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May 31, 2007

John T'Seleie
Executive Director
Sahtu Land Use Planning Board
Box 235, Fort Good Hope, NT X0E 0H0

Re: CPAWS-NWT's Comments on the Draft Sahtu Land Use Plan

Dear Mr. T'Seleie,

The Northwest Territories Chapter of the Canadian Parks and Wilderness Society (CPAWS-NWT) is part of a national non-profit conservation organization dedicated to protecting Canada's wilderness. CPAWS-NWT would like to congratulate the Sahtu Land Use Planning Board (SLUPB) and staff for the hard work that was required to bring together this version of the Draft Sahtu Land Use Plan (Draft Plan).

CPAWS-NWT is generally supportive of the Draft Plan. However, we have a number of comments, suggestions and recommendations intended to strengthen the Plan's effectiveness to manage the land and resources of the Sahtu for the benefit of present and future generations, and to enhance the conservation value of the land designations.

Our comments are organized under the following headings and topics: Conservation Zones, Ecological Representation and Connectivity, Cumulative Effects Assessment and Management, Special Management Zone Prohibitions, Management and Developer Conditions, Exemptions from Zoning, and CPAWS-NWT Conservation Initiatives.

1. Conservation Zones

CPAWS-NWT strongly supports designation of Sahoyúé-?ehdacho, Edaiila, Bégádeh and other sites that are progressing through the NWT Protected Areas Strategy planning process (both with and without interim protection) as Conservation Zones.¹ These areas have been identified by communities for their ecological and cultural significance and merit immediate protection through conservation zoning notwithstanding their non-renewable resource potential.

Conservation zoning for PAS sites meets with the commitments made by the governments of Canada (Department of Indian and Northern Affairs Canada) and the Northwest Territories under the Protected Areas Strategy and the Mackenzie Valley Five-Year Action Plan².

We commend the SLUPB for their work with Sahtu districts and communities to ensure that their conservation priorities are reflected in the Draft Plan. Additional comments on specific Conservation Zones with which CPAWS is directly involved are provided in Section 7 of this letter.

The Draft Plan currently identifies 30% of the Sahtu Settlement Area as conservation zones; areas that are off limits to surface and subsurface development activities. CPAWS-NWT notes that there are a number of compelling reasons to include additional strategically selected conservation areas in the next draft of the Plan.

It is CPAWS' vision that at least 50% of the Canadian boreal landscape be protected in a network of interconnected areas and that there be sustainable management on the remaining landscape. This vision is shared by numerous environmental organizations who have signed on to the Boreal Forest Conservation Framework.³ The Boreal Forest Conservation Framework is based on significant research that shows at least 50% of the boreal landscape is required to safeguard sufficient intact natural areas to ensure ecological services and full ecosystem function.

Indian and Northern Affairs Canada (INAC) has a mandate that includes the promotion of environmental protection and ecological sustainability. INAC has previously indicated that that 40% of land is acceptable percentage for conservation in the Dehcho Region, setting precedence for similar support in other regions, such as the Sahtu.⁴

¹ These sites are specifically noted because they are PAS areas with which CPAWS-NWT is actively engaged, not because they are of higher importance than other PAS sites.

² NWT Protected Areas Strategy: A Balanced Approach to Establishing Protected Areas in the Northwest Territories. <http://www.nwtwildlife.com/pas/pdf/stratsupp.pdf> Last accessed on May 30, 2007. Mackenzie Valley Five-Year Action Plan (2004-2009): Conservation Planning For Pipeline Development: http://www.nwtwildlife.com/pas/pdf/mac_action0409.pdf

³ Boreal Forest Conservation Framework. http://www.borealcanada.ca/framework_summary_e.cfm

⁴ Dehcho Planning Committee. Jan 15, 2007. Plan Approval Update. Accessed May 9, 2007. http://www.dehcholands.org/docs/public_comments/individual_submissions/Plan%20Approval%20Update_Jan%202015-07.pdf

Furthermore, Canada has international commitments as signatory to the Convention on Biological Diversity to achieve by 2010 a significant reduction of the current rate of biodiversity loss.⁵

Recommendations:

CPAWS-NWT recommends that the Sahtu Land Use Planning Board allocate *no less than 30%* of Sahtu Settlement Areas as conservation zones in future drafts.

