

# Land Claims and Nahanni National Park

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## INTRODUCTION and HISTORY

The Nahanni National Park Reserve is an enormous national park that encompasses an area of 4766 square kilometers (by North American Datum 1927)<sup>1</sup>. Located in the southwestern part of the North West Territories the park is in an area rich in natural resources above and below the land (See Figure 1 for location of Nahanni). There are mining, logging, fishing, hunting, and eco-tourism operations functioning in the region, as well as in and around the park. Also, there are a large number of campers visiting the actual park each year.

FIGURE 1<sup>2</sup>



<sup>1</sup> National Parks Act. Government of Canada. <http://laws.justice.gc.ca/en/N-14.01/18904.html#rid-18909>  
Updated to August 31, 2003

<sup>2</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1_e.asp) Last Updated: 2003-11-24

The Deh Cho and Sahtu First Nations have signed interim land withdrawal/claim agreements with the Canadian government and are working on their final agreements as this paper is being written. The agreements will mean more protected area for the park, self-governance for the natives, and a reworking of industrial and commercial operations for businesses. The Natives also stand to gain control of the resource development plans for the region.

Native settlements in the Nahanni region including those of the Dene date back nine to ten thousand years. The word Nahanni comes from the oral history of the region which speaks of the Naha tribe that “used to raid settlements in the adjacent lowlands. These people are said to have rather quickly and mysteriously disappeared. Present day similarities between local Dene dialects and the Navajo language in the southern United States have led to speculation that the Navajo are descendants of the missing Naha.”<sup>3</sup>

Nahanni National Park Reserve was named in 1978 as the first United Nations world heritage site<sup>4</sup>. The World Heritage Site designation highlights the international significance of the park's natural heritage. The section of the South Nahanni River protected by the park was proclaimed a Canadian Heritage River in 1987<sup>5</sup>, in recognition of its outstanding wilderness character and recreational value. The park will remain in reserve until the final agreements on the Deh Cho land claim have been agreed upon. At that time much more land is expected to be added to the park making it one of the largest in Canada.

Currently there is one mine operating in the region, the Can Tung tungsten mine which is located up river from the park. Also there is one mine in a deep stage of

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<sup>3</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul2\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul2_e.asp) Last Updated: 2003-11-24

<sup>4</sup> United Nations Educational, Scientific and Cultural Organization <http://portal.unesco.org/en/ev.php>

<sup>5</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1\\_e.asp#intro](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1_e.asp#intro) Last Updated: 2003-11-24

exploration (Prairie Creek) and multiple areas being staked and surveyed for possible mine development<sup>6</sup>. As a result of the land claim interim agreement only the operating mine is to continue as is and the mines under exploration are not to proceed until final agreements are reached. Also, all new logging in the area is to cease until the agreement is finalized.

The land claim agreement is essential to the future of the park as any agreement will mean the park is to grow in size and the surrounding area will be free of environmentally degrading industrial activities. For the Natives, the land claim agreement will mean a retrieval of lost lands and a return of much sovereignty, for the park the agreement means its survival for generations to come.

### **What the Land Claim Agreement will do for the park**

On April 17<sup>th</sup> 2003, the Deh Cho First Nations and Canadian government signed an agreement for the interim protection of 70,000 sq km of land, an area twice the size of Vancouver Island, in the southwest corner of Canada's Northwest Territories. This will include the interim protection of 18,800 sq. km. of land in the South Nahanni Watershed around Nahanni National Park Reserve. Once this land is withdrawn, 62% of the South Nahanni Watershed will be protected<sup>7</sup>. Without the land withdrawal Nahanni National Park Reserve occupies little more than 1/7<sup>th</sup> of the watershed<sup>8</sup>.

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<sup>6</sup> Environmental News Network from Canadian Parks and Wilderness Society.  
<http://www.enn.com/direct/display-release.asp?objid=D1D1364B000000F49C7BF324572A5C52>  
Uploaded Thursday, April 17, 2003

<sup>7</sup> Environmental News Network <http://www.enn.com/direct/display-release.asp?objid=D1D1364B000000F49C7BF324572A5C52> Uploaded April 17<sup>th</sup> 2003.

