Draft Sahtu Land Use Plan (SLUP) Amendment Application

Ts’udé Nı̨lı̨́né Tuyeta
(AM2020-01)

March 2021

Outline

- Introductions
- About the SLUP & this Amendment
- What We Heard
- Review of Significant Amendments
- Next Steps

SLUPB Board Members & Staff

Board:

- **Heather Bourassa**, Chair (Nominated by SLUPB members)
- **Edna Tobac** (GNWT Nominee)
- **Vacant** (Canada Nominee)
- **Dakota Erutse** (SSI Nominee)
- **Vacant** (SSI Nominee)

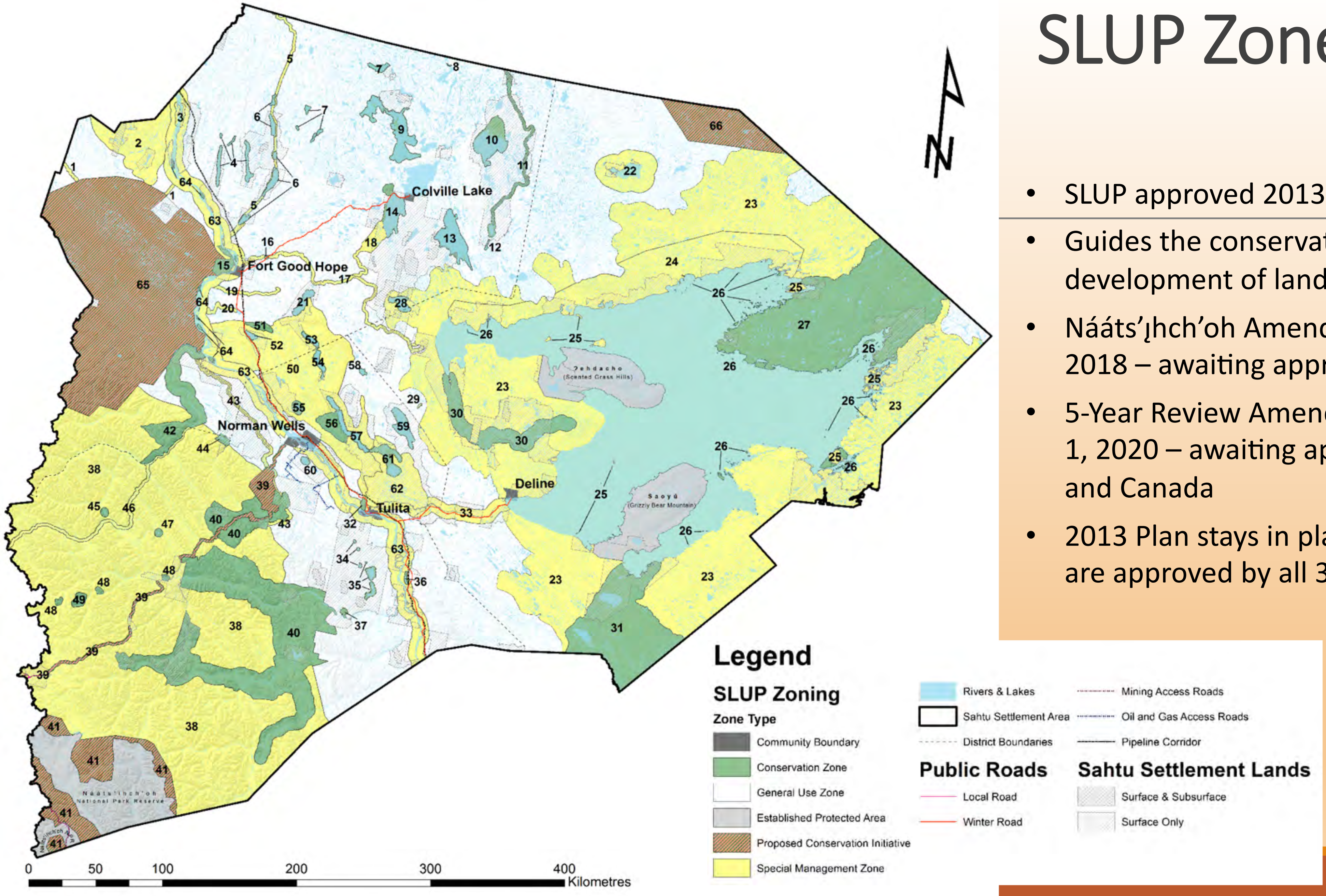
Staff:

- **Justin Stoyko,** Executive Director
- **Vacant,** Land Use Planner
- **Jenna Grandjambe,** Administrative Clerk shared with the Sahtu Land and Water Board

Consultant:

- **Heidi Wiebe**, Planning Support

SLUP Zones (2013)



- SLUP approved 2013 – Legally Binding
- Guides the conservation, use and development of land, water & resources
- Náátsʼįhchʼoh Amendment processed 2014-2018 – awaiting approval from Canada
- 5-Year Review Amendment completed May 1, 2020 – awaiting approvals from GNWT and Canada
- 2013 Plan stays in place until amendments are approved by all 3 Parties

