

Husky Lakes Special Cultural Area Criteria

-ILMS Designated Area-

The *Husky Lakes Special Cultural Area Criteria* are a set of goal-oriented, development standards designed to protect the environment in the Husky Lakes area. The criteria itself is a key component of the ILA's *Inuvialuit Land Management System (ILMS)* because it contains land use standards for the private lands that surround Husky Lakes.

In addition to the criteria itself, this document also describes the location and size of the *Husky Lakes Special Cultural Area*, as well as its importance to the Inuvialuit.

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Inuvialuit Land Administration
Leaders in Aboriginal Land Management



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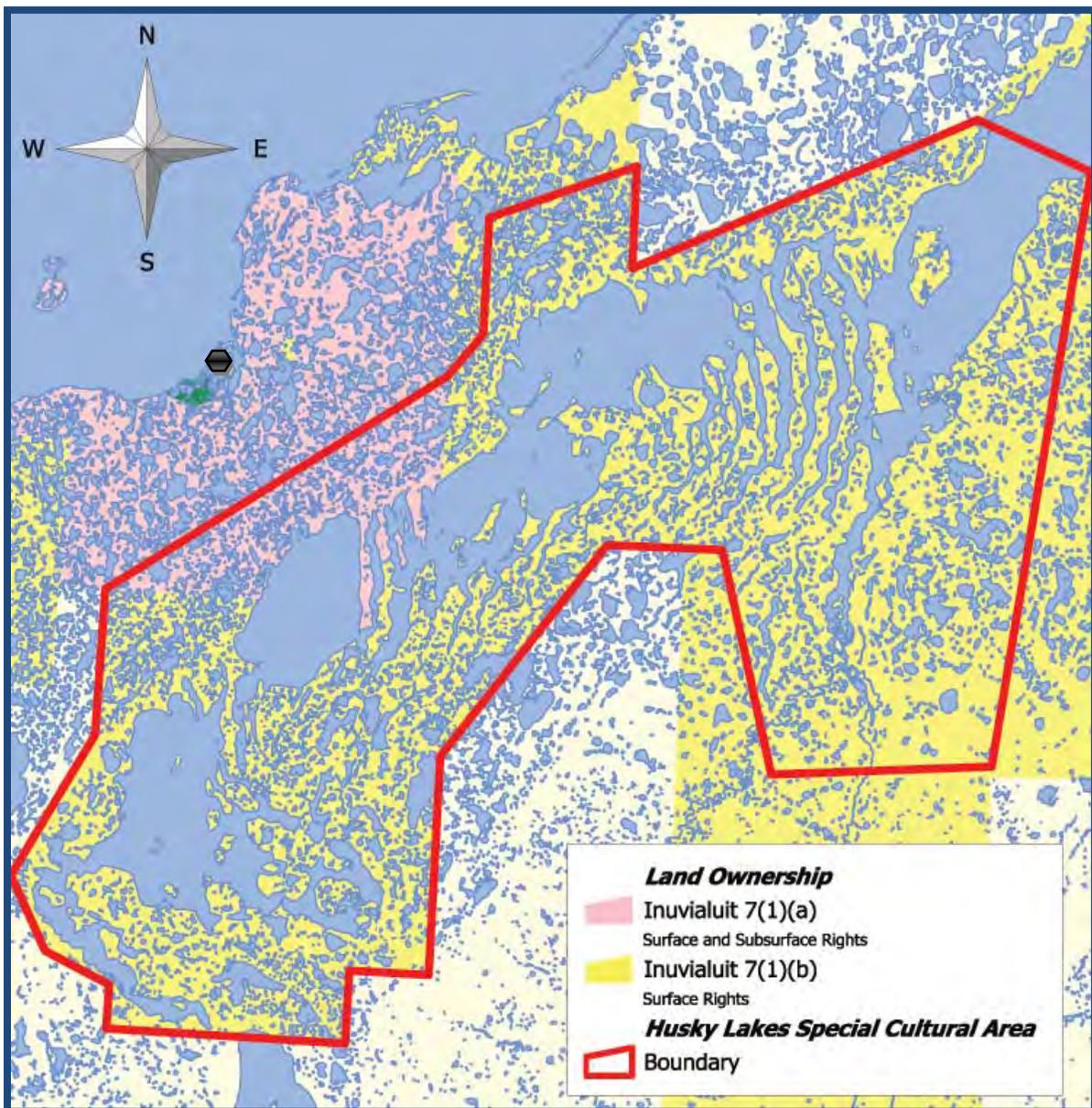
Executive Summary

One of the most striking features of the Inuvialuit Settlement Region is a series of interconnecting lakes that are collectively known as Husky Lakes. These saline lakes are located to the south and southeast of the community of Tuktoyaktuk, roughly between Latitudes 68°42' and 69°38' N and Longitudes 133°30 and 130°50' W. The lakes provide habitat suited for a wide variety of wildlife, both aquatic and terrestrial, which are important resources to the Inuvialuit. For many centuries, the wildlife in and around Husky Lakes has been harvested for food and fur by the Inuvialuit and the lakes have been used for transport. Similarly, the lands and waters that make up Husky Lakes are highly important to the Inuvialuit from a spiritual and cultural perspective. As a result, sustaining the environmental integrity of the Husky Lakes area is a crucial aspect of land management strategies designed to preserve Inuvialuit history and identity.

