

DEHCHO LAND USE PLANNING COMMITTEE

One Land

One Plan



Ndéh Łié - Mek'ěě Ats'et'ı Łié
Dehcho Ndéhé T'áhagot'ı gha Sááhníogí'áh-ké

APRIL 2025

Heidi Wiebe

Executive Director, DLUPC

**Spring 2025 Community Engagement
Background Document:
Questions and Background Information on the
Draft Interim Dehcho Land Use Plan**

Table of Contents

INTRODUCTION	1
OVERVIEW OF THE ZONING SYSTEM	2
1. DOES THE ZONING AND PLAN DIRECTION FOR KEY LAND USES STILL REFLECT YOUR COMMUNITY’S INTERESTS?.....	9
MINING	9
OIL AND GAS	9
FORESTRY	10
AGRICULTURE.....	11
TOURISM	12
PIPELINES, TRANSPORTATION AND UTILITY CORRIDORS (LINEAR INFRASTRUCTURE)	13
QUARRYING.....	15
HYDRO-ELECTRIC DEVELOPMENT	15
MINOR INFRASTRUCTURE	16
COMMUNITY INFRASTRUCTURE	16
COMMUNITY EXPANSION	17
2. ZONING BALANCE	17
3. WHICH USES SHOULD BE ALLOWED IN A CPAZ?	18
4. HOW SHOULD ZONING ADDRESS NEW LAND USES?	19
5. OTHER CRS, ACTIONS AND RECOMMENDATIONS.....	20
MEANINGFUL ENGAGEMENT.....	20
CUMULATIVE EFFECTS PROVISIONS.....	22
LOCAL GUIDES AND MONITORS	23
COMMERCIAL FISHING	23
TRANSBOUNDARY WATER AGREEMENTS	24
6. EXISTING USES EXEMPTION	24
7. IMPLEMENTATION MEASURES	24
8. TERMINATION.....	25
9. RELATIONSHIP OF THE DLUP TO ADK AND KFN	25

Introduction

In July 2024, the Dehcho Land Use Planning Committee decided to change how it was approaching plan revisions after being unable to reach consensus on a number of key sections. Rather than continuing to negotiate detailed changes, each Party (DFN, GNWT and Canada) were asked to submit proposals for how they want the plan to address the key questions and land uses currently covered in the plan. This will allow the Committee to build consensus on what the plan should and should not do at a high level. This high-level consensus document would then be used to guide detailed plan revisions.

The DFN representatives identified the need to engage Dehcho communities before developing its proposal. Since community interests would help inform all Parties' proposals, the DLUPC have proposed to run 2-day engagement sessions in all Dehcho communities March-May 2025, co-hosted by the DLUPC's Executive Director (Heidi Wiebe) and one of DFN's representatives on the Committee (Ramona Pearson). The engagement sessions will be a combination of:

- Public sessions - led by Heidi, with community feedback shared with all 3 Parties; and
- Confidential DFN sessions - led by Ramona (Heidi will leave the meeting), with feedback staying confidential within DFN, and used to inform their proposal and negotiations.

This document outlines the key questions the Parties need to consider in their proposals, and the background context needed to provide meaningful input to inform that work. The Plan is in an active state of revision, and no wording, maps or tables in this document should be taken as final. In some cases, wording is excerpted from the latest version of the Plan (April 2024), in some cases from option papers that the Committee is exploring on specific areas of revision, and in some cases, wording is greatly simplified to give a general sense of the text without getting bogged down in detailed text. All are subject to change through continued revision.

Heidi and Ramona will record community input shared at the engagement sessions. Communities may also follow up with additional written comments to the Committee, or to DFN only, after their sessions.

To the Committee:

Heidi Wiebe, Executive Director
exdirdlupc@dehcholands.org
Cell: 867-447-0961

To DFN:

Ramona Pearson, DFN Representative
ramona.pearson.consulting@outlook.com
Cell: 867-695-1287

Overview of the Zoning System

The zoning system identifies what land uses are allowed, where, and under what conditions. The Plan has always managed five key land uses through zoning: oil and gas, mining, forestry, tourism, and agriculture (and pipelines through the Special Infrastructure Corridors). The Plan restricts other land uses in certain zones through Conformity Requirements: pipelines, transportation and utility corridors, minor infrastructure, community infrastructure, hydro-electric development, quarrying, and community development. The Committee has now moved them all under zoning, for clarity. The zoning map itself has not changed since 2012, except for adding a new category of Protected Area Zones for Edehzhie in 2023. The Plan includes 7 zone designations.

Protected Area Zones are for protected areas that are fully established under federal or territorial protected area legislation, except for Nahanni National Park Reserve (it is not part of the Interim Plan Area). Once an area is designated as a Protected Area Zone, the Interim Plan no longer provides direction within these areas. Instead, they are managed according to their applicable sponsoring legislation, establishment agreements, and management plans. There is one Protected Area Zone (Edehzhie), covering 7.7% of the Interim Plan Area. This zone has an indeterminate subsurface land withdrawal through the GNWT; The surface is managed by Environment Canada under the Canada Wildlife Act.

Candidate Protected Area Zones are areas moving through either federal or territorial processes to establish protected areas. This is an interim designation only. Once complete, they would change to a Protected Area Zone, or to another zone designation if the parties decide not to pursue permanent protection through federal or territorial legislation. The Candidate Protected Area Zones include both surface and sub-surface interim land withdrawals. There are five Candidate Protected Area Zones covering 15.2% of the Interim Plan Area.

Conservation Zones protect lands with important cultural or ecological features. Oil and gas, mining, commercial timber development and agriculture are not permitted; only tourism. Some other land uses may be permitted in these zones under specific conditions. Conformity Requirements provide additional protection in these zones by setting conditions for permitted land uses. There are 16 Conservation Zones covering 12.4% of this Interim Plan Area.

Special Management Zones are areas where there is significant potential for conservation and resource development to occur concurrently. Special Management Zones permit most surface land uses, while restricting mining and oil and gas (except for Zone 27 which permits oil and gas). This allows many forms of land use to proceed while protecting cultural and ecological features. There are six Special Management Zones covering 4.7% of the Interim Plan Area.

Special Development Zones also provide for conservation and resource development to occur concurrently. Special Development Zones conditionally permit all land uses managed under the Plan's zoning, subject to the Plan's Conformity Requirements, and specifically CR #2, which sets requirements to protect listed cultural and ecological features within each zone. There are 18 Special Development Zones covering 35.9 per cent of the Interim Plan Area.

General Use Zones permit all land uses managed under zoning, subject to this Interim Plan's Conformity Requirements. General Use Zones cover 24.0% of the Interim Plan Area. They are not numbered.

Special Infrastructure Corridor Zones delineate two corridors where linear infrastructure projects may be needed in the future. These corridors “float over” the underlying zones and create an exception to allow linear infrastructure in areas where it would not otherwise be permitted, or would only be conditionally permitted. Despite the restrictions on linear infrastructure in the underlying CZs and CPAZs, the construction and operation of linear infrastructure is permitted within these corridors. All other zone restrictions and Conformity Requirements continue to apply in the corridors to the construction and operation of linear infrastructure as well as to other land uses, except where and to the extent that this Interim Plan expressly states an exception (CR #1(3)).



