

## **INTRODUCTION:**

The Tr'ondëk Hwëch'in response to the Draft Peel Plan takes two approaches, a leadership response and a technical level response. These responses will complement each other, each providing feedback that will contribute to the completion of the plan in different ways.

## **GENERAL COMMENTS:**

- From a technical standpoint, the Draft Plan is awkward to work with in that a minimum of three different sections must be used to gather all of the information needed to effectively evaluate a project in one LMU. This creates extra research and makes comparisons difficult. Combining sections 3 and 4, and including much of the information in the LMU descriptions in section 6 would help facilitate this process.
- Additionally, the plan does not adequately reflect the cultural, heritage, and wilderness values identified by TH. The Commission and its staff are encouraged to meet with the TH Natural Resources and Heritage Departments to once again review the Traditional Knowledge that was shared with the Commission.
- Throughout the document Tr'ondëk Hwëch'in is referred to by a number of different names and acronyms including Tr'ondek Hwech'in First Nation and THFN. For clarity, the correct name to use is Tr'ondëk Hwëch'in and the correct acronym to use is TH.
- When reviewing the maps throughout the document, but especially in the LMU sub-unit maps, we note that frequently some data layers are not shown, including the Tr'ondëk Hwëch'in settlement lands data layer. Showing the Dempster Highway in a more obvious manner would increase readability.
- None of the maps other than "Current Status" delineate FN TT's; this would be a helpful addition for the FN's, YESAB, project proponents, and others, especially as this information is required on YESAB Project Proposals.
- The Dempster Highway Development Area mentioned in the Plan is described in the Area Development Regulation as being 8 km wide on either side of the centerline of the Dempster Highway, except in Tombstone Park. This planning process is the opportunity to further refine that idea and to create a more appropriate definition of the corridor. This can better be achieved by taking a closer, more-detailed look at the Dempster Highway and developing a corridor plan that reflects the reality of the area, recognizing that in some areas the corridor may be found to be unsuitable for any further development and in need of protection for sensitive habitat or wildlife corridors. For an example of how this could be achieved, please refer to the Tombstone Management Plan's treatment of the Dempster Highway Corridor. It is also necessary to note that no areas outside of the narrow Dempster Highway Corridor will support development. This area should be subject to a sub-regional land use plan.

- The culturally significant area north of Tombstone Park (LMU's 5a and 6a) should be CLZ or maybe even a SMA to be more compatible with the Tombstone Management Plan, which describes the northern portion of the park as having high First Nation cultural value. Cultural use is dependent on undisturbed ecosystems. The traditional and cultural use of the flora and fauna contribute heavily to the cultural importance of the area. As one Elder put it, "this area is the food cupboard" for the future generations and it must be protected.
- When Heritage Resources are documented, due to the fragility and nature of these resources Tr'ondëk Hwëch'in Heritage Department only provides detailed information regarding the type of resources, their exact locations, and efforts required for assessment on a case by case basis. Therefore, Tr'ondëk Hwëch'in Heritage Department provided areas of heritage resources for the Peel Watershed planning process in a broad context. As a result, in the draft plan those areas have been designated as areas of general land use. Tr'ondëk Hwëch'in Heritage Department would like more time to identify specific areas of Heritage Resources and provide additional information about ecologically important areas.
  - The Heritage Department recommends that all moderate and concentrated use areas of the Porcupine Caribou Herd should be CLZ. In addition, all key breeding, lambing, and winter areas of Dall Sheep should be CLZ.

**SPECIFIC COMMENTS BY SECTION:**

**Section 1**

- 1.1 paragraph 2: "new special management area designations," – why are there none identified within TH TT? This begs the question, how much of TH's traditional knowledge was used when reviewing the Ogilvie, Blackstone, and Hart River watersheds, and the Porcupine Caribou and Hart River Caribou seasonal use areas.

