



A Review & Assessment of the NWT Protected Areas Strategy by Stephen Kakfwi



special focus: preparations for new hydrocarbon developments

For further information and copies of this report please contact:

Peter Ewins, D.Phil., Arctic Conservation Director

WWF-Canada

245 Eglinton Avenue East, Suite 410, Toronto, ON M4P 3J1

Phone: 416-484-7711

Fax: 416-489-3611

E-mail: pewins@wwfcanada.org

Website: www.wwf.ca

Cover Photographs: Tessa Macintosh (Aurora, Elder with caribou hide, Mackenzie River), and Mark Hobson (Caribou).

February 2004 by World Wildlife Fund Canada, Toronto, Canada.

Any reproduction in full or in part of this publication must mention the title and credit the above-mentioned publisher as the copyright owner. No photographs from this publication may be reproduced.

© (2004) WWF-Canada. All rights reserved.

**A REVIEW & ASSESSMENT OF THE
NWT PROTECTED AREAS STRATEGY**

Special Focus: Preparations for New Hydrocarbon Developments

Written by Stephen Kakfwi for World Wildlife Fund Canada
February 2004

A REVIEW & ASSESSMENT OF THE NWT PROTECTED AREAS STRATEGY

Special Focus: Preparations for New Hydrocarbon Developments

Executive Summary	1
A. Introduction Letter	2
B. Review of Method and Materials	7
C. Review and Assessment of Protected Areas Initiatives	8
1. The NWT Protected Areas Strategy	8
2. Sahtu	10
2.1 Fort Good Hope	11
2.2 Colville Lake	13
2.3 Deline	14
2.4 Tulita	15
2.5 General Observations	16
3. Deh Cho	16
4. Gwich'in	17
5. Regional Land Use Planning	18
D. Summary of Main Findings	21
E. Recommendations	23
Appendix I. List of Key Documents Reviewed	26

EXECUTIVE SUMMARY

- At the cusp of important decisions on major new hydrocarbon developments in the Mackenzie Valley, this report reviews the NWT Protected Areas Strategy (PAS) and makes recommendations for priority initiatives, based on an assessment of the PAS implementation to this point in advance of major industrial development projects.
- This review focused particularly on the Sahtu region, where I met with community members about their views on taking care of the land – ‘taking the pulse’ of the region, listening to the community voices. In addition I reviewed many relevant documents and interviewed a wide range of officials, board members, and other stakeholders across the NWT – about 30 individuals in all.
- The NWT PAS is a well-established community-driven partnership process, by which the formal commitments made by government leaders to complete protected areas networks should now be honoured.
- I make 13 recommendations, covering a range of issues, including the NWT PAS and its five-year Action Plan (2004-2009), land use planning, economic development in a sound environmental management framework, commitments and resources, and communications.
- **The most important recommendation (#1) is that the NWT Protected Areas Strategy five-year Action Plan (2004-2009) be fully implemented and financed as planned, including the \$9 million contribution over five years from the federal government.**
- Comprehensive land use planning must also be completed, and financing sustained, ahead of major new decisions on hydrocarbon development.

A. Introduction Letter

To: World Wildlife Fund Canada
January 21, 2004

Attention: Mr. Monte Hummel

Re: NWT Protected Areas Strategy

A few days after leaving the office of Premier of the Northwest Territories I received a call from the World Wildlife Fund's Toronto office. Taking a break from splitting fire wood in my Latham Island back yard I spoke with Monte Hummel about my possible interest in doing a piece of work for the World Wildlife Fund - to review and assess the Protected Areas Strategy to date in the Northwest Territories.

The Protected Areas Strategy (PAS) of the Northwest Territories was developed at the request of both federal and territorial governments, arising from the recognition that a better regional balance and sequencing of habitat conservation and industrial development had to be achieved. In 1996, arising from the BHP diamond mine federal review panel's work, the Minister of DIAND, Ron Irwin, made a commitment to jointly develop and implement a PAS for the NWT. Therefore, implementation of this strategy has always been the responsibility of both federal and territorial governments. The PAS was formally launched in the NWT in January 1997 at a three-day conference in Inuvik. I was the lead Minister at the time, and after giving the opening remarks I decided to stay and help ensure the conference participants stayed and worked to achieve a workable consensus on how to develop a strategy on protecting our lands.

At the time the feeling of anger and deep hurt held toward all "animal rights activists" also included environmental conservation groups. The seemingly benign act by European parliamentarians to boycott the import of "baby seal" skins in the early 1980s in fact wiped out the fur market for years. The Dene, Metis and Inuit as well as many other aboriginal peoples across North America were economically and culturally devastated. Intensive global activity and lobbying by

A. Introduction Letter (cont'd)

animal rights activists brought about the boycott and the aboriginal people in the communities were deeply hurt and angry toward virtually all southern-based conservation groups. However, World Wildlife Fund tried hard to explain that they were taking a different path, and I remember that you, Monte, made these points in your address to the first meeting of Indigenous Survival International (ISI) in Yellowknife.

