



Sahtu Land Use Planning Board

Box 235, Fort Good Hope, NT, X0E 0H0

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Email: info@sahtulanduseplan.org; Website: www.sahtulanduseplan.org

Tripartite Meeting (Ts'udé Nı́líné Tuyeta Amendment)

Date: November 5, 2020, 9:00-11:30 AM, 1:00-4:00 PM.

Location: Yellowknife, Explorer Hotel, Katimavik Room C.

In-person:

- Heather Bourassa, Chairperson, SLUPB
- Edna Tobac, Member, SLUPB
- Bob Overvold, Member, SLUPB
- Lawrence Caesar, Delegate, SSI
- Frank T'Seleie, Delegate, SSI
- Gina Ridgely, Director, Land Use and Sustainability, GNWT
- Justin Adams, Manager, Land Use Planning, GNWT
- Anita Oгаа, Sr. Land Use Planner, GNWT
- Justin Stoyko, GIS Analyst / Planner, SLUPB
- Heidi Wiebe, Project Manager, SLUPB

Virtual Participants:

- Dakota Erutse, Member, SLUPB
- Kim Pawley, Manager, Environmental Assessment, Land Use Planning and Conservation, CIRNAC
- Janice Traynor, Sr. Environmental Policy Analyst, CIRNAC (present in the morning, and then in the afternoon from 2:40 PM)
- Alana Vigna, Environmental Policy Analyst, CIRNAC
- Cassandra Kalyniuk, Jr. Analyst, CIRNAC
- Charles McNeely, Chairperson, Sahtú Secretariat Incorporated (only present in the afternoon)
- Orlena Modeste, Executive Director, Sahtú Secretariat Incorporated (only present in the afternoon)

The meeting started at 9:10 AM.

It was reported that the two SSI attendees will be attending in the afternoon (Charles McNeely, Chairperson, and Orlena Modeste, Executive Director).



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Heather: Presented the purpose of the meeting, which is to discuss the oral and written comments received regarding the Ts'udé Njłíné Tuyeta Background Report and the known values and resources in the area, and to build consensus on how the areas excluded from the final boundaries of the Ts'udé Njłíné Tuyeta Protected Area are to be rezoned and managed, to guide the SLUPB in developing the Plan amendment.

The meeting started by addressing discussion topics with Approving Parties.

Discussion topics:

- Format of the amendment
 - **Heidi:** The format of the amendment would be similar to what was presented in the 5-Year Review, as this follows the SLUPB Rules of Procedure. However, it would not be as long.
 - **Frank:** This is a technical process, and is counting on technical people, although community members can provide information about traditional values.
 - GNWT and CIRNAC signalled that they had no concerns with this format
 - No other comments
- Referencing approved Plan vs 5-Year Review Amendment Wording
 - **Heidi:** An agreement must be reached before the amendment application is written. Which version of the SLUP should be referenced in the amendment application?
 - **Alana:** Want to make sure that governments are comfortable with the new language of the 5-Year Review SLUP, which would be after the consultation period with the GNWT. Written responses on the consultation with the GNWT are to be provided before January 15, 2021. CIRNAC does not suspect that the timelines would change, but cannot confirm before the comments come in.
 - **Kim:** Agreed that the Tuyeta draft amendment application be based on the 5-Year Review amendment, with a caveat built-in to make it obvious that the language used may change based on comments from the 5-Year Review amendment consultations.
 - **Heidi:** Suggested that a bolded paragraph in the introduction of the draft amendment application indicate that the SLUPB is moving forward using the adopted language from the 5-Year Review, and if anything changes in the approval process, that the necessary change of wording would be made. She said that there is a need to be mindful that there are 2 existing amendment applications up in the air. We do not want to add a third one as this would make things even more complicated. Need to base amendments on amendments that are already in the pipeline.
 - **Gina:** Heidi's proposal sounds reasonable.
 - **Dakota:** There needs to be some flexibility and common sense in the proceedings. The idea of the caveat may be warranted, but there is also a need



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to recognise that there are conflicts between the existing amendment applications, and we need to apply common sense to resolve these in a way that doesn't create unnecessary work.

- Other issues?
 - **Gina:** Amendment process timeline seems ambitious.
 - **Heidi:** The timeline is only a week behind schedule at present. Our goal is to have a draft amendment application out before Christmas, at which time we would provide a 60-day comment period. During this period, there would be targeted engagement sessions, after which the SLUPB would review comments and information and hold a second Tripartite meeting to build consensus between 3 Approving Parties. Based on current timelines, the Tripartite meeting may slip into March 2021. If significant comments are received, it may take longer to finalise the amendment application. There may be a problem if the amendment is approved before the GNWT finalizes their regulations for the protected area, although this could be managed by the GNWT as they have authority as to when they approve the amendment.
 - **Janice:** Curious as to whether the regulations may change the boundaries of the protected area.
 - **Heidi:** GNWT to confirm this and send the SLUPB the metes and bounds for the Ts'udé Njłjné Tuyeta Protected Area (**Action**).

