

# **1995-1996 Annual Report of the Implementation Committee**

Gwich'in Comprehensive Land Claim Agreement

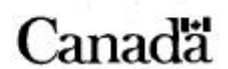






## **1995-1996 Annual Report of the Implementation Committee**

Gwich'in Comprehensive Land Claim Agreement



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## FOREWORD

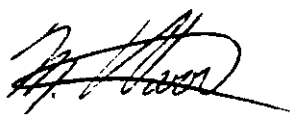
*The three parties to the Gwich'in Comprehensive Land Claim Agreement monitor and direct the implementation of the Agreement through a three-member Implementation Committee. The Implementation Committee is composed of three senior officials: one representing the Gwich'in Tribal Council one representing the Government of Canada and one representing the Government of the Northwest Territories.*

In 1995-1996, its fourth year of operation, the Committee continued to perform its functions on a consensus basis and to serve as a valuable forum for the parties to voice and discuss implementation concerns and issues. Committed to meeting its obligations, the Committee is optimistic process will continue in implementing the Agreement. Highlights of 1995-1996 implementation activities include the enrolment of an estimated 94 percent of all Gwich'in beneficiaries, the establishment of the Land and Water Working Group in preparation for the establishment of the permanent Land and Water Board, the start of the Gwich'in Harvest Study and progress on negotiations toward a self-government agreement in the Beaufort-Mackenzie Delta. Among the monitoring responsibilities of the Committee is the preparation of a public annual report on the implementation of the Agreement. This is the third annual report which has been produced collectively by the members of the Implementation Committee. This report is based on information provided by various departments within the federal and territorial governments, by the Gwich'in Tribal Council and by the different implementing bodies established under the Agreement. It covers the 1995-1996 fiscal year, which is the period from April 1, 1995 to March 31, 1996.


By working together to fulfil obligations under the Agreement, the Gwich'in Tribal Council and the federal and territorial governments have developed a new relationship based on the settlement of Aboriginal land claims and future self-government arrangements. As the members of the Implementation Committee, we look forward to reporting on future endeavours and achievements to governments and to Gwich'in participants of the Agreement.



*Robert Alexie, Jr.  
Gwich'in Tribal Council*



*Mark Warren  
Government of the  
Northwest Territories*



*Terry Henderson  
Government of Canada*

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## I. FEATURES OF THE GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT

- Over four years ago, on April 22, 1992, the Gwich'in Tribal Council (GTC), the Government of the Northwest Territories (GNWT) and the Government of Canada signed the Gwich'in comprehensive Land Claim Agreement and the accompanying Implementation Plan to guide the implementation of obligations by all parties to the Agreement.
- The Agreement became law on December 22, 1992, when the Parliament of Canada adopted the *Gwich'in Land Claim Settlement Act*. With the passage of this Act, an estimated 2,200 Gwich'in beneficiaries became the owners of 22,422 square kilometres (approximately 8,658 square miles) of land in the Northwest Territories and 1,554 square kilometres (approximately 600 square miles) of land in the Yukon.
- In the settlement area, the (Gwich'in have extensive and detailed wildlife harvesting rights, rights of first refusal to a variety of commercial wildlife activities and guaranteed participation in public government bodies to be established for both the management of wildlife and the regulation of land, water and the environment. The Agreement identifies the membership, functions and start-up time for each of these public government bodies.
- The Gwich'in also receive \$75 million (in 1990 constant dollars) in tax-free capital transfers, which will represent \$141 million over 15 years. A \$7.4 million capital transfer payment was made to the Gwich'in Tribal Council upon the proclamation of the *Gwich'in Land Claim Settlement Act*, and additional payments are made on each anniversary of the signing of the Gwich'in Agreement. A share of annual resource royalties in the Mackenzie Valley is paid to the Gwich'in on a quarterly basis.
- The Agreement also allows for the negotiation of agreements on self-government which will be brought into effect through federal legislation.



## 2. HIGHLIGHTS

- The Gwich'in Tribal Council received capital transfer payments of \$7,455,068, after negotiating loans were deducted.
- The Implementation Committee met three times and dealt with many issues, including modifications to funding levels for implementing bodies; the development of the Land and Water Working Group in preparation for the establishment of the Land and Water Board; the development of a process for cumulative impact monitoring and periodic environmental audits in the Mackenzie Valley; and proposed amendments to the Agreement.
- Enrolment Board members continued to review enrolment applications and, as of March 31, had enrolled 2,039 participants, or approximately 94 percent of potential beneficiaries.
- The Renewable Resources Board funded 14 research projects, including the Gwich'in Traditional Environmental Knowledge Project, planned for the long-term management of renewable resources in the settlement area and invested the Wildlife Studies Fund. The Board also began the Gwich'in Harvest Study and established a scholarship fund.
- The Interim Land Use Planning Board developed a three-stage strategic proposal for preparing a draft land use plan for the settlement area. The proposal was accepted by the Implementation Committee, which also reallocated additional funding to the Board to carry out the proposal.
- The Land and Water Working Group was established in November 1995 to begin preparatory work for the Land and Water Board. The Working Group hired an interim executive director and developed a work plan for the 1996-1997 fiscal year which includes developing and implementing an integrated resource management plan to regulate land and water use throughout the settlement area.
- All parties to negotiations towards a self-government agreement for the Beaufort-Mackenzie Delta region appointed negotiators. Following monthly meetings, they produced an agreement on the negotiations process and schedule in March 1996.



