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Interim Report of the National
Wilderness Park Steering Committee

Submitted by
Lloyd Brooks, Chairman
to

The Honourable Jake Epp
Minister of Indian Affairs and Northern Development

and

The Honourable John Fraser
Minister of the Environment

Government of Canada

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Whitehorse, Yukon Territory
December 4th, 1979

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November 29, 1979

The Honourable Jake Epp
Minister of Indian Affairs and Northern Development

The Honourable John Fraser
Minister of Environment

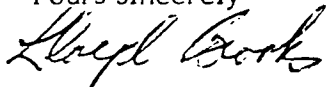
Dear Messrs. Epp & Fraser:

I am pleased to submit to you the interim report of the National Wilderness Park Steering Committee. Consideration of the northern portion of the Yukon Territory by the government of Canada is in response to the many years of growing recognition, both nationally and internationally, that the special cultural and natural values require protection. The Steering Committee was established as part of Canada's commitment to that protection contained in the Inuvialuit Land Rights Settlement Agreement in Principle.

The essence of the committee's work to this date can be found expressed in the eleven recommendations on the first two pages of this report.

I would like to take this opportunity to commend the efforts of the committee members. They come from diverse backgrounds and different parts of the country yet are working together in a spirit of commitment towards achieving protection for a unique and valuable resource to Canada.

Yours sincerely



Lloyd Brooks, Chairman,
National Wilderness Park Steering Committee

encl
/dd

SUMMARY OF RECOMMENDATIONS

The National Wilderness Park Steering Committee concurs with the findings of the MacKenzie Valley Pipeline Inquiry and the National Energy Board, that it is in the local, national and international interests to maintain the area north of the Porcupine River in its undisturbed wilderness state. Therefore the Committee recommends that:

1. To ensure the continuation of the unique and valuable resources of the land, wildlife and native peoples in the northern Yukon, protection and management over the entire 15,000 square miles withdrawn area is required, using special legislative mechanisms.
2. Recommendations for appropriate legislation shall be in the final report of the Steering Committee.
3. As an interim measure, the withdrawal order PC 1978-2195 under the Territorial Lands Act be replaced by designation as a "National Wilderness Area" under the Canada Wildlife Act as soon as possible, provided that recommendations 4 and 5 and the guiding principles contained herein are accepted.
4. Designation under the Canada Wildlife Act shall respect provisions agreed to under the Land Claims process and the ultimate designation within the National Wilderness Area shall be finalized through the respective Settlement Legislations of the native peoples.
5. The next report of the Steering Committee shall recommend an interim management regime as provided for under the Canada Wildlife Act.
6. The section entitled Guiding Principles be used as a basis for the interim and permanent management of the Area. Where appropriate these principles should apply to the entire Canadian range of the Porcupine caribou herd.
7. The expertise of the Yukon Territorial Government Wildlife Branch and the first hand knowledge and practical skills of the native people be teamed with the expertise of Environment Canada & Fisheries & Oceans in joint planning and management within the National Wilderness Area.
8. The current negotiations between Canada and the United States with respect to an International Migratory Caribou Convention be accelerated with a view to providing as quickly as possible co-ordinated research, planning and management throughout the entire range of the Porcupine caribou herd, with full involvement of the Territorial Governments and the native peoples who depend upon the caribou.
9. The Yukon Territorial Government be encouraged to accept the standing invitation and actively participate in the deliberations of the National Wilderness Park Steering Committee in developing and implementing a meaningful plan for the conservation and management of the Area.

10. The means be provided for the Steering Committee to have additional community representatives attend Steering Committee meetings as is necessary from time to time.
11. The National Wilderness Park Steering Committee submit its final report by March 31st, 1980.

HISTORY OF CONCERN AND ACTIONS IN THE AREA UNDER STUDY

The Northern Yukon has been recognized nationally and internationally as a unique and critical area for wildlife and for the indigenous Loucheaux and Inuvialuit peoples. The area's unique wildlife and fish populations, landforms, vegetation, cultural and archaeological values require protection.

Land use practices in the adjoining Northwest Territories to the east, Alaska to the west, and terrain south of the Porcupine River have a direct bearing on the continued health of the habitat and survival of many wildlife species in Yukon, particularly the Porcupine caribou herd. American efforts to protect the Alaska portion of the North Slope date back to the 1920's. The first legislative action was taken in 1960 with establishment of the Arctic National Wildlife Range adjacent to the northern Yukon. Nineteen years later attempts are still in progress to expand and strengthen the Arctic National Wildlife Range through Wilderness status. Along the Yukon portion of the North Slope, studies by the Canadian Wildlife Service and Parks Canada were followed by formal conservation proposals in the late 60's and early 70's.

