



CANADIAN PARKS AND WILDERNESS SOCIETY  
NORTHWEST TERRITORIES CHAPTER

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Heidi Wiebe  
Executive Director  
Deh Cho Land Use Planning Committee  
Box 199, Fort Providence, NT X0E 0L0  
*By Fax/email: 867.699.3166*

**Re: CPAWS-NWT's Comments on the Revised Draft Dehcho Ndéh Ts'ijichá: Dehcho Ndéh T'ahts'etj K'eh Eghaláets'edáh**

Dear Ms. Wiebe,

The Northwest Territories Chapter of the Canadian Parks and Wilderness Society (CPAWS-NWT) is part of a national non-profit conservation organization, dedicated to protecting Canada's wilderness. During these last stages, CPAWS-NWT commends both the Committee's and staff's commitment to ensure completion of the final Dehcho Land Use Plan Ndéh Ts'edijichá within the stated timelines. Overall, CPAWS-NWT is supportive of the Revised Draft Plan. However we feel the Plan could be strengthened in some areas, and include our comments and suggestions below (specific suggestions are in **bolded** text).

#### General Comments

CPAWS-NWT supports the balance between conservation and development interests in the Revised Draft Plan. Specifically, CPAWS-NWT supports the Committee's:

- allocation of approximately half of the Dehcho Region as Conservation or Protected Areas Strategy Zones;
- provision of landscape connectivity between the majority of the Conservation Zones and Special Management Zones, which is instrumental in creating a network of interconnected conservation and protected areas that will help protect the culture and land of the Dehcho people and other Canadians in the long term<sup>1</sup>;
- designation of the entire South Nahanni River Watershed as a Conservation Zone;
- designation of sites such as Pehdzeh Ki Deh, Edézhíe, and Sambaa K'e that have been entered through the NWT Protected Areas Strategy (both with and without interim protection) as either Conservation or Protected Areas Strategy Zones; and
- community focus and the extensive solicitation of input from government, industry and non-governmental organizations such as CPAWS-NWT.

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<sup>1</sup> This connectivity is particularly important as a mechanism to allow for ecosystem adaptation to the impacts of climate change;

### Evaluating Natural Capital

One aspect of the Plan that is inferred but not fully developed or defined is the natural capital<sup>2</sup> benefits that will be retained for the Dehcho people and for Canadians. For example, Anielski and Wilson (2005) note that the net market value of the Canadian boreal natural capital extraction for 2002 was \$37.8B (4.2% of Canada's 2002 GDP) and the estimated total non-market value of the Canadian boreal ecosystem services for 2002 was \$93.2B (8.1% of Canada's 2002 GDP). Through their analysis, they present a strong economic argument for a significant expansion of the network of protected areas in Canadian boreal region, which would serve as an investment in the natural capital of the boreal region for the benefit of current and future generations of Canadians and global citizens.

One of the strongest aspects of the Plan is the designation of river corridors, lakes and watersheds as Conservation Zones which will assist in maintaining water quality. From an economic perspective, how much is this worth (especially where a Dehcho community's drinking water headwaters or watershed are protected)? Likewise, how much is ability to mitigate the impacts of climate change through designated carbon sinks (Conservation Zones) worth?

It is noted that the Committee included an action to "cooperatively research and document harvest statistics and quantify the economic value of traditional foods and materials to the Dehcho region (A#1)."

**In addition to A#1, CPAWS-NWT suggests the Committee consider adding an action to "research and document the economic value of natural capital in the Dehcho region" in order to better understand and define the value of the Dehcho Region to all Canadians.**

### New Access Corridors in Conservation Zones

Along with the Dehcho First Nations (DFN)<sup>3</sup>, CPAWS-NWT does not support the proposed Prairie Creek road corridor access within the South Nahanni Watershed. While we acknowledge the Committee does not have the authority or jurisdiction to prohibit road corridor access to existing third party interests, further clarification is requested on access corridors requirements (CR#11) in Conservation Zones.

Similar to CPAWS-NWT's previous submission, it is suggested wording changes (in **bold**) be considered to the fourth bullet under CR #11 on pages 21 and 61:

New access corridors through Conservation Zones **are not consistent with the intent of the zone designation**. However, new access corridors may be permitted providing the application demonstrates the following:

- there is no reasonably feasible alternative to the proposed corridor through the Conservation Zone;

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<sup>2</sup> "Natural capital is the resources, living systems, and ecosystem services provided by Earth's biosphere, including the ecological systems that support life." From Anielski, M. and Wilson, S. *Counting Canada's Natural Capital: Assessing the Real Value of Canada's Boreal Ecosystems*. Canadian Boreal Initiative and Pembina Institute. 2005.

<sup>3</sup> Dehcho First Nations Resolution #3 from Spring Leadership Meeting Hay River Reserve, May 4-6<sup>th</sup>, 2004 notes "The Deh Cho First Nations will not support any development of the Prairie Creek Road."

