



Parks Canada  
Parcs Canada



Western Arctic Field Unit  
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XOE 0T0

October 15, 2010

Judith Wright-Bird, Chair  
Sahtu Land Use Planning Board  
Box 235  
Fort Good Hope, Northwest Territories  
XOE 0H0

Dear Ms. Wright-Bird:

Please find the enclosed comments from Parks Canada on the third draft of the Sahtu Land Use Plan. We hope this information is helpful in the ongoing development of the Plan. Please do not hesitate to contact Lee Montgomery at 867-766-8468 or by email at [lee.montgomery@pc.gc.ca](mailto:lee.montgomery@pc.gc.ca), or Katherine Cumming at 204-984-1929 or by email at [katherine.cumming@pc.gc.ca](mailto:katherine.cumming@pc.gc.ca) should you require further information or clarification.

Sincerely,

Ifan Thomas  
Superintendent

Cc Gordon Hamre, Northern Parks and Sites Establishment Office, Parks Canada  
Katherine Cumming A/ Resource Conservation Manager, Western and Northern  
Service Centre, Parks Canada

Canada 

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## **Parks Canada and the PAS Process<sup>1</sup>**

### **Section 1.9.3, page 13**

The top paragraph, last sentence does not distinguish between the Protected Area Strategy (PAS) process and Parks Canada process. We suggest you use the following wording:

"In the NWT, establishment of most protected areas is coordinated through the Protected Areas Strategy (PAS). In addition to the PAS process, Nááts'ihch'oh Proposed National Park Reserve is following a process specific to National Park creation as described in the SDMCLCA, and the Doi T'oh Proposed Territorial Park Reserve is being established as a commitment described in the SDMCLCA."<sup>2</sup>

Table 1: "Comparison of Protected Areas and SLUP Conservation Zones": does not distinguish between the PAS process and Parks Canada process.

"Assessments conducted" -- *Canada National Parks Act* requires public consultations and by policy, a Mineral and Energy Assessment is conducted. Other studies are discretionary. Parks Canada suggests re-wording to "Non-renewable resource assessments and, in some cases, socio-cultural and economic studies are conducted and considered ...."

"Management responsibility" -- Parks Canada consults with communities regarding the management plan but it is primarily developed by a cooperative management committee, composed typically of Parks Canada and the FN/Metis appointees from the area. Suggested re-wording: "The sponsoring agency collaborates with communities or their representative appointees to develop ....."

### **Section 2.1.1 Application of the Plan to Protected Areas**

Pg 19, bottom. Parks Canada suggests the following wording change: "In the NWT, establishment of most protected areas is coordinated through the Protected Areas Strategy (PAS). In addition to the PAS process, Nááts'ihch'oh Proposed National Park Reserve is following a process specific to national park creation as described in the SDMCLCA, and the Doi T'oh Proposed Territorial Park Reserve is being established as a commitment described in the SDMCLCA."<sup>3</sup>

### **Table 3 page 21**

Please note that accents are missing on Nááts'ihch'oh.

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<sup>1</sup> These comments are based on those from Karen Hamre, Managing Director, NWT PAS. By agreement with PAS, they are duplicated here to demonstrate Parks Canada agreement with the PAS comments. Pers com.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

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### **Section 2.1.1 page 22**

This section contains references to national parks and national historic sites. Although they are identified in the Plan as protected area initiatives, they would not follow the PAS process. Perhaps these differences would be most easily addressed by a simple statement of exception for national parks and historic sites and that they do not follow the PAS process with specific mention of two points:

- Parks Canada not being a member of the Working Group but rather a sponsoring agency with its own establishment process
- Parks Canada would not have a role in making recommendations regarding excised areas.

With respect to the last paragraph in this section, if a final boundary for Nááts'ihch'oh is not identified prior to the finalization of this Plan, will we need to begin work immediately on an amendment?

## **NÁÁTS'IHCH'OH**

### **NÁÁTS'IHCH'OH, Area 22, page 240**

Accent marks over the 'a's are missing throughout.

Under "Reasons for Special Management" the word 'South' should be inserted in front of the second use of Nahanni River and the word 'Reserve' after Nahanni National Park.

Under "Conservation Initiative Status", please change the wording of the first paragraph to the following. "Negotiations between Parks Canada and the Tulita Land Corporation, the Fort Norman Metis Land Corporation, the Norman Wells Land Corporation, the Tulita Renewable Resources Council and the Norman Wells Renewable Resources Council are currently underway." Note: the Tulita District Land Corporation is an umbrella organization and not actually party to the negotiations.

Under "Conservation Initiative Status", in the second sentence please change the wording as follows, "Nahanni National Park Reserve ..., which was expanded in 2009"

Under "Burn History" we suggest removing the word "includes" as follows: Nááts'ihch'oh (Mount Wilson) is located at ~~includes~~.—Note: if the reference here is to the mountain, "includes" doesn't make sense.

