

NDÉH TS'EDĪCHÁ:
Dehcho Ndéh T'áh Ats'et'î K'eh Eghálats'ênda

RESPECT FOR THE LAND:
The Dehcho Land Use Plan



Prepared by:
The Dehcho Land Use Planning Committee

Final Draft Plan – May 2006

DEHCHO LAND USE PLANNING COMMITTEE
One Land One Plan



Ndéh Lié - Mek'êp Ats'et'î Lié
Dehcho Ndéhé T'áhagot'î gha Sáhniogpáh-ké



Dehcho Land Use Planning Committee

Notice of Plan Revision

June 12, 2006

On May 31, 2006, the Dehcho First Nations gave approval-in-principle to the Final Draft Dehcho Land Use Plan, subject to revisions requested by Pehdzeh Ki First Nation, and ratification at the Dehcho First Nations Annual Assembly in Kakisa on June 27-29, 2006. The requested revisions required the establishment of a new Special Management Zone (North Dehcho – Zone 36) in place of General Use Zones around Wrigley, both east and west of the Mackenzie River. In addition, the recently negotiated land withdrawals within Pehdzeh Ki Ndeh, which formed the basis of Conservation Zone 4 were further amended and agreed to by the Parties at the Dehcho Process negotiations on May 31st. These amendments have also been included in Plan revisions.

In order to release the Plan to the other Parties and our planning partners as soon as possible, the Committee has only updated Table 1 and Maps 1-4 of the Plan. The revised Table and Maps are included at the front of the Plan with this notice. The remainder of the Plan and Background Report, including all references to area calculations, zone descriptions, all Background Report maps, and all analysis (cumulative effects, Economic Development Assessment Model, Tables 14 and 19, etc.), have not been updated at this time. The impact of these revisions to the Plan and Background Report are not significant enough to warrant further delays. This work will be completed upon approval of the Plan by all three Parties to reflect all revisions arising through the approval process.

The following area calculations related to the new Zone revisions are provided for your information.

Referenced on pages vii-viii, 10-11 and 14 of the Plan, and page 106 of the Background Report:

- Conservation Zones (18) – now 38.3% of the Plan Area (80,227 km²)
- Special Management Zones (15) – now 28.85% of the Plan Area (60,427 km²)
- General Use Zones – now 20.84% of the Plan Area (43,651 km²)

Referenced on page 57 of the Plan:

- Subsurface land withdrawal (excluding Edézhíé) required for both oil and gas and mining is now 49.47% of the Plan area (103,643 km²)

Heidi Wiebe
Executive Director

Table 1. Zone Descriptions

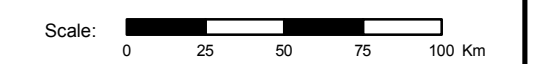
Protected Areas Strategy Zone - 12.02%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
1	Edézhzié				✓		25,183	12.02%
Conservation Zones - 38.3%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
2	JMR Five Lakes				✓		183	0.09%
3	Sibbeston Plains				✓		7,316	3.49%
4	Pehdzeh Ki Ndeh				✓		7,359	3.51%
5	Sambaa K'e / Redknife River				✓		12,405	5.92%
6	Greater Nahanni Ecosystem				✓		28,147	13.44%
7	Birch Lake						719	0.34%
8	Fisherman Lake				✓		38	0.02%
9	Bovie and Betalamea Lakes				✓		31	0.01%
10	Upper Mackenzie				✓		1,955	0.93%
11	Great Slave Lake Shoreline				✓		2,226	1.06%
12	Hay River Corridor				✓		378	0.18%
13	Heart Lake, McNally Creek, Muskeg River				✓		1,488	0.71%
14	Kakisa and Tathlina Watershed				✓		8,384	4.00%
15	Buffalo Lake, River, and Trails						2,177	1.04%
16	Falaise Lake Wetland Complex				✓		1,270	0.61%
17	Moraine Point and Islands				✓		377	0.18%
18	Northwest Rivers				✓		5,175	2.47%
19	Netlá River				✓		598	0.29%
Special Management Zones - 28.85%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
20	Peel River Plateau	✓	✓	✓	✓		4,880	2.33%
21	Southeastern Mackenzie Mountains	✓	✓	✓	✓		3,060	1.46%
22	Franklin Mountains			✓	✓		687	0.33%
23	Rabbitskin / Ndulee			✓	✓		5,909	2.82%
24	Grainger / Liard Rivers			✓	✓	✓	2,766	1.32%
25	Blackstone / Lower Petitot Rivers	✓		✓	✓	✓	6,052	2.89%
26	Liard Range	✓		✓	✓	✓	7,885	3.76%
27	Trout River	✓					1,215	0.58%
28	Jean Marie River - South	✓		✓	✓	✓	553	0.26%
29	Jean Marie River - North			✓	✓	✓	4,418	2.11%
30	Bluefish Creek			✓	✓	✓	329	0.16%
31	Birch - Falaise Corridor	✓	✓	✓	✓		3,631	1.73%
32	Lower Big Buffalo	✓	✓	✓			1,401	0.67%
33	Cameron Hills	✓	✓	✓	✓		8,334	3.98%
36	North Dehcho			✓	✓	✓	9,308	4.44%
General Use Zones - 20.84%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
	General Use	✓	✓	✓	✓	✓	43,651	20.84%
Special Infrastructure Corridor - 0.77%								
Zone Number	Zone Name	These zones overlay, or float over the underlying zones. The intent is to add an additional permitted use (construction of a pipeline with associated infrastructure), and set of conditions, for pipeline development within a restricted portion of each of the underlying zones.					Area (km ²) (approx.)	% of Plan Area
34	Mackenzie Valley Special Infrastructure Corridor						1,176	0.56%
35	Netlá / Arrowhead Special Infrastructure Corridor						430	0.21%

>>> Plan Area calculations exclude Nahanni National Park Reserve and Community Boundaries <<<

Map 1
Land Use Zones

NOTE: Existing uses present on the day prior to Plan approval are not subject to the Plan.

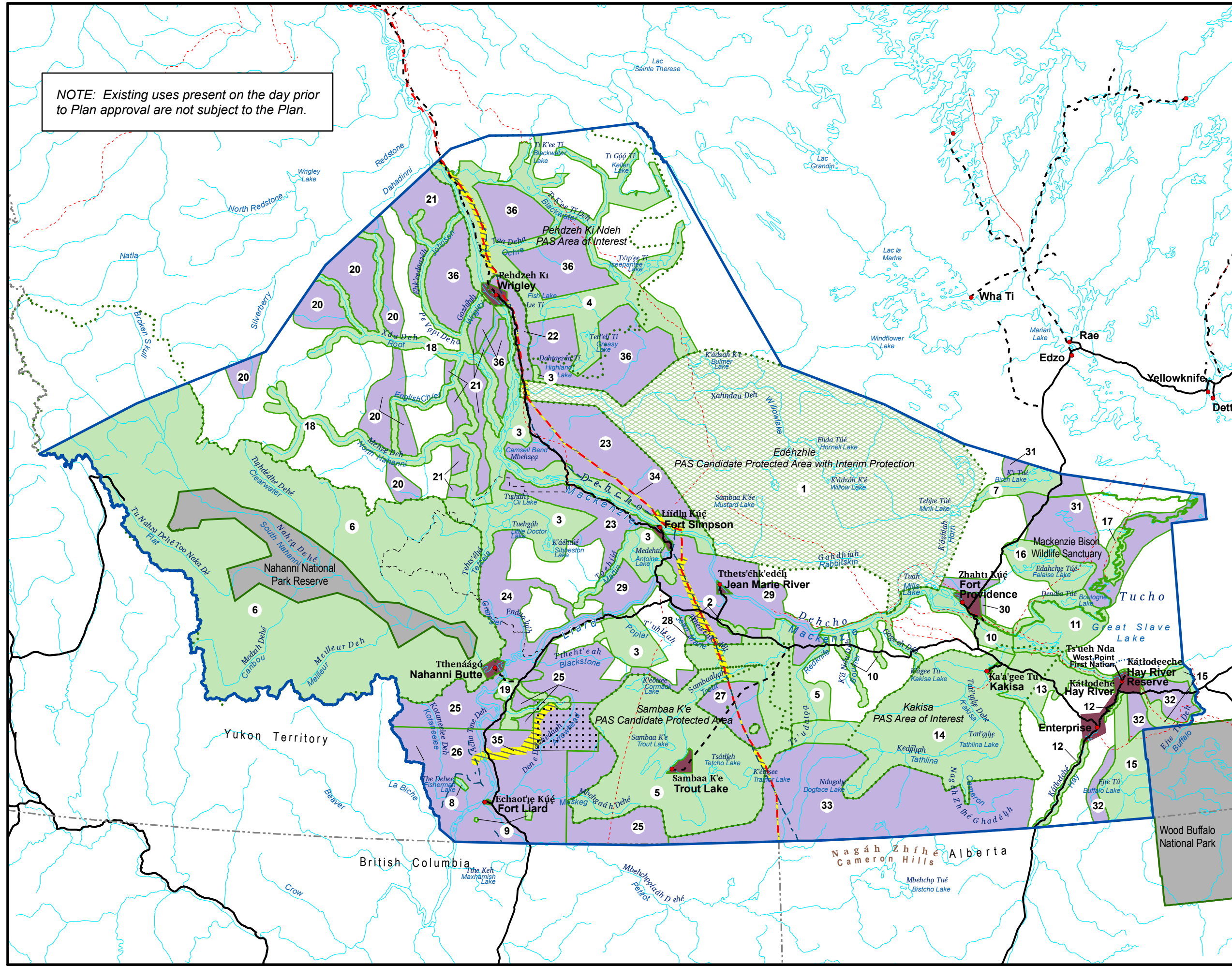
- Legend**
- Edézhzié Protected Areas Strategy Zone (12.0% of Plan Area)
 - Conservation Zone (38.3% of Plan Area)
 - Special Management Zone (28.9% of Plan Area)
 - Special Infrastructure Corridor
 - General Use Zone (20.8% of Plan Area)
 - Land Use Zone Number
 - Community Boundary
 - National Park / Park Reserve
 - Government Protected Area Initiative
PAS / Nahanni Park Expansion
 - Proposed Oil and Gas Rights Issuance Area
(Shown for illustrative purposes only)
 - Plan Area
 - Interim Measures Agreement Boundary
 - Provincial / Territorial Boundary
 - Domestic Fishing Area
 - Proposed Mackenzie Gas Pipeline
 - Existing Pipeline
 - Road, All Weather
 - Road, Winter Access Only
 - Road, Historic Winter
 - Trail
 - Community



Projection: Lambert Conformal Conic
Central Meridian 122°W, Reference Latitude 60°N
Standard Parallels at 60°N and 65°N










Compiled by: Dehcho Land Use Planning Committee
June 03, 2006

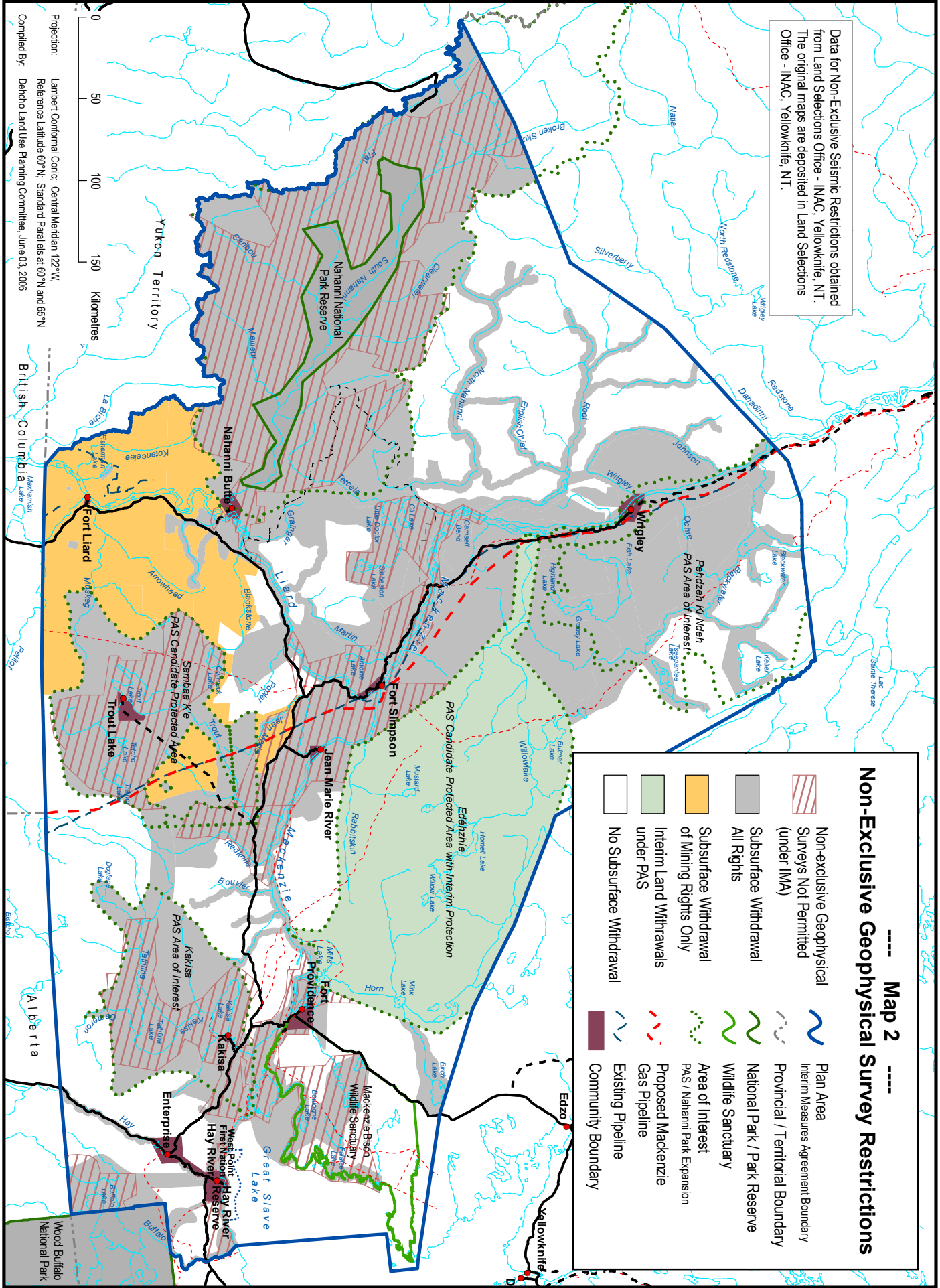
Land Use Zones Revised: June 02, 2006



Data for Non-Exclusive Seismic Restrictions obtained from Land Selections Office - INAC, Yellowknife, NT. The original maps are deposited in Land Selections Office - INAC, Yellowknife, NT.

Map 2 Non-Exclusive Geophysical Survey Restrictions

-  Non-exclusive Geophysical Surveys Not Permitted (under IMA)
-  Subsurface Withdrawal All Rights
-  Subsurface Withdrawal of Mining Rights Only
-  Interim Land Withdrawals under PAS
-  No Subsurface Withdrawal
-  Plan Area
-  Interim Measures Agreement Boundary
-  Provincial / Territorial Boundary
-  National Park / Park Reserve
-  Wildlife Sanctuary
-  Area of Interest
-  PAS / Nahanni Park Expansion
-  Proposed Mackenzie Gas Pipeline
-  Existing Pipeline
-  Community Boundary

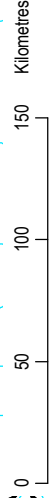
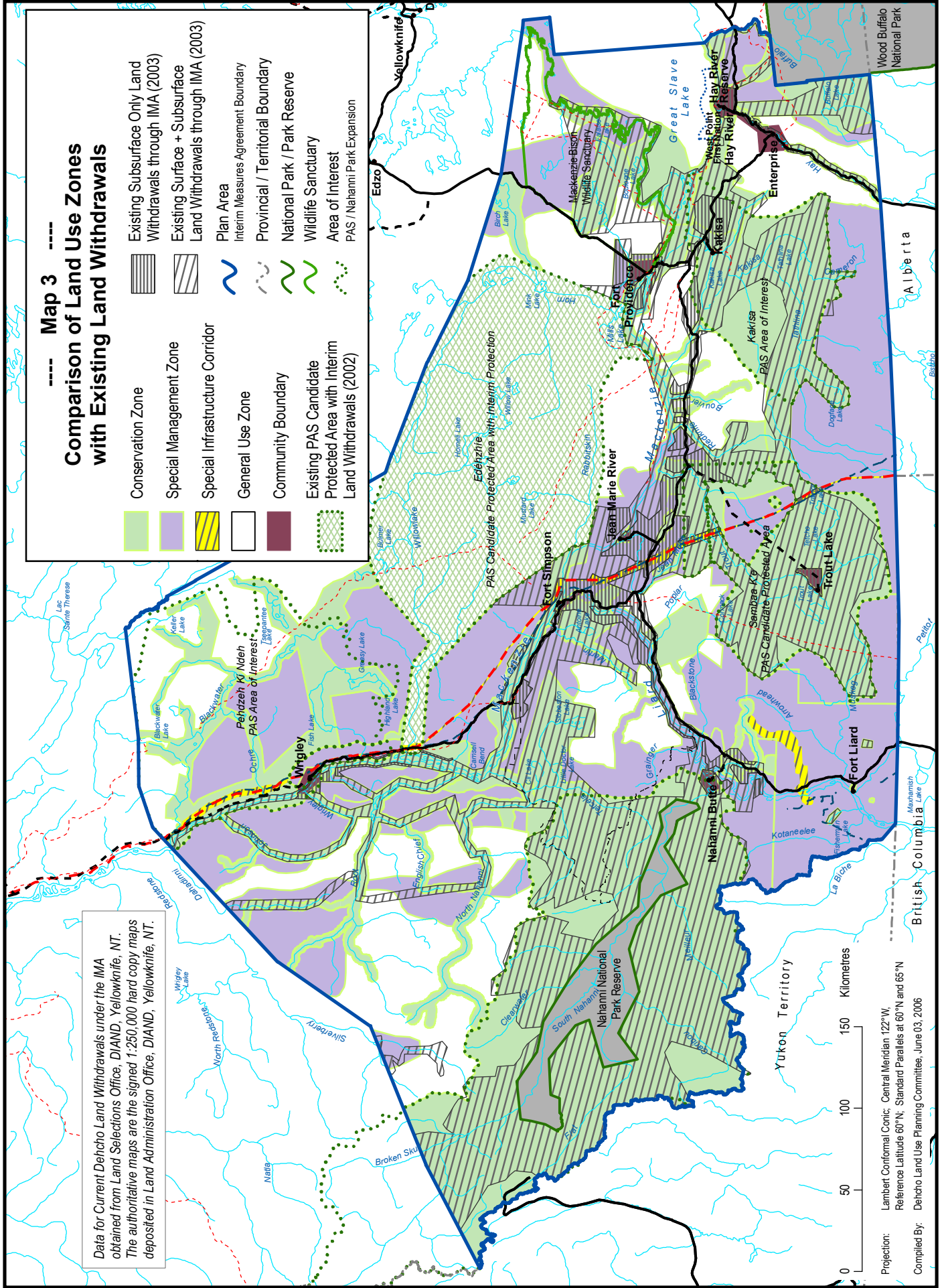


Projection: Lambert Conformal Conic, Central Meridian 122°W, Reference Latitude 60°N, Standard Parallels at 60°N and 65°N
 Compiled By: Dehcho Land Use Planning Committee, June 03, 2008

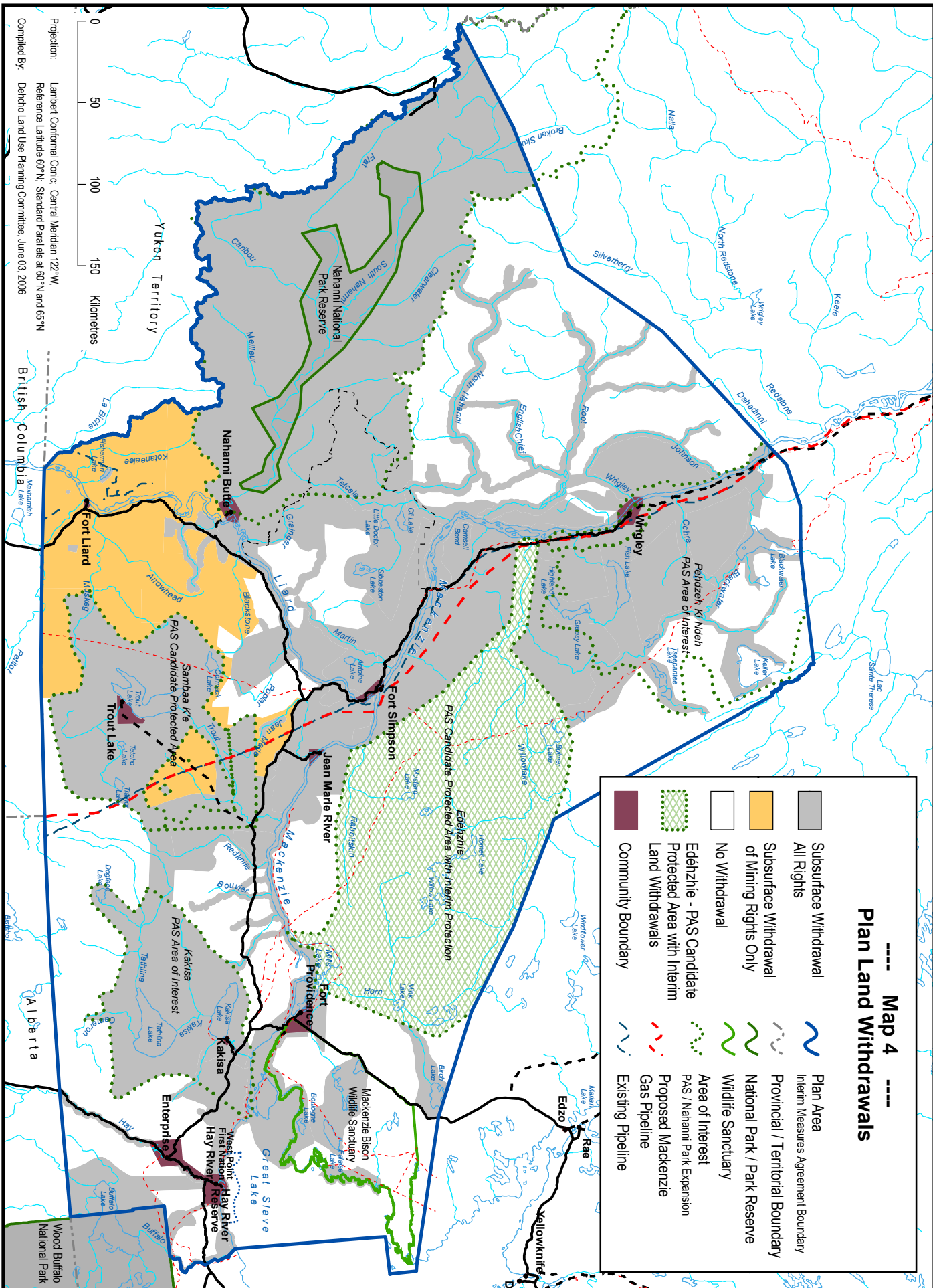
Map 3 Comparison of Land Use Zones with Existing Land Withdrawals

- | | | | |
|--|--|--|---|
| | Conservation Zone | | Existing Subsurface Only Land Withdrawals through IMA (2003) |
| | Special Management Zone | | Existing Surface + Subsurface Land Withdrawals through IMA (2003) |
| | Special Infrastructure Corridor | | Plan Area Interim Measures Agreement Boundary |
| | General Use Zone | | Provincial / Territorial Boundary |
| | Community Boundary | | National Park / Park Reserve |
| | Existing PAS Candidate Protected Area with Interim Land Withdrawals (2002) | | Wildlife Sanctuary |
| | | | Area of Interest |
| | | | PAS / Nahanni Park Expansion |

Data for Current Dehcho Land Withdrawals under the IMA obtained from Land Selections Office, DIAND, Yellowknife, NT. The authoritative maps are the signed 1:250,000 hard copy maps deposited in Land Administration Office, DIAND, Yellowknife, NT.