Although some delegates at the Yellowknife conference and at the Inuvik PAS conference initially refused to dialogue with the environmental non-government organizations (ENGOS), they eventually agreed to work with WWF and others to develop a "Protected Areas Strategy". One of the results of the PAS conference was to bring about a working partnership with the World Wildlife Fund.

In October 2003, after 16 years in the Legislative Assembly of the Northwest Territories, I decided not to seek re-election. Elected in the Sahtu in 1987 I served as a Cabinet Minister for the first 12 years and the last four years as Premier. From 1983 to 1987 I served as President of the Dene Nation. I originally joined the northern aboriginal organizations in 1974 and worked in Yellowknife and the Sahtu until 1983 when I was elected as Dene Nation President. For many of us here in the N.W.T. our entire career and working life has been dedicated to the recognition of the aboriginal rights of our peoples and the right to control and manage our lives, our land and our resources. At the beginning of a new century, the end of my public political career in the Northwest Territories has brought about an opportunity to reflect personally on my life, my home, my people and our future. What has been done? What needs to be done? Who will be there to do what is necessary?

In the face of escalating industrial development in the NWT, the Protected Areas Strategy and the need for land use planning are two of the important agenda items that aboriginal people believe must be advanced on a timely basis. Co-ordinated land use planning should be advanced and completed before construction proceeds for any major gas pipeline and the inevitable increased exploration and development of other hydrocarbon deposits in the NWT. This is simply imperative if we are to respect the will of the people in the communities.

A. Introduction Letter (cont'd)

In the 1970s, The Berger hearings and the Inquiry's recommendations all spoke eloquently of the strong need for Dene, Metis and Inuvialuit to have their plans for their lands in place before the development should proceed. A recent report from the Mackenzie Valley Environmental Impact Review Board on the proposed Snap Lake diamond mine recommended that "A Blueprint for Implementing the Cumulative Effects Assessment and Management Strategy and Framework in the Northwest Territories and its Regions" be implemented. The "Blueprint" itself recommends that all land use planning be completed and initiated where none exists and to enhance the Protected Areas Strategy. The Mackenzie Valley Environmental Impact Review Board report and its recommendations were accepted by Minister Robert Nault on October 10, 2003.

Everything that we set out to do in 1974, what was said to Judge Berger and his subsequent recommendations, must come to pass and be in place in the next two to four years. Jim Antoine, a life-long Dene leader also recently retired from the Legislative Assembly after 12 years, six years as Minister and two years as Premier. After having high profile Dene/Metis leaders in the Government of the Northwest Territories for the last 25 years (James Wah-Shee, Nick Sibbeston, Richard Nerysoo were in the legislature previous to Jim Antoine and I), today there is no Dene or Metis of any significant profile in the legislature. There is a strong need to establish and support clear positions from the Premier and Ministers that are consistent with the wishes of aboriginal communities.

There is also a clear and urgent need to provide strong leadership to advance a major vision and effective agenda for the north. These are times of great economic opportunity in the north – but we must be very careful to seize these opportunities without taking great risks and degrading the land and its renewable resources, and the cultural traditions that have evolved over thousands of years. Some aboriginal leaders believe that it may be necessary to prepare and articulate a strong, clear vision statement for ourselves outside of the Legislative Assembly and Ottawa, to ensure that we provide the leadership.

A. Introduction Letter (cont'd)

We have a new Prime Minister and there is intense preparation right now for the federal election that is expected in April or May. There is a short opportunity to influence or advance the national Liberal campaign platform by developing a pan northern vision paper for all of northern Canada. It is possible to prepare and deliver a proposal to the Prime Minister's office and political advisors on how we can provide them with an all encompassing northern Canada vision – one that addresses sovereignty, conservation of natural and cultural values, northern defence, continual energy issues, climate change, pipelines, regulatory requirements, infrastructure for transportation and municipalities, etc. This would also be proposed to the DIAND Minister's office and political advisers as well as other relevant federal Ministers.

The federal government faces a multitude of demands for new and ongoing funding and intense ongoing lobbying from industry. There is a need to prepare a short- and long-term lobby campaign to advance our agenda at this critical time for the north. The Prime Minister has said that money will be tight and not everyone will get what they want. Federal officials have been drafting memos to Cabinet that address which initiatives in the Northwest Territories should receive funding. The government of the Northwest Territories is also extremely tight for new funds but the recently elected members all have high hopes for delivering a wide range of programs and projects to their constituents. So it seems imperative that there be an agreement to coordinate and prioritize our agendas to ensure we all do not compete for limited federal political attention and fiscal resources.

The proponents of the proposed gas pipeline expect to file an application this year. They have been preparing and planning for the last three years and are very well resourced.

