



# GUIDE TO THE ESTABLISHMENT OF TERRITORIAL PARKS UNDER THE NORTHWEST TERRITORIES PROTECTED AREAS STRATEGY

## 1.0 INTRODUCTION

The Government of the Northwest Territories (GNWT) is committed to the implementation of the NWT Protected Areas Strategy (PAS), which was approved by the GNWT in 1999.

The PAS is an eight-step process for the identification and protection of areas. The eight steps were designed to ensure a balanced, multi-stakeholder approach is used to designate protected areas and that government, Aboriginal organizations, industry and environmental non-government organizations are involved in the decision-making process.

The *Territorial Parks Act* may provide opportunities for the establishment of protected areas following the PAS steps, and lead to the designation of a park under the Act. The PAS included recommendations to the GNWT to establish two new categories of Parks under the *Territorial Parks Act*. In 2003, the GNWT amended the *Territorial Parks Act* to establish Cultural Conservation Areas and Wilderness Conservation Areas as two new categories of Territorial Parks. These two new categories are specifically designed to meet the two goals of the PAS – i.e., to protect special natural and cultural areas; and to protect core representative areas within each ecoregion.

ITI has a number of Core Business Lines, one of which is to develop and implement NWT tourism strategies with partners in the tourism industry, support and participate in global marketing of tourism, and to develop, operate and maintain public tourism facilities, including a system of NWT parks that supports and promotes tourism.

ITI's mandated interests include ensuring appropriate assessment of the potential for and impact on the following areas have been considered:

- Tourism
- Economic development
- Resource development
- Energy

The GNWT's interests in potential protected areas are broader and include assessment of conservation values, and how protected areas fit within the context of settlement of land claim agreements and land use planning regimes.



## 2.0 CLASSIFICATIONS

The following parks classifications may be considered for protection through the PAS:

- (a) **Cultural Conservation Areas** - protects culturally significant sites or landscapes.
- (b) **Heritage Parks** - preserves and protects significant cultural or historical natural areas, physical features or built environments.
- (c) **Natural Environment Parks** - preserves and protects unique, representative or aesthetically significant natural areas.
- (d) **Wilderness Conservation Areas** - protects core representative areas that contribute to regional biodiversity, such as landforms, watersheds or wildlife habitats.

These classifications of Territorial Parks are established by the Minister of ITI by way of regulation on the recommendation of the Legislative Assembly.

## 3.0 PURPOSE

The development of a Territorial Park must be directed and restricted, in accordance with its classification as noted below:

- (a) **Cultural Conservation Area** - may be developed to protect the cultural significant site or landscape, and industrial activity may be prohibited.
- (b) **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 Heritage Park.
- (c) **Natural Environment Park** - may be developed to preserved, protect and enhance the appreciation of the natural park environment.
- (d) **Wilderness Conservation Area** - 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.



## 4.0 ABORIGINAL AND TREATY RIGHTS

Pursuant to section 4 of the *Territorial Parks Act*, consultation with Aboriginal governments or organizations whose interests may be affected must be undertaken prior to establishment of a new Park, repealing a regulation that establishes a Park or changing the boundaries of an existing Park.

Pursuant to section 5(5) of the *Territorial Parks Act*, Territorial Parks are subject to the terms and conditions of any relevant land claims agreement in effect in the NWT. Aboriginal people are specifically entitled to practice wildlife harvesting activities in Territorial Parks pursuant to section 2 of the *Territorial Parks Act*.

## 5.0 GENERAL PROHIBITIONS IN TERRITORIAL PARKS

Section 13 of the *Territorial Parks Act* outlines specific prohibited activities.

No person shall, in a Territorial Park,

- (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;
- (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 Act also prohibits other activities in Territorial Parks except when under the authority of the regulations or a park use permit. Section 12 provides:

Notwithstanding any other Act, but subject to any Act of Canada, no person shall,

- (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.



## 6.0 SURFACE AND SUBSURFACE RIGHTS

Section 8(1) of the *Territorial Parks Act* addresses surface rights,

Subject to this Act and the regulations, the Superintendent or a person designated in writing by the Superintendent may, on application in the prescribed form and on payment of the prescribed fee, issue a park use permit on the terms and conditions that the Superintendent or the person designated by the Superintendent in writing, specifies, authorizing a person to,

- (a) occupy or use the surface of any land in a Territorial Park;
- (b) establish, conduct or engage in a business, commercial enterprise or industrial activity in a Territorial Park;
- (c) construct, erect or move a building or structure in a Territorial Park; or
- (d) conduct or engage in scientific research on the condition that the applicant holds a licence issued under the *Scientists Act*.

The establishment of a Territorial Park does not provide permanent protection, and does not necessarily include the withdrawal of subsurface rights. The Federal Government is responsible for subsurface rights on Crown lands within the NWT, and withdrawal of subsurface rights for the purposes of establishing a Territorial Park must be negotiated between the Government of Canada and the GNWT.



## 7.0 CONTACT AND REFERENCE INFORMATION FOR THE ESTABLISHMENT OF TERRITORIAL PARKS

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

**Regional Superintendent  
North Slave Region**  
Box 2668  
Yellowknife, NT  
X1A 2P9

Tel: (867) 920-3230  
Fax: (867) 873-6109

**Regional Superintendent  
South Slave Region**  
Box 231  
Fort Smith, NT  
X0E 0P0

Tel: (867) 872-6430  
Fax: (867) 872-4628

**Regional Superintendent  
Inuvik Region**  
Bag 1  
Inuvik, NT  
X0E 0T0

Tel: (867) 777-7286  
Fax: (867) 777-7321

**Regional Superintendent  
Sahtu Region**  
Box 149  
Norman Wells, NT  
X0E 0V0

Tel: (867) 587-7170  
Fax: (867) 587-3018

**Regional Superintendent  
Dehcho Region**  
Box 240  
Fort Simpson, NT  
X0E 0N0

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>