Projection: Lambert Conformal Conic; Central Meridian 122°W; Reference Latitude 60°N; Standard Parallels at 60°N and 66°N
 Compiled By: Dehcho Land Use Planning Committee, June 03, 2006



Approval

We the undersigned are pleased to have given approval on behalf of the Dehcho First Nations and the Government of the Northwest Territories, and favourable consideration on behalf of the Government of Canada, in accordance with sections 9, 10, and 11 of the Dehcho First Nations Interim Measures Agreement, to “Respect for the Land: The Dehcho Land Use Plan” (Ndéh Ts’edīichá: Dehcho Ndéh T’áh Ats’et’î K’eh Eghálats’ênda).

Date: _____

Grand Chief
Dehcho First Nations

Minister of Environment and Natural Resources
Government of the Northwest Territories

Minister of Indian and Northern Affairs Canada
Government of Canada



Dehcho Land Use Planning Committee

May 15, 2006

LETTER OF TRANSMITTAL

The Dehcho Land Use Planning Committee is pleased to present “Respect for the Land: The Dehcho Land Use Plan” (Ndéh Ts'edîchá: Dehcho Ndéh T'áh Ats'et'î K'eh Eghálats'ênda). It is the result of 4 years of intensive work with Dehcho communities, governments and other planning partners. The Plan has been developed to be consistent with the Dehcho First Nations Interim Measures Agreement (IMA) and existing legislation.

“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. 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).

The Plan was developed using the best available data, incorporating the results of 19 separate research initiatives on natural resource potential, conservation values, economic assessments and cumulative effects. The Committee also held two innovative workshops to assist in Plan development – a wildlife workshop to integrate traditional and scientific information on wildlife habitat values, and the Dene Nahodhe Workshop to explore ways to include Dene cultural values in planning decisions. This has all been integrated into a computerized mapping system to facilitate the analysis of land use decisions on ecological, social, cultural and economic values.

The Committee developed two significant decision-making tools during Plan development – cumulative effects assessment thresholds and methodology, and an Economic Development Assessment Model. The Committee collected detailed satellite imagery for the entire Dehcho territory over three years to compile a comprehensive database of human disturbance which would allow us to determine the current level of cumulative effects in the region, and monitor future changes due to new developments. We also gathered the best available science, and with input from our planning partners, established landscape thresholds to manage the impacts of development for key wildlife species. The Committee is now in a position to run cumulative effects assessments on each new development and provide the results to decision-makers for consideration in their decision-making and regulation of new land use activities.

The Economic Development Assessment Model is a one-of-a-kind combination of an economic input-output model, an employment model and a population demographic model linked to our database of resource potential and zoning. It allows us to compare how various zoning scenarios affect the level of resources available for development, and how development of those resources affects the economy, population and employment of the region. This type of

analysis has allowed the Committee to assess the implications of its zoning decisions at a regional level and discuss the potential trade-offs with communities and planning partners. The benefits to the region of both the cumulative effects assessment work and the economic model will far outlive the Plan development process.

Initial Plan development and subsequent revisions were guided by the most comprehensive consultation efforts on a northern land use plan to date, involving over 140 meetings across the Dehcho territory, Yellowknife, Ottawa, Calgary and Vancouver since 2003. This includes two Regional Forums where all our planning partners were brought together to share their comments on the Plan and have open discussions. The Committee received substantial feedback from our planning partners throughout this process – 117 written submissions and over 1200 documented comments (written and oral) - which improved the scope, clarity and content of the Plan. We considered every comment carefully and revised the Plan as appropriate to balance economic development opportunities with social and ecological values. We hope you see your voice reflected in the Plan.

Through these discussions we discovered the multiple values and priorities co-existing in this region and the delicate balance required to bring them all together under one roof. This has not been an easy task. The Dehcho territory is in a state of transition as communities and individuals find their own path between traditional lifestyles and the wage economy. The ongoing Dehcho Process negotiations create political and economic uncertainty that hinders resource development and frustrates long term planning efforts. We believe the Plan has struck the right balance, given current values, priorities and uncertainties. The approved Plan will increase regulatory certainty and promote sustainable development by clearly identifying where land uses are appropriate and setting terms for development that reflect the values of the residents and communities of the Dehcho territory, having regard to the interests of all Canadians.

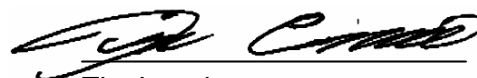
The Committee would like to thank the staff who made the production of the Dehcho Land Use Plan possible – Heidi Wiebe, Paul Wilson, Monika Templin, Priscilla A. Canadien and Sophie Bonnetrouge. We would also like to recognize the contributions of former Committee members – Beatrice Lepine and Joe Jack.

Thank you to everyone who gave their time, ideas and energy to the development of the Plan. We look forward to building on the relationships we developed through this process as we begin Plan Implementation.


Mahsi Cho!



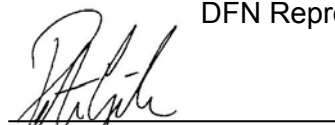
Herb Norwegian
Chair



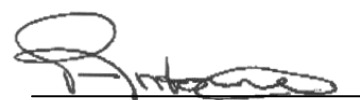
Tim Lennie
Vice-Chair
DFN Representative



Adrian Boyd
Secretary-Treasurer
Canada Representative



Petr Cizek
Director
DFN Representative



Ron D. Antoine
Director
GNWT Representative

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 Gáh Got'ie First Nation. Photo Credit: DLUPC

Acknowledgements

The Dehcho Land Use Planning Committee would like to acknowledge the following individuals and organizations for their contribution to the development of the Dehcho Land Use Plan:

To the present and former **Dehcho First Nation(s) Leadership**, who have guided the process and shared their priorities and traditional knowledge with us.

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

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

To the many **Participants, Guests, Facilitators, Coordinators** and **Translators** of the Regional Consultations (2003 – 2005), the Dene Nahodhe Workshop (March 2004), the Wildlife Working Group (November 2003) and the Regional Forums (March 2005 and February 2006), for participating and making these events a success.

To **Businesses, Governments, Organizations and Individuals** that have undertaken research on behalf of the Committee or provided data or advice. While research reports are referenced throughout the Plan, the following individuals have contributed substantial time and efforts behind the scenes:

- Laura Pitkanen of Pitkanen Environmental Services for her assistance with the regulatory research;
- Freya Nales of the World Wildlife Fund-Canada for completing the Ecological Representation Analysis for the various drafts of the Land Use Plan.
- Tom Lakusta and his staff in the Forest Management Division, Environment and Natural Resources, for his assistance in revising the forestry potential data and reviewing the Cumulative Effects Assessment;
- Malcolm Robb of the Mineral Development Division, DIAND, Jianping Zhang of the Minerals, Oil and Gas Division, Department of Industry, Tourism and Investment, GNWT, and Diane Baldwin and staff of the Northwest Territories Geoscience Office for their assistance in modeling mining scenarios.
- Roy Ellis of Ellis Consulting Services for building the Economic Development Assessment Model and providing ongoing advice and assistance;
- Richard Spaulding for his legal assistance in reviewing the Plan
- Peter Redvers of Crosscurrent Associates and Violet Sanguéz for their work with communities on place name mapping, traditional knowledge and community planning initiatives which helped to move the regional Dehcho Land Use Plan forward;
- Arthur Boutillier of Environment and Conservation, DIAND for his support, encouragement and coordination; and
- 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 a Land Use Plan and Background Report for the Dehcho territory.

This document is the Final Draft Plan, which is submitted to the Dehcho First Nation(s), the GNWT and Canada for approval. The contents of this document, including all maps will remain a Draft until approval and favourable consideration are received from all three Parties. The published version of the Plan will contain the formal record of approval and favourable consideration.

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.

Traditional land use and occupancy is not managed or restricted through the Land Use Plan; it is completely exempt from any Plan requirement.

The Plan does not apply to any existing uses present in the Dehcho territory on the day prior to Plan approval. Renewal of permits, licences and authorizations for existing uses are allowed.

The Plan only applies to land uses requiring a land use permit, lease or other interest in land, water licence, commercial fishing licence, outfitter licence, or big game outfitter licence, as described in the Plan. The Plan does not affect traditional land use and occupancy, or minor land uses such as recreational use, resident and non-resident hunting, fishing, or use of timber authorized under a free timber cutting permit.

Further discussion on the scope, application and regulatory context of the Plan can be found in Chapter 1.

The Plan contains five zone types:

- **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. Of the five types of land use controlled by zoning, only tourism is permitted in Conservation Zones, subject to the Plan’s Conformity Requirements. Two of the zones prohibit tourism as well. There are 18 Conservation Zones covering 38.1% of the Plan Area. The Mackenzie Valley Special Infrastructure Corridor provides a passage through four Conservation Zones.
- The **Protected Areas Strategy Zone** is a separate designation for Candidate Protected Areas with Interim Protection. At the moment, only Edézhíe (Zone 1) has this designation,

covering 12.0% of the Plan Area. Edézhzhíe has been withdrawn from disposition through the Protected Areas Strategy (PAS) process. Once established as a protected area, it will be managed under the legislation and authority of the sponsoring agency and an applicable Management Plan. In the interim, it is subject to the Plan. The Protected Areas Strategy Zone designation provides the same level of protection as a Conservation Zone.

- **Special Management Zones** are areas where there is significant potential for both conservation and resource development together. Special Management Zones were established to promote certain types of land use or protect values while allowing some forms of land use to proceed. To achieve these goals, each Special Management Zone prohibits at least one of the five land use types addressed, while permitting others, subject to the Plan's other Conformity Requirements. There are 14 Special Management Zones covering 24.4% of the Plan Area.
- **General Use Zones** permit all land uses, subject to the Plan's Conformity Requirements. General Use Zones cover 25.5% of the Plan Area. They are not numbered.
- **Special Infrastructure Corridors** delineate two study corridors for proposed pipeline projects. The construction and operation of a pipeline is permitted within these corridors, subject to the Plan's Conformity Requirements, even where the corridors cross Zones where oil and gas operations are not permitted otherwise. All zone requirements and restrictions continue to apply in the corridors except where and to the extent that the Plan states an exception.

(1) The Mackenzie Valley Special Infrastructure Corridor (Zone 34) delineates a study corridor for the proposed Mackenzie Valley Pipeline and associated infrastructure based on the routing of the proponent and negotiated corridors through existing land withdrawals. The corridor crosses Zones 1, 3, 4, 5, 22, 23, 27, 28, 29 and 33, with additional infrastructure lying in Zone 2. This zone overlays 0.6% of the Plan Area.

(2) The Netlá-Arrowhead Special Infrastructure Corridor (Zone 35) delineates a study corridor for a proposed pipeline and associated infrastructure in the Netlá-Arrowhead and surrounding area, which would allow for the commercialization of existing discoveries. The corridor crosses Zones 25 and 26 and covers 0.2% of the Plan Area.

A number of Conservation Zones and the Protected Areas Strategy Zone contain or reflect areas currently being studied for permanent protection under the Protected Areas Strategy or Nahanni Park Expansion. If zone boundaries are adjusted through the NWT Protected Areas Strategy or the Nahanni Park Expansion Process prior to Plan review, any areas omitted from the approved protected area boundary would take on the zone designation and Plan requirements applicable to the predominant adjacent zone until the area can be fully addressed during subsequent Plan revisions or amendment.

There are 3 types of direction provided in the Plan:

- **Conformity Requirements (CR)** are requirements that, upon implementation of this Plan, a land use must meet in order to receive authorization, or that must be included and/or complied with under an authorization. Conformity Requirements were developed to ensure that new land uses approved under the Plan will help to achieve the vision and goals of the region and address issues raised through consultations with communities and planning partners. Zoning is the first Conformity Requirement and a principle component of the Plan.

The other Conformity Requirements direct how the listed and unlisted permitted uses in a Zone must be carried out.

- **Actions (A)** are measures directed at the Dehcho First Nations, GNWT or Canada that do not regulate land or water use (e.g. research, meetings). Actions were developed to resolve larger issues or data gaps needed to move the Plan forward during future review cycles. By approving this Plan, the Parties agree to make best efforts to complete all Actions pertaining to them.
- **Recommendations (R)** are statements which provide advisory guidance to various governments, Responsible Authorities and organizations on additional measures that will help achieve the goals of the Plan; for clarity, they are not legally binding requirements, but where appropriate, should be given consideration in future land use decisions and policy initiatives.

The completed Plan will be forwarded to the Dehcho First Nation(s) for approval. Following approval by the Dehcho First Nation(s), the Plan will be forwarded to the GNWT Minister of Environment, and Natural Resources for approval and the Minister of Indian and Northern Affairs Canada (DIAND) for favourable consideration. Following favourable 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 functions¹.

By approving the Plan, Governments agree to implement the Conformity Requirements within their jurisdiction and ensure that new land and water uses comply with the Plan. They also agree to make best efforts to complete those Actions pertaining to them.

Upon approval of a Dehcho Final Agreement, and following any related revisions, the approved Plan will be a land management tool that provides legally binding direction and guidance to Responsible Authorities and decision-makers in the evaluation of development projects, protected area proposals, and other potential land uses. The Plan will undergo a comprehensive review every five years.

The Plan is intended to advance the negotiation of agreements on land, resources and governance between Canada, the GNWT and the Dehcho First Nation(s). Accordingly, approval and implementation of the Plan is without prejudice to any positions that may be taken, or agreements made in those negotiations.

Approval of this Plan will not have the effect of recognizing, denying or altering Aboriginal rights, Aboriginal title, or Treaty rights.

The Plan contains 3 chapters.

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

Chapter 2 includes the Vision and Goals, Conformity Requirements (including zoning), Actions and Recommendations of the Plan. The proposed Land Use Zones are shown in Map 1 and described in Table 1. The Land Use Zones identify where oil and gas, mining, forestry,

agriculture and tourism are permitted and restricted. Other land uses such as transportation, infrastructure, and hydro development are guided by other Conformity Requirements.

Conformity Requirements, Actions and Recommendations are presented in relation to the issues raised during consultations. Issues are grouped according to Zoning, Dene Culture and Traditional Use, Sustainable Development, and Social Issues. The Conformity Requirements and Recommendations apply to the entire Plan Area unless otherwise noted.

Chapter 3 describes Plan approval, Plan implementation processes, including revisions to land withdrawals and conformity determinations, and procedures for Plan review and amendments.

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

The Zone Map, Conformity Requirements, Actions and Recommendations are summarized in a pull-out Poster version of the Plan inserted at the back of the document.

The Background Report supports the Plan by providing context, rationale and methodology, but is not part of the Plan or subject to approval by the Parties.

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

- Chapter 2 of the Plan describes the Conformity Requirement for Cumulative Effects
- Appendix 3 of the Plan describes the detailed methodology for Cumulative Effects Assessments.
- Chapter 4 of the Background Report describes general methodology, assumptions and rationale for both topics.
- Chapter 6 of the Background Report describes the Assessment results for both topics.

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Acronyms

A	Action
AAQS	Ambient Air Quality Standards
ARI	Aurora Research Institute
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
CR	Conformity Requirement
CRP	Closure and Reclamation Plan
CWS	Canadian Wildlife Service
DLUPC	Dehcho Land Use Planning Committee
DFN	Dehcho First Nation(s)
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)
GOC	Government of Canada
GHL	General Hunting Licence
GNWT	Government of the Northwest Territories
GPS	Global Positioning System
GSLAC	Great Slave Lake Advisory Committee
GUZ	General Use Zones
IMA	Dehcho First Nations Interim Measures Agreement
ITI	Department of Industry, Tourism and Investment (GNWT)
km²	Square kilometre
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>
NEB	National Energy Board
NRCan	Natural Resources Canada
NWT	Northwest Territories
PAS	Protected Areas Strategy
PC	Parks Canada
PWNHC	Prince of Wales Northern Heritage Centre
R	Recommendation
SMART	Sustainable Model for Arctic Regional Tourism
SMZ	Special Management Zone
TCEQ	Texas Commission on Environmental Quality
TOR	Terms of Reference

Definitions

In this Plan,

“**Actions**” means measures that the Parties agree to make best efforts to complete through approval of this Plan, and that do not regulate land or water use (e.g. research, meetings).

“**agriculture**” means a land use involving the cultivation of soil, production of crops and the raising of livestock.

“**applicant**” means any person engaged in or intending to engage in an activity requiring an authorization for a land use.

“**authorization**” means any permit, licence, or other form of authorization required under legislation.

“**best available technology**” means the most effective and economically-achievable technology².

“**communities**” include Fort Simpson (Áíídlîî Køç), Fort Providence (Zhahti Køç), Fort Liard (Echaot'îê Køç), Hay River Reserve (K'átâ'odeeche), Hay River (K'átâ'odehé), Wrigley (Pehdzeh Ki), Jean Marie River (Tthets'éhk'edélî), Trout Lake (Sambaa K'e), Nahanni Butte (Tthenáágó), Kakisa Lake (Ka'a'gee Tu) and Enterprise and all residents thereof.

“**community boundaries**” means the extent of community lands including Development Control Zones, Municipal Boundaries, and the Hay River Reserve (K'átâ'odeeche).

“**Conformity Requirements**” mean the requirements that, upon implementation of this Plan, a) a land use must meet in order to receive authorization, or b) that must be included and/or complied with under an authorization.

“**corridor**” means 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 disturbance, and “**corridor density**” 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*)³.

“**critical threshold**” means a science-based target reflecting the continuous maximum amount of stress that an environmental or social system can support without long-term harm⁴.

“**Dehcho First Nation(s)**” consists of the regional body known as Dehcho First Nations, or the following First Nations, or both, as the context implies: Áíídlîî Køç First Nation (Fort Simpson), Deh Gáh Got'ie First Nation (Fort Providence), Acho Dene Koe Band (Fort Liard), K'átâ'odeeche First Nation (Hay River Reserve), Pehdzeh Ki First Nation (Wrigley), Ts'ueh Nda (West Point First Nation - West Channel, Hay River), Tthets'éhk'edélî First Nation (Jean Marie River First Nation, Jean Marie River), Sambaa K'e Dene Band (Trout Lake), Naahdee First

Nation (Nahanni Butte), Ka'a'gee Tu First Nation (Kakisa), Fort Simpson Métis Local 52, Fort Providence Métis Local 57 and Fort Liard Métis Local 67⁵.

“**ecosystem**” means a biological community of interacting organisms and their physical environment⁶.

“**environment**” means the components of the Earth and includes (a) land, water and air, including all layers of the atmosphere; (b) all organic and inorganic matter and living organisms; and (c) the interacting natural systems that include components referred to in paragraphs (a) to (b)⁷.

“**existing use**” means any rights, titles, interests, entitlements, licences, permits, authorizations, reservations, reservations by notation, benefits and privileges existing in the Dehcho territory on the day prior to Plan approval⁸.

“**forestry**” means a land use involving i) the harvest of timber or ii) the management of an area for the purpose of producing timber, but does not include the cutting of timber necessary for any other land use, and does not include timber harvesting activities authorized under a free timber cutting permit.

“**geophysical operation**” means 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 survey⁹.

“**governments**” includes local governments, Government of the Northwest Territories (GNWT), Government of Canada (GOC) and all departments and agencies of each.

“**human disturbance**” means any relatively discrete event arising from human sources that disrupts an ecosystem, community, or population structure and changes resources, substrate availability, or the physical environment. Sources may include agricultural operations, resource extraction, industrial processes, combustion of wood or fossil fuels, earthmoving activities, and entrainment of road dust into the air^{10 11}.

“**invasive plant**” means any invasive alien plant species that has the potential to pose undesirable or detrimental impacts on humans, animals or ecosystems.¹²

“**land use**” means any use of land, water or other resources and associated activities, works and undertakings that requires a) a land use permit as per the *Mackenzie Valley Resource Management Act* and *Mackenzie Valley Land Use Regulations* or other subordinate legislation; b) a lease or other interest in land granted on behalf of the Crown, where a land use permit would be required if not for the grant; c) a water licence under the *Northwest Territories Waters Act* and *Northwest Territories Waters Regulations* or other subordinate legislation; d) a commercial fishing licence under the *Fisheries Act* or subordinate legislation; e) a big game outfitter licence under the *Wildlife Act* or subordinate legislation; or f) an outfitter licence under the *Travel and Tourism Act* or subordinate legislation.

“**land**” means, unless the context indicates otherwise, land, water, and resources including air and all layers of the atmosphere above and the subsurface below¹³.

“**local government**” means 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 government¹⁴.

“**low impact seismic**” means operational procedures that minimize the effects of seismic operations on the environment by creating a narrow, continuously meandering line that 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.¹⁵

“**Mackenzie Valley Pipeline**” means the land use as defined in Section 1.1.1.2 of the "Application for Approval of the Mackenzie Valley Pipeline, Volume 1: Pipeline Project Overview" submitted by Imperial Oil Resource Ventures Limited to the National Energy Board on October 7, 2004. This includes the possible expansion to 1.9 Bcf/d described in this section insofar as all additional components remain within the defined pipeline corridor. The pipeline includes ancillary infrastructure and activities including but not limited to compressor stations, heater stations, meter stations, block valves, pig receivers, gathering systems, processing facilities, well sites, pump stations, production facilities, remote maintenance base sites, access roads, camps, barge landings, airstrips, staging areas, borrow sites, water crossings, road/pipeline crossings, land leases, quarrying, water use, timber storage and any other construction only workspace required, and any other infrastructure or activity essential to the construction or operation of the Mackenzie Valley pipeline within the Dehcho territory¹⁶.

“**minimal impact seismic**” means the creation of seismic 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 new lines¹⁷.

“**mining**” means a land use involving 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, but does not include anything done in the course of prospecting, staking or locating a mineral claim unless it requires the use of equipment or material referred to in section 4 or 5 of the *Mackenzie Valley Land Use Regulations*. “**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^{18,19}; or (f) bedded industrial minerals (e.g. barite) or rock, i.e., building stone or dimension stone; but exclude gravel.

“**no net loss**” means balancing 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 prevented²⁰.

“non-criteria pollutants” includes a wide range of metallic oxides, chemical compounds and other substances. Examples include volatile organic compounds (VOCs), and polycyclic aromatic hydrocarbon (PAHs).

“non-exclusive geophysical survey” means a geophysical operation that is conducted to acquire data for the purpose of sale, in whole or in part, to the public²¹

“oil and gas operations” means a land use involving exploration (excluding non-exclusive geophysical surveys), drilling, production, conservation, processing and transportation of oil and gas and any related activities. **“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 condensate²².

“Parties” means Dehcho First Nation(s), Canada and the GNWT²³.

“pipeline” means a pipeline that is used or is intended to be used for the transmission of oil, gas or any other commodity²⁴.

“Plan approval” includes, except where otherwise stated or indicated by the context, favourable consideration of the Plan.

“precautionary principle” means the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm²⁵.

“Recommendations” means statements which provide advisory guidance to various governments, Responsible Authorities and organizations on additional measures that will help achieve the goals of the Plan; for clarity, they are not legally binding requirements, but where appropriate, should be given consideration in future land use decisions and policy initiatives.

“research authorization” includes Wildlife Research Permits (*NWT Wildlife Act*)²⁶, Archaeologists Permits (*NWT Archaeological Sites Regulations*)²⁷ and Scientific Research Licences (*NWT Scientists Act*)²⁸, including additional specific requirements under Territorial or Federal Legislation for research involving forestry, health, contaminants, fisheries, National Parks and migratory birds²⁹.

“Responsible Authority” means the government department, agency or institution responsible for managing land, water or resources, or issuing a licence, permit or authorization that regulates the activity in question within the Dehcho territory, and where there is more than one such body, includes all such bodies.

“run of river hydroelectric development” means hydroelectric developments where no or little impoundment takes place and the natural river flow is utilized with no seasonal regulation.³⁰

“significant environmental features” means sites of important ecological significance, some of which also provide unique wildlife habitat for different species, including but not restricted to karst topography, hot and cold springs, waterfalls, ravines, cliffs and other unique geological features.

“significant habitat features” means areas or features that are critical to the survival or reproduction of the population, including but 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” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs³¹.

