



Sahtu Land Use Planning Board



Sahtu Land Use Plan DRAFT 2

April 30, 2009

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ACRONYMS

A	Action
ASL	Above Sea Level
CEAMF	Cumulative Effects Assessment and Management Framework
CIMP	Cumulative Impact Monitoring Program
CNSC	Canadian Nuclear Safety Commission
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
CR	Conformity Requirement
CWS	Canadian Wildlife Service
CZ	Conservation Zone
DFO	Department of Fisheries and Oceans (now Fisheries and Oceans Canada)
DSO	Designated Sahtu Organization
DOT	Department of Transportation (GNWT)
EC	Environment Canada
ENR	Department of Environment and Natural Resources (GNWT)
ESF	Environmental Stewardship Framework
FGH	Fort Good Hope
GBLWMP	Great Bear Lake Watershed Management Plan
GNWT	Government of the Northwest Territories
GUZ	General Use Zone
HZ	Heritage Zone
IBP	International Biological Programme
INAC	Indian and Northern Affairs Canada
ITI	Department of Industry, Tourism and Investment (GNWT)
IWA	Important Wildlife Areas
JRP	Joint Review Panel
MACA	Department of Municipal and Community Affairs (GNWT)
NEB	Transport Canada
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories
NWTWA	Northwest Territories Waters Act
PAS	Protected Areas Strategy
PC	Parks Canada
PCI	Proposed Conservation Initiative
PIP	Preliminary Information Package
R	Recommendation
RRC	Renewable Resources Council
SARA	Species at Risk Act
SLCA	<i>Sahtu Dene and Metis Comprehensive Land Claim Agreement</i>
SLUPB	Sahtu Land Use Planning Board
SLWB	Sahtu Land and Water Board
SMZ	Special Management Zone
SRRB	Sahtu Renewable Resources Board
SSA	Sahtu Settlement Area
SSI	Sahtu Secretariat Incorporated
TC	Transport Canada

DEFINITIONS

“Actions” mean measures that the Parties agree to make best efforts to complete through approval of this Plan.

“applicants” means a person, company or organization applying for a land use permit, water licence or other authorization that is subject to the Plan.

“authorizations” means [To be determined for Draft 3]

“community boundaries” means lands lying within the boundaries of a local government and includes any or all of Block Land Transfers, Municipal Boundaries and Development Control Zones.

“Conformity Requirements” mean the requirements that a land use must meet or that must be included as a condition of authorization, before a licence, permit or authorization can be issued.

“culture” means the system of shared beliefs, values, customs, behaviours, and artifacts that the members of a society use to cope with their world and with one another, and that are transmitted from generation to generation through learning.¹

domestic species or subspecies” means a species or subspecies of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.²

“existing uses” means [To be determined for Draft 3]

“harvesting” means gathering, hunting, trapping or fishing in accordance with the SLCA and applicable legislation.

“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.

“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.

“land use activities” means all the components of a land use as described in an application for a land use permit, water licence or other authorization.

“land use” means any use of land, water or other resources within the Sahtu Settlement Area that requires a land use permit, water licence or other authorization.

“land” means, unless the context indicates otherwise, land, water and other resources.

“local government” means any local government established under the laws of the Northwest Territories, including a city, town, village, hamlet, charter community, or settlement, whether incorporated or not, and includes the territorial government acting in the place of a local government pursuant to those laws.

¹ <http://www.umanitoba.ca/faculties/arts/anthropology/courses/122/module1/culture.html>.

² From National Parks of Canada Domestic Animals Regulations, SOR/98-177

“Participant” means a person enrolled in the Enrolment Register pursuant to Chapter 4 of the SLCA.

“Parties” means the Sahtu Secretariat Incorporated (SSI), the territorial and federal Ministers who are responsible for approving the Plan.

“Plan Area” means the Sahtu Settlement Area excluding Tuktut Nogait National Park and lands within community boundaries

“planning partners” means residents, communities, designated Sahtu organizations, departments and agencies of the territorial and federal government, co-management boards, industry, businesses, non-government organizations and members of the general public who are affected by or interested in participating in the planning process.

“regulatory authority” means any body with authority to issue a licence, permit or authorization under the meaning of S. 46(1) of the MVRMA and includes a designated regulatory agency.

“responsible authority” means a Designated Sahtu Organization, departments and agencies of the federal and territorial government, and every body responsible for managing land, water or resources, or having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, and includes the Mackenzie Valley Environmental Impact Review Board.

“Sahtu lands” means Sahtu municipal lands and settlement lands as identified in the SLCA.

“Sahtu Settlement Area” means the area within the Northwest Territories as described in Appendix A of the SLCA.

“settlement lands” means Sahtu lands within the Sahtu Settlement Area outside local government boundaries as described in Chapter 19 of the SLCA.

“terms” means the Conformity Requirements, Actions and Recommendations in this Plan unless the context implies otherwise.

“the Board” means the Sahtu Land Use Planning Board unless the context implies otherwise.

“wildlife” means all *ferae naturae* in a wild state including fish, mammals and birds.

Chapter 1 – Introduction

1.1 INTRODUCTION

The *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (SLCA) and the *Mackenzie Valley Resource Management Act* (MVRMA) require the development of a land use plan for the Sahtu Settlement Area. It forms part of an integrated system of resource management and is meant to provide broad direction to Applicants and responsible authorities on the appropriate use of land, waters and other resources within the Sahtu Settlement Area (SSA).

The purpose of the Plan is to promote the social, cultural and economic well-being of the residents and communities of the Sahtu Settlement Area, having regard to the interests of all Canadians. Special attention is devoted to the rights of the Sahtu Dene and Metis under their land claim agreement, to protecting and promoting their social, cultural and economic well-being and to the lands used by them for wildlife harvesting and other resource uses.

To be successful, the Plan must come from the people of the region and reflect their values, their goals, and their culture. The Sahtu Dene and Metis are undertaking various initiatives to reclaim their culture and rename the land. The Plan will advance these efforts by using Dene words and place names to describe the land and the people. The Board will work to replace English words and concepts with Dene language as planning progresses.

The land use plan outlines a vision and goals for the conservation, development and use of land, waters and other resources within the Sahtu Settlement Area, and provides direction, through a combination of zoning and terms, to achieve the vision and goals. The Plan outlines what land uses are appropriate, where, and under what conditions, identifying “the rules of engagement” for how the land should be used. The Plan addresses social, cultural, economic and ecological aspects of land use.

The Plan provides direction on a range of land uses and land use issues. It does not regulate or provide direction on traditional use or harvesting activities of the Sahtu Dene and Metis.

The beneficiaries of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* have the right to hunt, fish, and gather, and the exclusive right to trap, anywhere in the Settlement Area for subsistence purposes. This Land Use Plan does not affect those rights.

1.2 TARGET AUDIENCE

The Plan is written for a wide variety of users. It is primarily targeted at Regulatory Authorities and Designated Regulatory Agencies (those Sahtu, federal and territorial organizations and departments with the authority to issue permits, licences or authorizations or conduct environmental assessments) and Applicants (those carrying out the land use activities being

addressed in the Plan). It is written to provide clear direction to these organizations about which land uses are appropriate, where, and under what conditions.

Land use planning is not just about ecological factors. Land uses have the ability to impact the social, cultural, and economic well-being of residents and communities, as well as the biophysical environment. Land use planning must consider all of these elements to be effective. The Plan is guided by a comprehensive vision and goals for the Sahtu Settlement Area, addressing a range of social, cultural, economic and ecological values. This has wider application to all residents, Applicants, Sahtu Organizations, government departments and agencies outside those directly involved in regulating land use, and other individuals and organizations with an interest in the future of the Sahtu Settlement Area. Some recommendations are directed to members of this larger audience to address goals or issues that cannot be managed through land and water regulation.

The Plan brings together considerable research and information about the Sahtu Settlement Area, its values and resources, and the future needs and interests of residents and communities. It is an excellent resource for anyone interested in learning about the Sahtu region and its people.

1.3 THE SAHTU LAND USE PLANNING BOARD

The Sahtu Land Use Planning Board was established under Section 25.2 of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* (Section 25.2), and given legal force under Part 2 of the *Mackenzie Valley Resource Management Act*. The SLUPB or "Planning Board" is an institution of public government, responsible for developing and monitoring implementation of a land use plan for the Sahtu Settlement Area.

Two members are nominated by the Sahtu Secretariat Incorporated, one member is nominated by the territorial government and one by the federal government. A chairperson is nominated by the other four members. The Minister of INAC appoints all members of the Board, including the Chairperson, based on these nominations.

The Sahtu Land Use Planning Board is tasked with developing a land use plan for the Sahtu Settlement Area that provides for the conservation, development and use of land, waters and other resources. The Plan applies to all lands within the Sahtu Settlement Area, including Settlement Lands, but does not apply to national parks, national historic sites or national monuments, or lands within community boundaries.

Based on the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* and the *Mackenzie Valley Resource Management Act*, the Planning Board developed the following goal, purpose and mission statement.

1.3.1 Goal

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.

1.3.2 Purpose

- *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.*

1.3.3 Mission Statement

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.

1.4 WHAT IS LAND USE PLANNING?

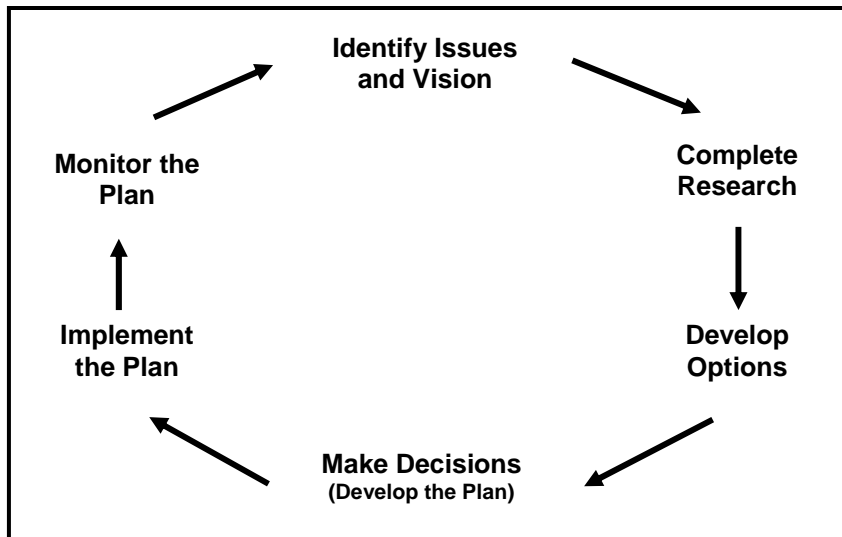
Land use planning is a decision-making process where someone makes choices about the best use of resources among competing uses to achieve specified goals for the future.

Planning is future-focused. While we often look to the present or past to determine what is important, planning is meant to answer the question, "How do we want the land used in the future?" To answer that we need to consider other questions:

- How far in the future are we planning for?
- What goals do we want to achieve? What are the issues or obstacles to achieving those goals?
- How is the land currently used? How has it been used in the past?
- What opportunities exist (e.g. where are the resources, markets)?
- What are the constraints or limits on land uses (e.g. resource availability, costs)?
- What uses are compatible? Which are not? What are the specific issues?
- What options exist to resolve competing uses?
- What is the best solution?

A standard planning process is a cycle as shown in Figure 1. The first step is to define the issues, vision and goals for the planning area. Information is collected for each issue, and different options considered to address them. Developing multiple drafts of a plan is essentially a process of considering and refining options. Eventually, one option is chosen as the Plan. The Plan is implemented and monitored to see if it is achieving the desired goals. After a period of time, the Plan is reviewed to determine if the vision, goals and issues are still appropriate, and the process begins again. A plan is a living document that needs to be continually updated.

Figure 1. Land Use Planning Cycle



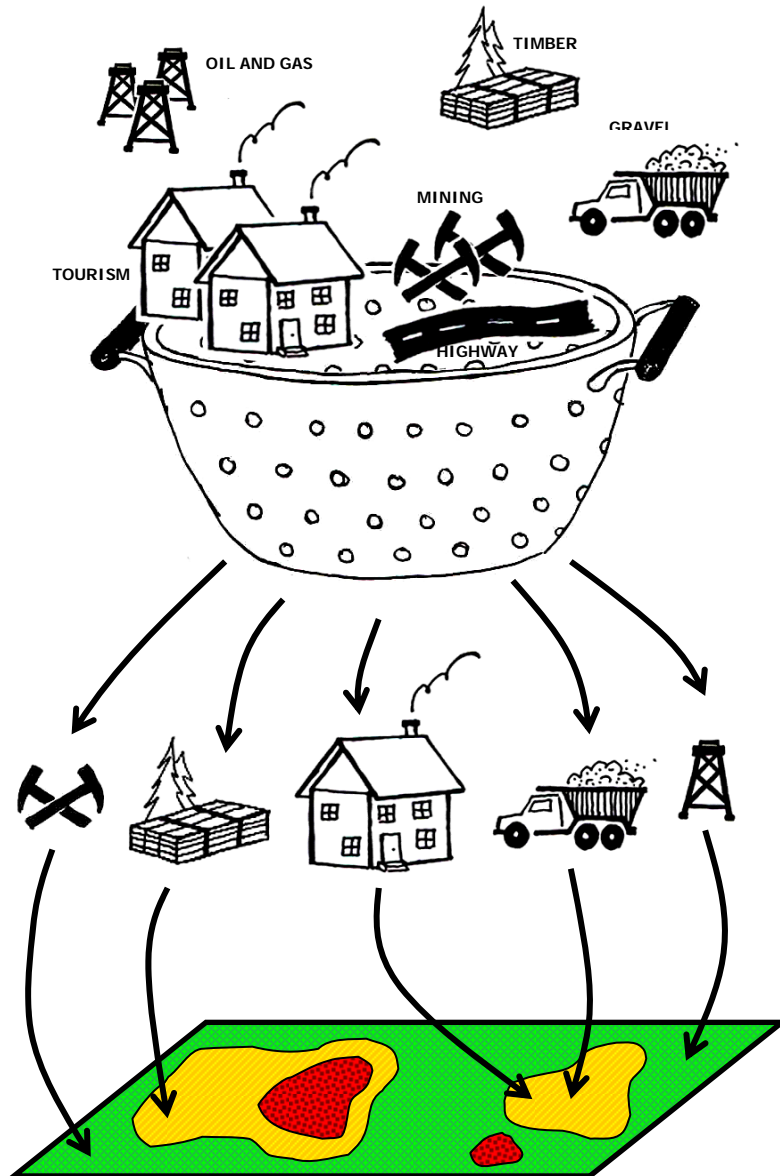
Land use planning involves making choices about how the land, water and resources are used. It requires balancing conservation and development objectives to ensure that important ecological and cultural values are protected while providing for sustainable economic development to provide jobs and revenues needed to achieve other goals. This is illustrated in Figure 2.

1.5 GUIDING PRINCIPLES

The *Sahtu Dene and Metis Comprehensive Land Claim Agreement* sets out a number of objectives, many of which are directly applicable to the Sahtu Land Use Plan:

1. To provide for certainty and clarity of rights to ownership and use of land and resources (1.1.1.a)
2. 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);
3. 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);
4. 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);
5. 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); and
6. To protect and conserve the wildlife and environment of the settlement area for present and future generations (1.1.1.h).

Figure 2. Land Use Planning Concept



POSSIBLE DEVELOPMENT PROJECTS

Activities that require permits, licenses, or authorizations

Applicants must apply for the appropriate land use permits, water licenses, or other authorizations.

- Sahtu Land and Water Board
- Indian and Northern Affairs Canada
- Department of Fisheries and Oceans
- Government of the Northwest Territories
- Others

LAND USE POLICIES

What the landscape should look like now and in the future

Land use plans are descriptions of a society's goals and objectives for their land base. All activities should therefore fit within this vision. This "vision for community development" is based on the social, cultural, and economic interests of Sahtu beneficiaries, residents, and all Canadians. Both scientific and traditional knowledge contribute to the development of the plan.

DECISIONS

What development is appropriate

If the project conforms to the Land Use Plan, development can proceed.
 If the project doesn't conform, the developer has the option to apply to the Board for an **exception** or **amendment** to the plan.

LAND USE AREAS

Where development is appropriate

YES	(Subject to permit and / or license restrictions set by regulatory authority)
MAYBE	(There are special considerations for development activities; e.g. caribou migration or frozen ground access.)
NO	(Development would conflict with other land uses that are given priority or would harm the landscape.)

The SLCA also identifies principles to guide land use planning under S. 25.2.4:

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

1.6 METHODS AND ANALYSIS

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

1. create a vision for the Sahtu Settlement Area;
2. collect information about land, resources, and people of the Settlement Area; and
3. develop a land use plan that provides for the conservation , development and use of land, waters and other resources.

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, government, industry and non-government organizations.

The Board developed a comprehensive library and, working in partnership with the Sahtu GIS Project, a Geographic Information System (GIS) that describes the natural, social, and cultural resources of the Sahtu. Both traditional and scientific knowledge are used as a basis for developing the plan. 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 land use.

The plan came together through a continuous process of meetings and revisions. A Preliminary Draft was released for discussion and comment early in 2003. It identified preliminary zoning and policies based on the work to date. Following this, the Board went through a period of transition with staff leaving due to funding shortages and lack of Board quorum.

Planning started again in 2005 with new staff and Board members, resulting in Draft 1 being completed in February 2007. The Board received written comments from 23 organizations on all aspects of the Plan. Many concerns were raised about the prescriptive nature of the terms.

The Board began revisions on that section only and produced a document titled "Working Draft 2 - Section 1" in August 2007, which provided a different zoning option and revised terms to address the key concerns raised. This was given limited distribution within SSI, INAC and the GNWT to get feedback on whether the changes were proceeding in the right direction. The Board conducted a round of consultations with communities and planning partners in the fall of 2007 to get direct feedback on Working Draft 2. At the end of 2007, the Board once again lost staff and major turnover of Board members.

New staff were hired and new Board members appointed over the course of 2008 and 2009 and planning began once again. Follow-up meetings were conducted in a few communities to resolve outstanding issues but otherwise, Draft 2 is an attempt to bring the work initiated by the prior staff and Board through to a state of completion.

The continuous change in staff and Board members has resulted in a significant loss of corporate knowledge within the organization. The current Board and staff have not had much opportunity for interaction with communities, governments and other planning partners to date to determine the issues, priorities and goals first-hand. Draft 2 represents the Board's best efforts to steer Plan revisions in the right direction based on the information at its disposal.

The Board has many questions that it needs to answer before the Plan can be finalized. Work remains to be done to understand and support the current zoning, which may result in further changes. Significant changes have been made to the terms to address previous comments from government and industry; the Board needs feedback on these changes from communities and other planning partners. The Board will conduct detailed consultations and workshops on Draft 2 to answer these questions and build consensus on future revisions to assist the Board in developing a comprehensive Draft 3.

The Board expects that Draft 3 will be close to approval. It is likely that there will be a few outstanding issues. The Board will consult on Draft 3, and then hold a public hearing to bring all planning partners together to hear final comments on the Plan. Following the hearing, the Board will make any final changes it deems appropriate (Draft 4). This is the Draft that the Board will adopt and recommend to SSI, the GNWT and Canada for approval.

1.7 SCOPE AND APPLICATION OF THE SAHTU LAND USE PLAN

1.7.1 Location

The Plan applies to land, water and resources within the Sahtu Settlement Area, excluding lands within community boundaries, and Tukturnogait National Park. This is referred to as the "Plan Area" (Map 1).

Map 1. Sahtu Plan Area

Land, water and resources within the Great Bear Lake Watershed will be managed according to the terms of the Great Bear Lake Watershed Management Plan, which is given legal force through CR #1 in this land use plan. To avoid inconsistencies in direction between these two documents, the remainder of this plan does not apply within the Great Bear Lake Watershed.

1.7.2 Context

The Plan considers social, cultural, economic and ecological aspects of land use and provides guidance to achieve the vision and goals for each of these elements.

1.7.3 Activities Subject to the Plan

Land is defined in the plan to mean land, water, and other resources. Consequently, "land use" or "land users" includes uses or users affecting land, water or other resources.

The Plan applies to all land use activities requiring a land use permit, water licence or other authorization.³ The Plan addresses the following land uses specifically, through zoning or terms:

- Bulk Water Removal;
- Mineral Exploration and Development;
- Oil and Gas Exploration and Development;
- Power Development;
- Commercial Forestry;
- Research;
- Transportation and Infrastructure; and
- Extraction of Granular Resources.

Other land uses not discussed in the Plan, or for which the terms of the Plan are not relevant can proceed directly through existing regulatory processes.

1.7.4 Activities Outside the Scope of the Plan

Land use planning is a restrictive exercise in that everything is allowed unless it is specifically restricted. For clarity, the following uses are not intended to be restricted in any way through the land use plan:

1. Activities that do not require any form of licence, permit or authorization, such as low impact recreational and tourism activities such as hiking and canoeing;
2. Land use activities or authorizations for which the Plan provides no restrictions or terms.

³ The Board is currently developing a list of authorizations to provide additional clarity

1.7.5 Exempt activities

The following activities are exempt from the Plan, even if a licence, permit or authorization is required.

1. Traditional Use Activities - As protected by the Sahtu Dene and Metis Comprehensive Land Claim.
2. Existing Uses⁴ - The SLUPB must respect existing rights and authorizations approved prior to the approval of the plan. Activities approved prior to the plan must be allowed to continue. However, there must also be a process to bring older activities and developments into conformity with new rules and guidelines in a fair manner, to ensure that all activities contribute to achieving the vision and goals of the region and operate under the same rules. At the same time, the Board is cognizant that activities approved under one set of conditions may face significant challenges or may not be viable under new rules, so flexibility is required in bringing prior activities and rights into compliance with the land use plan. Map 2 identifies the location of key existing rights for illustrative purposes.⁵
 - a) Land use activities for which permits, licences and authorizations were issued prior to the approval of the Sahtu Land Use Plan will be allowed to continue as non-conforming uses for the duration of the existing licence, permit or authorization.
 - b) For new permits, licences or authorizations relating to existing rights, or for renewals to existing permits, licences or authorizations, responsible authorities shall consider the vision and goals of the Plan and applicable zones, and apply the terms of the Plan to the extent possible without restricting the authorized use. For clarity, applicants of such permits, licences or authorizations are exempt from zoning restrictions and any terms that would clearly prevent the rights holder from carrying out activities necessary for the exercise of their rights, but will be subject to all other terms of the Plan. Where other terms pose a significant barrier to the exercise of existing rights, applicants can apply to the SLUPB for an exception to those terms.
 - c) Applications to amend existing licences, permits and authorizations that involve a significant alteration of activity as determined by responsible authorities beyond the typical progression from exploration to development of a resource, will be considered a new use and will be subject to the Plan.
 - d) Existing rights cease to be considered "existing" if the permits, licences or authorizations expire or lapse, unless applications for renewal are received and deemed complete by responsible authorities as per existing regulatory requirements.

⁴ The wording and extent of "grandfathering" is under discussion. The Board requests detailed feedback on this section of the Plan. While the Gwich'in and Dehcho plans have provided for a broad exemption for existing rights to both the zoning and terms of the Plan, there is a much higher level of existing use in the Sahtu. Such a broad exemption would mean that the Plan would have little to no effect on development for years until existing rights expire. This defeats the purpose of the Plan.

⁵ The Board will develop a comprehensive list of existing rights and gather data for Draft 3.

Map 2. Existing Uses

3. Community Expansion and Infrastructure - The land use plan does not apply within community boundaries, but does apply to lands immediately adjacent to community boundaries. Adjacent lands provide a variety of services for communities including access, granular resources, power (e.g. wind or hydro), existing and future infrastructure (airports, water, sewage facilities, telecommunications), and land for future community expansion. It is important that the Plan provide for the future growth of communities and their access, infrastructure and service needs.

For clarity, the following uses are allowed in any zone:

- a) existing community infrastructure located outside of current community boundaries will be considered an existing use as defined above;
 - b) new community infrastructure outside of existing community boundaries is allowed, subject to current regulatory requirements;
 - c) the removal of quarry material outside of community boundaries for community operations and the construction of community infrastructure is allowed; and
 - d) the expansion or amendment of community boundaries is allowed and will be reviewed in accordance with the GNWT's Community Boundaries Policy⁶ and Section 23.5 of the SLCA.
4. Emergency Use - 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.

1.7.6 Land Ownership

The Plan applies equally to all lands (Crown Lands or Sahtu Settlement Lands) and all land users (aboriginal, non-aboriginal, residents, non-residents, government, businesses, or other organizations) within the Plan area. Where a land use is restricted in the Plan, it is restricted for all users and all land owners.

The Board notes that activities on Sahtu Settlement Lands are subject to negotiation of confidential Access and Benefits Agreements with the District Land Corporations. These access and benefits agreements address on a finer scale the same questions addressed by the Land Use Plan, i.e. under what conditions can the development proceed. There may be instances where the District needs to negotiate terms that differ from the Plan (e.g. waiving or altering certain requirements in return for different community benefits). In such instances, the District and/or the Applicant must apply to the Board for an exception to the Plan for the terms in question.

⁶ Community Boundary Policy 21.10, March 6, 1998, Available at:
[http://www.gov.nt.ca/publications/policies/macac/Community_Boundaries_\(21.10\).pdf](http://www.gov.nt.ca/publications/policies/macac/Community_Boundaries_(21.10).pdf)

1.8 REGULATORY CONTEXT

Legislative Context

This Plan is established under the authority of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* and Part 2 of the *Mackenzie Valley Resource Management Act*. Once approved, the Plan provides legally binding direction to applicants and responsible authorities on the conservation, management and use of the land, waters and resources within the Sahtu Settlement Area.

The Plan is intended to enhance and add value to the way that land, water and resources are managed in the Sahtu Settlement Area by providing clarity and direction to responsible authorities and land users on significant land use issues. While the Board has developed the Plan to be consistent with existing legislation and policy, new requirements, actions or policies are required to address the issues raised in the planning process. Where the Plan establishes new regulatory requirements, these add to, rather than take away from, existing requirements set out in policy or legislation.

Regulatory Effect

Where the Zoning and other Conformity Requirements of the Plan are met, applications may continue through the regulatory system. Conformity with the Plan does not imply approval or consent for any use of land, water or other resource by Responsible Authorities or the Sahtu Secretariat Incorporated.

1.9 DOCUMENT OVERVIEW

The Sahtu Land Use Plan is organized into five chapters:

Chapter 1 – Introduction: A brief overview of the Planning Board, land use planning, methodology, and direction to readers on how to interpret the Plan.

Chapter 2 – Description of the Sahtu Settlement Area: A social, cultural, biophysical and economic description of the SSA, including past, present and future uses, values and resources. Also included in this chapter is a description of how the land use plan relates to other land management initiatives such as the Protected Areas Strategy, cumulative effects management, trans-boundary planning, and community planning.

Chapter 3 – The Plan: Includes the vision and goals that guide the Plan, land use zoning, and other terms to guide the conservation, use and management of land, waters and other resources in the SSA.

Chapter 4 – Zone Descriptions: Individual descriptions of the ecological, cultural and economic values present in each zone.

Chapter 5 – Plan Approval and Implementation: An overview of the approval process, roles and responsibilities for implementing the Plan, conformity determination process, exception and amendment processes, and the 5-year review.

Chapter 2 – Description of the Sahtu Settlement Area

2.1 GEOGRAPHIC LOCATION

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.

Geopolitically, the Sahtu Settlement Area is bordered to the north by the Inuvialuit Settlement Areas, to the east by Nunavut and the Tlicho Settlement Area, to the south by the Dehcho territory and to the west by the Yukon Territory and the Gwich'in Settlement Area (see Map 1).

2.2 LAND OWNERSHIP AND ORGANIZATION

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 hold subsurface rights to 1,813 km² of this land. The lands are held by the district land corporations in trust for all beneficiaries within their respective districts. The lands owned by the Sahtu Dene and Metis people are called Sahtu Lands. Those Sahtu lands within community boundaries are known as Sahtu municipal lands and those outside community boundaries are called settlement lands.

Sahtu lands were selected according to a variety of criteria, including spiritual sites, traditional land use and harvesting areas, and some lands with resource revenue potential.⁷ In addition, a number of Special Harvesting Areas have also been set aside for land claim beneficiaries.⁸

Depending on its location, title to the Settlement Lands is held by one of the three District Land Corporations. These are the Kahsho Got'ine 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 and is the main contact for federal and territorial governments with respect to education, health, environment and economic development. The SSI's mandate is to ensure that the implementation of programs and services under the Sahtu Dene and Métis

⁷ The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project

⁸ *ibid*

Comprehensive Land Claim Agreement is for the benefit of the Sahtu people. The organization of SSI and land corporations is shown in Table 1.

Table 1. Designated Sahtu Organizations

The Sahtu Secretariat Incorporated (SSI)		
Tulita District	Deline District	Kasho Got'ine District
Tulita Land Corporation	Deline Land Corporation	Yamoga Land Corporation
Fort Norman Metis Land Corporation		Fort Good Hope Metis Land Corporation
Norman Wells Claimant Corporation		Ayoni Keh Land Corporation

The GNWT owns and manages lands the remaining lands within community boundaries that are not Sahtu municipal lands. These are known as Commissioner's land. The remainder of lands outside Commissioner's land and Sahtu lands are Crown land and are managed by Indian and Northern Affairs Canada (INAC).

2.2.1 Local Leadership

The local Band Councils and regional Sahtu Dene Council are the political bodies responsible for treaty matters and matters relating to the Indian Act. The Band Councils play an important leadership role in determining community priorities, and administer a number of social programs. The Sahtu Dene Council reviews and makes decisions on issues that influence the way in which Sahtu business is conducted, and provides advice to the SSI.

The Land Claim provides for the negotiation of self-government agreements with the Federal and Territorial governments. Deline was the first Sahtu community to undertake negotiations and an Agreement-in-Principle was signed August 23, 2003.⁹

2.3 PEOPLE OF THE SAHTU

2.3.1 Sahtu Dene and Metis

The Sahtu Settlement Area is the homeland of the Sahtu Dene and Metis. The Sahtu Dene have occupied the area for thousands of years.

The Sahtu Dene traditionally organized themselves into four social/territorial bands: the K'ahsho Got'ine (Big Willow People), the Shuta Got'ine (Mountain People), the Sahtú Got'ine (Great Bear Lake People), and the K'áálo Got'ine (Willow Lake People). Although the regional bands shared a common culture, unique cultural and social identities exist through a distinction of stories,

⁹ All text excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.11

cultural heroes, and places. The four Dene peoples of the Sahtu also have distinct dialects and practices.¹⁰

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.¹¹ 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, when the food supply was more abundant, were spent 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.

2.3.2 Sahtu Communities

There are five communities in the Sahtu Settlement Area:

- K'abami Tué - Colville Lake,
- Radilih Koe, Fort Good Hope,
- Le Gohlini, Norman Wells,
- Tulita, and
- Déline.

The total Sahtu population as reported in the 2007 NWT Bureau of Statistics Community Profiles is 2,473.¹² Aboriginal people's make up the majority of the population. The number of people in each community range from 102 to 666.¹³ The Sahtu's population is very young with approximately 45% under 25 years of age.¹⁴

K'abami Tué, "Ptarmigan Net Lake" or Colville Lake is the smallest, most remote, and traditional community. Originally an outpost camp, a few families had established homes in the area prior to the construction of a Catholic Church in 1962. It is home to the Behdzi Ahda First Nation and was an important fish lake and trapping area for the Duta Got'ine (Among the Islands People).

Colville Lake remained one of the most isolated communities in the western Arctic until the turn of the 21st Century. Today a winter road connects it to Fort Good Hope, Norman Wells, Yellowknife, and other southern communities. Significant natural gas reserves were recently discovered in the area. The Ayoni Keh Land Corporation and K'asho Gotine District Land

¹⁰ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

¹¹ The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project

¹² NWT Bureau of Statistics Community Profiles, 2007, FGH, Colville Lake, Norman Wells, Tulia, Deline

¹³ GNWT Community Profiles, 2007, Colville Lake, FGH, Norman Wells, Tulita, Deline

¹⁴ ibid

Corporation has negotiated terms for the development of the gas wells, including employment and contracts for members of its community.¹⁵

Radilih Koe, "home at the rapids" or Fort Good Hope, is located below the Ramparts Rapids. The Ramparts are known as Fee Yee in the local dialect and is an ancient fishery and spiritual site. Fort Good Hope was established in 1805 as the first fur trading post in the lower Mackenzie. It became a place of gathering and trade for Shuta Got'ine, Gwich'in, and Inuvialuit of the Mackenzie Delta. Fort Good Hope was relocated several times. In 1839 it returned to its original site where it remains today, on the eastern shores of the Mackenzie River, 27 kilometres south of the Arctic Circle.¹⁶

Déline, "where the water flows", is located on the west end of Keith Arm of Great Bear Lake, an area rich in wildlife. Sir John Franklin originally established a trading post in the 1800s in this area under the name Fort Franklin. The present day location of the community was established around the Prophet Ayha's residence.

The Sahtú Got'ine, the Dene people of Deline have revived spiritual practices and taken strong initiatives to research the impacts of uranium mining in the area, ways to protect the land and to achieve self-government. In 1998 the community successfully established Saoyú (Grizzly Bear Mountain) and ?ehdacho (Scented Grass Hills) as Canada's largest National Historic Site, off Great Bear Lake. Deline is leading the way in self-government negotiations.¹⁷

Tulita, formerly named Fort Norman, means "meeting place of two rivers." It is located where the Sahtu Deh (Great Bear River) flows into the Dehcho (Mackenzie River). Since ancient times, people would camp at Tulita to hunt for caribou and more rarely, muskoxen. Tulita was established in 1810 by the North West Company. As with Fort Good Hope, the community was relocated several times but in 1851 it returned to its original site, where it remains currently.

Tulita is situated within an oil-rich area. As a result the people of Tulita have become adept at negotiating with petroleum interests and young members of the community have found employment within the industry.¹⁸

Le Gohlini, "where the oil is" or Norman Wells was created in 1921 due to oil deposits. It is also the largest and least traditional community of the Sahtu. The existence of oil seepages was known to the Dene passing through the area but the first well was drilled in 1919. Population peaked in the mid-1980s when a pipeline was completed to Zama, Alberta. Norman Wells became a regional hub with jet service north and south, a number of regional government offices and highly skilled, high wage jobs available. Oil reserves are now in decline and the

¹⁵ Excerpted from, The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.17

¹⁶ Excerpted from, The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.19

¹⁷ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.23

¹⁸ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P. 21

population has shrunk but adventure tourism and development of oil and gas in other regions are creating new opportunities.¹⁹

2.3.3 Population Demographics

The total population of the area's five communities, as reported in the 2007 NWT Bureau of Statistics Community Profiles is 2,743.²⁰ The majority of the population is aboriginal. The number of people in each community ranges from roughly 150 to 950.²¹ The population of the Sahtu is young with roughly 45% of the population under 25 years old.²²

For the vast majority of people who live in the Sahtu, English is their first language, and is the primary language spoken at home. Deline is somewhat of an exception; 96% of the people reported speaking an Aboriginal language.²³

Education levels are a key factor shaping the lives of people in the Sahtu, especially given the young population. The communities of Fort Good Hope, Deline, and Tulita have high school graduation rates around the 35% (33-38%) range.²⁴ In Norman Wells the population with a high school diploma is highest at 79%.²⁵

In the Sahtu Region, the government, health and education services provide employment for the majority of the population. Norman Wells has a high labour force participation rate at 87% and a low unemployment rate at 7%.²⁶ The remaining communities have a lower participation rate ranging from 59% to 67% and a correspondingly higher unemployment rate from 17% to 22%.²⁷

The average household income in the communities is in the mid-\$60,000.²⁸ Average personal income and family income were unavailable for Colville Lake but the communities of Fort Good Hope, Deline and Tulita ranged in the low \$30,000 for average personal income and in the mid-\$60,000 for family income.²⁹ High paying industry-based employment in Norman Wells require a higher level of education. As a result, personal and family income levels are more than twice that found in every other Sahtu community.

