



Environment and Climate Change Canada  
PO Box 2310  
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Yellowknife, NT X1A 2P7

January 20, 2021

via Distribution List

**Re: Environment and Climate Change Canada *Mackenzie Valley Resource Management Act* Preliminary Screening Responses to Comments Received during the Public Comment Period**

On September 22, 2020, Environment and Climate Change Canada (ECCC) began a preliminary screening as required under section 124(2) of the *Mackenzie Valley Resource Management Act* (MVRMA) for the proposed designation of the Edézhíe Dehcho Protected Area as a National Wildlife Area (NWA).

A public commenting period for the proposed Edézhíe NWA followed from September 23, 2020 to October 23, 2020 and ECCC received comments from the Government of the Northwest Territories (GNWT). A response from the Gwich'in Renewable Resources Board was received, stating that they reviewed the proposal and had no conservation concerns, and a response from the Mackenzie Valley Land and Water Board (MVLWB) was received that the proposal is occurring below the activity thresholds of the MVLWB's jurisdiction and they will not be participating in the screening process.

Many of the responses received from the GNWT dealt with the future management of this Protected Area which will be determined through the management planning process in partnership with our co-management partners, Dehcho First Nations (DFN) and with the guidance of the Edézhíe Management Board. The establishment of the Edézhíe Dehcho Protected Area and proposed NWA is an effort to pursue the shared goals of conservation biodiversity and wildlife habitat while ensuring the Dene-Edézhíe relationship is respected and preserved. ECCC remains excited and committed to this co-management process and to working in this collaborative manner to designate Edézhíe as a NWA in addition to the existing designation as a Dehcho Protected Area.

The following information has been provided for review:

1. A summary of comments received with responses from Environment and Climate Change Canada;
2. The original comments/responses received during the public comment period; and
3. The Edézhíe NWA *MVRMA* Preliminary Screening proposal that ECCC originally submitted on September 22, 2020.

Please review the enclosed information and, based on your local knowledge, interest in and/or use of the area, advise as to whether there might be any **significant impacts on the environment or significant public concerns** with the designation of the Edézhíe Dehcho Protected Area as a NWA.

Please send responses Emily Nichol at (867) 444-9452 or by email at Emily.Nichol@Canada.ca by end of day **February 3, 2021**.

Sincerely,



Bruce MacDonald  
Director, Canadian Wildlife Service – Northern Region  
Environment and Climate Change Canada

Attachments:      1. Summary of Comments Received during Public Review of the Edézhíe *Mackenzie Valley Resource Management Act* Preliminary Screening and Environment and Climate Change Canada, Canadian Wildlife Service's Responses  
                         2. Responses Received During Edézhíe *Mackenzie Valley Resource Management Act* Preliminary Screening Public Comment Period  
                         3. Environment and Climate Change Canada *Mackenzie Valley Resource Management Act* Preliminary Screening Proposal to Establish the Edézhíe Dehcho Protected Area as a National Wildlife Area under the *Canada Wildlife Act*



**Environment and Climate Change Canada *Mackenzie Valley Resource Management Act* Preliminary Screening Proposal to Establish the Edézhíe Dehcho Protected Area as a National Wildlife Area under the *Canada Wildlife Act***  
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**Summary of Comments Received during Public Review of the Edézhíe Mackenzie Valley Resource Management Act Preliminary Screening and Environment and Climate Change Canada, Canadian Wildlife Service's Responses**