Draft Dehcho Interim Land Use Plan

Land Use Plan Area

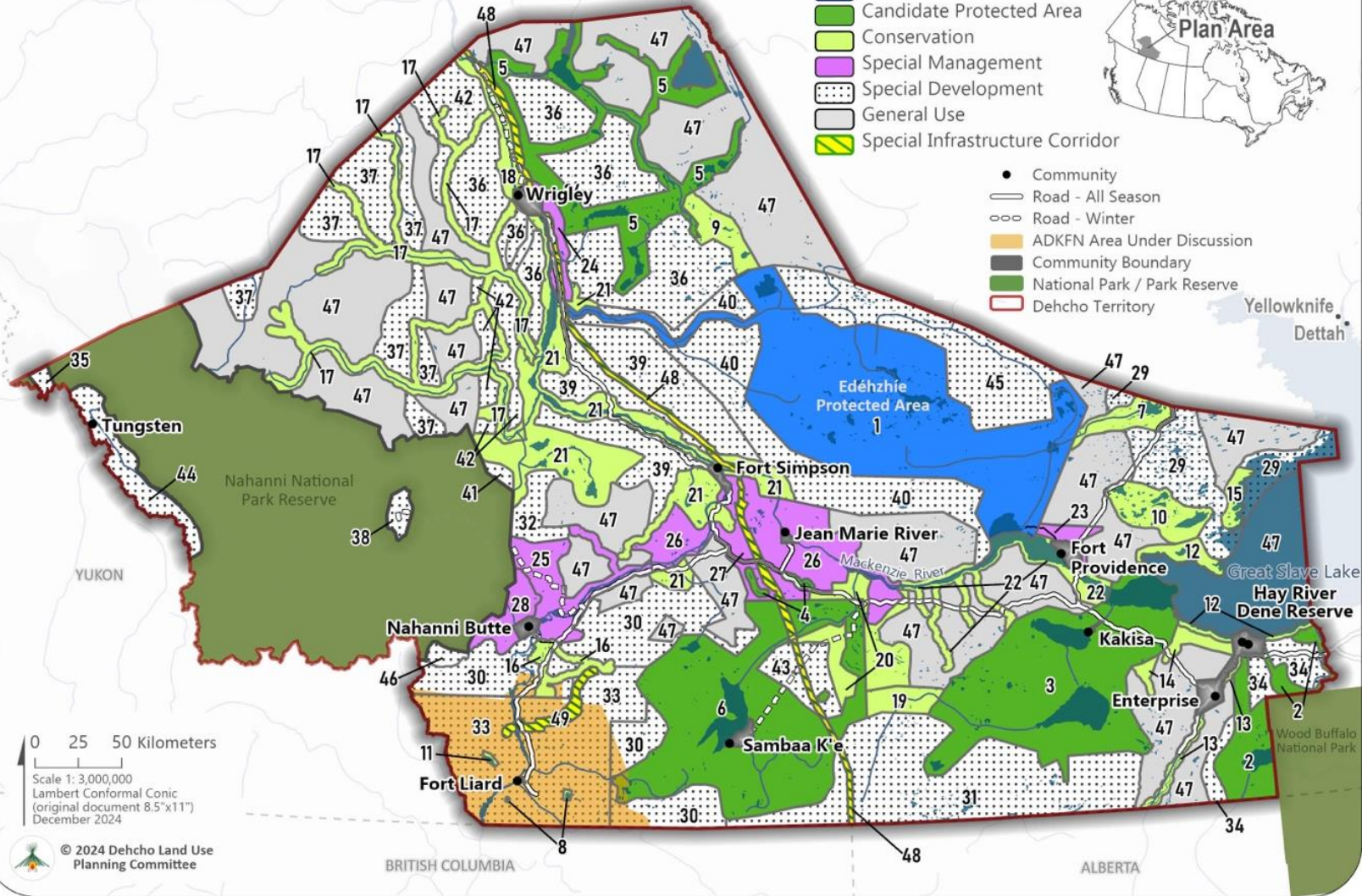
Interim Plan Area

Land Use Plan Zones

- Protected Area
- Candidate Protected Area
- Conservation
- Special Management
- Special Development
- General Use
- Special Infrastructure Corridor



- Community
- Road - All Season
- Road - Winter
- ADKFN Area Under Discussion
- Community Boundary
- National Park / Park Reserve
- Dehcho Territory



REVISED Table 1. Schedule of Permitted and Conditionally Permitted Land Uses

Note: ✓ = Permitted; C = Conditionally permitted, subject to the specified CR. Any land uses not listed and shown as permitted or conditionally permitted are prohibited. Yellow highlighted cells indicate that they are still under discussion.

Zone Name	No.	Zone Type	Sq Km ¹	Percent of Plan Area	Mining	Oil & Gas	Agriculture	Commercial Timber Development	Commercial Salvage Logging	Tourism	Pipelines	Transportation & Utility Corridors	Minor Infrastructure	Hydro-Electric Development	Quarrying	Community Infrastructure	Community Expansion
Edézhíe	1	PAZ	14,198	7.7%	The Interim Plan does not specify permitted or conditionally permitted land uses. These areas are managed in accordance with applicable sponsoring legislation, establishment agreement, and management plan.												
Ejié Túé Ndáde (Buffalo Lake, River, and Trails)	2	CPAZ	2,177	1.2%					No		No	No		No	C: CR1(4)	C: CR3	?
Ka'agee Tu	3	CPAZ	9,606	5.2%					No		No	No		No	C: CR1(4)	C: CR3	?
Łue Túé Sųłái (Five Fish Lakes)	4	CPAZ	183	0.1%					No		No	No		No	C: CR1(4)	C: CR3	?
Pehdzeh Ki Ndeh	5	CPAZ	5,533	3.0%					No		No	No		No	C: CR1(4)	C: CR3	?
Sambaa K'e	6	CPAZ	10,556	5.7%					No		No	No		No	C: CR1(4)	C: CR3	?
Birch Lake	7	CZ	720	0.4%					C: CR1(2b)		C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Bovie and Betalamea Lakes	8	CZ	31	0.0%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Bulmer Lake Corridor	9	CZ	768	0.4%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Falaise Lake Wetland Complex	10	CZ	1,270	0.7%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Fisherman Lake	11	CZ	38	0.0%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Great Slave Lake Shoreline	12	CZ	793	0.4%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Hay River Corridor	13	CZ	376	0.2%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Heart Lake, McNallie Creek, Muskeg River	14	CZ	501	0.3%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3

¹ All references to areas within the Plan are un-surveyed and should be considered as approximate

Zone Name	No.	Zone Type	Sq Km ¹	Percent of Plan Area	Mining	Oil & Gas	Agriculture	Commercial Timber Development	Commercial Salvage Logging	Tourism	Pipelines	Transportation & Utility Corridors	Minor Infrastructure	Hydro-Electric Development	Quarrying	Community Infrastructure	Community Expansion
Moraine Point and Islands	15	CZ	377	0.2%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Netla River	16	CZ	598	0.3%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Northwest Rivers	17	CZ	5,174	2.8%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Pehdzeh Ki Ndeh West	18	CZ	1,036	0.6%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Redknife Hills	19	CZ	610	0.3%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Redknife River	20	CZ	1,849	1.0%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Sibbeston Plains	21	CZ	6,822	3.7%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Upper Mackenzie	22	CZ	1,883	1.0%					C: CR1(2b)	✓	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR1(4)	C: CR3	C: CR3
Bluefish Creek	23	SMZ	327	0.2%			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Franklin Mountains	24	SMZ	687	0.4%				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grainger / Liard Rivers South	25	SMZ	1,972	1.1%			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jean Marie River - North	26	SMZ	4,418	2.4%			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jean Marie River - South	27	SMZ	554	0.3%		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Upstream of Nahanni Butte	28	SMZ	807	0.4%				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Birch - Falaise Corridor	29	SDZ	3,631	2.0%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C: CR3	C: CR2 C: CR3
Blackstone / Lower Petitot Rivers	30	SDZ	6,818	3.7%	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C: CR3	C: CR2 C: CR3
Cameron Hills	31	SDZ	8,334	4.5%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C: CR3	C: CR2 C: CR3
Grainger / Liard Rivers North	32	SDZ	786	0.4%	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C: CR3	C: CR2 C: CR3