### 3. IMPLEMENTATION COMMITTEE

*The Implementation Committee is composed of three senior officials: one representing the Gwich'in Tribal Council (GTC), one representing the Government of Canada and designated by the Minister of Indian Affairs and Northern Development, and one representing the Government of the Northwest Territories (GNWT). The Committee, which operates on a consensus basis, is responsible for:*

- overseeing and providing direction to the implementation of the Agreement;
  - monitoring the status of the implementation plan;
  - revising the schedule of implementation activities, reallocating resources and amending the implementation plan as required;
  - attempting to resolve implementation disputes arising between the parties; and
  - preparing an annual report on the implementation of the Agreement.
- The Committee members are Robert Alexie, Jr., Vice-President, GTC; Mark Warren, Manager, Claims Implementation, Intergovernmental and Aboriginal Affairs, GNWT; and Terry Henderson, Director General, Claims Implementation, Department of Indian Affairs and Northern Development (DIAND).
- In 1995, the Implementation Committee met in May in Edmonton, in August in Inuvik and in December in Yellowknife.
- In 1995-1996, the Committee dealt with various issues, which included:
- reallocating funds from the 1995-1996 amounts for the Land Use Planning Board and the Land and Water Board to the Interim Land Use Planning Board and the Land and Water Working Group respectively;
  - modifying the existing 1995-1996 funding levels allocated to the Arbitration Panel, the Renewable Resources Board, the Environmental Impact Review Board, the Land and Water Board and the Land Use Planning Board;
  - examining a proposed amendment to the Agreement which would change the definition of "Gwich'in";
  - finalizing a transition work plan for the Land and Water Working Group, including staffing the position of interim executive director;
  - extending the terms of existence of the Peel River Watershed Advisory Committee from January 1 to September 30, 1996;
  - working individually and collectively to advance Committee members' understanding of cumulative impact monitoring; and
  - agreeing on the need for a meeting of all parties, including the Sahtu Secretariat Incorporated, to develop a framework for cumulative impact monitoring and periodic environmental assessment in the Mackenzie Valley.



## 4. IMPLEMENTING BODIES

*The Agreement provides for the establishment of implementing bodies to manage wildlife resources, conduct environmental impact assessments and reviews of development proposals, plan and regulate land and water use, have jurisdiction over matters relating to surface entry and compensation, settle disputes that may arise in the interpretation of the Agreement, and determine who is qualified to participate as a beneficiary of the Agreement. The Agreement sets out the membership, functions and time frame for the establishment of each implementing body.*

The Arbitration Panel, Enrolment Board, Land and Water Working Group, Interim Land Use Planning Board and Renewable Resources Board have been established. The membership of these bodies is listed in Appendix I. The permanent Land Use Planning Board, the Mackenzie Valley Environmental Impact Review Board and the Land and Water Board are scheduled to be established on enactment of the proposed Mackenzie Valley resource management legislation. Pursuant to the Agreement, the Surface Rights Board will begin operating after separate federal legislation is passed establishing that Board.

### **4.1 Arbitration Panel**

The Agreement provides for the establishment of an Arbitration Panel to resolve disputes that arise in the implementation of the Agreement. The Panel will arbitrate disputes over topics

described in the Agreement, or those which arise in interpreting the Agreement. The process may involve either one or three arbitrators who will hear evidence. Decisions of the arbitrator(s) will be binding, and the arbitrator(s) may make an award, including the payment of costs and interest. Unless otherwise agreed to by the parties to a dispute, the Panel will keep a public file of arbitration decisions.

The Minister of Indian Affairs and Northern Development appointed members to the Arbitration Panel in June 1993. Members appointed from Gwich'in nominations are Robert Alexie, Jr., Willard Hagen, Chief James Ross and Peter Ross. Members appointed from territorial government nominations are John U. Bayly and Letha MacLachlan, and members appointed from federal government nominations are Charlie Gaudet and Richard Hill.

As the Arbitration Panel has not been called on to arbitrate any disputes, Panel members did not meet in 1995-1996.

### **4.2 Enrolment Board**

The Agreement provides for the establishment of an Enrolment Board on the proclamation of the settlement legislation (December 22, 1992). Those people who are entitled to benefit from the Agreement will be registered by the Enrolment Board. The Board will keep a register of all those enrolled and will publish it annually.

The Board has seven members: five appointed by the Gwich'in Tribal Council (GTC) and two appointed by the Government of Canada. The five GTC appointees are Barb Crawford and Dolly Carmichael of Inuvik, Robert Alexie, Sr., of Fort McPherson, Beverly Moore of Tsiigehtchic and Frank Edwards, Sr.,

of Aklavik. The two Government of Canada appointees are Rosemary Cairns and Raj Downe, both of Yellowknife. The chairperson is Barb Crawford.

During 1995-1996, Board members reviewed and accepted or rejected applications for enrolment under Section 4.2.1 of the Agreement, which provides that Canadian citizens who are Gwich'in are eligible to be enrolled as participants. Enrolment Co-ordinator Sharon Snowshoe received and distributed enrolment application forms and prepared certificates of enrolment and Gwich'in status cards for enrolled beneficiaries.

Applications made under Section 4.2.2 of the Agreement, which provides that Canadian citizens of Aboriginal ancestry who are not Gwich'in but who are resident in the settlement area and accepted by the Gwich'in may be enrolled as beneficiaries, are referred to the GTC for review and decision.

The third Enrolment Registry was prepared in early March 1996, listing 2,039 participants. By March 31, 1996, the number of beneficiaries had increased to 2,077. If the estimated total of 2,200 beneficiaries is correct, then the Board has enrolled

94 percent of the total beneficiaries, with 123 people left to consider.

The Board continued to develop a data base of Gwich'in family history and genealogy. This work is intended to assist beneficiaries in tracing their family histories and involved consultation with elders, particularly Sarah Simon of Fort McPherson.

The second genealogy workshop was held in Tsiigehtchic from March 25 to 29, 1996, at which elders Doris Itsi and Ernest Bonnetplume of Fort McPherson, Mary Kendi and Fanny Greenland of Aklavik, Hyacinthe Andre and Lisa Andre of Tsiigehtchic, Catherine Mitchell and Annie Jane Charlie of Inuvik, Lydia Thomas and Georgie Moses of Old Crow, Yukon, and Effie Linklater of Whitehorse, were videotaped discussing their knowledge of individual family histories. Board members anticipate that this videotape, which will be available for future generations, will serve as a continuing record of Gwich'in history.

The Implementation Plan calls for the Enrolment Board to do most of its work in the first two years of implementation. Accordingly, the Board now

meets twice a year in contrast to the frequent meetings held in its first two years. The Board is expected to wind up its operation by the end of 1996-1997.