The 1970 Arctic International Wildlife Range Conference in Whitehorse brought attention to the need for protective legislation for the northern Yukon to complement that in Alaska. This was supported by the recommendations of the Mackenzie Valley Pipeline Inquiry and the National Energy Board in 1977. These two exhaustive public hearings on northern pipelines concluded that in the national interest it is imperative to preserve the integrity of the Area and its diverse wildlife and unique cultural values in an undisturbed wilderness state.

Building upon the recommendations of Justice Berger and the NEB, the Canadian Arctic Resources Committee Workshop in 1978 recommended a complementary Arctic Wilderness Reserve in the northern Yukon. Support for the recommendations of these enquires also came from the Village Councils of Alaska and Yukon, in March 1978, which recommended that there be no development in all of the Porcupine Caribou Range.

The conservation principles contained in the Inuvialuit Land Rights Settlement Agreement in Principle underlined a long-standing and widely held view that the Yukon portion of the North Slope requires special protection to compliment American commitments. The Agreement In Principle firmly committed Canada to positive action to achieve that protection.

THE NATIONAL WILDERNESS PARK STEERING COMMITTEE

To implement the public policy and commitment for conservation the Steering Committee was established as a public process to make recommendations to the Minister of Indian Affairs and Northern Development on matters relating to

the National Wilderness Area (see draft Terms of Reference - Appendix C). With the transfer of Parks Canada from the Department of Indian Affairs and Northern Development to the Department of Environment it was decided that the Committee would report to both of these Ministers.

The Minister of the Department of Indian Affairs and Northern Development provided for committee membership as follows: a Chairman, two members from the Inuvialuit, two from the native people of Old Crow; one from the Government of the Yukon; one from the native people of Aklavik, Fort MacPherson and Arctic Red River; one from the Department of Fisheries; and one from the Department of Environment (see Appendix A for list of Committee Members). In addition, a Joint Planning Group was established to advise the Steering Committee on all matters affecting native interests. This group consisted of five members from Old Crow and five from the Inuvialuit (see Appendix B).

The Committee is to advise the Minister on the purpose and function of the National Wilderness Park, on an interim management plan for the proposed Park area and on the establishment of a permanent management regime. The Committee's study area is the 15,000 square mile area lying north of the Porcupine River as withdrawn under the Territorial Lands Act (P.C. 1978-2195, 5 July 1978 - S.O.R./78-568).

The Minister instructed that the Steering Committee's considerations include: preservation of the natural and cultural heritage resource values; management of the wildlife resources; continued traditional used by Indian and Inuit peoples of the land and resources of the Area; native training and employment opportunities; resource development within or adjacent to the Area; joint management strategies applicable to the entire withdrawn area; native role in management, operation and decision-making in all matters pertaining to the Area; and public use by the people of Canada.

The Steering Committee was also instructed to co-ordinate its activities with other consultation and planning exercises that would be active within the Northern Yukon.

SCHEDULE OF MEETINGS & WORK TO DATE

The Joint Planning Group has met four times up to mid-September and has succeeded in resolving the major issue of the reconciliation of the respective hunting, trapping and fishing rights of the Inuvialuit and Old Crow peoples in the Area. This agreement does not exclude other native peoples who have traditional interests in the area. (See report of the Joint Planning Group to the Steering Committee, September 12, 1978, Appendix E).

The Steering Committee has met four times. It has discussed in some detail most of the items outlined in the Draft terms of Reference for the National Wilderness Park Steering Committee.

For purposes of considering management regimes, the Steering Committee at the outset compiled available information to develop an inventory of all resources in the Area. This work required review and analysis of available information, including the existing, proposed and potential uses of the land and

resources. In addition the Steering Committee is seeking for consideration submissions from other interested parties.

Four documents as listed below, were prepared by members of the Steering Committee and submitted for discussion. The Yukon Territorial Government, although nominated and invited, did not exercise its option to join in the work of the Committee. Nevertheless, substantial progress has been made.

- | | |
|-------------|---|
| Appendix D- | Report of the Joint Planning Group to the Steering Committee. |
| Appendix E- | Joint Planning Group Proposal September 12, 1979. |
| Appendix F- | Environment Canada Proposal for the Conservation of Northern Yukon. |
| Appendix G- | Department of Fisheries and Oceans Policy Statement. |

GUIDING PRINCIPLES

An early step in the work of the Committee was to develop a set of guiding principles as follows:

1. Protection, conservation and effective management of migratory and non-migratory wildlife populations that flourish within the area.
2. Protection, conservation, and mitigative enhancement of wildlife habitat and biological productivity throughout the area and throughout the range of the Porcupine Caribou Herd.
3. Achieve (equal)* and meaningful participation for the Indian and Inuvialuit peoples with the responsible governments in land and wildlife management.
*Committee agreed on general intent of this principle, but were unable to agree on use of word "equal".
4. Recognition and protection of lifestyles and rights (as determined through existing legislation, Settlement Legislation and negotiated agreements including those in the Land Claims process) of the Inuvialuit and Indian peoples who traditionally live within the Area or who harvest wildlife within the Area. Means to achieve this principle require elaboration specific to the National Wilderness Area.

