

**Linking Environment Canada's
Agenda to the North:
A Working Paper (draft)**



Prepared for
Environment Canada

Submitted by
Gartner Lee Limited

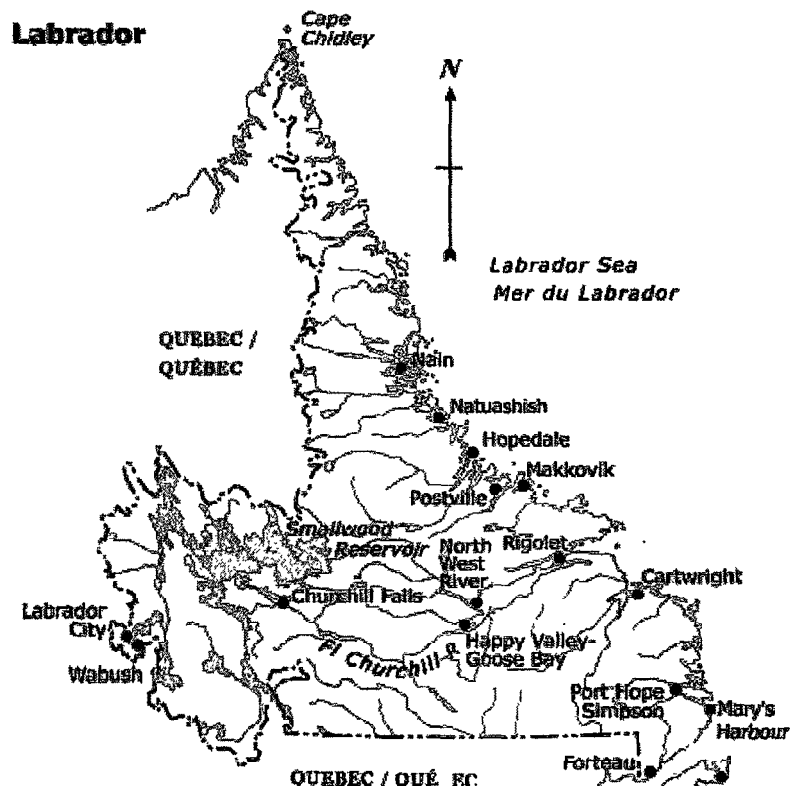
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Page 14, Figure 9. Map of Labrador should be replaced with the following figure. Note that the community of Davis Inlet no longer exists. The community of Natuashish is appropriately identified.



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Disclaimer

The objective of producing this Working paper is to provide Environment Canada employees with background information on key activities (our work, our investments and our accomplishments) in the North in order to support consultation during the upcoming National Workshops on Engaging Environment Canada in the North. The Document is not a policy proposal and is meant to be a description of the activities and issues that should form part of the discussion on creating synergy within the Department with regards to its Northern initiatives.

This work has been compiled by Gartner Lee Limited on behalf of Northern Corporate Affairs in Yellowknife. For more information contact Tim Coleman, Environment Canada, Yellowknife, NT.

Table of Contents

	Page
Glossary of Terms and Acronyms	vi
Preface	1
1. Introduction	1
2. Understanding Environment Canada's North	2
Summary.....	2
2.1 Identifying Environment Canada's North	3
2.2 Key Geographic and Ecosystem Features	3
2.3 Political Landscape	4
2.4 Demographic and Economic Settings	6
3. Northern Land and Resource Management	15
Summary.....	15
3.1 Context	16
3.2 Sharing the Environment with Other Government Departments	16
3.3 Environmental Assessment Regimes.....	19
3.4 Other Resource Management Processes.....	22
3.5 Other Resource Management Measures: Surface Rights Boards	27
4. Environment Canada's Northern Activities	28
Summary.....	28
4.1 Northern Governance Issues	29
4.2 Activities on Environmental Priorities	34
5. Environment Canada Serving the North	44
Summary.....	44
5.1 Introduction	45
5.2 Environment Canada's Management Structure	45
5.3 Environment Canada's Investments in the North.....	46
6. Departmental Contacts	52
7. References	53
Appendix 1.0. Treaties and Land Claims in EC's North	55
Summary.....	55
Treaties	55
Self-Government	58
Appendix 2.0. Key Environmental Legislation by Jurisdiction	61
Appendix 3.0. EC and the North in Transition	65
The Competitiveness and Environmental Sustainability Framework	65
Towards a Northern Strategy.....	67

List of Figures

Figure 1. Environment Canada's North.....	3
Figure 2. Canada's Terrestrial Ecozones.....	4
Figure 3. Canada's Marine Ecozones.....	4
Figure 4. Map of Yukon Territory.....	6
Figure 5. Land Claim Arrangements in the Northwest Territories	8
Figure 6. Map of Nunavut and its Communities.....	10
Figure 7. Map of Northern Ontario showing the five communities of Environment Canada's Northern Canada	11
Figure 8. First Nations of Québec.....	12
Figure 9. Map of Labrador.....	14
Figure 10. The Northwest Passage is a sea route linking the Atlantic and Pacific Oceans.	33
Figure 11. Ecosystem Initiatives across Canada	40
Figure 12. Environment Canada's Organizational Chart.....	46
Figure 13. Comparison of total expenditures (\$000's) for each region and headquarters for fiscal 1996/1997 and 2003/2004.....	49
Figure 14. Comparison of Northern Program expenditures by EC Pillar for fiscal 1996/1997 and 2003/2004.....	51
Figure 15. Treaties eight to eleven.	56

List of Tables

Table 1. Land Claim EA processes	19
Table 2. Dealing with international environmental issues	31
Table 3. Comparison of Northern program budget for ENVIRONMENT CANADA for FY 1996/97 and FY2003/04	50
Table 4. Listing of Departmental Contacts.....	52
Table 5. Summary of Treaties and Land Claims in Environment Canada's North.....	56
Table 6. EC Activities and the Northern Strategy Framework.....	70

Glossary of Terms and Acronyms

ACIA	Arctic Climate Impact Assessment
ADM	Assistant Deputy Minister
AESAS	Arctic Environmental Sensitivity Atlas System
AMAP	Arctic Monitoring and Assessment Program Working Group
AMOP	Arctic and Marine Oilspill Program
BERMS	Boreal Ecosystem Research and Monitoring Sites
BQCMB	Beverly and Qamanirjuaq Caribou Management Board
CAFF	Conservation of Arctic Flora and Fauna Working Group
CCME	Canadian Council of Ministers of the Environment
CEAA	Canadian Environmental Assessment Act
CEPA	Canadian Environmental Protection Act
CESF	Competitiveness and Environmental Sustainability Framework
COMEV	Evaluation Committee
COMEX	Review Committee
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
CWA	Canadian Wildlife Act
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian Affairs and Northern Development
DND	Department of National Defence
EA	environmental assessment
EAA	Environmental Assessment Act
EC	Environment Canada
EIRB	Environmental Impact Review Board
EISC	Environmental Impact Screening Committee
EMAN	Ecological Monitoring and Assessment Network
FTE	Full-time Equivalent
GNWT	Government of the Northwest Territories
HSP	Habitat Stewardship Program
IGC	Inuvialuit Game Council
INAC	Indian and Northern Affairs Canada
ISR	Inuvialuit Settlement Region
JBACE	James Bay Advisory Committee on the Environment
JBNQA	James Bay and Northern Québec Agreement
KEAC	Kativik Environmental Advisory Committee
KEQC	Kativik Environmental Quality Commission
LIA	Labrador Inuit Association
MAGS	Mackenzie GEWEX Study
MBCA	Migratory Birds Convention Act

MSC	Meteorological Service of Canada
MTC	Mushkegowuk Tribal Council
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
NBCI	North American Bird Conservation Initiative
NEI	Northern Ecosystem Initiative
NEQA	Northeastern Quebec Agreement
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claim Agreement
NPA	National Programme of Action
NPC	Nunavut Planning Commission
NRCan	Natural Resources of Canada
NSA	Nunavut Settlement Area
NWB	Nunavut Water Board
NWMB	Nunavut Wildlife Management Board
NWRI	National Water Research Institute
NWRT	Nunavut Wildlife Research Trust
NWT	Northwest Territories
PAME	Protection of the Arctic Marine Environment Working Group
PCA	Parks Canada Agency
POP	Persistent Organic Pollutants
RDG	Regional Director General
REET	Regional Environmental Emergencies Teams
RENEW	Recovery of Nationally Endangered Wildlife Program
RWED	Resources, Wildlife and Economic Development (NWT)
SARA	Species at Risk Act
SCAT	Shoreline Cleanup Assessment Technique
SD	sustainable development
S&T	Science and technology
TC	Transport Canada
TEAM	Technology Early Action Measures
WAPPRIITA	Wildlife Animal and Plant Protection and Regulation of International and Interprovincial Trade Act
WMAC	Wildlife Management Advisory Council
WSC	Water Survey of Canada
YESAA	Yukon Environmental and Socio-economic Assessment Act
YESAB	Yukon Environmental and Socio-economic Assessment Board

Preface

The development of this working paper for Environment Canada staff and subsequent workshops are funded through the Innovation and Learning Fund, and involves the participation of all regions and services in its development and delivery. This working paper describes the complex role that Environment Canada plays in a changing northern landscape in Canada by providing a short description what we do and how we do it of some of EC's key activities and issues in pursuing sustainable development in the North.

A number of workshops will be held across the country to strengthen familiarization with EC's Northern mandate and to create synergy between all of the various initiatives that are addressing ecosystem and sustainable development issues in the North.

The finalization of the working paper is expected to lead to further coherence and consistency with respect to departmental programming and planning in the North.

1. Introduction

Most of the geography of Canada lies in what is commonly referred to as “the North”. There are many definitions of “North”, but for Environment Canada (EC), it is described as the territories of Yukon, Northwest Territories and Nunavut, and the northern regions of the provinces of Newfoundland and Labrador, Québec, Ontario and Manitoba.

The Department does not operate in isolation in Canada’s North. There is a complex overlay of relationships, both international and domestic that influences how the department undertakes its work. Understanding how the constitutionally shared environmental management responsibilities between the federal, provincial and territorial government are managed is central to the issue of effective stewardship in the North. In addition, the implementation of treaties and land claim agreements must also be taken in to consideration, as the commitment under these instruments have profound impact on the jurisdictional and administrative responsibilities in the North.

From an initial mandate in 1970 to protect the biosphere, EC has moved to an integrated ecosystem approach in the 1980s and included the concept of sustainable development in Canada’s Green Plan in the 1990s. Today, EC continues to focus on ecosystems and sustainable development using knowledge and partnerships to address national and international environmental concerns. The powers, duties and functions of the Minister of the Environment extend to and include matters relating to the preservation and enhancement of the quality of the natural environment (including water, air and soil quality); renewable resources, including migratory birds and other non-domestic flora and fauna; water; meteorology; enforcement of any rules or regulations made by the International Joint Commission relating to boundary waters; and coordination of the policies and programs of the Government of Canada respecting the preservation and enhancement of the quality of the natural environment (*Department of Environment Act*). To that end, EC now constitutes 4700 employees, an annual budget of \$0.5 Billion and with offices in 100 communities across Canada.

Key legislation related to the mandate and operation of EC includes *the Department of Environment Act, Canada Water Act, Weather Modification Information Act, Species at Risk Act, Emergency Preparedness Act, and Canada Wildlife Act*. Environment Canada programs and responsibilities are also supported by other federal legislation administered in part by EC in collaboration with other departments such as Health Canada (*CEPA 1999, Hazardous Product Act*) NRCan, DFO, CEAA (*Canadian Environmental Assessment Act*), PMRA (*Pest Control Products Act*), Transport Canada (*Arctic Water Pollution Prevention Act, Canada Shipping Act (Part XV), Transportation of Dangerous Goods Act*), and Indian Affairs and Northern Development (*Arctic Water Pollution Prevention Act*).

2. Understanding Environment Canada's North

Summary

Environment Canada's North includes roughly half of Canada's landmass, spread across the three territories and parts of four provinces. Aboriginal people represent a high proportion of the North's population, ranging from roughly 20% in the Yukon to 35% in Labrador, to nearly 85% in Nunavut and close to 100% in northern Ontario and Québec.

The Aboriginal groups – First Nations, Métis and Inuit – in EC's North differ significantly in their culture, language and political outlook, and in their formal relations with federal, provincial and territorial governments. A key element defining these relationships is the status of land claims and self-government negotiations. Some Aboriginal groups in EC's North are party to the 'numbered treaties' (specifically treaties 8, 9 and 11), signed in the first few decades after Confederation. Others never signed treaties with either the British or Canadian authorities. Consequently, most of EC's North is covered by 'comprehensive land claims', which are modern-day treaties and have constitutionally protected status.

Further to relationships with Aboriginal peoples, provincial and territorial governments have unique governance relationships in northern parts of the country. Devolution has changed the political landscape in the Yukon, and is likely to continue as devolution agreements are negotiated with NWT and Nunavut.

Economic activity in EC's North is tied to resource extraction such as oil and gas, diamonds, base metals, forests, and marine life. Government leadership continues to be critically important as an overall economic contributor as a source of jobs, especially in the smaller communities. The service sector – transportation, retail, business services, construction and the like – is also a significant growing economic force along with tourism, and arts and crafts. Finally, traditional pursuits such as hunting, trapping and fishing are of great cultural significance and represent an important source of fresh, inexpensive, high-quality food for many Northerners.

2.1 Identifying Environment Canada's North

Environment Canada's North¹ includes Labrador, northern Québec as defined by the taiga shield ecozone, northern Ontario as defined by the Hudson Plains ecozone, and Yukon, Northwest Territories and Nunavut (Figure 1). The area is roughly equivalent to 50% of Canada's landmass.

2.2 Key Geographic and Ecosystem Features

Environment Canada's North encompasses 13 of the total 20 ecozones that make up Canada. Ecozones are useful for general national reporting and for placing Canada's ecosystem diversity in a North American or global context².

Environment Canada's North encompasses 10 terrestrial ecozones (Figure 2: Arctic Cordillera, Northern Arctic, Southern Arctic, Taiga Plains, Taiga Shield, Taiga Cordillera, Hudson Plains, Boreal

Plains, Boreal Shield, and Boreal Cordillera) and three marine ecozones (Figure 3: Arctic Basin Marine³, Arctic Archipelago Marine⁴, and Northwest Atlantic Marine⁵).

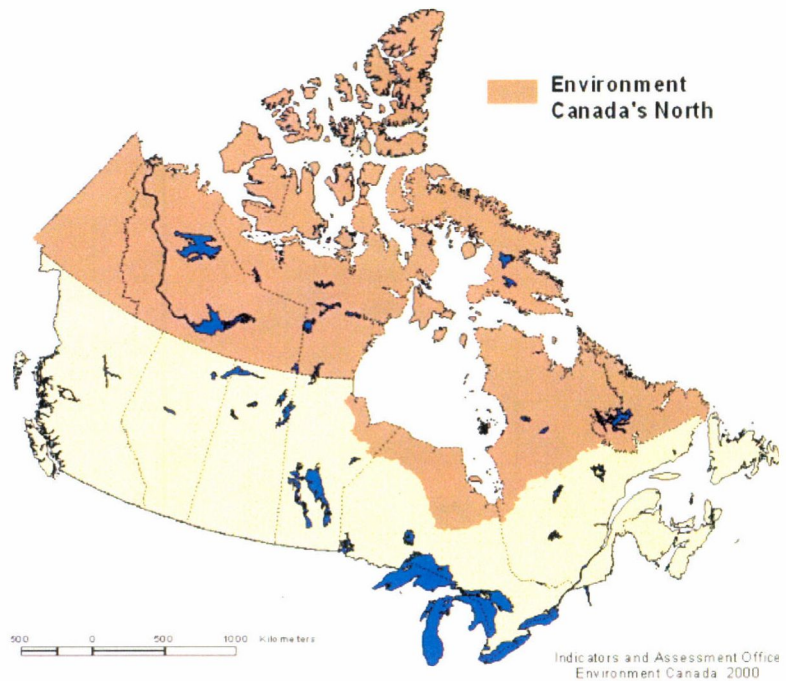


Figure 1. Environment Canada's North

¹ The boundaries in Figure 1 reflect the boundaries of the Northern Ecosystem Initiative described later in this Handbook.

² <http://atlas.gc.ca/site/english/maps/environment/ecology/framework/terrestrialecozones/1>

³ <http://www.canadianbiodiversity.mcgill.ca/english/ecozones/arcticbasinmarine/arcticbasinmarine.htm>

⁴ <http://www.canadianbiodiversity.mcgill.ca/english/ecozones/arcticarchipelagomarine/arcticarchipelagomarine.htm>

⁵ <http://www.canadianbiodiversity.mcgill.ca/english/ecozones/northwestatlanticmarine/northwestatlanticmarine.htm>

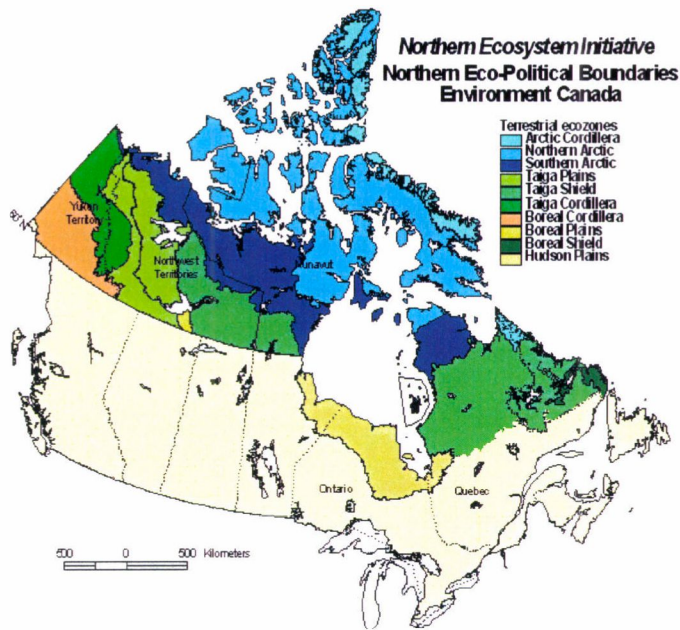


Figure 2. Canada's Terrestrial Ecozones

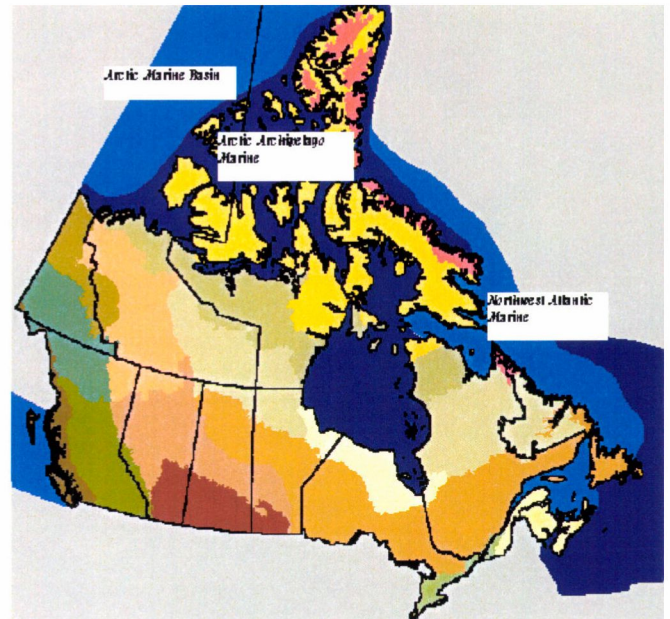


Figure 3. Canada's Marine Ecozones

2.3 Political Landscape

Environment Canada's North is a politically complex landscape. In addition to the boundaries of the four provinces⁶ and three territories, the geo-political boundaries of treaties and land claims have significant implications for managing land and resources.

