

# Thaidene Nënë

Establishment Agreements Summary





## History

1970

Chief Pierre Catholique refuses to consent to a National Park, concerned with impacts to the harvesting lifestyle of the Łutsël K'édene.

1982

Canada again approaches Łutsël K'édene about a National Park. Hereditary Chief Joe Lockhart famously tells government officials to “pack up their maps and go”.

1990s

Diamonds and precious metals are found in the traditional territory. This triggers an industrial development boom.

2000

Chief Felix Lockhart, concerned about the land and wildlife, initiates discussions with Parks Canada about a potential park.

2004

Chief Archie Catholique and the community approve a name and boundary for Thaidene Nënë.

2007

Chief Addie Jonasson signs a Memorandum-Of-Understanding with Parks Canada to investigate the feasibility of Thaidene Nënë. The land is put under Interim Land Withdrawal.

2010

Chief Steven Nitah signs a Framework Agreement with Canada outlining the negotiation process for Thaidene Nënë. In the fall, Chief Antoine Michel initiates formal negotiations.

2013

Thaidene Nënë Establishment Agreement initialed with Parks Canada.

2015

Negotiations with the GNWT for a territorial protected areas begin.

2018

Establishment Agreements negotiated and ready for ratification by LKDFN, Parks Canada, and GNWT.

2019

If the Establishment Agreements are ratified, the Łutsël K'édene First Nation will together with Parks Canada and the GNWT establish and protect Thaidene Nënë.

I think the Park should be called  
(Thaidene Nëné) it could mean, Land of  
the old ones, ancestral Land, Land of the first  
Land of the strong ones.

I think we should call it this because our  
people travelled on that part of land a thousand  
times with dog team, canoe, walking, and sleds  
and it has a lot of history and burial grounds  
and a lot of our elders were born there and  
learned the old ways of surviving on that land  
by Thaidene. For me it means a sacred land  
and it's also a strong meaning and name.

*Dennis Naggele*

Once we establish the Park it will be  
there forever so we have to work on  
it together to establish the Park in  
favour of the Dene people.

- Pierre Catholique (late)



## Two Agreements

One agreement is between the Łutsël K'édene First Nation and Parks Canada, and the other is between the Łutsël K'édene First Nation and the Government of the Northwest Territories. The Agreements provide for the **joint establishment** of Thaidene Nëné. All of Thaidene Nëné is governed by the provisions of the Thaidene Nëné Establishment Agreements.



We want to protect everything about the area, that is why we called it Thaidene Nënë, a powerful name.

- Albert Boucher

Protect the lands, waters and wildlife of Thaidene Nënë and the way of life of the Łutsël K'édene.

## Purpose

The **Thaidene Nënë Establishment Agreements** (“the Agreements”) are about cooperation between the Łutsël K'édene, the Government of Canada and the GNWT to protect the lands, waters and wildlife of Thaidene Nënë and the way of life of the Łutsël K'édene.

The agreements share the following vision:

*Thaidene Nënë is the homeland of the people whose ancestors here laid down the sacred, ethical and practical foundations of their way of life. This land has nurtured and inspired countless generations whose prosperity continues to be ensured by a deep intimacy between the people and the land. For the well being of future generations, this way of life needs to be exercised, nurtured and passed on.*

