

Louie Azzolini

From: Chuck_Blyth@pch.gc.ca
Sent: Friday, February 09, 2001 4:56 PM
To: Louie Azzolini
Subject: Submission to public registry



Mac Word 3.0

I would like to submit the following document which was previously submitted to the EIRB for the explore data permit. It answers the generic question about future park expansion and I believe it has relevance to the Canadian Zinc permit application also. (See attached file: ExplorDataIR.doc)

Information Request – 29 September, 2000

Prepared for:

Mackenzie Valley Environmental Impact Review Board
Explor Data Ltd., Land Use Permit N1998B0861
Amendment Seismic Program, Nahanni Butte, NT

Subject:

Details and clarification of Heritage Canada's [Parks Canada's] position on the possible expansion of the Nahanni National Park Reserve (NNPR).

Request:

1. a) *Details and clarification of Heritage Canada's [Parks Canada's] position on the possible expansion of the NNPR [Nahanni National Park Reserve]; and*
b) *An indication of the likelihood of any of these expansion proposals becoming a reality, and what the implications to past and current activities immediately outside the NNPR would be.*

Background –

Nahanni National Park Reserve was created through an Order in Council to set land aside as a national park reserve in 1972. In 1976, Nahanni National Park Reserve was formally entered into the Canada Gazette as a national park reserve. As is the case in other park reserves, full National Park status is pending the settlement of regional aboriginal land claims.

The primary impetus for creation of a national park on the South Nahanni River was the potential threat of hydro-electric development on the river corridor. The boundaries were established in haste to provide interim protection, with intent to expand the protected area in future.

Expansion of Nahanni National Park Reserve –

With respect to expansion of Nahanni National Park Reserve, Parks Canada must consider several relevant policy documents. These include the *Park Management Plan*¹ (1987), *Management Plan Amendments*² (1994), *National Parks System Plan*³ (1997), and the *Ecological Integrity Statement for Nahanni National Park Reserve*⁴ (2000).

Park Management Plans

The official position of Parks Canada with respect to expansion of Nahanni National Park Reserve was publicly expressed initially in 1987, in the release of the *Nahanni National Park Reserve Park Management Plan*. At this time, three areas of interest were identified to improve the park's representation of the Mackenzie Mountains natural region. These three areas are the Ragged Range, Tlogotsho Plateau and the Nahanni Karst (Fig. 1).

Interest in these three candidate areas was reaffirmed in 1994 in the *Nahanni National Park Reserve Management Plan Amendments*.

“5.2 BOUNDARY REVIEWS

When Nahanni was established in 1972, its boundaries were not based on a systematic evaluation of the area's resources. At that time, it was understood that as detailed studies of the region became available, the park's boundaries could be adjusted to take new information into account. However, the reserve status of the park recognizes the pending settlement of Aboriginal land claims, and will not negatively affect any future settlement of these claims.

Parks Canada may seek boundary modifications within the claims process which include changes that would give priority to maintaining the park's ecological and wilderness integrity and its representation of the Mackenzie Mountains natural region. The Ragged Range northwest of the park, the Tlogotsho Plateau south of Deadmen Valley, and the karst area north of First Canyon are the three areas in the surrounding region that remain candidates for boundary adjustment.

The management plan will be adjusted to accommodate any changes that are required by legislation arising from negotiated settlements”.

Additionally, in this same document, Parks Canada put forth a position in support of an ecosystem-based management approach and increased protection for the entire South Nahanni River watershed (described therein as the Greater Nahanni Ecosystem).

“3.1 GREATER NAHANNI ECOSYSTEM

Nahanni National Park occupies one-seventh of the South Nahanni watershed [Fig. 2]. This watershed drains an area of 35,000 square kilometres, which then enters the Mackenzie River drainage basin via the Liard River. To date, the relative isolation and wilderness of the watershed has served to protect the park. However, existing and possible future adjacent land uses such as mining, big game hunting, tourism development and uncontrolled access have the potential to affect the park's ecological and wilderness integrity. Within the context of an ecosystem-based approach to management, the South Nahanni River watershed is the extent of the park's immediate concern.”

These positions have been endorsed through public consultation and approval of the Park Management Plan in parliament.

National Parks System Plan

The *National Parks System Plan* (1997) is a public statement of Parks Canada's commitment to protect our natural heritage, approved by the Minister of Canadian Heritage. It is a program to complete the task of setting aside representative areas of

Canada's natural heritage. The plan restates Parks Canada's interest in the three candidate areas, and also incorporates the organization's policy on protection of ecological integrity set out in the amended *National Parks Act*. In reference to Nahanni National Park Reserve, the plan states that:

"Expansion of present boundaries should be considered in the future to improve natural theme representation, encompass additional visitor opportunities, and to help protect the ecological integrity of the park reserve".

Ecological Integrity Policy –

Since the establishment of Nahanni National Park Reserve, the *National Parks Act*⁵ has been amended (1988), clearly stating that the protection of ecological integrity is the primary mandate of national parks. Parks Canada's working definition of ecological integrity is the following:

- "Ecological Integrity is the condition of an ecosystem where:*
- *the structure and function are unimpaired by human-caused stresses; and*
 - *the ecosystem biological diversity and supporting processes are likely to persist."*⁶

Parks Canada's *Guiding Principles and Operational Policies*⁷ (1994) reiterates this commitment to ecological integrity as the organization's first Guiding Principle. There is a specific mention of its priority in acquiring lands:

"Protecting ecological integrity and ensuring commemorative integrity take precedence in acquiring, managing, and administering heritage places and programs. In every application of policy, this guiding principle is paramount. The integrity of natural and cultural heritage is maintained by striving to ensure that management decisions affecting these special places are made on sound cultural resource management and ecosystem-based management practices."