Table 2 summarizes community information, based on the NWT Bureau of Statistics Community Profiles in 2007. Language Statistics were taken from the most recent year available, 2004.³⁰

¹⁹ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.25

²⁰ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Colville Lake, Norman Wells, Tulia, Deline

²¹ ibid

²² ibid

²³ GNWT Bureau of Statistics Community Profiles, 2007, Deline

²⁴ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Tulia, Deline

²⁵ GNWT Bureau of Statistics Community Profiles, 2007, Norman Wells

²⁶ ibid

²⁷ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Colville Lake, Tulia, Deline

²⁸ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Colville Lake, Norman Wells, Tulia, Deline

²⁹ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Tulia, Deline

³⁰ GNWT Bureau of Statistics Community Profiles, 2007, FGH, Colville Lake, Norman Wells, Tulia, Deline

Table 2. Sahtu Community Profiles

	Colville Lake	Fort Good Hope	Deline	Tulita	Norman Wells
Population Statistics					
Population	151	579	538	527	948
Population under 25 yrs	52%	45%	40%	50%	37%
Aboriginal population	95%	90%	93%	97%	33%
Language Statistics					
Population that speaks an Aboriginal language	65%	41%	96%	47%	27%
Education Statistics					
High school diploma or more	13%	36%	33%	38%	79%
Labour Statistics					
Labour force participation rate	67%	66%	59%	59%	87%
Unemployment rate	20%	22%	22%	17%	7%
Employment rate	53%	52%	46%	49%	82%
Income Statistics					
Average personal income	-	\$29,322	\$30,754	\$33,045	\$66,925
Family Income	-	\$64,538	\$67,457	\$66,750	\$138,495

2.3.4 Culture

"*Rakekée Gok'é Godi: Places We Take Care Of*", A Report of the Sahtu Heritage Places and Sites Joint Working Group (December 1999), is an important resource on Sahtu Dene and Metis culture. The information below is taken verbatim from the report.

Language

The Sahtu Dene and Metis are an Athapaskan-speaking group of Dene or Northern Athapaskan Aboriginals who traditionally occupied an area including Great Bear Lake and its borderlands, the Mackenzie Valley lowlands between Blackwater River and Travaillant River, large portions of the Anderson Plain north of the Mackenzie River and west of the Great Bear Lake, and the Mackenzie Mountains and foothills, well into the Yukon Territory.³¹ The Sahtu Dene and Metis identify their language as Dene.

Traditional Knowledge

Traditional knowledge is the accumulated body of knowledge, observations and understandings about the environment, and about the relationship of living beings with one another and the environment, that is rooted in the traditional way of life of first nations.³² It involves knowledge about the environment, knowledge about the use and management of the environment, and values about the environment.³³

Living off the land requires an intimate knowledge of the local environment and the seasonal distribution of food resources. Hunting and trapping requires special knowledge of wildlife behaviour, as well as the cultural rules governing these activities. It requires great skill in the manufacture of tools and equipment, which in traditional times, were made from local resources. Knowing how to travel safely, and when to make decisions about moving camp in order to take advantage of widely distributed food resources were also necessary. Living in a social milieu, with strong cultural and individual identities requires another kind of knowledge. Knowledge of kinship rules, social interaction with neighbouring peoples, interaction with people within an individual's own family, and the values of society were, and continue to be, important to sustaining life, and maintaining an identity as a Sahtu Dene and Metis individual. Identity is fostered through an understanding of history, and this knowledge was critical too. Together, these sources of 'knowing' form the basis of Sahtu Dene and Metis 'traditional knowledge'. However, knowledge must be acquired by an individual, and unlike southern societies where knowledge is archived in books and libraries, and taught in classrooms and lecture halls, Sahtu Dene and Metis traditional knowledge is passed from generation to generation through an oral tradition, and through an individual's own experience in a socio-environmental setting. Stories then, are like books as they contain the knowledge necessary for living as a Sahtu Dene or Metis on Sahtu lands.³⁴

³¹ Excerpted from "Rakekée Gok'é Godi: Places We Take Care Of", P.14

³² From *Yukon Environmental and Socio-Economic Assessment Act*, [2003, c.7]

³³ From MVEIRB's Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment, July 2005.

³⁴ Excerpted from "Rakekée Gok'é Godi: Places We Take Care Of", P.16

Traditional Place Names

The land itself is of particular importance in transmitting knowledge from one generation to the next. The Sahtu Dene and Métis landscape is known intimately to elders. Trails, used year-round, provide access to a vast harvesting region, and like beads on a string, the trails link thousands of place names, each with a story, sometimes many, bound to the place. Names and narratives convey knowledge, and in this way Sahtu Dene and Metis culture is tied directly to the landscape. Travel across the Sahtu landscape can be easily and clearly described by reference to these names and indeed travel narratives often appear as no more than long lists of place names. The network of interconnecting trails provides access to a Sahtu land use area encompassing some 300,000 km².³⁵

In societies where knowledge is transmitted orally between generations, the landscape can be a powerful memory aid. Among northern aboriginal people it has been well established that place names function as mnemonic devices ordering a variety of narratives that transmit and preserve culturally relevant information. It is also generally accepted that this knowledge exhibits both a great time depth and an empirical basis. Providing more than access to harvesting areas, trails, named places, and their associated narratives present a record of land use over time, recording generations of experience with a cultural landscape. They are a focus of activity, stories, rituals, and teaching and as such hold tremendous potential for understanding Sahtu Dene and Metis culture and history. More importantly they hold the future well being of Sahtu Dene and Metis society as they have for innumerable centuries.³⁶

Map 3 shows traditional Sahtu Dene and Metis trails, many of which extend beyond the Sahtu boundary and connect with other major routes of the north. Map 4 identifies key Place Names.

Sahtu Dene and Metis Spirituality

The land is a living thing, inhabited by entities, or 'powers', both benevolent and malevolent. While travelling across the land one must constantly mitigate the impact of personal actions by appeasing these entities with votive offerings, and by observing strict rules of behaviour. At many special places offerings are left to respect the entities that inhabit the land. These offerings may be anything of value, such as matches, tobacco, ammunition, or a few coins. Sometimes more elaborate offerings are left. Elders will cut a small willow bush, removing small bands of bark from the branches where pieces of coloured thread and wool are tied. Each individual in the camp ties a single strand of his or her hair to these as well. The base of the adorned willow bush is placed in the bottom of a lake shore, and left as an offering to the lake's entities. Malevolent entities would deal with the single strands of hair rather than the people who placed them there. Sometimes travellers will take a section of trunk from a willow bush and carefully peel back the bark into a curled floweret. These are left at the shoreline of water bodies encountered while travelling.³⁷

³⁵ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.16

³⁶ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.22

³⁷ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.18

Map 3. Sahtu Dene and Metis Traditional Trails

Map 4. Sahtu Traditional Place Names

Similarly, wildlife must be shown respect. When a hunter harvests wildlife, the process of hunting, harvesting, skinning, preparing, and sharing all have customs that must be followed to show respect.

Burial Sites

Burials are always considered sacred places and hence are accorded great respect. Since the coming of Christianity, graves have been surrounded by fences. When burials are encountered while travelling, it is customary to repair grave fences, clear vegetation from the surface of the grave, and to leave offerings of tobacco or other gifts for the deceased. Sometimes a special ritual, the feeding-the-fire ceremony, is performed near the graves of prominent individuals. Food is ceremonially given to a fire in honour of the dead, and in return the celebrants ask their ancestors for good weather, safe travelling conditions, and success in hunting.³⁸

Powerful and Significant Places

At a few places where powerful entities are resident, cultural legends are associated with landscape features, or important events have taken place, special conditions exist providing the locality with power and significance. These places are often prominent landmarks, and consequently become powerful memory aids for recalling the significance of the location. Often special rules are required while travelling in these areas. For example at Drum Lake, a giant sheep inhabits the lake, and travellers are cautioned to cross the lake only at prescribed locations. To do otherwise would disturb the giant sheep, causing it to rise, creating a whirlpool that might endanger the travellers. Many such places are found throughout Sahtu Dene and Metis lands.³⁹

Metis Special Areas

The history of the Metis falls within the more recent past. In the early days of the fur trade Metis people played prominent roles in the local economy as entrepreneurs and interpreters, and as such were ambassadors to both cultures. Many places throughout the Sahtu settlement region are important for their relationship to Metis history and culture.⁴⁰

Youth and the Land

Elders say that young people must try to understand the meanings of stories through their own experience, noting that this encourages independent thinking, and provides for a strong future for the youth. As family groups travel from place to place along the trails that cross the Sahtu landscape, children are told the names of the places and the stories that reside at each. As they grow to adulthood and tell their own children the same stories, the places themselves become aids for remembering the vast oral tradition in which Sahtu Dene and Metis culture finds its

³⁸ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.18

³⁹ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.18

⁴⁰ Excerpted from "Rakekee Gok'e Godi: Places We Take Care Of", P.22

roots. In this way the land teaches the young their identity, their history, the rules of their society. Experience becomes the catalyst for the acquisition of knowledge. These places are considered sacred, and are important to the future well being of Sahtu Dene and Metis culture.⁴¹

Ongoing Relationship with the Land

Though the majority of Sahtu heritage places and sites deal with the distant past, modern events are also used to pass knowledge onto new generations. Sites of recent disaster, or places where cultural rules have been broken, become the heritage places of later generations. For example, at Nq̄fee Kq̄selee, the site of a tragic drowning in the 1920s, which claimed the lives of an entire family, is used to instruct young people about travelling safely over ice. Additionally, the improper behaviour of two trappers at Beshode Tué in the 1940s, who became obsessed with trapping and in the process endangered the lives of their families, bringing starvation and death, is used to instruct young people in the appropriate rules for trapping and upholding family values. These sites are important because they demonstrate that Sahtu Dene and Metis maintain an active relationship with the landscape, one that is ever changing and growing. Sahtu Dene and Metis culture continues to be part of the land, and the relationship is not just part of ancient history. It is a living, ongoing relationship.⁴²

Rakekée Gok'é Godi: Places We Take Care Of

"Rakekée Gok'é Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group" (December 1999), is a foundation document and was utilized extensively in the development of the Sahtu Land Use Plan. The Working Group was established under S.26.4 of the SLCA to identify culturally significant sites in the Sahtu Settlement Area and make recommendations regarding their protection. Map 5 shows the location of each of the sites.

Table 3 below identifies the zone designation in the Plan for each of the forty heritage sites described in the report, and may have multiple designations if the heritage site overlaps more than one zone. Some of the heritage sites fall in General Use Zones. The Planning Board will revisit these areas with communities to determine if the current protection provided in the plan is sufficient.

⁴¹ Excerpted from "Rakekeek Gok'e Godi: Places We Take Care Of", P.20

⁴² Excerpted from "Rakekeek Gok'e Godi: Places We Take Care Of", P.21

Map 5. Heritage Sites from "Places We Take Care Of"

Table 3. Zone Designations of Sahtu Heritage Sites from "Places We Take Care Of"

Dene Site Name	English Site Name	Zone Designation (GUZ, SMZ, HZ, CZ, or PCI)
Fee Yee	The Ramparts	SMZ
Saoyú and ?ehdacho	Scented Grass Hills and Grizzly Bear Mountain	PCI
Tli Dehdele Didlo	Red Dog Mountain	CZ
Deline	The Deline Fishery and Sir John Franklin's Wintering Quarters	SMZ
Sihoniline ?ehtene	Loon River and Fort Anderson Trail	GUZ
Ayoniki	Maunoir Dome	CZ
Beshode Tue	Bull Caribou Lake	GUZ
Duta	"Among the Islands"	GUZ
Fa?fa Nilne	Mountain River	CZ
K'abami Tue Eht'ene	Colville Lake Trail	GUZ
Koigojere Du	Manitou Island	SMZ
Lugewa Tue	Whitefish Lake	CZ
Neyadaln	The Underground River	SMZ
Nofee Koselee	Little Loche Lake	GUZ
Shigago	Little Chicago	CZ
Shit'a Got'ine	Trail to the Mountains	PCI
T'agan	Section of the Anderson River	CZ
Tashin Tue	Lac des Bois	CZ, GUZ
Tsodehniline and Tuyat'ah	Ramparts River and Wetlands	PCI
Ts'oga Tue	"White Muskeg Lake"	GUZ
Yamoga Fee	"Yamoga Rock"	CZ
?iditue Dayida	The Thunderbird Place	PCI
Edailla	Caribou Point	PCI
Etrato	Whitefish River	CZ
Neregah	North Shore of Great Bear Lake	SMZ, HZ
Somba K'e	Port Radium	SMZ
Tuktu Nogait	Tuktut Nogait National Park Reserve	National Park
T'echo cho deh t'a tlaa	Fort Confidence Area	PCI
Turili	Johnny Hoe Fishery	CZ
Yamoria Eht'ene	Yamoria & the Giant Beavers, Bear Lake	SMZ
K'aalo Tue	Willow Lake (Brackett Lake)	CZ
Kwetini?ah	Bear Rock	CZ
Nacha?da	Old Fort Point	SMZ
Shuht'a Got'ine Eht'ene	Mountain Dene Trail to the Mountains	PCI
Tuwi Tue	Mahoney Lake Massacre Site	CZ
Deh Cho	Mackenzie River (Blackwater Creek to Thunder River)	SMZ
Sahtu Deh	Great Bear River	SMZ
Shalee Tue	Kilekale Lake	GUZ
Luchaniline	Whitefish River	CZ

Dene Site Name	English Site Name	Zone Designation (GUZ, SMZ, HZ, CZ, or PCI)
Tehkaicho De	Johnny Hoe Fishery	CZ
	Bull Caribou Lake	GUZ
Ghat'a Luwe Shee	Mouth of Travallant	Gwich'in Settlement Area
Feetie Lushe	Thunder River Quarry	Gwich'in Settlement Area

2.4 BIOPHYSICAL ENVIRONMENT

"*The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories*" (Sahtu GIS Project, 2005), provided a large portion of the information contained in this portion of the plan. Where appropriate, the text was taken for the most part, verbatim from the Atlas.

2.4.1 Geology

There are four geological provinces within the Sahtu Settlement Area: the Arctic Platform, the Bear Province, the Cordillera, and the Interior Platform.⁴³

Glaciation

Much of the landscape we see in the Sahtu today has been shaped by glaciations. Very thick sheets of ice, some as much as a kilometre or more in height, once covered much of the Sahtu. While parts of Canada weathered at least five glaciations periods, geological records indicate that the Wisconsin Laurentide Ice Sheet 25,000 years ago, reached the Mackenzies. These grew and shrank and finally melted away scraping and scouring the bedrock and leaving behind thick deposits of gravel and sand dotted with boulders.⁴⁴

Surficial Geology

Surficial material is the sediment deposited by ice, water, wind and gravity during the ice ages through to the present (Quaternary period). Because permafrost underlies much of the Sahtu, most surficial deposits are generally frozen or contain ground ice. Much of the Sahtu, especially within the Interior Platform has a thin to thick cover of glacial till which either blankets the underlying bedrock or creates a hummocky, rolling landscape.⁴⁵

Permafrost

The Sahtu lies entirely within an area of northwestern Canada where permafrost is present. The temperature of the ground is continuously below 0°C over significant portions of the area. Therefore most moisture in the ground occurs as ground ice. This ground ice occurs in many forms, most often as fillings in the pores of soils; however, it can also form much more massive bodies, such as ice wedges and layers up to several metres thick. The ground surface undergoes annual deep seasonal thawing and freezing with summer's heat and extreme winter

⁴³ The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project

⁴⁴ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P. 29

⁴⁵ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P. 29

cold. Surface thaws and freezes and the presence of ground ice have major effects on the landscape, on roads, construction, and development in the Sahtu.⁴⁶

2.4.2 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 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.⁴⁷

Temperature

Mean monthly temperatures tend to be relatively uniform however regional variations do occur. Temperature inversions, or an increase in air temperature with increased altitude, are a common winter phenomenon in the Mackenzie Valley. Inversions in Norman Wells can result in air temperatures at the top of the Franklin Mountains (approx. 1000 m) to be 10°C warmer than at ground level.

The area surrounding Great Bear Lake is cooler in the summer than the Mackenzie Valley. The lake's large water body rarely exceeds 5°C, creating a cooling effect on the surrounding air mass. Throughout the 20th Century, mean annual temperatures for most recording stations in the Sahtu have on average risen between 1° and 2°C.⁴⁸

Rainfall

Precipitation in the Sahtu is restricted partly because of the rain-shadow effect of the Mackenzie Mountains. Snow and rainfall are low by North American standards. Average precipitation throughout the Sahtu is 300-400 mm annually. Precipitation decreases at the more northern altitudes, tapering off to 250 mm at the northern boundary.

Daily rainfall is typically light with few days exceeding 5 mm. Heavy daily rains from localized storms in the summer can exceed 50 mm.⁴⁹

⁴⁶ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.31

⁴⁷ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.31

⁴⁸ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.33

⁴⁹ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.35

Snowfall

By November precipitation primarily falls as snow. Mean monthly snowfall rises sharply in the autumn and then diminishes through the winter months as the arctic high stabilizes and prevents humid air from the Pacific from moving in. Even as snowfall decreases, snow accumulation steadily increases throughout the winter due to lack of any significant thaws. Maximum snowpack depth is reached in March then a more rapid decrease in the snow-pack occurs as summer approaches.⁵⁰

Climate Change

Climate change is most strongly felt in northern environments. It can impact temperatures, precipitation levels, water levels, freeze up and thaw dates, permafrost distribution, and contribute to more extreme weather patterns. These in turn may impact growing seasons, biological productivity, and the distribution of plants and wildlife, which the Sahtu Dene and Metis depend on. Higher water levels may also impact communities. As weather patterns change, communities will need to understand the changes and the impacts to them so they can adapt accordingly.⁵¹

2.4.3 Watersheds

Watersheds are areas of land containing a common set of streams and rivers that all drain into a single larger body of water, such as a larger river, a lake or an ocean. Map 6 shows the major watersheds and regional watersheds within the Sahtu Settlement Area. There are parts of 7 major watersheds, containing 30 regional watersheds in the Sahtu, varying in size from 100 km² to 26,000 km². The Sahtu Region is covered with water bodies, including rivers, streams, lakes and wetlands. Great Bear Lake dominates the eastern half of the Sahtu Settlement Area and has, since time immemorial, provided the original inhabitants of the Sahtu with vital social, cultural and economic resources. Watersheds offer ecological, rather than political boundaries for the planning process.⁵²

The Mackenzie River Basin which drains into the Beaufort Sea is one of the largest watersheds in the world. All the rivers that drain into the Mackenzie, large and small, are part of the Mackenzie Basin. The Dehcho (Big Water), or Mackenzie River Basin begins at the headwaters of the Peace and Athabasca Rivers and ends 4,200 kilometres later at the Beaufort Sea. The watershed is 1.8 million square kilometres in size and drains one-fifth of Canada's land-base.⁵³

⁵⁰ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.35

⁵¹ The Board will look into climate change research further for Draft 3.

⁵² Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.36

⁵³ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.36

Map 6. Major and Regional Watersheds of the Sahtu Settlement Area

The Dehcho or Mackenzie River begins at Great Slave Lake, forging a wide, 1,738 kilometre watercourse, heading “down north” across the Arctic Circle to the Beaufort Sea. Along the way, the Dehcho’s warm, shallow water passes boreal and taiga forest. Finally, its heavy burden of sand and silt is deposited into the channels, lakes and sandbars of the Mackenzie Delta which provides vital habitat for many Arctic species. Millions of migrating birds use the Mackenzie River valley as their main migratory route toward the delta.⁵⁴

The Sahtu has four major directions of water flow:

- 1) West Mackenzie Region – water flows down from the Mackenzie Mountains and the watersheds drain into the west side of the Mackenzie River;
- 2) East Mackenzie Region – water flows eastward and the watersheds flow into the Mackenzie River, on the east side;
- 3) Arctic Region – water flows northward and the watersheds flow directly into the Arctic ocean;
- 4) Great Bear Region – all water flows into the Great Bear Lake and then flows into the Mackenzie River via Great Bear River.⁵⁵

2.4.4 Landcover

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. Map 7 illustrates the vegetation cover of the Sahtu region.

Boreal Biome⁵⁶

Much of the Sahtu is located in the boreal or “northern” forest – Canada’s largest biome. The boreal biome occupies 35% of the total Canadian land area and 77% of Canada’s total forest land, stretching between northern tundra and southern grassland and mixed hardwood trees. Named after Boreas, the Greek god of the North Wind, the boreal biome starts in the Yukon Territory, forming a band almost 1000 kilometres wide, and sweeps southeast towards Newfoundland. To its north is the treeline, and beyond that the tundra of the Arctic.

⁵⁴ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada’s Northwest Territories, 2005, Sahtu GIS Project, P.36

⁵⁵ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada’s Northwest Territories, 2005, Sahtu GIS Project, P.36

⁵⁶ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada’s Northwest Territories, 2005, Sahtu GIS Project, P.43

Map 7. Vegetation of the Sahtu Settlement Area

The dominant tree type is coniferous as they are well-adapted to the harsh climate and thin, acidic soils. Black and White Spruce are characteristic species of this region as are Tamarack, Jack Pine and Balsam Fir. Deciduous trees such as White Birch and Poplars are at times found among the conifers, especially in more southern areas.

In the Sahtu, trees grow farther north than anywhere else in Canada, extending along the Mackenzie Valley up to the Mackenzie Delta almost to the shores of the Beaufort Sea. The Mackenzie River and Valley create a micro-climate that is more conducive to tree growth than other locations at the same latitude. The lack of summer warmth sets a northern limit to tree growth. The treeline (shown on Map 8) runs diagonally south-eastward, just north of Inuvik to the southeast corner of the NWT. Where permafrost is close to the surface, the active or seasonally thawed soils are too thin to accommodate roots. A tree's height is limited by the depth and holding power of the soil in which it is rooted. As a result, as trees approach the treeline, they become shorter and smaller.

Over 200 bird species breed in this biome and the area is home to species such as caribou, muskox, lynx, black bear, moose, coyote, timber wolf and recovering populations of wood bison.

Also characteristic of the boreal biome are bogs, fens, marshes, shallow lakes, rivers and wetlands.

[Forest Fires](#)⁵⁷

The boreal forest of the Sahtu has been shaped by fire for thousands of years. All life in these forests has in some way adapted to or in many cases, come to rely on the presence of natural wildfire. In the heart of the boreal, natural fire frequency ranges from 50-200 years. It is now widely acknowledged that our efforts to suppress wild fires may in fact be skewing the pattern of wildfires toward less frequent but larger and hotter fires. By allowing dead wood and other fuel sources to build up in the forest, we are setting the stage for more destructive fires.

Fire does the following for the forest:

- breaks rocks and builds soil;
- kills pathogens and bacteria;
- clears accumulated leaf and needle litter exposing good mineral-soil seed bed;
- fire blackened soil absorbs light, creating a greenhouse effect for seeds and seedlings;
- knocks back fire-sensitive/shade-tolerant trees;
- helps re-establishment of conifer forest; and
- recycles nutrients that are locked up in leaf litter and woody debris.

Map 8 shows the fire history of the Sahtu Settlement Area.

⁵⁷ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.44

Map 8. Fire History of the Sahtu Settlement Area

2.4.5 Ecozones, Ecoprovinces and Ecoregions

Ecozones

Canada is divided into 15 ecozones.⁵⁸ An ecozone is the largest scale biogeographic division of the earth's surface based on the historic and evolutionary distribution patterns of plants and animals.⁵⁹

Ecozones represent large areas of the earth's surface where plants and animals developed in relative isolation over long periods of time, and are separated from one another by geologic features, such as oceans, broad deserts, or high mountain ranges, that formed barriers to plant and animal migration.⁶⁰ The Sahtu has 4 ecozones represented within its boundaries as illustrated in Map 9 and described in Table 4.

Table 4. Ecozones of the Sahtu Settlement Area

	Seasons	Mean Daily July Temperatures	Mean Daily January Temperatures	Annual Precipitation
Southern Arctic	Short cool summers	1 C	-30 C	250-500 mm
Taiga Plains	Long cold winters	10 to 15 C	-22.5 to -3 C	250-500 mm
Taiga Shield	Short cool summers	7.5 to 17.5 C	-17.5 to -27.5 C	250-500 mm
Taiga Cordillera	Summers warm in south, short and cool in north	12 to 15 C	-25 to -30 C	300-700 mm

Ecoprovinces

There are 53 ecoprovinces in Canada.⁶¹ An ecoprovince is a biogeographic unit smaller than an ecozone, which contains one or more ecoregions. An ecoprovince encompasses areas of uniform climate, geological history and physiography (i.e. mountain ranges, large valleys, plateaus). Their size and broad internal uniformity make them ideal units for the implementation of natural resource policies.⁶² The Sahtu's ecoprovinces are further divided into 15 ecoregions.

⁵⁸ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.38

⁵⁹ Wikipedia, 2009: <http://en.wikipedia.org/wiki/Ecozone>

⁶⁰ ibid

⁶¹ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.38

⁶² Wikipedia, 2009: <http://en.wikipedia.org/wiki/Ecoregion>

Ecoregions

There are 194 ecoregions in Canada.⁶³ Ecoregions are large areas of land and water defined by similar climate, vegetation, geology and other ecological patterns. The boundaries of ecoregions are located where there are significant changes in one of these features. The ecoregions are defined in "A National Ecological Framework for Canada" (Marshall, I. B. and Shut, P. H., 1999).⁶⁴

The ecoregions range from:

- low subarctic to high subarctic (including the tundra/subarctic forest transition);
- subalpine woodlands to alpine tundra; to
- extremely rugged mountains to undulating glacial drift and outwash deposits.

Cold winters are common to all. The ecoregions are described in Table 5 and shown in Map 9.

The Sahtu has 15 ecoregions. Most of these ecoregions are transboundary, i.e, they extend beyond the SSA into the Yukon, Nunavut or other Settlement Regions in the NWT. This points to the necessity for transboundary planning. Two ecoregions lie wholly within the Sahtu Settlement Region: Colville Hills (around Colville Lake) and Grandin Plains (Caribou Point or Edaiila). These areas have unique combinations of climate, vegetation, geology and other natural features that are found nowhere else in Canada. Thus planning for these two ecoregions within the Sahtu means additional care is needed to consider how to conserve these Sahtu-unique ecoregions.

The NWT Protected Areas Strategy includes the goal to protect core representative areas within each NWT ecoregion. This is to help contribute to the conservation of the entire diversity of life forms and their habitats (p. 10, PAS). The Protected Areas Strategy Ecological Working Group developed a methodology to identify representative areas.

⁶³ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.38

⁶⁴ Marshall, I.B., Shut, P.H., A National Ecological Framework for Canada, 1999, Environment Canada and Agriculture and Agri-Food Canada

Map 9. Ecozones and Ecoregions of the Sahtu Settlement Area

Table 5. Ecoregions of the Sahtu Settlement Area

Ecoregion	Name	Location	Climate	Vegetation	Elevation
35	Dease Arm Plain	N of Great Bear Lake	High subarctic	Tall shrub tundra of dwarf birch and willow. Southern boundary is tundra and subarctic forest transition of stunted black spruce, tamarack; some white spruce; and ground cover of dwarf birch, willow, ericaceous shrubs, cottongrass, lichen, moss.	Rolling surface, generally below 300m Some hills reach 460m
36	Coronation Hills	Thin edge occupies the N section of the Sahtu	Low arctic	Shrub tundra vegetation of dwarf birch, willow, northern Labrador tea, <i>Dryas</i> spp., sedge tussocks Warm sites have tall dwarf birch, willow and alder Wet sites are dominated by willow and sedge	Surface range in 200-600m above sea level (ASL)
37	Bluenose Lake Plain	Along the Sahtu's N-E edge	Low arctic	Shrub tundra vegetation of dwarf birch, willow, northern Labrador tea, <i>Dryas</i> spp. and <i>Vaccinium</i> spp. Warm sites have tall dwarf birch, willow and alder. Wet sites are dominated by sphagnum moss and sedges.	Landscape reaches 365-610 m, higher part in the S Small and scattered lakes with streams entrenched 60-120 m below surface
51	Peel River Plateau	Plateau that rises above Mackenzie River Plains to the Mackenzie Mountains	High subarctic	Wetlands cover over 25% of ecoregion with peat plateau bogs and ribbed horizontal fens. Dominated by open stunted black spruce; tamarack; some white spruce; and ground cover of dwarf birch, willow, ericaceous shrubs, cottongrass, lichen, moss. Poorly drained sites of tussocks of sedge, cottongrass and sphagnum moss. Low shrub tundra of dwarf birch and willow	Terraces and rounded plateaus
52	Great Bear Lake Plain	Stretches across widest section of Sahtu and encompasses	High subarctic	Latitudinal limits of tree growth reached along N-boundary. See ecoregion 51: Peel River Plateau	Surface below 310 m ASL. (above sea level), River channels lie 60-150m below

Ecoregion	Name	Location	Climate	Vegetation	Elevation
53	Fort McPherson Plain	Deline NW of Fort Good Hope	High subarctic	Wetlands cover 25% of N and 50% of S in the region See ecoregion 51: Peel River Plateau	surrounding surface Broad, shallow basin in SW section 120m ASL. In NE isolated hills rise to 460m
54	Colville Hills	Surrounds Colville Lake	High subarctic	See ecoregion 51: Peel River Plateau	Lowlands lie 245-300m ASL. Ridges reach 670m
55	Norman Range	Between Mackenzie River and Great Bear Lake Plains	Low subarctic	Open stands of black spruce with understory of dwarf birch, Labrador tea, lichen, moss. Drier and warmer sites with white spruce, paper birch and some aspen. Wet sites of bog-fen vegetation: dwarf black spruce, Labrador tea, ericaceous shrubs, moss.	Norman Range forms a series of NS low ridges of 1040m ASL. Great Bear Plain's rolling surface below 500m ASL.
56	Mackenzie River Plain	Broad, rolling plain between Mackenzie and Franklin mountains where Mackenzie River is entrenched	Sub-humid high boreal	Wetlands cover 25-50% of ecoregion with peat plateau bogs and ribbed horizontal fens. Medium to tall closed stands of black spruce, jack pine. Understory of feathermoss, bog cranberry, blueberry, Labrador tea, lichens. Southern warmer and moister sites have white spruce, balsam fir and trembling aspen. Poorly drained peat filled depressions have low closed and open stands of black spruce, ericaceous shrubs, and sphagnum moss.	
57	Grandin Plains	Edaiila (Caribou Point)	High subarctic	Latitudinal limits of tree growth reached along eastern boundary. Wetlands of peat plateau bogs and ribbed horizontal fens cover approximately 25% of ecoregions. See ecoregion 51: Peel River Plateau	Undulating glacial drift, raised beaches and outwash deposits
58	Franklin Mountains	From Tulita down past Wrigley	Low subarctic	See ecoregion 55: Norman Range	Low ranges and ridges up to 1525m

Ecoregion	Name	Location	Climate	Vegetation	Elevation
59	Keller lake Plain	Small portion along Sahtu's Eastern edge	Low subarctic	Wetlands cover over 25% of ecoregion including SE portion of Great Bear Plain and N portion of Great Slave Plain. See ecoregion 55: Norman Range	Generally below 310m ASL
68	Coppermine River Upland	Upper E-area of Sahtu	High subarctic	Part of tundra and boreal forest transition where latitudinal limits of tree growth is reached. See ecoregion 51: Peel River Plateau	
170	Mackenzie Mountains	Mountains along the south-western portion of the Sahtu		Alpine tundra in higher elevations with lichens, mountain avens, intermediate to dwarf ericaceous shrubs, sedges, cottongrass (in wetter sites). Subalpine open woodland in lower elevations with discontinuous open stands of stunted white spruce, some alpine fir, matrix of willow, dwarf birch, Labrador tea. Barren talus slopes are common.	Ogilvie Mountains reach 2134m ASL. Wernecke Mountains are divided into several ranges by NW trending valleys
171	Selwyn Mountains	Northern extension of Rocky Mountains into the S-tip of Sahtu		See ecoregion 170: Mackenzie Mountains	Highest mountains in the NWT here. Divided into several ranges by valleys. Alpine and valley glaciers. Mount Keele is highest peak at 2950m ASL.

2.4.6 Wildlife

This land is our source of survival. Our grandfathers, our fathers, and we the elders of today have all strived on the land. I myself have been committed to living on the land. So when we speak of the land, we speak nothing but the truth. It is as if we are speaking of our own hearts.

Yes, the land is very important to us. Not only do we dwell on it but also the wildlife survives on it. As humans, we survive by eating the wildlife. That also is a way of life.

Water, wildlife, caribou, moose, beaver, muskrat, and fish. These are all life sustaining for us. We can't allow these resources to be mismanaged. We have to be constantly aware of our responsibility for proper land management... We can't break our connection to nature.⁶⁵

Of the many animals that occupy the Sahtu lands, a number are of significance to the people. Caribou are a staple of Dene subsistence harvests, and its seasonal migrations have historically determined people's movements on the land. Two subspecies of caribou exist in the Sahtu, barrenground caribou and woodland caribou.

Within woodland caribou there are two ecotypes, Boreal caribou (non-migratory, remain in forested regions outside Mackenzie Mountains year-round), and Mountain caribou (migrate between forested and alpine habitats throughout Mackenzie Mountains and parts of the Mackenzie Valley).

Boreal caribou are sensitive to activities associated with oil and gas exploration and extraction, particularly the cutting of seismic lines through the forests in which the caribou live. Research by Alberta's Boreal Caribou Research Program (BCRP) in the northeast of the province has found that wolves can travel much faster along seismic lines than through the forest, especially during the summer. This increases their efficiency at finding and killing caribou.

Caribou were more likely to be found a minimum of 250 m away from seismic lines demonstrating that habitats less than 250 m from seismic lines are considered degraded by caribou.⁶⁶ Biologists are examining the density of seismic lines across the Sahtu to determine the current oil and gas "footprint" in the region. The GNWT, in cooperation with other stakeholders, have been developing draft guidelines for seismic lines in the GNWT.⁶⁷

Historically, the Dene also relied heavily on moose for survival. The hides were painstakingly prepared and sewn together to cover large spruce frame boats and used for tents. Moosehide

⁶⁵ From Sahtu Land Use Planning Board – Building a Vision for the Land, 1999

⁶⁶ The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project

⁶⁷ "NWT Guidance for the Protection of Land, Forest, and Wildlife, Oil and Gas Seismic Exploration", Department of Environment and Natural Resources, Environment Canada, Indian and Northern Affairs Canada, Draft June 13, 2008

leggings, coats, hats and footwear were necessary apparel to ward off the severe cold. Moose meat was essential to people subsisting in remote areas. A successful hunt was occasion for a feast, and the elders were honoured with the head, which is a delicacy.⁶⁸

Today the moose is still an important resource in many Sahtu communities. It continues to be a staple food as one animal can yield as much as 300 kg of meat. The hides are usually home-tanned and used for making moccasins, heavy winter mitts and handicrafts. Most hunters and trappers below the treeline still prefer handmade moccasins to manufactured winter footwear and moosehide for their soles as caribou hide is neither thick nor tough enough.⁶⁹

Special Harvesting Areas

S. 13.4.4 of the SLCA establishes Special Harvesting Areas in which Participants can harvest fish, moose and migratory birds. Non-participants may not harvest wildlife in these areas if such harvesting is inconsistent with the special harvesting of Participants, except for a 90 day period in the fall when non-participants will be allowed to harvest moose. The Special Harvesting areas are shown in Map 10.

Important Wildlife Areas

K'eyeneyo means "place where sheep are chased down." It is an isolated mountain, south of the Gravel River, at the headwaters of the Moose Horn River. It is a good place to find ewes and lambs at this time of year. In the old days, sheep were chased down from the tundra plateau into snares of babiche. Sheep are famous for their climbing skill... But there is one cliff they cannot climb, north northwest of K'eyeneyo. It is called Petl'aenejo, or "mountain where sheep are run against a cliff." There they could be killed by hunters.⁷⁰

The Government of the Northwest Territories (GNWT) published "Wildlife Areas of Special Interest to the Department of Renewable Resources" in 1987 but the information is due to be revised. Increased interest in development and land use and protected areas planning in the Mackenzie Valley created a need to compile and share information on areas important to wildlife in the western NWT.⁷¹

⁶⁸ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.49

⁶⁹ Excerpted from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.49

⁷⁰ From Snowshoes and Ptarmigan Feathers by Norman Simmons with Maurice Mendo, Originally published in the Mackenzie Valley Viewer, October 2002, taken from The Sahtu Atlas, Maps and Stories from the Sahtu Settlement Area in Canada's Northwest Territories, 2005, Sahtu GIS Project, P.50

⁷¹ Wilson, J.M., Important Wildlife Areas in the Northwest Territories, draft September 2008, ENR, GNWT

Map 10. Special Harvesting Areas

The “Important Wildlife Areas in the Western Northwest Territories” (2008) draft report is intended to provide such information on wildlife and to inform related management decisions in the area. It is important to note that only areas uniquely important to a variety of species were considered as opposed to areas that are important to a single species.⁷²

The Important Wildlife Areas (IWA) draft report considered wildlife species for which the GNWT has management responsibility. This includes species covered by the *NWT Wildlife Act* and excludes species covered by the *Fisheries Act and Migratory Bird Convention Act*. Fish, marine mammals, waterfowl and most other bird species are also excluded from the GNWT’s mandate. The Peregrine Falcon appears because it is not listed under Article 1 of the Migratory Birds Convention Act.⁷³

In order to be considered, species had to meet at least one of the three conditions identified in Table 6 below. The table has been reproduced from the IWA draft report and only includes species relevant to the Sahtu.

