

# Annual Report

1996-1997

OF THE IMPLEMENTATION COMMITTEE



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*Gwich'in Comprehensive Land Claim Agreement*

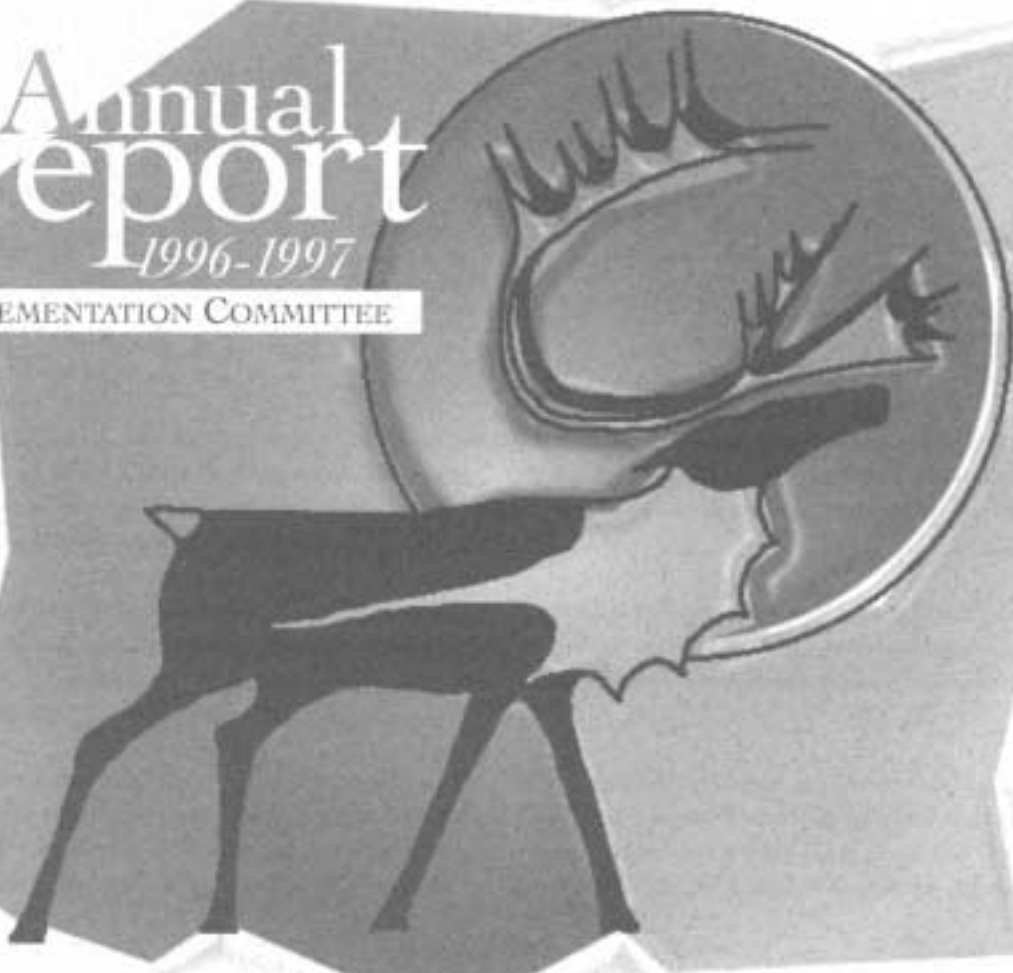
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Published under the authority  
of the Minister of Indian Affairs and  
Northern Development  
Ottawa, 1998

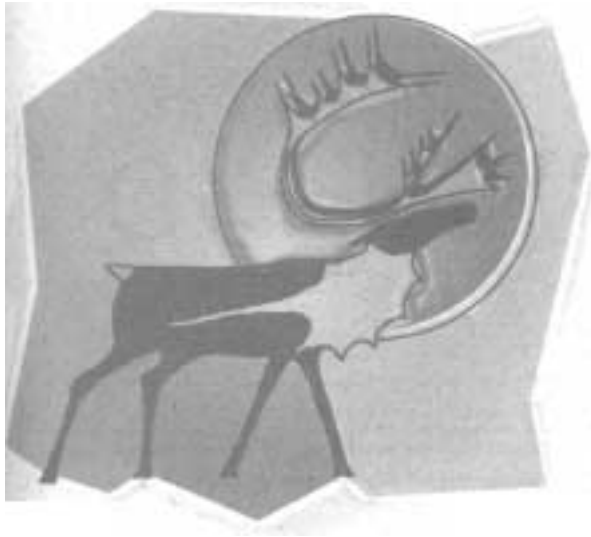
1996/1997 Annual Report of the  
Gwich'in Final Agreement  
QS-5333-005-BB-A1  
Catalogue No. R31-9/1997  
ISBN 0-662-63320-2

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# Foreword

The Gwich'in Tribal Council, the Government of the Northwest Territories and the Government of Canada are the three parties to the Gwich'in Comprehensive Land Claim Agreement. The Implementation Committee's role is to monitor the status and provide direction to guide the implementation of the Agreement. The Committee is composed of a senior official from each of the parties.

In this, the fifth year of collaboration, the Committee continues to function by consensus and to serve as a forum where parties to the Agreement discuss implementation concerns and issues. The Committee remains committed to meeting its obligations and is confident that excellent progress will continue in implementing the Agreement.

One of our monitoring responsibilities as Implementation Committee members is the preparation of this annual public report on the implementation of the Agreement. This report is our fourth. As with previous reports, we prepare the report from information provided by various departments within the federal and territorial governments, the Gwich'in Tribal Council and the implementing bodies established under the Agreement.

We are working together to fulfil obligations under the Agreement. In an atmosphere of mutual respect, 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. We look forward to continued progress in the implementation of the Gwich'in Comprehensive Land Claim Agreement.

