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**Canada Parks Activity In N.w.t. And Territorial
Parks Policy**

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C O N T E N T S

	<u>Page</u>
I. INTRODUCTION	1
II. PARKS CANADA	6
A. Policies of Parks Canada	6
B. Existing National Parks in N.W.T.	14
C. The New Parks Canada Policy Paper and the New Northern Wilderness Parks	18
D. The Consultation Process	29
E. A New Initiative: Heritage Rivers	33
III. OTHER LAND REGULATION REGIMES IN THE NORTHWEST TERRITORIES	39
A. Existing Regulatory Regimes	39
1. Bird Sanctuaries and Game Preserves ..	41
2. Ecological Sites	43
3. Caribou Protection Areas	47
B. Native Land Claims	50
C. Miscellaneous	59
D. Summary of Land Regulation Regimes	60
IV. THE NORTHWEST TERRITORIES PARKS SYSTEM	63
A. Legislative Base	63
B. Existing Territorial Parks System and its failure to expand.....	68
V. IMPLICATIONS OF PARKS CANADA'S CURRENT INITIATIVES IN THE NORTHWEST TERRITORIES	74
A. Positive Effects	74
1. Environmental and Recreational	74
2. Economic	75
3. Social	78
B. Negative Effects	79
1. Economic	79
2. Social and Political	82
3. A "Lopsided" Parks System	83

	<u>Page</u>
VI CONCLUSIONS	86
A. The Central Goal: A Balanced Total Parks System	86
B. Relevant Background Considerations	88
C. Objectives for N.W.T. Parks Policy	90
1. Recreational Parks	90
2. Day Use Picnic Sites	94
3. Recreational River Parks	94
4. Historic Sites and Markers	95
5. Large Wilderness Areas	95
6. Small Accessible Areas for Rugged Outdoor Recreation	96
D. Planning Strategy	96
1. An Integrated N.W.T. Land Use Policy..	96
2. Planning for a Territorial Parks System	101
E. Summary and Recommendations	104
1. The Present Study	104
2. Parks Canada's Operations in N.W.T. and Future Plans	105
3. Other Restrictive Land Regulatory Regimes	107
4. Implications of Existing and Proposed Restrictive Regimes	109
5. Viewpoint of N.W.T. Council, Policy Constraints and Opportunities	110
6. Recommendations	112

APPENDIX "A"

Classification of Terrestrial and Marine Natural
Regions Utilized by Parks Canada.

APPENDIX "B"

An Ordinance Respecting Parks in the Northwest
Territories.

M A P S

	<u>Page</u>
MAP I Parks Canada in N.W.T.	4
MAP II Percentages of Territorial Park Area and Population by Region 1970	16
MAP III Bird Sanctuaries and Game Reserves in N.W.T.	41 (b)
MAP IV International Biological Program Econological Sites in N.W.T.	46
MAP V Caribou Range Area	49
MAP VI Native Land Claim Areas in N.W.T.	53
MAP VII Lands Selected by Inuvialuit	56

I. INTRODUCTION

There are, at present, three national parks established and managed by Parks Canada in the Northwest Territories. They are the Nahanni National Park in the Mackenzie Mountains (1,840 square miles), the Auyuittuq National Park near Pangnirtung in the South Baffin (8,290 square miles), and the northern portion of the Wood Buffalo National Park near Fort Smith (3,650 square miles).

However, early in 1978 the Hon. J. Hugh Faulkner, Minister for Indian and Northern Affairs, and, as such, the minister responsible for Parks Canada, announced plans to establish five new wilderness parks in the Northwest Territories.

The new parks would be, a) Bathurst Inlet (5,000 square miles), b) Wager Bay (5,600 square miles), c) Ellesmere Island and Axel Heiberg (13,200 square miles), d) Banks Island (3,300 square miles), and e) the Pingo area near Tuktoyaktuk (5 square miles). The first four very large areas would be designated as Northern Wilderness Parks and the last small area a National Landmark.

At the same time Mr. Faulkner announced plans for another Northern Wilderness Park in the northern Yukon (8,200 square miles).

The new parks envisaged by the Federal department for

the N.W.T. would comprise in all 27,105 square miles.

With the addition of the existing Nahanni Park, Auyuittuq Park and Wood Buffalo Park, a total area in N.W.T. of 40,885 sq. miles would thus be designated as national park land.

Plans for the five new Parks Canada Northern Wilderness Parks in N.W.T. are well advanced. Parks Canada also has tentative long term interests in the establishment of parks in a further six locations in the N.W.T:

1. In Northern Ellesmere Island in the area of Eureka.
2. Western Melville Island.
3. In the area of the Thelon Game Sanctuary.
4. Northern Southampton Island.
- ④ 5. The Belcher Islands.
6. The East Arm of Great Slave Lake (already withdrawn). (1)

No delimitation has been arrived at for these sites. However, taking an average for the sites already identified in N.W.T. (excluding the Pingo National Landmark and counting only that portion of Wood Buffalo Park within N.W.T.) one might expect a further 35,000 square miles to be designated as National Parks, for a total of approximately 76,000 square miles, an area comprising 5.7% of the N.W.T.'s total area.

It should be emphasized that Parks Canada's interest in

(1) This particular site may be "moved up" as a Parks Canada priority. Direct contact has recently been made with the people of Snowdrift. A positive response might result in earlier designation for this site than is currently envisaged.

these last named areas is at an early stage. Currently, these are only areas in which Parks Canada has an interest. Firm plans for acquisition of land for parks proposed in all, or, indeed, any of these locations do not exist at the present time, except in the case of the East Arm of Great Slave Lake, where land has been withdrawn, and, even in this last instance, plans for actual establishment of a national park are vestigial.

At a recent conference in Jasper, the Minister also unveiled Parks Canada thinking on the establishment of a National Wild River system.

Two rivers in N.W.T., the Coppermine and part of the Thelon, are considered as likely to form part of this system.

Further details are given in the following section on Parks Canada's activities in N.W.T.

Parks Canada's plans regarding the establishment of national parks of various types within the Northwest Territories are, clearly enough, well developed and very extensive. (See Map I on page 4.)

In the 64th Session of the Legislative Assembly of the Northwest Territories on February 10th, 1978, Councillor Nickerson moved a motion which, in essence, directed the attention of the Government of the N.W.T. to the initiatives taken by Parks Canada, and called upon the Government of the Territories to examine means for expanding and revising its own Territorial Parks System

in such a way as to ensure that G.N.W.T. plays a more central and significant role in the establishment and management of parks in the Territories. The motion specifically directed the Government's attention to the areas identified by Parks Canada. It was passed unanimously.

The present paper is intended to throw light on the situation created by Parks Canada's recent initiatives in N.W.T., and also to indicate what might be the most appropriate policy for the Government of N.W.T. to adopt in relation to those initiatives.

It consists of the following:

- SECTION II: An overview of the operations of Parks Canada, particularly in so far as they affect the N.W.T. This includes a review of existing National Parks in N.W.T. and also of what new activities are envisaged.
- SECTION III: An examination of the other land use regulatory regimes which affect N.W.T. and which together serve as a frame of reference for Parks Canada activities.
- SECTION IV: A review of the Northwest Territories' Parks system.
- SECTION V: The implications of the new parks proposed by Parks Canada. What sort of effects might be expected from the new parks - environmental, social and economic. What kind of a total parks system could be anticipated in N.W.T. after establishment of these new parks.
- SECTION VI: In conclusion, in the light of the factors considered in previous sections, what kind of total parks system is needed in N.W.T. and what mechanisms should be established to develop it.

II. PARKS CANADA

A. POLICIES OF PARKS CANADA

In February, 1978, Parks Canada distributed to provincial and territorial governments and to other interested groups, a new draft policy paper. On the basis of this paper and in the light of comments from concerned agencies and other bodies, amendments to the National Parks Act will be presented to Parliament in due course.

The new policy paper does not represent a notable switch in direction from previous policies but rather an evolution from them.

The central policy objective of Parks Canada has been and is likely to continue to be conservationist.

Section 4 of the National Parks Act, which we have noted earlier, states that national parks are for the "benefit, education and enjoyment" of the people of Canada, and that they are to be "maintained and made use of so as to leave them unimpaired for the enjoyment of future generations."

Superficially, this goal may seem relatively straightforward, but, in fact, it contains sufficient elements of ambiguity to render it capable of varying interpretations. If the key is regarded as "enjoyment" then basically national parks can be viewed as settings for outdoor recreation. If the accent is placed on the notion of parks being preserved as "unimpaired ... for ... future generations", then the policy thrust is conservationist.

It is this latter philosophy that in recent years has seemed to permeate and dominate Parks Canada thinking. A central concept in Parks Canada's current philosophy is that of "heritage", of what can be passed on, intact and unspoiled, to future generations of Canadians.

The new policy phrases the objective of the whole parks program as being:

"To encourage public understanding and enjoyment of Canada's natural and cultural heritage by protecting, for all time, places which are significant examples of this heritage."

To foster public understanding, the Parks Branch envisages a broad program of communication. On site interpretation and visitor information are only part of the program. An interesting component of the total information program would be the notion of "interpretation extension".

This would involve the imparting of information on the natural and cultural aspects of remote and isolated national parks to Canadians who may never have the opportunity of visiting them, by means of films, videotapes, color slides and photographic displays.

By such means, Canadians, living, for example, in major southern urban centers, can enjoy the "parks experience" vicariously, without leaving the city.

This has particular relevance with regard to Northern

Wilderness Parks in such locations as Bathurst Inlet and Ellesmere Island.

Recreation, although a recognized goal of the Parks Branch, is not highlighted. It is to be promoted only in such a manner as is "consistent with protection".

On site facilities are conceived only at the level that is "essential and appropriate for public access, understanding and enjoyment."

The policy paper states quite unequivocally that:

"Parks Canada will make protection of heritage resources the primary consideration."

This statement was underlined at the recent Federal Provincial Parks Conference by the Minister, the Hon. J. Hugh Faulkner, who stated that he regarded himself as "essentially the Minister responsible for conservation."

It is worth noting that, on the same occasion, the Minister resisted pressure from provincial governments to play a central coordinating role in regard to outdoor recreation.

Federal provincial relations are of key importance to Parks Canada. To expand the existing system of national parks, the Parks Branch must acquire land. In the provinces, because under the B.N.A. Act, land is a provincial resource, this can only be done as a result of negotiations with provincial governments.

It is not, therefore, surprising to find in the new policy paper that Parks Canada declares it will:

".... carry out its mandate in cooperation with provincial governments and so as to complement the efforts of provincial governments in related fields."

This latter proviso with regard to the complementarity of Federal and Provincial efforts in the area of parks is of especial importance.

Provincial governments espouse a policy position on parks which diverges widely from that of the Federal government. Whereas Parks Canada is primarily in the conservation business and downplays its role with regard to recreation, the provincial governments, while certainly being concerned with conservation of the natural and cultural heritage, assign a central role in their parks policies to the provision of outdoor recreational facilities.

On a hypothetical continuum between conservation on the one hand and recreation on the other, Federal and Provincial governments, if not exactly in polar positions, are certainly at opposite ends of the spectrum.

This divergence of viewpoint is largely ameliorated by the concept of complementarity mentioned above. According to this line of thinking Parks Canada parks, stressing conservation, are complemented by provincial parks, stressing recreation. Thus, Canadians living in the provinces have

access to a total system which serves the goals of environmental protection and at the same time provides opportunities for various forms of outdoor recreation.

The new policy paper envisages Parks Canada organising its programs around five activity areas, namely:

1. National Historic Sites.
2. National Historic Parks.
3. National Parks.
4. National Landmarks.
5. Heritage Canals.

Not all of these activities have very much relevance in the N.W.T. context.

National Historic Sites, as the name implies, are sites where persons, places or events of national historic significance are to be commemorated by means of plaques or monuments put in place, either by the Federal government on its own, or in collaboration with a provincial government. An N.W.T. example would be the Bush Pilot Monument in Yellowknife.

National Historic Parks, also, serve the basic objective of preserving the national historic heritage, by the preservation or renovation of structures and physical settings associated with persons or events of national historic significance, as, for example, at Fort Louisbourg.

So far as National Parks are concerned, the language of

the policy paper is illuminating. The objective of this activity is to be:

"To encourage public understanding and enjoyment of Canada's natural heritage by protecting for all time representative natural areas of Canadian significance in a system of national parks."

The subject matter of Parks Canada's activities is to be a system of representative natural areas. And the central function of those activities is to be protection.

This is certainly some distance from the origins of Canada's National Parks system when the scenic beauties of the Rocky Mountain Park were proclaimed as "a public park and pleasure ground for the benefit, advantage and enjoyment of the people of Canada."

The area around Banff, Alberta was selected on the simple criterion of visual grandeur. The visual element has now become only one of a range of characteristics to be utilised as criteria in the process of selecting "representative natural areas".

The new parks policy states:

"Parks Canada has divided the land and water areas of Canada into 48 natural regions Within each natural region certain natural areas are identified which include the greatest diversity of natural themes (biologic, geologic, physiographic, geographic and oceanographic), and which, therefore, are representative of the natural region ... Each of the natural regions of Canada should be represented in the system of national parks...." (1)

(1) The maps in Appendix "A" show the extent and diversity of the terrestrial and marine natural regions.

The criteria on which this taxonomy of natural regions has been based are not those of the ordinary vacationing Canadian or tourist, but of the physical scientist, the biologist, the geologist, geographer and so on.

There is no doubt that this approach is entirely defensible on rational grounds. On the other hand, it is open to doubt whether it is, in fact, the approach utilised by vacationing Canadians or tourists in seeking out natural settings for their enjoyment or satisfaction.

Access to national parks, facilities for travel within them, roads, trails and so on, and for accommodation, provision of recreational facilities are accepted as legitimate responsibilities by Parks Canada only in so far as they do not impair the continued integrity of the natural environment. The more sensitive the ecological balance to such encroachments, the more reluctant will Parks Canada be to provide them.

It is significant, and also somewhat ironic to note that the areas of Banff and Jasper, which provided the initial dynamic for, and in a sense, the nucleus of the existing and expanding Parks Canada system, although accepted as an integral part of that system, are now, nevertheless viewed by Parks Canada as rather embarrassing aberrations.

The townsites of Jasper and Banff highlight recreation. They attract visitors and tourists in large numbers. Because of this they may serve to impair the preservation of the

natural setting and its ecological integrity. Hence Parks Canada's resolve to limit their growth and not to develop any further such sites.

The fourth activity envisaged in the new Parks Canada is the identification and preservation of what are called "National Landmarks". These again are identified in terms of the natural sciences: "geology, land forms, vegetation, wildlife, climate, rivers and lakes, oceans, and marine life."

The intention is to survey and study prospective landmark sites and to develop and make public a register of prime sites. Some of these would be protected by Parks Canada itself. It is hoped that those which Parks Canada is unable to protect because of restrictions of funding would be looked after by other levels of government and even by private organisations.

In the N.W.T. a five square mile area in the regions of the pingos close to Tuktoyaktuk is currently under consideration by Parks Canada for designation as a National Land Mark.

The last activity cited in the new Parks Canada policy paper is concerned with the preservation of Heritage Canals. This activity stems from the transfer, in 1972, of responsibility for maintenance of certain historic canals in southern Canada from the Ministry of Transport to Parks Canada.

This activity has nil relevance in the N.W.T. context.

B. EXISTING NATIONAL PARKS IN N.W.T.

For a considerable time the only national park area in N.W.T. was that part of the huge Wood Buffalo Park falling within its territory. The park, established in 1922, comprises in all 17,300 square miles, making it, by far, the largest park in Canada both at that time and today. The N.W.T. portion is 3,650 square miles in extent.

The Wood Buffalo Park is something of an anomaly. The N.W.T. portion falls into two of the natural regions in the Parks Canada taxonomy i.e. Northern Boreal Plains, and Northwestern Boreal Plains. Both these regions might be represented more advantageously and more economically in terms of land areas by selection of sites elsewhere. Nor does the Wood Buffalo Park represent any very notable areas of scenic or recreational attraction. The sole unique characteristic of the Wood Buffalo Park is as the home of the largest herd of wild bison in North America. Properly considered, the Wood Buffalo Park is a wild life sanctuary. A good case, in fact, could be made for designating the responsible agency as the Canadian Wild Life Service - in conjunction with Alberta and N.W.T. game authorities - rather than Parks Canada.

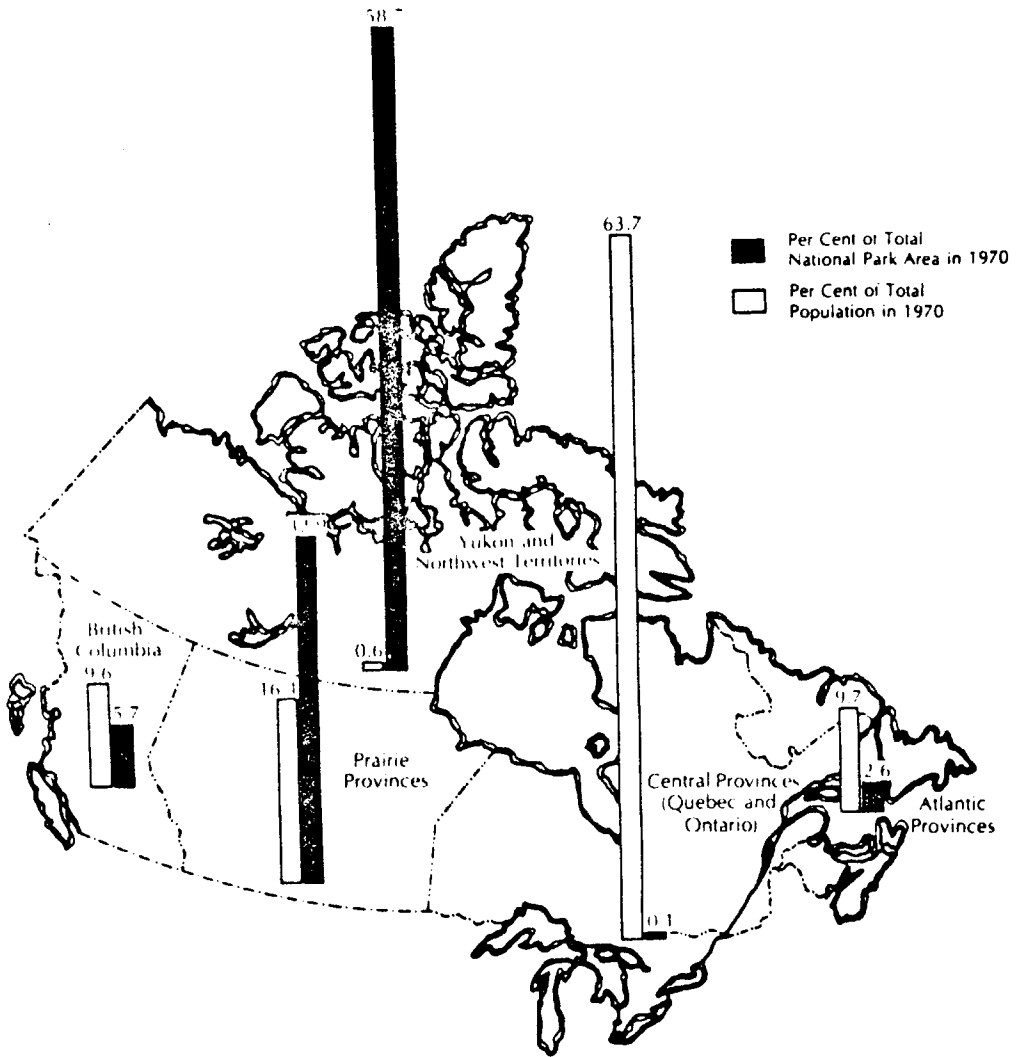
In 1972 two other national parks were established in N.W.T. by Parks Canada, namely the Nahanni National Park and the Auyyittuq National Park, comprising 1,840 and 8,290 square miles respectively.

