



April 15, 2004

Todd Burlingame
Executive Director
Mackenzie Valley Environmental Impact Review Board
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Yellowknife, NT X1A 2N7

Re: Mid-level EA Hearings for the MGP/ Scoping and Issues of Concern

Dear Todd,

WWF commends MVEIRB for conducting hearings to gauge the level of public concern, and to scope issues for the environment assessment (EA) of the Mackenzie Gas Project (MGP). This is a critical phase of the regulatory process, especially since MVEIRB is the only agency in the Joint Panel Review mandated to include direct cultural and socioeconomic impacts in its environmental impact assessment.

It was clearly irresponsible of federal agencies (CEAA, NEB, EC, DFO, DIAND) and Imperial Oil Ltd to have pressured MVEIRB to skip this important process and to rely, instead, on results from industry consultation (which has been of questionable depth and quality to this point).

"Corporations cannot be, and are not expected to act in the best interest of First Nations people, when corporations have a strong interest in a project which may be in direct conflict with First Nations needs or interests."

~ Jennifer Duncan, Dene Youth Alliance

In this letter WWF repeats our two critical recommendations regarding the scope of assessment. We are very concerned that the current draft ***Terms of Reference (TOR) for the MGP Environmental Impact Statement (EIS)*** written by CEAA and the Joint Secretariat for the Inuvialuit Renewable Resource Committees do not adequately reflect these points:

1. The EIS should assess the **cumulative impacts of the MGP (including induced industrial exploration and development)** on socio-cultural, economic and environmental values. This assessment must be conducted at an **ecoregional** scale (at minimum ecoregions intersected by the proposed pipeline route and known hydrocarbon reserves in the Mackenzie Valley and Beaufort Sea) and at a temporal scale **beyond the lifespan of the pipeline.**

See:

- Canada's Ecoregion Framework: <http://sis.agr.gc.ca/cansis/nsdb/ecosrat/intro.html>
- National Research Council (NRC) Report: Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope, 2003: <http://www.nap.edu/books/0309087376/html/>

2. The EIS should address the impact of the MGP and induced cumulative impacts on the ability to protect an adequate **representative network of culturally and ecologically significant areas and to**



The need to fill data gaps and to gather baseline information for the purposes of a cumulative effects assessment was also identified by DIAND¹. This clearly reflects the necessity to take a precautionary approach to development in this region, which includes completing protected areas networks and land use plans prior to pipeline completion throughout the Mackenzie Valley. Community representatives at MVEIRB's recent hearings further reflected these views:

"I speak as an Elder now, to my people, to let them know we're here for a purpose, we're here to make sure that the Mackenzie Valley Watershed and the surrounding area is protected."

~ Mr. Charlie Snowshoe, MVEIRB, Norman Wells Hearing

"One of the things that is all very important as well, is at this stage we don't have a land use plan for the Sahtu, at least one that has been approved yet. I think it's still in a development stage and without that, we lose one of the big tools we have to protect certain areas -- areas important to wildlife."

~ Mr. Walter Bahya, SRRB, Norman Wells Hearing

"And I know, in this region at least, people seem to be generally supportive (of the MGP) but it's kind of a cautious support. They really want to take their time and make sure they do the process right."

~ Mr. Steven Baryluk, Inuvik Hearing

In light of the above, we provided our two key recommendations for the EIS TOR and next phase of the EIA. At minimum, these recommendations must be adapted in order to adhere to core principles of "Sustainable Development" and existing commitments to natural habitat protection.

Further evidence to support these recommendations (existing government commitments and lessons from historical industrial developments) was provided in previous letters to MVEIRB and other Northern pipeline regulatory agencies (electronic versions of these letters are attached here).

WWF recognizes that industry and regulatory agencies are under immense pressure to fast-track the MGP regulatory proceedings. Of equal importance is the necessity to fast-track protection measures for key cultural and ecological areas – before the MGP and induced hydrocarbon exploration and development impedes the ability to do so.

The NWT Protected Areas Strategy (PAS), and an Action Plan to 2009, provide an important community-based tool to meet this need. This strategy builds on Ministerial commitments to safeguard key natural and cultural areas ahead of pipeline completion – in other words while the conservation opportunity still exists.

Many issues, concerns, and values, have not changed in northern communities since the Berger Inquiry in the 1970s, Canada's largest every Royal Commission. This commission conducted very comprehensive consultations, something regulators seem to find difficult to achieve today. Berger recommended against building a Mackenzie pipeline until Aboriginal land claims were settled, regional land use planning completed and key conservation areas are set aside. These and many other recommendations Berger made in the 1970s remain relevant today, and are supported by today's leaders.

¹ Identification of the Biophysical Information and Research Gaps Associated with Hydrocarbon Exploration, Development and Transmission in the Mackenzie Valley: Action Plan (December 2003).



