

SUBMISSION OF DÉLINE LAND CORPORATION AND DÉLINE RENEWABLE RESOURCES COUNCIL TO THE SAHTU LAND USE PLANNING BOARD

February 22, 2010

1. TERMS USED IN THIS SUBMISSION

- “CIMP” means the NWT Cumulative Impact Monitoring Program;
- “CPAWS” means the NWT Chapter of the Canadian Parks and Wilderness Society;
- “CRs” means conformity requirements as that term is used in D.2 of the SLUP and the Integration Document;
- “D.2 of the SLUP” means draft #2 of the SLUP (April 30/09);
- “DFO” means the (federal) Department of Fisheries and Oceans;
- “DLC” means the Déline Land Corporation;
- “DOE” means the (federal) Department of the Environment;
- “DRRC” means the Déline Renewable Resources Council;
- “ENR” means the (territorial) Department of Environment and Natural Resources;
- “GBLWMP” means the Great Bear Lake Watershed Management Plan¹;
- “Integration Document” means the SLUPB’s “Integration of GBLWMP and SLUP” (Dec. 9/09);
- “MVEIRB” means the Mackenzie Valley Environmental Impact Review Board;
- “MVRMA” means the *Mackenzie Valley Resource Management Act*;
- “participants” has the meaning given in section 2.1.1 of the SLCA: the term refers to beneficiaries of the SLCA;
- “Parties” means the DLC, DRRC, selected Déline elders, the SLUPB, SSI, the GNWT and INAC;
- “Sahtugot’ine” means “the people of Sahtu (Great Bear Lake)”: the term is the way residents of Déline describe themselves;
- “Sahtu Lands” has the meaning set out in section 2.1.1 of the SLCA;
- “SL&WB” means Sahtu Land and Water Board;
- “SLCA” means the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*;
- “SLUP” and the “Plan” mean the Sahtu Land Use Plan;
- “SLUPB” and the “Board” means the Sahtu Land Use Planning Board; and
- “SRRB” means the Sahtu Renewable Resources Board
- “SSI” means the Sahtu Secretariat Incorporated.

2. APPROACH AND STRUCTURE OF THIS SUBMISSION

This submission is written as briefly as possible, given the different cultural backgrounds of participants in the SLUP process, the very large amount of information before them and the need to keep this information in perspective.

The *purpose* of the submission is to help find common ground among the DLC, the DRRC, Déline’s elders, the SLUPB, SSI, the GNWT and INAC (the “Parties”), and to suggest a way to proceed. These Parties met on Feb. 4&5/10 to discuss the different approaches of the GBLWMP, D. 2 of the SLUP and the SLUPB’s more recent Integration Document, and to find some way of reconciling these different approaches within the next draft (draft 3) of the SLUP. This submission sets out the DLC’s and the DRRC’s recommendations to the SLUPB regarding

¹ Great Bear Lake Working Group, “*The Water Heart*”: *A Management Plan for Great Bear Lake and its Watershed*. Directed by the Great Bear Lake Working Group and facilitated and drafted by Tom Nesbitt (May 31, 2005, with Caveat of February 7, 2006)

such a reconciliation, given the Board's responsibility, under the SLCA, for preparing the draft SLUP.

Note that this submission is able only to comment on the main elements of the proposed reconciliation, for the following reasons:

- a. the length/complexity of the GBLWMP, D. 2 of the SLUP, the Integration Document precluded Parties from being able to discuss all issues raised by these documents in the Feb. 4&5/10 meeting;
- b. similarly, the complexity of the Integration Document and the fundamental issues it raised regarding the GBLWMP precluded the DLC, the DRRRC and Déline's elders from being able to discuss many of the issues raised by the Integration Document when they met to discuss it on Feb. 2&3/10. They had to focus on the more fundamental issues between the GBLWMP and the Integration Document and that were discussed in the Feb. 4&5/10 meeting;
- c. the Feb. 4&5 meeting among the Parties suggested a way of proceeding, but required more work than was expected on the part of the DLC and DRRRC. The submission in your hands is the best the DLC and DRRRC have been able to produce given the time, budget and volunteer consulting services available to it. This submission addresses only on the main elements of the required reconciliation.

The submission is structured as follows:

- Part 3 deals with the foundation established by the SLCA for the Parties collective work on the draft SLUP;
- Part 4 discusses the issue of consultation and the process for preparing the draft SLUP;
- Part 5 takes up the objective of reconciliation and discusses the incorporation of Sahtugot'ine traditional law into the SLUP;
- Parts 6, 7, 8 & 9 discuss underlying issues associated with the standards of ecological and cultural integrity — the use of these standards, as standards and not merely as goals, in the GBLWMP; the use of general standards in environment management; the polluter pays principle; and the guidance afforded land management by such general standards;
- Part 10 recommends treating the Great Bear Lake watershed as a unique special management zone;
- Part 11 recommends an approach for integrating the standards of ecological and cultural integrity with the NWT Cumulative Impact Monitoring Program, and for providing greater clarity on these standards to proponents and regulators;
- Part 12 discusses the issue of a wider government-based research and monitoring program;
- Part 13 discusses the exercise of "grandfathered" rights in SLUP conservation zones; and
- Appendix 1 gives background information on the maintenance of ecological integrity.

This submission is also prepared to fulfill the requirements of the DLC's contribution agreement, dated January 15/10, with INAC.

3. THE SLCA

Part 25.2 of the SLCA establishes the negotiated parameters of a comprehensive and potentially very powerful system of land use planning in the Sahtu settlement area. This system of land use planning is arguably the heart of the resource management regime established by the SLCA.

As a negotiated element of a constitutionally-recognized treaty, we need to attend very carefully to the elements of this system. We need to give the elements of the SLCA's system of land use planning a large and liberal interpretation, consistent with the fundamental objective of treaty law and section 35(1) of the *Constitution Act, 1982*. In several recent cases, including *Van der Peet*, *Haida Nation* and *Mikisew Cree*², the Supreme Court of Canada has confirmed that the fundamental objective of section 35 — and of agreements like the SLCA — is reconciliation. In *Mikisew Cree*, the Court said³:

“The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions.”

In developing a SLUP, our collective, underlying objective must be to contribute to the reconciliation described by the Supreme Court of Canada. In interpreting the SLCA and in developing and approving the draft SLUP, all Parties need to keep this fundamental objective in mind.