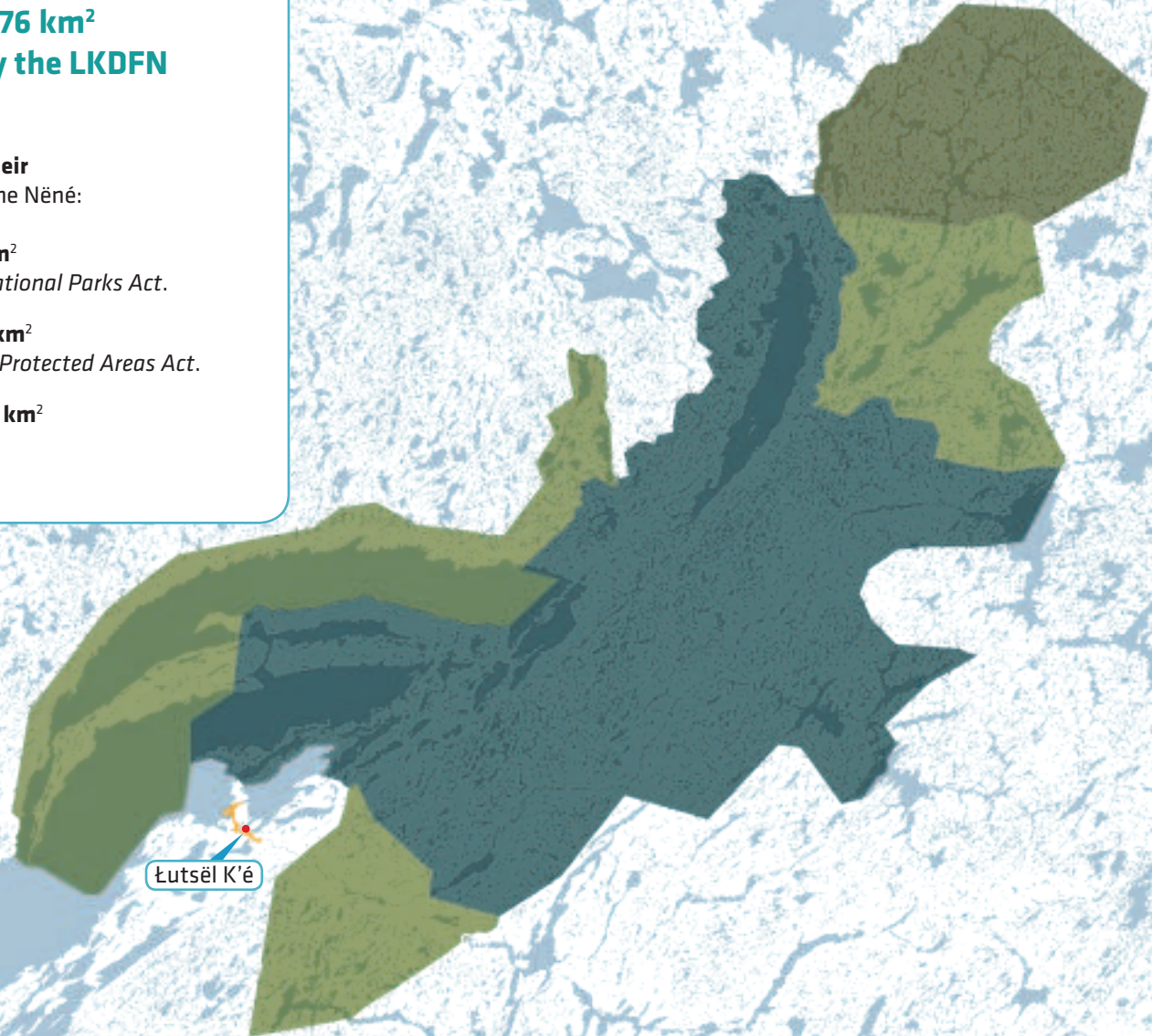
*The living connection between land and people, between water and land, between forest and barrens makes Thaidene Nënë a National Treasure of Canada. Carrying these relationships into the future, the ecological integrity and Dene way of life of Thaidene Nënë will be a living legacy for all, where the Łutsël K'édene First Nation and the Parks Canada Agency/GNWT will welcome the world.*

# Boundaries

Total area protected is 26,376 km<sup>2</sup>  
which will be designated by the LKDFN  
using its own Dene law.

Canada and the GNWT will also use their  
laws to designate areas within Thaidene Nënë:

- **National Park Reserve - 14,305 km<sup>2</sup>**  
Parks Canada using the *Canada National Parks Act*.
- **Territorial Protected Area - 8906 km<sup>2</sup>**  
The GNWT, using a new *Territorial Protected Areas Act*.
- **Wildlife Conservation Area - 3165 km<sup>2</sup>**  
The GNWT using the *Wildlife Act*.





## Treaty & Aboriginal Rights

Thaidene Nënë is **subject to treaty and aboriginal rights**, meaning that it does not impact any rights that the Łutsël K'é Dene have or may have.

Treaty and aboriginal rights are protected in the Constitution, Canada's highest law. These rights are stronger than any park or protected area law. **Łutsël K'é Dene will continue to practice their way of life in Thaidene Nënë.** The right to hunt, fish, trap, gather, travel, make cabins and trails, and so on will continue in Thaidene Nënë as it always has.

