



## Minister's Message

We live in a great Territory. Our land supports some of the world's largest remaining pristine natural ecosystems. It is home to a variety of wildlife: caribou, nesting areas for migrating birds and raptors, and waters teeming with fish. It is rich in history and beauty, and its untouched landscapes bring people from all over the world for true wilderness experiences.

Our land is more than a place of diversity, history and attraction. Our natural and cultural heritage and our relationship to the land also contribute to our sense of identity and place and are an important part of who we are.

Nunavut's territorial parks protect important cultural landscapes and ecosystems that are deeply connected to the Inuit way of life. Nunavut is one-fifth the size of Canada and boasts two-thirds of its shorelines. The territory's spectacular lands and waters, which attract people from around the world, are widely varied, and home to some of the most unique and sensitive species on earth. Nunavut's territorial parks are places for the protection, appreciation, and enjoyment of landscapes that represent our cultural and natural heritage.

At the same time, Nunavut's population and economy are growing and are placing new demands on the land. We recognize there is a need to balance development and conservation to protect Nunavut's natural and cultural heritage or places that are important to us.

For these reasons, I am pleased to invite you to participate in the development of a new, made-in-Nunavut *Territorial Parks Act*.

Consultations are being conducted in every community to hear the concerns of residents regarding territorial parks legislation. Your comments and concerns will guide the Government of Nunavut in the development of this important new legislation.

This discussion paper has been developed to provide information to residents and stakeholders, to explain proposed approaches to certain issues, and to assist people in forming and presenting their own opinions on the topics.

I strongly encourage all Nunavummiut and stakeholders to carefully review the issues discussed within this paper. I further encourage you to attend and participate in the public meetings that will be held in Nunavut's communities. Most importantly, however, I urge you to submit your comments on the issues presented in the discussion paper and on all other issues which you believe are essential in the development of a modern, inclusive, and comprehensive *Territorial Parks Act*.

With your participation we can create a *Territorial Parks Act* that is enhanced by Inuit Qaujimajatuqangit and truly reflects the goals and aspirations of Nunavummiut for territorial parks.

Thank You,



**Daniel Qavvik**

Minister

Department of Environment

## The Current *Territorial Parks Act*

### What is the *Territorial Parks Act*?

The *Territorial Parks Act* is a law developed by the Government of Nunavut and approved by the Legislative Assembly. The Act applies only to territorial parks within Nunavut, and does not apply to parks managed by Parks Canada or by municipalities.

### What does the current Act do?

The current *Territorial Parks Act* sets out the legal authorities for the Minister of Environment, on behalf of the Government of Nunavut, to plan for, establish, operate, and manage territorial parks.

It sets out a park classification system, a requirement to consult with Inuit on proposed parks, and allows for agreements to be made regarding the operation and maintenance of territorial parks.

It also allows for the use of park permits to manage various uses and activities in territorial parks, identifies actions and activities that are prohibited in territorial parks, and allows for the appointment of a Superintendent of Parks and Park officers to enforce the *Territorial Parks Act* and associated regulations.

### What does the current Act not do?

The current *Territorial Parks Act* does not restrict or prohibit the exercise of Inuit harvesting rights in a Territorial Park.

The current *Territorial Parks Act* also does not identify why or for whom territorial parks exist, does not incorporate Inuit Qaujimajatuqangit, and does not address if industrial activities are allowed to take place in territorial parks.