Sections 25.2.1 and 25.2.9 of the SLCA and sub-section 46(1) of the MVRMA establish the force and scope of an approved land use plan, but these provisions are well known and they will not, for the sake of brevity, be quoted here: An approved SLUP binds not only departments and agencies of the Federal and Territorial Governments, but also Sahtu First Nations. Further, the SLUP applies to and guides the management not only of Crown lands but also of Sahtu lands.

Section 25.2.4 of the SLCA is particularly important for the purposes of this submission. This section establishes, among other things:

- that the fundamental purpose of land use planning is to protect and promote the *well-being* of the residents and communities of the Sahtu Settlement Area⁴;
- the need to pay special attention to the well-being and rights of participants (including their rights to harvest and to land);
- the need to involve communities and designated Sahtu organizations directly in the planning process;
- the balance that must be struck between conservation and development;
- and the legitimacy of focusing on Great Bear Lake and its watershed.

Note, finally, that according to section 25.2.6, participants may prepare a land use plan(s) for settlement lands which “shall be considered by the Planning Board”, and that the ultimate responsibility for developing the draft SLUP rests, by section 25.2.1, with the SLUPB.

In working together to develop a SLUP, the SLUPB, Sahtu communities, SSI, the GNWT and INAC need to keep the above provisions, and the extraordinary force and scope of the SLUP, in

² *R. v. Van der Peet* [1996] 4 C.N.L.R. 177 (S.C.C.), *Haida Nation v. British Columbia (Minister of Forests)* [2005] 1 C.N.L.R. 72 (S.C.C.) and *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* [2006] 1 C.N.L.R. 78 (S.C.C.).

³ *Mikisew Cree*, at paragraph 1.

⁴ 25.2.4(a): “the purpose of land use planning is to protect and promote the *existing and future well-being of the residents and communities* of the settlement area having regard to the interests of all Canadians.” [emphasis added]

mind. They need to give real meaning and force to concepts like well-being and directly involving communities in the planning process. These are not vague words to be noted and set aside for “business as usual”. They were intended to make a difference, contribute to reconciliation and re-define the relationship between participants and other Canadians, as represented by the Crown. Our collective task is to understand and give form to that difference, that relationship and that reconciliation.

4. CONSULTATION AND THE PROCESS TO PREPARE THE DRAFT SLUP

Déline’s elders, the DLC and the DRRC prepared the GBLWMP in part at the instigation of INAC (in 2002) and in part pursuant to section 25.2.6 of the SLCA, noted above. From 2002 to 2005, over twenty Déline elders and representatives of the DRRC and the DLC worked diligently to prepare the GBLWMP with at least five employees of INAC, two to three of DFO, one of EC, one of ENR, two of the SLUPB (one member and the Board’s planner at the time), one of the SRRB, two of MVEIRB, and one of CPAWS. *The GBLWMP sets out a consensus among all of these representatives.*

Since the publication of D.2 of the SLUP, the SLUPB, the GWNT and INAC have all indicated their unwillingness to accept a separate plan (the GBLWMP) and planning district, within the larger SLUP, for the Great Bear Lake watershed, notwithstanding the recognized uniqueness of this watershed on both traditional knowledge and scientific grounds. These Parties have also indicated their reluctance to accept some of the key elements of the GBLWMP. They have effectively asked Déline to isolate and defend the “essence” of the GBLWMP, and to recommend this essence to the SLUPB, for incorporation into draft 3 of the SLUP. The DLC, DRRC and Déline’s elders are very unhappy with this development. But they see few other options, given the SLUPB’s ultimate responsibility for developing the draft SLUP. This submission is the DLC/DRRC/elders’ attempt to make the “essence approach” work.

The SLUP, once approved, will apply to Sahtu as well as Crown lands. Sahtu lands will be managed in accordance with the Plan, primarily by the SL&WB and, on referrals from the SL&WB and others, by the SLUPB⁵. This is an extraordinary situation. Of the settled northern land claim agreements, this relationship between aboriginally-held lands and a land use plan maintains only in the Gwich’in and Sahtu Settlement Areas. It does not maintain in the Inuvialuit Settlement Region or Tlicho, and it does not maintain throughout the Nunavut Settlement Area, in all of which the aboriginal landowner manages its own lands.

Sections 25.2.4(a),(b)&(d) and 25.2.6 (described above) and the SLUP’s application to Sahtu lands (s. 25.2.1) establish, in the DLC’s and DRRC’s view, a duty in the SLUPB to consult very closely with Sahtu communities, including Déline, in preparing the SLUP. As the negotiated institution through which the draft SLUP is to be prepared, the SLUPB is also, in the DLC’s and DRRC’s view, the primary administrative mechanism through which the Crown’s duty to consult is to be carried out⁶. The standard of this duty is very high. The potential impact of the SLUP on harvesting rights and particularly private land rights is difficult to overestimate.

The DLC and DRRC do not wish to be overly critical of their planning partners. They submit, however, that the SLUPB’s duty to consult has not been met, either in the Board’s process to date for preparing the draft SLUP, or in D. 2 of the SLUP and the Integration Document. The DLC and DRRC agree with the desirability of securing an approved SLUP as soon as this is reasonably practicable. But in the past year, the Board as a whole has visited Déline only once,

⁵ MVRMA, section 47.

⁶ As set out in *Haida Nation* and *Mikisew Cree*, this duty derives from the honour of the Crown.

and its planner has visited only twice, for a total of 4 days. The Feb. 4&5/10 visit was the entire Board's first visit and the Board's staff's second visit in the past year. In the Feb. 4&5/10 visit, the Board proposed to work through a highly detailed, 51-page Integration Document that references D.2 of the SLUP (itself over 175 pages), and that eliminates the heart of the GBLWMP. That proved to be an impossible task: it was impossible for Déline representatives to be meaningfully involved in and understand and review several of the more detailed issues presented in D. 2 of the SLUP, and the Integration Document, in the time allotted.

The preparation of the draft SLUP requires direct and meaningful community involvement — spending time in communities, working through the issues with community representatives, developing an agreement on the planning process and key concepts, and amending that planning process and its associated time table as required. It also means informed community participation: land use plans typically involve — and the draft SLUP involves — working with literally vast amounts of information. Meaningful community involvement in the development of the draft SLUP requires funding for community participation and technical support for communities like Déline.