- Govt. of the Northwest Territories (Doug Doan), doug_doan@gov.nt.ca
- Dept. of Fisheries and Oceans (Ron Allen), allenr@dfo-mpo.gc.ca
- Environment Canada (Dr. Laura Johnston), laura.johnston@ec.gc.ca
- Northern Gas Project Secretariat (Brian Chambers), chambersb@ngps.nt.ca
- Premier of the Northwest Territories (Hon. Joe Handley), joseph_handley@gov.nt.ca
- Minister of DIAND (Hon. Andy Mitchell), minister@inac.gc.ca



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January 9, 2004

Martin Haefele
Environmental Assessment Officer
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Dear Martin Haefele,

World Wildlife Fund - Canada would like to thank the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for the opportunity to comment on the draft Work Plan for the first phase of your Environmental Assessment (EA) of the proposed Mackenzie Gas Project (MGP).

As a major northern-based environmental conservation organization, and having supported many community-based conservation initiatives throughout the north for over 30 years, we remain very keen to help ensure that today's industrial development proposals are produced, assessed, and regulated, and projects conducted, in accordance with the core principles of "Sustainable Development". In particular, we expect existing commitments to natural habitat protection to be fully honoured before any approved industrial activities compromise society's ability to do so. In the NWT's case, this clearly requires that the NWT Protected Areas Strategy 2004-2009 Action Plan (enclosed) be implemented in full, while the opportunity still remains intact.

In this letter we provide details of our two major recommendations for your Board as you finalise the Terms of Reference and Work Plan for this Environmental Assessment (EA). In summary we recommend:

- 1. That the EA be completed at a regional scale, recognizing the broad and cumulative nature of industrial development impacts on socio-cultural, economic and environmental values;**
- 2. That the EA address the impact of the MGP in combination with other cumulative industrial developments on the ability to protect an adequate representative network of culturally and ecologically significant areas in the Northwest Territories.**

Over the past decade, some significant and positive changes have occurred to the way Environmental Assessments are approached and conducted in Canada. I mention the main points here to underscore the general context and basis for our two recommendations to you.



Building on these precedent setting developments, the following are WWF-Canada's recommendations regarding the MVEIRB draft Work Plan, and phase 1 of the EA:

Recommendation #1. That the EA be completed at a regional scale, recognizing the broad and cumulative nature of industrial development impacts on socio-cultural, economic and environmental values.

The proposed Mackenzie Valley gas pipeline would be the largest industrial development project in the NWT's history, and one of the largest in Canada. The development and associated and subsequent industrial activities would inevitably result in cumulative impacts on a regional scale to the NWT's ecosystems and socio-cultural environment, including the destruction of natural habitat, fragmentation of wildlife migration routes and displacement of wildlife, as well as the potential disruption to subsistence harvesting and northern traditions. These impacts are well documented in areas such as NE British Columbia, Alberta and the North Slope of Alaska where intensive industrial exploration and development has occurred for many years.

WWF agrees with the broad regional and temporal scale described in the current MVEIRB draft work plan scope of assessment (*"focusing on impacts in the Mackenzie Valley and Northwest Territories, but may consider impacts for the rest of Canada and beyond"*), and including *"preconstruction, construction, operation, decommissioning and post-closure activities"*). However, in order to fully address the cumulative effects likely to result from the MGP, as required by law under the Canadian Environmental Assessment Act (CEAA), the EA should also include impacts arising from the project, in conjunction with increased exploration and development, which are already occurring as a result of the proposed pipeline. At a minimum the cumulative effects assessment should include the 16 natural ecoregions intersected by the proposed pipeline route, and those with current hydrocarbon exploration licenses, and should address effects expected beyond the lifespan of the initial MGP. (You could usefully provide to the MGP proponents the federal website for the National Ecoregion Framework/Ecological Land Classification: <http://sis.agr.ca/cansis/nsdb/ecostrat/intro.html>).

WWF is concerned over the current approach taken in the MGP Preliminary Information Package (PIP), which addresses ecological impacts only within a very narrow 1km corridor centred on the alignment of the proposed pipeline, and a 1 km buffer around each gas field. This approach clearly does not address impacts that will occur at a regional level. We believe that the MGP environmental impact assessment should be conducted at a scale consistent with the approach outlined in the PIP for the socio-economic impact assessment. Socio-economic and environmental values are highly interconnected, especially in northern Canada, and should both be considered at an ecoregion scale, or at least within a 200 km radius from the proposed development. This distance is consistent with the "zones of influence" from the oil-gas industry's cumulative footprint, recognized in the U.S. National Research Council (2003) review (commissioned by the U.S. Congress) of hydrocarbon development in the North Slope of Alaska.

The MGP is likely to be the first in a series of major phases in future oil-gas developments in the Mackenzie Valley, and eventually extending to the Beaufort Sea. Experience elsewhere in the world has shown very clearly that industrial development proceeds in stages/phases, and that socio-economic and environmental impacts are cumulative and occur at varying scales, often hundreds of kilometres from an initial "project". If, and when, a Mackenzie gas pipeline is built, oil-gas exploration and other industrial activity will most certainly accelerate in the adjacent regions.



The Northwest Territories Protected Areas Strategy (NWT-PAS) (which is supported by representatives from NWT communities, industry, government and non-governmental organizations) provides an effective community-based tool for advancing culturally and ecologically significant areas to long-term protected status. The NWT-PAS states ***"in order to achieve a long-term balance of ecological, cultural and economic values in the Mackenzie Valley, a network of culturally significant and ecologically representative protected areas must be reserved prior to or concurrently with the development of the pipeline."***

The NWT-PAS has a five-year Action Plan to 2009 (see attached document), which in conjunction with high quality regional land use planning, is well-placed to help achieve this target. Full implementation of the NWT-PAS Action Plan would also meet the as yet unfulfilled federal and territorial government commitments to complete representative protected areas networks in this part of Canada.

