

SPECTRUM OF COOPERATIVE MANAGEMENT AGREEMENTS AT PARKS CANADA

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INTRODUCTION

*Parks Canada is working towards a new model of collaborative conservation: a model that respects the rights and knowledge systems of [Indigenous] peoples by providing new opportunities to cooperatively manage these heritage places, incorporating [Indigenous] history and cultures into management practices and educating the Canadian and international public about the important role [Indigenous] peoples have played historically, and continue to play, in making Canada the beautiful land that it is today and into the future.*¹

In the past three decades, Parks Canada has worked hard to build relationships with Indigenous partners and is committed to continuing to build a path forward in the spirit of Reconciliation. Individual parks, park reserves, marine conservation areas, and historic sites are making concerted efforts to develop genuine and mutually beneficial working relationships with Indigenous partners. Multiple and diverse initiatives are being undertaken to support and enhance Indigenous participation in collaborative management, leadership in the conservation and restoration of ecological integrity, commemoration and conservation of Indigenous cultural heritage, the creation of employment and training opportunities, and the facilitation of traditional land access, management, and use.

These relationships are often captured in an agreement or understanding reflecting the interests of the parties. The current spectrum of cooperative management arrangements and collaborations Parks Canada has entered into with Indigenous partners demonstrates leadership and highlights that Parks Canada is very well positioned, as a manager of federal lands and waters, to advance Reconciliation initiatives.

Moving forward, Parks Canada will continue to seek out innovative approaches to Reconciliation in collaboration with Indigenous partners which honour the spirit and intent of treaties and formal agreements while simultaneously incorporating Indigenous and western principles, ways of knowing and doing, and approaches to management, collaboration, and relationships.

*“First Nations, Inuit and Métis affairs are a critical part of Parks Canada’s business and will continue to grow in importance and scope. Whether we are dealing with science, commemoration, conservation, economic development issues, infrastructure investments, visitor experiences, or planning, it is a part of everyone’s business and responsibilities at Parks Canada to understand and collaborate with Indigenous Peoples to ensure that their perspectives shape our work in appropriate ways. We need to understand that what we see as appropriate in the context of Reconciliation will be broader than we may have seen in the past. As a result, we will need to move to a new degree of focus, measurement and delivery in this critical area of our responsibilities.”*²

Reconciliation

Reconciliation is more than legal theory. At a practical level it is the product of successful relationships. For the Parks Canada Agency, it means connecting Reconciliation with tangible outcomes with Indigenous partners. It is the effect of the partnership, of the negotiations and of the agreements that achieve the goals of Reconciliation.

¹ Promising Pathways: Strengthening engagement and relationships with Aboriginal peoples in Parks Canada heritage places. http://intranet2/media/2232144/promising_pathways_small_20140417.pdf

² Office of the Chief Executive Officer, Daniel Watson. Parks Canada. All Staff Communications. Changes at Parks Canada. February 23, 2016. http://intranet2/media/2768918/final_parks_canada_overview_v11_feb_18_eng.pdf

CONTENTS

The purpose of this document is to provide guidelines and general advice to Field Units who wish to enter into discussions and negotiations of cooperative arrangements with Indigenous partners.

Section A provides an overview of the circumstances that resulted in the emergence of cooperative management structures within Parks Canada while **Section B** and **Section C** respectively discuss the benefits and requirements of successful cooperative management agreements. **Section D** describes various legal contexts influencing partnerships with Indigenous peoples and **Section E** goes on to present and describe in detail three models for cooperative management structures, locating each within the relevant legal contexts within which their use would be applicable, and provides detailed information pertaining to types of associated agreements, decision-making mechanisms, and the treatment of advice and/or decisions generated by the structure.

Section F provides a step-wise process for building a cooperative management structure. This section assists the reader in understanding the particular legal context they are working within, and also helps with clarifying the objectives and goals for establishing the cooperative management structure, incorporating guiding principles for the establishment of the structure with Indigenous partners. This section also helps the reader to determine and define some of the key elements necessary in developing cooperative management agreements with Indigenous partners.

Appendix A provides examples of agreements from within the Agency with accompanying explanations about key features of each agreement. The examples provided reflect a vast array of legal and cultural contexts, and the various objectives formulated by Parks Canada and Indigenous partners. The explanations accompanying these agreements will help inform Field Unit staff about the process as well as the content of the agreements. The agreements are organized by objective and reflect a significant proportion, albeit not all of the spectrum of cooperative arrangements available.

Remember - BEFORE initiating discussions with an Indigenous group regarding the development of a cooperative management structure, please contact the Indigenous Affairs Branch (IAB) for support, advice, and to confirm if your approach is the best one for the heritage place under consideration.

A. BACKGROUND ON PCA COOPERATIVE MANAGEMENT AGREEMENTS

Within Parks Canada, the term cooperative management³ is used to describe different models that involve Indigenous peoples in the planning and management of national parks without limiting the authority of the Minister under the *Canada National Parks Act* (2000).

Two paths emerged in the 1980s to form the means by which Parks Canada established cooperative management with Indigenous peoples. The first involved wildlife management in Wood Buffalo National Park and the second related to Parks Canada's role in the settlement of comprehensive land claims in northern Canada.

When Wood Buffalo National Park was established in 1922, permits were issued for Indigenous peoples to hunt and trap in the park. A shared understanding between park managers, hunters and trappers led to the creation of a Hunters and Trappers Association which cooperatively regulated hunting and trapping and set limits on the number of permits issued in the park. The establishment of this organization was Parks Canada's first collaborative management experience with an outside group within a national park.⁴

Following the Calder decision in 1973, in which the court recognized that Aboriginal title existed as a concept in Canadian common law, and the subsequent decision by Canada to address Indigenous land claims through negotiations, fifteen claims were accepted for negotiation in 1973.

The establishment of National Parks and National Park Reserves⁵ as part of the settlement of comprehensive land claims became a key feature of the expansion of the National Park system, mostly in northern Canada. Northern Parks were created through the claims process and traditional Indigenous harvesting activities continued within the boundaries of these new parks.

Northern land claim agreements envisioned a role for local Indigenous peoples to participate in the management process through cooperative management boards. These structures and their roles were identified in constitutionally protected Final Agreements. Park Impact and Benefit Agreements (PIBAs), or other arrangements stemming from Final Agreements were subsequently negotiated as bilateral contracts, which provided for operational relationships between Parks Canada and the Indigenous beneficiaries to the Final Agreement. Cooperative management boards for national parks in Nunavut, Kluane National Park and Park Reserve, and *Tongait KakKasuangita SilakKijapvinga* (Torngat Mountains National Park) were established in this way.

Cooperative management structures between Parks Canada and Indigenous partners have also emerged outside of land claim agreements in circumstances where Indigenous groups have asserted or established rights, or where Indigenous partners have expressed interest in collaborating on specific projects or participating in the planning and management of a particular park(s), national marine conservation area(s), or site(s). Cooperative management structures for Batoche National Historic Site and Riding Mountain National Park have arisen in this way.

³ See IAB Bulletin cooperative or co-management. http://intranet2/media/1959404/bulletin_cooperative_or_co-management_2013.pdf

⁴ *Best Practises in Cooperative and Collaborative Management Case Studies* (2010), Claire Williams, Southwest Northwest Territories Field Unit.

⁵ See Appendix B for further information about National Park Reserves.

B. BENEFITS OF COOPERATIVE MANAGEMENT AGREEMENTS

Within Parks Canada, it is everyone's responsibility, including operational staff (Field Units) and functional leads (Directorates) to ensure that Canada's position on Reconciliation is upheld and implemented through meaningful action. Establishing cooperative management agreements with Indigenous partners is just one way, albeit an important one, to contribute to building a path towards Reconciliation, and as such can provide many significant benefits to both Parks Canada and Indigenous partners.

Benefits to Parks Canada are realized at the levels of both the Agency as a whole and at individual heritage places. For instance, the spectrum of cooperative management arrangements available to Parks Canada supports the Agency's long term vision for Reconciliation and may also advance engagement and consultation initiatives and support reconnection to traditionally used lands for Indigenous partners. It is important to note that while all cooperative management agreements include aspects of relationship-building and engagement, and some may satisfy, to varying degrees, aspects of the Crown's duty to consult, and may even be established as the result of an accommodation measure, not all cooperative management bodies are intended to function as a vehicle for consultation.