Aboriginal Governance

Over the past three decades, progress in northern political development and northern institution-building, combined with progress on the Aboriginal agenda, has contributed to strengthened partnerships on a "government to government to government" basis. The majority of northern land claims have been settled or are near completion.

Nine First Nations governments are in place in Yukon and self-government negotiations are near completion or progressing well with several other groups in the Yukon and the NWT. Canada's oldest land claim agreement, the James Bay Northern Quebec Agreement, was signed in 1971 and is currently under discussion regarding its implementation. Labrador Innu recently signed their comprehensive land claim and self-government agreement, while First Nations in the Hudson Bay lowland are operating within the Indian Act reserve-based system.

⁶ For the purposes of this Resource Book, Manitoba while within Environment Canada's North was not described because of the small areal extent of the Hudson Bay Plains.

Métis leaders across the North are at various stages of political development. The NWT Métis Nation is currently in discussion with the Canadian and territorial government regarding a “land and resources package” that will have elements of a land claims agreement.

Territorial and Provincial Governments

The new territory of Nunavut, while going through the inevitable growing pains of territory-building, provides the foundation for the Inuit of the eastern Arctic to shape their own future. INAC’s provincial-like land and resource management responsibilities in the Yukon were devolved to the Yukon Government on April 1, 2003, thereby providing Yukoners with the means to take the decisions on issues key to that territory’s development. Devolution negotiations have commenced in the NWT with the participation of the territorial government and Aboriginal leaders. Discussions with Nunavut on devolution are likely to begin in 2005.

Provincial governments operate at considerable distance from northern regions, and are making strides towards addressing northern issues systemically through the development of intergovernmental mechanisms. The goal of many of these mechanisms is to enable Aboriginal and territorial/provincial government leaders to work with the federal government on building consensus on how to address joint challenges in the North. Institutions created through claims settlements and other processes provide northern Aboriginal people with the means to participate in decision-making processes around development and to derive benefits from major projects, thereby enhancing their support for development activity. These are all essential underpinnings for current and future development opportunities.

International Political Context

In the past decade, increasing interest in circumpolar events and issues has spurred global cooperation to address arctic environmental issues. Increasingly, cooperation between circumpolar nations is going beyond scientific research and monitoring towards efforts to mitigate human impacts and identify approaches to adapting to human impacts where necessary. Furthermore, engagement of Aboriginal governments and organizations in these international for a has brought increased political attention to the human dimension of circumpolar issues. Project-based partnerships with institutions in other circumpolar nations have also flourished, allowing participants to build capacity by sharing expertise, information and technology best suited to northern contexts.

The relationship between EC and these international, territorial, provincial and Aboriginal institutions is evolving as governance responsibilities and priorities change. At the same time, relationships are changing between governance and policy organizations operating in the North.

2.4 Demographic and Economic Settings

This section summarizes the basic demographic and economic settings of Environment Canada's North.

2.4.1 Yukon

Yukon Territory (Figure 4) is Canada's western most territory, bounded on the west by Alaska and on the east by the Northwest Territories. The north and south are bounded by the Arctic Ocean and British Columbia respectively.

2.4.1.1 Demographics

Two central features of Yukon demography stand out. First, although there is a substantial First Nations minority (23%) the overwhelming majority of the population is non-Aboriginal. Second, two-third of the territorial population (28,675⁷) lives in the City of Whitehorse, with the balance spread across small communities.

2.4.1.2 Economics⁸

Economic development in the Yukon has been closely linked to mining for more than a century. The economy has boomed or declined according to the mining industry's cycles. Today, mining still has not regained its strength, but higher world metal prices are once again leading to more exploration.

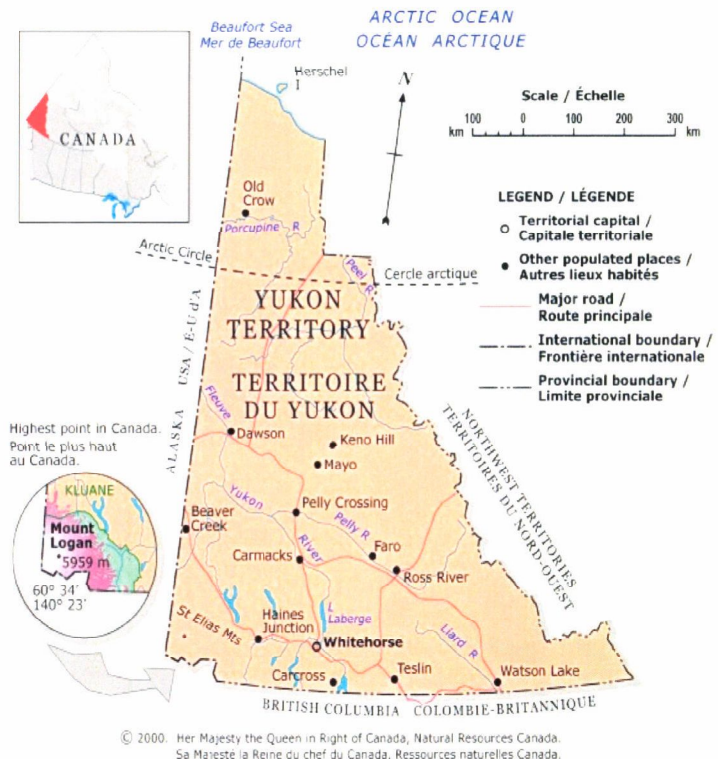


Figure 4. Map of Yukon Territory⁹

Oil and gas¹⁰ exploration and development has potential to increase in the Yukon. Past exploration activity in southeastern Yukon is directly linked (through a common reservoir) to the oil and gas exploration and development activities of the southwestern NWT (e.g., Liard Plateau). The Eagle Plain Basin in northern Yukon is an under-explored basin with proven oil

⁷ <http://www12.statcan.ca/english/profil01/PlaceSearchForm1.cfm>

⁸ <http://www.yukoncommunities.yk.ca/yukon/economy/>

⁹ http://atlas.gc.ca/site/english/maps/reference/provincesterritories/yukon_territory/referencemap_image_view

¹⁰ http://www.ainc-inac.gc.ca/oil/bkgd/prospectus/index_e.html

and gas potential and a high potential for additional discoveries of oil and gas pools of small to moderate size.

Tourism also provides a significant number of jobs in fields like accommodation and food services, recreation, transportation, and retail trade although seasonal in nature.

Finally, government activity and employment remains major contributors to the Yukon economy. Territorial, federal, municipal, and First Nations governments create jobs, as do health care, education, and social services. In 2003, governments employed close to 5,000 people, just under a third of all those employed in the Yukon.

2.4.2 Northwest Territories

Canada's Northwest Territories (Figure 5) has undergone continuous change in the past 150 years. When the Northwest Territories became part of Canada in 1870, it included what is now the Northwest Territories, Nunavut, Yukon, Alberta, Saskatchewan, Manitoba, northern Ontario and northern Quebec. The Arctic Islands were added in 1880. The present configuration of the Northwest Territories took place April 1, 1999 with the creation of Nunavut.

2.4.2.1 Demographics

The overall breakdown of Aboriginal and non-Aboriginal components of the population is somewhat misleading, in two senses. First, while the overall balance is very close to 50-50, it is not evenly distributed. The City of Yellowknife, which constitutes close to half the territorial population (37,360¹¹), is predominantly non-Aboriginal whereas most small communities are overwhelmingly Aboriginal. Second, significant cultural and political divisions are evident among the Aboriginal people, for example between Inuvialuit, Métis and Dene (within the Dene, regional-tribal groupings are highly significant, not least in their variable relations with local Métis).



Figure 5. Land Claim Arrangements in the Northwest Territories

2.4.2.2 Economics

Mining and petroleum and natural gas production are the most important industries. Within the mining sector, gold mining has declined significantly as older, low-yield mines have closed. However, the burgeoning diamond industry supplies many direct and spin-off service jobs. Traditional industries such as fishing, hunting, and trapping have been declining in importance as a source of cash income because of low prices, but remain culturally significant and also serve as an important source of food in many communities. Arts and crafts are encouraged and promoted in order to replace these industries.¹²

¹¹ <http://www12.statcan.ca/english/profil01/PlaceSearchForm1.cfm>

¹² <http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=J1SEC785646>

Government - federal, territorial, municipal, and Aboriginal - is the largest employer and an important sector of the economy for many communities. In 1996, 10,993 people, or 40% of all people employed, were in the government sector.

2.4.3 Nunavut

Nunavut (Figure 6) created April 1, 1999 is Canada's newest territory. A promise from the settlement of the Nunavut Land Claim Agreement, the creation of Nunavut saw the split of the Northwest Territories along the lines of traditional Inuit and Dene territories.

2.4.3.1 Demographics

Nunavut's population (26,745¹³) is overwhelmingly Inuit and is remarkably young by Canadian standards - 41% is under 15 years of age. Iqaluit, the territorial capital is home to roughly 6,000 people, representing about a fifth of the territorial population. The balance lives in two dozen small communities, most of which are 95 per cent or more Inuit.

2.4.3.2 Economics

Nunavut's economy is dominated by public sector activity. The service sector linked to mineral exploration is growing in importance as Nunavut seeks to exploit its vast mineral resources. Nunavut also has large oil and gas reserves that may hold economic potential as fuel prices rise. While considerable potential exists, economic development in Nunavut continues to be limited because of the high cost of transportation and development, lack of marine infrastructure, an extreme climate, and the remoteness of the deposits (GN, 2004).

¹³ <http://www12.statcan.ca/english/profil01/PlaceSearchForm1.cfm>

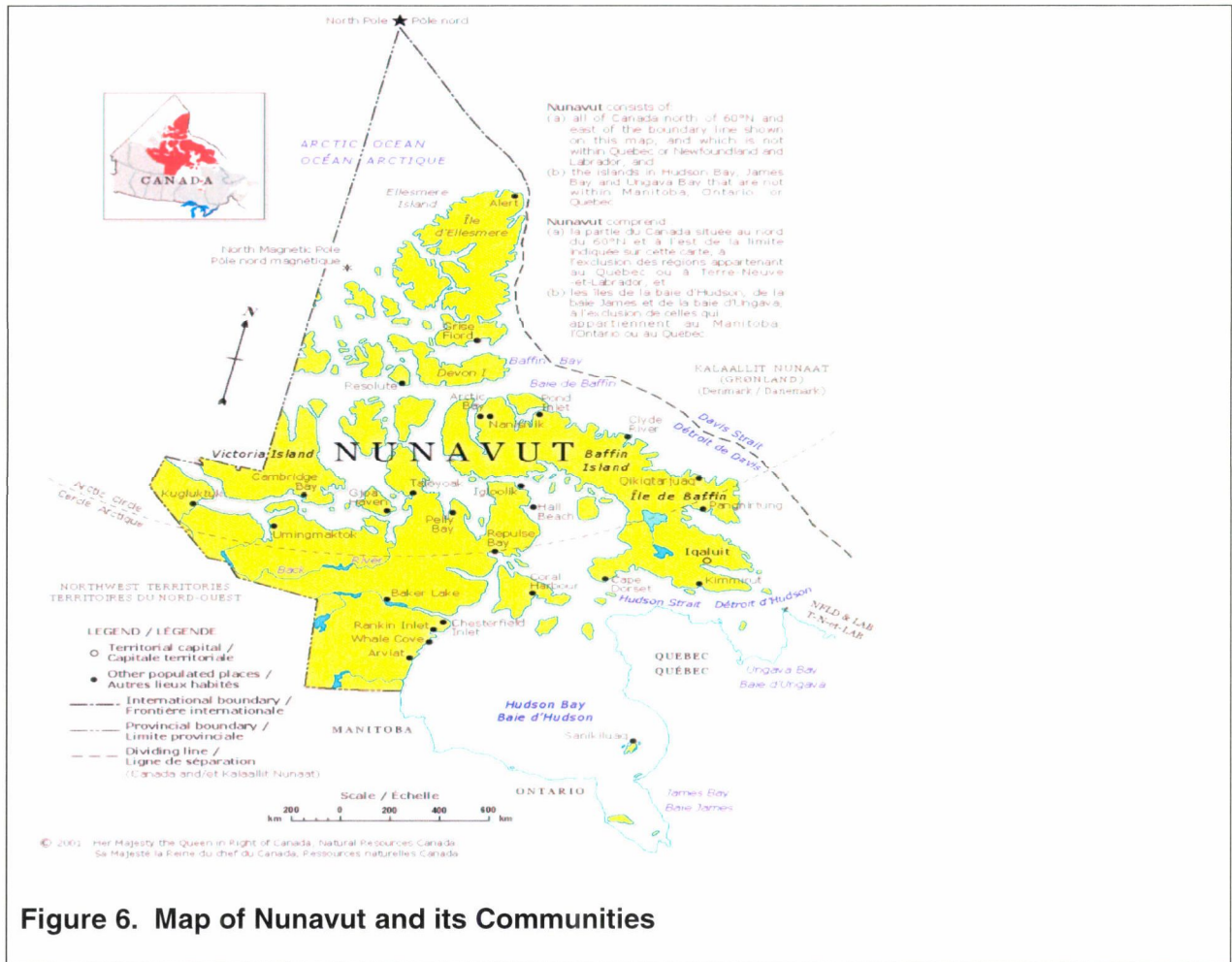


Figure 6. Map of Nunavut and its Communities

The harvesting economy is worth at least \$40 million annually and provides many families with an affordable and important source of nutritious food (GN, 2004). Tourism, arts and crafts and commercial fishing are all significant elements of the territorial economy with extensive potential for growth. The Co-op movement has long been a major economic force in Nunavut, through its network of stores and its marketing of arts and crafts. With the settlement of the land claim and the transfer of substantial amounts of money from the federal government to Inuit organizations, the so-called Inuit ‘birthright’ corporations have become important players in the economy.

2.4.4 Northern Ontario

Environment Canada’s Northern Ontario (Figure 7) corresponds to the Hudson Plain ecozone. There is also a Northern Ontario based on administrative and political boundaries. That “Northern Ontario” is generally identified as the area north of Lake Nipissing, which includes such metropolitan areas as North Bay, Sudbury and Thunder Bay.

2.4.4.1 Demographics

Environment Canada's northern Ontario lies within the Hudson's Bay Lowlands and comprises of the Cree communities of Fort Severn, Peawanuck, Attawapiskat, Kashechewan, Fort Albany, and Moosonee. All communities are part of the Nishnawbe-Aski Nation (Cree) and their population in 2001 was 7124 (Statistics Canada, 2004), almost entirely Aboriginal. Moosonee and Moose Factory are accessible by rail from the south and winter roads link several of the communities, but otherwise transportation is by air or water.

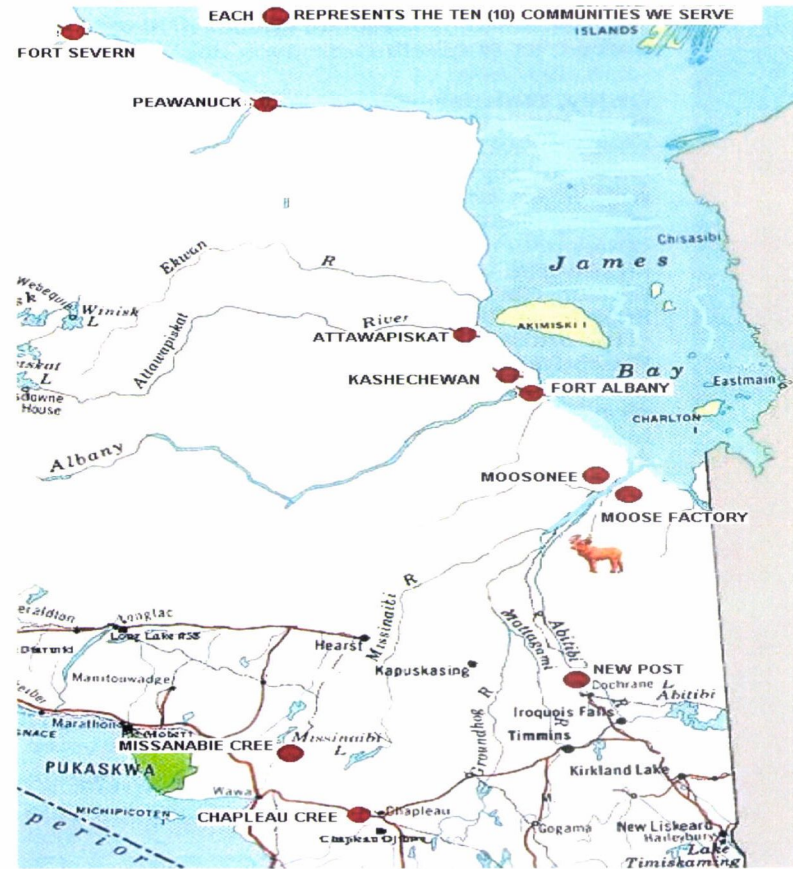


Figure 7. Map of Northern Ontario showing the five communities of Environment Canada's Northern Canada

2.4.4.2 Economics

The local economy is primarily based upon First Nation services and small businesses. There is still dependence on the land as families leave the community during the spring and fall to camp, hunt, trap, fish and prepare hides. Tourism, government, and service activities provide the great bulk of the jobs in the wage economy. Business enterprises owned and operated by First Nations are of increasing prominence.