The communities need more resources to prepare effectively to deal with the huge changes about to happen. They need to develop capacity. Strong leadership is needed now to pull them together, to coordinate and act decisively in an effective way to promote and advance their agenda.

A. Introduction Letter (cont'd)

I believe that even with the limited time we have it is possible to advance the very agenda we spoke about so passionately to Judge Berger just a few short years ago. Leadership is required and many of us are here and ready to move together and coordinate our efforts. It will require confidence in ourselves and faith in one another.

The Protected Areas Strategy is a good initiative, one that holds promise and I believe it can, and should, deliver long-term protection for our lands and our people.

This review and assessment was completed over one month, starting with a road trip through the Sahtu, and discussions with people in the communities. This report concludes my review and assessment of the Protected Areas Strategy in the Northwest Territories, with its special focus on its role in preparations for greatly increased hydrocarbon development activity in the Mackenzie Valley. A four-inch stack of documents and related materials were read over a number of days and reviewed subsequently a number of times. Discussions and interviews were held with over 40 individuals on a confidential basis. All interviews were 1½ to 2 hours in length and two were followed up with another meeting.

Some personal observations and conclusions are included and, of course, recommendations on what needs to be done. The work was interesting and rewarding. I thank you for providing this opportunity to work and have input.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephen Kakfwi". The signature is fluid and cursive, with a long horizontal flourish at the end.

Stephen Kakfwi

B. Review of Method and Materials

The main focus of this review and assessment is the NWT portions of the Mackenzie Valley between Inuvik and the Alberta border, with a special focus on the Sahtu region. This region is at the forefront of major new hydrocarbon developments, with the Mackenzie Gas Project's \$4- to \$5-Billion natural gas pipeline proposal expected to be filed in June or July 2004.

The overall aim of this report is to review the current state of habitat protection initiatives underway in the Mackenzie Valley via the NWT Protected Areas Strategy, to assess protected areas work as part of preparations for a well-balanced approach to new industrial development in the Mackenzie Valley, and to identify any significant gaps at this stage that should be filled.

My work entailed the following:

1. Review of key documents and reports (see Appendix I).
2. Travel to review outlook from Sahtu communities, particularly Fort Good Hope, to begin process of consultation with relevant parties in the Protected Areas Strategy.
3. Discussion with elected leaders, staff (and former staff), and community members, members of boards (including some former members), Sahtu Land Use Planning Board and staff, Sahtu Land and Water Board, and members and staff of the Sahtu Renewable Resources Board.
4. Discussion with general federal officials in the Northwest Territories involved in Protected Areas Strategy.
5. Discussion with Government of the Northwest Territories officials involved in Protected Areas Strategy.
6. Discussion with World Wildlife Fund's representatives and staff.

B. Review of Method and Materials (cont'd)

Interviews were conducted with numerous individuals (usually 1½ to 2 hours per person):

- Government of Canada officials (3)
- Government of the Northwest Territories officials (2)
- Elected members of various boards (5)
- Staff and officials of various boards (8)
- Elected representatives (8)
- Officials of various non-government organizations (3)

C. Review and Assessment of Protected Areas Initiatives

1. The NWT Protected Areas Strategy

- In 1992, on behalf of the people of Canada, the Canadian Council of Ministers of the Environment, the Canadian Parks Ministers' Council, and the Wildlife Ministers' Council, a commitment was signed to complete networks of protected areas representative of Canada's land and marine natural regions. This formal agreement was intended as a clear "public statement of consolidated political will to complete Canada's networks of protected natural areas by 2000", consistent with numerous international and national commitments to conserve biodiversity, and to adhere to the core principles of 'Sustainable Development'. This commitment was subsequently confirmed in writing by the leaders of each of the federal, territorial and provincial governments.
- In 1993, this commitment was again repeated in the House of Commons by an All-Party Resolution, that passed unanimously.
- In 1996, WWF filed in the Federal Court for judicial review of the procedures used to arrive at the Environmental Assessment Review Panel's recommendations concerning Canada's first proposed diamond mine (BHP in the NWT). This was due to the failure to recommend specific time-limited actions on protected areas as a condition of project approval – in the context of the above 1992 TriCouncil commitments.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- Resolution of this problem was achieved by, among other things, a federal-territorial government commitment in September-October 1996, signed by the DIAND Minister, Ron Irwin, to develop and implement a Protected Areas Strategy (PAS) for the NWT by the end of 1998.
- On September 10, 1996, Paul Martin, then the federal Finance Minister, confirmed in writing to WWF “that the government sees this initiative as an important priority in ensuring the protection of representative areas in the central Arctic”.
- The process for developing the NWT PAS was formally initiated by GNWT RWED Minister Stephen Kakfwi at the Inuvik Conference in 1997, by multi party agreement reached after three days.
- The NWT PAS was completed in February 1999 and formally approved by governments in September 1999.
- The NWT PAS is a consensus-based and community-driven process, involving representatives from all eight regional aboriginal organizations, federal and territorial governments, the oil/gas industry, the mining industry, and two environmental conservation NGOs.
- Implementation of the NWT PAS is ultimately the responsibility of the federal government (represented by DIAND) and the territorial government.
- PAS implementation began in 2000, with advancement of the Sahyoue-Edacho National Historic Site in the Sahtu, on Great Bear Lake, under an interim five-year land withdrawal, while more detailed resource assessments are conducted for this area. Subsequently, Edézhíe (The Horn Plateau) in the Deh Cho was advanced via the PAS as a National Wildlife Area, again under an initial five-year land withdrawal.
- Other candidate sites of key cultural and wildlife/watershed value to communities are in varying stages of documentation and advancement through the PAS process.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- In October 2003, the PAS Chair (Stan Sangrez) submitted to DIAND Minister Nault (as he had requested in writing), the PAS Action Plan to 2009: "Mackenzie Valley Five-year Action Plan (2004-2009): Conservation Planning For Pipeline Development".
- This collaborative \$18-million Action Plan for 2004-2009 identifies specific work required of the PAS partners (Regional Aboriginal organizations, governments, industry, and environmental conservation organizations) in support of communities seeking to protect a network of key cultural and wildlife areas prior to major hydrocarbon development in the NWT portion of the Mackenzie Valley.
- The Protected Areas Strategy is a well-developed, balanced guide accepted by all parties.
- The Protected Areas Strategy provides an outline of common steps for all communities to advance areas for protection in an orderly and efficient manner.

