



**Parks Canada Response to Issues Identified
through Public Review (April 5-May 6, 2019) of the
Development Description for the Establishment of
Thaidene Nene National Park Reserve of Canada.**

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TABLE OF CONTENTS

Introduction2

Overview2

Is the proposed national park reserve responsive to northern interests?3

Whether the 90% Support for the Establishment of the Thaidene Nene National Park Reserve Represents Northerners.....4

Commercial and Recreational Aircraft Access5

Entry Fees.....6

Navigable waters.....6

Boundary Options6

Reliance Adjustment: Why was it not included in the Consultation and Engagement Report?7

How have Indigenous Governments.....8

North Slave Métis Alliance9

Comparison of Establishment of Thaidene Nene National Park Reserve with Other Economic Opportunities10

Money Expended in Investigating the Economic Potential of Resource Development11

Whether the potential for cobalt and lithium was investigated in MERA.....12

Alternative Land Access Options, such as corridor duly considered12

Diversification of Economy12

Lands currently unavailable to mining13

Introduction

In accordance with the *Mackenzie Valley Resource Management Act (MVRMA)*, Parks Canada is conducting a preliminary screening of the development Establishment of Thaidene Nene National Park Reserve of Canada.

A preliminary screening is required because section 124(2) of the MVRMA stipulates that developments proposed by federal agencies, including establishment of a park subject to the *Canada National Parks Act*, must be reviewed by preliminary screening. The purpose of a preliminary screening is to determine if a development has the potential to cause significant adverse environmental impacts or public concern.

On April 5, 2019, Parks Canada sent a Development Description to interested parties. The comment period originally scheduled for Thursday April 25, 2019 was extended to May 6th, at the request of some of the commenters.

The following is the Parks Canada response to issues raised by commenters.

Overview

Parks Canada is addressing issues raised during 2015-2017 public consultations on establishment of Thaidene Nene through two mechanisms:

1. Memorandum of Agreement for Thaidene Nene National Park Reserve" (Land Transfer Agreement); and,
2. Amendments to the Canada National Parks Act

The Land Transfer Agreement is a contractual arrangement under negotiation but substantially complete, between Parks Canada and the Government of the Northwest Territories (GNWT) to transfer administration and control of the proposed national park reserve lands to Parks Canada. In this agreement, Parks Canada and the GNWT s agreed that a number of activities which may not normally be permitted in national parks would be allowed within the proposed Thaidene Nene national park reserve. These commitments are being confirmed through amendments to the *Canada National Parks Act* and will apply specifically to the proposed Thaidene Nene national park reserve. The amendments are part of the Budget Implementation Act (Bill-97), currently before Parliament.

Is the proposed national park reserve responsive to northern interests?

The land transfer agreement addresses interests of northerners such as:

- Recreational uses;
- Use of firearms
- Aircraft landings and take off and fuel cache; and
- Existing leases, including the fishing lodge in the Reliance area.

(see also “Indigenous peoples”, Aircraft and “Reliance adjustment”)

The following activities will continue in the proposed Thaidene Nene national park reserve:

Activities and Land Uses in proposed Thaidene Nene National Park Reserve

Activity
Sport fishing (includes ice fishing)
Berry picking for personal use
Gathering medicinal and healing plants for personal use
Kayaking
Canoeing
Paddle boarding
Sailing
Boat mooring, including overnight
Cultural learning activities
Motorized recreational and commercial transportation including; take-off and landing on any water-body by aircraft, vessels and over-snow vehicles
Camping (includes back country and front country)
Hiking
Dog sledding
Snowshoeing
Cutting and gathering of wood for personal use for campfires and temporary shelters
Campfires
Shore lunches
Geocaching
Cross-country skiing
Underwater diving
Kite skiing and kite surfing
Waterskiing

In addition to the activities and land uses listed above, Parks Canada will provide for:

- Use of firearms for protection in Thaidene Nene National Park Reserve. Transportation and storage of firearms will be subject to the *Firearms Act*. Use of firearms will be subject

to terms, conditions, limits, seasons, and measures as Parks Canada considers reasonable to ensure public health and safety, sustainable use and conservation.

- **Barge transit and resupply through Thaidene Nene.**
- Parks Canada will maintain a location for the public to cache fuel near Reliance in accordance with applicable environmental protection and public health and safety standards.
- The ability for existing **commercial lodges** within Thaidene Nene National Park Reserve to **cut firewood** for lodge use, subject to sustainable use, conservation, and the terms and conditions of any applicable permit or business licence.
- **Leaseholders**, at the time of transfer of lands, will also have the permission to hunt **small game** for subsistence purposes.
- Special harvesters will be able to continue **subsistence harvesting**.
- Existing recreational and commercial lodge **leases** will be honoured with the same terms and conditions as they are currently under, including transferability.