Under "Burn History" the second paragraph, we suggest the following changes to wording "From late spring through late fall, mountain woodland caribou calve, over-summer and rut in the area. The area around the Little Nahanni River also includes a resident population of Dall's sheep thought to be the unique genetic stock that populated the Yukon and Northwest Territories after the last ice age."<sup>4</sup>

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<sup>4</sup> Alasdair Veitch, Environment and Natural Resources, Sahtu Regional Office, Pers com

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Under "Ecological features", we suggest rewording point 1 as follows "More than half the zone is in the South Nahanni herd's calving, summer and rutting grounds."

Under "Ecological features", if point 4 is referring to the South Nahanni herd, it is incorrect – their winter habitat is in Nahanni National Park Reserve.

Under "Ecological features", we recommend including the flower *Symphyotrichum nahanniense* as a species that may be at risk.<sup>5</sup>

Under "Socio-cultural Importance ", in the second paragraph, we are not aware of any cultural and subsistence use being documented by PAS for this area. We jointly funded, with Indian and Northern Affairs Canada and World Wildlife Fund, a traditional knowledge study, completed in December last year.

Under "Mineral Rights" the following more specific information may be helpful:

- Along the Dehcho/Sahtu border there are four mineral claims and two leases
- Along the Yukon/NWT border there are five mineral claims and two leases
- Southeast of O'Grady Lake there is one claim

Under "Tourism and Outfitting Potential", please note that outfitters in this area are Ramhead Outfitters, South Nahanni Outfitters and NWT Outfitters. NWT Outfitters has one surface lease for a cabin in the area.

## National Historic Sites and Archaeological Resources

### *Terminology*

Terminology should be consistent within the document to avoid confusion. For example, are heritage sites, historic sites, historical sites synonymous? Are archaeological remains and archaeological sites, or graves and burial sites synonymous? A specific example can be found on page 49, the title for CR #4 refers to "Historic" Sites but the paragraphs under the title deal with "historical" sites.

Also, please note that the title "**Historic Sites and Monuments Act**" (HSMA) is accurate, not the **Historical** Sites and Monuments Act and this should be corrected in many locations throughout the Plan.

Terminology should be consistent with the Land Claim Agreement, the *Mackenzie Valley Resource Management Act/Mackenzie Valley Land Use Regulations*, and the PAS with respect to monuments, protected areas, heritage resources, archaeological sites, burial sites, etc. The inconsistency is sometimes confusing. For example, the Plan seems to refer to monuments as part of the HSMA, which

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<sup>5</sup> The Mount Sheldon Ragwort, *Senecio sheldonensis*, appears as a "May Be At Risk" species in the NWT ranking of species, for 2006-2010. In "Vascular Plants of the Continental Northwest Territories", Porsild & Cody (1980) show a couple of dots that could be within the Nááts'ihch'oh area.

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is not consistent with the Land Claim Agreement or the *Mackenzie Valley Land Use Regulations*, but could be consistent with the PAS. Definitions for monuments are as follows.

- Land Claim Agreement defines a monument as any authorised device used by a qualified surveyor to mark a boundary in a legal survey executed under some statutory authority, and includes any ancillary components.
- *Mackenzie Valley Land Use Regulations* define a monument "as a post, stake, peg, mound, pit, trench or other object used to officially mark the boundary of surveyed lands or placed for a topographic, geodetic or cadastral purpose.
- PAS defines a Natural Monument as an area protecting a specific natural or cultural feature which is of outstanding or unique value because of its rarity, representativeness, aesthetic or historical significance. The PAS further states that a National Historic Park or Site would fit into this category.

Another example would be the use of "graves". Note that none of the related documents refer to "graves". For consistency, Map 5: "graves" should be replaced with "burial sites".

### ***National Historic Sites of Canada***

National Historic Sites of Canada (NHSC) require more precise wording in a number of sections in the Plan. Please note the following:

- NHSCs are not protected areas *per se*. Section 3 of the *Historic Sites and Monuments Act* (HSMA) enables the Minister responsible for Parks Canada to designate a site, building, or other place as a NHSC. This is essentially a national commemorative program. The commemoration is not a conservation initiative. The federal designation does not offer protection to the site.
- The Plan should not prohibit the commemoration of a NHSC in any zone identified in the Plan. However the owners of a NHSC should consider the heritage/historic value of the site and its resources in decisions related to the management of the site.
- Establishment is not the best word for a NHSC, as it is unclear whether it refers to the designation of a site, building or other place as nationally significant or to the acquisition of a NHSC by Parks Canada.
- Although the HSMA enables the Minister responsible for Parks Canada to acquire a NHSC, a NHSC is more generally acquired under the *Federal Real Property Act*. This Plan refers only to lands acquired pursuant to the HSMA; this is not entirely correct.
- Lands administered by Parks Canada are exempt from the Plan. The Plan applies to NHSCs that are administered by others. The Plan seems to make this clear.
- Events and Persons of national historic significance are different than National Historic Sites.

