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Conveyed Electronically

Robert Jenkins,
Acting ADM, Environment and Natural Resources
Government of the NWT
Yellowknife NT X1A 2L9
Robert_jenkins@gov.nt.ca

Dear Mr. Jenkins:

Re: **Protected Areas Act**

This letter contains Alternatives North's questions and comments on the proposed Protected Areas Act. This is in conjunction with our letter of June 15 (attached), which contained comments regarding the five pieces of legislation.

We believe you have adapted three core elements of protected areas that would allow NWT areas to meet international standards: permanent protection, no industrial development, and strong management. These are our fundamental principles and requirements for establishing NWT protected areas. We discuss each of these points separately, with additional comments afterwards.

Permanence: Legislation vs Regulation

Your stated commitment to permanence is undermined by the process of establishing protected areas under regulation rather than legislation. The establishment process need to be rigorous, hence concerns over length of time regarding act vs regulation become irrelevant in the overall time frame. The process must also be transparent. While the intention to have areas established in full co-operation with Indigenous Government Organizations (IGOs), this does not take the place of agreement within the Legislative Assembly. GNWT-IGO contract could lack the public transparency of legislation. Regulations do not require the same level of public review as legislation. Hence changes to boundaries or other aspects of the established area, would be possible without public review. It was described during the May stakeholder meeting that IGO establishment agreements were not necessarily a requirement, but a best practice, and protected areas could be established without them. Certainly in such cases it is clear that Ministerial

discretion would be unfettered, which is not appropriate for establishing or changing a protected area.

In summary, establishment through regulation doesn't meet the test of certainty and opens the minister to sectorial lobbying for changes. Establishment agreements between GNWT and IGOs cannot circumvent the requirement for public consultation to change boundaries or remove protected areas; indeed it needs be clear within any establishment agreement that public consultation is required. In other words, the Act should be the definition of permanence, not individual establishment agreements.

Development within Protected Areas

Since the GNWT is maintaining the *Territorial Parks Act*, which does allow for development, and furthermore encourages tourism-oriented development, we believe there should be strong restrictions on any forms of development, not just industrial development. We do appreciate that some development can be worthwhile, so support zoning within protected areas for clarity on where certain types of development is allowed.

For clarity, we do not support any form of directional drilling. Protected areas should have full surface and subsurface protection.

Hydropower should be restricted to that needed for use within the protected area itself, with no allowance for export of power.

Commercial logging should not be allowed. Generally logging for use within the protected area itself should be the only logging (e.g., to build an eco-lodge); in individual area circumstances logging for artisanal use would be allowed.

We do not support aggregate mining within a protected area for adjacent community use. Aggregate mining is extremely disruptive and should be restricted to used within the protected area itself for projects that support the goals of the protected area.

Climate change effects, including sustainability of use by future generations, should be considered when determining allowable and prohibited activities. While this is an important consideration in management plans, we recommend a comment in the Act's preamble regarding the important role of protected areas in mitigating climate change, and the need to consider climate change impacts in management.

No changes to allowed uses should be granted through regulation; only through legislation.

Strong management

We appreciate seeing the comment that the Act will allow “for advisory bodies on network-wide matters”. We recommend that one of the points in the non-exhaustive list of what provisions can be included in an establishment agreement is how the protected area relates to the surrounding area, especially the watershed(s), and how it fits into an overall protected areas network (including ecoregions). This will be a starting point for a network advisory body discussions and actions. A network isn’t a series of individual areas, but the connectivity within the territorial landscape, along with the governance structure needed to monitor and manage the landscape.

Further on the point of networks, protected areas have an important role in contributing to baseline information for the overall understanding and management of the territorial landscape. Management plans should include references to the relationship with other protected areas, the network, and watersheds.

Integral to strong management is the requirement for research and monitoring; we would like to see a statement in the preamble regarding a requirement for research and monitoring of ecological integrity and cultural continuity.

We do not consider research to be a form of development, and in general it should be encouraged rather than restricted. Hence research and monitoring should never be placed on a list of prohibited activities. However, conditions on research and monitoring are suitable, such as zoning.

Other points

We understand that this Act will allow candidate areas to be initiated/nominated by the GNWT, along with IGOs. Please correct this assumption if this is not true. Can other groups also nominate areas? Will this be explicit in the Act?

We understand that the protection of freshwater is possible within this Act. If this is meant to be done within the *Waters Act*, please describe the correlation between the Acts in this regard. We would like to see watersheds, wetlands, and aquatic representation (not just ecological representation) as part of what makes an area worthy of being nominated. Will the act include a preamble statement regarding aquatic and ecological representation system planning?

Protected areas have an important role in the mitigation of climate change. We recommend a statement in the preamble regarding this function.

We look forward to continued engagement on this and the other Acts.

Alternatives North

A handwritten signature in black ink that reads "Karen Hamre". The signature is written in a cursive style with a small flourish at the end.

Karen Hamre
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cc. Christine_glowach@gov.nt.ca
Cory Vanthuynne, Chair, Standing Committee on Economic Development and
Environment