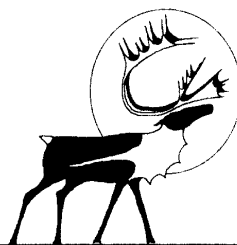


**Annual Report** of the  
Implementation Committee

The Gwich'in Comprehensive Land Claim Agreement



**1997 | 1998**



Canada

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# Foreword

The Implementation Committee is pleased to provide its fifth annual report on the implementation of the Gwich'in Comprehensive Land Claim Agreement. This report covers the fiscal year extending from April 1, 1997 to March 31, 1998.

The Implementation Committee is composed of a senior official from each of the parties: the Gwich'in Tribal Council, the Government of the Northwest Territories and the Government of Canada. The Committee functions by consensus and serves as a forum where parties can raise issues and voice their concerns.

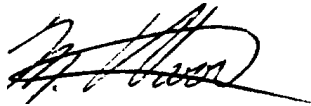
The role of the Implementation Committee is to monitor and provide direction on the implementation of the Agreement. This annual report describes achievements and developments during the year. Information is contributed by various federal and territorial departments, the Gwich'in Tribal Council and other bodies established under the Agreement.

Progress is being achieved within a relationship defined by mutual respect and a commitment to fulfill obligations. As partners, we will continue to work together to ensure successful implementation of this Agreement.



Richard Nerysoo

Gwich'in Tribal  
Council



Mark Warren

Government of the  
Northwest Territories



Terry Henderson

Government of Canada

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# 1 Features of the Agreement

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 plan to guide the implementation of obligations by all parties to the Agreement. The Agreement took effect on December 22, 1992.

Major provisions of the Agreement are:

- 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 Yukon.
- Within the Gwich'in Settlement Area (GSA), the Gwich'in retain extensive and detailed wildlife harvesting rights, rights of first refusal to a variety of commercial wildlife activities and guaranteed participation in public government bodies.
- Government bodies were 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 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 GTC 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 or territorial legislation or both.

## 2 Highlights

- The GTC received capital transfer payments of \$9,318,835, after negotiation loans were deducted.
- The Implementation Committee initiated a five-year general review of the Gwich'in Implementation Plan to describe the current status of land claim obligations, identify larger implementation issues and determine the overall adequacy of implementation funding. The Implementation Committee met three times and dealt with many issues during the year, including discussing the impending passage of the proposed Mackenzie Valley Resource Management Act (MVRMA) and re-allocating implementation funding of the implementing bodies.
- The GTC continued to enroll eligible participants in the Agreement. The Enrolment Registry now lists 2,189 participants.
- The Land Titles Office registered numerous surveys for the specific sites and portions of the boundaries of the larger settlement land parcels. In total, certificates of title have been issued for 154 of the Gwich'in-owned parcels. Certificates of title have now been issued for all but seven Gwich'in-owned parcels.
- A preliminary draft plan was released to solicit initial responses from stakeholder agencies prior to the production of the draft land use plan.
- The Grizzly Bear Management Plan for the GSA identifies priorities, concerns and management needs regarding resource use. The plan now provides for two grizzly bear tags to each renewable resources council (RRC) for allocation to beneficiaries in its community. Gwich'in beneficiaries were able to harvest grizzly bears for the first time since the voluntary ban in May 1992.
- The GNWT Department of Education, Culture and Employment and the Beaufort-Delta Board of Education negotiated a contract valued at \$8,224,204 with the Gwich'in Development Corporation for the design and construction of the new school in Fort McPherson. Construction is scheduled for completion in September 1998.
- The park master plan for the Gwich'in Territorial Park is being implemented with all development and operational contracts awarded to Gwich'in-owned and-operated companies. Park development included significant site and road works and designs for various park facilities. Operational work involved the general maintenance of existing sites. The seasonal parks officer position is held by a Gwich'in beneficiary.
- A sole source contract valued at \$250,000 was awarded to the Gwich'in Development Corporation for road construction and architectural and engineering services for the Gwich'in Territorial Park. As part of an ongoing project, this first stage will be completed in 1998.

### 3 Implementation Committee

The Implementation Committee is composed of senior officials representing each of the parties.

Committee members are Richard Nerysoo, President, Gwich'in Tribal Council; Mark Warren, Director, Claims Negotiation and Implementation, Ministry of Aboriginal Affairs, Government of the Northwest Territories; and Terry Henderson, Director General, Claims Implementation, Department of Indian Affairs and Northern Development, Government of Canada.

Pursuant to Section 28.2 of the Agreement, the Committee is responsible for:

- overseeing and guiding implementation of the Agreement;
  - monitoring the status of the implementation plan;
  - adjusting the schedule for carrying out implementation activities, re-allocating resources, and amending the implementation plan;
  - addressing disputes between parties; and
  - preparing an annual report on the implementation of the Agreement for the general public.
- During the year, the Committee met a total of three times. Decisions are reached by consensus.

#### 3.1 Five-Year Review of Implementation Plan

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The Implementation Committee initiated a five-year general review of the Gwich'in Implementation Plan (pursuant to section 11, Annex E of the Plan).

Objectives included:

- describing the current status of land claim obligations;
- identifying larger implementation issues; and
- determining the overall adequacy of implementation funding.

During the summer of 1997, bodies established under the Agreement reviewed the status of their land claim obligations and presented the results to the Implementation Committee. The Committee then developed a consolidated data base that identified both the accomplishments to date and the outstanding issues.

The Committee moved to resolve some outstanding issues and provided recommendations to government and other implementation bodies for future years. Other issues remained under review (e.g., the adequacy of implementation funding).

A final report is to be submitted to the Minister of Indian Affairs and Northern Development (DIAND) for Canada, the Minister of Aboriginal Affairs for the GNWT and the President of the GTC. The report is to be made available to the general public during 1998-1999.



In February 1998, the Secretary of State for Parks Canada, on behalf of the Minister of Canadian Heritage, informed Gwich'in that Nagwichoonjik (the Mackenzie River stretch between Thunder River and Point Separation) is of national historic significance due to its prominent position within the Gwichya Gwich'in cultural landscape.

Natural Resources Canada has completed all surveying activities for the Gwich'in Land Claim Agreement according to its obligations. Plans are recorded in the Canada Lands Surveys Records and Land Titles Office where appropriate. Two plans remain unprocessed with surveying issues yet to be resolved. It is expected that any outstanding issues will be resolved by the end of March 1999. For the Tetlit Gwich'in all parcels are fully surveyed, including the boundaries of any exclusions. There were 11 rural blocks and 12 site - specific parcels surveyed, and all plans are recorded. For the Gwich'in all parcels are surveyed: 24 municipal lands, 31 site - specific parcels and 35 exclusions. Also surveyed were portions of boundaries and intersections of boundaries with water courses.