2.4.5 Northern Québec

Northern Québec corresponds closely to conventional understandings of Northern Québec (Figure 8) and includes the ecozones of the taiga shield, southern arctic and northern arctic. Its boundaries are Hudson Bay in the west and Ungava Bay and Labrador in the east. The territory is comprised of the James Bay and Northern Québec Agreement and the Northeastern Québec Convention. It consists mainly of Nunavik (Inuit territory), part of Eeyou Istchee (Cree territory), Naskapi Iyuch Utaschiwaaw (Naskapi territory) and the Innu community of Matimekush/Lac-

John. Northern Québec covers approximately 50% of the province of Québec and is mostly under the administration of the Québec government except for fisheries, migratory birds, shipping and federal Crown lands.

2.4.5.1 Demographics

A very small population in relation to the huge size of the territory characterizes the demographics of Northern Québec. The population is made up mainly of Aboriginal peoples from four nations: Cree, Inuit, Naskapi and Innu (Environment Canada, 2002).

Nunavik consists of 14 Inuit communities with a population of 8,705 Inuit (Environment Canada, 2002) including approximately 900 non-Inuit (Nunavik Atlas, 2004).

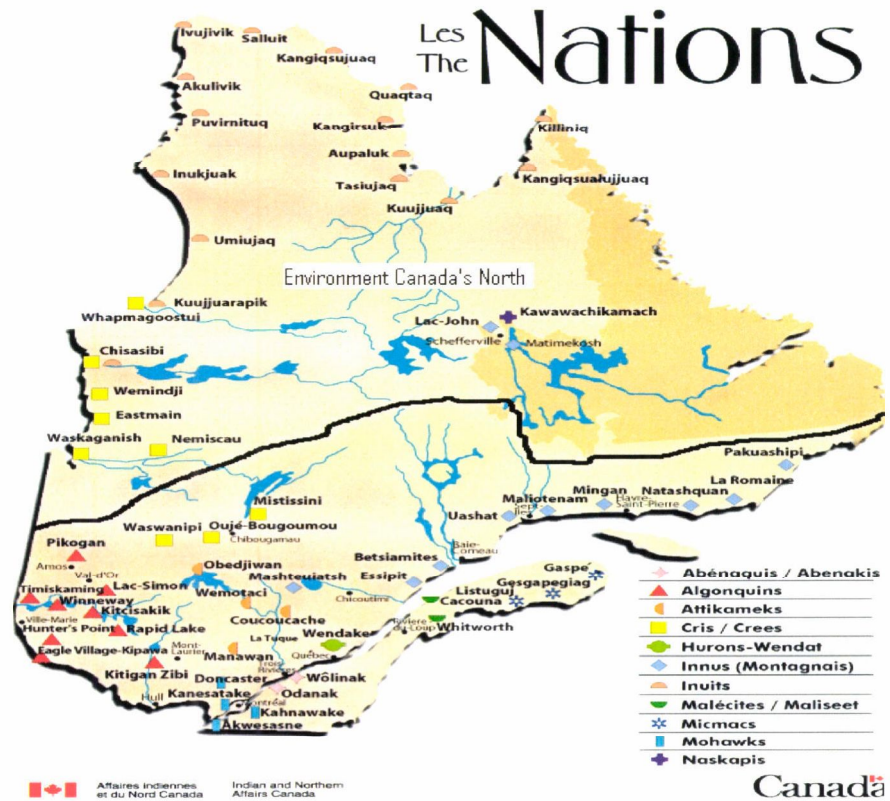


Figure 8. First Nations of Québec¹⁴

The five Cree reserve communities have a total aboriginal population of approximately 7,394 (Environment Canada 2002) and a non-aboriginal population of 100 (Statistics Canada, 2004). The Naskapi Territory has 1 community with a population of 799 (Environment Canada, 2002). Finally, northern Québec is made up of the communities of Schefferville and Kawawachikamach (combined population of approximately 655) and the Innu communities of Matimekossh/Lac John (pop. 712) (Environment Canada, 2002).

2.4.5.2 Economics

Hydroelectric development and mining clearly predominate in terms of development in the territory. The La Grande complex, built in the 1980s, produces over 15,000 MW of power, which is sent to southern Québec markets over an impressive network of transmission lines. In

¹⁴ http://www.ainc-inac.gc.ca/qc/aqc/nat_e.html

the province, Northern Québec is one of the province's regions with the greatest hydroelectric power potential.

The Quebec NEI territory also has great mining potential. Although the region has yet to be explored extensively, mineral exploration has increased north of the 55th parallel in the last few years. The main deposit mined in the territory is the Raglan property, which is owned and operated by Falconbridge under an agreement with the Inuit. This large copper–nickel deposit has an estimated mine life of 25 years.

The recent discovery of diamond indicator minerals is also very promising for Northern Québec. Exploration is currently under way in the region to obtain more knowledge of this relatively unknown area (Environment Canada 2002).

2.4.6 Labrador

Labrador is the mainland portion of the province of Newfoundland and Labrador (Figure 9). Labrador, forming the easternmost portion of the Canadian Shield, is roughly triangular and is approximately 112,000 square miles, and two and a half times the size of Newfoundland. Its southern and western boundary borders on Québec. On the east it spills into the Atlantic Ocean.

2.4.6.1 Demographics

In the last census, Labrador's population was 27,864 with 9,700 people of Aboriginal descent (35%) - Inuit, Métis, or Innu (Statistics Canada, 2001). Aboriginal communities are found on the coast of Labrador and the Upper Lake of Melville area while non-Aboriginal populations are found in primarily western Labrador and parts of central Labrador and lower coast. The two Innu communities in Labrador are Sheshatshiu and Natuashish. The total Innu population of Sheshatshiu is approximately 902 while Natuashish is 580 (Department of Indian Affairs and Northern Development 2003). The Innu are currently in land claim negotiations.

Communities of primarily Inuit descent represented by the Labrador Inuit Association (LIA) include Nain, Hopedale, Postville, Makkovik and Rigolet. The total population of these communities is approximately 4000. The LIA recently ratified a land claims and governance agreement with the federal and provincial governments.

The Labrador Métis numbering at approximately 4000 live primarily in central and coastal Labrador communities (Statistics Canada, 2001). The Government of Canada has yet to make a decision with respect to the application of the Powley criteria to Labrador Metis nor has it made a decision on whether or not the Labrador Metis Nation Land Claim will be accepted for negotiation.

2.4.6.2 Economics

The main economic drivers in Labrador include mining, retail and trade, government services, educational services, health and social services, hospitality, construction, manufacturing, and communications followed by fishing and logging¹⁵. Large mining, hydro, and military operations are contrasted with traditional hunting and fishing lifestyles.

In Labrador West, mining is the main industry with two large iron-ore mine sites along with a large hydroelectric facility at Upper Churchill Falls. On the North Coast, fishing pressures exist along with the developing

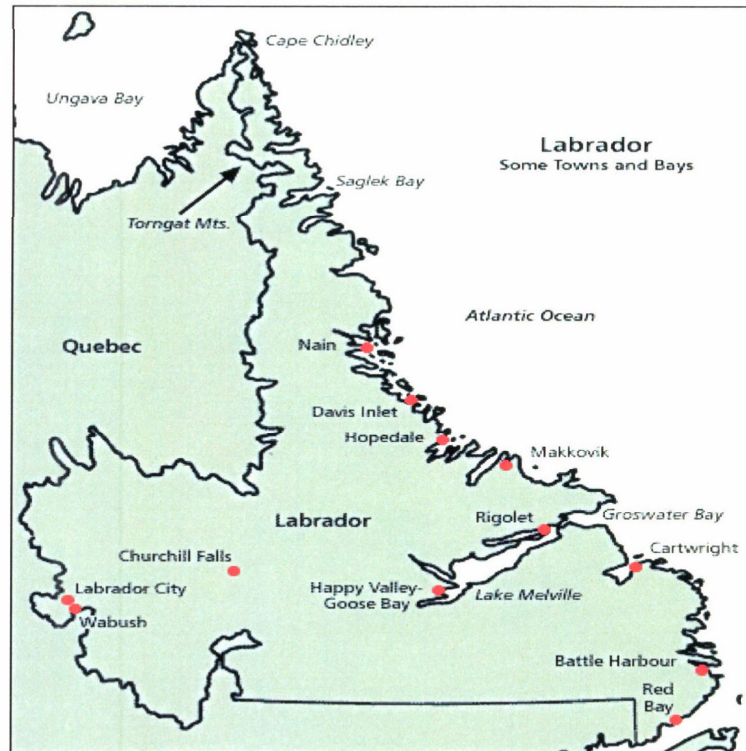


Figure 9. Map of Labrador¹⁶ (see ERRATUM)

nickel-copper-cobalt mining industry (Voisey's Bay). In Central, South Coast, and Straits of Labrador, the forestry industry is developing along with traditional tourism and fishing industries. The military base in Happy Valley-Goose Base is also a main industry in Central Labrador as well.

The establishment of two national parks; the Torngat Mountain and the Mealy Mountain Parks, along with the extension of the Trans-Labrador Highway is predicted to increase tourism.

¹⁵ ACOA Newfoundland (2001). The Labrador Public Policy Report. p. 80

¹⁶ http://www.heritage.nf.ca/labrador_fullmap.html

3. Northern Land and Resource Management

Summary

Environment Canada's role in relation to environmental protection and resource management is shared with a host of other parties, including federal departments and agencies; provincial and territorial departments and agencies; and with bodies established under land claims. Land claims and other arrangements coming out of environmental assessment processes have driven the establishment of boards, tribunals and other co-management regimes across EC's North. These institutions have added to the burden of work and fiscal demands as EC is asked to sit on boards, provide technical advice, or respond to policy recommendations.

3.1 Context

Responsibility for management of the environment is shared with other government departments, agencies, and land claim bodies. Land claims are modern day treaties, which are constitutionally protected under section 35 of the *Constitution Act, 1982*. Almost all the land across the three territories is covered by land claims. In Labrador, the Labrador Inuit Association (LIA) in 2004 ratified a lands claims and governance agreement, the Innu are still in negotiations; and a decision has not been made yet by the federal government on whether or not the Labrador Métis Nation Land Claim will be accepted for negotiation.

The public management institutions that arise out of claims include wildlife, fish, water, surface rights and land use planning boards. There are also boards that manage the environmental assessment of projects. This means that an understanding of the environmental responsibilities across the north requires an awareness of the role and powers of the various land, resources and environmental bodies in place. It also requires a great deal of human and fiscal effort to respond to the evolving requirements including, personnel to sit on boards, the provision of critical scientific and technical expertise and occasionally funding for special projects.

3.2 Sharing the Environment with Other Government Departments

Environment Canada's role across the northern region is a complex inter-jurisdictional matter. The provincial governments share the constitutional responsibility for the environment with the federal government. The situation in the territories is managed similarly to that of the provinces even though the territories are ultimately still the constitutional responsibility of the Government of Canada. An overview of territorial and provincial environmental legislation responsibilities is found in Appendix 2. Environment Canada staff work collaboratively with provincial and territorial partners on a broad number of activities in the North, from international collaboration to research to enforcement activities.

Environment Canada shares environmental management responsibilities with several federal departments and agencies and relies on their expertise in carrying out its mandate. The sharing of environmental management responsibilities were first laid out in the *British North America Act*, and later the *Constitution Act (1982)*. Some of the key federal departments and agencies with environmental management responsibilities are discussed below.

3.2.1 Indian Affairs and Northern Development (DIAND)

Indian Affairs and Northern Development's (DIAND) role in the North is extremely broad and includes settling and implementing land claims, negotiating self-government agreements,

advancing political evolution, managing non-renewable natural resources in the Northwest Territories and Nunavut, protecting the environment, and fostering leadership in sustainable development both domestically and among circumpolar nations.

This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act*, territorial acts and legal obligations arising from section 91(24) of the *Constitution Act*, 1867; however, the department is responsible for administering over 50 statutes in total. Consequently, DIAND's mandate is complex and its responsibilities encompass a broad range of services and overlap responsibilities of numerous other federal government departments.

In general, INAC has primary, but not exclusive, responsibility for meeting the federal government's constitutional, fiduciary, treaty, political, and legal responsibilities to First Nations, Inuit and Northerners. To fulfill this mandate, INAC must work collaboratively with First Nations, Inuit and Northerners, as well as with other federal departments and agencies, provinces and territories. Increasingly, INAC's role has become one of facilitating change and bringing together the partners and interests needed to implement the government's 1998 *Gathering Strength — Canada's Aboriginal Action Plan*.

3.2.2 Fisheries and Oceans Canada

Fisheries and Oceans Canada (DFO) is responsible for regulations, programs and policies in support of Canada's economic, ecological and scientific interests in oceans and inland waters; for the conservation and sustainable utilization of Canada's fisheries resources in marine and inland waters; for leading and facilitating federal policies and program on oceans; and for safe effective and environmentally sound marine services responsive to the needs of Canadians in a global economy. Of the six administrative regions that comprise the Department, primarily the Newfoundland, Québec, and the Central and Arctic regions deliver northern services.

Key legislation related to the mandate and operation of Fisheries and Oceans Canada includes the *Department of Fisheries and Oceans Act*, *Canada Shipping Act*, *Coastal Fisheries Protection Act*, *Fisheries Act*, *Navigable Waters Act*, and the *Oceans Act*.

3.2.3 Natural Resources Canada

Natural Resources Canada (NRCan) specializes in the sustainable development and use of natural resources, including energy, minerals and metals, forests and maintains the Government of Canada's earth sciences capabilities. NRCan provides four main services: (1) Conduct leading-edge science and technology to provide Canadians with ideas, knowledge and technologies, (2) build and maintain a national knowledge infrastructure on Canada's land and resources, (3) ensure that federal policies and regulations on issues such as the environment, trade, the economy, Canadian land and science and technology enhance the natural resources sector's contribution to the economy, and (4) promote Canada's international interests and

commitments related to natural resources. The Department is composed of the Earth Sciences Sector, The Canadian Forest Service, the Minerals and Metals Sector, the Energy Policy and the Energy Technology and Programs sectors, and the Corporate Services Sector.

Environment-related legislation implemented by NRCan includes the *Arctic Waters Pollution Prevention Act*, *Canada Petroleum Resources Act*, *Canada Lands Surveys Act*, *Canada Oil and Gas Operations Act*, *Department of Natural Resources Act*, and the *Forestry Act*.

3.2.4 Transport Canada

Transport Canada (TC) works to help ensure that Canadians have the best transportation system by developing and administering policies, regulations and programs for a safe, efficient and environmentally friendly transportation system; contributing to Canada's economic growth and social development; and, protecting the physical environment. Similar to EC, the Department is organized into five regional offices (the Pacific Region, Prairie and Northern Region, Ontario Region, Québec Region, and Atlantic Region), and more than 50 Transport Canada Centres.

Environment related legislation for which Transport Canada is responsible includes the *Department of Transport Act*, *Arctic Waters Pollution Prevention Act*, *Canada Marine Act*, *Canada Shipping Act*, and the *Navigable Waters Protection Act*.

3.2.5 Parks Canada Agency

The Parks Canada Agency's role is to protect and present nationally significant examples of Canada's natural and cultural heritage and foster public understanding, appreciation and enjoyment in ways that ensure their ecological and commemorative integrity for present and future generations. The Parks Canada Agency (PCA) meets these obligations through its policy of managing parks for ecological integrity and ensuring that lands and cultural sites are identified and selected for protection.

The PCA is housed under the Minister of the Environment. Within EC's North, there are 10 established national parks or national park reserves and several proposed parks. These are all located in the three territories. The number of national historic sites managed by Parks is four: one in Labrador and three in the Yukon. Several historic sites are pending e.g., Saoyue and Ehdacho, Deline Fishery and Fort Franklin Historic Site in the NWT. The PCA is also responsible for identifying and protecting Heritage Rivers. There are 10 designated rivers and one proposed river across EC's North (11 and two respectively if northern Manitoba is considered).

It should be noted that in the territories, the role of the PCA is on the cusp of change. As devolution takes place, the PCA becomes the largest federal land manager in the three northern territories.

3.2.6 Canadian Environmental Assessment Agency

The Canadian Environmental Assessment Agency (Agency) is an independent federal body, accountable to Parliament through the Minister of the Environment. The Agency has a varied role, but primarily is it responsible for managing the *Canadian Environmental Assessment Act* (CEAA) including administrative and advisory support for review panels, mediations, comprehensive studies and class screenings.

3.3 Environmental Assessment Regimes

- Environment Canada is faced with multiple environmental assessment (EA) regimes across the north, which draws on the skills and expertise of EC staff. In each jurisdiction, the EA structures are different as a result of land claim and self-government agreements. The earliest agreement and a forerunner to the concept of sustainable development (SD) in EA is the *James Bay and Northern Québec Agreement*¹⁷ (1975).

The other EA land claim processes are summarized in Table 1.

Table 1. Land Claim EA processes

Land Claim	Location	Year EA process enacted
James Bay and Northern Québec Agreement	Northern Québec	1975
Northeastern Québec Agreement	Northern Québec	1978
Western Arctic (Inuvialuit) Land Claim Agreement	Inuvialuit Settlement Region (ISR)	1984
Nunavut Comprehensive Land Claim Agreement	Nunavut	1996
Gwich'in Comprehensive Land Claim Agreement	NWT	1998 (as the <i>Mackenzie Valley Resource Management Act</i>)
Sahtu Dene-Metis Comprehensive Land Claim Agreement	NWT	1998 (as the <i>Mackenzie Valley Resource Management Act</i>)
Tli Cho Land Claim and Self-government Agreement	NWT	1998 (as the <i>Mackenzie Valley Resource Management Act</i>)
Council for Yukon Indians Umbrella Final Agreement	Yukon	2005 (pending as the <i>Yukon Environmental and Socio-economic Assessment Act</i>)
Labrador Inuit Land Claims	Labrador and Newfoundland	2005

¹⁷ <http://www.menv.gouv.gc.ca/evaluations/mil-nordique/index-en.htm>

Boards and committees that have responsibility for conducting environmental and socio-economic assessments of proposed developments blanket¹⁸ Nunavut, the NWT, Yukon, Québec, and soon, Labrador. These bodies are the outcome of land claim negotiations. There is some commonality in purpose among all the different regimes in the North. They are responsible for ensuring that the environmental impact of project proposals are understood and mitigation is determined before development occurs. They are, to some extent, mandated to look at the social and economic impacts of developments. All require care and attention to consultation with Aboriginal groups and the affected public.

The following is a “snap-shot” of the EA boards and committees across the north.