Accommodation of existing resource use was intended to address long standing uses and to meet certain legal obligations, but instead it has created an atmosphere where developers feel that mineral interests should be staked before the plan is completed so that they will still have the right to mine those interests even though an area is a particularly sensitive habitat. That kind of opportunism defeats the purpose of careful planning and should not be given any kind of legitimacy in this process.

- 1.6: Key Land Use Management Issues, talks about the non-renewable industry sector being sure that they can explore and develop in a way that does not compromise ecological, social, or cultural values, by applying best management practices. The problem with this statement is that "best management practices" have no teeth in law, and are therefore irrelevant to this exercise. Until YG has the appetite to devise a way that they can include best practices in their YESAB Decision Documents, this statement amounts to nothing.
- Page 1-6: Coordinated management for land-use certainty: the idea that this plan can provide certainty about "resource potential" and "market trends" is optimistic at best, and is beyond the scope of this plan. This paragraph needs to be reworked to address only those issues that can be addressed by this plan, such as creating

certainty that specific lands are unavailable for exploration and development. We need to protect those critical values that are known, not allowing them to be sacrificed/threatened for the sake of unknown non-renewable resource potential.

- Page 1-7: Management of terrestrial resources: the importance of the Porcupine Caribou Herd is one of the Key Issues, however the land designation given to the herds wintering grounds does not reflect this level of importance. The establishment of an SMA would address this key issue in a more appropriate manner.
- Page 1-7: Current and potential economic activity: Bear in mind that renewable resources are infinitely more sustainable than non-renewable resources, and therefore must be given an higher level of importance in this plan, to the point where is a non-renewable resource activity threatens the sustainability of a renewable resource activity, the renewable resource wins.
- Section 1.7: why the duplication of key issues and management goals? Goal 1 can't be accomplished by this plan, but rather it falls under the purview of the Parties.  
Which key issues do goals 4 and 5 arise from?

## **Section 2**

- This section is a fair representation of the area without getting into an unnecessary level of detail. The Dempster Highway corridor needs to be defined and a width prescribed to it. A more detailed plan is needed, providing the same level of detail as prescribed to the corridor in the Tombstone Park Management Plan.

## **Section 3**

- Descriptions of the various land use categories need to be presented in a more concise and easy to follow manner, perhaps by including references and directing the users to the appropriate page number. Deciphering this section required more concentration and reference checking than was comfortable for ease of use. Section 3 and section 4 must be simplified and combined in a user friendly format. The high turnover of staff in the First Nation office makes it extremely important that this document be a quick study for new employees so that they can use it effectively very soon after their hire date.
- Part 3.2: indicate that the LMU's are found in Section 6. This part references the plan as a "land-use management framework"; is this another term for this plan?
- Page 3-2: the box at the bottom of the page titled "Important Cultural Area" makes clear reference to the FN input expressing that the entire region is culturally important. It appears that the Commission then made a judgement call that only those areas that were most commented on could be labelled as Important Cultural Areas. This is not consistent with the Traditional Knowledge that has been contributed to the plan. TH itself did not indicate that one area was more important than another area.

Heritage Resources are not only tied to a specific site, but refer to the plants, animals, ecosystems, and waters that are necessary for a living Heritage to continue. TH's culture is alive and well. To remain so, the same resources that our

ancestors relied upon must be maintained for future generations who will also rely upon them.

- Part 3.3.1: Results-based Management Framework, Figure 3.1: this explanation, as it is written, is too vague to facilitate uniform implementation.

#### **Section 4**

- For clarity and ease of use, in the titles, please include which LU zone applies to each unit, ie CLZ, RCZ, etc
- Page 4-15: last paragraph, reference to Sub-unit 4b s/b 4a
- Page 4-16: Recommendation section lists 4a, a sub-unit of LMU 3.... s/b 4

#### **Section 5**

- The section on cumulative effects is weak, giving no clear indication where it is headed. Cumulative effects are mentioned many times throughout the document, but the detail level is not adequate to facilitate the decision making process.

