

Action Items from Workshops 1 & 2

Action Items from Workshop 1

1. Vicky will look into whether regulators coordinate in the absence of SLWB's involvement (see page 13).

Response: EC-CWS does not formally coordinate in absence of SLWB involvement, but would ask for evidence that proponent has received or at least applied for other applicable permits (e.g. wildlife research permit) before issuing the CWS permit

2. Michelle said she would follow up later on how reporting to communities [regarding pesticide use in association with a pesticide licence] is done (see page 20).

Response: The GNWT currently do not report back to communities on pesticide use in association with a Pesticide Application Permit. They are notified, contacted and asked for concerns at the application review stage. To date communities have supported the applications and have not requested further information.

3. Joel said that given the possibilities of use, the GNWT would have another look at taking the Pesticide License off their list of exclusions (See page 21)

Response: Michelle Swallow confirmed that the GNWT has reconsidered this and agrees that the plan should apply to "Pesticide Application Permits". She clarified that a "Pesticide Business Licence" is a business licence and should not be subject to the Plan because it is not related to land use.

4. Michelle said she would confirm if this license [tourism operator licence] applies to helicopter sight-seeing (see page 22).

Response: A helicopter sight seeing tour would require a tourism operator licence.

5. Michelle said she would get information on the consultation process for permits granted through the Aurora Research Institute and provide that to the SLUPB later (see page 25).

Outstanding

6. Ruari will find out the level of consultation required for these permits [to handle or kill fish associated with a Scientific Research Licence] to be authorized (see page 26).

Response: For a scientific research licence, DFO requires proponents to complete two forms: one describing the project and estimating the number of fish that will be impacted. This will also state whether the fish will be live sampled or killed for study purposes (e.g. mercury testing).

The second form is an animal care protocol. The purpose of this form is to ensure the researchers handle the fish in the least damaging and disturbing way possible and that handling is conducted in a humane manner.

DFO and the Aurora Research Institute (ARI) have separate licencing requirements. A DFO research licence is not enough to do the project. Our forms inform prospective researchers of the need to get a licence through ARI.

Regarding DFOs internal process of acquiring a research licence, we must also apply and adhere to our own guidelines and permitting conditions. As an organization with a legal mandate to fulfill and enforce, we do not need to apply for a licence from ARI when the research being conducted furthers our ability to manage fish and fish resources (i.e. expands our knowledge of fish #s, health, populations, ecosystem dynamics, etc.). Community support for the research is a component of the licencing condition. As this is also a component of the ARI licence, DFO only requests it internally. This is to avoid duplication and reduce the load on local human resources (e.g. no need to consult twice in the communities for the same project).

On a side note, here's a link to ARI's summary of the Science Act for the NWT. Section 7 lists the possibility for a fine or imprisonment. <http://www.nwtresearch.com/licensing/nwt-scientists-act>

7. Ruari said he would look into the process for Commercial Fishing Licenses. (see page 26).

Response: My impression was that this question became moot following the reminder that the plan explicitly banned Great Bear Lake from commercial fishing operations. Regardless, I thought I'd provide some insight into how the process unfolds.

For new applicants, they need an entry level application to sell fish. These licences are fairly straightforward and easy to obtain, but only provide the applicant with the ability to sell fish. The screening process comes into play for individuals seeking to catch fish using a motorized/registered vehicle. Vessel Certificates must be applied for. These get reviewed by the Great Slave Advisory Committee against a set list of criteria.

At a larger scale, commercial fishing is regulated by two aspects. First, there is a set number of vessel certificates that are issued (to catch fish commercially). In other words, there can only be so many boats on the water. Second, there is a quota for total fish harvesting numbers for Great Slave. If fish stocks are being depleted in one area, that area will be closed off for a duration to allow stocks to rebound.

8. Michelle thought domestic animals are covered by federal regulations [in reference to commercial wildlife licence], but committed to checking with ITI (see page 27).

Response: There are no territorial permits or authorizations for domestic animals in the NWT. The Herd and Fencing Act is GNWT legislation that gives the authority to the Minister of ITI to designate areas where livestock cannot run at large. Right now that is just within a corridor between Fort Resolution and Hay River.

Action Items from Workshop 2

1. Heidi to check on how the Gwich'in handle confidentiality issues for project-specific monitoring reports (p.8).

Response: I spoke with Sue McKenzie. The Gwich'in Plan doesn't talk about this but monitoring reports are on the GLWB public record and anyone can access them. Project-specific monitoring reports are the responsibility of the land and water Boards and if the GLUPB got requests for the reports they would refer individuals to the GLWB to get copies.

2. Paul Dixon agreed to share the basic elements of their community engagement guidelines in a summary (p. 10).

Waived – This was needed during the discussions at workshop 2. Will await formal release of the Guidelines at this point.

3. Heidi to follow up on whether community land use monitoring is dealt with in other land use plans (p. 25)

Response: The Gwich'in Plan is silent on this issue. Sue McKenzie reported that they did have requests for this, but they felt that the program was not yet well enough established in that region (with a pool of qualified monitors) to make it a requirement in the land use plan.

For the Dehcho, as of the June 2011 rolling draft (the last version I have a copy of), there is an Action/ Recommendation (status unclear) for DFN to develop contract terms and a list of qualified community members that could act as guides and monitors. There does not appear to be any requirement for monitors in that version of the Dehcho Plan. The GNWT or AANDC, who sit on the DLUPC may have more updated information.