The Alaskan NRC review also underscores the need for comprehensive planning approaches, and emphasizes that a network of protected areas serves not only to protect a sample of key natural and cultural areas, but also provides an essential series of comparable ecological benchmark/reference areas in affected natural regions, against which to meaningfully assess, and hopefully mitigate, impacts from industrial development. Indeed, without such benchmark protected areas in comparable ecoregions, it would be very difficult over the lifespan of such a major project to evaluate properly and defensibly the significance of monitored changes close to the project structures, given that a range of factors including broad ecosystem stressors such as climatic change and airborne contamination will continue to impact these northern ecosystems.

WWF believes firmly that by broadening the current approach of the EA to a regional scale and to include impacts from the design of the MGP and associated exploration areas, as well as ensuring that conservation goals of the NWT-PAS are met prior to or in conjunction with the construction of the pipeline, all parties will have a realistic chance of helping ensure that this and future development projects in the Mackenzie Valley do not significantly compromise environmental or socio-cultural values, or the longer-term economic options for local people.

I hope these two recommendations are clear to you and your Review Board, and that you will be able to incorporate them into your finalized TOR and Work Plan for this project. Please do not hesitate to contact me if you would like further details or discussion.

Sincerely,

A handwritten signature in black ink that reads "Pete Ewins".

Dr. Peter J. Ewins
Director, Arctic Conservation Program

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To: Chairs/Executive Directors of Northern Pipeline EIA and Regulatory Review bodies, and other key agencies:

- Mackenzie Valley Land and Water Board (Bob Wooley)
- Mackenzie Valley Environmental Impact Review Board (Todd Burlingame)
- Gwich'in Land and Water Board (Robert Alexie)
- Sahtu Land and Water Board (George Govier)
- NWT Water Board (Gordon Wray)
- Canadian Environmental Assessment Agency (Jon Pierce)
- National Energy Board (Bonnie Gray)
- Environmental Impact Review Board for the Inuvialuit Settlement Region (Robert Hornal)
- Joint Secretariat for the Inuvialuit Settlement Region (Dr. Norm Snow)
- Environmental Screening Committee for the Inuvialuit Settlement Region (Bill Klassen)
- Inuvialuit Game Council (Duane Smith)
- Inuvialuit Land Administration (James Thorbourne)
- Inuvialuit Land Administration Commission (Albert Elias)
- Deh Cho rep. to the Mackenzie Valley Land and Water Board (Eric Menicoche)
- Dept. of Indian Affairs and Northern Development (Ricki Hurst)
- Govt. of the Northwest Territories (Doug Doan)
- Dept. of Fisheries and Oceans (Ron Allen)
- Environment Canada (Dr. Laura Johnston)

July 18, 2003

(by e-mail and fax)

Dear Sir/Madam:

Re: MACKENZIE GAS PROJECT PIP: SPATIAL SCALE FOR DEVELOPMENT PLANNING, ASSESSMENT OF IMPACTS AND TERMS OF REFERENCE FOR JOINT PANEL.

In response to the filing last month of the Preliminary Information Package (PIP) for the Mackenzie Gas Project (MGP), and recognizing the planned sequence of events under the Cooperation Plan for the Environmental Impact Assessment (EIA) and Regulatory Review of a Northern Gas Pipeline Project through the NWT, World Wildlife Fund - Canada (WWF) would like to offer a few key suggestions for the spatial scale at which EIA and Regulatory Review, and indeed development planning by the proponents, should occur.

unfulfilled federal and territorial government commitments to complete representative protected areas networks in this part of Canada.

The Alaskan NRC review underscores the need for comprehensive planning approaches, including a network of protected areas that will serve not only to protect a sample of key natural and cultural areas, but to provide an essential series of comparable ecological benchmark/reference areas in affected natural regions, against which to meaningfully assess, and hopefully mitigate, impacts thought to be due to the project development.

Key recommendations regarding the spatial scale at which to assess the Mackenzie Gas Project:

1. **That the assessment of the environmental, socio-cultural and economic impacts of the Mackenzie Gas Project, and subsequent regulation, recognizes and considers fully that impacts of this initial major project and the inevitable subsequent industrial developments will occur at varying scales, including at the regional level, often at least 200 km from the proposed pipeline route.**
2. **That the Terms of Reference for the Joint Review Panel, and recommendations to proponents on the final Project Application and EIS, include the need to address firmly, in the face of a relatively high degree of uncertainty on biophysical characteristics of the Mackenzie Valley, the regional context and the broad spatial scale at which socio-cultural, economic and environmental impacts related to this initial phase of new oil-gas development will likely occur.**
3. **That the EIS and EA process address clearly the impact that the MGP and subsequent industrial activity in the Mackenzie Valley will have on the ability to complete a representative network of protected areas, recognizing that cumulative impacts will occur at the regional scale over and beyond the lifespan of an initial gas pipeline project.**
4. **That the agencies cooperating in the Environmental Assessment and Regulatory Review of the MGP and subsequent applications incorporate the key recommendations in the 2003 National Round Table on the Environment and the Economy report on 'Securing Canada's Natural Capital (specifically ## 1,2,3 and 18), and recommendations in the June 2003 report of the federal Standing Committee on Environment and Sustainable Development on 'Sustainable Development and Environmental Assessment: Beyond Bill C-9 (specifically ## 3.6 and 3.9).**