Table 6. Species and Criteria for Important Wildlife Areas⁷⁴

	High socio-economic importance	Assessed as “endangered” or “threatened” by COSEWIC as of May 2006	Assessed as “special concern” by COSEWIC and with NWT status rank of “sensitive” or higher (2006)
Barren-ground Caribou	✓		
Boreal Woodland Caribou	✓	✓	
Mountain Woodland Caribou	✓		
Dall’s Sheep	✓		
Moose	✓		
Muskox	✓		
Beaver	✓		
Marten	✓		
Peregrine Falcon		✓	

Wildlife species of concern and the Important Wildlife Areas with which they are associated are listed in Table 7 and shown in Map 11 (IWA identification numbers were retained for referencing purposes with IWA maps).

⁷² ibid

⁷³ ibid

⁷⁴ Wilson, J.M., Important Wildlife Areas in the Northwest Territories, draft September 2008, ENR, GNWT

Map 11. Draft Important Wildlife Areas in the Sahtu Settlement Area

Table 7. Important Wildlife Areas in the Sahtu Settlement Area⁷⁵

ID	IWA Name
Barren-ground caribou	
1	Core Calving and Post-calving Areas 1996 - 2006
3	Horton Lake
4	Edaiila (Caribou Point)
Boreal woodland caribou	
8	South Shore of McVicar Arm
Mountain woodland caribou	
9	Headwaters of Arctic Red River
Dall's sheep	
15	Northern Mackenzie Mountains
16	Palmer Lake
Moose	
24	Sahtu Rivers
25	Ramparts River Wetlands
26	Lac À Jacques Wetlands
27	Florence Lake
28	Three Day Lake
29	Mirror Lake
30	Wetlands southwest of Lac Ste Thérèse
Muskox	
41	Sahtu Muskox Areas
42	Hare Indian River
Beaver	
50	Ramparts River Wetlands
51	Loon Lake Wetlands
52	Lac À Jacques Wetlands
53	Willow Lake Wetlands
54	Johnny Hoe River and Lac Ste Thérèse
Marten	
62	Northern Sahtu Marten Area
63	Caribou Point Marten Area
64	Whitefish River Marten Area
65	Wetlands Southwest of Lac Ste Thérèse
Peregrine falcon	
85	Ramparts
86	Franklin Mountains/Sans Sault
87	Bear Rock
88	Mackay Range
Unique areas	
89	Hot and Warm Springs
90	Density of Known Mineral Licks
101	Ramparts River Wetlands

⁷⁵ ibid

102	Plains of Abraham
103	Willow Lake Wetlands
104	Edaiila (Caribou Point)

The species examined in the IWA report represent but a small fraction of the ecologically important wildlife species in the NWT. The IWA are the most important key habitat sites that have been identified in the process of the report and should not be interpreted as the only important wildlife habitats. Much habitat of significant importance to wildlife has not been identified above.⁷⁶

For more information on the IWA process or details, please consult the "Important Wildlife Areas in the Western Northwest Territories" draft report. The SLUPB will include updates of this information in future drafts of the Plan, providing they are completed before the Plan.

⁷⁶ Wilson, J.M., Important Wildlife Areas in the Northwest Territories, draft September 2008, ENR, GNWT

2.5 ECONOMIC DEVELOPMENT

The Sahtu region accounts for 6% of the NWT's population and 5% of its income. Norman Wells is the commercial and administrative centre, serves as the regional hub, and is the region's primary service and supply centre. It has the highest average level of income in the NWT.⁷⁷

2.5.1 Commercial Fishing

There is no commercial fishery currently operating within the Sahtu Settlement Area.

2.5.2 Forestry

As per Chapter 14 of the SLCA, the harvest of timber for personal use is permitted year-round. The Forest Management Department within ENR has authority for granting free timber cutting permits for the right to harvest on commissioner or crown lands. The Forest Management Department does not have authority over private or selected lands but it can issue timber transfer permits to the land owner. The Land Corporation retains the authority to grant access to its lands and timber by issue of load tickets to harvesters.

Large scale commercial forestry does not currently take place in the Sahtu nor are there immediate plans to undertake such developments. Small scale commercial transactions occur in the form of payments from one individual to another for labour associated with the harvest of timber for domestic use.

2.5.3 Tourism/Outfitting

In 2002-2003, roughly 59,000 vacationers and business travellers spent \$93 million on NWT goods and services.⁷⁸ Over half of the vacationers came from Canada, mostly Alberta, British Columbia and Ontario. Below mining and petroleum products, tourism is the territory's third largest export. Tourism contributes more to the NWT economy than the combined sales of agriculture, forestry, fishing, and trapping. It is the territory's largest renewable resource industry.⁷⁹

In 2006, the NWT had 35,956 travellers of which 6,004 came to the Sahtu. Almost 50% of these visitors came for the purpose of business. About 21% visitors came for the purpose of fishing and roughly 4% for hunting, 4% for touring and 5% for outdoor adventure.⁸⁰

⁷⁷ The Sahtu Region, Regional Profile, ITI, GNWT: <http://www.iti.gov.nt.ca/about-iti/sahtu/profile.shtml>

⁷⁸ Tourism Profile, 2005, ITI, GNWT:

<http://www.iti.gov.nt.ca/publications/2007/BusinessEconomicDevelopment/tourism2005.pdf>

⁷⁹ Tourism Profile, 2005, ITI, GNWT:

<http://www.iti.gov.nt.ca/publications/2007/BusinessEconomicDevelopment/tourism2005.pdf>

⁸⁰ Tourism Strategy for the Sahtu Region, Final Report, September 15, 2008, Terriplan Consultants, ITI, GNWT

Summer visitors spend the least on a per person basis compared to other leisure segments. They make up approximately 60% of non-business visits to the territory but account for 39% of the spending.⁸¹

The Sahtu is an attractive destination in the country for visitors who are seeking a wilderness experience in a remote, pristine landscape or for those looking for impressive hunting and fishing opportunities. In its 2004 Strategic Plan, the GNWT identified the expansion of tourism in the NWT as one of its key priorities (Tourism 2010).⁸² In the 2007 Budget the territorial government again identified tourism as a sector with opportunities for economic diversification and potential to increase community-level economic participation. As a result, "A Tourism Strategy for the Sahtu Region" final report was published in September 2008.

The GNWT is trying to increase tourism by funding marketing research, tourism training, infrastructure, and product development. Despite a number of challenges such as the high cost of air travel, lack of direct charter flights from Europe, high operating costs, the need for infrastructure and difficulty of recruiting and retaining employees, the "Sahtu Regional Tourism Strategy" (Terriplan, 2008) focuses on a number of opportunities for tourism development.⁸³

Some major tourism assets of the Sahtu include the Canol Heritage Trail, Great Bear Lake, the Mackenzie River and Mountains.

The tourism industry would like to see the wilderness aspect of the Sahtu maintained. The remoteness and perceived pristine nature of the environment is a major factor in guiding and outfitting activities. This includes the need for buffer zones around cabins and campsites, rotating harvest as part of a conservation strategy, protecting wildlife during birthing seasons and securing adequate harvest levels to maintain and grow the industry.⁸⁴

The Mackenzie Mountains of NWT were first opened to non-subsistence hunters, or trophy hunters, in 1965. The Association of Mackenzie Mountains Outfitters (AMMO) is an 8 member association of the sole outfitters that are licensed by the GNWT to operate outfitting and guiding operations within the NWT. Under the terms of the NWT Wildlife Act, each licensed outfitter has the exclusive right to provide outfitting services within their zone.⁸⁵ The Outfitting regions are illustrated in Map 12.

⁸¹ Tourism Profile, 2005, ITI, GNWT:

<http://www.iti.gov.nt.ca/publications/2007/BusinessEconomicDevelopment/tourism2005.pdf>)

⁸² Tourism 2010, A Tourism Plan for the Northwest Territories, ITI, GNWT:

http://www.iti.gov.nt.ca/publications/2007/TourismParks/Tourism_2010.PDF

⁸³ Excerpted from Tourism Strategy for the Sahtu Region, Final Report, September 15, 2008, Terriplan Consultants, ITI, GNWT

⁸⁴ From May 31, 2007 comments from the Association of Mackenzie Mountain Outfitters, Available at: <http://www.sahtulanduseplan.org/website/web-content/index.html>

⁸⁵ Excerpted from Association of Mackenzie Mountain Outfitters website: <http://huntnwt.com/index.html>

Map 12. Outfitting Regions of the Sahtu Settlement Area.

All non-residents of the NWT are required to use the services of an outfitter and be accompanied by a licensed guide at all times while hunting. Non-resident hunters must be at least 16 years of age and are required to purchase a hunting license.⁸⁶ The license provides for the take of one of each big game species a year:

- 1 dall ram (with at least $\frac{3}{4}$ curl horns);
- 1 woodland caribou (either sex);
- 1 moose (either sex);
- 1 mountain goat (either sex);
- 1 wolf (either sex);
- 1 wolverine (either sex); and
- 1 black bear adult not accompanied by cubs.⁸⁷

Approximately 330 non-resident hunters visit the Mackenzie Mountains annually, bringing money and business into the Sahtu. Within the NWT, big game hunters are mostly American and account for only 3% of leisure visitors by volume but contribute 37% of the total in spending generated by non-business tourism.⁸⁸

The outfitting industry employs 100-120 outfitters, guides, pilots, camp cooks, camp helpers and horse wranglers. Meat from many of the harvested animals is given to some of the local communities where it is distributed to the elders and residents.⁸⁹

2.5.4 Power Development

Power in the Northwest Territories is generated primarily through hydro-electric projects (75%) and diesel plants. Within the Sahtu, the four smaller communities use diesel generated power, while in Norman Wells, the NWT Power Corp purchases natural gas generated power from Esso to sell to the community.⁹⁰ Power can be generated from a variety of renewable and non-renewable resources. The following sections discuss plans and potential for other sources of power.

Hydro-Electricity

The GNWT's 16th Legislative Assembly has set a number of energy priorities to address NWT residents' frustration with the rising cost of energy due to heavy reliance on imported fossil fuels and exposure to world oil prices. To address these issues, the Legislative Assembly has expressed an interest in pursuing initiatives that will help reduce energy costs and advance the development of alternative energy initiatives. The GNWT has committed to reducing its dependence on imported diesel. It will focus on long-term commitments to developing hydroelectric resources through a NWT Hydro Strategy.

⁸⁶ Association of Mackenzie Mountain Outfitters website: <http://huntnwt.com/index.html>

⁸⁷ ibid

⁸⁸ Tourism Profile, 2005, ITI, GNWT:

<http://www.iti.gov.nt.ca/publications/2007/BusinessEconomicDevelopment/tourism2005.pdf>

⁸⁹ Association of Mackenzie Mountain Outfitters website: <http://huntnwt.com/index.html>

⁹⁰ Northwest Territories Power Corporation website at <http://www.ntpc.com/about/index.html>

The draft of the “NWT Hydro Strategy Executive Summary” was released in 2009 outlining the territory’s long-term approach to developing hydroelectricity in the territory. The NWT has more than 11,500 megawatts of hydroelectric potential but is currently using less than 0.5% of it. Of this potential, 10,450 megawatts are associated with the Mackenzie River.⁹¹

The GNWT established the Northwest Territories Hydro Corporation (NT Hydro) and its subsidiary, the Northwest Territories Energy Corporation, to undertake the responsibility of implementing the actions necessary to realize its development goals. Sahdae Energy Ltd., a subsidiary of the NWT Hydro Corporation, was established with a sole purpose to pursue a hydro development project on the Great Bear River to provide power to the potential Mackenzie Valley Pipeline project.⁹²

The GNWT will lend its support through the development of policy, planning and programs that will be aligned with the strategies and actions. The GNWT recognizes that its hydroelectrical development policy and regulations will have to comply with the resource management regimes created by settled land claims such as the SLCA. Potential hydroelectricity transmission lines are proposed to roughly follow the Mackenzie River from Hay River up through Tulita, Norman Wells, Fort Good Hope and to Inuvik. Deline would also be connected to the lines through Tulita. Colville Lake is not currently shown as a destination for the transmission lines.

For the time being, mini-hydro projects will be considered within the NWT. They will typically generate 0.5-1.0 megawatts. At least one pilot project is to take place in 2009 with more to follow. Larger scale developments will take years to develop. The planning process is projected to take place within approximately the next 10 years.⁹³

Biomass Energy

In considering alternative sources of energy production, the GNWT has tested the feasibility of using wood pellets. Wood pellets have successfully been used in boilers of the Tlicho Region. This program is to be expanded for other public facilities. A study will examine the feasibility of using wood pellet boilers in communities within the Mackenzie Valley. It will also assess opportunities for the manufacturing of pellets, availability of forest resources and evaluate the potential to develop the residential/private wood pellet market in Yellowknife.

A comprehensive Biofuels Strategy is to be completed for 2009 and a biomass electricity generation project is to be started in 2011. Two wood pellet boilers are to be installed in Chief Jimmy Bruneau School and an additional minimum of six public buildings will be equipped with wood pellet boilers by 2010.⁹⁴

⁹¹ Draft NWT Hydro Strategy – The Foundation for a sustainable energy future, Executive summary brochure, GNWT 2008

⁹² Northwest Territories Power Corporation website at <http://www.ntpc.com/about/energysector.html>

⁹³ Draft NWT Hydro Strategy – The Foundation for a sustainable energy future, Executive summary brochure, GNWT 2008

⁹⁴ Full text excerpted from Energy Priorities Framework, Ministerial Energy Coordinating Committee, GNWT, October 2008

2.5.5 Oil and Gas

Since the 1960's there have been significant expenditures on oil and gas exploration and development throughout the Sahtu. In 2003, Imperial Oil Resources spent over \$25 million in northern businesses as a result of production operations in Norman Wells. In 2005-06, Husky spent \$60 million on their drilling program in the Southern Sahtu, of which a portion benefited northern businesses and workers.

The Sahtu has the NWT's only producing oil field and ships over \$500 million in oil every year through the Zama Lake pipeline in Norman Wells.⁹⁵

The areas with the highest potential for hydrocarbons in the Sahtu are found around Norman Wells, within the Mackenzie Plain and in the Keele Arch area of Colville Hills. The total discovered recoverable oil and gas resources for the Sahtu Settlement Area has been identified as 301.6 million barrels of oil and 832.4 billion cubic feet of natural gas. There are four discovered gas fields and one oil field. The four discovered gas fields are located in the Keele Arch area of Colville Hills, at Tedji Lake, Tweed Lake, Bele, and Nogha. Together they represent total recoverable gas resources of 832.4 billion cubic feet.⁹⁶ Map 13 illustrates the Hydrocarbon Potential of the Sahtu Settlement Area.

The Mackenzie Gas Project (MGP)⁹⁷

The Mackenzie Gas Project (MGP) is a proposal to develop three natural gas fields in the Mackenzie Delta area and to transport the natural gas and natural gas liquids through a pipeline along the Mackenzie Valley, into markets in Canada and the United States.

The natural gas was discovered in the early 1970s. Three anchor fields will initially feed the pipeline. The field contains a proven 5.8 trillion cubic feet of natural gas.

The Mackenzie Gas Project consists of four oil and gas companies and a group representing aboriginal peoples in the Mackenzie Valley:

- Imperial Oil Resource Ventures Ltd.,
- ConocoPhillips Canada (North) Ltd.,
- Shell Canada Ltd.,
- ExxonMobil Canada Properties; and
- Aboriginal Pipeline Group (APG).

⁹⁵ Sahtu Profile, ITI, GNWT: <http://www.iti.gov.nt.ca/about-iti/sahtu/profile.shtml>

⁹⁶ Drummond Consulting, 2008, Ultimate Oil and Gas Resource of the Sahtu and Gwich'in Settlement Areas, http://www.drummondconsulting.com/GS_TOC.pdf

⁹⁷ MGP Factsheet, 2007, ITI, GNWT: <http://www.iti.gov.nt.ca/publications/2007/Energy/MGP%20FactSheet.pdf>

Map 13. Hydrocarbon Potential of the Sahtu Settlement Area

The project includes:

- three natural gas production facilities,
- a pipeline system,
- a gas processing facility near Inuvik,
- a natural gas liquids pipeline from Inuvik to Norman Wells, and
- a natural gas pipeline from Inuvik to northwestern Alberta.

Cost estimates in 2007 for the MGP were a total of \$16.2 billion:

\$7.8 billion for the pipeline,
\$4.9 billion for the development of the anchor fields, and
\$3.5 billion for the gas-gathering system.

The pipeline would extend approximately 1,300 kilometres. The project's stated goal is to have natural gas moving through the pipeline by 2010. A Preliminary Information Package (PIP) was filed in April 2003. The PIP outlines the proposed development plans including environmental data, a proposed route, pipeline size, and information about communication with communities. The Environmental Impact Review was recently conducted by the Joint Review Panel to determine the environmental, social, cultural, and economic effects of the MGP. The MGP is subject to the environmental assessment requirements of the Canadian Environmental Assessment Act, the Mackenzie Valley Resources Management Act and the Inuvialuit Final Agreement. It must also comply with land claim agreements and other laws.

The Joint Review Panel (JRP) consists of seven members selected by the Mackenzie Valley Environmental Impact Review Board, the Inuvialuit, and the federal Minister of the Environment. The JRP has finished its community consultations and plans to release its report by December 2009.

Following the report, the regulatory phase (decisions to issue necessary authorizations) will be carried out by the National Energy Board, the NWT Water Board, and the Mackenzie Valley Land and Water Board.

2.5.6 Mining

The process of mining in the Sahtu is subject to the *Northwest Territories & Nunavut Mining Regulations* (established under the *Territorial Lands Act* and administered by INAC) as well as the *Sahtu Dene and Metis Land Claim Agreement (SLCA)*.

INAC has identified five distinct phases of mining: 1) prospecting and exploration; 2) discovery and advanced exploration; 3) development/construction; 4) operation and production; and 5) reclamation.⁹⁸

The preliminary exploration phase often includes field work on the land such as mapping the ground or collecting rock samples. Broad regional surveys using aircrafts and remote measuring devices may also be employed. At this stage land tenures and permits are generally not required but a license to prospect is necessary to carry out prospecting activities.

⁹⁸ From "Stages of Mineral Exploration and Development in the Northwest Territories", INAC,

If mineral potential is confirmed, companies and prospectors will secure exclusive rights to explore the area through either a mineral claim or a prospecting permit. Prospecting permits are not required in order to “stake” a claim however prospectors and companies will generally obtain prospecting permits before staking mineral claims as they are less expensive and requires less work to maintain. Neither prospecting permits nor mineral claims confer any mineral rights, surface rights or land tenures.

If there is potential for a significant mineral potential, the company must stake a claim. During the life of the mineral claim, the company will carry out further exploration work including geological mapping, small scale trenching, ground measurements, more intensive surface sampling and other associated activities to determine the extent of the resource. Prospectors must conduct a certain amount of exploration work to keep the claim in good standing. A claim is good for 10 years and must be either taken to lease or given up at the end of that time.

If the mineral deposit appraisal work that follows demonstrates an economically viable mineral deposit and the company decides to move forward with mine construction and mineral production, they must acquire a mineral lease. The company must complete a legal survey on the ground which is submitted to and registered by the Surveyor General of Canada. Mineral leases confer the right to extract minerals from the land, are valid for 21 years, and come with an automatic right of renewal.

Before a mine can be constructed, the developer must negotiate an Impact and Benefit Agreement with the nearby communities. Sahtu communities are also entitled to royalties from any project within the Mackenzie Valley, as articulated in the terms of the SLCA.

Mining is a risky business. INAC geology tracked a minimum of 2,400 exploration projects between 1971-2007. Four mines resulted from these projects (Cantung E Zone, Ekati, Diavik and Snap Lake). Approximately 30-40 projects remain in “advanced exploration”, meaning that extensive surface drilling or underground exploration has occurred.

While prospecting permits cover large areas, only a small percentage of the area is generally staked. Between 1993 and 2005, only 12% of the area covered by prospecting permits was eventually staked. In that same period, only 2% of the claims staked were taken to lease. Most claims are not kept current and approximately 90% of claims lapse by their 5th year.

Geological mapping of mineral potential is not as easily modelled as hydrocarbon potential. Map 14 provides one representation of mineral potential for illustrative purposes but it is under review. The Board is working with INAC and the NWT Geoscience to develop a new mineral potential map for the Sahtu region. It is generally held that there is significant mineral potential within the Mackenzie Mountains.

Tungsten, emeralds and other minerals have been discovered within the Sahtu region.⁹⁹ There are currently no producing mines in the Sahtu Settlement Area.

⁹⁹ Sahtu Profile, ITI, GNWT: <http://www.iti.gov.nt.ca/about-iti/sahtu/profile.shtml>

Map 14. Draft Mineral Potential of the Sahtu Settlement Area

2.5.7 Transportation & Infrastructure

Winter Roads

Winter roads, which are operational from roughly January to March, provide the only road access connecting the five communities of the Sahtu. The winter road is maintained by the GNWT Department of Transportation. The road comes up through Wrigley and connects all five of the communities, ending at Colville Lake.

Mackenzie Valley Highway Extension

In *Investing in Roads for People and the Economy: A Highway Strategy for the Northwest Territories* (2000), the GNWT Department of Transportation expressed interest in improving the health and well-being of individuals and communities in the north by enhancing access to government services and employment through all-weather road access. The federal and territorial governments have, from time to time, considered a road down the Mackenzie Valley from Wrigley to Tuktoyaktuk to provide all-weather road access to communities within the Mackenzie Valley and Delta as well as to facilitate the development of resources, such as with the Mackenzie Gas Project.

Barges

The communities of Tulita, Norman Wells and Fort Good Hope are supplied by barges along the Mackenzie during the summer. The communities of Deline and Colville Lake are supplied by trucks only in the winter on the winter roads.

Goods and supplies are brought in by barges along the Mackenzie River. Barges are also a relatively inexpensive form of transportation for individuals to ship in items during months when winter roads are not in service.

Air Travel

Norman Wells operates as the regional administrative and business hub of the Sahtu. Most charter flights into the communities of Tulita, Deline, Fort Good Hope and Colville Lake arrive via Norman Wells which connects to Yellowknife and Inuvik.

2.6 REGULATORY ENVIRONMENT

2.6.1 Legislation

The Mackenzie Valley Resource Management Act (MVRMA) was proclaimed on December 22nd, 1998. The Act implements the land and water provisions of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement (SLCA)*. It provides for an integrated system of land and water management throughout the Mackenzie Valley and sets out a new system for managing development in the Sahtu Settlement Area.

The Act establishes the Sahtu Land Use Planning Board under Part 2, the Sahtu Land and Water Board under Part 3, the Mackenzie Valley Land and Water Board under Part 4, and the Mackenzie Valley Environmental Impact Review Board under Part 5.

The Sahtu Land Use Plan must be consistent with the *Mackenzie Valley Resource Management Act* and the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*.

2.6.2 Co-Management Boards

The *Sahtu Dene and Metis Comprehensive Land Claim Agreement (SLCA)* and the MVRMA introduced a new system of land and water management for the Sahtu Settlement Area. This is a system of co-operative management or co-management, aimed at ensuring direct and meaningful participation of Sahtu residents in the management and regulation of the land, water 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 the first nation, the territorial and federal governments. The first nation is represented by the Sahtu Secretariat Incorporated and nominates half of the members of each board.

Sahtu Land Use Planning Board (SLUPB)

Under Part 2 of the MVRMA, the Sahtu Land Use Planning Board (SLUPB) is responsible for preparing and adopting a land use plan for the Sahtu Settlement Area, for submission and approval by SSI, and the territorial and federal governments. After the plan has been approved, the Board is responsible for monitoring implementation of the Plan, considering applications for exceptions to the Plan, determining whether an activity is in accordance with the Plan when requested to do so, and preparing and adopting amendments to the Plan for approval by SSI and the territorial and federal governments. The planning board will carry out a comprehensive review of the land use plan within five years of Plan approval, and every five years, or at other intervals agreed to after that.

Sahtu Renewable Resources Board (SRRB)

The Sahtu Renewable Resources Board is the main organization 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.

Sahtu Land and Water Board (SLWB)

The Sahtu Land and Water Board is a regional panel of the Mackenzie Valley Land and Water Board and is the regulatory authority 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 licences on government lands (crown land) and on Sahtu Settlement Lands.

Mackenzie Valley Land and Water Board (MVLWB)

The Mackenzie Valley Land and Water Board is the regulatory authority responsible for issuing land use permits and water licences in unsettled land claim regions of the NWT and for those applications with transboundary impacts. For example, the Mackenzie Valley Land and Water Board would be the regulatory authority involved in a proposed land use activity that would affect both the Sahtu Settlement Area and the Gwich'in Settlement Area.

Mackenzie Valley Environmental Impact Review Board (MVEIRB)

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 a regulatory authority, a designated regulatory agency (the National Energy Board), a department or agency of the federal or territorial government, the Sahtu Secretariat Incorporated, or a local government if the development will occur or have an impact on the environment within its boundaries. The Review Board may also conduct an environmental assessment on its own motion.

2.6.3 Designated Sahtu Organizations

The SLCA establishes a number of Sahtu organizations known as Designated Sahtu Organizations to manage the funds, lands, rights and responsibilities of the Sahtu First Nation on behalf of all participants. These organizations (DSOs) are established as trusts, societies or corporations. The Sahtu Secretariat Incorporated (SSI) is the governing body, responsible for management of the funds and major programs while ownership and responsibility for Sahtu

lands was given to the District Land Corporations as described earlier in this chapter. Sahtu municipal lands are held and administered either by the district land corporations, or the municipal land corporations where they exist (e.g. Tulita).

Land use activities carried out on Sahtu lands which require a land use permit, water licence or other authorization require proof of permission /agreement from the district land corporation to access their lands. For activities related to prospecting or staking a mineral claim on Sahtu lands, which do not require a land use permit, water licence or other authorization, the prospector is required to give 7 days notice to the district land corporation before entering onto their lands. On lands where the district land corporation owns the mineral rights, companies wishing to access and explore for minerals or oil and gas must negotiate those rights directly with the district land corporation.

2.6.4 Government of the Northwest Territories

Environment and Natural Resources (ENR)

Environment and Natural Resources (ENR) is the GNWT Department responsible for promoting the wise use and protection of the NWT's natural resources. ENR's regional office in the Sahtu is in Norman Wells. ENR is responsible for administering the following Acts across the NWT:

- *Environmental Protection Act,*
- *Environmental Rights Act,*
- *Forest Management Act,*
- *Forest Protection Act,*
- *Natural Resources Conservation Trust Act,*
- *Pesticide Act,*
- *Waste Reduction and Recovery Act,*
- *Water Resources Agreements Act, and*
- *Wildlife Act.*

ENR is responsible for overseeing the protection of natural areas within the territories. It is the lead department in coordinating GNWT input into the land use plan and the Minister of ENR approves the Plan on behalf of the GNWT. It is a partner with INAC in the Protected Areas Strategy. It is involved in the regulatory review of land use permit and water licence applications, providing input related to the management of wildlife, forests, air and water. It is also responsible for issuing authorizations related to wildlife and forestry use.

Industry, Tourism and Investment (ITI)

The Department of Industry, Tourism and Investment (ITI), was established in April 2005 to promote economic self-sufficiency in the NWT by promoting natural resource development in industries and supporting tourism, trade and investment, and business. ITI works in partnership with businesses and others to promote and support the economic development opportunities across the Northwest Territories and within its communities.

ITI manages 6 program divisions grouped under two directional priorities:

- Economic Development
 - Tourism and Parks, and
 - Investment and Economic Analysis

- Energy, Mines, and Petroleum Resources
 - Mackenzie Valley Pipeline,
 - Minerals, Oil and Gas,
 - Energy Planning,
 - Industrial Initiatives.

ITI administers a number of Acts and Regulations governing economic development and tourism within the Sahtu, namely the *Northwest Territories Business Development and Investment Corporation Act*, *Territorial Parks Act*, *Freshwater Fish Marketing Act*, and *Tourism Act*.

ITI is involved in the regulatory review of land use permit and water licence applications, providing input related to minerals and oil and gas development, energy development, and tourism. It is also responsible for issuing authorizations related to tourism.

Department of Transportation (DOT)

The mandate of the Department of Transportation, Government of the Northwest Territories is to plan, design, construct or reconstruct, acquire, operate and maintain public transportation infrastructure in the NWT, including community airports, docks and the highway system, and to regulate and license individuals and vehicles operating in the territory.

The Department is responsible for a transportation system that consists of 2,200 kilometres of all-weather highway, 1,450 kilometres of publicly constructed winter roads, five ferry and ice crossings and 27 community airports.

It is responsible for administering the following key acts (not a complete list), and their regulations:

- *Public Airports Act*;
- *Public Highways Act*; and
- *Transportation of Dangerous Goods Act*

It may be involved in the regulatory review of land use permit and water licence applications, providing input related to transportation. Often, it is an applicant in the regulatory process, as it requires land use permits and water licences to construct winter roads and transportation infrastructure.

Municipal and Community Affairs (MACA)

MACA's key function relevant to this plan is community land administration. MACA administers Commissioner's Lands (GNWT owned lands), provides advice and assistance to community governments on land use and community planning, performs property assessments, and

provides technical mapping and surveying services to community governments and the public. Its mission is to work with community governments and other partners in supporting community residents as they organize and manage democratic, responsible and accountable community governments. MACA is responsible for administering the *Planning Act*, the *Hamlets Act*, the *Charter Communities Act*, and the *Cities, Towns and Villages Act*, among many others.

MACA may be involved in the regulatory review of land use permit and water licence applications for land use activities within community boundaries, or affecting community interests (e.g. where an applicant proposes to use community infrastructure or resources). It is responsible for authorizing land uses on Commissioner's Lands. It may also be an applicant in the regulatory process for the development of community infrastructure.

2.6.5 Government of Canada

Indian and Northern Affairs Canada (INAC)

Indian and Northern Affairs Canada (INAC) is the federal department primarily responsible for meeting the Government of Canada's obligations and commitments to Aboriginal people (First Nations, Inuit and Metis). Approximately 97% of land in the Northwest Territories is Crown land. INAC is the federal department responsible for administering and managing land, water and resources on Crown lands in the Northwest Territories. It administers several pieces of legislation, including:

- *The Territorial Lands Act and the Northwest Territories and Nunavut Mining Regulations;*
- *The Canada Petroleum Resources Act*
- *The Canada Oil and Gas Operations Act*

Some of its core programs and responsibilities related to planning include:

- Partnering with the GNWT on the Protected Areas Strategy;
- Coordinating federal input on land use planning and approving the Plan;
- Management and cleanup of contaminated sites;
- Develop mineral and oil and gas.

Within the regulatory process, INAC is responsible for disposing of rights to subsurface resources, collecting royalties, authorizing access to Crown lands (surface leases), providing comments in regulatory reviews on matters related to its jurisdiction, approving Type A licences and permits from land and water boards, approving decisions of the Mackenzie Valley Environmental Impact Review Board, and inspecting and enforcing conditions of permits and licences. In short, INAC holds a significant amount of authority over the use of land, waters and resources within the Sahtu Settlement Area.

Department of Fisheries and Oceans Canada (DFO)

The Department of Fisheries and Ocean Canada is primarily responsible for managing fish and fish habitat. It administers the *Fisheries Act* and associated regulations and has responsibilities under the *Species at Risk Act* for aquatic species, including fish and aquatic plants. DFO is

responsible for issuing authorizations for activities that will cause the harmful alteration, disruption or destruction of fish habitat. DFO participates in project reviews and provides comments related to fish and fish habitat.

Environment Canada (EC), Canadian Wildlife Service (CWS) and Parks Canada (PC)

Environment Canada's mandate is to preserve and enhance the quality of the natural environment; conserve Canada's renewable resources; conserve and protect Canada's water resources; forecast weather and environmental change; enforce rules relating to boundary waters; and coordinate environmental policies and programs for the federal government. It includes Parks Canada (PC) and the Canadian Wildlife Service (CWS).

Key statutes that it implements are:

- Pollution Prevention Provisions of the *Fisheries Act*;
- *Canadian Environmental Protection Act*;
- *Migratory Birds Convention Act, 1994*;
- *Canada Wildlife Act*;
- *The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*; and
- *Species at Risk Act*.

The Canadian Wildlife Service is Canada's national wildlife agency. They handle wildlife matters that are the responsibility of the federal government, including the protection and management of migratory birds and nationally important wildlife habitat, endangered species, research on nationally important wildlife issues, control of international trade in endangered species, and international treaties. It is acting, or has been requested to act, as the sponsoring agency for many areas in the Protected Areas Strategy to establish sites as National Wildlife Areas.

Parks Canada manages national parks, national marine conservation areas and national historic sites on behalf of Canadians. Its mandate is to protect and present nationally significant examples of Canada's natural and cultural heritage and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations. It is a separate Government of Canada Agency that derives its mandate from several pieces of legislation:

- the *Parks Canada Agency Act*;
- the *Canada National Parks Act*;
- the *Canada National Marine Conservation Areas Act*;
- the *Historic Sites and Monuments Act*; and
- the *Species at Risk Act*.

Environment Canada, the Canadian Wildlife Service and Parks Canada are all involved in regulatory reviews of projects and provides comments relating to areas within their respective mandates.

Transport Canada

Transport Canada is responsible for transportation policies and programs. It ensures that air, marine, road and rail transportation are safe, secure, efficient and environmentally responsible. Transport Canada has the responsibility and authority to propose and enforce laws and regulations to ensure safe, secure, efficient and clean transportation. The following are only a few key pieces of legislation that Transport Canada has authority for:

- *Bridges Act;*
- *Canada Shipping Act;*
- *Canada Transportation Act;*
- *Motor Vehicle Safety Act;*
- *Motor Vehicle Transport Act;*
- *Navigable Waters Protection Act;*
- *Public Safety Act; and*
- *Transportation of Dangerous Goods Act.*

Canadian Nuclear Safety Commission

The Canadian Nuclear Safety Commission (CNSC) protects the health, safety and security of Canadians as well as the environment, and respects Canada's international commitments on the peaceful use of nuclear energy. Organizations applying for licences are subject to many rules and regulations that make nuclear energy and materials safe, that the CNSC administers, including the *Nuclear Safety and Control Act* and *Regulations*, and *Nuclear Liability Act*. It implements Canada's bilateral agreement with the International Atomic Energy Agency on nuclear safeguards verification and conducts environmental assessments on projects related to nuclear energy under the *Canadian Environmental Assessment Act*.

National Energy Board

The National Energy Board (NEB) is an independent federal agency established in 1959 by the Parliament of Canada to regulate international and interprovincial aspects of the oil, gas and electric utility industries. The purpose of the NEB is to promote safety and security, environmental protection and efficient energy infrastructure and markets in the Canadian public interest within the mandate set by Parliament in the regulation of pipelines, energy development and trade.

