



Sahtu Land Use Planning Board



Sahtu Land Use Plan – Working Draft - 2 – Section 1

August 10, 2007

Table of Contents

1	The Sahtu	3
1.1	The Sahtu's Physical Environment	3
1.1.1	Geopolitical Boundaries	3
1.1.2	Vegetation.....	4
1.1.3	Soils.....	4
1.2	Sahtu Organizations	4
1.2.4	Municipal Land Management	4
1.2.5	Mackenzie Valley Resource Management Act	4
1.2.6	The Sahtu Land Use Planning Board	5
1.2.7	Sahtu Renewable Resources Board	5
1.2.8	Sahtu Land and Water Board	5
1.2.9	Mackenzie Valley Environmental Impact Review Board	6
1.2.10	Mackenzie Valley Land and Water Board.....	6
1.3	Land Ownership	6
1.4	Co-operative Resource Management in the Sahtu.....	6
2.	The Sahtu Land Use Plan	8
2.1	Goal and Mission Statement of the Sahtu Land Use Plan.....	8
2.2	The Planning Process.....	8
2.3	Building a Vision.....	10
2.4	Vision for the Sahtu Land Use Plan	10
2.5	Land Use Zones	11
2.6	Conservation Zones.....	11
2.6.1	Conservation Zone Prohibitions and Conditions	11
2.6.2	Acceptable Uses in Conservation Zones.....	12
2.7	Special Management Zones	14
2.7.1	General Management Goals and Objectives.....	14
2.7.2	Special Management Zones Prohibitions.....	16
2.8	Multiple Use Zones	18
2.8.1	Conditions for Peregrine Falcons and other Raptors in all Zones...	18
2.9	Exemptions from Zoning	18

1 The Sahtu

The Sahtu Settlement Area is the homeland of the Sahtu Dene and Metis. They have occupied the area for thousands of years. Their traditional lands are referred to as Denendeh, “The Land of the Dene”.

The Dene who use the Sahtu Settlement Area are the K’asho Got’ine (Hare), the Shuta Got’ine (Mountain People), and the Sahtu Got’ina (Great Bear Lake People). The Sahtu Metis are descendants of the intermarriage between the Sahtu Dene and the European population that began to live in the region in increasing numbers with the growth of the nineteenth century fur trade.

The pattern of traditional Dene life followed the changing seasons and movement of wildlife, with major seasonal changes marked by autumn freeze and spring thaw. In the fall and winter, people moved about the land in small family groups. Fish, moose and caribou provided materials necessary for survival. Spring and summer, with more abundant food supply were spending in larger groups sharing experiences, celebrating and preparing for the coming winter.

The Dene developed knowledge of land and the ability to survive in harsh climates. With the coming of the fur traders, the Dene world changed. Understanding this history is critical to understanding the Peoples’ connection to the land and their views on land management.

1.1 The Sahtu’s Physical Environment

The Sahtu Settlement Area consists of 283,171 km² in Canada’s Northwest Territories. It is a vast and extremely diverse area. It includes tundra and volcanic outcrops of the Canadian Shield in the east; Great Bear Lake, the Mackenzie River and low-lying plains in the center; and, rugged mountains and steep valleys of the Mackenzie Mountains in the west. Ecologists call these landscape differences the Southern Arctic, Taiga Shield, Taiga Plains, and Taiga Cordillera Eco-zones¹, respectively.

1.1.1 Geopolitical Boundaries

Geopolitically, the Sahtu Settlement Area is bordered to the north by the Gwich’in and Inuvialuit Settlement Areas, to the east by Nunavut and the North Slave Region, to the south by the Deh Cho Region and to the west by the Yukon.

Climate

In general, the Sahtu Settlement Area has long cold winters, and relatively short, cool summers. The average temperature in January ranges from -20 C to -30 C, while the average temperature in July ranges from + 10 C to +15 C. Annual precipitation varies

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

from 200mm in the barren lands to 700mm in the mountains. The summer and winter cycle is very pronounced and is demarcated by spring break-up and autumn freeze-up.

1.1.2 Vegetation

Vegetation is affected by the varied climate and soils found throughout the area. Boreal forest, comprised of white and black spruce, white birch and to a lesser degree aspen and tamarack, is common in the Mackenzie River Valley. Stunted black spruce and other species are found on the Shield. The tundra is dominated by shrubs with a sparse scattering of trees. Alpine vegetation, predominantly herbs and shrubs, is common at higher elevations in the mountains.