These provisions are confirmed through amendments to the *Canada National Parks Act*.

Parks Canada will also:

- Bring funding into remote communities as a result of federal investment in the park and Indigenous park-related operations.
- Offer services in safety and fire management and science.
- Consult with public for the enactment of regulations and the management plan. The land transfer agreement stipulates that both the federal and territorial governments will conduct a public meeting annually.

Parks Canada has worked closely with GNWT to respond to interests of northerners. The GNWT supports the establishment of the Thaidene Nene national park reserve and its land configuration in conjunction with the Territorial Protected Areas and has included the establishment of Thaidene Nene in the mandate of the current 18th Legislative Assembly.

The above information is in response to letters from: Mr. Lou Covello, Mr. Ray Decorby, the NWT Floatplane Association, Mr. Spencer Decorby, and Mr. Dave Nickerson

Whether the 90% Support for the Establishment of the Thaidene Nene National Park Reserve Represents Northerners

Comments received in response to the Development Description questioned whether 90% support for the proposed national park reserve reported in the "[Proposed Thaidene Nënë National Park Reserve Consultation and Engagement Report](#)" (Consultation and Engagement Report) represented northerners.

Information gathered through the formal public consultations on establishment of Thaidene Nene from 2015 to 2017 was compiled in a consultation report produced by an independent

consultant, TAIT Communications & Consulting Inc., a third party independent of Parks Canada . The report is available on the Parks Canada website at <https://www.pc.gc.ca/en/pn-np/cnnp-cnnp/thaidene-nene/apprendre-learn/consultations>.

The Consultation and Engagement Report included comments from three general public meetings in the Northwest Territories (Yellowknife (2 meetings), Hay River (1 meeting)) and twelve stakeholder/interest group meetings in the Northwest Territories (NWT) and three general public meetings in the south (Calgary, Vancouver and Ottawa). The meetings in the NWT elicited vastly more comments (103) than all three of the southern meetings combined (22). NWT residents were also provided with opportunities to provide comments through comment forms available at the meetings and through the website. Analysis of these consultations, by TAIT, concluded there was a 90% overall support for the project. This analysis included all comments, letters, emails, and comment forms submitted by northerners, southerners and international residents.

The report states that meetings in Yellowknife focused on questions of clarification regarding what recreational activities would continue in the park and how Parks Canada management might change the current usage of the area. A large proportion of Yellowknifers who attended consultation sessions on the proposed national park reserve were interested in the area for outdoor recreation and enjoyment of the wilderness. Those interests among northern residents are consistent with environmental protection of the East Arm of Great Slave Lake. (see also Indigenous Governments)

The key purpose of the consultations was to identify the key issues that needed to be addressed in establishing the proposed national park reserve. The consultations were successful in this regard, resulting in Parks Canada addressing the concerns raised by northerners both through the Land Transfer Agreement and amendments to the *Canada National Parks Act*.

The above information is in response to letters from: NWT Chamber of Commerce, Mr. Lou Covello

Commercial and Recreational Aircraft Access

In response to concerns raised during 2015-2017 consultations with recreational and commercial aircraft operators, landings and take-offs for both recreational and commercial operators will be possible on all water based locations within the proposed national park reserve, as reflected in the list of permissible activities in the Land Transfer Agreement (see page 2). In the future, any restrictions on landings/take-offs, due to congestion for example, will be subject to consultation with recreational and commercial operators during the development of the park's management plan.

Aircraft access permits can be issued for the day of a flight, a time window, or for a season. Locations for landings and take-offs can be flexible for safety issues such as weather, mechanical issues, smoke and delays. There is no fee for an aircraft access permit. Parks Canada is committed to working with aircraft operators during development of the park's management plan to ensure an efficient permitting process.

A fee does apply for business licences for commercial aircraft operating in the park reserve that are receiving "gain or profit" (e.g., air charter for park visitors or researchers). For a commercial aircraft that is not operating a business in the national park reserve, an aircraft access permit is required, but there is no business licence fee.

People who access the proposed national park reserve, by any transportation means, will be able to continue their current activities including: berry-picking for personal use, camping, sport fishing, shore lunches, campfires, gathering wood, etc (see list of permissible activities on page 2).

The above information is in response to letters from: NWT Floatplane Association, Northern Air Transport Association, Mr. Spencer Decorby and Ms. Justine Crowe, NWT and Nunavut Chamber of Mines, Northwest Territories and Nunavut Construction Association

Entry Fees

There will be no entry fees for the proposed Thaidene Nene national park reserve. However, Parks Canada facilities and services may have a fee for use. Those fees are retained for reinvestment in the park.