For individual heritage places, cooperative management agreements provide benefits to both Parks Canada and Indigenous partners by supporting and enhancing Indigenous participation, collaboration, and leadership in the conservation and restoration of ecological integrity, commemoration and conservation of Indigenous cultural heritage, the creation of employment and training opportunities, and the facilitation of traditional land access, land management, and land use. In many instances, cooperative management agreements have also provided a vehicle for reconnecting Indigenous peoples to traditionally used lands, thus facilitating Indigenous stewardship and use of those lands and promoting the transmission of Indigenous knowledge and practices in ways that provide significant meaning for Indigenous peoples, as well as park staff and visitors.

There is no doubt that cooperative management agreements are a major stepping stone on the path toward Reconciliation

FEDERAL CONTEXT

The direction and priorities of the Government of Canada are signalled in Prime Minister Trudeau's Mandate Letter to the Minister of Environment and Climate Change:

"No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership".

FOR MORE INFORMATION:

<http://pm.gc.ca/eng/minister-environment-and-climate-change-mandate->

THE ROLE OF CONSULTATION AND ENGAGEMENT

The concept of "engagement"¹ is distinct from "consultation".¹ The term consultation is based in the body of law dealing with Aboriginal and treaty rights and relates to the Crown's duty to consult whereas engagement refers to a more general concept of support and relationship-building between the parties.

While the Crown's strict obligation is to meet the duty to consult, in a practical sense, engagement by Parks Canada with Indigenous peoples is a necessary condition for relationship-building and furthering the process of reconciling Indigenous interests with those of Canadians as a whole.

with Indigenous peoples. However, there remain considerable opportunities to continue to grow in our understanding of the power and utility of these agreements to further advance reconciliation with Indigenous peoples.

The current Federal government supports the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) through domestic laws and policies.⁶ By employing agreements that truly recognize and respect the rights of Indigenous peoples, and that create collaborative management platforms, Indigenous peoples can actualize long standing traditions of stewardship and self-determination that promote cultural values and principles, further facilitate the transmission of cultural knowledge, and advance community well-being.

C. REQUIREMENTS OF A SUCCESSFUL COOPERATIVE MANAGEMENT AGREEMENT

Successful cooperative management agreements will:

- Create a process for the Parks Canada Agency (PCA) and Indigenous peoples to engage with each other as partners;
- Seek out interest-based solutions for the benefit of all parties, recognizing shared and divergent short-term and long-term interests;
- Respect and give effect to legal requirements related to Aboriginal and treaty rights, or other agreements as appropriate;
- Establish a framework (desired outcomes, roles and responsibilities of the involved parties) to allow projects, related interests, and concerns to be considered through respectful and sustained dialogue;
- Be adequately resourced;
- Enable members to participate in discussions that are open, transparent, and without prejudice;
- Encourage participants to obtain and disseminate relevant information on a timely basis;

KEY DEFINITIONS

Aboriginal rights means rights that some Indigenous peoples of Canada hold as a result of their ancestors' practices, customs and traditions in relation to the use of land.

Aboriginal Title is a sub-set of Aboriginal rights and is a legal term that recognizes Indigenous rights to land based on exclusive use and occupancy of the land.

Treaty rights mean rights that are defined by the terms of a historic treaty, rights set out in a modern treaty or certain aspects of some self-government agreements.

Modern Treaties generally arise in areas of Canada where Aboriginal land rights have not been dealt with by treaty or through other legal means. In these areas, forward-looking agreements (also called "Comprehensive Land Claims") are negotiated between the Indigenous group(s), Canada and the province or territory.

An Impact and Benefit Agreement or Impact Benefit Plan is a binding legal contract between Parks Canada and an Indigenous group(s) arising from land claim or treaty commitments.

FOR MORE DEFINITIONS SEE:

Indigenous Affairs Branch, Parks Canada Agency, Glossary of Terms

⁶ See "Notes for an address by The Honourable Jody Wilson-Raybould, PC, QC, MP, Minister of Justice and Attorney General of Canada to the Assembly of First Nations, Annual General Assembly, July 12, 2016. <http://news.gc.ca/web/article-en.do?nid=1098629>

- Be aware of local, regional, and national interests that may be addressed through the development of economic, social, and environmental stewardship initiatives;
- Explore varied options and possibilities to facilitate Indigenous group(s) participation; and
- Strengthen new and existing partnerships.

D. LEGAL CONTEXT AS A STARTING POINT

Indigenous and Northern Affairs Canada (INAC) provides information and materials regarding the legal context for the Government of Canada’s relationships with Indigenous peoples, including three broad legal context categories identified below:

- pre-1975 Treaty⁷;
- Modern Land Claims and Section 35 Rights; and
- Legal cases – asserted/established rights.

Pre-1975 Treaties

Approximately 70 historic treaties were completed in Canada between the 18th century and 1975. Pre-1975 treaties form the basis of the relationship between the Crown and 364 Indigenous groups located in nine provinces and three territories.

Modern Land Claims and Section 35 Rights

As of 2017, twenty-six modern land claims (also referred to as modern treaties) have been completed⁸. A further 75 land claim and self-government negotiations are currently in various stages of completion.

Section 35 of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal and treaty rights without defining them, however Subsection 35(3) clarifies that treaty rights include, “rights that now exist by way of land claim agreements or may be so acquired”. Interpretation of the scope of Section 35 rights has been left to be determined either by the courts or through negotiations.

ROLE OF THE INDIGENOUS AFFAIRS BRANCH (IAB)

- Provide guidance and advice
- Assist with Department of Justice (DOJ) interface to obtain timely and appropriate legal advice and review
- Help interpret and “translate” the legal implications of your work
- Provide direction to relevant resources and heritage place documents that outline your historical context
- Inform you about changes to federal policy
- Answer questions by offering guidance and tools including case study examples and lessons learned
- Work with you to build an appropriate agreement for the legal context

FOR MORE INFORMATION:

<http://intranet2/about-parks-canada/aboriginal-affairs-secretariat/aas-home-page/toolkit/resources/creating-links-liens-etroits.aspx>

Contact:

Aboriginal.autochtones@pc.gc.ca
or PCA team members

⁷ See Appendix B-1 for a map of Historic Treaties in Canada.

⁸ See Appendix B-2 for a map of Completed Self-government and Comprehensive Land Claims in Canada.

Legal Cases

Rapid changes in Indigenous law in the past forty years have helped define Crown relationships with Indigenous peoples. New court decisions are continuously having serious impacts on our work and the legal context varies between sites, parks and marine conservation areas.

It is important to be aware that certain heritage places are situated in complex legal context environments. For example, portions of Wood Buffalo National Park, located within Treaty #8, a pre-1975 Treaty, are also subject to Modern Land Claims processes currently underway as well as legal cases involving asserted and historic treaty rights.

Before entering into any form of cooperative arrangement discussions with Indigenous peoples, be sure that you understand the particular legal context. Care must be exercised if you are attempting to use language from one agreement in another. One-size, cookie cutter agreements do not acknowledge or accommodate regional differences and therefore will likely not effectively address Indigenous interests. For example, an agreement that is negotiated with Indigenous peoples in British Columbia sits in a different legal context from an agreement negotiated with Indigenous peoples in Saskatchewan, and will require different language.

It is critical that Parks Canada staff at **ALL** levels have a general awareness of the evolving legal context within which their work with Indigenous peoples is situated.

Why it's important to know about legal context:

- Being aware is a step toward Reconciliation with Indigenous peoples;
- Being informed allows for better decisions;
- It helps determine the type of arrangement or agreement;
- It influences the language that is used in the arrangement or agreement;
- It will assist in managing current and future legal risks;
- It results in agreements that reflect the interests of both parties; and
- It provides a foundation for how things will operate in the future.

In order to understand the nature of what is possible through collaboration with Inuit, Métis and First Nations, it is imperative to understand the statutory/legislative/policy and constitutional/common law environments and the legal contexts that inform Parks Canada's work with Indigenous peoples. The conceptual model in Figure 1 illustrates the interplay of various factors including legal context, influencing the development of cooperative management agreements with Indigenous partners. The model may be used as a tool to facilitate an understanding of the *big picture* in preparation for discussions with Indigenous peoples regarding cooperative management agreements at specific heritage places across the Agency.

At the centre of the concentric circles lies Parks Canada's heritage places, which are supported by Parks Canada's mandate, strategic outcomes and vision. Bordering Parks Canada's mandate, strategic outcomes and vision, are our relationships with Indigenous peoples, which support and contribute to the success of Parks Canada's mandate, while simultaneously shaping our vision for a collective and collaborative future. The legal context of Parks Canada's relationships with Indigenous peoples is reflected in the second and third outermost circles.