Richard Nerysoo,  
Gwich'in Tribal Council

Mark Warren,  
Government of the  
Northwest Territories

Terry Henderson,  
Government of Canada

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# Features of the 1. Gwich'in Comprehensive Land Claim Agreement

On April 22, 1992, the Gwich'in Tribal Council, the Government of the Northwest Territories and the Government of Canada signed the Gwich'in Comprehensive Land Claim Agreement and the accompanying plan to guide the implementation of obligations by all parties to the Agreement.

The Agreement became effective 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 of land in the Northwest Territories and 1,554 square kilometres 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. These government bodies will 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 will 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. Additional payments are made on each anniversary of the signing of the Gwich'in Agreement. A share of annual resource royalties from the Mackenzie Valley is paid to the Gwich'in on a quarterly basis.

The Agreement also provides for the negotiation of agreements on self-government, which will be brought into effect through federal and territorial legislation, separate from settlement legislation.

## 2. Highlights

The Gwich'in Tribal Council received capital transfer payments of \$9,318,835, after negotiation loans were deducted.

The Implementation Committee met three times and dealt with many issues including the following:

- developing terms of reference for the Five-Year Review of the Implementation Plan;
- establishing the Mackenzie Valley Environmental Impact Review Working Group;

- discussing the impending passage of Bill C-80, the Mackenzie Valley resource management legislation; and
- re-allocating implementation funding of the Implementing Bodies.

Enrolment Board members continued to enrol eligible participants in the Comprehensive Land Claim Agreement. The Enrolment Registry now lists 2,167 participants, an increase of 128 participants since April 1996.

In 1996-1997, the Renewable Resources Board worked on developing grizzly bear and forestry management plans for the Settlement Area. The Harvest Study was successful in collecting another year of data while the Environmental Knowledge Project completed its data collection stages. The Board hired and trained beneficiaries in the areas of finance and administration, policy development, oral history and survey research.

In March 1997, the Land and Water Working Group and the Interim Land Use Planning Board organized a conference in Inuvik bringing together a diverse set of

stakeholders from the communities, industry and government to talk about integrated resource management. Community representatives included Gwich'in elders and youth, Renewable Resources Councils (RRCs) and Designated Gwich'in Organizations.

The Interim Land Use Planning Board continued work on a land use plan based on its strategic plan of 1995. In 1996-1997, the Board completed information collection and analysis and produced resources inventory and assessment reports with associated maps.

## Implementation 3. 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 by consensus, is responsible for the following activities:

- overseeing and providing direction to guide the implementation of the Agreement:
- monitoring the status of the implementation plan;
- revising the schedule of implementation activities, re-allocating 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 Richard Nerysoo, President, Gwich'in Tribal Council; Mark Warren, Director, Claims Negotiation and Implementation,

Ministry of Aboriginal Affairs, GNWT; and Terry Henderson, Director General, Claims Implementation, Department of Indian Affairs and Northern Development for Canada.

In 1996-1997, the Implementation Committee held teleconference meetings in April and August and met in Ottawa in December.

In 1996-1997, the Committee dealt with the following major issues:

- developing terms of reference for the Five-Year Review of the Implementation Plan:
- establishing the Mackenzie Valley Environmental Impact Review, Working Group;
- considering the impending passage of Bill C-80, the Mackenzie Valley resource management legislation;
- identifying the need to develop a framework for a cumulative impacts monitoring system in the Mackenzie Valley; and
- re-allocating implementation funding among the various implementing bodies.

# 4. Bodies

## Implementing

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, Renewable Resources Board, Renewable Resources Councils and the Mackenzie Valley Environmental Impact Review Working Group have been established. 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 Bill C-80, the proposed Mackenzie Valley resource management legislation. As set out in the Agreement, the Surface Rights Board will begin operating after separate federal legislation is passed establishing that Board.

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### 4.1 *Arbitration Panel*

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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 and those which arise in interpreting the Agreement. The process may involve either one or three arbitrators who will hear evidence. Decisions of the arbitrators will be binding, and the arbitrators 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 upon to arbitrate any disputes, Panel members did not meet in 1996-1997.

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### 4.2 *Enrolment Board*

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The Gwich'in Enrolment Board, created in March 1993 as part of the Comprehensive Land Claim Agreement, has been responsible for enrolling all eligible participants in the claim. As of April 1, 1997, the Gwich'in Tribal Council took over the sole responsibility for funding and administering the work of the Gwich'in Enrolment Board.

The fourth Enrolment Registry was published for 1996-1997 and now lists 2,167 participants an increase of 128 from 2,039 in the previous year. The Board has now enrolled 99 percent of the estimated total number of 2,200 Gwich'in beneficiaries.

In June 1996, the Board asked an adult educator, Sue Beaumont, to produce a manuscript containing the research on the early Gwich'in history for review by the elders and for possible publication. She prepared a manuscript from interview information and from data collected by the co-ordinator. Research at the language centre led to construction of a history of the Gwich'in and the relationship structure within a Gwich'in family. The Gwich'in tribal names describe where a person's ancestors came from such as the Vuntut, Tetlit, Gwichya or from the tribes in Alaska. A paper was prepared to explain the Gwich'in family relationship structure.



In the fall of 1996, the Board decided to carry out the data entry for Fort McPherson and Tsiigehtchic, complete work on the Fort McPherson family history project, perform research in Aklavik as proposed by the band, complete research on family structure and prepare a final report on the Board's work. All these tasks were either successfully completed or in progress by March 31, 1997.

In December 1996, the Aklavik Indian Band held a genealogy workshop to review and analyze the Aklavik genealogical data that had been collected. Many of the elders talked about how people used to hunt and travel as family units in the mountains as late as 1940. The elders gave information on family names and the reasons why some names were changed or shortened.