CPAWS-NWT recommends that areas which are currently identified for protection from surface and subsurface development activities because of their ecological and cultural importance continue to be identified for protection in the final Plan, notwithstanding that the site may have mixed values such as high non-renewable resource potential.

CPAWS-NWT recommends that percentage of land selected as Conservation Zones be increased to *at least 40%* in subsequent drafts of the Plan.

CPAWS-NWT recommends that the SLUPB apply immediately for interim land withdrawal for all Conservation Zones.

2. Ecological Representation and Connectivity

Effective regional conservation planning must ensure for an ecologically representative network of protected areas. Ecological representation has the goal of ensuring that a wide range of animals and plant species survive over time. A goal of the PAS is to protect ‘core representative’ areas within each ecoregion of the Northwest Territories. The intent is that within core representative areas, no industrial development would be permitted. As such, within the context of land use planning, these areas should be Conservation Zones.

The PAS Ecological Working Group has been working with an analytical computer model to analyze conservation planning initiatives in the NWT, including areas identified for conservation through the Protected Areas Strategy, to identify how best to meet representation goals in the most efficient way possible. This data is intended to be used by Land Use Planning Boards.⁶

Currently, the Conservation Zones in the Draft Plan have been proposed by communities to protect special natural and cultural values. The SLUPB should be commended for the work that they have done to integrate community driven conservation planning, based on natural and cultural tradition knowledge. The analysis of the Ecological Working Group is intended to build upon this, and address possible gaps in ecological representation. Given the Draft Plan includes only 30% land use zoned for conservation, there is room for additional conservation zones strategically selected to meet ecological representation goals in the Sahtu, including areas that are strategically selected for their connectivity value.

⁵ <http://www.biodiv.org/convention/convention.shtml>

⁶ Conservation Areas. GNWT Presentation to the Joint Review Panel on August 21-22, 2007. Accessed on May 22 http://www.ngps.nt.ca/Upload/Interveners/Government%20of%20the%20Northwest%20Territories/GNWT_PAS_Evidence.pdf

Recommendation:

CPAWS-NWT recommends that the SLUPB work with the PAS Ecological Working Group to integrate their findings and recommendations to strategically select additional Conservation Zones intended to achieve maximum representation of core representative areas, in the most efficient way within the Sahtu Region.

CPAWS-NWT recommends that the SLUPB work with the PAS Ecological Working Group to select additional conservation zones intended to address landscape connectivity.

3. Cumulative Effects Assessment and Management

There is growing recognition that individual land use decisions must be assessed within the broader context of how they will contribute to habitat loss, fragmentation and disruption on a regional basis. Cumulative Effects are defined as “changes to the biophysical, social, economic, and cultural environment caused by the combination of past, present and “reasonable foreseeable” future actions”.⁷ Well-researched and scientifically defensible cumulative effects indicators and thresholds are one of the most critical components of a land use plan’s ability to effectively manage the long-term ecological, cultural, and economic sustainability of a region. The Sahtu Land Use Plan represents an opportunity to implement best practices for cumulative effects assessment and management in the Sahtu region. The *Dehcho Cumulative Effects Study Phase 1: Management Indicators and Thresholds* was developed by Salmo Consulting Inc. for the Dehcho land use planning process⁸. The report is good example of how this can be done.

Recommendation:

CPAWS-NWT strongly recommends that the SLUPB consider cumulative effects assessment and management in the next draft of the Sahtu Land Use Plan, including methodology, appropriate indicators for the Sahtu Region, science based thresholds, and requirements upon reaching thresholds.

