Western Arctic Field Unit
Parks Canada
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June 1, 2007

Judith Wright-Bird, Chair
Sahtu Land Use Planning Board
P.O. Box 235
Ft. Good Hope, NT
X0E 0H0

Re: Sahtu Land Use Plan - Draft 1

Dear Ms. Wright-Bird;

Thank you for providing Parks Canada with the opportunity to review and comment on the Sahtu Land Use Plan - Draft 1. This draft, and the earlier Preliminary Draft Sahtu Land Use Plan, represents a considerable amount of work by the Sahtu Land Use Planning Board. Parks Canada is pleased to provide the following comments, and we look forward to working with the SLUPB in the months to come as you continue to work towards the preparation and approval of a final Sahtu Land Use Plan.

Section 1.2 - The Planning Process (Page 9)

The objectives and principles are sound, and will help to develop a land use plan that will provide meaningful guidance and be of benefit to beneficiaries of the Sahtu Dene and Métis Land Claim Agreement.

The statement following objective and principle # 5 seems to be missing some text:

"The Land Claim Agreement also provides for Principles Guide this Land Use Plan"

Section 1.2.2 - Building a Vision (Page 11)

Parks Canada is pleased to see that the vision provides for a balance between development and conservation. Planned development will provide benefits to Sahtu Dene and Métis, other residents of the Northwest Territories and Canadians in general, yet at the same time ensure that the conservation of cultural and natural landscapes occurs in a manner that balances development pressure and ensures a healthy environment that sustains wildlife, and a subsistence lifestyle.

Section 1.3 – Land Use Zones (Page 12)

The third and fourth paragraphs of Section 1.3 read as follows:

The area and percentage of each Zone in the Sahtu Settlement Area is as follows:

- Conservation Zones - 83,602 sq. km. - 30%;
- Special Management Zones 138,122 sq. km. - 49%; and
- Multiple Use Zones - 31,361 sq. km. - 11%.
The total Sahtú Settlement Area is 283,588 sq. Km. The three Zones add to 90%, the missing 10% is Great Bear Lake which is bordered by both Special Management and Conservation Zones.

The Mackenzie Valley Resource Management Act indicates that land use plans do not apply in national parks or national historic sites that are administered by Parks Canada (s. 34). As a result, Parks Canada believes these areas should not be considered as part of the planning area and therefore not included in any of the zones. This comment applies to Tuktut Nogait National Park of Canada and Sahąyúé - ?ehdacho National Historic Site of Canada. Parks Canada feels it would be appropriate to state that the plan does not apply to those areas and to adjust the percentages above accordingly.

Section 1.3.3.1 - Conservation Zone Prohibitions and Conditions (Pages 12-14)

Parks Canada recommends that the conditions of Special Management Zones apply to pre-existing development in Conservation Zones when applicable licenses, permits, etc. become open for revision.

Section 1.3.4.1 Q - Karst Topography (Page 19)

Karst topography is an extremely fragile environment that is highly susceptible to damage. It may be advisable to refer this section to an expert on karst topography. Dr. Derek Ford, Emeritus Professor of Geography and Geology, McMaster University is a global expert on karst topography.

Section 1.3.4.1 T - Ungulate Habitat – Developer Conditions (Pages 22-24)

The calving grounds of the Bluenose-West barren-ground caribou herd are located primarily within Tuktut Nogait National Park of Canada and the herd’s wintering grounds are located partially in the Sahtú Settlement Area. In order to maintain the integrity of this herd, and the ecological integrity of Tuktut Nogait, it is important to take appropriate measures to protect the herd’s winter range. Determining the best approach to ensuring the long-term viability of barren-ground caribou in light of increased land use activities is difficult. There is very little information regarding habitat requirements at the landscape scale and how the herds could be impacted by different types and levels of anthropogenic activities. It is therefore recommended to continue to research this topic and determine (spatially and temporally) how development should unfold or be mitigated.

While planning to address how Bluenose-West barren-ground caribou use their winter range and how development on that range might affect them is underway, this work has not yet been completed. In the absence of such knowledge, Parks Canada agrees with the Sahtú Land Use Planning Board that some restriction on the density of linear features is appropriate. It seems likely that there will also be a need to identify some areas of barren-ground caribou winter range that are less affected by development, should large scale development occur in other parts of the wintering range. Currently it is difficult to quantify and specify how that protection should occur.

Parks Canada would be pleased to work with the Sahtú Renewable Resources Board, Sahtú Land Use Planning Board, and other organizations to increase our common understanding of how barren-ground caribou are affected by development on their winter range.

