

NUNAVUT PLANNING COMMISSION  
PUBLIC HEARING ON THE 2021 DRAFT NUNAVUT LAND USE  
PLAN

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ATHABASCA DENESŪĪNÉ COMMUNITIES OF  
BLACK LAKE, FOND DU LAC, AND HATCHET LAKE DENESŪĪNÉ  
FIRST NATIONS

PRE-HEARING WRITTEN SUBMISSIONS

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ATHABASCA DENESŪĪNÉ  
Submission for the Public Hearing on the 2021 Draft Nunavut  
Land Use Plan

**8 October 2021**

## **1 Background and Objectives**

The Athabasca DenesŪĪnÉ comprise the Fond du Lac, Black Lake, and Hatchet Lake DenesŪĪnÉ First Nations. Although our present day communities are located in northern Saskatchewan, the lands on which we have hunted, trapped, fished, harvested, and engaged in cultural activities for thousands of years – known as “Nuhenéné” (“our land”) in the DenesŪĪnÉ language – extend up into what is now the Northwest Territories and the southwestern portion of Nunavut. We carry out our way of life throughout Nuhenéné to this day.

The lifeblood of our People, both now and historically, is barren-ground caribou. For more than 2,600 years, the Athabasca DenesŪĪnÉ have relied on barren-ground caribou – in particular, the Qamanirjuaq, Beverly/Ahiak, and Bathurst herds – whose ranges correspond to our traditional territory in what is now Saskatchewan, the Northwest Territories, and Nunavut. Caribou are essential for the sustenance, health, and culture of our People. It is not too much to say that, without caribou, there would be no Athabasca DenesŪĪnÉ.

In recent years, the Athabasca DenesŪĪnÉ have relied greatly on the Qamanirjuaq herd, which calves near the Qamanirjuaq Lake in Nunavut’s Kivalliq Region. Any disturbance to this herd’s calving, reproduction, or migration behaviours will have a direct and adverse impact on our People’s rights, interests, culture, and livelihood.

In addition to caribou, Nuhenéné also contains numerous areas of cultural importance to the Athabasca DenesŪĪnÉ, including travel routes, cabin and camp sites, trap lines, and burial and archeological sites.

A substantial portion of Nuhenéné is currently the subject of negotiations with Canada regarding the recognition of Athabasca DenesŪĪnÉ rights and title. In connection with those negotiations, Federal Cabinet withdrew lands from the disposal of surface and subsurface rights in 2013 (the “**OIC Withdrawn Areas**”). The negotiations with Canada have yet to result in a final agreement.

In short, the Athabasca DenesŪĪnÉ have vital rights and interests within and in relation to our territories in what is now Nunavut, including the protection of caribou and the finalization of a land use plan that does not impede our negotiations with Canada.

Since around 2009, the Athabasca DenesŪĪnÉ have been involved with reviewing and commenting on subsequent iterations of the *Draft Nunavut Land Use Plan* (the “**DNLUP**”). We

have already provided the Nunavut Planning Commission (the “NPC”) with various comments, maps, and other important documentation. The present submission is meant to complement those other documents rather than summarize or supersede them.

## **2 General Comments and Recommendations**

Comparing the 2021 DNLUP to past versions of the plan, the Athabasca Denesų́liné welcome the increased protections for caribou, including limited use designations for key access corridors, freshwater crossings, winter ranges, and calving and post-calving grounds. These protections are absolutely necessary for the health and preservation of the Qamanirjuaq, Beverly/Ahiak, and Bathurst herds – and hence for the health and preservation of our unique culture and constitutionally protected rights.

Although these submissions identify several areas of concern, which we hope to explore more fully during the public hearings, we agree with many aspects of the NPC’s approach to this version of the DNLUP.

## **3 Specific Comments and Recommendations**

### **3.1 Mixed and Limited Use Designations in Denesų́liné Areas**

#### ***3.1.1 Reference in DNLUP***

2021 Draft Nunavut Land Use Plan Map A1 (“**A1 Map**”); DNLUP, ss 3.2.7-2, 4.2.2, 4.6-1; Nunavut Land Use Plan Options and Recommendations (“**O&R**”), ss 3.2.8.2, 4.2.2, 4.6.

#### ***3.1.2 Comment***

In past submissions to the NPC, the Athabasca Denesų́liné requested that Nuhenéné, including the OIC Withdrawn Areas, receive mixed use designations, given the potential ramifications for the ongoing negotiations with Canada. We by and large agree with the current land use designations for Nuhenéné under the DNLUP, but would note the continued existence of the following limited use areas within that region:

- Heritage River Area of Significance (Site #79); and
- Priority Contaminated Site (Site #91).