We love that land. We have respect for the Old Lady in the Falls. We harvest up there, we go to the Spiritual Gathering. It's very important to us. We don't want that land spoiled.

- Liza Enzoë (late)

## Relationship to Akaitcho Treaty Process

The Agreements are a legal contract. **It is not a land claim or modern treaty** or meant to replace one. Because of this, **the question of who owns the land remains unresolved** in the Agreements. The Łutsël K'édene First Nation will not give the land to the Government of Canada or the GNWT by entering into the Agreements.

Once a land claim or modern treaty is achieved with the LKDFN, what it says about who owns the land will apply in Thaidene Néné. **A land claim or modern treaty will be the boss of Thaidene Néné.**

The Agreement with Canada identifies key areas where it is likely the LKDFN will identify titled lands through the land claim or modern treaty process (e.g. Kache, ʔEdacho Tue, T'sankui Theda, etc.).





## What Is Allowed

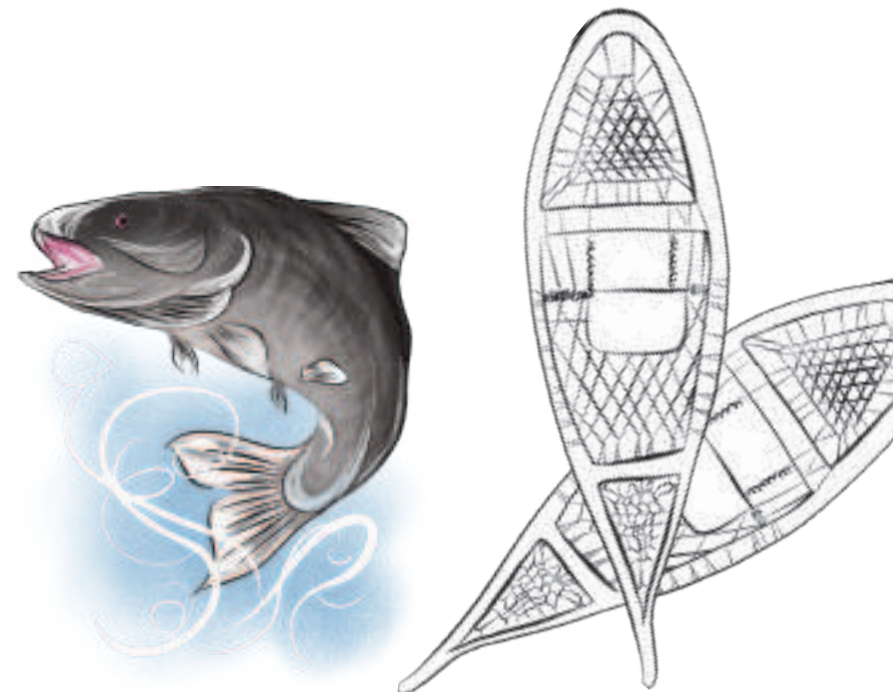
Inside all of Thaidene Nënë, **no industrial or extractive development is allowed** – no mining, no oil and gas, no mineral exploration, no large-scale commercial fishing, and no large-scale hydroelectric projects.

**Infrastructure corridors are not allowed in the National Park Reserve, but are provided for in the territorial areas** if there is no feasible alternative, impacts are minimized, and there is approval by the Management Board.

**For the purposes of servicing Łutsël K'é and Thaidene Nënë, small-scale hydroelectric development and quarrying are allowed** throughout Thaidene Nënë.

**In the territorial areas, artisanal scale commercial extraction is allowed** (e.g. small-scale local fishery, harvesting resources for arts and crafts, etc.).

People who don't have aboriginal and treaty rights will not be able to hunt big game in the National Park Reserve. They will be able to do so in the territorial areas, subject to management.





# Sharing Authority

The Agreement is a way to implement the treaty of 1900, as the Parties agree to share authority, resources, and responsibility in the common interest of fulfilling the following core objectives:

- Maintaining and promoting a healthy environment in Thaidene Nënë and the way of life of the Łutsël K'é Dene.
- Maintained and making use of Thaidene Nënë so as to leave it for the benefit, education and enjoyment of future generations.

The Agreements **recognize a nation-to-nation relationship** among LKDFN, Canada, and GNWT.

