

These are Committee interim decisions used to inform discussion with government and agencies. Actual revisions to the November 2005 draft plan may differ from those of this interim report as a result of these discussions.

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>Page 160 is key and should be pulled forward in Chapter 5. Definitions of Permitted Uses should be contained within this section.</p>	<p>Accepted</p>
<p>Within the context of specific zones, moratoriums on certain categories of development, such as hydro and big-game outfitting, could be better addressed by clear statements under "Development Values" for specific zones.</p>	<p>Not Accepted: The Final Land Use Plan to be approved will be a poster plan containing only a map showing permitted and prohibited uses and the terms. The remainder of the document will be considered a background report. Statements buried in a background report would not be enforceable. However, we will add statements to the zone descriptions in addition to their current status as terms.</p>
<p>In addition to land use planning, water use planning, environmental assessment and protection, legislative and regulatory mechanisms, and policy development and application need to be linked in order to attain sustainable development within the Dehcho and throughout the NWT. Further dialogue through the land use planning process may help to clarify some of these links.</p>	<p>The Land Use Plan discusses and references the GNWT's Sustainable Development Policy in Chapter 3 and draws links to many other policies, processes and regulatory mechanisms to ensure it is harmonized. If specific revisions are required, please provide clear direction as to the section number and desired revision.</p>
<p>Actions 6, 15, 16, 17, 18 each stipulate specific measures, or standards that regulating agencies must adopt. Given the range of on-the-ground circumstances for each development proposed, public interest may be better served through greater flexibility to apply standard best practices on a case by case basis. These could be guided by Terms in the land use plan but would allow for better use of current information, much of which is continually evolving.</p>	<p>Action 6 is worded to continually reflect evolving requirements for consultation. The Committee can consider similar edits to Actions 15, 16, 17 and 18 (e.g. apply standard "x" or higher standards as they become available) but will not replace these with a blanket term for best practices. This is subject to interpretation and as such is unenforceable.</p>
<p>In addition, care must be taken to ensure that wording in the document is targeted to the appropriate reader, whether government, an agency, or a developer. In some cases it appears that Terms have been developed with the interest of developers in mind and not that of government agencies who are mandated to act in the public interest.</p>	<p>Please provide specific sections and recommend revisions.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>It will be important that all communities have adequate land resources surrounding the community to fully address needs arising from population growth and to take advantage of business and development opportunities that may be presented. Such needs include sufficient land for housing, health and educational facilities, business and industrial enterprises, and increased community infrastructure such as water use and waste disposal sites. It will also be important that there is adequate access to transportation means and resources required to undertake the proposed development, such as water and aggregate materials. CONTINUED NEXT ROW</p>	<p>We followed up on those comments and the submission of March 18, 2005 with an email to Mark Davy dated May 17, 2005 asking for feedback on our proposed revisions. No response was received. Those revisions were used in the Draft Plan and we believe address the concerns raised by providing a term making community expansion a permitted use and infrastructure permissible through exceptions to the Plan as required. Please review the current Draft and advise us if further changes are required.</p>
<p>(continued from previous row) Comments were previously submitted from MACA by e-mail on September 20, 2004 regarding this matter. The DLUPC response appears to be that these types of issues can be addressed when the land use plan is reviewed every five years. The five-year amendment review would not satisfactorily address this issue. While the communities and MACA strive to project capital planning requirements as far into the future as possible, there are instances when it is not possible to provide this level of foresight. When there are cases where critical community infrastructure is required on a short turnaround basis, there needs to be sufficient flexibility in the land use plan to permit this type of development.</p>	<p>As per row above</p>
<p>Maps 52 through 56 demonstrate this need given the significant portion portrayed as having "Differing Community Views". This suggests that some communities recognize the potential for limitations on community and economic growth</p>	<p>Maps 52 through 56 show where communities would like to see development permitted or prohibited outside community boundaries. This has nothing to do with municipal / community planning.</p>
<p>Examples of current GNWT strategies that could be compromised with current DLUP wording include · Investing in Roads for People and the Economy: A Highway Strategy for the Northwest Territories that identifies an all-weather road through the Mackenzie Valley as a long-term objective of the GNWT. The applicable area, north of Wrigley, is identified as a Conservation Zone (Zone 1). NWT Drinking Water Framework and Strategy will be implemented to promote the use of source water protection areas for community drinking water supply sources and watershed protection initiatives. Some current wording of terms is limiting in these regards. Greenhouse Gas and Energy Management strategies enumerate actions towards conserving energy resources and promoting the use of alternative energies to the NWT's current use of considerable diesel power. Tourism Strategy, including interests in big-game and outfitting. All developers must operate within the bounds of environmental and wildlife legislation. Regulatory authorities are obliged to consult Dehcho First Nations through the IMA.</p>	<p>We thank you for bring the Highway Strategy, the Greenhouse Gas Strategy and the Tourism Strategy to our attention. We will review and reference these. The NWT Drinking Water Framework and Strategy is currently referenced. If the Plan is in conflict with this, please recommend specific revisions.</p>