So long as these limited use areas are localized, they would be unlikely to materially affect the negotiations with Canada. But we would appreciate further clarification in the DNLUP as to the scope of the Heritage River and Priority Contaminated Site protections and how they relate to the mixed use Denesų́liné areas.

### **3.1.3 Recommendation**

The Athabasca Denesų́liné agree with the designation of Nuhenéné and the OIC Withdrawn Areas as mixed use, but request further clarification on the inclusion of Sites #79 and #91 as limited use areas, given the NPC's prior recognition of the negotiations.

In the event that these limited use areas consist of substantial tracts of land, rather than the localized areas indicated on the 2021 Draft Nunavut Land Use Plan Map A1, the Athabasca Denesų́liné urge the NPC to remove the limited use designations from the Nuhenéné and the OIC Withdrawn Areas.

## **3.2 Need to Revisit Mixed Use Designations in Denesų́liné Areas in the Future**

### **3.2.1 Reference in DNLUP**

A1 Map; DNLUP, s 4.2.2; O&R, s 4.2.2.

### **3.2.2 Comment**

It is critical to appreciate that, were it not for the negotiations mentioned above, much of Nuhenéné and the OIC Withdrawn Areas would clearly warrant limited or conditional use designations under the DNLUP. These areas contain numerous sites of great importance to the Athabasca Denesų́liné, including:

- sensitive and important caribou habitats, such as:
  - rutting areas;
  - migration corridors;
  - summer and late summer areas; and
  - winter ranges;
- significant cultural sites, such as:
  - burial sites;
  - archeological sites;
  - overnight sites;
  - trap lines;
  - harvest areas; and
  - travel routes.

The protection of these important habitats and cultural sites is directly linked to the protection

of our People's rights, interests, and culture. Negotiating an agreement with Canada is one part of protecting those rights and interests. But our submissions to the NPC to date should not be taken to mean that Nuhenéné and the OIC Withdrawn Areas should never attract express protections under the DNLUP. On the contrary, as soon as a final agreement is reached, it will be essential to revisit the DNLUP's land use designations for those areas.

### **3.2.3 Recommendation**

The Athabasca Denesų́łíné urge the development of a formal procedure for revisiting the DNLUP's land use designations within Nuhenéné and the OIC Withdrawn Areas on a periodic basis and, in any event, as soon as an agreement with Canada is finalized. In particular, we request that the NPC enshrine the following procedure within the final *Nunavut Land Use Plan*:

- upon finalization of the Athabasca Denesų́łíné and/or the Ghotelnene K'odtineh Dene agreements, the NPC will recommend that another land use planning process be undertaken under the *Nunavut Planning and Project Assessment Act*, with appropriate resources, for the settlement area; and
- alternatively, if and when the NPC has grounds to believe that no such agreement is possible, then it will recommend that another land use planning process be undertaken, with appropriate resources, for the settlement area.

## **3.3 Caribou**

### **3.3.1 Reference in DNLUP**

DNLUP, s 2.2, Table 2; O&R, s 2.2.

### **3.3.2 Comment**

The Athabasca Denesų́łíné strongly agree with the DNLUP's protection of the most sensitive and important caribou habitats, including calving and post-calving grounds, through the mechanism of limited use designations. As mentioned in Section 1 above, the protection of these habitats is absolutely essential to our People's rights, interests, and culture. It is also critical that these habitats receive year-round prohibitions on highly disruptive land uses, such as oil, gas, and mineral exploration and production.

For more than two decades, the size of caribou populations, including the Beverly/Qamanirjuaq herd, has been steadily decreasing, making it more and more difficult for us to exercise our rights within Nuhenéné. Climate change, with its disproportionate impact on northern ecosystems, has certainly been a major driver of this change. Barren-ground caribou are, in general, very sensitive to disturbances in the environment and the landscape, and we are in a critical time where management decisions need to be based on the precautionary principle.

In order to ensure the survival of caribou – and hence the survival of our Athabasca Denesų́łíné culture – it is absolutely necessary that the *Nunavut Land Use Plan* afford robust protections for

key caribou habitats, including strict, year-round prohibitions.

