

Note to Heidi Weibe / SLUPB Re. Summary Notes on SLUP Fall Technical Workshop #1 and Re. Definition of “Ecological Integrity” in D. 3 SLUP

Tom Nesbitt, Planner and Legal Counsel on SLUP, DLC

Feb. 3/12

1. Summary Notes on SLUP Fall Technical Workshop #1 (“Summary Notes”)

I see no need to make extensive on the SLUPB’s Summary Notes, but thought that a couple of clarifications might help.

- P. 4 top: my concern here is with any formal agreement by which regulators agree to refer all conformity determinations (“CD”) to the SLUPB, per s. 47(1) of the MVRMA. My point was simply that any such “agreement” must be an informal one only. The regulators and any others exercising s. 46(1) powers must retain the discretion not to refer to the SLUPB and to do the CD themselves. The DLC will retain the discretion not to refer and to do the CD itself.
- P. 29 middle: my point here was that Déline supports the current grandfathering approach in Draft 3 of the SLUP. Proponents knew or ought to have known that the SDMCLCA mandates a SLUP, to which their activities would be required to conform. If, e.g., the Mining Recorder registers a mineral claim in a Conservation Zone, the *exercise* of the rights associated with the registered claim is nonetheless rightly subject to the conformity requirements of the SLUP.

2. Recommended Definition of “Ecological Integrity” in SLUP

I recommend the following definition of “ecological integrity” for the SLUP. The intent is to define the concept in scientific and TEK language, and identify what would be required for a proponent’s consultants to demonstrate the ecological integrity, and for the SLUP to evaluate the proponent’s demonstration, in both cases using the DLC’s “Recommended Framework for the Preparation of Ecological Integrity Statements: (Jan. 30/12). The recommended definition is as follows:

Ecological integrity means the capacity of an ecosystem to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity and functional organization comparable to that of a similar, undisturbed ecosystem in the region (Karr and Dudley, 1981). Ecological integrity can be summarized as ecosystem health, or the natural condition of an ecosystem. An ecosystem has ecological integrity when:

- the structure and function of the system (or the particular collection of species in the system and the processes by which they are related) are not impaired by human-induced stresses;
- the system retains its resilience, in the sense that the diversity of organisms in it and the processes that support them are likely to persist; and
- the system is able to recover from disturbance and return to a state that is “normal” for that ecosystem type.

References: Karr JR, Dudley DR. 1981. Ecological perspective on water quality goals. *Environmental Management* 5: 55-68.