to harmonize their activities with the intent of the surrounding zone wherever possible.

R #14 – Mackenzie Valley Pipeline (1): The Mackenzie Valley Pipeline is expected to cross Zones 1, 3, 4, 5, 19, 21, 22, 23 and 29 and lie within Zone 30 (the Special Infrastructure Corridor). The Developer of the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications should recognize the values and intent of these underlying zones and harmonize its activities with the intent of those zones.

R #15 – Mackenzie Valley Pipeline (2): The Developer should consult with the Committee to determine if specific mitigation measures are required to address significant values in these zones.

R #16 – Air Monitoring / Management: Developers should conduct their operations in conformity with Alberta Energy and Utilities Board Guide 60: Upstream Petroleum Industry Flaring, Incineration, and Venting wherever possible. Ambient air quality for criteria pollutants should 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 wherever possible. Ambient air quality for Toxic Air Pollutants (see definitions) should not exceed Short-Term and Long-Term Effects Screening Levels established by the Texas Commission on Environmental Quality wherever possible.

R #17 – SMART Principles: Regulatory Authorities are encouraged to apply the SMART (Sustainable Model for Arctic Regional Tourism) Principles in approving and regulating tourism operations in the region as listed in Appendix 3.

R #18 – Leave No Trace: Regulatory Authorities will encourage individuals and tourism operators visiting the Dehcho territory to follow Leave No Trace guidelines during their stay.

R #19 – GHL Hunting: The Committee recommends that the Dehcho First Nations and governments establish Special Harvesting Areas for the exclusive use of Dehcho First Nation harvesters through the Dehcho Process negotiations.

R #20 – Visitor Quotas: DFN and communities are encouraged to meet with Regulatory Authorities should there be a need to establish 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. Discussions will need to address development and implementation of such a system, including registration, monitoring, management and enforcement.

R #21 – Agricultural Practices (1): Agricultural development should minimize clearing, draining and the use of chemicals.

R #22 – Agricultural Practices (2): 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.

R #23 – Cumulative Effects Research: The Committee, in consultation with governments, DFN, industry and other interested organizations will review the Cumulative Effects Management Term annually to determine if it is achieving the desired goals and will make revisions as required to achieve these goals.

R #24 – Significant Features and Seasonal Restrictions: Aircraft should maintain a minimum altitude of 650 metres whenever safe and practical when flying over Significant Habitat Features listed in Table 3 relating to waterfowl or migratory birds during critical periods, other than for licensed wildlife research and monitoring purposes. The Developer will consult with the Dehcho First Nations and Regulatory Authorities to determine the location of significant features.

R #25 – Secondary Industry: Dehcho First Nations, Governments, businesses, communities and Economic Development Corporations should work cooperatively to promote and establish more secondary industries appropriate to the Dehcho environment.

R # 26 – Dehcho Business Development: Governments, Developers and other planning partners are encouraged to use Dehcho and Northern businesses wherever possible, and develop additional policies, procedures and incentives to assist Dehcho and Northern businesses become established and compete effectively in the marketplace.

R #27 – Health and Social Issues: Responsible government departments and agencies should increase training and funding available for community Health and Social Services (counseling, interagency planning, more RCMP officers, A&D programs, parenting workshops, etc.) to improve health and social conditions.

R #28 – Money Management (1): Appropriate government agencies, departments and Dehcho First Nations are encouraged to establish community money management workshops aimed at

both individuals and community level organizations to teach principles of sound financial management and long-term planning.

R #29 – Money Management (2): Businesses are encouraged to assist employees to 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).

R #30 – Camps and Communities: Developers are encouraged to work with communities to determine camp locations and identify appropriate interactions between the camp and community.

R #31 – Flexible Shift and Holiday Options: Employers are encouraged to 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 coordinate vacation times to the greatest extent possible.

R #32 – Capacity Building: Communities, governments and Regulatory Authorities should 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.

R #33 – Development Awareness: Governments, Developers and Dehcho First Nations should engage in more community consultations and public education programs to increase public awareness about development and facilitate participation. Business operators should provide site tours and develop educational materials (videos, pamphlets, school programs, etc.) to better inform local communities about their activities.

Appendix 2. Draft Dehcho First Nations Traditional Land Use and Occupancy Study Species Taxonomy

Feb 1, 2005

References Consulted:

Taxonomic Lineage and Nomenclature:

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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	góhthírelé,
	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'ítsi (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'enehxoh, tsena hoç
	Rosaceae	Amelanchier	alnifolia	Saskatoon	k'j'íé, k' dzhíg

Order	Family	Genus	Species	Common Name(s)	Dene Name
	(Roses)	Prunus	pensylvanica	Pin Cherry	
			virginiana	Choke Cherry	
		Rosa	acicularis	Prickly Rose	ıchıht'ó, untshu
		Sorbus	scopulina	Western Mountain Ash	tsu dugg, koló 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
glandulosum	Skunk Currant, Wild Red Currant				dzhıg dehné, dzhıa dethı
hudsonianum	Northern Black Currant				
triste	Wild Red Currant				
lacustre	Black Gooseberry, Swamp Gooseberry				tlı dzhıg
oxyacanthiodes	Northern Gooseberry				dahghoh, dahoze, dahothe
Dipsacales	Adoxaceae (Muskroots)	Viburnum	edule	Low Bush Cranberry, Mooseberry	netł'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	kotsedetlelı, detsınska naydı
			involutrata	Bracted Honeysuckle, Black Twinberry	

Order	Family	Genus	Species	Common Name(s)	Dene Name
Ericales	Ericaceae (Heath)	Vaccinium	myrtilloides	Velvet-Leave Blueberry, Common Blueberry	ek'ezi, inkethi
			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	nedenı, 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