These requirements have been met only in part. On the positive side, INAC agreed to fund some technical work on this submission, a Feb. 2&3/10 meeting among the DLC, DRRC and Déline elders, and the Feb. 4&5/10 meeting in Déline among the Parties. Further, on Feb. 4&5/10, the Parties appear to have found common ground on the following topics:

- a. the elders' stories and teachings will be given prominence in the next draft of the SLUP;
- b. special management zones in draft 3 of the SLUP will be treated as indeed special — unique — and the special management zone proposed for much of the Great Bear Lake watershed can thus also be treated as unique, with unique standards for land use; and
- c. the GBLWMP standard of ecological integrity will be given clarity and concreteness through reference to the valued components and indicators developed collaboratively over several years by the NWT Cumulative Impact Monitoring Program.

The developments in a. to c. above suggest that there may be a way of reconciling the intent of the GBLWMP and the draft SLUP. The Feb. 4&5/10 meeting also, however, created an unanticipated amount of work for the DLC, the DRRC and their consultants, which is not covered by the DLC's current contribution agreement with INAC. Following the meeting, the DLC submitted a proposal for funding to INAC and the GNWT, to complete further work/analysis arising from the Feb. 4&5 /10 meeting (c above). But the SLUPB has since indicated that its deadline for comments could be extended only to Feb. 22am, to allow the Board to meet its May 31/10 deadline for preparing the 3rd draft of the SLUP. This submission has thus largely been prepared on a volunteer basis by the DLC's consultants, in very limited time, and it can address the priorities of the reconciliation of the GBLWMP and the draft SLUP only in general terms.

We have a basis to prepare the SLUP in the SLCA, described above. We need to build on that foundation and understand that communities need technical support, funding for technical support and non-salaried community participation, and a reasonable degree of flexibility in the Board's workplan/time table to prepare the draft SLUP.

5. RECONCILIATION AND ONE LAW

When the GBLWMP was being prepared, one of Déline's elders held up a copy of the Board's "Draft Preliminary Sahtu Land Use Plan" and said: "There's nothing of us here".

The GBLWMP sought to change this situation. It sought to reconcile the interests, values and — more than that — world-views and systems of law of the dominant culture and Sahtugot'ine culture. A quote from the GBLWMP is the simplest way of illustrating this. The GBLWMP begins:

The elders of Déline have passed down a story through many generations⁷. In times past, their spiritual teachers were often “mystically tied” to different parts of the environment: some to the caribou, some the wolf, some the northern lights and some the willow. Kayé Daoyé was one such person. He lived all around GBL or “Sahtu” in the Slavey language, but made his home primarily in Edaiila (the Caribou Point area), on the northeast shores of the Lake (Map 1). Kayé Daoyé was mystically tied to the loche. One day, after setting four hooks, he found one of them missing. This disturbed him — in those days hooks were rare and very valuable — and that night he traveled in his dreams with the loche in search of the fish that had taken his hook. As he traveled through the centre of GBL, he became aware of a great power in the lake — the heart of the lake or the “water heart”. Contemplating this heart, he became aware that it is connected to all beings — the land, the sky, plants, other creatures, people — and that it helps sustain the entire watershed of GBL.

The elders of Déline stress that the interconnectedness of all things includes all people — Dene and non-Dene alike. From this “universal law” of the interconnectedness of things flows the responsibility of people to care for the world in which we live. The water heart sustains the watershed of GBL, and we in turn have a responsibility to sustain it. We do this by treating it and other beings with the utmost respect.

Déline’s elders also remind us that, in times past, laws have often been imposed upon the Dene, with little or no consultation, by the federal and territorial governments. Their exclusion from decision-making has created an unhealthy relationship between the Dene and other Canadians, as represented by the Crown. The elders want to change that relationship. They see the cooperative development of the GBL Management Plan — and its incorporation into the Sahtu Land Use Plan — as an opportunity for all three natural levels of government — Déline, the Northwest Territories and Canada — to work together in the development of one law for the good of all.

The elders see the development of the GBL Management Plan and the Sahtu Land Use Plan as complementary to the settlement of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (the “SLCA”) in 1993 ... Indeed, they assert that the SLCA and the resource management regime it envisages is currently incomplete — that this regime will only be complete with the approval of the Sahtu Land Use Plan⁸ — and that significant developments in the watershed should not be allowed to proceed until the Land Use Plan is approved. They see the Sahtu Land Use Plan and the “law” it would create as being based on the consensus of all three levels of government, and on their common aspirations for this unique part of the world. They see the Management Plan/Sahtu Land Use Plan as an opportunity to bring Dene traditional laws and values into the system of laws by which we govern ourselves. ...

This Management Plan is founded on different perceptions, cultural values and systems of knowledge regarding GBL. In the final analysis, however, these differences can co-exist: they are complementary to each other. The Plan is founded on a convergence of concern for the lake and its watershed as whole, and on the consensus of several organizations, boards and agencies that they must work together — now — to ensure the protection of the GBL watershed’s values for the future.

Different cultures express their law in different ways. Déline’s elders express Sahtugot’ine law in several forms, including stories and teachings — and this method of expressing legal/ethical rules is common to cultures throughout the world. The GBLWMP included such stories/teachings/rules

⁷ Charlie Neyelle, personal communication (January 23/04).

⁸ The Sahtu Land Use Plan has been termed “the last table of the SLCA”: Peter Menacho, personal communication (May 10/05).

at the outset of each of its chapters, to frame the more specific rules and standards in each of these chapters. The SLUP is an opportunity not just to *describe* Dene traditional law/culture — as in s. 2.3.4 of D.2 of the SLUP — but to give it force and make it part of the system of rules by which we govern ourselves and manage the Great Bear Lake watershed. As noted above, these systems can co-exist; they are *complementary* and they can be *reconciled*.

The Integration Document spoke of including the elders' stories and teachings in a Background Report or Zone Descriptions. The risk here is that we unwittingly relegate such stories to a secondary status.

In the Feb. 4&5/10 meeting, however, the SLUPB agreed to weave the elders' stories and teachings into draft 3 of the SLUP, so as to give much greater prominence to these stories and teachings, in line with their status as traditional Dene law. This is a promising development. The DLC and DRRC would like to have suggested language to accomplish this, but lack of time and funding precluded this. They look forward to draft 3 and to being able to comment on how this task has been accomplished in that draft.

6. STANDARDS: ECOLOGICAL AND CULTURAL INTEGRITY

Section 25.2.4 of the SLCA establishes that the purpose of land use planning is to protect and promote the *well-being* of the residents and communities of the Sahtu, having regard to the interests of all Canadians, and paying special attention to the social, cultural and economic well-being of participants.