### **4.3 Interim Land Use Planning Board**

The Agreement provides for the establishment of an Interim Land Use Planning Board for land use planning in the Gwich'in settlement area between the date of settlement legislation and the date the legislation establishing the permanent Land Use Planning Board comes into effect. A permanent board will be established when proposed Mackenzie Valley resource management legislation is enacted.

The Interim Land Use Planning Board has five members appointed by the Minister of Indian Affairs and Northern Development: two nominated by the GTC, one by Canada through the Department of Indian Affairs and Northern Development (DIAND), one by the Government of the Northwest Territories (GNWT) and a chairperson selected by the four members.

The two GTC appointees are Charlie Snowshoe (vice-chairperson) and Bob Simpson. The Government of Canada appointee is Karen LeGresley-Hamre, and

the chairperson is Piet Van Loon. The Interim Board has been without a GNWT appointee (formerly Robin Aitken) since November 1995. The lack of a GNWT representative hindered the planning process as it became difficult to achieve quorum at Interim Board meetings. The Interim Board employs a land use planner-coordinator, Ron Cruikshank, and a land use planner trainee, Wilbert Firth.

The most significant achievement of the 1995-1996 year was the development of a plan for the preparation of a draft land use plan for the settlement area. Originally, the Interim Board planned to update the existing draft Beaufort-Mackenzie Delta Land Use Plan. However, in 1995-1996, the Interim Board concluded it was not possible to update the draft plan, because of problems with it and changes that have occurred in the region since it was produced in the late 1980s.

Accordingly, the Interim Board presented to the Implementation Committee a proposal for the preparation of a new land use plan and requested additional funding for this project. This increased funding was granted and will be used to conduct community consultations, meet staffing requirements and hold regional land use planning workshops.

There are three stages in the development of the land use plan: information collection and analysis, development of plan options and production of the draft plan for approval by the permanent Land Use Planning Board, once it is established. Once the final version of the plan is approved, provisions will also be made for plan implementation and periodic review.

In 1995-1996, the Interim Board began collecting and analysing information, as well as developing resource inventories and use assessments for land in the settlement area. The Interim Board completed eight land use maps for lands in the Gwich'in Settlement Area and five land use reports, and began to develop a land classification system for the settlement area. To develop this system, the Interim Board held meetings in each Gwich'in community and identified planning sub-regions based on traditional use areas.

In 1995-1996, the Interim Board also served in an advisory capacity and as an information source for the Peel River Advisory Committee. In addition, it organized the inaugural meeting of implementing bodies involved in land and water management in the settlement area.

#### **4.4 Renewable Resources Board**

The Agreement provides for the establishment of a Renewable Resources Board as the main instrument of wildlife management in the settlement area. The Board has the power to establish policies and to propose regulations on harvesting, including commercial fishing. It has an independent research capacity and is responsible for conducting a harvest study.

The Renewable Resources Board is made up of seven appointed members: three jointly appointed by the federal and territorial governments, three nominated by the Gwich'in and subsequently jointly appointed by the federal and territorial governments, and a chairperson nominated by the members and subsequently jointly appointed by the federal and territorial governments. Six alternate members are also chosen in the same manner.

Members appointed from Gwich'in nominations are Chief James Firth, Chief James Ross and Joe Benoit. The member appointed from the nomination by the territorial government is Roger Binne, and the member appointed from the nomination by the federal government is Kevin McCormick. In 1995-1996, there was one vacant position, which will be filled by a member

appointed by the federal government. The members selected Robert Charlie as chairperson.

The Board had a busy, productive year and met four times, once in each of the Gwich'in communities of Inuvik, Aklavik, Fort McPherson and Tsiigehtchic. By developing contacts and good working relationships with government agencies, Renewable Resources Councils and those involved in implementing land claim agreements in adjacent areas, the Board ensures it can effectively fulfil its mandate for renewable resource management in the settlement area.

The Board initiated several research and management initiatives.

- Staff initiated a project to determine the status of research regarding wildlife and fish species in the settlement area, as well as community concerns and needs respecting wildlife and fish, and to produce a status report.
- The Board provided approximately \$200,000 in funding to 14 research projects throughout the settlement area, including seven fisheries projects, the Bluenose Caribou census and satellite radio-collaring project, a peregrine

falcon survey, an aerial photo forestry survey and the Gwich'in Traditional Environmental Knowledge Project.

The Board also continued to advocate for the protection of the Porcupine Caribou herd calving grounds from threats posed by land development in Alaska.

The Board invested the Wildlife Studies Fund to generate revenues for research and management projects. The fund is expected to provide revenues of \$200,000 annually in the period from 1998 to 2006 and, by the year 2007, to be worth \$2.7 million.

In 1995-1996, the Board continued its focus on long-term renewable resource management and planning. Staff began working on long-term plans for grizzly bear and forest management in the settlement area, and the Board provided input for several federal and territorial legislative and policy initiatives. Concern over the status of the Rat River charr population led to the development of base line research, harvest monitoring and a Rat River Charr Fishing Plan. Staff also developed a community consultation process and a guide to renewable resource management in the settlement area, and initiated plans for integrated resource management in

the settlement area among those implementing bodies responsible for such management.

In September 1995, the Gwich'in Harvest Study began. Over a five-year period, the study will provide necessary information for the Board and government to manage wildlife effectively and establish the minimum levels of wildlife to be set aside for Gwich'in harvesters. The Harvest Study is co-ordinated in Inuvik, while field workers in each community conduct monthly interviews. Harvest Study information will be used by the Board and other agencies responsible for renewable resource management in the settlement area to protect Gwich'in harvesting activities.

In July 1995, the collection of local knowledge of 20 fish and wildlife species in the settlement area began as part of the Gwich'in Traditional Environmental Knowledge Project. Environmental knowledge is collected by interviewing elders and other Gwich'in community members, and through participating in traditional activities. Project staff reviewed both earlier interviews with Gwich'in and archival material. This project is funded by the Board and by the federal and territorial governments, private foundations and corporations.