Zone 65 PCI Amendment- Scope

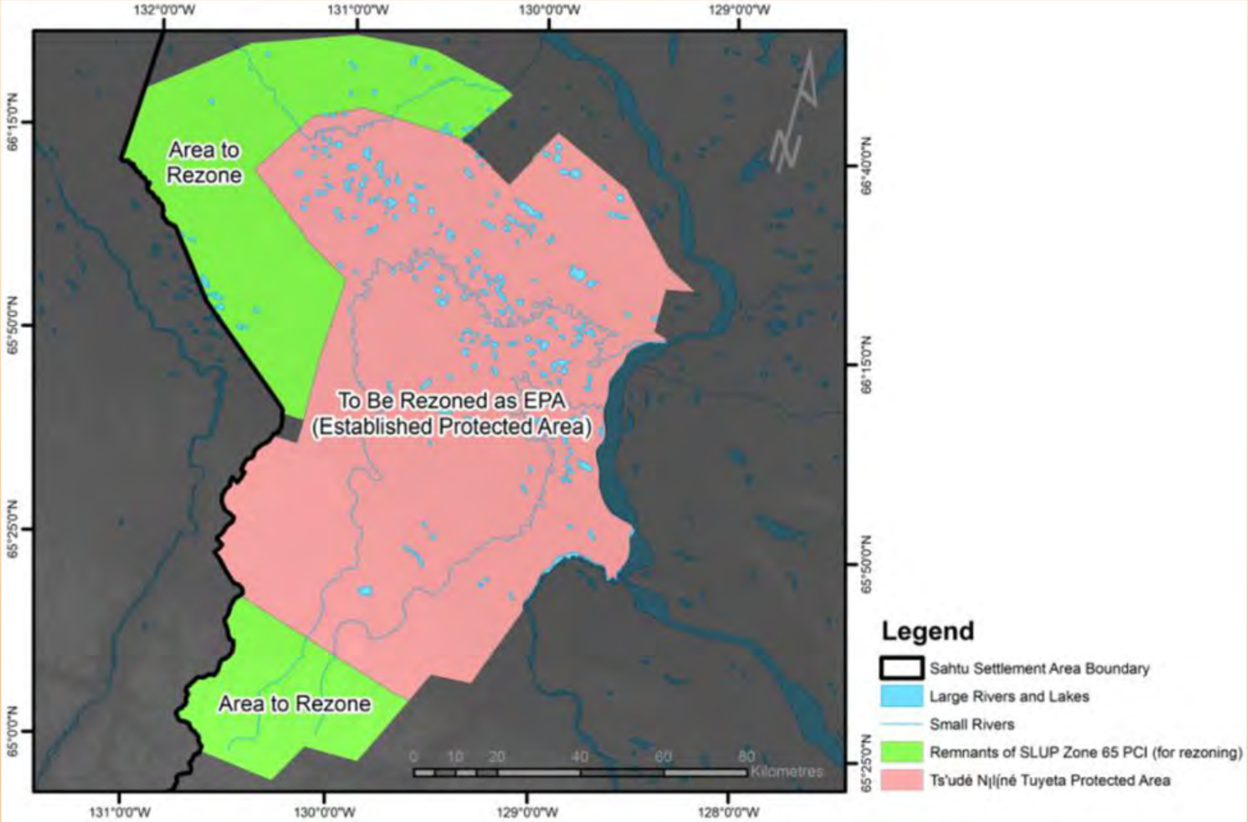
This Amendment is Required to:

In Pink: Rezone lands within the final Protected Area as "*Established Protected Area*" (10,007 km²).

- Zone type already set

In Green: Rezone lands left outside the final boundary of Protected Area (4,623 km²) AND consider new CRs.

- Could be Conservation, Special Management, General Use, or combo
- **Focus of engagement – How do you want this area zoned and managed?**



Amendment Activities & Timeline

Background Report Released for Public Review (August 7, 2020) – Summary of available information on Zone 65, described scope of amendment, process and timelines

Engagement – Solicit input on interests to guide development of amendment
- August 28, 2020: Fort Good Hope
- September 14, 2020: Approving Parties (Virtual)
- September 24 & 25, 2020: Public Sessions (Virtual)
- October 13, 2020: Colville Lake
- October 30, 2020: Tulita (Virtual)

Comments received from CIRNAC, GNWT, NWT/NU Chamber of Mines, Ducks Unlimited (October 9, 2020)

Tri-Partite Meeting (Yellowknife) with participation from SSI, GNWT, CIRNAC (Virtual), and K'asho Got'ine – Discuss results of engagement and written comments, Parties interests and options for amendment to meet those interests (November 5, 2020)

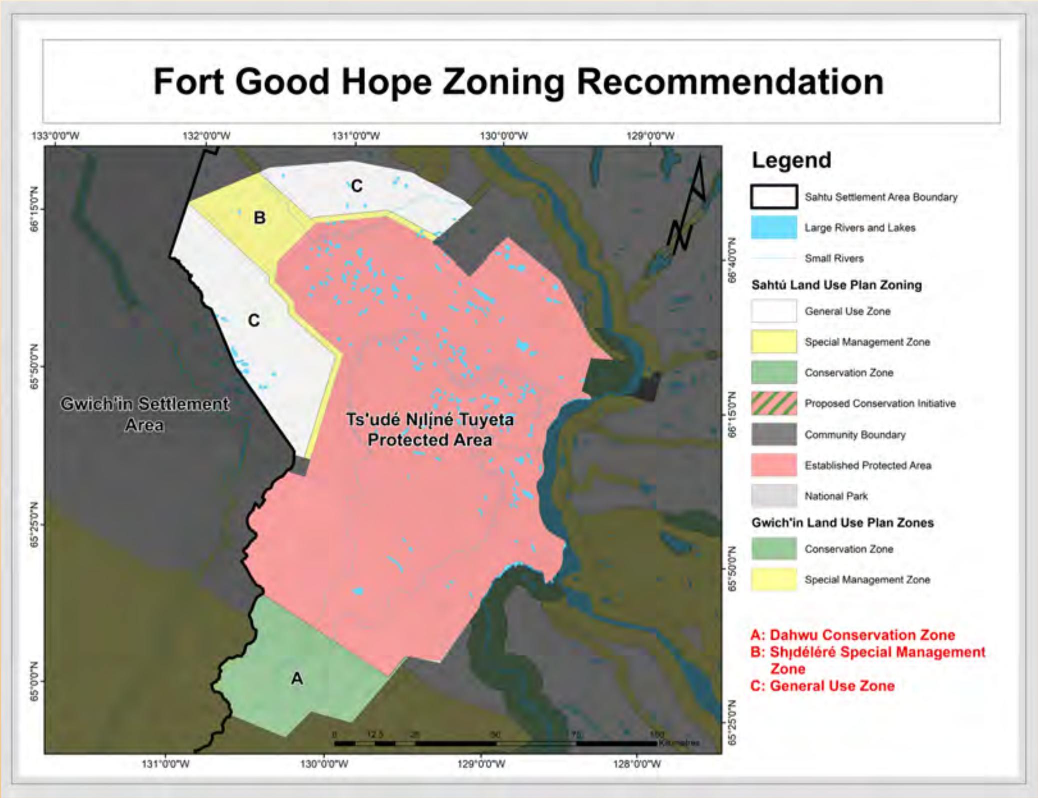
Draft Amendment Application released by the Sahtu Land Use Planning Board (February 8, 2021)

What We Heard – Fort Good Hope

The northern part should be designated as a **Special Management Zone** (SMZ) to protect the caribou and wetlands extending outside the protected area, with **General Use Zones** on either side of it.