2. Sahtu

I started the work by driving from Yellowknife to Fort Good Hope. The Sahtu has always been the heart land of the Dene. My route took me to Fort Providence where the ferry took us across the Mackenzie River. We continued on with an over night stop in Fort Simpson covering over 700 kms. The following morning I left at 8:00 a.m. and crossed the Mackenzie River stopping in Wrigley (over 200 km). From there I proceeded from the end of the Mackenzie Highway (Wrigley) onto the winter road. This rough (winter only) road system opens annually in January until mid March. The average speed is 30-70 km/hr due to the rough terrain. We arrived in Tulita at 5:00 p.m.

To help expedite oil and gas exploration in the Sahtu numerous permanent bridges have been constructed between Wrigley and Tulita in the last two years with many more being constructed this year and next. We encountered a huge bull moose at one ravine and watched as he trotted ahead on the road then

C. Review and Assessment of Protected Areas Initiatives (cont'd)

veered off up the side of a rough steep ridge. He circled in the woods to watch us then cut through the deep snow further up the ridge. The drive from Tulita took us in a huge loop from the community onto the Mackenzie River in front of the Bear River just below Bear Rock. This huge ridge is one of the most significant spiritual sites for all the Dene. From it we have the legend and teachings of Yamoria (the one who circled the universe). We overnighed in Norman Wells after the three-hour drive. The following morning we left and arrived in Fort Good Hope after another three-hour drive.

There was traffic and signs of oil and gas companies through the entire winter road drive with increased traffic and activity expected over the next three months. The country is beautiful, spectacular with huge rivers flowing into the Mackenzie, mountain ridges, numerous creeks and lakes. The country is huge and full of animal life, wolf tracks, fox, moose, rabbit and ptarmigan. In Tulita we heard of some Dene from Fort Providence who, with Tulita relatives, had a successful hunt of 20 caribou. The women were preparing to work on the caribou when we left. It is food for the five families for a few months and it will be supplemented with moose meat, fish, rabbits, ptarmigan and spruce grouse. The land still feeds us!

2.1 Fort Good Hope

"I fished for all the elders here last fall. Everyone had fish for a few months. My children are all grown up now with their own families, but all of us still depend on moose, caribou and fish for our food. This is what we like.... We still go out for spring hunt every year, for ducks, beaver, muskrat".

(Michael Lafferty, Fort Good Hope)

It was important for me to begin my work from Fort Good Hope, my hometown. It is where I was born and raised. It was where I began my work and gave my first public statement about what I believed needed to be done and how I saw the world. It was from there I began to read, hear and assess what we have done since 1974. What is the Protected Areas Strategy to the people of Fort Good Hope? What more needs to be done?