Husky Lakes Special Cultural Area Boundary

The *Husky Lakes Special Cultural Area Boundary* (*HLSCA Boundary* or simply *Boundary*) is the area to which the criteria in this document apply. The *Boundary* was established through community consultation with residents of Inuvik and Tuktoyaktuk, and is considered to contain the areas around Husky Lakes where traditional activities are practiced most intensely. Any proposed project that is completely or partially within the *HLSCA Boundary* is expected to conform to the criteria for all portions of the project that are within the *Boundary*. The *HLSCA Boundary* is shown in Map 1.1. A spatial definition of the *Boundary* can be found in Appendix A.

Map 1.1: The *Husky Lakes Special Cultural Area Boundary*.

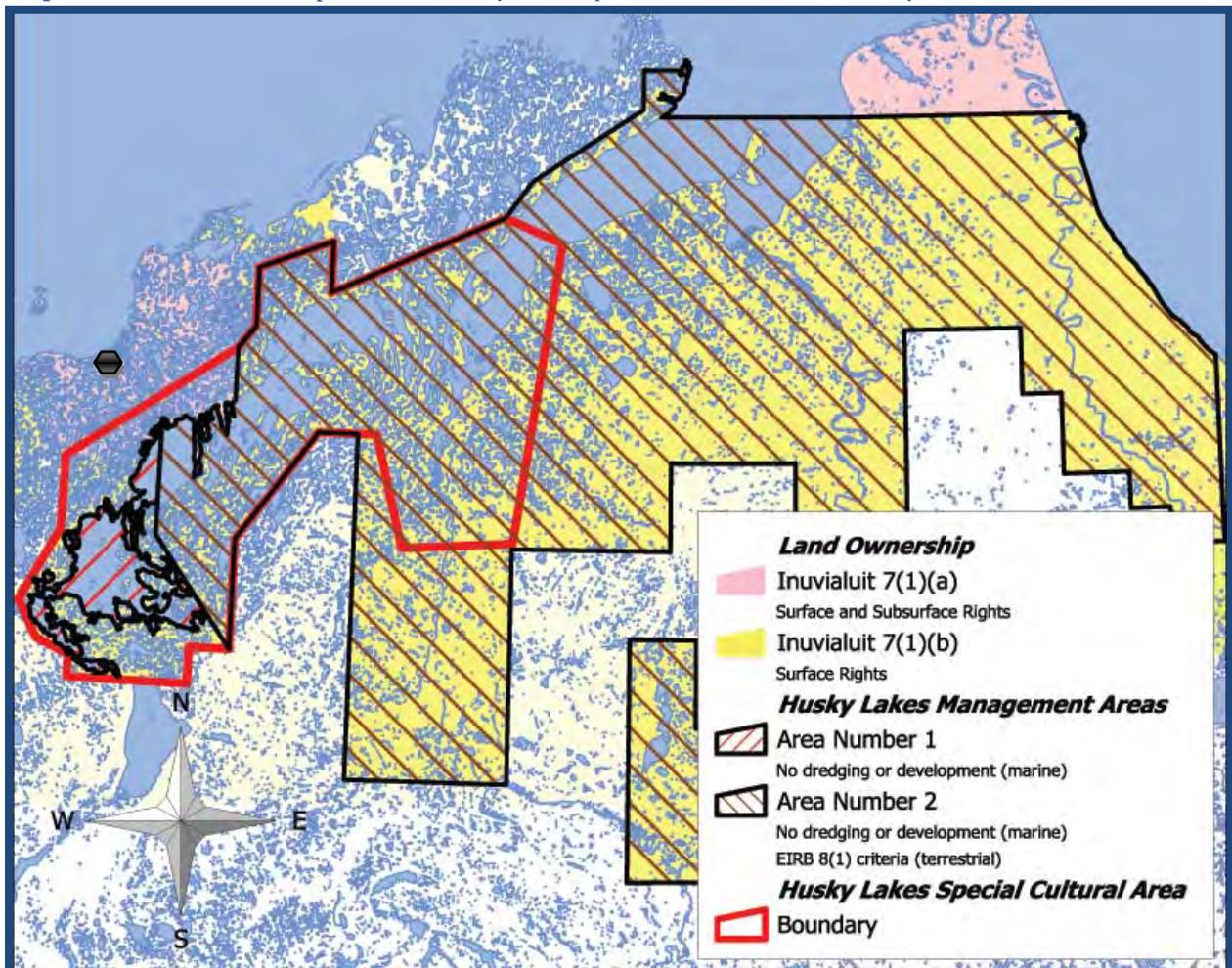


Husky Lakes Management Area in the Inuvialuit Final Agreement (IFA)

Under the IFA, Husky Lakes is divided into two management areas, Area Number 1 and Area Number 2. Area Number 1 roughly consists of the lower Husky Lakes. According to the IFA, no dredging or development activity, such as building of drilling platforms or fuel storage facilities is allowed in Area Number 1 waters. Area Number 2 consists of the majority of the Tuktoyaktuk 7(1)(b) lands, as well as Husky Lakes, Liverpool Bay, and Wood Bay. As with Area Number 1, no dredging or development activity, such as building of drilling platforms or fuel storage facilities is allowed in Area Number 2 waters. However, unlike Area 1, Area Number 2 has development terms for terrestrial development as well as marine development. According to section 8(1) of the IFA, approval for any development activity shall be withheld unless the developer proves that the proposed development activities meets acceptable environmental standards and accounts for his standard of performance. The responsibility for deciding these standards is placed on the Environmental Impact Review Board.