## A New *Territorial Parks Act*

### Why do we need a new one?

The current *Territorial Parks Act* was adopted from the Northwest Territories in 1999. It needs to be replaced so that:

- Northwest Territories provisions found within the *Territorial Parks Act* which are inapplicable to Nunavut are removed;
- The *Territorial Parks Act* conforms with provisions of the Nunavut Agreement;
- The *Territorial Parks Act* conforms with the Umbrella Inuit Impact and Benefit Agreement for Territorial Parks in the Nunavut Settlement Area;
- The *Territorial Parks Act* incorporates Inuit Qaujimajatuqangit;
- The *Territorial Parks Act* conforms with national and international commitments;
- Legislative gaps are addressed so that the legislation meets best practices/ state-of-the-art legislation in other jurisdictions;
- Provisions in the *Territorial Parks Act* which create problems of a legal nature are removed or otherwise addressed; and
- Territorial parks in Nunavut can be formally established so that the Department of Environment can exercise its authority for the management of, and enforcement in, territorial parks.

## What Will the New *Territorial Parks Act* not do?

The new *Territorial Parks Act* will set out legal authorities on various matters, but it will not:

- Commit to the creation of new territorial parks;
- Create a framework for the establishment of other types of conservation or protected areas;
- Establish harvesting quotas or establish levels for total allowable harvest;
- Restrict or prohibit the exercise of Inuit and Indigenous harvesting rights.

## Development of a New *Territorial Parks Act*

In 2002, the Government of Nunavut, Nunavut Tunngavik Incorporated, the Kivalliq Inuit Association, Kitikmeot Inuit Association, and the Qikiqtani Inuit Association signed the Umbrella Inuit Impact and Benefit Agreement for Territorial Parks in the Nunavut Settlement Area (Umbrella Territorial Parks IIBA). The Umbrella Territorial Parks IIBA was an obligation of Article 8 of the Nunavut Agreement.

One of the obligations within the Umbrella Territorial Parks IIBA was the development of a Nunavut Parks Program which will be used for any future Territorial Parks' policies or legislative revisions. Between 2017 and 2020, *Kajjausarviit*: Nunavut Parks Program was developed with the Nunavut Joint Planning and Management Committee for Territorial Parks, in keeping with the Umbrella Territorial Parks IIBA and in consultation with communities with a territorial park.

*Kajjausarviit*: Nunavut Parks Program was approved by the Government of Nunavut in 2021.

As part of the development of *Kajjausarviit*: Nunavut Parks Program, the Government of Nunavut and the Nunavut Joint Planning and Management Committee for Territorial Parks undertook a comprehensive consultation process and consulted with 14 communities that have an existing or proposed territorial park. Feedback from the consultations was used as a starting point for identifying issues to be addressed in the development of a new *Territorial Parks Act*.

This Discussion Paper presents twelve (12) issues and themes that the Department of Environment believes need to be considered and addressed in a new *Territorial Parks Act*.

## Issue #1: Classification System for Territorial Parks

### Description

A territorial park classification system is a method of distinguishing parks by assigning them to defined categories that reflect the emphasis or primary purpose of the park, its role, overall character, and the extent of development allowable. The classification system acknowledges that humans are, and have always been part of the landscape, and promotes ongoing human use; it also addresses the need to protect important natural and cultural areas, preserving the balance of nature and culture while ensuring that valuable economic opportunities are not lost.

A territorial park's classification is determined during the development of the park's Master Plan.

### Current Status

The current *Territorial Parks Act* identifies the following five park classification types:

- **Natural Environment Recreation Parks** to preserve the natural environment in those parks for the benefit, education and enjoyment of the public.
- **Outdoor Recreation Parks** to provide opportunities for outdoor recreational activities to the public.
- **Community Parks** to provide outdoor recreational activities for the benefit of particular communities.
- **Wayside Parks** to provide for the enjoyment, convenience and comfort of the travelling public.
- **Historic Parks** to provide for the designation and commemoration of historic and archaeological sites and their lands for the education and enjoyment of the public.

