

Integration of GBLWMP and SLUP

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Overview of Integration

1. Elders Story/Teaching – To be included in appropriate zone descriptions or in Cultural section of Background Report
2. Concepts – Ecological and Cultural integrity can be discussed as part of the overview of the GBLWMP and how it was integrated into the SLUP in the Background Report.
3. Context (Includes Ecological Considerations, Land Tenure, Mineral Exploration and Development, Size, Location and Boundaries, Importance/Reasons for Designation, Topic specific context in later chapters etc) – Will include critical points in ecological and cultural sections of the Background Report, Zone Descriptions (most will go here), and to substantiate Conformity Requirements, Actions and Recommendations as appropriate. Not all will be used.
4. Vision – Key aspects of the various Vision sections can be integrated into the SLUP Vision. Topic specific visions can be used as preamble to explain the intent of specific terms in the Plan.
5. Goals & Objectives – Key aspects of the various Goals sections can be integrated into the Goals for the SLUP.
6. Policies – For the most part these are already addressed in other sections of the SLUP so will not be further integrated into the SLUP. Topic specific policies could be incorporated as Actions or Recommendations pending discussion with the approving Parties.
7. Conditions & Prohibitions – Many have already been integrated into the SLUP in previous drafts as CRs and have been amended to address previous comments. These will continue to be amended to ensure clarity and acceptability to the approving Parties. A few that were specific to the GBLW were not included in Draft 2 and will need to be included, with amendments, for Draft 3. Some require discussion with the Parties about what direction will be acceptable.

Key Integration Questions

1. The SLUPB is considering broad changes to how it uses General Use and Special Management Zones, and the application of terms that pertain to different zone types. Should the SLUP fully integrate the GBLW zones into this new system, or should we remain as true as possible to the structure, zoning and terms of the GBLWMP? If the latter is chosen, this would make the section of the plan relating to the GBLW look different than the rest of the Plan. This document has been prepared with the assumption that the preference is for a fully integrated plan.
2. Is it ok to have more information in the Plan for the Deline District than for the other two districts, owing to the integration of the GBLWMP plan?
3. Is the zoning of the GBLWMP open to change? It is the only district that has used only 2 zone types and makes no allowance for General Use Zones. This is inconsistent with the rest of the Plan. If we are to change certain areas to General Use, then where should this happen?

Vision

3.1 – Management Relationships and Responsibilities

In 10 to 15 years, the management regime in the GBLW should have the following characteristics:

- a. The regional management boards established by the SLCA and the MVRMA communicate and work closely with Déline, the Déline First Nation Government, and other Sahtu community residents and organizations.
- b. The regional management boards and Déline authorities play *complementary* roles in the management of the GBLW. Déline residents and organizations and the Déline First Nation Government play a leading, stewardship role in the operational or day-to-day management of the GBLW.

SLUPB Proposal for Integration:

- This appears to be captured in intent in the following section of SLUP Draft 2 vision: *"Communities have the necessary authority, capacity and involvement in managing and monitoring land use to be politically self-sufficient. They work cooperatively with co-management Boards and other regulators to provide a clear, efficient regulatory system that promotes sustainable development and economic self-sufficiency for the region."*
- No change proposed for SLUP Vision for this section

4.2 – GBLW Special Management Zone

In 10 to 15 years, the Special Management Zone should have the following characteristics:

- a. Ecological integrity: The ecological integrity of this unique watershed is maintained and, where necessary and feasible, restored. GBL is kept clean and bountiful for all time. Activities in the watershed are designed, regulated and carried out with the particular characteristics of GBLW ecosystems in mind, including their generally very low biological productivity and slowness to recover from degradation. The generally pristine quality of GBL water is maintained. All resource uses are consistent with conservation.
- b. Cultural integrity: Activities in the GBLW protect and promote the existing and future social, cultural and economic well-being of residents of the watershed, while also having regard to the interests of all Canadians. Since a significant degree of self-determination is fundamental to social, cultural and economic well-being, any assessment of the acceptability of proposed activities in the GBLW gives very strong consideration to whether Déline supports the proposed activities. Déline residents and others are able to find work in the community and on the land.
- c. "Multiple Use": The Special Management Zone is used for many purposes. All uses of the land are consistent with the requirements of the SLCA, the existing regulatory regime, and this Management Plan, including the tests below for ecological and cultural integrity. The renewable resource economy is developed under the leadership of Déline organizations and is the mainstay of the land-based economy.
- d. Conservation Zones: Special places in the GBLW which need a higher level of protection than that provided by the Special Management Zone are identified and protected. These Conservation Zones and Protected Areas contribute substantially to the ecological and cultural integrity of the GBLW.
- e. One law: The management of the GBLW — whether in the Special Management Zone or in Conservation Zones and Protected Areas — finds an accommodation between

Sahtugot'ine traditional law, beliefs and management practices and the larger legal and management system. Planning and management use an integrated approach, and all perspectives and all relevant information are considered in decision-making.

SLUPB Proposal for Integration:

- Propose to integrate into overall SLUP Vision rather than a separate one for the GBLW as the vision above covers both SMZ and CZ and speaks to the same overall goals as desired for the entire region.
 - a. Could better integrate "a" into the first paragraph of overall SLUP vision. (e.g. after first sentence: *"The residents and communities of the Sahtu see the lands, waters and resources on which they depend remaining clean and healthy for future generations."*)
 - b. 1st and 3rd sentences of "b" are already reflected in current SLUP vision and can be reworked to include wording from here. The 2nd sentence speaks to Deline support of proposed activities which is not likely to be acceptable to the Parties.
 - c. The key concepts are already reflected in the SLUP vision without making reference to authority that Deline does not have. Could integrate specific wording around the concept of "general use" if desired.
 - d. This is already reflected in the SLUP vision: *"Residents and communities are secure in the knowledge that their most important places will remain untouched for future generations."*
 - e. Could better integrate this concept in the SLUP vision.

5.2 – Neh Karila K'ets'edi (Conservation Zones and Protected Areas)

In 10 to 15 years, the system of Neh Karila K'ets'Edi in the GBLW should have the following characteristics:

- a. The ecological and cultural integrity of these very special places is unimpaired. In the language of the SLCA, Neh Karila K'ets'Edi:
 - i. protect and conserve the wildlife and environment of the settlement area for present and future generations; and
 - ii. 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.
- b. Neh Karila K'ets'Edi are afforded the high level of protection mandated by their importance to Déline, other Sahtu communities and Canadian society as a whole. They are maintained in as natural a state as possible.
- c. Activities outside of Neh Karila K'ets'Edi are also consistent with the ecological and cultural integrity of these places.
- d. Déline residents and organizations are fully involved in the planning and operational management of Neh Karila K'ets'Edi.
- e. Participants exercise their harvesting rights in Neh Karila K'ets'Edi as provided for in the SLCA.

SLUPB Proposal for Integration:

- a. The relevant concept is already captured in the SLUP Vision: *"Residents and communities are secure in the knowledge that their most important places will remain untouched for future generations."* Don't need to quote the SLCA in a vision. Could work in concepts of ecological and cultural integrity.

- b. Already captured.
- c. Somewhat captured in the following: *"They strongly promote responsible development outside of these areas, knowing that their values will be adequately protected."* Could work in amendments to capture this.
- d. The concept of cooperation is addressed though not specifically in relation to conservation zone and protected areas management. Could include this for Protected Areas.
- e. This is captured in: *"People use the land as they always have for hunting, trapping, fishing, cultural renewal and healing."*

6.1 – Culture and Education

This Management Plan supports the following, 10 to 15 year vision for Déline¹¹⁵:

- a. Déline's land-based traditional culture remains strong and vibrant. Déline's relationship with the land remains strong.
- b. The elders are respected. They continue to be consulted by community leaders and others. They play a central role in interpreting traditional Sahtugot'ine law and in the transmission of all aspects of Sahtugot'ine culture to the younger generations.
- c. The elders have a recognized role to play in the schools as well as on the land: they are as natural a part of the schools as are the other teachers.
- d. The three levels of government — the Government of Canada, the Government of the Northwest Territories and the Déline First Nation Government — work cooperatively together.
- e. People in other parts of Canada and the world are given the opportunity to learn about Sahtugot'ine culture.
- f. The culture and education project leads to greater mutual understanding and greater mutual respect among people of different cultures.

SLUPB Proposal for Integration:

- a. Already covered.
- b. Integrated "Elders" into SLUP vision
- c. Integrated into SLUP vision
- d. Already covered and not specific to culture and education
- e. Not integrated
- f. Not integrated

7.1 – Research and Monitoring

Within 10 to 15 years, the research and monitoring program in the GBLW should have the following characteristics:

- a. The research and monitoring program provides an information base that is adequate for the maintenance of the ecological and cultural integrity of the GBLW.
- b. Site specific research and monitoring are carried out by the proponents of authorized activities, while a more general and ongoing research and monitoring program, funded by government and other organizations, is carried out by a range of parties, including government departments and agencies, regional management boards (particularly the SRRB), universities and Déline authorities/individuals.
- c. All research and monitoring projects in the GBLW are carefully coordinated to ensure the most efficient use of time and resources.
- d. Cumulative effects are researched and monitored.

- e. Conservation Zones within the GBLW are used as control sites for larger research and monitoring initiatives. The ecological and cultural integrity of the Conservation Zones themselves is also researched and monitored.
- f. Research and monitoring activities are designed and carried out using both traditional and scientific knowledge.
- g. Déline organizations and individuals play an increasing and ultimately central role in ecological and cultural research and monitoring in the GBLW.

SLUPB Proposal for Integration:

- This section of vision will not be integrated into the SLUP vision as it is too topic specific and is handled through an Action in the SLUP.
- It could be used in the preamble to the Action to inform readers about the intent.

8.1 – Patrols and Enforcement

In 10 to 15 years time, the patrols and enforcement program in the GBLW should have the following characteristics:

- a. Patrols taking place out of Déline regularly monitor activities in the GBLW. Déline organizations and residents, the regional management boards and government management agencies are fully aware of what is happening in the watershed.
- b. Enforcement activities in the GBLW are fully coordinated among different enforcement agencies and Déline organizations, and Déline residents are trained or being trained to undertake enforcement activities.

SLUPB Proposal for Integration:

- This section of vision will not be integrated into the SLUP vision as it is too topic specific
- If a term is added to the Plan regarding enforcement (see later sections on this), then the vision can be used as preamble.

9.1 – Contaminated and Waste Site Remediation

In 10 to 15 years, the contaminated and waste sites remediation program in the GBLW should have the following characteristics:

- a. Major abandoned contaminated and waste sites in the GBLW are remediated. Smaller sites are remediated where this is economically and logistically feasible.
- b. The ecological and cultural integrity of the GBLW are maintained and where necessary remediated. Contaminants do not affect aquatic resources, drinking water and the traditional culture and way of life, and the cumulative effects of contaminants and other wastes are minimized.
- c. Some or all responsibilities for any remaining contaminated and waste sites on Crown lands are devolved to northern governments in accordance with the devolution transfer agreement, and these sites are remediated as budgets and opportunities allow. Déline authorities are meaningfully involved in contaminated and waste site remediation and management.
- d. Sites that have been remediated are monitored as part of the research and monitoring project described in Chapter 7 of this Management Plan.

SLUPB Proposal for Integration:

- This section of vision will not be integrated into the SLUP vision as it is too topic specific

- Parts of it can be used as preamble for a discussion on contaminated and waste site remediation, either in the Background Report, or if a term is included in the Plan, then as preamble to the term.

Proposed amendments to SLUP Vision (changes in **Bold**):

The residents and communities of the Sahtu see the lands, waters and resources on which they depend remaining clean and healthy for future generations. **The cultural and ecological integrity of the region is maintained.** People use the land as they always have for hunting, trapping, fishing, cultural renewal and healing. **Elders are respected and play a central role in** passing down the language, traditional skills, knowledge, stories and importance of the land **to community leaders** and the youth, strengthening cultural connections to the land. **Elders work with teachers to teach both traditional and modern skills** in schools to equip the youth to thrive and adapt in a changing environment.