Déline's elders take up this purpose. They underline the need to protect the *health* of the land and the *health* of the community. They tell us that well-being will be achieved when we protect these two things. And many other Canadians, and indeed people throughout the world, speak similarly. We need to protect the health of the land and communities. The GBLWMP directly translates these concepts into two standards: ecological integrity and cultural integrity. It seeks to protect and promote well-being through maintaining the ecological and cultural integrity of the Great Bear Lake watershed. Ecological and cultural integrity are standards to translate, reconcile and give force to the common interests, values and concepts of Sahtugot'ine culture and the larger Canadian society.

Ecological and cultural integrity are defined in part 4.1 of the GBLWMP. These concepts have an every-day meaning (health), a scientific meaning, and they are incorporated in the GBLWMP as meaningful scientific and legal standards against which we can, in the SLUP, measure proposals and activities in the Great Bear Lake watershed. They give meaning to "well-being"; they represent common goals and values across Canadian society; and they are the clearest general standard against which to evaluate proposals and ongoing land use activities in the SLUP. Moreover, given concerns that ecological integrity may a "vague" standard, it is extensively described, together with its successful application in the forestry sector in many parts of southern Canada (and indeed throughout the world) in Nesbitt and Nesbitt⁹.

⁹ Lorien Nesbitt and Tom Nesbitt, *Maintaining Ecological Integrity in Great Bear Lake and its Watershed* (September 15, 2009). Without belabouring the matter, one aspect of the standard of ecological integrity should be noted here. At p. 41, the Integration Document discusses a GBLWMP prohibition on deposits of waste that have a negative impact on the ecological integrity of GBLW ecosystems. The Integration Document replies: "Too ambiguous as written. *One could argue that every deposit of waste has a negative impact on ecological integrity.*" [emphasis added]. With the greatest respect, this is a misunderstanding of the standard of ecological integrity. Among other things, ecological integrity goes, not to immediate impacts, but to whether the affected ecosystems are able to *recover* from the disturbance and return to a state that is

Nonetheless, the Integration Document speaks of “avoiding the use of ‘ecological and cultural integrity’”¹⁰ and of removing the use of ecological integrity as a standard because it is “too ambiguous”¹¹. The Integration Document would incorporate ecological and cultural integrity only as visions and goals of the SLUP, removing them from any “conformity requirements” (“CRs”) or standards by which the conformity of proposed activities to the SLUP are to be judged.

Similarly, in verbal comments made during the Feb. 4&5/10 meeting, INAC spoke of an “unknown burden” on the proponent, and of needing greater clarity on the burden that the SLUP will place on any applicant for permits, licences or other authorizations in the Great Bear Lake watershed.

This is a very important issue: the standards of ecological and cultural integrity — as SLUP *enforceable standards* and not merely as goals — are the heart of the GBLWMP. In eliminating them as standards and suggesting that they be only SLUP goals, the Integration Document would cut out the heart of the GBLWMP. On the other hand, the DLC and DRRC agree that the SLUP must set clear standards for “permitted and prohibited uses of land, waters and resources”¹². And they have agreed with SSI, INAC, the GWNT and the SLUPB that ecological and cultural integrity could be given greater clarity and specificity in the next draft of the SLUP by reference to the “valued components” and indicators developed by the NWT Cumulative Impact Monitoring Program. The DLC/DRRC proposal on this matter is set out below. But before addressing that matter directly, we need briefly to discuss several related issues on which we need collectively to be clear.

7. GENERAL STANDARDS AND VAGUENESS

The GBLWMP proposes the establishment of several Conservation Zones (“CZs”) within the Great Bear Lake watershed, to the extent that the watershed lies within the Sahtu Settlement area and the mandate of the SLUPB, and a Special Management Zone (“SMZ”) in the remainder of the watershed. It proposes that Great Bear Lake be part of and managed by the rules applicable to the SMZ.

With the exception of grandfathered rights within CZs, the GBLWMP would prohibit oil and gas and mineral development in CZs, and in this respect the GBLWMP is fairly similar to D.2 of the SLUP and the proposed Integration Document. *Further, like D.2 of the SLUP and the Integration Document, the GBLWMP would allow oil and gas and mineral development in the SMZ.*

The GBLWMP differs, however, from D.2 of the SLUP and the Integration Document in the *standards* that applicants for permits, licences and other authorizations would need to meet within the SMZ and CZs¹³, and *how these standards are stated*.

“normal” for the ecosystem types (Nesbitt & Nesbitt, at p. 10). Every deposit of waste is certainly *not* an impact on the ecological integrity of ecosystems.

¹⁰ At p. 21

¹¹ At pp. 24, 42.

¹² MVRMA, paragraph 41(3)(c)

¹³ Note that in parts 4.5.2 to 4.5.4 and 5.5.2 to 5.5.4 respectively the GBLWMP presents two sets of complete rules applicable to the SMZ and CZs. It did so, at the request of the Great Bear Lake Working Group, so that the SLUPB, MVEIRB, the SL&WB would have one set of rules for each sort of zone to consult. Some reviewers of the GBLWMP appear to have misunderstood this approach, questioning the apparent duplication it entails. It would not be difficult to amalgamate

The GBLWMP chooses to draft its proposed land use rules/standards for CZs and the SMZ in *general* terms (as “policies”), supplemented by more specific conditions and prohibitions. Ecological and cultural integrity are the primary standards of the GBLWMP. At 4.5.2.b and 4.5.3.a, for example, the GBLWMP says:

4.5.2.b. The management of the Special Management Zone must also accommodate the use, by Déline individuals/organizations and others, of renewable and non-renewable resources, provided that such use is consistent with the terms of the SLCA and the policies, conditions and prohibitions of this Management Plan¹⁴. ... *Applicants for permits, licences and other authorizations in the Special Management Zone must demonstrate to the appropriate authorities, ... that all aspects of their activities are consistent with the maintenance of the ecological and cultural integrity of the GBLW* and, without limiting the generality of the foregoing, with the conditions and prohibitions set out in Parts 4.5.3, 4.5.4 and 4.6.2 below. ...