1.1.3 Soils

Permafrost is intermittent in the Mackenzie Valley, but is continuous throughout the Barren Lands. Soils of the Crysollic order are common above the tree line where permafrost is near the surface and into the subarctic forest wherever fine textured soils are found. Poorly drained Organic and Gleysolic soils, as well as eskers and other glacial deposits are common throughout the Settlement Area.

1.2 Sahtu Organizations

1.2.4 Municipal Land Management

Municipal lands in the Sahtu Settlement Area are managed by the Government of the Northwest Territories through the Department of Municipal and Community Affairs and by municipal corporations. Although the Sahtu Land Use Planning Board has no authority over municipal lands there are some cross boundary issues that the two groups share such as water resources, waste management and transportation.

1.2.5 Mackenzie Valley Resource Management Act

The Mackenzie Valley Resource Management Act was proclaimed on December 22nd, 1998. This Act implements the land and water provisions of the Sahtu Dene and Metis Comprehensive Land Claim. The Act creates the Sahtu Land Use Planning Board, the Sahtu Land and Water Board, and the Mackenzie Valley Environmental Impact Review Board. Section Four of the Act, establishing the Mackenzie Valley Land and Water Board, was proclaimed on March 31st, 2000. The Mackenzie Valley Resource Management Act sets out a new system for looking after development in the Sahtu Settlement Area and in the Mackenzie Valley. The Act provides for an integrated system of land and water management through-out the Mackenzie Valley.

1.2.6 The Sahtu Land Use Planning Board

The Sahtu Land Use Planning Board was created by the Sahtu Dene and Metis Comprehensive Land Claim Agreement (Section 25.2) and empowered by the Mackenzie Valley Resource Management Act (Part 2). The Board is responsible for developing and implementing a land use plan for the Sahtu Settlement Area.

The purposes of the Board are:

- To prepare a draft land use plan;
- To facilitate people's understanding of land use planning;
- To ensure that the interests of all parties are taken into consideration; and
- To build strong, supportive, and effective partnerships with other agencies.

Two members are nominated by the Sahtu Secretariat Inc. and one member is nominated by each of the Territorial and Federal Governments. A chairperson is nominated by the other four members. The Sahtu Land Use Planning Board is an independent institution of public government.

The Sahtu Land Use Planning Board is tasked with developing a land use plan for the Sahtu that guides the conservation, utilization and development of the land. The Board's mandate extends over all lands within the Sahtu Settlement Area, exclusive of municipalities. Board Members play a central role in guiding the land use planning process using the Sahtu Dene and Metis Comprehensive Land Claim Agreement and the Mackenzie Valley Resource Management Act as their guide.

1.2.7 Sahtu Renewable Resources Board

The Sahtu Renewable Resources Board is the main group dealing with wildlife, fish and forests in the Sahtu Settlement Area. Their role is to conduct research and propose policies to protect wildlife and wildlife habitat as well as Sahtu harvesting rights on the land. The Sahtu Renewable Resources Board works with Sahtu community groups (Renewable Resource Councils) to manage wildlife, fish and forests. The Sahtu Renewable Resources Board conducts wildlife, fish and forest research and the Sahtu Harvest Study. They are currently working to develop wildlife management plans and a forest management plan for the Sahtu Settlement Area.

1.2.8 Sahtu Land and Water Board

The Sahtu Land and Water Board is a regional panel of the Mackenzie Valley Land and Water Board and is responsible for the management of land and water use and the deposit of waste into water in the Sahtu Settlement Area. They issue, amend, or renew land use permits and water licenses on government lands (crown land) and on Sahtu Settlement Lands (see Figure 10).

1.2.9 Mackenzie Valley Environmental Impact Review Board

The Mackenzie Valley Environmental Impact Review Board is responsible for environmental assessment and public review of developments throughout the Mackenzie Valley. If a proposed development may have significant adverse environmental impacts or is of public concern it is referred to the Review Board for an environmental assessment. In the Sahtu Settlement Area, a proposed development can be referred to the Review Board by the Sahtu Tribal Council, local government or a department or agency of the federal or territorial government if the development will have an impact within their boundaries, as well as by the regulatory group involved such as the Sahtu Land and Water Board.