Communities have the necessary authority, capacity and involvement in managing and monitoring land use to be politically self-sufficient. They work cooperatively with **land and resource managers**, co-management Boards, and regulators to provide a clear, efficient regulatory system that promotes sustainable development and economic self-sufficiency for the region. A long-term emphasis on training has created a skilled workforce to maximize employment and business opportunities. Both renewable and non-renewable industries are strong, providing economic stability and a variety of employment options. **Residents are able to find work in their communities and on the land.** Good access and infrastructure for communities reduces costs for power, goods and services.

Land use activities are designed, regulated and implemented with consideration for the specific values and characteristics of the people and the region to ensure that they protect and promote the social, cultural and economic well-being of residents and communities, having regard to the interests of all Canadians. Land use decisions accommodate and integrate Sahtu Dene and Metis traditional laws, beliefs and management practices with scientific and regulatory frameworks.

There is a balance of industrial development and vast wilderness areas, a model of development hand in hand with environmental protection. Residents and communities are secure in the knowledge that **the establishment of Conservation Zones and legislated protected areas, and careful management of surrounding areas, will protect the cultural and ecological integrity** of their most important places for future generations. They strongly promote responsible development **through Special Management and General Use Zones**, knowing that their values will be adequately protected. There is trust and respect amongst all participants in land and resource management.

Goals

3.2.2 – Communications and Coordination of Work

Improve the effectiveness of the regional management system in meeting the interests of Déline residents and organizations and other Canadians:

- i. Improve communication between the regional management boards and Déline organizations and residents, including the Déline First Nation Government when it is established: better mutual understanding among regional management boards and Déline organizations and residents.
- ii. Better co-ordination of the respective roles and work of the regional management boards and Déline organizations.

SLUPB Proposal for Integration:

- Already included in SLUP in principle but can make more prominent (see Goal #4b).

3.3.2 – Operational Management

- a. Provide for the development of a lead operational management capacity in Déline, and for Déline again playing a leading, stewardship role in the management of the GBLW:
 - i. Support initiatives on the part of Déline organizations and residents to develop the community's operational management capacity (including training and longer-term education).
 - ii. Within 1 to 5 years, support initiatives on the part of Déline organizations to take on operational management responsibilities, including environmental patrols and monitoring, guardian or "watch-person" programs, environmental research and the provision of logistical support to other agencies/researchers.
 - iii. Within 5 to 10 years, prepare and execute a community-based GBLW operational management plan by which the community can more systematically take on operational management responsibilities in the GBLW.
- b. Complement and support the system of land and resource management to be established by the combined effect of the SLCA, the MVRMA and the DSGA.

SLUPB Proposal for Integration:

- Added 4d

4.4 – GBLW Special Management Zone

- a. Maintain the ecological integrity of the GBLW and particularly the water quality of the GBLW:
 - i. proponents seeking authorization for activities in the GBLW demonstrate to the appropriate regulatory authorities that all aspects of their proposed activities are consistent with the ecological integrity of the GBLW;
 - ii. all activities in the GBLW are carefully monitored to ensure the maintenance of ecological integrity;
 - iii. an appropriate level of security is required for all licences for water use or the deposit of wastes in the Special Management Zone.
- b. Provide for the sustainable use of resources in the Special Management Zone:

- i. developers bear the onus of demonstrating that all activities in the Special Management Zone are consistent with the maintenance of ecological and cultural integrity; and
 - ii. GBLW fisheries are maintained at sustainable levels, consistent with the particular objectives of each fishery.
- c. Maintain the cultural integrity of the GBLW. Activities in the GBLW are consistent with the maintenance of cultural integrity:
 - i. activities in the GBLW are designed and implemented in close consultation with Déline authorities. Consultation emphasizes the prevention of adverse impacts and is initiated early in the planning and applications-review processes; and
 - ii. where appropriate, given the scale of activities or their potential impacts on cultural integrity, consultation is characterized by joint planning on the part of proponents and the appropriate Déline authorities.
- d. Allow for the adaptation of this Management Plan (and of its policies, conditions and prohibitions) as experience develops in the GBLW.

SLUPB Proposal for Integration:

- The intent of many of these goals is already captured in the SLUP Goals.
- Integrated concepts of ecological and cultural integrity as prominent goals

5.4 – Neh Karila K’ets’edi (Conservation Zones and Protected Areas)

- a. Protect places of particular natural, cultural and/or spiritual value within the GBLW through legally-effective means (the Sahtu Land Use Plan or legislative designation pursuant to the PAS).
- b. Maintain or enhance the ecological integrity of Neh Karila K’ets’Edi and of the GBLW as whole:
 - i. contribute to the viability of resident and wide-ranging species such as caribou, bears, wolves, wolverine and migratory birds through the maintenance of important and critical habitats and their associated life cycles in Neh Karila K’ets’Edi;
 - ii. monitor and maintain water quality as an indicator of the ecological integrity of Neh Karila K’ets’Edi and the GBLW as a whole;
 - iii. better understand the complex relationship between development and ecological integrity and change: develop reference sites within Neh Karila K’ets’Edi as benchmarks to monitor, assess and mitigate the impacts (including cumulative impacts) of activities elsewhere in the GBLW.
- c. Maintain or enhance the cultural integrity of Neh Karila K’ets’Edi and of the GBLW as whole:
 - i. support Déline initiatives to use Neh Karila K’ets’Edi as teaching and learning places, including places for the transmission of Sahtugot’ine culture from the elders to the younger generations and for inter-cultural teaching and learning;
 - ii. support Déline initiatives to use Neh Karila K’ets’Edi for the exercise of hunting, fishing and trapping rights, and the development of Déline’s renewable resource economy.
- d. Contribute to the representation of habitats and ecosystem in the GBLW:
 - i. Ensure that all habitat and ecosystem types are represented in the network of Neh Karila K’ets’Edi established in the GBLW.

SLUPB Proposal for Integration:

- The intent of many of these goals is already captured in the SLUP Goals.
- Added 1b and 2a

6.3 – Culture and Education

- a. Support initiatives on the part of Déline to maintain and strengthen the land-based cultural traditions and their transmission from the elders to the younger generations:
 - i. Document the cultural heritage of the GBLW, including important places and trails, burial sites, archaeological sites, and undocumented stories associated with particular places and meanings.
 - ii. Encourage the transmission of this heritage from the elders to the younger generations; develop regular and meaningful opportunities for the elders to work on the land with younger people; work with the schools to ensure that this part of the younger generations' education is incorporated into the school curriculum.
 - iii. Promote and communicate this heritage within Déline and between Déline and the wider world.
 - iv. Protect archaeological sites and artifacts from human disturbance, destruction or degradation, and where appropriate, from natural disturbance, destruction or degradation.
- b. Protect places of particular importance to Sahtugot'ine cultural integrity.
- c. Document traditional ecological knowledge and protocols of the Sahtugot'ine and integrate this knowledge into all aspects of land and resource management, including research and monitoring.
- d. Support and complement the larger system of land and resource management that will be established through the combined effect of the SLCA, the MVRMA, the Déline Self-Government Agreement, this Management Plan and the Sahtu Land Use Plan.

SLUPB Proposal for Integration:

- The intent of many of these goals is already captured in the SLUP Goals.
- Added 2c and d

7.3 – Research and Monitoring

- a. Within 5 to 10 years, initiate research that will establish a sound foundation for a basic aquatic and terrestrial research and monitoring program in the GBLW, focused on the maintenance of the ecological and cultural integrity of the watershed. Wherever feasible and relevant, design the research and monitoring program to include control sites in Conservation Zones and monitor the ecological and cultural integrity of Conservation Zones as well as the GBLW as a whole. Within 10 or more years, adapt, refine, strengthen and broaden this research and monitoring program. Current objectives include the following:
 - i. collect and analyze information to establish current (baseline) environmental conditions of the GBLW;
 - ii. acquire a better understanding of climate change and the effects of long-range transport of atmospheric pollutants on the GBLW;
 - iii. better understand ecosystem functioning through scientific and traditional ecological research;

- iv. document culturally significant sites in the GBLW and in Conservation Zones (including places, trails, grave sites, archaeological sites, etc.); and
 - v. document elders' place names and stories and the oral histories associated with the sites identified under iv above.
- b. Déline organizations and individuals play an increasing and ultimately central role, wherever possible, in GBLW research and monitoring:
- i. Within 5 to 10 years, measurably increase the role that Déline plays in GBLW research and monitoring.
 - ii. Within 10 years or more, Déline residents and organizations are fully involved in GBLW research and monitoring.
 - iii. Incorporate training for Déline residents in GBLW research and monitoring projects.
 - iv. Involve Déline elders as research collaborators and trainers.
 - v. Link Déline schools, school kids, teachers and elders to the research and monitoring program wherever opportunity allows.
 - vi. Use the research and monitoring program to aid in the transmission of Sahtugot'ine culture from the elders to the younger generations — both in the schools and on the land.

SLUPB Proposal for Integration:

- The intent of many of these goals is already captured in the SLUP Goals.
- Added 1f

8.4 – Patrols and Enforcement

- a. Within 1 to 5 years:
 - i. Enhance communications and cooperation among GBL enforcement agencies and between these agencies and Déline organizations and residents.
 - ii. Involve all enforcement agencies in GBL joint enforcement planning.
 - iii. Increase the capacity of the DRRC to do fisheries surveys and other environmental research & monitoring, to patrol fishing activities on GBL and to provide logistical support to researchers and management agencies; analyze results of 2004 contract with DRRC and adapt project in future years.
 - iv. Develop an inter-agency DRRC monitoring/patrols training plan, and systematically increase the patrols and research & monitoring capacity of the DRRC.
- b. Within 5 to 10 years, maximize the involvement of Déline residents and the DRRC in GBLW patrols, surveys, logistical support and monitoring.
- c. Within 5 to 10 years, develop and implement an inter-agency/Déline GBLW enforcement training program.

SLUPB Proposal for Integration:

- Added enforcement to various clauses under Goal #4

9.3 – Contaminated and Waste Site Remediation

- a. Complete a comprehensive inventory of contaminated and waste sites in the GBLW:

- i. Update and ground truth DIAND's contaminated and waste site inventory in consultation with Déline representatives.
- ii. Coordinate future inventory work with the research and monitoring program described in Chapter 7 of this Management Plan.
- iii. Use baseline information collected by the research and monitoring program for assessment and remediation activities around waste and contaminated sites.
- b. Remediate larger contaminated sites in the GBLW in accordance with Table 9.1 below and in cooperation with Déline authorities. Update Table 9.1 as necessary.
- c. Remediate smaller-scale contaminated and waste sites as opportunities arise in the remediation of the larger sites set out in b above.
- d. To the extent possible, work cooperatively with Déline authorities in identifying and ensuring remediation of sites, and maximize the economic opportunities available to local people in site remediation and management.

SLUPB Proposal for Integration:

- These points are generally captured under 1c

Proposed Amendments to SLUP Goals (changes in Bold)

- 1. Maintain or enhance the ecological integrity of the Sahtu Settlement Area.**
 - a. Keep the land and water clean and healthy for future generations.
 - b. Protect environmentally significant areas and ecologically representative areas through Conservation Zones and legislated protected areas.**
 - c. Reclaim current contaminated sites.
 - d. Maintain or increase the populations of wildlife on which people depend, including but not limited to caribou, moose, muskox, furbearers, waterfowl and fish.
 - e. Consider impacts of climate change in decisions affecting land, water and other resources.
 - f. Develop a research and monitoring program necessary to understand and maintain the ecological and cultural integrity of the Sahtu Settlement Area.**
- 2. Maintain or enhance the cultural integrity of the Sahtu Settlement Area.**
 - a. Protect places of particular cultural or spiritual value through Conservation Zones or legislated protected areas.**
 - b. Enhance protection of heritage sites, and important traditional use and harvesting areas.
 - c. Document the cultural heritage of the SSA, including the names and locations of important places, trails, burial sites, archaeological sites, and undocumented stories associated with particular places and meanings.**
 - d. Document traditional ecological knowledge and protocols of the Sahtu Dene and Metis and integrate this knowledge into all aspects of land and resource management, including research and monitoring.**
 - e. Increase opportunities for residents to spend time on the land.