This primary mandate of ecological integrity protection was confirmed by the *Panel on Ecological Integrity of Canada's National Parks*⁸, commissioned by the Minister of Canadian Heritage. Boundary revision is a recommended approach to meet this mandate.

In order to set priorities and goals for the protection of ecological integrity, National Parks across Canada are required to develop Ecological Integrity Statements (EIS). In January 2000, Parks Canada held a public workshop in Fort Simpson to develop an EIS for Nahanni National Park Reserve. First Nations leaders and elders, government biologists, research scientists, regional land managers and other interested stakeholders participated in the workshop. An over-riding theme came out of the process, indicating that protection of the entire South Nahanni watershed met most tests of ecological integrity. This is reflected in the draft Ecological Integrity Statement⁴.

Likelihood of Expansion of Nahanni National Park Reserve -

Expansion of Nahanni National Park Reserve to incorporate the aforementioned three areas of interest, or any other lands, has not yet occurred primarily because land claim negotiations in the region have not been settled. Out of respect for the ongoing land claims process, Parks Canada temporarily postponed negotiating transfer of any of this land, pending the outcome of the Deh Cho Process.

Recent events have indicated that the expansion of Nahanni National Park Reserve is very likely to occur in the foreseeable future. Through the Deh Cho Process, the Deh Cho First Nations (DCFN) have expressed a desire to protect the entire South Nahanni watershed, in both public interviews and at the negotiations table, and have proposed that the South Nahanni watershed be part of an interim land withdrawal. The Nahʔa Dehé First Nation (Nahanni Butte) has passed a Band Council Resolution⁹ calling for protection of the South Nahanni watershed.

Parks Canada has now entered into an initial stage of cooperative management of Nahanni National Park Reserve with the local First Nations, as per the Deh Cho Process Interim Measures Agreement¹⁰. With the endorsement of Mr. Tom Lee, Chief Executive Officer (CEO) of Parks Canada, a consensus team of DCFN and Parks Canada representatives has been formed, which is responsible for finalizing the Ecological Integrity Statement for the park reserve and revising the Park Management Plan, through a public review process.

Parks Canada is interested in exploring options to create a national park that will meet Canada's and DCFN's goals of ecological integrity, conservation, representation and co-operation. To this end, Parks Canada would view favourably an interim withdrawal of the South Nahanni River watershed if proposed by DCFN as a result of the interim measures agreement now under consideration.

Considering that the DCFN are proponents of expansion of the park to encompass much, if not all of the South Nahanni watershed, and that the DCFN are now partners in park management, this expansion is a very real possibility in the near future.

Implications to Past and Current Activities Immediately Outside the Park Reserve -

In light of the real possibility of interim withdrawal of lands in the South Nahanni watershed, Parks Canada is of the opinion that the issuance of land use permits for the area should be suspended until these lands have been clearly identified. An interim withdrawal of lands would affect land uses as set out in the Interim Measures Agreement¹⁰. For expert advice on this topic, we suggest the Review Board refers questions to the chief federal negotiator, Mr. Robin Aitken. The development of additional third party interests in the area may fetter the Deh Cho negotiations process, and delay the production of a clear, comprehensive land-use management plan for the entire region. Such a plan would benefit all parties involved.

New applicants for land use permits may incur substantial costs in the interim in anticipation of developments which may or may not eventually proceed. These costs may or may not be eligible for any form of compensation once a final agreement has been reached, and applicants should be aware of that possibility. Details on terms and conditions of compensation will be addressed in a Final Agreement; interim information can best be provided by the chief federal negotiator.

In any lands which eventually become part of a National Park, resource extraction activities such as seismic exploration and oil & gas development would not be permitted, as outlined in the National Parks Act⁵.

References -

1. Environment Canada, Parks. 1987. Nahanni National Park Reserve Park Management Plan. 60 pp.
2. Canadian Heritage, Parks Canada. 1994. Nahanni National Park Reserve Management Plan Amendments. 20 pp.
3. Parks Canada. 1997. National Parks System Plan. 3rd Edition. Ottawa, ON. (p. 28).
4. Nahʔą Dehé Consensus Team. 2000. Draft Ecological Integrity Statement for Nahanni National Park Reserve (Nahʔą Dehé).
5. National Parks Act. 1988. C.14.
6. Parks Canada. 1998. State of the Parks 1997 Report.
7. Parks Canada. 1994. Guiding Principles and Operational Policies. 125 pp.
8. Parks Canada Agency. 2000. "Unimpaired for Future Generations"? Protecting Ecological Integrity with Canada's National Parks. Vol. I "A Call to Action." Vol. II "Setting a New Direction for Canada's National Parks." Report of the Panel on Ecological Integrity of Canada's National Parks. Ottawa, ON
9. Nahanni Butte Dene Band. Band Council Resolution of 18 May, 2000.
10. Deh Cho First Nations, Government of Canada and Government of the Northwest Territories. The Deh Cho First Nations Interim Measures Agreement. Draft under review. September 25, 2000. 13 pp. + Appendices.