The Gwich'in Social and Cultural Institute helped the Gwich'in Enrolment Board to computerize data for families from Tsiigehtchic collected from the church records held in the Roman Catholic Diocesan Centre in Yellowknife. The Gwich'in Social and Cultural Institute also transcribed the videotapes of the genealogy workshop held in March 1996 in Tsiigehtchic. The final genealogy workshop was held in the Alex Moses Greenland Building in Inuvik from March 14 to 16, 1997.

An historical paper entitled " 'Jijuu, Who Are My Grandparents? Where Are They From?': Our People, Our Names: A Genealogy/History of the Tetlit Gwich'in of Fort McPherson" was completed by Rosemary Cairns in February 1997. The paper was reviewed by the elders at the Board's final workshop held in Inuvik in March 1997.

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

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The Interim Land Use Planning Board is responsible for developing a draft land use plan in the Gwich'in Settlement Area. The permanent Land Use Planning Board will be created when the federal government passes Bill C-80, the proposed Mackenzie Valley resource management legislation.

In 1996-1997, the Board continued to work toward a draft land use plan based on the strategic plan it wrote in 1995. As well, the Board completed the information collection and analysis by producing more resource inventory and assessment reports and associated maps. These reports summarize the past, present and future of different types of land use in the Gwich'in Settlement Area. There are nine such reports: waste, forestry, significant wildlife areas and use, fishery resources and use, water use, transportation and communication, military uses, mineral resources, and oil and gas resources and use. The Board is currently developing a list of significant cultural sites in the Gwich'in settlement region.

In December 1996 and January 1997, the Board traveled to each community to present the ideas that it was developing for the plan options document. The plan options document provides the following information:

- the objectives and goals of the plan;
- the Board's interpretation of the Gwich'in Land Claim Agreement and Bill C-80, the proposed Mackenzie Valley resource management legislation as they relate to land use planning;
- a land classification system; and
- the process the Board will follow as it produces a draft land use plan.

In March 1997, the Board held a land use planning workshop in Inuvik in conjunction with the Land and Water Working Group. The land use planning portion of the workshop had subgroup meetings based on the major land use sectors that occur in the region, for example, large scale development (oil, gas and mining), public development (transportation and communication) and renewable resources such as wildlife and water use. The Board also recognized the need to involve government departments more in the planning process and to revise the land classification system it was considering applying to the Gwich'in Settlement Area.

The Board has also been involved in the following activities:

- assisting with land use planning in the Yukon, particularly within the watershed of the Peel River; and
- developing a protected area strategy in conjunction with the Government of the Northwest Territories (GNWT) and other groups.

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#### 4.4. *Renewable Resources Board*

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The Agreement provides for the establishment of a Renewable Resources Board as the main instrument of wildlife and forest 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 Board has seven appointed members: three jointly appointed by the federal and territorial governments, three nominated by the Gwich'in and jointly appointed by the federal and territorial governments, and a chairperson nominated by the members and jointly appointed by the federal and territorial governments. Six alternate members are also chosen in the same manner.

The Board completed its third year of operation in 1996-1997. The Board meets four times per year, once in each of the Gwich'in communities. During regular meetings in the communities, the Board also meets with the Renewable Resources Councils (RRCs) to discuss local renewable resource management issues and concerns.

In 1996-1997, the Board allocated \$276,000 to fund 15 research and management projects. These projects were funded:

- grizzly bear and moose research;
- six fishery projects;
- forestry air photo interpretation and timber cruising projects;

- Gwich'in Environmental Knowledge Project: and
- the Peel River watershed mapping project.

In close concert with the RRCs and government agencies, the Board is working toward long-term sustainable use and conservation of wildlife and forest resources.

In the last year, the Renewable Resources Board has helped to develop the Bluenose Caribou Management Plan, has taken a lead role in developing grizzly bear and forest management plans for the Settlement Area and has participated in an overall integrated resource management strategy for the Settlement Area.

Work on the grizzly bear management plan has involved community surveys and regional workshops to identify how people want to manage grizzly bears. Forest management planning has included a community forest use survey, an elder's workshop on forest change, aerial photography and inventory research.

The Gwich'in Harvest Study, in its second year of operation, is providing information necessary for the Board and government to manage wildlife effectively and to establish the minimum levels of wildlife to be set aside for Gwich'in harvesters. To provide an incentive for participants, the Harvest Study initiated a contest with monthly prizes awarded in each community. Harvest information is displayed in RRC offices to enable community members to see the results as they become available. The accuracy of the information collected in the first year was reviewed by the RRCs, and a workshop was held with the community interviewers to discuss the progress of the Harvest Study.

The Gwich'in Environmental Knowledge Project completed the information collection phase in 1996-1997. In total, 120 interviews were completed with elders from the four Gwich'in communities. Information was also collected from previous Committee for Original Peoples Entitlement (COPE) interviews and other archival material. The first draft of the book, which includes 19 chapters on the traditional knowledge collected on wildlife, was reviewed by elders in January 1997.

Education and training of Gwich'in beneficiaries in renewable resource research and management have been a major part of Board operations. The Board has initiated several programs including the following activities.

- Six full-time on-the-job training positions were created (office manager, secretary, Harvest Study assistant, research and management assistant, fisheries technician trainee, and forest management assistant).
- Community interviewers were hired for the Gwich'in Harvest Study, the Environmental Knowledge Project and the Community Forest Use Survey. In total, more than 25 people have been trained and employed as community interviewers over the last two years.
- Students were hired for the summer student program. Each summer, the Renewable Resources Board office hires two or three students to work on renewable resources research and management projects. Students get first-hand work experience and learn about co-management of renewable resources.
- The Jim Edwards Sittichinli scholarship was awarded. The Board awards \$1,000 scholarships to college or university students pursuing studies in renewable resources or a related field. This year's recipient was Mary Anne Carroll. Mary Anne is attending a forestry recreation program at the University of Northern British Columbia in Prince George.