The Bluenose caribou draft management plan was sent to hunters and trappers committees, RRC's; hunters and trappers organizations in communities within the range of the herd, and co-management boards and government agencies responsible for wildlife management in the Inuvialuit, Gwich'in, Sahtu and Nunavut land claim areas. A meeting of the chairs of wildlife boards and government agencies was held to discuss the co-operation agreement and the structure of the advisory committee. Further discussions on these issues will be undertaken during 1998-1999.

### **3.2 Mackenzie Valley Resource Management Act**

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The Committee continued to prepare for the enactment of the MVRMA. Bill C-6, legislation for resource management of the Mackenzie Valley, was referred to the Standing Committee on Aboriginal Affairs and Northern Development.

This legislation will empower the Land Use Planning Board, the Land and Water Board and the Mackenzie Valley Environmental Impact Review Board (MVEIRB) to regulate land and water use and to conduct environmental assessments and reviews.

### **3.3 Other Activities**

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The Implementation Committee was active in other areas, including:

- working on amendments to the Gwich'in Implementation Plan;
- approving the re-allocation of implementation funding resources;
- overseeing production of the Committee's annual report for 1996-1997; and
- overseeing the nomination and appointment process for boards established under the Agreement.

## 4 Implementing Bodies

The Agreement provides for the establishment of implementing bodies responsible for managing wildlife resources, conducting environmental impact assessments and reviews of development proposals, planning and regulating land and water use, issues relating to surface entry and compensation, settling disputes related to the interpretation of the Agreement and determining eligibility for participation as beneficiaries of the Agreement. The Agreement sets out the membership, functions and time frame for the establishment of each implementing body.

Progress in establishing these implementing bodies is outlined below.

- The Arbitration Panel, Land and Water Working Group, Interim Land Use Planning Board, Gwich'in Renewable Resources Board (GRRB), RRCs and Mackenzie Valley Environmental Impact Review Working Group are now operational. Current membership of these implementing bodies is listed in Appendix 1.
- The permanent Land Use Planning Board, the MVEIRB and the Land and Water Board will be established on enactment of the proposed MVRMA.
- Chapter 26 of the Agreement calls for establishment of the Surface Rights Board through separate 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 Northwest Territories and shall act through a panel of its members at least one of whom shall be a resident of the Settlement Area. Since the Surface Rights Board has yet to be created by legislation, any surface rights disputes in the Settlement Area may be referred to the respective Arbitration Panel.

### 4.1 Arbitration Panel

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Chapter 6 of the Agreement provides for establishment of the Arbitration Panel to resolve disputes that arise in the implementation of the Agreement. The Panel will mediate 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 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 Arbitration Panel has not been called upon to arbitrate any disputes. Panel members chose not to meet in 1997-1998.

### 4.2 Enrolment Board

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As required by Chapter 4 of the Agreement, the GTC has assumed responsibility of the Enrolment Board, including production of the annual register for years six through 10 of the Agreement. The Enrolment Registry now lists 2,189 participants. The GTC is responsible for project funding and maintenance costs.

### **4.3 Gwich'in Interim Land Use Planning Board**

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The Gwich'in Interim Land Use Planning Board continued to function as the land use planning agency for the GSA. The permanent Land Use Planning Board will be created by the Mackenzie Valley resource management legislation, pursuant to Chapter 24 of the Agreement.

The preliminary draft land use plan remained the Board's central focus throughout the year. The Strategic Plan, prepared in 1995, identified four stages of production for this document: information collection and analysis plan options, preliminary draft land use plan and final land use plan. The sections on information collection and analysis, and on plan options have been completed.

The interim Board released four significant documents.

#### *Proposed Community Protected Areas (September 1997)*

This document identifies 42 potential protected areas in the GSA. Selections were advanced at a series of community workshops convened to identify what wildlife habitat, traditional use areas and cultural sites should be protected. The largest of proposed areas is the headwaters of the Arctic Red River, habitat to Dall's sheep, moose and grizzly bears. An adjacent area in Yukon includes the headwaters of the Stewart, Bonnet Plume and Snake rivers.

#### *Summary of Land and Water Activities (October 1997)*

This paper examines the forecast for future land use in the GSA. It is based on the issues document and inventory and assessment reports that were released previously.

#### *The Protected Areas Strategy: Workshop Proceedings (November 24-26, 1997, Inuvik, NWT)*

This workshop developed an approach for evaluating the protected areas identified in proposed community protected areas. It brought together land use authorities from several jurisdictions to develop a comprehensive land use strategy for the GSA, Yukon, the Sahtu Settlement Area and the Inuvialuit Settlement Region.

#### *Preliminary Draft Land Use Plan (March 1998)*

A preliminary draft plan was released to solicit initial responses from stakeholder agencies before production of the draft land use plan.

The preliminary draft land use plan is targeted for completion in September 1998, coinciding with the anticipated proclamation of the MVRMA.

### **4.4 Gwich'in Renewable Resources Board**

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The GRRB, created pursuant to Section 12.8 of the Agreement, functions as the main instrument for wildlife and forest management in the GSA. The Board is responsible for ensuring that wildlife, fish and the forests are used in a sustainable manner so they are available today and for future generations. The Board completed its fourth year of operation in 1997-1998.

The GRRB ensures public participation in renewable resource management programs. Community members are involved in program approvals and community field assistants make a valuable contribution to research projects.

The GRRB met in each of the four Gwich'in communities. During these visits, the Board also met with the local RRCs to discuss local renewable resource management concerns and issues. By working closely with the RRCs and government agencies, the Board is working toward long-term sustainable usage and conservation of natural resources in the GSA.

The Board relies on a research component to make informed management decisions. In 1997-1998, it allocated \$275,000 to fund 15 projects.

### *Grizzly Bear Management Plan*

The Grizzly Bear Management Plan for the GSA identifies priorities, concerns and management needs regarding resource use. The plan now provides for two grizzly bear tags to each RRC for allocation to beneficiaries in its community. With this, Gwich'in beneficiaries will harvest grizzly bears for the first time since the voluntary ban in May 1992.

### *Forest Planning Management*

Forest management planning activities continued throughout the year. This included timber cruising, training, community meetings to determine forest-use priorities, and eco-forestry and forest management workshops.