The southern area should be a **Conservation Zone**, which includes a part of the traditional area named Dahwu.

- The southern part of the PCI is the headwaters for the Ramparts and Hume Rivers; therefore, it should be protected as a Conservation Zone.
- Any resources would have to be very valuable to make any company try to access the southern area of the SLUP Zone 65 PCI, as it is so inaccessible

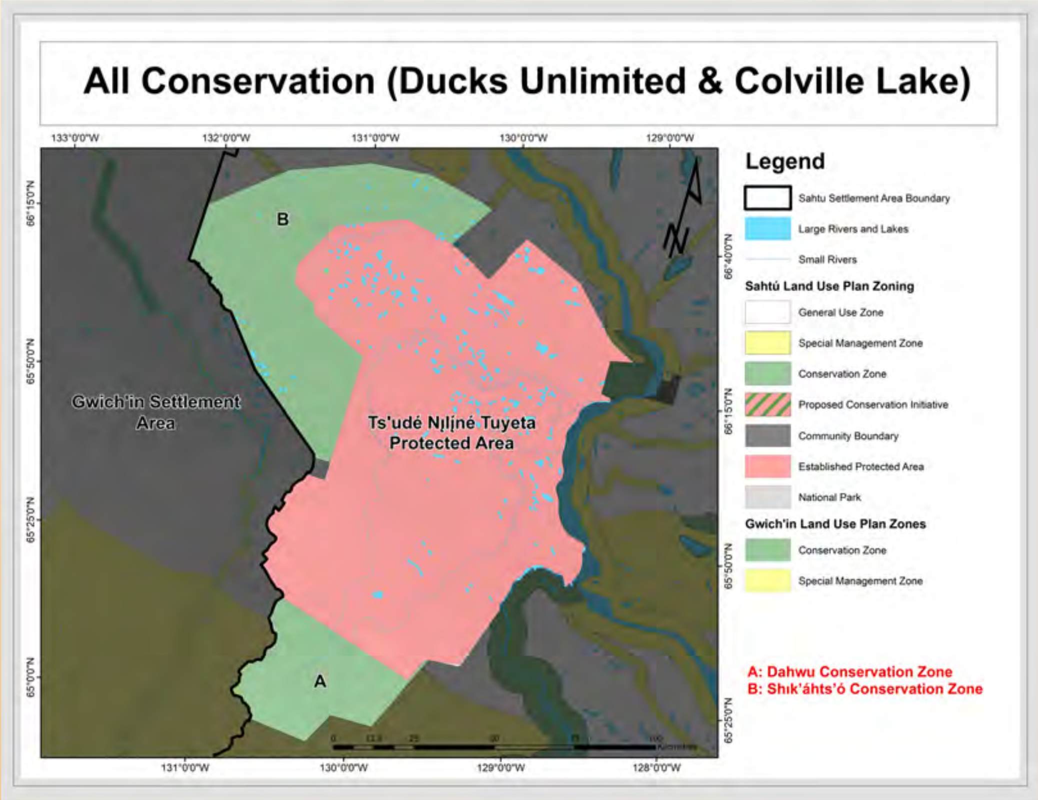


What We Heard – Colville Lake

The whole area should have been protected.

The headwaters of the Ramparts and the Hume Rivers need to be a **Conservation Zone**.

We would like a **Conservation Zone** in the northern area but there is leeway for other zoning options to accommodate Fort Good Hope’s interests.

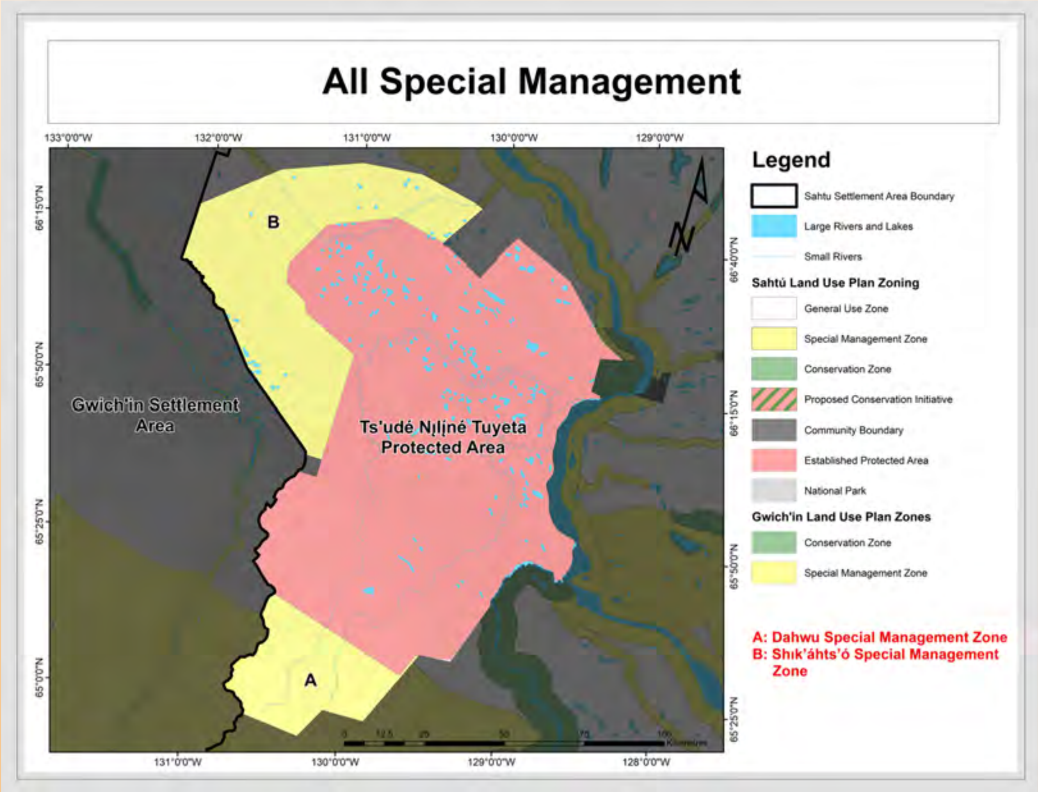


What We Heard- Tulita

Support **Special Management** Zones for northern and southern areas

- Provides some protected without binding K’asho Got’ı̨nę interests to develop the land if they choose
- Deferring to K’asho Got’ı̨nę to make the decisions

Watershed management should be a priority for both these areas.