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<p>Only the final bullet (“Direction from Department Ministers to their staff to conduct their activities in conformity with the approved Land Use Plan) is directly within the means of the GNWT. Yet there remains wording within the Plan that is ambiguous in these regards, not recognizing the authorities and mandated interests of the GNWT. Further, in order to achieve the stated bullets identified in many of the Terms articulated in the DLUP, the GNWT would need to be a part of the process, including checking for conditions noted under conformity. This then implicates the GNWT to considerable resource commitments, many of which are beyond its current means. Further dialogue is required in these regards, especially concerning all Conformity Requirements.</p>	<p>Please provide specific sections and recommend revisions.</p>
<p>GNWT resources required for “Inspections and Enforcement” could be considerable given the wildlife and conservation targets presented. However, it is unclear what expectations there would be in these regards.</p>	<p>All regulatory authorities will implement the Plan within their existing mandates and authorities.</p>
<p>It is suggested that the Plan Revision and Assessment portions of Chapter 6 would be better presented independently. In a planning cycle, often these are declared independent of implementation. Such an approach would help distinguish between these two activities. In addition, if handled independently, this would allow them to be more fully developed using commonly accepted approaches to evaluation. The questions posed in the Plan Review sections do not readily lend themselves to clear process. Roles and responsibilities are not presented. Given, as noted earlier, that many GNWT objectives are similar to those presented in the DLUP, use of common indicators could be useful. The DLUP does not address this aspect of planning, except in limited context directed towards wildlife in the cumulative effects section. Further dialogue in these regards would be helpful.</p>	<p>We can separate chapters if required. Please provide specific revisions with respect to preferred "accepted approaches to evaluation" and GNWT indicators that should be used for Plan review.</p>
<p>Some definitions of concern include: “land”, “viewshed”, “developers”, “development”, “agriculture”, “forestry”, “mining”, “oil and gas”, “pipeline”. This comment is made recognizing the considerable efforts that the DLUPC has taken to use currently defined terms from other legislation. However, in some cases the context for these are drawn from those used for taxation purposes, notably extensive as a means to capture revenue, or from environmental legislation, again with a broader context than may be appropriate for purposes of land use planning.</p>	
<p>There are some activities captured in the current definitions of industrial sectors, such as “mining” and “oil and gas” that could restrict activities in certain areas that would in all cases provide benefit to the people of the Dehcho and help them reach their goals as stated in the DLUP.</p>	<p>These are defined by legislation and in some cases, the Interim Measures Agreement. The Committee is fully aware of the activities included in the definition and decisions were made in full consultation with communities.</p>

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It would also be more appropriate to place some of the definitions within the Section in which they are used for better clarity and intent. This is particularly applicable for discussion of "Permitted Uses".	Accepted: Permitted use definitions will be copied and repeated in Chapter 5.
(1.1) Introduction - The "Introduction" refers to the land use plan applying outside of municipal boundaries. Several communities in the Dehcho do not have formal municipal boundaries but rather administrative delineations for the purpose of defining jurisdiction (Development Control Zones). Therefore, by strict interpretation, the provisions of the draft land use plan would apply in those communities that do not have formal municipal boundaries. For a community such as Trout Lake, for example, the Conservation Zone designation would technically apply within the community. Under this designation no development is permitted. Consequently by a literal reading of the land use plan, there would be no development permitted in this community, including housing, community infrastructure etc. Likely not the intent of the plan given intent to integrate with community plans. Further discussions may be required to be sure all clear and unintended limitations to growth and development opportunities are not limited.	This is the same comment submitted during the Working Draft. All instances of "municipal boundaries" were changed to say "community boundaries" in the Draft Land Use Plan and "community boundaries" was defined in the Definitions at the start of the Plan. Furthermore, map 1 shows the community boundaries on them for clarity. Was this comment re-submitted in error or is there more we need to address?
Table 8 (page 24) - Should clarify that "Corridor/Road Density" is intended to apply to roads outside of community boundaries.	Accepted
3.3.2 Fish and Wildlife - The statement about "8 COSEWIC listed species" is misleading. Species are listed under the Species at Risk Act (SARA). COSEWIC undertakes status reviews and makes recommendations. Of the species listed, Grizzly bear and Wolverine have not yet been listed on Schedule 1 of SARA. The final paragraph in this section should reference ENR's "Wildlife Division". It should be noted that SAR legislation may offer opportunities to address wildlife management concerns, including with respect to cumulative effects.	Accepted. For clarity, this information came from our Wildlife Report which was submitted 2 years ago. This section will be updated to reflect the current situation.
3.3.3 Heritage Resources and Archaeological Sites - (P. 56): The final sentence of this section states: "The Prince of Wales Northern Heritage Centre is the territorial museum that houses a collection of cultural and heritage resources and issues NWT Archaeologist Permits for development operations that pertain to, or will affect heritage resources." Revise to: "The Prince of Wales Northern Heritage Centre acts as the official repository for archaeological artifacts collected in the Northwest Territories, issues NWT Archaeologist's Permits authorizing archaeological investigations in the NWT, and reviews land use applications to determine the effects of proposed development activities on heritage resources."	Accepted
3.3.8. Agriculture (p. 60) Air monitoring and management related to Agricultural activities. Recommend the plan refer to available GNWT ambient air quality standards available at: www.enr.gov.nt.ca/eps/pdf/ambient_airquality.pdf	Please recommend wording to describe how they are used in regulating agricultural activities.