1.2.10 Mackenzie Valley Land and Water Board

The Mackenzie Valley Land and Water Board is responsible for dealing with proposed activities that may impact on land and water use across more than one Settlement Area. For example, the Mackenzie Valley Land and Water Board would become involved in a proposed land use activity that would effect both the Sahtu Settlement Area and the Gwich'in Settlement Area.

Figure 10: Getting a Land Use Permit or Water License

1.3 Land Ownership

The Sahtu Dene and Metis own, in fee simple, 41,437 km² of the 283,171 km² of land that comprises the Sahtu Settlement Area. In addition, the Sahtu Dene and Metis people hold subsurface rights over 1,813 km² of this land. The lands owned by the Sahtu Dene and Metis people are called Settlement Lands.

Depending on its location, title to Settlement Lands is held by one of the three District Land Corporations. These are the Kasho Gotine District, the Tulita District and the Deline District. Each District is comprised of representatives from the community land corporations in the district.

The Sahtu Secretariat Incorporated (SSI) is the coordinating body for the seven community land corporations. The SSI's mandate is to ensure that the implementation of programs and services under the Sahtu Dene and Metis Comprehensive Land Claim Agreement is for the benefit of the Sahtu people.

Since these Settlement Lands are private property, the general laws applicable to trespass apply. In addition, there are specific access restrictions identified in the Sahtu Dene and Metis Comprehensive Land Claim Agreement.

1.4 Co-operative Resource Management in the Sahtu

The Sahtu Dene and Metis Comprehensive Land Claim Agreement introduced a new system of land and water management for the Sahtu settlement area. This is a system

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

of co-operative management or co-management, aimed at ensuring direct and meaningful participation of Sahtu residents in the management and regulation of their land and resources. This is in contrast to the previous system where the Federal and Territorial Governments were the primary management authorities and Sahtu residents were largely excluded from decision-making about the land.

The co-management system recognizes the special knowledge Sahtu residents have about the land. It provides them with rights as land users and decision-makers.

Co-management boards are accountable to the public. Board members are nominated by Aboriginal, Territorial and Federal Governments. The Aboriginal Government, (the Sahtu Secretariat Incorporated), nominates half of the members of each board.

2. The Sahtu Land Use Plan

This Sahtu Land Use Plan is established under the authority of the Mackenzie Valley Resource Management Act and the Sahtu Dene and Metis Comprehensive Land Claim. The Map dated February 16, 2007 labeled First Draft 1 and produced by the Sahtu GIS Project forms a part of this Sahtu Land Use Plan. The Sahtu Land Use Plan is organized in the three Sahtu Settlement Area Districts, Déline District, K'ahsho Got'ine District and Tulita District.

2.1 Goal and Mission Statement of the Sahtu Land Use Plan

- **Goal**

The Goal of the Sahtu Land Use Plan is to ensure land is conserved, utilized and developed in a way that protects and promotes the present and future well-being of beneficiaries, residents and all Canadians.

- **Mission Statement**

The Sahtu Land Use Planning Board's Mission Statement is:

To produce a land use plan that respects the unique character and values of the land, resources and inhabitants of the Sahtu for the benefit of past, present and future generations of Canadians.

2.2 The Planning Process

The Sahtu Land Use Planning Board has worked with communities, governments, industry and other stakeholders to:

1. create a vision for Sahtu land;
2. collect information about land, resources, and people of the Settlement Area;
and
3. establish a land use plan to utilize and protect all resources.

This land use plan outlines land use visions of Sahtu communities and other stakeholders and provides designations to achieve those visions. It respects the unique character and values of land, resources, and Sahtu inhabitants to benefit present and future generations of Canadians. Both traditional and scientific knowledge are used as a basis for developing the plan.

It is important to understand that the beneficiaries of the Sahtu Dene and Metis Comprehensive Land Claim Agreement have the right to hunt, fish, and gather, and the

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

exclusive right to trap, anywhere in the Settlement Area for subsistence purposes. This Land Use Plan does not affect those rights.

