



QUESTIONS AND ANSWERS ON ESTABLISHING TERRITORIAL PARKS UNDER THE NORTHWEST TERRITORIES PROTECTED AREAS STRATEGY

What is the Protected Areas Strategy?

The Northwest Territories (NWT) Protected Areas Strategy (PAS) was developed in partnership with the Federal and Territorial Governments, regional Aboriginal organizations, environmental non-governmental organizations and industry representatives as a community-driven process where communities identify areas they would like protected within their region.

The PAS has two goals:

Goal 1: To protect special natural and cultural areas.

Goal 2: To protect core representative areas within each ecoregion.

The PAS is an eight-step process designed to guide the identification and establishment of protected areas in the NWT.

- Step 1: Identify priority areas of interest.
- Step 2: Prepare and review protected area proposal at the regional level.
- Step 3: Review and submission of proposal for consideration as Candidate Protected Area.
- Step 4: Consider/ apply interim protection to Candidate Protected Area.
- Step 5: Evaluate Candidate Protected Area.
- Step 6: Seek formal establishment of protected area.
- Step 7: Approve and designate protected area.
- Step 8: Implement, monitor and review protected area.



Who is the Department of Industry, Tourism and Investment?

The Department of Industry, Tourism and Investment (ITI) is the Department of the Government of the Northwest Territories (GNWT) responsible for the *Territorial Parks Act*, which provides for the establishment of Territorial Parks. This is one legislated tool available to create protected areas in the NWT under the PAS.

What is the Mandate of ITI?

The Mandate of ITI is to promote economic self-sufficiency through the responsible development of NWT natural resource industries and the promotion and support of tourism, trade and investment, business, and manufacturing to create a prosperous, diverse and sustainable economy for the benefit of all NWT residents.

What is ITI's Mission?

The Mission of ITI is to provide quality programs and services to promote and support NWT economic prosperity and community self-reliance.

What are ITI's Guiding Principles?

To support its Mandate and Mission and guide its activities, ITI's Establishment Policy outlines seven Guiding Principles:

1. The territorial economy should develop by private sector ownership and employment where possible and, through public sector ownership and employment when necessary or appropriate.
2. Natural resources should be managed and developed in a manner that meets the needs of the present without compromising the ability of future generations to meet their needs
3. Creation of a diversified sustainable economy should emphasize import replacement and export development in order to achieve economic stability and self-sufficiency.
4. Decisions related to the management and development of natural resources and territorial economy should be directed towards enhancing territorial and community self-sufficiency and should incorporate public input, scientific knowledge and traditional knowledge.
5. Programs and services should be delivered in an effective and accountable manner and as close as practical to the people being served.
6. The design and delivery of programs and services should be based on a clear demonstration of need, benefit, sustainability and shared risk.
7. This Policy should not prejudice any present or future treaty, land claim or treaty land entitlement based rights.



What are ITI's Key Areas of Interest?

When a protected area is proposed under the PAS process, regardless of what federal or territorial legislation the protected area may be established under, ITI reviews and considers the proposal based in the context of four key areas:

- Resource Development
- Economic Development
- Tourism
- Energy

Assessment of a PAS initiative in context of these four key areas requires the engagement and participation of multiple stakeholders in the review of a PAS proposal. ITI works to facilitate the participation of industry, tourism and investment interest groups in the PAS process to ensure a transparent and consultative process is followed during the establishment of a protected area.

The PAS is a multi-stakeholder process designed to consider and, where possible, balance the interests of the various stakeholders to ensure informed decision-making is used in the establishment of protected areas. ITI supports this multi-stakeholder approach to ensure the natural resources are managed and developed in a manner that meets the needs of the present without compromising the ability of future generations to meet their own needs.

What is the *Territorial Parks Act*?

The *Territorial Parks Act* is territorial legislation that outlines the authority and process for the establishment and management of Territorial Parks in the NWT. The *Territorial Parks Act* is one legislated tool available to create protected areas in the NWT under the PAS.

What are the Classifications of Territorial Parks available under the *Territorial Parks Act*?

Under the *Territorial Parks Act* four classifications of Territorial Parks may be used for protected areas under the PAS:

Cultural Conservation Areas - to protect culturally significant sites and landscapes. Industrial activity may be prohibited within these areas.

Heritage Parks - to preserve and protect significant cultural and historical natural areas, physical features or built environments. These areas may be developed to provide service infrastructure and facilities for interpretation and recreation. Business and commercial enterprises may be permitted to provide service and activities related to, and compatible with, the Heritage Park.

Natural Environment Parks - to preserve, and protect unique, representative or aesthetically significant natural areas. These parks may be developed to preserve, protect and enhance the appreciation of the natural park environment.



Wilderness Conservation Areas - to protect core representative areas that contribute to regional biodiversity, such as landforms, watersheds or wildlife habitats. Industrial activity will be prohibited to the extent that the GNWT has the power to do so.

What is the Process for Establishing a Territorial Park?

Under the *Territorial Parks Act*, on the approval and recommendation of both the GNWT Cabinet and Legislative Assembly, the Minister of ITI may establish a Territorial Park.