AREAS OF CONSENSUS

There were two comprehensive papers submitted to the Steering Committee: the September 12 proposal by the Inuvialuit - Old Crow representatives (Appendix E) and the paper entitled "Environment Canada Proposal for the Conservation of Northern Yukon" (Appendix F). Both papers have been examined in detail by the Steering Committee and substantial progress was made in achieving consensus.

Consensus was achieved on the following points:

1. The entire Area requires special protection to preserve the natural, historical and cultural values therein. This will enhance the management of the Porcupine caribou herd as it encompasses all of the critical calving and summer range in Canada. Further protective measures for caribou must be incorporated outside of the Area for the entire range of the herd.
2. The Area must have a unified management regime which is an integral part of the management of the Porcupine caribou herd over its entire international range.
3. Preliminary analysis reveals that some development activities are categorically inconsistent with maintaining the integrity of the Area.
4. To the extent there is conflict, traditional uses of the resources would have priority over other uses.
5. Training programs will be established for native people with emphasis placed on rapidly increasing native participation in the management and administration of the Area.
6. Existing dispositions which lead to activities inconsistent with the objectives of the Area should be extinguished. Any activity would be subject to the strictest environmental safeguards.
7. Existing legislation (National Parks Act and Canada Wildlife Act) combined with special provisions of Settlement Legislation, be used as a framework for achieving conservation and management objectives in the Area.
8. Native people would be guaranteed full and effective participation in the management and administration of the Area.

INTERIM MANAGEMENT PROPOSAL

The interim withdrawal under the Territorial Lands Act has served a useful purpose. The next logical step to implement public policy and government commitment is to assign the Area under the Canada Wildlife Act. This has the following advantages over the present withdrawal:

1. Assignment under the Canada Wildlife Act uses an available legislative mechanism, which can be accomplished quickly by Order-in-Council.
2. The assignment, since it is an interim measure, precludes no other legislative options.
3. The Canada Wildlife Act allows for effective integration of land and wildlife management.
4. The Canada Wildlife Act allows for effective participation of local people in land and wildlife management.
5. The Canada Wildlife Act provides secure interim protection for land and wildlife while providing the flexibility to achieve solutions to many management problems in the Area prior to settlement of native claims.

6. This commitment would lend credibility to Canada's position in the current negotiations with the United States for an International Migratory Caribou Convention.

FINAL REPORT

For various valid reasons, the Steering Committee has been slower than expected in effecting its mandate for Joint planning for the Area. The widely dispersed locations and the diverse backgrounds of Committee members resulted in an initial period necessary to develop working relationships. The Committee is now functioning effectively.

Much work is required to fulfill the Terms of Reference of the Steering Committee. In particular, the Steering Committee intends to complete the compilation and analysis of the resources inventory and expand consultations with other interested groups and individuals, thus providing the breadth and depth of information required to formulate final recommendations.

Considering these factors, the Steering Committee should have its final report submitted by March 31, 1980.

NATIONAL WILDERNESS PARK STEERING COMMITTEE

MEMBERS

Lloyd Brooks	Chairman
Tom Arey, Jr.	Representing the Inuvialuit
Nellie Cournoyea	Representing the Inuvialuit
Peter Benjamin	Representing the native people of Old Crow
Joe Jacquot	Representing the native people of Old Crow
John Itsi	Representing the native people of Aklavik, Arctic Red River and Fort MacPherson
Tom Wood	Department of Environment
Rod Hourston	Department of Fisheries

JOINT PLANNING GROUP
MEMBERS

INUVIALUIT:

Nellie Cournoyea
Danny C. Gordon
Roy Hansen
Tom Arey, Jr.
Barbara Allen
Colin Harry (Alternate)

OLD CROW:

Peter Benjamin
Margaret Njootli
Lazarus Charlie
Renee Frost
Bruce Charlie
Charlie Peter Charlie (Alternate)

DRAFT TERMS OF REFERENCE
FOR
NATIONAL WILDERNESS PARK STEERING COMMITTEE

A. ORIGIN

Provision for the establishment of a National Wilderness Park Steering Committee was made in Section 12(4) of the Inuvialuit Land Rights Settlement Agreement in Principle, signed October 31, 1978 between the Committee for Original Peoples' Entitlement, and the Government of Canada.