The meeting was recessed for a break at 9:53 AM.

The meeting was reconvened 10:05 AM.

Heidi presented a summary of the engagement sessions completed, and written comments received. These were further clarified by reviewing maps of values and resources in the area.

Frank: What percentage of the original proposed conservation initiative is covered by the Ts'udé Njłjné Tuyeta Protected Area?

Heidi: About 68.4% of the proposed conservation initiative is covered by the Ts'udé Njłjné Tuyeta Protected Area.

Frank: Land use is established in such a way that the K'asho Got'jñę accessed east/west routes through the Mackenzie Valley, and north/south on the same road that goes to Colville Lake and through Tuyeta (wetlands). There are summer routes and one main winter route that goes to Mayo, Yukon, and Ross River, Yukon. The wetlands are created the way they are because the beavers made dams to hold the water back, and that gives life to other animals such as mink, muskrat, and fish. The mountains are the backbone of the land, where the water comes from. In the foothills around the Ramparts River, there are a group of lakes outside the Established



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Protected Area where beaver live. There is a woodland caribou calving area in the foothills between the Arctic Red River and Ramparts River (area translated from Dene as “Caribou Land”). This area should be protected as this is where the calves come from. There are wildlife cameras that were put in the protected area by the GNWT. These cameras should confirm the abundance of wildlife in the area.

The meeting was recessed at 10:46 AM until SSI could join the meeting after lunch.

The meeting was reconvened at 1:15 PM.

Heidi gave a brief review of the topics of discussion covered so far for the attendees that were not present in the morning, as well as a brief review of some of the maps showing documented values considered in the area. She indicated that the next agenda item is to hear from the Approving Parties on their views and comments.

Gina: The GNWT reviewed the background report and have identified preliminary interests, including wildlife habitat (e.g. caribou), and ensuring that potential mining and oil and gas activities are permitted. The GNWT is interested in allowing for appropriately managed development in the area. The northern portion of the area has high oil & gas potential and low to moderate diamond potential. This area was excluded from the protected area for this reason, even though it falls within the range of boreal caribou. In the southern portion, there is a need for special consideration of glacial refugia, Dall’s Sheep, and northern mountain woodland caribou. As there is very high lead-zinc and moderate copper potential in this area, the GNWT is interested in keeping this area open to development. Zoning should be consistent with adjacent zones, such as special management in the southern portion and general use in the northern portion. There is also the need to explore best practices in conservation planning for these areas to ensure landscape connectivity. She also said that there is interest in having future land users and regulators engage the Ts’udé Nl̄j̄né Tuyeta Management Board before making land use decisions in the area immediately adjacent to the Ts’udé Nl̄j̄né Tuyeta Protected Area.

Bob: When the boundaries of the protected area were negotiated about 11 years ago, there was hope of oil & gas development in the Mackenzie Valley. At present, it seems as though there will not be any of non-renewable resource development in the foreseeable future. He asked the GNWT for their view on keeping this area open for non-renewable resource development.

Gina: Input received from departments was to leave these open for potential non-renewable resource development in the event that opportunities arise in the future.



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Alana: Based on the values found in the areas and recommendations from the Ts'udé Njłjné Tuyeta Working Group, there is a potential for special management zoning for the areas left out. She mentioned that existing CRs are comprehensive and rigorous, promoting protection of special values while allowing for sustainable development in the area. It is too soon to give a breakdown of the zoning, although it would be best to have special management zones for the areas that are important caribou habitat.

Heidi brought-up the Fort Good Hope zoning recommendation on-screen. GNWT and Canada representatives said that they would have to engage their departments to start the zoning conversation and would need a zoning proposal to see if it fits with the values in the area. They agreed that oil & gas and mining should be permitted in these areas, therefore conservation zoning would be difficult to work with. They also mentioned that the recommendations from the 2012 Ts'udé Njłjné Tuyeta Working Group suggested a combination of special management and general use zoning for the areas left outside the Ts'udé Njłjné Tuyeta Protected Area.