“tourism” means a land use involving any outdoor recreational activity as defined in the *Travel and Tourism Act*, not including big game outfitting³². Depending on this context, **“tourism businesses”** may or may not include a tourist establishment as defined in the *Travel and Tourism Act*; and **“tourism services”** include fishing, hiking, cultural skills and interpretation, dog-sledding, and canoeing, but do not include big game outfitting.

“traditional knowledge” means the accumulated body of knowledge, observations and understandings about the environment, and about the relationship of living beings with one another and the environment, that is rooted in the traditional way of life of first nations³³.

“traditional land use and occupancy” consists of a) activities by aboriginal persons 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, whether or not authorizations are required (traditional land use) and b) the area which a particular aboriginal group regards as its own by virtue of continuing use, habitation, naming, knowledge, and control (traditional occupancy). The mapping of traditional land use records the locations where these activities occur. The mapping of occupancy records stories and legends about places, ecological knowledge of places, indigenous place names, and habitation sites like cabins and burial grounds³⁴.

“water” means any inland water, whether in a liquid or frozen state, on or below the surface.³⁵

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 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.

The Plan 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.” (IMA, Appendix II)

“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.” (IMA, Appendix II)

In advance of a Dehcho Final Agreement, the implemented Plan will provide binding direction to Responsible Authorities in their decision-making and regulation of land use activities through the implementation mechanisms outlined in Chapter 3.

The audience for the Plan is primarily Responsible Authorities and potential applicants who will want to ensure their applications conform before filing them. Readers may wish to consult the detailed information in the Background Report. It assists in interpreting the Plan and may provide useful insight into community values, interests and expectations.

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 Plan. The scope and application of the Plan are defined by the statements below.

1. Location – The Plan applies to the Dehcho territory as shown in Map 1, outside the existing boundaries of a local government and Nahanni National Park Reserve.
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. This is achieved through the Conformity Requirements, Actions and Recommendations of the Plan.

3. Activities subject to the Plan
 - a. **The Plan only applies to “land uses”, which are defined as requiring a land use permit, lease or other interest in land, water licence, commercial fishing licence, big game outfitter licence, or outfitter licence.**
 - b. Five key land uses are addressed by zoning in the Plan: agriculture, forestry, tourism, mining, and oil and gas. Non-exempt applications for these land uses can only proceed through the regulatory system if they are shown as permitted for the zone in Map 1 and Table 1 of the approved Land Use Plan. Further direction is provided for these and other land uses through other Conformity Requirements to address specific issues raised during Plan development. These include transportation corridors, public infrastructure, hydroelectric development, big game hunting, and commercial fishing.
4. Activities outside the scope of the Plan - For clarity, all activities not requiring one of the authorizations listed in 3(a) are not affected by the Plan, and can proceed through the regulatory system (if required) without review for Plan conformity. This includes but is not limited to:
 - a. Scientific research activities that only require a research authorization;
 - b. Anything done in the course of prospecting, staking or locating a mineral claim unless it requires the use of equipment or material referred to in section 4 or 5 of the *Mackenzie Valley Land Use Regulations*;
 - c. Any use of timber authorized through a free timber cutting permit.
 - d. Resident and non-resident hunting;
 - e. Anything that does not require a permit, licence or other authorization such as travel and recreational activities like hiking and canoeing.
5. Exempt Activities – The following activities are exempt from the Plan, even if a land use permit, lease or other land interest, water licence, commercial fishing licence, big game outfitter licence, or outfitter licence is required:
 - a. Traditional land use and occupancy. For clarity, “traditional land use and occupancy” as defined in the Plan, is not managed or restricted in any way through the Land Use Plan. In the Plan, mapping of traditional land use and occupancy is used to identify culturally important lands where other uses may need to be restricted to avoid or reduce negative impacts on traditional land use and occupancy. 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.
 - b. Existing uses in the Dehcho territory, as these are defined in the Plan. For greater clarity,
 - i. Existing uses include successor rights or land uses arising from existing rights present on the day prior to Plan approval, and includes expansions in area of use that are reasonably necessary to enable the existing use to continue, even if the land uses do not conform to the zoning or other Conformity Requirements of the Plan;
 - ii. Renewal of permits, licences and authorizations for existing uses are permitted;
 - iii. An existing use ceases to be considered existing if the permits, licences and authorizations expire or lapse, unless a complete application to renew is submitted to the appropriate Responsible Authority within the periods designated in the appropriate legislation for renewal;
 - c. Activities related to clean-up and reclamation of contaminated sites; and

- d. Any activities carried out in response to an emergency as provided for in existing Acts and Regulations applicable to the Dehcho territory.
6. 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 territory unless otherwise specified. 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.

1.3 Regulatory Context of the Dehcho Land Use Plan

1. Legislative Context
 - a. The Plan is based on the mandate provided in the Dehcho First Nations Interim Measures Agreement and Pipeline Settlement Agreement and will be implemented by means of authorities exercised under existing legislation.
 - b. The Plan 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.
 - c. Any Conformity Requirement of the Plan that addresses a land use governed by an IMA requirement or existing legislation adds to, rather than taking away from, the existing requirement.
2. Regulatory Effect
 - a. Where the zoning and other Conformity Requirements of the Plan are met, applications may proceed through the existing regulatory system.
 - b. Conformity with the Plan does not imply approval or consent for any use of land, water or other resources, by Responsible Authorities or Dehcho First Nation(s).
3. Negotiations - The Plan is intended to advance the negotiation of agreements on land, resources and governance between Canada, the GNWT and the Dehcho First Nation(s). Accordingly, approval and implementation of the Plan is without prejudice to any positions that may be taken or agreements made in those negotiations.
4. Aboriginal and Treaty Rights – Approval of this Plan will not have the effect of recognizing, denying or altering Aboriginal rights, Aboriginal title, or Treaty rights.

1.4 Content of the Dehcho Land Use Plan

The Plan is meant to guide the decision-making and regulation of land use proposals and development projects 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. 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 Conformity Requirements (which includes Land Use Zones), Actions and Recommendations.

1.4.1 Conformity Requirements

The Plan includes Conformity Requirements - requirements that, upon implementation of this Plan, a land use must meet in order to receive authorization, or that must be included and/or complied with under an authorization. Conformity Requirements were developed to ensure that new land uses approved under the Plan will help to achieve the vision and goals of the region and address issues raised through consultations with communities and planning partners. Zoning is the first Conformity Requirement and a principle component of the Plan. The other Conformity Requirements direct how the listed and unlisted permitted uses in a Zone must be carried out.

1.4.1.1 Land Use Zones

Zoning specifies what types of land use are permitted or restricted and where. Land Use Zones define areas within the Dehcho territory having similar features, objectives and values. Zone boundaries are defined by biophysical and cultural factors. The Plan identifies five key land uses for which zoning is applied: agriculture, forestry, tourism, mining, and oil and gas. Subject to the exemptions listed in section 1.2(5), new applications for these land uses can only be approved if they are a permitted use for the zone in question, as per Map 1 and Table 1 of the approved Land Use Plan.

1.4.2 Actions

Actions are measures directed at the Dehcho First Nations, GNWT or Canada that do not regulate land or water use (e.g. research, meetings). Actions were developed to resolve larger issues or data gaps needed to move the Plan forward during future review cycles. By approving this Plan, the Parties agree to make best efforts to complete all Actions pertaining to them.

1.4.3 Recommendations

Recommendations are statements which provide advisory guidance to various governments, Responsible Authorities and organizations on additional measures that will help achieve the goals of the Plan; for clarity, they are not legally binding requirements, but where appropriate, should be given consideration in future land use decisions and policy initiatives. Many Recommendations touch on issues important to the communities. Considering and implementing Recommendations may assist in building a positive, more productive relationship between communities, applicants and governments.

**CHAPTER 2: VISION & GOALS, CONFORMITY
REQUIREMENTS (ZONING), ACTIONS &
RECOMMENDATIONS**



Jim Thomas of West Point First Nation (Ts'ueh Nda) viewing maps. Photo Credit: DLUPC

2.1 Vision

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

The Dehcho territory is a place rich in spirit, culture and resources. People are stewards of the land – they protect the land and the land provides for them. The land is protected and 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 residents 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 residents 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.

2.2 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 quality and water quality, quantity and flow 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. Exploration and development will increase to provide economic benefits to the region.
7. Education and training levels will increase over the next generation.
8. Dehcho residents 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 territory 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 Conformity Requirements (including zoning), Actions and Recommendations.

2.3 Conformity Requirements, Actions and Recommendations

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

- Identification and location of the five land uses permitted and prohibited through zoning;
- Identification of additional permitted and non-permitted uses not covered in zoning;
- Identification of specific exceptions to zoning;
- Identification of further conditions for land use; and
- Description of Actions and Recommendations required to achieve the goals of the Plan.

Conformity Requirements (CR) are requirements that, upon implementation of this Plan, a land use must meet in order to receive authorization, or that must be included and/or complied with under an authorization. Conformity Requirements were developed to ensure that new land uses approved under the Plan will help to achieve the vision and goals of the region and address issues raised through consultations with communities and planning partners. Zoning is the first Conformity Requirement and a principle component of the Plan. The other Conformity Requirements direct how the listed and unlisted permitted uses in a Zone must be carried out.

Conformity Requirements will be checked, implemented, monitored and enforced by government departments, agencies and other Responsible Authorities, who may consult with the Committee where appropriate or required. Responsible Authorities will ensure all relevant Conformity Requirements are followed or attached as conditions to any new permits, licences or authorizations granted and will monitor conformity.

NOTE: All Conformity Requirements in the Plan apply only to “land uses” defined as requiring a land use permit, lease or other interest in land, water licence, commercial fishing licence, big game outfitter licence or outfitter licence. Some “land uses” such as existing uses, listed in section 1.2 (5), are exempt from the Conformity Requirements of the Plan.

Actions (A) are measures directed at the Dehcho First Nations, GNWT or Canada that do not regulate land or water use (e.g. research, meetings). Actions were developed to resolve larger issues or data gaps needed to move the Plan forward during future review cycles. By approving this Plan, the Parties agree to make best efforts to complete all Actions pertaining to them. Timeframes have been identified for the completion of these Actions where appropriate.

Recommendations (R) are statements which provide advisory guidance to various governments, Responsible Authorities and organizations on additional measures that will help achieve the goals of the Plan; for clarity, they are not legally binding requirements, but where appropriate, should be given consideration in future land use decisions and policy initiatives. Many Recommendations touch on issues important to the communities. Considering and implementing Recommendations may assist in building a positive, more productive relationship between communities, applicants and governments.

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

The Plan groups Conformity Requirements, Actions and Recommendations into four categories –Zoning, Dene Culture and Traditional Use, Sustainable Development, and Social Issues. A brief description is provided for each category to explain the issues and rationale.

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

The Conformity Requirements, Actions and Recommendations apply to all zones in the Dehcho territory, unless otherwise specified. The following Conformity Requirements are limited to specific zones:

- Mackenzie Valley Pipeline (CR #2) – applies specifically to Zone 34 and crosses or affects Zones 1, 2, 3, 4, 5, 22, 23, 27, 28, 29 and 33;
- Netlá-Arrowhead Pipeline (CR #12) – applies to Zone 35 and crosses Zones 25 and 26;
- Fishing Lodges (CR #21) - applicable only to Zone 5;
- Cumulative Effects Management (CR #24) - applicable to all Special Management Zones and General Use Zones; and
- Feeder Pipelines (CR #11) - applicable to all Special Management Zones and General Use Zones.

2.3.1 Zoning

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 – Mackenzie River (Dehcho) and Liard River (Acho Tine Deh), important lakes and smaller rivers important to communities;
- Protect important areas for wildlife and traditional land use and occupancy;
- Conserve resources and use them wisely;
- Support community interests in PAS areas;
- Address community concerns;
- Ensure regional connectivity and transportation considerations are addressed;
- Provide sustainable development opportunities for jobs and revenues for the Dehcho territory;
- Protect existing uses; and
- Consider the interests of all Canadians.

The Plan applies five types of zones to the Dehcho territory 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. Of the five types of land use controlled by zoning, only tourism is permitted in Conservation Zones, subject to the Plan’s Conformity Requirements. Two of the zones prohibit tourism as well. There are 18 Conservation Zones covering 38.1% of the Plan Area. The Mackenzie Valley Special Infrastructure Corridor provides a passage through four Conservation Zones.
- The **Protected Areas Strategy Zone** is a separate designation for Candidate Protected Areas with Interim Protection. At the moment, only Edézhíe (Zone 1) has this designation,

covering 12.0% of the Plan Area. Edézhzié has been withdrawn from disposition through the Protected Areas Strategy (PAS) process. Once established as a protected area, it will be managed under the legislation and authority of the sponsoring agency and an applicable Management Plan. In the interim, it is subject to the Plan. The Protected Areas Strategy Zone designation provides the same level of protection as a Conservation Zone.

- **Special Management Zones** are areas where there is significant potential for both conservation and resource development together. Special Management Zones were established to promote certain types of land use or protect values while allowing some forms of land use to proceed. To achieve these goals, each Special Management Zone prohibits at least one of the five land use types addressed, while permitting others, subject to the Plan's other Conformity Requirements. There are 14 Special Management Zones covering 24.4% of the Plan Area.
- **General Use Zones** permit all land uses, subject to the Plan's Conformity Requirements. General Use Zones cover 25.5% of the Plan Area. They are not numbered.
- **Special Infrastructure Corridors** delineate two study corridors for proposed pipeline projects. The construction and operation of a pipeline is permitted within these corridors, subject to the Plan's Conformity Requirements, even where the corridors cross Zones where oil and gas operations are not permitted otherwise. All zone requirements and restrictions continue to apply in the corridors except where and to the extent that the Plan states an exception.

(1) The Mackenzie Valley Special Infrastructure Corridor (Zone 34) delineates a study corridor for the proposed Mackenzie Valley Pipeline and associated infrastructure based on the routing of the proponent and negotiated corridors through existing land withdrawals. The corridor crosses Zones 1, 3, 4, 5, 22, 23, 27, 28, 29 and 33, with additional infrastructure lying in Zone 2. This zone overlays 0.6% of the Plan Area.

(2) The Netlá-Arrowhead Special Infrastructure Corridor (Zone 35) delineates a study corridor for a proposed pipeline and associated infrastructure in the Netlá-Arrowhead and surrounding area, which would allow for the commercialization of existing discoveries. The corridor crosses Zones 25 and 26 and covers 0.2% of the Plan Area.

A number of Conservation Zones and the Protected Areas Strategy Zone contain or reflect areas currently being studied for permanent protection under the Protected Areas Strategy or Nahanni Park Expansion. If zone boundaries are adjusted through the NWT Protected Areas Strategy or the Nahanni Park Expansion Process prior to Plan review, any areas omitted from the approved protected area boundary would take on the zone designation and Plan requirements applicable to the predominant adjacent zone until the area can be fully addressed during subsequent Plan revisions or amendment.

The Land Use Zones regulate five land uses and identify where each of these uses is permitted or restricted:

“Oil and gas operations” means a land use involving exploration (excluding non-exclusive geophysical surveys), drilling, production, conservation, processing and transportation of oil and gas and any related activities. **“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 condensate³⁶.

“Mining” means a land use involving 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, but does not include anything done in the course of prospecting, staking or locating a mineral claim unless it requires the use of equipment or material referred to in section 4 or 5 of the *Mackenzie Valley Land Use Regulations*. **“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^{37,38}; or (f) bedded industrial minerals (e.g. barite) or rock, i.e., building stone or dimension stone; but exclude gravel.

“Forestry” means a land use involving i) the harvest of timber or ii) the management of an area for the purpose of producing timber, but does not include the cutting of timber necessary for any other land use, and does not include timber harvesting activities authorized under a free timber cutting permit.

“Tourism” means a land use involving any outdoor recreational activity as defined in the *Travel and Tourism Act*, not including big game outfitting³⁹. Depending on this context, **“tourism businesses”** may or may not include a tourist establishment as defined in the *Travel and Tourism Act*; and **“tourism services”** include fishing, hiking, cultural skills and interpretation, dog-sledding, and canoeing, but do not include big game outfitting.

“Agriculture” means a land use involving the cultivation of soil, production of crops and the raising of livestock.

Because the Plan does not apply to uses of land that do not require either a land use permit, lease or equivalent land interest, water licence, commercial fishing licence, big game outfitter licence, or outfitter licence, zoning does not restrict any minor activities related to these five land use types that do not require one or more of those authorizations.

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). The proposed oil and gas issuance area shown in Zone 26 of Map 1 is not a zone and is shown for illustrative purposes only.

A complete description of each land use zone is provided in Chapter 5 of the Background Report, including a detailed map, permitted uses, zone objectives, conservation values, resource potential and specific Conformity Requirements applicable to each.

Land Use Zones

CR #1: (1) Subject to (2) and (3) below, Responsible Authorities will not authorize land uses related to oil and gas operations, mining, forestry, tourism or agriculture in a zone unless that land use is shown as permitted for the zone in Map 1 and Table 1.

(2) The restrictions on forestry in Conservation Zones and Special Management Zones under (1) do not apply to:

(a) Forest management activities required for fire and disease prevention (including harvesting and prescribed burns); or

(b) Salvage logging following fires, disease or insect infestations in Dehcho forests, providing that salvage activities will not increase the level of environmental disturbance or hinder natural regeneration processes.

(3) In relation to the Mackenzie Valley Pipeline:

(a) The restrictions in Conservation Zones and Special Management Zones under (1) do not apply to activities essential to the construction or operation of the pipeline or an alternative pipeline with similar specifications within the Mackenzie Valley Special Infrastructure Corridor (Zone 34), which includes the recently negotiated corridor north of Fort Simpson (Áíídlíî Kòç) to the boundary with the Sahtu Settlement Area.

(b) Outside Zone 34, the restrictions in Conservation Zones and Special Management Zones under (1) do not apply to essential infrastructure required for the Mackenzie Valley Pipeline, to the extent that such infrastructure is permitted by CR #2 (2) below.

(c) For greater certainty, any future expansion or tie-in to the Mackenzie Valley Pipeline in Zone 34 is subject to the restrictions in the Conservation Zones and Special Management Zones that overlap with Zone 34.





















Table 1. Zone Descriptions

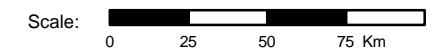
Protected Areas Strategy Zone - 12.02%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
1	Edézhzié				✓		25,183	12.02%
Conservation Zones - 38.07%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
2	JMR Five Lakes				✓		183	0.09%
3	Sibbeston Plains				✓		7,316	3.49%
4	Pehdzeh Ki Ndeh				✓		6,876	3.28%
5	Sambaa K'e / Redknife River				✓		12,405	5.92%
6	Greater Nahanni Ecosystem				✓		28,147	13.44%
7	Birch Lake						719	0.34%
8	Fisherman Lake				✓		38	0.02%
9	Bovie and Betalamea Lakes				✓		31	0.01%
10	Upper Mackenzie				✓		1,955	0.93%
11	Great Slave Lake Shoreline				✓		2,226	1.06%
12	Hay River Corridor				✓		378	0.18%
13	Heart Lake, McNally Creek, Muskeg River				✓		1,488	0.71%
14	Kakisa and Tathlina Watershed				✓		8,384	4.00%
15	Buffalo Lake, River, and Trails						2,177	1.04%
16	Falaise Lake Wetland Complex				✓		1,270	0.61%
17	Moraine Point and Islands				✓		377	0.18%
18	Northwest Rivers				✓		5,175	2.47%
19	Netlá River				✓		598	0.29%
Special Management Zones - 24.40%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
20	Peel River Plateau	✓	✓	✓	✓		4,880	2.33%
21	Southeastern Mackenzie Mountains	✓	✓	✓	✓		3,060	1.46%
22	Franklin Mountains			✓	✓		687	0.33%
23	Rabbitskin / Ndulee			✓	✓		5,909	2.82%
24	Grainger / Liard Rivers			✓	✓	✓	2,766	1.32%
25	Blackstone / Lower Petitot Rivers	✓		✓	✓	✓	6,052	2.89%
26	Liard Range	✓		✓	✓	✓	7,885	3.76%
27	Trout River	✓					1,215	0.58%
28	Jean Marie River - South	✓		✓	✓	✓	553	0.26%
29	Jean Marie River - North			✓	✓	✓	4,418	2.11%
30	Bluefish Creek			✓	✓	✓	329	0.16%
31	Birch - Falaise Corridor	✓	✓	✓	✓		3,631	1.73%
32	Lower Big Buffalo	✓	✓	✓			1,401	0.67%
33	Cameron Hills	✓	✓	✓	✓		8,334	3.98%
General Use Zones - 25.51%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		Oil & Gas	Mining	Forestry	Tourism	Agriculture		
	General Use	✓	✓	✓	✓	✓	53,442	25.51%
Special Infrastructure Corridor - 0.77%								
Zone Number	Zone Name	Permitted Uses					Area (km ²) (approx.)	% of Plan Area
		These zones overlay, or float over the underlying zones. The intent is to add an additional permitted use (construction of a pipeline with associated infrastructure), and set of conditions, for pipeline development within a restricted portion of each of the underlying zones.						
34	Mackenzie Valley Special Infrastructure Corridor						1,176	0.56%
35	Netlá / Arrowhead Special Infrastructure Corridor						430	0.21%
>>> Plan Area calculations exclude Nahanni National Park Reserve and Community Boundaries <<<								

---- Map 1 ----
Land Use Zones

NOTE: Existing uses present on the day prior to Plan approval are not subject to the Plan.

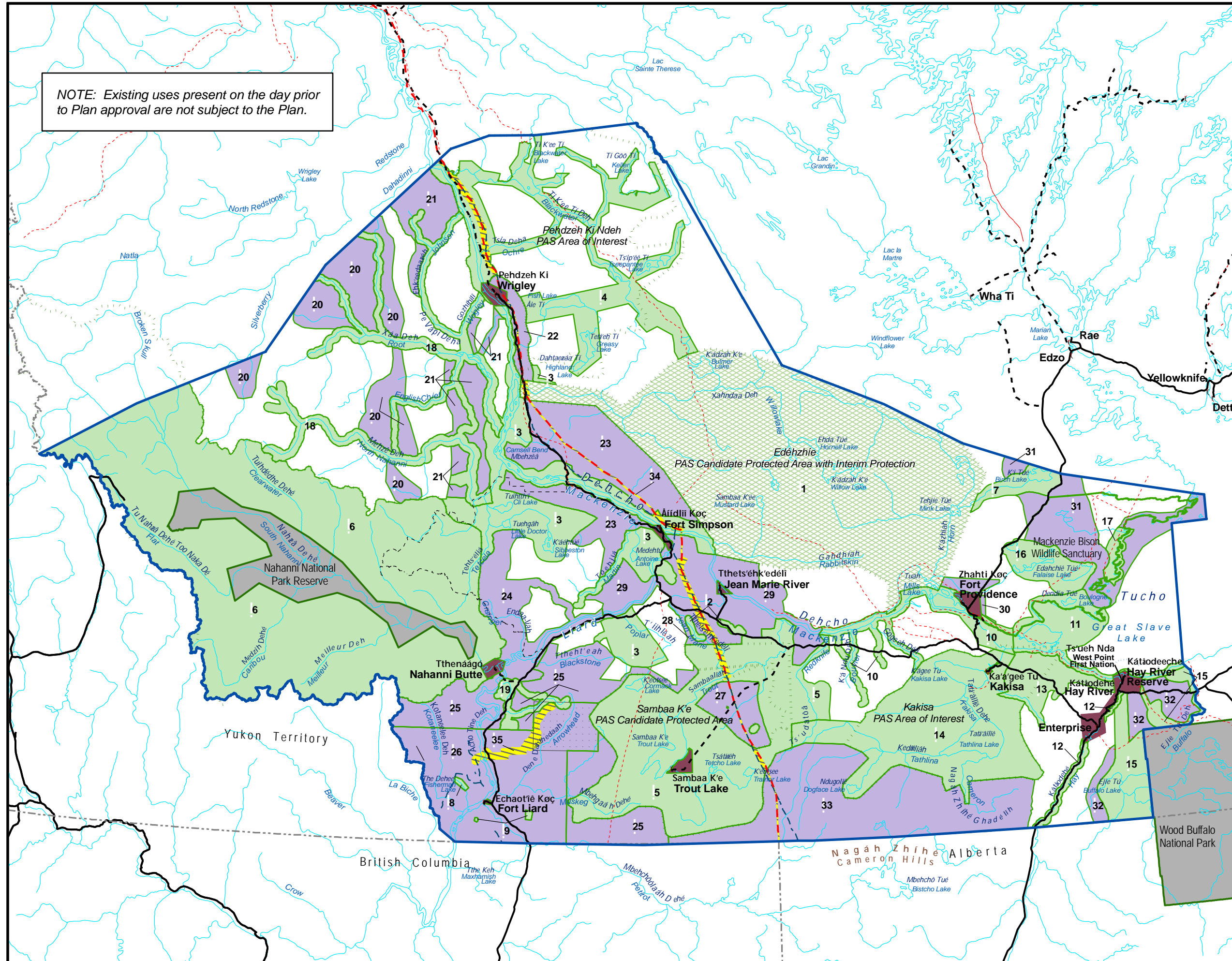
Legend

-  Edézhzié Protected Areas Strategy Zone (12.0% of Plan Area)
-  Conservation Zone (38.1% of Plan Area)
-  Special Management Zone (24.4% of Plan Area)
-  Special Infrastructure Corridor
-  General Use Zone (25.5% of Plan Area)
-  Land Use Zone Number
-  Community Boundary
-  National Park / Park Reserve
-  Government Protected Area Initiative
PAS / Nahanni Park Expansion
-  Proposed Oil and Gas Rights Issuance Area
(Shown for illustrative purposes only)
-  Plan Area
Interim Measures Agreement Boundary
-  Provincial / Territorial Boundary
-  Domestic Fishing Area
-  Proposed Mackenzie Gas Pipeline
-  Existing Pipeline
-  Road, All Weather
-  Road, Winter Access Only
-  Road, Historic Winter
-  Trail
-  Community



Projection: Lambert Conformal Conic
Central Meridian 122°W, Reference Latitude 60°N
Standard Parallels at 60°N and 65°N

Compiled by: Dehcho Land Use Planning Committee
May 2006



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 the Dehcho territory.