Zone Name	No.	Zone Type	Sq Km ¹	Percent of Plan Area	Mining	Oil & Gas	Agriculture	Commercial Timber Development	Commercial Salvage Logging	Tourism	Pipelines	Transportation & Utility Corridors	Minor Infrastructure	Hydro-Electric Development	Quarrying	Community Infrastructure	Community Expansion
Liard Range	33	SDZ	7,885	4.3%	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Lower Big Buffalo	34	SDZ	1,401	0.8%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Mac Creek	35	SDZ	144	0.1%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
North Dehcho	36	SDZ	9,308	5.1%	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Peel River Plateau	37	SDZ	4,874	2.6%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Prairie Creek	38	SDZ	301	0.2%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Rabbitskin / Ndulee	39	SDZ	5,917	3.2%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Rabbitskin River and Willowlake River	40	SDZ	5,834	3.2%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Ram Creek	41	SDZ	156	0.1%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Southeastern Mackenzie Mountains	42	SDZ	3,060	1.7%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Trout River	43	SDZ	1,215	0.7%	C: CR2	C: CR2						C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Upper Flat River	44	SDZ	1,485	0.8%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Upper Horn	45	SDZ	4,827	2.6%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
Upper Jackfish Creek	46	SDZ	226	0.1%	C: CR2	C: CR2		C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2	C: CR2 C:CR3	C: CR2 C:CR3
General Use Zones	47	GUZ	44,204	24.0%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
			184,289	100%													

Zone Name	No.	Zone Type	Sq Km ¹	Percent of Plan Area	Mining	Oil & Gas	Agriculture	Commercial Timber Development	Commercial Salvage Logging	Tourism	Pipelines	Transportation & Utility Corridors	Minor Infrastructure	Hydro-Electric Development	Quarrying	Community Infrastructure	Community Expansion
Mackenzie Gas Project	48	SIC ²	1,732	0.9%													
Netla / Arrowhead Pipeline	49	SIC	430	0.2%													
			2,162	1.1%													

² Special Infrastructure Corridors overlay other zones, and thus do not add to the percentages in other totals.

1. Does the zoning and plan direction for key land uses still reflect your community's interests?

The plan's zoning has not changed since 2012. Have your community's interests in land use changed since then? Are changes needed to the zoning map as a result?

- Are you working on a protected area proposal? (Can you share maps, timelines, mechanism of protection?)
- Are you undertaking or planning any economic development activities outside community boundaries that would be blocked by the current zoning?
- Are you considering changes in your community boundaries?
- How should zoning be aligned in your area between the SNWT Boreal Caribou Range Planning process and the DLUP?

We will go through the land uses managed through zoning individually, while looking at other plan direction (Conformity Requirements, Actions and Recommendations) related to these uses. Questions are embedded within each section.

Mining

What are your current interests / involvement in mineral exploration and development?

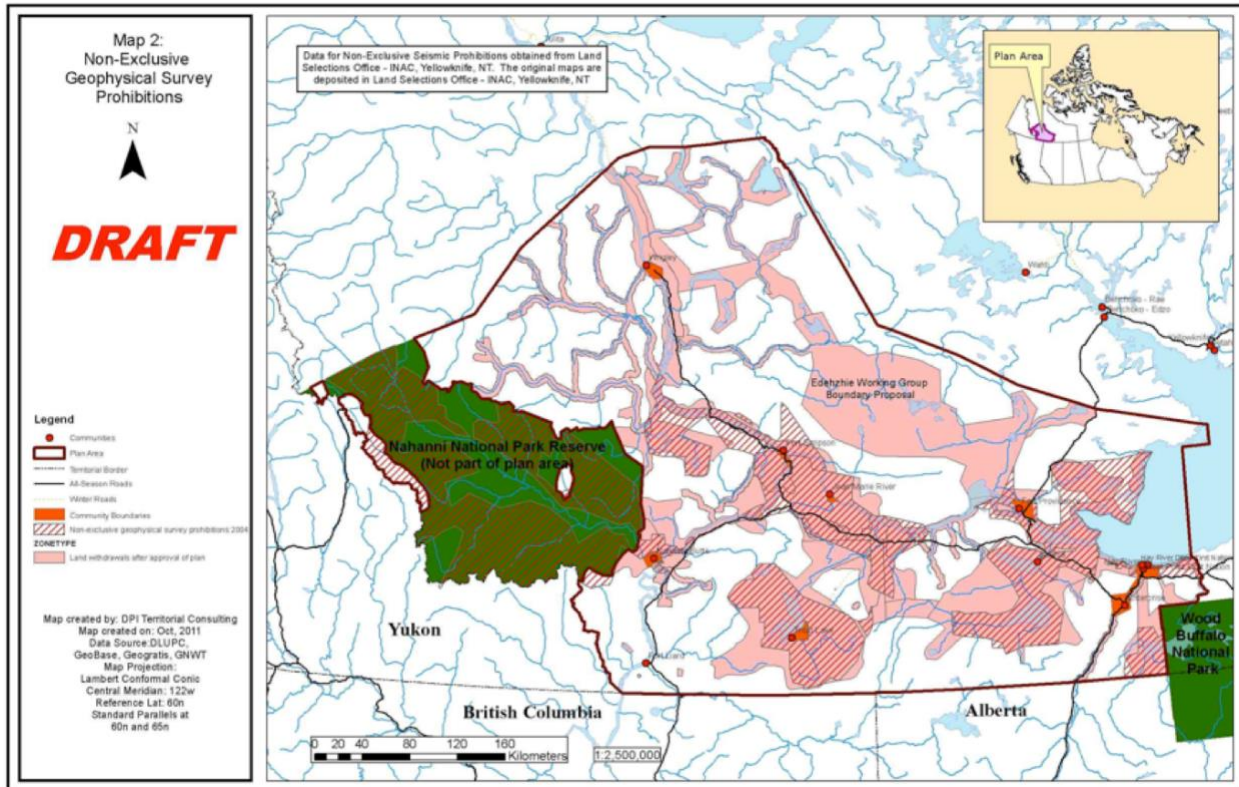
- **Zoning** currently allows mining in SDZs and GUZs only.
 - Does current zoning align with your interests? Are any changes required?
- **Draft Boreal Caribou Range Plan** places additional requirements on mining in Enhanced and Intensive management classes. (Look at overlap with SMZs, SDZs and GUZs)
 - How should we align zoning with management classes in SNWT BCRP?
- **R #16 – Mine Reclamation:** CIRNAC, MVLWB and the GNWT are encouraged to periodically update the *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites* in the Northwest Territories to incorporate the views of community members including Dehcho Dene, scientific experts, mine representatives, regulators and other affected parties.
 - The Parties have no questions or concerns with this. Is this kind of direction still needed? Is there any direction you feel the plan needs to provide about mine reclamation, or mining generally?