To: Chairs/Executive Directors of Northern Pipeline EIA and Regulatory Review bodies, and other key agencies:

- Mackenzie Valley Land and Water Board (Bob Wooley)
- Mackenzie Valley Environmental Impact Review Board (Todd Burlingame)
- Gwich'in Land and Water Board (Robert Alexie)
- Sahtu Land and Water Board (George Govier)
- NWT Water Board (Gordon Wray)
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- Govt. of the Northwest Territories (Doug Doan)
- Dept. of Fisheries and Oceans (Ron Allen)
- Environment Canada (Dr. Laura Johnston)
- Northern Pipelines Secretariat (Brian Chambers)

Canadian Parks and Wilderness Society – all of whom have permanent offices and staff in the NWT. WWF is currently concluding an agreement with the Mackenzie Gas consortium which would commit us to working together with communities to identify and reserve areas through the PAS, and WWF has committed to providing \$5 million over five years for this work in co-operation with our other non-government partners. Most important, every First Nation in the Valley is currently identifying areas of interest to them through land use plans. The Deh Cho for example, have already provided interim protection for some 10 million hectares, literally half of their territory.

Therefore, I urge you in the coming months, as you establish the terms of reference for the Joint Review Panel, to include the need to take a strong regional approach, addressing clearly the broad spatial scale (at least to the natural/eco-region level) at which socio-cultural, economic and environmental impacts related to this initial phase of new oil-gas development will occur. And, specifically, since there has already been such strong demonstrated support from federal and territorial ministers, and from NWT communities themselves, I urge you to include in the terms of reference, the requirement that **communities be provided the opportunity and resources to identify and reserve areas that are important to them before pipeline completion.**

Please do not hesitate to contact me directly to discuss this further.

Sincerely,

Monte Hummel
President
WWF-Canada

Encl. July 18th letter from Peter Ewins

Copy to: Bill Carpenter, WWF-NWT

We view the issue of spatial and temporal scale to be absolutely central to society's ability to secure a satisfactory approach to this large initial development project, especially in this 'frontier region', that truly accords with the core principles of "sustainable development" and the wide range of existing relevant policy and legal commitments made by governments, industry and local groups.

The current MGP is clearly the first in a series of major phases in future oil-gas developments in the Mackenzie Valley and very likely extending to the Beaufort Sea. Experience elsewhere in the world, including on Alaska's North Slope (see footnote), and in Alberta, has shown very clearly that industrial development, including oil and gas exploration and extraction, proceeds in stages/phases, and that the socio-economic and environmental impacts are cumulative and occur at varying scales, often hundreds of kilometres from an initial "project". If and when a Mackenzie gas pipeline is built, oil-gas exploration and other industrial activity will accelerate in the adjacent regions.

Industry, governments and local people have learned by experience that cumulative impacts are usually impossible to predict accurately (especially when key biophysical data are scarce or lacking), and are often very difficult and costly to mitigate effectively. As a result, comprehensive planning at a broad regional level, accounting for likely cumulative impacts over and beyond the anticipated lifecycle of a development, is now the widely recognised way to minimize undesirable and costly problems.

As your organizations consider this new phase of Mackenzie Valley hydrocarbon development, WWF recommends strongly that a regional approach be taken to both socio-economic and environmental aspects, as opposed to the narrow 1-km pipeline corridor approach dominating the current PIP. The PIP already considers socio-economic issues/impacts within a radius of 200 km from the proposed pipeline route. This distance is consistent with the "zones of influence" relating to the oil-gas industry cumulative footprint, recognized in the U.S. National Research Council (2003) review (commissioned by the U.S. Congress) of north Alaskan oil-gas development and its impacts (see footnote). In northern Canada, socio-cultural and environmental values are highly integrated. Given your agencies' mandates, a similar spatial scale should clearly be applied in respect of environmental aspects/components.

Natural (eco-) regions and the role of protected areas networks

At a minimum, socio-economic and environmental effects of the MGP and likely future projects should be considered and adequately addressed in the nine natural (eco-) regions that would be directly intersected by the MGP and immediate associated development activity. In addition, there are seven other adjacent natural regions in which significant oil-gas activity or exploration has occurred. Clearly, a network of well-connected protected areas in these natural regions would, if reserved prior to pipeline completion, go a long way towards helping achieve this satisfactory regional approach – while we still have the option. The NWT Protected Areas Strategy's draft Action Plan to 2008, in conjunction with high quality regional land use planning, is well-placed to help achieve this target. Implementation of this Plan would also meet the as yet

WWF believes firmly that by deciding to take a regional-scale approach at this early stage, all parties will have a realistic chance of helping ensure that this and future development projects in the Mackenzie Valley do not significantly compromise environmental or socio-cultural values, or the longer-term economic options for local people. Equally, failure to secure the right balance will render this current project incompatible with existing government commitments and the core principles of "sustainable development".