- f. Increase use and transfer of cultural skills, values, practices and language among residents, especially from Elders to the youth.
- 3. Promote responsible economic development outside of conservation zones and protected areas.
 - a. Develop renewable resource industries, including commercial hunting, fishing, forestry and tourism.
 - b. Address community and industry needs for access and infrastructure development.
 - c. Maximize benefits to Sahtu residents and communities from development.
 - d. Establish long-term training opportunities in resource development and business.
- 4. Increase **community capacity** and decision-making authority for land use.
 - a. Complete self-government negotiations.
 - b. Improve communication and coordination between community organizations, regulators, resource managers, and enforcement personnel.**
 - c. Increase community capacity and engagement in regulatory processes, **resource management, monitoring and enforcement.**
 - d. Build community operational management capacity so that communities can play a lead role in the stewardship of land, waters and resources.**
- 5. Improve clarity, consistency and efficiency of the regulatory environment.

Chapter 2 - Overview

- Water Heart Story will be included in Background Report or Zone Description
- S. 2.3 discusses the need for ongoing community level funding. Perhaps the Board could include an Action or Recommendation in the Plan for better community funding to facilitate more effective participation in resource management and regulatory processes.
- No other sections from Chapter 2 will be integrated into the SLUP.
 - S. 2.5 – Larger Management Context – The SLUP has similar sections appropriate for the whole SSA.

Chapter 3 - Overview

- Elders' Story will be included in Background Report or Zone Description
- 3.1 - Vision incorporated as above
- 3.2.1 – Will not be included as it speaks specifically to future Deline authority – this is best captured under Vision and Goals
- 3.2.2 – Goals captured as above
- 3.2.3 – Communications Policies – Perhaps the general intent of this section could be translated into a Recommendation to Regulators and Resource managers to communicate more regularly and effectively with communities
- 3.3.1 – Operational Management Context – Information not already captured in the SLUP will be added to the appropriate sections of the Background Report
- 3.3.2 – Goals captured as above
- 3.3.3 – Operational Management Policies – Speaks to future authority of Deline communities. This will not be integrated into the SLUP at this time.

Chapter 4

Elders' Story

- Will be included in Background Report or Zone Description

4.1 Concepts

- Concepts of ecological and cultural integrity to be introduced in Background Report in section talking about the integration of the GBLWMP and SLUP

4.3. Context

- Key points will be included in GBLW SMZ Zone Description and possibly other sections of Background Report as appropriate
- Will create a much lengthier zone description than other zones have

Air Quality

4.3.4 Considerations

- Will be used to substantiate a Sahtu-wide term for air quality

GBLWMP

Air quality is an issue in the GBLW. There are several aspects of this issue, which can be summarized as follows:

- a. The issue goes to the monitoring of emissions and ambient air quality in the GBLW, as well as to the development and regulation of air quality standards.
- b. On the monitoring side, ENR currently monitors air quality at four stations (most remotely operated) in the NWT: Yellowknife, Inuvik, Norman Wells and Fort Liard. The focus is on the common or "criteria" air contaminants: ground-level ozone, carbon monoxide, oxides of nitrogen, sulphur dioxide, total suspended particulates, fine particulates and hydrogen sulphide. Not all contaminants are monitored at every station, but new instruments are added as funding becomes available. The purpose of the program is to establish and publish a baseline against which to measure future changes in ambient air quality in the NWT. The air quality data is summarized in an annual report and published on the ENR website.
- c. Notwithstanding "b" above, residents of Déline are uncertain whether ambient air in their community is consistent with human and environmental health. They have very little information on how air quality in their community rises and falls during the year, on trends in air quality over time, on specific inputs (e.g. the power plant in Déline), or on effects on ecological and cultural integrity. They suggest a holistic approach to the monitoring of air quality, the dissemination of information on results, and to the regulation of all aspects of environmental integrity, including air quality.
- d. The GNWT has developed guidelines for ambient air quality in the NWT (the "Guidelines"). These *Guidelines* define and set standards for Fine Particulate Matter,

ground level ozone, sulphur dioxide and total suspended particulates. The *Guidelines* for fine particulate matter and ground level ozone are based on standards developed by the Canadian Council of Ministers of the Environment. The *Guidelines* for sulphur dioxide and total suspended particulates are based on National Ambient Air Quality Objectives. The standards in the *Guidelines* are therefore widely accepted and based on sound science.

- e. As currently drafted, the *Guidelines* are guidelines only, to be used in assessing the acceptability of emissions from existing and proposed activities and for reporting on the status of air quality in the NWT. They do not currently have the status of mandatory standards, enforceable under regulation. But they are based on national standards and objectives that are to be implemented in each jurisdiction as the jurisdiction deems appropriate. They are therefore appropriate as a basis for enforceable regulations, if that is the direction that the responsible jurisdiction(s) wishes to take.
- f. There is currently no comprehensive regulation of air quality in the GBLW or in the Mackenzie Valley. Again, this Management Plan can only very briefly summarize the current situation:
 - i. There are currently no air quality regulations under the MVRMA. In the absence of such regulations, it is not clear whether the SL&WB or its inspectors have any authority to regulate air quality in the Sahtu settlement area. Any attempt to regulate air quality on the Board's part could be subject to legal challenge for action in excess of the Board's jurisdiction.
 - ii. The NEB may be able to regulate emissions from oil and gas operations, but any such regulation would be limited by the sectoral jurisdiction of that Board.
 - iii. There does not appear to be any other comprehensive federal regulation of air quality in the NWT. In Canada, most federal regulation of air quality is under the *Canadian Environmental Protection Act* (CEPA). But regulations under that *Act* are designed with the constitutional division of powers in mind — provinces are the primary regulators of air quality in Canada — and existing regulations under CEPA do not address the substances covered by ENR's *Guidelines* or most other substances which would be of concern to the residents and communities of the Mackenzie Valley and the NWT.

GNWT Recommendations: The GNWT recommends the following:

- Remove the first 2 sentences of Section 4.3.4 and replace with:
"Air Quality is a valued component of environmental protection in the GBLW. There are several aspects of managing this component, including:"
- Remove Section 4.3.4, part a.
- Remove Section 4.3.4, part c.

SLUPB Proposal for Integration: Use with GNWT corrections (including additional info provided in GNWT rationale) as preamble for a Sahtu-wide term on air quality.

4.8. Air Quality Recommendations

GBLWMP

- a. ENR should ensure that communities such as Déline are regularly informed (in print and orally) regarding the findings of the GNWT's ambient air quality monitoring program. The findings should include an analysis of seasonal levels and yearly trends, cumulative effects, and human health and environmental integrity implications.
- b. Within 1 to 5 years, ENR, the appropriate federal department(s) and the Déline First Nation Government (when established) should study the feasibility and advisability of establishing an air quality monitoring station in Déline. Further action on this recommendation must be integrated with the larger research and monitoring program described in Chapter 7 of this Management Plan.
- c. By the time of the first comprehensive review of the Sahtu Land Use Plan, ENR and the appropriate federal department(s) should collaborate in developing air quality regulations for the Mackenzie Valley. In so doing, they should consult (among others) the Déline First Nation Government. The regulations should help ensure the maintenance of the ecological and cultural integrity of watersheds such as the GBLW.
- d. In the interim, the SL&WB should recommend to those applying for permits, licences or other authorizations that they conduct all activities in the GBLW in conformity with the standards set out in the GNWT's Guidelines for Ambient Air Quality Standards in the Northwest Territories, in the Alberta Energy and Utilities Board's Guide 60: Upstream Petroleum Industry Flaring, Incineration, and Venting, and in the Texas Commission on Environmental Quality's Short-Term and Long-Term Effects Screening Levels.

GNWT Recommendations:

- The GNWT recommends that Section 4.8.1, part a, regarding informing communities of GNWT's ambient air quality monitoring program, be removed and replaced with:

"ENR will ensure that interested parties are provided with a paper copy of the Annual Air Quality Report, and directed to ENR's Air Quality Programs Coordinator as necessary."
- The GNWT recommends that Section 4.8.1, part b, regarding the establishment of an air quality monitoring station in Déline, be removed and replaced with:

"ENR will continue to study the feasibility and advisability of expanding the air quality monitoring network in the NWT. This will be based primarily on industrial development, population growth, and available resources."
- Remove Section 4.8.1, part c, relating to the development of Air Quality Regulations between the ENR and appropriate federal departments, and replace with:

"ENR will continue to develop air quality related regulations, guidelines and/or standards, as appropriate, for territorial application within GNWT's jurisdiction through the NWT Environmental Protection Act. ENR will continue to work with the Land and Water Boards and applicable federal agencies to encourage our air quality objectives for new and existing developments, territory-wide."
- To the end of Section 4.8.1, part d, remove reference to "the Texas Commission on Environmental Quality's Short-Term and Long-Term Effects Screening Levels", and add:

“and other applicable federal or territorial regulations, guidelines or standards as they are developed.”.

SLUPB Proposal for Integration: Include as Sahtu-wide Recommendations with GNWT recommended changes.

4.5.1 Nature of Policies, Conditions and Prohibitions

Several things should be said by way of clarification of the policies, conditions and prohibitions in Parts 4.5 and 4.6:

- a. The appropriate authorities shall interpret and apply these policies, conditions and prohibitions as mandatory requirements, within sections 46 and 47 of the MVRMA, applicable to all activities in the Special Management Zone authorized subsequent to the approval of the Sahtu Land Use Plan.
- b. For permits, licences or other authorizations in the Special Management Zone issued prior to the approval of the Sahtu Land Use Plan, including those within existing prospecting permits, the appropriate authorities shall interpret and apply the policies, conditions and prohibitions in Part 4.5 and 4.6 as operational standards applicable to any renewal or substantial amendment of such permits, licences or other authorizations.
- c. They are in addition to existing legislative and regulatory requirements, and they are to be interpreted so as not to reduce or diminish existing legislative or regulatory requirements 69. Moreover, all references to legislation or other standards should be interpreted to mean legislation and standards as amended from time to time.
- d. They apply throughout the Special Management Zone, on both Crown and settlement lands.
- e. They vary in the generality of the tests they require, from the more general (the policies) to the more specific (conditions and prohibitions).
- f. They apply to activities as defined in Chapter 1 of this Management Plan.
- g. They are to be used by the SLUPB in determining whether a proposed activity is compliance with a land use plan, and by other appropriate authorities, including the SL&WB, in setting terms and conditions on permits, licences or other authorizations⁷⁰. Through setting terms and conditions on permits, licences and other authorizations, the appropriate authorities are to ensure that rights holders exercise their rights in accordance with the policies, conditions and prohibitions of Parts 4.5 and 4.6.
- h. They are subject to the resource management regime and to the system of rights and responsibilities set out in the SLCA and the DSGA, to the extent that that Agreement applies to the Conservation Zones. They do not diminish in any way participants' rights as recognized in the SLCA (including harvesting rights and the right to travel and establish and maintain hunting, trapping and fishing camps).

SLUPB Proposal for Integration: This section will not be integrated into the SLUP. The SLUP already has a similar section – Scope and Application of the Plan – that sets out similar “interpretive statements”. Those sections of the GBLWMP that are integrated into the SLUP will follow the SLUP rules set out in that section of the Plan.