### Proposed Approach

Kajjausarviit: Nunavut Parks Program proposes five park classification types:

- **Uumajunut Pimmariuninginnut Parks** to provide for the protection of ecosystems, important wildlife areas and cultural landscapes in their natural state, and provide opportunities for park visitors to experience the diversity of natural environments that exist across the territory.
- **Nunalingnut Parks** to provide for the protection of areas that have been used by Inuit or previous cultural groups in the past, and areas that continue to be enjoyed by Nunavummiut today for recreational activities. Nunalingnut Parks provide for recreational use and heritage appreciation, and the protection of the natural and cultural features that contribute to the recreational activities in the park.
- **Inuit Nunagiqattaqsimajatuqanginni Parks** to protect places that hold archaeological or cultural significance for Inuit locally, regionally and territorially. Inuit Nunagiqattaqsimajatuqanginni Parks provide for the protection of the cultural resources or features that contribute to the preservation and promotion of the heritage of Inuit or previous cultural groups.
- **Tulliniliit Parks** are linear parks that highlight rivers, trails, animal migration routes, and other corridors of value to protect the landscape or resources of Nunavut, or the routes of significance to Inuit heritage. Tulliniliit Parks provide for conservation of the linkages between important cultural features or ecosystems. Tulliniliit may be of any length or width required to represent the linear feature, and may be identified for protection because of local, regional or territorial significance.

- **Tupirviit Parks** provide camp infrastructure in a community or a natural setting. Tupirviit Parks tend to be in or near communities in scenic places, and provide camping facilities for both locals and out-of-town visitors that enhance recreational opportunities and local tourism opportunities. Tupirviit Parks may be of any size required to provide safe and sustainable camping infrastructure.

It is proposed that the new *Territorial Parks Act* adopt the classification types identified in Kajjausarviit: Nunavut Parks Program.

#### Questions

Are there other park classification types that should be considered for inclusion in the *Territorial Parks Act*?

## Issue #2: Reporting on Status of Territorial Parks

### Description

Transparency and accountability are achieved through timely reporting to Nunavummiut on the status of projects, programs, and activities.

### Current Status

There is no legislated requirement for the Department of Environment to publicly report on the status of territorial parks. The Department of Environment currently provides annual reports to Joint Planning and Management Committees responsible for territorial parks.

### Proposed Approach

It is proposed that the Department of Environment publicly report on the status of territorial parks every three years, with the aim of such reports being to inform Nunavummiut and stakeholders on the status of park planning, park operations, heritage appreciation, programs, and tourism.

### Questions

How often should the Department of Environment report on the status of territorial parks?

What information should be included in these reports?

## Issue #3: Dedication, Principles, Values, and Inuit Qaujimajatuqangit

### Description

Some pieces of legislation include a principles and values section which sets out core values and principles which are upheld by the *Territorial Parks Act*, and which are designed to inform the carrying out of the *Act's* purposes. Some pieces of legislation also identify for whom, or to what, parks are dedicated to. In addition, newer pieces of legislation developed within Nunavut incorporate Inuit Qaujimajatuqangit.

### Current Status

The current *Territorial Parks Act* does not outline how Inuit Qaujimajatuqangit is incorporated or informs the *Act*, nor does it outline a purpose or vision for territorial parks. The *Act* does not identify principles or values for territorial parks, and it does not dedicate territorial parks for a specific purpose.

Kajjausarviit: Nunavut Parks Program identifies a vision, mission, goals, and principles as they relate to territorial parks. It also reflects Inuit Qaujimajatuqangit principles and Inuit societal values for territorial park planning, establishment, management, and operations.

### Proposed Approach

It is proposed that a “Principles and Values” section be added to the *Territorial Parks Act*, which would identify core values, principles, and concepts of Inuit Qaujimajatuqangit as they relate to the planning, establishment, management, and operations of territorial parks in Nunavut. It is also proposed that a dedication section will also be included.

### Questions

For whom, or to what, should territorial parks be dedicated to?

## Issue #4: Enforcement of the *Territorial Parks Act*

### Description

Enforcement activities are required to ensure that the *Territorial Parks Act* and regulations are respected by visitors to the parks, and that visitors do not negatively impact the use and enjoyment of parks for others.