Certain lands within the *Husky Lakes Special Cultural Area Boundary* overlap with the Husky Lakes Management Areas #1 and #2. The ILA will employ the *Criteria* in its review of proposed projects in this area

Map 1.2: Annex D areas compared to the *Husky Lakes Special Cultural Area Boundary*.



Importance of Protecting Husky Lakes

The current generation of Inuvialuit beneficiaries use Husky Lakes for virtually all of the purposes as used by past generations. Spring ice fishing at Husky Lakes, which occurs generally from April until June, is a major event for beneficiaries from Tuktoyaktuk and Inuvik, and is a major source of traditional foods in the Inuvialuit diet. Commonly harvested fish species include lake trout, whitefish, cod, and, occasionally, pike. Goose and duck hunting, another popular traditional activity that takes place at Husky Lakes, is generally practiced around the same time of the year as fishing. Larger game, such as grizzly bear, is also hunted at Husky Lakes in the spring. In the past, caribou was hunted extensively at Husky Lakes. More recently, hunting of caribou has been banned in the Husky Lakes area.

In the summer, fishing and hunting are also practiced, but by fewer beneficiaries than in the spring since access is more difficult and expensive after spring thaw.

In the early fall, berry picking is a highly popular activity, as is ptarmigan hunting. The most common types of berries picked around Husky Lakes include cloudberry, crowberry, blueberry and cranberry.

During the late fall, the winter, and early spring, trapping activities are at their peak at Husky Lakes.

Husky Lakes is also important to the Inuvialuit for spiritual and aesthetic reasons; it is the location where many Inuvialuit were born or laid to rest. At Husky Lakes, many Inuvialuit learned traditional activities through the careful instruction of their elders. There are also many Inuvialuit who have cabins in Husky Lakes or set up tents seasonally in order to get out on the land.

How the Husky Lakes Special Cultural Area is Administered Under the Inuvialuit Land Management System (ILMS)

Under ILMS, the *Husky Lakes Special Cultural Area* is considered to be a *Designated Area*. This categorization reflects the fact that the Area is exceptionally important to the Inuvialuit and thereby requires the highest level of protection from environmental degradation. Consequently, the ILA has crafted special criteria that must, at minimum, be met by all applicants looking to site their projects within the Area. This document contains the aforementioned criteria. For reference, a *Designated Area* is defined in ILMS as:

“an area where specific land use policies are administered. The ILA in conjunction with the ILAC may recommend to the IRC Board the designation of specific areas of Inuvialuit Land for a particular land use or range of land uses or to restrict certain land uses, based on resource conservation, adjacency to communities, environmental sensitivity, wildlife or any other reason deemed appropriate;”

For further detail, please consult ILMS.

Guide to Using the Husky Lakes Special Cultural Area Criteria

The *Husky Lakes Special Cultural Area Criteria* document is designed to be a guide for persons or industry proposing development, or to conduct an activity within the Husky Lakes *Boundary*. In essence, the *Criteria* in this document details the management goals and environmental standards that the ILA has identified for the Area, as well as the performance criteria that the ILA requires Applicants to address in order for the ILA to consider an application for a Right within the *Boundary*. If an application is made to the ILA for a Right within the Husky Lakes *Boundary*, and the application does not meet the management goals and/or address all the *Criteria*, then the application will not be considered complete by the ILA and will not be processed further.

Applicants should also be aware that conformity with the *Criteria* does not ensure that an application will be approved and a Right will be granted, rather it simply means that the ILA accepts the content of the application and is prepared to distribute it to stakeholders and regulators for their input on the application.

For a detailed understanding of the ILA’s application cycle, and how the *HLSCA Criteria* are used by the ILA in the review and approval process, refer to Chart 1.1 and 1.2.

Goal-Oriented Regulation and the Husky Lakes Special Cultural Area Criteria

In the last several years, regulators worldwide have moved away from prescriptive regulation in favour of goal-oriented regulation. The reason for this movement is a general acknowledgement that prescriptive regulation is inflexible, outdated and heavy-handed, whereas goal-oriented regulation encourages technological innovation and is strongly supported by industry.

The ILA, as a private land manager, is interested in encouraging land use activities while not unduly burdening proponents with regulatory hurdles. Consequently, the ILA decided that a goal-oriented approach to land management was preferable to a prescriptive approach and crafted the *Husky Lakes Special Cultural Area Criteria* accordingly. The *Criteria* itself attempts to avoid restricting specific activities or types of developments in Husky Lakes, with the exception of a ban on hydrocarbon development within 1km of the shores of Husky Lakes. The *Criteria* aims to regulate the negative externalities of development activities and, in so doing, ensure that environmentally responsible projects can take place in the *Boundary* while not jeopardizing the current environmental state of Husky Lakes.

The Criteria:

Loss of Useable Land

“In their application to the ILA, Applicants must demonstrate that their proposed project will have a minimal footprint of land use.”

The majority of the Husky Lakes lands are undisturbed and undeveloped. In order to maintain the current productivity of the land, projects in Husky Lakes must conserve land by reusing disturbed areas and minimizing the project’s footprint. Applicants are expected to demonstrate that their projects will not unduly disturb the lands in the *Boundary*.

Decline in Traditional Fish Harvest

“In their application to the ILA, Applicants must demonstrate that their proposed project will not have a negative impact on traditional fish harvesting.”

