

10 Northern Conservation Areas

A Northern Conservation Strategy

With the rejection of the Arctic Gas pipeline proposal, there is now an opportunity to plan for land use in the Mackenzie Valley and the Western Arctic without the pressure of imminent, large-scale industrial development. This opportunity should not be lost. Clearly, comprehensive land use planning can only emerge from a negotiated settlement of native claims — indeed, a settlement of native claims is the keystone of land use planning in the North. At the same time, significant natural and cultural resources can be protected by conserving areas of various types. And areas can be conserved in a manner that does not prejudice native claims. In fact, as I explain below, some withdrawals of land may be necessary if claims are not to be prejudiced by industrial development.

Conservation areas should not be selected only from those lands that are of no value to industry. Conservation is itself an important land use and areas should be identified and set aside while the options are still open. In Volume One, I recommended the establishment of a number of conservation areas, including a wilderness park in the Northern Yukon, a whale sanctuary in west Mackenzie Bay and bird sanctuaries in the Mackenzie Delta and the Mackenzie Valley. Planning for these and other conservation areas can and should proceed now.

In the last century, at a time when western lands were wholly under federal jurisdiction, the Government of Canada established the great national parks in the Rocky Mountains. An act to establish Banff National Park was passed by the House of Commons in 1887, during the administration of Sir John A. Macdonald. In the North today, we have the same opportunity to set aside conservation areas in perpetuity.

The possibility of an energy corridor across the Northern Yukon and along the Mackenzie Valley has focused attention on this region and I have recommended that specific areas be set aside to protect the Porcupine caribou herd, the white whales of the Beaufort Sea, migratory waterfowl and raptors.

While I attach great importance to these specific recommendations, I am anxious that there should be adequate planning for all northern conservation areas before proposals for new large-scale frontier projects are advanced.

Evidence presented to the Inquiry indicates the need for a northern conservation strategy — a strategy that recognizes the claims of northern native people, as well as the constitutional situation in the North and the special characteristics of the northern environment. Such a strategy would include not only the setting aside of land and water for scenic, scientific and recreational purposes, but the protection of critical habitat for fish and wildlife, which are essential to the welfare of native people of the North.

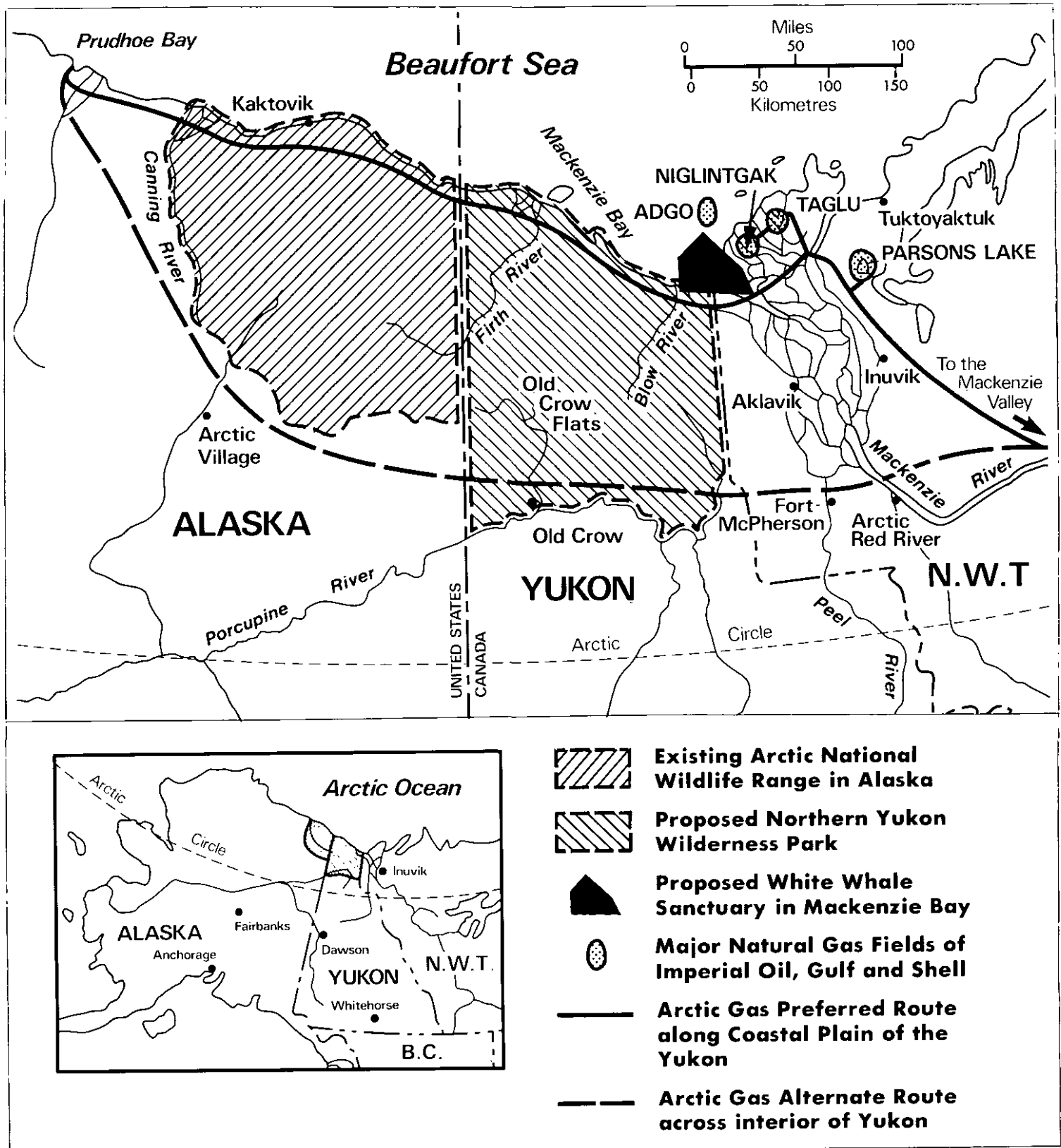
1. As part of comprehensive planning in Canada's North, the federal government should develop a northern conservation strategy to protect areas of natural or cultural significance. This strategy should comprise inventories of natural and cultural resources, identification of unique and representative areas, and withdrawal and protection of such areas under appropriate legislation.