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- A NHSC can be or can include a designated federal heritage building; there are Treasury Board policies in effect for the use and maintenance of these buildings. Note also that a site, building or other place may have a national and a territorial designation.

**Specific examples where NHSCs are not accurately referenced:**

- Page 14: not all NHSCs are protected areas. Designation does not equal protection.
- Page 19: section 2.1, Areas of Application would read better:

The Plan applies throughout the Sahtu Settlement Area as shown in Map 1 except:

- a) lands (including lands under water) administered by the Parks Canada Agency; and
- b) lands within the boundaries of a local government.

Note: Lands administered by the Parks Canada Agency would include national parks, national park reserves, and national historic sites. Please note that generally speaking, a NHSC is acquired through the *Federal Real Property Act*. It is preferable not to state the Act through which the land is acquired.

- Page 19: section 2.1, the sentence "For clarity, if a national park, historic site, or local government boundary in the SSA is expanded, the Plan will cease to apply to the area of the expansion." Parks Canada recommends rewording as follows "For clarity, if a national park or local government boundary in the SSA is expanded, the Plan will cease to apply to the area of the expansion. If the Parks Canada Agency acquires additional lands with respect to a National Historic Site of Canada that it administers, the Plan will cease to apply to those lands."
- Page 19: Sections 2.1.1, the first two sentences in the first paragraph require editing, e.g., ". . . . the MVRMA exempts lands administered by the Parks Canada Agency. The Plan, however, has a role in the establishment or expansion of a National Park, or in the acquisition of a NHSC by Parks Canada. "
- Page 21: Table 3 Parks Canada recommends not including Port Radium in this table. Port Radium was not designated a National Historic Event in 1973. Mining in Canada, which the Uranium Industry is a component, was designated in November 1973. Port Radium is where a plaque is located recognizing the Uranium Industry as a national historic event -- "Gilbert Labine's discovery of Pitchblende at Great Bear Lake 1930; led to the opening of Canada's first Uranium mine". A national event is not associated with any land. Since the event does not have associated lands or cultural resources, there no land use issues. If you would still like to include this in the plan, we recommend discussing it with Parks Canada for further clarification.
- Page 21: Table 3 Parks Canada requests edits to the Déline Fishery and Fort Franklin National Historic Site and Port Radium item. Parks Canada does not plan on acquiring the lands

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associated with this site as stated in the plan. If you would like to retain the site in the table, then in the "status" column it should indicate that the plan applies to this site without qualifications. If you retain this site in the table, it may be appropriate to add The Church of Our Lady of Good Hope National Historic Site of Canada to the list. The church is located in Fort Good Hope and was designated as a national historic site in 1977. The site is not administered by Parks Canada.

- Page 21: Table 3 Saoyú-ᑲehdacho National Historic Site is comprised of 80% lands acquired by Parks Canada under the *Historic Sites and Monuments Act* and 20% owned by the Déline Land Corporation. However the site is cooperatively managed and administered as one site. Is it contemplated that the entire site will be excluded from the Land Use Plan or just the 80%?
- Page 22: second paragraph - As noted in the introduction to this section a distinction should be made between national historic sites that are designated and those that are acquired by Parks Canada. We recommend rewording the first sentence as follows: "... initiatives - including initiatives for Parks Canada to establish a National Park or to acquire a national historic site – as Proposed Conservation Initiatives . . . until the national park is established and the national historic site is acquired." We recommend rewording the second sentence as "Once a NP is established or the NHSC is acquired by Parks Canada, the zoning will cease to apply . . ."
- Page 22: section 2.2. Parks Canada recommends clarifying that the application of the Plan is not affected by land ownership unless the lands are administered by Parks Canada.
- Page 36: The reference to the HSMA could be misinterpreted, suggest deleting the examples of legislation.
- Page 36: Table 5: please change the wording to "National Park/National Historic Site of Canada administered by the Parks Canada Agency".
- Page 36: Table 5: please ensure the count of Proposed Conservation Initiatives does not include Déline Fishery and Fort Franklin National Historic Site.
- Page 42: Please change the wording to "National Park/National Historic Site administered by the Parks Canada Agency."
- Page 49: 500m may be a larger buffer than necessary for some resources.
- Page 91: Under 10, the recommendation made by the working group in the report does not mean that the river or the site will be designated a heritage river or and national historic site.

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## **Other Comments**

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It may not always be feasible for some small-scale operators to meet in person with community organisations if their office is not located in the same community where the meeting is being held. Teleconferencing or other means of communicating with the relevant community organisations should be acceptable for some small scale land use activities. For example, small-scale guiding services may not have the budget to travel to communities to meet with affected community organisations.

Page 71 Conformity Requirement #18

Boats and float planes could potentially temporarily disturb the lakebed of Great Bear Lake. Travelling by water and air are two primary means of accessing Saoyú-ǰehdacho National Historic Site of Canada. It is not clear whether these activities were considered under this requirement. These means of travel are essential and Parks Canada proposes that these activities be listed as exemptions.