4. Evaluating Natural Capital

The evaluation of the natural capital within the Sahtu Settlement Area is insufficiently developed in the Draft Plan. Natural capital is the ecological services provided by nature including water filtration, carbon storage, climate regulation, pest control, cultural benefits, recreational benefits and opportunities for a wide range of land uses.

Recent studies such as *The Real Wealth of the Mackenzie Region: Assessing the Natural Capital Values of a Northern Boreal Ecosystem* by the Canadian Boreal Initiative provide natural capital accounting for the Mackenzie watershed. This report found that the ecological goods and services provided by nature (e.g., carbon storage, water filtration, water supply) in the Mackenzie

⁷ Cumulative Effects & Assessment Management Framework. <http://www.ceamf.ca> Accessed on may 30, 2007.

⁸ Salmo Consulting Inc. Dehcho Cumulative Effects Study. Accessed on May 30th.

http://www.dehcholands.org/docs/reports/Contractor%20Reports/Cumulative%20Effects%20Report/Cumulative%20Effects%20Phase1%20Report_Final.pdf

contribute over 10 times more societal economic value than the GDP generated by natural capital extraction industries.⁹ Natural capital accounting challenges us all to make land use decisions within a context of the full costs and benefits of drawing down natural capital.

The analysis of this report, and the growing body of work that supports it, present a strong economic argument for a significant expansion of the network of conservation areas in the Canadian boreal region, which would serve as an investment in the natural capital of the boreal region for the benefit of current and future generations of Canadians and global citizens.

Each of the conservation zones includes a section on Reasons for Protection, which includes the economic importance of the area. CPAWS-NWT suggests that this would be the appropriate place to provide an analysis of the evaluation of economic benefit in terms of natural capital of the zone.

Recommendation:

CPAWS-NWT recommends that the Sahtu Land Use Planning Board include an accounting of the economic value of natural capital in the Sahtu in Conservation Zone Sections under ‘Reasons for Protection’.

5. Special Management Zone Prohibitions, Management and Developer Conditions

It is not clear how the the prohibitions and conditions listed in Section 1.3.4.1 were developed. Some appear to have been adopted from the Great Bear Lake Management Plan, but not in entirety and without the supporting structure within which they were created to function. As it stands they are unclear and would be largely unworkable for developers. It should be clear *how* they the prohibitions and conditions were developed and *how* they reflect current best practices.

A set of general policies would provide a clear policy framework under which more specific conditions and prohibitions could be set out. General policies would guide the interpretation of the prohibitions and conditions should there arise a situation that was not anticipated. It should be made explicit that the intent of the prohibitions and conditions is to maintain ecological and cultural integrity of the Special Management Zones.

Repeated linear disturbances have significant negative impacts on the ecological integrity of a given area. Seismic exploration includes cut lines, access roads, camps, airstrips, helicopter pads, all of which have a cumulative effect on the environment. Negative effects include soil compaction, damage the vegetation, permafrost melt, and impacts on wildlife and wildlife movement.¹⁰

Mitigating measures differ from region to region, however as a general rule the adverse affects of seismic lines or other linear disturbances is directly related to the width and line of sight. Recent

⁹ The Real Wealth of the Mackenzie Region: Assessing the Natural Capital Values of a Northern Boreal Ecosystem. Accessed May 22, 2007. <http://www.borealcanada.ca/pdf/MackenzieReport.pdf>

¹⁰ Severson-Baker, Chris. Seismic Exploration: A Primer. Pembina Institute. Last accessed May 22 2007. http://pubs.pembina.org/reports/nps_Seismic.pdf

research into best practices that was done for the Dehcho land Use Plan management indicators and guidelines for caribou, shows that meandering cut lines of less than 3 meters will create low cumulative effects for woodland caribou.¹¹

Recommendation

CPAWS-NWT recommends that the SLUPB remove and redevelop Section 1.3.4.1 Consider using the format adopted by the Great Bear Lake Management Plan, with more general policies followed by groupings of more specific conditions and prohibitions.