2. A northern conservation strategy should be implemented by distinguishing the different types of conservation areas and matching the degree of protection to the nature and importance of the resource. Such conservation areas may include wilderness parks, national parks, national marine parks, national landmarks, wildlife areas, wild rivers, historic water routes, historic land trails, ecological reserves, recreation areas, and archaeological and historic sites.

3. There should be full consultation with native people before lands are withdrawn for any conservation area in the North.

4. As far as possible, the pipeline route shall avoid all areas identified as having natural or cultural significance whether they have been formally withdrawn or not. Where such areas cannot be avoided, the Company shall prepare, for Agency approval, plans for special protection measures to be used during construction, operation and abandonment of the pipeline so that the natural or cultural values of the areas are maintained.

Major Environmental Recommendations (Volume One)



Proposals Made by the United States in Alaska

Since Volume One was released in May of this year, the Government of the United States has made certain proposals for the conservation of lands in Alaska. These proposals give an enhanced timeliness both to the recommendations I made in Volume One for the establishment of conservation areas such as a wilderness park in the Northern Yukon, and to the recommendations I make in this chapter.

In September 1977, the Carter Administration proposed amendments to Bill H.R. 39, called the Alaska National Interest Lands Conservation Act. Those amendments call for some 90 million acres in Alaska to be set aside as conservation lands. This is in addition to the nearly 30 million acres in Alaska that are already dedicated as national parks and wildlife refuges. The President's proposals include designating 2.5 million acres as wild rivers, 45 million acres as new wildlife refuges or expansions to existing wildlife refuges, and 42 million acres as new national parks or expansions to existing national parks. The area to be devoted to conservation lands in Alaska will total 120 million acres – almost one third of the entire state.

In the United States, wilderness is a designation overlaid or superimposed upon those existing conservation areas, such as national parks, wildlife refuges and national forests, that qualify under the Wilderness Act. The Carter Administration has recommended that 43 million acres of existing and proposed conservation lands in Alaska be designated immediately as wilderness. This includes the Arctic National Wildlife Range, which lies entirely in Alaska. The Administration also proposed a non-wilderness addition to the Range that would double its size to about 17 million acres. The proposed Yukon Flats National Wildlife Refuge (in Alaska) – some 8.5 million acres – would be contiguous with the Range on the south. One hundred miles of the Porcupine River west and downstream from the Yukon-Alaska border is also proposed for inclusion in the Wild and Scenic River System.