With the establishment of these two N.W.T. parks, plus the Kluane National Park, the two northern territories contribute 58.7% of total National Park area in Canada, while making up only .6% of total population. This contrasts dramatically with the position in Ontario and Quebec which together comprise 63.7% of population but only .1% of national park area.

Map II on page 21 illustrates this considerable disparity.

The Nahanni and Auyyittuq parks are both in the early stages of development, and it is difficult to make any precise assessment regarding the scope of operations, costs or social and economic impact.

The only figures on costs available are for Nahanni National Park. Estimates on total capital costs for development of this park run anywhere between five and ten million dollars. Parks Canada's capital program has been subject to considerable cut backs. Expenditure of this kind of sum can be expected to be stretched over several years. Estimates of total annual operations costs for Nahanni are roughly assessed at around \$800,000 per year. It should be stressed



MAP II

Percentage of National Park Area and Percentage of Population, by Region, 1970

Percentage of Total National Park Area in 1970 ■

Percentage of total population in 1970 □

From "Leisure" by Thomas L. Burton: Van Nostrand Reinhold Ltd., Toronto.

that these figures are only approximate and should be judged as indicating orders of magnitude rather than actual dollar amounts.⁽¹⁾ Costs for Auyuittuq can be expected to be less than those in Nahanni. Parks Canada anticipates an annual operations cost of approximately \$200,000 at Auyuittuq.

Both parks are managed by professional superintendants located in Pangnirtung in the case of Auyuittuq, and in Fort Simpson in the case of Nahanni. Local employment is expected to involve about half a dozen jobs at each site. It is intended that the majority of these would be filled by persons of native ancestry.

The number of visitors to the Auyuittuq Park seems to be running at approximately 1,500 annually. Figures for Nahanni are not available but are in all likelihood less, in the order of perhaps 1,000.

Early indications are that in social terms there have been no adverse effects experienced in regard to either park and that economic effects via direct employment, increased hotel bookings, boat and guide hire have been positive, if limited.

⁽¹⁾ The lack of a master plan for the Nahanni National Park presents difficulties for G.N.W.T., which is forced to address itself to such issues as outfitter licensing on an ad hoc, year by year basis.

C. THE NEW PARKS CANADA POLICY PAPER - AND THE NEW NORTHERN WILDERNESS PARKS

As mentioned earlier, Parks Canada has plans for the development of further national parks in N.W.T.

In the new draft Parks Canada policy, recently distributed for discussion purposes, these receive special designation as "National Wilderness Parks. The use of the word "wilderness" is deliberate and is intended to indicate that in relation to these new northern parks a strongly conservationist policy would be applied.⁽¹⁾

Because of its particular relevance that portion of the new Parks Canada Policy concerned with these new parks is here quoted in full:

NATIONAL WILDERNESS PARKS IN THE NORTHWEST TERRITORIES AND YUKON

Purpose of This Statement

To clarify how the national parks policy could be applied to protect wilderness areas in the Yukon and Northwest Territories for the benefit of all Canadian now and in the future with special regard for the traditional way of life of native peoples.

Background

There are currently three national park reserves in Canada north of 60°: Kluane, Nahanni and Auyuittuq. In addition, an area on the east arm of Great Slave Lake was withdrawn in 1970 for the purpose of future development as a national park. Recently, five other natural areas of Canadian significance in the northern territories have been identified which merit protection within the national parks system: they are in the Northern Yukon, on Banks Island, at Wager Bay, at Bathurst Inlet and on Ellesmere Island. These areas in the far north are the last frontier: relatively inaccessible from southern Canada and virtually untouched by industrial man. They contain vast and delicate ecosystems which, because of the harsh climate, are slow to recover if they are altered. At the same time, these areas are part of the northern

(1) These parks would only be categorized as Zones I and II, the two most protectionist categories in Parks Canada Zone I to V taxonomy.

homeland of native peoples who have traditionally depended on the land and its resources for their survival. Their culture reflects this fundamental relationship and lands which have been traditionally used by native people are the subject of unresolved native land claims. Because of these distinctive factors, if the areas are to be appropriately protected within the national parks system, they must be planned and managed in a way which reflects these special circumstances. An appropriate balance must be maintained between the rights of the public to understand and enjoy Canada's natural heritage, the rights of local people to continue traditional subsistence uses and the requirement to protect the wilderness of the area.

6.1 Selection

- 6.1.1 National Wilderness parks would be selected only in places in Canada's north which are identified as representative natural areas of Canadian significance.
- 6.1.2 The opportunity to protect critical habitat for renewable resources upon which local people have traditionally depended would be a selection consideration.

6.2 Establishment

- 6.2.1 National Wilderness parks would be selected and established in consultation with the territorial government, native associations, local communities and the interested Canadian public.
- 6.2.2 Boundaries of a national wilderness park would not be finally established in legislation until a settlement of relevant native claims is reached. As an interim measure such areas may be set aside as "national wilderness park reserves".
- 6.2.3 The boundaries of national wilderness parks would be drawn to exclude permanent communities.
- 6.2.4 All lands within national wilderness parks would be vested in the Crown in the right of Canada.

6.3 Protection

- 6.3.1 Appropriate legislation would be required for national wilderness parks to ensure exclusion of all activities inconsistent

with the preservation of the wilderness character of the landscape and its natural and cultural values.

6.4 Public Use, Understanding and Enjoyment

- 6.4.1 Local people would be guaranteed the right to continue traditional subsistence resource uses within parts of national wilderness parks where they have traditionally done so on a subsistence basis, subject to the requirement to protect the ecosystems and to maintain viable populations of wildlife species.
- 6.4.2 National wilderness parks would be planned and managed to provide a wilderness experience for park visitors.
- 6.4.3 Visitor activities would be permitted which are compatible with a park's natural and cultural resources and require no man-made facilities or motorized transportation.
- 6.4.4 Interpretive facilities and services intended to help Canadians understand and appreciate the natural and cultural values would normally be located outside the park.

6.5 Planning and Management

- 6.5.1 Each national wilderness park would contain only protection zones (i.e. zones I and II of the 5 class zoning system used for national parks).
- 6.5.2 National wilderness parks would be managed by Parks Canada as part of the national parks system.
- 6.5.3 Planning and management strategies for each national wilderness park would be developed jointly by representatives of local communities and Parks Canada. These strategies would, among other things, define:
 - 6.5.3.1 what traditional subsistence resource uses have taken place and in what areas;
 - 6.5.3.2 who would qualify to continue traditional subsistence resource uses;

- 6.5.3.3 what level of traditional subsistence resource use would be appropriate;
 - 6.5.3.4 what methods of transportation, harvesting, etc., would be appropriate;
 - 6.5.3.5 what research would be essential to manage the continuing traditional use of renewable resources;
 - 6.5.3.6 under what circumstances local people could live temporarily within a national wilderness park.
- 6.5.4 A variety of means would be used to ensure the maximum possible opportunities for local residents to find employment in the management of national wilderness parks.
- 6.5.5 Close cooperation would be essential between Parks Canada and those responsible for managing adjacent lands and resources.

Some comments are in order:

Firstly, it should be noted that in regard to the management of other national parks two conflicting goals have to be balanced one against the other, i.e. conservation and visitor recreation. In the case of the new northern wilderness parks a third goal is, appropriately, given salience, namely "the rights of local people to continue traditional subsistence uses."

Who, in this context, would qualify as a local person, is a question to be answered as part of a management strategy to be "developed jointly by representatives of local communities and Parks Canada" (para. 6.5.3).

It is interesting that the process of designating an area as a northern wilderness park is conceived as taking place in two phases, (see para. 6.2.2) i.e.:

- (1) setting aside an area as a "national wilderness park reserve" and, then, contingent upon settlement of relevant native land claims,
- (2) establishment by legislation.

The setting up of the first of the new northern wilderness parks in Northern Yukon was, in fact, an integral part of the COPE land claim.

What took place in regard to the Northern Yukon wilderness park is of interest insofar as it may justifiably be viewed as a precedent for what may take place in regard to other wilderness parks in the north.

A notable feature of the process by which the Northern Yukon area was moved towards designation as a national park was the protests by the Legislative Assembly of the Yukon that the Yukon Government itself was not consulted.

Paragraph 6.2.1 states categorically that selection and establishment of parks would take place after consultation with "territorial governments, native associations, local communities and the interested Canadian public".

There is no such provision spelled out, although it may be implied, regarding the "setting aside" of an area as a "national wilderness park reserve".

If what took place in the Yukon can be regarded as an illuminatory precedent, then it would appear that no very significant role is presently envisaged by Parks Canada for the Government of the Northwest Territories in establishing wilderness parks in N.W.T.

The role of the G.N.W.T. in the consultation process of selection and establishment is assigned no greater weight in the new policy paper than consultation with native associations, local communities or the interested Canadian public.

The degree to which the views of any of these groups are guaranteed to have any effect on the actual outcome of events is presumably left as the sole prerogative of Parks Canada.

None of the four groups is overtly assigned any priority nor anything like a power of veto.

This contrasts strongly with the position in the provinces where, because any lands to be utilised as parks must be assigned to Parks Canada by the provincial government, the provinces do enjoy what is, substantially, a power of veto, and, therefore, are necessarily on a totally different level to other groups so far as the consultation process is concerned.

As noted above the management strategy which would be implemented by Parks Canada in relation to new parks "would be developed jointly by representatives of local communities and Parks Canada". No role in this regard is, apparently, envisaged for G.N.W.T.

This is of particular interest insofar as certain aspects of the management strategy concern activities which are currently the responsibilities of G.N.W.T.

For example, the Game Division of G.N.W.T. has close involvement in establishing appropriate levels of resource use (para. 6.5.3.3), methods of harvesting (para. 6.5.3.4) and determining what research is needed to "manage the continuing

traditional use of renewable resources" (para. 6.5.3.5).

The whole question of "traditional use of renewable resources" is dealt with somewhat ambiguously in the policy paper.

In the first place, it recognises clearly that "these areas are part of the northern homeland of native peoples who have traditionally depended on the land and its resources for their survival". And there is no doubt some level of continuing renewable resource harvesting by native peoples is envisaged as forming an entirely admissible, indeed integral, activity in the Northern Wilderness Parks.

Ambiguity, stemming from Parks Canada's basic commitment to conservation is apparent, however, when it comes to determining exactly where resource harvesting would be permitted, what methods would be permissible and what would be accepted as justified motivation.

So far as "where" is concerned there would be definite limitations. It would only be permissible for native people to hunt and fish "where they have traditionally done so on a subsistence basis." This effectively puts a freeze on the opening up of new hunting areas or fishing grounds. The restriction is area specific not resource specific. If fish or game move to an area where they have not been exploited

before, it would not be permissible for hunters or fishermen to move after them.

So far as permissible hunting and fishing techniques are concerned, the key question is what would be regarded as "traditional".

In this regard representatives of local communities would certainly have very firm viewpoints. Parks Canada representatives might be expected, on occasion, to bring forward a more conservative interpretation on what techniques are "traditional". It is open to conjecture whether rod and line angling, varying meshes of gill nets, nylon nets, long line trawling, seine purse netting, use of skidoos and outboard motors, etc. would be regarded as "traditional" or not by Parks Canada. Whatever view they might form on these issues it is likely that, in the outcome, in so far as Parks Canada would have final management responsibility, their views would be likely to prevail.

In any case, just as there would be a freeze on the opening of new hunting and fishing areas within the wilderness parks, there would also be a freeze on the introduction of innovative hunting and fishing technologies.

A further element of ambiguity is introduced by the use of the word "subsistence". By one interpretation "subsistence resource harvesting" might be taken to signify just that level of harvesting needed to sustain the harvester and his direct

family and no more. By another interpretation it might be taken as meaning resource harvesting undertaken to provide a family livelihood.

Does subsistence fishing, for example, permit of fishing for dog food, fishing for free distribution to extended family members, fishing for barter, fishing for intersettlement trade, or full time fishing for commercial purposes where the sale of the catch is the sole means of income for the fisherman?

Again, as with what kinds of harvesting are permissible because they are traditional, what kinds of harvesting are permissible because they are "subsistence" will, finally, it seems reasonable to assume, in the wilderness parks envisaged, be established by means of criteria to be evolved by Parks Canada itself.

Another restriction built into the new policy which may affect the life of northern natives is the ban on the establishment of any dwelling places in the wilderness parks other than temporary ones.

Thus to a freeze on the opening up of new hunting and fishing areas, and a freeze on the introduction of new resource harvesting technology, is added a freeze on the setting up of new communities - and this in an area where the rate of natural increase of population is among the very highest in the world.

These latter restrictions are those which might be considered as having the most impact upon native northerners.

Other restrictions would have an impact upon the prospect of developing the N.W.T. economy generally. The most significant of these is not peculiar to the northern wilderness parks, but is a basic consideration in the management of all national parks, namely, an outright and categorical ban on mineral exploration and exploitation.

The new parks policy, however, goes further than this and envisages that:

"Appropriate legislation would be required for national wilderness parks to ensure exclusion of all activities inconsistent with the preservation of the wilderness character of the landscape and its natural and cultural values." (para. 6.3.1.)

This legislation would reinforce the conservationist provisions of the National Parks Act, rather than modify them.

One of the targets of the reinforcing legislation envisaged, presumably would be the proviso in the National Parks Act that:

"The Governor in Council may authorize the sale, lease or other disposition of public lands within a park when such lands are required for:

- a) the right-of-way or station grounds of any railway,

- b) the right-of-way of an oil or gas pipeline or any tanks, reservoirs, pumps, racks, loading facilities connecting with an oil or gas pipeline ..."

(National Parks Act, para. 6 (2).)

As stated earlier, Parks Canada in the perspective of the next few years looks to the establishment of Northern Wilderness Parks in four new sites in N.W.T: Northern Ellesmere Island, North Banks Island, Bathurst Inlet and Wager Bay. Current plans indicate a total area of 27,000 square miles being involved. Not only would this area be categorically out of bounds so far as mineral extraction is concerned, but the absolute embargo on railways or pipelines might operate as a critical impediment to the development of resources located elsewhere. This is particularly true of Bathurst Inlet and Wager Bay.

D. THE CONSULTATION PROCESS

Parks Canada has already initiated a public consultation process in N.W.T. which is viewed as an essential preliminary to the establishment of the four new parks. An office has already been set up in Yellowknife and one full time professional is on contract to further the process, which is anticipated as taking two years in all.

The public consultation process is envisaged as comprising four stages:

1. Visitation of particular communities likely to be affected by the new parks to impart objective information regarding what is planned.
2. A return visitation after a period during which the community has had time to digest the original information, to explain and amplify it.
3. Further consultation to elicit what are the communities' concerns and curiosities.
4. A final phase during which the communities' questions would be answered and their concerns put to rest.

Negotiations with the Government of the Northwest Territories will, without much doubt, constitute part of the total consultation process, although this consideration is only given cursory mention in the policy.

It is true that the land concerned is crown land in right of Canada and is administered by the Minister of Indian and Northern Affairs, who is also responsible for Parks Canada, and that, in sharp contradistinction to the situation in the provinces, where land is a provincial resource, new parks can be established legally in the N.W.T. on the Minister's sole authority without reference to any other level of government.

It is also true that consultation with the Government of the Yukon was minimal in regard to the establishment of

the Northern Yukon National Park.

Nevertheless, not only on grounds of courtesy and common sense, but because of numerous administrative reasons and also for political reasons, negotiations between the two levels of government can be expected as a preliminary to establishment of the new parks.

It might well be asked, what is negotiable?

Certainly, the actual boundaries and size of the park area are two factors on which Parks Canada may be willing to examine various alternatives.

Clearly enough, when the prime objective of the entire exercise is wilderness preservation, if the area in question is reduced below a certain threshold level then the existing ecosystem would be subject to drastic interruption from outside and the main objective of establishing the park would become unattainable.

But the figures quoted of 5,000 square miles in Bathurst Inlet, 5,600 square miles in Wager Bay, 13,700 square miles in Northern Ellesmere Island and 3,300 square miles in Banks Island should not be regarded as fixed and final.

Nor should the actual "shape" of the park.

What is non-negotiable from the Parks Canada viewpoint

is the preservation of certain "core areas" in the prospective parks which, for a combination of reasons, scenic, geologic or biologic, are pre-eminent. Examples would be the Wilberforce Falls in Bathurst Inlet or the Reversing Falls in Wager Bay.

From the Parks Canada viewpoint, if these top priority locations and the immediate surrounding area are made negotiable, then the entire National Parks program would be relegated to the position of a perpetual residual legatee of other interests, making do on the "left-overs" from other activities. This from the Parks Branch standpoint, understandably enough, is not acceptable.

However, regarding the "buffer zone" between the "core areas" and the exterior, Parks Canada could be expected to listen with some degree of sympathy to the claims of competing interests, including the Government of the Northwest Territories.

One question as yet not clearly resolved is whether, in so far as Parks Canada/G.N.W.T. negotiations would take place, they would be direct, bi-lateral negotiations, or whether negotiation might take place via the agency of DINA's Northern Program. From a functional point of view, a direct working relationship with Parks Canada would be highly advantageous.

E. A NEW INITIATIVE: HERITAGE RIVERS

The establishment of a Canadian system of Heritage Rivers is a program initiative which, although it receives no mention in the recently distributed policy paper, is rapidly becoming one of Parks Canada's major concerns.

The term "Heritage River" is, in fact, a very recent one, having supplanted the previous term "Wild River" only in recent months. The shift in nomenclature, although it does betoken a change in emphasis, does not derive from any major alteration in the substance of the program as previously envisaged under the "Wild River" label.

The notion of a national system of wild rivers was first raised as a possible line of programming for Parks Canada in 1969.

From the outset Parks Canada's thinking on wild rivers reflected some of the main elements in the philosophy underlying the long term goal of establishing a system of national parks, although the wild river system was always regarded as distinct from the parks system. As with parks, the wild river system was to be representative of each of Canada's major geographic regions. The focus was on preservation of the natural heritage - both physical and historic - that is to say conservationist. Recreation was a minor consideration in the process of selection.

The program started with a northern bias. The first area studied was the Yukon. This experimental exercise was expanded into a national Wild Rivers Survey which by 1974 had covered - by means of canoe - 72 rivers totalling 10,000 miles.

On the basis of this national survey, Parks Canada prepared a proposal for a national system of 21 rivers totalling 3,500 miles. Ten of these rivers, totalling 2,000 miles, were deemed of primary importance and designated as the basic skeleton of the system. Two rivers in N.W.T. were part of the total system, the Coppermine and the Keele. The Coppermine was designated as part of the skeleton system.

In its long term thinking Parks Canada judged that the whole system might be secured within 20 or 25 years.

In fact, the proposal stayed very much a proposal only for several years and was not assigned any notable priority by Parks Canada until the end of 1978.

At that time apparently on the personal initiative of the Minister responsible, the Hon. Hugh Faulkner, himself a canoeing enthusiast, the Wild River system was given a new impetus.

The Minister convened and presided over a seminar held in Jasper to examine new policy options with regard to establishment of a Canadian Wild Rivers System. The 1974 proposal was resurrected and served as one of the main documents

considered. The seminar was attended also by Parks Canada officials, their opposite numbers in provincial and territorial administrations and by a select group of wild river enthusiasts and experts from all parts of Canada and U.S.A.

In broad terms those attending the seminar endorsed the substance of the 1974 proposal.

At the Federal Provincial Parks Conference held soon after in Victoria the issue was raised in discussions between Mr. Faulkner and his provincial and territorial counterparts. Mr. Faulkner made clear his own positive feelings regarding the proposal. He also stated that Parks Canada would take no action until there had been full consultation with provincial and territorial governments and that, in fact, he was open to the possibility that Parks Canada's role in regard to operation of the system proposed might be confined to research and coordination with the prime management role possibly being assigned to the provincial and territorial governments, should they wish it.