Traditional fish harvesting at Husky Lakes takes place throughout the year but is especially intense from early April to late June. Harvested fish from Husky Lakes are a major source of traditional foods to the Inuvialuit, and a good source of proteins and unsaturated fats. Additionally, the act of fishing is an important cultural event for all generations of beneficiaries. Developments and activities in Husky Lakes must not negatively impact the traditional harvest by reducing the access to, or usability of harvest sites or by impacting fish stocks. Applicants should be prepared to demonstrate that their project will not have impacts on traditional fishing activities.

Decline in Hunting Success

“In their application to the ILA, Applicants must demonstrate that their proposed project will not have a negative impact on traditional and guided hunts.”

Hunting at Husky Lakes is an important source of food and fur to the Inuvialuit. Guided hunts are also a major source of income for Inuvialuit guides. Although beneficiaries hunt at Husky Lakes year-round, the most intensive hunting usually takes place at the same time as spring fishing; from early April to late June. Applicants must demonstrate that their proposed activity will not interfere with the Inuvialuit’s traditional hunting activities or with their guided hunts.

Decline in the Aesthetics of Husky Lakes

“In their application to the ILA, Applicants must demonstrate that their proposed project will not have a negative impact on the aesthetics of Husky Lakes”

One of the main reasons that Husky Lakes is of such high value to the Inuvialuit is because the lakes are pristine, isolated and undisturbed. Proposed activities in the Husky Lakes area must include measures that ensure the aesthetics of Husky Lakes are not negatively altered by the project. Aesthetics include the visual appearance, the auditory atmosphere, and the olfactory

experience of the Husky Lakes area. This term will ensure that the Inuvialuit's peaceable enjoyment of the land around Husky Lakes is not interfered with.

Decline in Trapping Success

"In their application to the ILA, Applicants must demonstrate that their proposed project will not have a negative impact on trapping."

Many Inuvialuit use the Husky Lakes area for trapping. Developments and activities in the Husky Lakes area should not interfere with beneficiaries' ability to trap, or with the livelihoods derived there from.

Climate Change Disproportionately Impacts Husky Lakes

"In their application to the ILA, Applicants must demonstrate that their proposed project will not intensify the impacts of climate change on Husky Lakes."

The impacts of climate change on arctic landscapes are predicted to be severe and pervasive. Although impacts cannot be prevented, precautions can be taken to reduce the scale of the impacts. Applicants must demonstrate that their proposed project will not enhance permafrost degradation by reducing the insulating properties of vegetation and soils, or by other processes associated with the proposed activity.

Enhanced Erosion and Shoreline Instability

"In their application to the ILA, Applicants must demonstrate that their proposed project will not increase erosion or shoreline instability."

Maintaining stable shorelines within the *Boundary* is crucial for sustaining the existing Husky Lakes landscape. Although natural erosion will occur, Applicants must demonstrate that their projects will not enhance shoreline erosion or lead to the destabilization of shore zones.

Increased Off-Road Travel

"In their application to the ILA, Applicants must demonstrate that their proposed project will not contribute to off-road travel that could result in damage to fragile tundra landscapes."

Most projects in the ISR require the construction of gravel pads and roads. The configuration of roads and pads must take into account the ease and attractiveness of off-road travel which may be created by these features. The Applicant must demonstrate that their project will prevent off-road travel by vehicles that will damage the tundra. Off-road travel is only permitted in cases of specified emergencies, and notification must be given to the Chief Land Administrator within 24 hours of off-road travel.

Incomplete Abandonment and Restoration

“In their application to the ILA, Applicants must demonstrate that any disturbance to the landscape associated with their proposed project will be completely remediated by the end of the project’s life, and the land restored to its original state as far as it is feasible. The Applicant must also demonstrate that restoration will be implemented progressively at the project site.”

Applicants will prepare a plan identifying how progressive restoration activities will be conducted. This plan shall include a commitment to undertake the plan and include proof that they have the financial capital required to undertake the proposed restoration plan. It is not acceptable for Applicants to wait until the entire project is completed to begin restoration; rather it is an ongoing process that begins as soon as any portion of a project is no longer needed. The requirement for progressive restoration will ensure that the project’s footprint is minimized at all stages and reduce its overall impact on the area.

Spills

“In their application to the ILA, Applicants must demonstrate that their proposed project will employ a spill prevention strategy that ensures that all spills will not impact the Husky Lakes Special Cultural Area.”

Fuel and chemical spills present one of the greatest risks to the Husky Lakes environment. Since virtually all spills are preventable, Applicants must demonstrate that their proposed project will not only prevent spills but also demonstrate that any spills will not result in negative impacts to Husky Lakes.

Damage to Heritage and Archaeological Sites

“In their application to the ILA, Applicants must demonstrate how their proposed project will not damage or disturb heritage resources or archaeological sites within the Husky Lakes Special Cultural Area.”

Husky Lakes has been used by the Inuvialuit for generations and, consequently, there are innumerable heritage resources and archaeology sites within the *Boundary*. Applicants must satisfy the ILA that known heritage resources and archaeology sites will not be negatively impacted by the proposed project, and how any new sites or resources encountered will be reported and protected.

Damage to Species-at-Risk

“In their application to the ILA, Applicants must demonstrate how their proposed project will not cause negative impacts to species-at-risk”

Many parts of Husky Lakes are home to species at risk. In order for the ILA to consider an application it must demonstrate how species-at-risk will not be negatively affected by the proposed project.

Loss of Forestry Resources

“In their application to the ILA, Applicants must demonstrate that their proposed project will minimize the loss of forestry resources.”

The forestry resources at Husky Lakes are minimal, and their preservation is important for aesthetics and the prevention of environmental degradation. Applicants will need to show how their proposed project will avoid forestry resources to the greatest extent possible.