Objectives and principles that guide this plan for the Sahtu Settlement Area are stated in the Mackenzie Valley Resource Management Act (Part 2 Section 35) and the Sahtu Dene and Metis Comprehensive Land Claim Agreement. The objectives are as follows:

1. To recognize and encourage the Sahtu way of life which is based on the cultural and economic relationship between the Sahtu and the land (1.1.1.c);
2. To encourage the self-sufficiency of the Sahtu and to enhance their ability to participate fully in all aspects of the economy (1.1.1.d);
3. To provide the Sahtu the right to participate in decision making concerning the use, management and conservation of land, water and resources (1.1.1.g);
4. To protect and conserve the wildlife and environment of the settlement area for present and future generations (1.1.1.h); and
5. To integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat (13.1.1.f).

The Land Claim Agreement also provides principles to guide this Land Use Plan.

1. The purpose of land use planning is to 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 (25.2.4.a)
2. Special attention shall be devoted to:
 - i. protecting and promoting the existing and future social, cultural and economic well-being of the participants;
 - ii. lands used by participants for harvesting and other uses of resources; and
 - iii. the rights of participants under this agreement; (25.2.4.b)
3. Water resources planning is an integral part of land use planning; (25.2.4.c)
4. Land use planning shall directly involve communities and designated Sahtu organizations; (25.2.4.d)
5. The plan developed through the planning process shall provide for the conservation, development and utilization of land, resources and waters. (25.2.4.e)

2.3 Building a Vision

The Sahtu Land Use Planning Board began planning by working with communities, industry and other stakeholders to define their goals and visions and to identify issues. Meetings, open houses, workshops and household interviews were held with over 700 people from Sahtu communities, industry and environment groups. While the Sahtu Land Use Planning process is primarily community focused, the Board held discussions with resource and tourism industries, as well as environmental groups.

Major issues raised included traditional land use, resources, economic development, environmental protection and conservation, community well-being and community participation in land management. The vast majority of people wanted to see a balance between development and conservation.

Maintaining a balance between development and conservation was the most talked about vision. Residents saw the need to develop resources for the security of future generations. They also recognize that conservation is key to ensuring land is sustainable.

The Board developed a comprehensive library and Geographic Information System (GIS) that describes the natural, social, and cultural resources of the Sahtu.

Land Use Mapping projects identified trails and types of land use. People were generous



in providing detailed information, including identifying harvesting and cultural areas, providing traditional names and stories about their trips on the land.

2.4 Vision for the Sahtu Land Use Plan

The Sahtu Land Use Plan will endeavor:

- To maintain and promote Caribou populations and habitat;
- To maintain and promote the Sahtu's pristine water quality;
- To maintain the Sahtu's ecological integrity;
- To provide a positive environment for controlled and sustainable development; and
- To promote comprehensive communication between stakeholders where scientific and traditional knowledge are equal partners.

2.5 Land Use Zones

This plan establishes three land use zones:

1. Conservation Zone;
2. Special Management Zone, and
3. Multiple Use Zones

While specific detail for each zone may vary, in general conservation zones prohibits industrial development, Special Management Zones allow development with specific protection and development requirements and Multiple Use Zones are open for development subject to requirements established by regulatory agencies such as the Sahtu Land and Water Board.

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

- Conservation Zones - 27%;
- Special Management Zones - 49%; and
- Multiple Use Zones - 24%.

The total Sahtu Settlement Area is 283,588k sq. Km.

2.6 Conservation Zones

Conservation zones include sites and places with a combination of high traditional, cultural, historical, and/or biological significance. This includes some major rivers and mountain water sources, International Biological Programmed sites, as well as many heritage trails, sites, and places. Conservation zones contribute to the maintenance of wildlife populations and habitat.

The primary goal of the Conservation Zone is to ensure that traditional, cultural and heritage values are preserved and passed on to future generations, and bio-physical values remain at current existing levels. To achieve this, surface and subsurface development activities are prohibited as set out in section 2.6.1.

2.6.1 Conservation Zone Prohibitions and Conditions

- A.** Unless already authorized in a Conservation Zone prior to the approval of the Sahtu Land Use Plan, the following are prohibited in Conservation Zones:
 1. any bulk water removal as set out in federal policy; i

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

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 back ground 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;
 3. 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;
 4. 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;
 5. 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;
 6. fish farming or aquaculture;
 7. the issuance of prospecting permits, the locating and recording of mineral claims, and mineral exploration, development and transportation;
 8. oil and gas exploration, development and transportation; *Discuss access across Conservation Zones.*
 9. electrical power development, power transmission lines including hydropower development; and
 10. sand, gravel and rock extraction.
 11. Commercial forestry.
- B.** 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.