4.5.2 SMZ Policies

GBLWMP

- a. The GBLW is part of the natural and cultural heritage of the Sahtugot'ine, other Canadians, and indeed the world. The lake and its watershed must be protected for generations to come. The conservation of renewable resources and the maintenance of the ecological and cultural integrity of the GBLW must be the first priority in all management decisions affecting the lake and its watershed. All activities in the GBLW must be consistent with the maintenance of the ecological and cultural integrity of the GBLW.
- b. The management of the Special Management Zone must also accommodate the use, by Déline individuals/organization 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 Plan. Wherever possible, proponents and the appropriate authorities must act to prevent adverse impacts. Applicants for permits, licences and other authorizations in the Special Management Zone must *demonstrate* to the appropriate authorities, including, as the context requires, the SLUPB, the MVEIRB, the SL&WB, the SRRB, the DLC and authorized inspectors, 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.
- c. The management of the Special Management Zone must be adapted to emerging knowledge ("adaptive management"). It must take account of and integrate the best available scientific and traditional knowledge. And it must be defensible in terms of both of these bodies of knowledge. The traditional knowledge used to meet this policy must be specific to the area that will be affected by the activity under consideration.

SLUP Discussion Draft 2: Developers must make every effort to minimize their "footprint" on the environment including using existing barge landings, roads, transmission lines, etc. whenever possible

SLUP Draft 2:

CR #8: Applicants will demonstrate that they have considered traditional knowledge, new technologies and adaptive management practices to develop appropriate mitigation measures to reduce impacts on the environment from their land use activities.

CR #9: Applicants will minimize the environmental footprint of land use activities by using existing barge landings, roads, transmission lines, and areas of previous disturbance whenever possible.

SLUPB Proposal for Integration:

- The SLUP doesn't include "policies" so need to integrate these into other components
- Avoiding use of "ecological and cultural integrity"
- "a " can be added as discussion/preamble with softer language to explain the intent of the zone or captured under Vision and Goals (similar language in those sections)
- "b" and "c" are captured under CRs 8 & 9 which will be maintained

4.5.3. SMZ Conditions

4.5.3 (a)

GBLWMP:

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.

SLUP Draft 1:

Through the conditions they attach to permits, licenses and other authorizations in Special Management Zones, the Sahtu Land & Water Board and other appropriate authorities shall in addition to complying with Special Management Zone Prohibitions and Conditions in 2.7.1, 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 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 the Special Management Zone 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 Great Bear Lake Watershed ecosystems; and
- iii. furnishes and maintains security with the Minister sufficient for achieving the purposes in 1 and 2 above, as well as for any ongoing measures that may be required after abandonment or closing.

SLUP Discussion Draft 2:

Through the conditions they attach to permits, licenses and other authorizations in Special Management Zones, the Sahtu Land & Water Board and other appropriate authorities shall in addition to complying with Special Management Zone Prohibitions and Conditions in 2.7.1 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 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 the Special Management Zone 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 Special Management Zone ecosystem; and
- iii. furnishes and maintains security with the Minister sufficient for achieving the purposes in 1 and 2 above, as well as for any ongoing measures that may be required after abandonment or closing.

SLUP Draft 2:

CR #18: Applicants will develop a site-specific research and monitoring program sufficient to demonstrate that their proposed land use activities will not adversely impact the ecological and cultural values identified for the zone in which the activity is proposed.

SLUP Draft 2: CR #19: On termination or abandonment of activity(ies), applicants will restore all areas affected to the condition they were in before the authorized land use activities began. Unless required for safety reasons, materials and waste will not be buried on site.

SLUP Draft 2: CR #20: Applicants will furnish and maintain security with the Minister sufficient to achieve the reclamation goals stated above for their land use activities, and any ongoing measures that may be required after abandonment or closing.

Rationale: SLWB suggested that the SLUPB did not have the authority to compel them to do these things so term was redirected at applicants.

SLUPB Proposal for Integration:

- Maintain current CRs with changes to address other comments, consistent phrasing of terms
 - (e.g. suggestion to reword CR 19 to restore areas to “ecologically functional” and consistent with surrounding areas)
 - Consider SLWB issue with CR 20 – they do not currently collect security and have requested we change this to “may”

4.5.3 (b)

GBLWMP: All uses of land or water and all deposits of waste in the Special Management Zone must be consistent with the maintenance of the ecological integrity of the GBLW. All uses of water and all deposits of waste in the Special Management Zone must be consistent with the maintenance of the ecological and cultural integrity of Conservation Zones within the GBLW.

SLUP Draft 1: All uses of land or water and all deposits of waste in the Special Management Zone must be consistent with the maintenance of the ecological integrity of the Special Management Zone.

SLUP Discussion Draft 2:

All uses of land or water and all deposits of waste in the Special Management Zone must be consistent with the maintenance of the ecological integrity of the Special Management Zone.

As to avoid contamination of furbearer habitat and drinking water sources, Developers shall take every effort to not pump groundwater into receiving environment without undergoing

necessary and appropriate treatment as directed by the Land Use Inspector or the S.L.W.B. (whichever is appropriate).

SLUP Draft 2:

CR #12: Applicants will ensure that waste and waste water from land use activities is treated before being deposited in the environment to prevent contamination or alteration of water quality in the receiving water body.

CR #13: Applicants will avoid contamination of drinking water sources.

Rationale: Removed use of “ecological integrity” because it was too ambiguous

SLUPB Proposal for Integration:

- Amendments to address wording suggestions for CR 12 and provide more concrete direction regarding water quality standards
- Assessing options for multiple water terms for different zone types (watershed level management in general use, higher requirements for special management)

4.5.3 (c)

GBLWMP: All infrastructure in the Special Management Zone must be built, monitored and managed so as to prevent and where necessary rectify any negative environmental effects that may result from the infrastructure’s degradation or aggradation of permafrost.

SLUP Draft 1: All infrastructure in a Special Management Zone must be built, monitored and managed so as to prevent and where necessary rectify any negative environmental effects that may result from the infrastructure’s degradation or aggradation of permafrost.

SLUP Discussion Draft 2: All infrastructure in a Special Management Zone must be built, monitored and managed so as to prevent and where necessary rectify any negative environmental effects that may result from the infrastructure’s degradation or aggradation of permafrost.

SLUP Draft 2: CR #11: Applicants will design their land use activities to prevent and/or mitigate adverse environmental impacts resulting from the degradation or aggradation of permafrost.

Rationale: All activities should be constructed with permafrost in mind, not just infrastructure.

SLUPB Proposal for Integration:

- Considering broader application to all zones.

4.5.3 (d)

GBLWMP: Activities in the Special Management Zone must not result in or contribute significantly to the destruction or degradation of critical fish habitat, or of critical habitats or residences of other wildlife species.

SLUP Draft 1: No similar condition

SLUP Discussion Draft 2: Developers shall actively consider all possible science, technology and adaptive management to avoid or minimize fish and fish habitat impacts.

SLUP Draft 2:

CR #14: Applicants will meet with ENR, CWS and relevant Renewable Resources Councils to collect the most current information on the location of caribou and other important wildlife species, identify wildlife issues and appropriate mitigation measures for the proposed land use activities.

CR #15: Applicants will demonstrate that the proposed land use activities will not have a significant adverse impact on key wildlife species, their habitat and migration patterns, including but not limited to:

- a) Fish;
- b) Furbearers;
- c) Waterfowl;
- d) Raptors;
- e) Caribou;
- f) Moose;
- g) Muskox; and
- h) Grizzly Bears.

CR #16: Developers will avoid significant habitat features (calving areas, nest sites, migration routes, dens, spawning areas, beaver/muskrat lodges, etc.) and apply the following minimum setbacks to minimize disturbance to these areas when occupied during sensitive life cycle stages

- a) Grizzly bear dens - 800 m;
- b) Raptor nesting sites - 1000 m from March 1 to August 1 (breeding, nesting and fledging period), and 500 m outside this period;
- c) Waterfowl nesting areas - 250 m from June 1 – August 31 (breeding, nesting and fledging period);
- d) Waterfowl staging areas – 250 m from August 15 – September 15 (migration season)
- e) Avoidance of fish bearing waters during spawning and migration periods as determined by the SRRB and DFO.

CR #17: Low flying aircraft will adhere to the GNWT's guidelines on flight elevations to reduce impacts on wildlife during sensitive periods.

Rationale: Combined many wildlife terms into 4.

SLUPB Proposal for Integration:

- Maintain CRs and current direction with further amendments to address comments and improve clarity and simplify, including:
 - Further combination of CRs
 - Substantiation or amendment/deletion of setbacks as appropriate
- Considering application of different degrees of wildlife protection for different zone types, similar to water

4.5.3 (e)

GBLWMP: Activities in the Special Management Zone must not block the migration routes of migratory fish species or other migratory or semi-migratory wildlife species.

SLUP Draft 1: Activities in a Special Management Zone must not block the migration routes of migratory fish species or other migratory or semi-migratory wildlife species.

SLUP Discussion Draft 2: Activities in a Special Management Zone must not block the migration routes of migratory fish species or other migratory or semi-migratory wildlife species.

SLUP Draft 2: Concepts captured under CRs 14-17 above

SLUPB Proposal for Integration: See above conditions for wildlife

4.5.3 (f)

GBLWMP: The management of Special Management Zone fisheries should be proactive in nature and must be precautionary in approach. The managers of GBLW fisheries shall ensure that:

- i. all stocks fished for recreational or commercial purposes are maintained at sustainable levels consistent with identified fishery quality objectives. Licensed operators and harvesters shall be responsible for providing harvest statistics and biological information specified in their authorizations to the appropriate authorities;
- ii. lake trout populations on GBL are not allowed to fall below levels that ensure that the catch of large trophy lake trout (fish in excess of 9kg) by any lodge remains stable at baseline levels. Baseline levels will be established for various stocks as determined by harvest studies in areas used by fishing lodges;
- iii. arctic grayling populations in the Special Management Zone are maintained at levels that ensure the high quality of trophy fisheries. Baseline levels will be established for various stocks as determined by harvest studies in areas used by fishing lodges; and
- iv. as a general rule, fish stocks in the Special Management Zone are managed conservatively in order to minimize the risk of degrading the quality of GBLW fisheries.

SLUP Draft 1: The management of major water body fisheries should be proactive in nature and must be precautionary in approach:

- a. all stocks fished for recreational or commercial purposes must be maintained at sustainable levels consistent with identified fishery quality objectives. Licensed operators and harvesters shall be responsible for providing harvest statistics and biological information specified in their authorizations to the appropriate authorities; and
- b. as a general rule, fish stocks in the Great Bear Lake Watershed must be managed conservatively in order to minimize the risk of degrading the quality of Great Bear Lake Watershed fisheries.

SLUP Discussion Draft 2:

The management of major water body fisheries should be proactive in nature and must be precautionary in approach.

All stocks fished for recreational or commercial purposes must be maintained at sustainable levels consistent with identified fishery quality objectives. Licensed operators and harvesters shall be responsible for providing harvest statistics and biological information specified in their authorizations to the appropriate authorities.

As a general rule, fish stocks in the major water bodies must be managed conservatively in order to minimize the risk of degrading the quality of fisheries.

SLUP Draft 2: No similar condition

Rationale: Under Draft 2 the GBLW was to be managed under the GBLWMP so this term was not necessary as it was most applicable to GBL and did not require broader application in the Sahtu

SLUPB Proposal for Integration: This term will need to be brought back in with application to the GBLW SMZ only.

- Currently reads like goals not conditions.
- Possibility of Action for fisheries management criteria, and CR for fisheries authorizations.
- Need discussion of current regulatory/management regime to determine what the issue is and how this adds value.

4.5.3 (g)

GBLWMP: Section 21.1.4 of the SLCA requires, as conditions of access to settlement lands, that there be no significant damage to these lands, no mischief committed on them, and no significant interference with participants' use and peaceful enjoyment of them. Government inspectors shall make every reasonable effort to ensure that all activities on settlement lands in the Special Management Zone comply with these requirements. In the event that the DLC or the Déline First Nation Government acquires the capability to inspect settlement lands, its inspectors shall do likewise.