3.3.1 Nunavut Impact Review Board

The Nunavut Impact Review Board (NIRB) was established in 1996 as an institution of public government with responsibilities for the environmental assessment of projects in the Nunavut Settlement Area as described in Article 12 of the Nunavut Land Claim Agreement. The mandate of the NIRB includes the use traditional knowledge and recognized methods in an ecosystem analysis to assess and monitor the environmental, cultural and socio-economic impacts of those proposals for which it has responsibility. The NIRB is an advisory body whose principle task is to determine whether proposals should proceed, and if so, under what conditions. If adverse environmental and/or socio-economic effects are identified, proposal and project plans must be altered so that problems are avoided and minimized. Currently (2005), the NIRB operates under the terms of Chapter 12.0 of the land claim agreement.^{3.2.2} Environmental Impact Assessment Regime in the Inuvialuit Settlement Region.

With respect to land and resource management, the Northwest Territories often finds itself in a unique position due to diverse management approaches negotiated through land claims. In contrast to other claimant areas, the Canadian Environmental Assessment Act applies to the Inuvialuit Settlement Region, with modified processes as defined in the land claim agreement. For example, in the ISR, the Environmental Impact Screening Committee (EISC) conducts environmental screenings of development activities proposed for the ISR. It decides whether a development could have a negative impact on Inuvialuit or wildlife. The Committee is made up of representatives of Canada, the Government of the Northwest Territories and the Inuvialuit Game Council.

The Environmental Impact Review Board (EIRB) carries out environmental impact assessments and public reviews of development projects referred to it by the EISC. The EIRB decides whether a project should proceed and, if so, under what specific terms and conditions. In

¹⁸ Soon a new assessment process will also apply in Labrador in relation to Labrador Inuit Lands. See chapter 11.0. <http://www.nunatsiavut.com/en/agreement.php>

making its decision, the EIRB considers the need for wildlife compensation, mitigation, and remedial measures. The EIRB is composed, like the EISC, of representatives of Canada, the Government of the Northwest Territories and the Inuvialuit Game Council.

3.3.2 Mackenzie Valley Environmental Impact Review Board

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is responsible for environmental assessments of developments referred to it. With some exceptions, the *Canadian Environmental Assessment Act* (CEAA) no longer applies in the Mackenzie Valley. The Board, pursuant to the *Mackenzie Valley Resource Management Act* (MVRMA), will recommend ways to protect the environment from impacts caused by development project. It makes its recommendations to the federal Minister of the DIAND. Any recommendations accepted by the Minister must be reflected in the implementation of licences and permits. The Board is composed of nominees from the land claim bodies, the Government of the Northwest Territories and the Government of Canada.

The Yukon Environmental and Socio-economic Assessment Board (YESAB) was established under federal legislation (*Yukon Environmental and Socio-economic Assessment Act* (YESAA)) to conduct environmental and socio-economic assessments of projects in the Yukon. In addition to the YESAB, the Executive Committee and Designated Offices (6 spread throughout Yukon communities) will also conduct assessments. With limited exceptions, the YESAA will replace the CEAA. The Board is made up of representatives from Canada, Yukon and First Nations with Land Claims (10 of 14).

3.3.3 James Bay and Northern Québec Agreement and Northeastern Québec Agreement

Two committees and one commission were created to evaluate and review development projects within northern Québec:

- the Evaluating Committee (COMEV) is a tripartite Québec/Canada/Cree agency responsible for assessing and drawing up guidelines for the impact study of projects located south of the 55th parallel);
- the Review Committee (COMEX) is a bipartite Québec/Cree agency responsible for reviewing projects located south of the 55th parallel;
- the Kativik Environmental Quality Commission (KEQC), composed of Québec and Inuit representatives, is responsible for assessing and reviewing projects located north of the 55th parallel; and
- Federal Review Committees (one with the Cree and one with the Inuit).

For projects within federal jurisdiction, there is also provision for bipartite (Canada/Cree or Canada/Inuit) committees.

3.3.4 Labrador Inuit Land Claims

Future environmental assessment practice in Labrador will be shared to assessment by all three levels of government (federal, provincial, Nunatsiavut Government), depending on the nature of the project and which government has responsibility for issuing the permits that are required for the project. The Nunatsiavut Government will decide what projects and what classes of projects in Labrador Inuit Land will require assessment under Inuit law. To prevent duplication in assessments, harmonization and cooperation arrangements between the Nunatsiavut Government, the province and the federal governments will be arranged.

3.4 Other Resource Management Processes

3.4.1 Yukon

Yukon Water Board

This body has been in place for a number of decades, and was reconfirmed as a public body responsible for overseeing water use in the territory in the *Council of Yukon First Nations Umbrella Final Agreement* and individual First Nations Final Agreements. It is an independent administrative tribunal whose responsibility is to license the use of and the deposit of waste into water. Its main goals are: *"to provide for the conservation, development and utilization of waters in a manner that will provide the optimum benefit from them for all Canadians and of the residents of the Yukon in particular"*¹⁹.

Yukon Land Use Planning Council and Regional Land Use Planning Commissions

The Yukon Land Use Planning Council and Regional Land Use Planning Commissions are also a result of land claims. The central council has been established to oversee all aspects of land use planning in the territory including the coordination among regions. The plans ensure that use of lands and resources is consistent with social, cultural, economic and environmental values. Land use plans will build upon the traditional knowledge and experience of the residents of each region. In addition, regional commissions are established pursuant to regional land claims agreements to focus in on land use in specific settlement areas. Processes have been in place in a number of regions since the mid-1990s. These processes are continuing, and are advisory to government and to First Nations' governments.

Yukon Fish and Wildlife Management Board

Yukon Fish and Wildlife Management Board is described in the Umbrella Final Agreement as *"the primary instrument of Fish and Wildlife management in the Yukon."* The Board is responsible for advising government and First Nations on the conservation and management of fish, wildlife, habitat and wildlife users on a territorial-wide basis.

¹⁹ www.yukonwaterboard.ca

Porcupine Caribou Management Board

The Porcupine Caribou Management Board works to manage the Porcupine Caribou Herd, one of the largest herds of migratory caribou, and protect and maintain its habitat in Canada. The herd faces numerous threats, including climate change and increasing human activity within its range and on its calving grounds²⁰.

3.4.2 Northwest Territories

3.4.2.1 Inuvialuit Settlement Region

Bodies that serve to protect and build on the Inuvialuit resource management interests are described below.

Wildlife Management Advisory Council (WMAC) - NWT

The Wildlife Management Advisory Council (NWT) (a.k.a. Council) focuses on the conservation of terrestrial wildlife species (and polar bears), and birds, with its geographic jurisdiction the part of the ISR within the Northwest Territories. The Council's mandate is to advise on all matters relating to wildlife policy, and the management, regulation, research, enforcement and administration of wildlife, habitat and harvesting for the Western Arctic Region, within the NWT. It prepares conservation and management plans, and determines and recommends harvestable quotas. The Council also reviews, and advises the appropriate governments on existing or proposed wildlife legislation and any proposed Canadian position for international purposes that affect wildlife in the Western Arctic Region.

Wildlife Management Advisory Council – North Slope

The Wildlife Management Advisory Council (WMAC)- North Slope is the Yukon counterpart of the WMAC (NWT), with its geographic jurisdiction the Yukon North Slope, the part of ISR within the Yukon. The Yukon North Slope falls under a special conservation regime, the dominant purpose of which is the conservation of wildlife, habitat and traditional native use.

The Council advises on all matters relating to wildlife policy and the management, regulation, and administration of wildlife, habitat and harvesting for the Yukon North Slope. The Council also advises on issues pertaining to the Yukon North Slope to the Porcupine Caribou Management Board, the Yukon Land Use Planning Commission, the EISC, the EIRB and other appropriate groups.

Inuvialuit Game Council

The Inuvialuit Game Council (IGC) is not an institution of public government, but rather an institution of Inuvialuit governance, representing the collective Inuvialuit interest in all matters pertaining to the management of wildlife and wildlife habitat in the Inuvialuit Settlement Region. This responsibility gives the IGC authority for matters related to harvesting rights, renewable

²⁰ <http://www.taiga.net/pcmb/index.html>

resource management, and conservation. The IGC also advises government agencies, through the co-management bodies or otherwise, on renewable resource policy, legislation, regulation, and on any proposed Canadian position for international purposes that affects wildlife in the ISR. The IGC allocates Inuvialuit quotas among the six ISR communities and appoints members for any co-management body dealing with Inuvialuit fish and wildlife harvesting and environment.

NWT Water Board

The NWT Water Board once applied to all of the NWT. Today, it retains jurisdiction over water issues in the Inuvialuit Settlement Region. There the Board is responsible for the use of water and the deposit of waste in those waters.

3.4.2.2 Mackenzie Valley

Bodies that serve to protect and serve resource management interests in the Mackenzie Valley are described below.

Mackenzie Valley Resource Management Act: Land and Water Boards

There are four land and water boards in the NWT, the Mackenzie Valley Land and Water Board (MVLWB) the Gwich'in Land and Water Board, the Sahtu Land and Water Board, and soon the Wekeezhii Land and Water Board. These boards issue land use permits and water licenses in lands south of the ISR. These boards are also the first line of environmental assessment i.e., preliminary screening, with whom EC may coordinate efforts.

Mackenzie Valley Resource Management Act: Land Use Planning

Land use planning bodies are also established on a regional basis in the NWT. There are currently three Boards, the Gwich'in Land Use Planning Board, the Sahtu Land Use Planning Board and the Deh Cho Land Use Planning Committee established under the interim land claim provisions. Their responsibilities are to prepare comprehensive plans for their respective settlement region. These plans will guide the use of Crown land, settlement and other private lands in the area, with focus on conservation, development and the use of land, waters and other resources. Establishing permitted and prohibited uses of land and resources is the main responsibility of these bodies.

Renewable Resources Boards

Most of the responsibilities for wildlife management in the NWT falls under the jurisdiction of the GNWT Department of Resources, Wildlife and Economic Development (RWED). There are two co-management institutions now in place pursuant to the Gwich'in and Sahtu land claims. They are the Gwich'in Renewable Resources Board and the Sahtu Renewable Resources Board. Both act in the public interest to manage renewable resources in their respective Settlement Area. Although the respective tribal councils and various government departments nominate Board members, all members act in the public interest, independent of their nominating organization or department.

Beverly and Qamanirjuaq Caribou Management Board (BQCMB)

The BQCMB was created to help manage two caribou herds whose migratory routes straddle two territories, two provinces, and four different native cultures. The board consists of 14 members, including a chairman and vice chairman. The main purpose of the board is to safeguard the caribou herds in the interest of aboriginal people who have traditionally relied upon caribou.

3.4.3 Nunavut

Nunavut Planning Commission

The Nunavut Planning Commission (NPC) is responsible for land use planning and various aspects of environmental reporting and management in the territory. Nunavut Planning Commission's main function is to develop land use plans, policies and objectives that guide resource use and development throughout Nunavut. Currently, there are two plans in place.

Nunavut Water Board

The Nunavut Water Board (NWB) has responsibility and powers over the use, management and regulation of inland water in Nunavut and its object is to provide for the conservation and utilization of waters in Nunavut, except in national parks. Its powers and responsibilities are defined in the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (Act)*, which was adopted by the Parliament of Canada on April 30, 2002. Under the Act, the NWB can issue, renew, amend and cancel a water licence, with or without a public hearing, depending on the type of activity. The Minister of Indian and Northern Affairs must approve licences issued following a public hearing. The NWB does not have enforcement powers. Once a license is issued by the NWB, its jurisdiction ceases. Compliance and enforcement of water licenses fall under the jurisdiction of DIAND, whose Minister appoints water inspectors to ensure that licensees are fulfilling the terms and conditions of the licenses.

Nunavut Wildlife Management Board

The Nunavut Wildlife Management Board (NWMB) is a decision-making body within the Nunavut Settlement Area (NSA), with advisory authority in the waters adjacent to the NSA. Ultimate responsibility for wildlife management, though, rests with the government of Nunavut and the government of Canada. It is the government that carries out NWMB decisions, once they are made. The NWMB's mandate is to ensure the protection and wise use of wildlife and wildlife habitat for the long-term benefit of Inuit and the rest of the public of Nunavut and Canada. Board membership consists of:

- 3 members nominated by the Regional Inuit Associations, one in each of a the Kitikmeot, Kivalliq and Qikiqtaani (Baffin) regions;
- 1 member nominated by Nunavut Tunngavik Incorporated;
- 1 member nominated by the Government of Nunavut;
- 1 member nominated by Department of Indian Affairs and Northern Development;

- 1 member nominated by the Department of Fisheries and Oceans;
- 1 member nominated by EC, Canadian Wildlife Service;
- 2 alternate members nominated by Makivik Corporation; and
- an independent chairperson nominated by the Board members.

3.4.4 James Bay and Northern Québec Agreement and Northeastern Québec Agreement

Under the JBNQA and NEQA, two environmental advisory committees were created, one for the region south of the 55th parallel and the other for the region north of the 55th parallel. The James Bay Advisory Committee on the Environment (JBACE) and the Kativik Environmental Advisory Committee (KEAC) are the bodies composed of Aboriginal, provincial and federal representatives that act as the preferential and official forums concerning environmental protection matters. In addition, they supervise the application and administration of the environmental protection regimes contained in the Agreement.

There has been put in place also the Hunting, Fishing and Trapping Joint Committee composed of representatives from the Cree, Inuit, Naskapi, Québec and federal governments. The purpose of this committee is to regulate hunting, fishing and trapping in the respective regions.

3.4.5 Ontario

Some environmental management arrangements in which EC finds itself are more *ad hoc* in nature. Such, frequently, is the case where there is a need to respond to the outcome of an EA or respond to environmental emergency. For example, a major fuel spill into the Albany River on the Kashechewan First Nation in 1994 resulted in charges under the federal *Fisheries Act* and guilty pleas from DIAND and two private contractors. The court assessed penalties of \$200,000 and \$42,000 (total) from INAC and two private contractors respectively. As a result, Environment Canada and Kashechewan First Nation signed an agreement in 1998 to develop a program to address the life cycle of fuel within the Mushkegowuk Tribal Council (MTC). The program successfully established and supported a full-time technical position in Kashechewan to support the broader implementation of the program throughout the MTC. This successful program was brought into the surrounding MTC communities in 2003, allowing for the establishment and support of a full time technical position; as well as, providing technical advice and training to fuel handlers and tank systems operators; implementation of spill prevention measures in MTC communities; and measures for compliance audits and inspections of fuel storage facilities.

3.4.6 Labrador

No resource management boards are in place at the moment. However, the Labrador Inuit Association land claim agreement means that boards will be established by 2006-2007.

3.5 Other Resource Management Measures: Surface Rights Boards

Surface rights measures have been put in place across Canada. In EC's North, generally boards or tribunals have been identified in land claim agreements. The purpose of these boards is to reconcile the split between surface and subsurface ownership and ensure appropriate compensation of the surface rights holder. It is the general policy across jurisdictions that sub-surface interest holder have right of access and that the surface rights owner then has to yield to the sub-surface rights owner. From time to time, EC as a surface rights holder will have to deal with a surface rights board or tribunal over concerns of access posed by a sub-surface rights holder.

4. Environment Canada's Northern Activities

Summary

The Federal government has adopted the ecosystem approach as an integral part of its sustainable development program. The approach is a way of viewing humans and their environment that recognizes basic principle of ecology. It places emphasis on concerns related to the environment, the economy and the community. It can be viewed as an integrated set of policies and managerial practices that relate people to "ecosystems" of which they are a part.

Environment Canada's North corresponds most closely with the boundaries established for the Northern Ecosystem Initiative, one of the six Ecosystem Initiatives across Canada. The summaries next feature the work that EC is undertaking in the north that contributes to understanding and protection Canada's northern ecosystems, at home and abroad.

4.1 Northern Governance Issues

Working in Canada's North means recognizing the importance of aboriginal peoples, their way of life, and the rights that have been protected by Charter and court cases. It also means working in a changing political landscape. The federal government has made devolution, the transfer of federal responsibilities to the territories, an active pursuit.

4.1.1 Aboriginal Governance

Corporate Services, Aboriginal Affairs Branch has two major foci with respect to EC's relationship with Canada's aboriginal peoples. First, is the pursuit of aboriginal or traditional knowledge in EC's activities. The second is adjusting to and making accommodations for aboriginal governance models in environmental protection.

Aboriginal Knowledge

Working in northern Canada necessitates accounting for and integrating indigenous values, interests and knowledge into every aspect of the work. This integration goes beyond the rights that have been conferred by treaties, claims and courts. With the population of Canada's North being overwhelmingly aboriginal, EC is learning to integrate aboriginal knowledge into environmental management practice.

Across the North, EC staff is engaged in complex negotiation and implementation processes to assist Aboriginal organizations and governments in identifying and prioritizing environmental issues. Environment Canada interventions come in the form of activity-based partnerships, ongoing research collaboration, recruitment and retention programs, technical advice and training on a variety of issues of interest to the department. Environment Canada's interventions are guided by the policy provisions described in *Guidelines for Environmental Land Claim and Self-Government Negotiations (2002)*.

Environment Canada has formally recognized the value of Aboriginal knowledge²¹ in the development and implementation of federal policy by referencing traditional knowledge in the *Canadian Environmental Protection Act*, the *Species at Risk Act*, and the Parksville Protocol amending the Migratory Birds Convention. These commitments require that the department use (and possibly collect) aboriginal knowledge as part of its information base.

To achieve this objective, EC is developing *An Interim Guide to Working with Aboriginal Knowledge*. Environment Canada also is engaged in a variety of efforts to supplement its

²¹ Aboriginal knowledge has been referred to as community knowledge, indigenous knowledge, local knowledge or traditional knowledge. For the purposes of this resource book, the term Aboriginal knowledge is used and the holders restricted to Aboriginal peoples in Canada. It must be noted that Aboriginal knowledge is living knowledge and continues to be accumulated through time spent on the land.

science with aboriginal knowledge, and build the capacity of Aboriginal communities to manage their resources. For example, it has helped scientists recognize and evaluate species and spaces at risk by providing information on broad trends in species distribution, abundance and seasonal behaviour patterns, and saved time and money by guiding field work e.g., Gwich'in Elders in the NWT helped biologists identify Dolly Varden char as "at risk," and provided details on the species' movements and habitat, including spawning areas.

4.1.2 Devolution

Devolution is the process of transferring to the territories provincial-type jurisdictions. In reality, the federal government has for some time been devolving provincial-type jurisdictions, such as health, to the territories. In more recent years, devolution processes have focussed on lands and non-renewable resources. Although these processes do not entail formal constitutional change, the practical result of this power transfer will mean that the territories will resemble the provinces in their capacity to control the direction and pace of development on their lands.