B. OBJECTIVE

The Committee is to be established in order to provide for joint planning of the area contemplated as a National Wilderness Park, by the Government of Canada, and the Native people who have traditionally used the Northern Yukon.

B.1 The following functions of the Committee were specified in the Agreement in Principle:

The Committee shall advise the Minister of Indian and Northern Affairs prior to the date of the Final Agreement on:

- (i) the purpose and functions of the National Wilderness Park;
- (ii) interim management for the proposed Park area; and
- (iii) the establishment of a permanent management regime, including liaison and joint management arrangements with respect to federal-territorial and international aspects of wildlife management as discussed in paragraph 14(3)(h) of the Agreement in Principle.

B.2 The Joint Planning Group will be established, with ten members: five representing the Native People of Old Crow and five representing the Inuvialuit. This group will advise the Steering Committee on all matters within its mandate which affect native interests.

C. COMMITTEE STRUCTURE

The following Committee membership was specified in the Agreement: The committee will comprise nine members appointed by and reporting to the Minister of Indian and Northern Affairs, one of whom shall be appointed directly, and eight from nominations put forward as follows:

- two from the Inuvialuit;
- two from the native people of Old Crow;
- one from the Government of the Yukon Territory;
- one from the native people of Aklavik, Arctic Red River, and Fort MacPherson;
- one from the Minister of Fisheries; and
- one from the Minister of Environment.

The Committee shall be chaired by the Minister's appointee, and the Chairman shall report directly to the Minister. The Chairman will have an office in Whitehorse.

The Committee's report shall be presented by October 31, 1979.

D. STUDY AREA

Two study areas were suggested in the Agreement in Principle:

- (i) a minimum area of 5,000 square miles of traditional Inuvialuit lands in the extreme northern portion of the Yukon Territory (12-1-Agreement in Principle)
- (ii) a maximum area of roughly 15,000 square miles, approximating the area withdrawn by the Minister on July 6, 1978, lying north of the Porcupine River, including all traditionally used Inuvialuit lands in the Northern Yukon, and some lands which have not been traditionally used by the Inuvialuit. (12-2-Agreement in Principle).

The National Wilderness Park Steering Committee will initially address itself to the larger of the areas - i.e. the entire withdrawal area. Once it has identified possible Park boundary options, it will then focus its attention within that area.

E. TERMS OF REFERENCE

- 1) In its investigation of the purpose and functions of the National Wilderness Park, the Committee shall:
 - a) identify and recommend boundaries for a National Wilderness Park. In the event that the members of the Steering Committee cannot agree on a common boundary for recommendation, it will define, and rationalize the boundaries for, a series of alternatives or options for consideration.
Definition of one or more boundary proposals must be accomplished early in the process, in order that the specifics of the remaining objectives can be addressed within the time frame.
 - b) define and recommend objectives for the National Wilderness Park, working within the general framework of the National Parks Act and the Parks Canada Policy, and relating directly to the proposed Park area within the Northern Yukon.

This will include considerations for:

- (i) preservation of the Park's natural and cultural heritage resource values, for which the area was designated as being a Natural Area of Canadian Significance;
- (ii) management of the wildlife resources, that reside totally within, or pass through, the Park;

- (iii) continued traditional use by Indian and Inuit peoples of the land and resources of the Park;
- (iv) native training and employment opportunities related to the Park, including provision of ancillary services as accommodation, outfitting;
- (v) resource development within or adjacent to the proposed Park area, including oil, gas, mineral and transportation interests, existing and proposed;
- (vi) joint management strategies applicable to the entire withdrawal area, including a National Wilderness Park, National Wildlife Area, Native ownership through land claim settlement, reversion of land to original status, etc.;
- (vii) Native role in management, operation, and decision-making in all matters pertaining to the Park; and
- (viii) public use by the people of Canada, e.g. as park visitors, scientific researchers, etc.

E.2 The Committee will recommend guidelines for the interim management of the proposed park area(s) identified in E.1(a) above, the interim time frame referring to the interval between the Minister's decision to establish a Park, and that time when the Park is actually proclaimed.

E.3 The committee will recommend guidelines for the establishment of a permanent management regime for the Park area, that will further the objective of its joint planning by the Native people, and the Government of Canada.

This will include:

- (i) defining the objectives of a Permanent Management Regime (PMR);
- (ii) identifying membership for the PMR; and
- (iii) identifying one or more strategies for decision-making within a PMR, with respect to Native input; e.g. shared responsibility on some or all matters; e.g. the creation of an Advisory Body; to advise Parks Canada on matters pertaining to the operation and management of a National Wilderness Park; e.g. some combination of these; and other options.

F. CO-ORDINATION

To the maximum extent feasible, the National Wilderness Park Steering Committee will co-ordinate its activities and other consultation and planning exercises that will be active within the Northern Yukon.