There was no opposition to what was proposed by the Minister and the idea of a Wild Rivers system received general if not conspicuously enthusiastic support.

In the event, subsequent to the Victoria meeting Parks Canada has moved rapidly and has established a task force, on which N.W.T. is represented, to consider such topics as selection criteria, management policy, width of corridor, and so on. First meetings of the Task Force are expected shortly.

Although only preliminary steps have been taken in the direction of a Canadian system of what are now designated as Heritage Rivers, some things are clear.

Firstly, Parks Canada is assigning a much higher priority to this program than previously and can be expected to seek visible evidence of some degree of progress toward establishing the system in the next few months.

Also there is a distinct northern orientation to the program. As already mentioned, the first rivers surveyed were in the Yukon. In fact, the Nahanni - which has recently been added to the proposed system - is, in a sense, already part of the system. It is the only proposed Heritage River at present fully protected by Parks Canada, albeit as part of a National Park.

Further, one of the stated objectives of the Jasper seminar was to "... gain public support for a Northern wild rivers programme."

If Parks Canada wishes early progress it may well, therefore, look in the direction of the North. As made clear in a paper presented to the Jasper seminar by Dr. M.S. Whittington:

"Rivers located entirely within either the Yukon or Northwest Territories will present virtually no jurisdictional problems when it comes to designating them as wild rivers ... The territorial councils are legally creatures of the Federal Parliament, they possess no sovereign powers, and they possess no title to Crownlands within their boundaries in the way the provinces do within theirs. Thus, in terms of the Canadian

Constitution, the parliament of Canada has the full authority to do as it sees fit with lands, waters and natural resources located within the Yukon and the Northwest Territories."

It is worth noting that Dr. Whittington goes on to say that, nevertheless:

"... the territorial governments must be included in the planning, implementation and administration of a national wild river system. While they do not possess the sovereign powers of the provinces over aspects of water management, they should be dealt with as if they do possess those powers. The territorial governments must be full partners at all stages in the development of a wild river system in Canada."⁽¹⁾

Certainly Parks Canada will consult with the Government of N.W.T. should it wish, for example, to make the Coppermine one of the first components in the Heritage River system. But in spite of Dr. Whittington's injunction, in the course of such consultation the Territorial Government cannot negotiate from the same position of vantage as can a provincial government.

What kind of a management regime might be expected in regard to a Heritage River situation?

On this issue Parks Canada's thinking is clear. Whether a river is designated because of its physical quality or its historic associations - this criterion is to be given more weight in regard to Heritage Rivers than Wild Rivers - the regime to be applied will be strictly conservationist. Recreation is a low priority.

(1) Dr. M.S. Whittington: "A Canadian Wild River System: Legal and Administrative Considerations". Paper delivered at Seminar on Wild Rivers. Jasper, September 23, 1978.

In this regard what Parks Canada proposes is strikingly less flexible than the American system of National Wild and Scenic Rivers. As of November, 1976 the American system comprised 19 rivers, or river segments totalling 1,655 miles. These can be categorised in three ways; as wild, scenic or recreational rivers.

Of the total 1,655 miles, 689 miles are designated as "wild", 462 miles as "scenic" and 503 miles as "recreational".

The proposed Canadian system has only one category.

Whereas the American "recreational" rivers are defined as "readily accessible by road or railroad", the proposed Canadian heritage rivers are defined as "inaccessible by road except at occasional crossings".

Because of its accessibility a substantial proportion of the American system can provide and is envisaged as providing a setting for recreation. In contrast the entire Canadian system proposed, because of inaccessibility, will provide recreation for very few.

III. OTHER LAND REGULATION REGIMES IN THE NORTHWEST TERRITORIES

A. EXISTING REGULATORY REGIMES

Thus far we have dealt only with existing National Parks and proposed Northern Wilderness Parks in the Northwest Territories.

Amendments to the National Parks Act envisaged in Parks Canada's new policy paper aimed at preserving the wilderness characteristics of the four new proposed Northern Wilderness Parks would subject these areas to very highly restrictive regimes, as has been made clear in the foregoing. The regulatory code governing the existing National Parks in N.W.T. are only marginally less restrictive. It is very likely that in

the event the proposed amendments were passed into law, the existing National Parks would also be designated as Northern Wilderness Parks, making for a homogenous regime in all National Parks located in the N.W.T.

Whether or not this were to happen, in practice, the only activities permitted in these parks would be back-packing and canoeing, together with "traditional" native hunting and fishing.

It is important to note that the kind of restrictive land usage regime which pertains in the National Parks is not so much an exception as but one example of a range of somewhat similar regimes.

The concept of "multiple land use" was perhaps the basis of land use policy until the early seventies. It was assumed that more than one pattern of usage could be applied in any area without any inherent conflicts.

During the seventies, however, various factors, operating in combination, notably a heightened political and cultural awareness among the native people and increasing public sensitivity on environmental issues have undermined this assumption.

The Territorial Land Use Regulations impose on any operation involving land use a reasonable level of elementary

commonsense obligations aimed at environmental protection. They are not inherently inhibitory of development activity, or recreational usage.

Increasingly, these regulations have been amplified and reinforced by a range of special regimes. To put the new Parks Canada proposals into perspective, it is necessary to take cognizance of these other regimes.

These are: (a) Bird Sanctuaries and Game Preserves, (b) Ecological sites, (c) Caribou Protection Areas, and (d) Native Land Claim Areas.

1) Bird Sanctuaries and Game Preserves

There are 14 bird sanctuaries in N.W.T. (See Map III on Page 41(b))

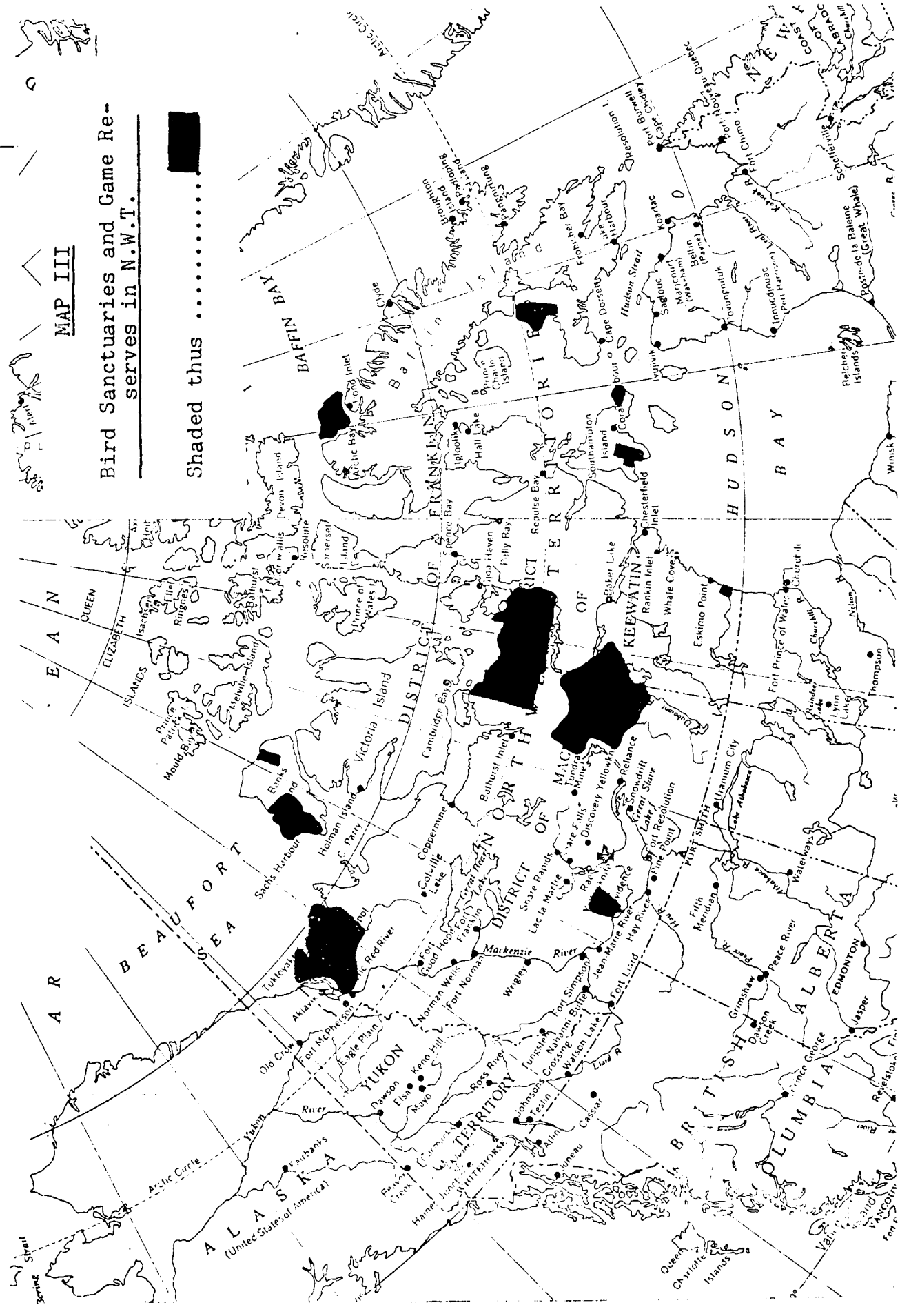
They are as follows:

1. Akimiski Island	1,300 sq. miles
2. Dewey Soper	3,150 sq. miles
3. Cape Dorset	100 sq. miles
4. Harry Gibbons	574 sq. miles
5. East Bay	450 sq. miles
6. McConnell River	127 sq. miles
7. Kendall Island	234 sq. miles
8. Anderson River	418 sq. miles
9. Cape Parry	1 sq. mile
10. Queen Maud Gulf	24,240 sq. miles
11. Banks Island No. 1	7,922 sq. miles
12. Banks Island No. 2	55 sq. miles
13. Eylot Island	4,200 sq. miles
14. Seymour Island	3 sq. miles
	<hr/>
	42,774 sq. miles

MAP III

Bird Sanctuaries and Game Reserves in N.W.T.

Shaded thus



The agency which advises the Minister on the regulatory function in these bird sanctuaries is the Canadian Wildlife Service.

While there is no blanket embargo on development or recreation activities in these areas, the C.W.S. regime precludes all such activity that might disturb the birds when they are in occupancy and exercise control at other times of the year to ensure that the absent birds' nesting habitat is undisturbed.

The net effect of this regime is, if not to prohibit any development or recreation, strongly to inhibit it.

There are seven Game Preserves in N.W.T. They are:

1. Peel River Preserve	3,300 sq. miles
2. James Bay Reserve	1,453 sq. miles
3. Thelon Game Sanctuary	11,200 sq. miles
4. Twin Island Game Sanctuary	55 sq. miles
5. Bowman Bay Sanctuary	415 sq. miles
6. Mackenzie Bison Sanctuary	14,000 sq. miles
7. Reindeer Reserve	17,900 sq. miles
	<hr/>
	48,323 sq. miles

In general, regulation inside these areas is intended to control only such activities as hunting and trapping of game. In practice, development or recreation is discouraged if considered potentially destructive of wild game habitat.

In the large Thelon Game Sanctuary a more stringent regime is in place which prohibits all development activity outright, and also virtually precludes recreational usage.

2) Ecological Sites

These sites were identified as a Canadian contribution to the International Biological Program (IBP) launched by the International Council of Scientific Unions (ICSU) in 1968. The goal of the program is to preserve against all forms of encroachment a range of natural sites, in all parts of the world, which are the setting of unique ecosystems considered as being of present and potential value to the scientific community.

Two panels of scientists, Panel 9 (Tundra) and Panel 10 (Boreal Forest), after surveying many potential sites in the Northwest Territories, finally identified a total of 121 sites in N.W.T., totalling approximately 118,000 square miles in extent, and proposed that these should be designated as "special management areas to be governed by guidance committees drawing their membership from conservation organizations."

In 1975 the then Minister of Indian and Northern Affairs, the Hon. Judd Buchanan gave approval in principle to the concept of these sites being designated in N.W.T.

A working group, drawing membership from the Department of Indian and Northern Affairs, Environment and Energy, Mines and Resources, and the two Northern Territories was established to consider the proposals of Panels 9 and 10. Thus far the process of designation has gone slowly. Only one site (Polar Bear Pass on Bathurst Island comprising 1,013 square miles) has been temporarily withdrawn for a period of two years while public consultation on long term protection and management takes place.

How many of these sites might eventually be designated for special protection is open to conjecture. A working assumption by DINA estimates perhaps a third - affecting some 40,000 square miles - as likely for final designation. Currently the chief effective impediment is the non-settlement of native land claims.

The one agreement thus far reached is the agreement in principle between the Federal Government and COPE in the Western Arctic which states:

"The Inuvialuit and the Government agree to protect these proposed sites until such time as the Government and the Inuvialuit decide which ecological sites will be established The Inuvialuit and Government shall jointly develop, in consultation with interested individuals and groups, a management regime for each of the sites to be established."

This would seem to indicate a relatively positive attitude on COPE's part as regards the protection of

these ecological sites. The 17 sites located in the Western Arctic would apparently be subject, for practical purposes, to much the same treatment as the Polar Bear Pass site.

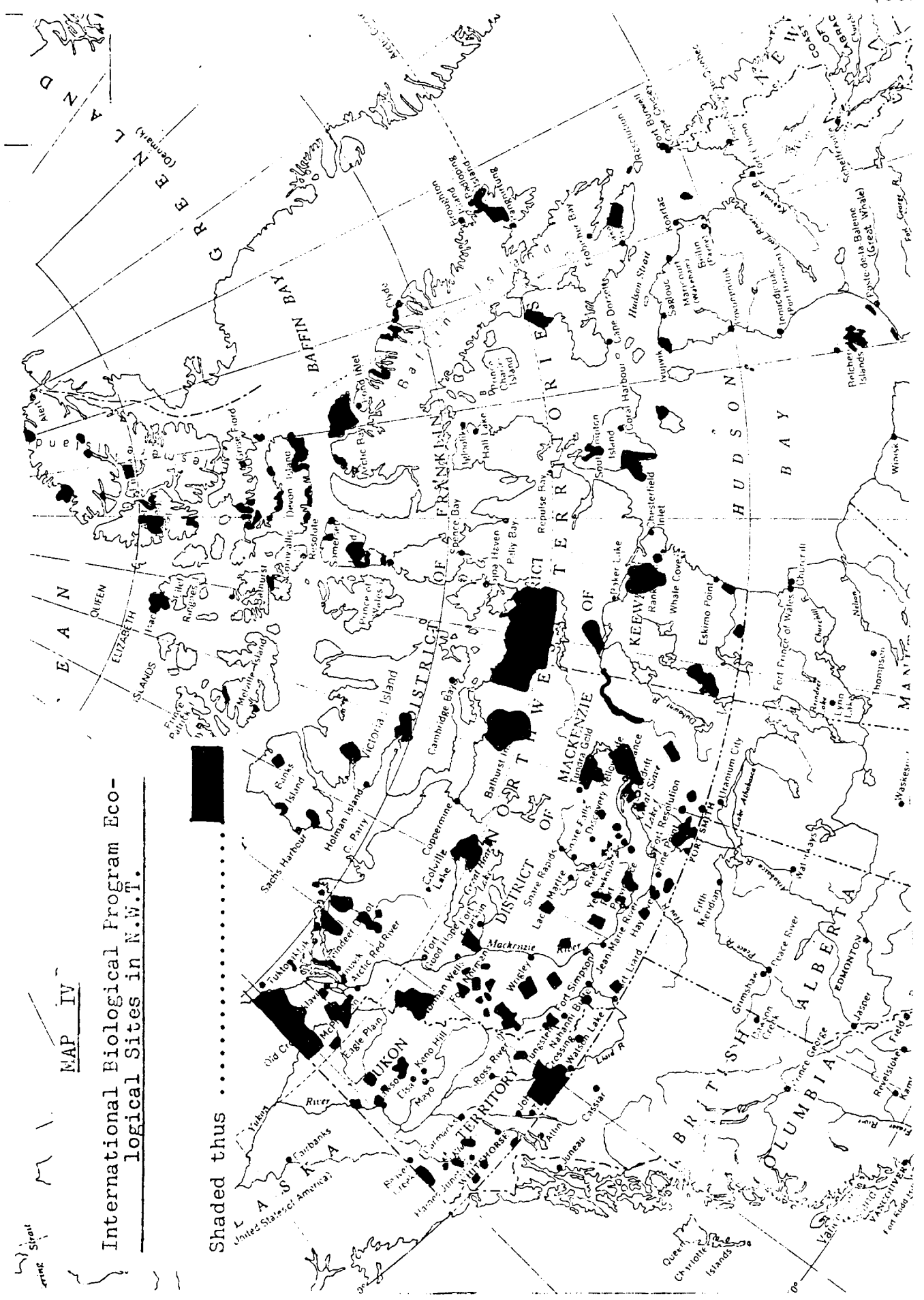
The wording of the agreement would also seem to imply a minimal role for the Government of the Northwest Territories regarding both selection of sites for designation and development of management regimes. The only part played by G.N.W.T. in the process of selection would seem to be via involvement in the working group, referred to above, which might, in any case, seem to have been effectively pre-empted by the COPE agreement in principle.

Whether the COPE agreement in principle can be fairly interpreted as a model or precedent for later land claims is, of course, open to question, as indeed is what will in fact eventuate in the Western Arctic so far as these ecological sites are concerned. Nevertheless, the COPE agreement in principle would seem to offer valid grounds for suspecting that in the long run a substantial proportion of the 118,000 square miles involved may be subject to a restrictive and conservationist regime. (For locations of these sites, see Map IV on page 46.)

MAP IV

International Biological Program Ecological Sites in N.W.T.

Shaded thus



3) Caribou Protection Areas

Caribou represent one of the major sources of protein, "country food", for the native people of the N.W.T. Apart from this, from a scientific point of view, the caribou herds are a unique wildlife phenomenon peculiar to the Arctic but of global importance.

The herds make annual migrations across vast areas of tundra. During the calving and post-calving periods the herds are particularly vulnerable to disturbance. Certain observable regularities occur from year to year with regard to the areas where calving takes place and with regard to the post-calving areas. However, variations in migration paths occur at unpredictable intervals, as do variations in calving and post-calving areas.

Because of their dependence on the herds as sources of food the native people are, understandably, much concerned that they should not be disturbed during migration, particularly during the calving and post-calving periods.

Because of this the Department of Indian and Northern Affairs has made a policy commitment to take steps, under the Territorial Land Use Regulations, to protect the critical calving and post-calving areas.

In April, 1978, the Minister, the Hon. Hugh Faulkner,

announced a special policy of land use in the Keewatin intended to protect the Kaminuviak and Beverly herds (totalling approximately 168,000 animals) during the critical periods. This policy involves assignment of higher priority for caribou use to the critical areas than for any other use during the calving and post-calving periods. The policy affects something like 200,000 square miles.

Designation of critical areas might be changed from year to year, depending on alterations in migration paths.

It is intended that as soon as adequate data is available, similar protection will be extended to the Porcupine, Bluenose, Bathurst, Melville Peninsula, North Baffin and South Baffin herds. (See Map V on page 49.)

The areas over which these herds range is vast. One of the difficulties involved in extending the kind of protection envisaged derives from the difficulty of identifying where exactly the herds will calve. Because of year to year irregularities, to ensure that all likely contingencies are covered it would be necessary to protect a substantial proportion of the total range.

Were the same level of protection given to the

Beverly and Kaminuviak herds 9168,000) extended to other herds (451,000) the area affected would exceed 700,000 square miles.