4.5.3.a Through the conditions they attach to permits, licences and other authorizations in the Special Management Zone, the SL&WB and other appropriate authorities shall ensure that each authorized party or the prospective assignee of that party:

- i. establishes and maintains a site-specific research and monitoring program that is appropriate to the nature and scale of its proposed activity(ies) and adequate to demonstrate that all aspects of its activity(ies) are *consistent with the maintenance of the ecological integrity of GBLW ecosystems*;
- ii. on termination or abandonment of its activity(ies), restores all areas affected by the activities to a condition consistent with the maintenance of the ecological integrity of GBLW ecosystems; and
- iii. furnishes and maintains security with the Minister sufficient for achieving the purposes in (a)(i) and (ii) above, as well as for any ongoing measures that may be required after abandonment or closing. [emphases added]

Land use rules can be stated in general or more specific terms. The GBLWMP chooses the *generally*-stated sort of rule (above), supplemented by more specific conditions and prohibitions, while D.2 of the SLUP and the Integration Document currently follow a more specific way of drafting land use rules. We submit that the real purpose of the land use plan is to maintain the health (in the language of the elders) or well-being (in the language of the SLCA) of the Sahtu settlement area. The SLUP should aim for that purpose itself. That purpose is most accurately translated into the standards of ecological and cultural integrity, as set out in 4.5.2.b and 5.5.2.b of the GBLWMP.

the two sets of rules into one, if that is desired, but the clearer and simpler approach is to use the two sets of rules.

¹⁴ During the Feb. 4&5/10 meeting, one commentator suggested that people in the Sahtu Settlement Area need employment, and that the GBLWMP would prohibit development in the Great Bear Lake watershed. This is a misunderstanding, as demonstrated by the quoted section of the GBLWMP. Such a prohibition would also be inconsistent with the GBLWMP standard of cultural integrity: “cultural integrity” is a short form in the GBLWMP for the negotiated purpose of the SLUP (the existing and future well-being of the residents and communities of the Sahtu settlement area ...: GBLWMP at 4.1.c.). Well-being implies employment.

The Integration Document suggests that such a standard is vague and, by implication, unenforceable. This is a misunderstanding. In using the general-standards drafting approach set out above, the GBLWMP has followed the approach used in environmental assessment throughout Canada and the United States for the past 30 years. After 30 years of experience, jurisdictions throughout Canada and the United States have chosen to follow generally-stated standards for environmental assessment. In the MVRMA, Parliament too has elected to follow this practice. The MVRMA avoids a collection of more specific standards and uses instead the *general* standard of “significant adverse impact on the environment”. The standard has proven to be the wisest one for environmental assessment in Canada and the United States. Experience has proven that proponents and MVEIRB will be able to sort out whether a proposed activity will have a significant adverse impact on the environment. Ecological and cultural integrity are similar general standards, applicable to the range of land use activities that will be proposed in the Great Bear Lake watershed¹⁵.

8. THE POLLUTER PAYS PRINCIPLE / ROLES

The “polluter pays principle” is a widely-accepted principle of environmental regulation in Canada and the United States. It too has been used in environmental assessment in both countries for the past 30 years. The GBLWMP follows this principle as well. The DLC and DRRC recommend that the draft SLUP also follow it. As set out in 4.5.2.b and 4.5.3.a of the GBLWMP above, it is for *the proponent* to demonstrate that its proposed activities are consistent with the requirements of the SLUP — with the maintenance of ecological and cultural integrity. It is for the *proponent* to hire whatever ecological and social experts it deems appropriate, and for the proponent to prepare its permit and licence applications for the SL&WB’s (and any other regulators’) approval. The onus of proof lies properly with the proponent, and not with community organizations, the SL&WB, or the SLUPB. The DLC and DRRC suggest that proponents develop ecological and cultural integrity statements to accomplish this purpose, but that is a matter for the proponent and the regulator(s) to determine.

According to the regulatory framework established by the MVRMA, regulators like the SL&WB are to determine, among other things, (i) whether applications for permits, licences and other authorizations are complete and, (ii) whether these applications meet the standards for land use set out in the SLUP, including standards for permitted and prohibited uses of land and water and the deposit of waste¹⁶. The regulators may refer permit and licence applications to the SLUPB for a SLUP conformity test, and the SLUPB has informed the DLC and DRRC that the SL&WB is currently, as a matter of practice, referring all applications to the SLUPB¹⁷. It is for the SL&WB (and SLUPB on referrals) to determine whether the proponent has met the standards of ecological and cultural integrity.

We do not try, except in general terms, to tell proponents what to address in an environmental impact statement, given the many circumstances in which proponents propose to operate.

¹⁵ The DLC and DRRC are aware of the differences, in the SLCA and the MVRMA, between the land use planning, environmental assessment and land management regimes in the Sahtu Settlement Area, as well as of the requirement to avoid any duplication among these regimes. We suggest that the use of the general standards of ecological and cultural integrity and the polluter pays principle (below) are entirely consistent with the above. We would be happy to discuss these matters further with the Board, the GWNT and INAC.

¹⁶ MVRMA, paragraph 41(3)(c) & subsection 46(1).

¹⁷ Heidi Weibe, personal communication, Feb. 5/10.

Similarly, in land use planning, we should not try, except in general terms, to tell applicants how to go about their activities in the many circumstances in which they propose to operate.

The role of a land use plan and of the SLUPB is to set *general* rules for the use of land and water — maintain ecological and cultural integrity, use CIMP valued components and indicators, meet other selected conditions and prohibitions — while leaving it for the proponent to hire experts, consult as needed, and do the necessary research and monitoring to demonstrate that the standards set out in the land use plan will be maintained. In accordance with the polluter pays principle, it is not for the SLUPB to attempt to tell the proponent how to go about its work or how to demonstrate that its activities will be acceptable. That is an impossible task in the many circumstances in which proponents will be working, except in general terms. It is not for the SLUPB to develop all of the terms and conditions needed to maintain an acceptable standard of performance, as it seems to want to do in, e.g., CR # 14, 15 & 16 of D. 2 of the SLUP. That is the role of the SL&WB and other regulators, and they need the discretion to adapt permit terms and conditions to the myriad circumstances in which proponents/applicants will be working.

9. GUIDANCE

In 2007, MVEIRB recommended that the Government of Canada reject an application on the part of Ur-Energy for a land use permit to explore for uranium in the Upper Thelon watershed. In so doing, MVEIRB proposed the development of a land and resource management plan to guide environmental assessment in the region. One of the basic functions of a land use plan, as suggested by MVEIRB, is to set the policy context for and guide environmental assessment. This division of responsibilities is incorporated into the resource management regime established by the SLCA.

A land use plan needs to give very clear guidance as regards what are and are not acceptable activities within the planning area. If clear general standards are established, potential developers know the tests they must meet in their applications and operations; the SL&WB (and SLUPB on conformity referrals from the SL&WB) will know the standard they must test for in conformity tests; and the SL&WB will know the standards it must meet in setting more specific permit/licence terms and conditions.