This will include:

- 1) The Parks Canada public consultation process currently in progress, which was announced by the Minister on January 23, 1978, in order to assess the feasibility of setting aside an area of approximately 8,200 square miles in the Northern Yukon (along with 5 other areas in the NWT) as reserves for future National Wilderness Parks.
The entire Northern Yukon, north of the Porcupine River, was subsequently withdrawn by the Minister on July 6, 1978.
- 2) The Task Force on the Porcupine Caribou Range. Its objective is to propose a Management Plan covering the Canadian range of the Porcupine Caribou Herd. One function of the Task Force will be to recommend and rationalize the boundaries of a National Wilderness Park - taking into account the findings of the Steering Committee.
- 3) Jointly with Minister's July 6 announcement, the Minister of Environment announced that the Canadian Wildlife Service would commence preparations of a Canadian position for negotiations with the U.S. for an international agreement on migratory caribou protection.

REPORT OF THE
JOINT PLANNING GROUP
TO THE
STEERING COMMITTEE

The Joint Planning Group has met four times to consider agreements for:

- a) Harvesting rights within the area north of the Porcupine and Bell Rivers;
- b) Purpose and objectives within the withdrawn area;
- c) Types of control and protection required;
- d) Boundary options.

By the end of July, the Inuit and Old Crow peoples had worked out that for the purposes of hunting, trapping and fishing, the Inuit would stay to the north of a line which follows the watershed between the North Slope and the Old Crow Flats and that the Old Crow people would hunt, trap and fish to the south of that Boundary.

Recently it has been ratified by C.Y.I. and C.O.P.E. and will be made public very soon.

This agreement resolved the issue of where Old Crow and Inuit would hunt, trap and fish. This agreement does not affect other Native peoples who have a traditional interest in the areas.

JOINT PLANNING GROUP PROPOSAL

September 12, 1979

Inuvialuit and Old Crow Representatives' proposal to the Wilderness Park Steering Committee regarding disposition of lands, land and wildlife management of the Area in the Northern Yukon withdrawn by Order In Council SOR/78-568 July 6, 1979.

PREAMBLE

The Area referred to comprises those lands of the Northern Yukon, north of the Porcupine and Bell Rivers. The Area has been recognized nationally and internationally as a unique and critical area for wildlife and for the indigenous Loucheaux and Inuvialuit peoples.

Both the Mackenzie Valley Pipeline Inquiry and the National Energy Board concluded that the Northern Yukon was part of our national heritage which requires special protection and prohibition on development. Although many forms of protections have been proposed to preserve various components of the Northern Wilderness, none was able to embrace the unique diversity of the wilderness and its peoples. The following proposal was developed for the Steering Committee by the native peoples who share a traditional and ongoing primary interest in these lands.

We have identified the principles and the issues which in our judgement require comprehensive, integrated solutions. Although all aspects of the issues identified in this paper may not be dealt with by the Steering Committee (for example the International Caribou Agreement) COPE and CYI require the concurrence of the Steering Committee that it will address and facilitate the principles and approach contained in this paper for the area within the withdrawn lands. It is our firm belief that only through this comprehensive approach will a solution for the Northern Yukon be found that will be in the national as well as the territorial and native interests.

A. OBJECTIVES/PRINCIPLES

1. Protection, conservation and effective management of migratory and non-migratory wildlife populations that flourish within the Area.
2. Protection, conservation and enhancement of wildlife habitat and biological productivity throughout the Area and throughout the range of the Porcupine Caribou herd.
3. Achieve equal and meaningful participation for the Indian and Inuvialuit peoples with the responsible governments in land and wildlife management.

4. Recognition, elaboration and protection of the rights of the Inuvialuit and Indian peoples who traditionally live within the range of the Porcupine Caribou or who harvest the caribou and the other wildlife in the Area.

B. BOUNDARY OPTIONS and LEGISLATIVE IMPLEMENTATION

The entire withdrawn area (except for the community of Old Crow) shall be designated as a National Wilderness Area. Such designation would be defined and embodied in the settlement legislations of the Inuvialuit and Yukon Indians and where possible be implemented through appropriate existing legislation, at least for the interim.

C. RESOURCE DEVELOPMENT in the NATIONAL WILDERNESS AREA

There is to be no development activity within the Area that is inconsistent with the stated objective principles.

The means to achieve this principle include the following:

1. Within the National Wilderness Area there shall be a termination of all surface and subsurface rights with the present withdrawal remaining in effect until such time.
2. Any activity which may affect the land, wildlife or biological productivity in the Area shall require the consent of Old Crow, Inuvialuit and responsible government(s).

D. MANAGEMENT REGIMES

PRINCIPLES:

The objective is to develop efficient and effective land and wildlife management regimes to implement the objective/principles and which achieves the effective participation of the local Native peoples in the decision-making and administration.