To ensure the Gwich'in beneficiaries can pursue education and training opportunities in the areas of renewable resource research and management, the Board established the Jim Edwards Sittichinli Scholarship for students from the settlement area. Jim Edwards Sittichinli was a well-respected elder and minister who worked throughout his life on behalf of the people and land in the Mackenzie Delta area. This scholarship is available to students pursuing a career in renewable resources or religious studies, and two scholarships of \$1,000 will be awarded each year. The first two were awarded to Ian McLeod and Joe Benoit at the November 1995 Board meeting. Both scholarship recipients were second-year students in the Natural Resource Technology Program at Aurora College.

Throughout 1995-1996, the Board provided on-the-job training to Gwich'in beneficiaries. On-the-job training initiatives included:

- creating and staffing a Gwich'in Harvest Study assistant's position;
- co-ordinating the development of fisheries technician trainee position to receive on-the-job training in fisheries research and management, co-funded

by the Board, the GTC Implementation Training Fund and the Department of Fisheries and Oceans; and

- approving a trainee position to begin in June 1996 to assist the biologist and policy-management analyst — a position co-funded by the Board and the GTC Implementation Training Fund.

In 1995, the Board hired four summer students and provided them with work experience in renewable resource management. The Gwich'in Harvest Study and the Gwich'in Traditional Environmental Knowledge Project each also employ four people on a part-time basis to work in Gwich'in communities.

#### **4.5 Renewable Resources Councils**

Renewable Resources Councils, established in each Gwich'in community, encourage and promote local involvement in conservation, wildlife harvest studies, research and renewable resource management.

During 1995-1996, Renewable Resources Councils (RRCs):

- worked closely with implementing bodies and government agencies to identify community renewable resource concerns and issues for research,

and to provide advice and support to research projects and management plans being developed in the settlement area;

- administered research contracts for the Gwich'in Renewable Resources Board and government agencies;
- assisted in hiring field assistants from Gwich'in communities for renewable resource projects;
- administered Community Harvest Assistance Program funding from the territorial Department of Renewable Resources to support Gwich'in harvesters (hunters and trappers) in their activities;
- organized a community caribou hunt to provide meat for elders and needy beneficiaries; and
- assisted the Department of Renewable Resources with fur stabilization and trap exchange programs.

The RRCs also carried out land administration duties assigned to them by the GTC. These duties included identifying public access routes across Gwich'in private lands and administering permissions for intent to enter Gwich'in private lands for recreational purposes.

The RRCs held monthly meetings to deal with regular business, and a regional RRC meeting was held December 16 to 17, 1995 in Inuvik. RRC representatives also attended meetings of the Porcupine Caribou Management Board, meetings dealing with the Bluenose Caribou Management Plan and several conferences and workshops including a co-management and environment workshop, a Rat River charr workshop, an environmental contaminants workshop and a National Aboriginal Forestry Association conference.

RRCs were also involved in local projects within their individual areas of jurisdiction. These projects included studies of the Rat River charr, forest inventory work, a moose survey, grizzly and sheep population research and work to develop both a grizzly bear management plan and a community consultation plan. The RRCs also worked closely with the Renewable Resources Board on the Gwich'in Harvest Study and the Gwich'in Traditional Environmental Knowledge project.

The Ehdiiitat RRC, in Aklavik, and the Nihtat RRC, in Inuvik, were involved in the overlap agreement with participants of the Inuvialuit Final Agreement. The Tsiigehtchic RRC also met with participants of the Sahtu comprehensive land claim from the Fort Good Hope region to discuss overlapping interests in hunting and trapping areas.

The Ehdiiitat RRC administered research projects focusing on charr monitoring and sampling, a charr census at Fish Hole, charr telemetry tagging and the Aklavik bridged-creek biodiversity study. Ehdiiitat RRC members helped fund programs in conjunction with the local school. Here youth became involved in trapping muskrats in the spring and fall, and then were taken to the mountains in the spring and taught how to hunt and dress caribou. The Ehdiiitat RRC also supported the building of a cabin at John Martin Creek for emergency use by hunters in bad weather.

the Peel River Watershed area. In January 1996, the Tetlit Gwich'in RRC in Fort McPherson hired a new

co-ordinator, Mariah Itsi, to replace Abe Wilson. During 1995-1996, this RRC administered several contracts with the federal Department of Fisheries and Oceans. These contracts included hiring local people for Rat River charr monitoring work, radio tagging and a Husky Lake fish study. Tetlit Gwich'in RRC members also worked with the territorial Department of Renewable Resources and the Renewable Resources Board regarding caribou harvest monitoring on the Dempster Highway and helped with the clean-up of waste from past oil exploration deposited in the Caribou River.

Finally, the Tetlit Gwich'in RRC met with members of the Nacho Nyak Dun First Nation and the Mayo Renewable Resources Council on February 23 and 24, 1996, to discuss co-operative work to protect lands within their comprehensive claims settlement areas and transboundary issues such as the Peel River Watershed area.

#### **4.6 Mackenzie Valley Environmental Impact Review Board**

The Environmental Impact Review Board will be established to assess development proposals in the Mackenzie Valley, including those on Gwich'in lands, to determine their impact on the environment. The Review Board is to have equal membership from nominees of Aboriginal groups and of government, not including the chairperson. It will be created on enactment of the proposed Mackenzie Valley resource management legislation.

The Gwich'in Tribal Council has nominated Alestine Andre; the Sahtu Secretariat Incorporated has nominated Gordon Lennie; the federal government has nominated George Diveky, Carl Bonke and Gilles Patenaude; and the GNWT has nominated Len Colissimo as members of the Environmental Impact Review Board. The Minister of Indian Affairs and Northern Development has agreed to appoint these nominees to the Board when the proposed Mackenzie Valley resource management legislation is enacted.

In 1995-1996, a working group composed of the proposed Board members and representatives of the Implementation Committee was formed and planned a meeting for May 1996.

#### **4.7 Land and Water Board**

On enactment of the proposed Mackenzie Valley resource management legislation, the Land and Water Board will be established to regulate land and water use throughout the settlement area, including Gwich'in, Crown and private land. It will amend, issue or renew licences, permits and other authorizations for all land and water use, including those necessary for exercising subsurface rights.