It is important to note that, like the protective restrictions on activity in bird sanctuaries, protection of critical caribou areas would be for only part of the year. The extent to which this regime would operate as an impediment to recreation or development activity would depend on how necessary it would be for the activity to operate on a year-round basis, and on the degree to which it utilized permanent structures likely to disturb the herds. Mining, for example, would be severely impeded.

Map V on page 49 gives information on protected caribou areas and caribou ranges.

B. NATIVE LAND CLAIMS

In the early seventies major land claims were asserted in the Northwest Territories by native organisations which had been established on the initiative of the Federal Government and which were financed by the Federal Government.

One claim by the Inuit Tapirisat of Canada was concerned in the main with the Keewatin, Baffin, and Arctic Islands.

The I.T.C. submitted its first claim in February, 1976. This called for the establishment of a Nunavut Territory in the North-eastern part of N.W.T. Another notable feature of this claim was the call for establishment of a Land Use and Planning Commission.

Later in the year this claim was modified. The effect of the modification was to amplify and intensify the demands made previously. The conception of a Nunavut Territory was clarified, and in practice, pointed to establishment of a separate Inuit "mini-state" within Confederation. The demand for title to lands traditionally used by the Inuit was extended to subsurface title.

Two meetings between ITC and the Federal Government were held in 1978 to discuss this claim. However, some considerable distance seems to separate the positions of the two negotiating parties and it seems reasonable to assume that it will be some time before agreement is reached.

The likelihood of early settlement of the claims asserted by the Indian Brotherhood of N.W.T. and Metis Association of N.W.T. in the Mackenzie is, also, remote. Both organisations have submitted claims. However, the Federal Government because of the fact that Indian and Metis populations are not geographically separated but intermingled in varying proportions in different parts of N.W.T., has taken the view that it can only respond

in terms of only one land settlement.

The Indian Brotherhood has taken up a firm position in regard to land ownership, and in regard to political autonomy. The Metis Association is in a period of some fluidity regarding the nature of its claim and its relationship with the Indian Brotherhood.

The non-settlement of land claims is an impediment to planned development of any kind in N.W.T. and the Federal Government is clearly anxious to get negotiations moving. To this end the Department of Indian and Northern Affairs has brought pressure to bear upon I.B.N.W.T. and M.A.N.W.T. by reducing the level of financial support available to them. The response from the organisations has not been positive. (See Map VI for information on lands claimed by native organisations on page 53.)

The exception to this generally rather discouraging situation is that of the Committee for Original People's Entitlement (COPE) in the area of the Mackenzie Delta.

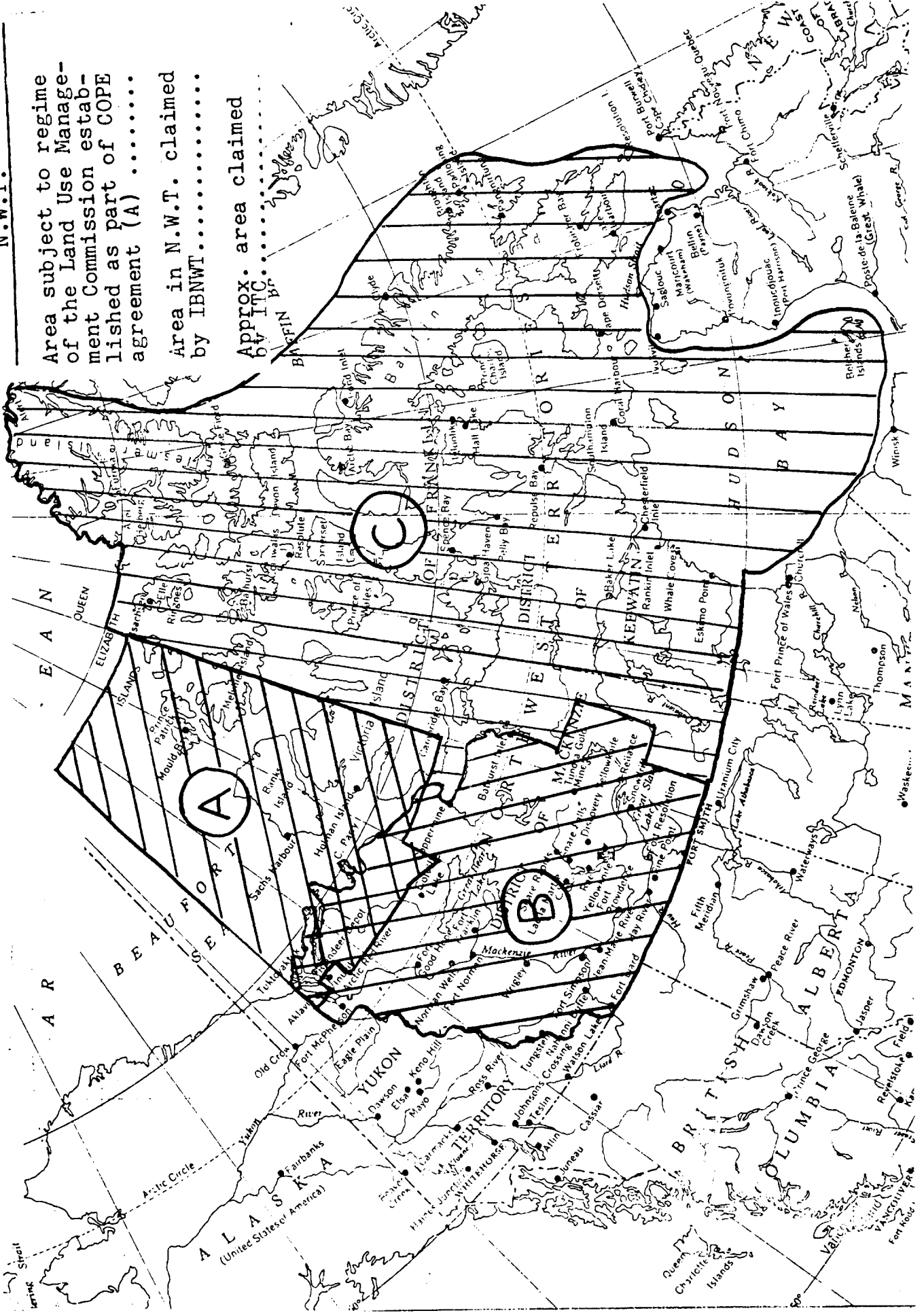
COPE is affiliated to ITC, and had originally intended to participate in a joint claim with that organisation. However, a sense of urgency stemming from the likelihood of oil and pipeline activity in the Delta area and the slow pace of negotiations on the ITC claim prompted COPE to pursue its own claim. This was submitted in May, 1977. Basic agreement with the Federal

MAP VI
Native Land Claim Areas in
N.W.T.

Area subject to regime
of the Land Use Manage-
ment Commission estab-
lished as part of COPE
agreement (A)

Area in N.W.T. claimed
by IBNWT.....

Approx. area claimed
by ITC.....



Government was reached in July, 1978, with publication of a Joint COPE - Government Position Paper approved by Cabinet.

This is the first and only settlement identified regarding a native land claim.

There is no reason to assume that finally ITC, IBNWT and MANWT will be any less aggressive and demanding than COPE or that the Federal Government will be more pliant in its position. No doubt settlements with ITC, IBNWT and MANWT will contain different elements to the COPE settlement. To regard the COPE settlement as a guide to the nature of further settlements would be misleading. However, although it should not be locked on as a model, the COPE settlement will inevitably be treated as a precedent and, in any case, at present, is certainly the only indicator we have in trying to make some sort of assessment of the outcome of future land claim settlements.

Under the COPE settlement the Inuvialuit represented by that organisation, numbering as of January 1978 some 2200 were awarded liberal financial compensation together with varying degrees of special rights with regard to three categories of land. In the whole of the Western

Arctic Region, which very roughly conforms to the area claimed as Traditional Inuvialuit Lands, a land management regime would be set up involving amendments to the Territorial Lands Act establishing a new Land Use Planning Commission and a Land Use Applications and Review Committee. The Commission would determine policy and the Committee would be concerned with the technical aspects of administering that policy. The Inuvialuit would nominate two members of the Commission, as would the Federal Government. The Government of the N.W.T. would be represented by one member.

The Commission would be involved in land use planning, the conduct of environmental and social impact studies and the conduct of public inquiries. It would clearly have a strong determinative role to play with regard to land use policy throughout the whole of the Western Arctic Region, an area comprising some 115,000 square miles.

Within the Region a total of 37000 square miles would be designated as "Inuvialuit Lands" and held by an Inuvialuit Land Corporation in fee simple. The Inuvialuit would enjoy surface rights over the full 37,000 square miles, together with sub-surface rights to 5,000 square miles within the total. (See Map VII on page 56 for information on the COPE settlement.)

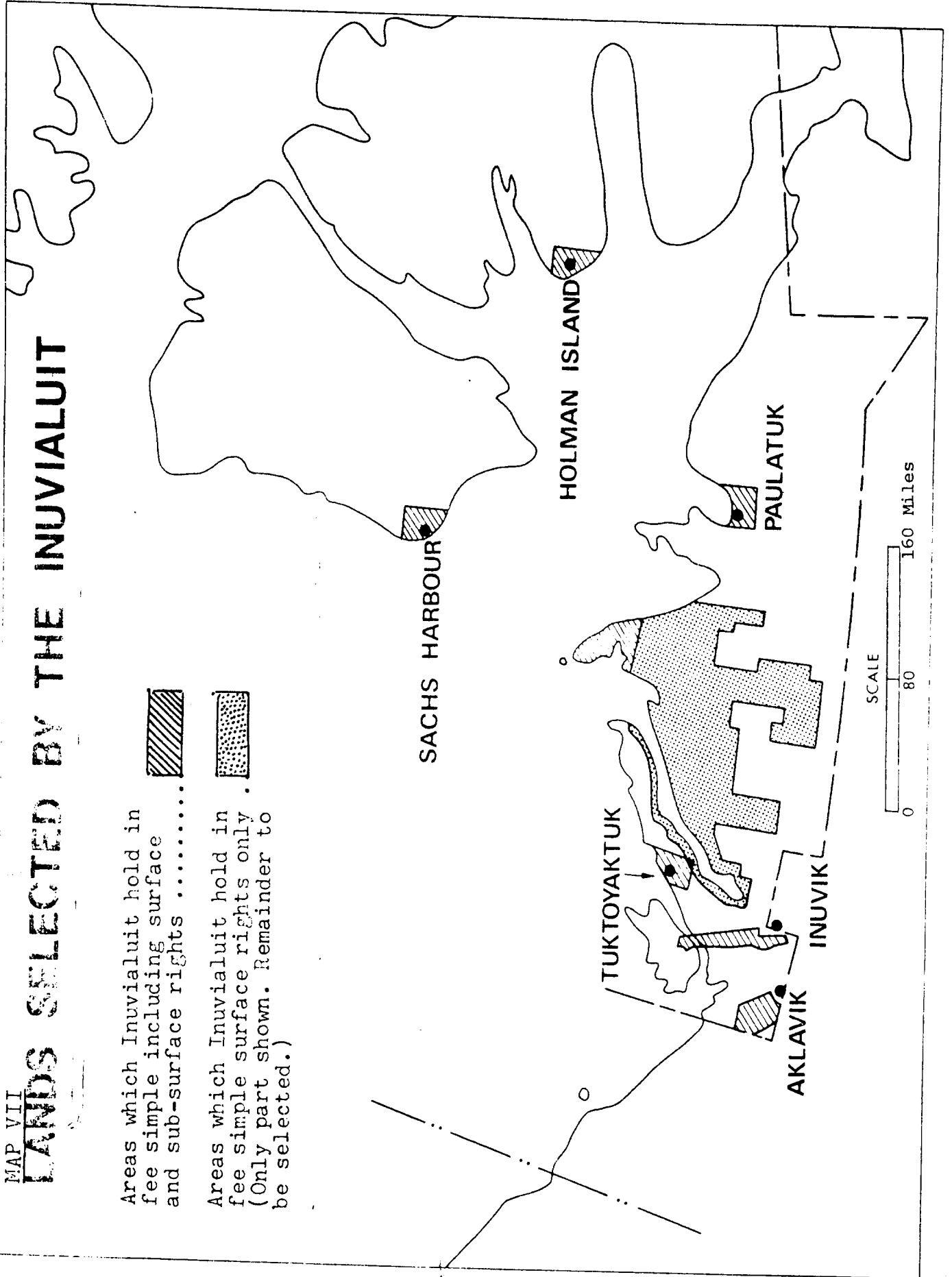
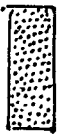
MAP VII

LANDS SELECTED BY THE INUVIALUIT

Areas which Inuvialuit hold in fee simple including surface and sub-surface rights



Areas which Inuvialuit hold in fee simple surface rights only. (Only part shown. Remainder to be selected.)



The number of Inuit represented by I.T.C. is approximately 12,600. The number of Indians represented by IBNWT is approximately 9,800 and the number of Metis represented by MANWT approximately 1,800.

Thus a settlement along the same lines as the COPE settlement, i.e. assigning similar areas of land on a per capita basis within the three categories would eventuate as follows:

1. Subject to a regime to be established via a Land Use Planning Commission, for the ITC approximately 659,000 square miles, for a composite IBNWT and MANWT application approximately 606,000 square miles, making a total of 1,265,000 square miles.
2. To be designated as "native lands" to be held in fee simple enjoying all surface rights, under an ITC application approximately 212,000 square miles, and under a joint IBNWT/MANWT application approximately 195,000 square miles.
3. Of which total enjoying surface and sub-surface rights, under an ITC application approximately 29,000 square miles and under joint IBNWT/MANWT application approximately 26,000 square miles.

Were these projections in the event to prove correct, then under all native land claim settlements a total of approximately 1.38 million square miles - more than the total area of N.W.T. - would be subject to the regime of Land Use Planning Commissions similar to that to be established in the Western Arctic. Native organisations

would own a total of approximately 444,000 square miles in fee simple, of which 55,000 square miles would involve ownership of subsurface rights as well as surface rights.

Were ITC, IBNWT and MANWT to prove only half as successful as COPE in the settlement on a per capita basis they could achieve then a total of 748,000 square miles which would be subject to the regime of Land Use Planning Commissions, 241,000 square miles would be owned by native organisations in fee simple, of which 33,000 square miles would include subsurface as well as surface rights.

It is, in fact, unlikely that ITC, IBNWT or MANWT would accept a settlement half as advantageous as that achieved by COPE. They will be obliged, however, to accept a settlement somewhat less advantageous in regard to land that they may be involved in managing via Land Use Planning Commissions because the N.W.T. does not have sufficient land area to accommodate further settlements on the basis of the COPE settlement.

In the outcome, settlements with ITC, IBNWT and MANWT will each be negotiated on their own merits without overt reference to the COPE agreement.

However, it does seem inevitable that further settlements will have certain points of similarity with the COPE settlement, that mechanisms similar to the Land Use

Planning Commission will be established in other parts of N.W.T. having a significant effect on patterns of land use over very considerable areas. It also seems likely that native organisations will own lesser areas in fee simple of which some portions will include sub-surface as well as surface rights.

C. MISCELLANEOUS

Two other areas merit mention as being currently subject to unique restrictive regimes.

The first of these is an area of 30,000 square miles around the settlement of Baker Lake within which interesting uranium showings have been located. Exploration activities associated with these deposits have, in the view of the Baker Lake people, disturbed migrating caribou. Protests from the people of Baker Lake have had the effect of a freeze being instituted on all exploration in the area.

The other area consists of 3,000 square miles in Southwest Somerset Island. A statement, made in 1975, by the then Minister, the Hon. Judd Buchanan, to the people of Resolute Bay and Spence Bay to the effect that the area in question was to be set aside as a traditional hunting and fishing area, was interpreted by them as giving them the right to veto the issuance of land use

permits in the area. De jure there is no legal impediment to the issue of land use permits in this area. However, de facto, staunch resistance by the Resolute Bay and Spence Bay people to exploration activity has resulted in a virtual freeze on such activity.

D. SUMMARY OF LAND REGULATION REGIMES

Besides the 13,780 square miles within the Northwest Territories currently designated as National Park, a further 92,110 square miles are at present subject to restrictions on use beyond the provision of the land use regulations for conservation purposes. This area is made up of 42,774 square miles of bird sanctuaries, 11,200 square miles in the Thelon Game reserve, 37,123 square miles in other game reserves and 1,013 square miles thus far designated, albeit on a temporary basis, as an ecological site in Polar Bear Pass.

Something like 200,000 square miles in the Keewatin is at present under special protection as of critical importance to migrating caribou. When, as is intended by DINA, the same level of protection is extended to other herds a further area of perhaps 700,000 square miles may be similarly affected.

The agreement between the Federal Government and COPE indicates that before long 115,000 square miles in the Western Arctic Region will be subject to special

provisions to be established by a Land Use Planning Commission.

Another 3,000 square miles on Somerset Island is also subject to restriction because of interventions by the Inuit of Resolute Bay and Spence Bay.

The 30,000 square miles involved in the Baker Lake "freeze" is contained within the 200,000 square miles of the Keewatin caribou area.

It is likely that some proportion, perhaps a third, of the further 118,000 square miles proposed by Panels 9 and 10 for designation as IBP ecological sites will also be subject to special protective regimes.

The ITC, IBNWT and MANWT land claims may, at some time in the not too distant future, be settled on terms which would place something between three quarters of a million and more than a million square miles under special regimes to be established by agencies along the lines of the Land Use Planning Commission of the Western Arctic Region.

It should be emphasized that it may be somewhat misleading to aggregate the land areas affected by the various restrictive protectionist regimes considered. Many categories overlap. For example, some of the proposed wilderness parks would incorporate existing bird sanctuaries and ecological sites and would themselves be subject to regulations by Land Use Planning Commissions

established under native land claim settlements. In such cases certain areas might be subject to two, three or even four levels of restrictive regulation administered by different agencies.

On the other hand, activities proposed in a doubly protected area are likely to need permission from two agencies, in a triply protected area from three agencies and so on, thus extending the time involved in making application and, perhaps, reducing the chances of success.

It is in this context that Parks Canada's proposals for the establishment of approximately 27,000 square miles of wilderness park should be viewed.

Also, as an illuminatory footnote, it is interesting to note that, in the N.W.T., urban development activity is only permissible in areas designated as "Commissioner's Lands". In all, 1,134 square miles have been transferred under the Block Land Transfer program to administration and control by GNWT as "Commissioner's Lands". The program, introduced in 1970, was suspended indefinitely in 1978, being replaced by the Interim Revised Land Transfer Policy, which only envisages transfer in urgent circumstances created by rapid urban expansion.

The eleven hundred square miles of land in the N.W.T. controlled by the Government of the N.W.T. stands in marked contrast to the holdings of such landlords as COPE (37,000 square miles in fee simple), or Parks Canada (41,000 square miles anticipated).

IV. THE NORTHWEST TERRITORIES PARKS SYSTEM

A. LEGISLATIVE BASE

On January 24th, 1973 at the First Session of the N.W.T. Council, Mr. Butters put forward a motion calling for the establishment of territorial parks in the Northwest Territories.

The debate on the motion makes it clear that, in part, interest in the establishment of territorial parks on the part of Council members was stimulated by the activities of the International Biological Program.

Misgivings were expressed that the activities of conservationists in N.W.T. were becoming excessive.

Councillor Searle commented as follows:

"I have serious reservations about the so-called good intentions of the southern conservationists who, I firmly believe, if they had their way, would have the whole of the territories as one big park. They would just have different boundaries, but they would all meet and we would just go from one to the other."

Councillor Searle went on to say that he would like to see territorial parks embrace the multi-use approach, permitting some degree of industry and development within their boundaries.