The above information is in response to a letter from: NWT Floatplane Association

Navigable waters

The waters of Great Slave Lake that are included in the park, 1,067 km², will continue to be fully navigable and be open to motorized water craft, sail boats, kayaks, canoes and barges.

The above information is in response to a letter from: NWT and Nunavut Chamber of Mines

Boundary Options

The proposed boundary provided for public consultation was developed through negotiations between Parks Canada, the GNWT, Łutsël K'e Dene First Nation and the Northwest Territory Métis Nation. The consultation boundary was available for comment throughout the formal consultation period, at meetings, mail-outs and the Parks Canada website, from January 2015 to January 2017. The map handout was clearly labelled "Proposed Thaidene Nene National Park Reserve Boundary for Consultation". Former GNWT Minister of... Michael Miltenberger also conducted consultations with Indigenous governments and the general public on the matrix of

boundaries, including the national park reserve, the territorial protected areas and the excluded areas in 2015.

https://www.enr.gov.nt.ca/sites/enr/files/resources/tdn_summary_notes_-_yk_public_session.pdf

Parks Canada reviewed all the comments collected during the 2015-2017 formal consultation period. The most common theme was: "why was the boundary limited". These comments inquired why the national park reserve did not include the entire 33,600 km² study area; whether it included watersheds (there is no full watershed within the proposed national park reserve); why the Łutsël K'e community wasn't included; whether Reliance would be included; opposition to development near the national park reserve; and requests for buffer zones.

There is no set procedure for the number of boundary options which should be presented during consultations on establishment of a national park reserve, nor do the public consultation records note any requests for additional boundary options.

Following the devolution of the administration of lands and resources to the GNWT, the Senior Mineral and Energy Resource Assessment (MERA) Committee, chaired by the federal government, did not have a role in recommending boundary options for the proposed Thaidene Nene national park reserve. Instead the Government of the Northwest Territories represented its constituents in developing the consultation boundary.

The above information is in response to letters from: Mr. Spencer Decorby and Ms. Justine Crowe, Ms. Justine Blanchette, Borden Ladner Gervais LLP, Mr. Ray Decorby, Northwest Territories and Nunavut Construction Association, Northwest Territories Float Plane Association

Reliance Adjustment: Why was it not included in the Consultation and Engagement Report?

Representatives from the East Arm Property Owners Association proposed the "Reliance Adjustment" for the purpose of excluding an area around Reliance from the proposed Thaidene Nene national park reserve. For several years, Parks Canada has met with proponents of the "Reliance Adjustment" proposal, including an in-camera meeting March 16th, 2016. The proposal was not raised during the twelve stakeholder meetings nor the public meetings in Yellowknife, with the exception of a question regarding whether the Reliance area would be included in the proposed national park reserve. This latter comment is within the notes of the NWT Floatplane Association's meeting in the Consultation and Engagement Report.

The Consultation and Engagement Report was based entirely on the formal Parks Canada public consultation sessions. The report was compiled and authored by an independent consultant and not produced by Parks Canada. In-camera meetings did not include the consultant and therefore, were not part of the Consultation and Engagement Report.

The in-camera meetings with the East Arm Properties Owners Association were instrumental in the decisions about what would continue to be permitted in the area around Reliance. Parks Canada views those decisions as fully addressing all of the concerns raised in the public interest and taking into full account the interests in the “Reliance Adjustment”. (see also attached letter from Łutsel K’e Dene First Nation Chief Darryl Marlowe)

The above information is in response to letters from: Mr. Ray Decorby, Mr. Spencer Decorby and Ms. Justine Crowe, Ms. Justine Blanchette, Borden Ladner Gervais LLP, Northwest Territories and Nunavut Construction Association, Northern Air Transport Association

How have Indigenous Governments been involved?

Parks Canada has consulted with all Indigenous Governments and Indigenous Government Organizations with territories overlapping the proposed Thaidene Nene national park reserve. The proposed national park reserve falls within the territories of the Akaitcho First Nations (Łutsel K’e Dene First Nation, Yellowknives Dene First Nation and Deninu K’ue First Nation) and the Northwest Territory Métis Nation.