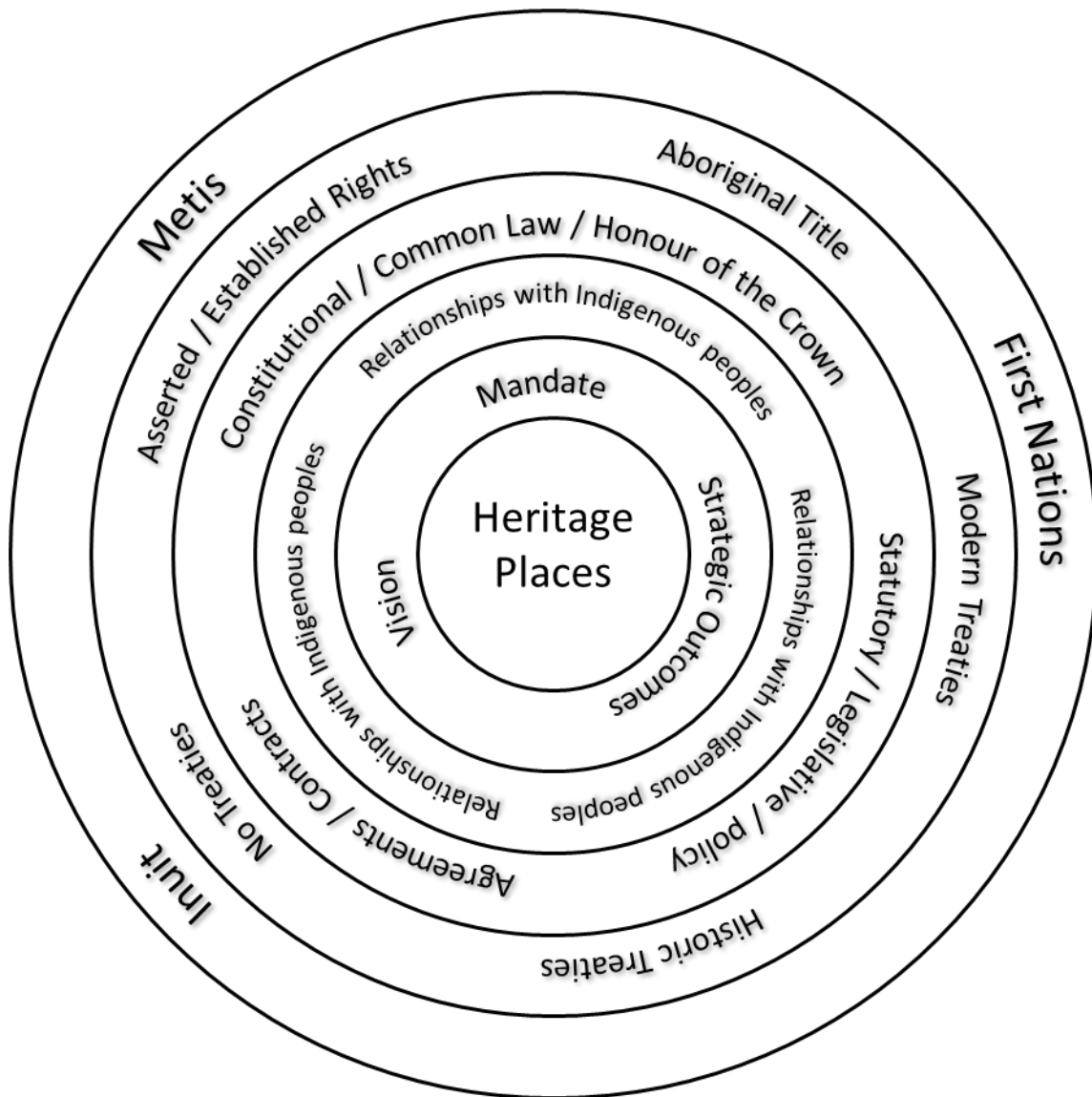


Figure 1: A conceptual model to assist in preparation for discussions when engaging or consulting with Indigenous peoples.

E. NATIONAL PARK RESERVES – A word about modern land claim negotiations

A national park reserve can be established where the area proposed for a park is subject to a claim in respect of Aboriginal rights that has been accepted for negotiation by the Government of Canada [*Canada National Parks Act* (CNPA) s.4(2)]. A national park reserve operates like a national park except that the traditional renewable resource activities of Indigenous peoples such as hunting, fishing and trapping can continue in a national park reserve pending claim settlement. (CNPA s.40). A national park reserve can only be created through the Order in Council process in the CNPA if “the government of the province in which the lands to be included in the reserve are situated has agreed to their use for that purpose” (CNPA s.6(1)).

A national park reserve continues to operate unless one of two situations take place:

Situation 1: The First Nations or Indigenous group(s) settle their land claim(s) through the Comprehensive Land Claim process.

- Settlement of a land claim is a negotiation.
- Park reserve boundaries could be altered, either through the removal or addition of lands, as part of the settlement.
- Only when the settlement provides that the national park reserve or part of it is to become a national park, can the lands become a national park. It is best to make a decision on what land should be protected before a national park reserve is established so that the lands the First Nation(s) or Indigenous group(s) may wish to develop are left out.

Situation 2: The First Nation(s) or Indigenous group(s) establishes that they have Aboriginal title to the lands through the courts up to the final level to which it is appealed.

- If the courts (after the final level of court appealed to) finds that Aboriginal title exists over part or all of the national park reserve, then the First Nation(s) or Indigenous group(s) with Aboriginal title will have the right to the exclusive use and occupation of the lands and to decide what use the lands will be put to.
- The First Nation(s) or Indigenous group(s) with Aboriginal title could choose to remove all or part of the land from the national park reserve. The CNPA sets out a mechanism to do this without having to return to Parliament to amend the *Act*.
- The First Nation(s) or Indigenous group(s) with Aboriginal title could choose to leave all or part of the land in a national park. The First Nation(s) or Indigenous group(s) could choose to negotiate an arrangement with Parks Canada to continue to work with Parks Canada to protect the lands.

F. PARKS CANADA'S SPECTRUM OF COOPERATIVE MANAGEMENT BODIES

Many heritage places have some form of cooperative management structure⁹ that guides their working relationship with Indigenous group(s). The spectrum of cooperative management agreements ranges from interest-based Memorandum of Understanding (MOU) to Good Spirit Agreements or Terms of Reference (TOR), in which the parties lay out the foundation for their relationships, dialogue, and common interests, to more formal arrangements that are detailed in Memorandum of Agreement (MOA) and other similar type documents. Some heritage places have agreements with single Indigenous groups while others have multiple Indigenous partners.

The reasons for establishing cooperative management agreements with Indigenous groups can be as diverse as the agreements themselves, ranging from policy purposes, including good governance, to obligations associated with modern treaty agreements. However, regardless of the legal context and circumstances surrounding the development of a particular cooperative management agreement, agreements most often arise as the result of the express interest of Indigenous groups in developing and formalizing relationships.

Cooperative arrangements are now commonplace in the Agency and are reflective of the renewed relationship the Government of Canada seeks with Indigenous peoples. The spectrum of cooperative management models that currently exists within Parks Canada supports broader Government of Canada initiatives regarding Reconciliation and recognition and respect of sec. 35 Aboriginal rights.

Cooperative structures used by Parks Canada generally fall into three models:

Model 1: Relationship-Building Body – supports relationship-building efforts, and allows for communication between Field Units and Indigenous communities related to Indigenous interests in heritage place(s) planning and management (e.g. Forum, Board, Committee, etc.).

Model 2: Cooperative Management Board – a structure that formalises the role of the Indigenous group(s) and establishes a new relationship between the Indigenous group(s) and the Minister or his/her designate for the cooperative management and planning of a heritage place(s).

Model 3: Consensus Management Body – similar to Model 2, however this model employs a consensus decision-making approach in which parties work to achieve consensus in providing advice to the Minister and Indigenous Government(s).

Examples of each model are contained in Appendix A for illustrative purposes, and Table 1 below summarizes key features of each model. It is recommended that you consult with Indigenous Affairs Branch (IAB) staff regarding which model you should use before beginning discussions with Indigenous group(s).

