



Dehcho Land Use Plan

GNWT Perspective



Meeting Expectations

What do we want to accomplish today?

- Give you an understanding of our concerns;
- explain concerns and listen to you;
- recognize that we are not here to make decisions;
- collaborate our efforts with the Committee to move forward; and
- emphasize our desire to address our concerns expressed in the January 31, 2006 letter to the Committee.

GNWT Perspective on What an Interim Dehcho Land Use Plan “Is”

The Basics:

1. It is a commitment from the Interim Measures Agreement.
2. It is interim in nature until there is a Dehcho Final Agreement.
3. It operates within the existing legislative framework and is not legally binding.
4. It informs the direction for land use and resource management in the Dehcho territory.
5. It is a tool to manage and guide development.
6. It provides a balanced approach between development and conservation.
7. It is intended to promote the social, cultural and economic well-being of residents and communities in the Dehcho territory, having regards to the interests of all Canadians.

GNWT Perspective on What an Interim Dehcho Land Use Plan “Is Not”

It is not:

- a mechanism to negotiate Aboriginal rights;
- a vehicle to change the current division of powers or to change legislation;
- a vehicle to create authorities for Dehcho Governments or the DLUPC; or
- a way to manage land and resources outside current regulatory regimes (e.g. MVRMA).

Final Dehcho Land Use Plan

A Dehcho Final Agreement:

- will set out jurisdictions for a Dehcho Government, which will create a new legislative framework and division of powers;
- will also establish and set out authorities that may include a Dehcho Resource Management Authority harmonized with the MVRMA management regime; and
- may formally establish and retain the Dehcho Land Use Planning Committee.

The Dehcho Interim Land Use Plan in the NWT Context

Interim and Final Land Use Plan

- Both plans will need to fit with the other instruments, federal or GNWT, used to manage land and resources (e.g. MVRMA)

For the Interim Land Use Plan

- Committee's mandate and role – MVRMA s. 47 (1) does not apply
- Role of the Committee in implementation needs to be clarified
- Need to ensure that the Plan can be implemented without any legislative changes
- Plan cannot crowd or fetter current legislation

Examples of Areas of Concern

Our intention is to illustrate the concerns identified below and set them out in the next few slides:

1. Committee's mandate & role.
2. Role of the Committee in implementation.
3. Can't exceed legislative framework.
4. Can't fetter legislated role of regulatory bodies
5. Ensuring a balance between resource development and conservation has been achieved.

Example #1

Cumulative Effects Management

Conformity Requirement #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... This term will be reviewed annually in consultation with the Committee, governments and other planning partners and revised as required.”

Example #1 Explained

Issues

- Provides Committee with a partial veto over the approval of land and water applications
- Injects the views of the Committee into the decision-making process of the existing regulatory authorities
- Sets out an ongoing role for the Committee to make a determination of conformity

Alternative Approach

- Alter the wording or approach the multiple Regulatory Authorities whose jurisdiction is impacted in a collaborative way to determine appropriate language for the Term
- The GNWT would consider aspects of the CR conditionally

Example #2 and #3: Minor Infrastructure and Community Infrastructure and Expansion

CR#9

- “... 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...”

CR#27

- “...The Committee will consider exceptions for any future applications to expand community boundaries, relocate a community, or develop new infrastructure. The Committee will review applications...”

Examples #2 and #3 Explained

Issues

- Provides the Committee with a partial veto over the approval of land and water applications (CR9)
- Injects the view of the Committee into the decision-making process of the existing regulatory authorities. (CR9 and CR27)
- Sets out an ongoing role for the Committee to make a determination of conformity (CR27)

Alternative Approach

- As stated earlier, the Parties to the IMA need to determine and more clearly define the role of the Dehcho Land Use Planning Committee under an Interim Land Use Plan.

Example #4: A Balance Between Conservation and Resource Development

Conformity Requirement #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...Applications will demonstrate consultations with appropriate Regulatory Authorities and affected First Nations **and individuals whose cabins, trap lines or other traditional land use and occupancy sites** are affected...”

Example #4 Explained

Issues

- Imposes additional duty to consult on behalf of developers not required through current regulatory process. (CR3 & 4)
- Introduces additional requirements on behalf of regulatory bodies to request additional consultation to assess impact of proposed activities. (CR4)

Alternative Approach

- Should not extend consultation requirements beyond current crown or GNWT obligations.

Example #5 Special Management Zones (SMZs)

- SMZ's are designated in areas where there is significant potential for both conservation and development together. SMZ's may be established to promote certain types of development or protect values while allowing some forms of development to proceed. SMZ's use a combination of Terms and land use restrictions to achieve these goals. There are 11 SMZ's covering 24.1% of the Plan Area.

Example #5 Explained

Issue(s)

- Terms for developing special management zones are so onerous that they effectively create conservation zones.

Alternative Approach

- Develop terms for establishing zones that are more effective in striking a reasonable balance between conservation and development.
- Conservation zones and SMZ's be reduced so that they are more comparable with the extent of the original land withdrawals in 2003.

Summary

This presentation has:

- outlined our expectations;
- clarified our views about what an Interim Dehcho Land Use Plan is and is not;
- clarified our understanding of the differences between an interim and post-Final Agreement land use plan;
- provided examples that highlight our concerns with the current Dehcho Land Use Plan; and
- now we need to talk about moving forward.

Moving Forward

We all want a plan that:

- meets the interests of all the Parties;
- remains within existing legislation; and
- clearly defines roles and expectations.

Based on these interests:

- How do we make this process move forward?