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>Regulatory and Policy Framework (general) 3.3.6 (and see 3.7.5) - Information about the Forest Management Act suggests how that Act can be applied is misrepresented. The Forest Management Act allows for enforcement at the "authorization" level on direction contained in a regulatory document, not at the LUP level. The statement in the document "However, under the Forest Management Act, the GNWT may transfer control, management and administration of any forest back to the (continued) Minister of DIAND for the purposes of entering into Forest Management Agreements with the government of any Province or Territory, or with any person, institution or firm relating to timber harvesting, or researching or managing forests" suggests that information about Forest Management Agreements in the Forest Management Act has been misinterpreted. The Act provides for an area to be established as a Forest Management Agreement Area for a specific development or management initiative not as a general course of action related to a land use plan. Clause 8 and 9 of the Act provide the key statements. Further dialogue to clarify.</p>	<p>Please recommend revised wording if this is incorrect. This section is just providing an overview of the existing regulatory framework. This statement does not imply any reasons related to land use planning for this transfer, it simply explains that such a transfer is possible under this legislation.</p>
<p>3.7.5 The Policy Framework - The Forestry Section does not correctly convey ENR's responsibilities or the regulatory framework in which we work. The Plan indicates that the Federal Government is involved in Forest Management Agreements. This is not a correct interpretation of the information. Similar policy goals are notable but it needs to be clearer how the land use plan and the forest management instruments will be linked appropriately. Terminology should be used in an accurate and consistent manner to common use. For instance, conservation and preservation are not the same.</p>	<p>The purpose of the policy section is to review existing policies related to forestry. We are not aware of any GNWT forestry policies. If we have missed a key policy, please send us a copy so we can incorporate it. If our interpretation is incorrect, please specify corrections. We strive to use consistent language other than when quoting a document. Please identify where we have used the word "preservation" in the Plan as I am unable to find it.</p>
<p>3.8 The Land Use Plan and Other Land Use Initiatives - (p. 69) DLUP noted as main initiative to guide conservation and development and does recognize need to align with other initiatives in realm of conservation and community, economic resource and environmental management planning. Mandates in these areas will need to be clearly linked to implement the final DLUP. The draft DLUP notes the need to align goals and research already. GNWT and broader strategic planning regarding forest management, tourism, energy (including hydro), and drinking water management are all touched on in the plan. Collaborative alignment of these and the DLUP would help to achieve common goals to promote the values demonstrated within the current draft Plan. Linkage clarity will be necessary at all steps of the Plan development and implementation.</p>	<p>If aspects of the Plan are in conflict with these GNWT priorities then please provide specific revisions to address these issues.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>3.8.1 NWT Protected Area Strategy - (Pgs 69-70) The idea that the PAS results in permanent protection, a key difference between the PAS and the land use planning process, is referenced only partway through the second last paragraph. This section could better reflect that the PAS results in a range of protection (depending on the reasons for protection, results of detailed studies and assessments, decisions of the Candidate Area Working Group and community members, etc.) - Emphasize that the NWT PAS results in the permanent protection of lands. One possibility is to include a statement to that effect after the description of the eight steps of the PAS process (currently pg. 69). Emphasize that the NWT PAS can result in a range of protection.</p>	<p>Accepted</p>
<p>3.8.1 NWT Protected Area Strategy - (Pg. 70, paragraph 1) This section refers to the detailed assessments carried out during interim land withdrawal under the PAS process, but mentions only ecological, cultural, and non-renewable resource assessments, leaving out renewable resource assessments and socio-economic analysis. Furthermore, cultural resources are studied and documented through the PAS process, but are not assessed (although some conclusions as to the significance of these resources may be made by the participating Aboriginal groups). - Include references to renewable resource assessments and socio-economic analyses. Change the reference to cultural resource assessment to "cultural values study".</p>	<p>Accepted</p>
<p>3.8.1 NWT Protected Area Strategy - (Pg. 70, paragraph 1) The last sentence in this paragraph references management of approved protected areas "through protected areas legislation". There is no specific Territorial "protected areas legislation" and the management of the area will be based on a management plan developed by the sponsoring agency and the community(ies) involved. Amend the sentence to read: "Once approved, the protected area will be designated through the appropriate legislation and managed in accordance with its management plan. It will no longer be subject to the Plan".</p>	<p>Accepted</p>
<p>3.8.1 NWT Protected Area Strategy - (Pg. 70, paragraph 3) This paragraph describes the similarities and differences of the land use planning process and the PAS. As land use planning processes differ in the different regions of the NWT, it should be noted that these points apply only to the Dehcho region. Amend the sixth sentence in the paragraph to read: "Land Use Planning in the Dehcho complements the PAS by providing immediate..."</p>	<p>Accepted</p>

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3.8.1 NWT Protected Area Strategy - Page. 69, paragraph 3 - This paragraph could be strengthened by a reference to the PAS Principles related to land use planning, which reads: "Locally based land use planning and resource management processes will take the lead on identifying community and regional interests in areas being considered for protection." (Protected Areas Strategy, 1999, pg. 10).	Accepted
3.8.1 NWT Protected Area Strategy - (Pgs 69-70) - There are several typos in this section, as follows: Pg. 69, paragraph 1 – first quotation is missing an end-quote mark. • Pg. 69, point 3 under “The process has eight steps” – should read “Review and submit proposal for candidate protected area status”. • Pg. 70, paragraph 2 – the last sentence is missing a closing parenthesis. As indicated	Accepted
3.8.1 NWT Protected Area Strategy (see 5.5.1 Conservation Zones) - (Pg. 70, paragraph 3) - The last sentence in this paragraph indicates that areas can be designated "as protected under the PAS". The PAS is a process and has no legislative authority to protect land. Amend the sentence to read: "The Plan will be amended to designate these areas as protected once their final designation is achieved." (italics indicate proposed change)	Accepted
3.8.1 NWT Protected Area Strategy & 5.5.1 Conservation Zones - Section 3.8.1 (pg. 70, paragraph 2) and Section 5.5.1 (Zone 4: Edehzhie) - These sections refer to the interim land withdrawal for the Edehzhie Candidate Area. The DCLUPC may wish to mention that the interim land withdrawal expires in June 2007.	Accepted
4.8 Cumulative Effects Analysis - Proposed indicators and thresholds not currently used by ENR, though the notion has been accepted through the Paramount EA. Preliminary review notes potential difficulties in applying thresholds in the manners suggested. - Dialogue to work collaboratively with DLUPC to achieve the intended goals. Indicators and thresholds used will need to be rationalized through sound knowledge, including methodologies, in full collaboration with the legislated resource managers for forests and wildlife (i.e. GNWT) and those who can appropriately track the agreed upon indicators. Consider forest ecosystem classification and long term monitoring programs to evaluate impacts of land use activities as an alternative effective approach. Forest, wildlife, habitat baseline information and GIS and remote sensing techniques will all be required to define usable tools. The GNWT recognizes the role of the many partners cooperating through the CE AM Framework and the lead role assigned to the DLUPC in the Regional Plan of Action. Ongoing collaboration is required.	CEAM Revisions
(p. 92) Goal #3 typo – remove first “be”	Accepted
5.1.2 Goals - the goals stated in the DLUP align well with those of the GNWT. - Given similar direction, the GNWT is undertaking work on several measures that may help to assess progress towards goals. These may be useful to assess the effectiveness of DLUP implementation.	Please provide them once complete.