Interprovincial and international oil and gas pipelines and additions to existing pipeline systems under federal jurisdiction require the NEB's approval before they may be built. The NEB authorizes the construction and operation of international power lines and designated interprovincial lines under federal jurisdiction. The NEB is responsible for ensuring environmental protection during the planning, construction, operation and abandonment of energy projects within its jurisdiction and ensuring companies comply with regulations concerning the safety of employees, the public, and the environment, as they may be affected by the design, construction, operation, maintenance and abandonment of a pipeline. The NEB administers or has responsibilities relating to the following key acts and associated regulations:

- *National Energy Board Act;*
- *Canada Oil and Gas Operations Act;*
- *Canada Petroleum Resources Act;*
- *Canada Environmental Protection Act;*
- *Canada Environmental Assessment Act;*
- *Mackenzie Valley Resource Management Act; and*
- *Species at Risk Act.*

2.6.6 Integration of the Plan & Other Planning Initiatives

The Land Use Plan is meant to be a comprehensive document integrating information from a wide variety of sources into a single unified description of land use in the Sahtu Settlement Area. It is not the only process related to land management and planning in the region. Various initiatives, all with different objectives and mandates are ongoing at any one time. A brief discussion of current initiatives and how the Plan relates to them follows.

Community Planning

The Sahtu Land Use Plan does not apply within community boundaries. Community 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 land corporations. Although the Sahtu Land Use Planning Board has no authority over community lands there are some cross boundary issues that the two groups share such as water resources, waste management and transportation. The planning board will consult with community organizations in the development of the land use plan in order to ensure consistency between community and regional plans.

Transboundary Planning

Under S. 45 of the MVRMA, the Board may cooperate with any body responsible for land use planning in any other area, either within or outside the Northwest Territories, that is adjacent to the settlement area. It may also prepare a joint land use plan covering both the SSA and an adjacent area in conjunction with the adjacent planning body. The portion of a joint plan within the SSA is subject to Part 2 of the MVRMA.

The Sahtu region is surrounded by 6 other regions, 5 of which have active planning processes underway.

Land use planning in Nunavut is carried out by the Nunavut Planning Commission. Nunavut was previously divided into 6 planning regions. The adjacent planning region is the West Kitikmeot region. A draft Plan was developed and went to Public Hearing in January 2005 but was never finalized. The Nunavut Planning Commission has changed its model and is now working on a single Nunavut Land Use Plan for the whole territory.

The Tlicho Agreement allows for various options for land use planning:

- 1) The preparation of a land use plan on Crown lands only (s. 22.5.1);
- 2) Consultations between Government, the Tlicho Government and community governments to harmonize their respective planning processes (s. 22.5.2); or
- 3) The establishment of a process for a single plan that will apply to all lands other than national parks (s. 22.5.3)

At this time, the Tlicho Government has initiated work to develop a land use plan for Tlicho lands only.

The Dehcho Land Use Planning Committee completed a Final Draft Land Use Plan in June 2006. It was approved by the Dehcho First Nations in June 2006 but not the federal or territorial governments. Committee members were changed and the Committee was given a new Terms of Reference in April 2007 to negotiate revisions acceptable to DFN, the GNWT and Canada. Revisions are ongoing.

Planning in the Yukon is carried out by the Yukon Planning Council. It is divided into 8 planning regions. Separate planning commissions are developed for each region and supported by the main planning council. The Sahtu region lies adjacent to the southern portion of the Peel Watershed region. The Peel Watershed Planning Commission just released a draft plan on April 19, 2009.

The Gwich'in Land Use Plan was approved in 2003. It is the only approved land use plan in the Mackenzie Valley. They are nearing completion of their 5-year review with proposed amendments anticipated later this year.

Transboundary discussions to date have been minimal as each region has been focused on advancing their individual planning processes, though planning staff do exchange information periodically. The Tulita District Land Corporation has settlement lands within the Dehcho territory, making cooperation important with that region. Fort Good Hope has been working with the Na-cho Nyak Dun in Mayo, Yukon to map out traditional trails and shared history between the two communities. They want these historic travel routes protected. The trails cross the Sahtu, Gwich'in and Peel Watershed planning regions and will require overlap discussions to determine how best to accomplish this within our respective planning processes.

Protected Areas and Conservation Initiatives

Within the Sahtu Settlement Area, there are existing protected areas and various conservation initiatives underway through the Protected Areas Strategy. The Plan is meant to harmonize and integrate initiatives related to the conservation, development and use of land so that there are no inconsistencies between them. It is important to understand how the Plan applies to each of these processes.

Under S. 34 of the MVRMA, a land use plan does not apply to lands within a National Park, National Historic Site or National Monument. Under S. 46(2), the establishment of a new National Park, National Historic Site or National Monument must be done in accordance with the Plan. In other words, the Plan must allow for the establishment of such areas. Once these are

established, S. 34 applies and they are no longer subject to the Plan. They would be managed under their own legislation.

The MVRMA does not provide similar clarity for other conservation initiatives, but the Board envisions a similar process. Areas being considered for protection under other initiatives would be subject to the Plan. Following approval of the sites, they would be managed according to the legislation and management plan of the sponsoring agency.

There have been some questions regarding the possibility of having the Plan continue to apply to protected areas (not including National Parks, National Sites or National Monuments) following their establishment as protected areas under legislation; in other words giving them a dual designation under the land use plan and legislation. The issue is that many of the protected area designations available do not provide subsurface protection, whereas the Plan does. The Board is interested in hearing feedback on whether or not dual designation under the Plan and sponsoring legislation is desired and possible.

Difference between a Protected Area and a Conservation Zone

Protected Areas are defined as “areas of land or sea especially dedicated to the protection and maintenance of biological diversity, and its associated natural and cultural resources, managed through legal or other effective means” (International Union for Conservation of Nature and Natural Resources (IUCN)). Types of protected areas that could be established in the Sahtu Settlement Area include: National Parks and Park Reserves, National Wildlife Areas, National Historic Sites, Migratory Bird Sanctuaries, Wilderness Conservation Areas, Heritage Parks, Natural Environment Parks, Cultural Conservation Areas, and areas protected through land claim agreements.

Protected Area: protected areas are established under legislation for long term (permanent) protection. A protected area is therefore less flexible than a land use plan in terms of changing boundaries or the types of activities that may be permitted in the area. A management plan (how the area is governed and how important values are protected) is an important part of a protected area. A sponsoring agency (government agency that administers legislation to establish and manage protected areas) has a responsibility to enforce the legislation under which the area was established.

Conservation Zone: can be reviewed every five years under the Sahtu Land Use Plan, so changing boundaries and changing permitted activities is more flexible than in a protected area. Conservation Zones are not supported by management plans, other than the terms and conditions set forth under the Land Use Plan. The Sahtu Land Use Planning Board does not have any on-the-land enforcement capacity.

Current Protected Areas in the Sahtu

Canol/Doi T’oh: Territorial Park Reserve, which will be established as a Territorial Park. A park management plan was developed and approved in 2007. Negotiations between GNWT and INAC are ongoing. The Plan applies within this area.

Kelly Lake: Surface protection via *Sahtu Dene and Métis Comprehensive Land Claim Agreement*; no subsurface protection; no management regime. The Plan applies within this area.

Saoyú and ʔehdacho: Surface protection through *Canada National Parks Act* and *Sahtu Dene and Métis Comprehensive Land Claim Agreement* (settlement lands); subsurface protection through withdrawal under the *Territorial Lands Act*; a management board and agreement are in place. The Plan no longer applies within this area.¹⁰⁰

Tuktut Nogait National Park: Surface and subsurface protection through *Canada National Parks Act*; management board, management agreement and management plan are in place. The Plan does not apply within this area.

The Sahtu Dene and Métis Comprehensive Land Claim Agreement and Protected Areas

The *Sahtu Dene and Métis Comprehensive Land Claim Agreement* describes the conditions under which a Protected Area can be established, but it does not actually establish protected areas.

The *Sahtu Dene and Métis Comprehensive Land Claim Agreement* contains two main chapters about the establishment of Protected Areas: Chapter 16 (National Parks) and Chapter 17 (Protected Areas). As well, Chapter 26 (Heritage Resources) lists heritage places that should be considered (see discussion earlier in this Chapter on *Places We Take Care Of*).

Canol Trail/Dodo Canyon and Kelly Lake have been given limited protection under Chapter 17.

NWT Protected Areas Strategy

The process for establishing Protected Areas in the NWT was agreed to between the Territorial and Federal Governments in 1999 when they signed the NWT Protected Areas Strategy (PAS).

The PAS is a balanced conservation planning approach that allows communities to protect significant areas and to benefit from economic development. The goals of the PAS are to identify and protect special natural and cultural areas in the NWT and core areas that represent each of the 42 different ecoregions in the NWT. For special natural and cultural protected areas, development may be allowed if the activities are compatible with the values being protected. Core representative areas include healthy samples of each ecoregion in the NWT. Industrial activities are not permitted in core representative areas.

The PAS was developed and is implemented by federal, territorial and regional governments/organizations, environmental non-governmental organizations (ENGOS), and industry. The NWT PAS conforms to all land claim agreements, Aboriginal/inherent and treaty

¹⁰⁰ This site was not yet approved when the bulk of Draft 2 Plan was prepared, so it is identified as a Proposed Conservation Initiative in maps and other sections of the Plan. This will be updated in the next draft and treated similar to Tuktut Nogait National Park.

rights, and self-government agreements. A Sahtu Secretariat Incorporated representative sits on the PAS Steering Committee.

Steps of the NWT Protected Areas Strategy

The process is community-focused, and requires that all values for an area be evaluated.

1. Communities or others identify the area that they want to protect.
2. A proposal for the protected area is prepared, with support from the community and regional organizations.
3. The proposal is sent to a potential government sponsoring agency for review. Sponsoring agencies are responsible for the legislation that can be used to establish and manage protected areas. If the values of the area are a good match with the mandate of the sponsoring agency, then the agency may agree to sponsor the area as a candidate protected area.
4. If required, the sponsoring agency can apply for interim protection of the candidate protected area. This means that the area is off-limits to new development while the community and sponsoring agency evaluate the area.
5. Ecological, cultural, renewable, and non-renewable resource assessments are completed for the candidate area. These assessments, along with a socio-economic assessment, provide information to the candidate area working group to help them make recommendations about the final boundary, level of protection, and management of the area. A public review is a part of this evaluation. A final proposal is then written for the area.
6. The formal proposal to have the area legislated for permanent protection is evaluated by the government.
7. If appropriate, the sponsoring agency and regional partner then approve and announce the protected area.
8. Implementation, monitoring and reviewing the protected area will vary by the type of area that is established and the regional land claim legislation.

More details on the PAS are available at www.nwtpas.ca.

Current Protected Areas Initiatives

In each Sahtu District, communities (or district organizations) have identified areas they would like to see established as protected areas. All proposed areas are identified as Proposed Conservation Initiatives in this land use plan and are subject to the Plan until they are approved. Current Proposed Conservation Initiatives are shown in Map 15.

Two sites are currently in advanced stages of becoming protected. Ts'ude niline Tu'eyeta is a candidate National Wildlife Area, and is in Step 5 of the PAS process.

Nááts'ihch'oh is proposed as a National Park Reserve using the process outlined in the *Sahtu Dene and Métis Comprehensive Land Claim Agreement* to create National Parks.

Map 15. Proposed Conservation Initiatives

Protected areas of interest proposed by the communities/districts are:

- Shúhtagot'ine Néné (proposed by Tulita District Land Corporation as a Candidate National Wildlife Area)
- Several small sites (Bear Rock, The Smokes, Red Dog Mountain, Willow Lake, Mahoney Massacre Site, and Kelly Lake) are collectively called the Tulita Conservation Initiative
- Edajjla (proposed by Deline District Land Corporation as a Candidate National Wildlife Area).

Future Protected Areas Initiatives

If any area were to be put forward as an additional protected area in the future, or if boundaries were to change, it would require an amendment to the Plan and approval from the three Parties.

NWT Environmental Stewardship Framework (ESF) and NWT Cumulative Impact Monitoring Program (CIMP) and Audit

ESF, CIMP and Audit are initiatives created to support integrated environmental stewardship in the Northwest Territories. The three initiatives are founded on a broad definition of the environment – including social, cultural, economic, and biophysical aspects.

ESF is intended to improve environmental stewardship in the NWT by setting out specific recommendations for decision-makers in the *ESF Blueprint for implementation* and "*Regional Plans of Action*". Originally known as the Cumulative Effects Assessment and Management Framework (CEAMF) it changed its name in 2008 in recognition that the framework was broader than just cumulative effects management. However, this is still a core focus of the work. The framework includes 10 components:

- Vision and Objectives;
- Land Use and Conservation Planning;
- Baseline Studies and Long Term Monitoring;
- Research;
- Environmental Assessment;
- Regulation and Compliance;
- Information Management;
- Capacity-Building;
- Coordination; and
- Audit and Reporting.

The ESF Steering Committee includes representatives from INAC, EC, GNWT-ENR, Aboriginal governments, MVEIRB, environmental non-government organizations, mining and oil and gas industries. A regional plan of action for has not yet been developed for the Sahtu.

CIMP originated from the SLCA and out of the *Mackenzie Valley Resource Management Act* (MVRMA), Part 6. CIMP is intended to monitor cumulative impacts of land and water uses and waste deposits, fill in key monitoring gaps, build community capacity and provide reports and information on the state of the environment to independent audits, decision-makers and the

public. An independent audit is to be conducted every 5 years in order to determine changes occurring in the environment, and recommend improvements to CIMP and land and water management. CIMP's working group includes INAC, GNWT-ENR, and regional Aboriginal governments.

The Board is not directly involved in either of these initiatives at the moment. However, completing the land use plan will address 1 of the 10 components of the ESF. The Board is currently conducting research on cumulative effects management within the Sahtu Settlement Area for future consideration as part of the Sahtu Land Use Plan. This research may contribute to both of these initiatives.

Chapter 3 – The Plan

This chapter describes the vision, goals and key land use issues for the Sahtu Settlement Area as identified by participants in the planning process. It then provides direction, through zoning and terms, to land users and regulators to address the issues and achieve the vision and goals.

3.1 VISION

Considerable work was completed with Sahtu communities and planning partners early in the planning process to identify a vision for the Sahtu Settlement Area. Participants were asked to identify their vision for the land, five years and 100 years in the future. The results of this work were compiled in a SLUPB report called "Building a Vision for the Land". The statements reported for both timeframes were very similar and have been combined into a 100-year vision.

A number of themes emerged from this work, from which a comprehensive vision statement and supporting goals for the Sahtu Settlement Area have been drafted¹⁰¹:

- Protection of the special places – sacred areas, historic sites, important traditional use and harvesting areas;
- Preservation of culture, language, and traditional way of life;
- Community control over land use;
- Balance between resource development and conservation;
- Development of commercial renewable resource industries – fishing, hunting, trapping, tourism, and forestry;
- Sustainable resource development, as long as the land, waters and wildlife are not adversely affected;
- Community access and infrastructure; and
- Economic self-sufficiency.

Land use planning considers social, cultural, ecological and economic values related to land use. All of these aspects are reflected in the vision and goals for the Sahtu Settlement Area. Not all of these can be readily addressed by the Plan through zoning and terms for development (e.g. educational goals). There are other government departments and organizations that are responsible for addressing these goals. Where possible, the Plan will identify the issues and concerns raised in the planning process and link these to the appropriate organization or initiative mandated to address them. The Plan can provide the overarching vision and goals for the region and link those, with appropriate guidance where needed, to all of the organizations and programs underway without duplicating the authority or effort of other bodies.

¹⁰¹ The work in this section is new and the Board is putting it forward for discussion. Given the importance of the Vision and Goals in shaping the contents and direction of the Plan, the Board is requesting specific feedback on the Visions and Goals.

100-Year Vision

The residents and communities of the Sahtu see the lands, waters and resources on which they depend remaining clean and healthy for future generations. People use the land as they always have for hunting, trapping, fishing, cultural renewal and healing. The language, traditional skills, knowledge, and stories about the land are passed down from Elders to youth, strengthening cultural connections to the land. Traditional and modern skills are taught side by side 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 co-management Boards and other 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. Good access and infrastructure for communities reduces costs for power, goods and services.

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 their most important places will remain untouched for future generations. They strongly promote responsible development outside of these areas, knowing that their values will be adequately protected. There is trust and respect amongst all participants in land and resource management.

3.2 LAND USE ISSUES AND GOALS

Land use issues can be described as challenges or gaps between where the Sahtu region is now and the Sahtu region as expressed in the Vision. They may reflect areas of concern about land use, or special values that people want to ensure are preserved indefinitely. They may be applicable across the whole Sahtu region or more site-specific (e.g. Karst features, caribou calving areas). They may be focused on broad values (e.g. protect the water from all impacts) or specific to a land use (e.g. effect of noise from helicopters on wildlife). The land use plan is structured to address the land use issues raised in the planning process.

Major issues raised by communities include preserving traditional land use; promoting resource and economic development for jobs and revenues; environmental protection and conservation; community well-being; and community participation in land management. Maintaining a balance between development and conservation is the most common issue. Residents see the need to develop resources to provide for the economic security of future generations. They also recognize that conservation is key to ensuring land use is sustainable.

Industry issues focus on maximizing access to the land and resources; the need for linear transportation and infrastructure corridors to get supplies in and resources out; the need for clear, consistent direction on where they can and cannot go and the conditions for

development; reducing regulatory burden to improve the investment climate; and protection of existing rights and uses that are approved before the plan is completed.¹⁰²

Goals have been developed based on the vision and issues identified for this planning process . They identify targets or actions needed to achieve the vision. They will guide the Sahtu region from its current status to where it wants to go.

1. Keep the land and water clean and healthy for future generations.
2. Reclaim current contaminated sites.
3. Maintain or increase the populations of wildlife on which people depend, including but not limited to caribou, moose, muskox, furbearers, waterfowl and fish.
4. Consider impacts of climate change in decisions affecting land, water and other resources.
5. Enhance protection of sacred sites, historical sites, and important traditional use, harvesting and wildlife areas from development.
6. Promote responsible economic development outside of protected areas.
7. Develop renewable resource industries, including commercial hunting, fishing, forestry and tourism.
8. Address community needs for access and infrastructure development.
9. Maximize benefits to Sahtu residents and communities from development.
10. Establish long-term training opportunities in resource development and business.
11. Build community trust and confidence in the regulatory system.
 - a. Improve information transfer and consultations with communities on development activities.
12. Increase community decision-making authority over land use.
 - a. Complete self-government negotiations.
 - b. Increase community capacity and engagement in regulatory processes.
 - c. Develop a Sahtu Monitoring Program
13. Improve clarity, consistency and efficiency of the regulatory environment.
14. Increase opportunities for residents to spend time on the land.
15. Increase use and transfer of cultural skills, values, practices and language among residents, especially from Elders to the youth.

3.3 DIRECTION FOR LAND USE

The Plan provides guidance and direction to Applicants and responsible authorities on what land uses are appropriate, where, and under what conditions to achieve the vision and goals identified for the Sahtu Settlement Area. Direction is provided through a combination of zoning and Terms. Zoning identifies where key land uses are allowed or restricted and provides a framework for managing different values and competing interests. Terms outline the rules under which development may proceed, or in some cases, may be used to prohibit specific land uses in specific zones. Different terms apply to different types of zones.

¹⁰² From "Building a Vision for the Land", SLUPB, 2000.

3.3.1 Land Uses

This Plan addresses the following land uses through zoning or terms:

- Bulk Water Removal;
- Mineral Exploration and Development;
- Oil and Gas Exploration and Development;
- Power Development;
- Commercial Forestry;
- Research;
- Transportation and Infrastructure; and
- Extraction of Granular Resources.

Other land uses not discussed in the Plan will proceed through current regulatory processes without further guidance or direction from the Plan. Should there be a need to address additional land uses in the future, they can be addressed in the regular 5-year review or through Plan amendments before then as required.

3.3.2 Land Use Zoning

This plan establishes five types of land use zones.

General Use Zones (GUZ) allow all types of land use, subject to existing regulatory requirements and general terms as outlined in this Plan.

Special Management Zones (SMZ) allow many forms of land use, subject to existing regulatory requirements and additional terms as outlined in the Plan to protect cultural and ecological values present in those zones.

The **Heritage Zone (HZ)** is managed as provided for in the Great Bear Lake Watershed Management Plan. It shares many of the characteristics of the Great Bear Lake Special Management Zone but is differentiated by its cultural significance to the region.

Conservation Zones (CZ) protect the most significant cultural and ecological areas. New industrial and commercial resource development is prohibited in these zones.

Proposed Conservation Initiatives (PCI) are areas for which formal legislated protection is being sought under either the Protected Areas Strategy, or under Parks Canada's legislation (National Park, National Historic Site or National Monument). They have the same status as Conservation Zones in the Plan until they are protected under other legislation.

Table 8. Overview of Land Use Zones

Zone Type	# of Zones	% of Plan Area	Total Area (sq. km)
General Use Zones	Not Numbered	32.32	90,690
Special Management Zones	7	38.12	106,958
Heritage Zone	1	1.7	4,783
Conservation Zones	33	5.25	14,741
Proposed Conservation Initiatives	6	22.60	63,397
Plan Area (SSA excluding lands within community boundaries and Tuktut Nogait National Park)	47	100%	280,568

Great Bear Lake Watershed Management Plan¹⁰³

Of special consideration is the Great Bear Lake Watershed. From 2002 to 2005 a detailed planning process was undertaken between INAC, the GNWT and Deline, resulting in the Great Bear Lake Watershed Management Plan (GBLWMP)¹⁰⁴. While this process had no legal authority of its own, it was intended to form part of the Sahtu Land Use Planning Process, to be fully implemented and given legal force through the Sahtu Land Use Plan. The zoning outlined in the Land Use Zone Map copies the zoning of the GBLWMP with minor amendments as requested by the Deline Land Corporation (DLC), Deline Renewable Resources Council (DRRC) and the community of Colville Lake, since the completion of that planning process.¹⁰⁵

The Sahtu Land Use Plan has continued to evolve outside of the Great Bear Lake Watershed planning process, resulting in considerable differences between the contents and structure of the GBLWMP and the SLUP. They are essentially two separate planning processes. In order to avoid conflict between the different structures of the two documents, the GBLW is essentially treated as a separate sub-region within the planning area. The GBLWMP is implemented by a single term (below) requiring that area to be managed according to the GBLWMP. The remainder of the Sahtu Land Use Plan does not apply within the boundaries of the GBLW.

CR #1: Land, water and resources lying within the boundaries of the Great Bear Lake Watershed will be managed in accordance with the Great Bear Lake Watershed Management Plan. Responsible authorities will not authorize any land use that does not conform to the Great Bear Lake Watershed Management Plan, dated March 31, 2005, and amended as follows:¹⁰⁶

¹⁰³ The SLUPB has been asked by Canada, the DRRC and the DLC to give legal effect to the GBLWMP through the Sahtu Land Use Plan. The SLUPB is concerned that the GBLWMP contains some mandatory requirements that the SLUPB has been told are inappropriate for the SLUP. The SLUPB requests that Canada and the GNWT carefully review the contents of the GBLWMP in the context of giving legal force to this document through the SLUP. Considerable discussion will be required between the SLUPB, Deline, the GNWT and INAC to resolve this question before the SLUP can be submitted for approval.

¹⁰⁴ Great Bear Lake Watershed Management Plan, March 31, 2005.

¹⁰⁵ DLC comments on Draft 1 SLUP of May 31, 2007; DLC Resolution #107/08 of November 12, 2008; Colville Lake Consultations, January 15-16, 2009.

¹⁰⁶ Amendments "a"–"g" requested by the DLC and DRRC in Draft 1 Plan comments dated May 31, 2007.

- a) Exclude Settlement Land Parcel M25 from the Luchaniline/Whitefish River Conservation Zone and include it in the Great Bear Lake Special Management Zone.
- b) Designate all settlement lands on islands in Great Bear Lake, to which the DLC holds title, as part of the Great Bear Lake Special Management Zone, and not as part of the Du K'ets'Edi/Sentinel Islands Conservation Zone.
- c) Add the following statement as condition "k" under section 4.5.3: "For greater certainty, an all weather road northwest from Déline to ts'oo tue (the southernmost lake in the Luchaniline [Whitefish] River system) is consistent with the Special Management Zone, provided that such a road is constructed and operated in a manner consistent with the policies, conditions and prohibitions applicable to the Special Management Zone as a whole."
- d) Delete Further Management Condition "a" under Part 5.6.1 (Luchaniline/Whitefish River Conservation Zone), dealing with commercial timber harvesting and gravel extraction.
- e) Add the following as a new bullet under Background of Part 5.6.5 on Sahyoue and Ehdacho Protected Area: "On March 11/07, the DLC, the DFN and the Minister responsible for Parks Canada signed an MOU committing these parties to work towards the permanent protection and cooperative management of Sahyoue and Ehdacho National Historic Site. On the same day, Minister Baird announced federal government funding of \$5M over 5 years for initial development of the Site + \$700K per year thereafter for the ongoing operational costs of this National Historic Site."
- f) Delete section "a" of Management Plan Approach to Sahyoue and Edacho under Part 5.6.5, dealing with assumptions.
- g) Add a section on "Further Management Conditions" under Part 5.6.5 with the following clause: "Pursuant to section 26.2.3 of the SLCA, the DLC has responsibility for managing settlement lands within Sahyoue and Ehdacho National Historic Site, designated by the SLUP as the Sahyoue and Ehdacho Conservation Zone. Activities on settlement lands within the Site shall be as permitted by the DLC. The DLC may permit access across settlement lands within Sahyoue and Ehdacho Conservation Zone where such access is consistent with the maintenance of ecological integrity, community well being, and the protection of the heritage values of the National Historic Site."
- h) The Conservation Zone around Tunago Lake will encompass a 500m buffer around the lake. Lands outside of the Conservation Zone within the Great Bear Lake Watershed are part of the Great Bear Lake Special Management Zone.¹⁰⁷

All zoning related amendments described above are reflected in the Land Use Zone Map. The remainder of the terms in this plan do not apply within the Great Bear Lake Watershed.

¹⁰⁷ Changes to the Tunago Lake Conservation Zone were requested by Colville Lake during Jan 15-16/09 consultations.

3.3.3 Terms

Terms outline the rules for development, including the implementation of land use zoning described above. The terms are provided in a tiered structure as shown in Table 9. General terms to achieve the Vision and Goals of the Sahtu region are described under General Use Zones and are applicable everywhere within the Plan area. Additional terms are outlined for Special Management Areas to protect values present within those zones while allowing a wide variety of land use activities. Conservation Areas prohibit new commercial and industrial activities and set additional conditions for allowed uses to ensure the significant values within these zones are protected. The General and Special Management Conditions will also apply to existing uses within Conservation Zones according to the terms set out for Existing Uses in Chapter 1.

Table 9. Application of Terms to Zone Types

Applicable Terms	GUZ	SMZ/HZ	CZ/PCI
General Use Terms	√	√	√
Special Management Terms		√	√
Conservation Terms			√

There are three different types of terms provided in the Plan.

Conformity Requirements set mandatory conditions that must be met before a responsible authority can issue a licence, permit or authorization as per S. 46(1) of the MVRMA.

Actions identify work that must be undertaken to move towards the Vision and Goals of the Sahtu or advance the state of knowledge. This may include research, meetings, development of new guidelines or protocols, etc. By approving the Plan, the Parties agree to make reasonable efforts to advance these actions.

Recommendations are advisory statements intended to inform users and decision-makers about community expectations and provide guidance on various ways to advance the goals and objectives of the Plan. They are not legally binding.

General Use Terms

While the intent of General Use Zones is to promote and encourage development, a basic level of direction is required across the entire planning region to address major themes and move the region towards its vision and goals. **The following terms apply to all land use zones in the Sahtu Settlement Area, excluding those within the Great Bear Lake Watershed.** Zones within the Great Bear Lake Watershed are managed according to the GBLWMP.

Land Use Zoning

Map 16 identifies the location of each of the zones. The Zone Description Table identifies land use restrictions and terms applicable for each zone type. Some terms apply to specific zones only and are identified as such. Chapter 4 provides full descriptions of each zone.

CR #2: Responsible authorities will not approve any licence, permit or authorization that does not conform to Map 16 and applicable terms as identified in Table 10. Zone Descriptions, as per S. 46(1) of the MVRMA. No new surface or subsurface rights or interests in land, water or resources associated with these land uses will be granted or disposed of in zones where such uses are restricted, including but not limited to: timber cutting licences, timber cutting permits, prospecting permits, mineral claims, mineral leases, exploration licences, significant discovery licences, production licences, permits or leases under the Territorial Quarrying Regulations, or surface leases, unless these are associated with a right existing on the day the Plan is approved.

A description and rationale for each of the restrictions follows.

Bulk Water Removal

Protection of water is one of the most important issues for communities and residents. It is a giver of life. The Great Bear Lake, for which the region is named, is known as the Water Heart, for it sustains the entire watershed. The SLCA S. 20.1.8 provides Participants the right to have waters which are on or flow through or are adjacent to Sahtu lands remain substantially unaltered as to quality, quantity and rate of flow.

Canada is the largest single owner of fresh water resources in the world.¹⁰⁸ Many Canadians are concerned about the bulk removal of water from major drainage basins. Many people have voiced concerns that the North American Free Trade Agreement (NAFTA) sets up obligations for Canada that undermines Canada's ability to restrict the bulk export of freshwater to other countries.¹⁰⁹

The Government of Canada has stated that water in its natural state, as it is in rivers and lakes, is not a commodity or product and is therefore not subject to NAFTA.¹¹⁰ Only water packaged as a beverage (i.e. bottled water) or in tanks is covered in the NAFTA. Nothing in NAFTA requires Canada to exploit or sell its own resources, but once it is exploited by being extracted or collected, it becomes a product and is subject to NAFTA, and Canada must treat businesses in other countries the same as Canadian businesses.

Canada's Federal Water Policy (1987) states that Canada will "take all possible measures within the limits of its constitutional authority to prohibit the export of Canadian water by interbasin diversions, and strengthen federal legislation to the extent necessary to fully implement this policy."¹¹¹ The legislation developed to restrict large-scale water exports, "Bill C-156: Canada Water Preservation Act", was tabled in 1988 but died on the Order Paper later that year when an election was called.

¹⁰⁸ Water Exports and NAFTA, Johansen, 1999

¹⁰⁹ The Council of Canadians: <http://www.canadians.org/water/issues/policy/exports.html>

¹¹⁰ Johansen, 1999.

¹¹¹ Federal Water Policy, Government of Canada, 1987, Available at: http://www.ec.gc.ca/Water/en/info/pubs/fedpol/e_fedpol.htm

Map 16. Land Use Zones

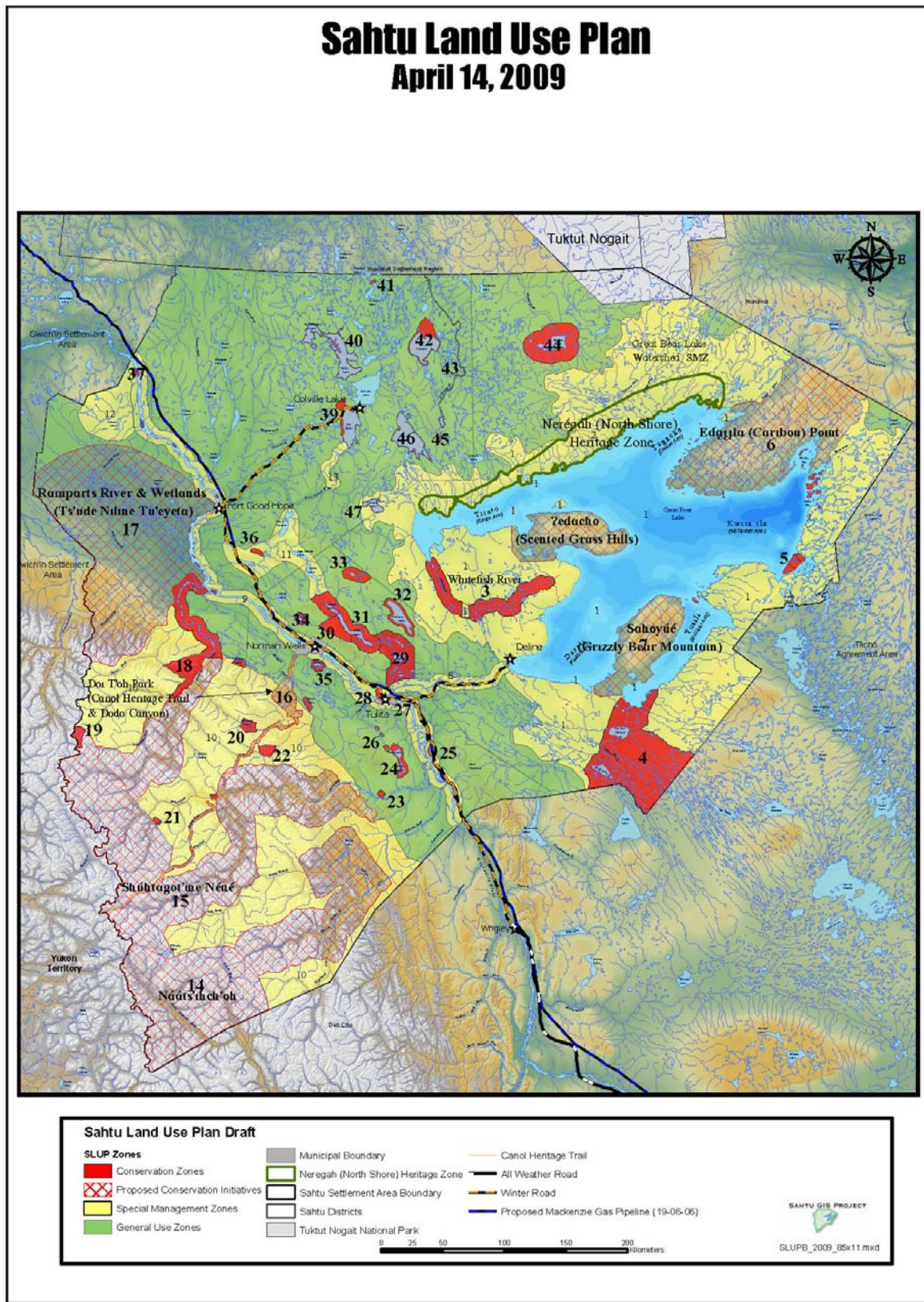


Table 10. Zone Descriptions

Zone #	Zone Name	Area (km ²)	% of Plan Area	Prohibited Uses					Applicable Terms			
				Bulk Water Removal	Mining	Oil & Gas	Power Dev't	Forestry	General Use	Special Mgmt	Conservation	CR #21: Lac Belot
Great Bear Lake Watershed Management Plan Zoning												
1	Great Bear Lake Watershed Special Management Zone	69902	24.91									
2	Neregah (North Shore) Heritage Zone	4783	1.70									
3	Whitefish River Conservation Zone	1439	0.51									
4	Johnny Hoe River Conservation Zone	4197	1.50									
5	Sentinel Islands Conservation Zone	376	0.13									
6	Edaiila (Caribou Point) Proposed Conservation Initiative	8825	3.15									
7	Saoyú - ?ehdacho (Scented Grass Hills and Grizzly Bear Mountain) Proposed Conservation Initiative	5594	1.99									
Total		95116	33.90									
General Use Zones		90690	32.32	X					√			
Special Management Zones												
8	Great Bear River	1091	0.39	X					√	√		
9	Mackenzie River	5616	2.00	X					√	√		
10	Mackenzie Mountains	26090	9.30	X					√	√		
11	Lac a Jaques, Turton Lake, Sam Macrae Lake	2226	0.79	X					√	√		
12	Marion Lake Area	1686	0.60	X					√	√		
13	Underground River	347	0.12	X					√	√		
Special Management Zones Total		37055	13.21									
Proposed Conservation Initiatives												
14	Naats'ihch'oh	7525	2.68	X	X	X	X	X	√	√	√	
15	Shuhtagot'ine Nene	25520	9.10	X	X	X	X	X	√	√	√	
16	Doi T'oh Park (Canol Heritage Trail & Dodo Canyon)	948	0.34	X	X	X	X	X	√	√	√	
17	Ramparts River & Wetlands (Ts'ude Niline Tu'eyeta)	14986	5.34	X	X	X	X	X	√	√	√	
Proposed Conservation Initiatives Total		48978	17.46									
Conservation Zones												
18	Mountain River Extension	1576	0.56	X	X	X	X	X	√	√	√	
19	Headwaters and Backbone Range Extension	106	0.04	X	X	X	X	X	√	√	√	
20	Mountain Lakes	209	0.07	X	X	X	X	X	√	√	√	
21	Mountain Hot Springs	48	0.02	X	X	X	X	X	√	√	√	
22	Plains of Abraham	105	0.04	X	X	X	X	X	√	√	√	

Zone #	Zone Name	Area (km ²)	% of Plan Area	Prohibited Uses					Applicable Terms			
				Bulk Water Removal	Mining	Oil & Gas	Power Dev't	Forestry	General Use	Special Mgmt	Conservation	CR #21: Lac Belot
23	Red Dog Mountain	27	0.01	X	X	X	X	X	√	√	√	
24	Stewart Lake & Tate Lake	180	0.06	X	X	X	X	X	√	√	√	
25	Mio Lake	28	0.01	X	X	X	X	X	√	√	√	
26	MacKay, Rusty, & Yellow Lakes	38	0.01	X	X	X	X	X	√	√	√	
27	The Smokes	2	0.00	X	X	X	X	X	√	√	√	
28	Bear Rock	29	0.01	X	X	X	X	X	√	√	√	
29	Willow Lake	909	0.32	X	X	X	X	X	√	√	√	
30	Kelly Lake Protected Area (Land Claim)	272	0.10	X	X	X	X	X	√	√	√	
31	Kelly Lake & Lennie Lake	817	0.29	X	X	X	X	X	√	√	√	
32	Mahoney Lake	358	0.13	X	X	X	X	X	√	√	√	
33	Doctor Lake	201	0.07	X	X	X	X	X	√	√	√	
34	Oscar Lake	67	0.02	X	X	X	X	X	√	√	√	
35	3-Day Lake	88	0.03	X	X	X	X	X	√	√	√	
36	Yamoga Rock	33	0.01	X	X	X	X	X	√	√	√	
37	Mackenzie River Islands	75	0.03	X	X	X	X	X	√	√	√	
38	Little Chicago	10	0.00	X	X	X	X	X	√	√	√	
39	Lac Belot	406	0.14	X	X	X	X	X	√	√	√	√
40	Aubrey Lake & Dunedelatue Lake	613	0.22	X	X	X	X	X	√	√	√	
41	Tso Gah	13	0.00	X	X	X	X	X	√	√	√	
42	Maunoir Dome	563	0.20	X	X	X	X	X	√	√	√	
43	Anderson River	137	0.05	X	X	X	X	X	√	√	√	
44	Horton Lake	1176	0.42	X	X	X	X	X	√	√	√	
45	Dene Di Gon'e	11	0.00	X	X	X	X	X	√	√	√	
46	Lac Des Bois	521	0.19	X	X	X	X	X	√	√	√	
47	Tunago Lake	109	0.04	X	X	X	X	X	√	√	√	
Conservation Zones Total		8729	3.11									
Grand Total		221632	100									

In 2003, INAC developed a policy prohibiting bulk water removals from major drainage basins in the NWT, such as the Mackenzie River.¹¹² 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. It exempts removal of freshwater from a drainage basin required to meet short-term health and safety needs (such as fire fighting); for human or animal consumption during

¹¹² "A Policy Respecting the Prohibition of Bulk Water Removal from Major River Basins in the Northwest Territories", INAC, 2003. Available at http://www.collectionscanada.gc.ca/webarchives/20071122002026/http://www.ainc-inac.gc.ca/ps/nap/wat/polprohnt_e.html

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.¹¹³

Policies are not legally binding and the decisions can be reversed. Given the cultural and ecological importance of water to the Sahtu people and the region, and the sensitivity of northern ecosystems, the Board feels it is important to reinforce the prohibitions on bulk export through the Plan, to give legal force to these existing policies. Therefore, bulk water removal is a prohibited use throughout the Sahtu Settlement Area.