Section 1.3.5 - Multiple Use Zones (Page 29)

The opening paragraph indicates that all uses are allowed within this zone, although uses may be subject to terms and conditions designed to protect the environment. While terms and conditions can be effective in minimizing environmental effects of individual projects, cumulative effects are difficult to address through evaluation of individual projects. As a result, there is no provision to, for example, deal with a large number of development proposals near Tuktut Nogait National Park of Canada in the large Multiple Use Zone. Parks Canada recommends that the Sahtú Land Use Planning Board consider how cumulative effects will be managed in Multiple Use Zones.

Section 1.3.5.1 - Conditions for Peregrine Falcons and other Raptors in all Zones (Page 29)

As this applies to all zones and not strictly Multiple Use Zones, it would be better situated under section 1.3.6.

Section 1.4 - Exemptions from Zoning (Page 29)

Point one under Section 1.4 reads as follows:
Existing activities in the Sahtu Settlement Area will be allowed including development arising from rights existing at the time of Plan approval, even if the activities are not in keeping with the land zones. These existing uses will be allowed to continue as non-conforming activities.

It may be appropriate to apply some of the standards and conditions for Special Management Zones to such existing activities.

Section 2.1.6 and 2.1.7 - Sahoyûé - ?ehdacho (Grizzly Bear Mountain & Scented Grass Hills) (Pages 36 - 38)

This section needs to be updated for Sahoyûé - ?ehdacho National Historic Site of Canada. The following rewording is suggested:

**Size, Location and Boundaries**

Sahoyûé - ?ehdacho National Historic Site of Canada is located in the central part of the Great Bear Lake Watershed. Sahoyûé - ?ehdacho was designated in 1996 following consultations with the Sahtu Dene and Métis. The site represents an Aboriginal cultural landscape of 5,587 square kilometers located on two peninsulas at Great Bear Lake. Sahoyûé - ?ehdacho is approximately 75 km from Délina. Sahoyûé - ?ehdacho is part of the Great Bear Lake Plain ecoregion.

**Reasons for Protection**

The community of Délina has advocated the protection of Sahoyûé - ?ehdacho since the late 1980s. Both places are identified in section 26.4.2 of the Sahtu Land Claim Agreement as Sahtu heritage places. The Minister responsible for Parks Canada formally announced Sahoyûé - ?ehdacho as a National Historic Site in 1996, and Sahoyûé - ?ehdacho is currently a Candidate Protected Area under the PAS. While that candidacy is being assessed, DIAND has sponsored a withdrawal of the Crown lands associated with both places. The withdrawal protects these lands while research and discussions between representatives of Délina, other agencies and Parks Canada proceed.

In 2004, representatives of the Délina Dene Band (now the Délina First Nation), the DLC and Parks Canada approved a commemorative integrity statement for Sahoyûé - ?ehdacho.

Sahoyûé - ?ehdacho consists of approximately 80 percent Crown lands and 20 percent settlement lands. The DLC holds the surface title to the necks of both peninsulas, while the Crown holds the surface title to the majority of both peninsulas and the subsurface title to all of both areas.

On March 11, 2007 an agreement was signed between Parks Canada, the Délina First Nation and the Délina Land Corporation to work towards permanently protecting and cooperatively managing Sahoyûé - ?ehdacho National Historic Site.

**Management Plan Approach to Sahoyûé - ?ehdacho**

This Sahtu Land Use Plan is based, at least at present, on the following assumptions:

i. **Both the Crown lands and settlement lands** of Sahoyûé - ?ehdacho will ultimately be established as a Protected Area, in accordance with the process set out in the PAS (and the Sahtu Final Agreement). In the interim, Sahoyûé - ?ehdacho will continue to be protected by a land withdrawal.

The protection will include both the Crown lands portion and settlement lands portion.

ii. The SLUPB should re-visit and confirm the first assumption above just prior to recommending the Sahtu Land Use Plan to SSI and Territorial and Federal Ministers for their approval. If the first assumption above seems doubtful at that time, the SLUPB should designate Sahoyûé - ?ehdacho as a Conservation Zone in the Sahtu Land Use Plan.

The cultural and socio-economic importance of Sahoyûé - ?ehdacho is very high, well documented and comparable to Whitefish and Johnny Hoe River Conservation Zone.
iii. The Deline Land Corporation has informed the Sahtu Land Use Planning Board that it wishes the settlement lands portions of Sahoyé-tehdacho to be designated as a Conservation Zone under the Sahtu Land Use Plan.