SLUP Draft 1: No similar condition

SLUP Discussion Draft 2: No similar condition

SLUP Draft 2: No similar condition

SLUPB Proposal for Integration: Need discussion of what the issue is. Possibility of an action for increased inspection. It's not a condition for development as currently worded.

4.5.3 (h)

GBLWMP: The Mackenzie Valley Land Use Regulations and the Northwest Territories Archaeological Sites Regulations protect historical and archaeological sites and burial grounds throughout the GBLW. Government inspectors shall make every reasonable effort to ensure that all activities in the Special Management Zone comply with both sets of regulations. In the event that the DLC or the Déline First Nation Government acquires the capability and authority to inspect settlement lands, its inspectors shall do likewise.

SLUP Draft 1: No similar condition

SLUP Discussion Draft 2: No similar condition

SLUP Draft 2: CR #7: Applicants will not interfere with burial or archaeological sites.

Rationale: To provide clear direction on avoidance of such sites.

GNWT Recommendation: Section 5.5.3, part h, [Note from SLUPB – also applicable to this section?] should be removed and replaced with:

“The *Mackenzie Valley Land Use Regulations* protect known monuments and known or suspected historical and archaeological sites and burial grounds throughout the GBLW. The *Northwest Territories Archaeological Site Regulations* also provide legislative protection to archaeological sites. Government inspectors shall make every reasonable effort to ensure that all activities in Conservation Zones comply with both sets of regulations. In the event that the DLC or the Déline First Nation Government acquires the capacity and authority to inspect settlement lands, its inspectors shall do likewise.”

SLUPB Proposal for Integration:

- Move discussion of existing protection to preamble for the CR, with GNWT recommended changes
- Revisit existing requirements under specified regs and revise CR 7 as appropriate to avoid duplication
- Is it acceptable to the Parties for the Plan to refer to possible future authority for DLC or DFN when these have not yet been negotiated?
- Many GBLWMP conditions seem to be directed at enforcement issues, which could be better handled under one term. Possible addition of an Action to address enforcement issues, pending further discussion.

4.5.3 (i)

GBLWMP: Applicants for permits, licences or other authorizations in the Special Management Zone shall design and implement their activities in close consultation with the appropriate Déline authorities. Similarly, all bodies having authority under subsection 46(1) of the MVRMA (including government departments and agencies) shall consult Déline authorities prior to issuing licences, permits or other authorities under existing legislation. For greater certainty, the Mining Records Office shall consult Déline authorities prior to issuing prospecting permits in the Special Management Zone, and the National Energy Board shall consult Déline authorities prior to issuing approvals under its authority in the Special Management Zone. Consultation shall emphasize the prevention of adverse impacts. Consultation shall in all cases be initiated early in the activities-planning and the application-review processes. Déline authorities must have a reasonable period to make referrals to the SLUPB, and the SLUPB must have a reasonable period to make determinations of compliance in accordance with section 47 of the MVRMA.

SLUP Draft 1: No similar condition

SLUP Discussion Draft 2: Where deemed appropriate by the permitting authorities, Developers will meet with relevant the Renewable Resources Council prior to submitting an application for development and clearly identify and address the Council's concerns within their application

SLUP Draft 2:

CR #6: Applicants will consult with relevant community organizations (land corporations, band office, RRCs) to identify areas of traditional use and occupancy (cabins, traplines) and avoid or mitigate impacts to these sites and traditional use activities.

CR #14: Applicants will meet with ENR, CWS and relevant Renewable Resources Councils to collect the most current information on the location of caribou and other important wildlife species, identify wildlife issues and appropriate mitigation measures for the proposed land use activities.

A #2: The SSI and other Designated Sahtu Organizations will develop consultation protocols or guidelines that define their expectations for consultation practices for different land use activities, on both Sahtu and Crown lands.

A #3: The Government of Canada, and the GNWT as appropriate, will clearly define their roles and responsibilities regarding their fiduciary obligations to consult and accommodate the interests of Sahtu Participants, and how these relate to consultation activities to be carried out by applicants.

Rationale: Consultation requirements are already spelled out under the SLCA and legislation; it is unlikely the Parties will allow the Plan to set new requirements for consultations. Rather than the Board developing consultation protocols, which Government has demonstrated resistance to in the past, the Board felt it was best to have the Parties develop their own consultation protocols for inclusion in future drafts or revisions.

SLUPB Proposal for Integration:

- Continue in current direction in SLUP rather than re-introducing this term
- Considering combining A #2 & 3 so there is only one set of protocols for the region.
- Consider combining all subjects for community consultation into 1 CR

4.5.3 (j)

GBLWMP: Activities in the Special Management Zone should have the support of Déline authorities. Where appropriate, given the scale of activities or their potential impacts on cultural integrity, consultation should be characterized by joint planning on the part of proponents and the appropriate Déline authorities. Proponents must in any case demonstrate to the SLUPB that proposed activities are consistent with the existing and future social, cultural and economic well-being of Déline participants.

SLUP Draft 1: Activities in a Special Management Zones should, wherever possible, have the support of District authorities. Where appropriate, given the scale of activities or their potential impacts on cultural integrity, consultation should be characterized by joint planning on the part of proponents and the appropriate District authorities.

SLUP Discussion Draft 2: No similar condition.

SLUP Draft 2: CR #6: Applicants will consult with relevant community organizations (land corporations, band office, RRCs) to identify areas of traditional use and occupancy (cabins, traplines) and avoid or mitigate impacts to these sites and traditional use activities.

Rationale: It is unlikely the Parties will agree to allow the Plan to give communities authority they don't already have – the power to stop a project they don't support or to require applicants to enter into joint planning arrangements with them. Reworded to ensure that mitigation of impacts to traditional and cultural use are a key focus of community consultations.

SLUPB Proposal for Integration:

- Continue in current direction in SLUP rather than re-introducing this term

4.5.4. SMZ Prohibitions

4.5.4 (a)

GBLWMP: any bulk water removal from the Special Management Zone; any bottled water removals shall have the approval of the Déline First Nation Government, when it comes into existence;

SLUP Draft 1: in accordance with current Federal policy, any bulk water removal

SLUP Discussion Draft 2: any bulk water removal as set out in Federal policy

SLUP Draft 2: Handled through zoning.

Rationale: Attempt to simplify the Plan through the use of a table as was done in the Dehcho Plan. All strict prohibitions are indicated through this table rather than text.

SLUPB Proposal for Integration: Continue as in Draft 2.

4.5.4 (b)

GBLWMP: any direct or indirect deposit of wastes into the surface or ground waters of the Special Management Zone which would have a negative impact on the ecological integrity of GBLW ecosystems;

SLUP Draft 1: any direct or indirect deposit of wastes into the surface or ground waters which would have a negative impact on the ecological integrity of that ecosystem;

SLUP Discussion Draft 2: any direct or indirect deposit of wastes into the surface or ground waters which would have a negative impact on the ecological integrity of that ecosystem as determined by the permitting authority

SLUP Draft 2: Managed as a condition (CRs 12 & 13), not a prohibition.

Rationale: Too ambiguous as written. One could argue that every deposit of waste has a negative impact on ecological integrity.

SLUPB Proposal for Integration: Continue as in Draft 2 rather than re-introducing this term.

4.5.4 (c)

GBLWMP: any direct or indirect deposit of wastes through surface or ground water into GBL, unless the concentration of wastes will be at or below natural background levels — or in the case of historically-polluted drainages, pre-development levels — when the waste stream enters GBL;

SLUP Draft 1: any direct or indirect deposit of wastes through surface or ground water into a major water body, unless the deposit will be at or below natural background levels — or in the case of historically-polluted drainages such as those in the vicinity of Port Radium on, pre-development levels when the waste stream enters a major water body;

SLUP Discussion Draft 2: any direct or indirect deposit of wastes into a major water body, including Great Bear Lake, unless the deposit will be at or below natural background levels — or in the case of historically-polluted drainages such as those in the vicinity of Port Radium on,

pre-development levels when the waste stream enters a major water body; (“pre-development” means before the development being currently applied for).

SLUP Draft 2: Managed as a condition (CRs 12 & 13), not a prohibition.

Rationale: Too ambiguous as written. One could argue that every deposit of waste has a negative impact on ecological integrity.

SLUPB Proposal for Integration: Continue as in Draft 2 rather than re-introducing this term.

4.5.4 (d)

GBLWMP: activities which result in the introduction of non-native plant and wildlife species or subspecies, or of domestic animal species or subspecies into the Special Management Zone;

SLUP Draft 1: activities which result in the introduction of alien or exotic species, (fauna or flora) into the Special Management Zone;

SLUP Discussion Draft 2: activities which result in the introduction of invasive alien species, (fauna or flora) into the Special Management Zone;

SLUP Draft 2:

CR #10: Applicants will demonstrate that their land use activities will not result in the introduction of invasive alien species (fauna or flora).

CR #22: Land use activities that will result in the introduction of domestic species or subspecies are prohibited within Conservation Zones and Proposed Conservation Initiatives.

Rationale: Managed as conditions of development, not a prohibition on development.

GNWT Recommendation: Please add at the end of Section 4.5.4, part d: “except by special approval by ENR.”

SLUPB Proposal for Integration:

- Continue to manage as conditions of development, rather than a prohibition
- Considering broader application for both terms
- Possible re-combination of CR 10 and 22 - need discussion of the issue and concern with domestic species within GBLW.
- Potential wording pending discussions: “Applicants will demonstrate that their land use activities will not result in the introduction of non-native plant and wildlife species or subspecies, or of domestic animal species or subspecies.”
- Need discussion of GNWT recommendation – flexibility vs clarity.

4.5.4 (e)

GBLWMP: activities which result in or contribute to the loss of any wildlife or plant species in the Special Management Zone;

SLUP Draft 1: No prohibition

SLUP Discussion Draft 2: No prohibition

SLUP Draft 2: No prohibition

Rationale: Managed as a condition of development, not a prohibition on development. See CR 14 & 15

GNWT Recommendation: Remove Section 4.5.4, part e.

SLUPB Proposal for Integration:

- Propose to maintain current direction from Draft 2 rather than re-introducing this term
- Expand relevant CRs to capture plants

4.5.4 (f)

GBLWMP: activities which result in or contribute to the loss of genetic diversity (the loss of genetically unique populations of aquatic or terrestrial plants or wildlife);

SLUP Draft 1: No prohibition

SLUP Discussion Draft 2: No prohibition

SLUP Draft 2: No prohibition

Rationale: Concerns about implementation. How would anyone know if an activity was resulting in a loss of genetic diversity? Is it currently being measured and managed?

GNWT Recommendation: Section 4.5.4, part f, should be removed and replaced with:

"Exploration of genetic resources is prohibited unless activities meet conditions under the *Canadian Counsel of Resource Ministers, Managing Bioprospecting in the 21st Century, Policy Framework Recommendation for Access to Genetic Resources and the Sharing of the Benefits Arising from Their Use* (revised July 27 2009)."

SLUPB Proposal for Integration:

- Need further discussion of the issue to see if it's captured under CR 14 & 15 or if alternative wording is needed.
- Need discussion of GNWT's recommendation – not sure these address the same issue

4.5.4 (g)

GBLWMP: fish farming or aquaculture in the Special Management Zone;

SLUP Draft 1: fish farming or aquaculture in the Special Management Zone;

SLUP Discussion Draft 2: fish farming or aquaculture in the Special Management Zone;

SLUP Draft 2: No prohibition.

Rationale: This was felt to be a GBLW issue only and was to be managed through the GBLWMP in Draft 2.

SLUPB Proposal for Integration:

- Re-introduce this prohibition through the Zone Table.
- Need a description/definition of what is meant by fish farming or aquaculture.