Chart 1.1: The *Pre-Application Notification and Consultation* phase of the ILA’s Inuvialuit Land Management System.

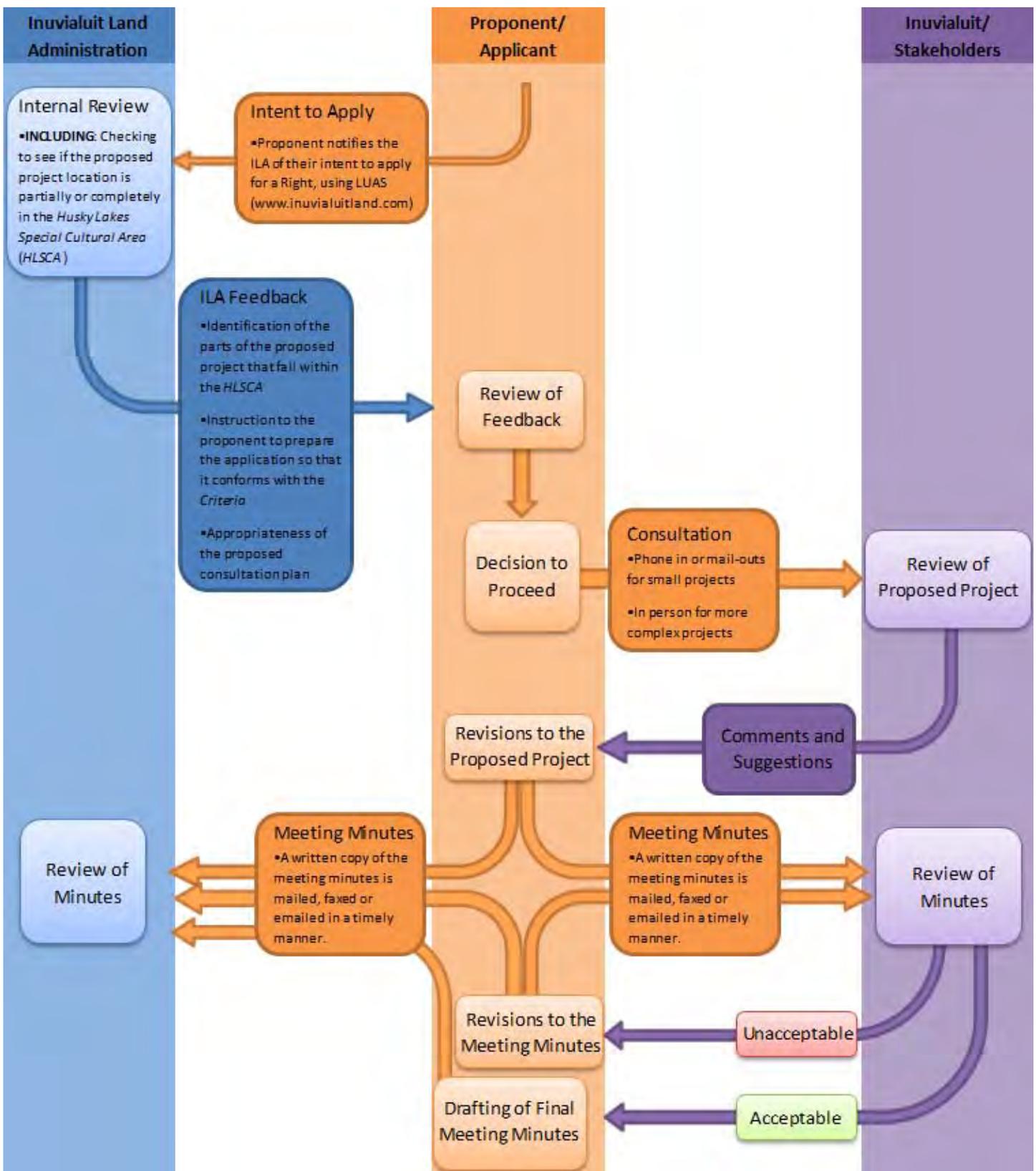
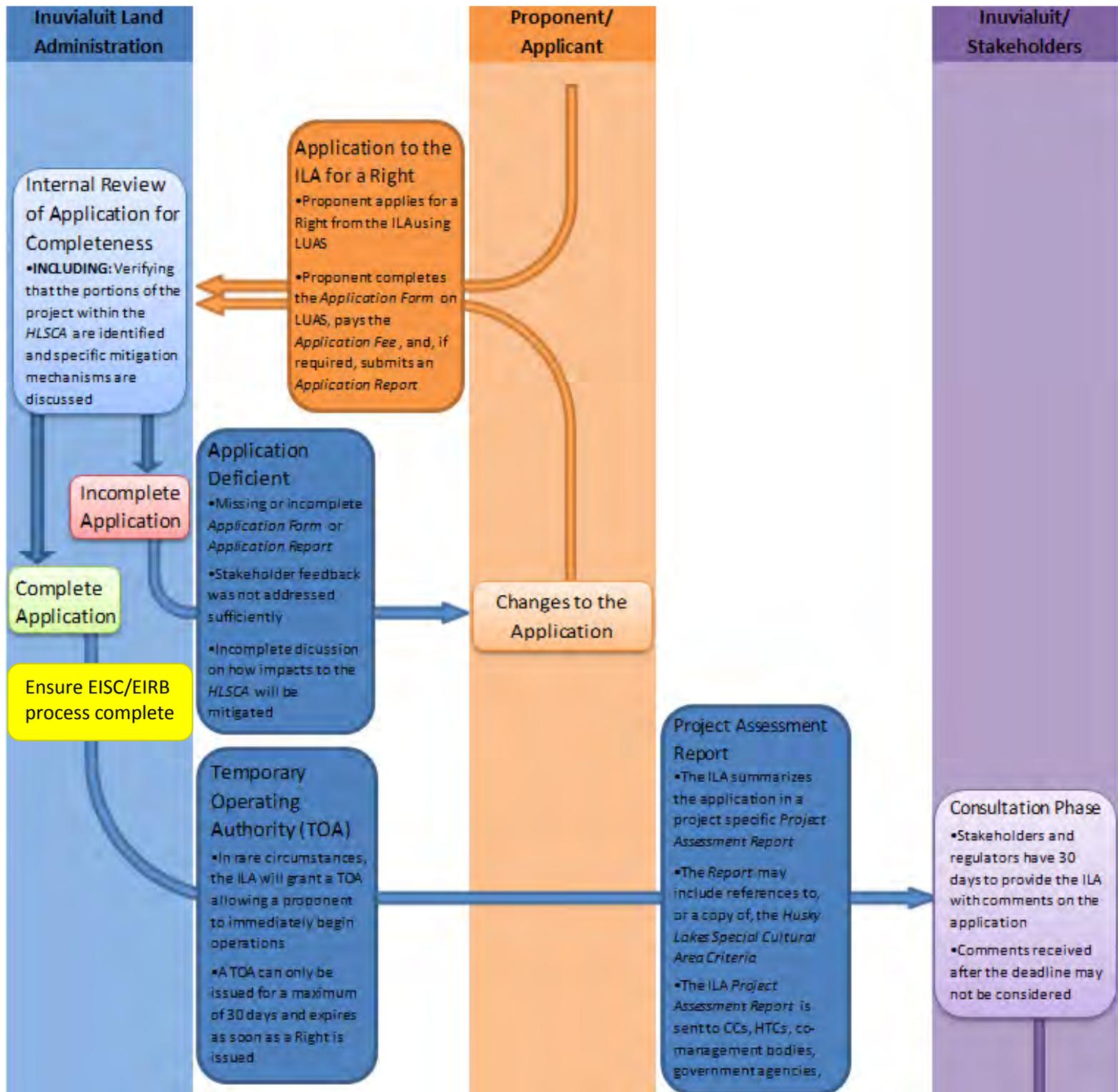