Thank you for your attention to this important issue.

If you would like further details or elaboration, or to discuss this further with WWF, please contact this office, or WWF's NWT Regional Director, Bill Carpenter, at 403-997-6335.

Yours faithfully

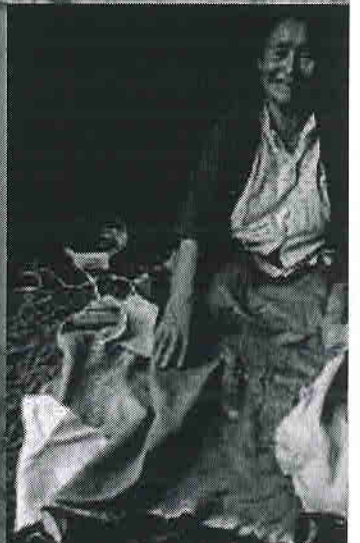
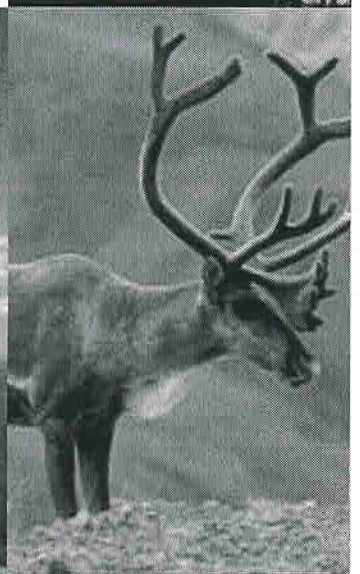
Peter J. Ewins, D.Phil.,
Director, Arctic Conservation (phone: 416-489-8800)

Footnote: A very important review is the March 2003 final report to the U.S. Congress of the National Research Council of the National Academies, on "*Cumulative Environmental Effects of Oil and Gas Activities on Alaska's North Slope*". Benefiting from a substantial body of literature and experience since 1968, this review makes clear recommendations about the need to take a regional, long-term approach in order to adequately assess and address the inevitable diverse cumulative impacts of incremental development following an initial major hydrocarbon development project.

cc. Bill Carpenter, WWF-NWT



A Review & Assessment of the NWT Protected Areas Strategy by Stephen Kakfwi



special focus: preparations for new hydrocarbon developments

**A REVIEW & ASSESSMENT OF THE
NWT PROTECTED AREAS STRATEGY**

Special Focus: Preparations for New Hydrocarbon Developments

Written by Stephen Kakfwi for World Wildlife Fund Canada
February 2004

EXECUTIVE SUMMARY

- At the cusp of important decisions on major new hydrocarbon developments in the Mackenzie Valley, this report reviews the NWT Protected Areas Strategy (PAS) and makes recommendations for priority initiatives, based on an assessment of the PAS implementation to this point in advance of major industrial development projects.
- This review focused particularly on the Sahtu region, where I met with community members about their views on taking care of the land – ‘taking the pulse’ of the region, listening to the community voices. In addition I reviewed many relevant documents and interviewed a wide range of officials, board members, and other stakeholders across the NWT – about 30 individuals in all.
- The NWT PAS is a well-established community-driven partnership process, by which the formal commitments made by government leaders to complete protected areas networks should now be honoured.
- I make 13 recommendations, covering a range of issues, including the NWT PAS and its five-year Action Plan (2004-2009), land use planning, economic development in a sound environmental management framework, commitments and resources, and communications.
- **The most important recommendation (#1) is that the NWT Protected Areas Strategy five-year Action Plan (2004-2009) be fully implemented and financed as planned, including the \$9 million contribution over five years from the federal government.**
- Comprehensive land use planning must also be completed, and financing sustained, ahead of major new decisions on hydrocarbon development.

A. Introduction Letter (cont'd)

animal rights activists brought about the boycott and the aboriginal people in the communities were deeply hurt and angry toward virtually all southern-based conservation groups. However, World Wildlife Fund tried hard to explain that they were taking a different path, and I remember that you, Monte, made these points in your address to the first meeting of Indigenous Survival International (ISI) in Yellowknife.

Although some delegates at the Yellowknife conference and at the Inuvik PAS conference initially refused to dialogue with the environmental non-government organizations (ENGOS), they eventually agreed to work with WWF and others to develop a "Protected Areas Strategy". One of the results of the PAS conference was to bring about a working partnership with the World Wildlife Fund.

In October 2003, after 16 years in the Legislative Assembly of the Northwest Territories, I decided not to seek re-election. Elected in the Sahtu in 1987 I served as a Cabinet Minister for the first 12 years and the last four years as Premier. From 1983 to 1987 I served as President of the Dene Nation. I originally joined the northern aboriginal organizations in 1974 and worked in Yellowknife and the Sahtu until 1983 when I was elected as Dene Nation President. For many of us here in the N.W.T. our entire career and working life has been dedicated to the recognition of the aboriginal rights of our peoples and the right to control and manage our lives, our land and our resources. At the beginning of a new century, the end of my public political career in the Northwest Territories has brought about an opportunity to reflect personally on my life, my home, my people and our future. What has been done? What needs to be done? Who will be there to do what is necessary?