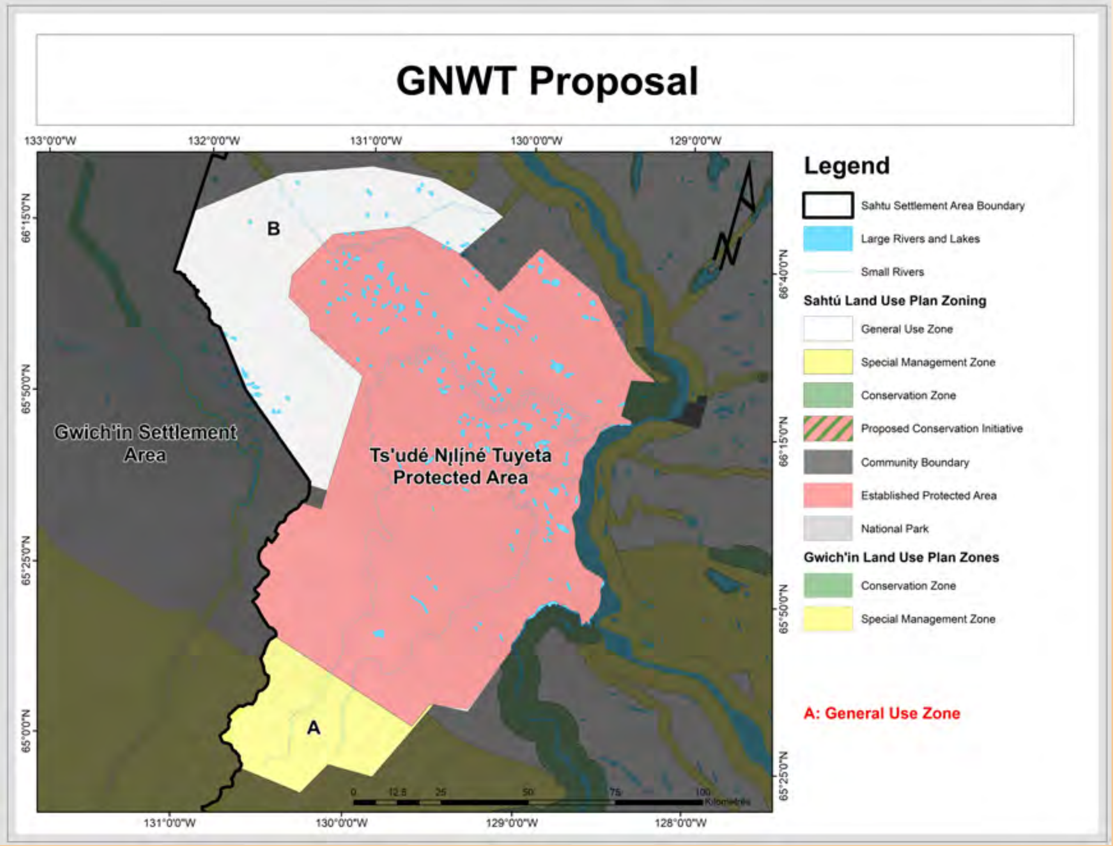
What We Heard- GNWT

Northern Area: Recommended **General Use** to allow for development, and the use of CR #7 to protect wildlife habitat

Southern Area: Recommended **Special Management** to protect wildlife habitat and glacial refugia while allowing for development opportunities

Requested new CRs to minimize impact on landscape connectivity and require engagement with the Ts’udé Nı̨lı̨́né Tuyeta Management Board for all activities within 1 km of the protected area

Suggested that zoning and development consider how projects may impact carbon storage and climate change within the protected area, and how climate change may impact projects.



What We Heard- Canada

Need to consider boreal caribou habitat as well, not just mountain woodland caribou – the northern area is boreal caribou habitat

Special management zoning, along with all the CRs in the plan, could provide protection to important values such as caribou habitat and would be consistent with prior Working Group recommendations, however Canada did not make specific zoning recommendations

What We Heard

DUCKS UNLIMITED

Support **Conservation Zoning** in the areas excluded from the Ts’udé Nı̨lı̨́né Tuyeta Protected Area.

The Ts’udé Nı̨lı̨́né Tuyeta Protected Area is a major wetland habitat sanctuary for waterfowl, animals and fish.

DUC has recently completed enhance wetland mapping of the Ramparts region.

NWT/NU CHAMBER OF MINES

If there is interest in mineral exploration and development, lands should be open for development (**Special Management or General Use**)

Zone 65 lands have high mineral potential, and were excluded from the final Ts’udé Nı̨lı̨́né Tuyeta Protected Area to allow for future opportunities for mineral development

There are challenges to developing these resources – need information, experienced companies and resources to do the work, need the region to support mineral exploration and development

Zone Amendment – PCI to EPA

1. The Zone Designation of the Ts'udé Nįlį́né Tuyeta Protected Area will change from a PCI (Proposed Conservation Initiative) to EPA (Established Protected Area)

