

Heidi Wiebe

From: Latour,Paul [Yel] [mailto:Paul.Latour@EC.GC.CA]
Sent: Wednesday, July 22, 2009 2:34 PM
To: Heidi Wiebe
Subject: RE: Release of Draft 2 - Sahtu Land Use Plan

Heidi,

Attached are comments from CWS/YK office on v.2 of the Sahtu Land Use Plan.

In our view, the Plan has advanced and improved considerably from v.1. We note that v.3 will contain considerably more detail in some areas, particularly cumulative effects, and CWS will provide additional input when v.3 is released.

If you have any questions about our comments please contact me at any time.

Paul

**Comments – Sahtu Land Use Plan
Environment Canada/Canadian Wildlife Service
Yellowknife, NT**

P1 (1.1 – third para.) – Need to be clearer about what is meant by “the people”. The previous paragraph implies all people in the region, beneficiaries or not. This would seem to fit with the SLUPB as “an institution of public government”. However, the third paragraph takes a more limiting approach to the people of the region.

P12 and P14 (1.7.6 and 2.2) – The discussion on these pages on land categories is confusing. Does “crown or settlement land” mean crown = settlement land? P12 seems to imply that the answer is no, since access agreements need to be negotiated with the District Land Corps. What about Sahtu Land which are the fee simple lands held by the District Land Corps? Are Sahtu Lands part of the Settlement Lands? Ultimately, the main question to what lands does the SLUP apply? Need some clarification/re-wording here. One problem may be that 1.7.6 precedes the discussion on P14, without the benefit of the definitions on P14.

P15 (Table 1) – Perhaps the roles and respective constituencies of these organizations should be elaborated upon, particularly for the benefit of applicants from outside the Sahtu who could find this array of community organizations mystifying.

P35 (second para.) – Perhaps excessive detail here. It needs clarification as to what geographic area is being considered. Is it the Sahtu, or the area all the way to, and including, the Mackenzie Delta?

P37 and 38 – Perhaps too much detail on ecozones, ecoprovince and ecoregions especially considering that to the vast number of readers and users of the Plan the distinctions particularly between the last two are rather academic.

P43 (2.4.6) – The Canadian Wildlife Service has identified a number of “key migratory bird terrestrial habitat sites” in the Sahtu Settlement Area, including the very important wetlands at Ramparts River and Willow Lake. These should be identified in this section.

P50 (2.5.3 – 2.5.6) – Perhaps too much detail, considering the context.

P62 (2.6.2 – SRRB) – please contact the Executive Director of the SRRB for description of the SRRB’s mandate and powers. The description here is not entirely accurate. For example, the SRRB does not conduct independent research. The Sahtu Harvest Study was completed a few years ago.

P66 (under EC.....; third para.) – should read “It is serving, or has been requested to serve, as the sponsoring agency for several areas in the Sahtu

Settlement Area to establish as National Wildlife Areas through the NWT Protected Areas Strategy.”

P70 (third para.) – The concept of ‘dual designation’ under both the SLUP and protected area legislation (e.g., *Canada Wildlife Act*) has been considered by INAC and EC. Legally, it appears this is a viable approach. The question to be asked, however, is what would be gained beyond having a piece of land identified solely as a ‘conservation zone’ in the SLUP? This designation already achieves a high degree of protection, albeit subject to periodic review. Dual designation would add another administrative layer and add regulatory complexity. Single designation under the SLUP would retain more management authority and responsibility within the Sahtu Settlement area. From both a Sahtu and sponsoring agency standpoint this concept is not ideal.

P73 (Map 15) – The various designations on the map could be contrasted a bit more.

P79 (last para.) – should read “.....formal legislated protection is being sought through either the Protected Areas Strategy,.....”. The PAS is a process leading to protection but it does not create protected areas per se, legislation does that.

P90 (CR#4) – “Avoiding” critical habitat in an absolute sense may not be practical or achievable, depending on the species-at-risk under consideration. For a species where its critical habitat is of a restricted or highly identifiable nature (e.g., Yellow Rail and wetlands) completely avoiding should be possible. However, for woodland caribou where it appears critical habitat will be much more generally defined and widespread avoiding it entirely will be all but impossible. CR#14 would, in all likelihood, be a very difficult test for applicants to meet.

