

Grand Chief Sam Gargan
Dehcho First Nations
Grand Chief Joe Rabesca
Tłı̨chǫ Government

June 29, 2010

The Honorable Jim Prentice,
Minister of the Environment,
Government of Canada,
Les Terrasses de la Chaudière,
10 Wellington Street, 28th Floor
Gatineau, Quebec
K1A 0H3

Dear Minister Prentice:

In March 2002, the Deh Gáh Got'ie First Nation, Łı́ı̨dlı̨ Kue First Nation, Jean Marie River First Nation, Pehdzeh Ki First Nation of the Dehcho First Nations as well as Behchokǫ and Whatı̨ of the Tłı̨chǫ formally agreed to combine efforts on protecting an area known as Edę́zhı̨ı̨ by advancing it as a candidate site under the NWT Protected Areas Strategy (PAS). Our intention was that this would lead to permanent protection of an area of great ecological and cultural importance to our communities. The Canadian Wildlife Service (CWS) of Environment Canada, a federal partner in the PAS, agreed to be the PAS sponsoring agency, and to work toward creating the Edę́zhı̨ı̨ National Wildlife Area (NWA) through the *Canada Wildlife Act*.

As the two original partners who initially advanced Edę́zhı̨ı̨¹ into the NWT Protected Areas Strategy we are now submitting to you the *Recommendations Report* of the Edę́zhı̨ı̨ Working Group (EWG) approved on October 29th, 2009. Advancement of this site through the PAS by the Dehcho First Nations and the Tłı̨chǫ Government has been an accomplishment over many years involving a number of partners including several Dehcho and Tłı̨chǫ communities. We agree with the EWG and see the recommended reduced boundary as a true compromise between the conservation and economic potential within the original candidate NWA.

The main highlights of the Recommendations Report we wish to bring to your attention are:

- The EWG recommended that an area covering 57% (14,249 km²) of the original Edę́zhı̨ı̨ candidate NWA be established as a permanent NWA (see Figure 6 and 7 in the attached Recommendations Report);
- Edę́zhı̨ı̨ is an important cultural and spiritual gathering place for the Dehcho and Tłı̨chǫ peoples being a very rich area which continues today to support hunting, fishing and other

¹ The Horn Plateau area now part of the Edę́zhı̨ı̨ site was the first site in the NWT to be advanced under the PAS. See Appendix A for the complete chronology of the Edę́zhı̨ı̨ Candidate Protected Area.

traditional activities. This meets the first goal of the NWT PAS: *To protect special natural and cultural areas*;


- The recommended Edézhíe NWA would protect 44% of the Horn Plateau ecoregion. This addresses the second goal of the NWT PAS: *To protect core representative areas within each ecoregion*;
- A large majority (89%) of the conservation values are included in the recommended NWA and 92% and 87% of lands identified as having high to moderate importance respectively for Dehcho and/or Tłı̨chǫ traditional/cultural use in the original Edézhíe candidate protected area are included in the recommended NWA;
- A large majority of the hydrocarbon and mineral potential (78%) in the original Edézhíe candidate NWA remains available for future disposition (e.g. mineral and petroleum leases) and the one mineral lease in the original candidate NWA is not included in the recommended area;
- As agreed by all members of the EWG the recommended boundary is now retracted from the Dehcho-Tłı̨chǫ regional boundary; however, Tłı̨chǫ communities will retain access to Edézhíe for traditional activities.

Therefore, on behalf of the Dehcho First Nations and the Tłı̨chǫ Government we now formally request that you proceed with the designation of the Edézhíe NWA and bring to fruition the many years of hard work by all the partners in this important conservation endeavour.