2.6.2 Acceptable Uses in Conservation Zones

A. Acceptable uses in Conservation Zones include:

1. the exercise of participants' hunting, fishing, trapping and gathering rights as recognized in the SLCA;

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

2. participants' right to travel and establish and maintain hunting, trapping and fishing camps;
3. other non-commercial uses by participants, including educational uses;
4. non-commercial recreational uses, provided that they are carried out in ways that respect and do not interfere with participants' peaceful use and enjoyment of settlement lands. (The appropriate authorities shall make all reasonable efforts to encourage non-regulated recreational users of Conservation Zones to contact and consult Renewable Resource Councils prior to using Conservation Zones.);
5. Telecommunications transmission towers with appropriate land owner and regulatory approvals;
6. Commercial hunting, fishing and ecotourism operations as permitted by appropriate regulatory authorities;
7. Unless otherwise stated for a particular conservation zone, commercial renewable resource harvesting activities in Conservation Zones are acceptable. Such activities shall be regulated by the appropriate authorities, including, as the context requires, the SRRB, the RRC, the GNWT and the SL&WB, in accordance with 13.7, 14.1.6, 14.1.7 and 14.1.9 of the SLCA; and
8. Low impact recreational and tourism activities such as hiking and canoeing that do not require any type of permit, license or authorization are allowed.

2.7 Special Management Zones

Special Management Zones are intended to encourage balanced and controlled development while maintaining the ecological integrity of the Sahtu Settlement Area. Unless specifically restricted, all land uses are possible in a Special Management Zone. Special Management Zones are designed to protect valued resources identified by communities and other stakeholders.

The specific prohibitions and management goals noted below are intended to provide direction and guidance to appropriate regulatory authorities. Their aim is to help protect wildlife and their habitats, along with heritage and cultural values. Many Special Management goals are already applied within the Sahtu Settlement Area and are often industry identified “best practices”.

Special Management Zones are identified on the attached Map dated August, 2007 labeled Second Draft. Prohibitions and development goals apply to all Special Management Zones as determined by the appropriate permitting authority.

For clarity, although Sahtu communities may fall within special management zones, this plan does not apply within community boundaries. None of the special management zone prohibitions or management and development goals applies within Sahtu community boundaries.

2.7.1 General Management Goals and Objectives

Special Management Zone General Management Goals and Objectives are intended to protect as much as possible the ecological integrity of the Sahtu Settlement Areas Valued Ecosystems which include:

1. Hydrology;
 2. Karst Topography;
 3. Fish and Fish Habitat;
 4. Birds and bird Habitat;
 5. Waterfowl and Waterfowl Habitat;
 6. Ungulate and Ungulate Habitat;
 7. Furbearer and Furbearer Habitat;
 8. Grizzly Bears; and
 9. traditional use, burial and archaeological sites
- A.** Developers shall actively consider all possible science, technology and adaptive management to avoid or minimize fish and fish habitat impacts.
- B.** As to avoid contamination of furbearer habitat and drinking water sources, Developers shall take every effort to not pump groundwater into receiving

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

environment without undergoing necessary and appropriate treatment as directed by the Land Use Inspector or the S.L.W.B. (whichever is appropriate).

- C.** Developers must make every effort to minimize their “footprint” on the environment including using existing barge landings, roads, transmission lines, etc. whenever possible
- D.** 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.
- E.** All infrastructures 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.
- F.** Activities in a Special Management Zone must not block the migration routes of migratory fish species or other migratory or semi-migratory wildlife species.
- G.** The management of major water body fisheries should be proactive in nature and must be precautionary in approach:
- H.** 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
- I.** 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.
- J.** 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
- K.** Karst topography is to be treated like any major water body to protect surface water and underground water (including aquifers). For clarity, prohibitions in R apply to Karst topography.
- L.** Development activities within fish bearing water bodies during critical fish spawning and migration times as set out by the Sahtu Renewable Resources Board and the Department of Fisheries and Oceans, unless permitted by the Sahtu Renewable Resources Board.
- M.** Development activity should make every effort to avoid all known raptor nesting sites by a minimum of 1000 m for disturbances during the species breeding, nesting and fledging period (March 1 to August 1)¹⁴. A setback distance from known raptor

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

nests, outside breeding, nesting and fledging periods (August to February), is recommended at a minimum of 500 m buffer for high activity disturbances.

