

GNWT Thaidene Nene (TDN) Public Engagement Session
Yellowknife – July 15, 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), Nick Leeson (Industry, Tourism and Investment, GNWT), Paulina Csicsai (Lands, GNWT), Terriane Berens (Department of Aboriginal Affairs and Intergovernmental Relations, GNWT) and Darin Bagshaw (Environment and Natural Resources, GNWT); brief intro to TDN by Minister Miltenberger; followed by TDN presentation from GNWT Chief Negotiator Merrell-Ann Phare.
- Meeting was attended by over 90 people.
- Representatives from Lutsel K'e Dene First Nations (LKDFN) and NWT Métis Nation were in attendance as audience members. Members of the North Slave Métis Alliance were also in attendance. MLA Bob Bromley was also in attendance.
- Notes taken by Evelyn Gah (Environment and Natural Resource, 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TDN was first identified in the 1970's as a proposed National Park and the land was permanently withdrawn. In 2007, a larger study area was identified (over 33,000km²) and the remaining area was withdrawn.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
 - Erica Janes of CPAWS:
 - Highlighted research from 2013 that showed 80% of YK and Hay River residents supported permanent protection of TDN.

- Has collected over 900 signatures across Canada in support of TDN.
- Believes that combination of federal and territorial parks is the best solution for the combination of conservation, residents' use of the area, and employment opportunities.
- Gordon Hamre as a NWT citizen first thanked the Minister for attending the session and speaking to the issues and he indicated he wished more Ministers did this. He spoke about how he had spent a lot of time in TDN and that it was a fabulous place, relatively pristine which relatively few places in the world are today, is accessible, and has been used for a very long time. He advised that we needed to be thinking about TDN into the future. He indicated that GNWT had not accomplished significant levels of conservation through designation of territorial parks in the last quarter century and that he believed that TDN heralds a positive change for territorial parks that was long overdue. He commended the negotiators, wished LKDFN and Parks Canada were there, stated that in his view everyone deserves a lot of credit.
- Antje Rilk talked about experiences working with LKDFN and welcomes the park to protect its pristine nature and to allow for opportunities for residents of Lutsel K'e to strengthen their economy in a sustainable way.
- Peter Redvers (Canadian Parks And Wilderness Society board member) highlighted the longer-term potential of a conservation economy in this area rather than relying solely on minerals or energy development.
- Similar sentiments were expressed by Tasha Stevenson, Kevin O'Reilly and Larry Innes (legal counsel for LKDFN on TDN).
- Amele (Emily?) King asked if the land will remain protected once it has been established. The Minister responded that while any government has the power to change decisions in the future, the legislation that will be used to protect TDN will make it highly unlikely for it to be removed from protection. The Minister reiterated that the commitment of the GNWT is for permanent protection for TDN.

2. Federal Footprint and Involvement

- Lou Covello and Ray Decorby both suggested that GNWT should have worked harder to eliminate any possibility of a federal presence in TDN as Parks Canada's rules have been very restrictive in the past and the speakers didn't anticipate anything different in the future.
- Lou Covello questioned whether transportation corridors would be allowed through any part of a federal park. The Minister and the Chief Negotiator responded that there will be opportunity to develop transportation corridors through the TDN territorial park if needed (it has been part of negotiations and will continue to be so – i.e. if development opportunities come available, the plan for the area will allow the creation of access), Also, GNWT would be discussing this matter with Parks Canada regarding the federal area of interest, but that GNWT does not have control over the federal park.
- Ray Decorby indicated he spoken directly with Minister Agluukaq who had indicated to him that Canada would not create a federal park without GNWT's consent, and questioned why GNWT would give them any land back. Mr. Decorby suggested GNWT should have hired former Newfoundland Premier Danny Williams as negotiator who would have fought harder to keep more land under territorial control.
- Larry Innes (LKDFN legal counsel on TDN) indicated that Danny Williams negotiated two federal-provincial parks in his time. Larry also pointed out that the federal involvement

is important for their expertise, money, and because they are a good partner. In particular, they needed a certain amount of land to meet their ecological, cultural and tourism needs for the area in order to contribute financially in a significant way. It ensures that money for the park will come from both the federal and territorial governments, in addition to what the Aboriginal Governments can bring to the table.

- The Minister also corrected that Canada agreed to wait temporarily, but still wanted to have a park and would not just abandon that idea. In addition, he noted that through federal parks legislation, Canada has the right to unilaterally take land for Parks and acknowledgement of this right by GNWT was a condition of Devolution. Canada has indicated their preference to work cooperatively with the GNWT.
- Kevin O'Reilly expressed dismay at the idea of not working with Parks Canada and had similar sentiments to Larry Innes about the strong financial capacity and expertise of Parks Canada. He also asked about why federal and Aboriginal Governments were not at this meeting. He also thanked the Minister for attending the session, and said that he wished more GNWT Ministers would do this on their initiatives.
- The Minister explained that Parks Canada has their own process and Aboriginal governments respected this meeting as part of the GNWT process. Nonetheless, we are working well together on TDN and representatives of some participating Aboriginal Governments are in attendance.