Oil and Gas

What are your current interests / involvement in oil and gas exploration and development?

- Note: Pipelines are excluded from the definition and managed separately.
- **Zoning** currently allows O&G (exploration and production) in SDZs and GUZs only (and in SMZ 27 near JMR).
 - Does current zoning align with your interests? Are any changes required?

- **Draft Boreal Caribou Range Plan** places additional requirements on mining in Enhanced and Intensive management classes. (look at overlap of Intensive and enhanced classes with SMZ, SDZ and GUZ)
 - How should we align zoning with management classes in SNWT BCRP?
- The plan separates **Non-Exclusive Geophysical Operations** (seismic operations that are conducted to acquire data for the purpose of sale to the public) from other oil and gas activities because different restrictions were negotiated for these under the IMA.
 - Is there any reason why we should continue to treat non-exclusive geophysical operations different from any other oil and gas operation?



Forestry

What are your current interests / involvement in forestry?

- **Zoning** only allows commercial timber development in SMZs, SDZs and GUZ.
- Commercial salvage logging (after fires or disease) is allowed in CZs if the Forest Management Supervisor and Species at Risk biologist determine that the activities won't increase environmental disturbance or hinder natural regeneration.
- Forest management activities required for fire and disease prevention are allowed in all zones except PAZs. (E.g. cutting firebreaks, selective harvest to reduce fuel, prescribed burns)
 - Does current zoning align with your interests? Are any changes required?
 - For SKFN, do you still want to restrict commercial timber development and salvage logging in Zone 43 (the donut hole?)

- **Draft Boreal Caribou Range Plan** places additional restrictions on commercial forestry in Enhanced and Intensive management classes. (look at overlap of intensive and enhanced classes with SMZ, SDZ and GUZ)
 - How should we align zoning with management classes in SNWT BCRP?
- **CR #8 – Timber Recovery:** Regulatory authorities shall require land uses to be carried out on forest lands to be conducted in accordance with current direction of the Forest Management Supervisor of the NWT regarding timber recovery.
 - The intent of this CR (from 2006 Plan) was to reduce the incidental harvest of timber related to other land uses, such as cutting down good timber when clearing seismic lines (“Responsible authorities will not authorize the harvest of timber for land uses other than forestry unless applicant can demonstrate they minimized footprint, locating use away from forested areas, and made provisions for timber recovery by FNs and forestry operators.”). The Parties agree we need to rephrase this CR to be clearer, and to align with the new *Forest Act*.
 - Is this kind of direction still needed? Is there something different you think the plan should say about forestry?
- **A #3 – Silvicultural Practices:** The GNWT, in engagement with the Dehcho First Nations, other affected Indigenous Governments and Indigenous Organizations] [and planning partners and Wildlife Biologist and federal/territorial species at risk and wildlife specialists, will [make reasonable efforts to] establish appropriate silvicultural practices for the Interim Plan Area within four years.
 - How much communication is there with the GNWT on timber harvesting practices? Is this Action still needed?

Agriculture

What are your interests in agriculture / food production outside community boundaries?

- **Zoning** currently allows agriculture in the plan area in some SMZs and SDZs, and in all GUZs, but restricts intensive livestock operations in all zones. The plan doesn’t apply within community boundaries so home/market gardens within community areas aren’t managed or restricted by the plan.
 - Does current zoning align with your interests? Are any changes required?
 - Do you have any interests in agricultural projects/food production outside community boundaries?
 - Is agriculture allowed/restricted in areas that align with your interests?
- **CR #9:** Regulators shall require that agriculture be conducted in accordance with current direction of the Chief Environmental Protection Officer of the NWT, who has authority under the *NWT Environmental Protection Act*³.
 - Does this add value? What should the plan to say about agriculture?

³ Current direction is given in the *NWT Environmental Protection Act*, its regulations and guidelines, specifically the Guideline for Agricultural Waste Management – May 1999, and, with respect to Pesticide Applications, in the *Pesticide Act and Pesticide Regulations*. Only approved pesticide products may be applied according to the manufacturer's direction.

- **R #19:** Regulators are encouraged to consider applying conditions on agriculture to minimize forest clearing, wetland draining and use of chemical fertilizers and pesticides, and to encourage the use of appropriate measures best suited to mitigate impacts on the environment.
- The 2006 Plan included a recommendation that communities, governments and agriculture organizations work together to remove obstacles to agricultural development and increase local production (food security). This has been removed from the plan. There have been new GNWT efforts regarding agriculture and food security since 2006, including the NWT Agriculture Strategy.
 - Is there specific direction you want the plan to provide around agriculture?

Tourism

What are your interests in tourism outside community boundaries? Does the community offer any services or have plans to? Is the community supportive of tourism?

- Definition is still under discussion, but generally means a land use involving a guided commercial tourism activity and may involve a tourism establishment. The Parties are discussing setting a minimum threshold of activities requiring a land use permit.
- Zoning: Tourism is allowed in all zones except PAZs and CPAZs, and CZ#7 (Birch Lake).
 - How does the current zoning align with your interests? Are changes required?
 - For Fort Providence, do you still want to restrict tourism in CZ #7 or have your interests changed?
 - Should tourism be allowed in CPAZs?
- Big Game Hunting was prohibited in the 2006 draft plan (and still remains in the current version), but this has not been agreed to by the GNWT.
- A #4 – Big Game Outfitters: On approval of this Interim Plan, the GNWT will suspend the issuance of new big game outfitter licences in the Interim Plan Area for a period of five years, pending a negotiated outcome.
 - Do you still want an ongoing prohibition on Big Game Outfitting?
- A #5 – Fishing Lodges in Zone 6 (Sambaa K'e): On approval of this Interim Plan, the GNWT will suspend the issuance of new fishing lodge leases, not associated with an existing tourism establishment in Zone 6, for a period of five years, pending a negotiated outcome.
 - Has there been interest from anyone in setting up another tourism establishment on the lake? Is this restriction still needed? If so, should there still be a 5-year limit to the prohibition?
- R #18 – Tourism: Regulators are encouraged to use the SMART (Sustainable Model for Arctic Regional Tourism) Principles⁴ and the GNWT *Leave No Trace* Guidelines⁵ when approving and regulating tourism operations in the Interim Plan Area.

⁴ Arctic Council. 2006. "SMART Principles, Sustainable Arctic Tourism, Sustainable Model for Arctic Regional Tourism." <https://oaarchive.arctic-council.org/items/ca62f734-5098-4b1e-8938-f69ad283c4c8>

⁵ GNWT. 2004. *Leave No Trace*, Parks and Tourism, Resources Wildlife and Economic Development.

- These references are quite dated. Do you agree with these? Are they appropriate?
- Is there any other direction you feel the plan should provide around tourism?