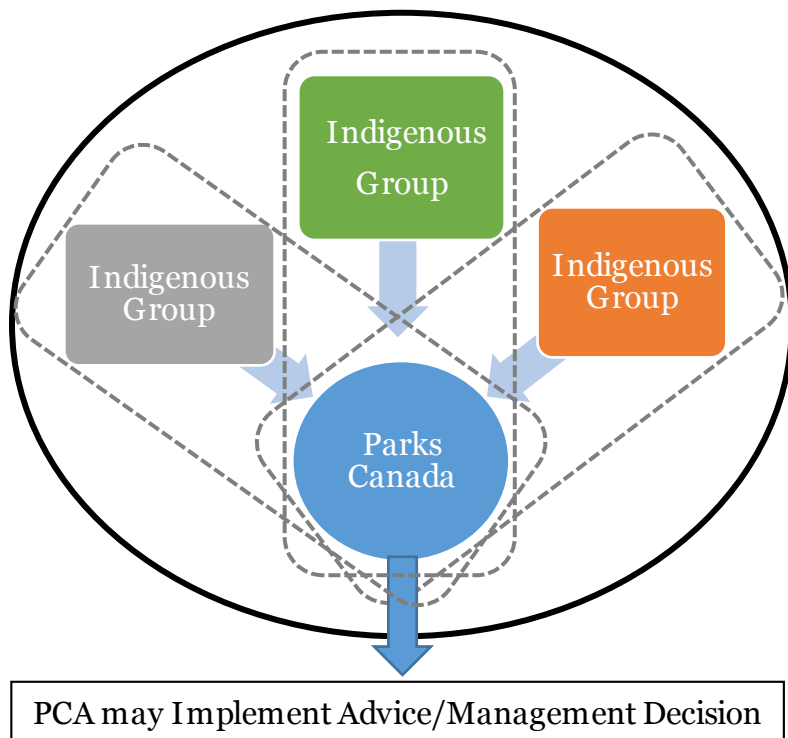
⁹ To date there are 31 Cooperative management structures in 29 heritage places. See Appendix D for a list of Heritage Places with Advisory/Management Arrangements.

Table 1: Matrix detailing the types of agreements available under each model, legal context, and specific features of the Parks Canada Agency’s three (3) cooperative management models including the nature of the agreements and the types of goals satisfied by each model.

	MODEL 1 RELATIONSHIP- BUILDING BODY	MODEL 2 COOPERATIVE MANAGEMENT BOARD	MODEL 3 CONSENSUS MANAGEMENT BODY
Type of Associated Agreement	MOU, Good Spirit Agreements, Cooperation Agreement, TOR MOA	Modern Treaty Agreements MOA, Incremental Treaty Agreements, Rights Reconciliation Agreements, Side Agreements	Modern Treaty Agreements MOA
Legal Context	Pre-1975 Treaty Aboriginal rights being asserted Negotiations underway regarding rights	Pre-1975 Treaty Aboriginal rights being asserted Negotiations underway regarding rights Court case(s) defining rights Completed Modern Treaty	Aboriginal rights being asserted; no overlapping claims; one body to represent all nations Rights established by the Courts
Nature of Agreement	Aspirational or Legally Binding	Legally Binding	Legally Binding
Types of goals satisfied	Build a Relationship Establish Dialogue Receive advice/input from Indigenous group(s) Establish an Advisory Committee or Indigenous Forum Enter into Specific Project Agreements	Grow a Relationship Meet Park Establishment Commitments Decisions/Advice may be arrived at by consensus or by vote Implement Final Agreement Commitments Cooperatively Management Park, Site or NMCA	Grow a Relationship Meet Park Establishment Commitments Decisions/Advice arrived at by consensus Cooperatively Management the Park, Site or NMCA
Advice¹⁰ Provided to	Minister or designate	Minister or designate May also be provided to the Indigenous Government(s) and other CMBs	Minister or designate and the Indigenous Government
Representative Examples	Memorandum of Understanding – Stoney Nakota First Nation and Banff Field Unit Terms of an Agreement... to establish the Riding Mountain Forum	Saoyo-?ehdacho National Historic Sites of Canada Protected Area and Cooperative Management Agreement	Gwaii Haanas Agreement

¹⁰ All advice is ultimately considered to be provided to the Minister or designate. In Model 1 advice is most frequently provided to the Field Unit Superintendent, who is acting as the Minister’s designate. In Model 3 advice is also provide to Indigenous Government(s).

MODEL 1: RELATIONSHIP-BUILDING BODY



Model 1: Relationship-Building Body

- Parks Canada and an Indigenous group(s) exchange views through meetings of a relationship-building body (e.g. Forum, Board, Committee, etc.). The Indigenous group(s) makes recommendations and the Superintendent weighs all relevant information and makes decisions taking into account all relevant factors (including views of and agreements with Indigenous groups).
- The relationship-building body may be comprised of Parks Canada and a single Indigenous group representing their own interests, or a collective of Indigenous groups who have agreed to represent their respective interests (as depicted by the broken line within the figure) through participation in a single relationship-building body.
- It is possible to have more than one relationship-building body for a particular heritage place if there is more than one Indigenous group with interests in a particular heritage place and one or more of the

MOU OR MOA

A **Memorandum of Understanding (MOU)** records mutual understandings and intentions between two parties to work towards or cooperate on a particular goal or objective without intending the document to create any legally binding obligations.

A **Memorandum of Agreement (MOA)** is intended to be legally binding and enforceable. The commitments made in a MOA are meant to be fulfilled and legal action can be pursued for breach of the terms of the agreement. It is common for parties to state clearly in the document whether it is meant to be legally binding or not. This could be by including wording such as: “*This MOU is an expression of the mutual intentions of the Parties and is not intended to be legally binding on them or enforceable against them*”.

The Courts’ view is that it is the *substance* of the relationship and the intention of the parties, *not the title or form* of the document that will determine whether it has legal effect or not.

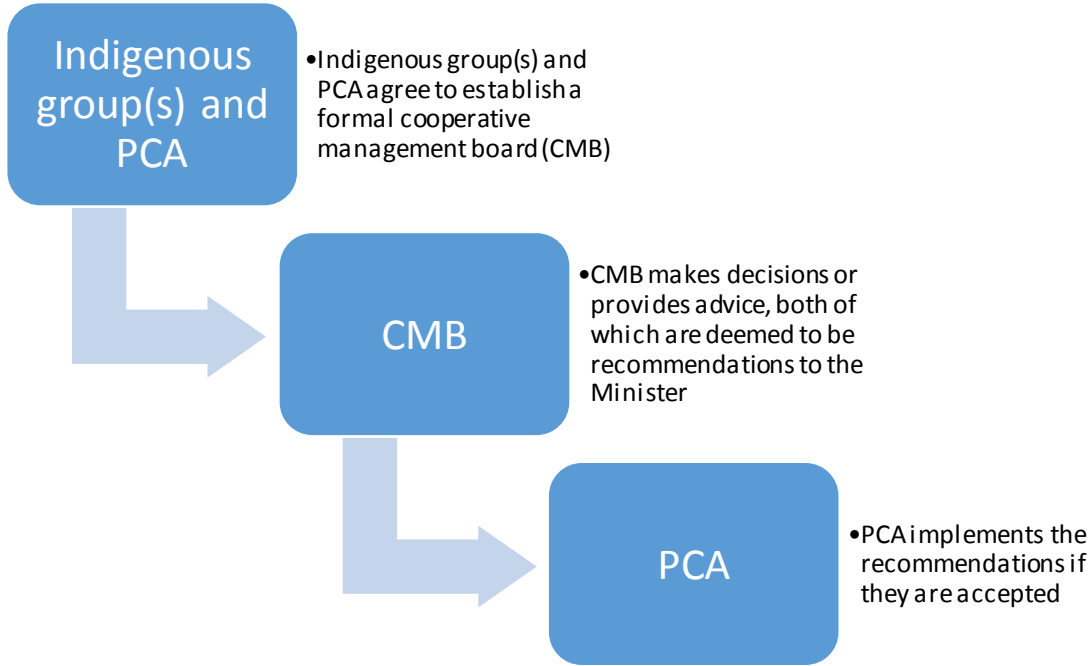
If a document is meant to be an MOU, it should use terms like “*the Parties hereby enter into this Memorandum of Understanding on the following basis...*” as opposed to “*the Parties hereby agree...*”. An MOU should avoid any language that is associated with legally binding agreements.

IAB Clarification Bulletin:
http://intranet2/media/1959452/bulletin_mou_or_moa_2014.pdf

Indigenous groups do not wish to participate in a single relationship-building body. However, from PCA’s perspective, experience has shown that it is always preferable to sit at one table whenever possible and to operate only as many relationship-building bodies as necessary to satisfy the interests of the Indigenous groups involved.

- Where there are multiple overlapping claims asserted by Indigenous groups in the area that haven’t been settled by a modern treaty, the Superintendent must work with each Indigenous group, either on an individual basis or as a whole, depending on the preference of the Indigenous groups.
- Examples of this model that are currently in use include the Riding Mountain Forum and the New Brunswick Advisory Committee.