Devolution of province-like responsibilities has included the involvement of EC staff across the board. Throughout negotiation, implementation and review processes, devolution requires all federal departments to clearly outline their responsibilities and mandate in pre and post-devolution scenarios. This is an area of priority for Environment Canada, as environment is very much a shared jurisdiction where territorial and other federal agencies play central roles.

Devolution has already taken place in the Yukon. The Yukon completed a comprehensive transfer in 2003, so that all province-like authorities over lands and resources now rest with the territorial government. The NWT is in the process of negotiation, with various targets having been set and missed in recent years. One key sticking point is the share of revenues that will remain with the government and not used to offset the annual Formula Financing transfer from Canada which makes up as much as 80% of GNWT revenue.

In addition, Aboriginal organizations, which participate in devolution negotiations, have insisted that any agreement accommodate their demands for control of resources and revenue. Nunavut is at an earlier stage of discussion with Canada on devolution. When the new territory was created in 1999, it was generally felt that it should take some time before it would be in a position to tackle such a large initiative as devolution of land and resources. The recently announced Northern Strategy has set 2008 as a target for completion of devolution negotiations with Nunavut.

4.1.3 International Cooperation

Environment Canada's domestic agenda is informed and developed through international discussions, priority-setting and agreements as few of the environmental issues concerning Canada's North originate within its boundaries. Domestic activities are the foundation of

Canada's international agenda, providing concrete examples of how sustainable development can be achieved as well as a proving ground for testing hypotheses and approaches. Environment Canada has several initiatives that address environmental issues originating outside Canada's North that impact northern ecosystems (Table 2).

Dealing with environmental issues originating outside Canada's North requires participation in international environmental organizations such as the Arctic Council and the United Nations. The Arctic Council advocates for sustainable development and environmental protection of common concern to arctic states and northerners. The lead Canadian departments of the Council are Foreign Affairs Canada and DIAND. Environment Canada provides advice and support to these departments, and a number of EC staff work as Government of Canada leads at the working group level. The Council's *Arctic Monitoring and Assessment Program (AMAP)* monitors and assesses the effects of pollutants on the Arctic environment and its peoples, especially indigenous peoples. The *Arctic Climate Impact Assessment*, another Arctic Council initiative, evaluates and synthesizes knowledge on climate variability, climate change, and increased ultraviolet radiation and their consequences.

Table 2. Dealing with international environmental issues

Environment Canada	Actions
Corporate	contributing to Arctic Council Sustainable Development working group projects and activities (e.g., Arctic Human Development Report) coordination of international affairs, as required
Environmental Conservation Service	implementing the <i>North American Bird Conservation Initiative (NBCI)</i> helping protect over 400 species of internationally shared migratory bird species; managing National Wildlife Areas and Migratory Birds Sanctuaries; Convention on Biological Diversity; collaborating in science and international action; science and indigenous knowledge contributing to scientific summary and analysis; and participating in the various initiatives of CAFF (Arctic council)
Environmental Protection Service	<ul style="list-style-type: none"> • implementing the UNECE POPS and Heavy Metal Protocol • implementing the Stockholm Convention • participating in the Global Mercury Assessment • collaborating with DIAND on the Northern Contaminants Program (NCP) which studies persistent organic pollutants, heavy metals and radio-nuclides, nationally and internationally;

Environment Canada	Actions
	<ul style="list-style-type: none"> • participating in many of the Arctic Council's efforts to reduce the long-range pollutants that originate in the Russian North through the Arctic Council Action Plan to Eliminate Pollution • developing, in partnership with other Arctic nations, a strategy to protect the Arctic marine environment through PAME
Meteorological Service of Canada	<p>Arctic Council participation through AMAP, NCP and ACIA</p> <p>provision of science for International agreements such as the Montreal Protocol on substances that deplete the ozone layer</p> <p>monitoring and research initiatives coordinated under the World Meteorological Organization, United Nations Environment Program</p> <p>maintenance of the arctic research stations and collaboration on research activities</p>

4.1.4 Arctic Security and Sovereignty

The question of Canadian security and sovereignty^{22, 23} is a decades old issue that recently has come to the attention of the department and the general population because of concerns for the impact of climate change in the arctic. The change in climate over the western Arctic is having impact on the extent and thickness of sea ice. Over the next fifty years, warming conditions could see a general reduction in the extent and thickness of sea ice, which may allow more shipping opportunities through the Arctic (Figure 10).

The implications for EC are added responsibilities to pollution control, minimizing threats to species and habitat, and preventing the introduction of disease and foreign species. The economic implications are considerable as a trade route will facilitate faster transport of goods and services from the Atlantic to the Pacific Ocean. Beyond increased access to market, other economic implications include increased tourism and port and fuel infrastructure development.

Environment Canada has participated in ongoing efforts to identify environmental implications and contingencies for the longer shipping season in the Northwest Passage and a subsequent increase in international traffic. Departmental officials are working alongside colleagues from federal and territorial departments on issues of interest from human and an ecosystem perspective to identify levers and triggers for Canada to assert its sovereignty and safeguard its interests, including considerable areas of coastline through the Arctic Sea. Departmental

²² <http://www.carc.org/pubs/v14no4/6.htm>;

²³ http://www.isuma.net/v02n04/huebert/huebert_e.shtml

installations in the high Arctic have also proven essential to Canada's assertion of its sovereignty. Environment Canada will continue to work with the Department of National Defence (DND) through the arctic Security Interdepartmental WG to identify risks.

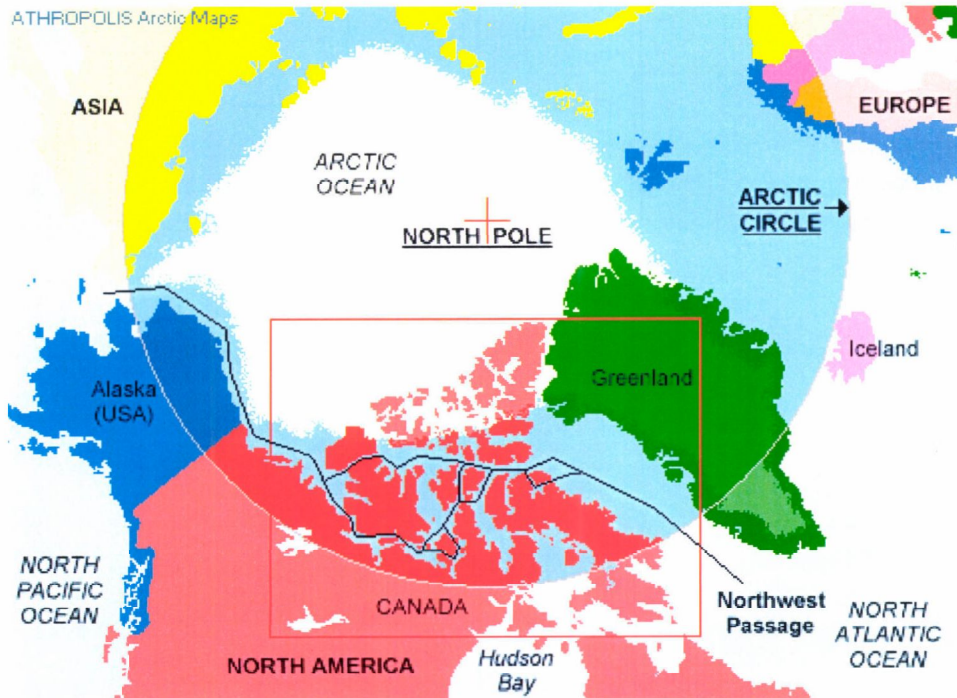


Figure 10. The Northwest Passage is a sea route linking the Atlantic and Pacific Oceans²⁴.

²⁴ <http://www.athropolis.com/map9.htm>

4.2 Activities on Environmental Priorities

4.2.1 Environmental Assessment

Environment Canada's National Environmental Assessment (EA) Program is a national network of managers, practitioners, analysts, and scientists who work together to deliver EA services in order to protect and conserve Canada's environment. Across the country, those working in EC's EA Program examine projects and proposals, perform environmental assessments, and provide advice to other departments and senior management within EC.

The EA program's objectives are to ensure Departmental compliance with the *Canadian Environmental Assessment Act* (CEAA) and the 1999 Cabinet Directive on the EA of policy, plan, and program proposals; define Environment Canada's position with respect to projects; co-ordinate and integrate our science and policy objectives into decision-making; and ensure national consistency in the application of CEAA.

4.2.2 Environmental Predictions

Canadians are affected by weather and environmental conditions such as tornadoes, winter storms, floods, hurricanes, droughts, smog, variable lake levels, extremes in temperature and precipitation, aircraft turbulence, sea ice conditions, and road icing. These conditions influence the health and safety of Canadians, not to mention risk properties and businesses, the economy, and the broader environment.

Environment Canada is the primary source of weather information in Canada. Through the MSC, public weather forecasts (500,000), aviation information and forecasts (400,000), ice conditions and marine forecasts (200,000), severe weather warnings (14,000) and many other services are provided.

The MSC's primary role is to reduce the impact of weather and related hazards on health, safety and the economy. It does this by providing weather and marine forecasts through its warning programs. Cooperating agencies include NAV CANADA, DND, Transport Canada (TC), the private meteorological sector and the media.

The MSC's Canadian Ice Service that provides the Ice Observing and Forecasting Program with the intent of reducing impacts of ice hazards on navigable oceans and inland waters by providing clients and the Canadian public with direct access to ice and iceberg information.

4.2.3 Emergency Prevention, Preparedness, Response and Recovery

Emergency Prevention, Preparedness, Response and Recovery

The Environmental Emergencies Program is responsible for the prevention of, preparedness for, response to, and recovery from environmental emergencies. During an emergency, Environment Canada can provide Government Lead Agencies and first responders with the services necessary to effectively respond to an environmental emergency. Such support may include scientific analysis and advice on the environmental impacts of the release, technical advice on the best measures to contain and clean up the spill, trajectory modelling, weather and sea state forecasting and laboratory analysis.

Key Initiatives

Regional Environmental Emergencies Teams (REET)

The objective of the REET's (including Arctic REET) is to minimize damage to sensitive resources and habitats, while maximizing the use of limited response resources. Teams consists of public, private, and not-for-profit sector organizations including territorial, provincial and federal government agencies. Each team delivers environmental advice to the Government Lead Agency in the event of a major environmental emergency their designated region.

Emergencies Products

EC's Northern Division Engineering and Emergencies Science Section has distinguished itself in international circles by publishing such works as the Arctic Environmental Sensitivity Atlas System (AESAS); the Field Guide for Oil Spill Response in Arctic Waters; and the Arctic Shoreline Cleanup Assessment Technique (SCAT) Manual. The AESAS has been adopted by Denmark for sensitivity mapping in Greenland. The Field Guide and SCAT Manual are used as standard references and for training in many circumpolar and cold-climate countries.

4.2.4 Compliance Promotion and Enforcement

EC compliance promotion program officers provide information and education such as information sessions, workshops, fact sheets, guidelines and reports in order to inform the regulates and the public of the existence of these laws and regulations and their content. The Enforcement Program completes inspection, investigation and intelligence services, all with a goal to motivate, assess and compel compliance with legislation in order to contribute to the achievement of environmental objectives set by legislation and international obligations. Much of these activities are carried out across EC's North in collaboration with other federal agencies such as Transport Canada, Indian and Northern Affairs Canada, the RCMP, Fisheries and Oceans Canada, Justice Canada and territorial departments.

Through its enforcement program, EC takes action against those who violate environmental and wildlife laws. With the support of the department's partners, the Enforcement Program ensure that federal laws are respected and compliance is achieved.

Compliance promotion and enforcement activities are an integral part of wildlife and habitat conservation and protection programs. The objective is to contribute to the conservation and protection of wildlife and their habitat. The overall aim of compliance promotion and

enforcement is to apply the provisions of the *Migratory Birds Convention Act, 1994*, the *Canada Wildlife Act*, the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* and the *Species at Risk Act* in a consistent and fair manner.

4.2.5 Protecting Marine Environments

Preventing the polluting of Canadian marine waters falls under the *Arctic Waters Pollution Prevention Act*, *Canadian Environmental Protection Act 1999*, and the *Fisheries Act*, among others. Environment Canada's EPS delivers the full range of programs including:

- enforcement of the pollution prevention provisions of the *Fisheries Act* and regulations;
- emergency prevention, preparedness, and response;
- administration, control and regulation of disposal of substances at sea; and
- participation in the Canadian Shellfish Sanitation Program.

Environment Canada also continues to work to meet the CEPA²⁵ 1999 and international obligations to protect coastal and marine environments from land-based and sea-based activities and sources of pollution. Under the CEPA 1999, EC is taking action to reduce the likelihood and impact of environmental emergencies whether caused by accident, vandalism or terrorism through:

- promulgating a regulation that will require environmental emergency plans at facilities that manage toxic or other hazardous substances above certain threshold quantities that pose a threat to human health or environmental quality; and
- preventing ocean disposal of harmful substances through a permitting process and a disposal site monitoring system.

As well, EC maintains Canada's National Programme of Action for the Protection of the Marine Environment from Land-based Activities (NPA) that looks for land-based sources of pollution to meet CEPA obligations and international commitments.

Canadian Shellfish Sanitation Program

Environment Canada has the laboratory capacity and ability to undertake some preliminary surveys (pollution source identification and bacteriological monitoring) relating to the Canadian Shellfish Industry.

National Programme of Action for the Protection of the Marine Environment from Land-based Activities

This program is a partnership among federal, provincial and territorial governments aimed at preventing marine pollution from land-based activities and protecting habitat in the coastal and

²⁵The CEPA is currently under-going a review for amendment.

nearshore zones of Canada. The NPA defines four coastal regions including the Arctic and focuses on contaminants and physical alteration and destruction of habitat.

Disposal at Sea Program

The Program administers a permit system control (CEPA 1999) for the disposal at sea of 2-3 million tonnes of dredged or geological material. For the last decade in the North, while only one or two permits have been issued in a given year, a significant amount of public and stakeholder consultation is required for each permit. With interest in economic development in Canada's North, requests for disposal permits are likely to increase.

4.2.6 Atmospheric Change

Every branch of EC has a science and technology (S&T) component to which they contribute. These (S&T) programs support the department's decision-making process and provide science-based services to Canadians. This information helps Canadians by providing scientific information affecting their health, safety and business and allows Canadians to make environmentally responsible decisions.

The best known of these science-based services are the daily weather forecasts and warnings of extreme weather events. However, overall, S&T provides Canadians with information on the long-term state of health of the Canadian ecosystems by tracking through the use of indicators, the condition under which the environmental and human health are threatened. In essence, S&T results helps describe the health of Canada's ecosystem to Canadians and provides them with the knowledge and innovative technologies that can be used to ensure the quality of their health and environment.

For example, there is a need for scientific and technical knowledge, guidance materials, practices and technologies as required to prevent, prepare and respond to spills and environmental emergencies resulting from exploration, production and transportation of hydrocarbons. This includes knowledge on properties, behaviour, detection, measurement, effects of spilled hazardous materials; the effectiveness, effects and environmental benefits of spill countermeasures; and guidance to decision makers and responders.

In the North, EC conducts research on issues such as climate change, ozone depletion, the health of ecosystems, environmental and human health impacts from pesticides as well as key toxic substances such as mercury, human health and safety, ecosystems and biodiversity, and sustainable development. Science and technology also helps in the managing of watersheds and coastal zones, risks posed by biotechnology, and developing effective emergency responses to hazards from both accidental and intentional spills²⁶ as well as natural ones.

²⁶ The state-of-knowledge for northern oil spill preparedness is several decades out of date. Many studies under the Beaufort Sea Project and (AMOP) Arctic and Marine Oilspill Program were conducted in the mid seventies. In the intervening years, many things have changed, not only in the Beaufort/Mackenzie regions, but also there have been

Science and technology is completed by EC or in partnership with universities, the private sector, non-government organizations, other levels of government and Aboriginal organizations.

MSC scientists, working with partners, investigate key northern issues such as air quality, the distribution of toxic substances, how the climate is changing, and the current and future state of the arctic ozone layer and ultraviolet radiation. Measurements and observations for research come from ground-based, airborne and satellite instruments that are located at various northern field sites, including MSC Alert and Eureka observatories located in the High Arctic. Much of the research associated with these measurements and observations is carried out at southern locations across Canada such as at the MSC's Atmospheric Climate Science Directorate in Downsview, Ontario.

MSC scientists collaborate with colleagues from Canadian universities and international government institutions and universities to carry out northern research. This collaborative effort has resulted in a much greater understanding of global issues involving contaminants and toxic substances, climate change and ozone depletion.

With the ratification of the Kyoto Protocol, the Government of Canada has made climate change a national priority. Environment Canada and the federal government are developing and implementing, in conjunction with provinces/territories and stakeholders, a national climate change Plan. The Plan will include:

- o new policies and programs to get further near-term and enduring emission reductions;
- o setting longer-term goals to make the deep emission reductions needed to successfully address climate change and starting to work towards them;
- o advancing the science and adapting to a changing climate; and
- o leadership in bridging to a new long-term international framework.

While the Plan is still in the making, EC is actively involved in climate change related research. The *Mackenzie GEWEX Study (MAGS)* is concerned with the climate of the Mackenzie River Basin. Likewise, the *Boreal Ecosystem Research and Monitoring Sites (BERMS)* studies the role that Canadian boreal forests play in global climate warming. Environment Canada science and expertise will also be used to build awareness and action using such tools as the Arctic Climate Impact Assessment released in November 2004 by the Arctic Council, and the One Tonne Challenge education and engagement tool.

4.2.7 Freshwater Monitoring

60% of Canada's fresh water drains through EC North. It is the responsibility of the Water Survey of Canada (WSC) to provide accurate information on the condition and trends of the quantity of the north's water resource. This work is carried out through cost share agreements

global advances in spill science and technology and in spill response principles and practice and EC needs to determine which are appropriate to Canada's North.

between the federal governments, the territorial or provincial governments. Crown corporations and other government agencies, as well as, the private sector also support portions of the network in areas of which they have strong interests. This information is required for economic and social development, and for maintenance of environmental quality through a proper perception of the physical processes controlling the hydrologic cycle in time and space. In the north, EC supports hydrometric stations on key northern rivers.

Maintaining Canada's freshwater quality is a responsibility shared between all levels of government. Through the Canadian Council of Ministers of the Environment (CCME), EC works with its provincial and territorial counterparts to ensure clean, safe and secure water for Canadians. Ongoing and future efforts aim to protect water quality by focusing on the following areas:

- water quality research priorities;
- sharing best management practices;
- developing a water quality monitoring network of networks;
- improving Internet-based information on water quality; and
- accelerating the development of water quality guidelines and indicators.