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- The Sahtu Land Use Planning Board has developed a preliminary draft land use plan which is currently being circulated for discussion. Two professional technicians estimate a minimum of one more year required to develop a full “draft Sahtu Land Use Plan”. The Sahtu Land and Water Board reviewed the preliminary draft and found it to be fundamentally lacking, however, there are no funds left to continue to work at this time. The Sahtu Land and Water Board requires a completed Sahtu land use plan as soon as possible in order to deal effectively with the increasing level of industrial development activity in the region.
- Officials (federal and territorial) originally estimated that the Sahtu land use plan work could be done in five years. Apparently no professional land use planners were involved in this initial assessment or in the subsequent budget preparation (1993 to 2003 budget). Surpluses were not allowed to be carried over (until just recently). The land use plan was allocated \$555,000 per year for eight years then \$220,000 for each of the last two years, for a total of 10 years.
- In December 2003 all Sahtu Boards presented their (next) 10-year funding requirements to the Sahtu Implementation Committee. Decisions on funding are expected early in 2004. (The Sahtu Secretariat boycotted the meeting with rationale that they were not properly resourced to prepare adequately for budget submissions).
- Sahtu Land and Water Board prepared a budget submission of \$10.9 million over the next 10 years. They expect that increased activity in the Sahtu area will create a need for more staff.
- The Sahtu Land Use Planning Board ran out of funds in the spring, the professional staff left, so no one was able to prepare adequate budget submission. (2002-03 financial audit has still not been submitted as required by Sahtu Land Use Planning Board).

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- The Ramparts area has been identified by the community, backed up by wetland and waterbird information from Ducks Unlimited, as a key cultural area and outstanding world-class wetland complex. It is being proposed as a candidate area under the NWT PAS.
- Protected Areas Strategy work in Fort Good Hope will be administered by Yamoga Lands Corporation (the land claims organization) by agreement, and a community coordinator is expected to be hired in the next few weeks.
- More areas need protection in Fort Good Hope and Elders are anxious to continue work to achieve this before major industrial development proceeds.

2.2 Colville Lake

“The land is like our mother. We drink and we feed from her. This is how we feel about our land. This is why we feel so protective about our land, it is like our mother to us.”

(Antoine Abelon, Elder)

- Colville Lake has, in recent years, seen increased industrial activity in their area (the community has 80 people). The people only recently established municipal and political offices and staff and have no capacity to deal with the impacts of development or to deal adequately with oil and gas companies. In 2003 Colville Lake openly suggested it might ask for a one- to two-year moratorium on oil and gas activity in their area so they could assess impact on caribou.
- Some people in Colville Lake are not aware of the NWT Protected Areas Strategy, but they are interested in discussing how they might use it.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

2.3 Deline

“Not one square inch of our land is protected yet and this is an area not of any interest to industry!”

(Leroy Andre of Deline, speaking of the Sahyoue-Edacho area)

- The community has long wanted to protect Sahyoue and Edacho (Grizzly Bear Mountain, and Scented Grass Hills), two very important traditional use/culturally and spiritually key areas comprising two large peninsulas at the western end of Great Bear Lake.
- In 2000, Sahyoue-Edacho became the first site protected under the NWT PAS – in this instance these two areas were designated as a National Historic Site. Parks Canada sponsored a five-year interim land withdrawal, during which time more detailed resource assessments are to be conducted to enable a permanent, informed decision to be taken about site designation.
- There is significant concern within the community about the progress and commitment, working within the Protected Areas Strategy and Parks Canada, on long-term protection for the Sahyoue-Edacho National Historic Site (NHS).
- A meeting was expected in late January, but Parks Canada still had no proposal so the meeting was cancelled again. Deline is ready to go, but very frustrated at this time.
- Parks Canada was to develop a comprehensive proposal to get protected status for historic sites (cultural landscape).
- The federal government appears to be having difficulty in advancing a proposal for long-term protection of the NHS.
- The budget is there, a work plan is there, Ecological Assessment, Mineral Assessment, everything is done but Parks Canada needs to do their part.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- Workshops in February, to report to community, are planned but not certain there will be anything to report.
- Parks Canada is stalling the process to develop management options. Not clear why. Lack of resources? Staff? Not political priority? Unable to get into place? Can Deline help to develop management options?
- Deline Fishery, Franklin Fort site and fishery heritage site are also targeted to be advanced for protection (Section 26.4.3 of Sahtu Land Claim Agreement).

2.4 Tulita

- An application by Northrock Resources to do exploration near Stewart Lake two years ago was contentious from the start. With no land use plan in place for the region all permits are dealt with by the regulations one piece at a time. Although the Mountain Dene were strongly opposed to industrial activity in the area, and suggested a different route (access), the company persisted in its proposed access route and the regulator in the end agreed.
- There is a strong resentment amongst the Mountain Dene about oil and gas activities in their traditional lands. Many Mountain Dene are not signatories to the Sahtu Land Claim Agreement. The Protected Areas Strategy could be an important part of how the Dene and Metis can continue to advance ways to protect their lands for future use.
- The Land and Water Board referred the application by Northrock Resources to work near Stewart Lake to a public hearing. The Mackenzie Valley Environmental Impact Review Board later recommended that people be hired by the company to ensure sensitive and archaeologically important sites be protected.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