4.5.4 (h)

GBLWMP: activities in the lakebed of GBL, including any building or drilling in the lakebed and any trawling which results in the physical disturbance of the lakebed. Subject to the approval of the appropriate Déline authorities and to existing legislative requirements, including requirements in the *Fisheries Act* and the *Navigable Waters Protection Act*, the following are excepted from this prohibition:

- i. the installation of private, commercial or community wharves and docks;
- ii. the installation of other similar inert structures within the boundaries of the community of Déline; and
- iii. environmental monitoring equipment.

SLUP Draft 1: activities in a lakebed, including any building or drilling in the lakebed and any trawling which results in the physical disturbance of the lakebed. Subject to existing legislative requirements, including requirements in the *Fisheries Act* and the *Navigable Waters Protection Act*, the following are excepted from this prohibition:

- i. the installation of private, commercial or community wharves and docks;
- ii. the installation of other similar inert structures within the boundaries of the community of Déline; and
- iii. environmental monitoring equipment.

SLUP Discussion Draft 2: activities in a lakebed, including any building or drilling in the lakebed and any trawling which results in the physical disturbance of the lakebed. Subject to existing legislative requirements, including requirements in the *Fisheries Act* and the *Navigable Waters Protection Act*, the following are excepted from this prohibition:

- i. the installation of private, commercial or community wharves and docks;
- ii. the installation of other similar inert structures within community boundaries; and
- iii. environmental monitoring equipment.

SLUP Draft 2: No prohibition.

Rationale: This is a GBLW issue only and was to be managed through the GBLWMP in Draft 2.

GNWT Comment: Caution should be used when the GBLWMP speaks to lands within a municipal boundary. Section 34 of the *Mackenzie Valley Resource Management Act* states that land use planning does not apply in respect of lands situated within the boundaries of a local government.

SLUPB Proposal for Integration:

- The prohibition against building and drilling in the lakebed would preclude oil and gas and mineral exploration and development which are allowed activities in SMZ. Need discussion.
- The exceptions for #1 and 2 should be deleted as these are for uses within community boundaries where the Plan doesn't apply.
- Pending discussions, possible re-introduction of this term in some form for GBLW SMZ only.

4.6.1 Neregah

- Information to be included in Zone description

4.6.2 Neregah Management Conditions

GBLWMP:

- a. Neregah Heritage Zone shall be managed according to the policies, conditions and prohibitions applicable to the Special Management Zone as a whole.
- b. Heritage values are protected throughout the GBLW primarily by *Mackenzie Valley Land Use Regulations* and the *Northwest Territories Archaeological Sites Regulations*. Activities in Neregah Heritage Zone shall be subject to a higher level of inspection for compliance with these Regulations.

SLUPB Proposal for Integration:

- Consider changing Heritage Zone to SMZ to simplify
- Identify heritage resources as its primary reason for protection
- Could add CR to ensure higher level of scrutiny for protection of heritage resources

4.6.3 – Somba K’e (Port Radium)

GBLWMP:

- a. The Canada-Déline Uranium Table is working on a remediation plan for Somba K’e. The remediation of this site is between the Government of Canada and Déline authorities, and will be provided for outside of this Management Plan.
- b. The GBL Working Group — and particularly its Déline members — needs a better understanding of the contamination associated with Somba K’e and the safety of the public’s visiting the site before it can make any recommendation about whether this site should be designated as a heritage zone.
- c. The potential designation of Somba K’e as a heritage zone should be re-visited in a future review of the Sahtu Land Use Plan.

SLUPB Proposal for Integration:

- Is Somba K’e a National Historic Site? If so, then the Plan is not applicable there.
- Need discussion of status.

4.7.1 Caribou Protection Measures

GBLWMP:

- a. The responsible authorities should, as a matter of priority, cooperate in updating the Co-Management Plan for the Cape Bathurst, Bluenose-West and Bluenose-East Caribou Herds. The updated Co-Management Plan should include a comprehensive system to protect the Bluenose-East and Bluenose-West herds during all stages of their life cycles. The update should be developed in consultation with representatives of the affected communities. In carrying out their update, the responsible authorities should consider the following:

- i. the need to protect the traditional calving and post-calving grounds of the Bluenose-East herd in Nunavut, and the options of land use plan or legislative protection that would prohibit activities that could cause significant negative impacts to caribou or habitat;
 - ii. the need to protect both herds during other stages in their life cycles, including the rut and the fall and spring migrations (including river crossings);
 - iii. the need for reliable monitoring information, and the option of “mobile caribou protection measures”, using satellite-collared caribou and grids such as that in place for the Sahtu Harvest Study, supplemented by other survey techniques;
 - iv. the need for adequate inspection for compliance with caribou protection measures and for enforcement;
 - v. the feasibility of a pilot project in the Sahtu settlement area and of incorporating improved caribou protection measures into the Sahtu Land Use Plan as conditions of land use permits.
- b. Assuming a positive answer to 4.7.1.(a)(v) above, improved caribou protection measures should, as soon as reasonably feasible, be incorporated into the Sahtu Land Use Plan as conditions of permits in the Special Management Zone.

SLUPB Proposal for Integration:

- Need discussion with GNWT biologists, SRRB and other partners on status of these measures and possibility of incorporating these into the SLUP
- If so, then background info in 4.7 will be used as preamble. It may also be used in the Background Report on caribou

4.9 “Below-Threshold” Work in the GBLW

GBLWMP:

The policies, conditions and prohibitions set out in Parts 4.5 and 4.6 above and in Parts 5.5 and 5.6 below apply only to “activities” as defined in Chapter 1 of this Management Plan. For any uses of land or water or deposits of waste in the GBLW that fall outside of this definition or that may be exempted by regulation from permit or licence requirements, the applicable regulatory authorities are urged to recommend strongly to land or water users that they carry out their work in a manner consistent with the maintenance of the ecological and cultural integrity of the GBLW, and in particular that they minimize impacts on the watershed and remove all equipment, other non-biodegradable objects and removable wastes that they bring into the watershed.

SLUPB Proposal for Integration:

- The Plan applies to all uses of land, waters and resources requiring a licence, permit or authorization so the above statement is not needed. Anything that does not need an authorization would be of little to no impact.

Chapter 5

5.1 Concepts

- Won't be included as this is already in SLUP

5.3 Context

- Will be used in Zone Descriptions and in defining Conservation Zones as appropriate

5.5.1 Nature of Policies, Conditions and Prohibitions

GBLWMP

Several things should be said by way of clarification of the policies, conditions and prohibitions in Part 5.5 and 5.6:

- a. The appropriate authorities shall interpret and apply these policies, conditions and prohibitions as mandatory requirements, within sections 46 and 47 of the MVRMA, applicable to all activities in Conservation Zones authorized subsequent to the approval of the Sahtu Land Use Plan.
- b. For permits, licences or other authorizations in Conservation Zones issued prior to the approval of the Sahtu Land Use Plan, including those within pre-existing prospecting permits, the appropriate authorities shall apply the policies, conditions and prohibitions in Part 5.5 as operational standards applicable to any renewal or substantial amendment of such permits, licences or other authorizations.
- c. They are in addition to existing legislative and regulatory requirements, and they are to be interpreted so as not to reduce or diminish existing legislative or regulatory requirements. Moreover, all references to legislation or other standards should be interpreted to mean legislation and standards as amended from time to time.
- d. They apply within Conservation Zones but not within Protected Areas. While Conservation Zones are managed pursuant to the Sahtu Land Use Plan — including the policies, conditions that follow — and legislation of general application, Protected Areas are managed pursuant to the specific legislation by which each Protected Area is established and governed.
- e. They apply on both Crown and settlement lands, to the extent that both types of land are incorporated within Conservation Zones.
- f. They vary in the generality of the tests they require, from the more general (the policies) to the more specific (conditions and prohibitions).
- g. They apply to activities as defined in Chapter 1 of this Management Plan.
- h. They are to be used by the SLUPB in determining whether a proposed activity is in compliance with a land use plan, and by other appropriate authorities, including the SL&WB, in setting terms and conditions on permits, licences or other authorizations.
- i. They are subject to the resource management regime and to the system of rights and responsibilities set out in the SLCA and the DSGA, to the extent that that Agreement applies to the Conservation Zones. They do not diminish in any way participants' rights

as recognized in the SLCA (including harvesting rights and the right to travel and establish and maintain hunting, trapping and fishing camps) or the DSGA.

- j. The policies, conditions and prohibitions in Parts 5.5 are to be read *in conjunction with* the further management conditions and prohibitions applicable to particular Conservation Zones set out in Part 5.6. The conditions and prohibitions in Part 5.6 tailor the conditions and prohibitions of Part 5.5 to particular Conservation Zones. They complement and sometimes vary the conditions and prohibitions in Part 5.5.

SLUPB Proposal for Integration: This section will not be integrated into the SLUP. The SLUP already has a similar section – Scope and Application of the Plan – that sets out similar “interpretive statements”. Those sections of the GBLWMP that are integrated into the SLUP will follow the SLUP rules set out in that section of the Plan.

5.5.2. CZ Policies

GBLWMP:

- a. The Conservation Zones identified in this Management Plan are part of the natural and cultural heritage of the Sahtugot’ine, other Canadians, and indeed the world. They must be protected for generations to come. The conservation of renewable resources and the maintenance of the ecological and cultural integrity of Conservation Zones must be the first priority in all management decisions affecting them. All activities in Conservation Zones must be consistent with the maintenance of their ecological and cultural integrity, and indeed the ecological and cultural integrity of the GBLW as a whole.
- b. Wherever possible, proponents and the appropriate authorities must act to prevent adverse impacts. Applicants for permits, licences and other authorizations in Conservation Zones must *demonstrate* to the appropriate authorities, including, as the context requires, the SLUPB, the MVEIRB, the SL&WB, the SRRB, the DLC and all authorized inspectors, that all aspects of their activities are consistent with the maintenance of the ecological and cultural integrity of the Conservation Zone in question and, without limiting the generality of the foregoing, with the conditions and prohibitions set out in Parts 5.5.3 and 5.5.4 below.
- c. The management of Conservation Zones must be adapted to emerging knowledge. It must take account of and integrate the best available scientific and traditional knowledge. And it must be defensible in terms of both of these bodies of knowledge. The traditional knowledge used to meet this policy must be specific to the area that will be affected by the activity under consideration.

SLUPB Proposal for Integration:

- No new activities are allowed in CZ
- The SLUPB is working on wording that will ensure that the CRs applicable to other zones will be applied to grandfathered uses in CZ
- The Plan already requires the collection and use of TK and scientific knowledge.
- Therefore these policies do not need to be incorporated into the SLUP.

5.5.3. CZ Conditions

GBLWMP

- a. Through the conditions they attach to permits, licences and other authorizations in the Conservation Zones, 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 Conservation Zone 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 Conservation Zone 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.
- b. All deposits of waste and all uses of land and water in Conservation Zones, including access on and across Conservation Zones, must be consistent with the maintenance of the ecological integrity of the Conservation Zone in question. As noted above (4.5.3 (b)), all uses of water and all deposits of waste in the Special Management Zone must be consistent with the maintenance of the ecological integrity of Conservation Zones within the GBLW.
- c. All infrastructure in Conservation Zones must be built, monitored and managed so as to prevent and where necessary rectify any negative environmental effects that may result from the infrastructure's degradation or aggradation of permafrost.
- d. Activities in Conservation Zones must not result in or contribute significantly to the destruction or degradation of critical fish habitat, or of critical habitats or residences of other wildlife species.
- e. Activities in Conservation Zones must not block or significantly alter the migration routes of migratory fish species or other migratory or semi-migratory wildlife species.
- f. The management of Conservation Zone fisheries should be proactive in nature and must be precautionary in approach. Fish stocks in Conservation Zones must be managed conservatively in order to minimize the risk of degrading the quality of GBLW fisheries.
- g. Section 21.1.4 of the SLCA requires, as conditions of access to settlement lands, that there be no significant damage to these lands, no mischief committed on them, and no significant interference with participants' use and peaceful enjoyment of them. Government inspectors shall make every reasonable effort to ensure that all activities on settlement lands in Conservation Zones comply with these requirements. In the event that the DLC or the Déline First Nation Government acquires the capacity to inspect settlement lands, its inspectors shall do likewise.
- h. The *Mackenzie Valley Land Use Regulations* and the *Northwest Territories Archaeological Sites Regulations* protect historical and archaeological sites and burial grounds throughout the GBLW. Government inspectors shall make every reasonable effort to

ensure that all activities in Conservation Zones comply with both sets of regulations. In the event that the DLC or the Déline First Nation Government acquires the capacity and authority to inspect settlement lands, its inspectors shall do likewise.