I cite the United States' initiative in Alaska to illustrate the appropriate dimensions, timeliness and feasibility of a wilderness park in the Northern Yukon and of a broadly based conservation and land reserve program in the Canadian North. In Volume One, I proposed that we should not only establish a wilderness park in the Northern Yukon, but that we should seek to establish an International Wilderness Park, comprising the Northern Yukon and the contiguous area of northeastern Alaska, that is, the Arctic National Wildlife Range. Given the United States' proposal to designate the Arctic National Wildlife Range as wilderness, the establishment of an international park lies within our reach.

Wilderness Protection

Wilderness is a non-renewable resource. If we are to preserve wilderness areas in the Canadian North, we must do so now: the areas available will diminish with each new industrial development on the frontier. Wilderness areas, if they are to be preserved, must be withdrawn from any form of industrial development. That principle must not be compromised.

I have already stated in Volume One the case for the establishment of a wilderness park in the Northern Yukon – a case based upon the most authoritative and exhaustive examination of environmental protection in any region of Canada. But the wilderness does not stop at the boundary between Alaska and the Yukon. In fact, the calving grounds of the Porcupine caribou herd extend well into Alaska, along the coastal plain as far as Camden Bay, 100 miles to the west of the international boundary; the area of concentrated use by staging snow geese and by nesting and moulting waterfowl also extends far into Alaska. So we must cooperate with the Government of the United States. That is why I urged in Volume One:

If a decision should be made in favour of a pipeline along the Alaska Highway Route, or over any other southerly route across the Yukon Territory, I recommend that any agreement in this regard between Canada and the United States should include provisions to protect the Porcupine caribou herd and the wilderness of the Northern Yukon and Northeastern Alaska. By this agreement, Canada should undertake to establish a wilderness park in the Northern Yukon and the United States should agree to accord wilderness status to its Arctic National Wildlife Range, thus creating a unique international wilderness park in the Arctic. It would be an important symbol of the dedication of our two countries to environmental as well as industrial goals. [p. 50]

An agreement has been reached between our two countries to build a pipeline along the Alaska Highway Route. Now we should work toward an agreement for the establishment of an international wilderness park.

It may be said that means already exist to protect wilderness areas such as the Northern Yukon under the National Parks Act and under the Canada Wildlife Act. Without doubt, these statutes are useful, but they have weaknesses that could undermine the wilderness concept. Under the National Parks Act, permission, leases and permits may be granted for a wide range of activities, many of which are incompatible with the wilderness concept and wilderness values. Within national parks, the area used for intensive visitor activities is normally quite small and most of the park area is reserved in its natural state. But zoning of national park lands can be changed without consulting Parliament.

A cooperative wildlife sanctuary established under the Canada Wildlife Act would also have fundamental limitations with regard to protection of the wilderness. The Act

does not provide for exclusion of development. At the discretion of the Minister, permits for various industrial activities may be granted. Furthermore, no conditions attached to a permit could protect the wilderness values of a wildlife sanctuary – the Canada Wildlife Act was never intended for that.

Wilderness and wilderness values are too important to be offered anything less than the protection that only Parliament can confer or withdraw. Our present legislation is not adequate, so our National Parks Act should be amended to provide for a new statutory creation: the wilderness park.

Wilderness protection should be granted to the whale sanctuary in west Mackenzie Bay that I proposed in Volume One. Like the Porcupine caribou herd, the white whales of the Beaufort Sea are an international resource, and the establishment of a whale sanctuary in which development is excluded is the only means to protect the population that calves in Mackenzie Bay. In Volume One, I discussed this proposal at length and I found it possible to limit the boundaries of the proposed sanctuary to waters where no discoveries of gas or oil have yet been made. Thus, if present trends continue, a whale sanctuary can be set aside, and oil and gas activity can be forbidden there without impairing industry's ability to tap the principal sources of petroleum in the Mackenzie Delta and beneath the Beaufort Sea.

The wilderness concept has the potential for wider application in the North; other, as yet undisturbed, areas may also merit such strong legislative protection from the activities of industrial man. The identification and protection of other wilderness areas should be a significant component of the northern conservation strategy that I have recommended.

5. *Lands for the wilderness park in the Northern Yukon should be withdrawn immediately under section 19(c) of the Territorial Lands Act and accorded strict legislative protection through an appropriate amendment to the National Parks Act. Agreement should be sought with the United States regarding the establishment of an international wilderness park in the Northern Yukon and northeastern Alaska.*

6. *Wilderness protection should be afforded the area of west Mackenzie Bay that I proposed be set aside to protect the calving grounds of the white whales.*

7. *In the future, wilderness protection should be provided for appropriate conservation lands in the North, following consultation in this regard with northern governments and northern peoples.*

National Parks

National parks are intended to protect areas that are representative of a broad natural region, including geological, physiographical, geographical, oceanographical and biological features.