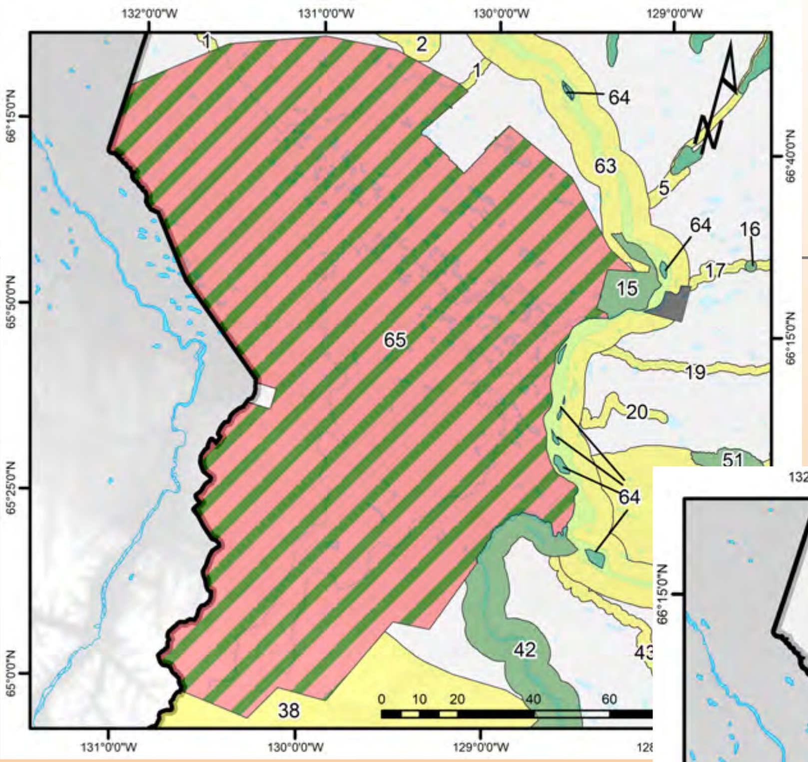
- PCI is a temporary zone designation to protect the area UNTIL it is established
- Once a protected area is established, IT IS PROTECTED UNDER OTHER LEGISLATION (*Protected Areas Act* and Regulations)
- The Parties and SLUPB agreed in 2012 that the plan will not provide direction within established protected areas to avoid conflicts with management direction provided through legislation and management plan – This is a required change under S. 2.2. of the SLUP.

The GNWT must approve the SLUP amendment. The amendment does not take effect until all 3 parties (SSI, GNWT and Canada) have approved it. **THE GNWT WILL NOT APPROVE THE SLUP AMENDMENT UNTIL IT HAS COMPLETED ITS REGULATIONS THAT PROTECT TUYETA. There will be no gap in overall protection.**

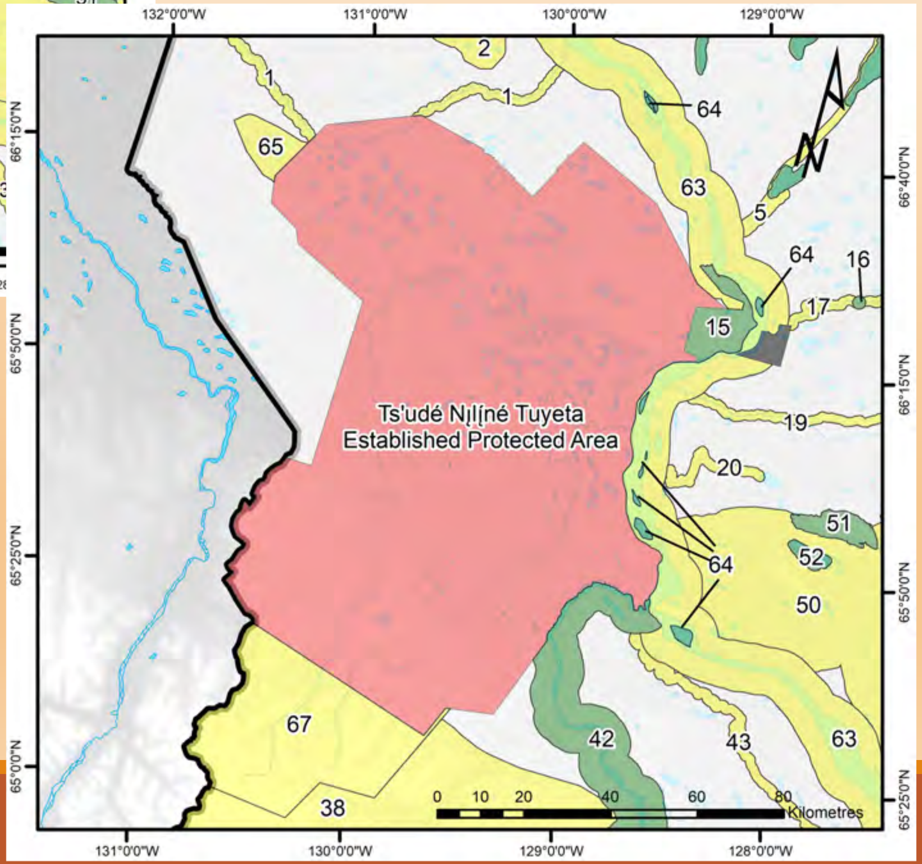
Key Zoning Amendments

1. Ts’udé Nı̨lı̨́né Tuyeta Protected Area will change from PCI to EPA.
2. Zone 1 Behsele Nı̨lı̨́né Special Management Zone (SMZ) extended to the boundary of Ts’udé Nı̨lı̨́né Tuyeta Protected Area.
3. New Zone 65 Shı̨déléré. Special Management Zone (SMZ) created to protect wetlands excluded from protected area.
4. Remaining northern area to be rezoned is proposed as General Use.
5. New Zone 67 Dahwu SMZ created to zone entire southern area as SMZ.

5-Year Review Zoning



Proposed Amendment Zoning



Reasons for Decision

These areas were excluded from the Protected Area to allow the opportunity for future development

- High potential for oil and gas (north) and moderate to very high potential for copper and lead-zinc (south)

Traditional use / cultural sites largely captured in the Protected Area – very few in areas to be rezoned

New Zone 65 SMZ allows development while protecting the wetlands and important wildlife habitat through CR #14, and other CRs. The surrounding areas zoned as GUZ, as fewer values documented, as per FGH’s request.

FGH documented a herd of Northern Mountain Woodland Caribou – to be protected under CR #7

The Southern Area is the headwaters for the Ramparts and Hume Rivers, contains glacial refugia, and important habitat for mountain woodland caribou and Dall’s Sheep. New Zone 67 SMZ protects these values while allowing the opportunity for future development.

Both areas are hard and expensive to access – Only highly economical finds likely to move forward, and those would provide good economic benefits to the region.

Proposed zoning is consistent with adjacent zoning within both Sahtu and Gwich’in regions.