10. THE GREAT BEAR LAKE WATERSHED AS A SPECIAL MANAGEMENT ZONE IN DRAFT 3 OF THE SLUP

In the Feb. 4&5/10 meeting in Déline among the Parties, the SLUPB proposed that it would:

- a. use the conformity requirements that it developed in D. 2 of the SLUP within the general use zones of draft 3 of the Plan; and
- b. treat each special management zone as indeed special — unique, with unique rules applicable to each.

The DLC and DRRC agree with this approach. Along with the other measures described in this submission, treating the Great Bear Lake watershed as a unique special management zone in draft 3 of the SLUP may help reconcile the GBLWMP and the draft SLUP.

The DLC and DRRC wish to confirm that, with the exception of conservation zones within the watershed, the entire watershed should be treated as a special management zone in draft 3 of the SLUP. In scientific terms, the Great Bear Lake watershed is unique: Great Bear Lake is probably the last relatively pristine, very large lake left in the entire world. The Great Bear Lake watershed is a unique and vulnerable system. And in traditional knowledge terms, according to Déline's elders, the Great Bear Lake watershed is one living organism — Great Bear Lake fulfills the function of a heart within this organism, and the rivers flowing into it the function of veins

within the organism. Along with the rest of the Great Bear Lake Working Group, the DLC, DRRC and Déline's elders believe that the scientific and traditional Sahtugot'ine perspectives on the Great Bear Lake watershed can co-exist and be reconciled. Scientists throughout the world speak similarly.

11. ECOLOGICAL AND CULTURAL INTEGRITY AND CIMP

Ecological integrity, and the use of this standard in certified forestry operation in southern Canada (and throughout the world) has already been described in Nesbitt and Nesbitt, submitted to the SLUPB in September/09. The executive summary of that paper is included in Appendix 1 of this submission, for background to the current submission.

In the Feb. 4&5/10 meeting, the DLC and DRRC understood the SLUPB, and the rest of the Parties to that meeting, to agree to try to use the NWT Cumulative Impact Monitoring Program ("CIMP"), and the "valued components" and indicators developed under the Program, to give clarity to the standards of ecological and cultural integrity, to be employed in a Great Bear Lake watershed special management zone. The DLC and DRRC further understood these Parties to agree that these standards, valued components and indicators should be applied not only to permit applications, but also to ongoing site-specific research and monitoring programs to be established by proponents.

The DLC and DRRC recommend that the SLUPB use CIMP standards, valued components and indicators, supplemented as set out below, together with the conditions and prohibitions set out in Parts 4.5.2 to 4.5.4 of the GBLWMP, amended as needed in future discussions among the Parties¹⁸, in a Great Bear Lake Special Management Zone, to be described in draft 3 of the SLUP.

The SLUPB is developing draft 3 of the SLUP. The DLC and DRRC recommend something like the following wording to the Board, for incorporation into draft 3 of the SLUP.

Definitions: If the SLUPB wants definitions of ecological and cultural integrity, the DLC and DRRC suggest that the Board uses the definitions set out in Part 4.1 of the GBLWMP. If further clarity is, in the Board's opinion, desirable, ecological integrity can be further defined as set out in Nesbitt and Nesbitt at p. 10:

Ecological integrity can be defined as "the capacity of an ecosystem to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of similar, undisturbed ecosystems in the region" (Karr and Dudley 1981). Protecting ecological integrity means maintaining and protecting the various elements of an ecosystem such that the interactions between the biotic and abiotic (or living and non-living) ecosystem elements are not disrupted. An ecosystem that exhibits ecological integrity is able to recover from disturbance and return to a state that is "normal" for that ecosystem type.

¹⁸ Example: in its submission to the Board dated Dec. 2/09, the GNWT suggests several changes to GBLWMP conditions and prohibitions on archaeological sites, air quality and forest management. The recommended changes are generally positive. The DLC and DRRC would appreciate an opportunity to sit down and go over these and the other conditions and prohibitions in the GBLWMP with the GNWT, INAC and the SLUPB.

Key Standards for Incorporation into Draft 3 of the SLUP and for Use in the Great Bear Lake Special Management Zone:

- a. Activities in the Great Bear Lake Watershed (“GBLW”) Special Management Zone must be consistent with the maintenance of the ecological and cultural integrity of Great Bear Lake watershed ecosystems.
- b. The management of the GBLW Management Zone must accommodate the use, by Déline individuals/organization and others, of renewable and non-renewable resources, provided that such use is consistent with the requirements of this Land Use Plan. Wherever possible, proponents and the appropriate authorities must act to prevent adverse impacts. Applicants for permits, licences and other authorizations in the GBLW Special Management Zone must *demonstrate* to the appropriate authorities that all aspects of their activities are consistent with the maintenance of the ecological and cultural integrity of the GBLW and, without limiting the generality of the foregoing, with the conditions and prohibitions set out below.
- c. Through the conditions they attach to permits, licences and other authorizations in the Special Management Zone, the SL&WB and other appropriate authorities shall ensure that each authorized party or the prospective assignee of that party:
 - i. establishes and maintains a site-specific research and monitoring program that is appropriate to the nature and scale of its proposed activity(ies) and adequate to demonstrate that all aspects of its activity(ies) are consistent with the maintenance of the ecological integrity of GBLW ecosystems;
 - ii. on termination or abandonment of its activity(ies), restores all areas affected by the activities to a condition consistent with the maintenance of the ecological integrity of GBLW ecosystems; and
 - iii. furnishes and maintains security with the Minister sufficient for achieving the purposes in (a)(i) and (ii) above, as well as for any ongoing measures that may be required after abandonment or closing.
- d. In demonstrating the maintenance of ecological integrity, the proponent shall:
 - i. consider the cumulative impacts of its activities on the ecosystems of the GBLW:
 - In evaluating the cumulative ecological impacts of its activities, the proponent shall assess the cumulative impacts of its activities on the relevant Valued Components (VCs) identified by the NWT Cumulative Impact Monitoring Program (CIMP). The proponent may use CIMP Indicators in assessing the cumulative impacts on VCs and any other ecosystem elements.
 - ii. protect rare, threatened and endangered species, species of cultural concern, and their habitats; and
 - iii. ensure the maintenance, enhancement or restoration of ecological functions and values, including regeneration and succession, genetic, species, and ecosystem diversity, and natural cycles that affect the productivity of the ecosystem.
- e. [Further conditions and prohibitions as set out in 4.5.3 and 4.5.4 of the GBLWMP, amended as needed in discussions among the DLC, DRRC, the SLUPB, SSI, the GWNT and INAC.]