### Current Status

The current *Territorial Parks Act* allows the Minister to appoint a Superintendent of Parks, who is responsible for the administration and enforcement of the *Act* and regulations in territorial parks. It also allows the Minister to appoint park officers to assist in the administration and enforcement of the *Act* and regulations.

### Proposed Approach

In order to increase operational efficiency, it is proposed that the new *Act* make it easier to appoint park officers by giving the Director of Nunavut Parks and Special Places the ability to appoint park officers. It is also proposed that *ex officio* officers be able to enforce the *Act*, including Wildlife Officers, Environmental Protection Officers, all members of the Royal Canadian Mounted Police, Municipal By-law Officers, as well as Park Wardens and Enforcement Officers under the *Canada National Parks Act*.

In addition, it is also proposed that the Director of Nunavut Parks and Special Places be given the ability to appoint persons with suitable qualifications as Park Guardians, with specific enforcement powers and duties to be assigned by the Director.

### Questions

In addition to territorial Park Officers, who should have the ability to enforce the *Territorial Parks Act*?

## Issue #5: Penalties for Violations in Territorial Parks

### Description

Penalties are the punishment that individuals receive for breaking the law.

### Current Status

Under the current *Act*, the maximum penalty for a general violation is a \$500 fine and/or 30 days in jail. Subsequent violations carry a maximum fine not to exceed \$1,000 and/or six months in jail.

Other legislation in Nunavut, including the *Wildlife Act* and *Environmental Protection Act*, contain significantly higher penalties for violations under their respective Acts.

### Proposed Approach

It is proposed that the new *Territorial Parks Act* update the penalties provisions to be more in line with other modern Nunavut legislation. In general, this will include providing for a very broad range of penalties so that they can be applied in a manner suitable to the offence. This can include higher minimum and maximum fines, higher penalties for subsequent offences, and higher penalties for corporations.

### Questions

What should the penalties be for violations in territorial parks?

Should penalties be different for repeat offences?

## Issue #6: Industrial Activities

### Description

Industrial activities may be proposed by project proponents to take place in territorial parks, and clarity is required on how such proposals will be addressed.

### Current Status

The current *Territorial Parks Act* does not address industrial activities.

### Proposed Approach

For the purpose of the new *Territorial Parks Act*, it is proposed that industrial activity be defined to include the harvesting of timber resources, any activity in respect of a mine or minerals, quarries, telecommunications, any activity in respect of a renewable or non-renewable energy resource (such as oil, gas, hydro-electric, solar, wind, geothermal) and associated linear infrastructure. Industrial activities that are proposed within a territorial park should be considered and may proceed, but will be subject to a park's Community Joint Planning and Management Committee (CJPMC) approval, Nunavut Impact Review board (NIRB) approval, Nunavut Water Board (NWB) approval, and require a park permit with appropriate terms and conditions. In keeping with the Nunavut Agreement and Umbrella Territorial Parks IIBA, the extraction of carving stone from within territorial parks will be exempt from any provisions or requirements regarding industrial activities. Parks in Nunavut outside of the Nunavut Settlement Area would follow their own respective approval processes.

### Questions

Are there other uses or activities that should be considered as industrial activities?

Are there specific industrial activities that should be permitted in territorial parks?

Are there specific industrial activities that should not be permitted in territorial parks?

## Issue #7: Compliance with Land Claim Agreements

### Description

The relationship between the *Territorial Parks Act* and Land Claims Agreements should be clarified, and contradictions or inconsistencies should be addressed.

### Current Status

The current *Territorial Parks Act* identifies that the establishment of parks is subject to the terms and conditions of an aboriginal land claims settlement.

### Proposed Approach

It is proposed that the new *Act* be brought into conformity with the Nunavut Agreement. More specifically, the *Act* should incorporate any definitions and rights identified with the Nunavut Agreement that are relevant to territorial parks, and highlight the prevalence of the Nunavut Agreement in the event of any inconsistency or conflict between the *Act* and the Nunavut Agreement.