MODEL 2: COOPERATIVE MANAGEMENT BOARD



Model 2: Cooperative Management Board

This model arises when Parks Canada and an Indigenous group(s) agree to establish a formal cooperative management board (CMB) in order to facilitate long-term cooperative relationships between Parks Canada and the Indigenous group(s).

Where modern treaties are in place, the treaty may provide for the establishment of a CMB(s). CMBs may also be established by way of Memorandum of Agreements (MOA) or other legally binding contractual arrangements.

Modern Treaties:

- Modern treaties are constitutionally protected agreements which may contain provisions, typically within a parks chapter to establish heritage places and negotiate cooperative management agreements.

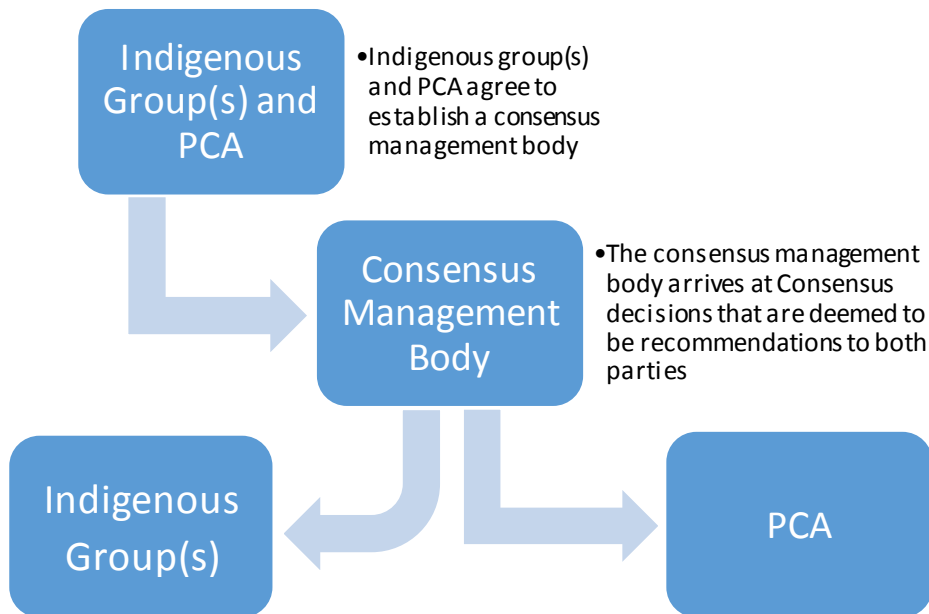
MOAs or other legally binding contractual arrangements:

- Result by agreement of the parties.
- Are legally binding contracts that establish CMBs through formal agreement between Parks Canada and Indigenous government(s).
- Contractual arrangements may also take the form of, incremental treaty agreements, rights Reconciliation agreements, side agreements, or park impact and benefit agreements.

All CMBs share the following characteristics:

- Parks Canada and the Indigenous group(s) each select members to participate on the CMB and a chair is either selected jointly or appointed by the Minister.
- A CMB may be structured in such a way that members represent the interests of the parties who selected them, or the broader interests of Canada, as is the case with the CMB established for *Tongait KakKasuangita SilakKijapvinga*.
- The Superintendent typically sits as an observer and in some instances there is also a provincial or territorial government representative present as an observer.
- A CMB may operate on a consensus basis or by vote.
- A CMB may produce either advice or decisions depending on the particulars of the agreement that formalizes the CMB, however it is important to note that CMB decisions are deemed to be advice provided to the to the Minister, or her designate for consideration.
- CMB advice or decisions may also be provided as advice to Indigenous government(s) and other advisory boards.
- Examples of this model include CMB for *Tongait KakKasuangita SilakKijapvinga*, and the Saoyo-?ehdacho National Historic Sites of Canada Protected Area and Cooperative Management Agreement.

MODEL 3: CONSENSUS MANAGEMENT BODY



Model 3: Consensus Management Body – the Haida model

- The Haida Nation and Canada work to reach consensus on decisions at a management board. These decisions and the authority to carry them out are considered to arise from the authority of both the Haida Nation and Canada.
- This model allows a structure for the Haida Nation and Parks Canada to collaborate in the management of the park reserve without prejudice to either's position on the land claim over the territory which includes the park reserve.
- In *Moresby Explorers Ltd. v. Canada (Attorney General)*, (T.D.), 2001 FCT 780, [2001] 4 F.C. 591, the Judge confirmed that:

“It is in the interests of both parties to join in a structure which permits decisions to be made without having to decide by whose authority they come to be made. The requirement that consensus be sought on all decisions is a device for allowing decisions to be made without allocating jurisdiction for the subject-matter of the decision to one party or the other. It is fundamental to the interests of both parties to be able to say that a particular decision was made by their authority. For that reason, it would be contrary to the logic which lead to the creation of the AMB [Archipelago Management Board], for either party to delegate, or be seen to delegate, their authority to the AMB. Each must be seen to act under the authority which it claims.”¹¹

- Any management model that Parks Canada puts in place with Indigenous groups has to be legally possible. Seek advice from the IAB and the DOJ when considering replicating this model.

¹¹ *Moresby Explorers Ltd. v. Canada (Attorney General)* (T.D.), 2001 FCT 780, [2001] 4 F.C. 591 <http://reports.fja.gc.ca/eng/2001/2001fct780.html>

G. BUILDING YOUR COOPERATIVE MANAGEMENT STRUCTURE

STEP 1: Determine the legal context for your heritage place.

- Is there a pre-1975 treaty or completed land claim?
- Are there Aboriginal or treaty rights being asserted?
- Is there a negotiation process underway regarding rights?
- Are there court cases that define rights?
- Is there a process in place to facilitate discussions?

STEP 2: Explore opportunities to formalize the relationship through dialogue with Indigenous partners.

What do you want to accomplish together?

- Build relationships
- Enter into specific project agreements
- Set up an advisory committee/structure to get advice/input
- Set up a co-operative management board to make recommendations to the Minister
- Meet park establishment commitments
- Implement Final Agreement commitments

STEP 3: Incorporate guiding principles

Parks Canada's cooperative management arrangements vary according to the heritage place in question. However, all of these arrangements share a common commitment to the following guiding principles:

Partnership: Working collaboratively in heritage place planning, management and operations

Accessible: Encouraging access to traditional lands and traditional activities

Consensus Decision-making

Consensus is used to describe the decision and the process of arriving at a decision

Used within and among some Indigenous communities

Helps maintain harmonious relationships

Requires mutual respect, active listening, and information sharing

Integrates multiple perspectives into generally agreed upon advice or decisions

Generally, efforts are made to afford all Parties equal input into the formation of advice or decisions

While the above provides some general principles commonly associated with consensus, it is important to understand how consensus is defined and utilized within individual agreements, as there many variations in both the scope and application of consensus within PCA's agreements with Indigenous partners.

Respectful: Building mutual respect, trust and understanding

Knowledge-based: Honouring and incorporating traditional knowledge where possible

Supportive: Supporting Indigenous partners' community interests

STEP 4: Determine and define key elements for an agreement between Parks Canada and the Indigenous group(s) by:

- **Ensuring the Minister's authorities under legislation for heritage places are not fettered;**
- Clarifying the structure and function of the Board or Advisory committee;
- Designing a strong process that allows for disagreement and dispute resolution;
- Developing a clear understanding of roles and responsibilities for all parties;
- Building a clear, shared understanding of who is responsible for carrying out the advice of the Board or Advisory committee;
- Designing shared, coordinated initiatives to build capacity;
- Providing adequate funding;
- Negotiating a shared agreement that details concrete benefits;
- Recognizing the need for flexibility in process, policies and standards;
- Working with Indigenous knowledge holders to integrate traditional practices and knowledge;
- Recognizing that past history and legal context affect relationships;
- Using simple, clear language that provides flexibility so agreements can grow and change as relationships change; and
- Building in accountability processes.

