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The Co-Management Route to Creating a Protected Area

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Ts'ude niline – Tu'eyeta is our people's most sacred place - our ancestors are buried there. That place is full of ducks, beaver, moose, fish, and everything else that we need for our livelihood. We need to protect this area for our future generations.

Elder Charlie Barnaby, Fort Good Hope

The NWT Protected Areas Strategy (PAS) is a protected areas creation process that is unique in Canada, and likely the world. This paper will present a case study of how one NWT community, Fort Good Hope, has been involved, provide background on how the process works, and draw conclusions about the key elements needed for success.

Case study location

Fort Good Hope (population 600) is located on the eastern bank of the Mackenzie River in the Sahtu Region of the Northwest Territories, just below the Arctic Circle. The town's population is made up almost entirely of Dene and Metis people, many of whom still practice traditional activities on the land and rely on hunting and trapping to support their families.

Ts'ude niline – Tu'eyeta (Ramparts River and Wetlands) is cultural landscape rich in wetlands, wildlife, and significance for the people of Fort Good Hope. The area lies to the west of the Mackenzie River, covering approximately 15,000 km² and extending from above the Arctic Circle to the Mackenzie Mountains in the south. The people of Fort Good Hope consider themselves to be stewards of Ts'ude niline – Tu'eyeta and are concerned that it be maintained in its current state for future generations.

Fort Good Hope's vision for the future

Ts'ude niline – Tu'eyeta is part of the traditional lands that have sustained the Dene and Metis of Fort Good Hope since time immemorial. With the increasing pace of development in the North, there is a strong desire to ensure that links to the past and cultural heritage are not lost.

The people of Fort Good Hope envision a future that has a balance of conservation and development. Protected areas, rather than being an end in themselves, are seen as part of the bigger picture for the future. This picture also includes land use planning, economic opportunities for residents, healthy water and wildlife, and places people can continue to practice traditional activities such as hunting, trapping and living on the land.

The people of Fort Good Hope are hungry for certainty. For two centuries they have witnessed changes to their traditional lands. It is only very recently that they have begun to have a say in how these changes occur and even today in the Sahtu, the primary land manager for over 80% of their lands is Indian and Northern Affairs Canada (INAC). The community wants to know that some of their lands will stay the same forever, untouched by industrial development. This need for certainty also extends to areas where development can occur, and where it can occur with

restrictions. Land use planning is the tool that can bring all these elements together. However, unlike the pace of development, progress on the Sahtu Land Use Plan has been slow. The people of Fort Good Hope wisely recognized that before deciding where development can occur they should define the places where it can't: a conservation first approach. It was Ts'ude niline – Tu'eyeta that came out as a top priority area for protection and the PAS was seen as the tool to help achieve this.

Integral to this desire for certainty is the rightful expectation of direct participation in land management. This is known as co-management. The central feature of any co-management system is that the traditional land users and occupants share in decision-making about land and resource management. When Fort Good Hope created their management goals and objectives for Ts'ude niline – Tu'eyeta, the desire to co-manage the area was clearly expressed:

“To ensure that activities within Ts'ude niline Tu'eyeta are conducted in a sustainable manner, consistent with the values of the Fort Good Hope community, the community must be directly involved in managing the area. This land is a part of the lives of the people of Fort Good Hope and thus their role as stewards of the land should be maintained...Fort Good Hope should be involved as an equal participant in the Ts'ude niline Tu'eyeta Management Committee ..., and the day-to-day management of Ts'ude niline Tu'eyeta should be coordinated and delivered from Fort Good Hope.” (Nesbitt 2007)

The PAS presented Fort Good Hope with the opportunity to apply the co-management principle to both the planning process for the protected area, as well as its' long-term management. The community entered Ts'ude niline – Tu'eyeta into the PAS in 2002. Over the course of the next five years solid relationships were built between Fort Good Hope and several government and non-government partners. Fort Good Hope at all times led the initiative while the partners provided support that reflected the community's wishes.