3. Mining Development

- Tom Hoefer (NWT and Nunavut Chamber of Mines) spoke about how the mining industry is suffering right now. He explained his worry that much land is locked up in ILWs and land claims negotiations, that with the addition of TDN, it seems like there is not much left for exploration. He expressed the need for land claims to become clearer and resolved soon if possible. He said that if Parks Canada wants a park, that is fine, but the territorial component should be multiple use, which should include mining. The territorial component could be revisited after 5 years, but by taking it away now there is no mining opportunity. He also felt money could be given directly to Lutsel K'e for a conservation economy without cutting off land for protection.
- The Minister explained that the process used in TDN has been expeditious and has helped answer some of these long outstanding issues in the region. This is important for certainty but there are definitely process improvements that could be accomplished in other areas also. The Minister commented on the critical importance of the mining sector to the NWT economy, noting it comprises about 1.5 billion each year, and that NWT would be in dire straits without this industry.
- Tom Hoefer thanked the Minister for his awareness and supportive comments.
- Ray Decorby also brought forward his disappointment about so much land for protection in TDN. He agreed we need to diversify the economy, but expressed the view that mineral development is "the bread and butter" that keep the GDP strong in the NWT. Feels that the standard of living of NWT residents cannot be maintained through a conservation economy.
- The Minister explained that multiple interests needed to be considered during the negotiations and that much of the land with highest potential for future mineral development was excluded, plus some areas that required further research to understand the possible mineral opportunities (and did not have extremely high ecological and cultural importance). Over 7500 km² was excluded and would be open

Crown land. Also, Canada is in the lower rungs of rankings in the world when it comes to land protection and conservation. NWT is 1.3 million sq. km., so the TDN area is small compared to all land available for development.

- Peter Redvers indicated that when we look at the amount of land that has been or is available for development, it is huge compared to the land that is under protection.
- Anne Beaulieu expressed her appreciation for the approach taken to engage in collaboration, as she had seen similar approaches work in Africa and other locations during her 30 years in conservation. However, she also was concerned about the 'not-in-my-backyard' sentiment for mineral development and indicated that we need to look at using our own resources rather than exploiting those in other countries.

4. Proposed Area-specific Boundary Changes

- Antje Rilk urged increasing the quantum under protection.
- Ray Decorby indicated that he would like to see Reliance area stay within a territorial designation as he felt it would provide more flexibility to his existing way of life.
- The Minister indicated that this point was brought up in the stakeholder meetings and it would be part of future discussions and negotiation with the other parties.
- Tom Hofer asked about whether the feds had agreed to potential transportation corridors going through a national park.
- The Chief Negotiator indicated that the yellow arrows on the transportation interests map were hypothetical to indicate our general interests, but that our proposed approach on territorial parks would include provisions to allow transportation corridor access through the north shore of McLeod Bay if needed. Regarding corridors through federal area, this would still need to be negotiated with Parks Canada and GNWT is committed to putting forward this interest. The Minister indicated that should viable projects be found outside the park a way would be found to deal with it at that time.
- Sheldon Yamkovy-Lockhart from Lutsel K'e asked that Lutsel K'e be included in the park boundaries. The Chief Negotiator indicated that GNWT followed Lutsel K'e wishes, and they did not request this.
- There were some questions about specific choices made (such as exclusion of an important caribou area) and the Chief Negotiator explained through reference to maps how each interest area was addressed through a negotiated solution. In particular, almost all of the areas that caribou frequent in the TDN area would be included in either federal or territorial park, or in a territorial *Wildlife Act* conservation area.
- Two people asked whether the boundaries were a 'fait accompli' and the Minister explained that all governments had agreed to the proposed consultation boundaries and so there would not likely be large measure changes but that we are meeting with the public and stakeholders to get information about site-specific concerns that may need to be negotiated.

5. Specific Operational Questions

- Grant Pryznyk expressed support for the TDN approach being proposed and asked questions about membership on the management board, how it would be funded, and how the division of management would work with respect to water.
- Katie Rosenstrantz expressed support for the park and asked about how GNWT intended to address the interest of seamless rules between jurisdictions in terms of

firearms and hunting, since Parks Canada has been very firm on prohibiting firearms in the past.

- The Minister and the Chief Negotiator indicated that these types of details still need to be figured out in the future, but the commitment is to ensure the maintenance of a Northern lifestyle, a role for the public in ongoing implementation of the park, and agreement with the idea of consensus based decision-making by those Parties represented on the Management Board. The Chief Negotiator explained that after Devolution, GNWT has administration and control of lands and waters in the territorial areas, but the federal government still maintains their Canada-wide jurisdiction over fisheries (fish and fisheries, but also fish habitat and the quality of fish-bearing waters), shipping and navigation. Therefore, we still need to discuss how to coordinate our activities.
- The Minister also committed to a GNWT stakeholder advisory group in addition to the management board that would be created for TDN.

6. Aboriginal and Treaty Rights

- Barbara Ann Beck and Noleen Villebrun spoke about the Rocher River people, explaining their views regarding the true ownership of the land being based on Treaty 8, that she had filed a \$63 trillion lawsuit in the world court, that GNWT was engaged in cultural genocide, the GNWT and Lutsel K'e have no rights to turn TDN into public land for a park, and that any negotiation on the land should be strictly with the federal government based on who signed Treaty 8.