Under the Plan, the pipeline and associated infrastructure will lie within Zone 34 (the Special Infrastructure Corridor) and will cross Zones 1, 3, 4, 5, 22, 23, 27, 28, 29 and 33. Associated infrastructure will also be required in Zone 2.

The Plan recognizes the need for access and infrastructure outside of the designated corridor. Additional access, gravel resources, camps and minor infrastructure will be managed in accordance with the Conformity Requirements of the Plan (primarily Community Involvement, Transportation Corridors, Granular Resources and Public Infrastructure) and further conditions imposed in the course of regulatory approval.

It is not anticipated that feeder pipelines will extend across any Conservation Zones during the next five years. Any requests to address future expansion of the pipeline and related infrastructure, or to extend feeder pipelines across any Conservation Zone, will be addressed through Plan revision or amendment.

Should the pipeline and associated infrastructure or an alternative pipeline with similar specifications be approved, the following specific Conformity Requirement will apply to its development in the Dehcho territory.

CR #2: (1) Responsible Authorities will not authorize the development of the Mackenzie Valley Pipeline or any alternative pipeline with similar specifications, except in the Mackenzie Valley Special Infrastructure Corridor (Zone 34), which includes the recently negotiated corridor north of Fort Simpson (Áíídlíí Kòç) to the boundary with the Sahtu Settlement Area.

(2) Outside the Mackenzie Valley Special Infrastructure Corridor, Responsible Authorities will not authorize essential infrastructure required for the Mackenzie Valley Pipeline, such as barge landing sites, construction material stockpile sites, fuel storage sites, camps, supply roads, airstrips and helipads, and borrow sites, in a Conservation Zone unless it is not reasonably feasible to locate it elsewhere, and the infrastructure

a) avoids the most sensitive ecological and cultural areas and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation; and

b) minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts.

R #1: The applicant for the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications, is encouraged to consider the values and intent of the Plan's underlying zones and harmonize its activities with the intent of those zones wherever possible.

2.3.2 Dene Culture and Traditional Use

The protection of Dene culture and traditional land use (hunting, fishing, trapping, gathering and occupancy) is the highest priority of Dehcho First Nation(s) members. People want to ensure they will continue to have the opportunity to use the land as they always have. A culture based on people's relationship with the land requires regular opportunities to go out on the land to sustain it. Some residents rely almost entirely on a traditional land-based lifestyle, while others with jobs are limited to going out on the land on weekends, holidays and cultural leave. While Dene culture and language are strongly tied to the land, there are many other ways to build on culture and language development within the home, community and workplace. The following Conformity Requirements, Actions and Recommendations are meant to preserve Dene culture and traditional use.

Respect Dene Laws, Values and Principles

In Dene culture, many approaches to resource development are seen as disrespectful to Mother Earth. 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 contributions of resource development to the economic well-being of the Dehcho people, the conflict of values often leads to opposition to new land uses.

R #2: Everyone operating in the Dehcho territory should respect the Dene Laws, Values and Principles and consider these in the way they conduct business.

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

Fire Feeding Ceremony:

R #3: Applicants are encouraged to show respect for the land before starting a new operation. This can be done by having a Fire Feeding Ceremony prior to breaking ground. Applicants are encouraged to hold a Fire Feeding Ceremony with the affected First Nation(s) prior to commencing new operations to show respect for the culture and use of resources.

Show Respect:

R #4: Applicants should respect the Dehcho First Nation(s) as stewards and first occupants of the land. Applicants are encouraged to talk to the First Nation(s) about their operations early in their planning process and respect the First Nation(s)' knowledge, comments and decisions.

Sharing:

R #5: The Dehcho First Nation(s) are sharing the natural resources. Applicants are encouraged to share the benefits with Dehcho First Nation(s) through training, revenues and jobs, etc.

Take Only What You Need:

The communities do not see the need to develop everything now. They want to save resources for future generations as well.

R #6: Applicants and Responsible Authorities should consider the conservation of resources for future generations and are encouraged to develop a strategy to ensure long-term benefits accrue to communities from current and future operations.

Do Not Waste:

R #7: Applicants are encouraged to use the best available technology to:

- Ensure operations are as efficient as possible;
- Ensure the efficient use of any resources harvested to complete a land use activity (e.g. trees harvested to clear seismic lines);
- Minimize and ensure the efficient use of natural resources required to access and extract the target resource;
- 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;
- Reduce flaring by pooling gas volumes until sufficient quantities are available to make transport economically feasible where practical; and
- 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.

Preservation of Culture and Language

The ties to the land and community that sustain language and culture can only be preserved through a concerted effort from everyone. 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 within the community and workplace can enhance regular exposure to Dene language and culture provided through family activities at home and on the land.

R #8: Communities, governments, non-government organizations, aboriginal organizations and businesses are encouraged to work cooperatively to create more opportunities for Dene cultural and linguistic experiences. This could include:

- Establishing more on-the-land programs;
- Establishing 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;
- Providing access to or hosting cultural foods and events (e.g. drum dances, feasts); and
- Completing Dene Place Name Mapping across the Dehcho territory.

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. Greater cultural awareness and understanding is required to overcome the current challenges to integrating traditional and scientific knowledge. The effective use and recognition of traditional knowledge should change the way things are done based on a new set of principles.

CR #3: (1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to document any relevant traditional knowledge and scientific information.

(2) 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.

(3) Responsible Authorities will consider the information presented when making their decisions.

R #9: Applicants are encouraged to document traditional knowledge in accordance with the affected First Nation(s)' traditional knowledge policies and protocols, where such documents exist or Dehcho First Nations Traditional Knowledge Research Protocol (existing policies are provided in Appendix 2 of the Background Report; applicants should check with the affected First Nation(s) to request the most current policies or protocols).

R #10: Businesses and governments are encouraged to integrate traditional and cultural knowledge into all aspects of their activities and decision-making.

R #11: Businesses and governments are encouraged to 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.

Protection of Significant Traditional Land Use and Occupancy Sites

While people know that resource 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. People say that money comes and goes but the land is forever - the land is their backup plan. When people don't have a job, they know they can go back to the land and it will look after them. There is a collective belief that there are places where some land uses should not be allowed, to protect culturally significant areas and maintain areas for traditional land use and occupancy only.

CR #4: (1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to

(a) assess the impact of the proposed activities on known heritage, historical, archaeological, cultural and traditional land use and occupancy sites including burial grounds, sacred sites, cabins, and trap lines, as identified by the affected Dehcho First Nation(s) and Prince of Wales Northern Heritage Centre; and

(b) demonstrate meaningful community involvement of affected First Nation(s), and individuals identified by the affected First Nation(s), whose sites are affected, in the development of appropriate avoidance buffers and mitigation measures that ensures the protection of important sites as listed in (1)(a).

(2) The degree of community involvement and mitigation will be appropriate to the scale and nature of the activity and the potential to impact sites listed in (1)(a).

(3) Responsible Authorities will consider the information obtained when making their decisions, and will not authorize a land use except in accordance with appropriate avoidance buffers and mitigation measures.

(4) Responsible Authorities will not authorize the removal of heritage resources from the Dehcho territory without consulting the affected First Nation(s).

A #1: Dehcho First Nation(s) will make best efforts to compile a database of known historical, archaeological, traditional land use and occupancy sites including burial grounds, sacred sites, cabins, trap lines, and cultural sites, and develop processes and protocols that will allow Dehcho First Nation(s) to identify affected sites, individuals and First Nation(s) in a timely manner to participate meaningfully in the design and development of proposed land use activities, within four years.

Use of Guides and Monitors

Dehcho First Nation(s) need to be kept informed of activities occurring in the Dehcho territory. They need to know where applicants 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 applicants or tourism operators while on their traditional territory. Guides and monitors can act as a liaison between the applicant and community and report to the local Dehcho First Nation(s). Applicants may find hiring a guide or monitor to be an effective way of building communications and trust with communities.

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 and wildlife monitoring, advise on traditional knowledge, and other duties agreed to by them, the local First Nation(s), and the applicant. Guides and monitors may require training to obtain necessary certifications (e.g. health and safety) for the activity and land use site.

R #12: Applicants are encouraged to notify the affected First Nation(s) 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, applicants should determine reporting requirements in consultation with the guide or monitor based on their knowledge of the area and the activities planned.

A #2: Dehcho First Nation(s) will make best efforts to outline contract terms and develop a list of community members whose knowledge of their traditional territory and proficiency on the land make them suitable for employment as guides and monitors, within four years.

R #13: Dehcho First Nation(s) should consider exploring the use of guides and monitors through the Dehcho Process negotiations.

Plant Gathering Areas

Dehcho First Nation(s) still rely heavily on traditional plants for food (e.g. berries), crafts (spruce roots for baskets), medicine (e.g. rat root) and cultural activities (sweet grass). It is essential to

communities' cultural well-being to identify and protect important plant gathering areas for current and future generations.

CR #5: (1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to demonstrate that they, in coordination with the affected First Nation(s), have identified any important plant gathering areas and developed appropriate mitigation measures to ensure continued access to culturally important plant species for community use.

(2) Where the affected First Nation(s) express concern and locations of important plant gathering areas have not been determined, the applicant will be required to survey the land use area to identify the location of culturally important plant species, which includes, but is not limited to the plant species listed in Appendix 2⁴⁰.

(3) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the mitigation measures identified.

A #3: Dehcho First Nation(s) will make best efforts to develop a list of plants they consider culturally important and in need of protection, within four years.

Use of Traditional Materials

Dehcho First Nation(s) 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 resources, they would like to ensure resources are harvested and used efficiently.

R #14: Individuals wishing to harvest traditional materials are encouraged to contact the local First Nations before harvesting materials to show respect and ask for guidance.

A #4: Dehcho First Nation(s) will make best efforts to 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 four years.

Traditional Economy

The most fundamental use of wildlife in the Northwest Territories 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 poorly documented. To address this data gap the following Action is required.

A #5: The GNWT, in conjunction with Dehcho First Nation(s) and other relevant government agencies and departments, communities, and interested business organizations (e.g. Economic Development Corporations), will make best efforts to cooperatively research and document harvest statistics and quantify the economic value of traditional foods and materials to the Dehcho territory.

2.3.3 Sustainable Development

Communities want to ensure the land and resources are managed sustainably for the benefit of future generations. The Conformity Requirements, Actions and Recommendations in this section are meant to enhance and add value to the way in which land uses are currently managed.

Existing Use

R #15: The holders of permits, licences and authorizations for existing uses in the Dehcho territory are encouraged to consider the values and intent of the surrounding zone and use best available technology to minimize impacts wherever possible.

Community Involvement

The lack of community involvement in decision-making is a major issue in the Dehcho territory. Community involvement is the process of informing communities, and obtaining feedback and input from affected peoples. Only through early, continuous and meaningful discussions can communities be assured that their concerns over use of the land are heard. While community involvement does not imply consent by the First Nation(s) or community, it may result in some changes to proposed activities due to information brought forward during informed discussions with communities. The Mackenzie Valley Land and Water Board has developed guidelines to assist applicants in developing effective community involvement processes⁴¹. The guidelines state that the purpose of community involvement prior to application is:

- To allow the proponent the opportunity to discuss the project with the community;
- To incorporate concerns of the community, clan, family, and traditional knowledge;
- To identify impacts and demonstrate how negative impacts will be mitigated; and
- To advise the community that an application is forthcoming.

Effective community involvement generally requires meetings to be held in the affected communities. As a result of such discussions, the final application should be better designed and more appropriate to local values, needs and conditions, increasing the likelihood of approval through the regulatory process.

CR #6: (1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to demonstrate meaningful community involvement with affected communities and individuals.

(2) The degree and nature of community involvement required will be appropriate to the scale and potential impacts of the proposed land use.

(3) Community involvement

(a) will begin prior to the application and will continue throughout the life of the proposed land use at intervals appropriate to the nature of activities;

(b) will include full and direct reporting of land use activities to the affected communities in plain language; and

(c) will be carried out in English and the local language.

(4) For greater certainty, this requirement is distinct from any consultations carried out by government, or from any duty to consult held by government.

A #6: Affected First Nation(s) will make best efforts to participate in community involvement activities.

Visual Quality

While communities recognize the importance of different types of development, they don't necessarily want to see it from their community or from important traditional use areas. They value the wilderness quality of the land and would like to ensure the visual impacts of land use activities are reduced through appropriate site selection wherever possible.

R #16: Applicants are encouraged to consult with the affected First Nation(s) and/or local governments to determine acceptable visual impacts on the community and traditional land use and occupancy areas from the proposed land use activities.

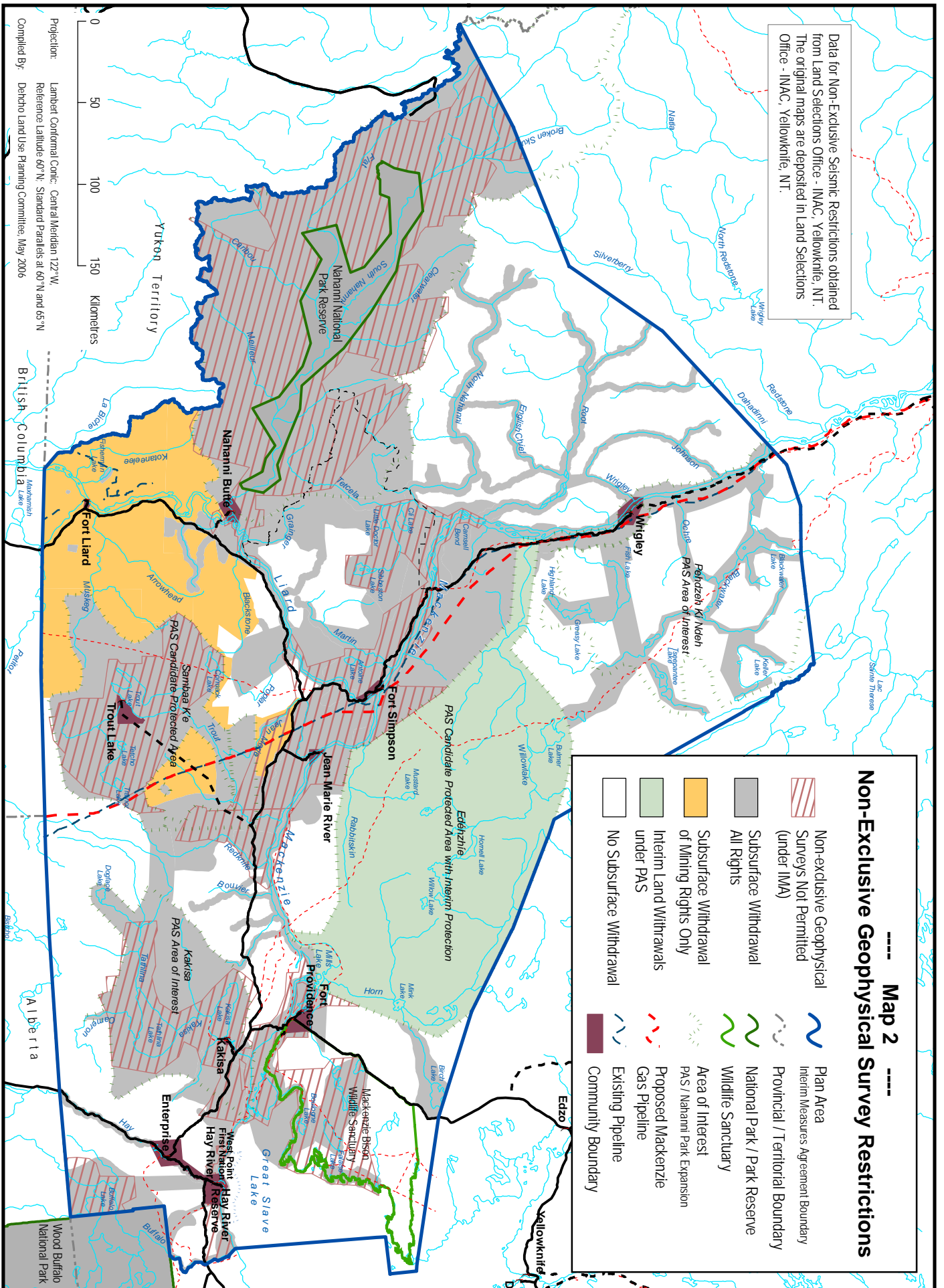
Non-Exclusive Geophysical Surveys

In 2004, Dehcho First Nation(s) and Canada identified surface/sub-surface withdrawn lands where the issuance of land use permits for geophysical operations, such as seismic programs, conducted as non-exclusive surveys related to oil and gas exploration, are restricted, as per section 43 of the IMA (see Map 2). This was implemented through Policy Direction issued on December 21, 2004⁴² from the Minister of Indian Affairs and Northern Development to the Mackenzie Valley Land and Water Board pursuant to sections 82 and 109 of the *Mackenzie Valley Resource Management Act*. The purpose of these restrictions was to protect the most sensitive withdrawn lands (restricted areas) while allowing the collection of regional geophysical data to proceed in other areas.

Non-exclusive geophysical surveys are not consistent with the objectives of Conservation Zones and those Special Management Zones which restrict oil and gas operations. However, there are areas within these zones where non-exclusive geophysical surveys are currently permitted. The construction of new seismic lines in these areas could impede wildlife habitat connectivity and effectiveness and may impact sensitive traditional land use and occupancy sites being protected by the current zoning.

CR #7: Responsible Authorities will not authorize non-exclusive geophysical surveys in the areas where such surveys are shown as restricted in Map 2.

R #17: Dehcho First Nation(s) and Canada are encouraged to renegotiate the areas where non-exclusive geophysical surveys are restricted to harmonize these with the Plan's Land Use Zones, within four years.



Public Infrastructure

There is an ongoing need for the development of public infrastructure outside of existing community boundaries to serve the needs of communities, and existing and future land uses. Minor infrastructure includes such things as fuel caches, navigation markers, communication towers, fire towers, storage buildings and similar infrastructure. Larger infrastructure may be required for community development and includes sewage lagoons, water treatment plants, airstrips, landfills, docks and associated structures or buildings. Even minor infrastructure can impact important conservation values if constructed in the wrong location so this Conformity Requirement sets conditions for development within Conservation Zones. Infrastructure not requiring land use permits or water licences is permitted throughout the Dehcho territory.

CR #8: Responsible Authorities will not issue a land use permit or water licence relating to public infrastructure in Conservation Zones unless the applicant can demonstrate that

- a) there is an immediate need for the infrastructure;
- b) the reasonably foreseeable future infrastructure needs of the affected area and users have been considered in the selection of appropriate design and location;
- c) environmental, social, economic and cultural values were considered in selecting the site; and
- d) appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

Granular Resources

Nearby access to granular resources is a key requirement for many land uses or maintenance activities 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 land uses expected to occur in other Zones. Section 20 of the Dehcho First Nations Interim Measures Agreement set conditions for the issuance of quarrying permits in lands for which the surface is withdrawn. The Plan reaffirms these conditions in the following Conformity Requirement, but applies them to Conservation Zones instead because the revised land withdrawals through which the Plan is implemented does not include surface land withdrawals (only subsurface withdrawals).

CR #9: Responsible Authorities will not issue a permit for quarrying under the *Territorial Quarrying Regulations* in Conservation Zones unless

- a) the quarrying is for sources of material which had been opened prior to Plan approval;
- b) the quarrying is for new sources of material required for essential community construction purposes;
- c) the quarrying has the consent of the Dehcho First Nation(s); or
- d) it is a case 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 Nation(s).

Transportation Corridors

The goal of the Plan is to facilitate efficient transportation 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 transportation routes. The Samba K'e Dene Band (Trout Lake) does not want an all weather road to their community. On the other hand, careful planning needs to occur to avoid isolating resource development areas without adequate access. The following Conformity Requirement will guide transportation corridor development within the Dehcho territory.

CR #10: (1) Before deciding whether to authorize land uses that would create a new transportation corridor (including seasonal roads, all weather roads and railways), Responsible Authorities will require applicants to submit a transportation planning study and a routing study.

(2) The transportation planning study will demonstrate

- a) consideration of reasonably foreseeable transportation needs for the affected zones;
- b) that the proposed transportation corridor is the most appropriate type and/or level for the affected zones;
- c) meaningful community involvement with the affected First Nation(s) on the construction, operation and abandonment of the transportation corridor; and
- d) discussions with other potential users of the proposed transportation corridor to identify additional considerations.

(3) The routing study will consider alternative routings and demonstrate

- a) that first consideration was given to routing the corridor through General Use Zones wherever feasible, followed by Special Management Zones;
- b) where there is no reasonably feasible alternative to routing the corridor through a Conservation Zone
 - (i) that the route follows existing transportation corridors, or
 - (ii) where there is no feasible existing route, that the route is the shortest possible, while avoiding the most sensitive ecological and cultural areas, and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation;
- c) that the proposed routing will minimize the area affected and the intensity of disturbance to ecological and cultural values through the use of best available technology; and
- d) that the proposed routing will benefit affected communities.

(4) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the conditions in (2) and (3).

Feeder Pipelines

As oil and gas exploration and development increases in the Dehcho territory, there will be an increasing need for feeder pipelines or flowlines to tie-in commercial discoveries to existing pipelines and transport the gas to market. While oil and gas operations (and therefore pipelines) are restricted in Conservation Zones and some Special Management Zones, there will be a need for careful planning of such infrastructure in remaining Special Management and General Use Zones to ensure pipeline development is planned efficiently and minimizes disturbance to the land.

CR #11: (1) Before deciding whether to authorize the development of a new pipeline other than those defined in CR #2 or CR #12, Responsible Authorities will require applicants to submit a pipeline planning study and a pipeline routing study.

(2) The pipeline planning study will demonstrate

- a) consideration of reasonably foreseeable pipeline capacity needs for the affected zones;
- b) that the proposed pipeline diameter is the most appropriate size for the affected zones;
- c) meaningful community involvement with the affected First Nation(s) on the construction, operation and abandonment of the pipeline; and
- d) discussions with other potential oil and gas operators in the surrounding area to identify additional considerations.