Rationale for the Approach Set Out In “d” Above:

The CIMP VCs and indicators were developed and modified by a range of professionals and organizations including the federal and territorial governments, co-management bodies, First Nations, and consultants. As such, they reflect the consensus of a variety of individuals and organizations with relevant expertise and responsibilities in land management. We suggest the use of the CIMP VCs in the SLUP because they reflect this broad consensus and because they are reviewed and updated on an ongoing basis as CIMP develops. Additionally, CIMP is in the process of developing monitoring protocols for each VC, thus providing further guidance to the proponent in the assessment of cumulative impacts on ecological integrity. Focusing monitoring on the CIMP VCs and using CIMP protocols would increase the utility of monitoring information obtained by proponents and would allow for more effective evaluation of cumulative impacts. But using CIMP VCs to evaluate the maintenance of ecological integrity is dependent on the continued funding and development of CIMP.

It is important to require that the proponent use “relevant CIMP VCs” in its assessment of ecological integrity impacts rather than try to specify a selection of VCs (such as a list of species) that the proponent must consider in every case. This approach would allow applications and permits to reflect the particular circumstances in which each proponent proposes to work, and the specific nature of the work. It would also allow the application of the best available ecological knowledge in the preparation and evaluation of ecological and cultural integrity statements, as the CIMP program evolves in response to ongoing research.

To provide further clarity to the CIMP VCs, we suggest the requirements in ii and iii above. These requirements highlight the importance of protecting vulnerable species and of maintaining ecosystem function and biodiversity.

Cultural Integrity

As suggested earlier in this submission, “cultural integrity” is defined in the GBLWMP as a short form for the negotiated purpose of land use planning in the Sahtu Settlement Area, as set out in section 25.2.4 of the SLCA. Maintaining cultural integrity means protecting and promoting the existing and future well-being of the residents and communities of the Sahtu, having regard to the interests of all Canadians, and paying special attention to the existing and future social, cultural and economic well-being of participants.

As suggested earlier, the DLC and DRRC recommend that regulatory bodies such as the SL&WB require applicants/proponents, as a matter of SL&WB procedure, to prepare ecological and cultural integrity statements. Such statements could be required by the SL&WB both on the initial application for permits, licences and other authorizations, and as annual summaries of proponents’ site-specific research and monitoring programs.

The DLC and DRRC believe that the maintenance of ecological integrity will go a long way to maintaining cultural integrity. They agree with CIMP’s focus on the valued component, “human health and community wellness”, which they take to be analogous to cultural integrity as defined in the GBLWMP. They further believe that the indicators identified by the NWT Environmental Audit Status of the Environment Report, 2005, and which are set out on CIMP’s website¹⁹, give sufficient clarity to applicants/proponents that they will know the standards that they must meet re. maintaining cultural integrity. Together with the consultation requirements set out in 4.5.3.j. of the GBLWMP, the above directions give sufficient clarity — and discretion — to

¹⁹ Human health, population, education, crime and safety, housing, families and children, income and employment, NWT economy and Aboriginal culture.

applicants/proponents that they can adapt the proposed SLUP requirement to maintain cultural integrity to the various circumstances in which they will be working.

12. RESEARCH AND MONITORING

The GBLWMP proposes site-specific monitoring by permit holders, to the standards of ecological and cultural integrity, as described above.

The GBLWMP also proposes a watershed-wide government-based research and monitoring program at Part 7.4 of that Plan. This is another key element of the “essence” of the GBLWMP. But Part 7.4 is too long to reproduce here and the Board is asked to consult it directly. Its key elements are as follows:

- a. it would complement the site-specific research and monitoring to be carried out by proponents;
- b. it would, within 10 years, provide an information base that is adequate for decision-makers to maintain the ecological and cultural integrity of the watershed;
- c. research and monitoring authorities in the watershed, including Déline authorities, would be resourced to carry out the program;
- d. the primary purpose of the program would be the maintenance of the ecological and cultural integrity of the watershed and the development of a research and monitoring capacity in Déline. In public funding for research and monitoring in the watershed, priority would be given to research and monitoring that could demonstrate a clear link to this purpose;
- e. TK guidelines would be incorporated; and
- f. researchers/monitors would need to consult Déline.

It is worth noting that the research and monitoring chapter of the GBLWMP was lead by the government members of the Great Bear Lake Working Group. The Working Group had hoped to get approval, including funding, for such a program following the approval of the SLUP. But with the passage of time since the Working Group recommended the GBLWMP to the SLUPB in 2005, little appears to have come of this recommendation.

D.2 of the SLUP recommends that a comprehensive monitoring program should be established for the Sahtu Settlement Area, to integrate project-specific and resource-specific monitoring initiatives, identify monitoring priorities, and provide a clear role for community-based monitoring.

The DLC and DRRC recommend that the SLUPB consider framing the need for a such a comprehensive research and monitoring program so that it is clearly linked to CIMP, as well as to the maintenance of ecological and cultural integrity, at least in the GBLW.

13. THE EXERCISE OF “GRANDFATHERED” RIGHTS

The exercise of “grandfathered” rights in conservation zones in the draft SLUP is an important issue. On this issue, the GBLWMP and D.2 of the SLUP are quite close. With the addition of the terms set out in 5.5.2.b and 5.5.3.a,i&j of the GBLWMP and the change recommended below, the conditions proposed in D.2 of the SLUP at 1.7.5.2. appear adequate to address this issue. With the addition of the standards of ecological and cultural integrity, paragraph 1.7.5.2. would be comparable to the conditions set out the GBLWMP.

Note, however, that “without restricting the authorized use” in line 4 of 1.7.5.2.b) of D.2 of the SLUP is too permissive and inconsistent with “would clearly prevent” in line 6: “without restricting” in line 4 should be changed to “without clearly preventing”.

APPENDIX 1: MAINTAINING ECOLOGICAL INTEGRITY IN THE GBLWMP AND CERTIFIED FORESTRY OPERATIONS

What follows is the executive summary of Lorien Nesbitt and Tom Nesbitt, *Maintaining Ecological Integrity in Great Bear Lake and Its Watershed* (September 15, 2009), which the DRRC submitted to the SLUPB in Sept/09. The summary is included here to make readers aware of the increasing use of this standard in certified forests in southern Canada, and of the potential benefits of using the standard in the NWT and the SLUP in particular. The discussion below can be amended in light of the agreement among the Parties, in the Feb. 4&5/10 meeting, to use the NWT Cumulative Impact Monitoring Program, and the valued components and indicators developed under this Program, as reference points for the standards of ecological and cultural integrity:

In May 2005, the Great Bear Lake Working Group completed its Great Bear Lake Watershed Management Plan (GBLWMP). The Working Group recommended that the Management Plan be given legal force through the incorporation of chapters 4 and 5 of the GBLWMP into the Sahtu Land Use Plan.