APPENDIX A: EXAMPLES OF AGREEMENTS BY OBJECTIVE

OBJECTIVE	LEGAL CONTEXT	AGREEMENT
Build relationships	PRE-1975 TREATY	CO-OPERATION AGMT BETWEEN ALEXIS NAKOTA SIOUX FN AND JASPER FU
Formalize a relationship & Get advice/input from a Single Indigenous group Get advice/input - from Multiple Indigenous group(s)	PRE-1975 TREATY PRE-1975 TREATY	MOU BANFF AND STONEY NAKOTA FN RIDING MOUNTAIN FORUM
Set up an Advisory Committee with an organization representing multiple Indigenous groups	PEACE AND FRIENDSHIP TREATY – MARSHALL PROCESS	MI’GMAWE’L TPLU’TAQNN INCORPORATED ADVISORY COMMITTEE
Set up a heritage place co-operative management structure Meet park establishment commitments	CHANGING LEGAL CONTEXT MODERN LAND CLAIM PROCESS; ASSERTED TITLE LITIGATION PARK ESTABLISHMENT COMMITMENTS	BATOCHE MANAGEMENT AGREEMENT GWAI HAANAS AGREEMENT
Implement a Comprehensive Land Claim Agreement Commitment	MODERN LAND CLAIM IMPLEMENTATION	CO-OPERATION AGREEMENT KLUANE SAOYU-AEHDACHO NATIONAL HISTORIC SITE PROTECTED AREA AND COOPERATIVE MANAGEMENT AGREEMENT

IF YOU WANT TO.... BUILD RELATIONSHIPS Cooperation Agreements

Cooperation Agreement between Alexis Nakota Sioux First Nation and Jasper Field Unit (2009)

Legal Context: pre-1975 Treaty – Treaty #6

Overview:

A Cooperation Agreement is aspirational in nature and signals goodwill between the parties to build a relationship. This agreement is made in good faith and talks about the intentions of the parties to initiate dialogue. It is not a contract and has no legal affect. This agreement is linked to a specific event and date, the establishment of the Jasper Aboriginal Forum.

Consider this as a potential model when....

- ✓ **Both parties want to improve or initiate dialogue to determine common interests.**
- ✓ **A discussion is needed between leadership and does not have a frame in which to occur.**
- ✓ **The parties have reached an understanding about their shared relationship and want to capture that understanding in a document.**

***IF YOU WANT TO....
FORMALIZE A RELATIONSHIP WITH AN INDIGENOUS
GROUP and GET ADVICE
Memorandum of Understanding***

Memorandum of Understanding -- Stoney Nakoda First Nation and Banff Field Unit (2010)

Legal context: pre-1975 Treaty - Treaty #7

Overview:

This MOU sets out to formalize the relationship between Stoney Nakoda First Nation and Parks Canada. It contains careful drafting to show careful Reconciliation between divergent views and sets out boundaries in the Principles section in order to protect both parties' points of view. This agreement is not a contract.

The agreement is made up of key blocks:

- Whereas statements;
- Identification of Parties;
- Whereas Statements – lay out context for the agreement;
- Principles;
- Steering Committee Terms of Reference;
- General clauses; and
- Appendix - outlining topics for discussion.

An interesting aspect of this agreement is that it is structured so that the advice is provided to both parties. This structure preserves the ability of both parties to act within their respective authorities and signals a shift in the relationship.

Consider this as a potential model when.....

- ✓ **The parties (one Indigenous group and Parks Canada) have reached an understanding regarding their future relationship.**
- ✓ **The MOU addresses both a political relationship and an operational relationship.**
- ✓ **A stand-alone process is needed to gather input.**

IF YOU WANT TO.... GET ADVICE FROM MULTIPLE INDIGENOUS GROUPS Set up and Indigenous Forum

Terms of an Agreement between the Coalition of First Nations with Interests in the Riding Mountain National Park of Canada and the Parks Canada Agency to establish the Riding Mountain Forum (2006)

Legal context: pre-1975 Treaty - Treaty #3

Overview:

The Riding Mountain Forum Agreement reflects work with each of the Treaty #3 signatories to come to a common understanding regarding a working relationship with Parks Canada. The purpose of the Forum is to provide a venue for a working operational relationship and a senior official's discussion. The agreement reflects the roles and responsibilities of each of the parties. Each First Nation preserves the right to maintain a separate relationship with Parks Canada. This Forum does not address consultation requirements and the advice and recommendations provided are for the purpose of addressing positive working relationships.

Key aspects of the arrangement are:

- The WHEREAS statements are important in laying out the context for the agreement and recognizing the placement of the national park within the traditional territories of the First Nations.
- The agreement specifies that the responsibility for implementing and monitoring the agreement lies with all of the parties and is a shared goal.
- A key feature is the acknowledgement of the negative impact of controversy and conflict on the shared relationship.
- The agreement lays out a relationship Protocol that specifies both an operational and political relationship.
- Accountability and transparency are important aspects of this agreement. An annual report will be provided to the signatories and to the public that outlines the achievements as well as the outstanding issues.

One distinction between the Forum and an Advisory Committee is that the purpose of this body is to build relationships. Advice and recommendations are developed to reflect the interests of the whole and are provided to all members. The Parties agree that it is a shared responsibility to achieve the goals.

Consider this as a potential model when.....

- ✓ **A multi group arrangement is needed that has an orderly process with a clearly understood purpose that acknowledges the legal context environment.**
- ✓ **Only with legal advice and assistance from the Indigenous Affairs Branch.**

IF YOU WANT TO.... SET UP AN ADVISORY COMMITTEE WITH AN ORGANIZATION REPRESENTING MULTIPLE INDIGENOUS GROUPS

Memorandum of Understanding

Mi'gmawe'l Tplu'taqnn Incorporated and Parks Canada Advisory Committee Memorandum of Understanding (2016)

Legal Context: pre-1975 Treaty – Peace and Friendship Treaty – Marshall process

Overview:

This MOU reflects the increased capacity of the Mi'gmaq First Nations of New Brunswick, as represented by Mi'gmawe'l Tplu'taqnn Incorporated (MTI), to provide a coordinated approach to First Nations issues related to National Parks and National Historic Sites. As a result of Management Plan consultation and accommodation for three National Historic Sites of Canada, the parties agreed that establishing an advisory committee would ensure that the interests of the Mi'gmaq First Nations were considered in the management of National Parks and sites in New Brunswick.

Key aspects of the arrangement are:

- Clearly identifies areas of mutual interest for collaboration
- A review function evaluating the success of collaborative efforts built into the MOU and intended to inform the direction of future cooperation prior to sunset.
- Membership of the Advisory Committee is spelled out in detail.
- Meeting funding arrangements are clearly stated.
- Recognizes the political role of the Mi'gmawe'l Tplu'taqnn Incorporated (MTI) who represent the Chiefs of the Mi'gmaq First Nations in New Brunswick, while simultaneously emphasizing the apolitical nature of the committee, i.e. the committee is not a vehicle for consultation and accommodations or rights-based discussions.
- The agreement is not a contract, it is aspirational in nature.

Typically an Advisory Committee structure is established to provide advice to Parks Canada on a range of issues and is an information gathering, and information exchange body. Advice is provided to Parks Canada Field Unit Superintendent staff.

Consider this as a potential model when.....

- ✓ **Parks Canada is seeking specific advice/input from an Indigenous group.**
- ✓ **The relationship is new and needs clear direction on the scope and role of the parties.**
- ✓ **There are links to management planning, consultation, and accommodation processes.**

IF YOU WANT TO.... SETUP UP A CO-OPERATIVE MANAGEMENT STRUCTURE Management Agreement

Batoche National Historic Site Batoche Management Agreement (2008)

Legal Context: Legal cases – Métis rights

Overview:

Batoche National Historic Site is a 955 acre site located on the banks of the South Saskatchewan River that commemorates the cultural resources and landscape of the Métis community and the site of the 1885 Northwest Rebellion. The authority for this agreement comes from the *Historic Sites and Monuments Act*, RSC 1985 c. H-6, section 3. Parks Canada's authority to enter into this agreement comes from the *Parks Canada Agency Act*. The inclusion of non-negotiable elements speaks to the changing legal context related to Métis rights.

Key aspects of this agreement are:

- The definition of terms adds precision to the interpretation of the agreement.
- “Shared management” is spelled out in various provisions including the purpose and organizational structure of the Shared Management Board.
- The Board membership contains members appointed by the Métis Nation of Saskatchewan, and the Minister, plus the Superintendent who is a non-voting member of the Board.
- Board decision-making operates under a consensus model with the Superintendent responsible for implementing the decisions. Where the Superintendent varies or rejects the decisions of the Board, a process is laid out regarding accountability.
- Ministerial authority is outlined in section 7. Appendix A lists non-negotiable elements which are outside of the authority of the Parties.
- While drafted to read as a contract, provision 9.4 specifies the nature of the agreement to “not create any enforceable legal or equitable rights nor obligations”.

Consider this as a potential model when.....

- ✓ **Working in a shifting legal context related to Métis rights.**
- ✓ **Only with legal advice and assistance from the Indigenous Affairs Branch.**
- ✓ **The site was designated under Historic Sites and Monument Board authority on lands managed by Parks Canada.**

IF YOU WANT TO....