P97 (CR#14) – Does “location” of wildlife refer specifically to wildlife that could interact directly with the project? In some situations, for example winter projects, the work might occur in areas important to wildlife at other seasons. CR#16 appears to attempt to address this matter, but see comments. Considering the elevated importance of wildlife to Sahtu communities why wouldn’t this CR apply to General Use Zones also, as a matter of best practices?

P97 (CR#16) – CWS recommends “.....(calving area, **key migratory bird habitat sites**, nest sites.....)....”. Regarding “setbacks”, these should apply to times when these sensitive areas are not occupied. CWS is interested in the source of the 250 m setback distance. Is this identified in existing land use guidelines? Considering the elevated importance of wildlife to Sahtu communities why wouldn’t this CR apply to General Use Zones also, as a matter of best practices?

P97 (CR#17) – CWS has aircraft flight guidelines respecting migratory birds that it has applied in environmental assessments and included in Migratory Birds

Convention Act permits. These should be referenced here also (same ones that are in the draft Dehcho LUP).

P98 (CR#18) – This is an open-ended requirement. Perhaps some thought should be given to developing guidelines for proponents based on an increasing scale of development. Small projects may need a minimal (or no) level of “research and monitoring” whereas large projects could require much more. Proponents will want to have a good idea of what the expectations in terms of what type of, and to what level of detail and for how long afterwards research and monitoring should be done.

General Comment re: Special Management Zone CR's

A number of CR's (e.g., CR 19, 20) would seem to apply to General Use Zones also. Why shouldn't developers be expected, in the interests of best environmental practice, to reclaim areas disturbed as a result of their activities? They should also be expected to foot the bill, regardless of whether the damage was in a Special Management Zone or a General Use Zone.

P99 (CR#22) – This CR addresses “domestic species”; however, there is no mention in the Plan of ‘invasive species’ which can be introduced accidentally or intentionally. For land use activities that have the potential for introducing invasive or non-indigenous species correct mitigative measures must be taken (e.g., cleaning of vehicles at source before transport into the Sahtu; no use of non-indigenous species in re-vegetation efforts).

P100 (CR#23) – Who determines the “appropriateness” of mitigation measure? What would be the basis.....existing land use permit conditions, at least as a starting point?

P102 (4.1 Information Sources) – There should be reference to ‘Latour et al., 2008. Key migratory bird terrestrial habitat sites in the NWT and Nunavut’. CWS Occ. Paper No. 114.’

P127 (under Socio-cultural Importance) – The Mountain Dene overwintered in the mountains then returned to communities such as Tulita by moose skin boats, in the spring, not fall.

P131 (fourth para.) – This waterfowl information should be referenced.....Latour et. al., 2008.

P132 (Economic Importance) – As an update this should read “Minerals fieldwork in the zone was conducted in July 2007 and 2008. The report is expected in December 2009.

P146 – Should read ‘key migratory bird terrestrial habitat site as identified by CWS’.

P154 – These islands are identified as key migratory bird habitat by CWS (Latour et al., 2008).

P172 (Conformity Determination Process) – Will the “clear processes for conformity determinations” amount to essentially a generalized checklist of things the applicant would need to have done in order to pass a particular CR? Presumably, it would be the authorizing departments, agencies and organizations who review the application in detail, including the results of the conformity requirements, as part of assessing the project (preliminary screening?). It is not likely the SLUPB will have the staff with sufficient diversity and depth of knowledge to conduct such a review on its own. However, it would be pointless for those bodies to begin review of the application until after the SLUPB had determined that the applicant was ‘in conformity’. The first sentence of the second paragraph seems to suggest that the SLUPB’s conformity determination and the detailed review by outside bodies would begin at the same time.

General Comment – It would be useful to have a full listing of CR’s, A’s, and R’s at the back of the Plan.

P175 (second para.) – The agencies mentioned in the first paragraph also have enforcement capabilities (e.g., EC, DFO). Why the mention of just INAC and the GNWT?