Pipelines, Transportation and Utility Corridors (Linear Infrastructure)

- Pipelines are treated separately from Oil and Gas exploration and development
- Because the contexts are similar, we have combined the discussion on pipelines and transportation and utility corridors into one (Linear Infrastructure)
- All aspects are under discussion

Current Plan Direction on Pipelines, and Transportation & Utility Corridors (Linear Infrastructure)

- Linear Infrastructure is currently permitted in General Use Zones (GUZs), Special Development Zones (SDZs) and Special Management Zones (SMZs); conditionally permitted in Conservation Zones (CZs; and prohibited in Candidate Protected Area Zones (CPAZs), though uses in CPAZs is an active discussion.
- There are currently two Special Infrastructure Corridors (SICs) – one running North-South through the middle of the Dehcho (the old MGP corridor) and a much smaller one in the Liard area (Netla Arrowhead SIC). These zones float over the other zones. Where they cross CZs and CPAZs, which do not permit most development activities, they create an exception to allow the development and operation of a pipeline, and associated infrastructure (e.g. staging areas, barge landing sites) necessary for its development and operation.
- The MV SIC passes (from North to South), over CZ18, SMZ24, SDZ40, SDZ36, CZ21, SMZ26, SMZ27, CPAZ6, SDZ43, SDZ31). It only crosses 1 CPAZ (Sambaa K'e), but the corridor is still maintained under existing land withdrawals (and may still exist in community work to establish the new protected area – TBD).
- The Plan currently provides a variety of guidance related to linear infrastructure depending on whether it is inside or outside of the SIC, and whether it lies solely within the NWT or is transboundary (across NWT/AB border) - the Canada Energy Regulator (CER) is involved in transboundary pipelines and the Plan cannot bind them.

	Within MV SIC	Outside MV SIC
Transportation and Utility Corridors	CR 1(3) CR #4	CR 1(4) CR #4
Pipeline within the NWT	CR 1(3) R #12/New CR	CR 1 (4) R #12/New CR
Transboundary Pipeline	CR 1(3) R #13	R #13

CR #1 (Zoning):

(3) Allows activities essential to the construction or operation of linear infrastructure within the Mackenzie Valley Special Infrastructure Corridor (Zone 48), and essential infrastructure that must be located outside the SIC that is required for the construction and operation of the pipeline, subject to regulators applying mitigation measures to protect the underlying values.

(4) Sets conditions for all land uses identified as conditionally permitted in CZs and CPAZs in Table 1 (demonstrate immediate need, consider future needs, no feasible alternative, minimize impacts, and meaningfully engage affected parties).

R #4/New CR: Recommends that applicants proposing a pipeline/linear infrastructure project within the SIC consider the values and intent of underlying zones and harmonize its activities with the intent of the zones wherever possible.

R #12[CR NEW] Pipelines Within the NWT – requires applicants to include a pipeline planning study and routing study in their proposals.

R #13. Transboundary Pipelines – copies the elements of CR 1(4) and R#12/New CR but reduces them to a Recommendation as the Plan cannot bind the Canada Energy Regulator.

CR #4 – Roads, Railways and Utilities: Requires applications for new roads, railways and utilities to include a project description and rationale for route selection that considers alternative routes, consider future needs of the area, and meaningfully engages affected parties.

Questions:

- **What are your thoughts/interests in pipelines and linear infrastructure?**
- **Is the current direction useful or relevant to your interests?**
- **If a new pipeline or road was to be proposed, what direction would you want to see in the plan to guide its development?**
- **Two of the Recommendations (#4 and #12) could also be CRs. What is your preference?**

MT Question: Should we maintain the Special Infrastructure Corridors in the plan?

The GNWT has stated an interest to avoid stranding resources, both within and across settlement regions. Zones that permit oil and gas or mining should be able to be accessed so that there is a way to get those resources to market. The donut holes in Sambaa K'e and Pehdzeh Ki Ndeh are key examples of where current CPAZ restrictions would strand resources. Canada wants the plan to allow transboundary pipelines while protecting values in CPAZs. GNWT wants to protect values in CPAZs and to ensure access to avoid stranding resources. DFN wants to protect CPAZs. There are three options to consider:

Option 1: Allow pipelines and transportation/utility corridors to cross CPAZs where needed, under tight conditions.

- This is the option that provides the greatest flexibility, as we don't know exactly where pipelines or access roads might be needed in the future.
- The Sahtu Plan allows for this flexibility through its equivalent of CZs and CPAZs.

Option 2: Revise CPAZ boundaries to avoid surrounding GUZs, SDZs and SMZs where development is permitted.

- If the community doesn't want to allow pipelines and infrastructure corridors through a CPAZ, then it needs to revise the CPAZ boundaries to ensure it is not completely surrounding an area and cutting off access to resources. E.g. The Recommended boundary for Sambaa K'e Candidate Protected Area from 2013 avoided the areas where the previous MGP SIC cut through, leaving an access corridor through the area.

Option 3: Maintain the Special Infrastructure Corridor through CPAZs to carve out a path within the CPAZ where a pipeline or transportation/utility corridor could go.

- This option keeps the original CPAZ boundary intact, but carves out an exception to allow pipelines and transportation/utility corridors within SIC. No other uses would be allowed within that corridor – it is otherwise maintained as CPAZ.
- While any one of these three options may avoid stranding resources and providing a North-South corridor, the GNWT has stated a desire to maintain the SIC through the Dehcho region, at least across CZs and CPAZs, even if one of the other options is chosen, because it is clearer that a potential north-south pathway through the region is possible, under appropriate conditions, without amendment to the land use plan.

Quarrying

What are your interests with respect to quarrying outside community boundaries? Are any changes or additions needed to the plan for this land use?

- Quarrying on territorial lands is allowed in all zones except PAZs, and only under strict conditions in CZs and CPAZs (immediate need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement)
- Plan direction for Quarrying on federal lands is the same but can only be a Recommendation (the Interim Plan cannot bind the federal minister). That said, federal lands are very limited in the Dehcho now – just 2 contaminated sites.
- The DLUPC has no outstanding questions related to quarrying.

Hydro-Electric Development

What are your current interests with respect to hydro-electric development?

- The plan is currently unclear about hydro development and needs clarification about the type of hydro being discussed.
- Based on the current wording, some hydro is allowed in GUZs, SDZs, SMZs, and under strict conditions in CZs.

1. Regulatory authorities shall not authorize hydro-electric developments in any zone that substantially alter the quality, quantity and rate of flow of water and that result in significant flooding or significant impoundment.	Sets a Dehcho-wide restriction on large scale hydro. Agree?
2. Where a business case exists, regulatory authorities shall only authorize hydro-electric developments in the plan area that are developed in partnership with the Dehcho First Nations.	Is this meant to apply to small-scale hydro that doesn't result in flooding/impoundment, OR does it mean that large-scale hydro is allowed if DFN are partners?
3. Regulatory authorities shall require applicants to include in their project description a rationale for site selection of the hydro-electric developments referred to in [(1).]	Unclear what form of hydro (large scale or small scale) is meant here. Item 1 indicates large-scale, but says that is prohibited.
4. The site selection rationale will consider alternative sites, outline how priority was given to locating the	This section identifies the zones it is allowed in.

hydro-electric developments in General Use Zones wherever feasible, followed by Special Development Zones and then Special Management Zones, and provide a rationale for the final decision.	
5. Regulatory authorities shall not issue a land use permit or water licence relating to hydro-electric developments referred to in [(1)] in Conservation Zones unless the applicant provides sufficient evidence that: there is an immediate need, future needs have been considered, there is no feasible alternative location, and environmental impacts are minimized.	Should these conditions be extended to allow hydro in CPAZs as well? Do you foresee a need for small scale hydro within a protected area (e.g. to power infrastructure that may be built?)