(3) The pipeline routing study will consider alternative routings and demonstrate

- a) that first consideration was given to routing the corridor through General Use Zones wherever feasible, followed by Special Management Zones; and
- b) that the proposed routing will minimize the area affected and the intensity of disturbance to ecological and cultural values through the use of best available technology.

(4) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the conditions in (2) and (3).

Netlá-Arrowhead Special Infrastructure Corridor

The Acho Dene Koe Band has expressed an interest in seeing a pipeline developed in the Netlá-Arrowhead area, which is required to move a number of existing gas discoveries into production. While no applications have been submitted for such a pipeline at this time, it is foreseeable within the next five years. The Plan delineates a study corridor for this pipeline as shown in Zone 35 on Map 1.

The pipeline corridor, additional access, gravel resources, camps and minor infrastructure will be managed in accordance with the Conformity Requirements of the Plan (primarily

Transportation Corridors, Granular Resources and Public Infrastructure) and further conditions imposed in the course of regulatory approval.

CR #12: (1) Responsible Authorities will not authorize the development of a pipeline in Zone 25 or Zone 26 to allow for the commercialization of existing discoveries in the Netlá-Arrowhead corridor and surrounding area unless

(a) the pipeline is located in the Netlá-Arrowhead Special Infrastructure Corridor (Zone 35) shown on Map 1;

(b) the Acho Dene Koe Band, Fort Liard Métis Local 67, the Samba K'e Dene Band and the Naahdeeh First Nation work together to maximize benefits, consistent with section 42 of the IMA, from the proposed development;

(c) the proposed pipeline and infrastructure avoids the most sensitive ecological and cultural areas and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation;

(d) the proposed infrastructure minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts; and

(e) the applicant demonstrates meaningful community involvement with the affected First Nation(s) on the construction, operation, reclamation and abandonment of the pipeline and associated infrastructure.

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: Except on Great Slave Lake (Tucho), the Department of Fisheries and Oceans (DFO) will not authorize commercial fishing on lakes without the support of the affected First Nation(s).

During consultations, several First Nations raised concerns about commercial fishing on Great Slave Lake (Tucho) and their level of input on the Great Slave Lake Advisory Committee. Great Slave Lake (Tucho) is a shared resource between multiple settlement areas and other harvesters. Because fish, fish habitat and fisheries are transboundary issues, they must continue to be managed by DFO with advice from the Great Slave Lake Advisory Committee. Once land claim and treaty entitlements are settled a future committee or board which represents all the affected First Nation(s) and other fishery resource users will be set up to manage the lake as a whole.

A #7: Dehcho First Nation(s) will make best efforts to 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 Dehcho Dene. Without water, nothing survives. Water features prominently in their culture and legends. The Dehcho territory takes its name from the Mackenzie River (Deh=River; Cho=Big). It provides the residents 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 the Dehcho Dene talk about protecting water, they talk about large areas. The following Conformity Requirements are aimed at ensuring clean, healthy water for future generations of people and wildlife. CR #15 is consistent with the Federal Policy on Wetland Conservation⁴³ which includes the goal of no net loss of wetland functions on all federal lands and waters.

CR #14: Responsible Authorities will not authorize land uses upstream of and around community water intakes except in accordance with the use of the best available technology to mitigate negative impacts on drinking water quality.

CR #15: (1) Responsible Authorities will not authorize uses of water or deposits of waste into water except in accordance with the conditions in (2) and (3).

(2) The use and loss of water for industrial processes will be minimized through the use of best available technologies.

(3) Wherever possible, wastewater will meet or exceed the Canadian Water Quality Guidelines for the Protection of Aquatic Life⁴⁴.

(4) Where background conditions or extenuating circumstances make it inappropriate to follow the guidelines in (3), Responsible Authorities will ensure the use of best available technologies to mitigate negative impacts to the aquatic environment.

(5) Responsible Authorities will not authorize land or water uses that may negatively impact wetlands and shorelines unless in accordance with appropriate mitigation measures to ensure no net loss of wetlands and shorelines.

CR #16: (1) Responsible Authorities will not authorize any hydroelectric development on the Mackenzie (Dehcho) and Liard Rivers (Acho Tine Deh) or within any Conservation Zones in the Dehcho territory.

(2) Run of the river hydroelectric development as defined in the Plan is permitted outside the areas described in (1) within the Dehcho territory.

(3) For clarity, run of the river hydroelectric development does not involve flooding, has no or little impoundment of water, and uses the natural river flow with no seasonal regulation.

Air Monitoring / Management

Land use activities have the potential to impact air quality. Even communities produce air pollution from diesel fuel for heating and vehicle emissions, which should be monitored and reduced as much as possible. Communities want to ensure the air stays clean and that air pollution from land use activities is minimized. The GNWT has developed Ambient Air Quality Standards (AAQS), but these only apply to Commissioner's Land. The NEB has a general

mandate to address air quality under the *Canada Oil and Gas Operations Act (COGOA)*, but this only applies to land use activities associated with oil and gas exploration and development. For other land uses, with the exception of on Commissioner's Land, there is no clear regulatory vehicle at this time to implement air quality standards throughout the Northwest Territories. This has been identified as a critical regulatory gap. In the absence of enforceable standards for the Northwest Territories, the Plan recommends the use of appropriate standards from other jurisdictions as a basis for managing air quality.

R #18: Applicants are encouraged to conduct their operations in conformity with the Alberta Energy and Utilities Board Directive 060: Upstream Petroleum Industry Flaring Guide⁴⁵ 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 Environment⁴⁶ wherever possible. Ambient air quality for non-criteria pollutants (see definitions) should not exceed short-term and long-term effects screening levels established by the Texas Commission on Environmental Quality (TCEQ)⁴⁷ wherever possible.

R #19: Responsible Authorities, in cooperation with Dehcho First Nation(s), are encouraged to develop legally enforceable air quality standards for the Dehcho territory and legal mechanisms to monitor and enforce compliance.

Mine 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, and has led to considerable mistrust between communities, government and the mining industry. Government policy currently requires applicants to submit closure and reclamation plans and a security deposit for mine reclamation, but there has been substantial debate over the level of cleanup required, and consequently, the amount of funds required for security. In addition, older mines were authorized before these requirements existed so are not in compliance with current standards. The MVLWB currently requires a security deposit on all activities incurring greater than \$5000 in reclamation costs.⁴⁸ DIAND collects and manages all security deposits/instruments and DIAND inspectors determine when a site has been adequately reclaimed and issue a Letter of Clearance.

In order to minimize the impacts of mine development on the environment and human health in the Dehcho territory, rebuild community trust, and reduce the financial liability to both the Canadian public and Dehcho residents, the Plan identifies conditions for reclamation planning and security deposits for new mines within the Dehcho territory. A recent regulatory review completed by CARC (Canadian Arctic Resources Committee) and CIRL (Canadian Institute for Resource Law)⁴⁹ identified several flaws in the current system consistent with community concerns, and proposed ways to improve security and reclamation of mines within the NWT. DIAND has also begun an annual review of the Mine Site Reclamation Guidelines for the NWT. The most recent version, released in January 2006 emphasizes the importance of building consensus with affected communities and parties in designing mine reclamation plans.⁵⁰ Many of the conditions below are consistent with recommendations made in these two documents.

CR #17: (1) Responsible Authorities will not issue a permit, licence or authorization for the construction, operation or closure of a new mine unless an accepted, updated Closure and Reclamation Plan (CRP) that meets the Reclamation Planning and Security Conditions in (5) and (6) 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 CRP.

(2) Responsible Authorities will not authorize any mining activity unless the Reclamation Planning and Security Conditions that apply before authorization have been met and unless authorization requires, as a condition of approval, that the remaining Planning and Security Conditions will be met.

(3) For clarity, this Conformity Requirement only applies to the construction, production and post production phases of mining; it does not apply to those activities that fall below the threshold for land use permits or water licences, such as mineral prospecting activities.

(4) For clarity, this Conformity Requirement does not apply to the construction, operation or closure of a mine arising from existing uses or rights in the Dehcho territory on the day prior to Plan approval.

(5) The Reclamation Planning Conditions are:

a) the reclamation goal to be achieved at the end of the activity will be clearly defined;

b) the reclamation goal and closure criteria will be defined in advance of mine development in cooperation 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;

c) any mine component, including wastes, that remains after mine closure should be chemically stable; chemical constituents released from the mine components should not endanger public, wildlife, or environmental health and safety, should not result in the inability to achieve the water quality objectives in the receiving environment, and should not adversely affect soil or air quality into the long term;⁵¹

d) affected communities and First Nations must be fully informed of any mine component that will remain after mine closure which has the potential to impact their health or well-being, and be involved in identifying appropriate mine closure criteria;

e) the reclamation goal will be a key consideration in mine site design and operations to reduce the impacts and need for reclamation at all stages of mine development, and this will be demonstrated through the consideration of alternative methods and best available technology in mine site design and operations;

f) all activities necessary to achieve the reclamation goal will be clearly described, including itemized cost estimates;

g) progressive reclamation (phased reclamation) will be provided for wherever possible;

h) best available technologies will be employed wherever feasible to reduce the time required to complete reclamation (not including post-closure monitoring);

i) parameters for long-term post-closure monitoring will be provided as required (and as determined by risk analysis) to ensure no unanticipated impacts will result from mine construction, operation and closure;

j) reclamation plans will be reviewed and updated every five years, with a Final Reclamation Plan being submitted and accepted in the final year of operations;

k) Interim and Final Plans will consider the use of new technologies to improve the reclamation goal;

l) amendments to reclamation plans will meet or exceed the initial reclamation goal, but will not lower it; and

m) failure to submit reclamation plans will result in a suspension of operations until the plans are submitted and accepted.

(6) The Reclamation Security Conditions are:

a) security will cover the full cost of all required categories of work as described in the accepted reclamation plans, including:

(i) compliance with environmental and public health/safety requirements during operations,

(ii) reclamation,

(iii) closure and interim operations until reclamation is complete,

(iv) cleanup,

(v) post-closure, including short and long-term monitoring and site maintenance,

(vi) responding to worst case scenarios, and

(vii) any special or supplementary costs deemed necessary for activities that use cyanide leaching or other toxic chemicals to extract minerals from the ore;

b) costs will be determined by Responsible Authorities and be based on costs for the government or a third party to do the reclamation work;

c) costs will factor in inflation for the life of the mine construction, operation, closure and post-closure periods;

d) security will be in a form specified through section 17 (1) of the *Northwest Territories Waters Act* and section 12 (3) of the *Northwest Territories Waters Regulations* (for water licences), or through section 32 (4) of the *Mackenzie Valley Land Use Regulations* (for land use permits);

e) the security deposit must be secured and should be held by DIAND in trust for the applicant as a guarantee that accepted closure and reclamation activities pursuant to an accepted Final Reclamation Plan are performed, whereupon it will be refunded as per section 17 (5) of the *Northwest Territories Waters Act* (water licences) or section 32 (5) of the *Mackenzie Valley Land Use Regulations* (land use permits);

f) 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; and

g) for existing mines exempt from the Plan and in operation prior to existing regulatory mechanisms on mine closure, reclamation and security, and where existing financial security is not 100% of the closure and reclamation obligations, security should be increased in increments to 100% over the length of the mine. Only when an operator of such an existing mine can demonstrate that it is incapable of doing so without causing bankruptcy, would other options relating to form, amount or schedule for provision of financial security be considered.

Revegetation

The use of non-native and invasive plant species for revegetation may impact native plant communities and in some cases, alter the distribution of wildlife species which depend on these communities. For instance, the use of non-native seed mixes along highways provides higher quality forage for wood bison than native habitat so the bison concentrate along the highway, increasing the likelihood of bison-vehicle collisions.

CR#18: (1) Subject to (2) below, where a land use requires revegetation, Responsible Authorities will not authorize the land use unless the seed mixes used

a) do not include invasive plant species as determined by ENR, and

b) include plant species indigenous to the site as such seed mixes become available.⁵²

(2) The requirement in (1) may be waived or altered with the agreement of the Responsible Authorities, the affected First Nation(s) and the applicant.

Forestry

The forests in the Dehcho territory are valued by all residents. The Dehcho First Nation(s) have a strong relationship with the forests, which provide food, shelter and medicine. Today, forestry can also provide jobs. Forest harvesting activities, and natural disturbances such as fires or disease may damage forests. Any forestry activity should occur and be managed in a manner that sustains long-term forest viability. It is important to avoid damaging culturally or ecologically important areas such as old growth forests.

As a renewable resource, communities are interested in developing forestry operations and being involved in forest management decisions affecting them. Jean Marie River (Tthets' éhk' edéli), Nahanni Butte (Tthenáágó) and Fort Providence (Zhahti Kõç) have established community-based forestry operations. Other communities are becoming interested

in similar ventures. Communities should be able to access quality timber within sustainable levels.

General Silvicultural Practices

A #8: Responsible Authorities, in consultation with the affected First Nation(s) will make best efforts to establish appropriate silviculture practices for the Dehcho territory, within four years.

Timber Recovery

CR #19: (1) Responsible Authorities will not authorize the harvest of timber for land uses other than forestry unless

- a) the applicant can demonstrate that the loss or waste of timber resources was minimized by reducing width or reusing existing clearings, right of ways, roads, trails and operational areas, or using non-forested lands, where feasible; and
- b) where timber cutting cannot be avoided and is not required by the applicant, the applicant has notified local forestry operators or First Nations of the opportunity to undertake timber recovery, 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 uses. 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 as per CR #1 (2), providing they can be done without further damage to the ecosystem and do not hinder natural regeneration processes.

Tourism

First Nations and local governments are interested in developing economic opportunities that will have a minimum impact on the land. Tourism initiatives on traditional lands should be based on cultural traditions and respect for the land. 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 Conformity Requirements, Actions and Recommendations were developed to address these issues.

SMART Principles

R #20: Responsible Authorities are encouraged to apply the SMART (Sustainable Model for Arctic Regional Tourism) Principles⁵³ in approving and regulating tourism operations in the region as listed in Appendix 9 of the Background Report.

Leave No Trace

R #21: Responsible Authorities should encourage individuals and tourism operators visiting the Dehcho territory to follow Leave No Trace⁵⁴ guidelines during their stay.

Big Game Outfitters

The Dehcho First Nation(s) do not support big game outfitting because it is culturally inappropriate to harvest animals you don't eat.

CR #20: Responsible Authorities will not issue any new big game outfitter licences in the Dehcho territory.

GHL Hunting

Dehcho First Nation(s) have expressed concern about increasing tourist use of the North Nahanni River (Mehzê Deh) and Root River (Xáa Deh) which have long been significant subsistence harvesting areas for their communities. They would like resident and non-resident hunting restricted in Zone 18 to ensure the continued sustainability of subsistence activities for their communities, but this is a topic more appropriately addressed in the Dehcho Process negotiations. Currently, resident hunting is permitted in all parts of the Dehcho territory. The Plan will not restrict resident or non-resident hunting rights in the Dehcho territory.

R #22: Dehcho First Nation(s) is encouraged to raise the issue of aboriginal versus non-aboriginal hunting rights through Dehcho Process negotiations.

Fishing Lodges

Sambaa K'e Dene Band has been developing a sustainable fishing business on Trout Lake (Sambaa K'e). Additional tourism establishments on the lake may affect the viability of the existing business and the long-term sustainable harvest levels of the area.

CR #21: Responsible Authorities will not approve any new tourism establishments in Zone 5 unless they are associated with an existing outfitter licence.

Visitor Quotas

Dehcho residents value the integrity of their small communities and surrounding traditional lands. 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 #23: Dehcho First Nation(s) and communities are encouraged to meet with Responsible Authorities should there be a need to establish visitor quotas on commercial operations, restricting total number of visitors and group size to maintain the wilderness experience and protect the ecological and cultural values of the region. Discussions could address development and implementation of a visitor quota 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: Responsible Authorities will consider community concerns about sport fishing and make best efforts to develop a strategy to address them, within four years. This will include looking at information on sport fishing quotas and licences, monitoring and enforcing laws. Communities with concerns will be involved in the process.

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). Agricultural activities within community boundaries 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 and occupancy. Confined animal operations, because of their potential to negatively impact these values, are not considered appropriate outside of community boundaries.

CR #22: Responsible Authorities will not authorize confined animal operations outside of community boundaries.

R #24: Agricultural activities should minimize clearing, draining and the use of chemicals.

R #25: 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.⁵⁵

Digital Pre- and Post-Operation Mapping

One of the challenges faced by the Committee, communities and other Responsible 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 land uses with respect to some of the Conformity Requirements. The data collected here will allow the Committee and Responsible Authorities to monitor the geographic extent of disturbance and perform cumulative effects assessments for the region.

CR #23: (1) The MVLWB will not authorize a land or water use unless the applicant submits digital mapping as specified in (2), showing the location of their proposed and actual land use (new roads, seismic, well sites, cut blocks etc...) to Responsible Authorities, the Dehcho Land Use Planning Committee, the affected First Nation(s) and communities at the time the application is submitted and following completion of the activity, to allow monitoring of landscape disturbances.

(2) Digital files may be GPS waypoints, shapefiles, digitized air photos, or satellite imagery with a minimum 5-metre resolution, or other file types specified by the MVLWB.

(3) For clarity, the MVLWB will include on land use permits and water licences as a condition of authorization, the requirement to submit digital mapping files of the actual land use following completion of the activity within the timeframes set for program reporting for the specific activity under existing relevant legislation.

Cumulative Effects Management

Cumulative effects are a growing concern across Canada. Most governments now have a responsibility to consider cumulative effects before approving land uses under their jurisdiction and are in various stages of developing processes to manage them. The Mackenzie Valley Resource Management Act (MVRMA), under S.146, states “The responsible authority shall, subject to the regulations, analyze data collected by it, scientific data, traditional knowledge and other pertinent information for the purpose of monitoring the cumulative impact on the environment of concurrent and sequential uses of land and water and deposits of waste in the Mackenzie Valley”. Land uses 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 Conformity Requirement requires Responsible Authorities to consider the proposed thresholds to manage cumulative effects in General Use and Special Management Zones. Due to the planned intensity of oil and gas operations in the Fort Liard (Echaot'îê Køç) area, a less restrictive set of indicators and thresholds has been proposed for Zone 26. The thresholds do not apply to activities that do not trigger an application under the *Mackenzie Valley Land Use Regulations* or to existing uses. That is, existing uses 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 land uses within the area. Boreal woodland caribou and grizzly bears, as the most sensitive terrestrial species, are the primary focus for establishing and implementing thresholds.

Once the thresholds have been reached, applicants may be required to:

- Employ technologies or mitigation methods that do not lead to an increase in cumulative effects, such as re-using existing disturbed areas, employing minimal impact seismic, or to a lesser extent, low impact seismic⁵⁶ wherever possible to ensure new disturbance does not trigger a land use permit application used to assess cumulative effects;
- With the approval of Responsible 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 land use activity (this will create a time lag before the site is revegetated sufficiently to be effective wildlife habitat, during which new land use activities adding to cumulative effects should not be authorized); or
- Submit new, more detailed or updated data/studies (e.g. a cutline regeneration survey) demonstrating that the overall level of disturbance, including the proposed land use activity is below the thresholds.

CR #24: (1) Subject to (4), before deciding whether to authorize a land use and on what terms, the MVLWB, and where involved, the MVEIRB and other Responsible Authorities will consider the results of any cumulative effects assessment completed as per (2) or (3) below in their decision-making and regulation of new land or water uses in the General Use and Special Management Zones.

(2) The Committee will conduct a cumulative effects assessment on each application for a new land use permit or water licence as per the Guidelines for Cumulative Effects Indicators and Thresholds set out in Table 2 and Table 3, and the Cumulative Effects Assessment Methodology described in Appendix 3, using data submitted with the application, and will forward the results to the MVLWB, MVEIRB and other Responsible Authorities for their consideration within existing regulatory timeframes.

(3) If an applicant conducts a cumulative effects assessment as per the Guidelines in Table 2 and Table 3 and the methodology described in Appendix 3, using more accurate or updated data not available to the Committee, and submits this assessment with their application, then this assessment will be considered by the Responsible Authorities as per (1) above.

(4) For clarity, this Conformity Requirement will not apply to any applications required to maintain or develop an existing use as defined in the Plan or for the Special Infrastructure Corridors.

Table 2. Guidelines for Cumulative Effects Indicators and Thresholds (Special Management and General Use Zones, except Zone 26)

Indicator	Critical 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, 21, 24, 25 and GUZ)
Habitat Availability	<10% of land disturbed	N/A	Zone boundaries
Minimum Patch Size and Core Area	<u>Critical:</u> >65% medium core areas (> 515 Ha);	Woodland Caribou <i>(Rangifer tarandus caribou)</i>	Zone boundaries
	<u>Critical:</u> >65% large core areas (> 1000 Ha);	Grizzly Bears <i>(Ursus arctos)</i>	Zone boundaries in Western Dehcho (SMZ 20, 21, 24, 25 and GUZ)
Stream Crossing Density	<0.5 crossings/km ²	Fish	Oil and Gas ¼ Grid

Table 3. Guidelines for Cumulative Effects Indicators and Thresholds (Zone 26 only)

Indicator	Critical Threshold	Species	Area Calculation
Road Density	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 Zone 26
Habitat Availability	<10% of land disturbed	N/A	Zone boundaries (Zone 26)
Additional Criteria	Previous disturbed areas where regrowth of vegetation to 1.5 m in height can be demonstrated will be removed from disturbance calculations.		
	All new linear corridors 3m in width or narrower are exempt from the cumulative effects assessment.		

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 cumulative effects 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. The Committee has also included a recommendation for annual review of CR #24. However, as per the precautionary principle, “the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.”⁵⁷

A #10: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to develop habitat monitoring and assessment programs, within four years, to monitor the success of the Guidelines for Cumulative Effects Indicators and Thresholds and provide a basis for adaptive management.

A #11: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to cooperatively assess the impacts of the Guidelines for Cumulative Effects Indicators and Thresholds on industry and the development of the Dehcho territory, within four years, to inform future reviews and revisions of the Conformity Requirement. This will include but not be limited to:

- An assessment of the number of applications which cause the thresholds to be exceeded;
- Whether those applications were accepted or rejected;
- The economic costs to the region from rejected applications;
- Operational changes required by industry to meet the guidelines; and
- The additional costs to industry to meet the guidelines.

A #12: Responsible Authorities will make best efforts to 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 land use;
- 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 land use; and

- Quantify level of habitat use and avoidance around human disturbance features.

A #13: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to assess appropriate indicators (biophysical and social), species and thresholds for inclusion in future revisions of the Plan within four years. The assessment should include defining appropriate data sources and methodology to assess and monitor those indicators, and consideration of a tiered threshold approach for new and existing indicators.

A #14: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to identify appropriate revegetation standards for human disturbance areas based on wildlife habitat needs and conduct an assessment (both digital and field study) of historic human disturbances to determine which areas have naturally regenerated or been reclaimed, within four years.

A #15: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to identify appropriate access control measures that if used, would effectively mitigate linear disturbance impacts on wildlife, within four years.

A #16: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to assess the influence of natural disturbances (e.g. fire, invasive species) 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, within four years.

R #26: Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners should review the Cumulative Effects Management Conformity Requirement annually, or at any other intervals agreed to by Dehcho First Nation(s), the GNWT and Canada, to determine if it is achieving the desired goals and make revisions as required to achieve these goals. This should include consideration of any recommendations from the Dehcho Boreal Caribou Working Group with respect to cumulative effects thresholds relating to boreal woodland caribou. For clarity, any revisions identified would require a Plan amendment, approved by Dehcho First Nation(s), the GNWT and Canada.

Significant Environmental and Habitat Features

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. 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 land use activities to proceed around these sensitive areas and periods. The Wildlife Working Group Summary Report⁵⁸ and the EBA Report provide information on wildlife and wildlife habitat in the Dehcho territory,⁵⁹ including maps of wildlife habitat values for key species. Additional studies are underway across the territory.

CR #25: (1) Subject to (2), unless the applicant can demonstrate that the proposed land use will not have a significant long term negative impact on wildlife, Responsible Authorities will not authorize any land use

a) that physically disturbs known significant habitat features and significant environmental features as located in (3) at any time of year; and

b) that falls within 250 m⁶⁰ of occupied or suspected occupied significant habitat features during critical life cycle periods as listed in Table 4.