The central theme of the GBLWMP is that the ecological integrity of the Great Bear Lake watershed (“GBLW”) must be maintained for generations to come. Thus, among other things, proponents of commercial activities within the GBLW would be required to demonstrate that all aspects of their proposed activities are consistent with the maintenance of the ecological integrity of the GBLW. This test sets a higher standard than that currently in force in the GBLW or than that currently proposed in Draft 2 of the Sahtu Land Use Plan. This standard is necessary, however, to ensure that ecosystem health and function in the GBLW are protected and that the vision of the Sahtu people as expressed in the GBLWMP are realized.

Ecological integrity refers to the maintenance of the ecological functions of natural systems, and their long-term persistence without significant change to the ecosystem. Ecological integrity is defined in the GBLWMP as ecosystem health, or the natural condition of an ecosystem. Protecting ecological integrity means maintaining and protecting the various elements of an ecosystem such that the interactions between the biotic and abiotic (or living and non-living) elements of an ecosystem are not disrupted. An ecosystem that exhibits ecological integrity is able to recover from disturbance and return to a state that is “normal” for that ecosystem type.

The Great Bear Lake Working Group chose the concept/standard²⁰ of ecological integrity because of the very close fit between this concept and the concept of Déline’s elders that the GBLW is one living system that we have a collective responsibility to protect. The concept of ecological integrity is a way of reconciling the traditional law of the Sahtugot’ine and the wider system of Canadian law currently in force in the GBLW.

Ecological integrity is a well-established concept. It is commonly used in the scientific literature. It is often used to assess impacts and threats to ecosystem and population persistence. The concept is based on the understanding that ecosystems with high ecological integrity support the

²⁰ To avoid having to repeat the expression “concept/standard of ecological integrity”, this paper uses the words “concept” and “standard” interchangeably, to refer both to the concept of ecological integrity and to an enforceable standard of ecological integrity.

full natural range of ecological functions and attributes of an ecosystem. The concept of ecological integrity provides a quantitative measure of the impacts of natural resource use on natural ecosystems that is defensible in terms of science and traditional knowledge/law.

The application of the concept of ecological integrity in the GBLW would likely have to develop in stages, as we gain experience in assessing and monitoring ecological integrity. Through such experience, we can gradually develop a cohesive system for assessing, monitoring, and maintaining ecological integrity in the GBLW — and potentially throughout the Sahtu settlement area, if the concept is used in the larger Sahtu Land Use Plan.

In the short term, assessment of the ecological integrity impacts of proposed developments would need to be done on a case-by-case basis. In the mid term, the maintenance of ecological integrity in the GBLW provides an opportunity to develop a comprehensive system to protect ecological integrity and improve the environmental performance and reputation of the mineral and oil and gas industries in the GBLW. Such a system could include third party certification of mining and oil and gas activities. A systematic approach to maintaining ecological integrity in the GBLW and the development of a certification scheme would provide guidance for proponents, provide consistency, and could be used to increase the value of mineral, oil, and gas products as consumers adapt to paying higher prices for environmentally sustainable and certified products.

The forestry sector in many parts of southern Canada (and indeed throughout the world) provides us with an example of the successful application of the concept of ecological integrity and third party certification. Concerns regarding the degradation of forest ecosystems and the maintenance of ecological integrity in the forestry sector have led to the development of independent third-party certification standards to guide forest management practices. Pressures from the public, the environmental community, and global timber markets are encouraging forestry companies to pursue forest certification as a means of demonstrating the responsible management of their forestry operations. Certification is voluntary and allows certified companies to market their forest products as coming from a well-managed forest. This includes the use of the certifier's logo and allows companies to sell their products at a higher price.

The Forest Stewardship Council (FSC) is accepted internationally as the most environmentally rigorous forest management certification system available. The maintenance of ecological integrity is a fundamental tenet of the FSC certification system and is required by the FSC Canada Boreal Standard. Certification under the FSC system is gaining popularity in Canada and around the world. For example, in 2004 the Ontario government announced its intent to require the certification of all long-term forestry operations in Ontario by 2007. The majority of these operations are now certified. Currently, about half of the certified forests in Ontario are certified under the FSC system. The Ontario Ministry of Natural Resources has also developed a Collaborative Action Plan with FSC to reduce redundancies in audit requirements and facilitate the application of the FSC system in Ontario's forests.

The concept of ecological integrity is less commonly used in the oil, gas, and mining industries. However, the maintenance of ecological integrity during oil, gas, and mineral exploration and development is particularly important, given the finite nature of these activities. Non-renewable resource extraction operations do not persist in the long term. After termination or abandonment of oil, gas, and mining activities, we will need to continue to use the land and must ensure that ecosystems are left intact.

While there are some examples of acknowledgment of or interest in the application of the ecological integrity standard in the oil, gas, and mining industries, ecological integrity is not yet a commonly used standard in these industries, and the maintenance of ecological integrity has yet to be required in the NWT.

The evaluation of the on-the-ground impacts of mineral and oil and gas exploration and development on ecological integrity is fundamentally important to the maintenance of the health of northern ecosystems. The mining and oil and gas industries are part of the northern economy.

We thus need to find a balance between the exploitation of mineral and oil and gas resources and the maintenance of the integrity of our natural ecosystems. This balance has not yet been achieved.

Protecting ecological integrity in the GBLW presents an opportunity to develop a system to ensure the maintenance of the ecological integrity of the ecosystems on which we depend. Such a system could be developed collaboratively by the Sahtu Land Use Planning Board, community/aboriginal representatives, government, ENGOs, industry stakeholders and scientific and traditional knowledge experts. Demonstrating the maintenance of ecological integrity has both ecological and economic benefits and represents the future of sustainable land use in northern Canada. As we use our natural resources we must ensure that we do so without damaging the integrity of the ecosystems on which we rely.

The use of the concept of ecological integrity in the GBLWMP — and potentially in the Sahtu Land Use Plan as a whole — is also consistent with the larger resource management regime in the Sahtu Settlement Area as a whole. Ecological integrity statements and standards would fit very well with the environmental assessment and regulatory regimes already in place in the Sahtu Settlement Area.