MEET PARK ESTABLISHMENT COMMITMENTS

Memorandum of Agreement

Gwaii Haanas Agreement

Legal Context: Modern Land Claim process – asserted title; Park establishment commitment

Overview:

Gwaii Haanas National Park Reserve and Haida Heritage Site is located off the west coast of mainland British Columbia. The Haida Nation submitted a formal land claim to the federal government "*based on unextinguished Aboriginal title and their inherent responsibility to manage resources within their traditional territory*", which was accepted for negotiation in 1983 (RCAP 1996). In the face of immense logging pressure, the Haida Nation took matters into their own hands, and created a self-run tribal park in Gwaii Haanas and Graham Island. The tribal park built on a heritage program the Haida started in the mid-1970s to protect significant areas and cultural sites. In 1993, the Government of Canada and the Council of the Haida Nation (CHN) entered into an agreement for the joint management of a national park reserve.

Key aspects of this agreement are:

- This agreement is a legally binding contract and not a land claim agreement.
- The agreement acknowledges that each party comes to the table with their own authorities and responsibilities and together they agree to manage. The agreement acknowledges different perspectives regarding authority and ownership.
- Establishment of the Archipelago Management Board as the forum within which the parties cooperate in the management of the park reserve.
- The parties work to reach consensus on decisions at the management board. When they reach consensus, this is considered to be a decision of both the Haida Nation and Parks Canada.
- The decisions are deemed to be recommendations to the Minister.
- The agreement does not fetter the Minister's authority.
- This structure allows for the parties to collaborate in the management of the park reserve without prejudice to either parties' position over the land claim in the territory which includes the park reserve.
- This model is only successful where the parties are committed to making it work by reaching consensus.

Consider this as a potential model when....

- ✓ **Only with legal advice and assistance from the Indigenous Affairs Branch.**

IF YOU WANT TO....

MEET PARK ESTABLISHMENT COMMITMENTS

Cooperation Agreement

Cooperation Agreement between the Kluane Park Management Board, Parks Canada and the Champagne and Aishihik First Nations

Legal context: Modern Land Claim Agreement –The Champagne and Aishihik First Nation Final Agreement, Yukon Final Agreement

Overview:

Kluane National Park and Reserve was established in 1976 as one of the first National Park Reserves in the Parks Canada system recognizing Indigenous interests in the land. The 1993 Champagne and Aishihik First Nations Final Agreement established the southern portion of the park reserve as Kluane National Park. The Kluane First Nation Final Agreement was signed in 2003. The Tachal Region (northern portion of the park reserve) will remain a park reserve until the White River First Nation concludes a final agreement.

In 1943, the area was set aside as a game sanctuary where First Nation traditional harvesting activities such as hunting, trapping and gathering plants and medicines were banned. Despite lifting the ban on hunting and trapping for First Nations in 1976, many First Nations citizens continued to avoid the area for fear of reprisal. The Champagne and Aishihik First Nation (CAFN) and Kluane First Nation (KFN) rights to harvest and use their traditional lands were defined in comprehensive land claim agreements.

Key aspects of this agreement:

- The Champagne and Aishihik First Nations Final Agreement contained provisions enabling the Kluane National Park Management Board to be established. Two final agreements identify the rights and responsibilities of the two First Nations, the Board and Parks Canada.
- Board membership consists of two nominees by CAFN, two from KFN and two from the Government of Canada; all are appointed by the Minister. The Superintendent is a non-voting member.
- The Board provides advice to the Minister responsible for Parks Canada and may also provide advice to the elected representative and officials of the Yukon First Nations whose traditional territory includes lands within the Park.

While working with the best of intentions, the parties recognized that they lacked a common understanding of what cooperative management meant. The Cooperation Agreement from 2006 was an attempt to build relationships and understanding between the Board, the First Nations and Parks Canada. Development of a shared understanding and approach to cooperative management is fundamental to the success of relationships and the realization of mutually defined objectives.

Consider this as a potential model when.....

- ✓ **Work on relationships and dialogue is needed in order to effectively implement a modern land claim Final Agreement.**
- ✓ **Only with legal advice and assistance from the Indigenous Affairs Branch.**

IF YOU WANT TO.... IMPLEMENT A COMPREHENSIVE LAND CLAIM FINAL AGREEMENT COMMITMENT

Cooperative Management Agreement

Saoyú-ʔehdacho National Historic Site of Canada Protected Area and Cooperative Management Agreement

Legal context: Modern Land Claim – Sahtu Dene and Métis Comprehensive Land Claim Agreement

Overview:

Saoyú and ʔehdacho are two large peninsulas reaching into Great Bear Lake (“Sahtú” in the North Slavey language) just south of the Arctic Circle in the Northwest Territories. Designated a National Historic Site in 1997 and set aside as a protected area in 2008, Saoyú and ʔehdacho are teaching, healing and spiritual places, essential to the cultural well-being of the Sahtúgot’ine - “the people of Sahtú.” This agreement constitutes the Protected Area Agreement required by Article 17 of the Sahtu Dene and Métis Comprehensive Land Claim Agreement.

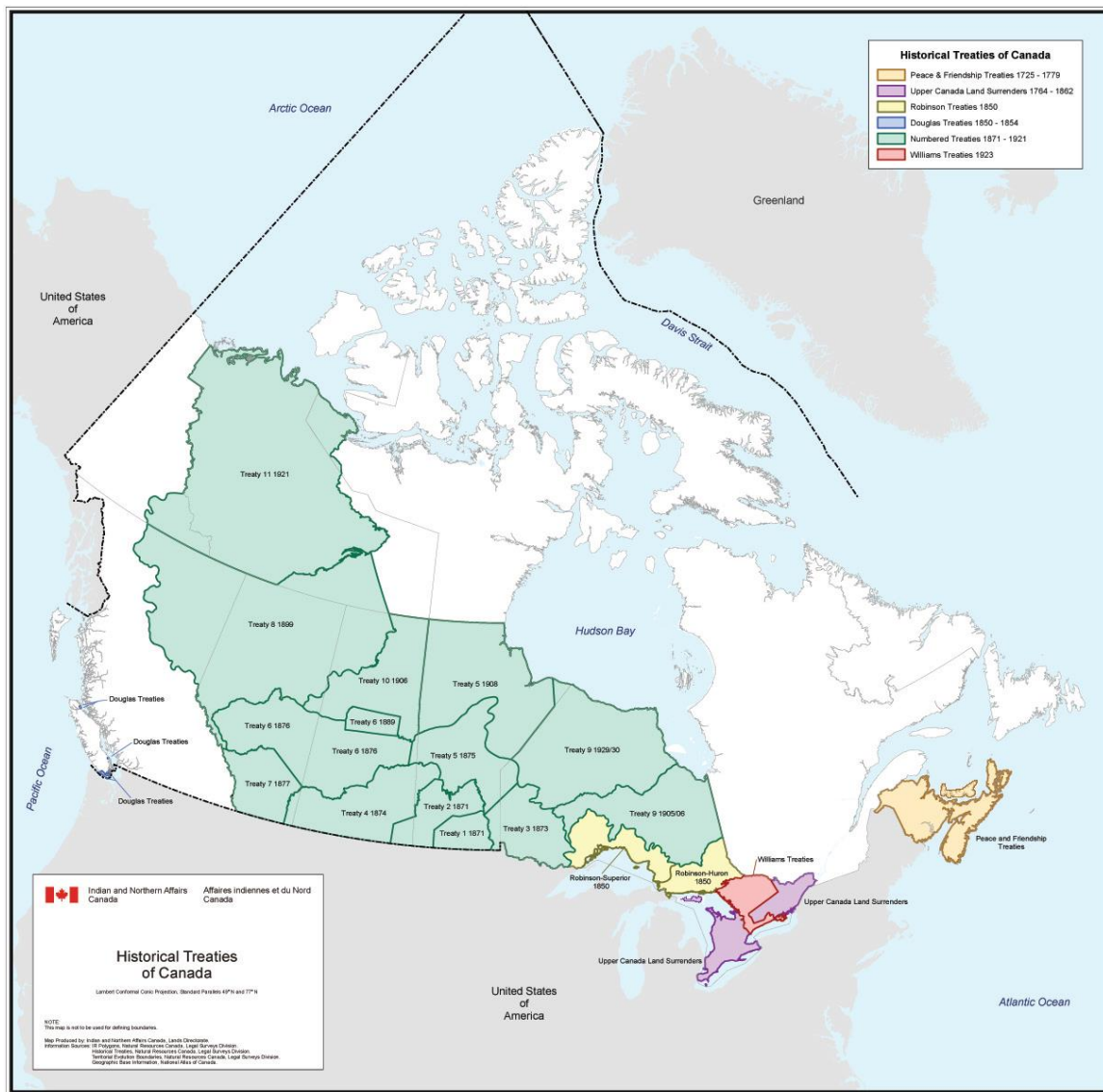
Key aspects of this agreement are:

- This agreement is a legally binding contract and not a land claim agreement.
- Definitions provide clarity regarding scope and intent.
- The agreement has to operate in a manner consistent with the land claim agreement.
- Management is by consensus with decisions made by the Saoyú-ʔehdacho Management Board.
- The parties agree to cooperatively manage the site to protect both the ecological and commemorative integrity of the site. The agreement structures the relationship between three parties: the Délı̨ne Land Corporation, the Délı̨ne Renewable Resources Council and Parks Canada.
- Decisions of the Saoyú-ʔehdacho Management Board are provided as recommendations to each of the parties.