(2) If the applicant is using previously existing trails or disturbed areas which may impact a significant feature, they may continue to use the disturbed area providing that doing so will prevent further disturbance to the significant feature.

(3) For clarity, the applicant will contact Responsible Authorities and meet with affected Dehcho First Nation(s) to determine the location of known significant features within the area affected by the proposed land use activity.

R #27: Aircraft should maintain a minimum altitude of 610 metres⁶¹ whenever safe and practical when flying over significant habitat features listed in Table 4 relating to waterfowl or migratory birds during critical periods, other than for licensed wildlife research and monitoring purposes.

Table 4. 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-types)	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
Goats	November	Late-May to Mid-June	NA
Fish	To be determined through discussions with Dehcho First Nation(s) and Responsible 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. Making projections about resource development is inherently uncertain and model outputs are not intended to inform business decisions. The EDA model's purpose is to assist planning partners with broad scale planning decisions, by highlighting the implications of different scenarios on the Dehcho economy and population. The model compares the costs and benefits of the scenarios including the Plan's zoning, existing land withdrawals and full development scenario, which represents the maximum level of development expected over the period.

However, the model only determines what the economic results will be if the resource gets developed. It does not examine who develops the resources, when that will happen or other factors considered in regional economic planning, and it doesn't determine the economic needs of the region. This information is required to ensure land use decisions will meet the economic goals of the region and will be a key consideration in future Plan reviews.

A #17: Dehcho First Nation(s), GNWT and Canada, in cooperation with interested business organizations (e.g. Chamber of Commerce, Economic Development Corporations) and businesses will make best efforts to develop an Economic Development Strategy for the Dehcho territory that assesses the long-term economic needs of the region and identifies key business opportunities the residents of the Dehcho territory should focus on to maximize benefits from current and future land use, within four years.

The strategy should start by identifying the economic needs of the Dehcho territory post Final Agreement. 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 Dehcho First Nation(s) and other residents to increase their capacity and fully participate in the development of resources in the Dehcho territory;
- Examine the various ways the Dehcho territory can benefit from land use - new businesses, joint ventures, ownership, employment, contracting, revenue sharing, royalties, Impact Benefit Agreements, etc.;
- Business incentive programs to assist Dehcho businesses become established and compete effectively in the marketplace;
- Economic diversification to minimize boom and bust cycles related to non-renewable resource development;
- The establishment of more secondary industries to add value to natural resources;
- Methods to ensure an equitable distribution of resource revenues between Dehcho communities to avoid "have" and "have-not" regions; and
- Methods of managing land use to ensure long-term benefits for future generations (e.g. phasing land use, establishment of sustainability funds, etc.).

Resource Development Awareness

Most communities have had little experience with resource 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 resource development and ensure it is done safely. Their past experiences with development have not been positive. Communities were not adequately consulted, they did not benefit, and the north is dotted with contaminated sites from prior land uses that were never cleaned up properly. This is reinforced by news stories of current 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 resource 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 resource 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 #28: Canada, the GNWT, Dehcho First Nation(s), businesses and other interested organizations should engage in more community consultations and public education programs to increase public awareness about resource 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.

2.3.4 Social Issues

While the Plan does not apply within community boundaries, it has the potential to affect communities in a variety of ways. Resource 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.

Health and Social Impacts

The communities have expressed many concerns about the health and social impacts of resource 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 NWT⁶² quotes one person 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 resource development. The GNWT's Non-Renewable Resources Management Strategy⁶³ 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 development”⁶⁴. 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 #29: Responsible Authorities should increase training and funding available for community Health and Social Services (counselling, interagency planning, more RCMP officers, Alcohol and Drug programs, parenting workshops, etc.) to improve health and social conditions.

Money Management

R #30: Responsible Authorities, Dehcho First Nation(s), Organizations and Businesses are encouraged to establish community money management workshops aimed at both individuals and community level organizations to teach basic principles of money management and financial planning.

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.

Camps and Communities

The Dehcho territory 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 #32: Camp operators are encouraged to work with communities to determine camp locations and identify appropriate interactions between the camp and community.

CHAPTER 3: PLAN APPROVAL AND IMPLEMENTATION



Sambia Deh Falls. Photo Credit: DLUPC

3.1 Plan Approval

The Plan approval process is outlined in sections 9-11 of the Dehcho First Nations Interim Measures Agreement (IMA)⁶⁵.

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.⁶⁶

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 Nation(s) again.

3.2 Plan Implementation

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 Committee has 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 the various planning partners to achieve a common vision.

The Plan includes Conformity Requirements (including zoning), Actions and Recommendations to add value to the way resources are being managed and address issues raised during consultations. New requirements mean new ways of doing things. At the very least, Responsible Authorities will need to add a new step to their current processes to check the Land Use Plan before granting approval for new activities in the Dehcho territory to determine whether or not they conform with the Plan. This section outlines the changes that will be required to fully implement the Plan.

3.2.1 Roles and Responsibilities

The Plan will be implemented by the Dehcho First Nation(s), the GNWT and Canada. By approving the Plan, the Parties commit to implementing it. In the case of Canada and the GNWT, the commitment is to implement the Plan by means of the full range of regulatory Authorities provided under existing legislation. For clarity, the Plan's Conformity Requirements are legally mandatory upon the Plan's implementation. Responsible Authorities will check, implement, monitor and enforce all Conformity Requirements within the scope of their jurisdiction.

Through Plan approval, Dehcho First Nation(s), the GNWT and Canada, and all departments and agencies of each, commit to make best efforts to implement all Actions directed at them,

and to fully consider relevant Recommendations when making decisions affecting land use in the Dehcho territory.

3.2.1.1 The Committee

The role of the Committee in Plan implementation is guided by the Committee's Terms of Reference (TOR) (see Appendix 4 of the Background Report)⁶⁷. 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.

While not directly relevant now, the *MVRMA* provides some guidance on the possible role of a Dehcho Land Use Planning Board in monitoring conformity, following ratification of a Dehcho Final Agreement.

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 licence, 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 licence, permit or authorization.

(2) The referral or application must be made before the issuance of any licence, 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.

The Committee has a shared role in monitoring conformity with Dehcho First Nation(s), the GNWT and Canada. The Committee will be copied on all correspondence pertaining to applications for land or water use in the Dehcho territory to allow it to monitor conformity in a general sense. In keeping with S. 47(1), a first nation, department or agency of the federal or territorial government, the body having authority under any federal or territorial law to issue a licence, permit or other authorization in respect of the activity, or any person directly affected by an application may refer an application to the Committee for an opinion on whether it conforms to the Plan. The Committee will review the application and provide its opinion in writing within the specified regulatory timeframes, for the consideration of the Responsible Authority.

3.2.1.2 Canada and GNWT

The Responsible Authorities include all government departments, agencies and institutions responsible for managing land, water or resources, or issuing a licence, permit or authorization that regulates land use activities within the Dehcho territory. While, the primary body for implementing Conformity Requirements is the MVLWB, other Responsible Authorities also have a role to play in implementing Conformity Requirements.

Implementation of Conformity Requirements means ensuring that all authorizations issued for use of land, water or other resources either meet the relevant Conformity Requirements (for those that can be met prior to the issuance of the authorization), or contain terms and conditions

that are in accordance with the Conformity Requirements. Depending on the context, this may require that a permit or licence be denied, that terms and conditions be added to the authorization incorporating the Conformity Requirement, or that terms and conditions attached to the authorization be modified to ensure that nonconforming activities are prohibited. Within the scope of their jurisdiction, the MVLWB and other Responsible Authorities will reject all applications not meeting conformity with the Plan's Conformity Requirements that are relevant to that application. The applicant 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.

Once a land use permit, water licence, or other authorization is approved in conformity with the Plan, the Inspection and Enforcement divisions of various government departments and agencies will actively inspect and monitor land uses to ensure they are meeting the terms and conditions of their authorizations. As is currently the case, for land use permits and water licences issued by the MVLWB, DIAND Inspectors will monitor and enforce compliance with the terms and conditions of authorization.

All levels of government will assume their implementation responsibilities effective on the approval date of the Plan.

3.2.1.3 Dehcho First Nation(s)

Dehcho First Nation(s) responsibilities in Plan implementation include:

- Actively participating in the regulatory process through public involvement activities and timely provision of all information necessary for applicants to make informed decisions about where and how to develop the land and resources;
- Making best efforts to complete Actions directed at them;
- Considering recommendations relevant to Dehcho First Nation(s) activities; and
- Monitoring conformity of applications to the Plan (or where required, requesting the Committee provide an opinion on conformity for the consideration of the Responsible Authority).

3.2.2 Conformity Determinations

Responsible Authorities will have primary responsibility for determining whether or not a new land use application meets the Conformity Requirements described in the Plan. The MVLWB is the key Responsible Authority as most land uses require either a land use permit or water licence. Figure 1 illustrates how the roles of the Committee, applicant, MVEIRB, MVLWB, and other Responsible Authorities can be coordinated to ensure that all new land uses requiring land use permits or water licences 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 Responsible 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 Committee will issue an opinion on Conformity or Non-Conformity to the MVLWB, the party who requested the opinion, and the applicant for consideration. An opinion of non-conformity will outline the reasons for the decision.

Figure 1. Conformity Determination Process for Applications to the MVLWB

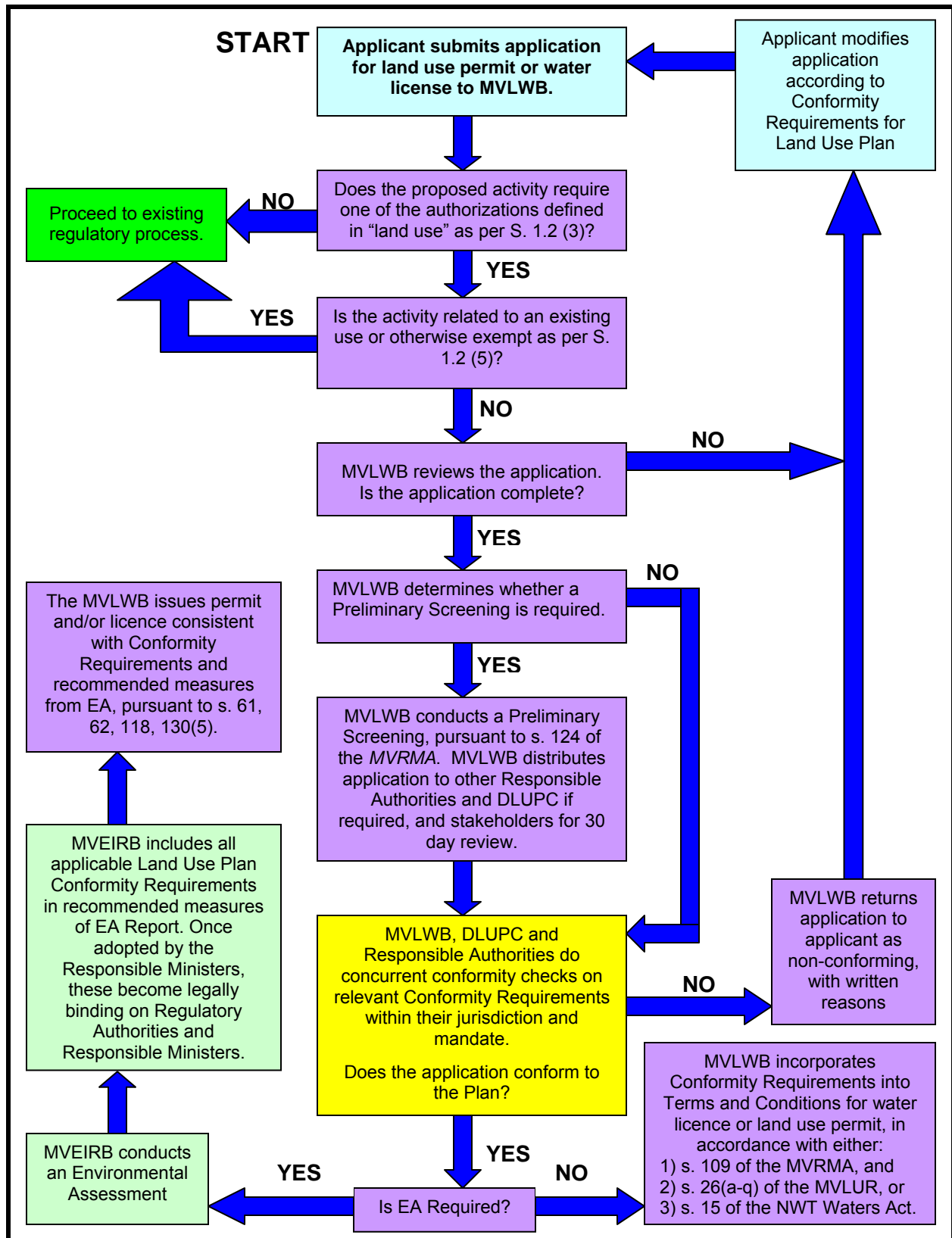
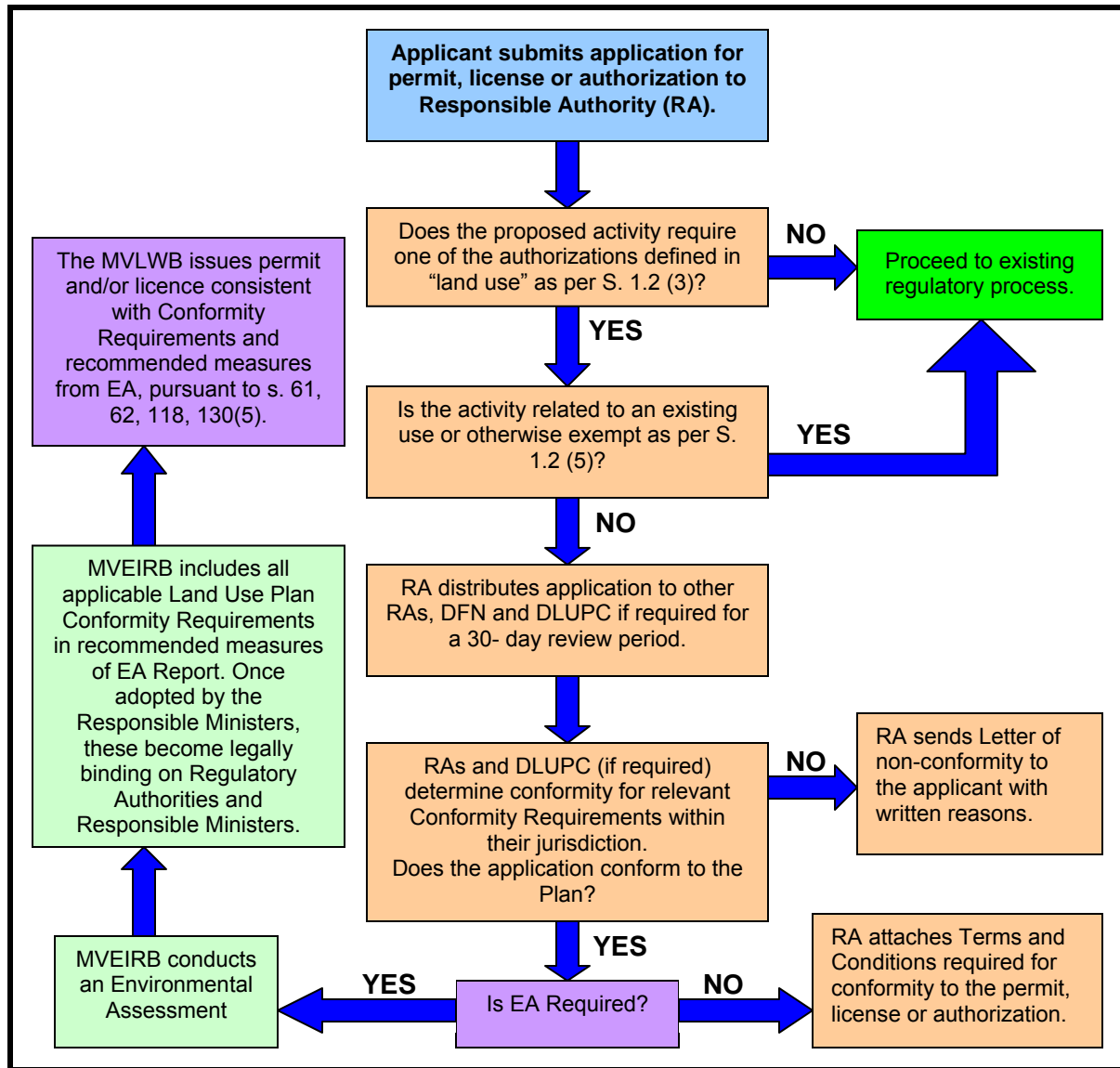


Figure 2. Conformity Determination Process for Applications to Other Responsible Authorities



Some activities require licences, permits or authorizations from Responsible Authorities other than the MVLWB (e.g. small scale forestry and tourism activities, and commercial fishing licences). 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, licences and authorizations required to ensure conformity, and
- Monitoring and enforcement of conformity.

For new applications submitted to Responsible Authorities other than the MVLWB, the Responsible Authorities will determine conformity with all relevant Conformity Requirements within their jurisdiction. Where desired, Responsible Authorities will send the application to the Committee to request an opinion of conformity within the existing 30 day review period. The

Committee will issue an opinion of Conformity or Non-Conformity to the Responsible Authority, the party who requested the opinion, and the applicant once complete.

R #33: The Committee recommends that Responsible 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.

Where the Committee is asked to provide an opinion as to whether an application conforms, it will consider the following questions:

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

In addition, since the Committee currently maintains the database to run the Cumulative Effects Assessments, it will continue to do so.

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

3.2.3 Implementation Vehicles

Because the Plan will be implemented in advance of a Dehcho Final Agreement, it must be integrated with the current regulatory system in order to be fully implementable. Current legislation and processes exist to allow all Conformity Requirements to be implemented by the appropriate Responsible Authorities.

Most Conformity Requirements will be implemented through the following key measures:

- 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 includes 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 relevant Ministers of the GNWT and Canada to their departments to conduct their activities in conformity with the approved Land Use Plan.

The remaining Conformity Requirements are consistent with existing legislation, agreements and practices. Table 5 describes key implementation vehicles for each Conformity Requirement.

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

areas proposals, and other potential land uses⁶⁸. The concept of a legally-binding Land Use Plan is consistent with other northern plans established under land claims agreements.

Table 5. Implementation Vehicles for Conformity Requirements

Conformity Requirement	Responsible Authority *	Implementation Vehicle **
All Conformity Requirements (General Implementation Vehicles)	MVLWB	S. 109 of the <i>MVRMA</i> - Binding Policy Direction from the Minister of DIAND to the MVLWB; S. 61, 62, 118, and 130 of the <i>MVRMA</i> - MVLWB will include EA recommended measures; S. 26 of the <i>MVLUR</i> and S. 15 of the <i>NWT Waters Act</i> ⁶⁹ allow the MVLWB to impose terms and conditions
	Canada	S. 13.1 of the Dehcho Settlement Agreement commits Canada to implement a land use plan that is approved and favourably considered by DFN, GNWT and Canada as soon as possible after completion.
	GNWT	Binding policy direction from relevant Ministers to their departments to conduct their activities in accordance with the approved Plan
Land Use Zoning (CR #1)	MVLWB	S. 109 of the <i>MVRMA</i> - Binding Policy Direction from the Minister of DIAND to the MVLWB
	DIAND	Revised Land Withdrawals through S. 23 of the <i>Territorial Lands Act</i> ⁷⁰ or S. 11 (f) of the <i>Canada Mining Regulations</i> ⁷¹ .
	GNWT	Binding policy direction from relevant Ministers to their departments to conduct their activities in accordance with the approved Plan
Mackenzie Valley Pipeline (CR #2)	MVLWB / GNWT / Canada	See general implementation vehicles; the pipeline corridor is based on the routing proposed in the Preliminary Information Package and negotiated DFN land withdrawals. The routing cannot move outside this corridor without requiring a new application and review process.
Traditional Knowledge (CR #3)	MVLWB / MVEIRB	Consistent with both the MVLWB “Public Involvement Guidelines for Permit and Licence Applicants to the Mackenzie Valley Land and Water Board”, and the MVEIRB “Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment” which applies to preliminary screening, environmental assessment and environmental impact review;
Traditional Land Use and Occupancy (CR #4)	MVLWB / PWNHC	S. 111 of the <i>MVRMA</i> includes effects on wildlife harvesting, social and cultural environment and heritage resources in the definition of “Impact on the environment” which must be considered in the environmental assessment process as per S. 114 and 115 and mitigated as per S. 117. Removal of heritage resources requires a Class 2 Permit under the Northwest Territories <i>Archaeological Sites Regulations</i> ⁷² .
Plant Gathering Areas (CR #5)	MVLWB	Important plant gathering areas are included in list of archaeological resources to be identified and mitigated for in “Guide to Completing Land Use Permit Applications to the MVLWB”. Also consistent with

Conformity Requirement	Responsible Authority *	Implementation Vehicle **
		information to be gathered as part of Public Involvement guidelines.
Community Involvement (CR #6)	MVLWB	This is based on the MVLWB "Public Involvement Guidelines for Permit and Licence Applicants to the Mackenzie Valley Land and Water Board" (Oct/03).
Non-Exclusive Geophysical Surveys (CR #7)	MVLWB / DIAND	Consistent with S. 43 of the IMA and Binding Policy Direction from the Minister of DIAND to the MVLWB issued on December 21, 2004.
Public Infrastructure (CR #8)	MVLWB	See general implementation vehicles
Granular Resources (CR #9)	DIAND	Consistent with S. 20 of the IMA
Transportation Corridors (CR #10)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
Feeder Pipelines (CR #11)	MVLWB / GNWT / Canada	See general implementation vehicles
Netlá-Arrowhead Special Infrastructure Corridor (CR #12)	MVLWB / GNWT / Canada	See general implementation vehicles
Commercial Fishing (CR #13)	DFO	It is DFO's current practice to accept the community's decision on whether or not commercial fishing is allowed on community lakes. This commitment was confirmed in DFO's recent submission.
Water Monitoring / Management (CR # 14, 15, 16)	MVLWB GNWT / DFO / EC	The MVLWB currently requires applicants to adhere to CCME water quality standards ⁷³ and regularly imposes these as conditions on water licences. See general implementation vehicles.
Mining Reclamation (CR # 17)	MVLWB / DIAND	Consistent with the NWT Mine Site Reclamation Policy, NWT Mine Site Reclamation Guidelines, MVRMA and NWT Waters Act and subordinate regulations.
Revegetation (CR #18)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
	ENR	This is consistent with current GNWT policy and practices; and a similar procedure was recently requested in Preliminary Screening Review Comments on Paramount Resources application # MV2005B0021 ⁷⁴ .
Timber Recovery (CR #19)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
	GNWT	S. 16 of the <i>Forest Management Act</i> ⁷⁵ allows the Supervisor to set any terms or conditions into permits necessary for the proper management of the forests.
Big Game Outfitting (CR #20)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
	GNWT	Hunting restrictions can be implemented through various sections of the <i>Wildlife Act</i> .
Fishing Lodges (CR #21)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
	GNWT	Tourism restrictions can be implemented through the <i>Travel and Tourism Act</i> ⁷⁶ and <i>Tourism Establishment Regulations</i> ⁷⁷ .

Conformity Requirement	Responsible Authority *	Implementation Vehicle **
Agriculture (CR #22)	MVLWB / GNWT	See general implementation vehicles
Digital Pre-and Post-Operation Mapping (CR #23)	MVLWB	Consistent with “Guide to Completing Land Use Permit Applications to the MVLWB” which requests applicants to submit digital files with land use permit applications.
Cumulative Effects Management (CR #24)	MVLWB / MVEIRB / DIAND / GNWT	S. 117 of the <i>MVRMA</i> requires consideration of cumulative effects in environmental assessments and environmental impact reviews; S. 146 of the <i>MVRMA</i> requires Responsible Authorities to monitor cumulative impacts on the environment; participation in the CEAMF Steering Committee, federal and territorial policies and commitments also provide direction to implement CEAM Conformity Requirements.
Significant Environmental and Habitat Features (CR # 25)	MVLWB	Binding policy direction from Minister of DIAND to MVLWB.
	GNWT / CWS	<i>The Wildlife Act, The Species at Risk Act, and The Fisheries Act</i> include various measures to protect important wildlife areas. The GNWT and CWS frequently request avoidance buffers for species of concern through participation in application review.
* Responsible Authorities are defined broadly in this table based on areas of jurisdiction and mandate. The actual Responsible Authorities for each Conformity Requirement may change based on the specific circumstances of each application.		
** Implementation vehicles are general and for illustrative purposes only. This is not an exhaustive list.		