### **3.3.3 Recommendation**

The Athabasca Denesų́liné strongly agree with the DNLUP’s limited use designations for the most sensitive and important caribou habitats, including key access corridors, freshwater crossings, winter ranges, and calving and post-calving grounds. These areas should not be reduced in size. The Athabasca Denesų́liné agree that, at a minimum and without necessarily being exhaustive, the following uses are incompatible with the preservation of these key caribou habitats:

- oil and gas exploration and production;
- mineral exploration and production;
- quarries;
- hydro-electrical and related infrastructure;
- wind turbines for electrical generation that are over 15 m in height and related infrastructure; and
- linear infrastructure.

The Athabasca Denesų́liné also agree with the further prohibition on all uses within these key caribou habitats, except research and tourism related to caribou conservation, during the dates identified in “Table 2: Caribou Seasonal Restrictions”. We would add, however, that the nature and scope of the limited use prohibitions may need to be revisited in the event that the region’s caribou populations continue to decline.

The Athabasca Denesų́liné agree with the DNLUP’s conditional land use designation for caribou sea ice crossings. These areas should not be reduced in size. More generally, we welcome any conditions that would further support caribou populations and health.

As per Section 3.1.3 above, the Athabasca Denesų́liné urge the development of a formal procedure for revisiting the DNLUP’s caribou-related protections within Nuhenéné and the OIC Withdrawn Areas on a periodic basis and, in any event, as soon as an agreement with Canada is finalized.

## **3.4 Denesų́liné Valued Components**

### **3.4.1 Reference in DNLUP**

DNLUP, ss 4.2.2-1, 4.2.2-2, Maps B2.2, B2.3.

### **3.4.2 Comment**

Since 2009, the Athabasca Denesų́liné have provided the NPC with information regarding the

exercise of our rights and way of life in Nuhenéné, to which end we submitted a detailed use and occupancy map in November 2009. The 2009 map – a copy of which is attached to these submissions as Appendix A – details the following types of ongoing land use in Nunavut:

- travel routes, both terrestrial and aquatic, connecting settlement sites, cabins, harvest areas, fish lakes, historic places, caribou crossings, camp sites, and other important cultural sites;
- trap lines and trapping areas for aquatic and terrestrial furbearers, including beaver, muskrat, lynx, fox, wolf, fisher, ermine, martin, mink, otter, and wolverine;
- recorded burial sites;
- overnight sites, including fire sites, cabin sites, and camps;
- named places, which hold significant cultural and historical information; and
- oral history sites.

These traditional and ongoing land uses have not been accurately incorporated into the DNLUP. In particular, the “Locations Identified in Use & Occupancy Mapping Interviews” map (Map B2.3) does not reflect the land use identified in the 2009 map.

Since the Nunavut portion of Nuhenéné is not presently protected by conditional or limited use designations, it is especially critical that the DNLUP accurately identify our rights and interests, including land use and occupancy, as valued components.

### ***3.4.3 Recommendation***

The Athabasca Denesų́finé urge the NPC to:

- at a minimum, update the value components in the DNLUP to accurately reflect our already-submitted use and occupation information; and
- recommend that this valued component be updated as part of the formal amendment process proposed at Section 3.2.3 above, with adequate support and funding from the NPC.

## **3.5 Existing Rights**

### ***3.5.1 Reference in DNLUP***

DNLUP, s 6.1.2, 6.1.8, Appendix A; O&R, s 6.2.8.

### ***3.5.2 Comment***

The Athabasca Denesų́finé share the view, along with many other participants, that the strength (or weakness) of the DNLUP will ultimately hinge on how the NPC approaches the

question of existing rights. One of our main concerns is that, if the DNLUP exempts non-conforming land uses that existed prior to the approval of the plan, then there will likely be a push for project authorizations as the DNLUP draws closer to finalization. Were that to happen, the impact on our rights, interests, and culture could be severe.

The DNLUP suggests that all proposed activities and projects must conform to the plan unless they are listed in Appendix A (see s 6.1.2). While that list does not appear to include many existing rights within the Athabasca Denesų́líné territories, we are concerned about the degree to which the exemption of these activities and projects could weaken other aspects of the plan, such as limited and conditional use designations for key caribou habitat.

We are also worried that the Appendix A list may be expanded in future versions of the DNLUP, in which case our comments on the adequacy of other aspects of the plan, such as the protections for caribou, will need to be revisited.

For example, the Governments of Manitoba and Nunavut have long been contemplating the construction of hydro-electrical and linear infrastructure from Kivalliq to Manitoba. It is of great concern to our membership that this corridor, if built, would directly intersect calving grounds, post-calving grounds, and key access corridors for the Qamanirjuaq caribou herd, all of which are designated limited use areas under the DNLUP. There needs to be a mechanism built into the plan to ensure that such projects remain subjected to the important land use restrictions and prohibitions contemplated elsewhere in the plan.

