

## **GNWT Thaidene Nene (TDN) Public Engagement Session**

**Fort Smith – July 27, 2015**

### **Summary of Proceedings**

#### Overview

- Meeting began with introductions by the Minister of Negotiations Core Team and Merrell-Ann Phare (GNWT Chief Negotiator for TDN), Shannon Cumming (ADM, Environment and Natural Resources, GNWT), and Darin Bagshaw (Environment and Natural Resources, GNWT), and Steven Nitah from Lutsel K'e Dene First Nations (LKDFN); brief intro to TDN by Minister Miltenberger; followed by TDN presentation from GNWT Chief Negotiator Merrell-Ann Phare.
- Meeting was attended by approximately 20 people. In attendance was Tom Colosimo (Industry, Tourism and Investment, GNWT).
- Notes taken by Claudia Haas (Environment and Natural Resources, GNWT).

#### Opening Remarks by Minister Miltenberger

TDN was first identified in the 1970's as a proposed National Park and the land was permanently withdrawn. In 2007, a larger study area was identified (over 33,000km<sup>2</sup>) and the remaining area was withdrawn. With devolution, GNWT became the land owner. Establishing this park is a priority for GNWT.

The GNWT negotiating team was provided with the instruction to make the federal footprint as small as possible and supplement the National Park with 'northern tools' to conserve other important lands. Since last October, we have compressed about 4 years of complex negotiations into a 6 month period. There have been many meetings with the Aboriginal governments and also meetings with the federal government. The three levels of government (GNWT including Cabinet, Aboriginal governments, and the federal government) have seen and approved the consultation boundaries map provided here.

There are going to be two separate engagement processes:

- the GNWT will implement territorial engagement process over the next few weeks; and, following that,
- the federal government will conduct their own engagement process on the federal area of interest. Parks Canada has asked that the GNWT not discuss the values within the federal area, so any questions on that should be addressed to Parks Canada during their engagement process.

The multi-coloured map shows consultation boundary lines for the areas intended to be addressed through national designation, the areas intended to be territorial conservation, and the areas excluded all together. The negotiating team has shrunk the federal footprint by 57% and have excluded more areas than was originally proposed. The GNWT expects there to be small site-specific boundary

discussions, but overall these are the broad boundaries to be engaged on. Our job here is to lay out what has been negotiated and then to report back to Cabinet.

Minister Miltenberger, also Finance Minister, reminded that Canada and the GNWT are in a time of fiscal restraint. This affects what activities the GNWT can complete so fiscal consideration will be factored in when Cabinet reviews all the TDN material.

The Minister indicated that the session was being recorded, and that summary notes were being prepared and would be made publicly available.

#### GNWT Presentation on Thaidene Nënë by GNWT Chief Negotiator Merrell-Ann Phare

The Chief Negotiator provided a history of the TDN area and the impetus for the GNWT moving forward with the protection of TDN and described the collaborative process used to date to come up with the consultation boundaries. The broad interests were described and maps were provided around the room showing the ecological and cultural interests, caribou use interests, energy interests, transportation interests, and mineral interests. The Chief Negotiator described in general terms what led to the decisions on what is proposed for territorial conservation designations and what is proposed to be excluded all together from the TDN area of interest under land withdrawal. The federal interest area is shown on the map in dark green but the Chief Negotiator indicated that Parks Canada will consult on their interests in this area separately.

The Chief Negotiator described the Northern Tools (tools available to the GNNWT include legislative and regulatory instruments, policy, strategies, frameworks, actions plans, formalized decision-making processes, and models) that could be used given the key attributes required for TDN, namely permanence, no industrial development, respect for Aboriginal and treaty rights, and allowance of the northern lifestyle. To this effect, the Chief Negotiator provided a broad list of activities that all negotiating parties agree are compatible in the territorial park, and explained that there would be many opportunities for the public to engage in discussions on this issue and Northern Tools in the future as progress is made on achieving TDN. The Chief Negotiator also described the third party interests that exist in TDN, namely individuals that have title or leases in the area and that these rights would be respected, as agreed to in the Devolution agreement. The Chief Negotiator briefly described the collaborative governance and the building of a conservation economy that is being considered for TDN. She finished the presentation indicating the proposed next steps, including a presentation to Cabinet at the end of August on the outcomes of these consultations.

#### Themes of Comments and Questions

1. Permanent Protection and Conservation Economy
  - George Kurszewski (Northwest Territories Métis Nation (NWTMN) member) stated he liked the idea of conservation when aboriginal rights are respected and it is done in a collaborative process. He thanked the elders and community members that preserved the ecological resources in the area for centuries and that we are very fortunate to have this area, it is our legacy.

## 2. Federal Footprint and Involvement

- Francois Paulette (Smith's Landing First Nation elder) questioned the change in process from being solely a National Park, raising a concern about the strength of the territorial legislation in comparison to the federal legislation and the legal basis for the GNWT protecting these areas. The Chief Negotiator clarified that the goal was to have the same level of protection with the territorial portion as with a national park, with full respect for Aboriginal and treaty rights and continuing the northern lifestyle. This would require amendments to the Territorial Parks Act. The Minister clarified this was a Cabinet priority and the GNWT is moving forward working collaboratively with the three Aboriginal government partners, LKDFN, Deninu Kue First Nations (DKFN) and NWTMN.
- George Kurszewski (NWTMN member) expressed concern about not knowing what would take place in the federal interest, which is 47% of the area of interest, and thus not yet being able to endorse the territorial portion.