Minor Infrastructure

- Minor infrastructure means fuel caches, navigation markers, communication towers, fire towers, storage buildings and similar infrastructure. The Committee is considering limiting it to infrastructure requiring a Class B land use permit (the plan doesn't apply to anything that doesn't require an authorization like a land use permit).
- Minor infrastructure is currently allowed in GUZs, SDZs, SMZs, and in CZs under strict conditions (immediate need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement).
 - Should minor infrastructure be allowed in CPAZs?
 - Do you have any questions or concerns about minor infrastructure in the plan?

Community Infrastructure

- Community infrastructure includes sewage lagoons, water treatment plants, solid waste sites, community offices, community halls and gyms, community garages and related infrastructure.
- All existing infrastructure related to communities that is located outside community boundaries can continue as an existing use.
- New infrastructure related to an existing community that is to be located outside community boundaries is permitted in all zones (except Protected Area Zones), including CPAZs.
 - Should there be conditions for locating new community infrastructure in CZs or CPAZs? We have conditions for locating minor infrastructure in these zones that we can apply (immediate need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement)
- KFN suggested that if Hay River or Enterprise were to locate municipal infrastructure outside existing community boundaries, KFN would be affected.
 - Is there a similar issue in Fort Providence and Fort Simpson where there are Hamlet / Village authorities separate from Dehcho First Nations?
 - Should we add a clause requiring support of the local or immediately adjacent DFN(s) where it is a separate municipal authority applying to locate municipal infrastructure outside a municipal boundary?

Community Expansion

Current Plan Direction (CR #3(3)): *Expansion, or an amendment of, community boundaries to accommodate community infrastructure will be reviewed in accordance with the GNWT's Community Boundaries Policy and is permitted in General Use Zones, Special Management Zones and Special Development Zones, and in Conservation Zones where it is deemed demonstrably consistent with the interests and purpose for which the Conservation Zone was established.*

- Does your community have any plans to change its boundaries in the near future?

Any change to a community boundary would trigger a plan amendment (as it changes the area to which the plan applies). For those with official community boundaries, changes would also need to follow the GNWT's *Communities Boundaries Policy*.

- Given that, do we need to provide any direction in the plan about this at all? Or should we just delete this whole section?

KFN commented previously that expansion of Hay River or Enterprise would impact them and suggested we add a clause requiring their support for any expansion of nearby municipal boundaries.

- Could the same situation occur in Fort Providence or Fort Simpson where there is a separate municipal authority, or do they work with local DFN(s) on such matters?

2. Zoning Balance

The DLUPC needs to provide for a balance of conservation, use and development in the region. The initial 2006 Draft Plan was rejected in part because it included too much protection. The Committee made revisions to address this imbalance between 2008 – 2012. The 2019 Memo to the Parties on Outstanding Issues indicated that the Committee had agreement in principle on the zoning scheme (pending final designation of the areas excluded from Edehzhie) where both mining and oil and gas development would be permitted in GUZ and SDZs covering about 60% of the plan area (which does not include Nahanni National Park Reserve), or 51% of the Dehcho Territory when Nahanni National Park Reserve is included.

However, the Parties are not currently aligned on whether the zoning balance is acceptable, and the zoning is expected to change in the future. The GNWT continues to operate under a mandate of maintaining 45% open public lands. The Committee has received some proposals for rezoning in recent years (from KFN, Edehzhie Management Board, NDDDB community boundary revision), and expects to receive more as communities finalize their preferred boundaries for their protected areas. Revisions may also be needed to align zoning with the Boreal Caribou Range Plan. The Committee will not make decisions on any zone revisions until it has a complete understanding of all the desired changes. It will then consider them all together, and determine if they represent an acceptable level of balance. If not, then this may eventually go to Main Table to negotiate an acceptable balance.

3. Which uses should be allowed in a CPAZ?

Candidate Protected Area Zones (CPAZs) are intended for areas moving through either federal or territorial processes to establish protected areas. Keep in mind that this is an interim designation only. Once established under legislation, they would change to a Protected Area Zone (which will be managed according to its sponsoring legislation and/or management plan), or to another zone designation under the Plan if the parties decide not to pursue permanent protection through federal or territorial legislation. All of the areas currently identified as CPAZs started under the former Protected Areas Strategy. They are Ejié Túé Ndáde, Ka'agee Tu, Łue Túé Sųláı, Pehdzeh Ki Ndeh, and Samba K'e.

Most of the lands in these areas are protected through surface and subsurface Interim Land Withdrawals. Because of the restrictions imposed by land withdrawals, none of the five key land uses are allowed in these areas, including tourism. The interim land withdrawals are a blunt instrument, and we cannot pick and choose which surface or subsurface uses to allow or not allow. However, the DLUPC is also discussing the use of stand-alone GNWT legislation as an implementation mechanism, which would provide a more flexible approach to implement zoning and other plan restrictions.

The Committee is discussing whether more uses could/should be allowed in CPAZs. All of the following land uses are allowed in CZs under tight conditions (immediate need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement): commercial salvage logging, pipelines, transportation and utility corridors, hydro-electric development, quarrying, minor infrastructure, community infrastructure, and community expansion. Of these, only quarrying and community infrastructure are allowed in CPAZs. **Should we allow some or all of the other land uses below in CPAZs, under the same tight conditions?**

Tourism

Tourism is allowed in GUZs, SDZs, SMZs, and CZs (other than Zone 7, NE of Fort Providence). It was not previously allowed in CPAZs because a surface land withdrawal prohibits it, but many protected areas allow and rely on tourism for funding. Allowing tourism in CPAZs would require a different implementation measure (new stand-alone GNWT legislation), and may potentially delay implementation of the plan.

- [Do you support allowing tourism in CPAZs?](#)

Commercial Salvage Logging

Commercial salvage logging is a subset of commercial timber development (its timber harvesting done after fire or disease has gone through an area destroying timber, to retrieve or salvage whatever usable timber remains). While commercial timber development is NOT allowed in CZs and CPAZs, commercial salvage logging is allowed in CZs if the Forest Management Supervisor and Species at Risk biologist determine that the activities won't increase environmental disturbance or hinder natural regeneration. This has been the case since the 2006 plan.

- [Do you want commercial salvage logging to be allowed in CPAZs under the same condition?](#)

Pipelines and Transportation and Utility Corridors

As per above, one of the options to resolving the GNWT and Canada interests of not stranding resources and allowing for transboundary linear infrastructure is to allow pipelines and transportation/utility corridors to cross CPAZs where needed, under tight conditions (immediate

need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement). They are already allowed to cross CZs under these conditions.

- Do you support allowing linear infrastructure in CPAZs, under the same conditions?

Hydro-Electric Development

Hydro-electric development has been allowed in CZs under specific conditions since the 2006 plan, but has never been allowed under CPAZs. Should it be?

- Would communities ever consider using small-scale hydro development in its CPAZs?
- Could it be a potential energy source to power tourism or management facilities within a future protected area?

Minor Infrastructure

Minor infrastructure (fuel caches, navigation markers, communication towers, fire towers, storage buildings and similar infrastructure) is currently allowed in GUZs, SDZs, SMZs, and in CZs under strict conditions (immediate need, considers future needs, no feasible alternative location, minimize impacts, meaningful engagement).

