

# ***NORTH SLAVE MÉTIS ALLIANCE***

*PO Box 2301 Yellowknife, NT X1A 2P7*



June 5<sup>th</sup>, 2008

Mark Cliffe-Phillips  
Regulatory Specialist  
Wek'èezhii Land and Water Board  
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## **Re: Land Use Application # W2008J0011**

Dear Mr. Cliffe-Phillips,

The North Slave Métis Alliance (NSMA) has reviewed and strongly opposes the issuance of a land use permit as applied for by Mr. Gary Jaeb of True North Safaris Ltd. to conduct a tourism and outfitting land use operation at km. 170.5 of the Mackenzie Highway. Our objections are based on the following:

- ∞ There has been no consultation with the NSMA regarding this proposed Land Use Permit (or the Tourism Licence, the Wildlife Permit, the Outfitting Licence, or the Crown Lease).
- ∞ The application is incomplete, and does not contain adequate information for us to conduct any meaningful review.
- ∞ Significant NSMA membership concern exists regarding the proposed land use activities.

The NSMA represents the Indigenous North Slave Métis People (NSM) who have used and occupied the North Slave area of the Northwest Territories (NWT) since long before the Crown established effective control over the area<sup>1</sup>. This means the NSM possess Aboriginal Rights and Titles to the lands and resources in the North Slave region of the NWT. Our Aboriginal Rights include an inherent right of self determination, which in turn includes a right to be fully informed regarding all activities which may affect us, and a right to participate in the management of resources upon which our continued survival depends. A significant number of NSM also have Treaty Rights, which among other things guarantees their right to practice their traditional lifestyle without the interference of "white competition" as long as the sun shines and the rivers flow.

Members of the North Slave Métis (NSM) community have an Aboriginal Right to access, use and occupy their traditional lands which are affected by this application. The NSM also have an Aboriginal right to harvest resources (including wildlife and bears), and to conserve and manage these resources throughout the area that will be impacted by this application. Furthermore, the NSM have a right to be involved in ensuring that their historic site at Old Fort Island will be properly protected.

<sup>1</sup> Details are provided in an attachment to this letter.

In addition to our Treaty and Aboriginal rights, the NSM also have rights to continue using waters, as we have been doing since before 1770, throughout this area. Our existing water rights are protected by section 14(4)(b) of the NWT Waters Act, and we are entitled to compensation whenever our use of waters is interfered with. We consider the baiting of bears, and the presence of sport hunters, to be an interference with our rights to use waters.

The NSM have never authorized the Tlicho Government, or the Community Government of Bechoko, or anyone other than the NSMA, to speak on their behalf with regards to the protection of their Aboriginal or Treaty Rights. Section 2.7 of the Tlicho agreement confirms that nothing in the Tlicho Agreement can affect the aboriginal or treaty rights of any other aboriginal group. As the legitimately elected political representative of the North Slave Métis People for the purposes of land claim negotiation and environmental protection, the NSMA should be given equal respect and consideration when it comes to consultation and accommodation, as the Tlicho Dene, even though we do not yet have a land claim settlement. It was entirely improper for the WLWB staff to give True North Safaris permission not to consult with us, and we expect the situation to be rectified.

As we understand this application, the proposed land use will involve the expansion and renovation of an existing "frame cabin", the use of an existing outhouse, and the addition of travel trailers and tents as needed for additional capacity. The application form, as set out in Schedule 2 of the MVRMA, is not completely filled out as required by Section 19(2). Details which should have been provided as part of the application (and during the required community engagement), but which were not, include:

- ∞ There is no preliminary plan, as required by the MVRMA Section 19(3), including the lands proposed to be used in the land use operation; the approximate locations of all existing lines, trails, rights-of-way and cleared areas; new lines, trails and rights-of-way and cleared areas proposed to be used in the land use operation; buildings, structures, campsites, fuel and supply storage areas; waste disposal sites, excavations and other works; and bridges, dams, ditches, roads, transmission lines, survey lines, monuments, historical and archaeological sites, burial grounds, water courses, traplines, and cabins that might be affected. In addition, for this application in particular, it is necessary to show the locations of the bait stations.
- ∞ Sections 2, 3, and 4 of the application form are not complete. Section 4 in particular needs to include details of any land lease, if one exists, and should include the appendix A to the Outfitters Licence which should detail where the right to Outfit applies.
- ∞ Section 5 of the application form does not describe:
  - The nature of all the tourism activities that will occur, besides bear baiting.
  - Where all the tourism and hunting activities will occur.
  - The size and capacity of the "frame cabin" after renovation and expansion.
  - The number and location of "privies", outhouses, or other sewage disposal locations (or their proximity to water courses).

- ∞ Section 6 of the application form does not summarise any potential environmental and resource impacts, and particularly does not mention the potential impacts to wildlife including black bears, grizzly bears, and other animals, or the potential interference with Métis land use and occupancy, water use, resource use, or any related cultural or socioeconomic effects.
- ∞ Section 7 does not contain any restoration plan.
- ∞ Section 8 does not mention the General Wildlife Permit, and does not clearly state whether or not improvements to the existing trails are proposed.
- ∞ Section 9 does not mention what will be done with the bear meat, but does mention that privies (plural) will be used for sewage, although section 5 seems to indicate that just the one existing outhouse will be used.
- ∞ Sections 10, 11, 12, 13, 14, 15 and 16 are not complete. There are no details about fuel storage and use, the period of operation, the requested term, or the location of activities. The maps attached are at too small a scale, and do not provide the required details.
- ∞ There is no indication that any heritage assessment has been done.
- ∞ There are no details on what will be used for bait, and how the attraction of other wildlife will be prevented.
- ∞ The application for Crown Lease does not appear to be consistent with the land use application.
  - Is this a year round or a seasonal land use?
  - How many people will be using the camp, and for how long?
  - What tourism activities will be conducted besides commercial outfitting to hunt bears using bait?

Even though the application is severely deficient in information, we can already identify several areas of serious community concern.

- ∞ Our communal right to be consulted has been ignored. This causes us severe cultural and political harm.
- ∞ Our freedom to use and occupy the lands will be restricted. We are being subjected to “white competition” for bear hunting. Our ability to hunt, fish, or trap, or conduct any other traditional activities in the area will be interfered with over an unknown extent due to the unknown extent of the hunting expeditions and the effects of bait stations.
- ∞ The behaviour, health and abundance of our wildlife resources will be affected by presence of bait, which in turn will affect us in a spiritual, cultural, and socioeconomic manner.
- ∞ The statement of the applicant that only Tlicho citizens will be hired is unjustified discrimination, since we have an equal right to harvest bears, to use the land, and to benefit from economic activity in our territory.
- ∞ The NSM community has not been consulted whether or not the baiting of bears is a culturally appropriate harvesting method, although we do know it is a controversial practice. Without enjoying any of the benefits, the Métis will still likely suffer the consequences of negative public opinion and a reduction in public support for our self-government goals. It is unfair for the Tlicho to place such an additional hurdle in the way of our attempts to attain just resolution of our

outstanding land claims. Any interference with our land claim must be recognised as an extremely significant socioeconomic and cultural impact.

- ∞ Finally, we fear damage to heritage resources in the area since this application is in the vicinity of Old Fort Island, and it is possible that hunters could be taken there. There are significant community fears about un-ethical hunters removing or destroying irreplaceable artefacts.

We have attached a reference document in support of the assertions made in this intervention. We trust that we have provided you sufficient information to cause you to reject this application. If not, then please consider this letter as a request for additional time, and let us know what additional information you require.

Sincerely,



Sheryl Grieve  
Manager, Environment, Lands and Resources  
[lands@nsma.net](mailto:lands@nsma.net)

CC: Gary Jaeb, ([gary@truenorthsafaris.com](mailto:gary@truenorthsafaris.com))

Attachment: Meeting the Powley Test.