

Post-devolution: Why do we need new legislation?

Our current legislation needs updating. The proposed new legislation and amendments are required to bring GNWT law in line with the authorities received through devolution, to help give the GNWT a legislative base to better integrate environmental protection with economic and social needs, and to ensure the GNWT is using the most current and comprehensive legislative tools to manage lands and resources.

A thriving economy for the Northwest Territories starts with our most important and cherished resources: our land, water and air. Our collective efforts across a suite of legislation will result in a made-in-the-NWT model that better integrates environmental protection with economic and social needs, while respecting Aboriginal and treaty rights.

ENR is in the process of developing five new or amended pieces of legislation:

- *Environmental Rights Act (amended)*
- *Forest Act (new)*
- *Protected Areas Act (new)*
- *Environmental Protection Act (amended)*
- *Waters Act (amended)*

The new and amended pieces of legislation will address feedback brought forward by Indigenous governments and organizations, stakeholders and the public. They will help us to design and implement an effective regulatory process by increasing efficiencies, filling gaps, eliminating overlaps and establishing a consistent legislative base for existing policy. They will also explicitly affirm Aboriginal and treaty rights.

Where can I find more information?

For more information on the Protected Areas Act, contact:

Environment and Natural Resources
Conservation Network Planning
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Protected Areas Act



The Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) is developing a Protected Areas Act to be used for the establishment of permanent protected areas in the Northwest Territories (NWT).

The new Act, which was created in collaboration with Indigenous governments and organizations, regulatory boards, stakeholders and the public, will provide the legislative framework for protecting, conserving and maintaining biodiversity, ecological integrity and cultural continuity of the NWT through the creation of a network of permanent protected areas that are representative of the ecosystems and cultural landscapes found in the territory.

What is the purpose of the Protected Areas Act?

Conservation of biodiversity is essential for long-term maintenance of healthy ecosystems, natural and cultural resources, and human well-being, including food security. In the NWT, the land and water are lifelines for Indigenous cultures and the well-being of all people.

Often, the most biologically diverse areas are also the most culturally rich; they provide long-term opportunities for the development of a diversified economy through tourism, important cultural, recreational and educational activities, and other land-based activities. A conservation network, including protected areas, is an effective and equitable way to ensure the protection of land and culture for future generations.

Why do we need protected areas legislation?

The Protected Areas Act will allow us to work collaboratively with Indigenous governments and organizations to establish and manage protected areas in a way that protects biodiversity, ecological integrity and cultural continuity. The proposed legislation will be used to meet the conservation network planning requirements identified in *Healthy Land, Healthy People: GNWT Priorities for Advancement of Conservation Network Planning 2016-2021*.

Specifically, the GNWT is working in partnership with Indigenous governments and organizations to use the proposed legislation for the establishment of the Dinàgà Wek'èhodi and Ts'ude niline Tu'eyeta candidate areas, and parts of Thaidene Nënë.

What activities will be allowed in protected areas under the new legislation?

The proposed legislation is designed to be flexible in order to ensure the unique needs and features of each individual protected area can be addressed through the establishment and management processes.

Activities that are compatible with protection of biodiversity, ecological integrity and cultural continuity – such as sustainable tourism, traditional economies and conservation economy opportunities – may be allowed. Activities that are incompatible will be prohibited in all protected areas. Protected areas will have subsurface protection, meaning that mining, oil and gas exploration or development will not be allowed. Activities like logging, quarrying or energy developments will not be allowed on a commercial or industrial scale; however, if certain conditions are met, exceptions could be made on a small scale, like tree cutting for an eco-lodge, gathering stone for carving or generating renewable energy for an adjacent community.

The specifics of management and governance agreements with Indigenous governments and organizations and specific decisions about activities allowed under the legislation will be unique to each protected area. The Regulations and Management Plans for each protected area will detail what activities can happen where, when and under what conditions.

Enforcement and offence provisions contained in the Act were adapted, with modernizations, from the *Wildlife Act*.

The Protected Areas Act explicitly recognizes and affirms Aboriginal and treaty rights, including the commitments of land, resources and self-government agreements, and recognizes the role of co-management bodies. Proposed language for the affirmation of these rights was based on the *Wildlife Act*, with modernizations as proposed by Indigenous governments through the Technical Working Group and consultation.

What are the key things the Protected Areas Act will allow for?

- Permanent protection of biodiversity, ecological integrity and cultural continuity, and activities that are compatible with those protections.
- Collaborative and cooperative establishment, management and governance arrangements with Indigenous governments and organizations that respect Aboriginal and treaty rights, land claim and self-government agreements.
- Ability to manage allowable activities through permits, zoning or conditions in Regulations or the Management Plan.
- Recognition of the intersection between cultural landscapes and biodiversity protection.
- Opportunities and requirements for engagement of the public in the establishment, management and any future changes to the boundary of protected areas on public land.
- Public protected areas registry that will include relevant information on candidate and established protected areas.
- Requirement for interim protection of candidate areas while they are being evaluated to determine if they should be designated as protected areas.
- Requirement for a management plan for established protected areas.
- Requirement to report at least every five years to the Legislative Assembly on the status of candidate protected areas and on the state of established protected areas and the NWT conservation network as a whole.
- Criteria for making changes to a protected area, if needed.

How was the Protected Areas Act developed?

The Protected Areas Act was developed through a partnership approach with a Technical Working Group (TWG) of Indigenous governments and organizations and regulatory boards, and with input from a Stakeholders Advisory Group (SAG) consisting of non-government organizations, regulatory boards and industry representatives.

This process was designed with input and agreement from the Intergovernmental Council of IGOs.

A framework for the drafting of the Protected Areas Act was developed through this partnership approach over two years of engagement that included eight TWG meetings and three meetings with the SAG.

The partnership approach was developed to ensure coordination across resource management legislation to reduce the potential for conflict or duplication, and was based on the process used for the development of the *Wildlife Act*.

Through the partnership process, the TWG and SAG assisted ENR in developing a framework for the drafting of the Protected Areas Act.

There was also an external public review period, in which the general public was invited to provide feedback on summary documents through an online engagement process.

Once the bill was drafted, the GNWT carried out additional formal consultation with Indigenous governments and organizations to determine and address potential impacts the bill could have on Aboriginal or treaty rights.

Who was invited to participate in the Technical Working Group (TWG) for the Protected Areas Act?

- K'atl'odeeche First Nation
- Tłı̨chǫ Government
- Inuvialuit Regional Corporation
- Gwich'in Tribal Council
- Sahtu Secretariat Inc.
- Délı̨nę Got'ı̨nę Government
- Salt River First Nation
- Acho Dene Koe First Nation
- Deninu Kue First Nation
- Northwest Territory Métis Nation
- Dehcho First Nations
- Akaitcho Territory Government
- North Slave Métis Alliance
- Ka'a'gee Tu First Nation
- Lutsel K'e Dene First Nation
- Yamoga Land Corporation
- Environment and Climate Change Canada/Canadian Wildlife Service
- Renewable Resources Boards