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Editorial & Opinions

COMMENTS AND VIEWS FROM NEWS/NORTH AND LETTERS TO THE EDITOR

Road dispute needs a calming solution

GNWT should seek compromise over Nahanni Butte clearing of route

"We look forward to an explanation for their actions and will meet them in the Supreme Court if this is their venue of choice."

— Nahanni Butte Chief Peter Marcellais after the GNWT filed a notice of injunction in March.

Northern News Services

A Dene band that defied the threat of legal action by the GNWT in order to build a road was hacking through much more than brush and trees.

Nahanni Butte simply got tired of regulatory delay and started slicing through the bureaucratic red tape it believed was holding back its chance for economic development in conjunction with a proposed mine near the community.

On March 28, the Department of Lands filed a notice of injunction with the Supreme Court of the NWT, seeking to stop Nahanni Butte band members and associates from "trespassing" on territorial lands. The department also filed a statement of claim with the courts regarding the road.

The department claims Nahanni Butte is trying to speed up development of Canadian Zinc Corporation's Prairie Creek Mine by getting around an environmental assessment process required for construction of a road to the mine.

Currently, a proposed all-season road to the mine has been languishing before the Mackenzie Valley Review Board for three years.

Although the old logging road Nahanni Butte was clearing - it finished in late April - did not overlap with the proposed all-season road, the GNWT noted it follows "the same general path."

The statement of claim sought unspecified damages, costs, an injunction against the band and possession of the road, arguing the band has "damaged territorial lands." The document claims territorial lands in the Nahanni Butte



April Hudson/NNSL photo

Nahanni Butte Dene youth helped clear an old logging road near the community by hand last winter. Heavier machinery was also used to help avert what the band called an emergency as elders ran out of firewood and needed the fresh supply. The GNWT considered the action an end run to open the road for a new mine.

region are controlled by the commissioner until Nahanni Butte's land claims are settled.

As you'll read in today's News/North, Nahanni Butte is now pulling out of the Dehcho First Nations, the all-season road to the mine again at issue.

But in March, the band was defending allegations of "trespass" levelled against it by the GNWT as a land use permit would be needed to use heavy equipment on the land.

Marcellais said the band had asked for the department's assistance in putting together an application for a land use permit in early February and has been waiting to sign off on the final application.

"After more than 48 days, our operating season is coming to an end and the use of heavy equipment is pointless as we will soon be under spring thaw conditions," Marcellais stated in an e-mail.

"Once again, we are confused by government officials who claim to want to work with us to help us navigate the complex bureaucracy ... and when it's obvious they cannot simplify the process in a logical manner, they resort to calling attention to

their self-importance and need to 'protect' the public.

The hearing between the band and the GNWT in front of NWT Supreme Court judge Shannon Smallwood in Yellowknife was adjourned April 7.

The GNWT has held the position that Nahanni Butte is trying to manoeuvre an end-run around the environmental protection process in order to speed up development of Prairie Creek Mine. However, after the band retained a lawyer and vowed to fight the injunction, the GNWT declared it would seek a solution outside of court.

Outspoken NWT Senator Nick Sibbeston, who hails from the Deh Cho region, has even called for an apology from the territorial government for what he termed its "terrible" decision to take legal action against the band.

We're not sure if that's called for but surely cooler heads need to prevail in this dispute.

It's amazing anything except frustration and frost flourish in this territory. With its overlapping jurisdictions and multi-layered approval processes, this is a frustrating place to do business.

The Nahanni Butte Dene Band's frustrating struggle to find a better way of life for its members is just the latest sad example of this.