Similarly, the *Act* should similarly acknowledge the Eeyou Marine Region Land Claims Agreement, the Nunavik Inuit Land Claims Agreement, and make provisions for compliance with any other future and claims agreements.

### Questions

Are there specific items or topics within the *Territorial Parks Act* that need their relationship with the Nunavut Agreement (or other Land Claims Agreements in Nunavut) further clarified?

## Issue #8: Joint Inuit/Government Parks Planning and Management Committees

### Description

The establishment, operation, and management of territorial parks is currently done by the Government of Nunavut on the advice of co-management committees. Community Joint Planning and Management Committees (CJPMCs) are bodies that plan and manage specific parks, and the Nunavut Joint Planning and Management Committee (NJPMC) is engaged in territory-wide park initiatives.

### Current Status

Joint Inuit/Government Parks Planning and Management Committees which are identified in the Nunavut Agreement and established under the Umbrella Territorial Parks IIBA, are not mentioned in the *Territorial Parks Act*. The *Act* does make reference to Parks Consultative Committees, and identifies how individuals will be appointed, the number of members per committee, and further identifies that such committees will be consulted on matters concerning the establishment, operation or management of territorial parks.

### Proposed Approach

It is proposed that the *Act* be updated to reflect the Nunavut Agreement requirement to establish Joint Inuit/Government Parks Planning and Management Committees. Similar requirements regarding the establishment of management advisory committees are found in the Nunavik Inuit Land Claims Agreement and the Eeyou Marine Region Land Claims Agreement. Where appropriate, provisions from the current Umbrella Territorial Parks IIBA will also be incorporated, while allowing for such provisions to change as future Territorial Parks IIBAs are negotiated or re-negotiated.

## Issue #9: Park Reserve Designation for Proposed Parks

### Description

A park reserve is an area that has been proposed for a territorial park and is managed for a fixed period of time as if it were an established territorial park. This means that the *Territorial Parks Act* would apply to a specific area that is in reserve status. The reserve status is removed once the area has been either officially designated as a territorial park, or is no longer under consideration to be a territorial park.

### Current Status

At present, proposed parks that are not established under the *Territorial Parks Act* are not subject to any portions of the *Act*. As a result, enforcement actions under the *Territorial Parks Act* cannot be taken. Depending on the location of the proposed territorial park, the area is managed under the *Commissioner's Land Act* or the *Territorial Lands Act*, and only enforcement of those Acts is possible. If the location of the proposed territorial park is on Inuit Owned Land, then the proposed territorial park is managed directly by the Regional Inuit Association.

### Proposed Approach

It is proposed that the *Act* be updated to include the ability to designate areas proposed to be a territorial park as a territorial park reserve for a period of up to seven years. At the end of the seven-year period, the area would either have to be established as a territorial park, or the area would no longer be considered as an area for a proposed territorial park and the reserve status would no longer apply. A territorial park in reserve status would not be considered an established territorial park.

### Questions

Are there specific ways that areas that are proposed to be territorial parks should be managed on an interim basis before these areas become established territorial parks?

## Issue #10: Harvesting Rights and Access to Territorial Parks

### Description

Subject to certain provisions of the Nunavut Agreement, Inuit have free and unrestricted rights of access for the purpose of harvesting to all lands, water and marine areas within the Nunavut Settlement Area, including territorial parks. Similar provisions are found within the Eeyou Marine Region Land Claims Agreement and the Nunavik Inuit Land Claims Agreement for their respective land claims regions within the territory of Nunavut.

### Current Status

Within territorial parks, Inuit rights of access for harvesting are subject to any bilateral agreement between Inuit affected and the management agency of a territorial park. At present, no such agreements exist.