### *Gwich'in Harvest Study*

Pursuant to Section 12.5.6 of the Agreement, the Gwich'in Harvest Study entered its third year of operation, passing the halfway point of the study. The results of this study will be used to protect Gwich'in hunting, fishing and trapping by setting the Gwich'in minimum needs levels, and for renewable resource management.

The Harvest Study relies on the participation of Gwich'in living in the GSA for information collection. As an incentive to participate, monthly prizes are awarded in each community. Harvest information is displayed in RRC offices so community members can see the results.

### *Gwich'in Environmental Knowledge Project*

Phase I of the Gwich'in Environmental Knowledge Project was completed this year. The publication "Nanh' Kak Geenjit Gwich'in Ginjik" (About the Land) was released in December 1997.

The Board has now initiated Phase II of this project which will conclude with a second book on an additional 20 wildlife and fish species. From November 1997 to March 1998, over 250 interviews were completed and considerable progress was made on the traditional knowledge data base.

### *Education and Training*

Education and training of Gwich'in beneficiaries in renewable resource research and management remains a major component of operations.

In 1997-1998, initiatives included the following.

- Six full time, on-the-job training positions (office manager, secretary, harvest study assistant, research and management assistant, fisheries technician trainee, forest management assistant were provided).
- Over 25 people have been trained and employed as community interviewers for the Gwich'in Harvest Study and Gwich'in Environmental Knowledge Project in the last three years.
- Through the Summer Student Program the GRRB office hire two-to-three summer students annually to work on renewable resource research and management projects. Students get first-hand work experience and learn about co-management of renewable resources.
- By means of the Jim Edwards Sittichinii Scholarship, the Board awards \$1,000 scholarships to college or university students pursuing studies in renewable resources or a related field.
- The GRRB has an active staff training program that addresses professional enhancement of all staff.
- Active participation in community career days and science camps and fairs encourages youth to pursue careers in renewable resource management.

### *Working Together to Care for the Land*

The Agreement calls for the GRRB to work as an institution of public government with Gwich'in and government agencies, ensuring responsible renewable resource management. The GRRB has established good working relationships with other boards in the GSA and in other land claim areas.

The RRCs act as the foundation for renewable resource management in the GSA. The GRRB has worked closely with the RRCs to ensure their involvement in renewable resource research and decision-making. This year the Board organized a trappers and fur workshop for the Beaufort-Delta area in October 1997, assisted in the Protected Areas Workshop for the GSA in November 1997, and hosted eco-forestry and forest management workshop. These events brought RRC members together to discuss common concerns and participate in resource management.

## **4.5 Renewable Resources Councils**

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Pursuant to Section 12.9 of the Agreement, RRCs were established in each Gwich'in community to encourage and promote local involvement in conservation, wildlife harvest studies, research and renewable resources management.

RRCs engaged in the following activities:

- working 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 GSA;

- administering research contracts for the GRRB and government agencies;
- assisting in hiring field assistants from Gwich'in communities for renewable resources projects;
- administering the Community Harvest Assistance Program funding from the GNWT Department of Resources, Wildlife and Economic Development (RWED) to support Gwich'in harvesters and their activities; and
- organizing community caribou hunts to provide meat for elders and needy beneficiaries.

A two-day regional RRC meeting was held in Fort McPherson, with RRCs attending from Inuvik, Akiavik, Tsiigehtchic and Fort McPherson. Matters addressed included the five-year review, Caribou River clean-up site, land management workshop, Yukon development assessment process, Gwich'in Harvesters Assistance Trust Board update, search and rescue, sport hunting, training opportunities, trappers workshop, forestry and research projects. Reports and updates were provided by participating councils, boards and organizations.

#### *Ehdiitat Renewable Resources Council*

The Ehdiitat RRC was active in 1997-1998, travelling extensively, conducting numerous meetings and consulting widely. Minutes from 11 meetings were prepared, and 12 monthly reports filed. Activities included grizzly bear tagging, integrated resource management, an all-terrain vehicle trail meeting, spotting for Akiavik Search and Rescue, a Beaufort-Delta area regional trappers and fur workshop, a protected areas workshop and a forest management workshop.

#### *Nihtat Gwich'in Renewable Resources Council*

During the year, the Nihtat Gwich'in RRC kept beneficiaries informed about renewable resource activities, worked closely with public government institutions and held numerous workshops.

Activities included:

elections for new Council members;

- a cultural camp for school students at the Rachel reindeer camp, with elders teaching traditional practices and telling stories;
- participation in a GRRB eco-forestry and forestry training, workshop and a GTC land management and control rules workshop on the management of private lands;
- organization of the first grizzly bear hunt by beneficiaries in four years, with a quota of 12 bears or three per community; and
- assisting the joint RRC-GRRB/Fisheries and Oceans Canada fish study at Campbell Lake to study movements of whitefish and spawning areas.

## Teet'it Gwich'in Renewable Resources Council

The Teet'it Gwich'in RRC held elections in October 1997. The next election will take place October 1999.

Activities during the year included:

- monthly meetings to remain current on renewable resource issues.
- hosting the regional RRC meeting; and
- involvement in various projects, including the Rat River charr monitoring, Caribou River clean-up, Vittrekwa River fish assessment, Husky Lake fishing project, Dempster Highway monitoring, forestry management plan, traditional trails, Gwich'in Harvest Study, Gwich'in Environmental Knowledge Project, Delta Science Camp and Grizzly Bear Management Plan

## *Gwichya Gwich'in Renewable Resources Council*

The Gwichya Gwich'in RRC brought about an emphasis on the importance of information dissemination, consultations and community participation for the formulation of positions and decision making. The Council worked with many agencies, including the GTC, RWED, GRRB, the Gwich'in Land and Water Board and the Gwich'in Interim Land Use Planning Board, to develop management plans, programs and projects.

The Gwichya Gwich'in RRC was involved with the:

- Gwich'in Harvesters' Assistance Program;
- Forest Management Plan;
- Grizzly Bear Management Plan;
- Large Mammal Management Plan;
- Gwich'in Traditional Ecological Knowledge Project;
- Gwich'in Harvest Study;
- Gwich'in Land Management and Control Rules;
- Land Use Plan; and
- Integrated Resource Management System.

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

Pursuant to Section 24.3.2 of the Agreement, 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. The Board's jurisdiction will apply to all lands in the Mackenzie Valley, excluding the Inuvialuit Settlement Region and Wood Buffalo National Park.