In addition to sharing water related responsibilities with the provinces and territories, water management responsibilities within the federal government are shared primarily with DIAND.

The National Water Research Institute's (NWRI) of EC also has a key role in protecting and sustaining aquatic ecosystems throughout Canada. The NWRI's northern research focuses on major threats to the safety of water quality and quantity including climate change, impacts of resource development and land use and contaminants and aquatic ecosystem health. A major part of NWRI's northern program deals with issues related to transboundary waters. Some highlights of current research in freshwater systems include:

- assessing the impact of climate change on hydro-climatology in northern regions (e.g., Mackenzie Delta);
- leading projects to assess and predict cumulative environmental effects in northern rivers; and
- investigating long-term impact of effluents from northern mine sites to improve management of wastes and minimize impacts on aquatic ecosystems.

4.2.8 Northern Ecosystem Management

The vision of the Northern Ecosystem Initiative (NEI) is “to enhance the future health and sustainability of northern communities and the ecosystems on which they depend. The NEI supports collaboration among the department’s different regions and services as they work in partnership with other agencies and levels of government as well as non-government organizations towards the common overarching goal of sustainable northern ecosystems and communities (Figure 11).

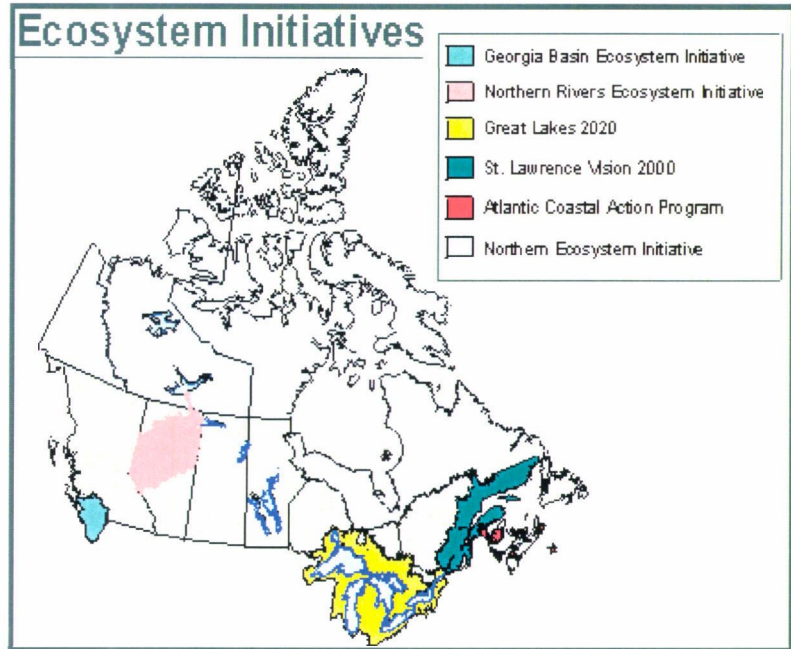


Figure 11. Ecosystem Initiatives across Canada

Key program priorities include:

- working in partnership with others having shared interests;
- improving EC’s knowledge and understanding of ecosystem impacts and adaptations to climate change and exposure to toxic substances and other substances of concern such as non-hazardous waste (using western science, local and traditional knowledge systems and methodologies);
- development of an Integrated Ecosystems Threshold Model in support of northern economic development and environmental conservation;
- supporting projects that develop indicators, protocols and websites to improve our ability to collect and share monitoring data and information on ecosystem changes; and
- building capacity important to improved environmental stewardship across the Canadian North.

The NEI also allows Canada the means to meet its international commitments to the Arctic Council. For example:

- NEI supports the investigation of climate change impacts and adaptations (links to Arctic Climate Impact Assessment Report (ACIA));
- NEI supports the development of a northern monitoring network (links to Conservation of Arctic Flora and Fauna Working Group (CAFF) and the Arctic Monitoring and Assessment Program (AMAP) Working Group); and

- NEI supports the investigation of both local and ecosystem health contaminant concerns (links to Protection of the Arctic Marine Environment (PAME) Working Group and Action Plan to Eliminate Pollution of the Arctic).

4.2.9 Biological Diversity and Conservation

It is responsible for the conservation of biological diversity; understanding and reducing human impacts on the health of ecosystems; and the conservation and restoration of priority ecosystems. In order to achieve this objective, ECB relies on the powers and authorities in key pieces of legislation; the *Migratory Birds Convention Act* (MBCA); the *Canada Wildlife Act* (CWA); the *Wild Animal and Plant Protection Act* (WAPPRIITA); and the *Species at Risk Act* (SARA) among other tools.

Conservation of Biological Diversity

The conservation of biological diversity refers to work undertaken across Canada's North to protect species at risk and critical habitat. Strategies and programs implemented to achieve this objective include:

- the National Strategy for the Protection of Species at Risk;
- North American Bird Conservation Initiative;
- EC managed protected areas (land and marine) including National Wildlife Areas, Migratory Bird Sanctuaries
- Habitat Conservation Program; and
- Canadian Biodiversity Strategy.

As part of the National Strategy for the Protection of Species at Risk, the federal government established the Habitat Stewardship Program (HSP) for Species at Risk nationally in 1999 and in northern Canada in 2001. The HSP provides funding to "stewards" for implementing activities that protect or conserve habitats for species designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as nationally "at risk" (endangered, threatened or of special concern). In northern Canada, the Habitat Stewardship Program has supported habitat stewardship projects on Bowhead Whales, Woodland Caribou, Peary Caribou and Wood Bison.

A national system of marine protected areas is being established through shared responsibility between DFO (*Oceans Act*), Parks Canada²⁷, and EC²⁸ through the use of national wildlife areas, migratory bird sanctuaries, and marine wildlife areas.

The *Species at Risk Act* (SARA) helps the federal government fulfill its international commitments under the *Convention on Biological Diversity* and its commitments to the

²⁷ http://www.pc.gc.ca/progs/amnc-nmca/index_E.asp

²⁸ http://www.cws-scf.ec.gc.ca/habitat/nwai_e.cfm; http://www.cws-scf.ec.gc.ca/habitat/mbsi_e.cfm; http://www.cws-scf.ec.gc.ca/habitat/mwa_e.cfm

provinces and territories under the 1996 Accord for the Protection of Species at Risk. The SARA requires the scientific assessment of the status of species, the development of recovery strategies and action plans for species deemed at risk, and support for voluntary action by citizens to protect critical habitat.

Understanding and Reduction of Human Impacts on the Health of Ecosystems

Protecting Canada's biological diversity requires understanding environmental quality status and trends monitoring, and reporting. However, more importantly, it requires understanding how human activities may have an effect on the health of ecosystems. In EC's North there are a number of programs in place to provide this information.

Yukon NatureServe is a monitoring partnership that involves communities and agencies, such as the Arctic Borderlands Ecological Knowledge Coop.

The Nunavut Wildlife Research Trust is an outcome of the Nunavut Land Claim Agreement (NLCA). Here the federal government provided a one-time payment of \$11 million to the Nunavut Wildlife Management Board (NWMB). This money was used to establish the NWRT, a registered charity, funding wildlife research approved by the NWMB and conducted by researchers working for the territorial and federal government departments.

The Ecological Monitoring and Assessment Network Canada has in place the northern Ecological Monitoring and Assessment Network (EMAN North), which is a series of sites, agencies and researchers who are engaged in long-term ecological monitoring in northern Canada, and is part of the national EMAN program. The goal of EMAN-North is to improve understanding of ecological change in northern Canada through promoting, coordinating and communicating the results of long-term ecological monitoring, with a focus on the impacts of climate change and industrial development on northern ecosystems.

Conservation and Restoration of Priority Ecosystems

The conservation, restoration and rehabilitation of priority ecosystems has two foci: terrestrial and freshwater aquatic ecosystems. In Canada's north among the priorities is to complete the compendium of key migratory bird terrestrial habitat sites in the NWT and Nunavut²⁹.

Environment Canada is involved in several integrated fish and wildlife management plans. These are partnership arrangements among governments plus the Renewable Resources Council with management responsibilities in a traditional territory. The plans follow a community-based format in which community concerns about fish and wildlife management are identified through appropriate consultation and solutions are jointly determined at a community workshop. Typically, these plans take almost a year to arrange and conclude and include:

- Wildlife Management Advisory Council (North Slope);
- Porcupine Caribou Management Board (2002/2003);

²⁹ <http://www.pnr-rpn.ec.gc.ca/info/publications/ap-pa/ce02s04.en.html>

- Yukon North Slope Research and Monitoring Plan; and
- Joint Committee on Hunting, Fishing and Trapping (the region of the James Bay and Northern Québec).

As part of the Accord for the Protection of Species at Risk, the Recovery of Nationally Endangered Wildlife Program (RENEW) brings together sixteen federal, provincial and territorial departments, and more than a hundred recovery teams made up of governmental and non-governmental members. In northern Canada, there are four RENEW programs in place (Bowhead whales, Wood Bison, Whooping Crane, Peregrine Falcon). Part of the efforts of the RENEW program is the protection of habitat.

5. Environment Canada Serving the North

Summary

Environment Canada has operated for a number of years on a results-based approach for tracking success in environmental management. The organizational leads are accountable for the delivery of results as set out in Business Line plans and for management of their organizations. Northern program S&T and State of the Ecosystem receive the greatest amount of funding valuing about 81% of the total national budget while Improved Decision Making and Effective Enforcement and Compliance account for approximately \$7 million or 17%.

5.1 Introduction

Environment Canada's protection and stewardship responsibility for northern ecosystem management goes beyond delivery of programs. The most recent Speech from the Throne, October 5th, 2004, provides themes that are particularly relevant for EC's work in the North. These include:

- committing to a more coherent approach to Aboriginal issues;
- strengthening the capacity of the voluntary sector;
- using environmental indicators in decision-making;
- raising awareness of issues such as climate change; and,
- supporting innovative environmental technologies.

"The modern North retains the echo of the ancient, but it is a place of great promise for the future. As a government, we will work with the territories and Aboriginal groups to further develop the economy of the North – and we will do so in a way that sustains the environment and benefits the people. The government of Canada is committed to supporting science and research in the North, both on our own and in collaboration with our circumpolar partners. And let there be no doubt: we will protect our sovereignty in the Arctic." (RH Paul Martin, October 2004.

5.2 Environment Canada's Management Structure

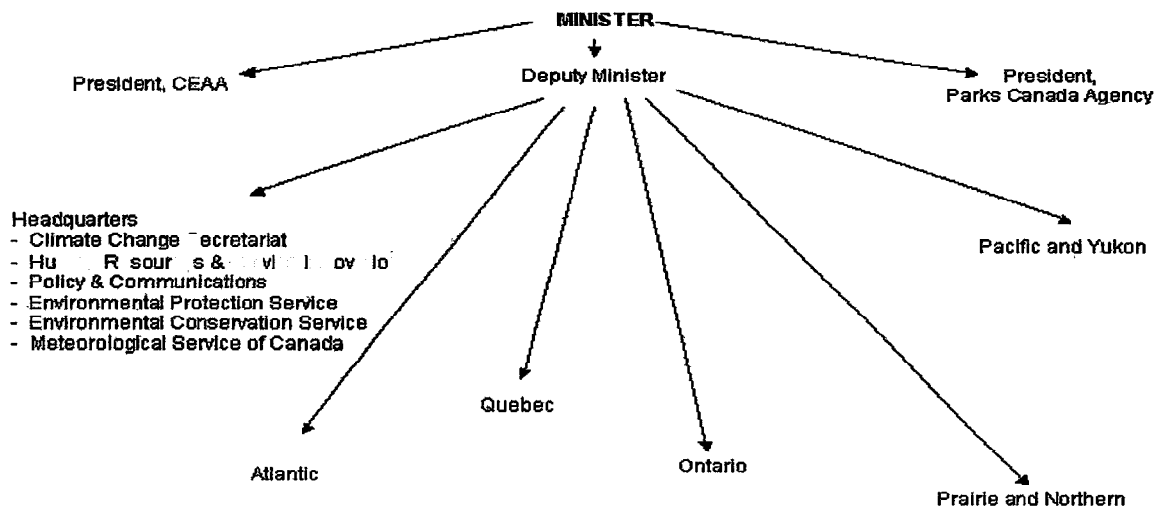
Environment Canada is currently³⁰ organized into five headquarters Services (circa 2005), led by Assistant Deputy Ministers, and five Regions, led by Regional Directors General (Figure 12). The Departmental headquarters also includes the Human Resources Directorate and the Offices of the Minister and Deputy Minister. The organizational leads are accountable for the delivery of results as set out in Business Line plans and for management of their organizations. Environment Canada's regional offices have integrated the delivery of their programs across Service lines to enhance the ecosystem approach to environmental challenges, and to provide a single window to the provinces, partners and citizens³¹.

Program leads generally are at the Regional Director General (RDG) or Assistant Deputy Minister (ADM) level depending on the activity. Likewise, there are no specific resources allocated to the coordination of northern programs and activities. Instead, coordination of programs and activities in the North rests with both Regional Director General (RDG) of Prairie and Northern Region and the Assistant Deputy Minister of the Environmental Conservation Service. To ensure national coordination within the department, a "Circumpolar Working Group" (formerly Northern Working Group) has been in effect since January 1996 to ensure that all of EC was engaged in northern issues. Since then the Working Group has also taken on responsibilities related to circumpolar issues and therefore, has also become a circumpolar

³⁰ The department is under-going an organizational review and the operating structure is expected to change in 2005.

³¹ http://www.ec.gc.ca/introec/dept_org.htm

working group within the department. All regions and services designate personnel to this Working Group. The Circumpolar Working Group have yet to establish priorities and tasks.



(Adapted from http://www.ec.gc.ca/introec/org_chart_e.htm)

Figure 12. Environment Canada’s Organizational Chart

5.3 Environment Canada’s Investments in the North

Departmental resources are divided into A-Base and B-Base type funding. A-Base funding includes core funding for programs and operations. B-Base funding is funding for programs and activities that are expected to run five years or less. The FY1996/97 Departmental A-Base of \$24 Million/year supported the North for all Services and all Regions with Northern responsibilities. This sum represents approximately 5% of departmental budget distributed throughout a land area representing 40% of Canada and with considerable development pressure, governance complexity and the highest logistical costs within Canada. As noted in Table 2, the EC budget shrank considerably in the early 1990s, and thus, the 1996/97 fiscal year budget represents this period of minimal support. Subsequently (FY 2003/2004), EC commitments to the North have increased substantially currently totalling approximately \$42 Million/year including salaries, northern allowances, O&M, capital and external resources. It should be noted however that the data collected to estimate resources in 2003/2004 are much more thorough than those available for FY1996/97. For example, limited or no resources were

reported for Ontario and Quebec North in 1996/97 although there were financial expenditures for the North in these regions.

Despite the increased financial commitment by EC to the North, EC's activities over the last seven years continues to be eroded by reduced support from program partners in other departments and agencies. These cuts are occurring just as demands, expectations and complexities of program delivery are on the rise. The financial contributions for each region under various program activities for both fiscal years are summarized in Table 3 and regional expenditures are summarized graphically in (Figure 13). In all regions, reported expenditures have increased considerably.

Highlights for expenditures by region include:

- In P&NR there has been a 10% reduction of personnel despite an increase in the total resources;
- In P&NR, personnel commitments on State of Ecosystem and Science and & Technology has declined by 30% over the last 8 years although some of this may be offset by increased expenditures in HQ;
- All the other regions except P&YR have enhanced northern efforts (people and \$) and most of the new \$\$ are external or salary, accounting for more collaborative projects (i.e., sourced from outside the department) and normal increases in salary over time;
- Since FY 1996/97, Labrador / Atlantic region has increased human resources and total dollar commitments by factors of 3 and 5, respectively;
- P&YR has not changed significantly in money or in people over the 8 years;
- Data for the two time periods is not comparable for Ontario and Quebec as well as for Headquarters.

At the present time there is not a clear explanation as to the increase in HQ expenditures on northern files without supporting FTE's(full-time equivalents).

In general, while it is hard to compare the department over the two time periods, overall, more resources are going into the North. However, much of the "new money" since 96/97 is external money. This can be attributed to i) expansion of programs because of external funds and the active work of EC people to generate interest from other parties; and ii) opportunity versus strategy. That is, not having a general strategy around northern files, the "ad hoc" approach has allowed EC staffers to be "entrepreneurial" in seeking out opportunities to secure resources by aligning our work with other funding sources. However, this is not totally clear from Table 2 as "External Funds" have reportedly decreased over the two time periods.

The financial expenditures in the North by EC Pillar are summarized in Figure 14. For the fiscal years 2003/2004 Science and Technology and State of the Ecosystem resources account for over \$34 million or about 81% of the total national budget on Northern programs while Improved Decision Making and Effective Enforcement and Compliance account for approximately \$7

million or 17%. Education and Engagement has not been accounted for separately by EC in the past and could not be easily discerned from the other expenditures³².

Finally, one problem that the gathering of this information reveals is that the departmental reporting does not specify geographic elements to allocations- most of the expenditures on northern files were intrinsic to national program budgets and therefore difficult to separate out. This makes it challenging to develop a financial picture of EC's northern activities and may actually hamper attaining new funds.

³² Caution should be emphasized in comparing these numbers. No attempt has been made to rationalize the differences in total expenditures. These figures and table should be used for illustrative purposes only and should not be used as definitive breakdowns or roll-ups of Departmental expenditures. The five pillars promoted by Minister Dion were used to classify the information as the department appears to be evolving in that direction.