In the face of escalating industrial development in the NWT, the Protected Areas Strategy and the need for land use planning are two of the important agenda items that aboriginal people believe must be advanced on a timely basis. Co-ordinated land use planning should be advanced and completed before construction proceeds for any major gas pipeline and the inevitable increased exploration and development of other hydrocarbon deposits in the NWT. This is simply imperative if we are to respect the will of the people in the communities.

A. Introduction Letter (cont'd)

We have a new Prime Minister and there is intense preparation right now for the federal election that is expected in April or May. There is a short opportunity to influence or advance the national Liberal campaign platform by developing a pan northern vision paper for all of northern Canada. It is possible to prepare and deliver a proposal to the Prime Minister's office and political advisors on how we can provide them with an all encompassing northern Canada vision – one that addresses sovereignty, conservation of natural and cultural values, northern defence, continual energy issues, climate change, pipelines, regulatory requirements, infrastructure for transportation and municipalities, etc. This would also be proposed to the DIAND Minister's office and political advisers as well as other relevant federal Ministers.

The federal government faces a multitude of demands for new and ongoing funding and intense ongoing lobbying from industry. There is a need to prepare a short- and long-term lobby campaign to advance our agenda at this critical time for the north. The Prime Minister has said that money will be tight and not everyone will get what they want. Federal officials have been drafting memos to Cabinet that address which initiatives in the Northwest Territories should receive funding. The government of the Northwest Territories is also extremely tight for new funds but the recently elected members all have high hopes for delivering a wide range of programs and projects to their constituents. So it seems imperative that there be an agreement to coordinate and prioritize our agendas to ensure we all do not compete for limited federal political attention and fiscal resources.

The proponents of the proposed gas pipeline expect to file an application this year. They have been preparing and planning for the last three years and are very well resourced.

The communities need more resources to prepare effectively to deal with the huge changes about to happen. They need to develop capacity. Strong leadership is needed now to pull them together, to coordinate and act decisively in an effective way to promote and advance their agenda.

B. Review of Method and Materials

The main focus of this review and assessment is the NWT portions of the Mackenzie Valley between Inuvik and the Alberta border, with a special focus on the Sahtu region. This region is at the forefront of major new hydrocarbon developments, with the Mackenzie Gas Project's \$4- to \$5-Billion natural gas pipeline proposal expected to be filed in June or July 2004.

The overall aim of this report is to review the current state of habitat protection initiatives underway in the Mackenzie Valley via the NWT Protected Areas Strategy, to assess protected areas work as part of preparations for a well-balanced approach to new industrial development in the Mackenzie Valley, and to identify any significant gaps at this stage that should be filled.

My work entailed the following:

1. Review of key documents and reports (see Appendix I).
2. Travel to review outlook from Sahtu communities, particularly Fort Good Hope, to begin process of consultation with relevant parties in the Protected Areas Strategy.
3. Discussion with elected leaders, staff (and former staff), and community members, members of boards (including some former members), Sahtu Land Use Planning Board and staff, Sahtu Land and Water Board, and members and staff of the Sahtu Renewable Resources Board.
4. Discussion with general federal officials in the Northwest Territories involved in Protected Areas Strategy.
5. Discussion with Government of the Northwest Territories officials involved in Protected Areas Strategy.
6. Discussion with World Wildlife Fund's representatives and staff.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- Resolution of this problem was achieved by, among other things, a federal-territorial government commitment in September-October 1996, signed by the DIAND Minister, Ron Irwin, to develop and implement a Protected Areas Strategy (PAS) for the NWT by the end of 1998.
- On September 10, 1996, Paul Martin, then the federal Finance Minister, confirmed in writing to WWF "that the government sees this initiative as an important priority in ensuring the protection of representative areas in the central Arctic".
- The process for developing the NWT PAS was formally initiated by GNWT RWED Minister Stephen Kakfwi at the Inuvik Conference in 1997, by multi party agreement reached after three days.
- The NWT PAS was completed in February 1999 and formally approved by governments in September 1999.
- The NWT PAS is a consensus-based and community-driven process, involving representatives from all eight regional aboriginal organizations, federal and territorial governments, the oil/gas industry, the mining industry, and two environmental conservation NGOs.
- Implementation of the NWT PAS is ultimately the responsibility of the federal government (represented by DIAND) and the territorial government.
- PAS implementation began in 2000, with advancement of the Sahyoue-Edacho National Historic Site in the Sahtu, on Great Bear Lake, under an interim five-year land withdrawal, while more detailed resource assessments are conducted for this area. Subsequently, Edézhíe (The Horn Plateau) in the Deh Cho was advanced via the PAS as a National Wildlife Area, again under an initial five-year land withdrawal.
- Other candidate sites of key cultural and wildlife/watershed value to communities are in varying stages of documentation and advancement through the PAS process.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

veered off up the side of a rough steep ridge. He circled in the woods to watch us then cut through the deep snow further up the ridge. The drive from Tulita took us in a huge loop from the community onto the Mackenzie River in front of the Bear River just below Bear Rock. This huge ridge is one of the most significant spiritual sites for all the Dene. From it we have the legend and teachings of Yamoria (the one who circled the universe). We overnighted in Norman Wells after the three-hour drive. The following morning we left and arrived in Fort Good Hope after another three-hour drive.