- Will you need or want to install minor infrastructure in your future protected areas before they are fully established? Should it be allowed in CPAZs?

Community Expansion

The plan currently allows for future community expansion into all zones other than PAZs and CPAZs. Expansion into CZs requires that it be consistent with the interests and purposes for which the CZ was established.

- Can you envision a situation where you might need to extend your community boundary into a CPAZ? Is there any reason to allow it in CPAZs the same as its allowed in CZs?

4. How Should Zoning Address New Land Uses?

The zoning system identifies where key land uses are allowed and where they are restricted. The Plan has always managed the following key land uses through zoning: oil and gas, pipelines, mining, forestry, tourism, and agriculture (and pipelines within the SICs). The Plan also sets restrictions on other land uses in certain zones through other Conformity Requirements: e.g. hydro-electric development, transportation, quarrying, pipelines, etc.

There may be other land uses that arise in the future, that were never discussed during plan development and are not mentioned in the plan. E.g. development of a windfarm or solar array, a nuclear power facility, or a new community. The plan is currently unclear how new uses that are not listed would be treated.

Options:

- a) **Do Nothing: Anything not discussed should proceed to the regulatory system as they do now, in the absence of a plan.**
 - This is the option that the original 2006 plan followed.
 - It is the most appropriate option for a land use plan: Since the plan is only the first step in the regulatory process, and is meant to guide regulatory decisions, if a land use was never discussed, then the plan has no guidance to provide, and the land use should proceed to the regulatory system, and a decision can be made there. This is how things work now, in the absence of an approved land use plan.
 - It doesn't reduce the choices (to approve, reject, or approve with conditions) or pre-determine community interests.

- All other regional plans in the NWT follow this model, except the Tlicho Plan, where they have exclusive authority over their land to grant exceptions.
- b) **Restrict them: Anything not discussed should be automatically restricted until the Committee can review the new land use, engage affected communities and stakeholders, make a decision, and amend the plan, which could take years.**
- If communities are concerned about any new land use going forward, this option is a default “no”, until the Committee could review it, engage communities and stakeholders on it, make a decision, and amend the plan.
 - If communities were supportive of a new land use, it could not proceed until the plan was amended.
 - This has been DFN’s preferred option. The GNWT has indicated this is not their preferred option because of the uncertainty about what uses may be restricted, and concern that plan amendments are not a timely way to make adjustments to accommodate new activities. GNWT has indicated that further discussion would be required on specific activities that have not yet been discussed by the Committee. This may increase the time needed to complete the plan.

5. Other CRs, Actions and Recommendations

Meaningful Engagement

- It is important that applicants for new land uses talk to the people most affected by them.
- “Meaningful engagement” shows up in multiple places in the plan.
- The Committee has been struggling to come to agreement on a number of questions.

1. Who should the plan require engagement with?

- a. Affected Dehcho residents and communities
 - Rationale: This was the original language in the IMA – the plan must protect and promote the well-being of residents and communities in the Dehcho territory.)
- b. A combination of affected Dehcho First Nation(s), Dehcho residents, other Indigenous Governments and Organizations, and planning partners
 - Rationale: There was concern that “communities” is too ambiguous, and should be replaced with specific organizations.
 - The GNWT asked to include other affected Indigenous governments and organizations that have overlapping interests in the Dehcho, and other affected planning partners, as that is who the LWBs would require engagement with.

2. How should we define meaningful engagement?

Option 1: communication and outreach activities an applicant undertakes with affected persons or bodies prior to and during the operation of a project, that are consistent with the Land and Water Boards of the Mackenzie Valley’s “Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits”.⁶

⁶ Modified from <https://mvlwb.com/media/814/download?inline>

- Rationale: This relies on existing, well developed and comprehensive guidelines on what good engagement looks like.

Option 2 (combo of recent (2024 Options Papers) GNWT and Canada revisions to the definition – still not agreed to):

- a) providing:
 - i. adequate notice of the **proposed** method of and schedule for [community] involvement; and
 - ii. ~~sufficient~~ relevant information in a form that is suitable for [community] consideration;
- b) ~~Allowing sufficient time following a)~~ **establishing and implementing a reasonable timeframe and effective methods of involvement** for the [community] to identify concerns **to be considered and for the [community] and the Party responsible to consider feasible responses to those concerns**; and
- c) **the Party responsible provides** a response to [community] input that gives **honourable** and good faith consideration to [community] concerns with a willingness to, where appropriate, make changes based on the input received.

- Rationale: A legal-based definition may provide greater legal clarity, but the parties have been unable to come to agreement on acceptable wording or intent yet. More work is needed if this is the preferred model.

Option 3: Other? What does meaningful engagement look like to you? Do you have other definitions that you like?

The June 2006 Plan: 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 clarity, this requirement is distinct from any consultation carried out by government, or from any duty to consult held by government.*

3. For which land uses should the plan include the requirement for meaningful engagement?

- a. **Option 1:** Include one CR in the plan that requires all land uses that need a land use permit or water licence to conduct meaningful engagement; OR
- b. **Option 2:** Embed the requirement in multiple CRs and Recommendations (the current approach), including CR 1 (Zoning – in the conditions for allowing multiple land uses in CZs or CPAZs), R #11 (quarrying), CR #4 (Transportation and Utilities), R #12/13 (Pipelines), R #15 (Air Quality Standards), A #3 (Silvicultural Practices).

Suggestion for a new, stand-alone CR:

The LWB must require applicants for land uses requiring a land use permit or water licence to provide sufficient evidence that affected Dehcho First Nation(s) other Indigenous Governments and Indigenous Organizations, and Dehcho residents have been meaningfully engaged.

Meaningful engagement could include discussion of the following:

- 1. Documenting traditional and local knowledge relevant to the proposed land use;*
- 2. Documenting concerns about the potential impact of the proposed land use on known historical, archaeological, cultural and traditional land use and occupancy sites including burial grounds, sacred sites, cabins, trap lines and heritage sites;*
- 3. Engaging affected parties in the development of mitigations to protect the sites listed in (2) and other sites, including avoidance buffers;*
- 4. Identifying important plant-gathering areas for culturally important plant species, including those listed in Appendix 2, and developing appropriate measures to ensure continued access to these areas to the extent possible. This may require a plant survey within the land use area of concern to determine plant locations.*

(Note: This combines several CRs from the June 2006 plan on the collection of TK, protection of significant traditional use and occupancy sites, plant gathering areas, and community involvement that appear to have been lost over many years of revisions).

Cumulative Effects Provisions

- The June 2006 plan included a CR that set cumulative impact thresholds for development (linear density, stream crossing density, habitat disturbance, and minimum patch size), and required regulators to consider the results of assessments run by the DLUPC in making their decisions about applications. It also included a number of Actions to fill in research gaps or questions around cumulative effects assessments.
- Since then, the main CR was downgraded to a Recommendation and an Action, and the rest were combined in a separate Action.
 - R #20 recommends regulators not allow land use activities to exceed the thresholds in the plan.
 - A #7 says the DLUPC or applicants will run cumulative impact assessments for each application for land use, and the regulators should consider the results.
 - A #6 proposes that DFN, the GNWT and Canada, in cooperation with the DLUPC establish a Cumulative Effects Advisory Working Group to discuss methodologies in the Dehcho Territory, and includes a long list of items for discussion (that needs to be reduced).
- Protection of boreal caribou was a main focus of the 2006 thresholds, though it also included a threshold related to grizzly bears and one for fish. The approach to protecting caribou has evolved since then, and is now being looked after through the Boreal Caribou Range Plans (BCRPs). The BCRPs are focused on reducing impacts in key caribou habitat by imposing restrictions on development in those areas and pushing it towards areas without good habitat. The cumulative effects approach under the plan is focused on keeping development below thresholds everywhere, which has the effect (if implemented) of spreading out development across the landscape. These two approaches conflict somewhat and do not work well together. The BCRPs are a legal requirement because boreal caribou are a threatened species.