3.2.3.1 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 licence, significant discovery licence, production licence, mineral claim, mineral lease, or prospecting permit). The existing land withdrawals, which expire on October 31, 2008, consist of:

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

The existing subsurface land withdrawals include lands within community boundaries. While the Plan will modify the existing land withdrawals outside of community boundaries, it does not apply within community boundaries.

R #34: The Committee recommends that the Parties maintain the subsurface land withdrawals within community boundaries.

Map 3 shows the comparison of Land Use Zones with the existing land withdrawals. The Conservation Zones follow the existing land withdrawals fairly closely, with minor revisions in places. These revisions to the existing land withdrawals reflect the new data used in the planning process, and in some cases, changing priorities of the communities. Pehdzeh Ki Ndeh represents a major change from the land withdrawals. This area was not withdrawn as part of

the original Dehcho First Nation(s) 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. Under the terms of the Pipeline Settlement Agreement, Dehcho First Nation(s) and Canada agreed to re-open land withdrawal negotiations under the IMA to include important lands within Pehdzeh Ki Ndeh. The negotiated areas form the basis of Zone 4 (along with minor additions for important cultural sites and linkages with Edézhíe). The community is still pursuing protection of the larger area through the Protected Areas Strategy.

Edézhíe is shown on this map in a different colour as it has already been withdrawn through the PAS process (not the Dehcho First Nation(s) 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.

If zone boundaries are adjusted through the NWT Protected Areas Strategy prior to Plan review, any areas omitted from the approved protected area boundary would take on the zone designation and Plan requirements applicable to the predominant adjacent zone until the area can be fully addressed during subsequent Plan revisions or amendment.

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
















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, a subsurface land withdrawal will be required under S. 23 of the *Territorial Lands Act* (44.8% of the Dehcho territory);
- Where only mining is restricted, but oil and gas is permitted (Zones 25, 26 and 27), mining rights can be withdrawn from disposition under S. 11 of the *Canada Mining Regulations* (7.5% of the Dehcho territory);

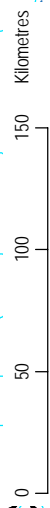
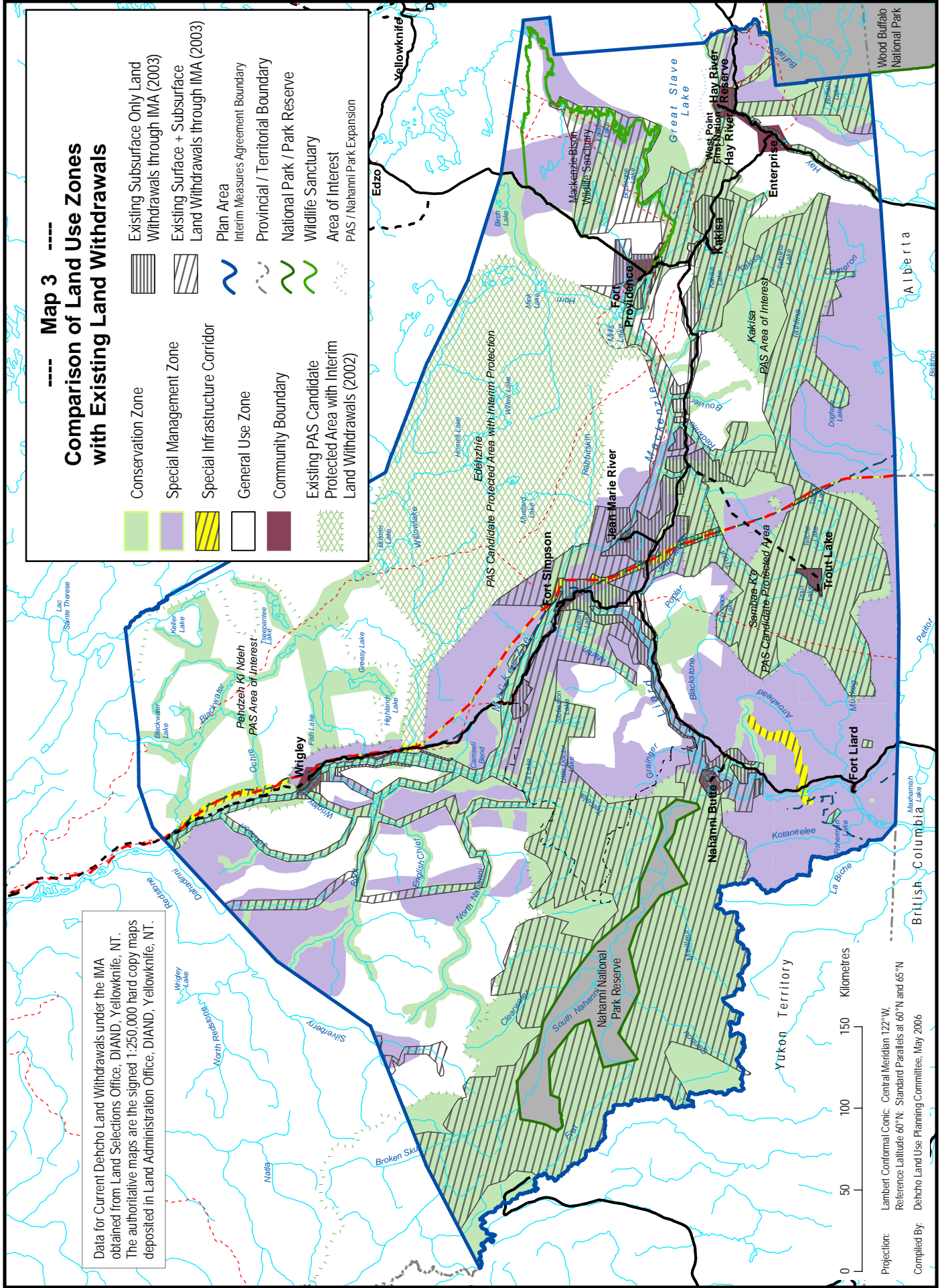
Surface withdrawals do not provide sufficient flexibility to restrict one surface use while allowing another, as is required for many of the zones. Therefore, surface land uses (forestry, tourism and agriculture) will be implemented through binding policy direction from the Minister of DIAND to the MVLWB 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.

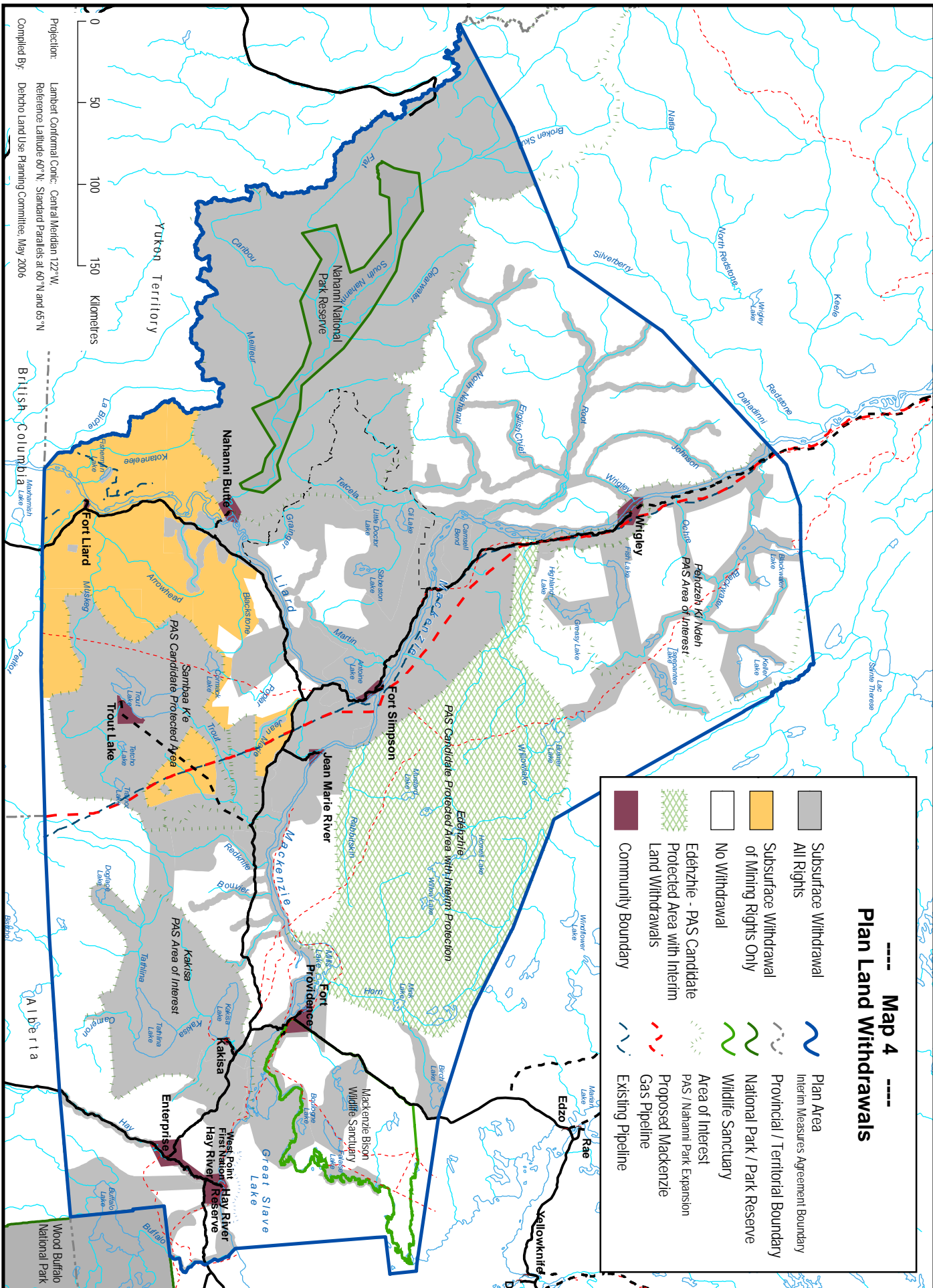
Map 3 Comparison of Land Use Zones with Existing Land Withdrawals

- | | | | |
|---|--|---|---|
|  | Conservation Zone |  | Existing Subsurface Only Land Withdrawals through IMA (2003) |
|  | Special Management Zone |  | Existing Surface + Subsurface Land Withdrawals through IMA (2003) |
|  | Special Infrastructure Corridor |  | Plan Area Interim Measures Agreement Boundary |
|  | General Use Zone |  | Provincial / Territorial Boundary |
|  | Community Boundary |  | National Park / Park Reserve |
|  | Existing PAS Candidate Protected Area with Interim Land Withdrawals (2002) |  | Wildlife Sanctuary |
|  | |  | Area of Interest |
| | |  | PAS / Nahanni Park Expansion |

Data for Current Dehcho Land Withdrawals under the IMA obtained from Land Selections Office, DIAND, Yellowknife, NT. The authoritative maps are the signed 1:250,000 hard copy maps deposited in Land Administration Office, DIAND, Yellowknife, NT.



Projection: Lambert Conformal Conic; Central Meridian 122°W; Reference Latitude 60°N; Standard Parallels at 60°N and 66°N
 Compiled By: Dehcho Land Use Planning Committee, May 2006



3.3 Plan Review

Section 25 of the Committee's Terms of Reference states:

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.

This will likely be the first review of the Plan, depending on when the Final Agreement is ratified. Otherwise, the Committee will complete a comprehensive review of 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 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 the needs of the Dehcho territory 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. Cumulative Effects Assessments will also be run to determine the impact of revised zoning on current indices. The Committee will consult with communities, Dehcho First Nation(s), 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. The existing approved Plan would continue in effect until a Revised Plan has been approved by all three Parties.

3.4 Plan Amendments

If specific changes are required to the Plan between five year reviews, this will require a Plan amendment. Amendments will be used to:

- Address new situations not existing during initial Plan development (e.g. a new land use),
- Address unanticipated outcomes of Plan Implementation,
- Update the zoning to reflect changes in protected area boundaries or status,
- Update Conformity Requirements such as Cumulative Effects if interim reviews identify required changes, or
- Make any changes to the Plan as agreed to by the Parties (e.g. to open zones for resource development).

An amendment may be initiated by the Committee, one of the Parties, an applicant, or other planning partner. An amendment will require ratification by the three Parties as it is essentially

an early Plan review process. The Committee would research the issue, outline the proposed changes under the amendment and undertake consultations with Dehcho First Nation(s), the GNWT, Canada 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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- ⁶⁷ Dehcho Land Use Planning Committee. 2001. Terms of Reference, Available Online (www.dehcholands.org/docs/dclupc_terms_of_reference.pdf).
- ⁶⁸ Dehcho Land Use Planning Committee. 2001. Terms of Reference, Available Online (www.dehcholands.org/docs/dclupc_terms_of_reference.pdf).
- ⁶⁹ Government of Canada. 1992. *Northwest Territories Waters Act*, (c. 39), Available Online (<http://laws.justice.gc.ca/en/N-27.3/text.html>).
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- ⁷² GNWT. 2001. *Archaeological Sites Regulations*, (P.C. 2001-1110, SOR/2001-219), Available Online (www.pwnhc.ca/policy/archsite.htm).
- ⁷³ CCME. 2005. Canadian Environmental Quality Guidelines, Canadian Council of Ministers for the Environment, Available Online http://www.ccme.ca/assets/pdf/e1_062.pdf
- ⁷⁴ Environment and Natural Resources, Letter to MVLWB dated October 11, 2005 RE: Paramount Resources Ltd.MV2005B0021, Cameron Hills 2D Seismic Program, Available Online (http://www.mveirb.nt.ca/upload/project_document/1138731644_MV2005B0021-PS%20Review%20Comments-Sep05.pdf).
- ⁷⁵ GNWT. 1988. *Forest Management Act*, (R.S.N.W.T., c. F-9), Available Online (www.justice.gov.nt.ca/PDF/ACTS/Forest_Management.pdf).
- ⁷⁶ GNWT. 1988. *Travel and Tourism Act*, (R.S.N.W.T., c. T-7), Available Online (www.justice.gov.nt.ca/PDF/ACTS/Travel_&_Tourism.pdf).
- ⁷⁷ GNWT. 1990. *Tourism Establishment Regulations*, (R.R.N.W.T., c. T-17), Available Online (www.justice.gov.nt.ca/PDF/REGS/TRAVEL_TOURISM/Tourist_Establish.pdf).

Appendix 1. List of Conformity Requirements, Actions and Recommendations

NOTE: All Conformity Requirements in the Plan apply only to “land uses” defined as requiring a land use permit, lease or other interest in land, water licence, commercial fishing licence, big game outfitter licence or outfitter licence. Some “land uses” such as existing uses, listed in section 1.2 (5), are exempt from the Conformity Requirements of the Plan.

List of Conformity Requirements

CR #1 – Land Use Zones

(1) Subject to (2) and (3) below, Responsible Authorities will not authorize land uses related to oil and gas operations, mining, forestry, tourism or agriculture in a zone unless that land use is shown as permitted for the zone in Map 1 and Table 1.

(2) The restrictions on forestry in Conservation Zones and Special Management Zones under (1) do not apply to:

(a) Forest management activities required for fire and disease prevention (including harvesting and prescribed burns); or

(b) Salvage logging following fires, disease or insect infestations in Dehcho forests, providing that salvage activities will not increase the level of environmental disturbance or hinder natural regeneration processes.

(3) In relation to the Mackenzie Valley Pipeline:

(a) The restrictions in Conservation Zones and Special Management Zones under (1) do not apply to activities essential to the construction or operation of the pipeline or an alternative pipeline with similar specifications within the Mackenzie Valley Special Infrastructure Corridor (Zone 34), which includes the recently negotiated corridor north of Fort Simpson (Łíídlı́ Kúé) to the boundary with the Sahtu Settlement Area.

(b) Outside Zone 34, the restrictions in Conservation Zones and Special Management Zones under (1) do not apply to essential infrastructure required for the Mackenzie Valley Pipeline, to the extent that such infrastructure is permitted by CR #2 (2) below.

(c) For greater certainty, any future expansion or tie-in to the Mackenzie Valley Pipeline in Zone 34 is subject to the restrictions in the Conservation Zones and Special Management Zones that overlap with Zone 34.

CR #2 – Mackenzie Valley Pipeline

(1) Responsible Authorities will not authorize the development of the Mackenzie Valley Pipeline or any alternative pipeline with similar specifications, except in the Mackenzie Valley Special Infrastructure Corridor (Zone 34), which includes the recently negotiated corridor north of Fort Simpson (Łíídlı́ Kúé) to the boundary with the Sahtu Settlement Area.

(2) Outside the Mackenzie Valley Special Infrastructure Corridor, Responsible Authorities will not authorize essential infrastructure required for the Mackenzie Valley Pipeline, such as barge landing sites, construction material stockpile sites, fuel storage sites, camps, supply roads, airstrips and helipads, and borrow sites, in a Conservation Zone unless it is not reasonably feasible to locate it elsewhere, and the infrastructure

a) avoids the most sensitive ecological and cultural areas and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation; and

b) minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts.

CR #3 – Use and Recognition of Traditional and Cultural Knowledge

(1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to document any relevant traditional knowledge and scientific information.

(2) 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.

(3) Responsible Authorities will consider the information presented when making their decisions.

CR #4 – Protection of Significant Traditional Land Use and Occupancy Sites

(1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to

(a) assess the impact of the proposed activities on known heritage, historical, archaeological, cultural and traditional land use and occupancy sites including burial grounds, sacred sites, cabins, and trap lines, as identified by the affected Dehcho First Nation(s) and Prince of Wales Northern Heritage Centre; and

(b) demonstrate meaningful community involvement of affected First Nation(s), and individuals identified by the affected First Nation(s), whose sites are affected, in the development of appropriate avoidance buffers and mitigation measures that ensures the protection of important sites as listed in (1)(a).

(2) The degree of community involvement and mitigation will be appropriate to the scale and nature of the activity and the potential to impact sites listed in (1)(a).

(3) Responsible Authorities will consider the information obtained when making their decisions, and will not authorize a land use except in accordance with appropriate avoidance buffers and mitigation measures.

(4) Responsible Authorities will not authorize the removal of heritage resources from the Dehcho territory without consulting the affected First Nation(s).

CR #5 – Plant Gathering Areas

(1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to demonstrate that they, in coordination with the affected First Nation(s), have identified any important plant gathering areas and developed appropriate mitigation measures to ensure continued access to culturally important plant species for community use.

(2) Where the affected First Nation(s) express concern and locations of important plant gathering areas have not been determined, the applicant will be required to survey the land use area to identify the location of culturally important plant species, which includes, but is not limited to the plant species listed in Appendix 2.

(3) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the mitigation measures identified.

CR #6 – Community Involvement

(1) Before deciding whether to authorize a land use or on what terms, Responsible Authorities will require applicants to demonstrate meaningful community involvement with affected communities and individuals.

(2) The degree and nature of community involvement required will be appropriate to the scale and potential impacts of the proposed land use.

(3) Community involvement

(a) will begin prior to the application and will continue throughout the life of the proposed land use at intervals appropriate to the nature of activities;

(b) will include full and direct reporting of land use activities to the affected communities in plain language; and

(c) will be carried out in English and the local language.

(4) For greater certainty, this requirement is distinct from any consultations carried out by government, or from any duty to consult held by government.

CR #7 – Non-Exclusive Geophysical Surveys

Responsible Authorities will not authorize non-exclusive geophysical surveys in the areas where such surveys are shown as restricted in Map 2.

CR #8 – Public Infrastructure

Responsible Authorities will not issue a land use permit or water licence relating to public infrastructure in Conservation Zones unless the applicant can demonstrate that

a) there is an immediate need for the infrastructure;

b) the reasonably foreseeable future infrastructure needs of the affected area and users have been considered in the selection of appropriate design and location;

c) environmental, social, economic and cultural values were considered in selecting the site; and

d) appropriate mitigation measures are in place to buffer ecologically and culturally sensitive areas from impacts.

CR #9 – Granular Resources

Responsible Authorities will not issue a permit for quarrying under the *Territorial Quarrying Regulations* in Conservation Zones unless

- a) the quarrying is for sources of material which had been opened prior to Plan approval;
- b) the quarrying is for new sources of material required for essential community construction purposes;
- c) the quarrying has the consent of the Dehcho First Nation(s); or
- d) it is a case 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 Nation(s).

CR #10 – Transportation Corridors

(1) Before deciding whether to authorize land uses that would create a new transportation corridor (including seasonal roads, all weather roads and railways), Responsible Authorities will require applicants to submit a transportation planning study and a routing study.

(2) The transportation planning study will demonstrate

- a) consideration of reasonably foreseeable transportation needs for the affected zones;
- b) that the proposed transportation corridor is the most appropriate type and/or level for the affected zones;
- c) meaningful community involvement with the affected First Nation(s) on the construction, operation and abandonment of the transportation corridor; and
- d) discussions with other potential users of the proposed transportation corridor to identify additional considerations.

(3) The routing study will consider alternative routings and demonstrate

- a) that first consideration was given to routing the corridor through General Use Zones wherever feasible, followed by Special Management Zones;
- b) where there is no reasonably feasible alternative to routing the corridor through a Conservation Zone
 - (i) that the route follows existing transportation corridors, or
 - (ii) where there is no feasible existing route, that the route is the shortest possible, while avoiding the most sensitive ecological and cultural areas, and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation;
- c) that the proposed routing will minimize the area affected and the intensity of disturbance to ecological and cultural values through the use of best available technology; and

d) that the proposed routing will benefit affected communities.

(4) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the conditions in (2) and (3).

CR #11 – Feeder Pipelines

(1) Before deciding whether to authorize the development of a new pipeline other than those defined in CR #2 or CR #12, Responsible Authorities will require applicants to submit a pipeline planning study and a pipeline routing study.

(2) The pipeline planning study will demonstrate

a) consideration of reasonably foreseeable pipeline capacity needs for the affected zones;

b) that the proposed pipeline diameter is the most appropriate size for the affected zones;

c) meaningful community involvement with the affected First Nation(s) on the construction, operation and abandonment of the pipeline; and

d) discussions with other potential oil and gas operators in the surrounding area to identify additional considerations.

(3) The pipeline routing study will consider alternative routings and demonstrate

a) that first consideration was given to routing the corridor through General Use Zones wherever feasible, followed by Special Management Zones; and

b) that the proposed routing will minimize the area affected and the intensity of disturbance to ecological and cultural values through the use of best available technology.

(4) Responsible Authorities will consider the information obtained when making their decisions and will not authorize a land use except in accordance with the conditions in (2) and (3).

CR #12 - Netlá-Arrowhead Special Infrastructure Corridor

(1) Responsible Authorities will not authorize the development of a pipeline in Zone 25 or Zone 26 to allow for the commercialization of existing discoveries in the Netlá-Arrowhead corridor and surrounding area unless

(a) the pipeline is located in the Netlá-Arrowhead Special Infrastructure Corridor (Zone 35) shown on Map 1;

(b) the Acho Dene Koe Band, Fort Liard Métis Local 67, the Sambaa K'e Dene Band and the Naʔahdee First Nation work together to maximize benefits, consistent with section 42 of the IMA, from the proposed development;

(c) the proposed pipeline and infrastructure avoids the most sensitive ecological and cultural areas and minimizes impacts to traditional land use and occupancy activities in the area through appropriate mitigation;

(d) the proposed infrastructure minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts; and

(e) the applicant demonstrates meaningful community involvement with the affected First Nation(s) on the construction, operation, reclamation and abandonment of the pipeline and associated infrastructure.