Assumptions ii and iii are outdated because of the MOU with Park Canada, so this needs to be replaced with the current status of the site at the time the final draft is completed. The Sahtu Land Use Plan will not apply to the Crown-owned portion once it is acquired from INAC to Parks Canada pursuant to the National Historic Sites and Monuments Act.

Section 4.1.7 - Nahanni Headwaters Conservation Zone (Page 61)

Parks Canada is pleased that the draft Sahtu Land Use Plan identifies the Nahanni Headwaters, or Bégâdéh, as a conservation zone. Parks Canada is working with the Tulita District Land Corporation on a proposal to bring Bégâdéh, the Nahanni Headwaters, under the Canada National Parks Act.

The introductory paragraph of Section 4.1.7 reads as follows:

The Nahanni Park Reserve Consensus Team, Parks Canada, and the community of Tulita have expressed interest in protecting the Nahanni River watershed. Support for this initiative is evidenced in recent NWT Protected Area Strategy meetings and ongoing research work. The Sahtu Land Use Planning Board encourages the formal entry of this site into the NWT Protected Area Strategy and will amend the Land Use Plan to reflect the outcome of this process.

The Nahâh Dehé Consensus Team, a group formed in 2000 to oversee the cooperative management of Nahanni National Park Reserve, consists of representatives of Dehcho First Nations, Nahanni Butte Dene Band, and Parks Canada. This group is interested in seeing Nahanni National Park Reserve of Canada expand, but do not have authority over the possible creation of national park lands in the Sahtu Settlement Area. Parks Canada recommends that the introductory paragraph not begin with a reference to the 'Nahanni Park Reserve Consensus Team'. The emphasis should rest with organisations or initiatives that are Sahtu-based.

Alternative wording for the introductory paragraph of Section 4.1.7 could be:

Parks Canada wishes to protect the South Nahanni River watershed. This includes Bégâdéh, the headwaters. In consideration of various expressions of support, Parks Canada and the Tulita District Land Corporation have agreed to work to advance this initiative.

The Sahtu Land Use Planning Board encourages the parties to proceed with negotiation of an Impact and Benefit Plan in accordance with chapter 16 of the Sahtu Final Agreement, and will amend the Land Use Plan to reflect the outcome of this process. It is within the jurisdiction of the Tulita District Land Corporation to undertake these negotiations that could lead to the creation of the area as a national park of Canada.

It is our understanding that the size of the Nahanni Headwaters Conservation Zone is about 6,533 km², not 6,840 km² as indicated.

The description of the Nahanni Headwaters Conservation Zone is relatively brief. If desired, Parks Canada could provide more detailed information about the ecological importance of this area. With respect to the cultural importance, it is possible that more detailed information about the cultural importance of Bégâdéh could be provided for future drafts of the Sahtu Land Use Plan.

With respect to Non-Renewable Resource Development Potential, the Board may be interested in the fact that on behalf of Parks Canada, Natural Resources Canada has undertaken a Mineral and Energy Resource Assessment (MERA) of the Greater Nahanni Ecosystem. It is a policy of the federal government that a MERA study is completed prior to any decisions being made to create or expand a national park in the Northwest Territories. While this study is virtually complete, it has not yet been released. As soon as it is, Parks Canada will make a copy available to the Sahtu Land Use Planning Board. The MERA report may add additional information about non-renewable resource development potential in Bégâdéh.
This section refers to Tuktut Nogait National Park of Canada as a Conservation Zone. It also states that Scented Grass Hills and Grizzly Bear Mountain (Sa hoyüé -7ehdacho) is a Conservation Zone. As discussed earlier, the Mackenzie Valley Resource Management Act indicates that land use plans do not apply in national parks or national historic sites administered by Parks Canada (s. 34). As a result, Parks Canada recommends that these areas not be considered part of the planning area and not be included in any zones.

Section 6.12 – Economic Development and Tourism (Appendix Page 32)

The first paragraph needs to be updated for the proposed Mackenzie Gas Project.

One additional comment is that it should be clear that wherever reference is made to Tuktut Nogait National Park of Canada in the Land Use Plan, it only refers to that portion of the park that falls within the Sahtu Settlement Area.

I hope this information has been helpful. Thank you for providing us with the opportunity to comment on the Sahtu Land Use Plan - Draft 1. We look forward to reviewing future drafts.

Sincerely,

[Signature]

Kenneth Paul
Field Unit Superintendent
Western Arctic Field Unit