Significance of Zone Amendments

5-Year Review Amendment

Zone Type	# of Zones	%of SSA	Total Area (km^2)
General Use Zone	Not numbered	31.27	88,411
Special Management Zone	21	46.64	131,898
Conservation Zone	41	11.14	31,502
Proposed Conservation Initiative	4	7.11	20,109
Established Protected Area	0	0	0
Subtotal	66 Zones	96.16	271,920
Other Areas			
Community Boundary	(5)	0.15	416
Established National Park Reserve and/or Historic Site	(2)	3.69	10,437
Total	66 Zones	100.0	282,773

Draft Zone 65 Amendment

Zone Type	# of Zones	%of SSA	Total Area (km^2)
General Use Zone	1	32.32	91,395
Special Management Zone	23	47.20	133,482
Conservation Zone	41	11.14	31,504
Proposed Conservation Initiative	3	1.94	5,479
Established Protected Area	1	3.56	10,060
Subtotal	69 Zones	96.16	271,920
Other Areas			
Community Boundary	(5)	0.15	416
Established National Park Reserve and/or Historic Site	(2)	3.69	10,437
Total	69 Zones	100.0	282,773

Clarified that GUZ and EPAs count as zone designations but are not numbered. There are 69 zones, but only 67 are numbered.

New Zone Descriptions

Minor revisions to Descriptions of Zones 1, 15, 38, 42, 63, 64 – Application of CR 21, minor changes in boundaries of some to align with new boundary of Ts'udé Nįlį́né Tuyeta Protected Area

Revised Zone Description for Zone 65 Shįdéléré

- Was previously the description of the whole PCI (the original study area)
- Now focused on small tip of wetlands that was excluded from the protected area
- Kept all points from original description still relevant to the smaller area
- Included information provided through oral and written comments where appropriate

New Zone Description for Zone 67 Dahwu

- Also based on previous description of former Zone 65 PCI
- Kept all points from original description relevant to this southern area
- Included information provided through oral and written comments where appropriate

No zone description developed for those portions of the former Zone 65 PCI that is now GUZ

No zone description for the Ts'udé Nįlį́né Tuyeta EPA – that could conflict with information provided in the future management plan

New Conformity Requirement (CR #21)

CR #21 - Ts'udé Nı̨lı̨́né Tuyeta

For all applications for land use within 5 km of the boundary of the Ts'udé Nı̨lı̨́né Tuyeta Established Protected Area, the Ts'udé Nı̨lı̨́né Tuyeta Management Board must be engaged with respect to the proposed activities, the potential impacts of the proposed activities on values within the EPA, and the design of appropriate measures to mitigate impacts to those values.

Applicable Zones: Only applies to parts of Zones 1, 15, 38, 42, 63, 64, 65, 67, and the GUZ that fall within 5 km of the Ts'udé Nı̨lı̨́né Tuyeta EPA.

Reasons:

- Activities occurring outside the protected area may impact values within the protected area.
- Provides the management board the opportunity to discuss potential impacts with project proponents so that appropriate measures can be taken to address concerns and minimize impacts.

Amendment to CR #7 – Fish and Wildlife

Fort Good Hope worked with the SLUPB to document the range of a northern mountain caribou herd north of the protected area. Because caribou range covers such an extensive area, the SLUP addresses it through CR #7, which applies minimum flight altitudes and horizontal setbacks for important wildlife areas during sensitive periods, but otherwise allows development to proceed in these areas.

- CR #7, 2)c. Barren-ground caribou and woodland caribou are especially important to communities and have been shown to be sensitive to disturbance. Map 4 shows the fall-winter core range for barren-ground caribou, annual range for the boreal woodland caribou, and the **Fort Good Hope and Redstone northern mountain woodland caribou herds**, and sensitive seasonal ranges for the South Nahanni and Redstone northern mountain woodland caribou herds when additional protective measures are required. All land use activities occurring in these areas are required to address impacts to caribou and their habitat during the following periods:
  - At all times of year when operating within the portions of the annual ranges of the **Fort Good Hope and Redstone northern mountain woodland caribou herds**, and boreal woodland caribou that overlap with the Sahtú Settlement Area;
  - Minimum Flight altitude set for annual range for FGH Herd: 300 m, year round.