The GTC nominated Willard Hagen and Robert Alexie, Jr., the GNWT nominated David Krutko and the federal government nominated Norma Kassi to the Board. The Minister of Indian Affairs and Northern Development has agreed to appoint these members when the proposed Mackenzie Valley resource management legislation is enacted.

In the meantime, the Land and Water Working Group was formed in November 1995 to begin the preparatory work for the Gwich'in Land and Water Board. This preparatory work

is supported by a budget of \$600,000. The Working Group hired Brian Ferguson as Executive Director. Mr. Ferguson is a resident of Inuvik who was previously Acting Area Manager and Habitat Biologist with the federal Department of Fisheries and Oceans. He brings to the Board experience in environmental assessment, permits and licences.

The Working Group developed a work plan for the fiscal year 1996-1997, which includes:

- developing and implementing an integrated resource management plan;
- developing a geographic information system to store and gain access to information about existing resources and land and water use in the settlement area;
- supporting the Gwich'in Traditional Environmental Knowledge Project carried out by the Renewable Resources Board; and
- preparing appropriate application forms and procedures for land use permits and water licences.



#### 4.8 Other

A Co-ordinating Group was established in 1993 as a forum for consultation on the drafting of resource management legislation in the Mackenzie Valley, including the proposed Mackenzie Valley resource management legislation and surface rights legislation. The Co-ordinating Group includes representation from the Government of Canada, the CNWT, the GTC and the Sahtu Secretariat Incorporated. The Co-ordinating Group met frequently in 1995-1996.

Although the preparation of the Mackenzie Valley resource management legislation is behind schedule, further progress was made in drafting the proposed legislation. Originally planned to be completed by December 1994, this legislation will create the Land Use Planning Board, the Land and Water Board

and the Mackenzie Valley Environmental Impact Review Board and will provide for cumulative impact monitoring and periodic environmental audits. The federal and territorial governments, the Gwich'in, the Sahtu Dene and the Metis are confident the proposed legislation will honour the resource management obligations set out in the Gwich'in and the Sahtu Dene and Metis comprehensive land claim agreements.

In 1995-1996, efforts to develop a process for cumulative impact monitoring and periodic environmental audits in the Mackenzie Valley continued.



## 5. GWICH'IN TRIBAL COUNCIL

### 5.1 Proposed Mackenzie Valley Resource Management Legislation

The most intense implementation activity in 1995-1996 was the development of proposed federal Mackenzie Valley resource management legislation.

Representatives of the GTC, the Sahtu Dene, the Metis and government officials met eight times and continued drafting the legislation.

### 5.2 Cumulative Impact Monitoring

The GTC conducted a study to design a framework for cumulative impact monitoring and periodic environmental audits in the Mackenzie Valley. This system, when developed, is intended to monitor the cumulative impact on land, air and water of human activities such as mining, as well as the impact of naturally occurring environmental changes such as the erosion of river banks.

Research will also be conducted every five years to develop an overall assessment of the health of the environment in the Mackenzie Valley and to conduct environmental audits.

### 5.3 Self-government Negotiations and Constitutional Development

In 1993, a proposal to create a regional council and governing system for the Beaufort-Mackenzie Delta region was approved by Gwich'in at an annual assembly in Aklavik. Under this initiative, a self-government agreement is proposed jointly with the Inuvialuit and municipalities in the Beaufort-Mackenzie Delta region.

In 1995-1996, designated organizations in each Gwich'in community formally resolved that the GTC negotiate a self-government agreement. The GTC then entered into discussions with the federal and territorial governments. A self-government committee was formed of members from the Inuvialuit Regional Corporation (IRC),

the GTC and municipal governments in the Beaufort-Mackenzie Delta region. The GTC received \$150,000 from the federal government for developmental work.

The GTC and the IRC each appointed a negotiator, and the collective leadership of the Inuvialuit, the Gwich'in and municipalities in the region appointed a chief negotiator. Charlie Furlong is the Gwich'in negotiator, and the Inuvialuit negotiator is Vince Teddy. The collective leadership of the Inuvialuit, the Gwich'in and the municipal governments appointed Bob Simpson as Chief Negotiator.

The federal government appointed a negotiator, John U. Bayly, in fall 1995, after releasing a policy on recognizing and implementing Aboriginal peoples' inherent right of self-government. The territorial government appointed a negotiator, Gabriella Sparling, and began consultations with Aboriginal groups to develop a self-government policy.

In 1995-1996, all parties discussed the nature and scope of self-government for the Beaufort-Mackenzie Delta region, and the Gwich'in, the Inuvialuit and municipalities developed negotiating proposals. The federal, territorial and First Nation negotiators met once a month and produced a draft agreement on the process and schedule for negotiations in March 1996. This agreement was approved by designated Gwich'in organizations and the IRC.

Formal negotiations are scheduled for 1996-1997 and will address the development of agreements on government structures and authorities; education, culture and training; health and social services; and the administration of justice.

#### **5.4 Gwich'in Economic Development**

The GTC initiated a three-year review of economic measures to improve the Gwich'in economy, and the federal and territorial governments provided thorough reports on all economic development projects in the settlement area. The GTC will assess the effectiveness of these projects in meeting the objectives of the Agreement and report back to the governments.

#### **5.5 Implementation Training Fund**

During 1995-1996, the Implementation Training Fund was used to support the natural resource technology program at Aurora College, the establishment of the Jim Edwards Sittuchinli Scholarship for students from the settlement area, on-the-job training for a fisheries technician trainee, a land use planner trainee position at the Interim Land Use Planning Board, and a biologist and policy management trainee position at the Renewable Resources Board.



## 6. GOVERNMENT OF THE NORTHWEST TERRITORIES

### 6.1 Ministry of Intergovernmental and Aboriginal Affairs

The Ministry of Intergovernmental and Aboriginal Affairs co-ordinated GNWT implementation activities by liaising with the Gwich'in Tribal Council (GTC), federal and GNWT officials, co-ordinating a three-year review of economic measures in the Gwich'in settlement area, preparing status reports for the Implementation Committee, providing support to the GNWT representative on the Implementation Committee and preparing the GNWT component of this annual report.

