

'Take us to court:' Chief Marcellais

Nahanni Butte won't quit road work despite federal stop-work order

by April Hudson
Northern News Services
Tthenaago/Nahanni Butte

The Nahanni Butte chief says the federal government will need to seek a court order if they want to stop the band from clearing an old logging trail next to the community.

The band announced in January it would start work on the road. So far, the work has largely consisted of slashing open the trail and removing deadfall from the roadway.

On March 13, the feder-

al government issued a stop work order.

The logging road runs through federal Indian Affairs Branch lands.

The project is being undertaken at the band's own expense, and will eventually be used in connection with the construction of an all-season road to Prairie Creek Mine. That project, with Canadian Zinc Corporation as its proponent, is currently under environmental assessment by the Mackenzie Valley Review

Board.

Documents posted to the review board include a copy of a stop-work order, issued March 13 by the federal department of Indigenous and Northern Affairs Canada (INAC).

Nahanni Butte Chief Peter Marcellais and band manager Mark Pocklington told the *Deh Cho Drum* the band doesn't intend to comply with the stop-work order.

If the federal government wants the work to stop, they

added, they will need to seek a court order against the band. Both expressed skepticism a court would issue such an order.

"Take us to court," Marcellais said. "That's what I want."

The stop-work order, signed by inspector Devin Penney, states there was a contravention of the Mackenzie Valley land use regulations related to the "unauthorized release of hydrocarbons."

The unauthorized release, says Pocklington, was due to a leak from one of the vehicles the band is using.

The order demands the band stop using equipment that weighs five tonnes or more, and immediately remove and dispose of contaminated snow or soil.

The order also states anyone who contravenes an order from an inspector "is guilty of an offence" and could be fined up to \$100,000 or six months in prison for a first offence, and a fine up to \$200,000 or six months in prison for a second offence.

Penney also stated the band will need a land use permit from the Mackenzie Valley Land and Water board if it wishes to proceed with work on the road.

A copy of a letter to Catherine McKenna, minister of

Environment and Climate Change Canada, and Parks Canada chief executive officer Daniel Watson, provided to the *Drum* by the Nahanni Butte Dene Band, calls into question remarks McKenna made recently about her support for First Nations to play a greater role in parks.

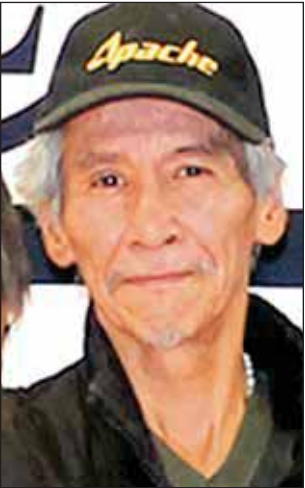
On March 10, McKenna reportedly said at a conference in Banff, Alta., that national parks must be "respectful of traditional knowledge" as the federal government pursues a nation-to-nation relationship with indigenous people.

But Marcellais notes Parks Canada did not consult with the Nahanni Butte Dene Band on its technical report, submitted to the Mackenzie Valley Review Board in connection with the environmental assessment for the all-season road.

Marcellais added the band disagrees with Parks Canada's desire for an "endless number of studies" before issuing permits.

"(Parks) staff is standing in the way of Canadian Zinc's project and our aspirations with excessive study requests and other delay tactics," Marcellais wrote in his letter, adding the demands from Parks Canada are "unreasonable."

The band also post-



CHIEF PETER MARCELLAIS

ed a March 14 letter to the review board expressing the band's "confusion" with the stop-work order, which they characterize as an attempt to intimidate band members.

A March 20 response from INAC, signed by NWT regional director general Mohan Denetto, attempts to provide context for the stop-work order.

A copy of the letter, provided to the *Deh Cho Drum* by the Nahanni Butte Dene Band, states current work on the road is "above threshold" for a land use permit, which led to the issuance of a stop-work order.

A spokesperson for the department was not available at press time to comment on what next steps the federal government may take.

LEGENDS OF THE NAHANNI VALLEY

I am a writer looking for information on the various strange stories and legends that surround the **Nahanni National Park Reserve**.

If you (or someone you know) have any stories you would like to share, I would love to hear from you! Old legends, second hand accounts, personal experiences, and skeptical opinions are all welcome.

Please send your stories to John at j.vandersloot@hotmail.com.

For more information, please inquire at the same address.



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