Łutsel K’e Dene First Nation, the closest community to the proposed Thaidene Nene national park reserve, initially rejected the idea of a national park in 1969. In the early 2000s, Chief Felix Lockhart approached the federal government with a request to re-open discussions regarding establishing a national park reserve. Their initiative brought the parties together to discuss the proposal and ultimately to reach an initialled establishment agreement. Łutsel K’e has been a strong advocate for the establishment of the park reserve over the past number of years on all levels. Thaidene Nene national park reserve is being established to be consistent with the principles of Indigenous Protected and Conserved Areas.

Agreements are also under negotiation between Parks Canada and the other Akaitcho Nations: Yellowknives Dene First Nation and Deninu K’ue First Nation.

The Akaitcho Nations have been working on terms and conditions for a regional management body for the national park reserve and the territorial protected areas.

Parks Canada and the Northwest Territory Métis Nation have been negotiating an Impact and Benefit Agreement since 2013 and have reached an initialled agreement.

All First Nations and Métis with claims accepted by the Government of Canada for negotiation have been engaged in the negotiation of Thaidene Nene national park reserve-related agreements. Nothing in these agreements will abrogate or derogate from any existing section 35 rights. Any section 35 rights (Aboriginal, treaty or land claim) that exist at present or in the future will continue to exist after the establishment of the park. Section 35 rights are included in the treaty or land and resources agreements of Akaitcho First Nations and Northwest Territory Métis Nation within the National Parks chapters. The Akaitcho Treaty is nearing the

completion of Agreement in Principle negotiations and the Northwest Territory Métis Nation agreement is in Final Agreement negotiations.

Although North Slave Métis Alliance do not have a land claim accepted for negotiation by the Government of Canada, they have asserted rights to harvest caribou, which have been recognised in court. Consultations with the North Slave Métis Alliance are on-going in which Parks Canada has assured their leadership that their rights will be respected and the duty to consult directly with them regarding their asserted rights will be observed. Parks Canada's obligations include consulting directly with the North Slave Métis Alliance on the management plan and any management actions which may adversely affect their asserted rights to harvest.

T'licho First Nation, with a settled land claim, has 1670 km² of their Mowhi Gogha De Niitlee within the proposed Thaidene Nene national park reserve. The National Parks Chapter of the Tlicho Agreement describes the relationship between Parks Canada and the Tlicho. Section 15.9 of the Agreement specifically relates to a "national park in the vicinity of the East Arm of Great Slave Lake". All applicable clauses within this section will be complied with by Parks Canada.

Łutsël K'e Dene First Nation, pursuant to a provision in their Framework Agreement signed in 2010, confirmed support for the establishment of Thaidene Nene with a membership vote, resulting in 89 percent in favour of the establishment of the national park reserve.

Conditional support for the establishment of Thaidene Nene national park reserve has been expressed by the Yellowknives Dene First Nation, the Deninu K'ue First Nation, the Northwest Territory Métis Nation and the T'licho. A determination of support from these First Nations and the Northwest Territory Métis Nation is expected before September, 2019.

Thaidene Nene national park reserve will continue to be designated as a national park reserve under the *Canada National Parks Act* until all claims with respect to aboriginal rights that have been accepted for negotiation by the Government of Canada are settled. This designation recognizes that Indigenous land title has not been resolved and land claim rights are yet to be finalized. If the First Nations or Métis select lands in the national park reserve through a land claim process, they may be removed from the national park reserve. Once all the claims are settled, Thaidene Nene would be designated as a national park and moved from Schedule 2 to Schedule 1 of the *Canada National Parks Act* and renamed Thaidene Nene National Park of Canada.

The above information is in response to letters from: NWT Chamber of Commerce, Mr. Ray Decorby and Ms. Justine Crowe, Mr. Lou Covello, North Slave Métis Alliance

North Slave Métis Alliance (NSMA)

The Development Description circulated April 5th mistakenly excluded vital information. The full Development Description was posted May 16th and is available on the preliminary screening portion of the Board's public registry (<http://reviewboard.ca/registry/preliminary-screenings>)

and can be located by selecting “Thaidene Nëné Park Establishment” from the Development drop-down menu. The information missing from the April 5th version is now found on page one of the May 16th version. It states, “The proposed national park reserve is also claimed by the North Slave Métis Alliance.” It also refers to North Slave Métis Alliance on the same page, “Parks Canada is also consulting and engaged with the Deninu K’ue First Nation, the Yellowknives Dene First Nation, the North Slave Métis Alliance and the Tlicho Government”.

The Development Description refers to cooperatively managing hunting and other traditional activities carried out by Indigenous people. It also references the cooperative management body considering mitigation measures that might arise as a result of visitor activities. In the first instance, Parks Canada will consult directly with NSMA as it will with other Indigenous governments and groups with regard to the exercise of their hunting and other traditional activities rights. The management body does not have, as part of its mandate, jurisdiction over Indigenous rights-based activities.