### *Working Group Activities*

The Mackenzie Valley Environmental Impact Review Working Group was created to guide the formation of the MVEIRB. This working group has been developing environmental assessment and review guidelines to establish how the Board will handle assessment referrals and environmental impact reviews, finalizing by-laws, and completing the Operations and Review Manual. During 1997-1998, the working group held six meetings and numerous teleconferences.

Other activities included:

- participation in orientation sessions to develop a better understanding of the environmental impact assessment process;
- co-operating with other agencies and working groups to formulate guidelines for preliminary screening (bringing consistency of approach to screening in the Mackenzie Valley);
- hosting public information sessions, attending meetings to disseminate information and building liaisons with other organizations; and
- working to fulfill other implementation requirements (e.g., five-year review of the Gwich'in Implementation Plan).

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

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With enactment of Section 24.4 of the proposed MVRMA, the Gwich'in Land and Water Board will come into being and take responsibility in the GSA for issuing, amending and renewing water licences, land use permits and other authorizations as provided in the legislation and ensuing regulations. The Gwich'in Land and Water Working Group was formed in 1995 to prepare for the passage of this legislation.

### *Processes and Procedures*

During 1997-1998, the Working Group's priorities included preparation of draft processes and procedures for the Board, and provisions for the transference of authority from the Northwest Territories Water Board.

Other initiatives include:

- processes for community consultation for application review;
- integration of the institutions of public government into application review;
- integration of traditional knowledge into the permitting process;
- development of a single application form for water and land use;
- integration of Geographical Information System (GIS) data into application review; and
- training of Land and Water Working Group members.

### *Application Reviews*

The Board's GIS has been designated a critical element for all application reviews. This has brought focus to the development of information for this purpose.

Information levels now include:

- Gwich'in private land parcels;
- Gwich'in harvest areas;
- municipal boundaries;
- protected area boundaries (land use plan);
- transportation corridors;
- water bodies and water courses;
- traditional knowledge (wildlife and fish); and
- Gwich'in Harvest Study information.

### *Other Activities*

- Staff have been involved in the review of land use and water use applications to DIAND and the Northwest Territories Water Board.
- Advice on environmental permitting was provided to the GTC.
- The working group has been active in the establishment and development of both the MVEIRB and the Mackenzie Valley Land and Water Board.

## **5 Gwich'in Tribal Council**

The GTC is mandated to:

- implement the Agreement on behalf of its membership; and
- deal with issues that concern the Gwich'in beneficiaries.

### **5.1 Five-Year Review**

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During 1997-1998, the GTC was actively involved in the five-year review of the Gwich'in Implementation Plan. This activity has included submissions to the Implementation Committee and a continuing dialogue to advance outstanding issues.

### **5.2 Bill C-6, the Mackenzie Valley Resource Management Act**

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In December of 1998, the President of the GTC, Richard Nerysoo, appeared before the Standing Committee on Aboriginal Affairs and Northern Development to elaborate on the merits of Bill C-6, the MVRMA.

### **5.3 Yukon Development Assessment Process**

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The GTC began discussions with Canada on the Yukon development assessment process (DAP), pursuant to the Yukon Umbrella Final Agreement. This initiative will establish a new system for environmental assessment and review, replacing the Canadian Environmental Assessment Agency process in Yukon. The GTC's participation in DAP ensures reflection of Gwich'in positions in decisions which affect Tetlit Gwich'in Yukon lands under the Yukon Transboundary Agreement. Issues include the development of interim measures for the protection of the primary and secondary use areas (pending DAP approval). Work on DAP will continue in 1998-1999.

### **5.4 Gwich'in Land Administration**

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The Gwich'in Land Management and Control Rules will provide Gwich'in Land Administration with guidelines to manage access to private lands. A draft of these rules has been reviewed by technical staff, and approval by the Gwich'in Annual Assembly is expected in October 1998.

### **5.5 Self-Government Negotiations**

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Chapter 5 of the Agreement provides that governments and the GTC enter into negotiations to conclude agreements of self-government. In 1993, Canada accepted a joint proposal to negotiate self-government from the GTC and the Inuvialuit Regional Corporation. In 1996, negotiations on a process and schedule agreement were completed. Substantive negotiations on critical issues were then initiated.

During 1997-1998, negotiations addressed:

- governing structures;
- education and training;
- social services;
- health services;
- child welfare;
- guardianship and customary adoption;
- wills and estates;
- administration of justice; and
- amendment of self-government agreements.

Other outstanding issues are to be advanced in accordance with the main work plan. The negotiating team expects that an agreement in principle will be reached by September 1999.

## **5.6 Hiring**

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In 1997, the GTC created a senior position to deal specifically with the management of land claim implementation. This position was necessitated by increased GTC responsibilities in self-government negotiations and additional workload pressures resulting from the five-year review of the Agreement.

## **6 Government of the Northwest Territories**

During the year, the GNWT was actively involved in implementation activities and related funding agreements. Activity profiles for the ministries/departments of Aboriginal Affairs, Resources, Wildlife and Economic Development; Education, Culture and Employment; Justice; Public Works and Services; and Transportation are presented below.

### **6.1 Ministry of Aboriginal Affairs**

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Throughout the fiscal year, the Ministry worked closely with the GTC, federal and GNWT officials, and the implementing bodies established by the Agreement. Activities included co-ordinating GNWT departmental implementation activities, preparing regular status reports for the Implementation Committee and co-ordinating the GNWT contribution to this annual report.

The Ministry represented the GNWT on the tripartite working group responsible for conducting the five-year general review of the Gwich'in Implementation Plan. This working group conducted a page-by-page review of the Plan, identifying outstanding issues and potential amendments, and prepared a data-base document with a status update for all activities and obligations identified in the Plan. A presentation was made, and the review process was discussed at the Gwich'in Annual Assembly in July 1997. The Implementation Committee discussed the issues identified by the working group and made recommendations that will be included in the final report.

An inter-jurisdictional claims implementation conference was hosted by the Ministry on August 19-21, 1997. Participants included representatives from British Columbia, Ontario, Quebec, Newfoundland and Yukon. A variety of implementation topics were discussed, and all parties agreed to continue meeting regularly to discuss issues and share ideas.

Other activities included the following.