- N.** Developers should make every effort to ensure that all activities (including motorized and non-motorized water vessel use) be limited within a minimum of 250 m of all waterfowl staging and nesting areas¹². Limits should be most strict during breeding, nesting, fledging, and migration seasons.
- O.** Developers should make every effort to ensure that from June 1 to August 31, aircraft over flights avoid identified waterfowl nesting and brood rearing habitat, and from August 15 to September 15, the fall staging areas for waterfowl, by an altitude of 450 m, or a lateral distance of 1.5 km.
- P.** Developers shall clearly demonstrate in their application that they have the most current information on the location of caribou in the areas in which they plan to conduct activities and they must schedule the timing of their activity in such a way that minimizes impact on caribou.
- Q.** Where in the judgment of the Renewable Resources Council monitor, as recommended under section T below, an activity has a negative impact on the feeding pattern and movement of caribou, the monitor may recommend to relevant legislative authorities that the Developers cease their activity.
- R.** Developers must avoid destroying or damaging beaver dams, houses and muskrat lodges and must not drain water from any water body with an active beaver house.
- S.** Developers must make every effort to ensure that exploration and production activities not be conducted within 800 m of known occupied grizzly bear dens.
- T.** Where deemed appropriate by the permitting authorities, developers are encouraged to hire Renewable Resources Council (RRC) monitors / technicians or individuals recommended by the local RRC to assess the presence of migrating caribou within activity sites and to participate in any of the research and monitoring undertaken in the Sahtu as identified in 1.(1.7.2 B 1.)

2.7.2 Special Management Zones Prohibitions

- A.** The following activities are prohibited in Special Management Zones:
 - 1. any bulk water removal as set out in Federal policy, lii
 - 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;
 - 3. 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

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

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).

4. activities which result in the introduction of invasive alien species, (fauna or flora) into the Special Management Zone;
 5. fish farming or aquaculture in the Special Management Zone;
 6. 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:
 7. the installation of private, commercial or community wharves and docks;
 8. the installation of other similar inert structures within community boundaries; and
 9. environmental monitoring equipment.
 10. activities that disturb or interfere with migrating caribou. (Activities that may interfere with migration will cease until the migration has passed).
 11. activities that disturb or interfere with burial and archaeological sites.
- B.** 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:
1. 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;
 2. 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
 3. 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.

2.8 Multiple Use Zones

Both conservation and development is encouraged in Multiple Use Zones. While Multiple Use Zones do not have specific management goals, the Sahtu Land Use Planning Board encourages permitting authorities to maintain the ecological integrity of multiple Use Zones as much as possible.

Multiple Use Zones comprise the remainder of the Sahtu Settlement Area that is not designated as either a conservation or special management zone. All development activities are permitted on lands within this category provided their impacts on other resource users and values are minimized. Readers should note that terms and conditions may be applied to their licenses, permits or authorizations to conduct work through the regulatory process. The primary objective of Multiple Use Zones is to allow a full range of development activity while protecting the Sahtu's environment, historical resources, and culture.

2.8.1 Conditions for Peregrine Falcons and other Raptors in all Zones

1. Activities should demonstrate that there will be no adverse effects on raptor nesting sites from the beginning of March to the end of August.
2. Raptor nesting sites should be avoided by a minimum of 1000 meters.
3. Aircraft should maintain a minimum altitude of 650 meters when flying over areas likely to have nesting raptors.

2.9 Exemptions from Zoning

1. Existing activities in the Sahtu Settlement Area will be allowed including development arising from rights existing at the time of Plan approval, even if the activities are not in keeping with the land zones. These existing uses will be allowed to continue as non-conforming activities.
2. Low impact recreational and tourism activities such as hiking and canoeing that do not require any type of permit, license or authorization are allowed.
3. Traditional activities protected by the Sahtu Dene and Metis Comprehensive Land Claims Agreement are allowed.
4. Where an emergency threatens life, property or the environment, a person may carry out any land use that is necessary to cope with the emergency. If the activity is not in keeping with the land use zoning, the Planning Board requests that a written report describing the operation be submitted as soon as possible.

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

(The Definitions and Abbreviations will be split into two sections and moved to the Appendix as suggested on Page 18 of Fed's comments).