#### **Section 6**

- Maps need to indicate contiguous boundary between TH and NND
- Finalization of the TH/NND Contiguous Boundary will affect Special Management Considerations sections of LMUs 4a, 4b, 5a, and 6a as well as 13-4, 13-5, and 13-6.
- Please reference the page number to turn to for more information about the land use designation used.

#### **Section 7**

- does not reference the TH L&R Act and Regulations or the TH F&W Act.

#### **Appendix A**

- The large LMU map does not provide clear boundaries for LMU 10a, this section of the Peel regional boundary is not clear on some of the maps.

#### **Appendix B**

- Table B.1 – title should state that the “sort” is by Zone Designation.
- Page B-9 - define SD and LD, also where is reference from \* at the bottom of the page

### **LMU SPECIFIC COMMENTS**

#### **LMU 3C Wind River Watershed**

- Appropriate zoning. Question: could this land use designation prevent TH from doing any archaeological or restoration work at the old trading post? This site is the location of Joseph Taylor’s trading post circa 1911-12. TH supports the concept of establishing a heritage site at S-128B.

#### **LMU 4A Hart River Watershed**

- South west portion to be include in SMA.

#### **LMU 4B Hart River Watershed**

- Potential Indicator – Sensory Disturbance. This area is key winter use area for P&HR caribou. TH supports the establishment of an SMA in this area per chapter 11 of the FA.
- LMU 4b should be expanded to include the winter moderate use area of the Porcupine Caribou Herd (part of LMU 5a and LMU 4a), key winter area of Dall Sheep (part of LMU 5a and 4a), and the fall and winter range of the Hart River Caribou Herd (part of 4a). LMU 4b should continue to remain a CLZ.

#### **LMU 5A Blackstone River Watershed**

- Is already part of a draft Forest Resources Management Plan and is being looked at for Hinterland Designation.
- Elders recommend that this LMU be divided into two parts, that which is affected by the Dempster Highway and the remainder of the pristine area comprising the remaining most of the LMU. The remainder can be zoned CLZ and included with 4b and parts of 4a to create an SMA

#### **LMU 5B Mid Blackstone Flats**

- This selection should be completely within the RCZ rather than dividing it.
- R-35B was selected as a traditional hunting campsite. This area may be of archaeological significance.

#### **LMU 6A Ogilvie River Watershed**

- Is part of a draft Forest Resources Management Plan and is being looked at for Hinterland Designation, indicating that no forest industry development will take place within this unit.
- There are 13 TH sites within this LMU that are not listed in the description.
- There are no known NND cabins within this LMU (perhaps additional information can be gathered from NND).
- Elders recommendation: Area should be split into a IMZ1 LMU along the Dempster Highway corridor, rezoning the remaining area CLZ.

#### **LMU 6B Ogilvie River Watershed**

- This area is part of a draft Forest Resources Management Plan and is being looked at for Hinterland Designation with no timber harvesting contemplated.
- Elders recommend that the culturally important area in the south portion be very highly protected either as a CLZ or as an SMA. The cultural significance is very closely linked with the undisturbed wilderness. Traditional Knowledge indicates that it is an important cultural area.

#### **LMU 11F Peel River Mainstream**

- May not be wide enough in some areas

#### **LMU 13-4 Southern River Corridors – Hart River**

- TH SL is not shown on map.
- This area is part of a draft Forest Resources Management Plan and is being looked at for Hinterland Designation with no timber harvesting contemplated.

- Establishment of the NND/TH contiguous boundary will affect the special management considerations section.

**LMU 13-5 Southern River Corridors – Blackstone River**

- TH SL is not shown on this map.
- Establishment of the NND/TH contiguous boundary will affect the special management considerations section.

**LMU 13-6 Southern River Corridors – Ogilvie River**

- Protecting river corridors is important, and this one has many areas that may require a wider corridor than has been contemplated.