## 3. Mining Development

- Meagan Wohlberg (Northern Journal reporter) asked if, for the areas removed where the mineral potential was not known, it was discovered they were low in mineral potential, would the area revert back into the park? The Minister clarified that this was not the case, and it would stay as open Crown land.

## 4. Areas-specific Boundary Changes

- George Kurszewski (NWTMN member) suggested that the caribou area should be bigger; explaining that when Peter Pond went to that area there were millions of caribou.
- Kevin Smith asked whether the GNWT considered the protected areas principles that bigger is better and connected is even better, given there is only a small amount of land that could connect the TDN study area and the Thelon? The Minister said this was considered but that the negotiation focussed solely within the 2007 withdrawal. He also noted that the Akaitcho had selected the area between TDN and the Thelon as part of their interim measures agreement.

## 5. Specific Operational Questions

- Meagan Wohlberg asked about the continuation of the Lutsel K'e ranger program. Steven Nitah stated LKDFN plans to continue the program with both Parks Canada and the GNWT.
- George Kurszewski (NWTMN member) expressed concern that questions on the specific activities allowed in the area will require more discussion and cannot be dealt with in this forum. The Minister clarified that soon after GNWT had the file they reached out to all the Aboriginal Governments. That discussion on the specific activities allowed will be ongoing for many years. These public meetings are just to discuss the consultative boundaries.
- Meagan Wohlberg (Northern Journal reporter) asked for clarification if the amendments to the Territorial Parks Act will affect current parks as well or just future parks. The Minister clarified that the act needs modernization and that changes would likely apply to current territorial parks but that most current parks are road-side parks, not the kind of park being talked about for TDN.

- Meagan Wohlberg (Northern Journal reporter) asked, given caribou are mobile and that area in TDN is not permanent, is the area going to be a mobile zone too? The Minister explained that regional caribou management was dealt with in a separate process and The Chief Negotiator clarified that this area is to protect caribou wintering habitat, not caribou themselves. She stated that the details on what process would be in place to decide if the area continues to be important for caribou has not yet finalized, but likely would involve an independent panel looking at both science and traditional knowledge.
- Kyle Napier (NWTMN member) stated he knew of two commercial fisheries owned by Aboriginal Governments that operate in this area and questioned what would happen to those. The Chief Negotiator answered that she was not aware of any aboriginally-owned commercial fisheries that operate in the area. She indicated that within the territorial park, commercial activities would not be allowed but what was considered a commercial activity has not yet been defined and this would be done in a collaborative way.
- Kyle Napier (NWTMN member) asked how the GNWT would ensure that any development that occurs in the excluded area would not have an impact inside the park? The Minister stated that the current regulatory process would be in place, which looks at assessing the impacts of proposed activities.
- Tim Heron (NWTMN member) asked when the Territorial Park amendments were going to happen. The Minister clarified this would be part of the transition documents for the next Legislative Assembly and that the intent is to work collaboratively, similar as was done with the revisions to the Wildlife Act.

#### 6. Aboriginal and Treaty Rights

- Francois Paulette (Smith's Landing First Nation elder) suggested that the GNWT use the TDN approach as a model for the Dehcho Process where GNWT is seen as an obstacle to completion, and that the GNWT needed to be more supportive of treaty rights. The Minister spoke about how this is a new process and shows how we can make a lot of progress if we work with Aboriginal Governments directly. What was done with TDN has a lot of potential to help move other files along. The Minister indicated that the GNWT is working directly with Aboriginal governments on legislation and signing agreements to work together.
- George Kurszewski (NWTMN member) stated he was not aware that his leadership at the NWTMN had endorsed the boundaries, including the federal portion, and would have like an opportunity to discuss this with them. The Chief Negotiator clarified that all Aboriginal government partners endorsed the consultation boundaries at the Regional Forum. She also clarified that Aboriginal rights would be dealt with in the separate process and the settlement of land claims would have paramountcy over a park.
- George Kurszewski (NWTMN member) questioned whether aboriginal lifestyles, including Aboriginal commercial rights, would be allowed within the park. Noting that Aboriginal commercial rights are not a large industry scale activities. The Minister clarified that industrial activities would not be allowed within the park but we will be maintaining northern lifestyles and Aboriginal and treaty rights.
- Thaidene Paulette spoke about being interested in this area for some time as his father was involved in the negotiations in the past. That we would not be here without the people of Lutsel K'e. He wanted clarification about how LKDFN felt about having some areas excluded and open for development, given some recent media coverage which

implied that LKDFN reluctantly agreed to this. Steven Nitah spoke about how this was a negotiated process and LKDFN agreed to the consultation boundaries presented, even if it did not include the whole area. Aboriginal rights will be respected in the area. Thaidene Paulette thanked Steven for his information and was happy to hear this.