

**Public Consultation for the Draft Business Licensing Policy for Guided River Outfitting in Nááts'ihch'oh and Nahanni National Park Reserves (June 08 – August 03, 2018)**

**What We Heard Summary**

Nááts'ihch'oh and Nahanni national park reserves developed a *Draft 2018 Business Licensing Policy for Guided River Outfitting*. Public consultation for the draft policy, in the form of an online survey, commenced June 8, 2018. The deadline for public comments on the draft policy was August 3, 2018.

The survey was opened 68 times, and eight submissions were made. Submissions came from small businesses, a not-for profit organization, and individuals. From the eight submissions, forty different comments were expressed. Comments were summarized by four key categories: 1) Business licence quota; 2) Proposed new licence and request for proposals; 3) Proposed selection criteria for a new operator; and, 4) Nájljcho Allocation.

For ease of review, each public comment includes the corresponding Parks Canada response in the adjacent row of the table below. All comments will be considered in the final drafting of the policy. It is anticipated that the final policy will be reviewed and approved by fall 2018. Once the policy is approved, an implementation schedule will be developed.

	<b>PUBLIC COMMENTS</b>	<b>PARKS CANADA'S RESPONSE</b>
	<b>Business Licence Quota</b>	
1.	Open to local businesses	Under a Request for Proposals, Parks Canada will consider all applications made including local businesses.
2.	The existing system is an unjustified Monopoly for old businesses that entirely excludes new businesses.	Limitations on the number of licences issued annually is aimed to balance ecological integrity, wilderness visitor experience, sustainable commercial operations, and respect commitments made with Indigenous partners. The draft policy is proposing introduction of a new licence that will have limited access through Nájljcho; and an additional licence that makes provision for Nááts'ihch'oh operators to end their river trips at Gahnjthah Mje.
3.	More NWT resident-based operators providing quality visitor experiences in national parks located in the NWT is desirable.	The supply and demand for NWT-based operators is market driven and independent from Parks Canada legislation.
4.	Growing visitor numbers and spending in the NWT is important in developing a tourism industry.	National parks contribute to sustainable tourism development in the NWT.
5.	Achieving a growing tourism industry in the NWT does not require preferential treatment (higher priority) for NWT resident operators for Parks Canada's parks located in the NWT;	Under the Canada National Parks Act and National Parks of Canada Business Regulations there are no directives that provide preferential treatment for applicants based on residency. An exception exists regarding a local Indigenous operator who may wish to activate an Indigenous licence. This is explained in sections 4.3 and 4.4 of the draft policy.
6.	Criteria that requires higher priority be given in granting a business license in a national park based	See comment #5 above.

	on NWT residency is not supported. Fair access for NWT operators in all national parks is supported.	
7.	The implementation of residency based criteria for Parks Canada Licences may disadvantage NWT operators obtaining licences in national parks outside the NWT.	See comment #5 above.
8.	Parks Canada should not give licenses every year to whoever had licenses in previous years.	Nahanni and Nááts'jch'oh national park reserves issue business licences in accordance with the <i>Canada National Parks Act and regulations</i> . Applications for a business licence can be made by any business at any time including existing operators. Best management practices for sustainable tourism operations may result in issuance of businesses that operated in a previous year.
9.	It is good business practice for Parks Canada to renew business licenses of those existing licensed businesses currently operating in its national parks if they meet license requirements of Parks Canada.	See comment #8 above, sustainable visitation in Nahanni and Nááts'jch'oh national park reserves requires operators who can provide high quality and safe wilderness experiences.
10.	There is significant goodwill value in a long term business licence holder in Nahanni, so the automatic loss of the business license upon the sale of a business could have a detrimental effect on the operator.	Nahanni will not immediately open a Request for Proposals when there has been a sale of a long term business. A purchaser's application will be considered first. If a purchaser can demonstrate they meet the requirements, a licence may be issued.
11.	Parks Canada is encouraged to balance its need to ensure a new owner can meet Business License requirements in a way that minimizes the impact on the value of a business that is operating, that is for sale and whose sales depend on having the license it has obtained to sell its products.	A Parks Canada Business Licence is not a commodity that can be sold or transferred upon sale of a company.
12.	The emphasis should be on experienced safe reliable operators - both for the people and the park - and on limiting the number of tourists to maintain the wilderness experience and ecological integrity of NNPR.	Nahanni and Nááts'jch'oh national park reserves are required under the Canada National Parks Act to ensure that visitation does not significantly impact ecological integrity. Nahanni and Nááts'jch'oh national park reserves require sustainable operators who can provide high quality and safe wilderness experiences.
<b>Proposed New Licence and the Request for Proposals</b>		
13.	Parks Canada needs to ensure a fair, transparent and competitive process for businesses applying to operate in its parks, regardless of residency.	The draft policy details the proposed competitive process and the criteria that will be used for review of all applications. Residency is not a factor as per response to comments #1, #3 and #5 above.
14.	Maintain the ecological integrity of NNPR above all else.	The draft policy follows Parks Canada's legal obligations for maintaining Ecological Integrity under the Canada National Parks Act.
15.	Don't change the policy to please new operators.	No response.
16.	A three-year probationary period seems long, given Parks Canada assesses the business's ability to meet license conditions annually as part of the businesses license renewal process.	This is correct, Parks Canada will review performance of a licence annually therefore this 'probationary period' provision will be removed from the final policy.