The Board has worked closely with the RRCs to ensure their involvement in renewable resources research and decision making. Based on concerns expressed by the RRCs, the Board worked with them to develop the Renewable Resources Councils Operations Manual. The Operations Manual assists RRCs with the role they play in renewable resource management.

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#### 4.5 *Renewable Resources Councils*

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

During 1996-1997, the RRCs engaged in the following activities:

- 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 the Community Harvest Assistance Program funding from the GNWT Department of Resources, Wildlife and Economic Development (DRWED) to support Gwich'in harvesters and their activities; and
- organized community caribou hunts to provide meat for elders and needy beneficiaries.

A regional meeting of the RRCs was held in January 1997 at which the Operations Manual developed by the Renewable Resources Board staff was adopted. The RRC Operations Manual guides the Councils in all aspects of resource management, and RRCs are implementing all procedures in their daily activities.

Aklavik RRC includes President Joe Benoit, Vice-President Neil Greenland and councillors James MacDonald, Sr., Fanny Greenland, David Edwards, David Husky and Dale Semple. The John Martin Cabin construction is now completed. Caribou and fish were distributed to people in the community.

Nihtat RRC has seven elected members: President Tommy Wright, councillors James B. Firth, Pat Bourque, Robert Charlie, Harry Carmichael, Roger Allen and Allen Firth. The RRC conducts community caribou hunts to provide meat for elders and people in need. It also provides fish, ice and creek water to elders and assists beneficiaries. The RRC provides input to many federal, territorial and regional processes associated with renewable resources (land use plans, forestry

management Plans, and species management plans). It has the right to approve access to Gwich'in private lands by non-beneficiaries. Beneficiaries wanting to cut cordwood or pilings on private lands must obtain a letter of support from the local RRC to show to the GNWT.

Tetlit Gwich'in RRC holds monthly meetings to keep up-to-date with renewable resource issues. The RRC also attended the Regional Renewable Resources Council meetings in Tsiigehtchic and Aklavik. In 1996-1997, the RRC participated in several research projects relating to wildlife such as charr, caribou and grizzly bear; to hazardous waste clean-up; to forest conservation; and to Gwich'in cultural issues. The RRC was also involved in education and training activities such as a forest management course at Fort Smith, search and rescue at Inuvik, the Delta Science Camp at Peel River and the Elders' Forest Use and Change Workshop at Aklavik.

The members of the Gwichya Gwich'in RRC are President Carol Norwegian, Vice-President John Guy Norbert and councillors Dale Blake, Maureen Clark and Barney Natsie. The Coordinator is Dan Andre and the Harvest Study Community Interviewer is Julie Ann Andre. The RRC is currently working with all co-management boards and outside organizations to develop the Land Use Plan, Integrated Resources Management Plan, Grizzly Bear Management Plan, Forest Management Plan and the Gwich'in Land Management and Control Rules. The RRC is updating the General Hunting Licence list. The harvesters in the community are actively participating in the Harvest Study to establish a minimum needs level for all Gwich'in.

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

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The Mackenzie Valley Environmental Impact Review Board will be established as the principal agency to undertake environmental impact assessment and review in the Mackenzie Valley. This agency's jurisdiction will

apply to all lands in the Western Arctic, excluding the Inuvialuit Settlement Region and Wood Buffalo National Park. The Board will be established under Bill C-80, the proposed Mackenzie Valley resource management legislation in response to both the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene and Metis Comprehensive Land Claim Agreement. The Board will have equal membership from nominees of Aboriginal groups and from government, and the chairperson.

In May 1996, the Mackenzie Valley Environmental Impact Review Working Group was formed and registered under the Northwest Territories Societies Act. It is comprised of the four members nominated to the permanent Board, with additional members from government and the land claim groups. The purpose of the Working Group is to prepare for the implementation of the Mackenzie Valley Environmental Impact Review Board and the draft Mackenzie Valley resource management legislation. When this act is legislated, the Board can be established with the nominees appointed and can begin environmental impact assessment and reviews for the Mackenzie Valley.

The Working Group held six meetings during the 1996-1997 period and undertook the following activities:

- helping to develop a draft communications strategy and related documents;
- initiating guidelines for preliminary screening and environmental assessment, including protocols;
- designing and holding training sessions (for example, environmental assessment) for the members;
- establishing office procedures and preparing to relocate its office;
- convening and attending public meetings to disseminate information and to build liaisons with other organizations; and
- working to fulfill other implementation requirements, such as providing input to the Five-Year Review of the Implementation Plan.

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#### 4.7 Land and Water Board

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When the proposed Mackenzie Valley resources management legislation is enacted, the Land and Water Board will be established to regulate land and water use throughout the Settlement Area, which includes activities taking place on Crown, Gwich'in and other private lands. It will amend, issue or renew licences and permits and other authorizations for land and water use, including those necessary for exercising subsurface rights.

The Implementation Committee agreed to establish the Land and Water Working Group in November 1995 to do the preparatory work for the permanent Land and Water Board.

Some highlights from this year's integrated resource management work include the following activities:

- producing a series of discussion papers about integrated resource management frameworks;
- holding a workshop in November 1996 with the institutions of public government members, staff and other Gwich'in organizations;
- holding community workshops in February 1997 that included elder and youth participation;
- holding an integrated resource management workshop in March 1997 with institutions of public government members, staff, other Gwich'in organizations, government and industry; and
- forming the Integrated Resources Management Committee and the Information Management Committee to deal with issues relating to information transfer, sensitivity and ownership.

The Geographical Information System (GIS) is a key tool for the storage and transfer of relevant geographical information which is currently being developed by the Board. It will provide the Board with the most up-to-date and concise information on the type and location of resources in the Settlement Area.