CPAWS-NWT recommends that the SLUPB require developers to adhere to industry best practices for seismic cut lines and other linear disturbances, which include meandering cut lines of less than 3 meters

6. Exemptions from Zoning

Section 1.4.1 of the Draft Plan addresses exemptions from zoning, specifically it states that that existing activities will be allowed including development arising from rights existing at the time of Plan approval, even if the activities are not in keeping with the land zones. This could be interpreted to mean that lands covered in prospecting permits at the time of the Plan's approval would be exempt from the prohibitions set out in the Conservation Zones. This would certainly undermine the integrity of conservation zones. The Edaiila Conservation Zone is an example of this. Significant portions of the land area are covered in prospecting permits. These permits were issued despite the intention of the community of Déline to set aside Edaiila for protection.

CPAWS-NWT recommends that SLUPB amend Section 1.4.1 to state “that with the approval of the Plan, within Conservation Zones no further mineral claims will be recorded by the Mining Recorder within the boundaries of the prospecting permits issued prior to the approval of the Plan.”

¹¹ Salmo Consulting Inc. Dehcho Cumulative Effects Study. P. 70 Accessed on May 30th.
http://www.dehcholands.org/docs/reports/Contractor%20Reports/Cumulative%20Effects%20Report/Cumulative%20Effects%20Phase1%20Report_Final.pdf

7. CPAWS Conservation Initiatives

CPAWS-NWT has been involved in a number of community-based conservation initiatives within the Sahtu Settlement Area. Specific comments are provided below.

7.1 Great Bear Lake Watershed

CPAWS-NWT participated in the Great Bear Lake Working Group and the development of the Great Bear Lake Management Plan (GBLMP). An enormous amount of time and effort went into developing the GBLMP and CPAWS-NWT supports full inclusion of the GBLMP, subject to appropriate amendments, in the SLUP. Other specific comments relating to the Great Bear Lake Special Management Zone (GBLSMZ) are as follows:

CPAWS-NWT is pleased to see that this Draft Plan uses the Watershed as the boundary for the GBLSMZ and strongly supports using the watershed boundary in subsequent drafts.

Great Bear Lake should be identified as part of the GBLSMZ.

The vision, principles, values and teachings of the Elders of Déline were fundamental to the development of the Great Bear Lake Management Plan, as they are central to ensuring Sahtu cultural integrity and community well-being. Generally, the vision, principles and values are insufficiently developed throughout the Draft Plan; their absence is particularly conspicuous in the GBLSMZ given that significant amounts of work have been done to document these throughout the GBLMP planning process.

The vision of the GBLMP, to “Keep Great Bear Lake Clean and Bountiful for all Time” has not been incorporated in the Draft Plan. A significant amount of work was done to develop the vision for the GBLMP, and it accurately reflects the wishes of the people.

Recommendation

CPAWS-NWT recommends that the Great Bear Lake Management Plan be appended to the Draft Plan in its entirety, with appropriate amendments.

7.2 Edaiila (Caribou Point)

CPAWS-NWT recommends:

- **Include the following paragraph from the Great Bear Lake Management Plan under Section 2. Cultural and Socio-Economic Importance:**

The Sahtu Heritage and Places Joint Working Group recommended oral history and archaeological research to document and protect existent heritage resources, and that the surface of documented sites be protected, with commemoration of specific sites to be negotiated following completion of the inventory.

- Given that a significant portion of Edaiila's land area is covered in prospecting permits and mineral claims, it is possible that significant development could occur in the area notwithstanding that it is a Conservation Zone. The SLUPB should therefore include a section on Further Management Conditions that provides for the highest order of protection to Bluenose-East Caribou herd that regularly congregate in Edaiila.