In November 2007 the Government of Canada made the long-awaited announcement that Ts'ude niline – Tu'eyeta had received interim protection from further surface and sub-surface rights issuances, for a period of four years. This announcement represented a huge milestone for the community.

How did we get there and what did we learn?

A brief description of the PAS process highlights some of the elements that make it unique. These elements contribute both positive and negative qualities to the process. Further analysis reveals that five critical factors were needed to propel Ts'ude niline – Tu'eyeta to this milestone.

The Process

The PAS process was developed by representatives from federal, territorial and aboriginal governments as well as environmental non-governmental organizations (ENGOS) and the mining and oil and gas industries, and was approved in 1999. The main impetus came from the increased pace of development in the NWT. The federal and territorial governments share responsibility for implementing the PAS with all the groups who were involved in its development.

The PAS is a flexible process with the following main features:

- The process is driven by community decisions. It is based on the belief that northern residents know best which lands and waters are most critical to sustaining their land-based economies, values and cultures. It is a grassroots initiative that empowers the users of the land to spearhead efforts to protect it.
- A partnership approach is taken. Many partners assist and support the community or organization putting forward a proposal for a protected area. A multi-stakeholder Steering Committee (SC) guides the implementation of the PAS. Working in partnership with other land management processes such as land use planning ensures consistency and improves outcomes.
- The process is inclusive. Participation is open to all interested parties.
- The best available knowledge is used to make decisions. Aboriginal traditional knowledge and western science is collected through detailed assessments of the area's ecological, cultural and economic values. This information supports balanced decision-making that will stand the test of time.

The main downside of this cooperative process is that it takes a great deal of time. A great deal of work goes into proposal development, resource assessments, lobbying efforts and negotiations. The rate of progress can be affected by limited community capacity, gaps in funding, delays in the bureaucratic process, changes in leadership and political will to move things forward.

There are also benefits to this lengthy process. Solid relationships are built between the community and the various stakeholders and partners in the process. Capacity is developed within the community and people are empowered through their participation. The involvement of the community in all aspects of the initiative ensures that it remains true to their wishes and vision.

While the path to a protected area is long and winding, it is clear that in the end, an inclusive process leads to better decisions for the long-term. Thorough assessment of values promotes decisions that are balanced and sustainable. The partnerships built during the process will be helpful in the long-term management of the area

Critical elements for success

There have been countless meetings held, letters written and hours worked to achieve interim protection of Ts'ude niline – Tu'eyeta. When we look back, it becomes apparent that in addition to all the hard work, there were several key factors that had to align in order for things to happen. All of these elements were needed to achieve success, and the absence of any one would have halted progress.

1. Complete buy-in from the community

Starting in 2001, a series of meetings and workshops were held in Fort Good Hope to gain community support for using the PAS to protect Ts'ude niline – Tu'eyeta. Support grew as people learned about the process and realized that other ways to protect the area, such as land use planning, were moving too slowly. Planning for the proposed Mackenzie Gas Pipeline

and a strong desire for certainty in land access bolstered support.

Once local support was achieved it remained consistent in Fort Good Hope over time and through leadership changes and other challenges. This solid base has helped propel the initiative up through many levels of bureaucracy. It has empowered other partners in the PAS, especially ENGOs, to advocate for Ts'ude niline – Tu'eyeta.

2. A committed sponsoring agency

As part of the PAS, an agency that has the legal authority to manage land and is interested in the proposed protected area must be identified. This sponsoring agency will negotiate with the appropriate First Nation to develop a plan for cooperatively managing and permanently protecting the area. Finding a sponsoring agency has been a bottleneck in the PAS process. Several proposed protected areas are stalled at this difficult stage.

CWS readily agreed to sponsor Ts'ude niline – Tu'eyeta. The area is a “key migratory bird terrestrial habitat site” and supports six species listed by the Committee on the Status of Endangered Wildlife in Canada. This ecological, as well as cultural importance, gives Ts'ude niline – Tu'eyeta a solid basis for consideration as a National Wildlife Area through the *Canada Wildlife Act*.