Some of the GIS work to date includes the following:

- developing a digital base map;
- collecting data from other sources that relate to the Gwich'in Settlement Area;
- transferring data from draft community land use maps to computer format in conjunction with the Gwich'in Interim Land Use Planning Board; and
- working with the Gwich'in Social and Cultural Institute to include traditional place names in the system.

The land and water technician has been involved in the following activities:

- developing training schedules for the land and water technician trainee;
- developing working relationships with external government agencies;
- producing a reference data base of mitigation and restoration measures used by other land and water regulatory agencies;
- reviewing land use permits and water licence applications forwarded to the Board by the Department of Indian Affairs and Northern Development;
- assisting with land use application development;
- assisting other Board personnel with projects and workshops; and
- developing operating procedures for use of field equipment.

This work will help the Board to perform its duties once the proposed Mackenzie Valley resource management legislation is in effect.

# 5. Gwich'in Tribal Council

In 1996-1997 the Gwich'in Tribal Council was involved in various land claim implementation activities.

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## 5.1 *Mackenzie Valley Resource Management Legislation*

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In the spring of 1997, the GTC examined the failure of the federal government to pass this legislation by December 1994 and prepared a Statement of Claim which was filed in the federal court. In doing so, the GTC's intent was to force the government to admit a breach of the land claim Agreement and implementation plan and to compensate the GTC accordingly. The GTC was in contact with the Department of Indian Affairs and Northern Development (DIAND) throughout the year regarding the delay in the completion of the cumulative impacts monitoring and environmental audit regulations.

In January 1997, the GTC participated in the workshop on the proposed act conducted by the Mackenzie Valley Environmental Impact Review Working Group. The GTC continued to provide advice to the Working Group on the legislation and its implementation throughout the year.

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## 5.2 *Environmental Management Activities*

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The GTC participated in the deliberations of the Land and Water Working Group, the Interim Land Use Planning Board and the Environmental Impact Review Working Group.

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## 5.3 *Integrated Resource Management*

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The GTC and member communities participated in and supported a conference hosted by the Land and Water Working Group on integrated resource management.

The concepts of integrated resource management and the co-ordination of the activities of land claim boards are important land claim obligations that should facilitate an efficient system of resource management in the Settlement Area.

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## 5.4 *Land Use Plan for Gwich'in Settlement Area*

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In 1996-1997, the GTC organizations participated in the development of a plans options document for the Settlement Area. Local RRCs participated in a series of local workshops where they provided the Interim Land Use Planning Board with local knowledge regarding historical uses of the region and suggested areas for protection from specific development activities. The Social and Cultural Institute also worked closely with the Board to identify heritage sites in the Settlement Area.

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## 5.5 *Self-Government Negotiations and Constitutional Development*

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In 1996, both federal and territorial negotiators received their mandates to negotiate self-government. With negotiations formally under way, the GTC tabled its interests on five major subject matters including governing structures, culture and language, education and training, health and social services, and administration of justice. Substantive progress was also made on drafting a governing structures sub-agreement. Preparatory work includes the following items:

- Field workers conducted a survey to gauge attitudes and measure regional knowledge of self-government in the Beaufort/Delta Region.
- The Beaufort/Delta Leaders' Conference considered the creation of an Interim Regional Council that would prepare for an eventual self-government agreement.

- A work plan was completed for 1997-1998. It is anticipated that approximately 50 percent of the negotiation subjects will be addressed.

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## 5.6 Implementation Training Fund

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The Gwich'in Training Fund was active in dispensing scholarship funds to Gwich'in beneficiaries undertaking post-secondary education as well as funding four environmental management training positions at the Renewable Resources Board, the Interim Land Use Planning Board and the Land and Water Working Group.

In 1996-1997, the Scholarship Committee allocated \$57,500 of implementation training funding for scholarships in the Settlement Area. As well, \$113,842 was allocated to Arctic College to help develop training courses for Gwich'in beneficiaries in the areas of renewable resource management, land administration and renewable resource economy.

The GTC was also an active participant in obtaining Pathways' funding from Human Resources Development Canada. These funds were allocated to individuals for improving the skills of Gwich'in in the Settlement Area.

# 6. Government of the Northwest Territories

The Government of the Northwest Territories (GNWT) performed various implementation activities pursuant to the Gwich'in Implementation Plan and related funding agreements.

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## 6.1 Ministry of Aboriginal Affairs

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During the period covered by this report, the Ministry co-ordinated the GNWT implementation activities by liaising with the GTC, federal and GNWT officials; participating in the Five-Year Review of the Gwich'in Implementation Plan; preparing status reports for the Implementation Committee; and preparing the GNWT component of this annual report. Ministry officials continued discussions regarding the registration of Gwich'in lands, access to sand and gravel on Gwich'in Settlement Lands and the economic measure provisions of the Gwich'in Comprehensive Land Claim Agreement. A Ministry official actively participated as the GNWT representative on the Implementation Committee dealing with such issues as the establishment of the Environmental Impact Review Working Group, the co-ordination of various Board activities, the monitoring of internal reorganization of parties to the Gwich'in Comprehensive Land Claim Agreement and the re-allocation of implementation funds.

The Ministry was represented on the Gwich'in Co-ordinating Group responsible for developing legislation for Bill C-80, the proposed Mackenzie Valley resource management legislation.

The GNWT is an independent party to self-government negotiations and is represented at the table by a chief negotiator from the Ministry. Other departments and agencies participate as relevant subject matters are negotiated. The GNWT Self-Government Negotiating Mandate was approved in October 1996 and provides broad instructions for its negotiators. One mandate will be used for all self-government negotiations in the western Northwest Territories.