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<p>5.2 Zoning - (p. 93) Zoning – This section starts into the actual Terms before introducing the concepts and what they mean (this happens later in 5.4). Also, zone types are not introduced until later. Confusing flow in Chapter 5. The GNWT considered ease of use, especially with the wall chart as a starting point, to discern user-friendliness. Some problems arose. Suggest re-arranging Chapter 5 somewhat. Consider using cross-references with Terms on wall charts and in Zone descriptions (could use Term numbers in both places). Use of words Terms, conditions and Terms and Conditions causes some confusion. Might want to consider changing “conditions” to “provisions” as these are what you want regulating bodies to somehow provide for in the Terms and Conditions that they may use in their particular regulatory instruments. This would also get away from getting too specific at a regional scale.</p>	<p>Accepted: We will try different formats and order to improve clarity and linkages between zones and terms. Some of the terminology confusion lies in trying to differentiate our "terms" from how they will be implemented as " terms and conditions" in permits and licenses.</p>
<p>5.3 Permitted Uses - (p. 93) “Permitted Uses” is inconsistently used between Table 13 and this section. Permitted uses are not described except in the definitions. Definitions of “permitted uses” are captured from legal definitions around taxation and environment. In some cases this misrepresents the context within the DLUP; e.g “mining” includes restoration; oil and gas – conservation; forestry – maintenance of woody vegetation. Such activities desirable. For ease of DLUP use, “Permitted Use” information could be brought together more thoroughly with close reference to linking terms used in the wall charts. Second sentence in 5.3 might better read “Where Terms are listed, Regulatory Authorities will ensure that these are provided for in the terms and conditions of permits, licenses, leases or authorizations.” Consider clarifying terminology for permitted uses around intended context.</p>	<p>Where possible the DLUPC uses definitions found in relevant legislation or agreements for consistency with the existing regulatory framework. This was done in response to previous comments from the GNWT that our definitions were not consistent with commonly accepted definitions. Please provide specific wording should further revisions be required. Definitions of permitted uses will be brought forward and re-introduced in Chapter 5. A wall chart linking all terms to relevant zones would be messy and confusing as most terms apply to all zones. Very few "specific terms" remain which apply to only a select number of zones. Therefore, the recommended statement would not be appropriate.</p>
<p>Chapter 5 - Conformity requirements are stated as a function of the DLUPC. All will require considerable collaboration with regulators to ensure the bulleted expectations are met. Given its mandates within the Dehcho and throughout the broader GNWT, further dialogue is required regarding many aspects of all the Conformity Requirements. Greater linkage clarity and appropriate roles need to be defined. Some aspects may go beyond what was envisioned by the GNWT in the Interim Measures Agreement (IMA).</p>	<p>Conformity requirements are defined in the Plan as those 5 terms that the DLUPC will check and monitor. The rest of the terms are Actions which regulatory authorities will monitor. The DLUPC will only comment on actions when specifically asked to by the regulatory authority or any other body named under S. 47 (1) of the MVRMA. Which "bulleted expectations are you referring to?" The GNWT will only look after those Actions and Recommendations applicable to it under its existing mandate and jurisdiction.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>5.2 Zoning - Conservation zones and some special management zones encompass large areas around communities that restrict "forestry". If not considered traditional use, this restriction could be interpreted to include domestic use of timber and would prohibit any timber harvesting for fuel-wood or building use. This is not consistent with the context of conservation within the Forest Management Act. Further dialogue necessary to determine wording to place in appropriate context.</p>	<p>Accepted: The DLUPC will revise the Plan to clearly differentiate between traditional and domestic uses vs commercial activities. The Plan is only meant to direct non-traditional commercial activities.</p>
<p>5.3.6 Access - (p.95) The first bullet, first sub-bullet obligates developers to submit an "access planning study", which would outline the "long-term access needs for the zone..." - It should be stipulated that any developer can only provide information on their own "long-term access needs" for any zone. If this is what is meant, it is unclear. If it is meant to obligate any developer to plan for other future economic development access plans, it is inappropriate.</p>	<p>Partially Accepted: The term will be revised to have Developers "consider reasonably foreseeable" access needs. Developers should see this as an opportunity to coordinate and cost-share on road development with other interested parties. Reasonably foreseeable access needs should be raised during consultations with communities and regulators and should be a consideration in any access plan.</p>