Date Received	From	Comment Summary <sup>1</sup>	ECCC-CWS Response
October 23, 2020 via email	GNWT	<p>The <i>Archaeological Sites Act</i> and <i>Archaeological Sites Regulations</i> do not apply to the proposed Edézhíe National Wildlife Area (NWA) as it is on federal land.</p> <p>It is unclear if archaeological sites and artifacts in the proposed Edézhíe NWA will be afforded adequate protection.</p> <p>It is unclear if the proposed Edézhíe NWA will have an archaeological site management regime and a process to regulate archeological research.</p>	<p>Edézhíe lands are under the administration and control of her Majesty in right of Canada, which means they are excluded from the GNWT <i>Archaeological Sites Act</i>.</p> <p>Archaeological sites and artifacts would be provided protection in the proposed Edézhíe NWA under section 3(1)(t) of the <i>Wildlife Area Regulations (WAR)</i>, made under the <i>Canada Wildlife Act (CWA)</i>. Section 3(1)(t) of the WAR prohibits the removal, defacement, damaging or destruction of any artifact or natural object in any wildlife area.</p> <p>Pursuant to Section 4 of the WAR, a permit may be issued to a person or government body for any activities in the case where, the proposed activity is to promote the conservation or protection of wildlife, and the benefits outweigh any adverse effects to wildlife or wildlife habitat, and there are no alternatives to the proposed activity that would be likely to produce the same or equivalent benefits. This would allow for archaeological research to occur, should a permit be applied for and granted.</p> <p>Further details for archaeological site management and regulation of archaeological research will be discussed as part of the Edézhíe management planning process. Environment and Climate Change Canada (ECCC) will recommend to the Dehcho First Nations (DFN) and the Edézhíe Management Board that the GNWT be invited to participate in discussions related to archaeological sites management and research during the management planning process.</p>