Mineral Exploration and Development

Mineral exploration and development in northern Canada follows a system known as Free Entry, whereby anyone 18 years of age can obtain a prospector's licence, enter onto land and stake a mineral claim. Once the claim is recorded by the Mining Recorder, it establishes a progression of rights that could see those claims develop into a producing mine. A Prospecting Permit does not grant mineral rights, but grants the permit holder the exclusive right to explore and stake claims (i.e. acquire mineral rights) in the area covered by the permit.

Mineral exploration and development occurs in stages and different activities are associated with different stages. Prospecting is a relatively low impact activity, often called "below threshold" because the scale of activity is too small to trigger a land use permit or water licence under the Mackenzie Valley Land Use Regulations. It is either done on the ground (geologists taking small rock or soil samples for testing) or airborne using special imaging equipment to determine surface and subsurface geology. If the geologist finds something, they will stake a claim and do more intensive exploration within the claim. Exploration at this stage generally requires land use permits and water licences as the activity gradually expands to more intensive sampling and drilling, requiring more equipment, personnel, camps, fuel, infrastructure, and access.

If there is enough of a resource to go into production, the owner will take the claim to lease and build a mine. This involves construction of open pit or underground mines, or both; mine infrastructure (mills, soil and rock piles, tailings ponds, etc.); accommodations and facilities for workers; road and air access; the import and use of heavy equipment and vehicles; water use for workers and mining processes; fuel storage, etc.

Conservation Zones and Proposed Conservation Initiatives are established to protect significant ecological and cultural areas. While prospecting is a low impact activity, the later stages of exploration and mine development are not compatible land use activities for these zone types. Because of the progression of rights, all phases of exploration and development must be prohibited. The issuance of new mineral rights, including prospecting permits, mineral claims or leases, and the issuance of licences, permits or other authorizations for land use activities related to the exercise of such rights are prohibited within Conservation Zones and Proposed Conservation Initiatives unless these relate to existing rights as defined in Chapter 1. For clarity, access across Conservation Zones and Proposed Conservation Initiatives is **not** prohibited, and is managed through CR #23.

¹¹³ Canada, A Policy Respecting the Prohibition of Bulk Water Removal from Major Drainage Basins in the Northwest Territories

Oil and Gas Exploration and Development

Similar to mining, oil and gas exploration and development has a natural progression of activities, starting with a 2D seismic program, 3D seismic, exploratory drilling and production. Unlike mining, oil and gas exploration has the potential to disturb and fragment large areas because of the need for access roads and seismic lines. Land use permits and water licences are generally required for any seismic program. Project components typically include building access roads, seismic line preparation (clearing trees and vegetation), camps, fuel storage, and water use. Depending on the width, nature and density of seismic lines, the area of impact for certain species like caribou that are sensitive to linear development, can be quite significant.

Oil and Gas exploration and development activities are not compatible with the protection of significant ecological and cultural areas for which Conservation Zones and Proposed Conservation Initiatives were established. The issuance of new Oil and Gas Rights through Exploration Licences, Significant Discovery Licences and Production Licences, and the issuance of permits, licences or other authorizations related to the exercise of such rights are prohibited within Conservation Zones and Proposed Conservation Initiatives unless these relate to existing rights as defined in Chapter 1. For clarity, access across Conservation Zones and Proposed Conservation Initiatives is **not** prohibited, and is managed through CR #23.

Power Development

The generation of power, whether it be generated from diesel, gas, water, wind or solar, involves the clearing of land, construction of infrastructure, buildings, transmission lines, access roads for maintenance, and in the case of hydro, impoundment of water. All of these activities have the potential to adversely impact the ecological and cultural values to be protected by Conservation Zones and Proposed Conservation Initiatives, making this an incompatible land use. Therefore, land uses associated with new power generation projects are prohibited within Conservation Zones and Proposed Conservation Initiatives unless the power is necessary for community use or related to an existing use as defined in Chapter 1.

Commercial Forestry

Commercial timber harvesting involves the cutting of trees for processing and sale, resulting in habitat disturbances at the harvesting site, mill site and access roads between these. These are not compatible uses with Conservation Zones and Proposed Conservation Initiatives. No new Timber Cutting Licences or Timber Cutting Permits will be issued within these zone types unless these relate to existing rights or are required for community use as defined in Chapter 1. For clarity, cutting of timber for community firewood is not prohibited.

Research

Research is conducted for a variety of reasons in the north – to assess baseline conditions and impacts related to development proposals, to understand and manage human and natural resources, and some is carried out by university students to fulfill degree requirements. Research permits or licences are required from the Aurora Research Institute to conduct any research in the Northwest Territories. Consultation is required with relevant community organizations before these will be granted. Larger research projects may require a land use permit or water licence but many do not.

Communities wish to ensure that land use activities being conducted for research that do not require other authorizations are still subject to the terms of the land use plan. As a result, research permits and licences are included within the scope and application of the Plan and will be reviewed for conformity against the Plan the same as other land use activities.

*Mackenzie Valley Pipeline*¹¹⁴

Application has been made for a major pipeline and associated infrastructure (including camps, stockpile sites, barge landings, access roads, borrow sites, airstrips, helipads, fuel storage sites, and water sources) to be constructed down the Mackenzie Valley. Should the Plan be approved before the Mackenzie Gas Project, the project would need to conform to the land use plan to be approved.

The project application and review process are nearing completion. The final decision on whether or not the pipeline will be approved rests with the Joint Review Panel and the National Energy Board. The Sahtu Dene and Metis have the ability to negotiate specific terms and conditions with the project proponent through their access and benefits agreements. It would be inappropriate for the Plan to introduce new legally binding conditions at this stage of the process that could potentially restrict the ability of regulators to do their job, or the Sahtu communities from negotiating what they need from the project. As a result, the Plan provides clarity and guidance on how the project can proceed within the different zone designations, should it be approved.

The proposed route is shown on the Land Use Zone Map for illustrative purposes, recognizing that the final route may change slightly as a result of the project review and regulatory process. It crosses a combination of Multiple Use, Special Management and Conservation Zones within the Plan Area. Imperial Oil has indicated that it intends to locate a camp site, storage site, pipe stockpile site, an access road, and potentially a barge landing site within the boundaries of the Little Chicago Conservation Zone. In addition, a winter access road will be needed between the islands included in the proposed Mackenzie River Islands Conservation Zone.

None of the proposed activities required for pipeline construction are prohibited within the Multiple Use or Special Management Zones. While the exploration and development of oil and gas is prohibited within Conservation Zones, transportation and infrastructure corridors are allowed across Conservation Zones, subject to the term outlined under Conservation Terms, which will apply to the Mackenzie Valley Pipeline. In addition, the following term sets additional conditions to guide appropriate development.

CR #3: The construction of the Mackenzie Valley Pipeline and associated infrastructure¹¹⁵ will be allowed within any zone in the Sahtu Settlement Area, including Conservation Zones, subject to the following conditions:

¹¹⁴ The Board will be discussing this term with affected communities to ensure it addresses their needs and to discuss other options for dealing with the overlap of infrastructure within the conservation zones.

¹¹⁵ As defined in Section 1.1.1.2 of the "Application for Approval of the Mackenzie Valley Pipeline, Volume 1: Pipeline Project Overview" submitted by Imperial Oil Resource Ventures Limited to the National Energy Board, October 7, 2004.

- a) The pipeline routing and infrastructure locations avoid sensitive ecological and cultural areas and minimizes impacts to traditional land use and occupancy activities through appropriate mitigation measures;
- b) The project minimizes the area affected, the intensity of disturbance, and uses the best available technology to minimize environmental impacts; and
- c) The applicant can demonstrate that socio-economic benefits will flow to affected communities.

R #1: The applicant for the Mackenzie Valley Pipeline is encouraged to consider the values and intent of the Plan's underlying zones and harmonize its land use activities with the intent of those zones wherever possible.

Cumulative Effects

As land use activities increase in the north, the potential for adverse impacts to the environment increases. While one operation may have little effect, the effect of multiple land use activities may combine to create a significant adverse impact on the environment – cumulative effects. The management of cumulative effects is a shared responsibility. The Cumulative Impact Monitoring Program (CIMP) and the Environmental Stewardship Framework (ESF), previously known as the Cumulative Effects and Assessment Management Framework (CEAMF) are two major initiatives designed to manage them. Land use planning is a key component of the management framework. Because of its broad, regional perspective, it is the ideal vehicle for managing landscape level impacts associated with multiple land uses; more so than the project-specific focus of other components of the regulatory system.

The Planning Board held a regional workshop in November 2007 to discuss the management of cumulative effects through the Plan. There was broad support for this work. In 2008, the Planning Board initiated research into appropriate management parameters. The results of this research are currently under review. Once complete the Board will be discussing the results with our Planning Partners to identify mechanisms for managing cumulative effects through the Plan. The results will be incorporated into Draft 3 of the Plan for broad review and comment.

Species at Risk

The Species at Risk Act came into force in 2003. The *Species at Risk Act* includes provisions for the protection of individuals of listed wildlife species, and for their critical habitats and residences. The GNWT is currently developing its own Species at Risk legislation to protect species in the NWT. In the meantime, the GNWT is working cooperatively with the federal government to protect and manage federally listed species at risk under their jurisdiction through existing legislation. It is important that applicants are aware of current recovery efforts and design their activities accordingly.

CR #4: Applicants will avoid critical habitat for species at risk as identified in recovery strategies and action plans, and develop mitigation measures and monitoring programs consistent with these documents.¹¹⁶

¹¹⁶ Requested by Environment Canada, April 20, 2007. The SLUPB will work with the federal and territorial governments to include additional information related to Action and Recovery Plans for NWT listed species in Draft 3.

Karst Topography

Karst landscapes form where rock dissolves in water (e.g., limestone), creating features like sinkholes, caves, dry valleys and gorges, turloughs and poljes (large depressions drained underground by sinkholes within them, which are periodically flooded when the underlying caves become swamped with water). Karst landscapes sometimes contain 'disappearing' streams or underground rivers. Karst landscapes often have spectacular scenery and unique communities of plants and animals.¹¹⁷ The Sahtu Settlement Area contains world class examples of karst that should be protected. Some are included in Conservation Zones or Special Management Zones and some are in General Use Zones. A map is provided in Chapter 4 showing the location of known karst topography in relation to the zoning.

CR #5: Applicants will design their land use activities to avoid and mitigate impacts to Karst topography.

Water Quality

As stated above, the protection of water is one of the communities' highest priorities. The protection of water is a fundamental consideration in the regulation of land use activities but there are no set standards in force in the NWT. The 2005 Auditor General Report included a recommendation to INAC to develop water quality standards for the NWT to provide clarity and consistency to regulatory decisions in the north.¹¹⁸

A #1: INAC will develop water quality guidelines that are applicable and enforceable within the Mackenzie Valley.

Traditional Use & Significant Cultural Sites

Residents use the SSA extensively for traditional use and occupancy activities. Many types of land use activities have the potential to impact traditional activities, either directly (damage to traps or cabins) or indirectly (noise scaring away wildlife from a harvesting area or impacting a resident's peaceful enjoyment of the land). In general, development proposals should be designed to avoid known areas such as cabins and traplines by a sufficient distance to mitigate indirect impacts such as noise. However, there may be situations where operational constraints make this difficult. In such cases, the Developer should work with the individual(s) impacted and the community to identify acceptable mitigation measures and compensation.

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 archaeological sites, and avoid or mitigate impacts to these sites and traditional use activities.

CR #7: Applicants will not interfere with burial sites.

¹¹⁷ Ford, D. 2008. Report Upon a Survey of Karst Landforms around Norman Wells, Northwest Territories. Prepared for the NWT Protected Areas Strategy, Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NT.

¹¹⁸ http://www.oag-bvg.gc.ca/internet/English/parl_oag_200504_06_e_14937.html

Community Consultation

Defining appropriate consultation is a major land use issue in many jurisdictions across Canada, and one that is continually evolving through case law. Communities need to be informed of activities happening on their lands, and have a say on if and how those activities are carried out, as they are the ones who are directly affected by the activities. They also have local and traditional knowledge that can improve the design and success of projects.

The SLCA defines consultation as

- (a) "the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
- (b) the provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and
- (c) full and fair consideration by the party obliged to consult of any views presented."

There is disagreement on what this actually entails, who should carry out consultations, and when consultation is required. Much consultation is currently carried out on paper (notice of applications sent out with a period provided for review and written comment), whereas communities prefer in-person consultations where there is a better opportunity to understand the project, ask questions, and meet the people involved in the project. While the responsibility for consultation clearly rests with the Crown, it is generally carried out by the applicant wishing to explore for or develop the resource. Certain land uses such as prospecting and staking mineral claims do not require community consultation; the SLCA only requires prospectors to notify the Designated Sahtu Organization seven days prior to entering on Sahtu lands.¹¹⁹ Communities feel it is disrespectful for companies to enter their land without talking to them. There may be other land uses or circumstances where consultation requirements should be better defined, such as when fish bearing lakes are designated as Tailing Impoundment Areas.¹²⁰

Companies are caught in the middle. While they follow legal requirements, this falls far short of community expectations. Companies need a better understanding of community expectations for consultations. Government needs to clearly define its role and obligations in consultations in relation to company efforts. While the Plan will not attempt to define consultation requirements, it is an appropriate vehicle to inform applicants about community and government expectations. The following Actions are aimed at providing that clarity. Once complete, these will be appended to the Plan for information purposes.

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

¹¹⁹ S. 21.4.6 of the SLCA

¹²⁰ This became a public issue in 2008 with the proposed addition of 8 new lakes to Schedule 2 of the Metal Mining Effluent Regulations, including 1 in the Northwest Territories (the application was later withdrawn). See <http://www.cbc.ca/canada/story/2008/06/16/condemned-lakes.html>

interests of Sahtu Participants, and how these relate to consultation activities to be carried out by applicants.

Traditional Knowledge

The collection of traditional knowledge is a standard requirement in current regulatory processes. The SLWB requires the collection of Traditional Environmental Knowledge for land use permit and water licence applications¹²¹ and has developed guidelines for Traditional Environmental Knowledge.¹²² MVEIRB has also developed guidelines for incorporating traditional knowledge in environmental assessment.¹²³ These documents speak to the need to collect traditional knowledge and the types of information expected but do not set out protocols for how that information should be gathered, ownership of the information, management and sharing of information, etc.

Similar to the consultation issue, Applicants require clarity and consistency on how to fulfill these requirements. Both the Gwich'in Tribal Council and the Dehcho First Nations have developed guidelines/protocols for the collection and use of their traditional knowledge.¹²⁴ The development of similar guidelines for the Sahtu Settlement Area would provide much needed direction to Applicants and responsible authorities regarding how these requirements can be carried out in a manner that respects the sensitive nature of this information and the rights of the TK holder.

A #4: SSI or other Designated Sahtu Organizations will develop guidelines for the collection, use and management of traditional knowledge within the Sahtu Settlement Area.

Monitoring

The Sahtu Dene and Metis consider themselves to be stewards of the land. Their traditional knowledge stems from lifetimes spent on the land observing changes, learning how different ecosystem components interact and respond to change. Many of the land uses today are relatively new. We are still learning how the environment responds to such uses. Residents and communities are concerned about impacts from development on the ecological and cultural values which sustain their livelihood and culture. They have expressed a strong interest in monitoring land use activities to allow them to know what is happening on the ground, to assist Applicants to identify and minimize impacts, and to further develop their understanding of the changing environment.

Some Applicants hire local wildlife or environmental monitors, recognizing that it is beneficial to have access to both scientific and local traditional expertise on site, but this is not consistent and the roles and responsibilities of monitors may vary considerably. In addition, many components of the environment such as wildlife, water, and air quality are monitored by Boards like the SRRB, and by government departments in the course of carrying out their management

¹²¹ See SLWB guidelines for land use permit and water licence applications available at <http://www.slwb.com/land.html> and <http://www.slwb.com/water.html>

¹²² "Traditional Environmental Knowledge", Sahtu Land and Water Board, Revised December 16, 2003."

¹²³ "Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment", MVEIRB, July 2005, Available at: http://www.mveirb.nt.ca/reference_lib/index.php?section=18;

¹²⁴ Available at http://www.mveirb.nt.ca/reference_lib/index.php?section=2

responsibilities, but these activities are not integrated and results may not be fully communicated to communities. Given the importance of monitoring to the Sahtu Dene and Metis, a comprehensive monitoring program should be established for the Sahtu Settlement Area to integrate project-specific and resource-specific monitoring initiatives, to identify monitoring priorities, and to provide a clear role for community-based monitoring. This initiative would also benefit Applicants and responsible authorities by streamlining valued components to address in project-specific reviews.

The NWT Cumulative Impact Monitoring Program (CIMP) provides a broad framework for monitoring. It encourages community-based monitoring and capacity-building and provides resources to fill the gaps in current monitoring activities. It includes both scientific and traditional knowledge studies, and addresses biophysical, social and economic aspects of the environment.¹²⁵ An environmental audit is conducted every 5 years to report on the health of the environment, the effectiveness of the NWT CIMP, and the effectiveness of land, water, and waste regulation. The first report was released in June 2006.¹²⁶ The CIMP Working Group completed a report on the preliminary state of knowledge of valued components in 2002, which was updated in 2007.¹²⁷

The Sahtu Secretariat Incorporated or other Designated Sahtu Organizations have not been directly involved in CIMP. Given the strong interest in monitoring, the program should be designed by these organizations. The information collected through CIMP could provide a starting point for Sahtu organizations to identify and prioritize valued components specific to the Sahtu.

A #5: SSI or other Designated Sahtu Organizations, in cooperation with other co-management boards, departments and agencies of the federal and territorial governments will develop a Sahtu Environmental Monitoring Program to identify monitoring priorities, provide direction to Applicants and responsible authorities on project-specific monitoring needs, identify a role and protocols for community monitors, and integrate those efforts with regional monitoring initiatives to avoid duplication.

Economic Benefits

A key objective of the SLCA is "to encourage the self-sufficiency of the Sahtu Dene and Metis and to enhance their ability to participate fully in all aspects of the economy". Section 12.2.1 of the SLCA requires the territorial and federal governments to follow their own preferential contracting policies and procedures intended to maximize local and regional employment and business opportunities. Section 12.2.3 requires that where the GNWT is going to public tender on a contract for work on settlement lands, it must give participants who satisfy all criteria the first opportunity to negotiate the contract.

However, the Implementation Plan only commits the federal government to notifying Sahtu businesses of contracting opportunities. It also identifies that where feasible, the federal government will remove unnecessary employment qualifications and design contracts to

¹²⁵ <http://www.nwtcimp.ca/index.asp>

¹²⁶ Available at: <http://nwt-tno.inac-ainc.gc.ca/nwt-a-eng.asp>

¹²⁷ Available at: <http://www.nwtcimp.ca/vcstknowledge.html>

increase the opportunity for smaller or specialized firms to bid. It does not appear to provide for any preferential consideration to Sahtu firms.

The issue is further complicated by the existence of similar provisions and requirements under the Tlicho Agreement which are applicable to lands within the eastern portion of the Sahtu Settlement Area overlapping with the M̄whì Gogha Dè N̄j̄t̄èè boundary. This results in Sahtu businesses being in direct competition with Tlicho businesses for the same “preferential consideration” for contracts on some lands within the Sahtu Settlement Area where these agreements overlap. As a result, major contracts such as the Port Radium cleanup have been awarded to companies outside of the Sahtu.

While it is recognized that Sahtu companies must be competitive with other companies, further work and consideration may be necessary to achieve the spirit and intent of this objective of the SLCA. There are many benefits for both government and Applicants to assisting communities build local employment and business capacity. Some companies already recognize this and have negotiated benefit agreements with communities for projects on Crown Lands, where there is no requirement to do so.¹²⁸ The following recommendations are made to assist with this goal.

R #2: The territorial and federal governments and applicants are encouraged to maximize Sahtu employment, business and contracting opportunities for work carried out within the Sahtu Settlement Area and assist Sahtu businesses to become more successful in procuring contracts.

R #3: Applicants are encouraged to negotiate benefits agreements with communities for all land use activities, regardless of whether or not they are on Sahtu Settlement Lands.

¹²⁸ Personal Communication, Wilbert Kochon, Colville Lake meeting, January 15-16, 2009.

Special Management Terms

Special Management Zones are established to protect specific ecological and cultural values present within the zones while allowing a range of land use activities to proceed. **The Special Management Terms apply within Special Management Zones, Conservation Zones and Proposed Conservation Initiatives.**

General Environmental Considerations

Every land use has the potential to impact the environment. Given the goal of protecting significant values within these zones, the following terms are designed to ensure that best efforts are made to minimize overall impacts on the environment from any land use.

CR #8: Applicants will demonstrate that they have incorporated 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.

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

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.

Water

As discussed under the General Use Terms, the protection of water is a high priority in the Sahtu Settlement Area. All of the Special Management Zones include important water bodies. The following terms were developed to ensure that impacts from the use or deposit of waste in water are minimized.

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.¹²⁹

Wildlife

The protection of wildlife is critical to the Sahtu Dene and Metis. The Special Management Areas encompass important wildlife areas. The following terms are intended to minimize impacts to wildlife from land use activities.

¹²⁹ The GNWT has mapped Community Source Watersheds. A map will be provided in Draft 3.

CR #14: Applicants will meet with ENR, CWS, SRRB 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: Applicants 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.¹³⁰

Monitoring

The need for monitoring was discussed under the General Use Terms. Until the Action is fulfilled, the following terms are recommended to address immediate monitoring needs.

R #4: Applicants are encouraged to hire Renewable Resources Council (RRC) monitors, technicians or traditional knowledge experts as recommended by the local RRC to assess the presence of wildlife in the area of operations, monitor impacts on wildlife from the proposed activities, and keep the RRCs and SRRB informed of activities affecting wildlife. Where, in the judgment of the Renewable Resources Council monitor, an activity may have a negative impact on the feeding pattern and movement of caribou, the monitor should inform the applicant and appropriate authorities so that appropriate action may be taken to mitigate impacts.

¹³⁰ Flying Low: NWT Aircraft Restrictions to Minimize Wildlife Harassment, available at: <http://www.nwtwildlife.com/pdf/LowFlyingAircraft-Brochure.pdf>

CR #18: Applicants will develop a site-specific research and monitoring program sufficient to document the impacts of their proposed land use activities on the ecological and cultural values identified for the zone in which the activity is proposed. Applicants will distribute the monitoring reports to relevant community organizations and make the reports publicly available.

Reclamation and Abandonment

Once the desired resources are extracted, harvested or developed, there is an expectation that the area will be cleaned up and returned to its former state. In the past, this has not been the case, resulting in numerous contaminated sites across the north. Mines approved today are subject to rigorous environmental regulations. They must include Closure and Reclamation Plans as part of the application process and are required to post security to cover the full cost of reclamation should the company go bankrupt.

The current reclamation standard is to “[return] mine sites and affected areas to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment and with human activities.”¹³¹ While this is sufficient for General Use Zones, it is not sufficient for mines developed within Special Management Zones, Conservation Zones or Proposed Conservation Initiatives. A higher standard of reclamation is required to protect the values for which these zones were established. This section applies equally to all other land uses that create environmental impacts that must be reclaimed.

CR #19: On termination or abandonment of activities, 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.

CR #20: Responsible authorities will require applicants to 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.

Underground River (Applies to Zone 13 – Underground River Only)

In July 2007, Dr. Derek Ford, one of the world’s leading Karst geologists, visited the NWT to study karst landforms in the Sahtu region. During his visit he was told of an underground river flowing into Lac Belot. Though he was unable to see the site, he confirmed its presence through topographic maps and flagged this as an important site for further research to delineate its course.¹³² The community of Colville Lake shares the desire to properly delineate the course of this area. Since it is currently designated as a Special Management Zone, it is important to ensure that the area selected properly reflects the location of this special geological area.

¹³¹ Definition from the 1994 Whitehorse Mining Initiative as reflected in the “Mine Site Reclamation Policy for the Northwest Territories”, INAC, 2002.

¹³² Ford, D. 2008. Report Upon a Survey of Karst Landforms around Norman Wells, Northwest Territories. Prepared for the NWT Protected Areas Strategy, Department of Environment and Natural Resources, Government of the Northwest Territories, Yellowknife, NT.

R #5: The community of Colville Lake is encouraged to work with the Protected Areas Strategy and Dr. Derek Ford to conduct further studies on this site and fully delineate the route of the Underground River.

Conservation Terms

The following land uses are prohibited in Conservation Zones as per the Zone Map and Zone Description Table:

- Bulk water transfer;
- Mineral exploration and development;
- Oil and gas exploration and development;
- Power development; and
- Commercial forestry.

While no new activities relating to the above land uses are allowed within Conservation Zones or Proposed Conservation Initiatives, there are a number of existing rights and activities within these zones that must be allowed to proceed. The General Use and Special Management Terms and the terms below all apply to Conservation Zones and Proposed Conservation Initiatives.

Water Withdrawal on Lac Belot (Applies to Zone #39 - Lac Belot only)

The Residents of Colville Lake have indicated that Lac Belot is very shallow and cannot support water withdrawal for construction of ice roads or other commercial or industrial purposes.¹³³ It should only be used for drinking water.

CR #21: Responsible authorities will not issue water licences for the withdrawal of water for industrial purposes from Lac Belot.

Introduction of Domestic Species

Maintaining healthy wildlife populations is a key goal for the people of the Sahtu because of the importance of wildlife to their culture and diet. Domestic species have the potential to bring in disease and compete for food and habitat with native species on which people depend. Conservation Zones and Proposed Conservation Initiatives are designated because they represent areas important for wildlife or wildlife harvesting. The introduction of domestic species may reduce the effectiveness of these zones to support native populations of plants and animals and is therefore prohibited.

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

¹³³ Colville Lake Meeting, January 15-16, 2009

Transportation and Infrastructure Corridors

Transportation and infrastructure corridors are important considerations in the development of a land use plan. They include but are not limited to corridors for roads, pipelines, electrical transmission, communications, and navigational purposes. They are essential to the development of a region, allowing essential goods and services to be transported efficiently, providing access to power and communications, and lowering costs for communities, government and Applicants. Those exploring for and developing renewable and non-renewable resources need to be able to transport supplies and resources to and from their development sites as economically and efficiently as possible. In cases where the resources are located in an area surrounded by Conservation Zones, road or pipeline access may be required across Conservation Zones to get the resources out.

Transportation and infrastructure corridors can contribute to problems as well. Some residents and communities prefer the solitude and isolation that comes from reduced access. While they understand that a road would reduce the cost of living, there is concern that it would also lead to an increase in social problems by providing cheaper, easier access to drugs and alcohol. Increased access in an area may also increase harvesting pressure on wildlife and create barriers to movement of some wildlife species such as caribou.

CR #23: Transportation and infrastructure development is allowed in all zones, subject to the following:

- a) Wherever possible, first consideration is given to routing new transportation and infrastructure corridors through General Use Zones, followed by Special Management Zones.
- b) Where transportation or infrastructure corridors are reasonably required to cross Conservation Zones or Proposed Conservation Initiatives, the route shall be the shortest possible while avoiding significant ecological and cultural areas, and minimizing impacts to traditional land use activities.
- c) Appropriate mitigation measures are used to minimize the area affected and the intensity of disturbance to ecological and cultural values.

Extraction of Granular Resources

Granular resources refer to surface materials used for construction of roads and other infrastructure and include but are not limited to soil, sand, gravel, clay and loam. Any construction project requires a supply of such materials in close proximity to proceed. The SLCA ensures that access to such materials is maintained, even on Sahtu lands, and constrains Participant rights to provide such access. However, extraction of these materials disturbs the environment at the excavation site, and requires the construction of access roads between the source of these materials and the construction site. This land use is incompatible with the intent and objectives of Conservation Zones and Proposed Conservation Initiatives and must be restricted to the greatest extent possible.

CR #24: (1) No new permits or leases pursuant to the Territorial Quarrying Regulations will be granted for granular resources within Conservation Zones and Proposed Conservation Initiatives unless:

- a) It relates to the exercise of existing rights as defined in Chapter 1;
- b) It is required for community use as defined in Chapter 1; or

c) There is no alternative source of supply reasonably available in the surrounding area.

(2) Where extraction of granular resources is being considered, applicants will consult with the Land Corporations, First Nation and Renewable Resource Council of affected communities to identify the important ecological and cultural sites for which the zone was designated and demonstrate that their activities will not adversely impact these values.

Chapter 4 - Zone Descriptions

4.1 INFORMATION SOURCES

All information provided within the following zone descriptions were written with the most current information available to the Sahtu Land Use Planning Board. Due to time constraints and delays in obtaining some information, the Board was not able to fully assess all of the information available in relation to each zone. Where the zone descriptions make reference to recently published reports but failed to include relevant information or provide details, the Planning Board will endeavour to include the information in Draft 3. In the meantime, interested readers are referred to the references for additional information.

Of special note is the limited information included in the Economic Importance sections. This is due to difficulties in determining appropriate potential mapping (for minerals) and time constraints in accessing other resources. The Planning Board will include updated information and further elaborate on hydrocarbon, mineral, and economic development potential in Draft 3.

Information for this chapter's zone descriptions were taken from a number of documents. The complete list can be found in the bibliography. The sources listed below were used extensively to gather information for the Ecological Importance and Socio-Cultural Importance sections.

Wilson, J.M., *Important Wildlife Areas in the Western Northwest Territories Draft*, September 2008, ENR, GNWT

The *Important Wildlife Areas* draft document was used to identify areas important for species under the management responsibility of the GNWT. This includes species covered in the NWT Wildlife Act. It does not include species covered in the Fisheries Act or the Migratory Bird Convention Act and does not include fish, marine mammals, waterfowl or most birds. The areas identified in the draft report were included based on their importance and uniqueness for the number of different species, as opposed to single species. The areas in the report were considered important because the locations were ones that: animals traditionally use, consistently find large aggregates of animals, are used as refugia, support source populations, are unique such as wetlands, hot springs or mineral licks. The areas were identified based on their importance for the long-term survival of animals, as key wildlife habitat, as opposed to harvesting locations and were reviewed by a number of knowledgeable people including harvesters and biologists.

Maps from the Sahtu Land Use Planning Board Interim Atlas, March 2002, Sahtu Land Use Planning Board

The *Interim Atlas* was published in 2002 and the maps were awaiting verification. It is entirely possible that additional areas of significance have not yet been identified. Verification of the information in this chapter during the community consultation processes will be a key priority. The maps in the *Interim Atlas* provided valuable information for the Ecological and Socio-Cultural Importance sections in this chapter. Those referenced are as follows:

- Archeological Places and Sites in the Sahtu, Draft December 2001
 - Sources: Archeological Sites provided by the Museum of Civilization
 - LUIS Archeological Sites courtesy of DIAND's Land Use Information Series Maps
- Culturally Significant Places and Sites in the Sahtu, Draft December 2001
 - Sources: Tulita Mapping Project data provided by the Tulita Land and Financial Corporation
 - Chevron Mapping Project data supplied by the SLUPB and the community of FGH
- Sahtu Dene and Metis Traditional Trails, Draft December 2001
 - Sources: Traditional Trails provided by the Dene Nation
- Tourism and Recreation in the Sahtu, Draft December 2001
 - Sources: LUIS Tourism/Recreation Site data provided by DIAND
 - Fishing Lodge Use Area data obtained from D.B. Stewart (1996)
- Sahtu Cabins and Camp Sites, Draft December 2001
 - Sources: Values at Risk data provided by RWED
- Sahtu Dene and Métis Special Harvesting Areas, Draft December 2001
 - Sources: Special Harvesting Areas as defined in the Sahtu Dene and Métis Comprehensive Land Claim Agreement
- Caribou and Critical Wildlife Habitat in the Sahtu, Draft January 2002
 - Sources: Nahanni Woodland Caribou Habitat data provided by Parks Canada
 - Bluenose East/West Barrenground Caribou Habitat data provided by RWED
 - All other info provided by DIAND's Land Use Information Series maps
- Important Fish Habitat in the Sahtu, Draft December 2001
 - Sources: Critical and Important Fish data provided by the Department of Fisheries and Oceans
 - LUIS Critical Fish Site data courtesy of DIAND's Land Use Information Series maps
- Important Waterfowl and Raptor Habitat in the Sahtu, Draft December 2001
 - Sources: Swan Nesting Areas and Critical Raptor Nesting Area data provided by DIAND's Land Use Information Series maps
 - Important Migratory Area data courtesy of Ducks Unlimited
 - Key Migratory Area data provided by Canadian Wildlife Services
 - Raptor Nest Site data supplied by RWED
- Wildlife Habitat in the Sahtu, Draft January 2002
 - Sources: Important Goat Habitat and Moose Habitat data courtesy of RWED
 - All other data provided by DIAND's Land Use Information Series maps

Protected Areas Strategy website: www.pas.nwt.ca

The Protected Areas Strategy website provided background and updates on the current stage of development for the Proposed Conservation Initiatives. For additional background on these areas, please visit the website listed above.

Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Prepared for the Sahtu Land Use Planning Board by Jennifer Blomqvist

Cultural stories and background on heritage sites and areas of cultural significance were provided in the *Rakekee Gok'e Godi: Places We Take Care Of* report. For complete stories, please see report.

The surveys, interviews and workshops that were part of *Mapping Our Future* were conducted to identify areas of significance to the people within the five Sahtu communities. Sites were chosen from *Rakekee Gok'e Godi: Places We Take Care Of*, *The Sahtu Dene and Metis Comprehensive Land Claim Agreement*, the International Biological Program Ecological Sites in Subarctic Canada, and Parks Canada. Participants were encouraged to offer suggestions for additional sites of significance. The study surveyed 15% of each community's population.

The SLUPB welcomes the contribution of additional sources of information that would result in a more detailed, complete, and better informed plan for the Sahtu Settlement Area. All additional information can be forwarded to the SLUPB at any time. The Planning Board will review all information received and endeavour to include all relevant and updated information in Draft 3, provided that we receive the resources in a timely fashion.

To further assist readers in determining the resources and values present in the zones, we include a number of maps, showing how the zoning overlays with the specified resources or values. These may or may not be accurately reflected in the zone descriptions depending on whether the map was available at the time of writing or not.

- Sahtu Settlement Lands
- Existing Mineral Rights
- Existing Oil and Gas Rights
- Karst Areas
- Heritage Sites from "Places We Take Care Of"
- Oil and Gas Potential

Map 17. Zoning and Sahtu Settlement Lands

Map 18. Zoning and Existing Mineral Rights

Map 19. Zoning and Existing Oil and Gas Rights

Map 20. Zoning and Karst Areas

Map 21. Zoning and Heritage Sites from "Places We Take Care Of"

Map 22. Zoning and Oil and Gas Potential

4.2 GREAT BEAR LAKE WATERSHED ZONES

4.2.1 Zone Descriptions

1. Great Bear Lake Watershed Special Management Zone

2. Neregah (North Shore) Heritage Zone

3. Luchaniline (Whitefish River) Conservation Zone

4. Tehkaicho De (Johnny Hoe River) Conservation Zone

5. Du K'ets'edi (Sentinel Islands) Conservation Zone

6. Edaiila (Caribou Point) Proposed Conservation Initiative

7. Saoyú (Grizzly Bear Mountain) and ?ehdacho (Scented Grass Hills) Proposed Conservation Initiative¹³⁴

In order to avoid inconsistencies between documents, we refer readers directly to the Great Bear Lake Watershed Management Plan for all zone descriptions and applicable terms relating to areas within the Great Bear Lake Watershed:

Great Bear Lake Working Group, "*The Water Heart*": A Management Plan for Great Bear Lake and its Watershed, directed by the Great Bear Lake Working Group and facilitated and drafted by Tom Nesbitt (May 31, 2005).¹³⁵

Zones for the Great Bear Lake Watershed are shown in Map 23.

¹³⁴ This was approved as a National Historic Site in the final stages of completion of this Draft so it is incorrectly listed as a Proposed Conservation Initiative (still in progress) throughout most of this document. As a National Historic Site, it will no longer be subject to the Plan. This will be reflected in Draft 3.

¹³⁵ Available on the SLUPB website at <http://www.sahtulanduseplan.org/website/web-content/index.html>

Map 23. Great Bear Lake Watershed Zones

4.3 GENERAL USE ZONES

General Use Zones are areas where development is encouraged and there is low conflict with conservation values. They include areas of significant resource potential. Conservation values in these areas can be adequately protected through existing regulatory processes and general terms. All forms of development are allowed, subject to existing regulatory requirements and the general conditions of the Plan that are applicable to all zones. The conditions address broad values and concerns that Applicants and responsible authorities should focus on during project reviews.

General Use Zones form the background or matrix in which the other zone types are situated. As a result, General Use Zones are not numbered or labelled.

4.3.1 General Goals and Objectives

The primary objective of General Use Zones is to allow a full range of development activity to provide economic benefits for the Sahtu, while still protecting the Sahtu's environment, historical resources and culture.

4.3.2 Zone Descriptions

Zone descriptions for General Use Zones will be developed for Draft 3.

4.4 SPECIAL MANAGEMENT ZONES

Special Management Zones allow for a range of development, subject to conditions as described below and existing regulatory processes, to protect important social, cultural and ecological values identified by communities and other planning partners. All land uses are allowed in a Special Management Zone other than those specifically restricted. The prohibitions, goals and conditions noted below are intended to provide direction and guidance to Applicants and appropriate responsible authorities. They apply to all Special Management Zones unless otherwise noted.

4.4.1 General Goals and Objectives

The goal of Special Management Zones is to provide for balanced and controlled development while maintaining the ecological integrity of Special Management Zones. Key Valued Ecosystem Components (VECs) to be protected include water, Karst topography, fish and wildlife and their habitat (waterfowl and other birds, ungulates, furbearers, grizzly bears).

4.4.2 Zone Descriptions

8. Great Bear River Special Management Zone

Dene Place Name: Sahtu Deh

Size: 1091 km²

Location and Boundaries

The Great Bear River Special Management Zone begins at the south-eastern end of Great Bear Lake, at Dareli (Keith Arm), near Deline, creating a buffer around Great Bear River until it meets the Mackenzie River near Tulita.

Land Ownership

The Great Bear River lies within both the Deline and Tulita districts. The majority of the river is in Sahtu Settlement Area (SSA) where surface title is held. Subsurface rights are held by the federal government. The remainder is Crown land.

Ecological Importance

The zone is located mostly within the Norman Range and a portion of the Franklin Mountains ecoregions. It lies mostly within the Great Bear and a portion of the Central Mackenzie watershed.

The Great Bear River provides water to the community of Tulita. It is an important travel route between the Mackenzie River and Great Bear Lake. The river is a Critical Fishing Area with both Critical and Important Fish Sites at different locations. Barrenground caribou of the Bluenose-East herd use areas just south of Deline, off Dareli (Keith Arm), during their migration. There is moose habitat in the zone.

Socio-Cultural Importance

The Great Bear River Special Management Zone is an important local travel corridor, heritage place, and traditional use location.

Socio-cultural features of this zone include:

1. A portion of the Heritage Trail from Tulita to Deline and across Great Bear Lake
2. High concentration of traditional trails used by the communities of Deline and Tulita
3. Special fish Harvesting Areas at the mouth to Great Bear Lake, mid-way to Tulita, and where Willow Lake meets Great Bear River
4. Special Harvesting Area for moose where the river meets Great Bear Lake
5. A number of recreation sites
6. Burial sites
7. Cabins, tent frames and camp site, roughly halfway from Great Bear River to Tulita.

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*¹³⁶ recommend that the following be undertaken:

- Heritage River designation
- Oral history and archaeological research to document and protect existing heritage resources and burial sites
- Protection of the surface of documented sites

Economic Importance

Oil and gas potential: high

Mineral potential: to be determined for draft 3

Applicable Terms

All General Use Terms and Special Management Terms apply.

9. Dehcho (Mackenzie River) Special Management Zone

Dene Place Name: Dehcho

Size: 5616 km²

Location and Boundaries

The Dehcho Special Management Zone extends as a buffer around the Mackenzie River as it enters the Sahtu from the Dehcho territory in the south until the River leaves the Sahtu and enters the Gwich'in Settlement Area in the north. It encompasses the length of the Mackenzie River throughout the Sahtu region. The communities of Tulita, Norman Wells and Fort Good Hope are found within the zone.

Land Ownership

The Dehcho lies within the Tulita and K'ahsho Got'ine Districts and consist of a mix of Crown and Sahtu lands. None of the Sahtu lands within this area include subsurface rights.

Ecological Importance

From south to north, the Dehcho zone includes the following ecoregions: Mackenzie River Plain, Franklin Mountains, Norman Range, Fort MacPherson Plain, and Great Bear Lake Plain. The Dehcho zone spans a number of watersheds from south to north: Central Mackenzie, Lower Central Mackenzie, Great Bear (very small portion), and Lower Mackenzie.

¹³⁶ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

Ecological features of this zone:

1. It is a Critical Fish Area with Critical Fish Sites and Important Fish Sites
2. Raptor nest sites along its banks with particularly high concentrations
 - just south of Fort Good Hope (FGH),
 - across from Mountain River where it meets the Dehcho, on the eastern bank and halfway between FGH and Norman Wells
 - north of Tulita
3. Moose habitat and moose winter habitat

Moose surveys in the Sahtu have found that riparian areas along the Mackenzie River and its tributaries consistently have high moose densities in the winter.¹³⁷ Portions of the Dehcho, halfway between Norman Wells and Fort Good Hope support high densities of peregrine falcon nests on the cliffs.

Socio-Cultural Importance

The Dehcho, or "Big River", is a symbolic focal point of Sahtu Dene and Métis culture and history. The Mackenzie River Special Management Zone is an important Regional and Territorial travel and transportation corridor, heritage place and traditional use location. It is associated with a number of legends, including the stories of Yamoria.

Socio-cultural features of this zone:

1. Heritage Sites found along the Dehcho including:
 - Shigago Got'ine, on one of the Mackenzie Islands, near FGH
 - Manitou Island, at FGH
 - Old Fort Point, south of Tulita
2. High concentration of burial and cultural sites south of Tulita, halfway down the river to the Dehcho territories and east of Stewart Lake
3. Very high concentration of archaeological sites along the Dehcho with concentrations
 - South of Tulita,
 - At Tulita,
 - At Fort Good Hope
 - To the east of Marion Lake
4. Cultural area south of Fort Good Hope, on both banks of Dehcho
5. Number of recreation sites along the banks of the Dehcho, especially in certain areas:
 - South of Tulita where the Redstone River meets the Dehcho
 - South of Tulita where the Keele River meets the Dehcho
 - At FGH
6. Cabins, camp sites and tent frames along the Dehcho with significant concentrations at:
 - Tulita and south of Tulita until the Dehcho territory
 - South of Norman Wells
 - South of Fort Good Hope
 - At the mouth of Mountain River where it meets the Dehcho
 - On the Mackenzie Islands
 - Little Chicago
 - West and south of Loon Lake
7. Traditional trails

¹³⁷ IWA draft, 2008

- Tulita and Deline traditional trails leading from the south to Norman Wells
- Fort Good Hope and Colville Lake traditional trails leading north from Norman Wells
- 8. Moose hunting areas all along the Dehcho
- 9. Special Harvesting Areas for fish, moose and migratory birds:
 - Around little Chicago and south for fish
 - On the Mackenzie Islands for moose and migratory birds
 - North of Tulita for fish
 - South of Tulita for moose, fish and migratory birds

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*¹³⁸ recommend that the following be undertaken:

- Heritage River and National Historic Site designation
- Oral history and archaeological research to document and protect existing heritage resources
- Protection of the surface of documented sites

Economic Importance

Oil and gas potential: moderate to low
 Mineral potential: to be determined for draft 3
 Active coal claim south of Tulita

Applicable Terms

All General Use Terms and Special Management Terms apply.

10. Mackenzie Mountains Special Management Zone

Dene Place Name: to be included in Draft 3

Size: 26,090 km²

Location and Boundaries

The Mackenzie Mountains Special Management Zone is located within the south-eastern portion of the SSA, bounded by the north, south and west by the Shuhtagot'ine Nene Conservation Zone. It is south-west of Tulita.

Land Ownership

The entire area falls within Crown land.

¹³⁸ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

Ecological Importance

This zone is part of the Selwyn Mountains, Mackenzie Mountains, and Peel River Plateau ecoregion. It is located in the Central Mackenzie watershed.

The Mackenzie Mountains are irregular and primarily made up of limestone, dolomite and shale.¹³⁹ Erosion has resulted in unstable rubble slopes, cliffs and steep canyons. The mountain tops average an elevation of 2100 m and subalpine areas are usually found below 1800 m.¹⁴⁰ Mountain goats are the predominant wildlife found in the mountainous areas. Moose are found in the valleys.¹⁴¹ Dall's sheep and mountain caribou are common in the area. Wolves may also be found in the area.¹⁴²

Ecological features of this zone:

1. Important Fish Sites and Critical Fish Sites
2. Very large areas of critical sheep habitat and sheep winter habitat
3. Critical woodland caribou calving habitat and winter habitat and
4. Critical wildlife habitat
5. Hot and warm springs
6. Significant concentrations of mineral licks

Moose surveys in the Sahtu have found that riparian areas along the Mackenzie River and its tributaries have high moose densities in the winter.¹⁴³ Many of the tributaries run down from the mountains located in this zone and are associated with moose habitat.

Socio-Cultural Importance

The Tulita community has a number of traditional trails along the rivers in the valleys of the Mackenzie Mountain. Some of the trails lead up the Mountains, into Yukon Territory. The Mackenzie River and its tributaries are important moose hunting areas.¹⁴⁴ There is a cultural site located just south of Gayna River.

Economic Importance

Oil and gas potential: low to low/moderate

A number of production licenses located in the southern, middle portion of the zone

Mineral potential: believed to be high potentials for mineral deposits within the Mackenzie Mountains, details will be available in draft 3

Big Game Outfitters operating in area: Mackenzie Mountain, Nahanni Safari, Redstone, Ramhead, NWT, a number of fishing or outfitting lodges present

¹³⁹ Larter, C. Nicholas, *Mountain Goat Survey, Flat River Area, Western Mackenzie Mountains*, September 2004, Manuscript Report No. 157, GNWT, Department of Resources, Wildlife, and Economic Development

¹⁴⁰ *ibid*

¹⁴¹ *ibid*

¹⁴² *ibid*

¹⁴³ Larter, C. Nicholas, *Mountain Goat Survey, Flat River Area, Western Mackenzie Mountains*, September 2004, Manuscript Report No. 157, GNWT, Department of Resources, Wildlife, and Economic Development

¹⁴⁴ *ibid*

Applicable Terms

All General Use Terms and Special Management Terms apply.

11. Lac a Jacques, Sam McRae and Turton Lakes Special Management Zone

Dene Place Name: Lac a Jacques - Nq̄fee K'q̄dah Tué; Sam McRae Lake - Tl'ode Tué; Turton Lake - Táwełjn Tué

Size: 2226 km²

Location and Boundaries

The Special Management Zone includes Lac a Jacques, Sam McRae Lake and Turton Lake, some other small lakes, and a buffer around them. The zone is located south-east of Fort Good Hope and surrounds Yamoga Rock.

Land Ownership

The area is split between the K'ahsho Got'ine and Tulita Districts. Some of the areas fall within the SSA such as the lands from Lac a Jacques to the southern boundary of Sam McRae Lake and the lower portion of Turton Lake. Surface rights are held by the K'ahsho Got'ine and Tulita Districts, respectively. Sahtu land ownership does not include subsurface rights in this zone. The remainder is Crown land.

Ecological Importance

This zone lies mostly in the Norman Range ecoregion. A small portion on the eastern edge of Lac a Jacques is in the Great Bear Plain ecoregion. The zone is mostly within the Lower Mackenzie watershed although there is some in the Lower Central Mackenzie watershed.

Ecological features of this zone:

Lac a Jacques

1. Critical Fish Area and Critical Fish Sites
2. North of lake, Bluenose West barrenground caribou herd habitat
3. Southwest end of lake, moose concentrations around the wetlands are high all year-round¹⁴⁵
4. Wetlands north of lake are known for their beaver concentrations and have been documented as being "intermediate quality" to "very critical habitat" for beaver¹⁴⁶

Sam McRae Lake

¹⁴⁵ IWA draft, 2008

¹⁴⁶ ibid

1. Important Fish Area and Important Fish Sites
2. Moose habitat
3. Consistently high numbers of muskoxen to the east of lake ¹⁴⁷

Turton Lake

1. Important Fish Area and Important Fish Sites
2. Moose habitat

Socio-Cultural Importance

During the planning process this zone was identified as an important heritage area and traditional use location. Important fish, wildlife and waterfowl habitats exist within this area.

Socio-Cultural features of this zone:

1. High concentration of tourism and recreation sites along the shores of the lakes
2. Cabins, tent frames and camp sites along on all lakes
3. Significant traditional use trails around the three lakes by the communities of Tulita, Fort Good Hope and Colville Lake
4. Burial sites and archeological sites
5. Turton Lake is a Special Harvesting Area

Economic Importance

Oil and gas potential: Lac a Jacques – northern section is moderate to moderate/high
Sam McRae and Turton Lakes - very high
Mineral potential: to be determined for draft 3

Applicable Terms

All General Use Terms and Special Management Terms apply.

12. Marion Lake Special Management Zone

Dene Place Name: Ǿhdarah Tué

Size: 1686 km²

Location and Boundaries

The Marion Lake Special Management Zone includes Marion Lake and a number of other lakes to the north. It is located at the northwestern tip of the SSA, west of the Dehcho as it enters the Gwichi'in Settlement Area.

Land Ownership

¹⁴⁷ IWA draft, 2008

The K'ahsho Got'ine District holds surface title to the area around Marion Lake and a few other small parcels of land. The District holds subsurface rights to a small parcel of land at the western edge of the zone. The remainder is Crown land.

Ecological Importance

This zone is located within the Fort MacPherson Plain ecoregion and the Lower Mackenzie watershed. It is an Important Fish Area with Important Fish Sites. Large areas of moose habitat and important fish, wildlife and waterfowl habitats exist within this area.

Socio-Cultural Importance

This zone was identified during the planning process as an important heritage area and traditional use location. There are burial sites and a number of archeological sites. The communities of FGH and Colville Lake have traditional trails in the area.

Economic Importance

Oil and gas potential: moderate/high to high
Mineral potential: to be determined for draft 3

Applicable Terms

All General Use Terms and Special Management Terms apply.

13. Underground River Special Management Zone

Dene place name: Neyádalín

Size: 347 km²

Location and Boundaries

The Underground River Special Management Zone is located to the south of Lac Belot, near the community of Colville Lake. The area includes the Underground River and a buffer around it. It flows south-west from the lake into the Hare Indian River.

Land Ownership

The crown holds title to the majority of the zone. The K'ahsho Got'ine District holds surface title to a small portion at the northern end of the zone but does not hold any subsurface rights.

Ecological Importance

The zone is mostly located in the Great Bear Lake Plain ecoregion. A small portion can be found in the Colville Hills ecoregion, where it touches Lac Belot. The zone is mostly in the Anderson and West Arctic Ocean watershed, with a small portion in the Lower Mackenzie watershed.

The zone includes lakes and streams which constitute an important wetland for waterfowl, wildlife and fish. Conservation will preserve the pristine character of the zone by conserving its ecological integrity. The zone has low biological productivity, with slow rates of growth and is ecologically fragile.

This zone consistently supports high densities of marten that are known for their high quality fur.¹⁴⁸ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.¹⁴⁹

The zone is habitat for the barrenground Bluenose West caribou herd, muskox, grizzly bear, wolf, wolverine, arctic fox, and marten. Waterfowl in the zone include geese, swans, and numerous other bird species including birds of prey. Fish species include trout, whitefish, grayling and walleye.

The Underground River derives its name from its karst topography and the story of Neyádalín.¹⁵⁰ Two brothers paddle their canoes into a sink hole draining all the water of Lac Belot, follow an underground river beneath Belot Ridge and emerge via two different springs in cliffs some 20 km distant on a north-bank tributary of the Hare Indian River. Dr. Derek Ford suggests that, from topographic maps, it does appear that Lac Belot drains underground towards Belot Ridge. He identified the Ridge as one of the most remarkable karst features east of the Mackenzie, reaching about 60-80 m in height. There are large karst sinkholes depicted on the topographic maps to the southwest, around the springs of the Neyádalín legend. Dr. Ford recommended further studies to delineate the course of the underground river and adjoining karst topography with the intent of considering this area for protection.

Socio-Cultural Importance

The exact location of the Underground River is unknown but there is an idea of its general location. The Colville Lake community is considering a GPS project to determine the river's exact location. The Underground River is associated with a story of how the people of Colville Lake came to know the people of Fort Good Hope.¹⁵¹

There are a number of FGH and Colville Lake traditional trails in the area. The K'ahsho Got'ine used the zone to hunt caribou, muskox, beaver, muskrat, and waterfowl. It is also prime habitat for marten, wolf, wolverine, and fox. There are several cabins in the zone currently in use. Conservation will preserve grave sites, traditional trails, camping sites, cabins, river crossings, and archaeological sites.

The zone is important for the stories that are associated with specific places and events, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. It is important for its educational value and the transmission of culture from the elders to the younger generation.

¹⁴⁸ IWA draft, 2008

¹⁴⁹ *ibid*

¹⁵⁰ Information extracted from Dr. Derek Ford's "Report upon a Survey of Karst Landforms around Norman Wells, Northwest Territories" for the NWT Protected Areas Strategy, ENR, GNWT, March 2008

¹⁵¹ Rakeke Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

Details of the heritage site Neyádalín are outlined on page 56 of the report "*Rakekee Gok'e Godi: Places We Take Care of, Report of the Sahtu Heritage Places and Sites Joint Working Group*" (December 1999). The report recommends special consideration in the land use planning process for the zone.

Economic Importance

Oil and gas potential: very high

Mineral potential: to be determined for draft 3

Active Mineral Claim descending into zone from the north, midway into the zone held by Sanatana Diamonds. Sanatana Diamonds owns the diamond and other mineral rights, excluding uranium, to the prospecting permits that comprise the Mackenzie Diamond Project, within which this zone is situated.

Applicable Terms

All General Use Terms and Special Management Terms apply.

4.5 PROPOSED CONSERVATION INITIATIVES

Proposed Conservation Initiatives are sites and places with a combination of high traditional, cultural, historical, and/or biological significance for which permanent protection is being sought through the Protected Areas Strategy. This includes some major lakes, rivers and mountain water sources, International Biological Programme sites, important wildlife areas, as well as many heritage trails, sites, and places.

4.5.1 General Goals & Objectives

The primary goal of Proposed Conservation Initiatives is to ensure that traditional, cultural, and heritage values are preserved and passed on to future generations, and biophysical values are maintained or improved.

4.5.2 Zone Descriptions

14. Naats'ihch'oh

Dene Place Name: Naats'ihch'oh

Size: 7525 km²

Location and Boundaries

Naats'ihch'oh lies in the farthest south-western corner of the SSA. It is located in the Mackenzie Mountains, and contains the Nahanni Headwaters. To the north and east is Shuhtagot'ine Nene. To the south it lies on the Sahtu/Dehcho territory boundary and immediately to the west is the Sahtu/Yukon territory boundary.

Conservation Initiative Status

Negotiations between Parks Canada and the Tulita District Land Corporation are currently underway to designate the area a National Park Reserve.¹⁵² It will connect with Nahanni National Park Reserve in the Dehcho territory, which is in the process of being expanded to include the majority of the Greater Nahanni Watershed.

As discussions continue, an Interim Land Withdrawal was granted on February 26, 2008, to expire on March 31, 2012.¹⁵³ Negotiations for an Impact and Benefit Plan, in accordance with the SLCA, are in place. When and should an agreement be reached, the Minister responsible for Parks Canada will recommend to Parliament the creation of Naats'ihch'oh as a National Park Reserve.¹⁵⁴

Ecological Importance

Naats'ihch'oh is located within the Selwyn Mountains ecoregion and Lower Liard Watershed. Naats'ihch'oh (Mount Wilson) includes the headwaters of the South Nahanni River. The upper part of the watershed that lies within the Sahtu Settlement Area accounts for about 1/6 of the Greater Nahanni Ecosystem.¹⁵⁵ The area includes an alpine plateau with ridges and summer snow packs that are important habitat for grizzly bears and mountain woodland caribou.¹⁵⁶ Both species are considered to be of "special concern" by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).¹⁵⁷

In the summer and fall months, mountain woodland caribou calve in the area. The area also potentially includes a resident population of Dall's sheep, thought to be genetically unique to North America as a result of isolation during the last ice age.¹⁵⁸

Ecological features of this zone:

1. South Nahanni River is a critical fish site
2. Contains large areas of important goat habitat (RWED)
3. Critical sheep habitat and sheep winter habitat
4. Nahanni woodland caribou habitat and winter habitat
5. Critical woodland caribou calving habitat

Socio-Cultural Importance

¹⁵² Vandermeer, Jennie, Sahtu Settlement Area Update: February 2009, PAS 2009

¹⁵³ ibid

¹⁵⁴ PAS website: <http://www.nwtpas.ca/area-naatsihchoh.asp>

¹⁵⁵ ibid

¹⁵⁶ ibid

¹⁵⁷ ibid

¹⁵⁸ PAS website: <http://www.nwtpas.ca/area-naatsihchoh.asp>

The area is a long established traditional use area that is undergoing archaeological investigations through the Prince of Wales Northern Heritage Centre. The Shuhtagot'ine, Mountain Dene people, believe that Naats'ihcho'oh produced medicine people with supernatural powers.¹⁵⁹

Cultural and traditional use within the area is currently being documented through the PAS process.

Economic Importance

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Active mineral claims at the Sahtu/Dehcho border, at the NWT/Yukon border

Active mineral leases at the NWT/Yukon border

2 leased mineral claims south-east of O'Grady Lake

Big Game Outfitters operating in area: Ramhead and Nahanni Safaris with two recreation sites

Applicable Terms

All of the terms of the Plan apply within this area until it has completed the national park establishment process, at which time it would be managed according to the terms of its management plan and Parks Canada's legislation.

15. Shuhtagot'ine Nene (Mountain Dene Trail to the Mountains)

Dene Place Name: Shuhtagot'ine Nene

Size: 25,520 km²

Location and Boundaries

The Shuhtagot'ine Nene exists within the Mackenzie Mountains, immediately adjacent to the Yukon boundary. It includes the Mountain, Keele, Ravens Throat, and Redstone River corridors.

Land Ownership

The Crown owns the large majority of the land title. The Tulita District has surface rights within small portions of lands surrounding Drum Lake, at the end of the Canol Heritage Trail as it touches the NWT/Yukon Territory border, and within areas of Begaadee (Keele River).

Conservation Initiative Status

The area has reached Step 3 in the Protected Areas Strategy (PAS) designation. The Tulita District Land Corporation submitted a formal proposal to the Canadian Wildlife Service (CWS), requesting their sponsorship.

¹⁵⁹ ibid

Ecological Importance

This zone is located within the Selwyn Mountains, Mackenzie Mountains and Peel River Plateau ecoregions. It is within the Central and Lower Central Mackenzie watersheds.

Shuhtagot'ine Nene, or Mountain Dene Land is ecologically and culturally important to the Dene and Métis from Norman Wells and Tulita. Six International Biological Sites (IBP) have been identified within the zone.

According to a Phase II Ecological Assessment conducted by EBA Engineering Consultants in July 2008, the zone was found to be important for a number of different reasons.¹⁶⁰ It supports several species that are considered to be "at risk" by COSEWIC or SARA.¹⁶¹ These species are both found within the area all-year round or occur in the area as migrants. Some of these animals are the boreal woodland caribou, northern mountain caribou, wolverine, peregrine falcon, and rusty blackbird. The harlequin duck, bull trout and inconnu fish are also ranked by ENR as May Be at Risk under the general status program.¹⁶²

The zone also covers 11 smaller watersheds and contains 11 International Biological Programme (IBP) Sites, within or adjacent to the area.¹⁶³ Palmer Lake is found within this zone. It has a high density of Dall's Sheep and has been called the "best sheep area in the Sahtu" (IWA draft, 2008),¹⁶⁴ based on an annual monitoring program started in 1997.¹⁶⁵

Moose surveys in the Sahtu found that riparian areas along the Mackenzie River and its tributaries have high moose densities during the winter.¹⁶⁶

The Mountain and Keele Rivers are important wintering grounds for caribou.¹⁶⁷ The zone is recorded as having the highest density of grizzly bears in the NWT.¹⁶⁸ Ecological fieldwork was carried out in July 2008 and was projected to be available late March 2009.¹⁶⁹ Relevant information will be included in Draft 3 of the Sahtu Plan.

Ecological features of this zone:

1. Critical sheep habitat and winter habitat
2. Moose habitat
3. Large grizzly denning habitat
4. Mineral licks

¹⁶⁰ EBA Consulting, March 2009, Executive Summary, Shuhtagot'ine Nene, Ecological Assessment II, <http://www.nwtpas.ca/areas/document-2009-shuhtagotine-eaphase2-summary.pdf>

¹⁶¹ ibid

¹⁶² ibid

¹⁶³ ibid

¹⁶⁴ IWA draft, 2008

¹⁶⁵ ibid

¹⁶⁶ IWA draft, 2008

¹⁶⁷ PAS website: <http://www.nwtpas.ca/area-shuhtagotine.asp>

¹⁶⁸ EBA Consulting, March 2009, Executive Summary, Shuhtagot'ine Nene, Ecological Assessment II, <http://www.nwtpas.ca/areas/document-2009-shuhtagotine-eaphase2-summary.pdf>

¹⁶⁹ PAS, Sahtu Settlement Area Update: February 2009, 2009

5. Very significant woodland caribou winter habitat
6. Critical wildlife habitat
7. Keele River
 - Critical Fish Area and Critical Fish Sites
 - high number of Tulita traditional trails
8. Drum Lake
 - Critical Fish Area and Critical Fish Sites
9. Raven's Throat
 - Important Fish Sites
 - Tulita traditional trails
10. O'Grady Lake
 - Important Fish Sites
11. Redstone River
 - Critical Fish Area and Critical Fish Sites
 - Tulita traditional trails
12. Stone Knife
 - Important Fish Sites

Socio-Cultural Importance

The Mountain Dene have used historic trails within the area, travelling mostly up the Keele River in the summer to hunt moose, make moose skin boats and to return from the mountains in the fall.¹⁷⁰

Cultural and traditional use documentation is currently being carried out by the Tulita District Land Corporation, similar to the research being conducted in Naats'ihcho'oh.

Socio-cultural features of this zone:

1. High concentration of archaeological sites at
 - Begaadee
 - Drum Lake
 - Along Redstone River
 - Along Keele River
 - Along Raven's Throat River
2. Cultural site at Drum Lake and along Keele River
3. Cabins, tent frames and camping sites along the Keele River
4. Cabin at Drum Lake
5. Tulita traditional trails throughout area

Economic Importance

Oil and gas potential: low to low/moderate
Some active coal claims

Mineral potential: to be determined for draft 3
A few leased mineral claims also exist within the zone

¹⁷⁰ PAS website: <http://www.nwtpas.ca/area-shuhtagotine.asp>

Concentration of active mineral claims in the middle of the zone

Selwyn Resources Ltd. has a number of active mineral claims in the Howard's Pass District, one of the largest zinc-lead districts in the world, with 12 deposits spread over more than 38 km in the Mackenzie Mountains. There are a number of active mineral claims and an active mineral lease along NWT/Yukon border.

In January 2008 Selwyn estimates were as follows:

154 Million tonnes Indicated resources
234 Million tonnes Inferred resources
16.0 Million tonnes Indicated high grade resources
26.7 Million tonnes Inferred high grade resources

From 2005-2008, \$55 million has been spent in acquisition, exploration and development of this area.

Big Game Outfitters operating in area: Ramhead, NWT, and Redstone and a number of recreation sites and fishing or outfitting lodges

Applicable Terms

All of the terms of the Plan apply within this area until it has completed the Protected Areas Strategy, at which time it would be managed according to the terms of its management plan and the sponsoring agency's legislation.

16. Doi T'oh Park (Canol Heritage and Dodo Canyon Trail)

Dene Place Name: Doi T'oh

Size: 948 km²

Location and Boundaries

Doi T'oh Park (Canol Heritage and Dodo Canyon Trail) includes a small buffer around the Canol Heritage Trail and the area of Dodo Canyon. It begins near Norman Wells, on the opposite bank of the Mackenzie River and extends nearly to Macmillan Pass on the NWT/Yukon border. The park includes most of the 355 km Canol Trail.

Land Ownership

This zone lies within the Tulita District. The Crown owns the title to this land including surface and subsurface rights.

Conservation Initiative Status

The zone's surface is permanently protected.¹⁷¹

Ecological Importance

This zone is mostly located within the Mackenzie Mountains ecoregion but portions are found within the Peel River Plateau, Selwyn Mountains and Mackenzie River Plain eco-regions. It is within the Lower Central Mackenzie and Central Mackenzie watersheds.

Ecological features of this zone:

1. Moose habitat
2. Godlin River – Important Fish Site and Critical Fish Site
3. Ekwi River – Critical Fish Site

Socio-Cultural Importance

The Canol Heritage Trail and Dodo Canyon are part of a 355 km route, beginning outside of Norman Wells and winding through the heart of the Mackenzie Mountains, to Macmillan Pass on the NWT/Yukon border.¹⁷² The Canol Trail is what remains of the road and pipeline that were built during WWII, connecting an oil field from Norman Wells to Whitehorse, Yukon.¹⁷³ After the war, the pipeline was shut down and most of the steel pipe and equipment were removed. Today some bits of vehicles and buildings remain along the Heritage Trail which follows the hunting trails of the Mountain Dene across rivers, through mountain passes and over barren plateaus.¹⁷⁴

Socio-cultural features of this zone:

1. Archaeological sites around Godlin River and Ekwi River
2. Tulita traditional trails
3. Big game
4. Recreation site

*Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*¹⁷⁵ recommended the creation of a Territorial Park as designated by the Sahtu Dene and Métis Comprehensive Land Claim Agreement.

Economic Importance

Oil and gas potential: low to low/moderate

Mineral potential: to be determined for draft 3

Tourism potential: recreational sites, a number in Dodo Canyon

Big Game Outfitters operating in area: Mackenzie Mountain and Ramhead with a few fishing and outfitting lodges and recreation sites along trail

¹⁷¹ PAS website: <http://www.nwtpas.ca/areas.asp>

¹⁷² Hawkings, Tim, *Hiker's Guide to the Canol Heritage Trail*, 1996, ITI, GNWT

¹⁷³ *ibid*

¹⁷⁴ *ibid*

¹⁷⁵ *Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001*, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

Applicable Terms

All of the terms of the Plan apply within this area until it has completed the Protected Areas Strategy, at which time it would be managed according to the terms of its management plan and the sponsoring agency's legislation.

17. Ts'ude niline Tu'eyeta (Ramparts River and Wetlands)

Dene place name: Ts'ude niline Tu'eyeta

Size: 14,986 km²

Location and Boundaries

Ts'ude'niline-Tuyeta (Ramparts River and Wetlands) is located in the north of the SSA, north of the Mackenzie Mountains, west of the Mackenzie River and west of the community of Fort Good Hope.

Land Ownership

The Crown holds title to all of zone except two small parcels. The K'ahsho Got'ine District holds subsurface and surface rights to the area around Moose Lake, in the northern portion of the zone and to an area in the western edge, on the NWT/Yukon border.

Conservation Initiative Status

The zone is at Step 5 in the PAS process and is being considered for a Candidate National Wildlife Area. The Yamoga Land Corporation is the local lead and the Canadian Wildlife Service (CWS), the sponsoring agency. An Interim Land Withdrawal was granted in November 2007 until October 31, 2011.

A Working Group meeting was held August 2008 to begin drafting the cooperative management agreement, with discussions resuming in March 2009.¹⁷⁶

Ecological Importance

The zone is in the Fort Macpherson Plain and Peel River Plateau Ecoregions, with lesser portions in the Mackenzie Mountains and Mackenzie River Plain ecoregions. It is within the Lower Central Mackenzie watershed.