<sup>8</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1_e.asp) Last Updated: 2003-11-24

The agreement signed by the Deh Cho First Nations and the territorial and federal governments is a framework agreement where all parties have agreed to work towards an agreement in principal within five years and then they will have an additional two years to ink the final deal. All parties have also agreed to address a broad range of topics relating to land, resources and governance in the Deh Cho region<sup>9</sup>.

Given the significance of the Deh Cho region in terms of resource potential, and the concern for protecting the ecological integrity of the region, the Interim Measures Agreement helps to clarify the "rules of the game" for affected stakeholders like industry, in the interim period until a final agreement is achieved. The Interim Measures Agreement allows the Deh Cho to participate in all and any land, water or resource management issue in the area including 85% of the Deh Cho land within the South Nahanni watershed. The Canadian government refused the Deh Cho desire to have all their land within the watershed withdrawn, and has left 15% of the watershed open for mineral staking and other industrial development<sup>10</sup>. The agreement also gives the following interim powers to the Nahanni First Nation<sup>11</sup>:

- regional land use planning and a land withdrawal process
- requirements for additional consultation and community support for certain land and resource activities
- requirement for benefit plans related to oil and gas activities in the region
- management arrangements for Nahanni National Park Reserve
- negotiation of an Interim Resource Development Agreement.

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<sup>9</sup> Indian and Northern Affairs Canada [http://www.ainc-inac.gc.ca/nr/prs/m-a2001/01150bk\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2001/01150bk_e.html)  
Uploaded May 23 2001

<sup>10</sup> Canadian Parks and Wilderness Society <http://www.cpaws.org/nahanni/index.html> Uploaded 2003-07-20

<sup>11</sup> Indian and Northern Affairs Canada [http://www.ainc-inac.gc.ca/nr/prs/m-a2001/01150bk\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2001/01150bk_e.html)  
Uploaded May 23 2001

The Sahtu First Nations are situated in the upper areas of the watershed and are fighting to have their 20% of the total watershed put aside along with the 80% that the Deh Cho are in possession of. All these lands would be part of the promised park expansion of the Chrétien liberal government, made in 2002<sup>12</sup>, with funds guaranteed in the 2003 budget from the same government.<sup>13</sup>

In figure 2, one can see the area the Deh Cho interim withdrawal areas (in dark grey). From these areas we can see that most of the land is within the South Nahanni watershed (outlined in red). Above the Deh Cho land is the Sahtu land where the remaining 20% of the watershed lies. Also visible in the figure are the locations of the two mines in the area the Can Tung located near the town of Tungsten and the Prairie Creek mine which as noted in an earlier section to be a mine in deep exploration. Both these mines are potential risks to the future health of the park and their futures' will be discussed in following discussion. If the land claim agreements are finalized how the Deh Cho and Sahtu groups hope for, the Nahanni National Park Reserve is set to grow into an enormous World Heritage Site.