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## 6.2 Resources, Wildlife and Economic Development

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The Department of Resources, Wildlife and Economic Development (DRWED) was created in August 1996 by the merger of three departments: Renewable Resources; Economic Development and Tourism; and Energy, Mines and Petroleum Resources. This Department has assumed responsibility for implementation activities formerly discharged by the merged departments.

consultation with the Renewable Resources Board and the local Renewable Resources Councils. The Department continued to work closely with these organizations to promote and advise on wildlife management, forestry and other resource development issues. The Department has asked the Nihtat Council's membership to participate in a round table discussion to set out a strategy and guidelines on how to achieve further results in the resource economy. Education, training and career development continued to be a departmental priority in an attempt to develop a local resource economy.

A draft management plan for the Bluenose Caribou herd was prepared, and a workshop was held to present information on the herd and to review and comment on the draft plan. A meeting of the chairs of wildlife institutions of public government and government agencies was held to start work on a co-operation agreement leading to a co-management agreement for the herd. An advisory committee will be formed to recommend the management plan when it is completed and to review progress on the plan.

Wildlife studies again formed a significant part of the Department's operations with regard to implementation of the Gwich'in Comprehensive Land Claim Agreement. The Department worked closely with the Renewable Resources Board and shared the costs of several wildlife studies. These studies included radio-collaring Richardson Mountain grizzly bears to determine reproduction status, developing a harvest management plan for grizzly bears in the Gwich'in Settlement Area and surveying moose in the Rengleng River area. The Department also participated in meetings of the Harvest Study Working Group and contributed to the design of the Harvest Study.

The Department continued to work in close co-operation and consultation with the GTC and each Gwich'in community to support the shared objectives of encouraging employment opportunities and economic self-sufficiency within the Gwich'in Settlement Area. The Department accomplished this by providing support to assist Gwich'in businesses and individuals in gaining access to

financing from DRWED programs and from other government and private financing sources. The Department also worked to support Gwich'in businesses by providing information, counselling and advice. Work continued on the implementation of the community economic development planning process introduced to the Gwich'in communities in 1994-1995.

The Park Master Plan for the Gwich'in Territorial Park is being implemented and a facility conceptual plan is being prepared. Consistent with the Memorandum of Agreement signed between the GNWT and the GTC, all contracts issued were held by Gwich'in-owned and -operated companies. The Department continued to offer employment opportunities for Gwich'in, including a full-time parks and interpretive services officer and a seasonal parks officer.

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### 6.3 *Education, Culture and Employment*

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The Department contracted with the Gwich'in Social and Cultural Institute to complete work identifying the locations of Gwich'in artifacts and archival materials in institutions around the world. This information will be used to develop a strategy to repatriate artifacts to the Northwest Territories. The Department continues to offer advice on the possible impact of land use operations on heritage sites.

The Inuvik regional office continued to co-ordinate several education, culture and employment support programs for Gwich'in beneficiaries including investing in people pilot projects in Aklavik and Inuvik, building and learning strategy programs in Fort McPherson and Aklavik, and employment enhancement-sponsored positions in Fort McPherson and Inuvik.

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### 6.4 *Justice*

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The Department continued to contribute to the ongoing implementation of the Gwich'in Comprehensive Land Claim Agreement. Legal advice and assistance were provided on a variety of issues, including access



provided on a variety of issues, including access to lands, self-government and wildlife harvesting. Work began on amendments to the Wildlife Act to recognize and implement provisions of the Agreement. Departmental officials participated in meetings to review Bill C-80, the proposed Mackenzie Valley resource management legislation.

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## 6.5 *Public Works and Services*

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The Department negotiated a significant contract with the Gwich'in Development Corporation and Tetlit Zheh Construction for the design and construction of the new Fort McPherson school, which was occupied in March 1997. The contract was awarded September 9, 1996 (\$7,934,000).

# 7. Government of Canada

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## 7.1 *Economic Activity and Employment*

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In 1996-1997, the Department of Indian Affairs and Northern Development consulted 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 the GTC's review and comment. The Council 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.

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 GTC of procurement opportunities in the Settlement Area.

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## 7.2 *Environmental and Wildlife Management Issues*

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The Canadian Wildlife Service (CWS) participated in meetings of the Harvest Study Working Group and contributed to the design of the Harvest Study. Also, CWS reviewed and commented on the methodology report prepared by the co-ordinator of the Harvest Study.

The CWS advised the Renewable Resources Board of all changes to migratory bird regulations that may affect the Gwich'in. The Board is aware that migratory birds are managed according to a well-defined set of regulations. The Gwich'in were consulted regularly over changes to the Migratory Bird Regulations, such as the use of non-toxic bird shot and the proposed spring hunting season. The Gwich'in Settlement Area Harvest Study will provide the basis for establishing a total allowable harvest of migratory birds in the Settlement Area. The Board receives annual migratory bird harvest statistics compiled by CWS and the United States Fish and Wildlife Service. The Harvest Study will provide data on how a total allowable harvest may be determined.

The CWS sits on the Arctic Goose Working Group of the Arctic Group Joint Venture which is a cooperative Canada-United States body that coordinates goose management and research in both countries. The CWS updated the Board on the status of the amended Migratory Birds Convention as it proceeded through the Canadian and American legislative bodies.

The CWS is involved in the preparation of management plans for the Bluenose Caribou herd and Barren-Ground grizzly bears both of which move in and out of the Gwich'in Settlement Area. The CWS also sits on the Porcupine Caribou Management Board.

DIAND participated with the working groups for the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and the Land and Water Board to develop guidelines and protocols for Preliminary Screening, Environmental Assessment and Review. A federal and territorial government caucus was convened to discuss the responsibility of the federal minister to co-ordinate a government response following an Environmental Assessment decision by the MVEIRB.