- A Ministry official actively participated as the GNWT representative on the Implementation Committee dealing with such issues as the potential impact of the MVRMA on Board activities, the process for Board appointments, departmental implementation obligations and the re-allocation of implementation resources.
- The Ministry was represented on the Gwich'in co-ordinating group tasked with developing regulations for the proposed MVRMA.
- In accordance with Chapter 5 and Appendix A of the Agreement, the Ministry also participated in the Beaufort-Delta self-government negotiations that are moving toward an agreement in principle. Draft sub-agreements were developed in the areas of governing structures; preschool to grade 12; culture, heritage and uage; child protection and adoption; and health and income support. Negotiations were initiated on the administration of justice, policing, colleges, ratification and implementation.

### **6.2 Resources, Wildlife and Economic Development**

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RWED continued to meet its obligations through ongoing consultation with the GRRB and the local RRCs. The Department worked closely with these organizations to promote, assist and advise on issues involving wildlife management, forestry, resource development and economic development.

### *Education and Training*

Education, training and career development remained a departmental priority. RWED promoted and provided financial support for Gwich'in participation at various conferences and workshops. These included a regional trapper training workshop and a First Nations forestry conference with emphasis on Aboriginal entrepreneurship in forestry. Beneficiaries were trained in timber cruising at an eco-forestry training workshop and participated in a photo interpretation workshop.

### *Bluenose Caribou Management*

Pursuant to Section 12.6.3 of the Agreement, provisions call for governments to work with users of the Bluenose caribou herd to establish agreements for the management of the herd. RWED worked co-operatively with the users of the Bluenose caribou herd, and a draft management plan was prepared consistent with government's obligation to establish an agreement for herd management. The draft plan included information on the status of the herd maps showing the seasonal ranges of the herd, and land management within the range of the herd.

The draft plan was sent to hunters and trappers committees, RRCs, hunters and trappers organizations in communities within the range of the herd, and co-management boards and government agencies responsible for wildlife management in the Inuvialuit, Gwich'in, Sahtu and Nunavut land claim areas. A meeting of the chairs of wildlife boards and government agencies was held to discuss the co-operation agreement and the structure of the advisory committee. Further discussions on these issues will be undertaken during 1998-1999.

The second year of the Bluenose caribou satellite-collaring program was completed. Collared caribou were located during the post-calving period to determine if they had calved. Maps showing the location and movement of the 15 satellite-collared caribou were provided on a regular basis to the 12 user communities and wildlife co-management boards.

Data from the first year of satellite tracking supported the idea that there were actually two herds within the range of the Bluenose caribou herd. One herd calves in the headwaters of the Rae-Richardson rivers, ruts in the Caribou Point area of Great Bear Lake and winters from Kugluktuk south along the east and south shores of Great Bear Lake. The second herd calves in the western Melville Hills, ruts in the Anderson River area and winters in the western Inuvialuit Settlement Region, the Gwich'in Settlement Area and the northern Sahtu Settlement Area. The second year of satellite tracking and the preliminary results of DNA analysis further support the idea that there are two herds.

### *Economic Development*

RWED worked in close co-operation and consultation with the GTC and each Gwich'in community to support and encourage beneficiary involvement in business development and employment opportunities leading to economic self-sufficiency. The Department provided business advice, counselling and support, and assisted Gwich'in businesses and individuals to access financial support from RWED, other GNWT departments and the private sector. The Red River Inc. Band of Tsiigehtchic is currently contracted to provide forest management services, and discussions are ongoing with the Gwich'in Development Corporation, the Nihtat Gwich'in Council and Tetlit Gwich'in Council for provision of fire suppression services. As part of the community economic development process, Gwich'in beneficiaries participated in a future search conference and an enterprise facilitation workshop.

## *Resource Management and Land Use*

RWED worked closely with the Gwich'in Land and Water Working Group and the Interim Land Use Planning Board on the preliminary stages for a new regional and local resource management system and draft land use plan for the GSA. The Department was also active in negotiating water management agreements for shared drainage basins. The Northwest Territories is close to signing bilateral agreements with Yukon, and work continues on signing agreements with British Columbia, Alberta and Saskatchewan.

## *Park Master Plan*

The park master plan for the Gwich'in Territorial Park is being implemented with all development and operational contracts awarded to Gwich'in - owned and - operated companies. Park development included significant site and road works and designs for various park facilities. Operational work involved the general maintenance of existing sites. The Seasonal Parks Officer position is held by a Gwich'in beneficiary.

## **6.3 Education, Culture and Employment**

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The Department of Education, Culture and Employment printed and circulated information compiled by the Gwich'in Social and Cultural Institute (under contract to the Department) which identifies the locations of Gwich'in artifacts and archival materials in institutions around the world. Discussions were initiated with the Gwich'in to develop a strategy to repatriate artifacts to the Northwest Territories. The Department provided ongoing advice regarding possible impacts that land use operations might have on heritage sites.

## **6.4 Justice**

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The Department of Justice continued to participate in the ongoing implementation of the Agreement. The Land Titles Office registered numerous surveys for the specific sites and portions of the boundaries of the larger settlement land parcels. In total, certificates of title have been issued for 154 of the Gwich'in-owned parcels. Certificates of title have now been issued for all but seven Gwich'in-owned parcels.

A bill to amend the *Wildlife Act* is under review by the Legislative Division. Work continued on various amendments to the wildlife regulations that were necessitated by the realignment of the boundaries of the wildlife management units, zones or areas to conform with the Settlement Area.

Legal advice and assistance was provided by the Legal Division on a variety of matters including access to Gwich'in lands and other issues involving the application of territorial legislation.

## **6.5 Publics Works and Services**

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Both Chapter 10 of the Agreement and the GNWT preferential contracting policies and procedures maximize local, regional and northern employment and business opportunities. During the year, the Department negotiated the following contracts with the Gwich'in Development Corporation.

- Education, Culture and Employment and the Beaufort- Delta Board of Education negotiated a contract valued at \$8,224,204 with the Gwich'in Development Corporation for the design and construction of the new school in Fort McPherson. Construction is scheduled for completion in September 1998.
- A sole source contract valued at \$250,000 was awarded to the Gwich'in Development Corporation for road construction and architectural and engineering services for the Gwich'in Territorial Park. As part of an ongoing project, this first stage will be completed in 1998.

## **6.6 Transportation**

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The Department successfully concluded discussions with the GTC regarding interpretation of Article 18.2.4 of the Agreement, access to the Frog Creek granular material pit. Confirmation was received that the GNWT has the right to take sand and gravel, without charge, from the Frog Creek pit for the remainder of the 20-year period.