To ensure that they work together, LKDFN, Canada, and GNWT will take direction from a joint decision-making body called the **Thaidene Nënë Management Board**. The Management Board makes decisions about subject matters such as **ecological protection, cultural promotion, budgets and expenditures, access and use permits, and research and monitoring**.



One of the major jobs for the Management Board is to create a Management Plan with a long-term environmental and cultural vision including protecting land and wildlife, managing visitors, and supporting the Dene way of life.

LKDFN, Canada, and GNWT appoint an **equal number of members** to the Management Board.

**LKDFN Management Board appointees participate in all decisions for all of Thaidene Nënë.** Parks Canada appointees only participate in decisions relevant to the National Park Reserve, and GNWT appointees only participate in decisions relevant to the territorial areas.

**No one can act without the consent of the other. All Management Board decisions are made by consensus** of participating members.

Disagreements might arise when LKDFN, Canada, or GNWT **is unable or unwilling to carry out a Management Body decision**. These disputes are resolved through a **consensus process**, a formal way to encourage positive dialogue and negotiation in order to come to a mutually-agreeable outcome.

If, after going through the consensus process, there is a **clear and final disagreement**, the **matter is put into abeyance and the Chief and the relevant Minister must resolve together**.

When I travel out there, I get healed, my ancestors help me out there. My stress goes away and whatever made us sick.

- Bernadette Lockhart (late)



## Dene Way Of Life

The Agreements **protect and promote Łutsël K'é Dene culture** by:

- Promoting the use of Dene Yati
- Promoting the Dene way of life
- Ensuring the history and culture of the Łutsël K'é Dene is shared
- Guaranteeing that Dene Knowledge is used in making decisions and developing interpretation and promotional materials
- Protecting sacred places
- Documenting heritage resources.

The Parties must **provide public information about Thaidene Nënë in Dene Yati**. The Management Board can conduct its business in Dene Yati, and all staff will be encouraged to learn and use the language.

All information and promotional materials about Thaidene Nënë will recognize and promote the **Dene way of life**, including:

- Łutsël K'é Dene rights and history
- Natural and heritage resources
- Protecting the environment and culture
- Safety

**LKDFN will manage sacred places within Thaidene Nënë**. It may disclose their location to the Management Board if it chooses, for planning and protection purposes. The Parties will also create a list of all **heritage resources** (including artifacts, historic sites, etc.) and develop plans to protect and manage them.



## Training & Employment

The Agreements **prioritize training and employment for Łutsël K'édè** within Thaidene Nënë.

In addition to regular print and internet methods, **awareness** about Thaidene Nënë-related employment opportunities will be promoted through a regular career fairs, youth camps, and other outreach activities.

LKDFN members will be targeted for **training programs. Mentors** will provide support to targeted individuals, including:

- Assistance in applying for grants, scholarships, further education or technical training programs
- Seasonal placements in Thaidene Nënë or other protected areas
- Shadowing senior employees to transition into management
- Participation in internal Parks Canada training opportunities.

**The Management Board will provide advice to Parks Canada and GNWT on recruitment and hiring**, including job advertising, hiring criteria, qualifications, and job descriptions. LKDFN will sit on any Parks Canada or GNWT hiring committees.



To ensure that LKDFN members are able to **take advantage of employment opportunities**, Parks Canada and GNWT will consider the following factors when they recruit and hire staff for Thaidene Nënë.

- Prior experience and informal training instead of formal qualifications.
- Knowledge of Łutsël K'é Dene culture.
- Familiarity with Dene Yati.
- Knowledge of Thaidene Nënë and how to travel and use the land.
- Community awareness.

All staff with primary responsibility for Thaidene Nënë will be **based in Łutsël K'é or Thaidene Nënë.**

**Parks Canada, GNWT, and LKDFN will create jobs**, including managerial, administrative, and operational staff. It is anticipated that there will be **at least 18 employment positions created for Thaidene Nënë, of which at least 10 will be full-time, year round jobs.**

**Parks Canada, GNWT, and LKDFN commit to the following baseline level of staffing for Thaidene Nënë upon establishment:**

## Parks Canada

- Park/Site Manager
- Park Warden
- Administrative Assistant
- Resource Management Technician/Officer
- Interpretation
- Product Development
- Visitor Safety and Fire Crew

## LKDFN

- Thaidene Nënë Manager
- Ni hat'ni Dene Leaders, Regular Staff, and Trainees
- Storyteller/Cultural Expert

## GNWT

- Visitor Experience Coordinator
- Protected Area Technician
- Patrol and Safety

The GNWT will implement its **Affirmative Action policy to prioritize the hiring of indigenous residents**. They may also apply **geographic eligibility criteria to restrict employment competitions to residents of Łutsël K'é**.