Ministry officials continued discussions regarding the registration of title to Gwich'in lands, as well as access to sand and gravel in the Gwich'in settlement area. A Ministry official actively participated as the GNWT representative on the Implementation Committee and addressed the establishment of implementing bodies, the co-ordination of

various activities of these bodies, the consideration and subsequent approval of the Interim Land Use Planning Board proposal for the development of a land use plan and the reallocation of implementation funding.

The Ministry was represented on the Co-ordinating Group which is developing Mackenzie Valley resource management legislation, a method for monitoring the cumulative impact of land and water uses on the environment in the Mackenzie Valley and a work plan for the Land and Water Working Group.

### 6.2 Renewable Resources

The Department of Renewable Resources worked closely with the Gwich'in Renewable Resources Board and shared the cost of several wildlife studies, including satellite collaring of Bluenose Caribou. With the participation of the Board, extensive consultations were conducted in all communities in the Gwich'in settlement area, as well as with Inuvialuit,

Sahtu and Inuit communities whose members harvest Bluenose Caribou.

The Department provided ongoing advice and support to the Renewable Resources Board and attended all Board meetings. Several forestry projects were carried out at the request of the Board and Renewable Resources Councils. These projects included forest inventory work to develop community forestry inventories and woodlots, and photogrammetric surveys and interpretations.

### 6.3 Economic Development and Tourism

The Department of Economic Development and Tourism continued to work in close cooperation with the GTC and each Gwich'in community to support the shared objective of encouraging employment opportunities and economic self-sufficiency within the Gwich'in settlement area.

Gwich'in individuals and businesses were helped to get financing from departmental programs and other government and private funding sources. The Department also provided information, counselling and advice to support the development and advancement of Gwich'in businesses. The community economic development planning process that began in 1994 continued, and specific contributions were provided to the Gwich'in Development Corporation for an organizational review and strategic planning workshop for all Corporation board members. The Department consulted with the GTC and Gwich'in band councils regarding the creation of a tourism development strategy for the Gwich'in settlement area, the formation of a regional partnership to promote a "one-stop shop" for the delivery of business development programs and services, and the implementation of client "after-care" services and support.

In April 1995, Gwich'in Geographies Ltd. completed a master plan for the Gwich'in Territorial Park, which sets out a proposed development and operational plan for the park. A significant amount of work preceded the master plan, including

the development of an oral history for the park; archaeological, botanical and contour surveys; geotechnical analysis of proposed development sites; and research regarding Gwich'in place names for existing sites. Consistent with a memorandum of agreement signed between the GTC and the GNWT, all contracts issued in relation to this work were awarded to Gwich'in 'in-owned and -operated companies.

The Department continued to offer employment opportunities for Gwich'in beneficiaries. Positions staffed by Gwich'in beneficiaries included a full-time parks and interpretive services officer, a full-time seasonal parks officer and four summer students employed as tourism counsellors at regional visitor centres in Inuvik and Dawson City, Yukon.

#### **6.4 Education, Culture and Employment**

The Department of Education, Culture and Employment developed a legislative action paper proposing new heritage legislation. This paper was approved by the territorial Standing Committee on Legislation.

The Department contracted the Gwich'in Social and Cultural Institute to continue work on identifying the locations of Gwich'in artifacts and archival materials in institutions around the world. This project, which is expected to be completed in 1996-1997, will lead to the identification of items for possible repatriation to the Northwest Territories.

#### **6.5 Energy, Mines and Petroleum Resources**

The Department of Energy, Mines and Petroleum Resources received implementation funding for consultation leading to the development of a Northern Accord on energy and minerals with the federal government. Implementation resources enabled the Gwich'in and GNWT (along with Sahtu Dene and Metis, and Nunavut Tunngavik Incorporated beneficiaries) to meet at both the technical working-level and the coordinating committee-level. The Department and the Gwich'in met three times at the technical working — level (with technical and professional staff, lawyers and consultants) and twice at the co-ordinating committee-level (with professional staff and political leaders).

## **6.6 Justice**

The Department of Justice continued to contribute to the ongoing implementation of the Agreement. Departmental officials participated extensively in meetings to review the proposed Mackenzie Valley resource management legislation. Legal advice and assistance were provided to a number of departments on a variety of topics, including self-government discussions, access to sand and gravel on Gwich'in lands, land registration and wildlife harvesting.

At the request of the Gwich'in Tribal Council, the Land Titles Office issued certificates of title to surveyed municipal lots. Title was also issued to 15 settlement parcels for which survey work has neither been carried out nor contemplated.

## **6.7 Public Works and Services**

In accordance with Section 10 of the Agreement, which deals with economic measures, the Department of Public Works and Services negotiated contracts with Tetlit Zheh Construction and the GTC for the construction of a handicapped adult group home (\$1,703,000) in Inuvik and the Peel Plateau Interpretive Stop (\$65,000). A contract was also negotiated with the Gwich'in and Inuvialuit for the construction of a visitors' centre in Inuvik (\$894,000). All projects were completed in 1995-1996.



## 7. GOVERNMENT OF CANADA

### 7.1 Economic Activity and Employment

In 1995-1996, the Department of Indian Affairs and Northern Development (DIAND) consulted with the Gwich'in Tribal Council (GTC) on all economic development agreement initiatives applicable to the Gwich'in and prepared a report on these initiatives for GTC review and comment. The GTC and member First Nations also continued to be full participants in DIAND's Community Economic Development Organization funding program, which is administered in the settlement area by the GTC.

In 1995-1996, Public Works and Government Services Canada (PWGSC) continued to advertise procurement opportunities in the settlement area on its Open Bidding Service and to meet the requirements of the Agreement by notifying the GTC of procurement opportunities within the settlement area.

### 7.2 Environmental and Wildlife Management Issues

In 1995-1996, planning was completed for the establishment of a working group composed of the prospective Mackenzie Valley Environmental Impact

Review Board members, and a first meeting was scheduled for May 1996.

A representative of the Canadian Wildlife Service (CWS) served as a member of the Gwich'in Renewable Resources Board. The CWS appointee is a member of the Gwich'in Harvest Study Working Group under the direction of the Board and a member of the Porcupine Caribou Management Board. In 1995-1996, CWS consulted with the Gwich'in regarding changes to the Migratory Birds Convention and the proposed federal endangered species legislation. The CWS representative on the Renewable Resources Board also offered advice in preparing management plans for various wildlife species and for a forestry plan.