## 7 Government of Canada

### 7.1 Legislation and Regulation

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#### *Mackenzie Valley Resource Management Act*

A prominent feature of the settlement of land claims in the Mackenzie Valley is the establishment of a new resources management regime in partnership with First Nations. The proposed MVRMA is the culmination of extensive drafting and consultation efforts of the Gwich'in Co-ordinating Group made up of representatives of DIAND, the GNWT and the Gwich'in and Sahtu First Nations. This Act will replace many of the functions currently performed by DIAND with an integrated system of public government institutions for the planning, environmental assessment and regulation of land and water uses in association with development activities proposed for the Mackenzie Valley.

On September 26, 1997, the Minister of Indian Affairs and Northern Development re-introduced the MVRMA in the House of Commons as Bill C-6. In accordance with the agreements, the Bill will create two land use planning boards, one for each of the Gwich'in and Sahtu settlement areas; the Mackenzie Valley Land and Water Board, with permanent regional panels for the Gwich'in and Sahtu settlement areas; and the MVEIRB.

On December 12, 1997, the House of Commons passed third reading of Bill C-6 with a number of amendments relating to the Minister's obligation to review the Act with First Nations following successful negotiations on self-government. These amendments also ensure transparency of the boards in their administrative affairs, allow for a greater number of representatives on the MVEIRB and clarify the regulatory process during the transition period.

Following the Senate's review of Bill C-6, the proclamation date is expected to be soon after the newly established boards are ready to operate.

#### *Mackenzie Valley Land Use Regulations*

The Mackenzie Valley Land Use Regulations (MVLUR), modelled on the existing territorial land use regulations, were pre-published in the *Canada Gazette* on January 3, 1998. These Regulations identify land use activities that require a permit by a land and water board on all lands within the Mackenzie Valley. They also set out land uses prohibited without authorization and the process for issuing a permit including the provisions relating to security deposits and fee schedule. In response to public comments, the MVLUR were amended to include smaller campsites of 200 to 400 person-days as an activity requiring a land use permit. The Regulations will come into force at the time of the enactment of Bill C-6.

#### *Statute and Exemption List Regulations*

The Statute and Exemption List Regulations retain the same features and work in a similar fashion to the *Canadian Environmental Assessment Act* (CEAA) Law and Exclusion List Regulations. Drafting is being finalized by the Department of Justice for pre-publication in the *Canada Gazette* at the end of June 1998.

The Statute Regulations itemize provisions of federal and Northwest Territories laws and regulations governing developments requiring a permit, licence or authorization that might have a significant adverse impact on the environment or be a cause of a significant public concern. Any project which requires such a permit, licence or authorization will be subject to the Mackenzie Valley environmental assessment process and will undergo preliminary screening.

The Exemption List Regulations exclude from preliminary screening any activities likely to have no significant adverse impact on the environment.

These regulations will come into force upon proclamation of Part V of the proposed MVRMA, which establishes the MVEIRB.

## **7.2 Economic Activity and Employment**

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### *Indian Affairs and Northern Development*

The Gwich'in Tribal Council continued to be full participants in the department's Community Economic Development Organization funding program. This program provides funding to individual First Nations which, in turn, fund activities addressing their economic and employment objectives.

The GTC is consulted on all economic development agreement initiatives applicable to the Gwich'in.

### *Public Works and Government Services Canada*

Public Works and Government Services Canada continued to advertise procurement opportunities in the Settlement Area on its electronic tendering service and to meet the requirements of the Agreement by notifying the GTC of procurement opportunities in the Settlement Area.

### *Human Resources Development Canada*

Human Resources Development Canada provides funding in support of human and institutional initiatives through the national framework and regional bilateral agreements. The allocation to Gwich'in under the current agreement is \$719,273.

## **7.3 Environmental and Wildlife Management**

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### *Canadian Wildlife Services*

Pursuant to Section 12.6 of the Agreement, Canadian Wildlife Services (CWS) advised the GRRB 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. CWS has regularly advised the GRRB of changes to the Migratory Bird Regulations such as the use of non-toxic bird shot and the proposed spring hunting season.

The GRRB receives annual migratory bird harvest statistics compiled by CWS and the United States Fish and Wildlife Service. Using these statistics, the Board is conducting a harvest study which will provide the basis for establishing the total allowable harvest of migratory birds in the GSA.

The CWS participates in the Harvest Study Working Group. It contributed to the design of the study, and reviewed and commented on the methodology report.

CWS sits on the Arctic Goose Working Group of the Arctic Goose Joint Venture. The joint venture is a co-operative Canadian-U.S. body that co-ordinates goose management and research in both countries. This group deals with the overpopulation of snow geese in the Arctic, especially in the Central Arctic. Gwich'in harvest snow geese from the Western Arctic population where the problem does not appear to be so severe. The GRRB, however, is kept informed about this issue. Canada through the CWS, initiated negotiations with the United States to amend the Migratory Birds Convention to allow for the spring hunting of waterfowl by northern Aboriginal peoples, including the Gwich'in. CWS has informed the Board about the progress of these negotiations.

Other CWS activities included:

- assisting the GRRB with the preparation of management plans for the Bluenose caribou herd and Barren-Ground grizzly bears; and
- participating on the Porcupine Caribou Management Board.

## **7.4 Heritage**

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Since 1993, the Gwich'in Social and Cultural Institute (GSCI) has worked in partnership with Parks Canada on a number of oral history and ethno-archaeology projects in the GSA, as provided for by Chapter 25 of the Agreement. Most recently, the work has focused on a proposal to nominate a national historic site in the Gwichya Gwich'in traditional land use area.

In October 1996, the GSCI established an eight-member steering committee of elders and young adults in Tsiigehtchic (formerly Arctic Red River). Dr. Michael Heine was hired to collaborate with the community and GSCI to prepare an agenda paper for the Historic Sites and Monuments Board of Canada (HSMBC).

At the outset, the elders were uncomfortable with the idea of identifying and commemorating only one place as a national historic site. The idea that one place was more important than another was considered strange, as was the idea that the commemoration of Gwichya Gwich'in history and culture could be represented by a single site.

Consequently, discussions focused on the Mackenzie River. To Gwichya Gwich'in, the Mackenzie River is part of their home, as it flows directly in front of their community and through the heart of their traditional homeland. It also serves as an anchor for many of the stories that provide an insight into the culture and the history of Gwich'in.