1. Is it still important to you for the plan to attempt to manage cumulative effects in some way?
 - a. Given that the Committee's work is now 20 years old and the science and approach to managing cumulative effects may have evolved, should the previous work of the Committee now be removed?
 - b. Could the work being done under BCRP replace this? Or should the Committee's previous work be updated/modernized to better align with other processes now underway such as the BCRPs, and GNWT/Canada work to monitor landscape disturbance?
 - c. Noting that any significant piece of work would require time and discussion, which may further delay plan completion, should cumulative effects management provisions be deferred to a final plan (not the Interim plan)?

2. The Committee doesn't have the same staffing levels it once did. Technical expertise is now contracted out, as needed. If we maintain the cumulative effects framework in the plan in some fashion, would you support the work of running cumulative effects assessments being shifted to others with the capacity to do so (e.g. applicant, Regulator, or GNWT) or is it essential the Committee maintain this function?

Local Guides and Monitors

The Plan includes an Action for DFN to outline contract terms and develop a list of community members who have been certified under the Dehcho K'ehodi Guardian Program and whose knowledge of the land make them suitable for employment as guides and monitors. DFN communities now have several guardian programs, so the Action seems outdated.

- Can this action be removed, or do you feel it needs to be kept?

KFN suggested instead that the plan include a Recommendation for applicants to hire guardians for all land use activities. The June 2006 Plan had a similar recommendation (notify DFN(s) of the location of activities 10 days in advance and hire a local guide or monitor to accompany them), that has since been removed.

- Do you agree with KFN's recommendation?

Commercial Fishing

CR #5. Commercial Fishing: Except Great Slave Lake (Tucho), the Department of Fisheries and Oceans (DFO) will not authorize commercial fishing without first consulting the affected Dehcho First Nation(s).

- KFN recommends removing the first clause ("Except Great Slave Lake (Tucho)...") and keeping the rest: "The Department of Fisheries and Oceans (DFO) will not authorize commercial fishing without first consulting the affected First Nation(s)."
- Is your community engaging in commercial fishing or have plans to?
- Is your community involved in fisheries management on Great Slave Lake with DFO? Is there still a working group or advisory committee)?
- Do you have concerns with commercial fishing on GSL? Do you agree with KFN's recommendation? (We'd have to talk to DFO to see what is possible here so we're not sure if this is possible but would like to understand current community interests).

Transboundary Water Agreements

The plan includes a note to add a new Recommendation for the Parties to maintain water quantity and quality through transboundary water agreements between the GNWT, AB, and BC. There are already transboundary water agreements between the GNWT, AB and BC.

- What are the specific issues or concerns this is meant to address? Did communities request this? Is it still required?

6. Existing Uses Exemption

The Plan exempts existing uses from plan restrictions and requirements. It is generally accepted that if the authorizations for that existing use expire or lapse, then the land use ceases to be an existing use and would be subject to the plan going forward.

- Should an existing use continue to be exempt from the plan if an application to renew or extend the authorization has been submitted, but not yet approved, at the time the authorizations lapse?

7. Implementation Measures

We are developing an “Interim Plan” – a plan intended to be completed, approved and implemented in advance of a Final Dehcho Agreement. An Interim Plan has no legal authority of its own, but the Parties expect it to be legally binding. Therefore, it relies on other legislation or regulatory tools, in the Interim, to legally implement the zoning and conformity requirements. Each tool has limitations and cannot provide the same authority that a Land Claim would provide. The implementation mechanisms under discussion are:

Surface and subsurface land withdrawals	Primary vehicle for implementing the zoning, but it does not have sufficient flexibility to restrict one land use while allowing another – it’s all or nothing. This is why tourism currently isn’t permitted in CPAZs. If this is the main tool to implement zoning, then no other uses would be allowed within CPAZs either, except for quarrying.
Binding direction under the Mackenzie Valley Resource Management Act	Requires the Land and Water Boards (LWBs) to follow the Interim Approved Plan in authorizing land use. It implements the Conformity Requirements, but only binds the LWBs (not other regulators/departments in the GNWT or Canada), it only applies to land use permits and water licences, and they can only work within the scope of their authority (must fall within the list of things they can consider and for which they can attach conditions.
Stand-Alone GNWT Legislation	Proposed as an alternative to Land Withdrawals, which would provide the ability to implement zoning for each land use as desired (rather than all or nothing for surface and subsurface uses). It would also require GNWT departments to comply with the plan in authorizing land use. The downside is that it may take time to develop the legislation and delay plan implementation. GNWT isn’t willing to begin drafting until the Plan gets closer to completion.

The IMA identified land withdrawals and the binding direction to the LWBs as the implementation mechanisms for the Interim Plan. The GNWT is proposing to create new stand-alone legislation to more fully and flexibly implement the plan, including to replace the land withdrawals. Once a Dehcho Final Agreement is in place, the Plan will have its own legally authority, and land withdrawals/binding policy direction will not be required. The Plan will also need to be revised at that time to be consistent with the Final Agreement.

What are your thoughts on the use of land withdrawals (available now but no flexibility) vs new GNWT legislation (flexible and more rigorous implementation, but potentially delayed)?

8. Termination

The Plan includes a section on Termination, which allows a Party to propose termination of the Interim Plan. The Parties have been discussing how many parties should be required to agree before the plan can be terminated:

- One Party – similar to the provisions for terminating the IMA;
- Any two Parties; or
- Two Parties, one of which must be DFN.

1. Why do we need a termination clause at all? Can you think of a situation where it would be better to terminate the plan than seek an amendment or exception?
2. If the Parties insist on maintaining this section, which of the three options do you support?

9. Relationship of the DLUP to ADK and KFN

DFN is currently in discussions with ADK and KFN about the application of the plan and governance questions pertaining to their traditional territories.

ADK has been developing a stand-alone plan and previously asked for their area to be carved out of the DLUP. More recently, ADK, DFN, GNWT and Canada have begun discussing the possibility of integrating the two plans. Discussions are ongoing at both negotiation tables, and also nation to nation between DFN and ADK.

KFN remains a part of the Dehcho territory with respect to the land use plan, but is negotiating separate rights through a different negotiations process. It does not participate in Dehcho Process negotiations (so is not part of Main Table discussions on the DLUP), or in DFN administrative decisions. KFN has therefore asked how its interests would be represented in those parts of the Plan that require engagement with/decisions from DFN. It has requested that KFN be listed alongside DFN in the Plan for decisions affecting its traditional territory. DFN and KFN are discussing their relationship and governance questions with respect to the Plan.

The GNWT and Canada also have legal obligations to consult with Indigenous Governments prior to approving an Interim Dehcho Land Use Plan.

Questions on these matters should be directed to Ramona and DFN's Negotiations Team.