- the proposed corridor must be the shortest possible length through the Conservation Zone, while avoiding and **providing an adequate buffer around** the most sensitive ecological and cultural areas and ensuring the Dehcho First Nations traditional land use and occupancy activities in the area are not disturbed; **and**
- **additional developments or infrastructure (e.g. gravel pits, fuel storage areas) associated with the new access corridor are kept to a minimum within the Conservation Zone.**

### Ecoregion Representation

CPAWS-NWT supports the appropriately-sized and connected Conservation Zones in the Revised Draft Plan. Conservation Zones are an important step in achieving the second goal of the NWT Protected Areas Strategy, which is “to protect core representative areas within each ecoregion of the Northwest Territories.” This balance between conservation and development also reflects conservation biology principles, territorial and national policies, and international commitments to establish networks of protected areas (as noted on pages 63-73 of the Background Report).

### Cumulative Effects Assessment and Management

#### *Implementing Real Action on Cumulative Effects Assessment and Management*

Action on the ground to not only quantitatively assess but to *manage* cumulative effects is extremely important in the NWT. The federal government has spent millions on cumulative effects assessment and management by developing policies, building a framework, compiling annual reports and other documents, undertaking and funding research, organizing annual gatherings, and staffing coordination positions and consultants. However, they have yet to establish a concrete system to truly assess and manage cumulative effects beyond the project-by-project level.

CPAWS-NWT vehemently opposes DIAND’s (9/9/05) recommendation to “set out the overall framework for cumulative effects only, leaving the details - the quantifying and application of the details limits, up to others to develop and implement over time.” DIAND is a partner in the Cumulative Effects Assessment and Management (CEAM) Framework. The CEAM Framework developed the *Blueprint for Implementing CEAM Strategy and Framework in the NWT and its Regions* (December 2005) in which land use planning is noted as one of the main nine components of the CEAM Framework. The document also lays out the regional approach that the CEAM Framework is working through. More specifically it notes action on the “ongoing land use planning in the Deh Cho Region pursuant to the Deh Cho Interim Measures and Framework Agreements (3.1)” in the context of cumulative assessment and management. The NWT and the Dehcho region do not need to develop a “framework” as this has already been developed and is managed by the federal government. Again, CPAWS-NWT argues strongly that what is really needed is regional implementation of quantitative thresholds to actually manage and assess cumulative effects. CPAWS-NWT views regional land use plans as the only logical implementation vehicle to achieve this.

CPAWS-NWT believes that the cumulative effects work compiled by Salmo Consulting (2004) and adapted as terms by the Committee should not be reduced in their scope or delayed pending

additional research. Quantitative thresholds will benefit developers by providing greater certainty with respect to the permit application and review process, and could avoid potentially lengthy delays in the regulatory process. For example, if a developer's project is substantially below a critical cumulative effects threshold and they have completed all of the other necessary requirements, they could be more certain of approval of their project, and of the information requirements to secure that approval.

The well-researched and scientifically defensible thresholds and indicators that were determined using the best available information are one of the most critical components of an effective Plan. They are also important contributors to the long-term ecological, cultural, and economic sustainability of the Dehcho Region. CPAWS-NWT is concerned about the removal of the tiered approach to quantitative indicators and thresholds in the most Revised Draft Plan. The "target" and "cautionary" thresholds would provide an "early warning" system that would trigger monitoring and management actions to avoid negative impacts on target species before they occur.

**CPAWS-NWT strongly recommends the reintroduction of the tiered thresholds in the Final Draft of the Plan as a means to track linear disturbance and trigger monitoring and action before such disturbances reach the critical threshold at which negative impacts on key wildlife species would be anticipated.**

**Additionally, CPAWS-NWT views the inclusion of the research actions (A#10-16) related to cumulative effects research as an equally important component of the Plan. The results of this research and monitoring would allow the Committee to evaluate the effectiveness of and, if necessary, improve cumulative effects management in the next iterations of the Plan.**

#### *Impacts from Previous Linear Disturbances*

From reviewing the responses to the comments in the Background Report, it is noted that on page 252, the Committee is "interested in hearing proposals to make the existing databases more accurate" with respect to quantify disturbance from historic seismic lines. It is also noted that an action to conduct research to address these issues (A#14) has been tabled.

**In the interim, perhaps a qualitative survey of historic seismic lines in areas adjacent to active or proposed projects could be developed and carried out by developers on a volunteer basis. This may help in identifying general trends and issues prior to a quantitative or detailed study. A qualitative survey could include questions such as: 1) GPS verification of the seismic line; 2) visibility from air/ground; 3) type of vegetation present (forbes, shrubs, trees); 4) approximate difference of height between vegetation on the seismic line and surrounding forest; 5) type of vegetation present; and 6) evidence of recent or actual access use (ATVs, snowmobiles, trucks, exploration equipment, etc).**

#### *Seismic Disturbances at Stream Crossings*

It is also noted that the Committee has removed seismic lines from the analysis of stream crossing density (page 253). While in some cases, buffers have been provided for seismic operations as they approach stream crossings, it is not clear what legislation mandates this or

what specific regulations are enforced<sup>4</sup>. Salmo Consulting (2004) notes that “active stream crossings are often a chronic source of sediments and in-stream and riparian habitat changes.”<sup>5</sup> There will likely be impacts from seismic lines at stream crossings depending on the frequency of use, access restrictions, and if they are crossed during the summer or winter seasons, despite the possibility “buffer” use.