<p>5.3.6 Access - Access is related to Transportation requirements. At July meeting GNWT noted that there may be limitations posed with this provisions that would make road alignments and access to aggregates difficult. Consideration of provisions requested here in the context of planning or management. - Clarification necessary on intent and means to address Transportation concerns. Note that the GNWT has reviewed the draft DLUP, and this section in particular, in its role as a developer. This offers additional perspective.</p>	<p>Please provide specific revisions that will address your concerns.</p>
<p>5.4 Regional Land Use Issues - (p. 96) Information contained regarding Terms, their context and expectations for their implementation is buried in the introduction to 5.4. - Move information on bottom of page 96 and top of page 97 up in this Chapter.</p>	<p>We will consider this in chapter re-organization but it must be kept with the terms and not separated or it loses context.</p>
<p>5.4.1. Dene Culture(#4) - (p. 98) Action #4 The regulatory authority will require the developer to document Traditional Knowledge (TK) along with scientific knowledge in accordance with affected First Nation's TK policies and protocols when applying for licenses or permits. If this is meant to apply to Timber Permit Applications, no mechanism exists. Timber Cutting License Applications could have this requirement covered under Section (2)(i) of the Forest Management Regulations. Further clarity required. Might wish to consider re-wording to attain documentation of methodologies, not traditional knowledge itself. Consider having an appendix that contains existing policies and protocols and add to this on an ongoing basis.</p>	<p>Need to discuss details - we may need to exempt some types of permits (e.g. for domestic use) from this and other similar terms.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>5.4.2 Traditional Land Use and Occupancy - (p. 100) Action #5 Protection of Significant Cultural and Traditional Use Sites (p. 100). The last sentence of this section states: "Regulatory Authorities will require support of the affected First Nations for all proposals to remove heritage resources from DFN lands." - Addition of the sentence: "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." This clause should also be added to A #5 in Appendix 1 (p. 230).</p>	<p>Accepted</p>
<p>5.4.2 Traditional Land Use and Occupancy - (p. 100) Action # 9 – Viewshed Analysis - May be difficult to implement. Unclear methodology.</p>	<p>Change to recommendation ("encourage developers to work with communities to identify acceptable visual impacts from new land uses"). Viewshed analysis is a standard GIS operation that determines whether or not a site can be seen from designated areas.</p>
<p>5.4.3 Sustainable Development - (p. 101) Rationale for Terms stated in first paragraph of 5.4.3. - Might be better moved to earlier part of Chapter.</p>	<p>Not accepted. This is meant to introduce the sustainable development terms and needs to be kept with those terms.</p>
<p>(p. 102) Planning for around community water intakes has limited context. Better to promote planning. - Further dialogue re: consideration of community drinking water source protection areas and potential initiatives related to watershed management (related to Drinking Water Strategy implementation.)</p>	<p>It is our understanding from reviewing the NWT Drinking Water Strategy and Framework that a Source Protection Strategy is not yet complete. If it is, please provide a copy and suggest revisions for how these should be used. The drinking water term will be revised to reflect the CCME guidelines for Drinking Water. The water terms will be revised to provide flexibility where background levels already exceed CCME standards.</p>
<p>5.4.3 Water Monitoring/ Management - Hydro - (p. 102) CR #4 re: hydroelectric dams on the Liard and/or Mackenzie Rivers. This position may significantly limit energy options in the Dehcho. - The GNWT strategic plan works towards economically healthy communities in the Dehcho region, as well as the entire NWT. Eliminating access to an industry that has potential to be highly beneficial to the citizens of the Dehcho region and NWT without in-depth discussions with appropriate information brought to the table may not be in the best interests of the region. A better common understanding of energy planning initiatives would be helpful.</p>	<p>A similar term has been proposed in the Draft West Kitikmeot Plan. The Dehcho First Nations debated this issue at length previously and have provided clear direction on this issue.</p>

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<p>5.4.3 Sustainable Development - Forestry - (p. 104) (Action 20) Establishment of appropriate silvicultural practices in the Dehcho including selective, winter harvesting. Coming on stream is the Standard Operating Procedures for Commercial Timber Harvests that will address this issue. While silviculture practices not previously documented formally for region. expertise has been applied through working with GNWT foresters on a case by case basis. A degree of flexibility to apply appropriate practice for on-the-ground circumstances is appropriate. - Further dialogue around forestry actions re: means to align with LUP goals. Good intent but conformity checks, if practical, would need to be highly collaborative. For information: ENR has the Muskeg Demonstration Forest (A Forest Ecosystem Research Network Site [FERNS]) near Fort Liard where various Silvicultural harvests have been done including selective harvest. There are 22 FERNS sites across Canada with the Muskeg Demonstration Forest representing the Northern Boreal Forest. The Dehcho leadership has been on a tour there in 1995 & 1998.</p>	<p>This term was reworded several times during the last round as a result of discussions with the Forest Management Division. If further revisions are required, please provide us with the final wording acceptable to the GNWT on this term. As an action, conformity checks would be done by the GNWT, not the DLUPC. We would only be involved if requested to by a regulatory authority, community or other body named under S. 47(1) of the MVRMA.</p>