7.3 Sahoyúé-?ehdacho

CPAWS-NWT makes the following recommendations:

- The Size, Location and Boundary of S-e should be revised to state that Sahoyúé is approximately 2900 km² and ?ehdacho is approximately 2650 km², and that the boundary of the Sahoyúé-?ehdacho conservation zone is consistent with the boundary of the NHS and the Interim Land Withdrawal.
- The Reasons for Protecting Sahoyúé-?ehdacho should be updated to reflect recent events:

On March 11, 2007 the Minister responsible for Parks Canada announced federal funding for the permanent protection and cooperative management for Sahoyúé-?ehdacho National Historic Site of Canada. Déline Land Corporation, Déline First Nations and the Minister signed an MOU for the Cooperative Management Agreement at the same time.

- The legal vehicle through which the Sahoyúé-?ehdacho National Historic Site will be legally protected has not yet been determined. The last paragraph of Sections 2.1.6 and 2.1.7 Reasons for Protection should therefore be deleted. New wording should be developed and be consistent with the Sahoyúé-?ehdacho Working Group Step 5 Final Report, which is currently in the process of final approval. CPAWS-NWT suggests:

The final legal vehicle to protect Sahoyúé-?ehdacho National Historic Site of Canada should reflect the shared vision for Sahoyúé-?ehdacho as set out in the Commemorative Integrity Statement and *One Trail Report*, and will be determined through discussions between the Déline Team, Parks Canada and Indian and Northern Affairs Canada. Crown lands portions of Sahoyúé-?ehdacho should be protected and managed through the *Historic Sites and Monuments Act*, successor legislation should new legislation be developed, or other applicable legislation. If appropriate, the protection of the Site should include a permanent withdrawal, under the *Territorial Lands Act*, of the subsurface rights of all Crown lands within Sahoyúé-?ehdacho National Historic Site, including, for greater certainty, the Crown's subsurface rights associated with the Sahtu lands within Sahoyúé-?ehdacho National Historic Site. Settlement and Crown Lands within Sahoyúé-?ehdacho are also protected by the SLUP designation as a Conservation Zone.

- **The assumptions listed under the Sections 2.1.6 and 2.1.7 Management Plan Approach to Sahoyúé-?ehdacho are cumbersome and unnecessary if the wording suggested above is adopted. CPAWS-NWT recommends deleting them.**
- **A section on Land Ownership should be added for S. 2.1.6 and 2.1.7.**
- **A section on Further Management Conditions should be added to state that pursuant to section 26.2.3 of the SLCA, the Déline Land Corporation has responsibility for managing settlement lands within the Sahoyúé-?ehdacho National Historic Site, designated by the SLUP as a Conservation Zone.**
- **The Ecological, Cultural and Socio-economic importance of the Sahoyúé-?ehdacho should be properly referenced. Management Plan Approach to Sahoyúé-?ehdacho (b) should be deleted and the extensive research and documentation of these values should be accurately referenced.**

7.4 Nahanni Headwaters

The Dene place name for Nahanni Headwaters Conservation Zone used by CPAWS-NWT is **Bégádeh**.

The information about the area's status in regards to the NWT Protected Areas Strategy is outdated. The area was formally entered into the NWT Protected Areas Strategy, and as it is now the subject of direct negotiations between Tulita District and Parks Canada, it is considered to have graduated from the process.

Recommendation:

CPAWS-NWT recommends that the final paragraph under the 'Dene place name' heading in section 4.1.7 be deleted and replaced by a paragraph under the heading 'Cultural and Socio-Economic Importance' that states the following:

The community of Tulita and Parks Canada have expressed interest in protecting the South Nahanni River Watershed. The portion of the watershed which falls within the Sahtu Settlement Area, the Nahanni Headwaters, has moved through the NWT Protected Areas Strategy and is now the subject of direct negotiations between the Tulita District Land Corporation and Parks Canada. As part of this process, cultural and other values are being documented.

CPAWS-NWT looks forward to continuing to participate in the land use planning process with the SLUPB. Please do not hesitate to contact us at 867-873-9893 if you would like to discuss our comments further, or if you feel we can be of further assistance.

Sincerely,

original signed by

Darha Phillipot
Conservation Coordinator
CPAWS-NWT