**Given that there is an extremely low percentage of the Dehcho Region that is close to the critical threshold of 0.5 stream crossings/km<sup>2</sup>, it is suggested that this term include impacts from seismic lines. It is also suggested that an additional action or recommendation to research impacts to fish at stream crossings from different types of linear disturbance be added.**

#### South Nahanni Watershed as a Conservation Zone

As noted in our previous submissions, CPAWS-NWT, as well as our national organization, have been working to protect the entire South Nahanni Watershed, including the Nahanni karstlands, in cooperation with the DFN and Nahanni Butte Dene Band, and consistent with the Government of Canada’s commitment to expand the park. CPAWS-NWT strongly supports the Committee’s decision to designate the entire Watershed as a Conservation Zone, and to include references and supporting documentation, such as DFN leadership resolutions.

#### Non-exclusive Geophysical Surveys

CPAWS-NWT is concerned with the extent of the allowable non-exclusive geophysical surveys within the Dehcho region that overlap with the Pehdzeh Ki Deh, Edézhíe, and Sambaa K’e PAS Areas of Interest, as well as other Conservation Zones (7, 8, 9, 13, 14, and 18) as noted on page 19, and in Map 2 on page 20. While it is understood that this issue is beyond the jurisdiction of the Committee, CPAWS-NWT supports the proposed action to direct DFN and Canada to renegotiate these areas to harmonize with the Plan’s Land Use Zones within one year (A#5). Without renegotiating compatibility, the Plan is at risk of having serious conflicts between development and conservation interests.

#### Other Comments

- Existing Rights, Dispositions, Authorizations and Activities (page 18): CPAWS-NWT supports the revised wording in this section.

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<sup>4</sup> For example, from a review of Dehcho 2D and 3D seismic land use permits issued by the Mackenzie Valley Land and Water Board, the permit conditions did not include “buffer” requirements. The Permittees were directed to “dogleg lines, trails and rights-of-way that approach lakes, streams or public roads” and to “minimize damage to wildlife and fish habitat.”

<sup>5</sup> “This can be either directly from the crossing construction, or indirectly from delivery of sediments along the right-of-way (Reid and Dunne 1984; BCF and BCE 1995b; Anderson 1996; Haskins and Mayhood 1997; Anderson et al. 1996, 1998; Brown 1999; Reid and Anderson 1999). Road stream crossing density has been found to be positively correlated with fine substrate and embeddedness and negatively correlated with trout presence, abundance, and redd densities (Eaglin and Hubert 1993; Baxter et al. 1999; Scrimgeour et al. 2003). Stream crossings also represent points of access for subsistence users and anglers as well as potential barriers to movement (Marshall 1996; Harper and Quigley 2000; Scrimgeour et al. 2003). As with terrestrial habitat fragmentation, actual effects depend on the extent and nature of the disturbance, watershed geology and topography, and species present, among others.” Salmo Consulting, 2004.

- Water Monitoring/Management (page 23): CPAWS-NWT supports the addition of the ‘background conditions or extenuating circumstance’ exception and ‘best practices’ addition.
- Mining Reclamation Planning and Security (page 24-26): CPAWS-NWT supports the changes made to clarify responsibilities and requirements. It is suggested that the Committee consider adding “**at a minimum**” before “**every 5 years**” in the 9<sup>th</sup> bullet beneath the Reclamation Planning heading.
- Significant Features and Seasonal Restrictions: It is suggested that “**at a minimum**” be inserted before 250 m (CR#26, page 34 and CR#26, page 65) as particular Significant Habitat Feature may require a greater buffer to prevent negative impacts.
- Minor editorial suggestions are attached as Appendix 1.

In conclusion, CPAWS-NWT believes this Plan is reflective of many interests—Dehcho communities, government, industry, and non-governmental organizations—and it is anticipated that once it is finalized and approved by the Dehcho First Nations, government will approve it or provide favorable consideration, not only in light of their mandate to support Aboriginal communities and organizations, but also for the long-term interest of all Canadians.

CPAWS-NWT looks forward to attending and participating in the upcoming Regional Forum in Hay River. Please do not hesitate to contact me at 867.873.9893 if you would like to discuss our comments further, or if you feel we can be of further assistance.

Sincerely,

Jennifer Morin  
Senior Conservation Coordinator  
CPAWS-NWT

Attach.

**Appendix 1**  
**Minor Editorial Suggestions for the Revised Draft Dehcho Land Use Plan**

- Page 25: insert bracket before “–referred...” on in the 9<sup>th</sup> bullet beneath the Reclamation Planning heading.
- Edézhíé should be consistently spelled with the accents on the é and í, including maps.
- Protected Areas Strategy should be referenced consistently (Areas vs. Area).
- Additionally, in *Appendix 1: Summary of Conformity Requirements, Actions, and Recommendations* it is recommended that Table 2 on page 31 of Appendix 1 be inserted into the CR#25 section on page 65.