There was traffic and signs of oil and gas companies through the entire winter road drive with increased traffic and activity expected over the next three months. The country is beautiful, spectacular with huge rivers flowing into the Mackenzie, mountain ridges, numerous creeks and lakes. The country is huge and full of animal life, wolf tracks, fox, moose, rabbit and ptarmigan. In Tulita we heard of some Dene from Fort Providence who, with Tulita relatives, had a successful hunt of 20 caribou. The women were preparing to work on the caribou when we left. It is food for the five families for a few months and it will be supplemented with moose meat, fish, rabbits, ptarmigan and spruce grouse. The land still feeds us!

2.1 Fort Good Hope

"I fished for all the elders here last fall. Everyone had fish for a few months. My children are all grown up now with their own families, but all of us still depend on moose, caribou and fish for our food. This is what we like.... We still go out for spring hunt every year, for ducks, beaver, muskrat".

(Michael Lafferty, Fort Good Hope)

It was important for me to begin my work from Fort Good Hope, my hometown. It is where I was born and raised. It was where I began my work and gave my first public statement about what I believed needed to be done and how I saw the world. It was from there I began to read, hear and assess what we have done since 1974. What is the Protected Areas Strategy to the people of Fort Good Hope? What more needs to be done?

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- The Ramparts area has been identified by the community, backed up by wetland and waterbird information from Ducks Unlimited, as a key cultural area and outstanding world-class wetland complex. It is being proposed as a candidate area under the NWT PAS.
- Protected Areas Strategy work in Fort Good Hope will be administered by Yamoga Lands Corporation (the land claims organization) by agreement, and a community coordinator is expected to be hired in the next few weeks.
- More areas need protection in Fort Good Hope and Elders are anxious to continue work to achieve this before major industrial development proceeds.

2.2 Colville Lake

"The land is like our mother. We drink and we feed from her. This is how we feel about our land. This is why we feel so protective about our land, it is like our mother to us."

(Antoine Abelon, Elder)

- Colville Lake has, in recent years, seen increased industrial activity in their area (the community has 80 people). The people only recently established municipal and political offices and staff and have no capacity to deal with the impacts of development or to deal adequately with oil and gas companies. In 2003 Colville Lake openly suggested it might ask for a one- to two-year moratorium on oil and gas activity in their area so they could assess impact on caribou.
- Some people in Colville Lake are not aware of the NWT Protected Areas Strategy, but they are interested in discussing how they might use it.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- Workshops in February, to report to community, are planned but not certain there will be anything to report.
- Parks Canada is stalling the process to develop management options. Not clear why. Lack of resources? Staff? Not political priority? Unable to get into place? Can Deline help to develop management options?
- Deline Fishery, Franklin Fort site and fishery heritage site are also targeted to be advanced for protection (Section 26.4.3 of Sahtu Land Claim Agreement).

2.4 Tulita

- An application by Northrock Resources to do exploration near Stewart Lake two years ago was contentious from the start. With no land use plan in place for the region all permits are dealt with by the regulations one piece at a time. Although the Mountain Dene were strongly opposed to industrial activity in the area, and suggested a different route (access), the company persisted in its proposed access route and the regulator in the end agreed.
- There is a strong resentment amongst the Mountain Dene about oil and gas activities in their traditional lands. Many Mountain Dene are not signatories to the Sahtu Land Claim Agreement. The Protected Areas Strategy could be an important part of how the Dene and Metis can continue to advance ways to protect their lands for future use.
- The Land and Water Board referred the application by Northrock Resources to work near Stewart Lake to a public hearing. The Mackenzie Valley Environmental Impact Review Board later recommended that people be hired by the company to ensure sensitive and archaeologically important sites be protected.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

- In spring 2003, the Deh Cho signed the Interim Measures Agreement with the federal government. A key component of this was the interim five-year withdrawal of significant lands and watersheds in the Deh Cho, which in conjunction with the existing Nahanni National Park, and Edézhíe, form a large network of connected key areas for cultural and natural values. The initiative prescribes detailed resource assessments for these areas (comprising in total almost 50% of the Deh Cho region), as well as allowing for continued planning for a major gas pipeline corridor to be established through the region.
- This extensive network of key natural areas represents many of the lands of highest importance to local people, and thus also to the wildlife populations living in the region. From these areas, as the resource assessments proceed, candidate areas are being proposed by communities for permanent protection via the PAS process.

4. Gwich'in

"People lived close to the land and took care of it because it was what they depended on. It is the only resource they had."

(Charlie Snowshoe, Fort McPherson)

- In the 1990s, a number of areas of great importance to the Gwich'in for cultural and wildlife reasons were identified, and pursued, prior the NWT PAS. The Gwich'in land use plan preparations were well underway then, and so by 1999 four of these large landscape areas, and 13 smaller heritage sites/areas were identified for long-term protection in the Land Use Plan approved by the Gwich'in Tribal Council and the GNWT.
- DIAND approval of the land use plan came only four years later, after much negotiation (see page 18). The four large proposed areas for protection were finally termed "Conservation Zones" in 2003.