We should also point out that the Dehcho and Tłı̨chǫ leadership and communities have been consistent over the years in their wish that an Edézhíe NWA be fully protected from all forms of industrial development and give the certainty to both industry and our people that this would bring. This is well documented and referenced in the Recommendations Report and by way of numerous supporting resolutions and motions on subsurface protection (see details in Appendix B). In our view, just the transfer of the surface administration to Environment Canada would not accomplish this. Accordingly, as part of the designation process for the Edézhíe NWA we are requesting that there be a permanent subsurface land withdrawal of the recommended area. We are prepared to work with you so that you can announce all this without prejudice to the Dehcho Process and still protect our Dehcho and Tłı̨chǫ Aboriginal and Treaty rights.

Sincerely,


Grand Chief Sam Gargan
Dehcho First Nations


Grand Chief Joe Rabesca
Tłı̨chǫ Government

- cc. Chief Joachim Bonnetrouge, Deh Gáh Got'ie First Nation
- Chief Jim Antoine, Líidli Kue First Nation
- Chief Margaret Ireland, Jean Marie River First Nation
- Chief Tim Lennie, Pehdzeh Ki First Nation
- Chief Clifford Daniels, Behchokò
- Chief Alfonz Nitsiza, Whatì
- Virginia Poter, Director General, Canadian Wildlife Service
- Hon. Michael Miltenberger, Minister of Environment and Natural Resources
- Karen Hamre, PAS Managing Director

Appendix A

Edézhzhíe candidate protected area chronology

1992 • Denendeh Resource Committee lists the Horn Plateau as priority area for protection within Líídlí Kúé First Nation traditional territory.

August 1996 • INAC Minister announces the development of a NWT Protected Area Strategy (PAS) by the federal, territorial, Aboriginal governments, ENGO, and others at same time as approval of the first diamond mine in NWT.

April 1999 • NWT Cabinet approves PAS forwards to INAC Minister for approval by Canada.

April 1999 • Líídlí Kúé First Nation formally advances Horn Plateau into PAS Step 1 – 2 and begins mapping and documenting ecological and economic information plus traditional knowledge.

May 1999 • Deh Gah Got'ie Dene First Nation and Fort Providence Resource Management Board hold community workshop to begin advancement of Mills Lake as a NWT PAS candidate protected area.

Sept 1999 • NWT PAS² approved and signed by INAC Minister Nault and the GNWT RWED Minister Kakfwi

October 1999 • A tour of the Horn Plateau is hosted & funded by WWF and DIAND and the Horn Plateau is announced as the first candidate sites to be advanced under the Implementation Phase of the PAS. Tour group meets with Deh Cho community representatives who are finishing a workshop at their Willow Lake camp on the Horn Plateau. Liidlii Kue consultant Peter Cizek presents highlights of Horn Plateau workshop to the visiting group. The tour group includes Senior DIAND & WWF officials, PAS representatives, Aboriginal representatives, press (CBC TV/radio & News/north) plus Senator Nick Sibbeston representing the Deputy Prime Minister of Canada. A great deal of positive press cover is generated as a result of the tour.

October 1999 • Dehcho leadership pass Resolution #02 in support of creating Horn Plateau protected area, with no industrial or commercial activities to take place within boundary.

January 2000 • Liidlii Kue Chief Cli requests PAS Secretariat to contact applicable federal/territorial departments in Dehcho for input and details of federal or territorial partnering or sponsoring institutions and their applicable legislative support.

² Protected Area Strategy SECTION C: SUPPORTING DOCUMENTS Page 87, Dogrib Treaty 11 Council "...potential candidates have recently been put forward—the first involving a joint effort with the Deh Cho to created a protected area on the Horn Plateau,..."

Appendix A (cont.)