Parks Canada has identified 39 terrestrial and nine marine natural regions across Canada and the long-range goal is to identify and protect in national parks at least one area within each of these natural regions. In a policy statement issued in 1972 under the authority of the then Minister, Jean Chrétien, the Department of Indian Affairs and Northern Development said: "At least 30 more National Parks are needed [across Canada] to preserve that which is best in our natural environment" (*Byways and Special Places*, p. 44). The extension of the national parks system to the North should be an essential part of a northern conservation strategy.

Pre-emption by industrial development is a very real threat and may prove an almost insurmountable impediment. It may mean that only smaller or second best areas will be available for park purposes. And it may mean years of effort and negotiation before agreement can be reached. Such land use conflicts have already been encountered in the North: with mining interests in negotiations for Kluane National Park in the Yukon and with hydro-electric development in negotiations for Nahanni National Park, Northwest Territories.

National parks have a valuable role to play in preserving representative natural areas. Some of the natural regions in the North are now represented in three existing national parks – Kluane, Nahanni and Auyuittuq – and other natural areas of Canadian significance are being studied.

8. *As part of a northern conservation strategy, national parks should be established so that each of the major terrestrial and marine natural regions of the North is represented and protected in Canada's system of national parks.*

Other Conservation Areas

National Heritage Areas

Parks Canada has a mandate to establish types of conservation lands other than national parks. In 1972, Jean Chrétien announced the Byways and Special Places Program, which set out new initiatives to preserve our national heritage. Particularly relevant to the Mackenzie Valley and Western Arctic were proposals for national landmarks, wild rivers, historic waterways and historic land trails. Although considerable planning has taken place, no conservation areas of these types have been established that were not in existence

prior to 1972. The Mackenzie Valley and the Western Arctic offer many possibilities for implementing these new initiatives.

National landmarks are intended to protect small, unique natural features. After ten years of deliberation and negotiations, it appears that Canada's first national landmark may be established among the pingos east of the Mackenzie Delta on the Tuktoyaktuk Peninsula. Other unique natural sites should be given appropriate protection as soon as possible before land use conflicts arise.

Parks Canada has made a preliminary survey of 65 wild rivers across Canada, including 22 in the Yukon and Northwest Territories. It is unfortunate, in my view, that this inventory has not been used as a basis for creating a system of protected wild rivers in Canada, similar to the United States National Wild and Scenic Rivers System. Certain proposed national parks may contain outstanding rivers, but in the absence of specific means of protection, important natural waterways may be altered or obstructed without due consideration of their value. The best opportunity to set aside unspoiled rivers in Canada today is in the North.

Conservation Areas of International Importance

Canada is a participant in major cooperative programs – the International Biological Programme (IBP) and its successor, the Man and the Biosphere (MAB) Program – to preserve genetic and biological resources and to study man's relationship to his environment, including measuring the impact of major development projects. Basic to these programs is the establishment of natural conservation areas that can serve both to protect important ecological features and as permanent outdoor laboratories for baseline and comparative studies. For example, under the IBP, which terminated in 1974, a large number of candidate ecological reserves were identified in the Mackenzie Valley and Western Arctic. In 1975, the Minister of Indian Affairs and Northern Development gave his support in principle to the concept of ecological sites in the North, but no sites have yet been established. Action to protect areas identified by the IBP and the MAB Program should be an essential part of a northern conservation strategy.

Wildlife Areas

Provisions for wildlife protection and wildlife sanctuaries are vital to any comprehensive conservation strategy in the North. The idea of sanctuaries is not new: Constance Hunt, in "The Development and Decline of Northern Conservation Reserves," traces the history of the public reserve system and game regulations in the Northwest Territories since 1877.

Today, formerly inaccessible wildlife populations and critical habitat are subject to disturbance and are threatened by the advance of a wide range of frontier developments. The Environmental-Social Program's Wildlife Habitat Inventory

and the Biological Report Series prepared for Arctic Gas provide a new foundation on which to build; and there is new legislation, the Canada Wildlife Act. This Act reflects new knowledge about the sensitivity of wildlife to disturbance and the critical role of habitat and life stages. It offers the protection that I said must be afforded the bird sanctuaries I recommended be established in the Mackenzie Delta and Mackenzie Valley. That is, the Canadian Wildlife Service, through the Canada Wildlife Act, can control activities even when the birds are absent, so that the habitat, not just the birds, is protected. Let me add that withdrawal under this legislation will not result in the exclusion of exploration and development; rather, the Act controls activities so that they are compatible with wildlife protection.