Bob: Colville Lake has been very clear that they would support Fort Good Hope's zoning for the area as it is an area primarily used by people from Fort Good Hope, giving some flexibility to their proposition of the area being zoned as all conservation. Fort Good Hope's proposal shows a reasonable approach in the northern area, which includes a combination of special management and general use zoning. If a conservation zone does not work for Approving Parties in the southern part, then further discussion will be required with the communities as to how these areas should be zoned, as communities want to protect these areas because of important wildlife habitat and the value of the headwaters of the protected area.

Frank: The reason the area is so rich in wildlife is because of the unique geography of the area, which has all these rivers coming from the mountains. Agreed with Bob in stating that Colville Lake would agree with Fort Good Hope's zoning for the area. There are ancestors buried in the area and the foothills are good for hunting of Dall's sheep (southern part).

Lawrence: In the northern portion of the area excluded from the protected area, there are lots of caribou. He has been trapping and hunting in the area and has seen 150 caribou. Last spring (2020), he saw about 50 caribou in the area. He wants to see this area protected in some form.

The meeting was recessed for a break at 2:04 PM.

The meeting was reconvened at 2:24 PM.

Heidi presented staff's preliminary zoning analysis. These were inspired in part by the zoning proposal brought forward by Fort Good Hope, and then taking into consideration all of the overlapping values, resources and zoning considerations. The analysis options do not yet take



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into consideration the updated caribou mapping completed with community members from Fort Good Hope.

Frank: There is a woodland caribou calving area between the Ramparts and Arctic Red River, known as “caribou land”. If Woodland Caribou are not currently considered endangered, perhaps they will be in the future. He liked Fort Good Hope’s recommendation for zoning. He also mentioned that the Tuyeta area is important for its fisheries. The fish disappear in the winter as they go to their fish dens. The fish from the area tastes like it is naturally smoked.

Gina: Special management zoning can bring a high level of protection. She said that the guidance she received from the departments of the GNWT is that there is interest in leaving the area open to allow for potential development, while accounting for the protection of special values. The GNWT would have to review the zoning analysis with their departments to get more specific feedback.

Kim: Asked for the SLUPB to share its staff’s preliminary zoning analysis with them so that Canada can get feedback from their departments.

Justin A: Adding another feedback opportunity for Approving Parties on the zoning before the SLUPB develops its Draft Amendment Application would be helpful.

Charles: SSI works closely with the communities (their membership), although they also need to make sure that the other Approving Parties are satisfied and comfortable with any zoning put forward.

Frank: As long as zoning meets the interests of all parties, he said that he does not see that there would be problem with special management zoning. His father warned him that in the area that he hunted between Fort Good Hope, Ontaratue River, and Ramparts River, that there is a herd of caribou with low numbers. At that time the herd had only 30 animals. His father said that if people harvested that caribou in the future, that people must only take what we need. At present, the number of caribou are higher (same herd that Lawrence spoke about). There are gaps between local and scientific knowledge regarding the caribou in this area.

Heidi gave a review of SLUP zoning and CRs. She also mentioned that the area is remote, therefore leaving it open to development does not mean that development would take place.

Lawrence: More studies need to be done on caribou. ENR put about 360 wildlife cameras in the protected area. These should give an indication of what kind of animals are found in the area. Oil companies will not go out there if there is no way to get out there. The community has environmental monitors and land keepers watching the land to protect it.



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Bob: Suspects that the GNWT is not aware of the caribou herd Lawrence mentioned earlier (in the northern portion). A more in-depth study is also needed to look at the headwaters of the Hume and Ramparts Rivers to see how the headwaters unfold and the area they cover. It is necessary to know what needs protection when we talk about the headwaters of both rivers. These studies do not necessarily need to be done and incorporated in this amendment as they will take time. They can be incorporated in the next 5-Year Review.

Dakota: Hope it is clear that the Board's concrete proposal will be expressed by means of the draft amendment application.

Edna: Hope that the SLUPB gets more feedback from Approving Parties so that the Board can move forward on the draft amendment application.

Heather: Do not have problem with sharing the preliminary analysis with Approving Parties, as long as it is clear that these are not generated as Board options. The SLUPB's goal is to receive feedback from Approving Parties to build consensus on the draft amendment application.

Janice: The background report was a really good summary of information that is available in that area and helped us to understand the values in that area.

Heidi: Based on comments from Board members, the next deliverable will be the draft amendment application, which will go out for comment by the public and Approving Parties. Any considerations that come back from government departments should be brought forward before so that they can be built into the draft amendment application.

Dakota: Reminded all participants that whatever we decide in this amendment isn't cast in stone. The Plan is reviewed every five years, and changes can always be made in the future.

The meeting was adjourned at 3:27 PM.