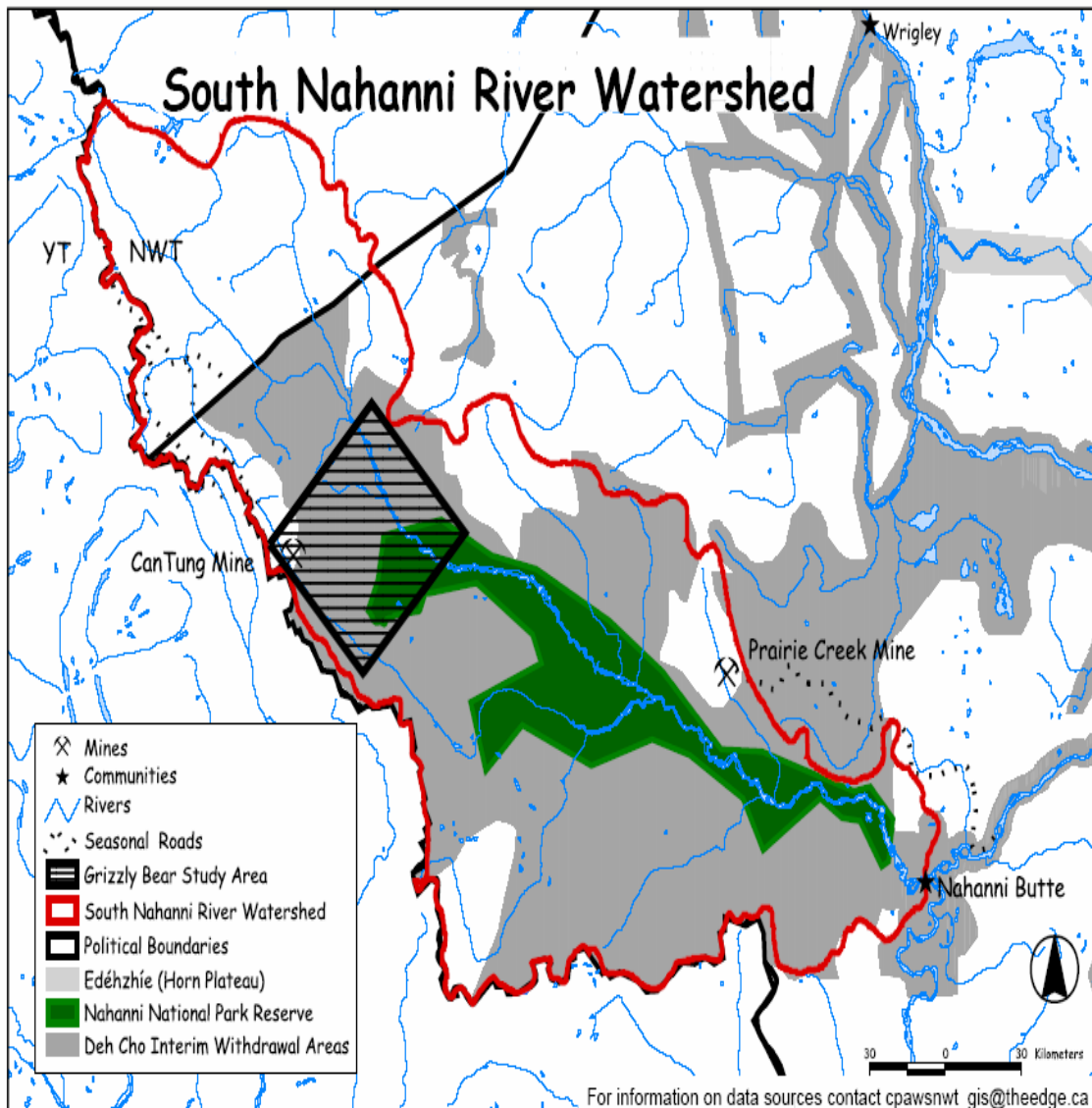
Together, the Framework Agreement and the Interim Measures Agreement describe the present state of negotiations with the Deh Cho First Nations. These agreements are also a reflection of the significant effort invested in building a new relationship between Canada, the Deh Cho First Nations, and the Government of the Northwest Territories.

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<sup>12</sup> Canadian Parks and Wilderness Society <http://www.cpaws.org/nahanni/index.html> Uploaded 2003-07-20

<sup>13</sup> Environmental News Network, from Canadian Parks and Wilderness Society. <http://www.enn.com/direct/display-release.asp?objid=D1D1364B00000F49C7BF324572A5C52> Uploaded Thursday, April 17, 2003

Figure 2<sup>14</sup>



With the suspension of new mining and logging sites comes the suspension of the release of more toxins and pollutants into the pristine Nahanni River and the suspension of habitat destruction for the local populations of animals. There is an estimated Forty-two mammal species including; both black and grizzly bears, wolves (found along the river valleys), moose and caribou (as in figure 3), Dall's sheep and mountain goats (who