<p>5.4.3. Sustainable Development - The plan only considers commercial harvesting as part of forestry. The Plan should consider other harvesting (ie fuel wood and other domestic use etc). These types of uses fall under the current regulatory framework.</p>	<p>Conservation Zones should not prevent traditional uses of wood for fuel and other domestic uses. We will work with FMD to ensure this is properly worded and clear.</p>
<p>5.4.3 Sustainable Development. - (p. 103) Air monitoring and management has not been included yet is an aspect of sustainable development. (also page 7 and 231) - Suggest that the Plan include a Term (recommendation) that refers to available GNWT ambient air quality standards (www.enr.gov.nt.ca/eps/pdf/ambient_airquality.pdf).</p>	<p>Air monitoring and management is included as a term as demonstrated by the GNWT comment referencing the page numbers. At the time of writing, the GNWT standards were still in Draft form and are not broad enough to encompass all the factors of concern.</p>
<p>5.4.2 Traditional Land Use Occupancy - (p. 105, Action #23) SMART designed as guideline only. - Suggest likely only practical as recommendation.</p>	<p>Accepted</p>
<p>5.4.3 Sustainable Development- Tourism - (p. 105, Action #25) This action is directed at resource management. The resources this section targets appears to be big game. As worded the Action will give priority access to resources to non-resident and non-resident aliens over NWT residents. Further dialogue to clarify intent and appropriateness.</p>	<p>While we recognize the concern, this term only applies to one zone which was setup to address issues raised by multiple communities. Residents can apply to the local community for a GHL. They can also access the area through an existing outfitter. Residential hunting is permitted everywhere else in the Dehcho.</p>

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5.4.3 Sustainable Development- Tourism - (p. 105, Action #27) Visitor quotas. - Collaboration on implementation means and conformity check.	This term does not establish visitor quotas but sets the stage should they be required in certain areas. Implementation would have to be part of those discussions and would be between you and the communities to decide what is required and what would work.
5.4.3 – Digital Pre- and Post- Operation Mapping - (p. 106, Action #29) Useful Action proposed but concern on legal means. - NWT Geomatics Centre are involved in standards and other programs to facilitate use of digital and GIS information. Suggest as recommendation only.	Not Accepted: This goes to the heart of being able to track developments on land and is a key data source for continual assessment of cumulative impacts. The MVLWB currently requests digital files be submitted with applications; we are extending the requirement to provide post-operation files as well.
5.4.2 Traditional Land Use Occupancy - (p. 107, Cumulative Effects Management) Multiple implications, including use of up-to-date information, would be required to carry this through. Impacts multiple Actions. - Further dialogue required. Considerable collaboration required. Presently does not acknowledge that cumulative effects will take place in Conservation Zones through all use, not just industrial.	CEAM Revisions
5.4.4 Community Issues - (p. 113) paragraph before Money Management – seems out of place? - Not applicable.	Accepted: Will move this intro closer to health and social issues
5.5.3 Zone 20: Special Infrastructure Corridor - (p. 117) On Map 19 (and on page 158), Special Infrastructure Corridor (MV pipeline), the corridor stops at Ft. Simpson and it is noted that the DFN are “negotiating the corridor”. MVPO staff attended a consultation session in Hay River in July and asked why the Corridor had been stopped at Fort Simpson. DLUPC noted that the corridor was being negotiated with Canada. Consequently, page 158 states that subsequent drafts would reflect the results of this negotiation. - It is anticipated that the final draft will contain a finalized corridor that would be reviewed at that time. It would be helpful if this could be viewed following completion of negotiations.	I expect the GNWT would be involved in those negotiations as the corridor is being delineated by revising the DFN interim land withdrawals in the Pehdzeh Ki Deh area. As soon as the new corridor through Zone 1 is agreed to, it will be reflected in the Plan. In the interim, GNWT Dehcho Process negotiators should be able to provide periodic updates for you. Areas between negotiated land withdrawal areas (e.g. between Fort Simpson and southern edge of Zone 1) will be revised to reflect recently received corridor shapefile from MGP.
5.5 Land Use Zones - (p. 120, Table 14) Inconsistent use of Resource Potential and Development Values from pages 123 to 159. - Consider use of same terms. Page 123 could change heading. Use of term “intersect” in table. Is this explained somewhere? Could clarify. May make more user friendly if numbers of Terms are placed beside these in Special Terms section. Are some specific terms to apply throughout all zones, especially recommendations and promotion of best practices?	Accepted - we will make suggested revisions. Specific terms, by definition, only apply to specific zones. All other terms apply to all zones. Specific terms include Actions 3, 21, 25, 26, 27, 30 and Recommendation 1.