The GNWT will also apply its **Regional Recruitment program, allowing the hire of community residents as trainees with no minimum education requirement** and providing on the job skills and experience.



## Infrastructure

The Agreements outline the kinds of infrastructure necessary to support the operation of Thaidene Nënë. This will include the **construction of the following facilities** within Łutsël K'é.

- A visitor and heritage centre.
- Administration offices.
- Storage for historical and cultural information and objects.
- Patrol and monitoring cabins.

LKDFN expects to own these facilities and to rent space on a long-term basis to **Parks Canada and GNWT**. It is likely that Parks Canada will make a **capital contribution in lieu of lease fees to the LKDFN for the construction and operation of a visitor, heritage, and administration facility** in Łutsël K'é.

## Visitors

Before visitors enter Thaidene Nënë, **they will have to register and complete an orientation program** so that they can learn about safety and how to properly respect the land they are visiting. They will also be **required to obtain necessary permits and licenses**, to be approved by the Management Board.

The Management Board may zone areas of Thaidene Nënë to have special restrictions on visitors.

Visitors will otherwise be able to access and use Thaidene Nënë as they do now.





# Business & Contracting

The Agreements aim to **maximize economic opportunities for Łutsël K'édene businesses.**

Parks Canada commitments:

- Provide **advance notice and advice** to Łutsël K'édene businesses about economic opportunities.
- Assist Łutsël K'édene businesses in securing loan financing.
- Enter into **sole-source contract negotiations** with Łutsël K'édene businesses where appropriate.
- **Divide large contracts into smaller portions** to allow smaller and more specialized local companies to compete.
- **Set conditions** that make it more likely Łutsël K'édene businesses will be successful in their bids.
- Provide **advance payments** on Łutsël K'édene business contracts to assist with financing.

GNWT commits to implementing its **Business Incentive Policy** with Łutsël K'édene businesses. The policy contains the following:

- Recognizes the **higher cost of operating businesses** in the NWT.
- Allows for **bid adjustments of up to 20% for contracts between \$25,000 and \$1,000,000** for businesses based in Łutsël K'édene.
- Allows **sole-source contracts with businesses based in Łutsël K'édene for contracts less than \$25,000** (without bid adjustment).
- For **contracts over \$1,000,000, allows for bid adjustments of up to 20% on the first \$1,000,000, and then up to 2% on the dollar value over \$1,000,000.**
- Provides **payment on invoices in 20 instead of 30 days.**

# Operational Spending

It is anticipated that **Parks Canada will spend at least \$32 Million towards Thaidene Néné operations** during the first twelve years after the establishment, with an **annual spend of \$3 Million after that**. Much of this will be spent in Łutsël K'é on staff, contracts, infrastructure and supplies/equipment.

It is also anticipated that the GNWT will spend at least **\$290,000 a year on operations**.



# Trust Fund

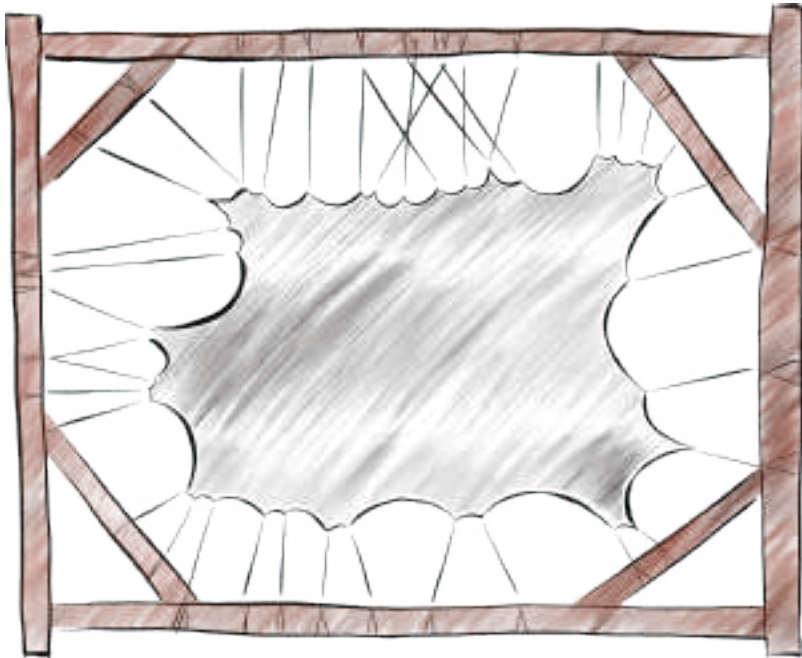
LKDFN will have its own staff, equipment, vehicles, and programs in Thaidene Néné, and will need a stable, long-term source of funding to support costs. LKDFN has established a **trust fund to support its management and operation responsibilities** in Thaidene Néné.