17.	More clarity and transparency is required in the draft policy regarding the size of the Advisory Board, the competencies and expertise required in the appointment of these Board members and who is making the appointment(s).	Nahanni and Nááts'ihch'oh will follow a sound approach for composition of the Advisory Board. Parks Canada will make the appointments in consultation with their respective Indigenous cooperative management boards. Relevant expertise is a key consideration. The policy will be revised to reflect these concerns.
18.	Applicants need to have confidence that the Advisory Board appointed to evaluate proposals has the appropriate expertise.	See comment #17 above.
<b>Proposed Selection Criteria for a New Operator</b>		
19.	Selection criteria for a safe and high-quality experience for the visitor should have high priority in selecting operators in national parks.	The selection criteria in the draft policy provides a balanced framework in which to consider competent and proven operators. Safety standards are a key consideration for a new operator and this is built into the mandatory screening criteria.
20.	Nobody runs canoes down class 4 + 5 water with clients. So nobody will ever meet the requirements to be a new trial Outfitter.	There has been an error in the draft policy. The criteria is supposed to read class 3-4 and not 4-5. Class 3-4 rapids exist in Nahanni/Nááts'ihch'oh and an operator must demonstrate they have expertise and skills to operate safely in this environment.
21.	Outfitters applying for a lottery system should show an adequate level of past experience, safety, and the ability to operate in a manner satisfactory to clients and Parks Canada.	A lottery system has been used in southern locations for non-commercial visitation where demand for access is significantly higher than availability, these conditions do not exist in Nahanni and/or Nááts'ihch'oh. Visitation has been sustainable in Nahanni and Nááts'ihch'oh, the demand for these experiences are stable and relatively modest. The concern is that lottery entry for commercial trips in a system with modest client demands, reduces certainty for any operators to market, plan and coordinate. Furthermore an unlimited increase of operators in a modest demand system to fill niche gaps may reduce long term sustainability of visitation. The current quota and allocation system is developed to address these challenges.
22.	The requirements should not be class 4 and 5 Rapids. Everybody portages those in canoes.	See response to comment #20.
23.	New operators should have to prove themselves and not receive any special treatment just because they are located in Yellowknife or another northern location.	See response to comments #5 and #19.
24.	Create reasonable minimum performance criteria for Outfitters to be eligible to apply to the lottery system for the parks	See response to comments #19, #20 and #21.
<b>Nájljcho Allocation</b>		
25.	Transition to a new Lottery based system for allocating space for Outfitter visits and trips in the Park.	A lottery system is not compatible with a remote northern wilderness destination.
26.	There should be a lottery system every single year to allocate space or weeks during the season.	A lottery system is not compatible with a remote northern wilderness destination.

27.	Research supports that the ability to travel on the Nahanni without seeing and meeting too many others on the river is what makes paddling the Nahanni a bucket list journey for many paddlers and a reason they will pay to paddle in the NWT over another location.	The draft policy has been developed to maintain high standards for quality wilderness experiences.
28.	Parks Canada should have management frameworks that are transparent about thresholds set, and about capacity for more visitation when thresholds are not being met.	The draft policy details the Náìl̨jcho allocation and visitor group size thresholds.
29.	Parks Canada has proposed a management framework to ensure the paddler experience is considered a priority in allocation and in the management of visitation.	See response to comment #27 above.
30.	The draft policy is transparent regarding thresholds, historic operator allocations and the factors and agreements considered in establishing these thresholds.	No response.
31.	The approach of “use it or lose it” for managing allocation is supported.	This is an approach consistent with other national parks.
32.	The limitation that allocation be examined only once every five years limits the ability of licensed operators who may be able to successfully use those allocations from accessing them and growing their own businesses. A three year review period is recommended.	The five year review period will remain, this is consistent with other national parks. Tourism in the north is subject to a wide variety of impacts that contribute to annual fluctuations in visitor numbers. Nahanni and Nááts’jch’oh aim to provide an appropriate time frame to assess the performance of operators. However, Parks Canada may review business licences and their allocation if and when it is appropriate to do so.
33.	Unused allocations should be made available in a way that does not create systemic disadvantage for any particular license type, and that the process for reallocation be open to all licensed operators in the NPR.	Sound business practice and sustainable visitation are the goals of allocation review and distribution. All business licence holders will have consideration for unused allocation. Clarification will be provided in the final policy.
34.	If Parks Canada is serious about allowing a new operator, realistic marketing flexibility is required. By reviewing historic statistics you can demonstrate operators are consistently letting Virginia Falls’ dates go unutilized you could reallocate prime visitor season dates to your trial operator.	Allocation will be reviewed when one of the following occurs: 1) After the allocation review period (5 years); 2) An Indigenous licence is activated; or, 3) Upon the sale of a long term business licence holder. All business licence holders will have consideration for unused allocation.
35.	Established operators will not want to give up any dates but if it is clear that Virginia falls dates are not being used, they should be required to give up the unused allocation.	See comment # 33 and #34 above.
36.	Operators will argue they need all allocated dates a year in advance for marketing. Force them to turn back unused dates to allow the trial operator 9 months to market their product. Give the trial operator an honest and fair chance.	At this time Nahanni does not see a requirement for annual review of unused allocation.
37.	Operators have freed up unused dates for non-commercial users during the prime season on the Alsek and perhaps the operators would support a	See response to comment #36 above

	similar approach for commercial allocation in Nahanni.	
38.	Operators would have a hard time arguing they keep all their prime season dates if they have consistently let prime allocation dates go unutilized.	See response to comment #33 above.
39.	Limiting a trial operator to shoulder season constrains economic sustainability challenges associated with trying to market and sell a shoulder season trip.	It is recognized that Nájłıcho allocation in July would improve sustainability for an operator. Parks Canada will reconsider Nájłıcho allocation for the new operator in July.
40.	The limit to allow trial Outfitters to only do trips after the 15th of August excludes them for the entire three years of their trial period. Perhaps there could be a limit in the first year of one trip for trial Outfitters.	See response to comment #39 above.