1. A wildlife management agreement shall be entered into by the parties (including for greater certainty, the people from Old Crow, and the Inuvialuit and the responsible governments) for each species or groups of species. Such agreements shall guarantee equal representation on the management structure from the native people (Old Crow and the Inuvialuit) and from the responsible governments.
2. The management agreement shall include aspects of management contemplated by the Canada Wildlife Act and others such as:
 - harvesting restrictions
 - principles of conservation and management
 - access by individuals not party to the management agreements
 - research
 - methods of harvest
 - habitat protection
 - habitat enhancement
 - prohibitions on specific activities

3. For non-migratory species the management agreement would be entered into between the responsible governments and
 - a) the Inuvialuit North of the Watershed Boundary for harvesting;
 - b) the people of Old Crow South of the same boundary.
4. For populations of migratory species which are shared North and South of the watershed such management agreements shall include responsible governments and both the Inuvialuit and Old Crow peoples.
5.
 - a) It is agreed that the Porcupine Caribou herd must be managed as a herd throughout its entire range. The Porcupine Caribou range extends into both the U.S. and Canada, and within Canada extends beyond the National Wilderness Area.
 - b) Therefore it is proposed that the wildlife management agreement for the Porcupine Caribou include the peoples who have traditionally hunted the Porcupine Caribou for subsistence and apply to the lands over the entire range in Canada and that an International Agreement on Porcupine Caribou be entered into between Canada and the U.S. which embodies the principles, structures and processes of the wildlife management agreement as contemplated by this section.
6.
 - a) The wildlife management agreement shall be implemented by the management regime to achieve the objectives/principles for the Area as set out above. Without limiting the generality of the foregoing, the management regime shall:
 - i) Recognize, respect and be integrated into the international management regime for the Porcupine Caribou herd, migratory birds and other international migratory species.
 - ii) All new international agreements with respect to species shall recognize, respect and integrate the management agreements as contemplated by paragraph D.1. into any international agreement.
 - iii) Provide the strongest protection possible for the habitat of migratory and non-migratory wildlife.
 - iv) Provide a flexible approach to wildlife management.
 - v) Fully utilize the scientific and managerial expertise of the Yukon Territorial Government Game Branch, appropriate Federal agencies, and the scientific community; and the practical and potential skills of the native people who harvest wildlife within the Area.

- D. 6. vi) Respect the rights of the native people within the Area by guaranteeing equal representation and participation from the native people in the decision making process with respect to the Area.
- vii) Maximize employment opportunities for native people in the management regime by ensuring that a predominant number of land and wildlife management positions are filled by local native people who shall be trained and qualified.
- viii) Recognize and respect the agreement between the people of Old Crow and the Inuvialuit, dated July 26, 1979 that establishes the watershed as the wildlife harvesting boundary between the two peoples.
- ix) Permit the two native peoples to control and manage their own wildlife harvesting within their area of primary interest (as determined by the watershed boundary).

E. CURRENT AND TRADITIONAL USE BY NATIVE PEOPLES

The native people require protection and guarantees which include the following:

1. Provisions for Inuvialuit and Old Crow to hold lands in fee simple as determined through their respective land claims negotiations.
2. To recognize and respect the rights of the Native people and the obligation of governments as determined in settlement legislation.
3. Such considerations with respect to harvesting rights include:
 - a) The harvesting rights of the Inuvialuit and the people of Old Crow are subject to the considerations and principles of conservation as determined through the management agreement.
 - b) The Inuvialuit and the people of Old Crow shall have exclusive right to harvest wildlife (except fish) north of the Porcupine and Bell Rivers, according to the watershed boundary agreement and subject to the principles of conservation and the provisions of the Migratory Bird Convention Act and of the provisions of the agreement with regard to migratory caribou as contemplated in paragraph D.5.b). This principle is also subject to the harvesting rights of other native communities, to the extent that such rights are based on proven traditional use for subsistence purposes.
 - c) With respect to harvesting of fish the Inuvialuit and people of Old Crow shall have comparable rights as contemplated in paragraph C.3.b) within the areas of primary interest according to the watershed agreement.

ENVIRONMENT CANADA PROPOSAL
FOR THE
CONSERVATION OF NORTHERN YUKON

GENERAL STATEMENT

The joint proposal of the Inuvialuit and Old Crow representatives presented at the September meeting of the Steering Committee stated that the northern Yukon has been recognized both nationally and internationally as a unique and critical area for wildlife and for the indigenous Loucheaux and Inuvialuit peoples. The national and international significance of the area's wildlife, landforms, vegetation, archaeological and other values, is exactly why Environment Canada shares your interest in the area's protection.