In April 1997, the steering committee's nomination for the Mackenzie River as a historic site (from Thunder River to Point Separation) was submitted to the HSMBC. A delegation from the community of Tsiigehtchic and staff from the GSCI gave a presentation to the HSMBC in early June 1997. In February 1998, the Secretary of State for Parks Canada, on behalf of the Minister of Canadian Heritage, informed Gwich'in that Nagwichoonjik (the Mackenzie River stretch between Thunder River and Point Separation) was indeed of national historic significance due to its prominent position within the Gwichya Gwich'in cultural landscape.

## **7.5 Land and Water Management**

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### *Natural Resources Canada*

Natural Resources Canada has completed all surveying activities for the Gwich'in Land Claim Agreement as per its obligations. Plans are recorded in the Canada Lands Surveys Records and Land Titles Office where appropriate. Two plans remain unprocessed, with surveying issues yet to be resolved. It is expected that any outstanding issues will be resolved by the end of March 1999. For the Tetlit Gwich'in, all parcels are fully surveyed, including the boundaries of any exclusions. There were 11 rural blocks and 12 site-specific parcels surveyed and all plans are recorded. For the Gwich'in, all parcels are surveyed: 24 municipal lands, 31 site-specific parcels and 35 exclusions. Also surveyed were portions of boundaries and intersections of boundaries with water courses.

### *Indian Affairs and Northern Development*

The Northwest Territories regional office of DIAND participated with the various working groups in preparation for the passage of the proposed MVRMA. The resource management responsibilities that DIAND now has for environmental assessment, land use regulation and water management support will be taken over by the new institutions of public government. DIAND will retain responsibilities for administering federal Crown land under the *Territorial Lands Act*, Territorial Lands Regulations, Territorial Quarry Regulations and the Canada Mining Regulations. The Department will continue to provide the inspection and enforcement of the terms and conditions attached to all authorizations issued by both DIAND and the institutions of public government.

DIAND, NWT Region, solicited input and agreement from the Gwich'in Land and Water Working Group, the Sahtu Land and Water Working Group, the Mackenzie Valley Environmental Impact Review Working Group, the GNWT and DIAND, Headquarters, to develop a communications package for environmental assessment and for land and water management under the proposed MVRMA. Information folders included fact sheets on each of the working groups, a description of changes to the land and water regulatory process, an explanation of the interrelationship of the boards, pamphlets on the MVRMA, a contact sheet and a flow chart of the new proposed Mackenzie Valley resource management system.

The NWT Region also initiated the process to find members for the various working groups that have been formed. They will become the members of the various boards when the MVRMA is passed.

## **7.6 National Defence**

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Pursuant to the 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 occurs. Communities that will be affected are also advised at that time of forthcoming activities in their area.

Four Ranger and four Cadet exercises were conducted in 1997-1998. The Canadian Forces conducted an average of five exercises per year North of 60 in 1997-1998. Six miscellaneous training exercises were also carried out.

Flying exercises are conducted from forward operating locations which include Iqaluit, Rankin, Inuvik and Yellowknife. The type of military flying is strictly monitored. Up to six aircraft and 200 personnel are deployed for large exercises, while smaller exercises involve two aircraft and 50 to 60 personnel.

## **7.7 National Energy Board**

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The National Energy Board has specific responsibilities under Section 23 of the Agreement with respect to the expropriation of settlement lands. Its authority has to do with property required for pipeline facilities and electrical transmission line rights of way in the public interest. The Board was not engaged in any such activities in 1997-98. The Board assisted implementation activities during the year by playing a facilitating, advisory and informative role (e.g., attendance at meetings of the Mackenzie Valley Preliminary Screening Committee, consultations on the preliminary draft land use plan).

## **7.8 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 approaching completion and should be ready for review in the near future.

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

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The Claims Implementation Branch (CIB) of DIAND co-ordinates the fulfillment of federal government responsibilities pursuant to the Agreement. In 1997-1998, the Branch continued to participate in the three-party Implementation Committee, and to consult with the GNWT and the GTC regarding the implementation of Canada's obligations under the Agreement.

CIB 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, CIB participated in the following activities:

- five-year review of the implementation plan;
- consulting with implementing bodies to assess their funding requirements to year-end and making recommendations on the funding levels to be allocated for the fiscal year 1998-1999;
- serving as secretariat to the Implementation Committee;
- reviewing budgets of and managing contribution agreements with implementing bodies;
- co-ordinating the preparation of the annual report for 1997-1998;
- assisting in the appointment of members to institutions of public government created under the Agreement; and
- assisting in preparations for coming into force of the MVRMA.

Funding was provided during the reporting period to the following organizations.

ORGANIZATION	AMOUNT
Gwich'in Tribal Council — Implementation Funding — Capital Transfer Payment (net of loan repayment) — Resource Royalties	\$40,569 \$9,318,835 \$231,058
Renewable Resources Board — Implementation Funding — Settlement Area Harvest Study	\$738,386 \$185,470
Renewable Resources Councils	\$44,204
Land and Water Working Group	\$882,297
Government of the Northwest Territories — Implementation Funding — Real Property Taxes	\$216,488 \$4,571
Mackenzie Valley Environmental Impact Review Board	\$753,928
Interim Land Use Planning Board	\$313,000

## **7.10 Other Implementation Activities**

A contract report discussing framework options for the cumulative impact monitoring program was completed in January 1998. The contract was managed by the GIB with scientific advice from DIAND, the NWT Region. NWT Region has been evaluating the report with the assistance of other federal departments to define the scope and focus of the program. An assessment of contingent monitoring programs is under way including national and regional initiatives to identify both opportunities for co-operation and gaps in existing monitoring programs. Key areas requiring development through consultation are the use of traditional knowledge and community involvement.

In November 1997, DIAND provided funding assistance to the GRRB for a joint workshop with the Interim Land Use Planning Board on Gwich'in protected areas. As required under Section 16 of the Claim, the Gwich'in organizations are being consulted on a protected areas strategy which is being developed for the GNWT, through a partnership between the GNWT and DIAND. The GTC has been invited to be a member of an advisory committee which is being established to further assist with the development of this strategy.

In addition, the NWT Region of DIAND met with each Gwich'in Band Council to make the annual Treaty payments in April 1997.

# A1 Membership of Implementing Bodies

*as of March 31, 1998*

## **Enrolment Board**

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Barb Crawford                      Chairperson  
Robert Alexie, Jr.  
Frank Edwards, Sr.  
Dolly Carmichael  
Carol Blake

## **Renewable Resources Board**

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Robert Charlie                      Chairperson  
Joe Benoit  
Chief James Firth  
Kevin McCormick  
Roger Binne  
James Hickling  
Robert Alexie, Sr.