- i. Applicant for permits, licences or other authorizations in Conservation Zones shall design and implement their activities in close consultation with the appropriate Déline authorities. Similarly, all bodies having authority under subsection 46(1) of the MVRMA (including government departments and agencies) shall consult Déline authorities prior to issuing licences, permits or other authorities under existing legislation. For greater certainty, the Mining Recorders Office shall consult Déline authorities prior to issuing prospecting permits in Conservation Zones, and the National Energy Board shall consult Déline authorities prior to issuing approvals under its authority in Conservation Zones. Consultation shall emphasize the prevention of adverse impacts. Consultation shall in all cases be initiated early in the activities-planning and the application-review processes. Déline authorities must have a reasonable period to make referrals to the SLUPB, and the SLUPB must have a reasonable period to make determinations of compliance in accordance with section 47 of the MVRMA.
- j. Activities in Conservation Zones should have the support of Déline authorities. Where appropriate, given the scale of activities or their potential impacts on cultural integrity, consultation should be characterized by joint planning on the part of proponents and the appropriate Déline authorities. Proponents must in any case demonstrate to the SLUPB that proposed activities are consistent with the existing and future social, cultural and economic well-being of Déline participants.

SLUP Draft 1: No conditions for CZ

SLUP Discussion Draft 2: No conditions for CZ

SLUP Draft 2: No conditions for CZ

Rationale: No new activities are allowed in CZ. The SLUPB is working on wording that will ensure that the CRs applicable to other zones will be applied to grandfathered uses in CZ so they do not need to be repeated. Therefore these conditions do not need to be incorporated into the SLUP.

GNWT Recommendation: Section 5.5.3, part h, should be removed and replaced with:

“The Mackenzie Valley Land Use Regulations protect known monuments and known or suspected historical and archaeological sites and burial grounds throughout the GBLW. The Northwest Territories Archaeological Site Regulations also provide legislative protection to archaeological sites. Government inspectors shall make every reasonable effort to ensure that all activities in Conservation Zones comply with both sets of regulations. In the event that the DLC or the Déline First Nation Government acquires the capacity and authority to inspect settlement lands, its inspectors shall do likewise.”

SLUPB Proposal for Integration:

- Continue as in Draft 2
- GNWT recommendation to be incorporated into SMZ section instead

5.5.4. CZ Prohibitions

5.5.4 (a)(i)

GBLWMP: The following are prohibited in Conservation Zones:

any bulk water removals; any bottled water removals shall have the approval of the Déline First Nation Government, when it comes into existence;

SLUP Draft 1: any bulk water removals in accordance with current Federal policy;

SLUP Discussion Draft 2: any bulk water removal as set out in federal policy

SLUP Draft 2: prohibited through CR #2 (Zoning)

Rationale: Attempt to simplify the Plan through the use of a table as was done in the Dehcho Plan. All strict prohibitions are indicated through this table rather than text.

SLUPB Proposal for Integration: Continue as in Draft 2

5.5.4 (a)(ii)

GBLWMP: any direct or indirect deposit of wastes into the surface or ground waters of Conservation Zones which would have a negative impact on the ecological integrity of Conservation Zone ecosystems;

SLUP Draft 1: any direct or indirect deposit of wastes into surface or ground waters of Conservation Zones which would have a negative impact on the ecological integrity of Conservation Zone ecosystems;

SLUP Discussion Draft 2: any direct or indirect deposit of wastes through surface or ground water into a major water body, unless the deposit will be at or below natural background levels. In the case of historically-polluted drainages, such as those in the vicinity of Port Radium, waste deposits will be at or below pre-development levels when the deposit enters the major water body;

SLUP Draft 2: Managed as a condition (CRs 12 & 13), not a prohibition.

Rationale: Too ambiguous as written. One could argue that every deposit of waste has a negative impact on ecological integrity.

SLUPB Proposal for Integration: Continue as in Draft 2 rather than re-introducing this term.

5.5.4 (a)(iii)

GBLWMP: any direct or indirect deposit of wastes through surface or ground water into GBL, unless the concentration of wastes will be at or below natural background levels — or in the case of historically-polluted drainages, pre-development levels — when the waste stream enters GBL;

SLUP Draft 1: any direct or indirect deposit of wastes through surface or ground water into a water body, unless the concentration of wastes will be at or below natural background levels — or in the case of historically-polluted drainages, pre-development levels — when the waste stream enters the water body;

SLUP Discussion Draft 2: any direct or indirect deposit of wastes through surface or ground water into a water body, unless the concentration of wastes will be at or below natural background levels — or in the case of historically-polluted drainages, pre-development levels — when the waste stream enters the water body;

SLUP Draft 2: Managed as a condition (CRs 12 & 13), not a prohibition.

Rationale: Too ambiguous as written. One could argue that every deposit of waste has a negative impact on ecological integrity.

SLUPB Proposal for Integration:

- Continue as in Draft 2 rather than re-introducing this term.
- CRs 12 & 13 will be amended to address concerns with wording and provide more concrete direction

5.5.4 (a)(iv)

GBLWMP: activities which result in the introduction of non-native plant and wildlife species or subspecies, or of domestic animal species or subspecies into Conservation Zones;

SLUP Draft 1: activities which result in the introduction of non-native plant and wildlife species or subspecies, or of domestic animal species or subspecies into Conservation Zones;

SLUP Discussion Draft 2: activities which result in the introduction of non-native plant and wildlife species or subspecies, or of domestic animal species or subspecies into Conservation Zones;

SLUP Draft 2: Managed through CRs #10 and 22

Rationale: Managed as a condition of development, not a prohibition

SLUPB Proposal for Integration: Continue as in Draft 2

5.5.4 (a)(v)

GBLWMP: activities which result in or contribute to the loss of any wildlife or plant species in the GBLW;

SLUP Draft 1: No similar prohibition

SLUP Discussion Draft 2: No similar prohibition

SLUP Draft 2: No similar prohibition

Rationale: Managed as a condition of development, not a prohibition on development. See CR 14 & 15

SLUPB Proposal for Integration:

- Propose to maintain current direction from Draft 2 rather than re-introducing this term
- Expand relevant CRs to capture plants

5.5.4 (a)(vi)

GBLWMP: activities which result in or contribute to the loss of genetic diversity (the loss of genetically unique populations of aquatic or terrestrial plants or wildlife) in the GBLW; and

SLUP Draft 1: activities which result in or contribute to the loss of genetic diversity (the loss of genetically unique populations of aquatic or terrestrial plants or wildlife) in a major water body;

SLUP Discussion Draft 2: activities which result in or contribute to the loss of genetic diversity (the loss of genetically unique populations of aquatic or terrestrial plants or wildlife) in a major water body;

SLUP Draft 2: No similar prohibition

Rationale: Concerns about implementation. How would anyone know if an activity was resulting in a loss of genetic diversity? Is it currently being measured and managed?

SLUPB Proposal for Integration:

- Continue direction from Draft 2 where it is managed as a CR applicable to SMZs and grandfathered uses in CZ; no new activities are allowed in CZ. See CRs 14 and 15

5.5.4 (a)(vii)

GBLWMP: fish farming or aquaculture.

SLUP Draft 1: fish farming or aquaculture;

SLUP Discussion Draft 2: fish farming or aquaculture;

SLUP Draft 2: No similar prohibition

Rationale: This is a GBLW issue only and was to be managed through the GBLWMP in Draft 2.

SLUPB Proposal for Integration:

- Need a description/definition of what is meant by fish farming or aquaculture.
- Re-introduce this prohibition through the Zone Table
- Decide on scope of application – GBLW CZ only or other CZ and SMZ?

5.5.4 (b)

GBLWMP: Unless already authorized in a Conservation Zone prior to the approval of the Sahtu Land Use Plan, the following are prohibited in Conservation Zones:

- i. the issuance of prospecting permits, the locating and recording of mineral claims, and mineral exploration, development and transportation; and
- ii. oil and gas exploration, development and transportation.

SLUP Draft 1: Unless already authorized in a Conservation Zone prior to the approval of the Sahtu Land Use Plan, the following are prohibited in Conservation Zones:

- the issuance of prospecting permits, the locating and recording of mineral claims, and mineral exploration, development and transportation;
- oil and gas exploration, development and transportation;

SLUP Discussion Draft 2: Unless already authorized in a Conservation Zone prior to the approval of the Sahtu Land Use Plan, the following are prohibited in Conservation Zones:

- the issuance of prospecting permits, the locating and recording of mineral claims, and mineral exploration, development and transportation;
- oil and gas exploration, development and transportation; Discuss access across Conservation Zones.

SLUP Draft 2: Mineral and oil and gas exploration and development are both prohibited through the zoning table. Transportation of oil and gas and minerals is allowed.

Rationale: These were moved into the zone table to simplify the Plan. Transportation and access on and across CZ are allowed to align with the SDMCLCA.

SLUPB Proposal for Integration: Continue as in Draft 2.

5.5.4 (c)

GBLWMP: For greater certainty, where prospecting permits were issued in Conservation Zones prior to the approval of the Sahtu Land Use Plan, the appropriate authorities shall implement the following conditions and prohibitions:

- i. licences, permits or other authorizations issued subsequent to the approval of the Sahtu Land Use Plan shall be subject to the policies, conditions and prohibitions in Parts 5.5 and 5.6;
- ii. on the expiry of these prospecting permits, no further prospecting permits shall be issued; and
- iii. on the expiry or relinquishment of mineral rights within the boundaries of these prospecting permits, the prohibitions in Part 5.5 shall apply.

SLUP Draft 1: Where prospecting permits were issued in Conservation Zones prior to the approval of the Sahtu Land Use Plan, the appropriate authorities shall implement the following conditions and prohibitions:

1. licenses, permits or other authorizations issued subsequent to the approval of the Sahtu Land shall be subject to the conditions and prohibitions in part **Error! Reference source not found.**
2. on the expiry of these prospecting permits, no further prospecting permits shall be issued; and
3. on the expiry or relinquishment of mineral rights within the boundaries of these prospecting permits, the prohibitions in **Error! Reference source not found.** above shall apply.

SLUP Discussion Draft 2: For permits, licenses or other authorizations in Conservation Zones issued prior to the approval of the Sahtu Land Use Plan, including those within pre-existing prospecting permits, the appropriate authorities shall apply the conditions and prohibitions in Part 2.6.1 as operational standards applicable to any renewal or substantial amendment of such permits, licenses or other authorizations.

SLUP Draft 2: No similar condition or prohibition

Rationale: This is handled under the Scope and Application section of the Plan, rather than as a condition of development.

SLUPB Proposal for Integration: Continue as in Draft 2.

5.6.1 – 5.6.4 Zone Descriptions

- Will be used in respective zone descriptions

5.6.1 Luchaniline (Whitefish River) Conservation Zone Further Management Conditions and Prohibitions

- a. Commercial timber harvesting or gravel extraction activities in Luchaniline shall be regulated to ensure the ecological integrity of Luchaniline and surrounding areas, with particular attention being paid to the Whitefish River, its riparian zone and GBL.
- b. Activities in parcel M25 (Maps 4 and 5) shall be subject to the policies, conditions and prohibitions in Part 5.5.2 to 5.5.4(a) only. Any further restrictions on these activities shall be as determined solely by the DLC.