2.5 General Observations

- The new Premier of the Northwest Territories suggests that the Department of Resources, Wildlife and Economic Development be split up.
- The Premier has invited the NWT community leaders to a meeting in April 2004 to help the GNWT develop a vision and four-year plan for the NWT by May, for implementation starting as early as fall 2004.
- Federal government may fund only some Northwest Territories initiatives, or provide partial funding only to all of them.
- Parks moving from Heritage Canada to Environment Canada.
- A collaborative Northwest Territories 'Environmental Sciences Centre' is being proposed, to better coordinate, share and utilise environmental information in decision-making.
- The NWT Protected Areas Strategy five-year Action Plan (2004-9) is a fine document, supported by all key stakeholder groups. It should be fully implemented by all PAS partners.
- However only three-percent of the total budget of \$17.8 million over the PAS Action Plan's five years is allocated to 'Communications'. This is inadequate given the level of understanding of the PAS, at least in parts of the Sahtu. I believe that much greater emphasis should be placed at this time on communicating the purpose, process and value of the PAS to communities, and further afield.

3. Deh Cho

"Dene is our name for ourself which means from the earth. This is how close we are to our land. We are of the earth. We are from the earth."

(Deh Cho Elder)

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- In spring 2003, the Deh Cho signed the Interim Measures Agreement with the federal government. A key component of this was the interim five-year withdrawal of significant lands and watersheds in the Deh Cho, which in conjunction with the existing Nahanni National Park, and Edézhíe, form a large network of connected key areas for cultural and natural values. The initiative prescribes detailed resource assessments for these areas (comprising in total almost 50% of the Deh Cho region), as well as allowing for continued planning for a major gas pipeline corridor to be established through the region.
- This extensive network of key natural areas represents many of the lands of highest importance to local people, and thus also to the wildlife populations living in the region. From these areas, as the resource assessments proceed, candidate areas are being proposed by communities for permanent protection via the PAS process.

4. Gwich'in

“People lived close to the land and took care of it because it was what they depended on. It is the only resource they had.”

(Charlie Snowshoe, Fort McPherson)

- In the 1990s, a number of areas of great importance to the Gwich'in for cultural and wildlife reasons were identified, and pursued, prior the NWT PAS. The Gwich'in land use plan preparations were well underway then, and so by 1999 four of these large landscape areas, and 13 smaller heritage sites/areas were identified for long-term protection in the Land Use Plan approved by the Gwich'in Tribal Council and the GNWT.
- DIAND approval of the land use plan came only four years later, after much negotiation (see page 18). The four large proposed areas for protection were finally termed “Conservation Zones” in 2003.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- The most notable site among the four is Travaillant Lake (Khailuk), east of Tsiigehtchic (Arctic Red River). This area is of great cultural importance to the Gwich'in, and many key fish and wildlife species, as well as being a globally significant wetland complex. But the proposed Mackenzie gas pipeline route would bisect this general highly sensitive area.
- With careful planning and consultation with all stakeholders and using all available information, the Gwich'in have been able to identify sufficient key areas of high cultural value for full protection, plus surrounding special management zones, while accommodating a single narrow energy corridor through this general area.
- As for the other conservation zones and heritage areas, five-year land withdrawals are in place, while more detailed resource assessments are conducted. In addition, necessary alterations to the Canada Mining Act Regulations are proceeding, to exclude mining exploration/staking in these areas. By 2008, long-term protection will be considered by the communities for these key areas via the NWT PAS Action Plan.
- This pragmatic approach to habitat protection seems to be working quite well, but funding and momentum must be sustained if this approach is to be properly assessed for potential use elsewhere.

5. Regional Land Use Planning

- Land use planning is a familiar and widely accepted way to plan for an acceptable and effective balance of human values at a municipal or regional level. Good advance planning helps avoid conflicts, and to increase certainty for everyone.
- Nearly 30 years ago, the Berger Inquiry in the NWT drew some important conclusions, that many NWT residents believe apply as much today as they did 30 years ago:

C. Review and Assessment of Protected Areas Initiatives (cont'd)

“... there should be adequate planning for all northern conservation areas before proposals for new large-scale frontier projects are advanced”.

“As part of comprehensive planning in Canada’s North, the federal government should develop a northern conservation strategy to protect areas of natural or cultural significance. This strategy should comprise inventories of natural and cultural resources, identification of unique and representative areas, and withdrawal and protection of such areas under appropriate legislation”.

“Conservation is itself an important land use and areas should be identified and set aside while the options are still open”.