The above information is in response to letter from: North Slave Métis Alliance

Comparison of Establishment of Thaidene Nene National Park Reserve with Other Economic Opportunities

Parks Canada’s investment over the first twelve years of the established national park reserve will be \$40 million for capital development and operational costs. After the first 12 years and into the future, subject to Parliament appropriations, there will continue to be an annual expenditure of funds from Parks Canada of \$3.4 million per year in operations.

In addition to Parks Canada’s direct operational funding, Łutsël K’e Dene First Nation will invest annual funds from its trust fund for their operations, the capital for which will only be available if the national park reserve proceeds. Parks Canada will also be contributing funds to other First Nations and Métis with asserted territories overlapping the national park reserve for their roles in regional management of the national park reserve and/or in consultations.

Direct federal expenditures and contributions to Indigenous governments can have a multiplier effect, providing start-up money for operations in communities to support tourism and other ventures and will engage all First Nations and Métis in meaningful management of the lands.

Tourism services, accommodation, guiding and transportation services are all businesses which are amenable to small business entrepreneurs and jobs. Profits are most likely to stay within the local community and provide further potential investments and economic development.

With the support of a new Parks Canada office in Łutsël K’e, training opportunities and the benefits of Parks Canada’s national and international tourism brand, there are more opportunities for growth of this sustainable economic activity. Parks Canada and GNWT have committed to cross marketing tourism products, which will increase market reach. Tourism also

produces economic benefits from sharing cultural knowledge, experience and activities; thus promoting the continuation of Indigenous ways of life. Commitments by Parks Canada to use Indigenous languages in signage and publications will also support Indigenous language use.

In addition to enhanced opportunities in Łutsël K'e, the gateway communities of Fort Resolution and Yellowknife will also have benefits for their Indigenous residents and the communities as a whole. Increased traffic through both of those communities will have wide ranging effects, adding to the tourism product offerings in NWT.

The national park reserve and adjoining territorial protected areas will offer Indigenous residents the opportunity to be intrinsically involved in the management of land within their territories and also supports a permanent, sustainable local conservation economy.

The above information is in response to: NWT Chamber of Commerce, Mr. Ray Decorby, Mr. Lou Covello

Money Expended in Investigating the Economic Potential of Resource Development

The Government of Canada spent close to three million dollars on the *Mineral and Energy Resource Assessment of the proposed Thaidene Nene National Park Reserve in the area of the east arm of Great Slave Lake, Northwest Territories*, released as Open File 7196 in September 2013. For the 2013 study, Parks Canada Agency provided almost \$1.4 million, augmented by a contribution from Natural Resources Canada of almost one million dollars. In addition, there were costs for earlier field work in 2008. The 2013 study entailed two years of new field work and incorporated those results with the field work done in the 1980s and an extensive review of known occurrences, deposits and other sources of geological information. This study contained all relevant mineral and energy potential for the 33,600 km² study area, as well as an additional area of up to 30 km surrounding the study area to ensure that all interactions and potential need for external industrial corridors were taken into consideration. It was peer reviewed by the GNWT Geological Survey (as it is now known) and the results of MERA were instrumental to the GNWT and Parks Canada in determining the consultation boundary.

The proposed boundary excludes all high and most medium-high, areas of mineral potential. In addition, 12,000 km² of the study area will be territorial protected areas.

In establishing national parks, values other than resource development potential are weighed during public consultation. These values include the protection of ecological integrity for the benefit, education and enjoyment of all Canadians, to be made use of so as to leave the lands unimpaired for the enjoyment of future generations. Please see the section above "Comparison of Establishment of Thaidene Nene National Park Reserve with Other Economic Opportunities" for details on other economic benefits related to this park establishment proposal.

The above information is in response to letters from: NWT and Nunavut Chamber of Mines, NWT Chamber of Commerce

Whether the potential for cobalt and lithium was investigated in MERA

Potential for rare earth elements (REE) and rare metals (Zr, Nb, Ta, Li [Lithium], Be) deposits in the Thaidene Nene study area are considered in Chapter 13 of the 2013 MERA Report cited above. This includes a discussion on the peraluminous ($[Na+K/Al < 1]$) granitic pegmatite hosted deposits of Li, Ta and REE. It was noted that there were twenty-two occurrences of this deposit type known in the Area of Compilation and four deposits in the study area. Two of these occurrences – Moose #2 and Best Bet – were mined in the 1940s and 1950s for Lithium. The potential for peraluminous granitic pegmatite REE, Li and Ta type deposits were modelled in Chapter 23 and a map of potential is shown on pg. 581 of the MERA Report.