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>5.5.1 Conservation Zones - (p. 122) Only permitted use is tourism but if lodges with to expand or communities want to cut lumber from logs for building purposes this cannot be done as the only merchantable timber stands on the western edge of Trout Lake are incorporated into the conservation zone. - Clarification on intent to ensure appropriate. Considerable resource potential is indicated with only limited existing use within conservation zones of over 50% of land. May be limiting growth in near future given revision time.</p>	<p>The Plan reflects community wishes with respect to development. The Revised Plan will include clarification that the plan only applies to non-traditional commercial uses and should exclude domestic community uses (e.g. fuel wood). It is anticipated that Plan revisions following a Final Agreement will open up more lands due to increasing certainty and understanding about land ownership, decision-making, and revenue sharing. If changes are required before then, there are exception and amendment processes in place.</p>
<p>5.5.1 Conservation Zones - (Pg. 122, paragraph 1) - The wording in this paragraph may be read as meaning that all conservation zones have also been designated current PAS candidate sites and areas of interest, which is incorrect. - Amend the third sentence in this paragraph to read: "Several conservation zones have also been..."</p>	<p>Accepted</p>
<p>5.5.1 Conservation Zones - (Pg 126, "conservation values") - This section describes the conservation values for Zone 4: Edehzhie. It focuses on ecological values and does not refer to the cultural significance of the area. - Include a description of the cultural values and significance of Edehzhie to the Aboriginal communities that surround it.</p>	<p>Accepted</p>
<p>5.5.1 Conservation Zones - (Pgs 122, 126, 128) - These sections refer to the detailed assessments carried out during interim land withdrawal under the PAS process, but mention only ecological, cultural, and non-renewable resource assessments, leaving out renewable resource assessments and socio-economic analysis. - Refer more generally to possible boundary changes as a result of "the resource assessments and studies required..."</p>	<p>Accepted</p>
<p>5.5.1 Conservation Zones - (Pgs 122, 126, 128) - These sections refer to the eventual management of approved protected areas "through protected areas legislation". There is no specific Territorial "protected areas legislation" and the management of the area will be based on a management plan developed by the sponsoring agency and the community(ies) involved. - Refer to "designation through the appropriate legislation" and "management in accordance with an established management plan".</p>	<p>Accepted</p>
<p>5.5 Land Use Zones - Table 14 - It would be useful to separate out boreal woodland caribou and mountain woodland caribou in this table given the listing of boreal caribou under SARA. Moose and bison should be included in Zone 28.</p>	<p>Accepted</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>6.2 Plan Implementation - There is an expectation that the GNWT will implement the Plan through direction from the Ministers. - This would come about through Cabinet approval; however currently there are many areas that would require significant collaboration. These would implicate GNWT resources considerably. A number of areas where this would be true have been pointed out in this table. The GNWT has ongoing dialogue with federal and other regulating agencies.</p>	<p>Please bring areas of concern and proposed specific revisions to our attention.</p>
<p>6.2.1 Implementation Vehicles - Table 15 - The section on Seasonal Restrictions should indicate that the Wildlife Act provides a vehicle for certain types of activities related to wildlife management. Access and use of an area for purposes other than hunting is not covered.</p>	<p>Accepted</p>
<p>6.2.2 Revised Land Withdrawals - (Pg. 166, paragraph 2) - This paragraph refers to the ecological and non-renewable resources assessments being carried out in Edehzhie. It does not mention the cultural studies, renewable resource assessments, and socio-economic analysis that are also taking place. - Refer more generally to "resource assessments and studies".</p>	<p>Accepted</p>
<p>6.2.3 Conformity Determinations - 6.2.4 Inspections and Enforcements - (p. 170 and 171) Figure 9 and 10 define a proposed implementation process for the Plan. Phrases are inconsistent within and between the two tables. Terms and conditions are part of a regulatory instrument. The DLUP sets out Terms defined as Conformity Requirements, Actions and Recommendations. Further work is needed to clarify expectations required in the DLUP for "Regulatory Authorities" to implement these through existing legislation. It should be understood that some linked relationships will evolve in the Dehcho process. The approved Plan will need to expect those existing at the present time. This has been noted above. Because the draft LUP focuses on wildlife values, it is anticipated that considerable GNWT resources would be required to implement the DLUP. Available resources are limited.</p>	<p>Figures 9 and 10 have different wording because they are discussing two different processes, one specific to the MVLWB and one that is not. Please bring areas of concern (i.e. terms that are cost prohibitive) to our attention so we can find suitable alternatives.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>6.3 Plan Revision - (p. 171) Plan Revisions: This section sets out clear high level guidance for Plan review. However, many of these would need to have defined indicators to help answer the questions laid out. There is limited presentation of how these judgments could be made. More dialogue is required to further define how the plan would be revised. Given similar values within the GNWT strategic planning context, there may be opportunity to use existing measures. However considerable resources would be required to do so. The Land Use Plan is much more multi-faceted that perhaps was envisioned in the IMA process. While revisions are intended to occur in a 5-year timeframe, exceptions and amendments may be more immediate. Again high-level criteria are well-laid out but would require considerable judgment by Parties to the IMA who may hold differing perspectives. Because the Plan precedes the completion of the Dehcho Process negotiations, this is compounded.</p>	<p>Amendments and Plan reviews would follow the same type of process used in developing the initial plan, though more restricted in scope - Gather information (what's the issue), prepare Draft changes, consult and revise as required to reach agreement. Communities and regulatory authorities should have a clear understanding of what is working and what is not working after five years.</p>
<p>6.4 Plan Assessment - Maps in Chapter 6 - The DLUPC has assimilated considerable information and presented multiple complex views well. Sustainable development needs to be promoted at this time given considerable opportunities available to the people of the Dehcho.</p>	<p>Accepted - any preferred wording suggestions?</p>