<sup>14</sup> Canadian Parks and Wilderness Society <http://www.cpaws.org/nahanni/index.html> Uploaded 2003-07-20

are the staple prey items), several weasel species, including wolverine, a variety of rodents and bats. Small and medium-sized mammals found in the park include shrews, voles, Arctic ground squirrels, muskrats, beaver, marmots, and snowshoe hare. Some mammalian predators are mink, marten, otter, lynx and red fox. A total of 180 bird species have been documented, including loons, hawks and eagles, with 21% of these species remaining in the north year-round. There are no known reptiles in the park but the wood frogs are known to inhabit the area. Finally, sixteen fish species have been recorded within the South Nahanni watershed (including Nahanni Lake, figure 4): lake trout, Dolly Varden, Arctic grayling, burbot, longnose sucker, northern pike, lake whitefish, round whitefish, mountain whitefish, inconnu, slimy sculpin, lake chub, longnose dace, spoonhead sculpin, trout-perch and spottail shiner. Most of the species are found in the park, although spoonhead sculpin, trout-perch, and spottail shiner are not common.<sup>15</sup> Clearly, with such a diverse animal population, the Deh Cho agreement and the expansion of the park will help to keep the bio-diversity of the wilderness strong.



Nahanni Caribou grazing  
Figure 3<sup>16</sup>



Nahanni Lake and Glacier  
Figure 4<sup>17</sup>

<sup>15</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1a\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1a_e.asp) Last updated 23-11-2003

<sup>16</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1a\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1a_e.asp) Last updated 23-11-2003

<sup>17</sup> CPAWS <http://www.cpaaws.org/nahanni/index.html> Uploaded 23-07-2003

Also, this deal saves a large area of boreal forest which has been gaining attention through public education campaigns. There have been 230 genera and over 700 species of vascular plants recorded in Nahanni National Park Reserve. The park has a richer diversity of vegetation than any other area of comparable size in the continental Northwest Territories<sup>18</sup>. There is such a wide variety of plant life due to the variety of eco-zones within the park. In all there are approximately 6 distinct eco-zones in the park: wet calcareous substrates, mist zones of waterfalls, hot and cold mineral springs, and unglaciated terrain are important. Areas of discontinuous permafrost and periglacial habitats also have influence. In addition, the length of the park intersects major differences in local climate and weather systems.<sup>19</sup>

Finally, a larger park would mean more area protected by Parks Canada's aggressive environmentally sustainable rules and regulations

The Deg Cho land claim agreement is different from the Inuvialuit and Nunavut land claim agreements as the amount of land involved is considerably smaller and that all affected parties are working together to add to the park and ensure it can be enjoyed for generations to come.

### **What the Land Claim Agreement will mean to industry and communities**

As previously noted there is one fully operational mine in the South Nahanni River watershed, the Can Tung mine located near the town of Tungsten, and another mine in the deep stages of exploration the, Prairie Creek open pit mine, being developed by Canadian Zinc<sup>20</sup>. The land claim agreement has, in collaboration with legal action by the Canadian Artic Resource Committee (CARC), forced the Can Tung mine to undergo

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<sup>18</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1b\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1b_e.asp) Last Updated: 2003-11-24

<sup>19</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1b\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1b_e.asp) Last Updated: 2003-11-24

<sup>20</sup> Canadian Parks and Wilderness Society <http://www.cpaws.org/nahanni/index.html> Uploaded 2003-07-20

a full environmental impact assessment. Recently the group that operates the Can Tung mine, North American Tungsten Company Limited (NATCL) has won a court decision to halt the environmental impact assessment:

The Mackenzie Valley Land and Water Board told the company it would have to conduct an environmental assessment of its mine in the ecologically sensitive area. This order was confirmed by the NWT Supreme Court last month. The company is appealing that ruling, and now it has been given a stay, which allows NATCL to not start work on the environmental assessment until after the appeal has been heard.<sup>21</sup>

The executive Director of the CARC, Karen Wristen, believes the tactic employed by the NATCL to be foolish as:

If the environmental work is not done in time, the Mackenzie Valley Land and Water Board can refuse an extension of the water license under which the mine is currently operating. Our concern is the same as it was at the beginning of this case, that the company is simply putting up legal roadblocks to enable it to finish its short-term mining plans without having to put up the security required to clean up the site once it is done.<sup>22</sup>

For the health of the park to be ensured these mines must be closed but it seems the Interim agreement will allow them to continue to exist. The Prairie Creek mine, as seen in Figure 2, is located just 15 kilometers north of Nahanni. This mine is in the deep stages of exploration and is set to open soon using, at first, open pit mines then later underground mining practices. Obviously both these mines are of concern to the health to the park as run off from mining practices is notoriously bad for water quality.

Unfortunately the agreement will not affect existing mines or other industrial rights, such as logging, thus allowing them to continue operation until a final agreement is reached,

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<sup>21</sup> Canadian Artic Resource Committee [http://www.indelta.com/cgi-bin2/carcpub.cgi?http://carc.org/whatsnew2/Items/News%20Releases/STAY\\_JEOPARDIZES\\_MINING\\_COMPANY\\_S\\_ABILITY\\_TO\\_CONDUCT\\_NEEDED\\_ENVIRONMENTAL\\_WORK\\_IN\\_TIME.htm](http://www.indelta.com/cgi-bin2/carcpub.cgi?http://carc.org/whatsnew2/Items/News%20Releases/STAY_JEOPARDIZES_MINING_COMPANY_S_ABILITY_TO_CONDUCT_NEEDED_ENVIRONMENTAL_WORK_IN_TIME.htm)  
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<sup>22</sup> Canadian Artic Resource Committee [http://www.indelta.com/cgi-bin2/carcpub.cgi?http://carc.org/whatsnew2/Items/News%20Releases/STAY\\_JEOPARDIZES\\_MINING\\_COMPANY\\_S\\_ABILITY\\_TO\\_CONDUCT\\_NEEDED\\_ENVIRONMENTAL\\_WORK\\_IN\\_TIME.htm](http://www.indelta.com/cgi-bin2/carcpub.cgi?http://carc.org/whatsnew2/Items/News%20Releases/STAY_JEOPARDIZES_MINING_COMPANY_S_ABILITY_TO_CONDUCT_NEEDED_ENVIRONMENTAL_WORK_IN_TIME.htm)  
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but will ensure that no new development occurs within the withdrawn lands for five years.

There is one other industry currently running in the park, and that is of eco-tourism. There are currently three licensed outfitters working in the Nahanni National Park Reserve area, but many more unlicensed ones exist<sup>23</sup>. These include hunting lodges, air access companies and outerwear outfitters. With an expansion of the park, more operators may choose to become licensed, and more will sprout up, more access points will become available and more land will be protected.

As noted in an above section, the Deh Cho will now have a large hand in dealing with all new industrial ventures and resource projects with final say falling in part to them. This increased power can be seen as a victory for all First Nations groups as it shows the government is willing to accept that the original inhabitants of Canada do have a legitimate right to how the land they live on is used. The Deh Cho can choose which projects proceed and which must be stopped. To finalize the interim agreement the Deh Cho must come up with a list of lands of important cultural and historical value as well as lands which are ecologically important to the future of the South Nahanni River Watershed and the Nahanni National Park Reserve.

### **Why this is a northern issue**

What makes this a northern issue opposed to the park being in the Northwest Territories, is the significance of the Land Withdrawal Agreement for all northern natives, the types of resources and animals involved and the overlying fact that this issue is dealing with one of the last great undisturbed areas of wilderness on the earth.

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<sup>23</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1_e.asp) Last Updated 2003-23-11

Firstly, the Deh Cho Land Withdrawal Interim Agreement comes on the heels of the Nunavut and Inuvialuit land claim agreements. Large sections of land and water were dolled out to the Inuit peoples of the Arctic Coast and they were given power over resource development (in the Inuvialuit case) and their own governance (in the Nunavut case). The Deh Cho agreement will more closely resemble the Inuvialuit agreement as they were awarded powers over the resource development in the region. This trend of agreements will only continue into the future with more and more land claim and self-governance agreements being signed by the government of Canada, the territories and the First Nations people of Canada.