The Mackenzie Valley Land Use Planning Co-ordinator compiled an extensive data base of mapping products from the Mackenzie Delta Beaufort Sea planning process, for use by the Interim Land Use Planning Board (ILUPB). Meetings were held with the ILUPB and the GNWT to discuss means of increasing the involvement of government with the planning process. DIAND's comments on the options paper, including feasibility of options and suggestions for changes, were compiled and sent to the Board.

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### 7.3 *Heritage Issues*

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In 1996-1997, Heritage Canada, through Parks Canada, worked extensively with the CTC and with Gwich'in community representatives in activities related to the Gwich'in Comprehensive Land Claim Agreement. These activities included setting up an outdoor recreation park, surveys dealing with archeological historic sites and botanical studies to identify sensitive plant

Traditional culture and history are priorities to the Gwichya Gwich'in. Therefore, they have begun documenting their traditional land use and collecting oral histories documenting their traditional knowledge. In collaboration with Parks Canada, they are preparing a proposal to commemorate their history through a national historic site.

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### 7.4 *Land and Water Management Issues*

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Natural Resources Canada has completed its surveys for the Gwich'in Land Claim and has registered most of the plans. To complete Natural Resources' obligations under the Agreement, final registration of plans and the subsequent raising of titles are receiving priority.

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### 7.5 *National Defence*

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As required by the Gwich'in Comprehensive Land Claim Agreement, the Department of National Defence/Canadian Forces provides the affected tribal councils with a yearly training plan and a notice of exercise approximately one month before an exercise. Communities that will be affected are also advised at that time of forthcoming activities in their area.

Four Ranger exercises were conducted in 1996, and the cadet unit conducted an exercise in October 1996 and a drill competition in Inuvik in November 1996. Canadian Forces conducted Exercise Iridium West in October 1996.

Flying exercises are conducted from Forward Operating Locations which include Iqaluit, Rankin, Inuvik and Yellowknife. Up to six aircraft and 200 personnel are deployed for large exercises while smaller exercises involve two aircraft and 50 to 60 personnel. The last exercise was conducted in April 1996.

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### 7.6 *National Energy Board*

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In 1996-1997, National Energy Board staff participated in a workshop dealing with integrated resource management and land use planning for the Gwich'in Settlement Area at the request of the Land and Water Working Group and the Interim Land Use Planning Board.

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## 7.7 *Revenue Canada*

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Revenue Canada is responsible for preparing an information document outlining various items dealing with tax implications for the Gwich'in and requirements for books and records. This document is near completion and should be ready for review in the early part of 1997-1998.

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

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The Claims Implementation Branch of DIAND is responsible for maintaining regular contact with all federal government departments and agencies with respect to their implementation activities, intervening as necessary, and maintaining a comprehensive implementation status report on its automated Land Claims Obligations System.

During the reporting period, the Branch participated in the following activities:

- drafting the terms of reference for the Five-Year Review of the Implementation Plan;
- consulting with all of the Gwich'in boards and working groups to assess their funding requirements to year-end and making recommendations on the funding levels to be allocated for the fiscal year 1997-1998;
- serving as Secretariat to the Implementation Committee;
- managing the contribution agreements with the Implementing Bodies; and
- co-ordinating the preparation of the 1995-1996 annual report.

Funding was provided during the reporting period as follows:

Gwich'in Tribal Council capital transfer payment (net of negotiation loan repayment)

- \$9,318,835

Government of the Northwest Territories

- \$274,492

Renewable Resources Councils

- \$176,817

Interim Land Use Planning Board

- \$257,596

Renewable Resources Board

- \$757,398

Land and Water Working Group

- \$652,750

Government of the Northwest Territories  
real property taxes

- \$4,571
- 

## 7.9 *Other Implementation Activities*

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The Northwest Territories Region of DIAND met with each Gwich'in band to make the annual Treaty payments in April 1996. The Region also consulted the GTC on relevant Economic Development Agreements.

During 1996-1997, the following implementation activities took place:

- paying an annual total of \$242,088 to the GTC for resource royalties;
- developing a new Contaminants Site Clean-up Program for the clean up of hazardous waste; and
- considering recommendations of the Peel River Watershed Advisory Committee.

A prominent feature of the settlement of land claims in the Mackenzie Valley is the establishment of a new resource management regime in partnership with First Nations. The implementing legislation, to be known as the Mackenzie Valley Resource Management Act (MVRMA), was introduced as Bill C-80 to Parliament on December 12, 1996 but died on the Order Paper when the last Parliament was dissolved. The Bill is expected to be reintroduced to Parliament in the fall of 1997.

MVRMA is the culmination of extensive drafting and consultation efforts of the Gwich'in Co-ordinating Group made up of representatives of DIAND, GNWT and the Gwich'in and Sahtu First Nations. The Bill will replace many of the current functions of DIAND with an integrated system of institutions of public government for the planning, environmental assessment and regulation of land and water uses in association with development activities proposed for the Mackenzie Valley.

Land claim settlements in the Mackenzie Valley provide for the establishment of a Surface Rights Board through the Mackenzie Valley surface rights legislation. This quasi-judicial body will have the jurisdiction to resolve disputes between landowners and holders of surface or subsurface commercial interests over entry to the lands and compensation for their use. The Board will consist of members residing in the Mackenzie Valley, and three member panels with a Gwich'in or Sahtu region resident when the dispute is within a particular Settlement Area. Currently, disputes on these lands may be referred to the arbitration process of the Gwich'in or Sahtu claims. Several drafts of the Bill have been prepared, and further consultation with First Nations is required before this Bill can go forward in 1997-1998.