<p>October 23, 2020 via email</p>	<p>GNWT</p>	<p>The Government of the Northwest Territories-Environment and Natural Resources (GNWT-ENR) has several operational interests that overlap with the proposed Edézhíe NWA, including regional management responsibilities.</p> <p>It is unclear if there will be support for regional programs delivered by the GNWT (i.e., regional wildlife management and compliance and fire management) or what changes may occur as a result of the proposed Edézhíe NWA.</p> <p>It is unclear if research and monitoring can occur in the proposed Edézhíe NWA.</p> <p>More information on the permitting process is requested.</p> <p>More information on wildlife harvesting compliance issues is requested.</p> <p>It is unclear if a consistent management approach will be undertaken for bison. The GNWT consider a consistent approach to be important for bison and note that a limited</p>	<p>All research and monitoring activities within the boundaries of the proposed Edézhíe NWA will require a permit issued by the Minister of the Environment (or the Minister's delegate). The WAR <b>prohibits entry without a permit</b> into any NWA, that is listed in section 3.3 and it is proposed that the Edézhíe NWA be listed in this section.</p> <p>This is consistent with the Edézhíe Management Board's decision at the October 2019 Board meeting to secure the highest level of protection for the proposed Edézhíe NWA. The Board requested at this time that the Government of Canada <b>prohibit all activities</b> unless a permit is granted, until a management plan is in place to provide further direction on potential allowable activities without a permit.</p> <p>Permitting procedures for NWAs are guided by the WAR and all permit applications will undergo review by the Edézhíe Management Board prior to any decision by the Minister of the Environment (or the Minister's delegate). There is currently no annual deadline for permit applications for the proposed Edézhíe NWA. However, due to the review process by the Edézhíe Management Board, which is external to the ECCC review process, it is advised that applications be submitted a minimum of 4 months in advance of the proposed project start date. Additional information on the permitting process can be found at: <a href="https://canada.ca/en/environment-climate-change/services/national-wildlife-areas/permits-activities/protected-areas/application-supplement-nwa-permit-under-war-yukon-northwest-territories-nunavut.html">https://canada.ca/en/environment-climate-change/services/national-wildlife-areas/permits-activities/protected-areas/application-supplement-nwa-permit-under-war-yukon-northwest-territories-nunavut.html</a></p> <p>ECCC is collaborating with GNWT-ENR-Forestry on an Edézhíe Fire Management Memorandum of Agreement (MoA) that would outline how GNWT might manage wildfires occurring within the boundary of the proposed Edézhíe NWA</p>
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		<p>wood bison harvest through a quota of 40 male-only animals allocated primarily to rights holders, but also to General Hunting Licence and Resident Hunting Licence holders, will resume in winter 2020 in <i>Wildlife Act</i> management areas that include the Edézhíe Dehcho Protected Area and proposed Edézhíe NWA.</p>	<p>until a management plan is in place to provide further direction on fire management.</p> <p>ECCC will continue to work with the GNWT to finalize the Edézhíe Fire Management MoA and will recommend to DFN and the Edézhíe Management Board that the GNWT be invited to participate in discussions related to fire management during the management planning process.</p> <p>Section 3(1) of the WAR states that no person shall hunt, fish or trap in the NWA. Non-Aboriginal or treaty rights holders that have a GNWT tag will be prohibited from hunting bison within the boundaries of the proposed Edézhíe NWA without an NWA permit.</p> <p>ECCC recognizes that the current approach for bison management is inconsistent with the GNWT's regional approach, acknowledges the benefits of a consistent approach, and commits to working with DFN, the Edézhíe Management Board, and the GNWT to finalize wildlife management in Edézhíe through the management plan. ECCC will recommend to DFN and the Edézhíe Management Board that the GNWT be invited to participate in discussions related to wildlife management and compliance (including bison management) during the management planning process. At the same time, ECCC recommends that GNWT invite Edézhíe Management Board and ECCC representatives to regional wildlife management and compliance discussions that will affect Edézhíe.</p> <p>With respect to bison management, prior to the proposed Edézhíe NWA being established, ECCC and DFN will reach out to Deh Gáh Got'îê First Nation Mackenzie Bison</p>
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			<p>Working Group representatives and the regional GNWT biologist to determine a communication strategy on this specific management issue. This communication strategy will include a plan on how the Edézhíe Management Board and the Edézhíe Elder/Harvester Committees would be engaged on this specific management issue.</p> <p>As per article 3.3(a) of the Edézhíe Establishment Agreement, individuals exercising Aboriginal or treaty rights protected under section 35 of the <i>Constitution Act, 1982</i> in a manner consistent with Dehcho law will not require a permit or authorization to engage in Den Ahthít'e within the boundaries of the proposed Edézhíe NWA. This extends to resource hunting and other cultural uses and activities.</p> <p>Wildlife harvesting compliance issues for harvesting by section 35 rights holders within the boundaries of the proposed Edézhíe NWA will be described in a harvesting protocol that will be developed by the Edézhíe Management Board. Procedures and practices that will be followed where there is any question whether an activity is being carried out within the boundaries of the proposed Edézhíe NWA pursuant to a Section 35 Right will be described in an enforcement protocol developed jointly by DFN and ECCC.</p> <p>ECCC commits to working with DFN, the Edézhíe Management Board and the GNWT to finalize wildlife management, including harvesting, in Edézhíe through the management plan. ECCC will recommend to DFN and the Edézhíe Management Board that the GNWT be invited to review the Harvesting Protocol and provide feedback during the management planning process. At the same time, ECCC-CWS recommends that GNWT invite Edézhíe Management Board and ECCC-CWS representatives to regional wildlife</p>
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			management and compliance discussions that will affect Edézhíe.
October 23, 2020 via email	GNWT	<p>The section 'Prohibited and Allowable Activities without a Permit' only provides for activities that would be prohibited within the proposed NWA without a permit.</p> <p>It is unclear what activities would be allowable with a permit, and it is unclear what the permitting process would look like.</p> <p>It is unclear if permitted allowable activities could include habitat restoration projects (offsets) within the proposed Edézhíe NWA.</p> <p>It is unclear if hunting by hunters holding General Hunting Licences or Resident Hunting Licences be impacted by the proposed NWA or the permitting process.</p>	<p>During the October 2019 Edézhíe Management Board meeting, the Board discussed the prohibited activities for the proposed Edézhíe NWA. The Board decided on the highest level of protection for the proposed Edézhíe NWA and requested that the Government of Canada <b>prohibit all activities</b> in the Edézhíe NWA, unless a permit is granted, until a management plan is in place to provide further direction on potential allowable activities without a permit.</p> <p>As per article 3.3(a) of the Edézhíe Establishment Agreement, individuals exercising Aboriginal or treaty rights protected under section 35 of the <i>Constitution Act, 1982</i>, in a manner consistent with Dehcho law, will not require a permit or authorization to engage in Dene Ahthít'e within the boundaries of the proposed Edézhíe NWA, including resource hunting and other cultural uses and activities.</p> <p>Under certain conditions, authorization to undertake prohibited activities may be granted to non-Aboriginal or treaty rights holders through a permit issued by the Minister of the Environment (or the Minister's delegate), after review and recommendation by the Edézhíe Management Board. Generally, a permit may be issued to a person or government body if the proposed activity is being undertaken does not conflict with the purpose of the NWA establishment (i.e., wildlife or wildlife habitat conservation, research and interpretation).</p> <p>Permitting procedures for NWAs are set out in the WAR and all permit applications will undergo review by the Edézhíe Management Board prior to any decision by the Minister of the Environment (or the Minister's delegate). There is currently no</p>