Total Resource Expenditures by Region - FY 96/97 vs 03/04

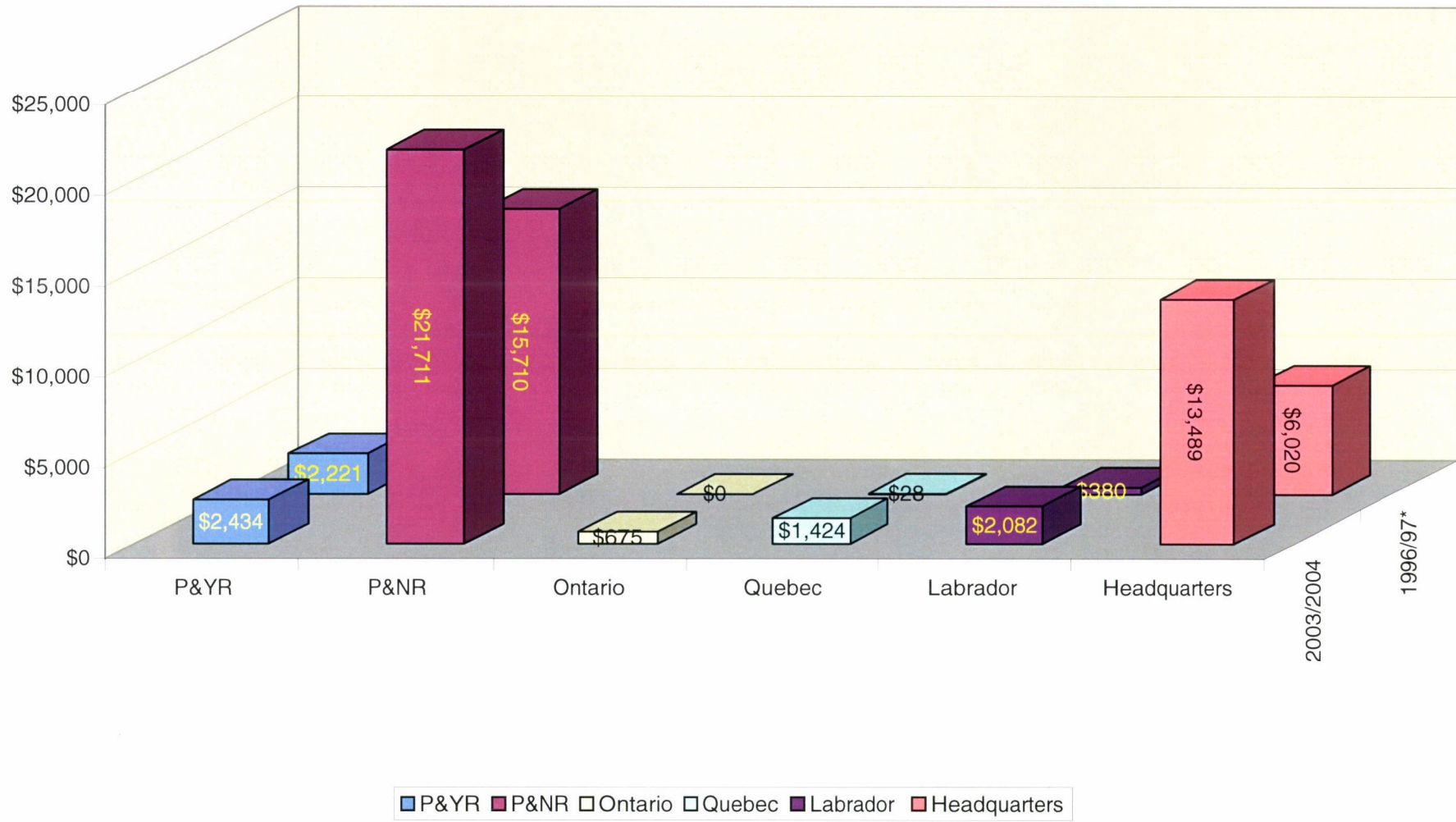


Table 3. Comparison of Northern Program Budget for Environment Canada for FY 1996/97 and FY 2003/04

Environment Canada - Northern Programs Budget	P&YR		P&NR		Ontario		Quebec		Labrador		Headquarters		1996/97*	1996/97	2003/2004	2003/2004
	1996/97*	2003/2004	1996/97*	2003/2004	1996/97*	2003/2004	1996/97*	2003/2004	1996/97*	2003/2004	1996/97*	2003/2004	Total	Dollars per Component Total	Total	Dollars per Component Total
Note: all dollars X1000																
Improved Decision Making																
Person Years	1	2	4	7	See Note A	0.6			2	0.3	2.1	6	11.3		13.7	
Salary (includes benefits and northern allowance)	\$41	\$120	\$258	\$630		\$50			\$140	\$21	\$100		320		1040	
O&M with travel	\$15	\$30	\$95	\$345		\$10	\$28	\$18	\$19	\$51	\$302		459		454	
Capital													0		0	
External funds				\$50							\$82		82		50	
Claims implementation		\$15		\$737						\$5			0	\$861	757	\$2,301
Science and Technology & State of the Ecosystem																
Person Years	19	23.6	96.5	61		1.8				1.2	4.6		116.7		91	
Salary (includes benefits and northern allowance)	\$522	\$1,040	\$6,837	\$6,130		\$125			\$158	\$81	\$327		7440		10108	
O&M with travel	\$468	\$460	\$6,505	\$8,385		\$323		\$675	\$39	\$1,281		\$10,376	7012		21500.5	
Capital		\$27		\$163		\$6			\$1	\$1		\$681	1		878	
External funds	\$434	\$345	\$381	\$564		\$4		\$382	\$80	\$80	\$5,415	\$104	6310		1479	
Claims implementation	\$222	\$15											222	\$20,985	15	\$33,981
State of the Ecosystem (combined with Science and Technology)																
													0		0	
Effective Enforcement and Compliance																
Person Years	8	4	14	33.5		0.4				1.1	1.1	2	25.1		39	
Salary (includes benefits and northern allowance)	\$519	\$249	\$1,062	\$2,562		\$32			\$80	\$80			1661		2923	
O&M with travel		\$98	\$472	\$1,481		\$15			\$20	\$20	\$221		712.7		1614	
Capital			\$55	\$76									55		76	
External funds			\$45										45		0	
Claims implementation													0	\$2,474	0	\$4,613
Education and Engagement																
Person Years		0.5		2		0.5				0.6	1.1		0.6		4.1	
Salary (includes benefits and northern allowance)		\$35		\$83		\$45			\$30	\$60			\$30		\$223	
O&M with travel				\$70		\$65			\$9	\$27			\$9		\$162	
Capital													\$0		\$0	
External funds				\$435				\$51		\$50			\$0		\$536	
Claims implementation													\$0	\$39	\$0	\$921
TOTAL PYs	28	30.1	114.5	103.5	0	3.3	0	2	3.2	8.9	8	0	153.7		147.8	
Total Salary and Northern Allowance	\$1,082	\$1,444	\$8,157	\$9,405	\$0	\$252	\$0	\$298	\$212	\$567	\$0	\$2,328	\$9,451	\$0	\$14,294	\$0
Total O&M & Capital	\$705	\$645	\$7,127	\$11,257	\$0	\$419	\$28	\$693	\$88	\$1,385	\$523	\$11,057	\$8,471	\$24,359	\$25,457	\$41,816
Total External Funds	\$434	\$345	\$426	\$1,049	\$0	\$4	\$0	\$433	\$80	\$130	\$5,497	\$104	\$6,437	\$0	\$2,065	
Total \$	\$2,221	\$2,434	\$15,710	\$21,711	\$0	\$675	\$28	\$1,424	\$380	\$2,082	\$6,020	\$13,489	\$24,359	\$24,359	\$41,816	\$41,816

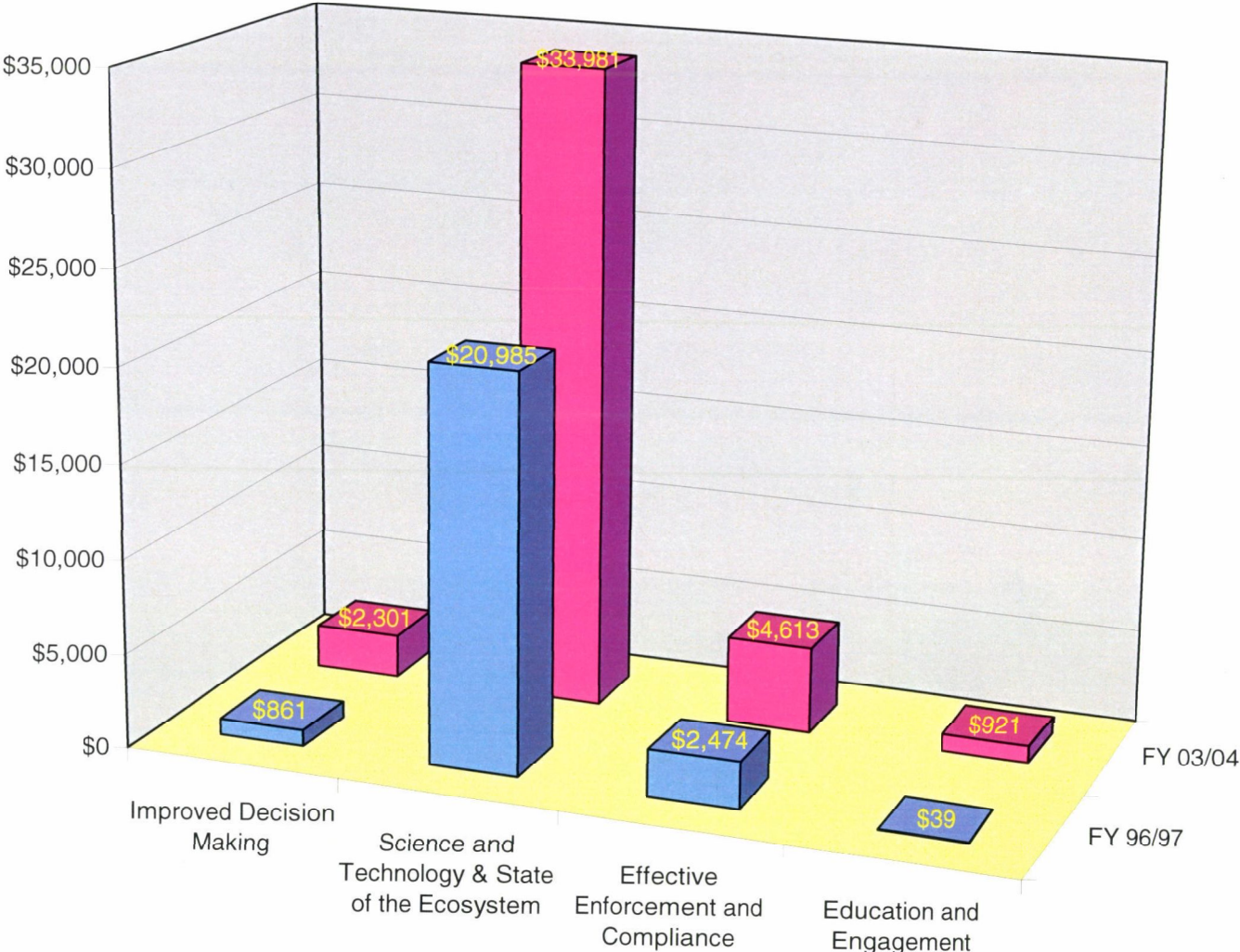
* This information from "Environment Canada - Northern Programs"

Note A: no specific numbers for Ontario Region expenditures in the north were available

Notes: in general

<p>1. Improved Decision Making = management and corporate affairs, Northern S&T, Arctic Council, Circumpolar Sustainable Development, Arctic Northern Ecosystem Initiative, Wildlife Co-management Boards, NAWMP, CAFF, PAME, AMAP, all international conventions (e.g. Policy and International Affairs related to the North)</p>	<p>2. Science and Technology - research programs and special projects including climate change, contaminants, includes NWRI and the climate research programs of AEB; does not include monitoring for weather or water quantity or quality etc.;</p>	<p>3. State of the Ecosystem - all monitoring including AEB, ECB and CWS unless the monitoring is not core funding and directly fits into climate change or contaminants or a special study or research project resulting from a departmental, extra-departmental or international initiative</p>	<p>4. Enforcement and compliance = EPB, CWS, spills, emergencies</p>	<p>5. Education and Engagement = all communication including health effects of toxics, community based monitoring, EcoAction, EMAN, other</p>
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Comparison of Total Resource Commitments by EC Pillar - 1996/97 vs 2003/2004



6. Departmental Contacts

Table 4. Listing of Departmental Contacts

SERVICE/REGION	NAME	TITLE
Environmental Protection Service	Peter Farrington	Manager, Intergovernmental Harmonization
Environmental Conservation Service	George Enei	Director; Conservation Priorities
Meteorological Service Canada	Angus Fergusson	Science Advisor
Policy and Communication	Philip Ross	Policy Analyst
Pacific and Yukon Region	Heather Wood	Policy Analyst
Prairie and Northern Region	Tim Coleman	Director; Northern Corporate Affairs
Ontario Region	Martin Nantel	Manager, Northern Office
Québec Region	Claude Saint-Charles	Manager, Environmental Assessment and Aboriginal Affairs
Atlantic Region	Rochelle Owen / Joe Pomeroy	Program Officer, Community Animation Program / Project Officer, Aquatic Systems

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Appendix 1.0. Treaties and Land Claims in EC's North

Summary

First Nations in Canada have over the years signed agreements, or treaties, with the British and Canadian governments. There are several types of treaties and agreements: pre-Confederation treaties, 'numbered' treaties, and modern treaties or land claims, and self-government agreements. For all this, extensive tracts of Environment Canada's North were never subject to treaties with either the British or Canadian authorities.

The modern treaties are the comprehensive land claims negotiated according to Canada's Land Claims Policy established in 1973, when the Supreme Court of Canada first recognized land rights based on Aboriginal title. Comprehensive claims settlements are based on the assertion of continuing Aboriginal title to lands and natural resources. The federal policy stipulates that comprehensive claims may be negotiated with Aboriginal groups in areas where claims to Aboriginal title have not been addressed by treaty or through other legal means, or where existing treaties have been fundamentally flawed. Comprehensive claims are distinguished from 'specific claims', in which First Nations contend that Canada has not fulfilled its obligations under the historic or numbered treaties.

Treaties

Pre-Confederation Treaties

The pre-Confederation treaties were negotiated before 1867, when the passage of *The British North America Act* (BNA Act) created the Dominion of Canada. Section 129 of the BNA Act (now referred to as *The Constitution Act, 1867*) confirms that the Canadian government is bound by Imperial (British) legislation, including the 1763 Royal Proclamation that protects sovereign Indian land. Prior to passage of the BNA Act, the British had signed approximately 80 treaties with First Nations. All of them are still valid.

Numbered Treaties

The so-called 'numbered' treaties were negotiated between 1867 and 1930 (Figure 15). The federal government entered into eleven of these arrangements in Western and Northern Canada in order to gain access to lands for railway construction, agriculture, mineral and oil exploration, and the general expansion of Canada. Environment Canada's North includes areas covered by several numbered treaties – Treaty 8 (signed in 1899), Treaty 9 (signed in 1905, with additions in 1929-30; also known as the James Bay Treaty) and, Treaty 11 (signed in 1921). These treaties must be taken into account in Environment Canada's decision-making. The provisions of these treaties include such topics as annuities, gratuities, schools, hunting and fishing rights, and reserve lands.



Figure 15. Treaties eight to eleven.

Table 5. Summary of Treaties and Land Claims in Environment Canada's North³³

LOCATION	ABORIGINAL GROUP	TREATY	LAND CLAIM
Newfoundland and Labrador	Innu		Framework Agreement (1995)
	Labrador Inuit		Labrador Inuit Land Claims Agreement ³⁴
	Labrador Métis Nation		Land claim pending acceptance of claim
	Naskapi of Quebec (Schefferville)		Labrador land claim pending acceptance of claim
Quebec	Cree and Inuit		James Bay and Northern Quebec Agreement (1975; 1993)
	Naskapi Nation		Northeastern Quebec Agreement (1978; 1993)

³³ Full text of treaties, land claims, framework agreements plus background material is available at www.ainc-inac.gc.ca/pr/agr/index_e.html.

³⁴ As of January 2005, the LIA claim had been ratified by the Inuit of Labrador and the Newfoundland and Labrador House of Assembly, and was awaiting Parliamentary approval.

LOCATION	ABORIGINAL GROUP	TREATY	LAND CLAIM
Ontario	Nishnawbe Aski Nation	Treaty 9	Fort Severn, Unrecognized Treaty 9 Bands, Attawapiskat, Albany, Moose Cree First Nation are making land claim requests.
Nunavut	Inuit		Nunavut Land Claims Agreement (1993)
Northwest Territories	Inuvialuit		Inuvialuit Final Agreement (1984)
	Gwich'in		Gwich'in Comprehensive Land Claim Agreement (1992)
	Sahtu		Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993)
	Tli Cho	Treaty 11	Tli Cho Land Claims and Self-Government Agreement ³⁵
	Deh Cho	Treaty 8	Interim Measures and Framework Agreement (2001)
	Akaiicho Treaty 8 ³⁶	Treaty 8	Framework Agreement (2000)
	NWT Métis Nation ³⁷ (formerly South Slave Métis)	Treaty 8	South Slave Métis Framework Agreement (1996)
Yukon	Council of Yukon First Nations		Umbrella Final Agreement (1993)

Land Claims (Modern Treaties)

The basic aim of land claim negotiations is to clarify the rights of Aboriginal groups to lands and resources, in a manner that will facilitate their economic growth and self-sufficiency. Land claims agreements are intended to ensure that the interests of Aboriginal groups in resource management and environmental protection are recognized, and that claimants share in the

³⁵ As of January 2005, the Tli Cho agreement had been ratified by the Tli Cho, the Legislative Assembly of the Northwest Territories, and the House of Commons and was awaiting passage through the Senate.

³⁶ (Welecheh (North Slave), Tahche (East Arm) and Deh Chah (South Slave).

³⁷ The Métis of Fort Smith Métis Nation Local #50, The Hay River & Area Métis Nation Local #51, Fort Resolution Métis Nation Local #53, North Slave Métis Alliance, Rae/Edzo Métis Local #64, Yellowknife Métis Council, Yellowknife Métis Local #66.

benefits of development. At the same time they are intended to accommodate the interests of Aboriginal peoples, governments and third parties.

Typically, land claims settlements involve Aboriginal people giving up Aboriginal title to their traditional lands in exchange for a such rights and benefits as:

- full ownership of certain lands in the area covered by the settlement;
- guaranteed wildlife harvesting rights;
- guaranteed participation in land, water, wildlife and environmental management throughout the settlement area;
- financial compensation;
- resource revenue-sharing;
- specific measures to stimulate economic development;
- a role in the management of heritage resources and parks in the settlement area;
- a commitment by Canada to negotiate self-government regimes (or in the case of Nunavut, to establish a Nunavut Territory).