(see 1977 Berger Report, Volume 2, Chapter 10)

- Regional land use planning is legally required by the Mackenzie Valley Resource Management Act, and via the comprehensive land claim settlements for the Gwich’in and Sahtu regions.
- Comprehensive land use planning should be completed ahead of major industrial development in the Mackenzie Valley in, at minimum, all regions in which hydrocarbon deposits and significant mineral resources have been confirmed or are predicted to occur.
- Unlike many other parts of Canada, in the NWT there is still the opportunity to set this balance right and plan for an effective balance of values – social, cultural, environmental and economic. Local people do now seek economic development opportunities, but not at any cost.
- Components of land use planning are underway in many parts of the NWT, but comprehensive, effective land use planning has yet to be achieved in most regions. The Gwich’in Land Use Plan comes closest to achieving this. Sustained funding to complete comprehensive land use plans prior to project decision-making/EA/regulation, has often not been forthcoming.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- The Gwich'in Land Use Plan was completed in 1999, and, after considerable negotiation and delay, finally approved by federal DIAND Minister Nault in August 2003. It is a good document, which identifies four sizeable 'Conservation Zones' and 13 smaller 'Heritage Areas' of importance to the communities. These sites have been withdrawn from development opportunity, under the Territorial Lands Act, for a five-year period, while more detailed resource assessments are conducted. This is the first such instance in the NWT whereby lands have received protection via withdrawals under the land use planning process.
- Based upon this new resource information for the Conservation Zones and Heritage Areas, in 2008 informed decisions can then be taken on long-term protection for some or all of these key areas.
- In the Sahtu, a preliminary draft Land Use Plan was completed in 2003, and the deadline for initial comments was January 31, 2004. This plan identifies some extensive areas of high cultural and environmental importance. Funds are not secure for this process. Staff turnover has been high at the Sahtu Land Use Planning Board.
- In the Dogrib region, there is no land use plan, except on the Dogrib's own lands, but they have just started one.
- None for Akaitcho.
- None for Metis South Slave, or Metis North Slave.
- The Deh Cho have only just started their land use planning process, once the Interim Measures Agreement was established in spring 2003.
- Some people have observed that, in fact, the NWT Protected Areas Strategy is really the only habitat/landscape protection "game in town", particularly where in regions with no settled land claims or land use planning initiatives underway.

D. Summary of Main Findings

- Extensive and long term funding is required for the work of the Land Use Planning Boards, as well as:
 - Protected Areas Strategy
 - CEAMF (Cumulative Environmental Assessment and Management Framework)
 - Land Claims
 - Self-government
 - Infrastructure
 - Training, etc.

- Funding needs of the Government of the Northwest Territories, Aboriginal Government and non-government organizations need to be prioritized; e.g., Social agenda (policing, health and youth); Economic development; Land claims implementation; Infrastructure; Transportation; Municipal.

- Federal policy is lacking for department officials to effectively deal with and advance the NWT PAS and the Action Plan to 2009.

- The development of the Great Bear Lake management plan is well underway. It could be 80-percent completed by March 2004. It may (and should) be included in the draft Sahtu Land Use Plan.

- Funding decisions are currently underway in Ottawa and urgent lobbying may be required immediately to ensure Protected Areas Strategy Action Plan funding is committed, as part of balanced preparations for dealing with new natural gas developments in the Mackenzie Valley.

- Political priorities are currently being considered by Ministers and members of Cabinet.

- A federal campaign is being prepared for an election call in April or May 2004.

D. Summary of Main Findings (cont'd)

- The speed and scope of recent developments in oil and gas and mineral exploration makes meeting current federal government and territorial government commitments increasingly difficult to coordinate, manage and implement.
- The Protected Areas Strategy was seen as a timely, useful initiative and is a good example of northern cooperation consensus approach to effective addressing of concerns and issues.
- The Protected Areas Strategy is a well-accepted document.
- The Protected Areas Strategy five-year Action Plan is generally a well thought-out plan; the PAS process has worked very well to date.
- But the Action Plan lacks commitment from the federal government to complete specific initiatives under Protected Areas Strategy.
- The assumption of the Protected Areas Strategy that senior government officials can or will complete initiatives of the PAS is wrong.
- Some community members have an inadequate understanding of the NWT Protected Areas Strategy.
- The Protected Areas Strategy five-year action plan identifies only three-percent of its budget for implementing a communication plan. There needs to be greatly increased attention paid to promoting and communicating the central role of the NWT PAS Action Plan in achieving an acceptable balance of values in the NWT.
- The long-term protection of lands withdrawn in Deline (Sahyoue-Edacho) will not be completed without strong clear direction and recommendations for priority funding from the Minister for Parks Canada. Direction to develop new innovative management regime for aboriginal government is required.
- Some people have observed that, in fact, the NWT Protected Areas Strategy is really the only habitat/landscape protection “game in town”, particularly where in regions with no settled land claims or land use planning initiatives underway.

E. Recommendations

Recommendation 1

That the Protected Areas Strategy five-year Action Plan (2004-2009) be fully implemented and financed as planned, including the \$9-million contribution over five years from the federal government.

Recommendation 2

That all comprehensive land use planning be adequately resourced and be completed as soon as possible, and definitely prior to further major decisions on new hydrocarbon developments in the Mackenzie Valley.