CR #13 – Commercial Fishing

Except on Great Slave Lake (Tucho), the Department of Fisheries and Oceans (DFO) will not authorize commercial fishing on lakes without the support of the affected First Nation(s).

CR #14 – Water Monitoring / Management (Drinking Water)

Responsible Authorities will not authorize land uses upstream of and around community water intakes except in accordance with the use of the best available technology to mitigate negative impacts on drinking water quality.

CR #15 - Water Monitoring / Management (Aquatic Environment)

(1) Responsible Authorities will not authorize uses of water or deposits of waste into water except in accordance with the conditions in (2) and (3).

(2) The use and loss of water for industrial processes will be minimized through the use of best available technologies.

(3) Wherever possible, wastewater will meet or exceed the Canadian Water Quality Guidelines for the Protection of Aquatic Life.

(4) Where background conditions or extenuating circumstances make it inappropriate to follow the guidelines in (3), Responsible Authorities will ensure the use of best available technologies to mitigate negative impacts to the aquatic environment.

(5) Responsible Authorities will not authorize land or water uses that may negatively impact wetlands and shorelines unless in accordance with appropriate mitigation measures to ensure no net loss of wetlands and shorelines.

CR #16 - Water Monitoring / Management (Hydroelectric Development)

(1) Responsible Authorities will not authorize any hydroelectric development on the Mackenzie (Dehcho) and Liard Rivers (Acho Tine Deh) or within any Conservation Zones in the Dehcho territory.

(2) Run of the river hydroelectric development as defined in the Plan is permitted outside the areas described in (1) within the Dehcho territory.

(3) For clarity, run of the river hydroelectric development does not involve flooding, has no or little impoundment of water, and uses the natural river flow with no seasonal regulation.

CR #17 – Mine Reclamation Planning and Security

(1) Responsible Authorities will not issue a permit, licence or authorization for the construction, operation or closure of a new mine unless an accepted, updated Closure and Reclamation Plan (CRP) that meets the Reclamation Planning and Security Conditions in (5) and (6) 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 CRP.

(2) Responsible Authorities will not authorize any mining activity unless the Reclamation Planning and Security Conditions that apply before authorization have been met and unless authorization requires, as a condition of approval, that the remaining Planning and Security Conditions will be met.

(3) For clarity, this Conformity Requirement only applies to the construction, production and post production phases of mining; it does not apply to those activities that fall below the threshold for land use permits or water licences, such as mineral prospecting activities.

(4) For clarity, this Conformity Requirement does not apply to the construction, operation or closure of a mine arising from existing uses or rights in the Dehcho territory on the day prior to Plan approval.

(5) The Reclamation Planning Conditions are:

a) the reclamation goal to be achieved at the end of the activity will be clearly defined;

b) the reclamation goal and closure criteria will be defined in advance of mine development in cooperation 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;

c) any mine component, including wastes, that remains after mine closure should be chemically stable; chemical constituents released from the mine components should not endanger public, wildlife, or environmental health and safety, should not result in the inability to achieve the water quality objectives in the receiving environment, and should not adversely affect soil or air quality into the long term;

d) affected communities and First Nations must be fully informed of any mine component that will remain after mine closure which has the potential to impact their health or well-being, and be involved in identifying appropriate mine closure criteria;

e) the reclamation goal will be a key consideration in mine site design and operations to reduce the impacts and need for reclamation at all stages of mine development, and this will be demonstrated through the consideration of alternative methods and best available technology in mine site design and operations;

f) all activities necessary to achieve the reclamation goal will be clearly described, including itemized cost estimates;

g) progressive reclamation (phased reclamation) will be provided for wherever possible;

h) best available technologies will be employed wherever feasible to reduce the time required to complete reclamation (not including post-closure monitoring);

i) parameters for long-term post-closure monitoring will be provided as required (and as determined by risk analysis) to ensure no unanticipated impacts will result from mine construction, operation and closure;

j) reclamation plans will be reviewed and updated every five years, with a Final Reclamation Plan being submitted and accepted in the final year of operations;

k) Interim and Final Plans will consider the use of new technologies to improve the reclamation goal;

l) amendments to reclamation plans will meet or exceed the initial reclamation goal, but will not lower it; and

m) failure to submit reclamation plans will result in a suspension of operations until the plans are submitted and accepted.

(6) The Reclamation Security Conditions are:

a) security will cover the full cost of all required categories of work as described in the accepted reclamation plans, including:

(i) compliance with environmental and public health/safety requirements during operations,

(ii) reclamation,

(iii) closure and interim operations until reclamation is complete,

(iv) cleanup,

(v) post-closure, including short and long-term monitoring and site maintenance,

(vi) responding to worst case scenarios, and

(vii) any special or supplementary costs deemed necessary for activities that use cyanide leaching or other toxic chemicals to extract minerals from the ore;

b) costs will be determined by Responsible Authorities and be based on costs for the government or a third party to do the reclamation work;

c) costs will factor in inflation for the life of the mine construction, operation, closure and post-closure periods;

d) security will be in a form specified through section 17 (1) of the *Northwest Territories Waters Act* and section 12 (3) of the *Northwest Territories Waters Regulations* (for water licences), or through section 32 (4) of the *Mackenzie Valley Land Use Regulations* (for land use permits);

e) the security deposit must be secured and should be held by DIAND in trust for the applicant as a guarantee that accepted closure and reclamation activities pursuant to an accepted Final Reclamation Plan are performed, whereupon it will be refunded as per section 17 (5) of the *Northwest Territories Waters Act* (water licences) or section 32 (5) of the *Mackenzie Valley Land Use Regulations* (land use permits);

f) 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; and

g) for existing mines exempt from the Plan and in operation prior to existing regulatory mechanisms on mine closure, reclamation and security, and where existing financial security is not 100% of the closure and reclamation obligations, security should be increased in increments to 100% over the length of the mine. Only when an operator of such an existing mine can demonstrate that it is incapable of doing so without causing bankruptcy, would other options relating to form, amount or schedule for provision of financial security be considered.

CR#18 – Revegetation

(1) Subject to (2) below, where a land use requires revegetation, Responsible Authorities will not authorize the land use unless the seed mixes used

a) do not include invasive plant species as determined by ENR, and

b) include plant species indigenous to the site as such seed mixes become available.

(2) The requirement in (1) may be waived or altered with the agreement of the Responsible Authorities, the affected First Nation(s) and the applicant.

CR #19 – Timber Recovery

(1) Responsible Authorities will not authorize the harvest of timber for land uses other than forestry unless

a) the applicant can demonstrate that the loss or waste of timber resources was minimized by reducing width or reusing existing clearings, right of ways, roads, trails and operational areas, or using non-forested lands, where feasible; and

b) where timber cutting cannot be avoided and is not required by the applicant, the applicant has notified local forestry operators or First Nations of the opportunity to undertake timber recovery, providing the recovery operations do not increase the level of environmental disturbance.

CR #20 – Big Game Outfitters

Responsible Authorities will not issue any new big game outfitter licences in the Dehcho territory.

CR #21 – Fishing Lodges

Responsible Authorities will not approve any new tourism establishments in Zone 5 unless they are associated with an existing outfitter licence.

CR #22 – Agricultural Practices

Responsible Authorities will not authorize confined animal operations outside of community boundaries.

CR #23 – Digital Pre- and Post-Operation Mapping

(1) The MVLWB will not authorize a land or water use unless the applicant submits digital mapping as specified in (2), showing the location of their proposed and actual land use (new roads, seismic, well sites, cut blocks etc...) to Responsible Authorities, the Dehcho Land Use Planning Committee, the affected First Nation(s) and communities at the time the application is submitted and following completion of the activity, to allow monitoring of landscape disturbances.

(2) Digital files may be GPS waypoints, shapefiles, digitized air photos, or satellite imagery with a minimum 5-metre resolution, or other file types specified by the MVLWB.

(3) For clarity, the MVLWB will include on land use permits and water licences as a condition of authorization, the requirement to submit digital mapping files of the actual land use following completion of the activity within the timeframes set for program reporting for the specific activity under existing relevant legislation.

CR #24 – Cumulative Effects Management

(1) Subject to (4), before deciding whether to authorize a land use and on what terms, the MVLWB, and where involved, the MVEIRB and other Responsible Authorities will consider the results of any cumulative effects assessment completed as per (2) or (3) below in their decision-making and regulation of new land or water uses in the General Use and Special Management Zones.

(2) The Committee will conduct a cumulative effects assessment on each application for a new land use permit or water licence as per the Guidelines for Cumulative Effects Indicators and Thresholds set out in Table 2 and Table 3, and the Cumulative Effects Assessment Methodology described in Appendix 3, using data submitted with the application, and will forward the results to the MVLWB, MVEIRB and other Responsible Authorities for their consideration within existing regulatory timeframes.

(3) If an applicant conducts a cumulative effects assessment as per the Guidelines in Table 2 and Table 3 and the methodology described in Appendix 3, using more accurate or updated data not available to the Committee, and submits this assessment with their application, then this assessment will be considered by the Responsible Authorities as per (1) above.

(4) For clarity, this Conformity Requirement will not apply to any applications required to maintain or develop an existing use as defined in the Plan or for the Special Infrastructure Corridors.

Table 1. Guidelines for Cumulative Effects Indicators and Thresholds (Special Management and General Use Zones, except Zone 26)

Indicator	Critical 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, 21, 24, 25 and GUZ)
Habitat Availability	<10% of land disturbed	N/A	Zone boundaries
Minimum Patch Size and Core Area	Critical: >65% medium 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, 21, 24, 25 and GUZ)
Stream Crossing Density	<0.5 crossings/km ²	Fish	Oil and Gas ¼ Grid

Table 2. Guidelines for Cumulative Effects Indicators and Thresholds (Zone 26 only)

Indicator	Critical Threshold	Species	Area Calculation
Road Density	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 Zone 26
Habitat Availability	<10% of land disturbed	N/A	Zone boundaries (Zone 26)
Additional Criteria	Previous disturbed areas where regrowth of vegetation to 1.5 m in height can be demonstrated will be removed from disturbance calculations.		
	All new linear corridors 3m in width or narrower are exempt from the cumulative effects assessment.		

CR #25 – Significant Environmental and Habitat Features

(1) Subject to (2), unless the applicant can demonstrate that the proposed land use will not have a significant long term negative impact on wildlife, Responsible Authorities will not authorize any land use

a) that physically disturbs known significant habitat features and significant environmental features as located in (3) at any time of year; and

b) that falls within 250 m of occupied or suspected occupied significant habitat features during critical life cycle periods as listed in Table 4.

(2) If the applicant is using previously existing trails or disturbed areas which may impact a significant feature, they may continue to use the disturbed area providing that doing so will prevent further disturbance to the significant feature.

(3) For clarity, the applicant will contact Responsible Authorities and meet with affected Dehcho First Nation(s) to determine the location of known significant features within the area affected by the proposed land use activity.

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-types)	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
Goats	November	Late-May to Mid-June	NA
Fish	To be determined through discussions with Dehcho First Nation(s) and Responsible 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

List of Actions

A #1 – Protection of Significant Traditional Land Use and Occupancy Sites

Dehcho First Nation(s) will make best efforts to compile a database of known historical, archaeological, traditional land use and occupancy sites including burial grounds, sacred sites, cabins, trap lines, and cultural sites, and develop processes and protocols that will allow Dehcho First Nation(s) to identify affected sites, individuals and First Nation(s) in a timely manner to participate meaningfully in the design and development of proposed land use activities, within four years.

A #2 – Use of Guides and Monitors

Dehcho First Nation(s) will make best efforts to outline contract terms and develop a list of community members whose knowledge of their traditional territory and proficiency on the land make them suitable for employment as guides and monitors, within four years.

A #3 – Plant Gathering Areas

Dehcho First Nation(s) will make best efforts to develop a list of plants they consider culturally important and in need of protection, within four years.

A #4 – Use of Traditional Materials

Dehcho First Nation(s) will make best efforts to 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 four years.

A #5 – Traditional Economy

The GNWT, in conjunction with Dehcho First Nation(s) and other relevant government agencies and departments, communities, and interested business organizations (e.g. Economic Development Corporations), will make best efforts to cooperatively research and document harvest statistics and quantify the economic value of traditional foods and materials to the Dehcho territory.

A #6 – Community Involvement

Affected First Nation(s) will make best efforts to participate in community involvement activities.

A #7 – Commercial Fishing

Dehcho First Nation(s) will make best efforts to meet directly with the Great Slave Lake Advisory Committee to resolve the concerns of its membership, within one year.

A #8 – General Silvicultural Practices

Responsible Authorities, in consultation with the affected First Nation(s) will make best efforts to establish appropriate silviculture practices for the Dehcho territory, within four years.

A #9 – Sport Fishing

Responsible Authorities will consider community concerns about sport fishing and make best efforts to develop a strategy to address them, within four years. This will include looking at information on sport fishing quotas and licences, monitoring and enforcing laws. Communities with concerns will be involved in the process.

A #10 – Cumulative Effects Research (Habitat Monitoring)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to develop habitat monitoring and assessment programs, within four years, to monitor the success of the Guidelines for Cumulative Effects Indicators and Thresholds and provide a basis for adaptive management.

A #11 – Cumulative Effects Research (Economic Impacts)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to cooperatively assess the impacts of the Guidelines for Cumulative Effects Indicators and Thresholds on industry and the development of the Dehcho territory, within four years, to inform future reviews and revisions of the Conformity Requirement. This will include but not be limited to:

- An assessment of the number of applications which cause the thresholds to be exceeded;
- Whether those applications were accepted or rejected;
- The economic costs to the region from rejected applications;
- Operational changes required by industry to meet the guidelines; and
- The additional costs to industry to meet the guidelines.

A #12 – Cumulative Effects Research (Caribou Research)

Responsible Authorities will make best efforts to 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 land use;
- 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 land use; and
- Quantify level of habitat use and avoidance around human disturbance features.

A #13 – Cumulative Effects Research (Indicators and Thresholds)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to assess appropriate indicators (biophysical and social), species and thresholds for inclusion in future revisions of the Plan within four years. The assessment should include defining appropriate data sources and methodology to assess and monitor those indicators, and consideration of a tiered threshold approach for new and existing indicators.

A #14 – Cumulative Effects Research (Revegetation Standards)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to identify appropriate revegetation standards for human disturbance areas based on wildlife habitat needs and conduct an assessment (both digital and field study) of historic human disturbances to determine which areas have naturally regenerated or been reclaimed, within four years.

A #15 – Cumulative Effects Research (Access Control Measures)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to identify appropriate access control measures that if used, would effectively mitigate linear disturbance impacts on wildlife, within four years.

A #16 – Cumulative Effects Research (Natural Disturbances)

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners will make best efforts to assess the influence of natural disturbances (e.g. fire, invasive species) 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, within four years.

A #17 – Economic Development Strategy

Dehcho First Nation(s), GNWT and Canada, in cooperation with interested business organizations (e.g. Chamber of Commerce, Economic Development Corporations) and businesses will make best efforts to develop an Economic Development Strategy for the Dehcho territory that assesses the long-term economic needs of the region and identifies key business opportunities the residents of the Dehcho territory should focus on to maximize benefits from current and future land use, within four years.

The strategy should start by identifying the economic needs of the Dehcho territory post Final Agreement. 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 Dehcho First Nation(s) and other residents to increase their capacity and fully participate in the development of resources in the Dehcho territory;
- Examine the various ways the Dehcho territory can benefit from land use - new businesses, joint ventures, ownership, employment, contracting, revenue sharing, royalties, Impact Benefit Agreements, etc.;
- Business incentive programs to assist Dehcho businesses become established and compete effectively in the marketplace;
- Economic diversification to minimize boom and bust cycles related to non-renewable resource development;
- The establishment of more secondary industries to add value to natural resources;
- Methods to ensure an equitable distribution of resource revenues between Dehcho communities to avoid “have” and “have-not” regions; and
- Methods of managing land use to ensure long-term benefits for future generations (e.g. phasing land use, establishment of sustainability funds, etc.).

List of Recommendations

R #1 – Mackenzie Valley Pipeline

The applicant for the Mackenzie Valley Pipeline or an alternative pipeline with similar specifications, is encouraged to consider the values and intent of the Plan's underlying zones and harmonize its activities with the intent of those zones wherever possible.

R #2 – Respect Dene Laws, Values and Principles

Everyone operating in the Dehcho territory should respect the Dene Laws, Values and Principles and consider these in the way they conduct business.

R #3 – Fire Feeding Ceremony

Applicants are encouraged to show respect for the land before starting a new operation. This can be done by having a Fire Feeding Ceremony prior to breaking ground. Applicants are encouraged to hold a Fire Feeding Ceremony with the affected First Nation(s) prior to commencing new operations to show respect for the culture and use of resources.

R #4 – Show Respect

Applicants should respect the Dehcho First Nation(s) as stewards and first occupants of the land. Applicants are encouraged to talk to the First Nation(s) about their operations early in their planning process and respect the First Nation(s)' knowledge, comments and decisions.

R #5 – Sharing

The Dehcho First Nation(s) are sharing the natural resources. Applicants are encouraged to share the benefits with Dehcho First Nation(s) through training, revenues and jobs, etc.

R #6 – Take Only What You Need

Applicants and Responsible Authorities should consider the conservation of resources for future generations and are encouraged to develop a strategy to ensure long-term benefits accrue to communities from current and future operations.

R #7 – Do Not Waste

Applicants are encouraged to use the best available technology to:

- Ensure operations are as efficient as possible;
- Ensure the efficient use of any resources harvested to complete a land use activity (e.g. trees harvested to clear seismic lines);
- Minimize and ensure the efficient use of natural resources required to access and extract the target resource;
- 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;
- Reduce flaring by pooling gas volumes until sufficient quantities are available to make transport economically feasible where practical; and

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 #8 – Preservation of Culture and Language

Communities, governments, non-government organizations, aboriginal organizations and businesses are encouraged to work cooperatively to create more opportunities for Dene cultural and linguistic experiences. This could include:

- Establishing more on-the-land programs;
- Establishing 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;
- Providing access to or hosting cultural foods and events (e.g. drum dances, feasts); and
- Completing Dene Place Name Mapping across the Dehcho territory.

R #9 – Use and Recognition of Traditional and Cultural Knowledge (Use of Policies)

Applicants are encouraged to document traditional knowledge in accordance with the affected First Nation(s)' traditional knowledge policies and protocols, where such documents exist or Dehcho First Nations Traditional Knowledge Research Protocol (existing policies are provided in Appendix 2 of the Background Report; applicants should check with the affected First Nation(s) to request the most current policies or protocols).

R #10 – Use and Recognition of Traditional and Cultural Knowledge (Decision-Making)

Businesses and governments are encouraged to integrate traditional and cultural knowledge into all aspects of their activities and decision-making.

R #11 – Use and Recognition of Traditional and Cultural Knowledge (Opportunities)

Businesses and governments are encouraged to 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 #12 – Use of Guides and Monitors

Applicants are encouraged to notify the affected First Nation(s) 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, applicants should determine reporting requirements in consultation with the guide or monitor based on their knowledge of the area and the activities planned.

R #13 – Use of Guides and Monitors (Negotiations)

Dehcho First Nation(s) should consider exploring the use of guides and monitors through the Dehcho Process negotiations.

R #14 – Use of Traditional Materials

Individuals wishing to harvest traditional materials are encouraged to contact the local First Nations before harvesting materials to show respect and ask for guidance.

R #15 – Existing Use

The holders of permits, licences and authorizations for existing uses in the Dehcho territory are encouraged to consider the values and intent of the surrounding zone and use best available technology to minimize impacts wherever possible.

R #16 – Visual Quality

Applicants are encouraged to consult with the affected First Nation(s) and/or local governments to determine acceptable visual impacts on the community and traditional land use and occupancy areas from the proposed land use activities.

R #17 – Non-Exclusive Geophysical Surveys

Dehcho First Nation(s) and Canada are encouraged to renegotiate the areas where non-exclusive geophysical surveys are restricted to harmonize these with the Plan's Land Use Zones, within four years.

R #18 – Air Monitoring / Management (Recommended Guidelines)

Applicants are encouraged to conduct their operations in conformity with the Alberta Energy and Utilities Board Directive 060: Upstream Petroleum Industry Flaring Guide 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 non-criteria pollutants (see definitions) should not exceed short-term and long-term effects screening levels established by the Texas Commission on Environmental Quality (TCEQ) wherever possible.

R #19 – Air Monitoring / Management (Dehcho Standards)

Responsible Authorities, in cooperation with Dehcho First Nation(s), are encouraged to develop legally enforceable air quality standards for the Dehcho territory and legal mechanisms to monitor and enforce compliance.

R #20 – SMART Principles

Responsible 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 9 of the Background Report.

R #21 – Leave No Trace

Responsible Authorities should encourage individuals and tourism operators visiting the Dehcho territory to follow Leave No Trace guidelines during their stay.

R #22 – GHL Hunting

Dehcho First Nation(s) is encouraged to raise the issue of aboriginal versus non-aboriginal hunting rights through Dehcho Process negotiations.

R #23 – Visitor Quotas

Dehcho First Nation(s) and communities are encouraged to meet with Responsible Authorities should there be a need to establish visitor quotas on commercial operations, restricting total number of visitors and group size to maintain the wilderness experience and protect the ecological and cultural values of the region. Discussions could address development and implementation of a visitor quota system, including registration, monitoring, management and enforcement.

R #24 – Agricultural Practices

Agricultural activities should minimize clearing, draining and the use of chemicals.

R #25 – Agricultural Practices (Obstacles)

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 #26 – Cumulative Effects Management

Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry and other planning partners should review the Cumulative Effects Management Conformity Requirement annually, or at any other intervals agreed to by Dehcho First Nation(s), the GNWT and Canada, to determine if it is achieving the desired goals and make revisions as required to achieve these goals. This should include consideration of any recommendations from the Dehcho Boreal Caribou Working Group with respect to cumulative effects thresholds relating to boreal woodland caribou. For clarity, any revisions identified would require a Plan amendment, approved by Dehcho First Nation(s), the GNWT and Canada.

R #27 – Significant Environmental and Habitat Features

Aircraft should maintain a minimum altitude of 610 metres whenever safe and practical when flying over significant habitat features listed in Table 4 relating to waterfowl or migratory birds during critical periods, other than for licensed wildlife research and monitoring purposes.

R #28 – Resource Development Awareness

Canada, the GNWT, Dehcho First Nation(s), businesses and other interested organizations should engage in more community consultations and public education programs to increase public awareness about resource 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.

R #29 – Health and Social Impacts

Responsible Authorities should increase training and funding available for community Health and Social Services (counselling, interagency planning, more RCMP officers, Alcohol and Drug programs, parenting workshops, etc.) to improve health and social conditions.

R #30 – Money Management

Responsible Authorities, Dehcho First Nation(s), Organizations and Businesses are encouraged to establish community money management workshops aimed at both individuals and community level organizations to teach basic principles of money management and financial planning.

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 – Camps and Communities

Camp operators are encouraged to work with communities to determine camp locations and identify appropriate interactions between the camp and community.

R #33 – Conformity Determination Processes

The Committee recommends that Responsible 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.

R #34 – Community Land Withdrawals

The Committee recommends that the Parties maintain the subsurface land withdrawals within community boundaries.

Appendix 2. Draft Dehcho First Nation(s) Traditional Land Use and Occupancy Study Species Taxonomy

Feb 1, 2005

References Consulted:

Taxonomic Lineage and Nomenclature:

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EBA Engineering Ltd. 2003. A Spatial Analysis and Literature Reivew of Wildlife and Wildlife Habitat in the Dehcho Territory, NWT. Prepared for Dehcho Land Use Planning Committee, Fort Providence.

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C.S. Robbins et al. 1966. A Guide to Field Identification of Birds of North America. New York, Golden Press.

L.M. Page and B.M. Burr. 1991. A Field Guide to Freshwater Fishes: North America, North of Mexico. Boston, Houghton Mifflin.

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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	scopolina	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	gúh, gų
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	nd̥g dzeku
			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. Cumulative Effects Assessment Methodology

Database of Human Disturbance

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.

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. For Zone 26, any linear disturbance of 3.0 m or less in width will not be included in this 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.

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

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.

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