Finally, we are aware of past discussions around the NPC's jurisdiction to address and exempt existing rights through the *Nunavut Land Use Plan*. The Athabasca Denesų́líné expressly reserve the right to address this issue at the public hearings.

### **3.5.3 Recommendation**

The Athabasca Denesų́líné urge the NPC not to add to the list of exempted projects identified in Appendix A.

In the event that the NPC is considering whether to make changes to Appendix A, the Athabasca Denesų́líné request the right to make further submissions on the DNLUP in general, given the impact of existing rights exemptions on the protections afforded elsewhere in the DNLUP.

## **3.6 Unique Denesų́líné Identity**

### **3.6.1 Reference in DNLUP**

DNLUP, s 4.2.2, Map B2.5; O&R, s 4.2.2.

### **3.6.2 Comment**

The Athabasca Denesų́líné and the Ghotelnene K'odtineh Dene (formerly the Manitoba Denesų́líné) are both Denesų́líné Peoples with important rights and interests within Nunavut.

However, even if our views and values may align in many respects, our two Nations have unique histories, governance institutions, and practices on the land that ought to be independently acknowledged and respected.

Notwithstanding our unique Denesų́łíné identities, the NPC frequently appears to group the Athabasca Denesų́łíné and the Ghotelnene K’odtineh Dene into a single “Denesų́łíné” group. For instance:

- section 4.2.2 refers simply to “Dēnesų́łíné Areas” rather than to “Athabasca Denesų́łíné Areas” and “Manitoba Denesų́łíné Areas”; and
- Map B2.5 does not distinguish between Athabasca Denesų́łíné and Ghotelnene K’odtineh Dene title.

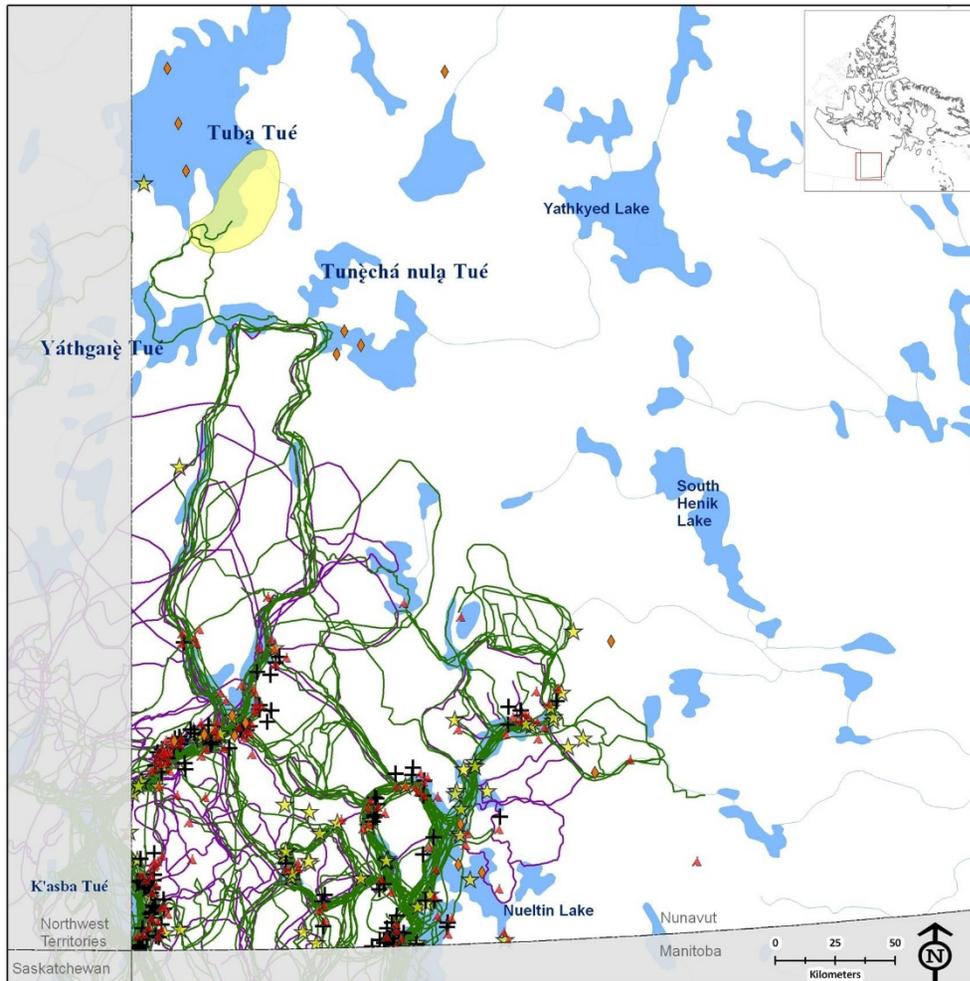
### ***3.6.3 Recommendation***

The Athabasca Denesų́łíné request the NPC to recognize us and the Ghotelnene K’odtineh Dene as unique and independent Peoples.