Recommendation 3

That the recommendations of the Mackenzie Valley Environmental Impact Review Board's 'Blueprint' report on the Snap Lake diamond mine project be implemented in full, including completion of all regional land use planning and enhancement of the PAS.

Recommendation 4

That a lobby effort be planned as soon as possible by non-government partners in the NWT PAS, to secure firm support for the PAS five-year Action Plan, targeting the following:

- Prime Minister and the PMO
- DIAND Minister A. Mitchell, Deputy Minister and officials
- Minister of Environment, David Anderson and Deputy Minister
- Northwest Territories MP Ethel Blondin-Andrew
- Senator Nick Sibbeston
- Premier Joe Handley
- Principal Secretary
- Minister of RWED, and Deputy Minister
- Chair/committee of MLAs

Recommendation 5

That the relevant Ministers of Canada plan and initiate work to develop policies for the Northwest Territories for "responsible economic development within a sound environmental management framework."

E. Recommendations (cont'd)

Recommendation 6

That World Wildlife Fund Canada and other non-government PAS partners lobby and promote for the NWT: “responsible economic development within a sound environmental management framework.”

Recommendation 7

That federal Ministers be encouraged to meet to develop quickly an adequate plan, mechanism and financing, setting clear targets and objectives, to link the following three key components of a “sound environmental management framework” in the NWT:

1. Protected Areas Strategy
2. Land Use Planning
3. Cumulative Effects Assessment and Management Framework

Recommendation 8

That funding for the existing Protected Areas Strategy Secretariat be maintained at its current level, separate from the five-year Action Plan, and that non-government organizations and aboriginal members of the PAS Implementation Advisory Committee have a strong, active role in driving the work of the PAS Secretariat and implementation of the Action Plan.

Recommendation 9

That a Communication Plan be developed and implemented swiftly by PAS partners, to:

- Promote and clarify the regional and territorial focus on the PAS and the five-year Action Plan.
- Articulate clearly the PAS in the context of aboriginal self-government and especially land use planning.
- Assist World Wildlife Fund and other non-government PAS partners in their lobby efforts to initiate PAS work in advance of major industrial development.
- Communicate effectively and widely the PAS five-year Action Plan, its goals and objectives, to communities and relevant organizations, to build and sustain confidence in the PAS process.

E. Recommendations (cont'd)

Recommendation 10

That NGO partners in the NWT PAS meet with David Anderson, Minister of Environment (Parks Canada) as soon as possible to encourage him to:

- Give political direction to Parks officials to complete Protected Areas Strategy process for withdrawn lands in Sahyoue-Edacho.
- To ensure that a site management plan be developed, and then adequately resourced and implemented.
- Appoint an independent party to review and recommend management options to Parks Canada regarding the Sahyoue-Edacho National Historic Site in the Sahtu.

Recommendation 11

That the federal and territorial governments be encouraged to support land withdrawals by aboriginal governments/organizations, and to assist with building capacity to do so in the communities.

Recommendation 12

That the most important areas be withdrawn first to ensure resources will be best utilized. The federal government should not give political support and financial resources to areas of lesser importance that communities will identify for land withdrawal later.

Recommendation 13

That the “Northwest Territories Environmental Sciences Centre” concept paper be reviewed by World Wildlife Fund.

APPENDIX I. List of Key Documents Reviewed

1. Northwest Territories Protected Areas Strategy. (September 27, 1999)
2. Protected Areas Strategy Mackenzie Valley Five Year Action Plan – 2004-2009.
3. Sahtu Preliminary Draft Land Use Plan.
4. Gwitch'in Land Use Plan.
5. The Nature Audit. (World Wildlife Fund Canada)
6. Blueprint for Implementing the Cumulative Effects Assessment and Management Strategy and Framework in Northwest Territories.
7. Northwest Territories Environmental Sciences Centre. (Discussion paper)
8. Sahtu Comprehensive Land Claim Agreement Implementation Plan.
9. Northwest Territories Protected Areas Strategy 1999-2001 Annual Report.
10. Various letters and papers.
11. Report of Environmental Assessment for Northwest Summit Creek B 44 Exploration Well. Appendix A. Recommendations.
12. NRTEE 2004 Greening of the Budget Submission.
13. Endangered Spaces. WWF 1989-2000 campaign.



WWF's MISSION is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by:

- > conserving the world's biological diversity
- > ensuring that the use of renewable resources is sustainable
- > promoting the reduction of pollution and wasteful consumption

World Wildlife Fund Canada
245 Eglinton Ave. East, Suite 410
Toronto, Ontario, M4P 3J1
Telephone: 1-800-26-PANDA
In the Toronto area: (416) 489-8800
Facsimile: (416) 489-3611
www.wwf.ca



© 1986 Panda symbol WWF ® WWF Registered Trademark