He expressed the hope that parks operated by G.N.W.T. would be managed "... in a more intelligent way considering and balancing the needs of the people. The needs of the

people. You know, is that not interesting - the needs of the people - as well as of the birds and the fish"

This viewpoint seemed to express the pervading outlook of council members. The motion was passed unanimously.

Subsequently, at the Full Session for Council in the same year, consideration was given to a new Territorial Park Ordinance.

In the debate Air Marshall Campbell raised a significant point asking:

"... how effective can an ordinance be, introduced by the Northwest Territories Council should we do so, over the controlled lands that we do not control ..?"

The Deputy Commissioner in reply stated that although it was true that the establishment of territorial parks would necessarily be contingent upon ministerial permission, there was reason to assume that such permission would be forthcoming, and that the ordinance under consideration was needed so that the Commissioner in Council could name parks progressively.

The Commissioner made it clear that according to his interpretation what was envisaged was the establishment of relatively small parks in areas of particular natural beauty. He cited Bloody Falls, Fury Beach and Alexandra Falls as possible examples.

Subject to certain amendments, the motion was passed.

The text of the ordinance is appended. (See Appendix B.)

The philosophy behind the new ordinance was very much that which underlies the administration of park systems in other parts of Canada by the provincial governments.

The proposal submitted to Council in connection with the Legislation spells out two prime objectives of the program:

1) Recreation and, 2) Economic benefit to be derived via tourism.

Parks would be "... developed to maximize public benefit and enjoyment of Territorial residents. Economic benefits may be expected to accrue directly to residents, to communities, and to the overall economy of the Northwest Territories. The growth of tourism is accelerating and parks are known to have attractive values for tourism"

The proposal indicated several important characteristics of the parks envisaged.

- a) Traditional rights and privileges of the indigenous people to hunt, fish and trap in the parks would not be impeded.
- b) The development potential of renewable and non-renewable resources of prospective park sites would be assessed prior to delimitation and designation. Care would be taken not to include areas favourable for mineral exploitation.
- c) Zoning would be introduced where necessary to permit renewable resource developments "incorporating accepted resource management practices and ... subject to legislation regulating resource use."

Care would be taken in selecting sites to avoid potential "exploitation-recreation" conflicts.

- d) Selected sites should not only be attractive from a recreational viewpoint, but also "be suitable for the development of accommodation and related visitor services".
- e) Park sites "should have reasonable access in relation to the potential demand for recreation areas by population centres".
- f) Public hearings would be held prior to designation of any major park.

A four-tiered system was envisaged in connection with the new parks ordinance. Parks would be of the following four categories:

a) Natural Environment Recreation Parks

These would be selected from relatively untouched areas suited to "the more passive types of outdoor recreation activities". This apparently was intended to signify those activities demanding minimal environmental modification, e.g. canoeing, back-packing, fishing.

No internal roads would be built, although access roads would be provided. No permanent dwellings or business establishments would be permitted in these parks.

b) Specialized Outdoor Recreation Parks

These were to be selected from sites relatively accessible to major communities, and suitable to "the more active types of recreation pursuits", power boating, water skiing, etc. Construction of ample access and internal roads,

together with mooring and docking facilities were envisaged in these parks, as would be permanent visitor accommodation facilities and visitor services.

c) Highway and Wayside Parks

These would be much smaller facilities of the day-use picnic site type, and the overnight camping ground type.

They would be sited in particularly scenic spots and provide minor facilities such as boat launch areas that would tend to enhance the travel experience.

d) Community Parks

These were envisaged as being similar in size and nature to Highway and Wayside Parks, but developed for the benefit of specific communities in consultation with those communities.

After the preliminary stages of development were undertaken by the Territorial Government, arrangements would be negotiated between G.N.W.T. and the community involved for the community to assume responsibility for full development and management.

The formation of a Territorial Parks Committee was also envisaged which would serve to advise the Commissioner regarding the selection and delimitation of prospective parks sites and on management policy. The Committee would include membership from G.N.W.T., the native associations and the

Department of Indian and Northern Affairs.

B. EXISTING TERRITORIAL PARKS SYSTEM AND ITS FAILURE TO EXPAND

Generally speaking, it would be fair to say that the expectations of the 1974 Territorial Parks Ordinance have not been fulfilled.

The Parks Committee has not met. No parks in the first two categories have been established. In practice the existing Territorial Parks system consists of a number of small picnic sites and overnight camping grounds, seldom exceeding 100 acres in size.

In 1974 there were 26 sites, all of the Wayside Park or Community Park categories, comprising a total of 1,490 acres (2.3 square miles). By 1977 this had grown to 36 sites comprising 7,185 acres (11.2 square miles). However, only 26 sites totalling 4,623 acres (7.2 square miles) were possessed of developed facilities, the remainder had been either discontinued or were in the early stages of development. Of the 4,623 acres, two parks together, Reid Lake (2,680 acres) and Whittaker Falls (882 acres) accounted for the major part of the total area (3,562 acres). The remaining 24 park sites comprised a total of 1,061 acres (1.6 square miles).

There is also the Norah Michener Wilderness Park in the

Mackenzie Mountains, which, in fact, is administered by the Game Division rather than by the Parks Administration. This relatively inaccessible area on the N.W.T.-Yukon border comprises 5 square miles.

Total expenditure on the system was \$159,000 in 1975-6, \$116,000 in 1976-7, and is projected at \$118,000 in 1977-8.

Although the existing system of Territorial Parks is small in extent and in terms of budget, it provides a very acceptable level of facility in most of the sites for which it is responsible. Comprising, in effective terms, about 7 square miles, there is little doubt that it provides recreation for very many more northerners and tourists than does the present 13,780 square miles of Parks Canada sites in N.W.T., in "people" terms no small achievement.

Why has the system not expanded along the lines envisaged in the 1974 Territorial Parks Ordinance?

The basic reason for this lack of expansion is to be found in the complex and somewhat confused situation as regards land use policy in N.W.T. created primarily by two potent factors, namely, the emergence of a strong environmental conservationist lobby and the non-settlement of land claims.

The inhibitory effect of these two factors has, for the most part, not been direct. For example, there has been no conservationist outcry against proposals to establish any large territorial parks. No such proposals have emerged. On the other hand, the current or pending designation of so many vast tracts of land within N.W.T. in connection with

one conservationist program or another has made it difficult to locate attractive sites not already subject to designation. Also, it is possible that certain provisions of the 1974 Ordinance e.g. the proviso that sites should be assessed for mineral potential prior to designation, that zoning for renewable resource utilisation might be permitted, the accent on provision of recreation facilities and so on, would arouse the ire of the conservationist lobby in southern Canada.

The effect of the land claims issue has been somewhat more direct. For example, the Ordinance calls for the establishment of a Territorial Parks Committee and stipulates that membership should include one representative each from the IENWT, the NANWT and ITC. These organisations, as a matter of policy, are opposed to the designation of large tracts of land for any purpose whatsoever prior to and not closely involved with a settlement of land claims. They have not accepted invitations to attend meetings of the Committee and as the Committee has a statutory role to play in establishment of new parks, this has had a negative effect.

The most straightforward means of establishing Territorial Parks is, or would have been, for G.N.W.T. to acquire the land required from the Federal department as "Commissioner's Land", under the pre-existing Block Land Transfer program. This policy was put into abeyance because of the non-settlement of land claims. In March,

1978 the BLT program was superseded by an Interim Block Land Transfer Program, envisaging only the transfer of small parcels of land to meet urgent community needs. The transfer of large tracts for which there were no imminent development plans was not to be countenanced under the new program.

In any case, the inauguration of any new parks in the first two categories identified in the 1974 Ordinance would only be possible with the concurrence of the Federal department.

In 1974 the Department had intimated that it did not envisage any transfer of lands in connection with proposed Territorial Parks purposes. The department stated that, although not opposed to such parks, it intended to retain administration and control of any lands that might be used as Territorial Parks, in the first place, because of the land claims issue, but also because of its responsibilities for the management of non-renewable and renewable resources.

The Department proposed that prospective park lands could be declared as Land Management Zones under the provisions of the Territorial Lands Act, and the surface set aside for parks usage.

This would seem to have presented an acceptable modus operandi. However, DINA stipulated that permissible uses would be worked out on the advice of the Territorial Parks Committee. The Department was at this time in no sense

opposed to the multi-use concept espoused in the 1974 Ordinance and was apparently amenable to consideration of such activities as mineral exploration and timber extraction within territorial parks, subject to appropriate regulation. But such uses would only be considered on recommendations from the Territorial Parks Committee. And, as stated above, in the event, the Parks Committee was never convened.

It is probable that a determined collaborative effort between G.N.W.T. and D.I.N.A. might have overcome this particular road block. Perhaps the reason for the fact that such an effort was not forthcoming is to be found in the relatively high level of additional costs that would have been involved in the establishment of parks in the first two categories mentioned in the Ordinance.

Preliminary research, including biophysical inventories of areas now under consideration by Parks Canada as wilderness parks are estimated as running between \$120,000 and \$140,000. Total development cost of, for example, the Nahanni National Park have been estimated as between 5 and 10 million dollars, with annual operating costs in the region of \$800,000. In Parks Canada's view, costs of establishment and management of "recreation" parks are higher than wilderness parks.

Although the kinds of parks envisaged under the 1974

Territorial Parks Ordinance might be expected to cost less than these figures would indicate, in the context of the total G.N.W.T. budget, particularly during a period of restraint, the factor of cost clearly has represented a problem.

Certainly, Parks Canada might be relied upon for advice and possibly for assistance in the planning phase. However, GNWT's liaison with DINA, in connection with the establishment of new territorial parks, via the Parks Committee, would have been with the Northern Program and not with Parks Canada.

In fact, no role has as yet been envisaged for Parks Canada in the context of the Territorial Parks Program. This in itself might well, to some extent, also have operated as an impediment to furtherence of the program.

All these particular considerations have certainly played a part in preventing the provisions of the 1974 Ordinance being realised.

In more general terms, as stated, what has deferred action has been an understandable reluctance on the part of the Federal Department and on the part of the Government of N.W.T. to provoke further exacerbation of the generally tense and sensitive situation in N.W.T. with regard to all land related issues that has been produced by the long pending, long unsettled land claims and, to a somewhat lesser extent by the vociferous and powerful conservationist lobby.

V. IMPLICATIONS OF PARKS CANADA'S CURRENT INITIATIVES IN THE
NORTHWEST TERRITORIES

A. POSITIVE EFFECTS

1. Environmental and Recreational

As noted earlier, there are elements of ambiguity in Parks Canada's legislative mandate. It is charged with responsibilities in two areas, environmental conservation and recreation. Although in the early years of the century these responsibilities might have seemed to be reconcilable, in recent years they have increasingly shown elements of incompatibility.

The manner in which the mandate is to be implemented is a matter of interpretation.

Since the growth in the provinces of provincial parks systems which have stressed the provision of recreational facilities, it has been possible for Parks Canada to emphasize the conservationist aspect of its mandate, and thus present most Canadians with a range of choice between recreational type parks and conservationist type parks.

In the last decade a succession of Ministers and their

senior officials have progressively made conservation the basic philosophy of Parks Canada. Recreation has correspondingly been assigned a somewhat lesser priority in the operational goals of the Parks Branch.

According to this entirely legitimate and reasonable interpretation of its mandate, Parks Canada has established, thus far, three parks in N.W.T. which will preserve against encroachment or despoilation areas of picturesque natural beauty which are unique as examples of northern ecosystems.

Apart from the aesthetic aspect, these parks provide a setting for rugged outdoor recreation - canoeing and back-packing - that has increasing appeal for some Canadians and visitors from overseas. They provide opportunities for geologists, botanists and zoologists and other scientists to study natural phenomena of various types, and also serve as a sort of protected genetic reserve where wild species of plant and wildlife can continue to thrive without interruption or depredation.

In the North, as elsewhere in Canada, Parks Canada is implementing the current interpretation of its mandate with exemplary professionalism.

2. Economic

Establishment of the four major wilderness parks now under consideration is likely to involve Parks Canada in considerable

expenditures. Preliminary research including biophysical inventories is estimated as running between \$120,000 and \$140,000 per park - say at an average of \$130,000 per park a total of \$520,000. The office established in Yellowknife is estimated as involving a cost of \$400,000 over the two year period of the consultation process.

Thus total "pre-establishment" costs of the four parks and the Pingo Landmark to be located at Tuktoyaktuk should run in the area of \$1 million.

Parks Canada expects total capital costs of developing the Nahanni site as between \$5 and \$10 million - say \$7.5 million, i.e. about \$4,100 per square mile. If we assume half this level of expenditure on the wilderness parks proposed then total capital costs of developing the four major sites would be about \$56 million, calculated on a per square mile basis. If capital costs of the wilderness parks were to run at one quarter of development costs for the Nahanni Park, then capital costs of developing the new parks would be \$28 million.

Parks Canada estimates annual operating costs of the Nahanni Park as running at the level of approximately \$800,000 with an estimated cost at Auyyittuq of approximately \$200,000. The latter lower level involves a per square mile cost of approximately \$24 per annum. On this basis the total operating costs for the four major new parks would be approximately \$660,000 annually. Even if development costs were spread out over a ten year period and assuming they were

one quarter of the level involved in Nahanni, then total expenditures by Parks Canada in relation to the four new major parks would be approximately \$1 million pre-establishment costs, plus thereafter over a ten year period for development and operation costs of about \$3.5 million. Subsequent operating costs would continue at the \$660,000 level.

Relative to the N.W.T. economy these are very substantial sums of money. Economic impact in N.W.T. of these expenditures would, however, depend on what proportion of the total was spent in N.W.T.

Preliminary research, for example, has very little impact. 60% of expenditures on this activity is on research contracts, 40% on staff salaries and travel.

On the other hand, staff salaries, full time and seasonal would have a direct impact. These might be estimated as running at an annual level of approximately \$300,000, about half of total operating costs.

Capital development costs would have an impact in N.W.T. to the extent that contracts were awarded to N.W.T. operators and the degree to which N.W.T. workers were employed on them.⁽¹⁾

The tourist effect of the new parks in N.W.T. is difficult to assess. For one thing, the parks would not be intended as tourist attractions per se. On the other hand some level of visitation could be expected. Auyuittuq has attracted

⁽¹⁾For example, currently about \$300,000 per annum is being spent on helicopter charter in the Nahanni National Park. From the N.W.T. viewpoint, it is highly desirable that such contracts are awarded to N.W.T. companies.

approximately 1,500 registered visitors per year in its first years, although only about 400 of these have actually entered the park itself. As a very rough estimate, if the five sites including the Pingo Landmark were to attract a similar number of visitors who might be expected to stay, say, two weeks, spending an average \$50 a day, then expenditures in N.W.T. might be of the order of \$5 million annually.

Considering all the above factors and subject to certain assumptions that necessarily must be conjectural, namely that approximately a quarter of development costs would have impact on the N.W.T., that total staff would build up to an eventual 40 persons and that tourist expenditure would build up to about \$5 million annually, one could expect that the whole program might be expected to have the following approximate impacts on N.W.T:

- a) for the first 2 years \$200,000 annually.
- b) during the development phase an initial \$1.8 million building to \$6 million.
- c) after the development phase \$5.8 million.

Because these estimates are based on assumptions that can only be conjectural, they should be taken as indicating orders of magnitude rather than precise sums.

3. Social

Apart from the beneficial social side effects of direct employment for native people - perhaps an eventual 40 or so

on a seasonal basis - there would be little social impact from the new program.

The parks would be located in relatively isolated areas of N.W.T. The flow of visitors would not be excessive and by definition could be expected to spend most of their time away from centers of population.

Perhaps the most attractive aspect of the social impact of the new program, from the point of view of the native people particularly, is that it would be minimal. It would, if we are to accept current Parks Canada policy pronouncements, in no way disturb existing hunting, fishing and trapping activities. From the standpoint of many native people this might be an attractive feature of the new program and would compare favourably with "competitive" land uses such as mineral and oil and gas exploration and extraction.

B. NEGATIVE ASPECTS

1. Economic

One of the central features of Parks Canada's policy is that in areas designated as National Parks, mineral exploration and exploitation is totally excluded in perpetuity.

With the establishment of the four major new wilderness parks under consideration an area of approximately 41,000 square miles in N.W.T. would be national park lands. Not only would mineral exploration and exploitation be impossible

therein, but the siting of the parks might effectively preclude mineral extraction activities in large areas outside the actual boundaries.

This last consideration is particularly relevant with regard to Wager Bay and Bathurst Inlet. The Wager Bay site would be likely to obstruct construction of a pipeline to move natural gas from the polar islands to southern markets. The Bathurst Inlet site is in the area of the only deep water port site on that stretch of Arctic coast. If construction of such a port is precluded, movement of minerals from a very large and potentially productive area inland would be ruled out.

In the Northwest Territories the mining industry is of crucial importance. In fact, it represents the only economic activity of any importance in which N.W.T. enjoys some real degree of comparative advantage. All other primary and secondary industry is marginal and only feasible given an element of subsidization - with the exception of, perhaps, fur trapping and some native arts and crafts production.

Out of a total work force of approximately 17,000 the mining industry employs 2,000 people on a full time basis and another 1,000 on a part time basis.

Only about 60 people find employment in arts and crafts production and about 40 earn more than \$8,000 from trapping.

The service and retail sector in N.W.T. relies entirely

on the mineral, oil and gas industries and on government. Government certainly performs some useful functions, but it absorbs revenue rather than creates it. It does not create wealth and the workers it employs can only be paid on the basis of productivity in other sectors.

The mining, oil and gas industries are by far the most important generators of real economic activity in the Northwest Territories. Second place is held by tourism.

Without them government would have virtually no revenue whatever, except that derived from the sale of liquor, and would be entirely reliant upon outside subsidy.

Unemployment in N.W.T. currently is in excess of 30%. Without an active mineral sector it would reach a socially pathological level at which civil disorder might become a very real possibility.

Any activity which curtails or limits mining and oil and gas exploration and extraction in N.W.T. poses a much more potent threat to the whole economy of the territories than it would in the provinces, where these industries represent only one element in what are far more diverse economies.

In fairness, it must be recognized that Parks Canada, if its current plans were to be realised, would only preclude mineral activity in about 40,000 square miles of the N.W.T.'s total area of 1.3 million square miles. It might have a negative effect on a wider area than this, but still would

affect only a portion of N.W.T.'s total area.

However, Parks Canada's plans represent but one component in an overall thrust by various federal authorities, which has had the effect of precluding or strongly inhibiting development activity of any kind in a very much larger area.

It would be an exaggeration to say the Parks Canada's plans represent, in themselves, any grave threat to the N.W.T. economy, but it is part of a composite conservationist thrust mounted by the federal government that represents a very real threat indeed.

Beneficial economic effects of Parks Canada's operations would only partially ameliorate this threat.

2. Social and Political

Negative social and political effects of Parks Canada's plans would be derived from the economic repercussions of the total conservationist thrust just mentioned.

To the extent that productive economic activity is inhibited in N.W.T. unemployment will increase and family incomes will decrease. The social effects of unemployment and poverty are too well known to warrant enumeration here.

Unless employment opportunities are created in large numbers, a generation of educated young northerners will be

leaving the schools only for a high proportion of them to find that if they wish to work they must emigrate to the south and that if they remain in the north they must become reconciled to a lifetime of reliance upon welfare and other forms of subsidy.

Political advancement in the N.W.T. in the direction of provincial status will only prove possible on the basis of increased revenues to government based on economic activity in the north itself. And this means a growing and productive mineral sector.

Any brake on mineral exploration and extraction in the N.W.T., therefore, can only operate as a contributory impediment to the process of political maturation.

3. A Lopsided Parks System

The vast majority of Canadians living in the provinces have access to two parks systems, a system of National Parks managed by Parks Canada and another system managed by the provincial governments.

The National Parks are primarily concerned with preservation of the national natural and cultural heritage; the provincial parks focus more predominantly on the provision of outdoor recreation facilities.