The Department of Fisheries and Oceans (DFO) appointee and DFO representatives attended meetings of the Renewable Resources Board, carried out consultation through the Board regarding fisheries legislation and policy as required by the Agreement, submitted fisheries projects to the Board for approval and prepared one migratory species management plan. DFO also consulted with Community

Renewable Resources Councils regarding fishery research projects, and departmental staff attended nine Renewable Resources Councils meetings in Gwich'in communities. A moratorium on the issuance of new commercial fishing licences continued in 1995-1996, and the renewal of commercial fishing licences was carried out in accordance with the Agreement.

### 7.3 Heritage Issues

The Department of Canadian Heritage continued to contribute to research sponsored by the Gwich'in Social and Cultural Institute to support the completion of a Dene thematic study. This research will provide a framework for recommendations to the Historic Sites and Monuments Board of Canada for commemorating heritage sites in the settlement area.

### 7.4 Land and Water Management Issues

In May 1995, DIAND's Northwest Territories office hired a Mackenzie Valley Land Use Planning Co-ordinator to research and compile DIAND's previous land use planning processes and the process now in place for the Nunavut Land

Claims Agreement settlement area. The co-ordinator set up meetings between DIAND and Interim Land Use Planning Board representatives to discuss planning strategies and to establish contact with resource persons. Discussions were also held with Gwich'in and Yukon First Nations representatives regarding the pooling of planning information and resources.

DIAND also participated in the Peel River Watershed Advisory Committee. The Mackenzie Valley Land Use Planning Co-ordinator presented the Committee with an outline of the planning process in the Northwest Territories as well as the environmental assessment process contained in the proposed Mackenzie Valley resource management legislation.

As an interim measure related to land and water use authorization in the settlement area before the establishment of the Land and Water Board, all land use permits in the settlement area continue to be issued with the agreement of the GTC. The initial review period for applications for land use permits on Crown land has been extended to the maximum 42-day period to facilitate GTC review. No water licence applications were received in 1995-1996.

All land surveys required under the Agreement were completed by the Legal Surveys Branch of Natural Resources Canada by the end of 1995-1996. Filed surveys in the Aklavik area uncovered some problems with descriptions in the Agreement, and the Legal Surveys Division began to work to correct these problems. Field work required to correct these problems is scheduled to be completed in fall 1996. The priorities of the Legal Surveys Division for 1996-1997 are the final ratification of plans and registration, and the subsequent raising of land title.

### **7.5 Legislation**

A Co-ordinating Group was established in 1993 to consult on the drafting of legislation for resource management in the Mackenzie Valley, as well as surface rights on Gwich'in lands. The Group includes representatives from the federal government, the GNWT, the GTC and Sahtu Secretariat Incorporated. In 1995-1996, the Co-ordinating Group met regularly to work on developing the legislation and, while its preparation is behind schedule, substantial progress was made.

### **7.6 National Defence**

In 1995-1996, the Department of National Defence provided information to the GTC, the Gwich'in Land Administrator and Gwich'in communities in advance of training and exercises in the settlement area by Canadian Ranger patrols, cadets and southern-based Canadian military units. Four Ranger exercises were conducted in 1995 and the cadet unit located in Inuvik conducted field training exercises near the community. An air exercise and a communication exercise were also conducted in the Inuvik area.

### **7.7 Other Implementation Activities**

In April 1995, the Treaty Party met with each of the four Gwich'in hands and made annual treaty payments.

DIAND consulted the GTC on two occasions regarding changes to the royalty schedule under the Territorial Quarrying Regulations, and the changes subsequently took effect in early 1996. Quarterly reports on royalty information were provided to the GTC as required by the Agreement.



In 1995-1996, DIAND's Mineral Resources Directorate proposed an increase in royalty rates. This rate increase, if implemented, will likely lead to an increase in royalty revenues and in the royalty amounts payable to the GTC. A draft discussion paper on the proposed changes was prepared and will be sent to the GTC for consultation in 1996-1997.

DIAND appointed a federal negotiator in July 1995 to participate in self-government negotiations for the Beaufort-Mackenzie Delta region. The negotiator, John U. Bayly, took part in monthly meetings to review the positions of the parties and to define the mandate of the federal negotiator.

### **7.8 Federal Co-ordination of Implementation Activities**

The Claims Implementation Branch of DIAND is responsible for the co-ordination of federal government obligations under the Agreement. In 1995-1996, the Branch continued to monitor the numerous activities and initiatives

undertaken by federal government departments aimed at fulfilling Canada's obligations in accordance with the Agreement. Furthermore, the Branch attended, and participated actively in, meetings of the three-party Implementation Committee, including the provision of secretariat services to the Committee. Funding was provided during the reporting period as follows:

#### **GWICH'IN TRIBAL COUNCIL**

- capital transfer payment (net of negotiating loan repayment) \$7,455,068
- implementation funding \$149,238

#### **GOVERNMENT OF THE NORTHWEST TERRITORIES**

- implementation funding \$502,922

#### **RENEWABLE RESOURCES COUNCILS**

- implementation funding \$171,667

#### **ENROLMENT BOARD**

- implementation funding \$129,593

#### **INTERIM LAND USE PLANNING; BOARD**

- implementation funding \$175,961

#### **RENEWABLE RESOURCES BOARD**

- implementation funding \$642,050

#### **LAND AND WATER WORKING GROUP**

- funding for transitional work \$35,000

In addition, funding was provided to the GNWT for real property taxes (\$4,348), and \$10,000 was provided to the GTC to cover costs associated with a meeting to discuss the cumulative impact monitoring and environmental auditing method to be developed for the Mackenzie Valley area.

**APPENDIX 1:**  
**MEMBERSHIP OF IMPLEMENTING BODIES (as of March 31, 1996)**

**Arbitration Panel**

Chief James Ross, *Chairperson*

Letha J. MacLachlan,  
*Vice-Chairperson*

Robert Alexie, Jr.