Consider this as a potential model when....

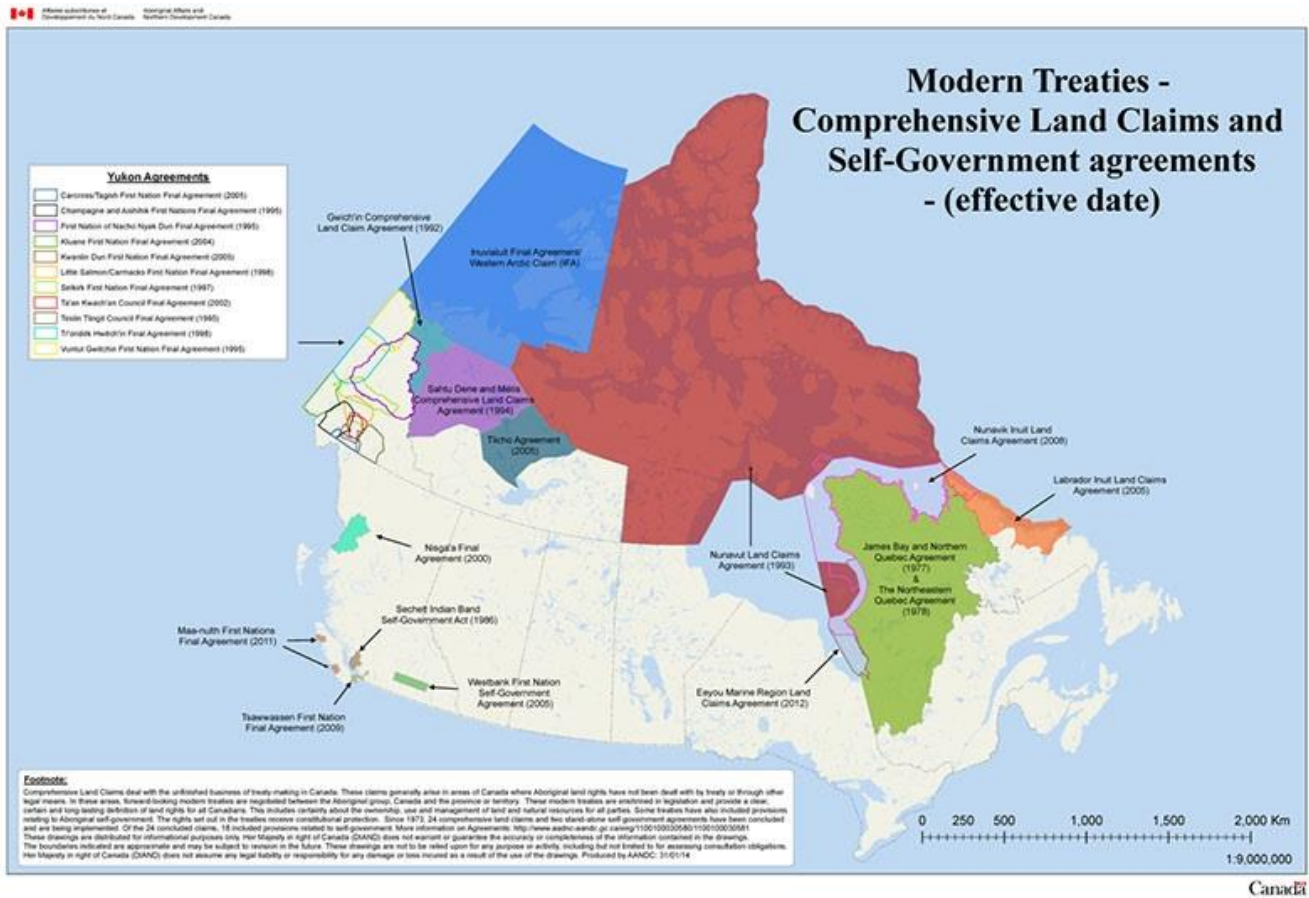
- ✓ **An agreement is needed to operationalize the commitments and relationship laid out in a land claim agreement, when a new park/park reserve or marine conservation area or reserve is established, or to address asserted rights.**
- ✓ **An agreement is needed to ensure that local Indigenous community beneficiaries benefit from the land claim or treaty.**
- ✓ **Only with legal advice and assistance from the Indigenous Affairs Branch.**

APPENDIX B-1: MAP OF HISTORIC TREATIES IN CANADA



Source: https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/htoc_1100100032308_eng.pdf

APPENDIX B-2: MAP OF COMPLETED SELF-GOVERNMENT AND COMPREHENSIVE LAND CLAIMS IN CANADA



Source: https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-AI/STAGING/texte-text/mprm_pdf_modrn-treaty_1383144351646_eng.pdf

APPENDIX C: HERITAGE PLACES WITH COOPERATIVE MANAGEMENT ARRANGEMENTS

1. **Kluane National Park & Reserve of Canada	2,201,300.0 hectares (ha)
2. **Vuntut National Park of Canada	434,500.0 ha
3. **Gwaii Haanas National Park Reserve of Canada	147,000.0 ha
4. **Wapusk National Parks Canada	1,147,500.0 ha
5. **Auyuittuq National Park of Canada	1,908,900.0 ha
6. **Quttinirpaaq National Park of Canada	3,777,500.0 ha
7. **Sirmilik National Park of Canada	2,220,000.0 ha
8. **Aulavik National Park of Canada	1,220,000.0 ha
9. **Ivvavik National Park of Canada	975,000.0 ha
10. **Tuktut Nogait National Park of Canada	1,818,100.0 ha
11. **Qausuittuq National Park of Canada	1,100,000.0 ha
12. **Nahanni National Park Reserve of Canada	476,600.0 ha
13. **Naats'ihch'oh National Park Reserve of Canada	485,000.0 ha
14. **Ukkusiksalik National Park of Canada	2,050,000.0 ha
15. **Torngat Mountains National Park of Canada	970,000.0 ha
16. **Gulf Islands National Park Reserve of Canada	6,200.0 ha
17. **Pacific Rim National Park Reserve of Canada	30,600.0 ha
18. Jasper National Park of Canada	1,087,800.0 ha
19. Wood Buffalo National Park of Canada	4,480,700.0 ha
20. Riding Mountain National Park	296,900.0 ha
21. Pukaskwa National Park of Canada	187,800.0 ha
22. Point Pelee National Park of Canada	1,550.0 ha
23. Georgian Bay Islands National Park of Canada	1,400.0 ha
24. Mingan Archipelago National Park Reserve of Canada	11,200.0 ha

25. Forillon National Park of Canada	24,480.0 ha
26. Kouchibouguac National Park of Canada	23,800.0 ha
27. Fundy National Park of Canada	20,700.0 ha
28. Cape Breton Highlands National Park of Canada	94,900.0 ha
29. Kejimikujik National Park of Canada	40,400.0 ha
30. Prince Edward Island National Park of Canada	3,700.0 ha
31. **Batoche National Historic Site of Canada	-----
32. **Saoyu-?ehdacho National Historic Site of Canada	556,500.0 ha - (estimate)
33. **Lake Superior National Marine Conservation Area	n/a
34. Rouge National Urban Park of Canada	7,910.0 ha - (upon completion)
35. <u>**Proposed Thaidene Nëné National Park Reserve</u>	1,400,000.0 ha - (estimate)
Total hectare	29,207,940.0 (292,079.4 sq.km.)

The total land managed by PCA is 36 583 087.200 hectare, or 365 830.872 square kilometers
(Source: PCA Real Property)

The total federal crown land is 40 448 681.036 hectare, or 404 486.810 square kilometers
(Source: PCA Real Property)

Therefore 69% of all federal crown land is managed through some form of advisory relationship with Indigenous partners.

Note: ** Denotes Parks/sites with a cooperative management board.