



Where The Two Rivers Meet

FAX

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ATTENTION:	Heather Burrows
RE:	Comments
DATE:	Feb 16, 2016
PAGES INCLUDING COVER:	(4)

FROM:

- Chief - *Frank Andrew*
- Manager - *Sally Horassi*
- Administrative Assistant - vacant
- Finance Officer - *Sarah Horassi*
- Victims Services - *Angela Bernarde*
- Family Support Coordinator - *Crystal Campbell*
- Justice Coordinator - vacant
- Youth Worker - *Russell Etchinelle (CASUAL)*

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

Comments: Please see attached comments -
Thank you!!



TULITA DENE BAND COUNCIL
 BOX 118,
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Heather Bourassa, Chair
 Sahtu Land Use Planning Board
 Box 235, Fort Good Hope, NT, X0E 0H0
 Phone: (867) 598-2055

Delivered via email

February 8, 2017

RE: Proposed Sahtu Land Use Plan Amendment Application, January 9, 2017

Dear Ms. Bourassa:

We are writing to express concern with the proposed amendments, and once again reiterate our support for rezoning the lands within Proposed Conservation Initiative (PCI) Zone 41 – Nááts'ihch'oh as Conservation Zones, not Special Management Zones.

Special Management Zoning of the PCI Zone 41 lands would not adequately account for the extensive compilation of scientific and traditional knowledge evidence and the thoroughgoing consultation undertaken in establishing the original Nááts'ihch'oh National Park Reserve (NPR) Boundaries – all of which weighed the mineral development potential of the areas under review in relation to wildlife conservation and cultural values. In its capacity as the main instrument of wildlife management in the Sahtú Region, the Sahtu Renewable Resources Board (SRRB) delivered a letter to the SLUPB on June 29, 2015 noting that no new evidence has been presented indicating that the original PCI designation (or equivalent Conservation Zoning) of the areas in question should be changed. Over a year later, we would like to emphasize that this remains the case.

The SLUPB has indicated that it "was not part of the park reserve development process and cannot comment on the final boundary decision. Through the amendment process the Board is looking to make a decision(s) on how to re-zone the lands that are left out of the park reserve."¹ A significant amount of time and thought was put into the establishment of Nááts'ihch'oh, yet this is not represented in this amendment application. It would seem there is no clearer mandate on how to rezone the lands than the February 17, 2012 Nááts'ihch'oh Ratification Draft approved by members of the Tulita District Dene and Metis, their land corporations and the Sahtu Secretariat Incorporated, which would have seen the lands now designated as PCI Zone 41 all included within the park boundary.² At a minimum now, the PCI Zone 41 lands should

be made Conservation Zones. The preferred solution would be to expand the NPR boundary to include the areas previously removed from the February 17, 2012 Ratification Draft, with the support of Canada and the GNWT. The PCI designation should be maintained while this is being considered.

As Tulít'a Dene Band Chief Frank Andrew stated at the Tulít'a Public Meeting June 16, 2016, "Nááts'ihch'oh, it's a very sacred mountain, that's why we need to protect it. We didn't want any additional developments, that's why we went this far with it. If a Park, the mountain will never be touched, my Elders have always talked about it. The people believe Nááts'ihch'oh needs to be protected, that's why they went through Parks [establishment process]. The National Park was supposed to protect this very important place."

At the same meeting, Tulít'a Land Corporation President Clarence Campbell similarly reiterated "We thought the whole area was going to be a park, everything. We went to Ottawa and thought all the land would be protected, but all of a sudden it came to us looking like that [the final Nááts'ihch'oh National Park Reserve boundary, with Zone 41 lands left out]. Today I still can't understand why they didn't listen to what we said."

To date, limited discussion of cumulative effects has been incorporated into the amendment process for the PCI Zone 41 lands, though the Sahtu Land Use Plan was specifically designed to address cumulative impacts. The Tulít'a and Norman Wells ʔehdzo Got'ine (Renewable Resources Councils – RRCs) have repeatedly expressed strong concerns over the past year regarding cumulative impacts on the Northern Mountain caribou in these areas. This indicates that the protection of their habitat in these areas, which includes highly sensitive corridors and calving and post-calving grounds, should be given the greatest weighting possible. We recommend that the approval bodies give added consideration to the high bar set in recent court cases for accommodating aboriginal inputs regarding special values, and regarding the requirement for robust consultation and accommodation of concerns with respect to cumulative effects of development on treaty-protected harvesting rights.

We emphasize the extreme ecological sensitivity of this area, which encompasses the headwaters for the South Nahanni River watershed and habitat for wide-ranging and vulnerable wildlife including caribou and large carnivores such as grizzly bears and wolverines. In the interest of ecological connectivity and maintaining the protective value of the areas included in the National Park, the areas excluded from the National Park need to be afforded the highest degree of protection. It does not make sense that the areas negotiated for the Park now be given even less protection under the Sahtu Land Use Plan.

Northern Mountain Caribou are designated a species of Special Concern under the federal Species at Risk Act, and though slated to be assessed by the NWT Species at Risk Committee in March 2019, recently received an upgraded NWT General Status Rank of 'Sensitive'. The Norman Wells and Tulít'a RRCs as well as the Ross River Dena,

in partnership with the SRRB and NWT Environment and Natural Resources, are poised to develop a conservation plan for Mountain Caribou. The plan will include a scientific and traditional knowledge research and monitoring plan to add to the existing body of knowledge about these caribou, and to serve as an important resource for the NWT Species at Risk Assessment.

Designation of these areas as Special Management Zones could introduce risk that development approvals may pre-empt or undermine both community-driven and legislated wildlife management authority processes. Maintenance of Proposed Conservation Initiative designations would also allow time for the SLUPB to receive and address any new evidence and consultation inputs more fully through its five year review process.

The Tulita District Dene and Metis have previously noted that considerable Sahtú lands have been left open for potential mining, oil and gas and other development via the NPR establishment process and the Sahtu Land Use Plan process. However the Tulita District Dene and Metis have also previously made clear that they want certain lands untouched, including the entirety of the boundary agreed to in the February 17, 2012 Nááts'ihch'oh Ratification Draft. This position has not changed. Further, it should be acknowledged that the Government of the Northwest Territories was closely involved in the establishment of Nááts'ihch'oh and was at the table when the February 17, 2012 Nááts'ihch'oh boundary was agreed upon. Therefore, its position in this amendment process and submission on the previous draft amendment suggesting that certain parcels of the Zone 41 lands should be zoned General Use is highly inappropriate.

Thank you for your careful consideration of the issues raised in this submission.

Kind Regards,



Frank Andrew
Chief
Tulita Dene Band

C.C Ethel Blondin-Andrew, President, Sahtú Secretariat Inc.
Robert C. McLeod, NWT Minister of Lands
Wally Schuman, NWT Minister of Environment and Natural Resources
Catherine McKenna, Federal Minister of Environment and Climate Change
Carolyn Bennett, Federal Minister of Indigenous and Northern Affairs