Many of the populations of birds and wildlife in the North are international in range. The Canadian Wildlife Service has the mandate and the means under the Migratory Birds Convention Act and the Canada Wildlife Act to fulfil its national and international responsibilities. The Yukon and Northwest Territories are also responsible for preserving game under Territorial Ordinances.

As part of a northern conservation strategy the federal and territorial governments should identify and set aside wildlife conservation areas.

Recreation Areas

Outdoor recreation by local people and tourists is an essential ingredient of northern life, and one that will increase substantially in the future. Development activities in general will assuredly lead to a sharp increase in outdoor recreation in the Mackenzie Valley. With increased access, a growing population and a wider knowledge of the region, will come a need for recreational facilities, such as roadside parks and camping areas. These recreation lands should be identified now before the choice becomes further limited.

Archaeological, Cultural and Historic Sites

A strategy for northern conservation should also include historical, cultural and archaeological sites. Places of cultural significance to the native people are being identified in their claims and, through a negotiated settlement, such places can be protected. It is important, nonetheless, that Parks Canada's program for commemorating persons, places and events of national historic significance should give greater recognition to native history.

Native Claims Aspects

To what extent will a northern conservation strategy bear on native claims? I dealt with this question in Volume One in relation to the proposal to dedicate the Northern Yukon as a wilderness park. I said that such action would not prejudice native claims because preservation of the wilderness and of the caribou herd is plainly in keeping with the desires of the native people. The rights that the native people would enjoy throughout the area covered by the park would have to be negotiated between themselves and the Government of Canada as part of a comprehensive settlement of native claims. These rights would include a core of essential conditions such as hunting, trapping and fishing rights within the park. The people of Old Crow, who live within the boundaries of the proposed park, have already announced their support for the park. So what will the strategy mean elsewhere as far as native claims are concerned?

I do not think withdrawal of conservation lands will prejudice native claims. It is not the withdrawal of conservation lands but rather the activities on these lands under existing or future permits, that prejudices native claims. Withdrawal would protect these lands from incompatible exploratory and industrial activities until a settlement of native claims is reached. The government cannot have a double standard; it cannot refuse to withdraw lands on the grounds that that would prejudice claims, while at the same time grant land use and exploration permits and allow consuming uses of land – alienations that clearly prejudice not only the claims of the native people, but the interest of all Canadians in the preservation of northern lands.

The national parks already established in the North were withdrawn under Section 19 of the Territorial Lands Act, and were later established as reserves for national parks pending the settlement of native claims. They are also subject to native hunting, trapping and fishing rights. This is clearly spelled out in Section 11 of the National Parks Act.

Native people must be guaranteed their hunting, fishing and trapping rights in all conservation lands in the North. As I said, the full extent of their rights to the lands in question must be negotiated between the Government of Canada and the native people; but I go further. I think a northern conservation strategy offers an opportunity to involve native people in the whole conservation lands program in the North.

This involvement should be formalized through a claims settlement, but there is an opportunity for immediate involvement in fish and game management, in compiling inventories of environmental and recreational resources, and in management of wilderness parks, and wildlife and other conservation areas. This would offer native people employment, training in skills that are relevant to the preservation of their northern homeland, and in a livelihood that would allow them to remain in their own communities and regions. There is no reason why management of northern conservation areas by native people should not be an objective of the Parks Canada Program and other conservation lands programs.

9. When government withdraws conservation lands, it should formally guarantee to the native people that such withdrawals will not prejudice their claims and that no final disposition of these lands will be made until there is a settlement of claims.

10. Government agencies that have mandates relative to conservation lands must offer guarantees of traditional hunting, trapping and fishing rights within conservation areas.

11. A principal objective of claims negotiations should be the development of joint programs between the Government of Canada and native people for the management of conservation lands and of renewable resources.

Conclusion

In this chapter, I have urged that the federal government adopt a northern conservation strategy. In so doing, I am simply pulling together federal policy in a number of areas. The policy I have enunciated is not my policy: it is the Government of Canada's policy – and it is opportune to implement that policy in the Mackenzie Valley and the Western Arctic now, before new proposals for industrial development on the frontier come once more to the fore. A northern conservation strategy will not prejudice a settlement of native claims; rather it can, for the reasons I have given, enhance it.

Finally, although a range of proposals are made in this chapter, the area of land they encompass is small when measured against the vastness of the Canadian North, or even when it is measured against comparable proposals made by the Carter Administration for Alaska.