Order	Family	Genus	Species	Common Name(s)	Dene Name
	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, kothenelí naydí, kots̄dago dakalí
		Ledum	groenlandicum	Common Labrador Tea	gots'ago, kots̄dagoq
		Gaultheria	hispidula	Creeping Wintergreen, Teaberry,	
		Chimaphilia	umbellata	Pipssewa	
		Pyrola	asarifolia	Pink Wintergreen	t̄sa dzhí, deíc dzhí
	Primulaceae (Primrose)	Androsace	septendrialis	Pygmyflower, fairy candelabra	yq̄ 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 atsəl̄
		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	

Order	Family	Genus	Species	Common Name(s)	Dene Name
		Leucanthemum	vulgare	Ox-Eye Daisy	
		Grindelia	squarrosa	Gumweed	
		Helenium	atumnale	Sneezweed	
		Petasites	sagittatus	Arrow-leaved Coltsfoot	sq̄ yenoshetí, ts̄gle (mbe) thone, dath et̄q̄ tsho
		Solidago	canadensis	Canadian Goldenrod	
		Taraxacum	officinale	Dandelion	et̄q̄ hlek̄q̄
Campanulales	Campanulaceae (Bluebell)	Campanula	rotundifolia	Bluebell	
Caryophyllales	Amaranthaceae (Amaranth)	Chenopodium	album	Lamb's Quarters	et̄q̄ dítlí
		Chenopodium	capitatum	Straberry blite	tsa dshí (used as a dye)
Fabales	Fabaceae (Peas)	Astragalus	americanus	American Milk-Vetch	koz̄q̄ 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	et̄q̄ detsí
		Scutellaria	galericulata	Marsh Skullcap	
	Lentibulariaceae (Bladderwort)	Utricularia	macrorhiza	Bladderwort	tę̄ dzhíá, tue dzhí
	Orobanchaceae (Broom-Rape)	Boschniakia	rossica	Northern Ground-Cone	
	Plantaginaceae (Plantain)	Plantago	major	Broad-leaved Plantain	yatonet̄q̄
	Boraginaceae (Borage)	Mertensia	paniculata	Lungwort, Tall Bluebells	et̄q̄ tsha
Nymphaeles	Nymphaeaceae (Pond Lily)	Nuphar	luten	Yellow Pond Lily	teta
Myrtales	Onagraceae (Evening Primrose)	Epilobium	angustifolium	Fireweed	gũh, gũ
Cariophyllales	Polygonaceae (Buckwheat)	Oxyria	digyna	Mountain Sorrel	tsa dzí
		Polygonum	amphibium	Water Smartweed	
			viviparum	Bistort, Serpent Grass	tselí yanes hí, dedńe yanes hí

Order	Family	Genus	Species	Common Name(s)	Dene Name
		Rumex	aquaticus	Western Dock	edetho
Ranunculales	Ranunculaceae (Buttercup)	Actaea	rubra	Red Baneberry	sq dzhí
Rosales	Rosaceae (Rose)	Geum	aleppicum	Yellow Avens	
			rivale	Purple Avens	
		Potentilla	gracillis	Shrubby Cinquefoil	tl̥te dezhme, kothentelí naydí
	Saxifragaceae (Saxifrage)	Heuchera	richardsonii	Alum-root	
		Mitella	nuda	Mitrewort	nde(k)et̥o
Urticaceae (Stinging Nettle)	Urtica	dioica	Stinging Nettle	kotsí	
Scrophulariales	Scrophulariaceae (Figwort)	Pedicularis	langsдорffii	Lousewort	sq tíle
Liliopsida	Acoraceae (Sweet Flag)	Acorus	americanus	Sweet Flag, Calamus	dz̥endí
	Alismataceae (Water Plantain)	Sagittaria	cuneata	Arrowhead	kodzelí(a) naydí, tsale thone
	Araceae (Arum-Lily)	Calla	palustris	Water Calla	
	Cyperaceae (Sedge)	Carex	aquatilis	Sedge	tl̥ho dathe tsho, nez̥hí tl̥o
			Schoenoplectus	acutus	Bulrush
	Juncaginaceae (Arrow-Grass)	Triglochin	maritimum	Seaside Arrow-Grass	
	Liliaceae (Lily)	Veratrum	viride	False Hellebore	nd̥o dz̥eku
			Zigadenus	elegans	Mountain Death Camas
Poaceae (Grass)	Hierochloe	odorata	Sweet-grass	hlek̥o	
Malpighiales	Salicaceae (Willows)	Populus	tremuloides	Trembling Aspen	t'eyeh
			balsamifera	Balsam Poplar	ladzee
		Salix	spp.	Willow	k'á k'ádzáh (diamond) k'ítsí (red)
Fagales	Betulaceae (Birches)	Betula	papirifera	White Birch	k'ih
			occidentalis	Water Birch	
			glandulosa	Bog Birch	dí thílí, dí yoshetí
			pumila var. glandulifera	Dwarf Birch	

Order	Family	Genus	Species	Common Name(s)	Dene Name
		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	gôh, 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	gôhtthírelé
	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	hlue tıq lę
	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	tsqlı dzhı
	Poaceae (Grass)	Calamagrostis	Canadensis	Marsh Reedgrass	tıhgo dıtılı (used for drinking straws and mattress stuffing)
		Hordeum	jubatum	Foxtail Barley	tı tse (used as mattress stuffing)
		Phramites	australis	Reed	
	Typhaceae (Cattail)	Typha	latifolia	Cattail	nathıthq thıq

Appendix 3. 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/>