The wetlands are comprised of numerous lakes between the Hume, Ramparts and Ontaratue Rivers. The Ramparts is the only canyon-like feature on the Mackenzie River and serves as a unique and important landmark.¹⁷⁷

¹⁷⁶ Vandermeer, Jennie, Sahtu Settlement Area Update: February 2009, PAS, 2009

¹⁷⁷ Rakeke Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

The area of wetland in this zone and the Ramparts River supports high densities of moose.¹⁷⁸ The wetland is also high quality beaver habitat and has been called “the best beaver habitat north of Fort Simpson” (Wooley 1974).¹⁷⁹ Surveys in 1989, 1997, and 2001 found densities from 58 – 86 active beaver lodges per 100 km² for a portion of the wetlands.¹⁸⁰

The zone is habitat for boreal woodland caribou, mountain caribou, moose, sheep, black bear, grizzly bear, wolverine, marten, beaver, muskrat, mink, red fox, wolf, lynx, snowshoe hare, peregrine falcons and numerous species of waterfowl. The zone is habitat for a small herd of boreal woodland caribou. It is locally known as a critical waterfowl-breeding site and is an area where young hunters are taught the rules and behaviours necessary for a successful hunt.¹⁸¹

The cliffs known as the Ramparts have high Peregrine falcon nests.¹⁸² This has been observed in surveys held every 5 years, since the 1970’s.¹⁸³ The Ramparts is one of three key high density sites in the Mackenzie Valley that is believed to support at least half of the valley’s population of nesting peregrine falcons.¹⁸⁴

The wetlands are critical habitat for thousands of nesting, brood-rearing and staging waterfowl of numerous species. The Canadian Wildlife Service has identified the wetlands as a Key Habitat Site because the zone is habitat for more than 1% of the Canadian population of scaup, scoter and pacific loons as well as many other species of waterfowl and birds.

Most of the lakes in the wetlands contain pike and a few of the larger lakes are known to have whitefish.

Ecological features of this zone:

1. On the western bank of the Dehcho at Fort Good Hope (FGH) there are Important Fish Sites and Critical Fish Sites
2. Moose habitat
3. Important migratory area according to Ducks Unlimited
4. Critical raptor nesting area according to DIAND
5. Many named places exist in this zone, including a sacred site, the Thunderbird Place.¹⁸⁵
6. Good fish lakes are rare but those that exist are important for subsistence.¹⁸⁶
7. Listed in 2008 IWA (Important Wildlife Areas) draft as a unique wildlife area.¹⁸⁷

Socio-Cultural Importance

¹⁷⁸ IWA draft, 2008

¹⁷⁹ IWA draft, 2008

¹⁸⁰ IWA draft, 2008

¹⁸¹ Rakeke Gok’e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

¹⁸² IWA draft, 2008

¹⁸³ ibid

¹⁸⁴ ibid

¹⁸⁵ ibid

¹⁸⁶ ibid

¹⁸⁷ IWA draft, 2008

In the past, Fee Yee was used as a refuge for local people to defend against raiding parties of Inuit travelling upstream from the coast.¹⁸⁸ Many of the topographic features at the Fee Yee were created by a giant, Wichididelle, an important cultural icon for the people of FGH. The Ramparts was created by a giant while he was chasing the giant beavers and other creatures from the land. Many places in or near the Ramparts are named and associated stories.

The zone is important for the stories that are associated with specific places and events, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. It is important for its educational value and the transmission of culture from the elders to the younger generation. It continues to be used for educational trips involving elders and school-aged children in the spring and summer, and for the teaching of legends, history, values, law and land based skills.

The K'ahsho Got'ine use the zone to hunt moose, caribou, beaver, muskrat, and waterfowl. It is also habitat for marten, mink, wolf, wolverine, and fox. There are several cabins in the zone currently in use. Conservation will preserve a number of grave sites, traditional trails, camping sites, cabins, river crossings, and archaeological sites.

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*¹⁸⁹ recommend a combination of the following actions:

- Designation of the Ramparts River as a Heritage River
- Designation of the wetlands as Migratory Bird Sanctuary to protect waterfowl nesting and staging areas
- Designation of the river and wetlands as a Critical Wildlife Area to protect subsistence species
- Oral history and archaeological research to document and protect heritage resources and burials
- Surface protection of documented sites

Economic Importance

Oil and gas potential: moderate to high

Mineral potential: to be determined for draft 3

Minerals fieldwork in the zone was conducted in July 2007. The report is expected in October 2009.

Big Game Outfitters operating in area: Arctic Red River, Gana River

Applicable Terms

All of the terms of the Plan apply within this area until it has completed the Protected Areas Strategy, at which time it would be managed according to the terms of its management plan and the sponsoring agency's legislation.

¹⁸⁸ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

¹⁸⁹ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

4.6 CONSERVATION ZONES

Conservation zones include sites and places with a combination of high traditional, cultural, historical, and/or biological significance. This includes some major lakes, rivers and mountain water sources, International Biological Programme sites, important wildlife areas, as well as many heritage trails, sites, and places.

4.6.1 General Goals & Objectives

The primary goal of Conservation Zones is to ensure that traditional, cultural, and heritage values are preserved and passed on to future generations, and biophysical values are maintained or improved.

4.6.2 Zone Descriptions

18. Mountain River Extension Conservation Zone

Dene place name: Faʔfa Niljne

Size: 1576 km²

Location and Boundaries

The Mountain River Extension Conservation Zone is a buffer area around Mountain River which leads from the Mackenzie Mountains into the Dehcho, south of Fort Good Hope. The Conservation Zone is bounded to the north by Ts'ude'hlinine-Tuyetah (Ramparts and Watershed) and to the west by the Mackenzie mountain range.

Land Ownership

The Crown holds surface and subsurface rights to the large majority of the zone. The K'ahsho Got'ina District holds surface title to a small portion at the northern tip of the zone, on the south side of the Mountain River, near its confluence with the Mackenzie River.

Ecological Importance

The zone is in the Mackenzie Mountains, Peel River Plateau, and Mackenzie River Plain ecoregions. It is in the Lower Central Mackenzie watershed.

Moose use the tributary rivers and riparian areas along Mackenzie River.¹⁹⁰ Harvesters say that in January, cold temperatures and deep snow cause moose to congregate along the major river

¹⁹⁰ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

valleys.¹⁹¹ Ice and flood action in fast-flowing river drainages keeps vegetation in an early successional stage, providing important food species such as willow and alder.¹⁹²

The zone is habitat for boreal woodland caribou, moose, sheep, black bear, grizzly bear, wolverine, marten, beaver, muskrat, mink, red fox, wolf, lynx, snowshoe hare, peregrine falcons and various waterfowl. Conservation will preserve the pristine character of the zone through protection of its ecological integrity.

Ecological features of this zone:

1. Critical Fish Area and Critical Fish Sites
2. Moose habitat
3. Number of FGH and Colville traditional trails
4. Two locations of hot and warm springs documented in the IWA 2008 draft.¹⁹³

Socio-Cultural Importance

This Zone was identified during the planning process as an important local travel corridor, heritage place and traditional use location. Special features in the zone include the Fort Good Hope to Yukon heritage trail and the Coral Peaks International Biological Programme Site. The zone is important for the stories that are associated with specific places and events, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. There are many named places and stories associated with the river. It is important for its educational value and the transmission of culture from the elders to the younger generation.

The K'ahsho Got'ine use the zone to hunt caribou, moose, sheep, beaver, muskrat, and waterfowl. It is also habitat for marten, wolf, wolverine, and fox. Conservation will preserve grave sites, traditional trails, camping sites, cabins, river crossings, and archaeological sites.

The Mountain River is used by recreational canoeists. In the old days, people travelled by mooseskin boat, navigating the dangerous canyons on the river. Today it continues to be an important moose hunting area and is known as the shortest route to the highest mountains and sheep hunting areas.¹⁹⁴

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*¹⁹⁵ recommend a combination of the following:

- Designation of the zone as a Heritage River
- Oral history and archaeological research to document and protect heritage resources
- Surface protection documented sites and commemoration of specific sites to be negotiated following an inventory of the area

¹⁹¹ IWA draft, 2008

¹⁹² ibid

¹⁹³ IWA draft 2008

¹⁹⁴ *Rakekee Gok'e Godi: Places We Take Care Of*, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

¹⁹⁵ *Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001*, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3
Big Game Outfitters operating in area: Gana River

Applicable Terms

All of the terms of the Plan apply within this area.

19. Headwaters and Backbone Range Extension Conservation Zone¹⁹⁶

Dene place name: to be included in draft 3

Size: 106 km²

Location and Boundaries

The Headwaters and Backbone Range Extension Conservation Zone is located within the Mackenzie Mountains, west of Norman Wells. It is bounded to the west by the NWT/Yukon border.

Land Ownership

The zone is located within the K'ahsho Got'ine District. The Crown owns all land title.

Ecological Importance

Almost of the zone is located within the Lower Central Mackenzie. Along the NWT/Yukon border there is a small portion within the Lower Mackenzie ecoregion. The zone is in the Mackenzie Mountains watershed.

This zone is important as a calving area for mountain woodland caribou and as year-round habitat for Dall's sheep. Relatively high density moose populations occur in willow flats in low-lying areas and grizzly bears are relatively abundant throughout the Conservation Zone, except in areas of higher altitudes. This Zone and Begadeh are the only Conservation Zones within the Sahtu that feature populations of hoary marmots. Hot and warm springs exist in the zone.¹⁹⁷

Socio-Cultural Importance

The Shita Got'ine Heritage Site is located within this zone.

¹⁹⁶ This area of land was part of the Mountain River Conservation Zone in Draft 1. All but this section was included in Shuhtagot'ine Nene and advanced through PAS. This portion was excluded because it crosses into the K'ahsho Got'ine District. The Board will discuss the future of this area with the two districts and PAS to determine what should happen with it.

¹⁹⁷ IWA draft, 2008

Economic Importance

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Some active mineral claims for lead and zinc at Gayna River, on the NWT/Yukon border held by Eagle Plains Resources Ltd.

Big Game Outfitters operating in area: Arctic Red River and Gayna River with a few recreation sites and fishing or outfitting lodges

Applicable Terms

All of the terms of the Plan apply within this area.

20. Mountain Lakes Conservation Zone

Dene place name: Shit'a Tué Dawíla

Size: 209 km²

Location and Boundaries

The Mountain Lakes Conservation Area is located within the Mackenzie Mountains, south-west of Norman Wells and west of Tulita. Carcajou Lake is approximately 8 km northwest of the Plains of Abraham Conservation Zone. Mirror Lake is approximately 48 km west of Tulita. Florence Lake is located at the foot of the Carcajou Range of the Mackenzie Mountains.

Land Ownership

Surface rights to this zone are almost entirely held by the Tulita District, with a small exception near Carcajou Lake. The Crown holds all subsurface rights.

Ecological Importance

This zone is located within the Mackenzie Mountains and Peel River Plateau ecoregions and in the Lower Central Mackenzie watershed. This Zone includes three International Biological Programme Sites: Carcajou Lake, Mirror Lake, and Florence Lake. Florence and Mirror Lakes occupy a border area between the Mackenzie River valley and the Mackenzie Mountains. There are a variety of species that occur within the areas, such as Dall's sheep, moose, boreal woodland caribou, and mountain woodland caribou. Carcajou Lake is fully located within the Mackenzie Mountains and is an important wintering area for Dall's sheep.

Florence Lake and Mirror Lake are moose concentration areas.¹⁹⁸ They are good summer and fall habitat.¹⁹⁹ In the 1970's Florence Lake was believed to be some of the only winter range

¹⁹⁸ IWA draft, 2008

available to moose in the area.²⁰⁰ In the winter of 1984 a survey found high moose density in the area of Mirror Lake.

The area around Carcajou Lake consistently supports high densities of marten and the marten are known for their high quality fur.²⁰¹ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²⁰²

Ecological features of this zone:

1. Critical sheep habitat and winter habitat
2. Tulita traditional trails around Mirror Lake
3. Florence Lake – Important Fish Area and Important Fish Sites
4. Mirror Lake – Critical Fish Area and Critical Fish Sites
5. Carcajou Lake – Important Fish Area and Important Fish Sites

Socio-Cultural Importance

Socio-cultural features of this zone:

1. Burial site at Mirror Lake
2. Number of cabins, tent frames on all lakes
3. Good trapping around Florence Lake

Economic Importance

Carcajou Lake

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Mirror Lake

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Florence Lake

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Big Game Outfitters operating in area: Mackenzie Mountain

Applicable Terms

All terms of the Plan apply within this area.

21. Mountain Hot Springs Conservation Zone

Dene place name: Tuésene

¹⁹⁹ ibid

²⁰⁰ ibid

²⁰¹ IWA draft, 2008

²⁰² ibid

Size: 48 km²

Location and Boundaries

The Mountain Hot Springs Conservation Zone is located within the Mackenzie Mountains, 75 km southwest of Tulita. In draft 1 of the Sahtu Land Use Plan 3 sites were included. One has since been incorporated within Shuhtagot'ine Nene. As a result there are two remaining sites in this draft.

Land Ownership

This zone lies within the Tulita District which owns surface rights to the hot spring that is furthest east. The Crown owns the subsurface rights to this area as well as remaining rights to the second hot spring further west.

Ecological Importance

This zone is located within the Mackenzie Mountains ecoregion and Central Mackenzie watershed. It includes three International Biological Program Sites: Tuitye Hot springs, Sculpin Springs, and Lymnaea Springs.

The hot springs provide unusual habitat conditions for some specialized plants and animals – such as an endemic species of snail (*Lymnaea bulmoides*) at Lymnaea Springs and slimy sculpins at Sculpin Springs. The hot springs are used as mineral licks by Dall's sheep, moose, and caribou.

Socio-Cultural Importance

The Tuitye hot springs were used as a medicinal bath by the Mountain Dene.

Economic Importance

Oil and gas potential: low

Mineral potential: to be determined for draft 3

Big Game Outfitters operating in area: Mackenzie Mountain

Applicable Terms

All terms of the Plan apply within this area.

[22. Plains of Abraham Conservation Zone](#)

Dene place name: to be included in draft 3

Size: 105 km²

Location and Boundaries

The Plains of Abraham Conservation Zone is located within the Mackenzie Mountains, 8 km from the Canol Heritage Trail and 80 km south-southwest of Norman Wells.

Land Ownership

The Plains of Abraham is located within the Tulita District, entirely on Crown Land.

Ecological Importance

The zone is located in the Mackenzie Mountains ecoregion and Central Mackenzie Watershed. During the last glaciation, the Plains of Abraham was the only unglaciated region of the Mackenzie Mountains. It served as a refuge for a variety of plant and animal species. The area now supports a unique flora and fauna, including the long-tailed jaeger and the singing vole.

Socio-Cultural Importance

The zone has a number of Tulita traditional trails.

Economic Importance

Oil and gas potential: low

Mineral potential: to be determined in draft 3

Big Game Outfitters operating in area: Ramhead

Applicable Terms

All terms of the Plan apply within this area.

23. Red Dog Mountain Conservation Zone

Dene place name: Tli dehdele didlo

Size: 27 km²

Location and Boundaries

The Red Dog Mountain Conservation Zone is located within the Mackenzie Valley General Use Zone, south of Tulita.

Land Ownership

All land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

The zone is in the Peel River Plateau ecoregion and Central Mackenzie watershed. It provides moose habitat and moose winter habitat.

Socio-Cultural Importance

Red Dog Mountain is on the Keele River. It is a sacred site for the Mountain Dene. The story that explains its cultural significance can be found in *Rakekee Gok'e Godi: Places We Take Care Of* (1999). People use to portage around Red Dog Mountain because it was said that the Red Dog would take them and eat them if they passed by on the water. One time, a medicine man came with a group. He gathered all their possessions and went down the river to find out why the mountain took people. As he started, a whirlpool opened. He started throwing all their possessions in the water and the eddy subsided letting him pass. Since then, everyone makes offerings to the water to show respect. They leave matches or shot or other valuable things when they pass to ensure safe passage. The stories also state that the spring that pours off the mountain whistled and spurted steam at one time and that was the year of the first tuberculosis epidemic. It happened again before another sickness struck again.

An earlier proposal existed to commemorate Bear Rock, Red Dog Mountain and the Windy Island to Sheldon Lake Trail.²⁰³ *Rakekee Gok'e Godi: Places We Take Care Of* recommended reviving this proposal.

*Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*²⁰⁴ recommended the following:

- National Historic Site designation with surface and subsurface protection
- Revival of proposal to commemorate Red Dog Mountain in consultation with elders and Tulita residents

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

24. Stewart Lake and Tate Lake Conservation Zone

Dene place name: Stewart Lake – Táhlu Tué, Tate Lake - Táshín Tué

Size: 80 km²

²⁰³ *Rakekee Gok'e Godi: Places We Take Care Of*, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²⁰⁴ *Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001*, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

Location and Boundaries

The Stewart Lake and Tate Lake Conservation Zone includes both lakes as well as a buffer zone around them. The zone is located 75 km Northwest of Tulita.

Land Ownership

All land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is located within the Mackenzie River Plain ecoregion and Central Mackenzie watershed, with a portion in the north of the Lower Central Mackenzie watershed. Moose winter habitat, Important Fish Area and Important Fish Sites exist in the zone.

Socio-Cultural Importance

This zone was established during a meeting in Tulita. Stewart Lake and Tate Lake were identified as important fish lakes where people were able to survive off their catch when temperatures were very cold.

Socio-cultural features of this zone:

1. Large concentration of archaeological sites
2. Cultural trails leading from Tulita
3. Burial sites and cultural sites
4. A number of cabins and tent frames
5. Tulita and Deline traditional trails
6. Availability of small game
7. South end of Stewart lake is an important area for family hunting, trapping, fishing

Economic Importance

Oil and gas potential: moderate to high
Significant discovery license at southern end of Stewart Lake
Active coal claim north-west of Tate Lake
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

25. Mio Lake Conservation Zone

Dene Place Name: to be included in draft 3

Size: 28 km²

Location and Boundaries

The Mio Lake Conservation Zone lies within the Dehcho Special Management Zone. It is located on the eastern banks of the Dehcho, south of Tulita. The proposed Mackenzie Gas Project pipeline lies immediately adjacent to it.

Land Ownership

All land title is held by the Crown.

Ecological Importance

This zone is located within the Mackenzie River Plain and Central Mackenzie watershed. Moose winter habitat, Critical Fish Area and Critical Fish Sites exist in the zone.

Socio-Cultural Importance

Tulita and Deline traditional trails exist in the area.

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of Plan apply within this area.

26. McKay Lake, Rusty Lake and Yellow Lake Conservation Zone

Dene Place Name: to be included in draft 3

Size: 38 km²

Location and Boundaries

The McKay, Rusty and Yellow Lakes Conservation Zone includes all three lakes and a buffer around each. They lie south of Tulita.

Land Ownership

All land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is located in the Peel River Plateau ecoregion and Lower Central Mackenzie watershed.

Ecological features of this zone:

1. The Mackay Range has a high density of peregrine falcon nest sites.²⁰⁵
2. Important Fish Area and Important Fish Sites
3. Rusty Lake is a raptor nest site and area (RWED)
4. Moose winter habitat

Socio-Cultural Importance

This zone was established during a meeting in Tulita. Rusty and Yellow Lake were identified as important fish lakes where people have been able to survive off their catch when it was very cold. A number of Tulita traditional trails exist in the area and a tent frame can be found at McKay Lake.

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of Plan apply within this area.

27. The Smokes Conservation Zone

Dene place name: Dek'one

Size: 2 km²

Location and Boundaries

The Smokes Conservation Zone is found outside of Tulita, within the Dehcho Special Management Zone.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is in the Mackenzie River Plain ecoregion and Central Mackenzie watershed.

²⁰⁵ IWA draft, 2008

Socio-Cultural Importance

This is where Yamoria cooked the giant beavers he killed at Bear Rock. Smoke still rises from the area at times, from underground coal seams. It is considered good luck if you see smoke rising when passing this area. Many Tulita and Deline traditional trails are found in the area.

Economic Importance

Oil and gas potential: moderate to high
Active coal claim in the zone
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of Conservation Zones apply as per their description earlier in the chapter.

28. Bear Rock Conservation Zone

Dene place name: Petinrah

Size: 29 km²

Location and Boundaries

The Bear Rock Conservation Zone lies within the Dehcho Special Management Zone. It is located on the northern bank of the river, 75 km northwest of Tulita.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is part of the Norman Range and Mackenzie River Plain ecoregion and Lower Central Mackenzie watershed. Bear Rock is a known nesting area for raptors, particularly peregrine falcons.²⁰⁶

Socio-Cultural Importance

Bear Rock is one of the most important sacred sites to the Dene of the Mackenzie Region. It has served as a symbol of cultural and political unity of the Dene Nation for many years. Bear Rock is associated with stories about Yamoria, including one where he killed 3 giant beavers and stretched their hides on Bear Rock where they are a known landmark. His arrows landed in

²⁰⁶ IWA draft, 2008

the water at the junction of the Great Bear River and the Mackenzie River and can still be seen today.²⁰⁷ Tulita and Deline traditional trails are present in the area.

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*²⁰⁸ recommended:

- Designating Bear Rock as a National Historic Site with surface and subsurface protection
- Reviving National Historic Sites proposal to commemorate Bear Rock and revise as necessary in consultation with Tulita residents

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

29. Willow Lake Conservation Zone

Dene place name: K'ǰǰǰ Tué

Size: 909 km²

Location and Boundaries

The Willow Lake Conservation Zone includes Willow Lake and other small bodies of water 28 km northeast of Tulita.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is within the Norman Range ecoregion and Great Bear watershed.

This area has a long history as an important place for hunting, fishing, and trapping. The lake and nearby wetlands support relatively large populations of a wide range of species, particularly beaver, moose, and waterfowl. This site is a key breeding area, nesting area, and fall staging area for waterfowl populations of international significance.

²⁰⁷ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²⁰⁸ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

The wetlands around Willow Lake provide high quality beaver habitat and support high beaver densities.²⁰⁹ Surveys conducted in 1989, 1997 and 2001 reported densities from 41 – 69 active beaver lodges per 100 km² in a portion of the area.²¹⁰ In the IWA draft, 2008, Willow Lake was listed as a unique wildlife area.

Ecological features of this zone:

1. Important Fish Area and Important Fish Sites
2. Key migratory area according to CWS
3. Important migratory area according to DU
4. Big game
5. Willow Lake is a bird sanctuary

Socio-Cultural Importance

This Zone was identified during the planning process as a very important local travel corridor, heritage place, and traditional use location. Special features in this Conservation Zone include Willow Lake Heritage Site and Willow Lake International Biological Program Site. The importance of this zone was emphasized during a meeting in Tulita.

Dene and Metis stories tell of a giant buffalo living in this area. In the summer he sucks up all the water. This is why there is high water in spring and shallow water in the fall.

Willow Lake is also called Brackett Lake on official maps. It is an important seasonal camp. It is the home of the K'aalo Got'ine, the "Willow Lake People".²¹¹ Hunting, fishing, and trapping are good in the area.²¹² The Lake and wetlands support large populations of animals. Many traditional stories are associated with this lake, such as the story of Yamoria, when he was pursued by an elderly couple and his father-in-law.²¹³ This story identifies an area that is important for subsistence fishing on the lake. The full story can be found in *Rakekee Gok'e Godi: Places We Take Care Of*.

Willow Lake and surrounding area has long been used for traditional harvesting of jackfish (northern pike), whitefish, waterfowl, muskrat, snowshoe hare, moose, trees for firewood, and berries (particularly blueberries).

Socio-cultural features of this zone:

1. High concentration of archeological sites
2. High concentration of cultural and burial sites
3. High concentration of cabins at northern end of lake
4. High concentration of recreational sites around lake
5. It is a community use area
6. Tulita and Deline traditional trails

²⁰⁹ IWA draft, 2008

²¹⁰ ibid

²¹¹ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²¹² ibid

²¹³ ibid

7. Plentiful in coney fish

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*²¹⁴ recommend:

- Designating Willow Lake as a National Historic Site with surface and subsurface protection
- Oral history and archaeological research to document and protect heritage resources and burial sites

Economic Importance

Oil and gas potential: moderate to high

Mineral potential: to be determined for draft 3

Recreation sites: tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

30. Kelly Lake Protected Area (through Land Claim)

Dene Place Name: Luggedegíl Tué

Size: 272 km²

Location and Boundaries

The Kelly Lake Protected Area is a parcel of land around the western bank of Kelly Lake. It is east of Norman Wells.

Land Ownership

All land in this zone is Crown land.

Ecological Importance

This zone is in the Norman Range ecoregion and Great Bear watershed.

Moose habitat exists in the zone and large numbers of muskoxen are consistently found in the area.²¹⁵

Socio-Cultural Importance

²¹⁴ Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Sahtu Land Use Planning Board, prepared by Jennifer Blomqvist

²¹⁵ IWA draft, 2008

There are burial sites on Lennie Lake and cultural and burial sites on Kelly Lake. Tulita and Deline traditional trails are also found in the area.

Economic Importance

Oil and gas potential: moderate to high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms apply as per Section 17.4, Kelly Lake Protected Area, of the *Sahtu Dene and Métis Comprehensive Land Claim Agreement*.

31. Kelly Lake and Lennie Lake Conservation Zone

Dene place name: Kelly Lake - Lugedegíl Tué, Lennie Lake - Tuyehíla Tué

Size: 817 km²

Location and Boundaries

The Kelly Lake and Lennie Lake Conservation Zone includes both lakes and a buffer around them. The zone is adjacent to the Willow Lake Conservation Zone and the Kelly Lake Protected Area (through the Land Claim). This zone is located 75 km northwest of Tulita.

Land Ownership

The majority of land in this zone is selected land with surface title held by the Tulita District. A small portion at the northern tip of Lennie Lake is Crown land. Almost all subsurface rights are held by the Crown except for a very small portion on the eastern shore of Kelly Lake.

Ecological Importance

This zone is located in the Norman Range ecoregion and the Great Bear watershed.

Upland areas around the lakes are used year-round by muskoxen. Boreal woodland caribou use the upland areas during late winter when snows are deep in the surrounding boreal forest and in summer to avoid insects and to cool down. The lakes are known for having high-quality fishing – both subsistence and recreational angling. There is moose habitat in the area. It is an Important Fish Area with Important Fish Sites and there are raptor nesting sites around Lennie Lake.

Socio-Cultural Importance

During a meeting in Tulita the lakes were recorded as a good place to fish and to harvest wildlife. The Tulita community has expressed interest in having the Kelly Lake heritage trail identified so that people can hike it and use it for cultural programs.

Socio-cultural features of this zone:

1. Two archaeological sites at the southern end of the lake
2. Cultural site on northwestern shore
3. Numerous cabins and camp sites along both lakes
4. Tulita and Deline traditional trails
5. Special Harvesting Area for fish in Kelly Lake

Economic Importance

Oil and gas potential: Kelly Lake – low to moderate

Lennie Lake – very high

Mineral potential: to be determined

Recreation sites: very high concentration of tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

32. Mahoney Lake (Massacre Site) Conservation Zone

Dene place name: Tuwí Tué

Size: 358 km²

Location and Boundaries

The Mahoney Lake Conservation Zone is located 74 km north of Tulita.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is in the Norman Range ecoregion and Great Bear watershed. It is an Important Fish Area with Important Fish Sites and contains moose habitat.

Socio-Cultural Importance

This is a heritage site of historic significance identified during a meeting in Tulita.

Mahony Lake is the site where three Hudson's Bay employees were convicted of murdering eleven men, women and children in 1835.²¹⁶ A Dene family camped near the lake were employed by the Hudson's Bay Company (HBC) to provide meat and fish to the HBC post. As a result of previous problems between one of the employees and a young married Dene woman, a fight ensued and resulted in the murder of eleven Dene.²¹⁷

Socio-cultural features of this zone:

1. Camp, heritage, and burial sites
2. Tulita and Deline traditional trails and trap lines in the area
3. Important fish lake, large quantities of whitefish
4. Community hunting area for woodland and barrenground caribou
5. Two archaeological sites on eastern and southern shores of lake
6. Number of cabins at southern end of lake

The report "Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group" (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001* recommended designating Mahoney Lake Massacre site as a National Historic Site, with surface and subsurface protection. The reports also recommended that oral history and archaeological research of the river be undertaken to document and protect existing heritage resources and burials.

Economic Importance

Oil and gas potential: low to moderate

Mineral potential: to be determined for draft 3

Recreation sites: tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

33. Doctor Lake Conservation Zone

Dene Place Name: to be included in draft 3

Size: 201 km²

Location and Boundaries

The Doctor Lake Conservation Zone includes a number of small bodies of water as well as Doctor Lake, north-east of Norman Wells.

Land Ownership

²¹⁶ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²¹⁷ *ibid*

Almost all of the land title is held by the Crown except for a small corner at the northern tip where the Deline District holds both surface and subsurface rights.

Ecological Importance

This zone is in the Great Bear Lake Plain ecoregion and Great Bear watershed. The area is surrounded by moose habitat. The Bluenose East herd of barren-ground caribou travel through the area during migration. There is a significant concentration of routes around the Doctor Lake area.

Socio-Cultural Importance

This zone was identified during a meeting in Tulita. Doctor Lake was identified as an important fish lake (whitefish) and a community hunting area for woodland and barren-ground caribou. Doctor Lake is an excellent fish lake. There are Tulita and Deline traditional trails in the area.

Economic Importance

Oil and gas potential: very high
Mineral potential: to be determined for draft 3
Active mineral claims around the lake

Applicable Terms

All terms of the Plan apply within this area.

34. Oscar Lake Conservation Zone

Dene Place Name: to be included in draft 3

Size: 67 km²

Location and Boundaries

The Oscar Lake Conservation Zone includes Oscar Lake and a number of small lakes, north-west of Norman Wells.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is in the Norman Range ecoregion and Lower Central Mackenzie watershed.

Socio-Cultural Importance

In the *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001*, participants expressed that surface and subsurface protection should be provided due to the good trapping, waterfowl and berry picking in the area and the potential for archaeological sites due to the old buildings.

Socio-cultural features of this zone:

1. Cabins present
2. Tulita and Deline traditional trails
3. Special Harvesting Area for fish, good for jackfish
4. Waterfowl in the area
5. Good berries
6. Old dwellings, archaeological research should be done
7. Trapping area (e.g. beaver, rat)

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

35. Three Day Lake Conservation Zone

Dene place name: to be included in draft 3

Size: 88 km²

Location and Boundaries

The 3-Day Lake Conservation Zone is located immediately south of Norman Wells, on the opposite bank of the Dehcho.

Land Ownership

The area of land in this zone is selected land with surface title held by the Tulita District.

Ecological Importance

This zone is in the Mackenzie River Plain ecoregion and Lower Central Mackenzie watershed.

This area is particularly known for having some of the highest moose densities in the Sahtu and is a good area for moose in the summer and fall. It is known as a breeding and staging area for

waterfowl, particularly swans. It is a Critical Fish Area and has Critical Fish Sites. The outflow of the lake – Sucker Creek – is known for having abundant grayling. Bald eagles nest on the side of the lake.

Socio-Cultural Importance

It is a popular moose hunting area for residents of Norman Wells.²¹⁸ There are cabins on lake. Tulita traditional trails are present in the area and it is used for subsistence hunting.

Economic Importance

Oil and gas potential: very high
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

36. Yamoga Rock Conservation Zone

Dene place name: Yamogga Fee

Size: 33 km²

Location and Boundaries

The Yamoga Rock Conservation Zone is located approximately 30 miles southeast of Fort Good Hope, within the Lac a Jacques, Sam McRae and Turton Lake Special Management Zone.

Land Ownership

All land title in this zone is held by the Crown.

Ecological Importance

This zone is located within the Norman Range ecoregion and the Lower Central Mackenzie watershed.

The zone is a large, bedrock ridge which may be important habitat for birds of prey. Large numbers of muskoxen are consistently found within the zone.²¹⁹ Conservation is designated primarily for cultural reasons.

Socio-Cultural Importance

²¹⁸ IWA draft, 2008

²¹⁹ IWA draft, 2008

This Heritage Site has a number of Fort Good Hope, Colville Lake and Tulita traditional trails.

Yamoga Fee is a culturally sacred K'ahsho Got'ine land mark. According to legend, a formation on the northern face of the ridge is said to be the form of Yamoga, who was a legendary warrior from pre-contact history. The final battle between Yamoga and his enemy Konadi took place at Yamoga Fee.

Details of the story can be found in "*Rakekee Gok'e Godi Places We Take Care of*, Report of the Sahtu Heritage Places and Sites Joint Working Group"(December 1999). The report recommends surface and subsurface protection for the zone.

Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001 recommends:

- National Historic Site and Territorial Historic Park designation
- Oral history and archaeological research to document and protect heritage resources
- Architectural and historical documentation of buildings to examine potential for preservation and restoration
- Surface and subsurface protection of documented sites

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined in draft 3

Applicable Terms

All terms of the Plan apply within this area.

37. Mackenzie River Islands Conservation Zone

Dene Place Name: to be included in draft 3

Size: 75 km²

Location and Boundaries

The Mackenzie River Islands Conservation Zone includes a number of small islands located along the Dehcho, halfway between Norman Wells and Fort Good Hope, up to the northern edge of the Sahtu lands.

Land Ownership

This zone is within selected land with surface title held by the K'ahsho Got'ine District.

Ecological Importance

This zone is in the Mackenzie River Plain ecoregion and Lower Central Mackenzie and Lower Mackenzie watersheds.

There is moos habitat in the area. Moose surveys in the Sahtu have found that riparian areas along the Mackenzie River and its Islands have high moose densities in the winter.²²⁰ It is a Critical Fish area.

Socio-Cultural Importance

There are Special Harvesting Areas for moose and migratory birds on the islands. FGH and Colville Lake, Deline and Tulita traditional trails are present.

Economic Importance

Oil and gas potential: moderate
Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

38. Little Chicago Conservation Zone

Dene place name: shigago

Size: 10 km²

Location and Boundaries

The Little Chicago Conservation Zone is on the west bank of the Dehcho, approximately 90 miles north of Fort Good Hope, almost at the Sahtu/Gwich'in boundary.

Land Ownership

Surface title is held by the K'ahsho Got'ina District.

Ecological Importance

This zone is in the Great Bear Lake Plain and Fort McPherson Plain ecoregions and Lower Mackenzie watershed. The area is designated as conservation zone primarily for cultural/heritage reasons. It is a staging area for snow geese during the spring and fall migration, a Critical Fish Area and contains moose habitat.

Cultural and Socio-Economic Importance

²²⁰ IWA draft, 2008

This Heritage Site is an important home base for the Shigago Gok'ine regional group.²²¹ Families that traditionally used this area include Charney, Edgi and Shae.²²² The site was named after a group of prospectors from Chicago who had stopped by on their way to the Klondike to trap.²²³

There are several cabins located in the zone. The zone is used for hunting, fishing, trapping, and harvesting of migrating waterfowl (particularly snow geese) in the spring. The zone is an intensive traditional use zone. During the fur trade era, several independent fur traders established cabins in the area.

The zone continues to be used by the descendants of those who have used the area. Conservation will preserve physical heritage such as grave sites, traditional trails, camping sites, cabins and archaeological sites. FGH and Colville Lake, Deline and Tulita traditional trails are present.

Together, the recommendations of the reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001* suggest:

- Territorial Historic Park designation in partnership with FGH to assure continued traditional use by community
- Oral history and archaeological research to document and protect heritage resources
- Architectural and historical documentation of buildings to examine potential for preservation and restoration
- Surface protection of documented sites

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

39. Lac Belot Conservation Zone

Dene Place Name: Niljn Tué

Size: 406 km²

Location and Boundaries

²²¹ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²²² ibid

²²³ ibid

The Lac Belot Conservation Zone includes a 500 m buffer around the lake and a conservation area around the northern tip of the lake and along its western shore. It is near the community of Colville Lake.

Land Ownership

In large majority surface title is held by the K'ahsho Got'ine District. The remainder is Crown land.

Ecological Importance

The zone is within the Colville Hills ecoregion and the Anderson and West Arctic Ocean watershed. Residents of Colville Lake indicate that the lake is very shallow and they do not want the water to be taken for industrial use such as road making as this may affect the water level.

Ecological features of this zone:

1. Important Fish Area
2. Bluenose West barrenground caribou habitat with significant concentration of Bluenose West barrenground caribou herd travelling in the area during migration, around Lac Belot and Colville Lake area. Some of the highest concentration of migration routes is through this area.
3. Consistently supports high densities of marten known for their high quality fur.²²⁴ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²²⁵

Socio-Cultural Importance

There is a legend about the mountain watching over the lakes for the people of the area.

Socio-cultural features of this zone:

1. Traditional trails from all communities, Fort Good Hope and Colville Lake, Deline and Tulita
2. Important hunting and fishing area
3. Spring camps for traditional use
4. Ducks, beavers, muskrats
5. Important fish lakes
6. Medicinal plants
7. The water is good to drink but the lake is very shallow and should be limited to residential use

Economic Importance

Oil and gas potential: very high

Mineral potential: to be determined for draft 3

Recreation sites: tourism and recreation sites located around lake

²²⁴ IWA draft, 2008

²²⁵ ibid

Applicable Terms

All terms of the Plan apply within this area.