Section 2 of the *Territorial Parks Act* identifies that the *Act* does not restrict or prohibit the exercise of Inuit rights to harvest wildlife or rights of access exercised in accordance with the *Wildlife Act*. However, Sections 8 regarding Park Use Permits and Section 12 regarding Prohibitions are inconsistent with Inuit rights of access for harvesting under the Nunavut Agreement.

Inuit rights of access to territorial parks are given in greater detail in the Umbrella Territorial Parks IIBA.

In addition to any other rights of access and use enjoyed by or flowing to Inuit, Inuit have entry at no cost to territorial parks.

### Proposed Approach

It is proposed that the *Territorial Parks Act* clarify that the right of access for the purpose of harvesting is not subject to a Park Use Permit. It is further proposed that additional clarity be provided to ensure Inuit may engage in activities related to harvesting without any form of territorial licence or permit and without the imposition of any form of territorial tax or fee, and, specifically, without limitation may:

- Remain in or cross a Park;
- Camp in any location in a Park;
- Use any facility in a Park in emergency situations;
- Make a fire or use a portable stove in a Park;
- Travel in or through a Park;
- Launch a boat from any location in a Park; and
- Possess and discharge a firearm in a Park.

### Questions

Should non-Inuit be restricted from harvesting in territorial parks?

Should entry to territorial parks remain free for all people?

## Issue #11: Cabins and Outpost Camps

### Description

Cabins and outpost camps may be established in territorial parks, and clarity is required on how they will be addressed.

### Current Status

The Nunavut Agreement identifies that Inuit may establish outpost camps in territorial parks, except where the establishment of such camps is inconsistent with the requirements of the territorial park's management plan.

The Umbrella Territorial Parks IIBA distinguishes between cabins and outpost camps, and specifies that cabins and outpost camps are generally allowed to be established within a territorial park, subject to an approved territorial park management plan.

The current *Territorial Parks Act* does not directly address cabins or outpost camps.

Cabins are located in territorial parks, but the ownership and location of every single cabin is not known.

### Proposed Approach

It is proposed that cabins and outpost camps be formally acknowledged by the *Territorial Parks Act*, and that a mechanism be put in place to allow for respectful and effective ways to identify and manage outpost camps and harvesting rights-based cabins. It is further proposed that cabins and outpost camps be managed, at no cost to Inuit, via park permit, land lease, or occupancy licence. This approach is necessary to allow the park agency to distinguish between rights-based cabins and outpost camps from unauthorized occupants, and thereby support effective public land management within territorial parks.

### Questions

Should recreational cabins that are not associated with harvesting-rights be allowed in territorial parks?

## Issue #12: Allowed and Prohibited Activities

### Description

Regulations are needed to provide clarity as to what visitors are allowed, and not allowed, to do in territorial parks.

### Current Status

The current *Territorial Parks Act* allows for regulations to be developed regarding the following items/issues:

- Respecting the form of park use permits and applications for park use permits;
- Fees for park use permits;
- Controlling the use and development of resources in a territorial park;
- Public campgrounds, picnic areas and other public facilities in a territorial park;
- Prescribing the specifications for the construction of buildings or other structures in a territorial park;
- Respecting the standards to be observed in the conduct of a business in a territorial park; and
- Anything else necessary for carrying out the purposes and provisions of the *Territorial Parks Act*.

### Proposed Approach

It is proposed that the new *Territorial Parks Act* expand the ability for regulations to be developed regarding the following items/issues:

- Alcohol use
- Animals
- Cabins and outpost camps
- Cannabis use
- Cemeteries and burials
- Cultural activities
- Dog teams
- Drone use
- Forfeiture of lost or abandoned property
- Motor vehicles
- Noise and nuisance
- Recreational activities
- Visitor registration
- Waste disposal
- Wilderness tourism activities

Detailed regulations will be developed at a later date, once the new *Territorial Parks Act* is in place.

### Questions

What activities should be prohibited in a territorial park?

What activities should be allowed in a territorial park?

What activities should be regulated or managed in a territorial park?