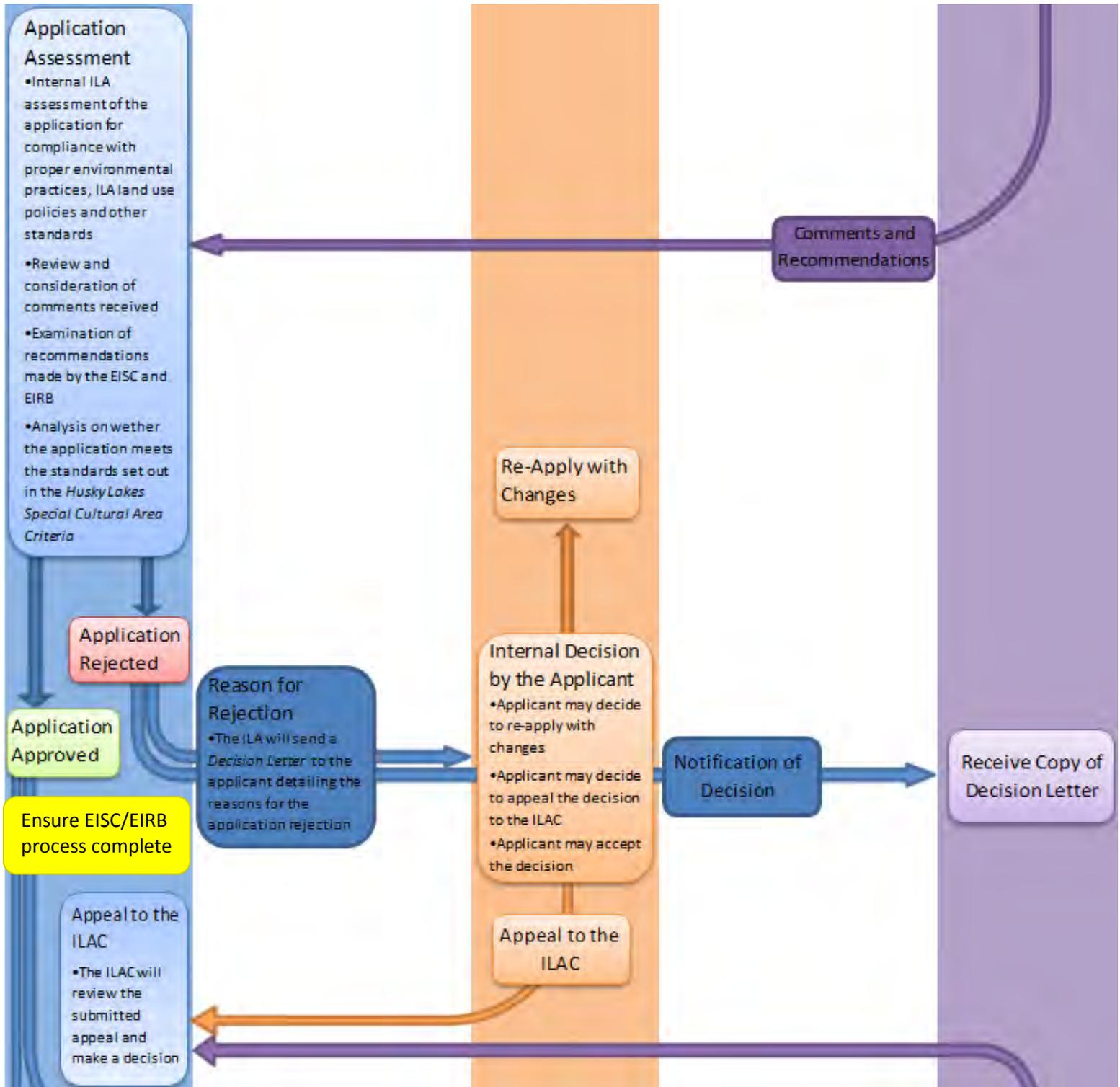
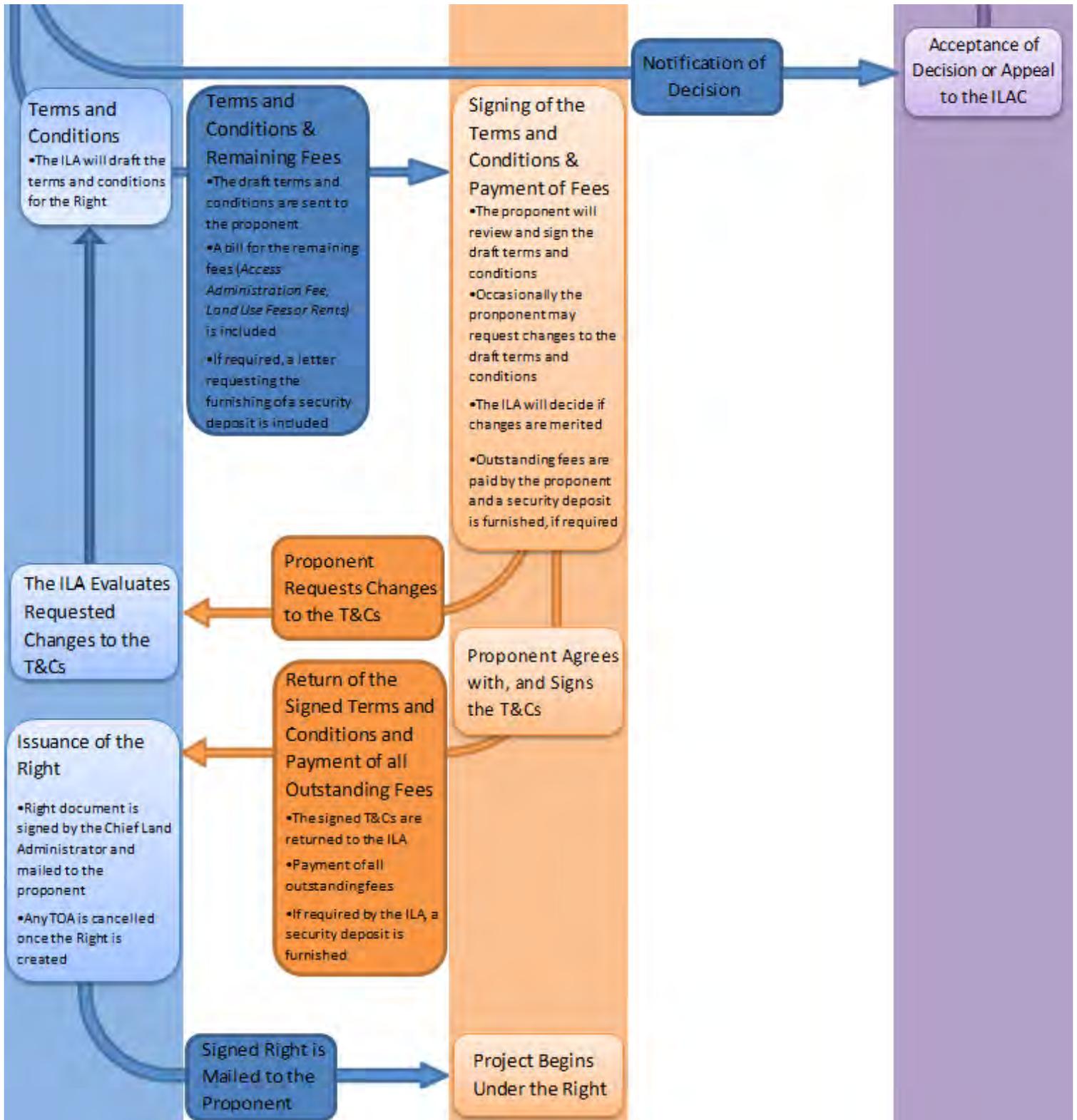