The total system, in which the national and provincial

systems complement each other, provides a fully developed spectrum of outdoors experience from which the prospective parks visitor may chose.

This balanced breadth of choice will not be available to Canadians living in N.W.T. If Parks Canada's plans are realised there will be a National Parks system of pristine wilderness areas, comprising 41,000 square miles and a Territorial system comprising about 7 square miles, devoted primarily to outdoor recreation.

A relevant question in this context is who will be the users of the new wilderness parks. Studies have demonstrated that the majority of those interested in the wilderness experience are urban dwellers, highly educated and therefore high earning.

One could anticipate, therefore, that the majority of those who would visit the new Northern Wilderness Parks would be relatively educated, relatively wealthy urban dwellers from Ontario and Quebec.

Canadians in Ontario are also faced with an imbalance in the total system of parks available to them. Ontario has only 737 square miles of national park compared with 16,000 square miles of provincial park in which development activity is under certain circumstances permissible. Quebec has only 257 square miles of national park compared with 75,000 square miles of provincial park in which there is no total embargo on development activity.

The very small areas devoted to conservation-oriented national parks in these two wealthy provinces pose small impediment to continuing exploitation of natural resources within their boundaries. Within easy access to major urban centres there are provincial outdoors-recreation oriented parks should they choose to visit them. Should they wish to go further afield, there are 41,000 square miles of totally protected wilderness preserved in the Northwest Territories.

Those suffering any degree of economic disadvantage from the establishment of the new wilderness parks will be Canadians living in N.W.T., while the majority of users will be from the central Canadian provinces. This inequity is underscored by the consideration that while Territories dwellers have a total of 7 square miles of recreation parks available to them, Canadians in the central provinces have access to a total of 91,000 square miles of recreational provincial parks.

VI. CONCLUSIONS

A. GOALS

In the light of the kind of inequities just considered, the central goal of parks policy in the Northwest Territories must be to provide northerners with a total range of parks and parks facilities which offers to them and also to tourists equivalent satisfactions and outdoor recreational opportunities as are enjoyed by Canadians living in the provinces.

This balanced total system, therefore, should include the following:

1. Primarily for purposes of outdoor recreation.

- a) Relatively large areas of scenic countryside particularly suitable for outdoor recreation of various kinds. Management of these areas would focus on the provision of access roads and trails, docking and mooring facilities and regulation of recreational activities in so far as these might disturb other users.

These areas would be located within reasonable distance of major population centers and with ready means of access. They would comprise either blocks of land, or, where appropriate, for example in relation to recreational river parks, linear areas.

- b) Relatively small areas off highways or waterways on sites of particular beauty or interest, or

near to communities to be used as day use picnic sites or overnight camping sites. Facilities provided would be for those kinds of usage. They would include picnic tables, hardpads for vehicles, toilets, barbecue facilities and running water, etc.

Wherever possible a prime management role should be undertaken by local communities.

2. Primarily for purposes of preservation and conservation.

a) Small areas identified as being of historical significance - either national or territorial. Buildings or other aspects of the scene important in the historical connection would be preserved or restored. Interpretive markers and information would be provided as would traveller facilities of the picnic site type, which would not clash with the prime purpose of the area.

b) Areas of wilderness set aside as preserves where the balance of nature is undisturbed and can be enjoyed in its pristine integrity by those willing and hardy enough to travel through the area on foot or by canoe. For practical purposes the only kind of recreational activity would be backpacking, canoeing and fishing.

The areas could be blocks of land or, in relation to such possibilities as wild rivers, or heritage rivers, linear areas.

Selection would be effected according to criteria reflecting a nationally representative classification of natural regions or rivers.

Ease of access would not be relevant criteria for selection.

c) Smaller areas of scenic countryside set aside for the more rugged kind of outdoor recreation demanding little in the way of facilities within fairly easy access of major communities.

These would be selected to reflect a territorially representative classification of natural regions.

The means taken to achieve these goals should be framed subject to two important provisos:

1. There should be no disturbance of traditional native hunting, fishing or trapping pursuits.
2. Establishment or operation of the system should involve no impairment or prospective impairment of economic development in N.W.T., but rather should be planned in such a way as to support and further economic development.

B. RELEVANT BACKGROUND CONSIDERATIONS

In shaping a policy to achieve the goals identified and subject to the two important provisos mentioned, certain critical factors must be considered:

1. The existing and planned operations of Parks Canada are likely to provide an abundance of large wilderness areas. It would be redundant for GNWT to expend funds in the identification and establishment of further similar areas. Nevertheless neither Territorial nor Federal systems provides small areas of open wilderness within easy access of major settlements.
2. The existing Parks System in the Northwest Territories lacks any large outdoor recreational parks. Parks Canada is not in the business of providing this sort of facility. Provisions exist in the present Territorial Parks Ordinance for the establishment of this sort of park, but, for various reasons cited above, have not been implemented.
3. There is also no program for the establishing either territorial historical sites or for the setting up territorial historical markers.

4. There is no existing administrative mechanism to co-ordinate the operations of the N.W.T. parks system and the Parks Canada parks system. If the two are to complement each other to provide an integrated total parks system it would be essential to set up some such mechanism.

5. Because the N.W.T. economy is almost totally reliant on the extractive industries; and because progressive multiplication and extension of conservationist land management regimes in N.W.T. operates as a very strong impediment to activity in those industries, there is a critical need to modify rather than augment the rigour and extent of such regimes.

6. There are several important constraints of G.N.W.T.'s freedom of action to move towards the kinds of goals identified which do not exist in the provinces.
 - a) Unlike the provinces, N.W.T. does not have jurisdiction over land. Any plans made by G.N.W.T. regarding the disposition of land must, one way or another, be approved by the Federal Government.

 - b) G.N.W.T. is not self-supporting in terms of revenue. Any extension of its operations in the parks area must be subject to the approval of the Federal Government. It is also a relevant consideration that, at the present time, and for some time in the future, all government expenditures will be subject to restraint.

 - c) All plans which involve the disposition of land in N.W.T. are presently, to some extent, overshadowed by the issue of unsettled land claims. A very high priority is assigned to the settlement of these claims by the Federal Government.

C. OBJECTIVES OF N.W.T. PARKS POLICY

In order to move toward achievement of the goals listed above and in the light of the background factors just considered the following programming objectives can be identified:

So far as outdoor recreation is concerned:

1. Recreational Parks

The provisions for the establishment of this kind of park in the Parks Ordinance are entirely adequate. The reasons for the non-establishment of such parks are not to be found in the Ordinance, but rather, should be attributed to the sensitivity of all land disposition issues caused by unsettled land claims and the lack of effective administration mechanisms to co-ordinate territorial and federal plans for the disposition of land and regarding patterns of land usage.

Nevertheless the lack of this kind of park in N.W.T. represents the biggest gap in the kind of total park system that is desirable, and is the cause of the major disparity between the level of parks facilities available to northerners and level available to Canadians living in the provinces.

What is needed in this regard is an adequately funded program, time-phased over several years, targeted at establishing relatively near to and with means of access from major centres of population in N.W.T. - Yellowknife, Hay River, Fort Smith, Inuvik and Frobisher Bay - a series of parks of

varying sizes, say, between 100 to 1,000 square miles in extent, primarily aimed at the provision of facilities for a wide range of outdoor recreational pursuits to northerners and to tourists.

This latter consideration is of real economic importance. Tourism is N.W.T.'s second most important industry, and it is these kind of parks, not wilderness parks, that have most appeal to the majority of tourists.

A full inventory of renewable and actual and potential non-renewable resources should be conducted prior to designation and delimitation and public hearings should be held to ensure adequate input from local people.⁽¹⁾ This provision already exists in the N.W.T. Parks Ordinance.

The conduct of inventories and contingency planning should be commenced as soon as is feasible, so that when existing constraints are relaxed implementation need not be unnecessarily delayed. There is a strong likelihood that Parks Canada would be willing to supply assistance in this regard.

The multi-use concept would be basic to the management regime of these parks, and zoning should be introduced to ensure that:

- a) Designated recreational pursuits in zones propinquitous to each other should be compatible.

(1) Preliminary work has already been done. See, for example: "Overview Study of Tourism and Outdoor Recreation" conducted in early '70's for G.N.W.T. Tourism Division by D.M. Baker.

- b) Permitted development activity - e.g. fishery, forestry, agriculture, mineral extraction - should be specially regulated in such a way as not to impair the amenity enjoyed in zones specifically designated for recreation only.
- c) Construction of vacation homes and tourist facilities should be planned and regulated in such a way that they would add to rather than detract from the recreational potential of the park area.

It could be expected that in N.W.T. these parks would be located in areas which would be particularly amenable to water-oriented types of recreation. Provision of facilities for these types of recreation would, therefore, be a key characteristic of the parks.

Several examples of this kind of multi-purpose zoned recreational park could be cited. An extension of the five miles of road from Hay River along the south shore of Great Slave Lake perhaps fifty miles in extent would open an exciting water-oriented recreation area. Boating and sports facilities incorporated into such a park would appeal to northerners and tourists alike, while at the same time, in line with the multi-purpose concept, be of very practical value for the commercial fishermen of Hay River.

A particularly interesting example of what could be done would be the establishment of such a park in the neighbourhood of Campbell Lakes near Inuvik.

The Lake itself has excellent boating and sports fishing potential. The rocky uplands in the vicinity which at various

have been referred to as the Campbell Hills, Dolomite Hills and Rocky Hills contrast markedly with the generally flat nature of the Delta landscape, and offer interesting wilderness camping opportunities.

There are historical connotations as the portage route used by Mackenzie and other early travellers could be incorporated into the park.

From the biological viewpoint the area is of interest as the nesting site of a small population of rare peregrine falcons.

Zoning could be introduced to ensure that while the falcons were given fully adequate protection, boating would be permissible in the western part of the Lake.

The Inuvik town council has an active parks committee and would be in all likelihood pleased to be involved in establishment of the park. Public hearings could ensure local people's participation in delimitation, zoning and management policy at the outset. The Parks Committee could serve as the vehicle for participation on a continuing basis.

The multi-purpose approach could incorporate the establishment of overnight camping and picnic sites managed directly by the community within the zoning scheme of the park.

This kind of park would not only provide varied outdoor recreational opportunities for the people of the Delta, but also for tourists visiting the area.

2. Day Use Picnic Sites and Overnight Campsites

The existing program of establishing and managing small sites of this type - in the Parks Ordinance classified as Highway and Wayside Parks and Community Parks - is a good one and should be continued. The provisions for a growing role by local communities in management of such sites immediately nearby should also be maintained and extended.

3. Recreational River Parks

Most recreational activities in N.W.T. are water-oriented. Little modification would be needed to the existing N.W.T. Parks Ordinance to permit establishment and management of river parks as integral parts of the Territorial Parks system. The perceived need in the Territories would be for recreational river parks.

Parks Canada's plans for Heritage Rivers point in the direction of conservation.

Co-ordinated planning of both kinds of river park entered into between Parks Canada and G.N.W.T. could result in a composite system of river parks both recreational and conservationist with G.N.W.T. exercising management of the total system.

There is reason to expect that Parks Canada would look positively on this option.

So far as preservation and conservation is concerned:

4. Historic Sites and Markers

There is no provision in the N.W.T. Parks Ordinance for either Historic Sites or Historic Markers, and it should be amended accordingly, in such a way as to be congruent with and to incorporate a role for the N.W.T.'s Prince of Wales Museum administration.

What is called for is a modest and inexpensive program focussing on sites and structures of historic interest in the territorial context, e.g. those associated with the journeys of explorers who opened up the Territories, with the early activities of the Hudson Bay Company and the history of the native peoples of the Territories. A positive role in this connection would be anticipated for the administration of the Prince of Wales Museum and the N.W.T. Historic Sites Committee.

Examples might be historic Fort Providence, the old church at Good Hope or the unique stone church at Pelly Bay.

5. Large Wilderness Areas.

Existing National Parks in N.W.T., together with proposed Northern Wilderness Parks very adequately provide for this kind of reserve. Plans for establishment of Wild or Heritage Rivers would augment availability of this kind of facility.

6. Small Accessible Areas for Rugged Outdoor Recreation

It is something of an anomaly that neither Federal or Territorial parks system provides areas of prime wilderness that are open to and accessible to citizens of N.W.T.'s major settlements. There is a real place for these in the N.W.T. Park system, with the emphasis on accessibility and real wilderness "gems". Co-ordination of planning with the G.N.W.T. Wildlife Service would be productive in this regard.

One example might be cited to illustrate the kind of park envisaged here - the Smoking Hills area near Paulatuk. This is a unique scenic area about 200 square miles in extent. Geothermal activity produces steaming hot springs - hence the name. Rich wild life includes moose and barren grounds grizzly.

D. PLANNING STRATEGY

1. An Integrated N.W.T. Land Use Policy

As stated at the beginning of this section the central goal of parks policy must be the setting in place of a total balanced system of parks facilities that would offer an equivalent range of choice to northerners as that enjoyed by Canadians living in the provinces.

This can only be achieved if the opportunities offered by Parks Canada parks and Territorial Parks effectively complement each other. This in turn would necessarily involve the establishment of a joint parks planning process in which Parks Canada and the Government of the N.W.T. directly take part.

A key aspect of this process, from the G.N.W.T. viewpoint, would be to define a joint planning perspective which would assign prime responsibility for the central core areas of national parks to Parks Canada, while at the same time accepting a strategic role for G.N.W.T. in regard to the non-core "buffer" areas.

Although it would be essential to ensure that opportunities available in the various regions of N.W.T. reflected no major disparities, the joint planning process would be aimed at developing a total parks system for N.W.T. as a whole, and should, therefore, be at territorial rather than regional level.

As has emerged very clearly in earlier sections, the generally permissive multi-use concept that once underlay regulation of land use in N.W.T. has, in recent years, been progressively eroded, and, in its place has been established, without overt decision, a piecemeal patchwork of various overlapping restrictive regimes dedicated to the preservation of the wilderness environment, which not only poses a very real threat to the economic survival of the N.W.T., but also is inimical to the recreational use of land.

If joint G.N.W.T. - Parks co-ordination with regard to the establishment of a total parks system in N.W.T. is to be effective, therefore, it should, ideally, take place within a consultatory framework which would involve input and commitments from other governmental agencies concerned with patterns of land use and from the various public groups and economic interests in the North that also have a vital interest in land use.

The goal of this consultatory and co-ordinative process would be nothing less than the evolution of an integrated and balanced land use plan for the whole of the Northwest Territories which would reconcile the various uses to which land might be dedicated, municipal, recreational, mineral development, transport, wildlife preservation, and wilderness conservation, and renewable resource utilisation.

The implications of this kind of integrated land use planning would go far beyond the process of parks planning and would have positive effects in many other key areas.

It would be important that this process should only involve agencies and interests which are specifically northern, and that participation should not from the outset be obviously weighted in the direction of some particular group or interest.

For example, were it decided to expand the existing Federal Territorial Lands Advisory Committee or supersede it by a new N.W.T. Land Use Policy Co-ordinative Committee, advisory to the

Minister, then governmental agencies to be represented should include as well as G.N.W.T.⁽¹⁾ and Parks Canada, the Northern Program of DINA, the Department of Energy, Mines and Resources and the Canadian Wildlife Service. Non-government groups should include representation from Hunters and Trappers Associations and the Federation of Arctic Co-operatives, and also representation from the N.W.T. Chamber of Commerce, the N.W.T. Association of Municipalities, the N.W.T. Chamber of Mines, and the N.W.T. Tourist Association.

All these agencies and groups have an interest in the N.W.T. as a whole, and since the goal of the process would be to evolve a total N.W.T. land use strategy their participation would be appropriate.

The perspective of the kind of body envisaged here would be wider than that of the Federal Territorial Lands Advisory Committee which is, in fact, preoccupied in the main with urban related issues.

Participation by such groups as COPE, ITC, IBNWT and MANWT might not be essential in this context.

In the first place, these organisations have interests that are primarily regional.

(1) G.N.W.T. representation should incorporate input not only from the Territorial Parks Administration, but from the Lands and Planning Division, the administration of the Prince of Wales Museum and the Wildlife Service. Participation of this last agency might aid in minimising such problems as the polar bear-visitor conflicts that may be anticipated in Wager Bay, which as well as being a picturesque area is also a critical denning area for polar bears.

Also, if the COPE agreement can be regarded as to some degree "the shape of things to come", they will be closely involved at the regional level in land use policy issues via membership in Land Use Management Commissions or some similar body, in which their viewpoint will, by nature of the Commission's structure, be assigned considerable weight.

Moreover, it must be remembered, that the present attenuated nature of the Territorial Parks system can, to a considerable extent, be attributed to the refusal of these particular groups to participate in the Territorial Parks Committee.

The premium option might be for an invitation to be extended to the native associations to participate in the kind of co-ordinative process envisaged, with the proviso that a disinclination on their part to participate should not be regarded as justification for not instituting the process. The same proviso should hold with regard to invitations extended to all non-governmental groups.

The operation of the Western Arctic Region Land Use Management Commission and other similar bodies that might later be formed in other regions would clearly be of relevance to the work of the committee envisaged.

In the first place, the Commission has established a very interesting precedent in that, as an advisory body on land use policy issues, it draws membership from governments and non-governmental groups.

Also, such Commissions, being essentially regional in nature, might be considered in some senses, as closer to the perceived needs and aspirations of people living in the regions, and thus, at the interface, could provide invaluable inputs for the consideration of the territory-wide body.

On the other hand, the necessarily narrow public membership base of such Commissions might restrict the representativeness of the advice they would offer the Minister.

This shortcoming could, of course, be offset and corrected by virtue of the more balanced and more widely representative base of the kind of N.W.T. Land Use Policy Co-ordinative Committee envisaged.

Finally, of course, it would be the prerogative of the Minister in the light of advice from this committee and in the light of advice from such regionally oriented bodies as the Land Use Management Commission to delineate an integrated land use policy for the Northwest Territories which would accommodate and reconcile all interests, recreational, developmental and conservationist.

2. Planning for a Territorial Parks System

Ideally it would be within the context of this integrated land use policy that a plan for future development of a Territorial Parks system could most productively and realistically be framed.

It is not envisaged that this should involve any interruption in the present level of operations of the existing program which, while the total plan is being put together, would continue to manage and extend where warranted, the current system of wayside parks. Nor, during this phase, would there be any reason to amend the 1974 Territorial Parks Ordinance.

An essential component of the co-ordinative land management process envisaged would be a direct partnership in planning between G.N.W.T. and Parks Canada. Establishment of this relationship should not be delayed until the total process is in place. But once that partnership was a functioning reality both partners should work jointly to expand the joint parks planning exercise into the fully developed multi-agency co-ordinative land management process of which the N.W.T. stands in such need.

The main point in establishing an integrated land use policy for N.W.T. would be to move away from the present situation where various concerned agencies have formulated, from their own special and limited perspectives, land use regulation regimes, which not only overlap but have had the net effect of impeding and limiting valid and essential types of land usage.

The Territorial Parks administration would be but one of the agencies concerned with the framing of the integrated land

use policy and, if a new plan for the development of a fully rounded Territorial Parks system is to be implemented effectively, it must necessarily be developed within the overall context of the integrated land use policy.

But, as mentioned earlier, this does not mean that contingency planning cannot proceed prior to establishment of the wider scale, fully co-ordinative planning process.

It would be extremely useful were the plan not only to reflect the main elements of the integrated land use policy, but were it also to incorporate the thinking of the N.W.T. Legislative Assembly. Were, therefore, the Legislative Assembly to form a Parks Committee, and were this Committee to be involved in formulation of the plan, there would be increased assurance, not only of acceptance of the plan by the Legislative Assembly, but of the degree to which it would express the expectations and aspirations of the people of the N.W.T.