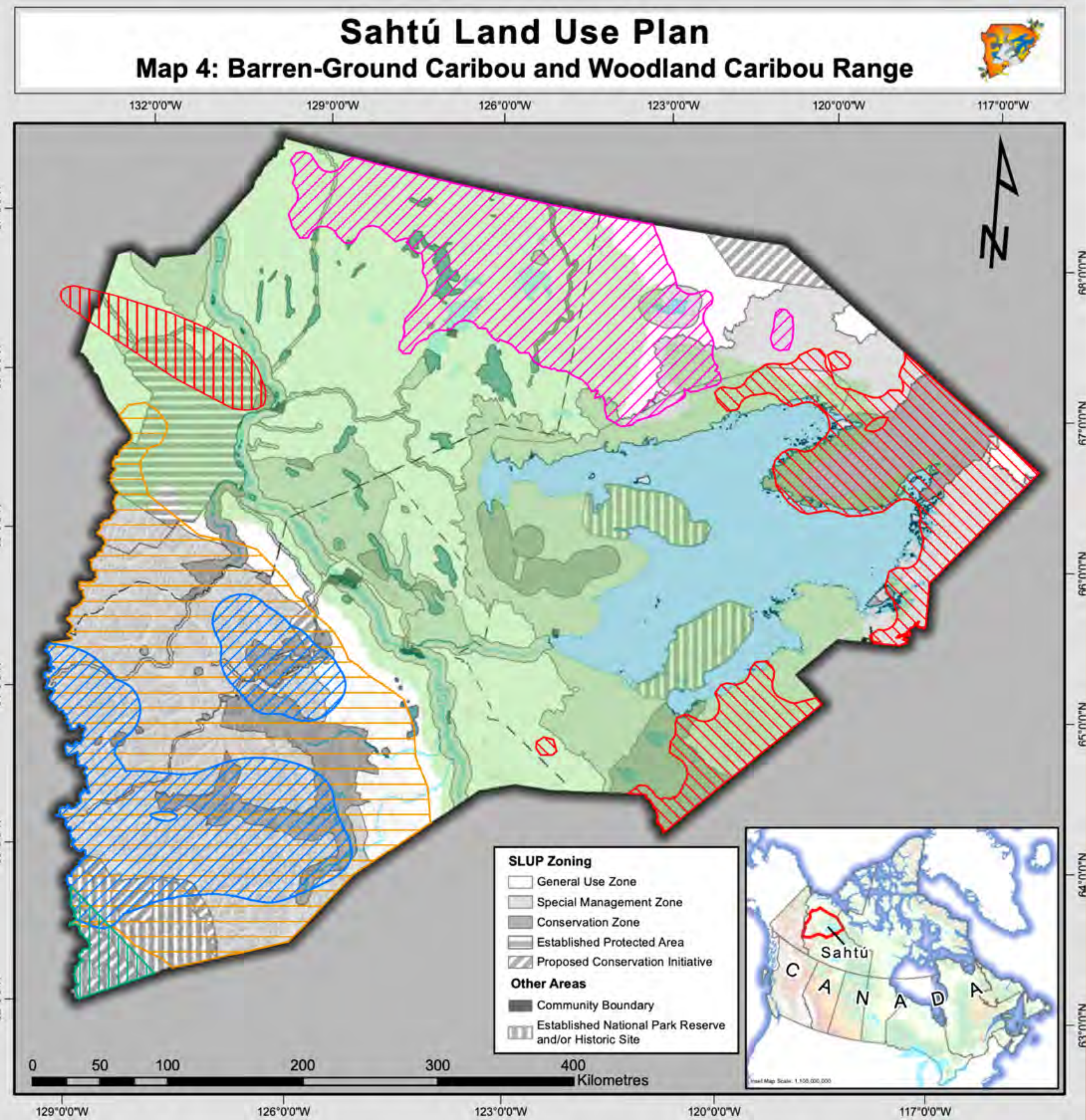
Amendment to CR #7 – Fish and Wildlife

Legend

- Barren Ground Caribou (Bluenose West Fall-Winter Core Range)
- Barren Ground Caribou (Bluenose East Fall-Winter Core Range)
- Boreal Woodland Caribou Annual Range

Northern Mountain Woodland Caribou

- Redstone Herd Annual Range
- Redstone Herd Calving and Early to Midsummer Ranges
- South Nahanni Herd Summer and Rut Range
- Fort Good Hope Herd Annual Range



Other Amendments - Remove Plan Direction from EPAs

Added footnotes to S. 2.2 (Application of the Plan to Protected Area), 2.7 (Effect of the Plan)

S. 2.2: “While lands within protected areas are legally subject to the Plan, once established they are zoned in the Plan as Established Protected Areas (EPAs)**[10].**

[10] CR #1 creates and applies the zone designation of EPA. However, unlike other zone types, CR #1 applies no land use restrictions or CRs within EPAs.

S. 3.1 (Spatial Application of CRs) – Clarify that General CRs and Special Management CRs don’t apply within EPAs

S. 3.1: “General CRs are applicable in all zones within the Plan area **except Established Protected Areas (EPAs)**.”

“Special Management CRs do not apply in General Use Zones (GUZs) **or EPAs**.”

Revisions to CR #1- Zoning

CR #1 – Removed prohibition on bulk water removal and all other land uses (O&G, mining, power development, forestry and quarrying) from EPAs, and clarified that EPAs are exempt from other CRs.

CR1 creates the zone designation of EPA but can no longer restrict any land uses or impose conditions within the EPA – that would be considered providing direction.

TNTMB and the Parties should be aware of this and determine if/how these protections can be provided, either under the Regulations or in the Management Plan, if desired.

"Bulk water removal is a prohibited land use in all zone types **except EPAs**. The other prohibited land uses in CZs and PCIs are mineral exploration and development, oil and gas exploration and development, quarrying, power development, and commercial forestry. **EPAs are not subject to any land use prohibitions under this CR, and are exempt from the Plan's other CRs; they are managed according to the legislation under which they are established and any applicable management plans.** Any land use not prohibited in a zone is permitted, subject to the conditions of this Plan."

Table 3

Added a column for CR 21 and checked off the applicable zones

Revised row for Zone 65 to change from old PCI to new smaller SMZ

Added row for new Zone 67 SMZ

Added new section for EPAs, replacing all land use restrictions and CRs with a note saying the plan provides no direction within this area.