Chart 1.2: The *Application Submission* phase of the ILA’s Inuvialuit Land Management System.







Regulatory Bodies and Mandates

The ILA is the land administrator for all private lands in the ISR, including those that surround Husky Lakes. However, there are many other regulatory bodies that should be consulted prior to planning any activity or development in Husky Lakes. Table 1.1 describes the different regulatory bodies and their mandates as they relate to Husky Lakes. This list is not exhaustive.

Table 1.1: Regulatory bodies and their mandates

<i>Regulatory Body</i>	<i>Mandate</i>
Indian and Northern Affairs Canada (INAC)	Owns the mineral rights to all minerals below 7(1)(b) lands in the Husky Lakes area.
Department of Fisheries and Oceans (DFO)	Responsible for protecting fish and fish habitat.
Environmental Impact Screening Committee (EISC)	The EISC must screen all development activities to determine if their environmental impacts could be significant. If they deem that the project could have significant impacts then the EISC will forward the application to the EIRB.
Environmental Impact Review Board (EIRB)	The EIRB reviews projects that the EISC has deemed to have the potential to have significant environmental impacts. The EIRB must decide if those impacts can be properly mitigated. The EIRB also has a mandate to protect Husky Lakes – refer to page 5 for additional details.
Northwest Territories Water Board (NWTWB)	The NWTWB’s mandate is to regulate water use and waste disposal activities in the ISR. This includes Husky Lakes.
Transport Canada (TC)	Husky Lakes, as well as several watercourses in the <i>Boundary</i> , are navigable waterways and thus subject to the <i>Navigable Waters Protection Act</i> .
Prince of Wales Northern Heritage Centre (PWNHC)	Due to Husky Lakes’ long tradition of use by the Inuvialuit, there are many archaeological sites in the <i>Boundary</i> . These sites are regulated by the PWNHC.
Aurora Research Institute (ARI)	As per the <i>Scientists Act</i> , all research in the ISR must be approved by ARI. See page 10 for additional details.

Research in the Husky Lakes Special Cultural Area

The Inuvialuit Land Administration recognizes that the Husky Lakes Special Cultural Area Criteria may limit certain research activities that are deemed important to Inuvialuit understanding of the physical and biological environment. Exceptions to the Husky Lakes Special Cultural Area Criteria may be made at the discretion of the Administrator, if the research is of significant benefit to the Inuvialuit. The ILA and the Administrator will ultimately decide what research is deemed to be of significant benefit to the Inuvialuit. For greater certainty, but without restricting the generality of the foregoing, the following activities may be deemed to qualify for exceptions to the Criteria:

- a) Archaeological studies;
- b) Cultural studies;
- c) Flora and Fauna studies;
- d) Weather and climate monitoring;
- e) Permafrost monitoring; and
- f) Erosion monitoring.

Appendix A

Identification of Lands within the Husky Lakes Special Cultural Area Boundary

Private lands considered to be in the Husky Lakes Special Cultural Area Boundary are described as follows:

In the Northwest Territories; in the District of Mackenzie;

All that parcel of land more particularly described as follows: all topographic features hereinafter referred to being according to edition 2 of the Crossley Lakes map sheet number 107A of the National Topographic System, produced at a scale of 1:250,000 by the Army Survey Establishment, Royal Canadian Engineers, at Ottawa; edition 2 of the Aklavik map sheet number 107B of the National Topographic System, produced at a scale of 1:250,000 by the Surveys and Mapping Branch, Department of Mines and Technical Surveys, at Ottawa; edition 1 of the Mackenzie Delta map sheet number 107C of the National Topographic System, produced at a scale of 1:250,000 by the Army Survey Establishment, Royal Canadian Engineers, at Ottawa, and edition 2 of the Stanton map sheet number 107D of the National Topographic System, produced at a scale of 1:250,000 by the Army Survey Establishment, Royal Canadian Engineers, at Ottawa;

Commencing at a point being the intersection of latitude 69°10'N with longitude 133°21'W;
thence south along longitude 133°21'W to its intersection with the latitude 69°00'N;
thence in a southwesterly direction to a point being the intersection of latitude 68°50'N and longitude 133°35'W;
thence in a southeasterly direction to a point being the intersection of latitude 68°45'N and longitude 133°27'30"W;
thence in a southeasterly direction to a point being the intersection of latitude 68°43'N and longitude 133°15'W;
thence south along longitude 133°15'W to its intersection with the latitude 68°40'N;
thence easterly along latitude 68°40'N to its intersection with the longitude 132°30'W;
thence north along longitude 132°30'W to its intersection with the latitude 68°45'N;
thence easterly along latitude 68°45'N to its intersection with the longitude 132°15'W;
thence north along longitude 132°15'W to its intersection with the latitude 69°00'N;
thence in a northeasterly direction to a point being the intersection of latitude 69°15'N and longitude 131°45'W;
thence easterly along latitude 69°15'N to its intersection with the longitude 131°22'45"W;
thence in a southeasterly direction to a point being the intersection of latitude 68°59'45"N and longitude 131°11'45"W;
thence in a northeasterly direction to a point being the intersection of latitude 69°00'45"N and longitude 130°29'45"W;
thence in a northeasterly direction to a point being the intersection of longitude 130°13'W with the southern shoreline of Eskimo (Husky) Lakes at approximate latitude 69°41'36"N;
thence in a northwesterly direction to a point being the intersection of latitude 69°45'N and longitude 130°35'40"W;
thence in a southwesterly direction to a point being the intersection of latitude 69°34'N and longitude 131°42'30"W;
thence north along longitude 131°42'30"W to its intersection with the latitude 69°41'N;
thence in a southwesterly direction to a point being the intersection of latitude 69°37'N and longitude 132°11'W;
thence south along longitude 132°11'W to its intersection with the latitude 69°29'N;
thence in a southwesterly direction to a point being the intersection of latitude 69°26'N and longitude 132°17'30"W;
thence in a general southwesterly direction to the point of commencement.

INCLUDING

All of the islands lying within the area so described.

Maps of Traditional Land Use Areas