SLUPB Proposal for Integration:

- “a” will not be included as it was already removed at the Draft 1 stage and agreed to by Deline
- “b” will not be included as parcel M25 was rezoned as Special Management for Draft 1

5.6.3 Du K’ets’edi (Sentinel Islands) Conservation Zone Further Management Conditions and Prohibitions

- a. Participants and others shall use Du K’ets’Edi for temporary purposes only, including stopping and camping for safety reasons, research and monitoring (including the installation of research and monitoring equipment) and youth educational camps. Emergency shelters and youth educational shelters shall be authorized for temporary purposes only. The appropriate authorities, including the SRRB, the DRRC, the GNWT and the SL&WB (and the DLC, in the case of settlement lands) shall not authorize any commercial renewable or nonrenewable resource development activities on Du K’ets’Edi.

SLUPB Proposal for Integration:

- This prohibition on commercial resource development is already accomplished through the prohibitions in place for Conservation Zones.
- Need discussion on if/how to integrate discussion on temporary uses. Preference is to not talk about “allowed” uses to avoid gaps and inconsistencies between allowed and prohibited uses.

5.6.4 Edaiila (Caribou Point) Conservation Zone Further Management Conditions and Prohibitions

- a. Given the importance of Edaiila to the Bluenose-East caribou herd, and the issuance of prospecting permits throughout much of Edaiila in 2004 and 2005 (Map 5), this Conservation Zone shall be given immediate priority for the development and application of improved caribou protection measures pursuant to Part 4.7.1 above.
- b. Edaiila should be considered as a candidate National Wildlife Area under the PAS.

SLUPB Proposal for Integration:

- Need discussion of “a” and the status and location of the caribou protection measures pilot project
- “b” will not be included as this is no longer the case but Edaiila will still be zoned as a Proposed Conservation Initiative as it was in Draft 2.

5.6.5 Sahyoue and Edacho Protected Area

- This section will not be incorporated at all as this is now a National Heritage Site and is no longer subject to the Plan.

5.7.1 Interim Protection

This Management Plan thus recommends (Chapter 1) that, following public consultation on the GBL Management Plan and the larger Sahtu Land Use Plan and the subsequent amendment of the Sahtu Land Use Plan in 2005, the Land Use Planning Board should immediately forward the Great Bear Lake watershed portion of the Sahtu Land Use Plan to the Sahtu Secretariat Incorporated, the Territorial Minister and the Federal Minister, for their approval in accordance with section 43 of the MVRMA.

SLUPB Proposal for Integration: This statement will not be included as both INAC and GNWT have identified that they will only accept one integrated plan for the SSA.

5.7.2. Resource Assessments

RECOMMENDATION Resource Assessments should be carried out for the Conservation Zones set out in this Management Plan. The Assessments can take place following the approval of the Sahtu Land Use Plan and the establishment of Conservation Zones. Given the five year term of the Sahtu Land Use Plan, the timing of Resource Assessments should not be allowed to delay the approval of the Plan or the establishment of its Conservation Zones.

SLUPB Proposal for Integration: Can include as an Action in the Plan.

5.7.3 Economic Opportunities Associated With Neh Karila K’ets’edi

RECOMMENDATION Develop a strategic plan to capitalize on the economic opportunities generated by the establishment of Neh Karila K’ets’Edi.

SLUPB Proposal for Integration: Who is this directed at? Can include as an Action in the Plan, potentially Sahtu-wide.

5.7.4 Aquatic Representation

RECOMMENDATION Develop guidelines in partnership with government to evaluate aquatic representation within the GBLW.

SLUPB Proposal for Integration: What does this mean? Who is it directed at? Mike Palmer with the Nature Conservancy (through PAS) has developed and is refining a freshwater classification which they are feeding into their ecological representation analysis of the SLUP zoning. If that is what is intended, then this does not need to be included as it is already happening.

5.7.5 Monitoring Guidelines for Neh Karila K'ets'edi

RECOMMENDATION Develop guidelines for monitoring ecological and cultural integrity within Conservation Zones and Protected Areas.

SLUPB Proposal for Integration:

- Needs discussion.
 - Who is this directed at? Three possible approaches:
 - The SLUP has a responsibility to monitor implementation of the land use plan once it is approved to ensure that the terms are being implemented and that the Plan is achieving its goals. Further details can and will be provided on how the Board intends to do this.
 - Draft 2 included an Action for SSI and DSOs to develop their own Sahtu Monitoring Program, which would include this function.
 - Could include an Action to appropriate responsible authorities to monitor certain ecological and cultural indicators within Conservation Zones and Protected Areas.

Chapters 6-10

Elders Story

- Will be included in Background Report

6.2 Context

- Will be integrated into cultural section of Background Report

6.4 Culture and Education Policies

- a. The appropriate government authorities should make every reasonable effort to support initiatives on the part of Déline to maintain and strengthen the land-based culture and its transmission from the elders to the younger generations. Operational management and research and monitoring priorities are addressed in Chapters 3, 7 and 8 of this Management Plan, and the protection of the land (in the widest sense) is addressed in Chapters 4 and 5. Culture and education priorities are as follows:
 - i. Facilitate land-based activities for community members, particularly where the elders can pass on Sahtugot'ine culture to the younger generations.
 - ii. Assist elders and local/regional educators in defining clear teaching roles for the elders in the schools, and in the developing and incorporating culturally-appropriate teaching materials in the school curriculum. Support the inclusion of materials on the GBLW in the curriculum, incorporating both Sahtugot'ine traditional knowledge and scientific knowledge about the watershed in the curriculum.
 - iii. Support the community's efforts to develop its capacity in the fields of ecological and cultural research, monitoring and management.
 - iv. Support community efforts to promote and communicate Sahtugot'ine culture, to develop greater mutual respect between Sahtugot'ine and people of other cultures, and (more specifically) to develop and maintain a GBLW website.

SLUPB Proposal for Integration: Could be included as an Action, applicable Sahtu-wide

7.4. Research and Monitoring Policies

- a. An ongoing (long-term) research and monitoring program must be established in the GBLW:
 - i. As set out in 4.5.3(a)(i) and 5.5.3(a)(i) above, the proponents of authorized activities shall be required to carry out site-specific research and monitoring.
 - ii. Government resource management departments and Déline authorities shall collaborate in updating, implementing and reporting on the more general and ongoing research and monitoring program — the Research and Monitoring Plan for GBL and its Watershed — in the Special Management Zone and Conservation Zones. Together with the research and monitoring under 7.4(a)(i) above, the more general research and monitoring program shall, within 10 years following the approval of this Management Plan, provide an information base that is

adequate for decision makers to maintain the ecological and cultural integrity of the GBLW. It shall include research and monitoring re. cumulative effects.

Research and management authorities in the GBLW (including Déline authorities) should be resourced so that they are able, in full partnership, to carry out this more general research and monitoring program.

- b. The primary purposes of the research and monitoring program shall be the maintenance of the ecological and cultural integrity of the watershed, and the development of the research and monitoring capacity of Déline, so that Déline can again play a leading, stewardship role in the management of the GBLW. In public funding of research and monitoring in the GBLW, priority must be given to research and monitoring that can demonstrate a clear link to these purposes, and the coordination of proposed research or monitoring with other research and monitoring projects in the GBLW. All new and ongoing research and monitoring projects in the GBLW should consider the projects identified in the Research and Monitoring Plan for GBL and its Watershed as well as in the Report of the Sahtu Heritage Places and Sites Joint Working Group.
- c. Research and monitoring must be designed and carried out using both scientific and traditional knowledge.
- d. Guidelines on the collection and use of traditional knowledge shall be incorporated into the Research and Monitoring Plan for GBL.
- e. Prior to undertaking research and monitoring in the GBLW, researchers and monitors shall consult the appropriate Déline organization(s) and the SRRB. The Déline First Nation Government, when established, shall identify the Déline organizations that are appropriate to different sorts of research and monitoring in the GBLW and that should be consulted, and it shall annually publish this information in plain language on its website as well as on the website of the SRRB.

SLUPB Proposal for Integration:

- CR 18 in Draft 2 covers "a(i)" above
- A #5 in Draft 2 covers the basic requirements of "a(ii)" and could be amended to include additional details discussed above in items "b" to "e"

8.5 GBLW Patrols and Enforcement Policies

- a. Within 1 to 5 years, the enforcement agencies in the GBLW shall collaborate in developing and implementing a Déline residents/DRRC patrols and research & monitoring training plan.
- b. Within 5 to 10 years, the enforcement agencies shall collaborate in maximizing the involvement of Déline residents and the appropriate Déline authorities in GBLW patrols, surveys, logistical support and monitoring.
- c. Within 5 to 10 years, the enforcement agencies shall collaborate in developing and implementing an enforcement agencies/Déline authorities' enforcement training plan.

SLUPB Proposal for Integration:

- Need discussion with approving Parties on whether such direction would be acceptable as an Action.
- Possible Sahtu-wide application.

9.4 Contaminated and Waste Site Remediation Policies

- a. The primary purpose of the contaminated and waste sites remediation program in the GBLW shall be to ensure that the ecological and cultural integrity of the watershed are maintained.
- b. In consultation with Déline authorities, DIAND shall inventory, research, monitor and remediate contaminated and waste sites in the GBLW. If a thorough remediation is not feasible, the wastes should be contained. Without limiting the generality of the foregoing, DIAND shall:
 - i. update and ground truth its inventory of contaminated and waste sites in the GBLW, and update Table 9.1 (in the main body of the Management Plan) on a yearly basis;
 - ii. coordinate future inventory, assessment and remediation work in the GBLW with the research and monitoring program described in Chapter 7 of this Management Plan;
 - iii. remediate known contaminated sites as set out in Table 9.1, and remediate smaller contaminated and waste sites as opportunities arise and as the confirmed budgets allow; and
 - iv. work cooperatively with Déline authorities in identifying and ensuring remediation of sites and, to the extent possible, maximize the economic opportunities available to Déline authorities in site remediation and management.
- c. Until devolution, the federal government should continue to be responsible for the assessment and remediation of abandoned contaminated and waste sites on a priority basis. The federal government shall provide reasonable funding to allow for meaningful community involvement in the activities it undertakes to address concerns about identified sites. These responsibilities may change post-devolution in accordance with a devolution transfer agreement.

INAC Comment: The Plan cannot compel government to cleanup or remediate any contaminated sites.

SLUPB Proposal for Integration: Need clear direction from INAC about what wording would be appropriate for an Action or Recommendation on this subject.

10.1 Transboundary Issues Recommendations

- a. The appropriate government authorities should make every reasonable effort to allow Déline's elders to meet with elders in adjacent jurisdictions, to discuss cooperative principles and processes by which the larger watershed of GBL may be kept clean and bountiful for all time. Other agencies, including the SLUPB and the SRRB, should observe and, where appropriate, lend support to this initiative.
- b. With the incorporation of the GBL Management Plan into the Sahtu Land Use Plan and the public review and refinement of the Land Use Plan in 2005, the SLUPB and the SRRB should work with comparable authorities in adjacent parts of the GBL watershed to establish processes by which the elders' initiative may be completed and by which the ecological and cultural integrity of the larger watershed may be assured.

INAC Comment: Recommends that the SLUPB considers negotiating specific processes or protocols for Transboundary management issues for the GBLW (and possibly for other zones within the SSA)

SLUPB Proposal for Integration:

- The SLUP already includes a section on Transboundary issues and interjurisdictional cooperation on planning issues. The SLUPB regularly communicates with neighbouring planning jurisdictions and will continue to do so to build consistency between approaches with neighbouring jurisdictions.
- Could build in an Action specific to Transboundary issues for the GBLW. Who would it be directed at?