Potential for Iron Oxide-Copper-Gold (IOCG) type deposits are discussed in Chapter 19 of the MERA Report. These deposits are a polymetallic hydrothermal mineral deposits that generally contain Cu and Au in economic concentrations but also abundant in other minerals including Cobalt (Co), for example, the Fortune Minerals NICO Deposit in the Northwest Territories is an IOCG type deposit. The potential for IOCG type deposits is modelled in Chapter 23 of the 2013 MERA Report and a map showing the potential is shown on page 603 of the MERA Report.

The above information is in response to a letter from: NWT and Nunavut Chamber of Mines

Alternative Land Access Options, such as corridor duly considered

The mining industry proposal for a corridor through the park, made in stakeholder meetings and in letters to the Minister of Environment and Climate Change has been given due consideration (see attached letter McNamee to GNWT).

Also, in a letter submitted to Northern News Service Limited, in December of 2017, Lutsel K'e Dene First Nation then-Chief Felix Lockhart stated his community's opposition to a corridor beginning in Reliance and running through the national park reserve as disrupting "the most important, sacred cultural and heritage places for Dene and Northerners". Lutsel K'e Dene First Nation instead, he stated, support such a corridor beginning in Lutsel K'e which would take advantage of an airport there and be closer to Yellowknife and Hay River.

Responding to letter from: NWT and Nunavut Chamber of Mines

Diversification of Economy

Parks Canada agrees that conservation of lands must be balanced with economic opportunities in other resource extraction sectors, such as mining. With these principles in mind, the boundary that was selected for consultation excluded the areas of high, and most of the moderate to high, mineral potential from the proposed national park reserve. To our knowledge, there is no scientific assessment available, apart from the federal government

funded Mineral and Energy Resource Assessment (MERA), which provides evidence for areas of mineral potential within the proposed national park reserve boundaries.

The establishment of Thaidene Nene national park reserve would create a degree of certainty for future access to potential mineral resources. Rather than the current land withdrawal, covering 33,600 km², the high and moderate to high mineral potential areas of 7,500 km² have been excluded from the federal and territorial protected areas. It is expected that once the protected areas are established, the GNWT, with the responsibility for the land withdrawal, will make those lands available to industrial development. (see also [Comparison of Establishment of Thaidene Nene National Park Reserve with Other Economic Opportunities](#)).

The above information is in response to letters from: NWT and Nunavut Chamber of Mines, Mr. Lou Covello

[Lands currently unavailable to mining](#)

Letters cited percentages of land unavailable for development of 24% and 50% of NWT. There may be other reasons lands are unavailable but these percentages do not represent lands that are actually under protection designation. The NWT Environment and Natural Resources website <https://www.enr.gov.nt.ca/en/state-environment/201-trends-terrestrial-protected-areas-and-conservation-areas> shows core protected and conservation areas as of 2014 were about 9.2% protected in federal, territorial and Indigenous protected and conserved areas (including fresh water, National Parks/Park Reserves, National Historic Site, Thelon Wildlife Sanctuary, Migratory Bird Sanctuaries, areas under Land Claim Agreements) and 4.6% in conservation areas (Territorial Natural Environmental Parks, Gwich'in Territorial Recreational Park, Pingo Canadian Landmark and conservation areas through approved land use plans). As of December 2017, the CARTS report <https://ccea.org/carts/> gives neighbouring provinces of Alberta 12.53%, British Columbia, 15.33% in protected areas and lists NWT with 9.21%.

The 55,000 km² Thelon Wildlife Sanctuary was identified by commenters as an impediment to resource development in correspondence submitted in response to the Development Description. The Thelon Wildlife Sanctuary has been in existence since 1927 and expanded in 1956. In the NWT there are 21,270 km² but the majority of the area is in Nunavut.

The interim land withdrawals in the Northwest Territories for treaty and land claim settlement are pending the completion of the treaties and land claims. Although the Indigenous claimed land may currently not be available for development, land status is dependent upon the conclusion of the negotiations and cannot be characterised as perpetually unavailable for development.

The above information is in response to letters from: NWT and Nunavut Chamber of Mines, Mr. Lou Covello, Northwest Territories & Nunavut Construction Association



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7 November 2017

Mr. Spencer DeCorby
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sdecorby@gmail.com

Mr. DeCorby:

RE: Lutsel K'e Dene First Nation position on the "Reliance Adjustment" proposed by the East Arm Property Owner's Association

Thank you for your July 26th, 2017 letter and information package detailing the proposed "Reliance Adjustment". We have reviewed the information package carefully, and I thank you for your time compiling the information. We wish to inform you that LKDFN does not agree with your proposal, and will be advancing the area outlined as the "Reliance Adjustment" as a key portion of the Thaidene Nene National Park Reserve.