Most objectives of northern native people and those of the Department concerning resource conservation, are in harmony. Both wish to protect the land and ensure that resources are managed in ways which ensure that they will continue to be renewed and will remain healthy. This is vital if the Loucheaux and Inuvialuit lifeways related to the land are to be preserved. These lifeways are valuable to all peoples, to those who live and appreciate them, and to those who have either forgotten or would like to learn how man can live in harmony with his natural surroundings.

Since our aims are largely mutually supportive we have much to gain from cooperation.

Environment Canada has conservation interests in and concerns for the entire area which is now withdrawn. Our proposal, therefore, is intended to show how a land management package including a National Park and a National Wildlife Area could achieve the stated objectives of protecting the land and its wildlife, giving the native people a meaningful role in land and wildlife management, and protecting traditional lifeways.

The proposal is to protect the entire northern Yukon withdrawal area by using two powerful Federal Acts for Conservation - the National Parks Act and the Canada Wildlife Act. The National Parks Act protects for all time nationally significant natural areas in Canada. The Canada Wildlife Act provides a means for applying special protection measures for the conservation of key wildlife habitats and populations. In each case the continuation of traditional use of the area by native peoples would be ensured.

THE PROPOSAL FOR A NATIONAL PARK

The National Park area of interest includes the British Mountains, Herschel Island, and a suitable sample portion of the Old Crow Flats. It could also beneficially include all or part of the area referred to in Section 12 (1) of the COPE Agreement in Principle.

The basis for new national parks in Northern Canada is set by the following objectives:

- a) To preserve for present and future generations, representative natural and historic features of northern natural regions in particular and Canada in general;
- b) To protect the natural and historic resources of these park areas;
- c) To recognize that these parks are areas traditionally used by native peoples and will be managed so as to recognize these traditional activities subject to the 'protection of the parks' resources;
- d) To stimulate the involvement of local people in the management of the parks;
- e) To allow Canadians to benefit, enjoy and use new northern parks through wilderness based recreational activities, at all times respecting the fragility of the resources and traditional native activities.

Northern Parks are intended to be different from those in southern Canada in their relationship to the native people and their emphasis on wilderness activities. Four principal characteristics can be identified:

- a) The area set aside as park would be used on the terms of the land. The intention is that visitors to those parks will to a large degree be self reliant in meeting their needs in the park. Support services will be encouraged in areas outside but perhaps adjacent to the parks;
- b) There would be no intensive use or development zones. Parks Canada has adopted a zoning system for National Parks which provides for five zones ranging from "special preservation" to the intensive use "park services" zone. Intensive use zones would not be established in the northern parks;
- c) Traditional hunting, fishing and trapping by natives and other local people would continue. Parks Canada's management concern, and this is one which is shared with the local resource users, is that the wildlife populations remain healthy, and productive. There is no intention to say that one must hunt, fish and trap the way it was done decades ago. It will be the kind of fish and game management to which the native people and Parks Canada would jointly agree;
- d) A Joint Management Regime will be developed to ensure a continuing role for the native people in managing the wildlife resources. The exact nature of this Joint Management is to be worked out with the native people.

The Joint Management Regime is the mechanism for achieving the stated objectives. Tailored for individual circumstances, the Joint Management Regime would vary from park to park. It would take into account regional considerations. In this particular situation, under Environment Canada's proposal, there is value in addressing both the National Park and the National Wildlife Area wildlife resources by a combined management regime so that a comprehensive and integrated wildlife management system for the entire area could be achieved.

The most important role of the Joint Management Regime is the balancing of the application of policies to achieve the objectives in the area of resource harvesting and of the degree of use of land by others. The latter is of particular concern to Parks Canada since we have a responsibility to provide opportunities for the public to appreciate and enjoy national parks. The task of the Joint Management Regime is, therefore, to develop administrative mechanisms which actively deal with the two aspects of resource harvest and park use. The Joint Management Regime between the park administration and local people would be set up according to an agreement to be negotiated between Environment Canada and representatives of local communities, as stated in the Parks Canada policy.

Within the Joint Management Regime we envisage that native people will play a key role in carrying out resource monitoring, enforcement and some research functions because we recognize their practical and potential skills. Parks Canada will provide training in these areas as required.

I would like to emphasize that we share the desire of the Inuvialuit and Old Crow people to protect the land and its wildlife, and the traditional lifeways of the local people, and believe that our mutual objectives for the northwestern portion of the withdrawn area can best be achieved by the creation of a National Park.

PROPOSAL FOR A NATIONAL WILDLIFE AREA

The National Wildlife Area will have the complementary objectives of the conservation of wildlife and its habitat, and the opportunity for continuation of traditional native lifestyles which depend upon that wildlife. It would be created in the remainder of the withdrawn area not occupied by the National Park, and could include that portion of the Old Crow Flats that is not designated as National Park, if the Old Crow people so desired.