CR #21 applies to only this zone.

40. Aubrey Lake and Dunedelatue Lake Conservation Zone

Dene Place Name: Aubrey Lake - Tué Sho, Dunedelatue Lake - to be included in draft 3

Size: 613 km²

Location and Boundaries

The Aubrey Lake and Dunedelatue Lake Conservation Zone includes a 500 m buffer around both lakes and small areas within the lakes. It is located north of the community of Colville Lake.

Land Ownership

The K'ahsho Got'ine District owns surface title to the area in the northern portion of Dunedelatue Lake. The rest is Crown land.

Ecological Importance

This zone is in the Colville Hills ecoregion and the Anderson and West Arctic Ocean watershed.

The Bluenose West barrenground caribou herd travel through this area during migration, and are found more around Aubrey Lake. This zone is within barrenground caribou habitat and is also an Important Fish Area.

Socio-Cultural Importance

This area consistently supports high densities of marten that are known for their high quality fur.²²⁶ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²²⁷

Socio-cultural features of this zone:

1. Archaeological sites located at the north of Aubrey Lake and on its western shore
2. Cabins and tent frames present on both lakes
3. FGH, Colville Lake and Tulita traditional trails
4. Burial grounds
5. Caribou and moose in area
6. Good recorded timber for houses
7. Old time stories associated with the area

²²⁶ IWA draft, 2008

²²⁷ ibid

8. Prehistoric dinosaurs
9. Fish spawning area
10. Trapping area in the winter

Economic Importance

Oil and gas potential: Aubrey Lake – very high

Dunedelatue Lake – moderate to high

Mineral potential: to be determined for draft 3

Recreation sites: a number of tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

41. Tso Gah Conservation Zone

Dene Place Name: to be included in draft 3

Size: 13 km²

Location and Boundaries

The Tso Gah Conservation Zone is located in the very north of the Sahtu lands, directly north of Colville Lake, almost at the border to the Inuvialuit Settlement Region.

Land Ownership

The Crown holds title to this land.

Ecological Importance

This zone is in the Dease Arm Plain ecoregion and the Anderson and West Arctic Ocean watershed.

Ecological features of this zone:

1. Critical Fish Area
2. Bluenose West barrenground caribou habitat with very high concentrations of Bluenose West barrenground caribou herds travelling through the area during migration
3. Consistently supports high densities of marten known for their high quality fur.²²⁸ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²²⁹

Socio-Cultural Importance

²²⁸ IWA draft, 2008

²²⁹ ibid

Socio-cultural features of this zone:

1. Spiritual place
2. Important trapping area
3. FGH and Colville Lake traditional trails

Economic Importance

Oil and gas potential: very high

Mineral potential: to be determined for draft 3

Applicable Terms

All terms of the Plan apply within this area.

42. Maunoir Dome/Lac Maunoir Conservation Zone

Dene place name: Ayonikj

Size: 563 km²

Location and Boundaries

The Maunoir Dome/Lac Maunoir Conservation Zone includes a 500 m buffer around Lac Maunoir as well as Maunoir Dome on the northern portion of the lake. Maunoir Dome is a large bedrock hill 305 m high located approximately 90 km north-east of the community of Colville Lake.

Land Ownership

The K'ahsho Got'ine District holds surface title to the zone.

Ecological Importance

The zone is located in the Colville Hills and Dease Arm ecoregions and the Anderson and West Arctic Ocean watershed.

Conservation will preserve the pristine character of the zone by conserving its ecological integrity. The zone has low biological productivity, with slow rates of growth and is ecologically fragile.

The zone is important habitat for wildlife including caribou, muskox, grizzly bear, wolf, wolverine, arctic fox, marten and migratory waterfowl. Waterfowl in the zone include geese, swans, and other bird species including birds of prey. The zone is a nesting area for various waterfowl. Fish species include trout, whitefish, grayling, pike and walleye.

Ecological features of this zone:

1. Critical Fish Area
2. Bluenose West barrenground caribou habitat, very high concentration travel through during migration
3. Consistently supports high densities of marten known for their high quality fur.²³⁰ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²³¹
4. Large numbers of muskoxen are consistently found in the area.²³²

Socio-Cultural Importance

Ayoniki, or Maunoir Dome, is an important landmark. It is a heritage site with strong cultural history. It is associated with the K'ahsho Got'ina legend of the creation of the Sahtu Dene and Métis. According to this legend, Ayoniki was the place where different peoples originated. This legend has been passed on through oral tradition from generation to generation since the time of pre-contact. The story in full is recounted in *Rakekee Gok'e Godi: Place We Take Care Of* (1999):

In the ancient days everyone lived together – the Inuit, the Gwich'in and the Dene ... The big war that happened... was so fierce that there was a lake of blood that formed on that hill. Finally an Elder stood and asked the people to stop fighting. Everyone went their separate ways, and even the languages changed with time...

The K'ahsho Got'ine use the zone to hunt caribou, muskox, beaver, muskrat, and waterfowl. It is also prime habitat for marten, wolf, wolverine, and fox. There are several cabins in the zone currently in use. Conservation will preserve grave sites, traditional trails, camping sites, cabins, and archaeological sites. The zone includes locations where fish traps were used in the past.

The zone is important for the stories that are associated with specific places and events, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. It is important for its educational value and the transmission of culture from the elders to the younger generation.

Socio-cultural features of this zone:

1. Heritage site
2. Significant Site, according to *Mapping Our Future Survey*
3. Hunting, fishing, trapping in area
4. Medicinal plants
5. Tent frame present at northern tip of lake
6. FGH and Colville Lake and Tulita traditional trails
7. Burial/historic site

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001* recommend:

- National Historic Site with protection of surface and subsurface

²³⁰ IWA draft, 2008

²³¹ ibid

²³² IWA draft, 2008

- Management plan development carried out with community of Colville Lake

Economic Importance

Oil and gas potential: west side of the lake – very high

East side of the lake - moderate

Mineral potential: to be determined for draft 3

Recreation sites: tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

43. Anderson River Conservation Zone

Dene place name: Sıhonıłıne

Size: 137 km²

Location and Boundaries

The Anderson River Conservation Zone is a 500 m buffer around the River as it extends from the Inuvialuit Settlement Region into the SSA. It extends throughout the length of the river and ends at Whitefish Lake. It is to the east of the community of Colville Lake.

Land Ownership

Surface title is held by the K'ahsho Gotina District for the majority of the zone.

Ecological Importance

The zone is in the Dease Arm Plain and Colville Hills ecoregions. It is part of the headwaters of the Anderson and West Arctic Ocean watershed.

The zone includes numerous lakes with many small streams constituting important wetlands for waterfowl, wildlife and fish. Conservation will preserve the pristine character of the zone by conserving its ecological integrity. The zone has low biological productivity, with slow rates of growth and is ecologically fragile.

The zone is habitat for Bluenose West barrenground caribou herd, muskox, grizzly bear, wolf, wolverine, arctic fox, marten and migratory waterfowl. Waterfowl in the zone include geese, swans, and numerous other bird species including birds of prey. The zone is a critical migratory waterfowl staging area as well as a critical nesting area for migratory birds that use the Anderson River flyway. The zone is critical habitat for trout, whitefish, inconnu and grayling as well as pike and walleye. Traditional knowledge indicates that there are several locations in the zone that are critical for fish spawning.

T'agan is a section along the Anderson River where it narrows.²³³ It is known for its richness in fish and is considered a place to find food in difficult times. Families would often camp here while the men were away hunting or trapping on the barrenlands.²³⁴ The area is also known for its hunting and trapping. This area was of particular importance to the T'ashin Got'ine for subsistence.²³⁵

Ecological features of this zone:

1. Important Fish Area
2. Bluenose West barrenground caribou habitat with very high concentration of documented caribou herd travel during migration
3. Consistently supports high densities of marten and the marten are known for their high quality fur.²³⁶ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²³⁷

Socio-Cultural Importance

The zone was identified during the planning process as a very important local travel corridor, heritage place and traditional use location.

The K'ahsho Got'ine use the zone to hunt caribou, muskox, beaver, muskrat, and waterfowl. It is also prime habitat for marten, wolf, wolverine, and fox. There are several cabins in the zone currently in use. Conservation will preserve grave sites, traditional trails, camping sites, cabins, river crossings, and archaeological sites. The zone includes locations where fish traps were used in the past.

The zone is important for the stories that are associated with specific places and events, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. It is important for its educational value and the transmission of culture from the elders to the younger generation.

There is a lot of good fishing, trapping, hunting and medicinal plants. There is a high concentration of traditional trails used by the communities of FGH, Colville Lake, Deline, and Tulita. Whitefish Lake at the end of the Anderson River Conservation Zone is a Heritage Site.

The reports *Rakekee Gok'e Godi: Places We Take Care Of* (Sahtu Heritage Places and Sites Joint Working Group, (December 1999) and *Mapping Our Future, Report on Community Surveys and Workshops April – May, 2001* recommended a combination of the following:

- T'agan, a narrow section of the Anderson River and Lugewa Tue, Whitefish Lake, be given special consideration in the land use planning process
- Designate the zone a Critical Wildlife Area

²³³ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²³⁴ ibid

²³⁵ ibid

²³⁶ IWA draft, 2008

²³⁷ ibid

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined for draft 3

Recreation sites: tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

44. Horton Lake Conservation Zone

Dene place name: Arakíe Tué

Size: 1176 km²

Location and Boundaries

The Horton Lake Conservation Zone includes a large buffer area around the lake and some of the small bodies of water in the area. It is north-east of the community of Colville Lake, at the north-eastern boundary of the SSA, near the Great Bear Lake Watershed.

Land Ownership

The Deline District holds surface title on portions on the west end of Horton Lake as well as a smaller portion on the northern shore. The remainder of the zone is Crown land.

Ecological Importance

The zone is located in the Amundsen Gulf watershed and the Dease Arm Plain ecoregion. Araka Tue is the source of the Horton River which flows into the Arctic Ocean.

Conservation will ensure its pristine character and preserve its ecological integrity. The lake has low biological productivity, with slow rates of growth and is ecologically fragile. The zone is a very important place for wildlife including caribou, muskox, grizzly bear, wolf, wolverine, arctic fox, marten and migratory waterfowl. According to traditional knowledge, wildlife in this zone require large bodies of water. This large body of water attracts and supports the prey that they depend on. Fish species include trout, whitefish, and pike. For the Dene of Colville Lake, it is important that wildlife in the zone not be unnecessarily disturbed.

Ecological features of this zone:

1. Important Fish Area
2. Large area of wolf denning habitat
3. Bluenose West barrenground caribou habitat and high concentration of caribou travel through during migration. In the fall there is a high concentration of barrenground

caribou around Horton Lake.²³⁸ Bull caribou have been documented to stay within the treeline of the area during the fall migration.²³⁹

Socio-Cultural Importance

The zone is in the Deline District but is used primarily by people of Colville Lake. It is an important caribou hunting area for people of Colville Lake and Fort Good Hope.²⁴⁰

Arakíe Tué is used as a summer retreat by K'ahsho Got'ina of Colville Lake and Fort Good Hope. They return there each summer by floatplane for spiritual renewal and to hunt caribou. Conservation will preserve the physical heritage of the K'ahsho Got'ine such as grave sites, traditional trails, camping sites, cabins, and archaeological sites. It is important for the stories that are associated with the lake, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. Arakíe Tué is important for its educational value and the transmission of culture from the elders to the younger generation. It continues to be used for educational trips, and for the teaching of legends, history, values, law and land based skills.

It is a place of spiritual renewal for the K'ahsho Got'ina to strengthen their relationship with land and one another as a people. It is a very important for hunting, fishing, trapping and the gathering of plants and berries — for food and the preservation of the hunting, fishing, trapping and gathering way of life. The treeline serves as the interface for caribou, muskox, wolf, wolverine community hunting.

Socio-cultural features of this zone:

1. FGH and Colville Lake traditional trails
2. Very important community harvesting area
3. Special caribou harvest area
4. Good fishing
5. A number of archaeological sites at the south-western shore and Old corals for hunting caribou (archaeological sites)

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined for draft 3

Active Mineral Claims all along northern shore and on south-eastern shore held by Santana Diamonds. Sanatana Diamonds owns the diamond and other mineral rights, excluding uranium, to the prospecting permits that comprise the Mackenzie Diamond Project, within which this zone is situated.

Recreation sites: concentration of tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

²³⁸ IWA draft, 2008

²³⁹ IWA draft, 2008

²⁴⁰ ibid

45. Dene Di Gon'e Conservation Zone

Dene Place Name: Dene Di Gon'e

Size: 11 km²

Location and Boundaries

The Dene Di Gon'e Conservation Zone includes a 500 m buffer around the Dene Di Gon'e lake and a small parcel at the northern tip. It is south of Whitefish Lake, at the southern end of the Anderson River Conservation Zone. It is south-east of the community of Colville Lake.

Land Ownership

All title is owned by the Crown.

Ecological Importance

This zone is in the Dease Arm Plain ecoregion and Anderson and West Arctic Ocean watershed. The zone is within Bluenose West barrenground caribou habitat with high concentration of caribou travel during migration. The area consistently supports high densities of marten known for their high quality fur.²⁴¹ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²⁴²

Socio-Cultural Importance

There are many FGH, Colville Lake, Deline, and Tulita traditional trails. It is a culturally significant area and dance circle meeting place.

Economic Importance

Oil and gas potential: moderate

Mineral potential: to be determined for draft 3

Entire zone within and completely surrounded by active mineral claims

Applicable Terms

All terms of the Plan apply within this area.

46. Lac Des Bois Conservation Zone

Dene Place Name: Tashín Tué

²⁴¹ IWA draft, 2008

²⁴² ibid

Size: 521 km²

Location and Boundaries

The Lac Des Bois Conservation Zone includes a 500 m buffer around the lake, located east of the community of Colville Lake.

Land Ownership

The K'ahsho Got'ine District holds surface and some subsurface title to the lands on the lake's western shore. The remainder is Crown land.

Ecological Importance

The zone is in the Colville Hills ecoregion and Anderson and West Arctic Ocean watershed.

It is the home territory of the Tashin Got'ine regional group and is mostly made up of the Boucan, Oudzi, Orlias, and Gully families.²⁴³ Many stories and place names are associated with the area and burial sites are located along the shores.

Lac des Bois is known as a major fish lake and is an Important Fish Area. It is a trapping area for the people of Colville Lake. It consistently supports high densities of marten known for their high quality fur.²⁴⁴ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²⁴⁵ It is Bluenose West barrenground caribou habitat with concentration of caribou travelling through during migration.

During a Colville Lake meeting it was mentioned that oil and gas and tar are known to exist under the lake and there is some concern about underground seepage.

Socio-Cultural Importance

Socio-cultural features of this zone:

1. Many FGH, Colville Lake, Deline, and Tulita traditional trails
2. Special Harvesting Area for fish on northern section of lake
3. Significant Site according to Mapping Our Future Survey
4. Burial and other historic sites
5. Important community hunting, fishing and trapping area
6. Medicinal plants
7. The Lake itself is considered a Heritage Sites but there are also Heritage Sites located on the lake such as Tahshin Got'ine

Mapping Our Future Survey recommends the following:

- Caribou protection measures to protect seasonal migration

²⁴³ Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

²⁴⁴ IWA draft, 2008

²⁴⁵ ibid

- Critical Wildlife Area to protect fishery and marten
- Oral history and archaeological research to document and protect existing heritage resources and burials
- Surface protection of documented sites

Economic Importance

Oil and gas potential: west side of the lake – very high

East side of the lake - moderate

Mineral potential: to be determined for draft 3

High concentration of active mineral claims on the north-west portion of the lake held by Santana Diamonds. Santana Diamonds owns the diamond and other mineral rights, excluding uranium, to the prospecting permits that comprise the Mackenzie Diamond Project, within which this zone is situated.

Active mineral claims on the south-east corner of the lake

Applicable Terms

All terms of the Plan apply within this area.

47. Tunago Lake Conservation Zone

Dene place name: Turatlin Tue

Size: 109 km²

Location and Boundaries

The Tunago Lake Conservation Zone includes a 500m buffer around the lake. It is located within the Great Bear Lake Watershed Special Management Area. It is south of the community of Colville Lake.

Land Ownership

The K'ahsho Got'ine District and the Deline District hold surface and subsurface title to all of the zone.

Ecological Importance

The zone is located in the Colville Hills ecoregion and in the Great Bear watershed.

Conservation will ensure the pristine character of the lake by preserving its ecological integrity. The lake has low biological productivity, with slow rates of growth and is ecologically fragile. The zone is habitat for caribou, muskox, grizzly bear, wolf, wolverine, arctic fox, marten and migratory waterfowl. Fish species include trout, whitefish, walley and pike.

Ecological features of the zone:

1. Good trapping and strong presence of furbearers (beaver, muskrat, marten, mink, fox)
2. Caribou feeding area
3. Important Fish Area
4. Bluenose West barren ground caribou habitat and caribou travel during migration
5. Consistently supports high densities of marten known for their high quality fur.²⁴⁶ Sahtu harvesters have noted that marten are particularly numerous in the area a year or two after a burn.²⁴⁷
6. Good area to hunt for moose

Socio-Cultural Importance

Conservation will preserve the physical heritage of the K'ahsho Got'ine such as grave sites, traditional trails, camping sites, cabins, and archaeological sites. It is important for the stories that are associated with the lake, and for the history, values and law of the K'ahsho Got'ine that these stories preserve. The zone is important for its educational value and the transmission of culture from the elders to the younger generation. It continues to be used for the teaching of legends, history, values, law and land based skills.

Socio-cultural features of this zone:

1. Several cabins in the zone, several on north eastern shore
2. Hunting, fishing and trapping year-round
3. Moose-hunting in summer
4. Caribou hunting area
5. Trout and whitefish in the lake
6. Medicinal plants
7. Burial sites
8. FGH, Colville Lake, Deline, and Tulita traditional trails

Economic Importance

Oil and gas potential: very high

Mineral potential: to be determined for draft 3

Active mineral claim on the western portion of the lake held by Santana Diamonds. Sanatana Diamonds owns the diamond and other mineral rights, excluding uranium, to the prospecting permits that comprise the Mackenzie Diamond Project, within which this zone is situated.

Recreation sites: tourism and recreation sites located around lake

Applicable Terms

All terms of the Plan apply within this area.

²⁴⁶ IWA draft, 2008

²⁴⁷ ibid

4.6 REFERENCES FOR ZONE DESCRIPTIONS

A Guide to Mineral Deposits of the Northwest Territories, November 2007, Minerals, Oil and Gas Division, ITI, GNWT

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Hawkings, Tim, *Hiker's Guide to the Canol Heritage Trail*, 1996, ITI, Northwest Territories

Larter, Nicholas C., *Mountain Goat Survey Flat River Area, Western Mountains*, September 2004, Manuscript Report No. 157, RWED, GNWT

Mapping Our Future, Report on Community Surveys and Workshops, April – May, 2001, Prepared for the Sahtu Land Use Planning Board by Jennifer Blomqvist

Maps from the Sahtu Land Use Planning Board Interim Atlas, March 2002, Sahtu Land Use Planning Board

Protected Areas Strategy website: www.nwtpas.ca

Rakekee Gok'e Godi: Places We Take Care Of, Report of the Sahtu Heritage Places and Sites Joint Working Group, December 1999

Sanatana Diamonds: <http://www.sanatanadiamonds.com/s/Mackenzie.asp?ReportID=150832>

Selwyn Resources Ltd.: <http://www.selwynresources.com/>

Vandermeer, Jennie, *Sahtu Settlement Area Update: February 2009*, Protected Areas Strategy, NWT

Western Copper Corp – Redstone Property:

http://www.westerncoppercorp.com/content/pdfs/other/Redstone_FS_mar09.pdf

Wilson, J.M., *Important Wildlife Areas in the Western Northwest Territories Draft*, September 2008, ENR, GNWT

Chapter 5 – Plan Approval & Implementation

5.1 PLAN APPROVAL

As per S.43 of the MVRMA, upon completion of the Land Use Plan, the SLUPB will adopt the Plan and submit it to SSI, the Minister of ENR, GNWT and the Minister of INAC. SSI must approve the Plan first and notify the territorial and federal Minister in writing. Next, the territorial Minister will approve the Plan and notify SSI and the federal Minister in writing. Finally, the federal Minister will approve the Plan. If any Party does not approve the Plan, it shall notify the other Parties and the Planning Board in writing of its reasons. The Planning Board will consider the reasons, make any changes to the Plan it considers appropriate and resubmit the Plan for approval. The approval process will then start over following the same process. The Plan takes effect on the date of its approval by the federal Minister.

5.2 IMPLEMENTATION

Implementation of the land use plan is guided by Section 25.2.9 of the SLCA and Sections 44, 46 and 47 of the MVRMA.

S. 25.2.9 (SLCA): "Upon approval of a land use plan, those authorities with jurisdiction to grant licences, permits, leases or interests relating to the use of land and water in the settlement area shall conduct their activities and operations in accordance with the plan."

S. 44 (MVRMA). "Subsequent to the approval of a land use plan, a planning board shall

- (a) monitor the implementation of the plan; and
- (b) where so authorized by the plan, consider applications for exceptions to the plan."

S. 46 (1) "[SSI], departments and agencies of the federal and territorial governments, and every body having authority under any federal or territorial law to issue licences, permits or other authorizations relating to the use of land or waters or the deposit of waste, shall carry out their powers in accordance with the land use plan".

(2) – "...measures carried out by a department or agency of government leading to the establishment of a park subject to the Canada National Parks Act, and the acquisition of lands pursuant to the Historic Sites and Monuments Act, in a settlement area shall be carried out in accordance with the applicable land use plan." (i.e. Naats'ihch'oh, Sahyoue and Ehdacho)

S. 47 (1) "A planning board shall determine whether an activity is in accordance with a land use plan where

- (a) the activity is referred to the planning board by [SSI] or a department or agency of the federal or territorial government or by the body having authority under any federal or territorial government to issue a licence, permit or other authorization in respect of the activity; or
 - (b) an application for such a determination is made by any person directly affected by an activity for which an application has been made for a licence, permit or authorization.
- (2) The referral or application must be made before the issuance of any licence, permit or other authorization required for the activity.
- (3) A planning board shall transmit its decision to the [SSI], department, agency, body or person that made a referral of application under subsection (1).
- (4) Subject to section 32, a decision of a planning board under this section is final and binding.”

In addition, the intent of subsection 46 (1) is re-affirmed under Part 3 of the MVRMA.

S. 61(1) "...the Sahtu Land and Water Board may not issue, amend or renew a licence, permit or authorization except in accordance with an applicable land use plan under Part 2.”

The Plan includes a vast amount of information about the Sahtu Settlement Area that will assist applicants and responsible authorities in making more informed decisions about the use of land, water and other resources. Reading the plan and using this information is a general form of plan implementation.

The Plan includes three types of direction that require specific implementation:

Conformity Requirements set requirements that each application must meet before a licence, permit or other authorization can be issued. They will be implemented through the Conformity Determination Process (described below under SLUPB Responsibilities) and existing regulatory review processes.

Actions create additional obligations for the approving parties, unrelated to project applications. By approving the Plan, SSI, the GNWT and Canada agree to make best efforts²⁴⁸ to complete Actions directed at them.

Recommendations are advisory in nature and are directed at various planning partners. Some are applicable to project applications and should be duly considered by applicants and responsible authorities in making their decisions. Others are more general and provide non-binding guidance on actions that would advance the goals of the region. Applicants and responsible authorities are asked to consider and implement recommendations wherever feasible and appropriate.

²⁴⁸ This is consistent with the approved Gwich'in Land Use Plan, GLUPB, 2003, p. 149.

Implementation of the land use plan will be carried out within existing regulatory timeframes. Detailed implementation protocols will need to be developed cooperatively with responsible authorities as the plan progresses towards completion. The Board will begin “testing” implementation of the Plan with responsible authorities before it is submitted for approval to ensure that the final Proposed Plan is clear and implementable.

5.2.1 Roles and Responsibilities

Plan implementation is a shared responsibility. The Plan “belongs” to the approving Parties - SSI, the GNWT and Canada, and they are ultimately responsible for its implementation, either directly through the authorizations they administer, or indirectly through their participation in co-management boards and approval of decisions of those boards. By approving the Plan, these three Parties agree to fully implement the Conformity Requirements, make best efforts to complete Actions, and consider Recommendations in their decisions and operations.

In addition, implementation of the Plan requires the participation and cooperation of Sahtu residents and communities, co-management boards, Designated Sahtu Organizations, departments and agencies of the federal and territorial governments, and Applicants. Respective roles and responsibilities are described below.

Sahtu Land Use Planning Board

As per S. 44 of the MVRMA, following Plan approval, the SLUPB will monitor implementation of the Plan and, where so authorized by the Plan, consider applications for exceptions to the Plan.

The Board will monitor and assess the following aspects of Plan implementation:

- Is the Plan achieving its goals and advancing the vision?
- Is the Plan being implemented fully and appropriately by responsible authorities?
- Is further clarification required to accurately interpret and implement the Plan
- How is the Plan affecting other components of the regulatory system (is it helping or hindering)?
- Are there new land uses or questions not addressed by the Plan that should be considered in future amendments or 5-year reviews?
- Have there been exception requests for which plan amendments may be required?

This will primarily be carried out through its review of project applications and participation in land management and regulatory processes and initiatives. In addition, the Board will continue to gather information on the values and resources discussed in the plan to better inform future land use decisions.

The exception process is described separately below.

Conformity Determination Process

The Board’s other key implementation responsibility is to determine conformity of applications for licences, permits or other authorizations with the land use plan where applications are referred to the Board, as per S. 47 of the MVRMA. The SLWB currently refers all applications it receives to the SLUPB for review and comment and has indicated that it would expect the

SLUPB to do conformity determinations once the Plan is approved. The SLUPB will work with the SLWB and other authorizing departments, agencies and organizations to establish clear processes for conformity determinations before the Plan is approved. The terms may set new information requirements that will need to be harmonized with existing application requirements.

In general, applications would continue to be received by the appropriate regulatory body, then sent to the SLUPB for a Conformity Determination at the same time as it is sent to other referral organizations for review and comment. The Board will review the application and submit its decision in writing to the applicant and referring organization (or individual) within existing timeframes. If it passes conformity, the application will continue through the regulatory system as before. If it does not pass conformity, the Board will identify the reasons it failed and refer it back to the applicant and regulatory body. The Board will instruct the regulatory body that it cannot issue a licence, permit or authorization for the project proposal. If the applicant wishes, it can amend its proposal to meet the conformity requirements of the Plan and submit a new application.

Sahtu Land & Water Board / Mackenzie Valley Land & Water Board

The SLWB is responsible for issuing land use permits and water licences within the Sahtu Settlement Area and may not issue, amend or renew a license, permit or authorization except in accordance with the Plan (s. 61(1) of the MVRMA). The Mackenzie Valley Land & Water Board holds the same role for transboundary applications so this section pertains to both Boards as appropriate.

Conformity Requirements will be implemented in one of two ways, depending on their timing. Many set requirements for the application stage (i.e. the applicant must demonstrate that the proposed activity will not affect "X"), which will be implemented when the SLUPB does a conformity determination on the application. If an application is in conformity with the Plan, it will continue through the remainder of the regulatory process. Other Conformity Requirements set requirements that happen at later stages of development. The SLWB (or MVLWB) would be required to attach these Conformity Requirements as conditions to the land use permits and water licences that they issue. In doing its Conformity Determination, the SLUPB would identify these requirements for the land and water boards.

The SLWB/MVLWB also has a role in implementing Recommendations by considering those that are relevant and applicable to project-specific decisions.

The Plan identifies minimum requirements to address issues raised during the planning process. It is not exhaustive and does not preclude the land and water boards applying any conditions they deem appropriate.

Federal & Territorial Governments

Various federal and territorial government departments and agencies have management or administrative responsibilities, or issue authorizations relating to the use of land, waters or other resources, including Indian and Northern Affairs Canada (INAC); Fisheries and Oceans Canada (DFO); Environment Canada (EC); Transport Canada (CN); the National Energy Board (NEB); the Canadian Nuclear Safety Commission (CNSC); and for the GNWT, Environment and

Natural Resources (ENR); Industry, Investment and Tourism (ITI); Department of Transportation (DOT); and Municipal and Community Affairs (MACA). As per S. 46(1) of the MVRMA, these departments and agencies are prohibited from issuing any licence, permit or authorization for an application that does not conform to the land use plan.

INAC inspectors are responsible for inspecting and enforcing terms and conditions of land use permits and water licences, some of which may be related to Conformity Requirements of the Plan. The GNWT has some enforcement responsibilities relating to land use permit/water licence terms and conditions relating to areas within their jurisdiction such as wildlife and forestry. To the extent that Plan Requirements are included as terms and conditions of licences, permits and authorizations, INAC and GNWT will be enforcing implementation of the land use plan.

INAC and the GNWT also have significant "front end" implementation responsibilities in controlling the disposition of rights relating to land, water and other resources. Once rights and interests to the land and resources are sold or disposed of, governments cannot restrict access to land and water necessary for the exercise of those rights. In the past, this has created land use conflicts for Conservation Zones and Proposed Conservation Initiatives where industrial development is restricted. The disposition of new surface and subsurface rights must therefore also conform to the Plan. The Northwest Territories/Nunavut Mining Regulations were recently amended to address this very conflict. The regulations now restrict the recording of mineral claims in areas where mining activities are prohibited under approved land use plans.

Finally, departments and agencies of the federal and territorial government are responsible for implementing Actions directed at them, and considering Recommendation in their operations and decisions.

SSI and Sahtu District Land Corporations

The Plan applies to all lands within the Sahtu Settlement Area (excluding lands within community boundaries and Tuktut Nogait National Park), including Settlement Lands. To the extent that SSI or the District Land Corporations authorize uses of land, water or resources through the sale or lease of subsurface rights on Settlement Lands, or through negotiated agreements related to access, granular resources or water rights, the SSI and District Land Corporations are responsible for carrying out their responsibilities in accordance with the land use plan, and cannot grant an authorization for any use of land, water or resources that is not in conformity with the Plan, as per S. 46(1) of the MVRMA.

SSI and other Designated Sahtu Organizations are also responsible for implementing Actions directed at them, and for considering Recommendations in their decisions and operations.

Mackenzie Valley Environmental Impact Review Board

While the Review Board does not issue any authorizations, it is responsible for conducting environmental assessments and recommending to the Minister of INAC whether or not a project should proceed and under what conditions. At this stage in the regulatory process, a proposal would have already passed the Conformity Determination Process. The Review Board's Plan implementation responsibilities would include: understanding and being aware of the relevant Conformity Requirements (e.g. scoping assessments to include values identified for the area in

the Plan); giving consideration to the information and objectives described for the zones in which the development is proposed; and considering relevant Recommendations in their decisions.

Sahtu Renewable Resources Board

Though the SRRB does not issue permits, licences or authorizations, it would be involved in implementing the Conformity Requirements of the Plan through its participation in the review of applications for land and water use. The SRRB would play a central role in implementing Actions and Recommendations related to renewable resources.

Applicants

Applicants will benefit from reading and understanding the Plan. It contains considerable information about the Sahtu Settlement Area, and the goals and values of the people. It identifies where different land uses are permitted or restricted, and under what conditions. Applicants are encouraged to use the information provided in the Plan in developing their applications for land or water use. Applications must meet the Conformity Requirements specified in the Plan to proceed through the regulatory system and may be required to address relevant Recommendations. Project applications that are designed according to these requirements can proceed to the next stage of the regulatory process. Applicants are encouraged to contact the Planning Board to clarify plan requirements as required. Should there be a need for an exception to a Conformity Requirement the Applicant must apply to the Planning Board in writing for an exception. The process for exceptions is described below.

5.3 EXCEPTIONS

S.41(3)(d) of the MVRMA states that a land use plan may include "authority for the planning board to make exceptions to the plan and the manner of exercising that authority".

S. 44 (b) of the MVRMA states: "Subsequent to the approval of a land use plan, a planning board shall, where so authorized by the plan, consider applications for exceptions to the plan."

The Planning Board will consider applications for exceptions to the plan for the following purposes:

- To allow for minor variances: A minor variance is limited to modifying or waiving a requirement of the Plan, but does not including lifting zoning restrictions. The Board will not grant an exception to allow a use that is clearly prohibited by the plan.
- To address areas of ambiguity: This includes applications for land use that fall directly on a zone boundary where it is unclear whether or not the use is restricted. Exceptions may also be used to temporarily address questions of interpretation or implementation, but these should be followed by a plan amendment to clarify the plan.
- To provide additional flexibility for specific situations as described in the Plan:

- a) To exempt applications relating to existing rights or uses from specific terms that conflict with the exercise of those rights; and
- b) Where a term conflicts with terms being negotiated between communities and companies for an Access and Benefits Agreement.

Applicants must apply to the Planning Board directly in writing outlining the nature of the exception being applied for and the reasons why it is necessary. Once the application is received and deemed complete, the SLUPB will consider it and issue its decision within 30 days.²⁴⁹ Factors to be considered by the Board in making its decision include, but are not limited to:

- Is the exception request for one of the three purposes described above?
- Will the exception benefit the residents and communities of the Sahtu Settlement Region?
- Is the exception supported by the affected communities, SSI, the GNWT and Canada?
- What are the ecological, social, cultural and economic effects of allowing the activity?
- What implications will the proposed activity have for other activities occurring or likely to occur in the region, and in the zone specifically?

The Board will consider each application for an exception based on its own merit. The Board will issue the reasons for its decision in writing. Decisions of the Board are a matter of public record.

5.4 AMENDMENTS

The Plan amendment process is described under S. 48 (1) of the MVRMA: "A planning board may, on application or on its own motion, adopt any amendments to a land use plan that the planning board considers necessary."

An amendment may be requested at any time by anyone following approval of the original plan. The Board would consider the need, appropriateness and timing of the amendment in light of its priorities, constraints and the availability of other solutions. If, in the Board's opinion, the amendment is necessary, it would meet with the approving Parties and the person or organization requesting the amendment to scope the amendment process appropriately. Following agreement, the Board would conduct any research and consultations necessary to understand the impact and nature of the amendment. Consultations at this stage would be held with those directly affected by the amendment, including communities, and those with information pertinent to the amendment. The Board would then prepare a Draft amendment for review and consultation.

Under Section 48(2) of the MVRMA, the Board is required to give notice of the amended Draft Plan as described in s. 42, and may hold a public hearing on the Proposed Amendment. The Board would distribute the Proposed Amendment broadly for comment. The Board would determine the need for a public hearing based on the feedback received. Following comment and a possible Public Hearing, the Board would complete any final revisions it deems necessary. Once the Board has completed the amendment, it will submit the amended Plan to SSI, GNWT

²⁴⁹ The Board will develop an Exception Application Form prior to the approval of the Plan.

and Canada following the same approval process as described in S. 43 of the MVRMA. The original terms of the Plan would remain in effect until the amendment is approved by all three Parties.

5.5 FIVE YEAR REVIEW

As per S. 50 of the MVRMA, the “planning board shall carry out a comprehensive review of a land use plan not later than five years after the plan takes effect and thereafter every five years or at any other intervals agreed to by the federal Minister, the territorial Minister and [SSI].”

The Board will work with the Parties, communities and its other planning partners to undertake a full review of the contents of the Plan and determine what revisions are required. Following initial discussions, the Board would draft Terms of Reference with the approving Parties to scope the review process. Key considerations of the review will include:

- Do the vision and goals still reflect the values of the region?
- Is the Plan achieving the vision and goals of the region and of the individual zones?
- Have there been any exception or amendment requests that signal a need for a change?
- Is there new information available that needs to be considered in land use decisions?
- Have there been changes in Proposed Conservation Initiatives that need to be updated in the Plan?
- Are there new land uses, issues or major projects on the horizon that need to be addressed?
- Have there been any challenges related to the implementation of Conformity Determinations that need to be addressed?
- What progress has been made on Actions?
- To what extent are Recommendations being implemented?

Once the terms of reference are approved, the Board will undertake the necessary research and consultations as proposed and revise the Plan. This will be followed by consultations with all planning partners and a Public Hearing to review the proposed changes. Following the hearing, the Board will make any final revisions it deems appropriate and will then submit the Plan for approval to the three Parties, following the same approval process as set out in Section 43 of the MVRMA.