Zone #	Zone Name	Zone Type	Approximate Area (Sq. Km)*	% of SSA	Prohibited Uses						Conditions							
					Bulk Water	Mining E&D	O&G E&D	Power Dev't	Forestry	Quarrying	CRs #2-13	CR #14	CR #15	CR #16	CR #17	CR #18	CR #19	CR #21
39	Do Et'ǫ (Doi T'oh Territorial Park and Canol Heritage Trail Reserve)	PCI	953	0.34	X	X	X	X	X	X	✓	✓						
40	Shúhtaot'ı̨nę Néné (Mountain Dene Land)	CZ	8,945	3.16	X	X	X	X	X	X	✓	✓						
41	Nááts'ı̨hch'oh	PCI	2,702	0.96	X	X	X	X	X	X	✓	✓						
42	Fahʔfą́ Nı̨lı̨́né (Mountain River Extension)	CZ	1,388	0.49	X	X	X	X	X	X	✓	✓						✓
43	Carcajou River	SMZ	531	0.19	X						✓	✓						
44	Florence Lake	CZ	57	0.02	X	X	X	X	X	X	✓	✓						
45	Palmer Lake	CZ	34	0.01	X	X	X	X	X	X	✓	✓						
46	K'ááchohtíídeé (Mountain River)	SMZ	459	0.16	X						✓	✓						
47	Cache Lake	CZ	31	0.01	X	X	X	X	X	X	✓	✓						
48	Túésene (Mountain Hot Springs)	CZ	74	0.03	X	X	X	X	X	X	✓	✓						
49	Mirage Mountain	CZ	91	0.03	X	X	X	X	X	X	✓	✓						
50	Norman Range	SMZ	6,065	2.14	X						✓	✓						
51	Yamǫga Fee (Yamoga Rock)	CZ	103	0.04	X	X	X	X	X	X	✓	✓						
52	Chick Lake	CZ	36	0.01	X	X	X	X	X	X	✓	✓						
53	Tl'ode Túé (Sam McCrae Lake)	CZ	56	0.02	X	X	X	X	X	X	✓	✓						
54	Turton Lake	CZ	72	0.03	X	X	X	X	X	X	✓	✓						
55	Datzımı Túé (Oscar Lake)	CZ	63	0.02	X	X	X	X	X	X	✓	✓						
56	Kelly Lake Protected Area (Land Claim)	CZ	271	0.10	X	X	X	X	X	X	✓	✓						
57	Lugedegíl Túé & Tuyehíla Túé (Kelly and Lennie Lakes)	CZ	207	0.07	X	X	X	X	X	X	✓	✓						
58	Doctor Lake	CZ	21	0.01	X	X	X	X	X	X	✓	✓						
59	Tuwí Túé (Mahony Lake)	CZ	232	0.08	X	X	X	X	X	X	✓	✓						
60	Three Day Lake	CZ	32	0.01	X	X	X	X	X	X	✓	✓						
61	K'ą́ą́lǫ́ Túé CZ (Willow Lake)	CZ	264	0.09	X	X	X	X	X	X	✓	✓						
62	K'ą́ą́lǫ Túé SMZ (Willow Lake Wetlands)	SMZ	1,321	0.47	X						✓	✓						
63	Deh Cho (Mackenzie River)	SMZ	6,106	2.16	X						✓	✓						✓
64	Mackenzie River Islands	CZ	59	0.02	X	X	X	X	X	X	✓	✓						✓
65	Shı̨déléré	SMZ	132	0.05	X						✓	✓						✓
66	Tuktut Nogait (Sahtú Expansion)	PCI	1,825	0.65	X	X	X	X	X	X	✓	✓						
67	Dahwu	SMZ	1,318	0.47	X						✓	✓						✓
	Established Protected Area																	
	Ts'udé Nı̨lı̨́né Tuyeta Established Protected Area	EPA	10,060	3.56	**The Plan does not provide direction in this area. It is managed in accordance with the *Protected Areas Act*, the Ts'udé Nı̨lı̨́né Tuyeta Establishment Agreement, the Ts'udé Nı̨lı̨́né Tuyeta Territorial Protected Area Regulations, and its management plan.**													
	Established National Park Reserve and/or Historic Site																	
	Saoyú -ʔehdacho National Historic Site of Canada (Grizzly Bear Mountain & Scented Grass	N_PARK	5,545	1.96	**The Plan does not apply in these areas**													
	Náátsʼı̨hchʼoh National Park Reserve of Canada	N_PARK	4,892	1.73														

CR #5 – Watershed Management

Removed application of this CR to EPAs

"For water licences and land use permits, the Land and Water Boards will ensure that, subject to Chapter 20 of the SDMCLCA14, the proposed land use activity:

a) does not substantially alter quality, quantity, or rate of flow for waters that flow on, through, or are adjacent to Sahtú Lands, and

b) is subject to mitigation measures to minimize potential impacts on surface and groundwater that flow into CZs, SMZs, PCIs, ~~and EPAs~~."

Other Amendments- Implementation

S. 4.1 – Shared responsibility – Added new paragraph RE Tuyeta (from ENR)

"As the Plan does not provide management direction for lands within Ts'udé Nı̨lı̨́né Tuyeta Established Protected Area, the Ts'udé Nı̨lı̨́né Tuyeta Management Board, the GNWT, and the K'asho Got'ı̨nę Development Foundation are responsible for protecting and managing its land use. It is managed in accordance with the Protected Areas Act, the Ts'udé Nı̨lı̨́né Tuyeta Establishment Agreement, the Ts'udé Nı̨lı̨́né Tuyeta Territorial Protected Area Regulations, and its management plan."

S. 4.5 – Enforcement – Added wording to talk about enforcement within Territorial Protected Areas.

"The GNWT has inspection and enforcement responsibilities relating to land use ***permits, protected area permits****, and water licence terms and conditions relating to areas within their jurisdiction. GNWT Lands inspectors are responsible for inspecting and enforcing terms and conditions of land use permits on lands administered by the GNWT and on settlement lands, and GNWT ENR inspectors are responsible for inspecting and enforcing terms and conditions of water licences,* ***protected area permits*** *on lands administered by the GNWT,* ***including designated Territorial Protected Areas****, and on settlement lands. Other territorial departments, such as ITI and Infrastructure, also have their own inspectors or enforcement officers for other authorizations, permits and licences."*

Mapping Related Amendments

Updated zoning in all affected maps in the Plan (Maps 3, 4, 5, 6, 8, 11, 12, 13, 14)

Updated area and % calculations of zones throughout the plan – Table 2, Table 3, Table 5, Zone Descriptions

Reran analysis on Table 5 – Zone Descriptions – Lists the values and resources found within each zone

Updated Appendix 2 – Map References (updated SLUP Zoning date, added map reference for new Fort Good Hope caribou range)

Updated Appendix 3 – GIS Protocols, Methodology and Physical Limits Zone Descriptions with new zone boundary definitions for Zones 1, 2, 38, 63, 65, 67 and the Ts'udé Nı̨lı̨́né Tuyeta EPA

Editorial Edits: Updated Table of Contents with new items/zones, Updated Table 6 – List of Zones

Next Steps

Preparation of Background Report	Engagement on Background Report	First Tripartite Meeting	Draft Amendment Application	Engagement on Draft Amendment Application	Second Tripartite Meeting	Adoption and Submission of Final Amendment Application
May - July 2020	August - September 2020	November 2020	February 2021	February-April 2021	May 2021	June 2021

1. Complete engagement
2. Consider comments (oral and written) received by April 9, 2021
3. Hold Tri-Partite Meeting (late April / early May)
4. SLUPB to revise and adopt final amendment application and submit to SSI, GNWT and Canada for approval (June)
5. Amendment will come into effect once it is approved by all 3 Parties

Written Comments on Draft Amendment Application

Written comments due **Friday, April 9, 2021, 5:00 PM**.

Comments should be addressed to:

Heather Bourassa, Chair
Sahtu Land Use Planning Board
P.O. Box 235
Fort Good Hope, NT X0E 0H0

Email: chair@sahtulanduseplan.org
Fax: 867-598-2055

Questions should be directed to Justin Stoyko, Executive Director, at exec_director@sahtulanduseplan.org, or by phone at 867-598-2055.

Please visit **www.sahtulanduseplan.org/AM2020-01** to download the Background Report and check for updates on the Amendment Process

MAHSI

Questions?

www.sahtulanduseplan.org