Definitions and Abbreviations

- “Appropriately qualified professional” is a scientist specializing in an applied science appropriate to the specific situation, including but not limited to wildlife biology, engineering, geomorphology, geology, hydrology or hydrogeology and who has demonstrated suitable education, experience, accreditation and knowledge relevant to the particular matter, as determined by the SL&WB.
- “bulk water removal” - means any water [including ice] transferred out of a river basin in any individual container greater than 40 litres in volume, or removal by any means that involves permanent out-of-basin transfer, whether it is by diversion [including pipelines, canal, tunnel, aqueduct or channel], tanker or other mechanism. Bulk water removal does not include “bottled water” in containers of 40 litres or less, which is regulated under environmental assessment processes and licensed under applicable legislation. In addition to the bottled water exemption, “bulk water removal” does not include removal of freshwater from a drainage basin for water required: to meet short-term health and safety needs [such as fire fighting]; for human or animal consumption during travel and water needed to carry foodstuffs; for road construction and maintenance; and other local uses [taken from the GBL Watershed Water Heart, 2005].
- “Developer” does not include a prospector or an applicant applying for land that does not require a permit.
- “harvesting” is defined as in section 2.1.1 of the SLCA.
- “Invasive alien species” are species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade and out-compete natives and take over new environments. Plants, mammals and insects comprise the most common types of invasive alien species in terrestrial environments.
- “Karst topography” is landscape found on carbonate bedrock (limestone, dolomite, marble) with closed surface depressions, well-developed underground drainage systems, including disappearing streams, springs and sinkholes.
- “major water bodies” are bodies of water with a surface area greater than 100 square kilometers in size.
- “migrating caribou” means the seasonal movement of caribou as determined by the Sahtu Land and Water Board in consultation with the Sahtu Renewable Resources Board.
- “monitoring” refers to the regular measurement of environmental or social parameters and indicators. Persons carrying out patrols could also carry out monitoring and various research functions, as well as provide logistical support to others’ research and monitoring.

Sahtu Land Use Plan – Draft 2 – Working Copy – First Section – August 10, 2007

- “must” and “shall” are used interchangeably in this Management Plan; they imply mandatory requirements;
- “MVEIRB” means the Mackenzie Valley Environmental Impact Review Board
- “MVLURs” means the Mackenzie Valley Land Use Regulations.
- “MVRMA” means the Mackenzie Valley Resource Management Act
- “NWTWA” means the Northwest Territories Waters Act
- “participant” is as defined in section 2.1.1 of the SLCA.
- “Sahtu Lands” is as defined in section 2.1.1 of the SLCA.
- “settlement lands” is as defined in section 2.1.1 of the SLCA.
- “shall” and “must” are used interchangeably in this Management Plan; they imply mandatory requirements;
- “SLCA” means the Sahtu Dene and Metis Comprehensive Land Claim Agreement
- “SL&WB” means the Sahtu Land and Water Board
- “SLUPB” means the Sahtu Land Use Planning Board
- “SRRB” means the Sahtu Renewable Resources Board
- “SSI” means the Sahtu Secretariat Incorporated
- “waste” is defined as in section 2 of the Northwest Territories Waters Act
- “wildlife” is defined as in section 2.1.1 of the SLCA: “wildlife” means all *ferae naturae* in a wild state, including fish, mammals and birds.

ⁱ From “THE WATER HEART” - Federal policy prohibits bulk water removal from any major drainage basin within the NWT. The policy defines bulk water removal as any water transferred out of a river basin in any individual container greater than 40 litres in volume, or removal by any means that involves permanent out-of-basin transfer, whether it is by diversion (including pipelines, canal, tunnel, aqueduct or channel), tanker or other mechanism. Bulk water removal does not include “bottled water” in containers of 40 litres or less, which is regulated under environmental assessment processes and licencing under applicable legislation. In addition to the bottled water exemption, the policy allows removal of freshwater from a drainage basin for water required: to meet short-term health and safety needs (such as fire fighting); for human or

animal consumption during travel and water needed to carry foodstuffs, for road construction and maintenance; and other such local uses, in so far as these are consistent with water resource management objectives and environmental considerations: Canada, *A Policy Respecting the Prohibition of Bulk Water Removal from Major Drainage Basins in the Northwest Territories* (undated) at 2.