			<p>annual deadline for permit applications for the proposed Edézhíe NWA. However, due to the review process by the Edézhíe Management Board, which is external to the ECCC review process, it is advised that applications be submitted a minimum of 4 months in advance of the proposed project start date. Additional information on the permitting process can be found at: <a href="https://canada.ca/en/environment-climate-change/services/national-wildlife-areas/permits-activities/protected-areas/application-supplement-nwa-permit-under-war-yukon-northwest-territories-nunavut.html">https://canada.ca/en/environment-climate-change/services/national-wildlife-areas/permits-activities/protected-areas/application-supplement-nwa-permit-under-war-yukon-northwest-territories-nunavut.html</a></p> <p>Offsetting projects would not be approved as permitted allowable activities. Conservation allowances, such as habitat restoration offsetting, should provide ecological protection <b>beyond what would be provided under a business-as-usual scenario</b> (Canada, 2012). The proposed Edézhíe NWA will contain a high level of protection to begin with and necessary habitat restoration, as a result of natural processes, such as wildfires, will be addressed in the upcoming management planning process, but will not be considered for offsetting purposes.</p> <p>Section 3(1) of the WAR states that no person shall hunt, fish or trap in the NWA. Hunting will be prohibited in the proposed Edézhíe NWA unless a permit is recommended by the Edézhíe Management Board and issued by the Minister of the Environment, or the individual is doing so pursuant to article 3.3(a) of the Edézhíe Establishment Agreement. These measures will be communicated to the public during the Canada Gazette process (prior to establishment).</p> <p>As per the Edézhíe Establishment Agreement, individuals exercising Aboriginal or treaty rights protected under section 35 of the <i>Constitution Act, 1982</i>, in a manner consistent with</p>
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			<p>Dehcho law, will not require a permit or authorization to engage in Dene Ahthít'e within the boundaries of the proposed Edézhíe NWA, including resource hunting and other cultural uses and activities.</p> <p><b>Reference:</b>  Canada. Environment and Climate Change Canada. 2012. <i>Operational framework for use of conservation allowances</i>. Ottawa – Ontario: Environment Canada c2012. 17p. <a href="#">En14-77-2012-eng.pdf (PDF, 318 KB)</a>.</p>
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<sup>1</sup>Full text of all GNWT comments and recommendations received is included in Attachment 3.

CWA = *Canada Wildlife Act*; DFN = Dehcho First Nations; ECCC = Environment and Climate Change Canada; ENR = Environment and Natural Resources; GNWT = Government of the Northwest Territories; MoA = Memorandum of Agreement; NWA = National Wildlife Area; WAR = *Wildlife Area Regulations*.