LKDFN has raised \$15 Million from private sources to put into the trust fund. The Government of Canada has matched this amount. There is a total of **\$30 Million that will be placed into the trust fund**.

The \$30 Million will be protected in the trust fund so that it never gets spent. **Only the annual interest and investment income will be provided to the LKDFN for its management and operational responsibilities in Thaidene Néné.** In addition, **trust fund revenue can be used for training and capacity building, promoting the Dene way of life, and business development.**

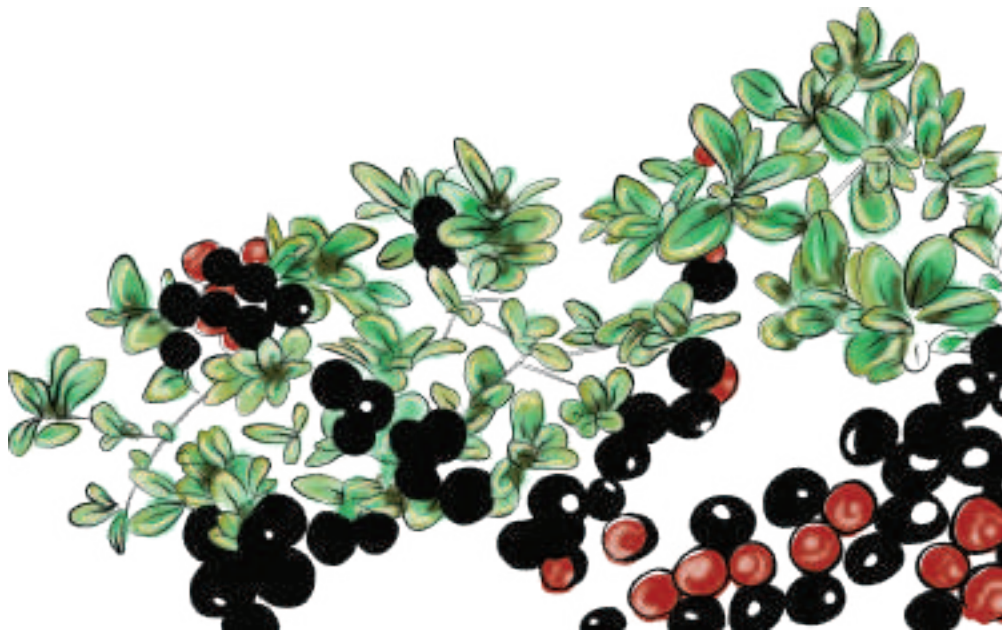
In order to fulfill baseline budget requirements, if the annual **trust fund income cannot fully fund LKDFN's baseline management and operations budget, Parks Canada will provide supplemental funding.**





## Review & Amendment

The Agreements provides for periodic review. When Agreement signatories agree, they can **amend the Agreement to ensure that it is achieving their vision and objectives for Thaidene Nënë.**



## CONTACTS

The LKDFN leadership appointed the following people to plan, advance, and communicate Thaidene Nënë. Please contact any of these people with any questions or comments you might have about Thaidene Nënë.

### Advisory Committee

**Addie Jonasson, Emily Saunders, James Marlowe, Charlie Catholique, Archie Catholique**

### Negotiating Team and Staff

**Steven Nitah**  
Chief Negotiator

**Stephen Ellis**  
Assistant Negotiator

**Larry Innes**  
Legal Counsel

**Prairie Desjarlais**  
Thaidene Nënë Program Manager

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**THAIDENE**  
 **NENE**  
Land of the Ancestors

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