John U. Bayly

Charlie Gaudet

Willard Hagen

Richard M. Hill

Peter Ross

**Enrolment Board**

Barb Crawford, *Chairperson*

Robert Alexie, Sr.

Rosemary Cairns

Dolly Carmichael

Raj Downe Frank

Edwards, Sr.

Beverly Moore

**Interim Land Use  
 Planning Board**

Piet Van Loon,  
*Chairperson*

Karen LeGresley-Hamre

Bob Simpson

Charlie Snowshoe  
 (vacant position)

**Renewable  
 Resources Board**

Robert Charlie,  
*Chairperson*

**MEMBERS**

Joseph Benoit

Roger Binne

Chief James Firth

James Thomas Hickling

Kevin McCormick

Chief James Ross

**ALTERNATES**

Robert Alexie, Sr.

Grace Blake

Freddie Greenland

Edward Henderson

Paul Latour

Roger Peet

**Mackenzie Valley  
 Environmental Impact  
 Review Working Group**

**MEMBERS**

Alestine Andre

Len Colissimo

Sarah Jerome

Gordon Lennie

**TECHNICAL ADVISORS**

Peter Bannon

Joe Benoit

Pierre Laporte

Danny Yakeleya

**Land and Water  
 Working Group**

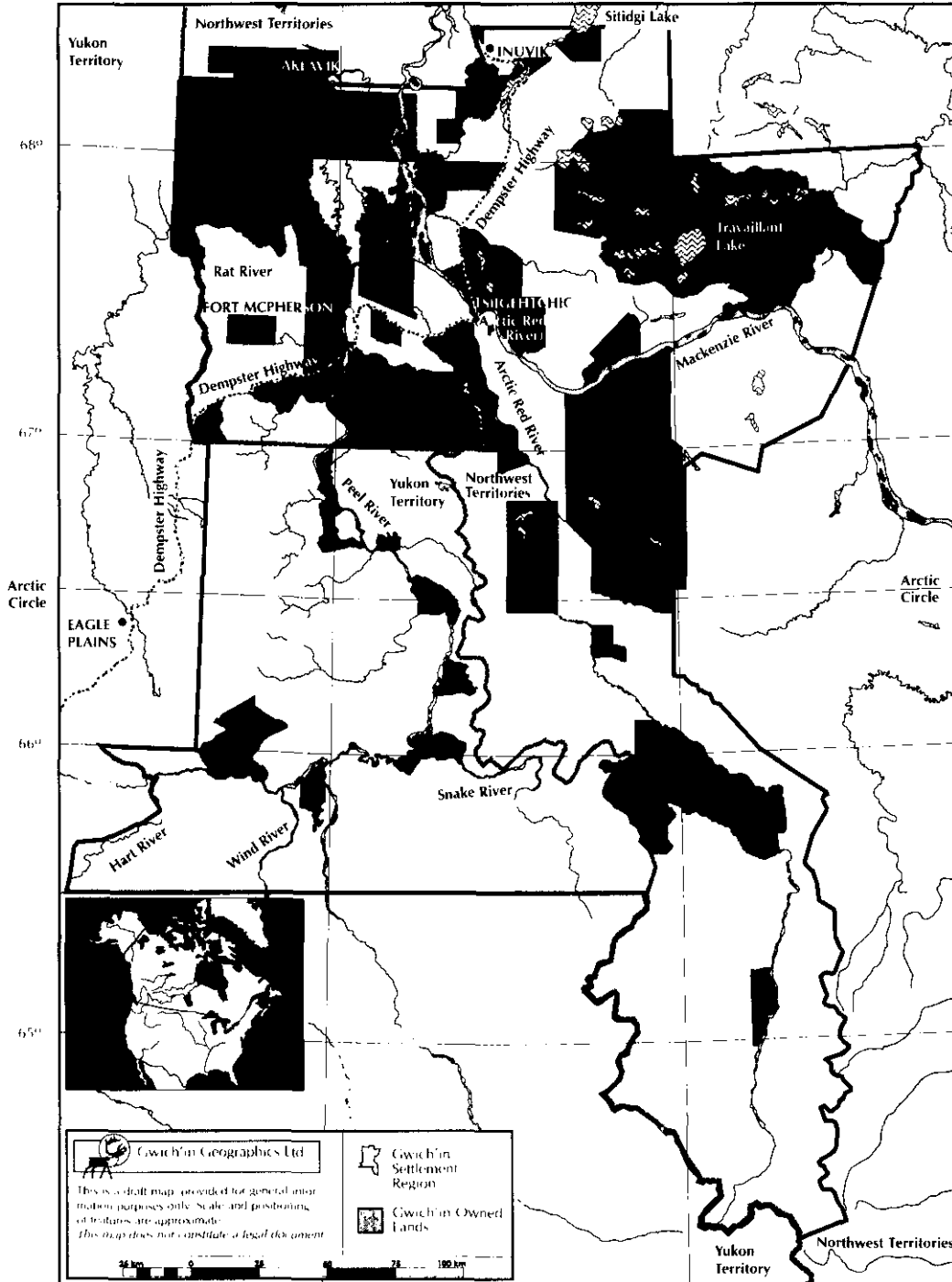
Robert Alexie, Jr.

Willard Hagen

David Krutko

Norma Kassi

# APPENDIX 2: MAP OF GWICH'IN SETTLEMENT AREA



**APPENDIX 3:**  
**SCHEDULE OF CAPITAL TRANSFER PAYMENTS, 1992 TO 1995**

Date	Capital Transfers to the Gwich'in Tribal Council*
April 22, 1992	\$2,000,000
December 22, 1992	\$7,000,000
December 22, 1993	\$4,180,680
December 22, 1994	\$6,271,020
December 22, 1995	\$8,361,360
TOTAL	\$27,813,060

\* net of negotiation loans repayments

**APPENDIX 4:**  
**IMPLEMENTATION PAYMENTS, 1992-1993 TO 1995-1996**

Fiscal Year	Implementation Payments
1992-1993	\$ 559,151
1993-1994	\$1,070,634
1994-1995	\$1,833,735
1995-1996	\$1,886,760
TOTAL	\$5,350,280