

## **EC/CWS Comments – Draft Sahtu Land Use Plan**

General comment: The SLUP will require considerably more at the front-end in the way of the social, political, and regulatory context within which the Plan will function. In short, what is a land use plan?

1.2 (page 9) – The vision of the LUP should be stated explicitly as should its goals. It's fine to know what occurred to develop a vision, but what is it? In para. 2, there's a suggestion of a vision but it appears to be extended more toward "Canadians" than first and foremost supporting the social and cultural situation of the Sahtu Dene/Metis.

1.2.2 (page 10) – Statements related to the vision and how it was developed belong more at the front-end of this section 1.2 than at the end.

1.3.3.1 (page 13) – Sections B. and C. are confusing. In B., why wouldn't activities associated by regulated to the same degree as that identified for Special Management Zones? The list of prohibitions and conditions in A. does not fully cover the activities associated with mineral exploration done under rights granted prior to approval of the LUP. Likewise in C., the conditions in 1.3.3.1 are not comprehensive enough for any "renewal" or "amending" of pre-existing prospecting permits. In the case of a mine developed from a prospecting permit issued prior to the LUP should not, upon decommissioning, the company have to restore the mine area?

1.3.3.2 (page 14) – Perhaps a list of commercial renewable resource harvesting activities should be include (fisheries and forestry, but what else?)

Scientific research should be listed as an allowable activity in CZ's, subject to approvals.

1.3.4.1 (page 17) – In addition to J., there should be another condition related to avoiding critical habitat for species at risk when it is identified in recovery strategies or action plans. This should apply to CZ's, SMZ's and MUZ's.

1.3.4.1 (page 20) – In R., why is there no condition related to maximum stream crossing density in relation to an upper threshold for cumulative impacts on fish habitat?

General comment on 1.3.4.1 (page 21): These conditions (section S.) need a good edit- they seem unnecessarily repetitive and confusing. Limits in number 9- are they already determined, or TBD? In number 10, have these critical habitats already been identified? If so, by whom?

S. 1 - Where did these time periods come from? Although the Canadian Wildlife Service is in general agreement we are curious about the source. What is meant by “upland birds”?

S. 3. – At who’s behest is the “qualified professional”? A developer’s qualified professional may come to conclusions different from one who answers to the LUP Committee.

S. 4 – What is meant by “upland birds”?

S. 5. – What does “unnecessarily” mean? This wording poses interpretation/enforcement problems.

S. 7 – This condition needn’t apply to “..all year round.” Migratory birds are absent from the Dehcho for approx. 7 months of the year.

S. 9 – Are the “limits” already determined somewhere, or to be determined?

S. 10 – Why is the altitude for fall staging set at 450 m here, when it is 650 m during “all times of the year” in 7. Have all waterfowl nesting and brood rearing habitats in the Sahtu been identified, and if so by whom?

S. 11 – This needs rewording or at least the deletion of “all year round”. However, 7. is broader and covers the specific situation of waterfowl nesting and brood rearing areas.

S. 15 – Wording is ambiguous. There could be enforceability problems with the interpretation of “smallest helicopter possible”.

S. 1 – Reword. What is meant by “remote fuelling capabilities”? Does this mean outside the project area? And, it’s not entirely clear how this would result in less flyover and disturbance, at least where the project areas are large.

General comment (page 22) – For both S. (Birds) and T. (Ungulates), it would be useful to have a section that describes Developer Conditions for species listed under the federal Species at Risk Act:

- not to damage or destroy critical habitat
- develop mitigation and monitoring in accordance with recovery strategies, action plans and management plans
- consult with CWS and ENR

1.3.4.2 (page 23) – Regarding T. 5, the Canadian Wildlife Service supports the use of thresholds. If numbers are not used instead of words, it’ll lead to either an effective lack of implementation or a regulatory impasse. So, on lands where they are allowing development, there should be numbers for limits. When it comes

down to regulation, numbers are the only backstop that is not discretionary. Regulators have to make decisions on that basis.

1.3.4.2 (page 28) - Who is going to decide that the research and monitoring program is appropriate? The SLWB and “other appropriate authorities”? How will this be audited?

1.3.5 (page 29) – Para. 1 does not acknowledge the possible existence in the future of legislated protected areas such as National Wildlife Areas, National Parks, and GNWT protected areas. Furthermore, it is not clear how the management (regulation) of Special Management Zones would differ from Multiple Use Zones. How would terms and conditions for operations in SMZ’s reflect the higher level of environmental protection compared to MUZ’s? How would “the Sahtu’s environment, historical resources and culture” be protected through the regulation of operations in MUZ’s? Would the level of environmental rigour reflected in the conditions listed under SMZ’s be reduced for MUZ’s? Will developers in MUZ’s be given more leeway in terms of environmental conduct?

1.3.5.1 (page 29) - Activities that may adversely affect Peregrine Falcons must have mitigation measures put in place that are consistent with Recovery Strategies, Action Plans or Management Plans.

3.1.12 (page 42) – the correct spelling is Ts’ude niline Tu’eyeta.

3.1.12 (page 43) – Under 2., it should read “.....through the Canadian Wildlife Service as the sponsoring agency”.

General comment: The Canadian Wildlife Service has identified the Lower Mackenzie Island from Fort Good Hope downstream to the Tree River, and the Middle Mackenzie Islands from near the Keele River downstream to Oscar Creek as Key Migratory Bird Habitat Sites. All islands in these two areas should be included as Conservation Zones in the LUP because of their importance to staging waterfowl during the spring migration.

4.1.1 (page 56) – Under ecological importance, it should be mentioned that part of the Great Bear River CZ contains a Key Migratory Bird Habitat Site identified by the Canadian Wildlife Service.

4.1.2 (page 57) – The Willow Lake CZ lies entirely within a Key Migratory Bird Habitat Site identified by the Canadian Wildlife Service. In fact, the KHS extends beyond the CZ to include the upper Loche River drainage. In order to better protect the high quality wetlands in the Willow Lake area this CZ requires amendment.

5.0 (page 68) – The LUP needs to elaborate on the details of implementation such as the roles of all bodies established through the Sahtu Final Agreement.

Perhaps a graphical approach as to how these bodies interrelate during the review of land use applications would be beneficial.

5.2 (page 68) - How would the Land Use Planning Board review applications for conformity with the LUP? Put another way, how would a developer know whether its application was in conformity? At this point, it is unclear to CWS how this conformity is determined at the application stage. Presumably conformity would only apply to SMZs and MUZs. Perhaps if there are criteria against which this can be determined they should be listed in a 'conformity table' in the LUP.