From a wildlife management perspective it would also be logical to include the Richardson Mountains area of the N.W.T. The only activities that can be permitted in a National Wildlife Area are those that do not conflict with wildlife conservation. Access and land use activities would be strictly controlled through a permit system. Existing mineral interests, if not terminated, would be strictly controlled and regulated, to ensure that strict wildlife conservation standards are maintained.

The Canada Wildlife Act permits native people to be part of the management of National Wildlife Areas. All decisions would be made with the full involvement of local community representatives on a management committee.

The land in National Wildlife Areas can either be owned outright by government, or administered by virtue of a lease. A lease would allow for cooperative management of land held in fee simple by native people as part of a National Wildlife Area with the advantages of federal protection by wildlife regulations and professional assistance from C.W.S. in wildlife and land management.

RESOURCE MANAGEMENT REGIME

We share the local people's concern that the management of wildlife and harvesting should be effective as well as uncomplicated and easily understood. The wildlife resources objectives for both the National Park and the Wildlife Area would be very similar. Therefore, there should be a single overall wildlife management and harvesting regime for the whole withdrawal area under the ultimate authority of the Minister of the Environment. Certain management functions, such as monitoring and enforcement would largely be carried out by native people, with Environment Canada providing training where required.

Resources for the management of the area would be assured through the regular programs of Environment Canada, under the authority of the National Parks and Canada Wildlife Acts.

Throughout the National Wildlife Area and the National Park traditional subsistence harvesting will be the first priority consumptive use. We are prepared to recognize this first priority consumptive use as a right, in the context of land claims settlements. This priority right would be subject only to the principles of conservation as reflected in the specific regulations of the National Wildlife Area and the National Park, and regulations which put into effect Canada's obligations pertaining to international wildlife conventions. The national and international significance of these lands, dedicated as public conservation areas, precludes the granting of outright exclusive rights to any single group of Canadians. The one exception to this would be on lands owned in fee simple by individuals or groups, and included in the National Wildlife Area by a leasehold arrangement. We are confident that this priority subsistence harvesting right combined with the appropriate access controls would adequately protect the native harvesting interests in the area.

ADVANTAGES OF ENVIRONMENT CANADA'S PROPOSAL

In our view the combined application of these two laws has the following advantages:

- a) The proposal utilizes established and tested legislation which can be much more easily and quickly implemented than would be an attempt to create a new legislative mechanism. This is especially important in view of the temporary nature of the withdrawal, and in the face of possible changes in national priorities for northern development.

- b) Dedication of national conservation lands by way of a National Wildlife Area and a National Park in northern Yukon already has demonstrated public support and acceptance in Canada.
- c) The combination of the two Acts provides the strictest possible protection for highly sensitive areas (as in the National Park) and a greater degree of flexibility for wildlife and resource management in other areas (as in the National Wildlife Area). Thus the proposal recognizes that native people and other local residents may wish to see limited future development which is consistent with the agreed conservation objectives.
- d) Both Acts provide for the continuation of traditional activities.
- e) Both Acts fall under the responsibility of a single federal Minister, therefore ensuring a consistent, comprehensive and complementary approach to the management of the area's resources.
- f) The Minister responsible for the administration of these Acts is also responsible for negotiation and implementation of international wildlife agreements.
- g) The proposal would provide local participation in the management of the area and its resources.
- h) We would ensure that where economic opportunities arise, the maximum benefits would accrue to local communities.
- i) The proposal would achieve the basic objectives of the local people in the northern Yukon and would allow them to concentrate their land selection in other areas important to them.

CONCLUSION

In essence, we are proposing strict preservation and conservation standards for the area through the combined use of the National Parks Act and the Canada Wildlife Act, two powerful federal Acts for these purposes, while providing guarantees for the continuation of traditional uses of the land and its resources. In view of the mounting pressures for development in the area, we firmly believe that the only timely way to get realistic protection for northern Yukon is through the establishment of a National Park and a National Wildlife Area.

DEPARTMENT OF FISHERIES AND OCEANS

POLICY STATEMENT

This Department has certain policies and concerns that must be reflected in any regime established to administer the proposed Park:

- (a) Management of the fishery resource within the Park, remains the responsibility of this Department;
- (b) Subsistence fishing to be permitted to those natives who have traditionally used the resource for that purpose. However, the levels of such subsistence harvesting of fish will be established by quota and will be governed by conservation requirements;
- (c) The sale of subsistence fish will not be permitted;
- (d) No exclusive fishing rights to any single ethnic group will be authorized;
- (e) International obligations and complications; e.g. salmon, Porcupine River will be met;
- (f) Meaningful involvement in management by the native people will be provided for.

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