### Alternates

Roger Peet  
James Ross  
Paul Latour

## **Arbitration Panel**

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James Ross                              Chairperson  
LethaJ. MacLachlan                  Vice-Chairperson  
Robert Alexie, Jr.  
John U. Bayly  
Charlie Gaudet  
Willard Hagen  
Richard M. Hill  
Peter Ross

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

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Gordon Lennie                      Interim Chairperson  
Len Colissimo  
Bertha Rabesca  
Alestine Andre  
Sarah Jerome  
Danny Yakeleya

### Technical Advisors

Peter Bannon  
Joe Benoit  
Ruby L. McDonald  
Brenda Kuzyk

## **Interim Land Use Planning Board**

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

## **Land and Water Working Group**

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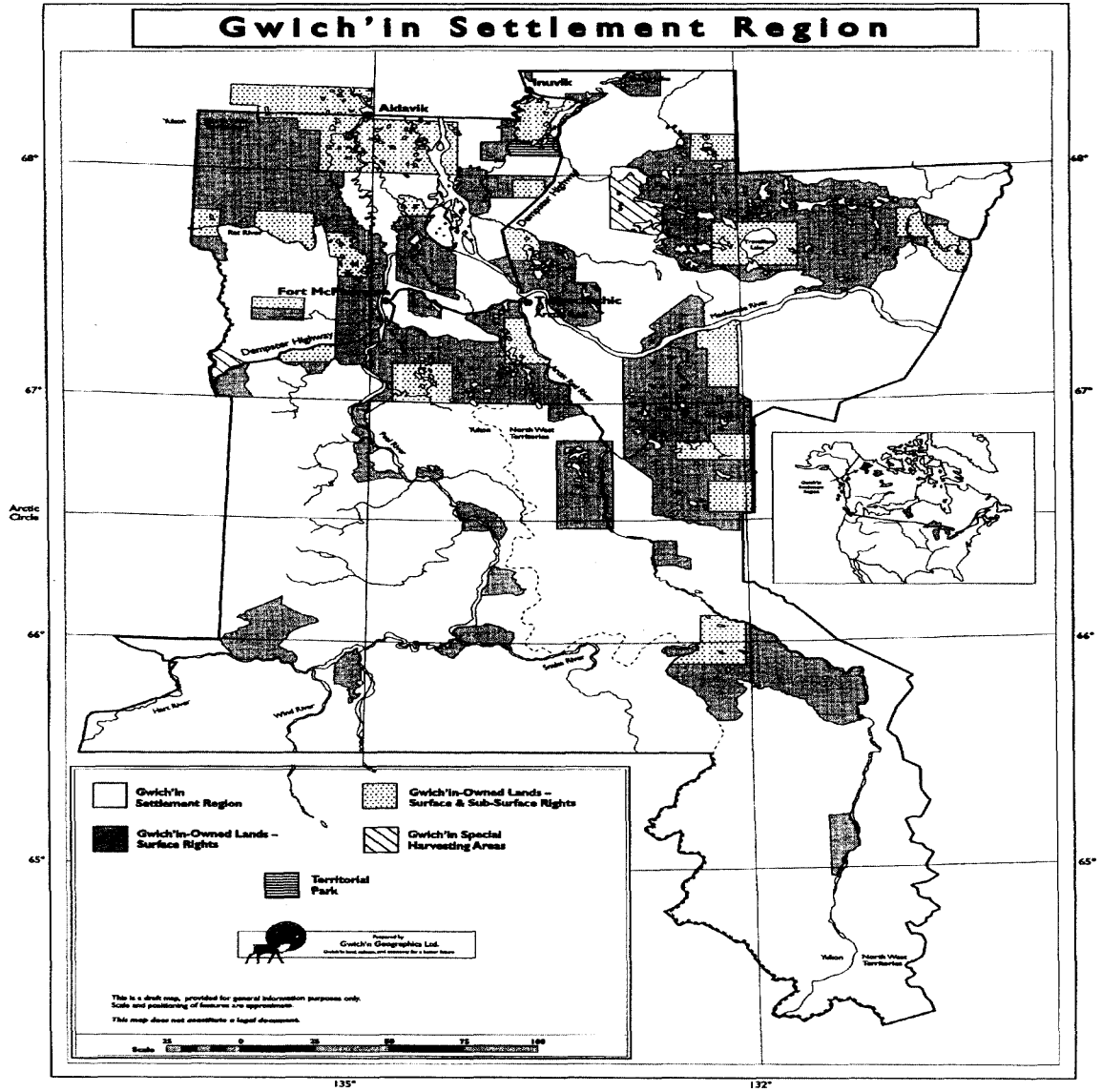
Robert Alexie, Jr.                      Chairperson  
Willard Hagen  
David Krutko  
Jorma Kassi  
Bob Simpson

### *Technical Advisors*

Peter Bannon  
Rudy Cockney



# A2 Map of Gwich'in Settlement Area



### A3 Schedule of Capital Transfer Payments

1992 to 1997

DATE	CAPITAL TRANSFERS TO GTC*
April 22, 1992	\$2,000,000
December 23, 1992	\$7,426,766
April 22, 1993	\$4,180,680
April 22, 1994	\$6,271,020
April 22, 1995	\$8,361,360
April 22, 1996	\$9,318,835
April 22, 1997	\$9,318,835
Total	\$46,877,496

\* Net of negotiation loan repayments

### A4 Implementation Payments

1992-1993 to 1997-1998

FISCAL YEAR	IMPLEMENTATION PAYMENTS
1992-1993	\$559,151
1993-1994	\$1,070,634
Wildlife Studies Fund	\$2,030,000
1994-1995	\$1,833,735
1995-1996	\$1,886,760
1996-1997	\$2,987,444
1997-1998	\$3,174,342
Total	\$13,542,066

Note: Total payments to GTC, GNWT and implementing bodies.

## A5 Resource Royalties

1992 to 1997

<b>FISCAL YEAR</b>	<b>RESOURCE ROYALTIES PAID OUT</b>
1992	\$10,122
1993	\$212,883
1994	\$197,009
1995	\$204,345
1996	\$242,090
1997	\$244,261
Total	\$1,110,710

## A6 Gwich'in Property Taxes Paid Out

1994 to 1997

<b>FISCAL YEAR</b>	<b>AMOUNT</b>
1994	\$4,306
1995	\$4,348
1996	\$4,571
1997	\$4,571
Total	\$17,796