Were this course to be followed, the plan would be presented for consideration by the Legislative Assembly, and in the light of the thoughts expressed by the Assembly, amendments to the existing Ordinance that might be needed could be drafted for approval by the Assembly.

E. SUMMARY AND RECOMMENDATIONS

1. The Present Study

The preparation of this study has been occasioned by the striking resurgence of interest recently displayed by Parks Canada in extending the scale of its operations in N.W.T. To some extent, therefore, it may be regarded as part of a response by G.N.W.T. to Parks Canada initiatives.

At the same time it is more than that. It focusses attention on an area of G.N.W.T. activities which, apart from Parks Canada plans, has, for various reasons, been neglected. N.W.T. has a unit of government dedicated to the establishment and management of a Territorial Parks system. It has an adequate legislative instrument in the Territorial Parks Ordinance. However, for practical purposes N.W.T. has at present only the vestiges of a parks system. This in itself is sufficient grounds for concern whatever Parks Canada's plans may be.

This study has, by intention, been limited to consideration of the underlying issues which must serve as the basis for any policy subsequently to be adopted by G.N.W.T. in relation to parks.

The study has examined in some detail the present operations of Parks Canada, particularly in N.W.T., and the plans of that agency to augment the scope of its activities in N.W.T.

It has reviewed the context of other land regulatory regimes within which Parks Canada's plans must be assessed. This review indicates very clearly that the totality of these regimes, of which Parks Canada's activities are a part, constitute a real threat to economic development in N.W.T.

The study has also examined the scope and operation of the N.W.T.'s small existing system of Territorial Parks.

It has proposed a central goal for future territorial parks policy and a set of objectives which, if realised, would achieve that goal. It has outlined a planning strategy which would serve as the framework for the realisation of the objectives proposed.

It may be appropriate in this closing section to review in capsule form the study's major findings and conclusions, and also to put forward a set of recommendations for action by the Territorial Government.

2. Parks Canada's Operations in N.W.T. and Future Plans

At present Parks Canada operates three National Parks in N.W.T. The management regime in these parks is directed

towards two goals, the provision of outdoor recreation opportunities and environmental conservation. The latter goal is given a very much higher priority than the former.

The total extent of these existing parks is about 14,000 square miles.

Parks Canada proposes within the next two or three years to establish a further five parks, comprising approximately 27,000 square miles, for a total of approximately 41,000 square miles. These would be Northern Wilderness Parks. The management regime would be more strictly conservationist than that pertaining in existing national parks.

Parks Canada also plans the establishment of a National Land Mark at the Pingo site near Inuvik, about five square miles in extent, and is also manifesting considerable interest in designating the Coppermine and part of the Thelon as Heritage Rivers.

In a more long term - perhaps within ten years - perspective Parks Canada envisages the establishment of a further six or so Northern Wilderness Parks.

The estimate cited in the text is that finally Parks Canada would manage 5.7% of N.W.T.'s total area, i.e. 76,000 square miles. Recently Mr. Davidson, Assistant Deputy Minister of Parks Canada, stated before the N.W.T. Council that a lower estimate would be in line, i.e. 5% of N.W.T. total area, or 65,000 square miles.

By way of resume, then:

Parks Canada's Present operations	14,000	sq. miles
Proposed National Wilderness Parks	27,000	" "
Envisaged further parks	<u>24,000</u>	" " *
Total	65,000	sq. miles*

(Plus Pingo National Landmark (5 square miles)
and an indeterminate possible area in relation
to Coppermine and Thelon Heritage Rivers.)

It is relevant to note that the total extent of all National Parks operated by Parks Canada in all Canada is approximately 50,000 square miles.

3. Other Restrictive Land Regulatory Regimes

Attention has been given to these regimes because from a policy viewpoint it would be highly misleading to regard Parks Canada's plans in isolation.

Parks Canada's plans constitute but one of several restrictive regulatory regimes appertaining to land in N.W.T.

The intent underlying these other regimes varies as does their effective restrictive impact. Several share in common the goal of protecting wild life and the natural environment from despoilation.

*Mr. Davidson's estimate.

These are together with their total areas:

Bird Sanctuaries	43,000 sq. miles
Game Reserves	48,000 " "
Existing Caribou Protection Areas	200,000 (approx.)
Proposed Caribou Protection Areas	700,000 (approx.)
I.B.P. Ecological Sites	118,000 sq. miles.

It would be misleading to aggregate these areas.

Firstly, the proposed Caribou Protection Areas have not been designated. Only one I.B.P. Ecological Site has been designated. On the other hand DINA has announced a clear intention to designate these further Caribou Protection Areas. Also, the COPE settlement has resulted in de facto designation of all IBP sites in the area concerned which may well point to eventual designation of all other such sites contingent upon settlement of outstanding native land claims.

Another reason for not aggregating the areas affected is that many of them overlap.

But, as indicated in the text above, areas of overlap because they are, or may be, subject to more than one level of protection, are, or would be, more restricted than other areas.

Nevertheless, in aggregate or considered severally these areas involve enormous areas of land surface.

Native land claims are also a factor which must be considered in this context.

If eventual settlement with other native groups were to follow the general pattern of the COPE settlement on a per

capita basis, then 440,000 square miles of N.W.T.'s land surface would be owned by native groups in fee simple, of which 55,000 square miles would involve enjoyment of sub-surface as well as surface rights.

Two other areas should be noted. Because of protests by native people 30,000 square miles in the region of Baker Lake and 3,000 square miles on Somerset Island are currently under a level of restriction.

4. Implications of Existing and Proposed Restrictive Regimes

As has been made adequately clear in the text, the composite effect of this complex of existing and proposed restrictive land regulatory regimes is to serve as a severe impediment to economic growth in N.W.T.

The only chance of attaining a level of economic activity in N.W.T. which could, without continuing subsidy, underwrite social development, political maturation and a standard of living in any way comparable to that of Southern Canada, lies in development of the Territories' mineral, oil and gas industry.

Extension of the vast area already affected by conservationist regimes which, in varying degrees, operate as impediments to that kind of development, indeed, even maintenance at its present excessive level, can only be at the cost of slowing economic growth in N.W.T.

This consideration must constitute a salient aspect of G.N.W.T. policy in relation to all issues involving the disposition of land, which includes Parks Canada's present initiatives.

5. Viewpoint of N.W.T. Council, Policy Constraints and Opportunities

Recent debate and consideration by Council of Parks Canada's plans for N.W.T. brought forth a striking level of unanimity.

Council generally rejected what Parks Canada proposed, for the reasons that have been cited.

Were the Territories in the same constitutional position as the Provinces this rejection would determine the issue.

However, the reality of the situation is that whatever may be the views of Council, the Federal Government via the agency of the Department of Indian Affairs and Northern Development which is responsible for Parks Canada, controls the disposition of all land in N.W.T.

Although Parks Canada is obliged to consult with local people prior to setting aside land as a parks reserve, as matters stand it has no obligation to consult with the Territorial Government.

This places G.N.W.T. in an underlying position of little strength.

Nevertheless, it would be both unfair and inaccurate to characterize Parks Canada as inflexible and dictatorial. In fact, it is very unlikely that Parks Canada would choose to ride roughshod over the clearly expressed wishes of Council. On the contrary, Mr. Davidson in his recent meeting with Council displayed an attitude which was open, facilitative and conciliatory.

In point of fact Council's recent rejection of Parks Canada's proposals should perhaps be interpreted not so much as a long term commitment to a position of outright opposition, but rather as the statement of a preliminary negotiating position.

N.W.T. goals in relation to parks policy and Parks Canada's goals have much in common.

Council shares with Parks Canada a deep concern for preservation of the Northern environment.

Also Council desires to see in place the kind of total parks system proposed earlier, the kind of parks system dedicated to recreational as well as to conservationist goals. There is ample evidence that Parks Canada shares this desire.

Because of these considerations and also because of the constitutional constraints mentioned above, it would be appropriate for Council and for G.N.W.T., rather than adopting a negative stance with regard to recent Parks Canada's initiatives, to treat these initiatives as an opportunity to work with Parks Canada toward the achievement of two desirable policy goals:

- a) Establishment of an adequate system of recreationally oriented Territorial Parks which in complementarity with National Parks would offer to Northerners and to tourists a fully rounded total parks system of the kind to be found in the provinces.
- b) A joint process of co-ordinative land management which, in the first place, would untangle the confusion of restrictive land regulation regimes currently threatening economic growth in N.W.T., and, eventually, could serve to reduce the amount of land subject to this kind of restrictive regulation.

6. Recommendations

In order to achieve the goals and objectives outlined above and in line with the planning strategy proposed, the Government of N.W.T. should, as soon as is administratively feasible, take the following initiatives:

- a) Following on the election of a new N.W.T. Council, G.N.W.T. should suggest the creation of a committee of Council to be concerned with Parks and Lands.

It would be appropriate that this Committee should be chaired by the Member serving as Minister of the G.N.W.T. Department responsible for Parks - currently the Department of Economic Development and Tourism.

This committee would function as an ongoing two-way informational linkage between Council and G.N.W.T. on all matters pertaining to Parks development and land usage and regulation.

The position of G.N.W.T. in relation to other agencies and jurisdictions would be strengthened by continuing Council support. Council, for its part, would be constantly kept in touch with G.N.W.T. thinking in relation to parks and land.

Because the Committee could play a positive consultative role in relation to G.N.W.T. parks and land policies, it could, as it were, "pre-process"

estimates of budget to be allotted to those uses and facilitate acceptance of these estimates by Council as a whole.

- b) G.N.W.T. should take immediate preliminary steps towards establishment, at the working level, of a close and continuing liaison with Parks Canada on all matters pertaining to parks policy and planning.

If indications were positive this liaison might be formalized within the framework of a Joint Parks Committee.

The prime objective of this liaison would be to ensure that, in order to achieve the kind of total N.W.T. parks system desirable, the expansion of Parks Canada's N.W.T. operations and of the N.W.T. Parks system should go forward in parallel and in phase.

The "interlocking" style of parks development that such a liaison could make possible could ensure that the maximum advantages of complementarity were achieved. At the same time joint participation in research, transport could effect both financial economies and improvements in efficiency.

This liaison initially at the policy and planning level, and subsequently, where appropriate and advantageous at the operational level, should be regarded as the basis for the establishment of the more all-inclusive Land Use Policy Co-ordinative Committee mentioned earlier.

As stated, the advantages of this larger co-ordinative group would be felt over a wider area of concern than parks policy, serving not only to halt, but, it would be hoped, eventually to reduce the negative impacts of land use regulation in N.W.T. on economic development.

- c) G.N.W.T. would enter into the kind of liaison just proposed subject to some disadvantages. Although, as it were, the "resident" government it does not enjoy the constitutional prerogatives of a province, nor anything like the resources of money and manpower enjoyed by the Federal Government.

Also, it should be noted, Parks Canada would enter into such a liaison having disbursed considerable sums on aerial surveys, biophysical inventories

and other research in N.W.T. Its plans for the Northern Wilderness Parks proposed are far advanced and based on a considerable body of concrete data.

If these plans were to be the prime working documentation for the liaison group then G.N.W.T.'s role within the liaison process might become solely a reactive one. The initiative would almost wholly be Parks Canada's.

Therefore, as a matter of urgency, G.N.W.T. should prepare, or have prepared, a detailed, quantified, well researched and documented, time phased blueprint for development of a fully rounded Territorial Parks system.

This blueprint should incorporate G.N.W.T. intentions and expectations regarding parks development and should serve as a basic input to the liaison process, matching Parks Canada's detailed proposals for National Wilderness Parks, and, together with those proposals serving as a matrix for the evolution of a joint plan for the development of a total parks system comprising complementary Territorial and Parks Canada components.

It is recommended that the three initiatives just mentioned be undertaken by G.N.W.T. within the immediate time context.

Specifics regarding budget and staffing pattern to implement development of an N.W.T. Parks System, disposition of staff, administrative structure, location and delimitation of parks within the system, and time phasing of their establishment, would initially be identified as part of the blueprint for action recommended, and further refined, in the light of inputs from the Council Parks and Lands Committee and by means of the joint G.N.W.T.-Parks Canada liaison process.

Nevertheless, in closing, it would be useful to attempt a brief, anticipatory preview of some of these specifics.

In undertaking this preview it is assumed that, in broad terms, N.W.T. should strive for parity with the provinces in regard to the contribution to be made by G.N.W.T. within the framework of the total Territorial-Federal parks system located in the Territories.

A survey of a selected sample of provincial parks system, namely Prince Edward Island, Newfoundland, Alberta, British Columbia, New Brunswick and Manitoba, reveals a very wide variation among these provinces regarding the proportion of total park lands managed by the provincial government.

In British Columbia the vast majority of total parks lands (91%) are provincial. The province controlling the lowest proportion of park lands is Alberta (2%). The other provinces fall somewhere between these two extremes. P.E.I. has 56%, Newfoundland 9%, New Brunswick 33%, and Manitoba 73%. The average for the six provinces is 44%.

At present N.W.T. manages .09% of the total park lands located in the Territories. If the Northern Wilderness Parks proposed by Parks Canada were established by Parks Canada with no increase in the Territorial system this proportion would fall to .03%. If Parks Canada were to bring to fruition its long term plans for National Parks in N.W.T. - according to its own estimate, i.e. 5% of total N.W.T. land area - then, if the Territorial system were not to increase N.W.T. would control .02% of all park lands in the Territories, just one per cent of the proportion managed by Alberta, which itself manages by far

the smallest proportion of any province in the sample.

It is proposed that a reasonable eventual target for G.N.W.T. to manage would be approximately 3% of all park lands located in the Territories, and that the extent of the N.W.T. Parks System should be increased to reach that target within ten years.

Table I on page 117 outlines the pattern of increase that the attainment of this target would involve.

The first column in the table makes some assumptions regarding Parks Canada's activities in N.W.T. It assumes no increase in Parks Canada holdings over the first two years, with simultaneous establishment of all proposed Northern Wilderness Parks in the third year. Fulfillment of Parks Canada's long term plans for national parks in N.W.T. is assumed as occurring at the end of a ten year period as is completion of the N.W.T. Parks System.

Obviously enough growth of Parks Canada's holdings may well not follow this particular timetable. Nevertheless, the table serves as a rough guide regarding the pattern of increase that should be anticipated in the N.W.T. system if at the end of the ten year period N.W.T. is to control approximately 3% of the total system.

T A B L E I

SUGGESTED TEN YEAR GROWTH PATTERN FOR N.W.T. PARKS SYSTEM

<u>YEAR</u>	PROJECTED PARKS CANADA HOLDING IN N.W.T. IN SQUARE MILES	TARGET HOL- DINGS OF N.W.T. PARKS IN SQUARE MILES	ANNUAL IN- CREMENT IN N.W.T. PARKS IN SQUARE MILES	N.W.T. PARKS AS % OF TOTAL PARKS IN N.W.T.
1	13,780	150	150	1.08
2	13,780	300	150	2.13
3	40,885	450	150	1.09
4	40,885	600	150	1.45
5	40,885	800	200	1.92
6	40,885	1,000	200	2.39
7	40,885	1,200	200	2.85
8	40,885	1,500	300	3.54
9	40,885	1,800	300	4.2
10	65,000	2,100	300	3.12

What kind of demands would be made upon G.W.T. in terms of budget and manpower to underwrite this kind of growth?

Management costs per square mile of the provincial parks systems in the sample surveyed vary enormously. Total budget in those provinces assigned to management of the parks systems on a per square mile basis ranges from a high of \$225,200 in P.E.I. to a low of \$1,217 in B.C. Comparable figures are, for Newfoundland \$40,000, for Alberta \$48,800, for New Brunswick \$78,300 and for Manitoba \$4,900.

Table II on page 119 gives a rough picture of the additional costs that would be incurred over the ten year period and the new jobs created were the kind of increases in N.W.T. Parks outlines in Table I to be implemented.

These additional costs are made up of development costs and management costs of established park lands.

It is assumed here that 8 sites - two per region each of about 250 square miles - are to be developed in all. Total development costs would be about \$8 million taking the per square mile cost of the Nahanni National Park - \$4,000 per square mile - as a base. Nahanni might tend to be a high development cost site as a wilderness park, but recreational parks, on the other hand, involve higher development costs than wilderness parks. It is assumed that development of each site would take three years with one new site being started each year

T A B L E I I

ADDITIONAL COSTS LIKELY TO BE INCURRED IN EXTENDING
N.W.T. PARKS SYSTEM

(in \$000's)

YEAR	1	2	3	4	5	6	7	8	9	10
DEVELOPMENT COST	330	660	990	990	990	990	990	990	660	330
MANAGEMENT COST	183	365	548	730	974	1,217	1,460	1,826	2,191	2,556
TOTAL NEW COST	513	1,025	1,538	1,720	1,964	2,207	2,450	2,816	2,851	2,886
PERMANENT JOBS	10	21	31	35	40	45	50	58	58	58
SEASONAL JOBS	37	75	112	125	143	161	179	206	208	211

for the first eight years of the period. Thus annual development costs build up over the first three years and taper off during the last two years.

The management cost is estimated at the same per square mile cost as B.C. - the "low cost" province - building up over the period as the system grows.

Provincial experience indicates that approximately half of total costs would go in salaries.

In Table II the relationship of total salaries to permanent and seasonal jobs created holding in B.C. is taken as a base.

It must again be emphasized that the dollar figures and estimates of jobs that might be created can only be taken as approximate estimates.

Analysis of provincial parks programming indicates that in general most managerial and professional staff are located at headquarters offices. Only two out of the six provinces examined, Manitoba and New Brunswick, have more managerial and professional staff in regional offices than at H.Q.

In a very large area such as N.W.T. devolution of considerable managerial responsibility to staffs at regional level would appear to be an operational necessity. During formative years, however, because of the need for considerable research and planning activity, most staff would, necessarily be located, as in most provinces

context, in so far as tourism, as the Territories' second most important industry, must be an essential aspect of economic growth in N.W.T. and that parks are and will continue to be one of the main tourist attractions.

However, in the majority of provinces sampled, parks management is a function of a department also responsible for management of fish, wild life and natural resources.

Certainly, this option may be economical in so far as it provides the opportunity of avoiding maintenance of two separate staffs, one for parks and one for wildlife and fish. A degree of overlapping of function is a practical possibility in this situation. Both functions are outdoors and natural resource oriented and one staff could, in practice, operate usefully in both contexts.

There is a danger here though that the built-in conservationist bias of wild life managers may come to permeate the philosophy of parks management.

In the context of a balanced total N.W.T. parks system, this would not be desirable. Parks Canada - which will be managing in excess of 95% of that system - can be relied upon to impart ample conservationist bias on its own. For the Territorial Parks system management regime to amplify this bias further would be to gravitate against the kind of balance that is needed.