4. Michelle to identify when source watershed mapping will be complete. (p. 29)

Response: The SLUPB has received the updated source watershed mapping. We still have concerns with how some of the source watersheds are being delineated. We note that ENR is holding a workshop on community source watershed planning in Inuvik Feb 7-8th and will be continuing work on the mapping. We will continue to work with ENR on this.

5. Heidi to check on how the Gwich'in and Dehcho plans deal with protection of drinking water (p. 31)

Response: The recent revisions for the Gwich'in Land Use Plan include a general condition for water ("New activities requiring permits, licences or authorizations will not be allowed until it is demonstrated that water quality, quantity and rate of flow will remain substantially unaltered. For projects with greater risk of negative impacts on water, proponents should be prepared to establish a monitoring program that will determine a baseline and measure potential changes.") This would also provide protection for community drinking water sources. The GLUP also delineates the Deepwater Lake Watershed, which is Fort McPherson's water source and identifies it as one of a primary reasons for special management within the relevant zones.

The Dehcho Plan identifies community drinking water sources within zone descriptions. It also sets requirements for the protection of drinking water within its broader CR for Water Management:

Where applicants propose a land use within the watershed of a community's public water supply source regulatory authorities shall require applicants to:

- a. identify the location of the proposed land use; and
- b. carry out appropriate measures best suited to mitigate impacts on the environment if the discharge of waste water or any other land uses may negatively impact the community's water supply source.

AANDC or the GNWT may have a more recent version of the rolling DLUP draft revisions and can confirm whether or not this is still accurate.

6. Heidi or Michelle to check on what the 500 m buffer around hot springs is based on in CR #12. (P. 33)

Response: It's not a buffer (i.e. set-back), it is saying that 500m around a known hot and warm spring they should do a rare plant survey, so only, if you fall within 500m of a known spring, do a plant survey, not if you're within 500 m of a spring, you can't develop. The need for a survey could instead be scaled based on size of the development future footprint, with more detailed surveys required for developments with larger footprints. The ENR website shows you how to identify globally rare plants – so that's already publicly available. May-be-at-risk plants are more numerous and there isn't anything available to easily identify them, right now anyway. Creating a document that says, here are the different types of surveys to conduct depending on the size of your development, etc might be something ENR should consider doing in the near future.

The 500m comes from PAS Science Team research about how far out the impacts could be of a hot/warm spring on the ground (i.e. making a special microclimate that is more likely to have rare plants). Plus taking into account that the dots on the map themselves might have some error associated with them and it might not just be a spring at one location, instead a bunch of springs coming out of the ground – i.e. impacts are more widespread.

7. Tom to report back on whether changes to CR #17 are appropriate (p. 40)

Response: You are aware that I provided legal and technical advice to the DLC at the SLUPB's second technical workshop (Nov. 1-3/11 in Norman Wells), and that I am also the Co-Chair of the Saoyú-?ehdacho Management Board. At the SLUPB's second technical workshop, I proposed bringing "c)" in the SLUPB's proposed revision of CR 17 ("any activity required for the management of Saoyu-?ehdacho National Historic Site of Canada") back to the next meeting of the S-E Board, for a S-E Board/DLC/DRRC/Parks Canada consensus decision and recommendation to the SLUPB.

In the Saoyú-?ehdacho Board's Nov. 18/11 meeting, I: (1) declared a conflict of interest, (2) proposed, and (3) thereafter abstained from any S-E Board decision on the following note, to replace "c)" in Cr 17 and your email below:

" It should be understood that the use of water craft and the landing and take off of float planes do not constitute a disturbance of the lake bed."

In the Nov. 18/11 meeting, the Saoyú-?ehdacho Management Board, the DLC, the DRRC and Parks Canada approved the proposed note immediately above by consensus. I would suggest putting a period in "b)" after "docks", striking "c)" entirely, and including the wording approved above as an explanatory note in CR 17.

8. EC and DFO will work together on appropriate wording for Action #4 (p. 47).

Response: Here is DFO/EC's suggested wording for Action item #4.

Responsible Authorities (ENR, CWS, SRRB and DFO) shall share, as circumstances require, current available data on important and critical wildlife habitat for fish, furbearers, waterfowl, raptors, barren-ground caribou, mountain and boreal woodland caribou, moose, muskox, mountain goats, dall's sheep, grizzly bears and black bears. Data will be provided subject to laws of general application regarding privacy and access to information.

9. Heidi to check with SLWB on adding them to Action #5 (p. 47).

SLUPB Response: SLWB agrees to be added to this Action.

10. Heidi to check with Paul Dixon on the current processes for emergency activities reporting and respond on how those integrate with what is requested in the LUP (p. 47)

SLUPB Response: The report required under S. 17 (2) of the MVLUR is substantially what the SLUPB will want as well, though we would want some reference to the Plan, and specifically zone values. We can link this Action to the report required under the MVLURs to harmonize them.

MVRMA: S. 119. *No preliminary screening, environmental assessment or environmental impact review is required to be conducted in relation to a proposal for a development*

(a) that is carried out in response to a national emergency for which special temporary measures are being taken under the Emergencies Act; or

(b) that is carried out in response to an emergency in circumstances such that it is in the interest of protecting property or the environment or in the interest of public welfare, health or safety to carry out the proposal forthwith.

MVLUR: 17. *(1) Notwithstanding any other provision of these Regulations or the conditions of any permit, where an emergency threatens life, property or the environment, a person may carry out such land-use operations as are necessary to cope with the emergency.*

(2) A person who carries out a land-use operation under subsection (1) shall immediately thereafter send a written report to the Board describing the duration, nature and extent of the operation.