<p>6.4.4 Ecological Representation Analysis - This section describes the eco-region representation analysis conducted by World Wildlife Fund for the DCLUPC. It does not clearly explain how the criteria used in the analysis were chosen, how the weights associated with those criteria were chosen, what is meant by the various levels of representation identified in the analysis (e.g. "moderate", "adequate", etc.), and how the analysis addressed eco-regions that cross the boundaries of the Dehcho region. - Provide additional information on the methodology used by World Wildlife Fund to identify criteria, weight criteria, and address eco-regions that cross the boundaries of the Dehcho region. Provide quantitative definitions for the levels of representation identified (for example, in terms of the percentage of the eco-region covered) and explain how these definitions were developed.</p>	<p>Partially Accepted: Rough methodology will be included. Those interested in details should refer to WWF's report that goes into detail on decision parameters.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
<p>6.4.4 Ecological Representation Analysis - (Paragraph 1) - This paragraph describes how the conservation zones established in the draft LUP contribute to goal 2 of the PAS (protection of core representative areas within each Ecoregion), according to an analysis completed by the WWF. The paragraph does not reflect that there are some differences between conservation zones and core representative areas established under the PAS. Amend the paragraph to read: "It is a stated goal of the PAS "to protected core representative areas within each Ecoregion". The Plan complements PAS efforts to establish protected areas through CZ so it is important to demonstrate how the Plan contributes to the representation goals. WWF analysis assesses both ecoregions, and enduring features - physical habitat or landscape components defined by climate, topography, soil texture and surficial deposits. Enduring features provide a more detailed level of assessment. The ecoregion level assessment was also run to provide an indication of how well the CZ established in the Plan represent ecoregions in the Dehcho. (see change</p>	<p>Accepted</p>
<p>6.4.4 Ecological Representation Analysis - (Pg, 191, Table 16) - This table summarizes the results of the World Wildlife Fund's eco-region representation analysis. At a quick glance, the reader might confuse the "% of the ecoregion within the Dehcho" with the percent of the ecoregion protected in order to achieve a given level of representation. The likelihood of confusing is increased because clear definitions of the various levels of representation are not provided elsewhere in this section (see substantive comments) - Present the information in two separate tables (one to describe the percentage of each eco-region within the Dehcho and one to describe the level of representation of that eco-region, including percentages or some other quantitative data).</p>	<p>Accepted</p>
<p>Appendix #1 - Actions 6, 15, 16, 17, 18 each stipulate specific measures, or standards, that regulating agencies must adopt. We believe it is in everyone's best interests for the regulating agencies to maintain the discretion to select the most appropriate standards and methodologies to fulfill their duties. As background knowledge increases with time, it may be more prudent to adapt methodologies and standards to accommodate new information. Binding the hands of the regulating agencies for a minimum of five years may have undesirable consequences.</p>	<p>The intention of the Plan is not to bind the hands of anyone, but to enhance and add value to the way the land and resources are currently managed. The Plan does this by raising issues, making recommendations and setting out clear standards where available. The Plan is being revised to provide greater flexibility where issues have been raised. Rather than deleting proposed standards, which only creates ambiguity and implementation difficulties, the terms will recognize background conditions and new technologies, standards and processes which meet or exceed the standards proposed.</p>

GNWT COMMENTS	PROPOSED DLUPC RESPONSE
Appendix #4 - The GNWT will be asked to approve a final draft of the Dehcho Land Use Plan and its components. It does not have the authority to approve the Resolutions of the Dehcho First Nations. - See general comments. Could not “approve” this Appendix.	The Plan as currently presented will be a Background Report. The actual Plan to be approved will be a poster of the zone and terms.
Appendix 12 - (Pg. 287) - At the Hay River Regional Forum, the GNWT PAS Secretariat asked whether renewable energy resources were considered in the development of the Working Draft. The table in Appendix 12 indicates that they were not, as "renewable energy development is primarily a municipal issue". Further dialogue as Energy Management plan develops. Alternative energy may not be limited to within a community.	Please provide examples of renewable energy (other than hydro) which would exist outside community boundaries so we can address them during this round of revisions.
Appendix 5 - (Pg. 255-258) - This appendix provides information on the PAS and the Dehcho land use planning process that has not been reviewed and approved by all members of the PAS Secretariat or by the PAS Steering Committee (formerly the Implementation Advisory Committee). Remove Appendix 5 and, if desired, replace it with a table comparing the PAS and Dehcho land use planning processes to be developed cooperatively by the DLUPC and the PAS Secretariat.	This was provided by DIAND. It will be deleted, though we may reference excerpts of this paper in the body of the Plan.
Map 49 - (Comparison of Draft Land Use Zones with Current Land Withdrawals) - Map 49 does not reflect the interim land withdrawal for the Edehzhie Candidate Protected Area. - Re-title Map 49 to make it clear that only withdrawals under the Dehcho Interim Measures Agreement (IMA) are being shown (the legend may also need to be adjusted for clarity) OR show the Edehzhie interim withdrawal on Map 49 using a different pattern from the IMA withdrawals.	Accepted - We will show the Edehzhie land withdrawal in a different colour
Map 50 - (Draft Plan Land Withdrawals) - Map 50 includes the Edehzhie Candidate Protected Area in the revised land withdrawals anticipated as a result of the final LUP. The current Edehzhie interim land withdrawal (for the purposes of the PAS) expires in June 2007 and it is anticipated that a decision on final designation will be achieved by that time. As the Edehzhie land withdrawal is already in the PAS process it is recommended that for clarity and consistency it remain within this process in the future. - Clarify whether the DLUPC intends to include the Edehzhie Candidate Protected Area in its revised interim land withdrawals and if so why. Note that this clarification may also result in changes to Section 4.6 (pgs 81-82), which discusses the relationship between the LUP and the current land withdrawals.	Accepted - We will take Edehzhie out of DLUP land withdrawals