3. Support to get through the process

The PAS process is defined as a series of eight steps, however in practice the path each proposed area takes towards protection varies widely and is influenced by many factors. What has been consistent for all PAS initiatives has been the need to navigate strategically through a complex bureaucratic process and shifting political environment.

The PAS partners cooperate and share resources to ensure that communities get the support they need. Fort Good Hope received assistance in coordinating communications between stakeholders, researching and documenting values, and lobbying and strategic planning. A network of ENGOs helped keep protection of Ts'ude niline – Tu'eyeta on the political radar, extending the influence of Fort Good Hope to the ears of decision makers in Ottawa. Hiring a local community coordinator proved critical to ensuring the initiative continued to reflect Fort Good Hope's wishes and to keep the flow of communication going. Fort Good Hope leadership has expressed satisfaction that the work was done correctly and appropriately.

4. A process that empowers communities

Compared with small communities in southern Canada, it may seem that there is a disproportionate amount of power held by communities in NWT. That a community of 600 was able to get 15,000 km² to interim protection would seem amazing in southern Canada. But this is exactly what decision makers who dreamed up the PAS wanted to see happen, and is testament to the fact that the PAS is actually working.

A commitment was made by all governments and major organizations to the vision of a

community-driven partnership approach to creating protected areas. Even still, communities face challenges in gaining support. INAC, as the primary land manager in the NWT, has a mandate that includes the promotion of northern economic development. With Ts'ude niline – Tu'eyeta already in the PAS, INAC continued to issue prospecting permits and allow claims to be staked within the area. The issue came to a head when Fort Good Hope requested a moratorium on rights issuance. Fort Good Hope was empowered to use the PAS, a process INAC supported, to ask INAC to address their conflicting mandates of conservation and development.

The reality in the North is that for many, the land is an integral part of who they are and how they defined themselves. Many people still rely on the land for subsistence needs as well as for cultural and spiritual reasons. When setting up the PAS all parties wisely agreed to put these people, the people that know the land best, in the drivers seat.

5. A strategic opportunity for conservation

In some situations, timing can be everything. Certainly the case can be made that the Ts'ude niline – Tu'eyeta initiative would not have reached it's recent milestone nearly as quickly without the strategic opportunity that presented itself with the proposed Mackenzie Gas Pipeline (MGP). Imperial Joint Venture's proposed MGP is a \$16 billion project to bring natural gas from the Beaufort Sea to processing plants in Alberta. If it goes ahead it will be one of the largest developments Canada has ever seen.

In response to this proposed development, communities in the Mackenzie Valley have voiced their concern that there be a balance between development and conservation, and that land management measures such as land use plans and protected areas be established in order for the pipeline to go ahead. The PAS Steering Committee took this message and created the *Mackenzie Valley Five-year Action Plan: Conservation Planning for Pipeline Development*. This bold \$17.8 million plan asserted that strategic enhancement of the PAS was needed to ensure that a network of culturally significant and ecologically representative protected areas is reserved prior to or concurrently with pipeline development.

The Action Plan has improved PAS progress in the Mackenzie Valley. In addition to the substantial increase in funding, there is a heightened awareness of the time-limited opportunity to set lands aside. Still, strategic emphasis of the message has been useful in getting results. In several instances the letters and lobbying efforts by Fort Good Hope included comments to the effect that moving forward on Ts'ude niline – Tu'eyeta is vital to community support of the MGP. The message has also been repeated in negotiations on access and benefits agreements. It appears as though the message has gotten through.

Summary

This case study of Ts'ude niline – Tu'eyeta provides a grassroots alternative to protected areas creation. While the issues discussed are particular to the NWT, the general principles behind them may have broader application. The recipe of community support, a committed sponsoring agency, adequate and appropriate support to parties throughout the process, empowerment, and an awareness of the development context with the latitude to seize strategic opportunities is one

that could be adapted to serve protected areas causes in other jurisdictions.

References

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