August 2000 • Final Líídlí Kúé Horn Plateau Report and October 2000 Fort Providence PAS Workshop Report tabled at 8th Annual Dehcho Assembly in Kakisa. Reports used as a basis to advance Mills Lake/Horn River and Horn Plateau as a single candidate area. • 8th Annual Assembly of the Dehcho First Nations in Kakisa passes resolution supporting the initiative to advance the Horn Plateau as a Dehcho protected area, which would include the Líídlí Kúé First Nation, Deh Gah Got'ie Dene First Nation, Tthe'k'édhé'í First Nation, and Pehdzeh Ki First Nation as co-managers of the area along with government. Deh Gah Got'ie First Nation were encouraged to complete a proposal for the Mills Lake and Horn River protected area so as to link this area with the shared area on the Horn Plateau for a combined protected area with the CWS as possible sponsoring agency.

September 2000 • PAS Secretariat receives Líídlí Kúé Horn Plateau Final Report and began work with possible sponsoring department, Líídlí Kúé First Nation, Dehcho First Nations and communities, the Dogrib Treaty 11 Council, Dogrib communities, and others to identify the consultation process needed to review and advance the site through the PAS process.

October 2000 • PAS Workshop held in Fort Providence passes resolution to link Mills Lake and Horn River with the Horn Plateau and advance it as a single candidate area for protection from industrial development under the NWT PAS. Delegates support the CWS a possible sponsoring agency using the *Canada Wildlife Act*, including a negotiated co-management plan, to protect Mills Lake, Horn River, and the Horn Plateau.

January 2001 • Regional PAS Workshop held in Fort Providence with Líídlí Kúé, Deh Gah Got'ie, Tthe'k'édhé'í, and Pehdzeh Ki First Nation. Pass resolution for Dehcho First Nations to formally request the CWS to act as the sponsoring agency under the PAS to establish "Edézhzhíe" as a protected area under the *Canada Wildlife Act*. In conjunction with this resolution, the workshop participants developed a vision statement.

April 2002 • On behalf of the Dehcho First Nations and the Dogrib Treaty 11 Council, Grand Chief Michael and Grand Chief Joe Rabesca submit a letter to Environment Canada to formally request that the CWS, as a federal partner in the NWT PAS, proceed as the sponsoring agency, with an application to INAC requesting the Surface and Sub-surface Land Withdrawal of the area of land known as Edézhzhíe.

December 2002 • CWS receives a copy of the interim land withdrawal Order in Council (OIC 2002-1805 October 24, 2002) from the DIAND Lands Administrator. The withdrawal will expire on June 30, 2007.

September 2006 • Request for extension of Edézhzhíe Interim Land Withdrawal submitted by CWS to DIAND.

June 2007 • Interim land withdrawal extended until October 2008 (Order in Council P.C. 2007-1003 on 14 June 2007).

May 2008 • Analysis of boundary options is completed and presented to the Edézhíe Working Group.

June 2008 • Interim land withdrawal extended until October 2010 (Order in Council).

February 2009 • Edézhíe Working Group makes recommendation on a boundary and the Dehcho First Nations and Tlichô Government representatives reaffirm their wish to see a subsurface land withdrawal of the entire area. • Dehcho First Nations passes a Resolution adding its support to the need for a subsurface withdrawal of the lands within the Edézhíe Working Group's recommended boundary to protect it from all industrial activity.

October 2009 • Edézhíe Working Group approves the Recommendations Report.

November 2009 • cover letter dated November 6th, 2009 signed by Jonas Antoine, Chair of the Edézhíe Working Group officially moved the Recommendations Report on to the Grand Chief level for review and further action under Step 6 of the PAS. The EWG was dissolved as of November 6th, 2009.

December 2009 • CWS submitted to INAC the materials required for another extension to the interim land withdrawal for the Edézhíe candidate protected area. CWS requested the extension to October 31, 2011.