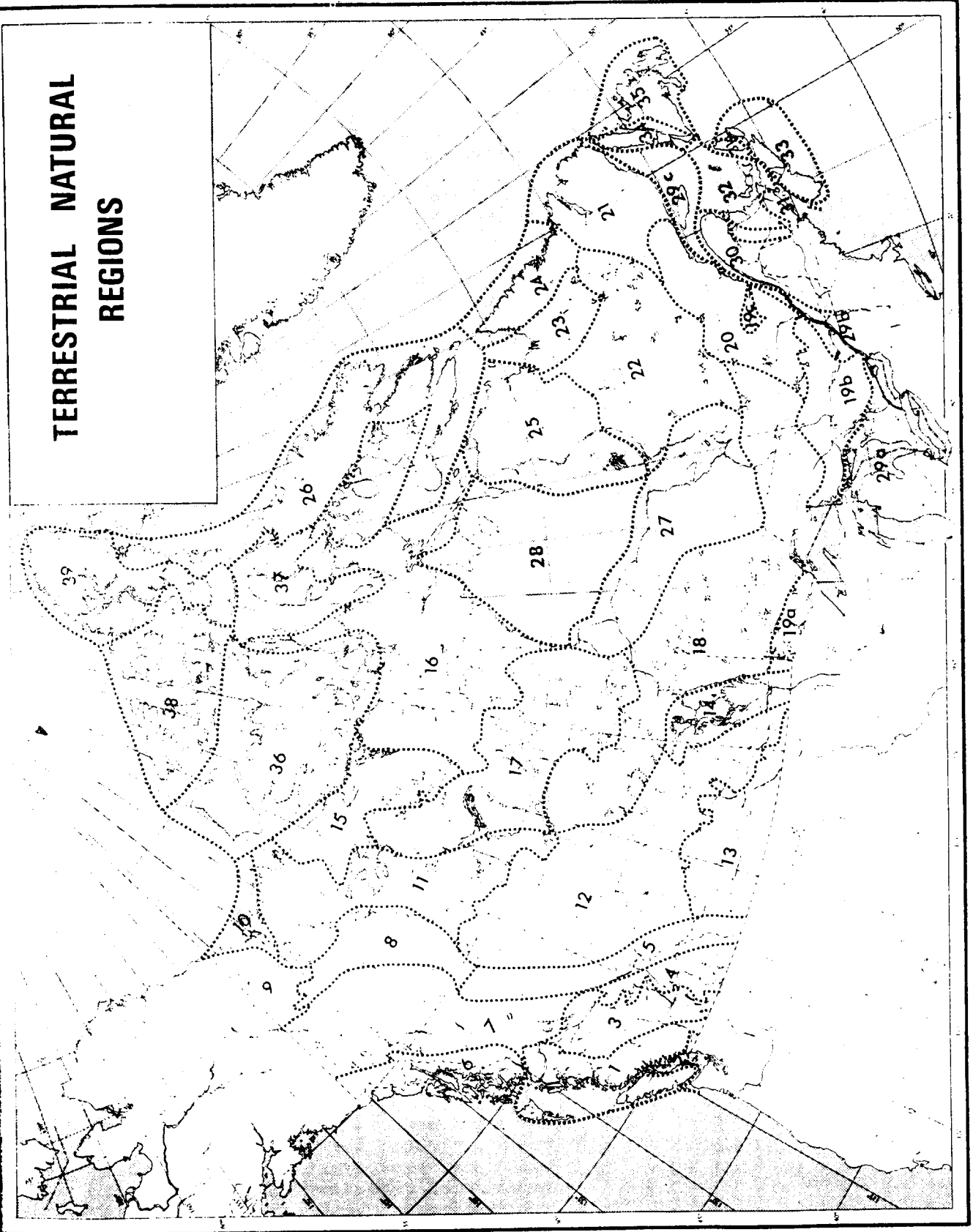
A shift of the parks management function from its present location within G.N.W.T., although it might prove advantageous in certain respects, should not be undertaken without careful consideration of all implications.

One option which would warrant examination within the next few years after full time parks staff has built-up to around fifty would be the establishment of a separate Tourism, Parks and Recreation Department.

APPENDIX " A "

Classification of Terrestrial and
Marine Natural Regions Utilized
by Parks Canada.

TERRESTRIAL NATURAL REGIONS



TERRESTRIAL NATURAL REGIONS

(See Accompanying Map)

WESTERN MOUNTAINS

1. Pacific Coast Mountains
2. Strait of Georgia Lowlands
3. Interior Dry Plateau
4. Columbia Mountains
5. Rocky Mountains
6. Northern Coast Mountains
7. Northern Interior Plateaux
and Mountains
8. Mackenzie Mountains
9. Northern Yukon Region

INTERIOR PLAINS

10. Mackenzie Delta
11. Northern Boreal Plains
12. Southern Boreal Plains
and Plateaux
13. Prairie Grasslands
14. Manitoba Lowlands

CANADIAN SHIELD

15. Tundra Hills
16. Central Tundra Region
17. Northwestern Boreal
Uplands
18. Central Boreal Uplands
19. (a) West Great Lakes -
St. Lawrence
Precambrian Region
- (b) Central Great Lakes -
St. Lawrence
Precambrian Region
- (c) East Great Lakes -
St. Lawrence
Precambrian Region
20. Laurentian Boreal Highlands
21. East Coast Boreal Region
22. Boreal Lake Plateau
23. Whale River Region
24. Northern Labrador
Mountains
25. Ungava Tundra Plateau
26. Northern Davis Region

HUDSON BAY LOWLANDS

27. Hudson-James Lowlands
28. Southampton Plain

ST. LAWRENCE LOWLANDS

29. (a) West St. Lawrence
Lowland
- (b) Central St. Lawrence
Lowland
- (c) East St. Lawrence
Lowland

APPALACHIAN

30. Notre Dame - Megantic
Mountains
31. Maritime Acadian Highlands
32. Maritime Plain
33. Atlantic Coast Uplands
34. Western Newfoundland Island
Highlands
35. Eastern Newfoundland Island
Atlantic Region

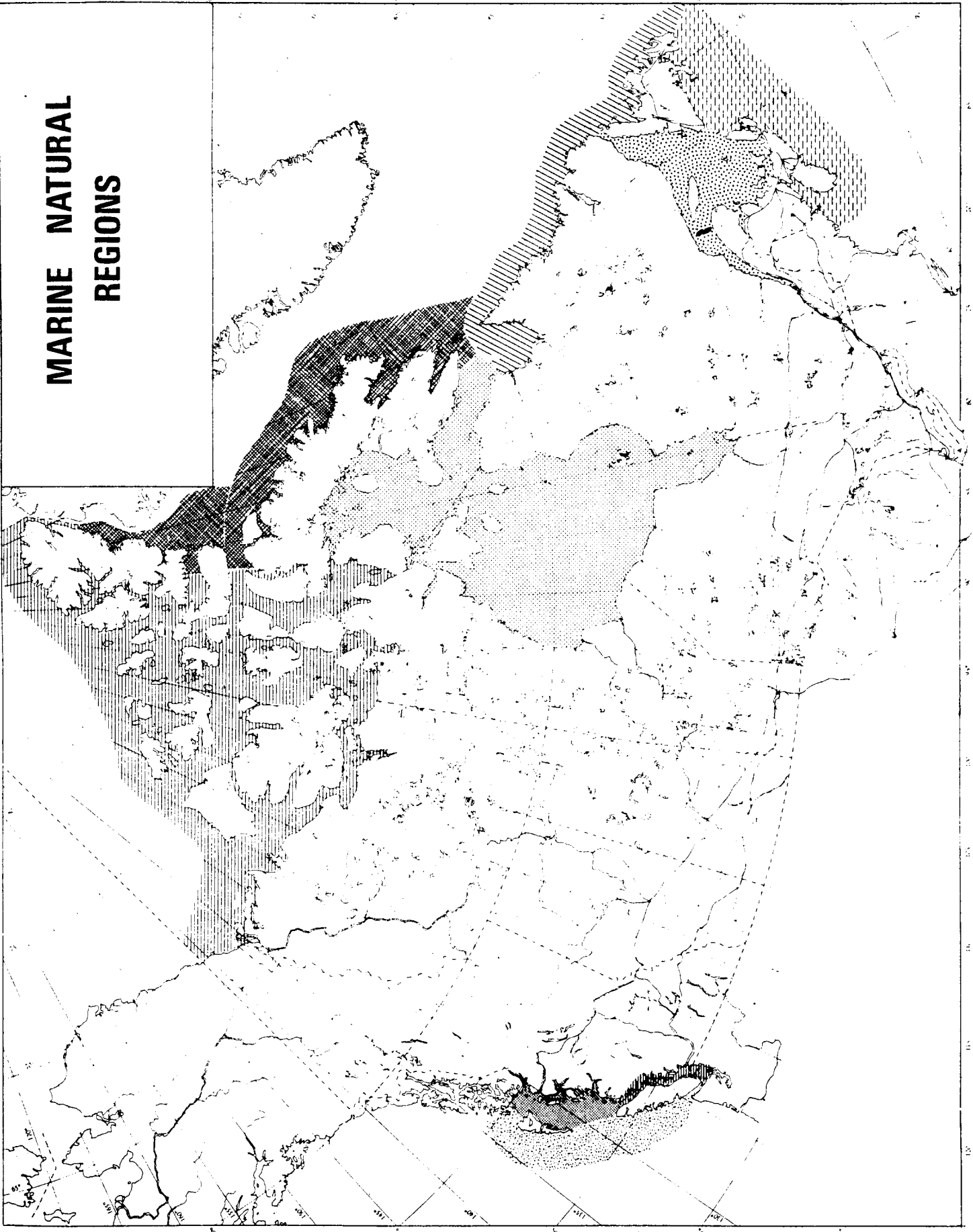
ARCTIC LOWLANDS

36. Western Arctic Lowlands
37. Eastern Arctic Lowlands

HIGH ARCTIC ISLANDS

38. Western High Arctic Region
39. Eastern High Arctic Glacier
Region


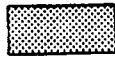
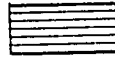
**MARINE NATURAL
REGIONS**



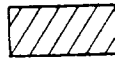
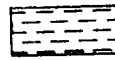

MARINE NATURAL REGIONS

(See Accompanying Map)

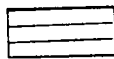
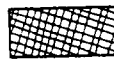
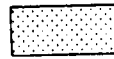
PACIFIC

-  Pacific West Coast
-  Queen Charlotte Sound
-  Vancouver Island Inland Sea

ATLANTIC

-  Labrador Sea
-  Atlantic Southeast Coast
-  Gulf of St. Lawrence

ARCTIC

-  Arctic Archipelago
-  Subarctic
-  Hudson Bay Inland Sea

- 1.3.3.3 The agreement may include special provisions to reduce the immediate impact of park establishment on occupants or other users of lands acquired for a national park.
- 1.3.4 Adjustments to the boundaries of existing national parks will be determined according to the policies outlined in 1.2.
- 1.3.5 Parks Canada in conjunction with the provincial government, will consult with the interested public concerning the establishment of a new national park or the adjustment of boundaries of an existing national park.
- 1.3.6 National parks will be formally established under legislation enacted by the Parliament of Canada.

2. PUBLIC UNDERSTANDING AND ENJOYMENT OF NATIONAL PARKS

National parks are special places where examples of Canada's natural heritage are protected for all time. Canadians are encouraged to visit national parks and Parks Canada has a responsibility to provide opportunities for the public to enjoy and appreciate these special places in ways which are compatible with the long term protection of their natural values.

In responding to visitor needs for services, facilities and recreation activities, Parks Canada must act with caution and imagination. All Canadians have a right to experience their natural heritage but the means of doing so will depend on the sensitivity of the environment to human impact. In some park zones intensive development may be undertaken, while in others direct use may be strictly limited.

Parks Canada also has a responsibility to inform the Canadian public about their national parks and to provide programs which encourage a better understanding of these natural areas of Canadian significance.

2.1 Visitor Use

- 2.1.1 Parks Canada will provide for a variety of recreation activities which are a means for park visitors to enjoy and understand the park's natural environment.
- 2.1.2 Parks Canada will encourage those recreation activities which are dependent upon a park's

APPENDIX " B "

The 1974 Territorial Parks
Ordinance

CHAPTER T-5

AN ORDINANCE RESPECTING PARKS IN THE
NORTHWEST TERRITORIES

SHORT TITLE

1. This Ordinance may be cited as the *Territorial Parks Ordinance*. 1973(3rd),c.5,s.1. Short title

INTERPRETATION

- | 2. In this Ordinance | Definitions |
|--|---------------------------------------|
| (a) "Community Park" means a park referred to in paragraph 4(1)(c); | "Community Park" |
| (b) "Natural Environment Recreation Park" means a park referred to in paragraph 4(1)(a); | "Natural Environment Recreation Park" |
| (c) "Outdoor Recreation Park" means a park referred to in paragraph 4(1)(b); | "Outdoor Recreation Park" |
| (d) "park officer" means a person appointed pursuant to subsection 8(2); | "park officer" |
| (e) "park use permit" means a permit issued pursuant to subsection 9(1); | "park use permit" |
| (f) "regulations" means regulations made by the Commissioner pursuant to this Ordinance; | "regulations" |
| (g) "Superintendent" means the Superintendent of Parks appointed pursuant to subsection 8(1); | "Superintendent" |
| (h) "Territorial Park" means an area in the Territories established as a park pursuant to section 6; and | "Territorial Park" |
| (i) "Wayside Park" means a park referred to in paragraph 4(1)(d). 1973(3 rd),c.5,s.2. | "Wayside Park" |

APPLICATION

3. Nothing in this Ordinance restricts or prohibits within a Territorial Park Application of Ordinance
- (a) an Indian or Eskimo from hunting or fishing for food; or
- (b) the holder of a general hunting licence issued under the *Game Ordinance* from exercising his rights thereunder.
- 1973(3rd),c.5,s.3.

CLASSIFICATION AND USE

Parks may be established

4. (1) Territorial Parks established pursuant to section 6 shall be classified as follows:

- (a) Natural Environment Recreation Parks to preserve the natural environment within those parks for the benefit, education and enjoyment of the public;
- (b) Outdoor Recreation Parks to provide opportunities of outdoor recreational activities to the public;
- (c) Community Parks to provide outdoor recreational activities for the benefit of particular communities; and
- (d) Wayside Parks to provide for the enjoyment, convenience and comfort of the travelling public.

Development of Natural Environment Recreation Parks

(2) The development of a Natural Environment Recreation Park shall be directed and limited to that necessary for the preservation, for public enjoyment, of the natural environment within the park.

Development of Outdoor Recreation Parks

(3) The development of an Outdoor Recreation Park shall be directed and limited to the provision of the facilities required for those outdoor recreational activities that are suitable to the park.

Development of Community Parks

(4) The development of a Community Park shall be directed towards the provision of recreational opportunities for the benefit of a community.

Development of Wayside Parks

(5) The development of Wayside Parks shall be directed towards the provision of facilities for the enjoyment, convenience and comfort of the travelling public. 1973(3rd),c.5,s.4.

ESTABLISHMENT OF TERRITORIAL PARKS

Territorial Parks Committee

5. (1) The Commissioner shall establish a committee, to be known as the Territorial Parks Committee, consisting of not less than five members appointed by the Commissioner, one of whom shall be designated by him as chairman.

Duty of Committee

(2) The Territorial Parks Committee shall meet from time to time to examine proposals for the establishment of Territorial Parks and advise the Commissioner and the Council on the establishment, operation and use thereof.

Consultation

(3) The Territorial Parks Committee shall consult with representatives of those persons residing in or near the location of a proposed park who may be affected by the establishment of the park.

Public hearings

(4) The chairman of the Territorial Parks Committee referred to in subsection (1) may arrange for the holding of public hearings on proposals to establish Territorial Parks. 1973(3rd),c.5,s.5.

6. (1) Where land has been set aside under an Act of the Parliament of Canada for park purposes, the Commissioner in Council may establish a Natural Environment Recreation Park or an Outdoor Recreation Park. How parks established
- (2) The Commissioner may by order establish Community Parks and Wayside Parks. Wayside and Community Parks.
- (3) A park established pursuant to this section may be given a name by which it shall be known. 1973(3rd),c.5,s.6. Naming of parks
7. The Commissioner may enter into agreements with municipalities to operate and maintain Community Parks. 1973(3rd),c.5,s.7. Agreements

ADMINISTRATION

8. (1) The Commissioner may appoint a Superintendent of Parks. Superintendent
- (2) The Commissioner may appoint park officers to assist in the administration and enforcement of this Ordinance and the regulations within a Territorial Park. Park officers
- (3) The Superintendent is responsible for the administration and enforcement of this Ordinance and the regulations within a Territorial Park. 1973(3rd),c.5,s.8. Duties of Superintendent
9. (1) Subject to this Ordinance and the regulations, the Superintendent may, upon application and the payment of a fee, issue a park use permit, upon such terms and conditions as he may prescribe authorizing a person or persons to Issue of park use permits
- (a) occupy or use the surface of any land within a Territorial Park;
 - (b) establish, conduct or engage in a business, commercial enterprise or industrial activity within a Territorial Park;
 - (c) construct, erect or move any building or structure within a Territorial Park; or
 - (d) conduct or engage in scientific research on the condition that the applicant has been issued a subsisting licence issued pursuant to the *Scientists Ordinance*.
- (2) Park use permits are valid for the period of time specified therein and are not transferable. Duration
- (3) The form of a park use permit and the application and the fees therefor shall be as prescribed by regulation. 1973(3rd),c.5,s.9. Form of permit

Cancellation of
park use permit

10. The Superintendent may cancel a park use permit where the holder thereof contravenes the provisions of this Ordinance, the regulations or the conditions contained in the permit.
1973(3rd),c.5,s.10.

Removal of
signs, etc.,
wrongly placed

11. (1) Where a building, structure, fixture, sign or means of access is located or erected in contravention of the provisions of this Ordinance, the regulations or the conditions contained in a park use permit, the Superintendent may by notice require the owner thereof to move, remove or alter such building, structure, fixture, sign or means of access as specified in the notice within the time specified therein or any extension of time specified therein or any extension of time allowed by the Superintendent.

Notice

(2) A notice under subsection (1) shall be in writing and shall be served upon the owner either personally or by mail.
1973(3rd),c.5,s.11.

Powers of park
officers

12. (1) A park officer may, at any reasonable time of the day or night,

- (a) enter upon and inspect any land, road, structure, building or works in a park;
- (b) make such examination and inquiry as may be necessary to ascertain if any person within the park
 - (i) is complying with this Ordinance, the regulations or the conditions contained in a park use permit; or
 - (ii) has in his possession a subsisting park use permit in parks where park use permits are required by the regulations; or
- (c) order any person to desist from any action or conduct that, in his opinion,
 - (i) is dangerous to life or property,
 - (ii) interferes unduly with the enjoyment of the park by others; or
 - (iii) alters or damages the natural environment within the park.

Idem

(2) A park officer has all powers of a peace officer for the purposes of enforcing this Ordinance and the regulations.
1973(3rd),c.5,s.12.

PROTECTION OF PARKS

Prohibitions

13. Notwithstanding any other Ordinance, but subject to any Act of the Parliament of Canada and to section 3, no person within a Territorial Park may

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

except under the authority of the regulations or a park use permit. 1973(3rd),c.5,s.13.

14. No person may, in a Territorial Park,

Prohibitions

- (a) damage or destroy any natural feature, or damage or remove any building, furnishing or equipment;
- (b) subject to the regulations, deposit or leave any garbage, sewage, refuse or any noxious material;
- (c) have in his possession any animal unless the animal is on a leash or under his direct physical control;
- (d) permit horses or other domesticated livestock to roam at large; or
- (e) operate a motor vehicle, motorcycle or a snowmobile except in an area designated for that purpose. 1973(3rd),c.5,s.14.

REGULATIONS

15. The Commissioner may make regulations

Regulations

- (a) prescribing the form of park use permits and applications therefor;
- (b) prescribing fees for park use permits;
- (c) controlling the use and development of resources in a Territorial Park;
- (d) governing the operation and use of public campgrounds, picnic areas and other public facilities within a Territorial Park;
- (e) prescribing the specifications for the construction of buildings or other structures in a Territorial Park;
- (f) respecting the standards to be observed in the conduct of any business in a park; and
- (g) generally, that he deems necessary for carrying out the purposes and provisions of this Ordinance. 1973(3rd),c.5,s.15.

OFFENCE AND PENALTY

Offence and
penalty

16. A person who contravenes a provision of this Ordinance, the regulations or a park use permit is guilty of an offence and liable, on summary conviction,

- (a) for a first offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding thirty days or to both;
- (b) for a subsequent offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both. 1973(3rd),c.5,s.16.

QUEEN'S PRINTER FOR CANADA
OTTAWA, 1974