C. Review and Assessment of Protected Areas Initiatives (cont'd)

"... there should be adequate planning for all northern conservation areas before proposals for new large-scale frontier projects are advanced".

"As part of comprehensive planning in Canada's North, the federal government should develop a northern conservation strategy to protect areas of natural or cultural significance. This strategy should comprise inventories of natural and cultural resources, identification of unique and representative areas, and withdrawal and protection of such areas under appropriate legislation".

"Conservation is itself an important land use and areas should be identified and set aside while the options are still open".

(see 1977 Berger Report, Volume 2, Chapter 10)

- Regional land use planning is legally required by the Mackenzie Valley Resource Management Act, and via the comprehensive land claim settlements for the Gwich'in and Sahtu regions.
- Comprehensive land use planning should be completed ahead of major industrial development in the Mackenzie Valley in, at minimum, all regions in which hydrocarbon deposits and significant mineral resources have been confirmed or are predicted to occur.
- Unlike many other parts of Canada, in the NWT there is still the opportunity to set this balance right and plan for an effective balance of values – social, cultural, environmental and economic. Local people do now seek economic development opportunities, but not at any cost.
- Components of land use planning are underway in many parts of the NWT, but comprehensive, effective land use planning has yet to be achieved in most regions. The Gwich'in Land Use Plan comes closest to achieving this. Sustained funding to complete comprehensive land use plans prior to project decision-making/EA/regulation, has often not been forthcoming.

D. Summary of Main Findings

- Extensive and long term funding is required for the work of the Land Use Planning Boards, as well as:
 - Protected Areas Strategy
 - CEAMF (Cumulative Environmental Assessment and Management Framework)
 - Land Claims
 - Self-government
 - Infrastructure
 - Training, etc.
- Funding needs of the Government of the Northwest Territories, Aboriginal Government and non-government organizations need to be prioritized; e.g., Social agenda (policing, health and youth); Economic development; Land claims implementation; Infrastructure; Transportation; Municipal.
- Federal policy is lacking for department officials to effectively deal with and advance the NWT PAS and the Action Plan to 2009.
- The development of the Great Bear Lake management plan is well underway. It could be 80-percent completed by March 2004. It may (and should) be included in the draft Sahtu Land Use Plan.
- Funding decisions are currently underway in Ottawa and urgent lobbying may be required immediately to ensure Protected Areas Strategy Action Plan funding is committed, as part of balanced preparations for dealing with new natural gas developments in the Mackenzie Valley.
- Political priorities are currently being considered by Ministers and members of Cabinet.
- A federal campaign is being prepared for an election call in April or May 2004.

E. Recommendations

Recommendation 1

That the Protected Areas Strategy five-year Action Plan (2004-2009) be fully implemented and financed as planned, including the \$9-million contribution over five years from the federal government.

Recommendation 2

That all comprehensive land use planning be adequately resourced and be completed as soon as possible, and definitely prior to further major decisions on new hydrocarbon developments in the Mackenzie Valley.

Recommendation 3

That the recommendations of the Mackenzie Valley Environmental Impact Review Board's 'Blueprint' report on the Snap Lake diamond mine project be implemented in full, including completion of all regional land use planning and enhancement of the PAS.

Recommendation 4

That a lobby effort be planned as soon as possible by non-government partners in the NWT PAS, to secure firm support for the PAS five-year Action Plan, targeting the following:

- Prime Minister and the PMO
- DIAND Minister A. Mitchell, Deputy Minister and officials
- Minister of Environment, David Anderson and Deputy Minister
- Northwest Territories MP Ethel Blondin-Andrew
- Senator Nick Sibbeston
- Premier Joe Handley
- Principal Secretary
- Minister of RWED, and Deputy Minister
- Chair/committee of MLAs

Recommendation 5

That the relevant Ministers of Canada plan and initiate work to develop policies for the Northwest Territories for "responsible economic development within a sound environmental management framework."

E. Recommendations (cont'd)

Recommendation 10

That NGO partners in the NWT PAS meet with David Anderson, Minister of Environment (Parks Canada) as soon as possible to encourage him to:

- Give political direction to Parks officials to complete Protected Areas Strategy process for withdrawn lands in Sahyoue-Edacho.
- To ensure that a site management plan be developed, and then adequately resourced and implemented.
- Appoint an independent party to review and recommend management options to Parks Canada regarding the Sahyoue-Edacho National Historic Site in the Sahtu.

Recommendation 11

That the federal and territorial governments be encouraged to support land withdrawals by aboriginal governments/organizations, and to assist with building capacity to do so in the communities.

Recommendation 12

That the most important areas be withdrawn first to ensure resources will be best utilized. The federal government should not give political support and financial resources to areas of lesser importance that communities will identify for land withdrawal later.

Recommendation 13

That the "Northwest Territories Environmental Sciences Centre" concept paper be reviewed by World Wildlife Fund.



WWF's MISSION is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by:

- > conserving the world's biological diversity
- > ensuring that the use of renewable resources is sustainable
- > promoting the reduction of pollution and wasteful consumption