Fourteen comprehensive claims agreements that affect Environment Canada's North have been finalized since Canada's land claims policy was established in 1973:

- The James Bay and Northern Quebec Agreement (1975);
- The Northeastern Quebec Agreement (1978);
- The Inuvialuit Final Agreement (1984);
- The Gwich'in Comprehensive Land Claim Agreement (1992);
- The Nunavut Land Claims Agreement (1993);
- The Sahtu Dene and Métis Comprehensive Land Claim Agreement (1994);
- The Vuntut Gwich'in First Nation (1995)^{*38};
- The First Nation of Nacho Nyak Dun (1995)*;
- The Teslin Tlingit Council (1995)*;
- The Champagne and Aishihik First Nations (1995)*;
- The Little Salmon/Carmacks First Nation (1997)*;
- The Selkirk First Nation (1997)*;
- The Tr'ondek Hwech'in First Nation (1998)*;
- The Ta'an Kwach'an Council (2002)*.

Self-Government

The modern treaties have brought about new structures and organizations, which have assumed some functions and roles of federal government departments. They have also

³⁸ Agreements indicated by an * are based on the Council for Yukon Indians Umbrella Final Agreement, signed in 1993.

enhanced Aboriginal groups' capacity to participate in important public policy issues. The claims have led to the creation of regulatory and co-management boards that assume some traditional functions of federal government departments, especially in the territorial North. These boards enable local or regional representatives to exercise significant influence over governmental decisions affecting northern peoples.

Settled comprehensive land claims have far-reaching governance implications. Once the Aboriginal people, Parliament and the appropriate provincial/territorial legislature ratify the agreements they have constitutionally protected status. If there is a conflict between a claim and existing legislation, the provisions of the claim supersede the provincial/territorial/federal statutes.

Land claim agreements convey ownership of extensive parcels of land to Aboriginal organizations, which includes surface and/or subsurface rights (unusual in Canadian law). Monies paid to Aboriginal organizations as part of claims settlements make them major players in northern economic development. Claims establish or mandate a network of co-management and regulatory boards with involvement in wildlife management, land use planning, environmental assessment, and regulation.

The nature and extent of land claims, with attendant governance implications, vary across the territories:

- **Nunavut:** one claim covers the entire territory; all territorial and local-level governments are public governments, so that there are no self-government arrangements (nor does the *Indian Act* apply to Inuit).
- **The Northwest Territories** has three finalized claims (Inuvialuit Final Agreement; Gwich'in Comprehensive Land Claim Agreement; Sahtu Dene and Métis Comprehensive Land Claim Agreement) with a fourth, the Tli Cho Agreement, close to finalization. Currently, negotiations are underway with Deh Cho First Nations, the Treaty 8 Dene of the Akaitcho Territory and the Métis of the NWT (in three main groups) on a range of Aboriginal rights, treaty and governance issues.

Extensive, but highly variable, self-government regimes are currently under negotiation across the NWT. A significant issue is the legal and political status of the Métis.

- **Yukon:** Yukon Umbrella Final Agreement finalized in 1993; ten of fifteen Yukon First Nations have settled their claims, three are at various stages of negotiation, and the two southern Yukon First Nations, the Ross River Dena Council and the Liard First Nation have taken a range of outstanding issues to the courts for determination of their rights and interests. Self-government regimes with individual Yukon First Nations are being settled and practical arrangements are still being worked out. Ten self-government

agreements have been reached concurrent with the land claims settled. The presence and status of Métis is not a major issue in Yukon. Instead, in the 1970s “status” and “non-status” Indians joined together to negotiate as a single body at the land claims table.

Aboriginal organizations are significant players in a wide range of governmental processes, but their organization, resources, approaches and status vary widely:

- **Nunavut:** one claims body – Nunavut Tunngavik Incorporated (NTI) – has three regional sub-units; NTI represents 85% of Nunavut residents and has unique relationship with the GN, formalized through the ‘Clyde River Protocol’;
- **NWT:** the Aboriginal organizations are for the most part regionally defined; territory-wide organizations are either of limited influence like Dene Nation, or defunct, such as Metis Nation of the NWT;
- **Yukon:** Council of Yukon First Nations is a loose confederation of most of the fifteen individual First Nations in territory – three First Nations are not members – plus, on a provisional basis, four Gwich’in First Nations located in NWT;
- **Newfoundland and Labrador:** three organizations represent the Aboriginal peoples of Labrador – the Labrador Inuit Association, the Labrador Metis Nation and the Innu Nation;
- **Quebec:** the Makivik Corporation is the political organization of the Inuit of Nunavik; the Grand Council of the Crees is the political body for the Cree of Northern Quebec; and the Naskapi Nation represents the Aboriginal people party to the Northeastern Quebec Agreement;
- **Ontario:** the overarching political organization for the First Nations of Environment Canada’s Northern Ontario is the Nishnawbe Aski Nation.

Appendix 2.0. Key Environmental Legislation by Jurisdiction

Government of the Yukon

The Government of the Yukon's Department of Environment implements the following Acts and Regulations:

- Environment Act;
- Parks and Land Certainty Act;
- Wilderness Tourism Licensing Act;
- Wildlife Act; and
- Waters Act (waters regulation).

The Department of Energy, Mines and Resources administers the following Acts:

- Placer Mining Act (placer mining land use regulation);
- Quartz Mining Act (quartz mining land use regulation); and
- Territorial Lands Act (land use regulation, coal regulation, dredging regulation).

The Yukon Government has environmental assessment responsibilities through the *Yukon Environmental Assessment Act* ("EAA"). The EAA mirrors the *Canadian Environmental Assessment Act* (CEAA). It should be noted that in 2005, both pieces of legislation will be replaced by the *Yukon Environmental and Socio-economic Assessment Act*.

The Department of Environment Conservation enforces parts of the following federal legislation:

- Migratory Birds Convention Act;
- Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA); and
- Fisheries Act (in relation to the Yukon Territory Fishery Regulations).

Government of the Northwest Territories (GNWT)

The Government of the Northwest Territories (GNWT)'s Department of Resources, Wildlife and Economic Development (RWED)³⁹ administers the following acts and regulations:

³⁹ www.gov.nt.ca/agendas/land/land.html
www.gov.nt.ca/RWED
www.gov.nt.ca/RWED/plc/legislation.htm

- Environmental Protection Act;
- Environmental Rights Act;
- Forest Management Act (various regulations);
- Forest Protection Act;
- Freshwater Fish Marketing Act;
- Herd and Fencing Act;
- Natural Resources Conservation Trust Act;
- Pesticide Act (pesticide regulations);
- Territorial Parks Act;
- Waste Reduction and Recovery Act (not in force);
- Water Resources Agreements Act; and
- Wildlife Act (various regulations).

Government of Nunavut

The Government of Nunavut's Department of Environment⁴⁰, along with the Nunavut Wildlife Management Board, has responsibilities for terrestrial wildlife management within the territory and for the protection of the environment. The Department of Environment administers the following acts and regulations:

- Environmental Protection Act (regulations on spill planning and reporting and asphalt paving industry emissions);
- Environmental Rights Act (administered by the Legislative Assembly);
- Pesticide Act (pesticide regulations); and
- Wildlife Act.

Government of Quebec

The Government of Quebec's Ministry of Environment⁴¹ administers the following acts and regulations:

- Environmental Quality Act (various regulations);

www.gov.nt.ca/RWED/eps/leg.htm

<http://forestmanagement.rwed.gov.nt.ca>

www.justice.gov.nt.ca/Legislation

⁴⁰ Rumbolt, I. 2004. "Personal Conversation and Email". Coordinator, Land Use. Department of Environment, Government of Nunavut, Iqaluit, NU.

⁴¹ www.menv.gouv.qc.ca

www.menv.gouv.qc.ca/publications/lois-reglem-en.htm

- An Act to establish the Fonds national de l'eau (National Water Funds);
- An Act respecting environmental assessment of the proposed Churchill River hydroelectric development (not yet in force);
- Natural Heritage Conservation Act;
- Pesticides Act (various regulations);
- Tree Protection Act;
- Watercourses Act (associated regulations); and
- Water Resources Protection Act.

Newfoundland and Labrador

Environmental management in Newfoundland and Labrador is shared across three different departments, Environment and Conservation, Fisheries and Aquaculture, and Natural Resources. The Department of Aboriginal and Labrador Affairs is growing in presence and significance. Acts and regulations administered by the Department of Environment and Conservation are the:

- Endangered Species Act;
- Wildlife Act;
- Environmental Protection Act (Air Pollution Control Regulations and Ozone depleting substance regulation); and
- Water Resources Act.

Ontario

The Ontario Government's Ministry of Natural Resource, Ministry of the Environment, Ministry of Northern Development and Mines and Ontario Native Affairs Secretariat administer the following acts and regulations relative to Northern Ontario:

- Environmental Assessment Act;
- Environmental Protection Act;
- Safe Drinking Water Act;
- Water Diversion Act; Wilderness Areas Act;
- Beds of Navigable Waters Act;
- Crown Forests Sustainability Act;
- Endangered Species Act;
- Fish and Wildlife Conservation Act;
- Forest Fires Prevention Act;
- Forestry Act;

- Indian Lands Act;
- Mining Act; and
- Provincial Parks Act.

Appendix 3.0. EC and the North in Transition

Environment Canada is in transition. Departmental structure, decision-making and program /service delivery is currently going through a department wide transformation as a means to implementing the Competitiveness and Environmental Sustainability Framework. At the same time, the recent throne speech (September 2004), gave the North new emphasis and priority. A “new” Northern Strategy has been announced and Environment Canada’s activities map closely to the proposed elements of the framework. The following text describes the commitment to a northern strategy as announced by the Prime Minister and the three territorial premiers in December 2004.

The Competitiveness and Environmental Sustainability Framework ⁴²

A national framework is being developed in collaboration with provinces and industry, with shared goals achieved through a long-term focus based on business realities, rewarding results, informing decisions based on science, predictability and transparency and a smart regulation approach. This process will be developed based on five pillars:

- decision-making – reflecting shared responsibilities and clear accountabilities across jurisdictions, enabling governments to speak with one voice
- information – enabling sound decision-making, prediction, assurance and reporting
- science and technology – taking a coherent approach focused on priority challenges
- compliance and enforcement – using incentives to encourage sustainable practices and setting up a fair, consistent and predictable regime, focused on outcomes
- education and engagement – empowering citizens and decision-makers to make informed choices

Implementation of the Competitiveness and Environmental Sustainability Framework (CESF) is intended to ensure that Environment Canada is focused on:

- delivering a new national policy direction
- policy integration which recognizes that sustainability issues are interconnected
- programs and services that are geared toward national policy outcomes
- a department with a single vision for the future and a unified approach to delivering on that vision
- clear lines of accountability and responsibility
- efficient decision-making, comprehensive planning and priority setting
- a planning process which will link the strategic outcomes of the CESF and EC priorities, activities and resources
- defining projects that will be the “basic units of work”

⁴² Kevin McCormick, December 2004

With the department, the Framework is being implemented through the following decision making structures:

- The Executive Management Council will be responsible for all strategic policy, program and financial decisions.
- The Program Brief will focus on key operational issues which merit consideration by senior management.
- The Policy Brief will focus on key policy issues which merit consideration by senior management.

Priority Management and Enabling Boards and Teams

The above-noted decision-making structures will be supported by four Management Boards.

- Sustainable Production and Consumption
- Sustainable Ecosystems
- Climate Change
- Weather and Environmental Predictions

The Priority Management Boards primary role will be to set direction, provide oversight and guidance and ensure integration of effort. The management boards will be supported by two Enabling Boards:

- Departmental Management Services
- Policy Planning and Integration

Program Planning

- Departmental program planning will be undertaken through the following structures and processes:
- Management Board Priority Decks will focus on broad policy directions and key priorities for the next three years within the context of CESF
- Integrating Team Plans will define the outcome projects and expected outcomes in support of the management board priorities
- Outcome Project Plans will focus on the resources and processes required to deliver each of the elements at level 4 of our Program Activity Architecture
- Leadership Council will review Management Board priorities and consolidated Outcome Project priorities
- The Executive Management Council will ratify the Outcome Project Priorities
- Detailed Work Plans will be prepared for each priority Outcome Project
- Financial Strategies and Resource Allocations for implementing the Detailed Work Plans will be determined by the Executive Management Council
- Accountability and Performance Monitoring will be facilitated through performance agreements with the relevant managers

- The Results Management Tool will capture all work plans in a consistent fashion across the department and assist corporate decision-making and knowledge-sharing

Towards a Northern Strategy⁴³

The North is a place of great promise. For many years northerners have spoken about the importance for all Canadians to share in a vision of the future that enables northerners to become full participants in the federation. Consequently, the Government of Canada and the territorial governments have agreed to develop — in cooperation with Aboriginal governments organizations and northern residents — the first-ever comprehensive strategy for the North. Recently, governments and organizations have undertaken important visioning and strategic planning work. To complement this work, consultations will take place over the next few months. This series of consultations will be undertaken to gather the views and additional information necessary to develop the Northern Strategy.

The following Framework for a Northern Strategy has been jointly developed by the federal and territorial governments. This Framework consists of an initial vision for the North, principles to guide the development of the strategy, and a set of possible goals and objectives to realize the vision.

This Framework is intended to stimulate and focus discussion during the consultations. The final Strategy will include shared vision, principles, goals and objectives. It will also include pan-northern and territory-specific sections in which jointly developed actions for the short, medium and long-term will be identified and prioritized consistent with individual governments' strategic plans.

Vision

The North is a place where self-reliant individuals live in healthy, viable communities, and where northerners manage their own affairs. It is a place where strong, responsive governments work together to build a prosperous, vibrant future for all. It is a place where northern traditions of respect for the land and the environment are cherished, and actions and decision-making are anchored in the principles of responsible, sustainable development. It is a place where citizens celebrate their diversity. The North is a place where the territories and their governments are strong contributing partners in a dynamic and secure federation.

Principles

To achieve this Vision we will work together to develop a Northern Strategy that:

⁴³ <http://www.northernstrategy.ca/>

- is pan-northern and comprehensive in scope, and recognizes that the three territories have unique challenges and opportunities and are at different stages in their political, social and economic development;
- is cognizant of the fiscal capacity of northern governments;
- will mobilize resources to achieve joint priorities;
- is a living document that will build on the full range of strategies, policies and programs of governments, and, through regular review, respond to changing circumstances and remain consistent with the evolving priorities of northerners; and,
- enhances mutually respectful intergovernmental relations, reflecting the modern realities of the North.

Goals and Objectives

It is recommended that a Northern Strategy focus on goals and objectives, and develop specific actions to achieve such objectives over the short, medium and long-term. Proposed long-term goals and examples of objectives are listed below.

Strengthening Governance, Partnerships and Institutions

Proposed Goal: To strengthen governments and institutions, and support evolving relationships among them, in order to provide northerners with effective governance and greater control over decisions central to their future.

Examples of Objectives:

- Completion of devolution and resource revenue sharing agreements
- Settlement and implementation of land claims and self government agreements
- Creation and enhancement of effective intergovernmental forums
- Completion of expert panel review of Territorial Formula Financing

Establishing Strong Foundations for Economic Development

Proposed Goal: To build strong, sustainable, diversified economies where northerners share in the benefits of northern development.

Examples of Objectives:

- Diversification of northern economies, such as support for small businesses, traditional economies, agriculture, fisheries, tourism, and forestry
- Development of transportation, communication, energy, and other infrastructure
- Training and human resource development responsive to the needs of community and regional labour market conditions and economies
- Advancement of large-scale projects such as pipelines and mines
- Development of regulatory regimes to improve efficiency and apply consistent standards and practices

Protecting the Environment

Proposed Goal: To engage all partners in the North in the protection and stewardship of the environment.

Examples of Objectives:

- Remediation of contaminated sites
- Development of northern-based environmental emergency response capacity
- Mitigation of, and adaptation to, climate change impacts
- Environmental monitoring to ensure environmental standards are maintained
- Effective land and water management processes
- Increased use of cleaner energy sources such as hydro-electricity, natural gas and new technologies

Building Healthy and Safe Communities

Proposed Goal: To ensure healthy, safe and sustainable northern communities that serve and support the needs of northern residents and promote self-reliance.

Examples of Objectives:

- Housing that is suitable, adequate and affordable
- Improving the health of northerners
- Commitment to life-long learning to improve education of children and adults
- Enhancement of community infrastructure such as water treatment and waste management
- Development of a justice system that better reflects the needs of northerners, including areas such as crime prevention, policing, corrections, and community justice initiatives.

Reinforcing Sovereignty, National Security and Circumpolar Cooperation

Proposed Goal: To ensure that Canada plays a leading role and promotes concerted international action on circumpolar issues, and that northern concerns are taken into consideration in national efforts to reinforce sovereignty, security and circumpolar cooperation.

Examples of Objectives:

- Ensuring security and surveillance in the North, cognizant of northern interests
- Reinforcing Canada's sovereignty over the Northwest Passage
- Effective northern-based search and rescue capacity
- Leadership in matters of circumpolar cooperation

Preserving, Revitalizing and Promoting Culture and Identity

Proposed Goal: To ensure that the importance of language, traditional knowledge and way-of-life is recognized and encouraged.

Examples of Objectives:

- Preservation and promotion of Aboriginal languages for present and future generations
- Recognition and promotion of the linguistic and cultural diversity of the people of the North, including francophone communities
- Promotion of the use of traditional knowledge and practices in northern decision making
- Preservation and promotion of northern history and culture

Developing Northern Science and Research

Proposed Goal: To ensure that Canada is a leader in northern science and technology, and to develop expertise in areas of particular importance and relevance to the North.

Examples of Objectives:

- Enhancement of northern-based research capacity to encourage research about the North taking place in the North
- Encouragement for and identification of research and development to improve understanding of the North and contribute to the social, economic and environmental well being of northerners
- Addressing knowledge gaps in areas such as geoscience and environmental data
- Adaptation of technology to northern circumstances such as alternate energy

Table 6. EC Activities and the Northern Strategy Framework

Northern Strategy Pillar	Offering EC an opportunity to achieve its competitiveness and environmental sustainability in the North	Related Departmental Activities – a few examples
Strengthening Governance Partnerships and Institutions	Enhanced relationships with other government departments in the North, as well as territorial and indigenous governments.	*Aboriginal Land Claim and Self-Government Agreement Settlement and Implementation, co-management boards *Devolution
Establishing Strong Foundations for Economic Development	Consideration of environmental integrity as an input for decision makers. Information vital to cost-effective, informed decision-making on sustainable development of natural resources.	*Environmental Assessment *Environmental Advice for decision-making *Compliance Promotion and Enforcement
Protecting the Northern Environment	Enhance understanding of the environmental challenges and opportunities in the North among northerners, territorial and aboriginal governments, OGDs, and circumpolar nations and set a number of shared priorities	*Arctic REET *EC's Protected Areas Strategy for the North (forthcoming) National Program of Action on Oceans (Arctic)