Proposals for the protection of areas using the *Territorial Parks Act* must be considered through the PAS eight step process that was agreed to by Aboriginal organizations, government, industry and environmental non-governmental organizations.

Sponsorship of a Territorial Park requires broad support from the GNWT, the Federal Government, industry and Aboriginal partners.

Before establishing a Territorial Park, changing the boundaries or decommissioning a Territorial Park, the Minister of ITI must consult with bodies whose interests might be affected, including relevant Aboriginal governments or organizations, boards or similar bodies established under a land claims agreement, and municipal councils.

A new Territorial Park also requires an application be submitted to Indian and Northern Affairs Canada for transfer of the land for a proposed park to the Commissioner of the NWT.

When a Territorial Park is Created, Does that include the Sub-surface?

Subsurface rights can be held by Aboriginal governments or by the Federal Government. The establishment of a Territorial Park does not usually include the transfer of subsurface rights.

Does an Established Territorial Park provide Permanent Protection for an area?

Territorial Parks do not offer permanent protection. Like any other protected area established under legislation in Canada, park designations can be revoked or modified. Territorial Parks legislation can be revoked in the future if circumstances warrant.

How are Aboriginal and Treaty Rights Considered When Establishing a Park under the *Territorial Parks Act*?

The establishment of a Territorial Park under the PAS is subject to the terms and conditions of any relevant land claim agreements, Aboriginal and treaty rights, and self-government agreements. No Territorial Park will be established without consultation with the appropriate Aboriginal organization, board or similar body that is established under a land claims agreement in effect in the NWT or local municipal council.



Territorial Parks do not restrict or prohibit the practice of traditional Aboriginal activities, such as hunting for food, nor does it restrict a General Hunting Licence holder from exercising his or her rights under that licence in the park.

What Types of Activities are Restricted within Territorial Parks?

The *Territorial Parks Act* restricts certain types of activities from occurring within Territorial Park boundaries. No person is allowed to:

- (a) damage or destroy a natural feature, or damage or remove a building, furnishing or equipment;
- (b) subject to regulations, deposit or leave garbage, sewage, refuse or any noxious material within a park;
- (c) have in his or her possession an animal unless the animal is on a leash or under his or her direct physical control;
- (d) permit horses or other domesticated livestock to roam at large; or
- (e) operate a motor vehicle, except in an area designated for that purpose.

The *Territorial Parks Act* also prohibits other activities in Territorial Parks except when authorized in the *Territorial Parks Regulations* or in a park use permit. No person is allowed to conduct any of the following activities within a park without the proper authorization:

- (a) establish, engage in or conduct a business, commercial enterprise or industrial activity;
- (b) acquire a surface right or the right to use or occupy the surface of any land;
- (c) hunt or molest game or a game bird or migratory game bird;
- (d) have in his or her possession or explode or discharge an explosive device, firearm; spring gun, bow or device that fires or propels projectiles; or
- (e) construct or alter or move a building, structure, fixture, sign or means of access.

Can Industrial and Commercial Activities take place in a Territorial Park?

Development activities within a Territorial Park can be considered for authorization so long as the activity proposed does not conflict with the purpose and values for which the Territorial Park was established.

The *Territorial Parks Act* stipulates that the development of a park must be directed and restricted, in accordance with its classification. Each Territorial Park classification outlines the type of activities that are allowed or restricted according to the purpose of the park:

Cultural Conservation Areas- May be developed to protect the culturally significant site or landscape, and industrial activity may be prohibited.

Heritage Park- May be developed to provide service infrastructure and facilities for interpretation and recreation, and may permit a business or commercial enterprise to provide services and activities that are related to, and compatible with, the park.

Natural Environment Park- May be developed to preserve, protect and enhance the appreciation of the natural park environment.



Wilderness Conservation Areas- May be developed to protect the core representative area, and industrial activity will be prohibited to the extent that the GNWT has the power to do so.

Where can I get more information if my community is interested in creating a Territorial Park?

Communities interested in information about establishing a park under the *Territorial Parks Act* should contact the Regional Superintendents of ITI in their Region.

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Regional Superintendent South Slave Region

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Tel: (867) 872-6430
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Regional Superintendent Inuvik Region

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Tel: (867) 777-7286
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Regional Superintendent Sahtu Region

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Tel: (867) 587-7170
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Regional Superintendent Dehcho Region

Box 240
Fort Simpson, NT
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Tel: (867) 695-7520
Fax: (867) 695-7501

The *Territorial Parks Act* and *Territorial Parks Regulations* can be accessed at <http://www.iti.gov.nt.ca/about-iti/legislation.shtml>



What is the Role of the Department of Environment and Natural Resources in establishing Territorial Parks?

The PAS Secretariat is made up of representatives of the GNWT and Indian and Northern Affairs (INAC). The GNWT's PAS Secretariat representative is housed within the Department of Environment and Natural Resources. The PAS Secretariat's responsibilities include administrative, project management, financial and clerical support for the implementation of the PAS process.

For more general information about the NWT PAS visit the PAS website at www.nwtpas.ca or contact the PAS Secretariat:

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