Secondly, this is a northern issue as the resources in question are those found primarily in northern Canada, in the sub-arctic and north. The Boreal forest in the area is being saved from continuing, devastating clear-cut logging, the zinc, tungsten and other minerals mines are being put under environmental impact assessments, and other potential mines are being put aside for the time being while a final agreement is etched. The remarkably majestic waters of the Nahanni River (figures 5 and 6) will be the true winner in the land claim agreement. With the stoppage of creation of new mines, only the one open mine will continue being a problem for the waters. With a full EIA in the works, this could also change when results are tabled. The fourth resource that is unquestionably northern is the animals. Nahanni's bio-diversity sets it aside from many other areas on the globe and the aesthetic and cultural value of having such a great park with such variety is unquestionable.

Finally, the unabated truth to Nahanni National Park Reserve is that it is one of the oldest, most wild, untouched pieces of natural beauty left on the planet. From the

Nahanni river, to the 92m (twice the size of Niagara Falls<sup>24</sup>) Victoria falls (figure 7) and the downstream canyons (figure 8), to the mountains of the Mackenzie Mountain range



Nahanni River  
Figure 5<sup>25</sup>



The Winding Nahanni  
Figure 6<sup>26</sup>

(Figure 9) and the awe inspiring Tuffa mounds (figure 10), this great piece of Canada deserves to be protected. The north is still the resource based hinterlands of the economy driven south. With the north's vastness and resource base, it will continue to supply



Virginia Falls  
Figure 7<sup>27</sup>



Fourth Canyon and Nahanni River  
Figure 8<sup>28</sup>

<sup>24</sup> Industry Canada <http://collections.ic.gc.ca/rivers/hp11.html> Downloaded 2004-03-24

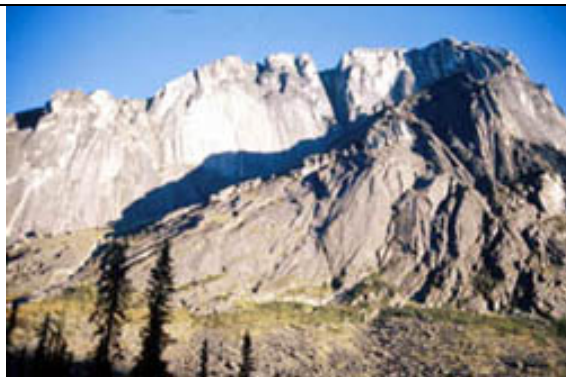
<sup>25</sup> Industry Canada <http://collections.ic.gc.ca/rivers/hp11.html> Downloaded 2004-03-24

<sup>26</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1g\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1g_e.asp) Last Updated 2003-23-11

<sup>27</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1\\_e.asp#sig](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1_e.asp#sig) Last Updated 2003-23-11

<sup>28</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1d\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/natcul/natcul1d_e.asp) Last Updated 2003-23-11

the south with all its need. Without it, the south would be required to look to other countries for raw materials, and would be a much different, more impoverished place. With recent land claim agreements the people of the north have taken some of the power back and have made those in the south appreciate what the north is. With the destruction of so much land in other areas of the country, the National Parks serve to remind all Canadians of the beauty and diversity of their country. The Nahanni National Park reserve stands out as one of the most beautiful and diverse of all the parks, is a U.N World Heritage site, and due to the Deh Cho first nations, expected to grow into an untouchable treasure for all Canadians, and the World.



Mountains in the Park  
Figure 9<sup>29</sup>



Tuffa Mounds  
Figure 10<sup>30</sup>

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<sup>29</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit1_e.asp) Last Updated 2003-23-11

<sup>30</sup> Parks Canada [http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit5\\_e.asp](http://www.pc.gc.ca/pn-np/nt/nahanni/visit/visit5_e.asp) Last Updated 2003-23-11