The main points of our rationale are as follows:

- As you have noted, it is important that the Reliance area remain accessible to private and commercial air and water-based transportation and traffic. It is also a key staging and storage area. We note that such activities will continue within the National Park Reserve designation, and may be enhanced by park-related infrastructure and safety development. Government activities and non-extractive economic development in the area will also be enhanced by the National Park Reserve designation, and will be sustained by investments by the Lutsel K'e Dene First Nation, the Government of Canada, and the GNWT in infrastructure and operations.
- We appreciate that you value your relationship with the Reliance area, and want to maintain this relationship into the future. It is a special place. We do not believe that the establishment of a National Park Reserve in the Reliance area will hinder this relationship in any way. Much of what you and other users enjoy today you will be able to pursue post-designation, including boating, fishing, camping, enjoying your cabin, making campfires, etc. The exception is perhaps big-game hunting, which is a bit of a non-issue due to the caribou hunting bans across the territory.

- While there is a recent history of settler activity in the Reliance area, such history is but a portion of the much deeper history of our people in the area. This heritage is not limited to the area of “Ft. Reliance” as defined in your information package, but indeed permeates the entire landscape of Thaidene Nene and beyond. Unfortunately, knowledge of our heritage in the area has been diminished after a few generations of forced cultural degradation. The place-names on official maps of the region are evidence of the regrettable policies and practices of the past – names like “Charlton Bay” and “Fairchild Point” obscure this history, and serve to erase our own names from the public consciousness. Designation of Thaidene Nene as a National Park Reserve is a means for my people to revitalize our heritage in the region. We will work closely with Parks Canada to celebrate not only our deep, centuries old history in the Reliance area, but the more recent settler story as well.
- We have confirmed with the Arctic Institute of North America that they adamantly do not support the proposed “Reliance Adjustment”.
- My Council and I are unclear whose property and rights the East Arm Property Owner’s Association (EAPOA) represents. To our best knowledge, there is only one parcel of Fee Simple Title within the boundaries of the proposed Thaidene Nene National Park Reserve. This is the small parcel occupied by the Catlings. We are not aware if the Catlings are members of the EAPOA. Our understanding is that their rights and interests are being discussed and potentially accommodated by Parks Canada directly.

We know there are leasehold interests in the Reliance area, most notably that upon which Trophy Lodge sits, and the other occupied by yourself. We are not aware if the owners of Trophy Lodge are members of the EAPOA. While leasehold interests convey certain *interests*, they do not convey any ownership of land, nor do they convey any rights beyond the specific terms of the lease. Leasehold interests are regulated and permitted privileges, nothing more. Therefore, while your proposal may reflect the interests of the EAPOA and its members, there is no foundation to your claims that the National Park Reserve will infringe on rights.

- We strongly disagree with your characterization of the “Reliance Adjustment” proposal as one advocating for the maintenance of “neutral ground”. The status quo is anything but neutral. The Lutsel K’e Dene First Nation’s sovereignty and responsibility in its traditional territory, including Thaidene Nene, have been seriously diminished over the past couple of generations by government policies, social upheaval, and outside interests. Today we are in a period of rapid resurgence, and our relationship with the Government of Canada in Thaidene Nene will be one of acknowledged rights and shared jurisdiction. The status quo is not acceptable to us. We will implement our sovereignty and exercise our Dene laws throughout Thaidene Nene, including the Reliance area, and the designation of Thaidene Nene as a National Park Reserve is a key positive step in this direction. We look forward to engaging with all stakeholders, the EAPOA included, concerning the exercise of our jurisdiction within Thaidene Nene.

I hope that the Lutsel K'e Dene First Nation's position and rationale with respect to the "Reliance Adjustment" is clear.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Marlowe', with a long horizontal flourish extending to the right.