## Appendix A

# Athabasca Denesuline Land Use in Nunavut

The Athabasca Denesuline (AD) includes the Black Lake, Hatchet Lake, and Fond du Lac First Nations. While established and present day communities are located in northern Saskatchewan, our culture, history and way of life are predicated on the movements of the Beverly-Qamaniġuaq (BQ) caribou herds. Our traditional territory parallels the range of BQ caribou herds including portions of what are now known as Nunavut and the Northwest Territories. Our relationship with the BQ caribou herds spans thousands of years. The reliance on the caribou has encouraged the development of a lifestyle with the specialized skills and technologies that have enabled us to remain in the same territory for millennia. Evidence of this lifestyle and our use of land in Nunavut is seen through our cabins, travel routes, burial sites, traplines, and numerous Denesuline place names. The purpose of this map is informational and without prejudice to our ongoing negotiations with the Government of Canada.



### Travel Routes

Travel routes are essential for moving people safely and easily throughout our traditional territory and are primary indicators of the extent of people's land use and occupancy. Whether a water route, land route or both, depending on the season, travel routes connect places on the land; they connect settlement sites and cabins with harvest areas, fish lakes, historic places, place names, caribou crossings and camp sites. The presence of such an intricate web of travel routes is indicative of our people's intimate knowledge of the land and our need to travel long distances in pursuit of the caribou. Many of these trails have been used for generations and are well known in the communities.

### Traplines

### Trapping Area

Trapping is an important land use activity that occurs alongside of hunting and gathering. Trapping aquatic and terrestrial furbearers such as beaver, muskrat, lynx, fox, wolf, fisher, ermine, marten, mink, otter, and wolverine is an important part of our economy. It provides income and is a means for the Athabasca Denesuline to maintain a traditional lifestyle and maintain a connection to the land, our history and identity.



### Burial Sites

Since time immemorial, the Athabasca Denesuline have traveled been born on and died on the land. Often, people who died while out on the land were buried where they died. This map shows only recorded burial sites, if all burial sites could be shown on this map, it would be completely covered. Burial sites are strong indicators of Denesuline land use and occupancy in the past and present. They are also sacred sites that must be respected.



### Overnight Sites

Overnight sites are one type of occupation site. They include open air/open fire sites, cabin sites, camps where a number of families stay in either tents or cabins, and tented frame sites. The locations mapped here include overnight sites used in the past, and those that are still used today, including many permanent cabins. The majority of overnight sites are concentrated close to the shores of lakes or rivers.



### Place Names

Place names are vessels that hold within them significant cultural and historic information related to that place. Place names indicate where people travel and they are evidence that people were there. The names themselves provide descriptions of the area. Names of topographical features often help a traveler navigate through an area and connect them to their land, biological names indicate the presence of a particular resource; other names may tell of an historic event(s) that occurred at that spot. Many of the original Denesuline names of lakes, rivers and land formations have been replaced by English names.



### Oral History

It's only in recent decades that the oral history and traditional land use of aboriginal people has been written and recorded on maps. Storytelling was and still is a way that elders and parents taught children about their history and ways of life. Stories also stress the need to respect the land and its resources. The points on this map indicate stories of events, legends, and ancestors, told by elders in an Oral History mapping project. Of course, this is only a snapshot. If all stories could be told and documented, the points would cover the map.



Map prepared by PAC Team Canada Inc. for the Athabasca Denesuline Negotiation Team  
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Travel Routes and Traplines and Burial Sites and Occupation Sites: 1990. Prince Albert Grand Council. Recent and Current Land Use and Occupancy in the Northwest Territory. Peter J. Usher. Burial Sites and Occupation Sites and Place Names: 2007. Oral History and Mapping Project. Burial Sites and Occupation Sites: 2006. Athabasca Denesuline. Traditional Land Use and Occupancy Data. Ground verified. Sites Mentioned in Oral History: 1991. Athabasca Denesuline Bands. Oral History Project. Athabasca Traditional Land Use: 2006. Dubawnt Lake Use and Occupancy Study.