# Appendix 1

## Membership of Implementing Bodies

(as of March 31, 1997)

### ***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.  
Frank Edwards, Sr.  
Dolly Carmichael  
Rosemary Cairns  
Raj D. Downe

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

Piet Van Loon, Chairperson  
Charlie Snowshoe  
Bob Simpson  
Karen LeGresley-Hamre  
Hall Mills

### ***Land and Water Working Group***

Robert Alexie, Jr., Chairperson  
Willard Hagen  
David Krutko  
Norma Kassi  
Peter Bannon  
Rudy Cockney  
Bob Simpson  
Pierre Laporte

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

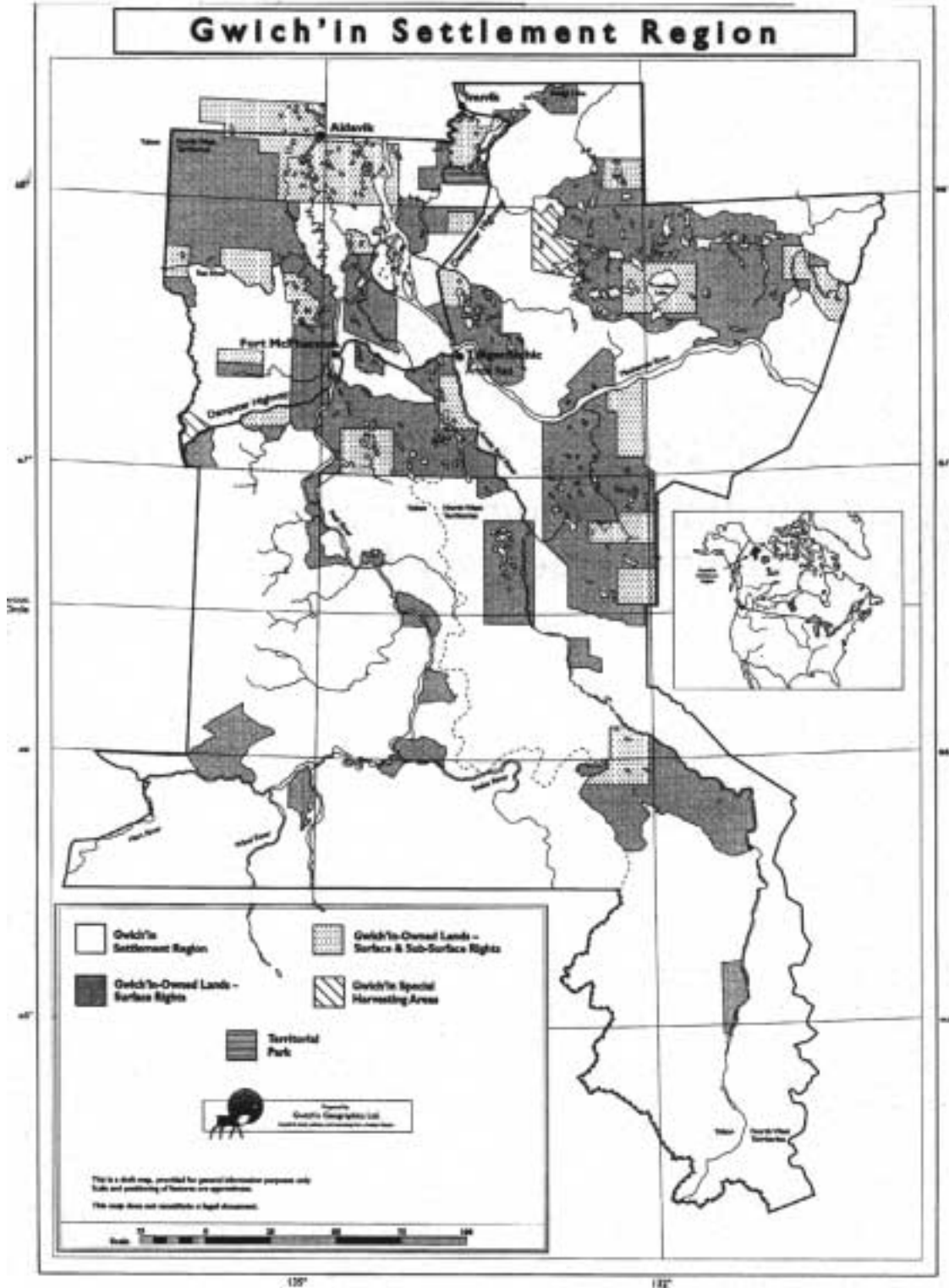
Robert Charlie, Chairperson  
Robert Alexie, Sr.  
Joe Benoit  
Chief James Firth  
Paul Latour  
Roger Binne  
James Hickling  
ALTERNATES  
Ron Morrison  
Roger Peet  
Kevin McCormick  
James Ross

### ***Mackenzie Valley Environmental Impact Review Working Group***

Gordon Lennie, Chairperson  
Alestine Andre  
Sarah Jerome  
Len Colissimo  
Peter Bannon  
Joe Benoit  
Brenda Kuzyk  
Ruby McDonald

# Appendix 2

## Map of Gwich'in Settlement Area



# Appendix 3

## Schedule of Capital Transfer Payments, 1992 to 1997

<i>Date</i>	<i>Capital Transfers to the GTC</i> <sup>⌘</sup>
April 22, 1992	\$2,000,000
April 22, 1992	\$7,000,000
April 22, 1993	\$4,180,680
April 22, 1994	\$6,271,020
April 22, 1995	\$8,361,360
April 22, 1996	\$9,318.835
<b>Total</b>	<b>\$37,131,895</b>

⌘net of negotiation loans payments

# Appendix 4

## Implementation Payments to the GTC, GNWT and Implementing Bodies, 1992-1993 to 1996-1997

<i>Fiscal Year</i>	<i>Implementation Payments</i>
1992-1993	\$559,151
1993-1994	\$1,070,634
1994-1995	\$1,833,735
1995-1996	\$1,886,760
1996-1997	\$2,987,444
<b>Total</b>	<b>\$8,337,724</b>