Supporting resolutions, motions and reference on subsurface issues

- From the Deh Gah Got'ie Dene Council Order in Council #08/27/08-01 (27/08/2008): *Be it further resolved that the Deh Gah Got'ie First Nation Chief and Council request that the CWS, in advance of using its Canada Wildlife Act legislation to administer the surface control of the Edézhíe Protected Area, make application to Indian and Northern Affairs Canada (INAC) for the withdrawal of subsurface rights of the (boundary) option offered by the Edézhíe Working Group.*
- From the Jean Marie River First Nation Band Council Resolution for Edézhíe Boundary Changes, #102108-B03 (21/11/2008): *Therefore be it further resolved that the Jean Marie River First Nation Chief and Council request that the CWS, in advance of using its Canada Wildlife Act legislation to administer the surface control of the Edézhíe Protected Area, make application to Indian and Northern Affairs Canada (INAC) for the withdrawal of subsurface rights of the {boundary} choice determined by the Edézhíe Working Group.*
- At the EWG meeting of February 24th- 25th, 2009 the Pehdzeh Ki First Nation stated that it wants Edézhíe to be protected for future generations and would want no subsurface development.
- At the EWG meeting of February 24th- 25th, 2009 the Tlichô representative stated that Edézhíe has been discussed by the Tlichô. When the Tlichô Land Use Committee and Tlichô Government met, they said they want no development in Edézhíe. They said that if the Dehcho want no development either, then the Tlichô are happy with that ... (and quoted) Eddie Erasmus, Director of the Tlichô Lands Department. *"Some lands should be protected. The Tlichô want Edézhíe protected."*
- At the EWG meeting of February 24th- 25th, 2009 the Willowlake River camp representative said that the Willowlake River residents want a subsurface withdrawal.
- At the EWG meeting of February 24th- 25th, 2009 the Liidlii Kue First Nation forwarded a handwritten note to the Edézhíe Working Group. The text has been transcribed as follows:
Feb 25/09:
We the Liidlii Kue First Nation support the other Dehcho First Nations communities on the Edézhíe Working Group requesting a sub-surface land withdrawal of the lands within the final boundary of Edézhíe.
This should be recorded in the minutes of the February 24 and 25, 2009 meeting of the Edézhíe Working Group.
Chief Keyna Norwegian (Signed), Witness, Subchief Rita Cli (Signed),
Witness, Councillor Peter Cornellie (Signed),

Appendix B (cont.)

- Dehcho First Nations Winter Leadership Meeting in Fort Simpson, NWT February 26th, 2009. EWG presents boundary decision to Dehcho Leadership. Summary Results of February 26th, 2009 EWG presentation to leadership:

Resolution 03 re Edézhíe Subsurface Land Withdrawal: NOW THEREFORE IT BE RESOLVED, that the Dehcho Leadership add its support for the need for a subsurface land withdrawal of the lands within the final boundary for the Edézhíe Candidate Protected Area so the Edézhíe will be fully protected from all industrial development when it is designated as National Wildlife Area under the Canada Wildlife Act. (*Motion carried unanimously*)

- Tlichô Government recommends that all surface and subsurface lands within the recommended Edézhíe NWA be permanently withdrawn through the *Territorial Lands Act*.
- The Government of the Northwest Territories is in agreement with the withdrawal of the subsurface rights for the area that becomes the Edézhíe National Wildlife Area.
- The position of WWF-Canada is that the best solution to protect the Edézhíe NWA is a permanent subsurface withdrawal as this provides certainty to industry and this agrees with all resolutions and positions of all the Aboriginal partners/communities represented on the EWG and fully protects the Horn Plateau Ecoregion from industrial development as required in the NWT-PAS. Subsurface withdrawal for the entire recommended newly reduced area is the only legal mechanism for achieving this.
- Ducks Unlimited Canada has recommended that the Edézhíe National Wildlife Area be free from any future subsurface dispositions by means of a subsurface withdrawal.
- One of the stated Goals of the NWT-PAS is to “protect core representative areas within each ecoregion” with no industrial activity being allowed. The recommended and reduced area of Edézhíe contains a core representative portion of the Horn Plateau ecoregion. Subsurface withdrawal of the recommended area will ensure the long term protection of this unique ecoregion.