Chief Darryl Marlowe

cc: Kevin McNamee – Director, New Park Establishment, Parks Canada Agency
Rick Bargery – Thaidene Nene Chief Negotiator, Government of the Northwest Territories
Steven Nitah – Thaidene Nene Chief Negotiator, Lutsel K'e Dene First Nation



March 10, 2018

Mr. Richard Bargery
Senior Negotiator
c/o Department of Environment and Natural Resources
Government of the Northwest Territories
P.O. Box 1320
Yellowknife, NT
X1A 2L9

Dear Mr. Bargery,

Re: Potential Corridors and Thaidene Nene National Park Reserve

The purpose of this letter is to confirm that Parks Canada cannot agree with the proposed language within our Land Transfer Agreement that provides for future corridors through the Thaidene Nënë national park reserve (“the park”) for access to developments or activities located outside of the park (i.e. mineral and hydro). The rationale for Parks Canada’s view is as follows:

1. Legislation and related policy in the form of the *Canada National Parks Act* and *Parks Canada’s Guiding Principles and Operational Policies*, do not provide for the construction of a road or railway across a national park for the purposes of industrial development. Such infrastructure is considered contrary to the purpose for which national parks are created.
2. In early 2015, the Office of the then Minister of Environment and Minister Responsible for Parks Canada informed the Government of the Northwest Territories (GNWT) that if the proposed park is of an appropriate design and size, winter and all-weather roads across the park to access minerals outside it could be permitted but only with an amendment to the *Canada National Parks Act*. At the time, Parks Canada envisioned a national park reserve of approximately 28,000 square kilometres in size, 5,000 square kilometres less than Łutsel K’e Dene First Nation’s vision for a 33,000 square kilometre park. Please note that offer did not pertain to hydro-electric corridors.

In April 2015, Parks Canada, the GNWT, and the Łutsel K’e Dene First Nation agreed on a park boundary that was 14,000 square kilometres in size. The configuration removed from the original proposals the extremities for mineral development and territorial conservation areas that, to our understanding, could provide for industrial corridors. Subsequently announced

in July 2015 by the three parties and the Northwest Territory Metis Nation, in our view, the smaller size and compact configuration of the 2015 park boundary meant there are likely more feasible routes for access to mineral areas beyond the park.

3. At the April 2015 negotiation session that agreed on the current boundary, it was Parks Canada's understanding that new configuration for the park, having removed all areas of high to very high mineral potential from the park, negated the need for a corridor through the park as mineral interests adjacent to the park could be accessed more easily by going around the park. In particular, the north shore of the Great Slave Lake had been completely removed from national park consideration to facilitate access to existing and potential mineral areas north of the park.
4. Through the establishment process to achieve this national park reserve, including the studies, field trips, information exchanges and consultations, it became increasingly clear that Thaidene Nene is both a natural and a cultural landscape. Underpinning decades of work is the vision to pass on this landscape and its inherent values to future generations as an undeveloped area with ecological and cultural integrity, and an area collaboratively managed with Indigenous communities. Providing for a mineral or hydro access corridor runs counter to this vision and is not supported by the key Indigenous proponent and closest community to the national park reserve, Lutsel K'e Dene First Nation.
5. Aligned with the idea of maintaining a large, intact landscape, Parks Canada is of the view that this park will be the most visited northern national park. Canadian and international tourists will be attracted to this park because of its wilderness values, and their ability to experience authentic Indigenous cultures. Parks Canada, as well as Indigenous, philanthropic and commercial interests, will be making long-term investments in conservation and visitor programs and infrastructure precisely because of the role it will play in protecting an important northern landscape, offering unique visitor experiences and ensuring Indigenous peoples are integral to its management. These investments, and the associated visitor experiences, will continually be at risk if the prospect of industrial corridors remains a distinct possibility.
6. It has been noted that through an amendment to the *Canada National Parks Act*, Parliament did provide Parks Canada with the authority to authorize mineral access roads within Nahanni and Nááts'ihch'oh National Park Reserves, not within national parks in general. However, it must also be noted

that these roads are largely on the periphery of these park, existed prior to park establishment, and were compromises that, relative to the achievement of protecting over 34,000 square kilometres, were worth the risk.

7. Finally, I would observe that within the same Land Transfer Agreement that Parks Canada is being asked to consider industrial corridors across the national park reserve, we are also being asked to immediately, upon legal designation of the park, impose a ban on the hunting of barren ground caribou by Indigenous and non-Indigenous persons. Frankly, our ability to consider restricting Indigenous harvesting all the while being open to one or more industrial corridors cutting across the national park that would segment a critical, undeveloped migration route of the vulnerable Bathurst caribou herd is, in our view, indefensible.

In conclusion, with the potential for mineral development zones adjacent to a much smaller national park reserve, coupled with the possibility of mineral and hydro access corridors within the territorial conservation areas, Parks Canada is of the view that provision of mineral and hydro corridors would further compromise the national park reserve.

If you require any further details on our views, please do not hesitate to contact me.

Yours sincerely,



Kevin McNamee
Director
Protected Areas Establishment Branch
Parks Canada Agency
30 Victoria, 3rd floor, 342 (PC-03-B)
Gatineau, Québec
J8X 0B3

