

CONSOLIDATED REPORT OF THE IMPLEMENTATION COMMITTEE

Gwich'in

Comprehensive Land Claim Agreement

April 1, 2015 – March 31, 2018



For information regarding reproduction rights,
please contact: CommunicationsPublications@canada.ca

www.canada.ca/crown-indigenous-relations-northern-affairs

1-800-567-9604

TTY only 1-866-553-0554

QS-5395-200-EE-A1

Catalogue: R31-9/2018E-PDF

ISBN: 978-0-660-29617-3

©Her Majesty the Queen in Right of Canada, 2019.

This publication is also available in French under the title:

*Rapport Consolidé du Comité Mise en Œuvre Entente Sur la Revendication
Territoriale Globale des Gwich'in 1^{er} Avril 2015 – 31 Mars 2018*

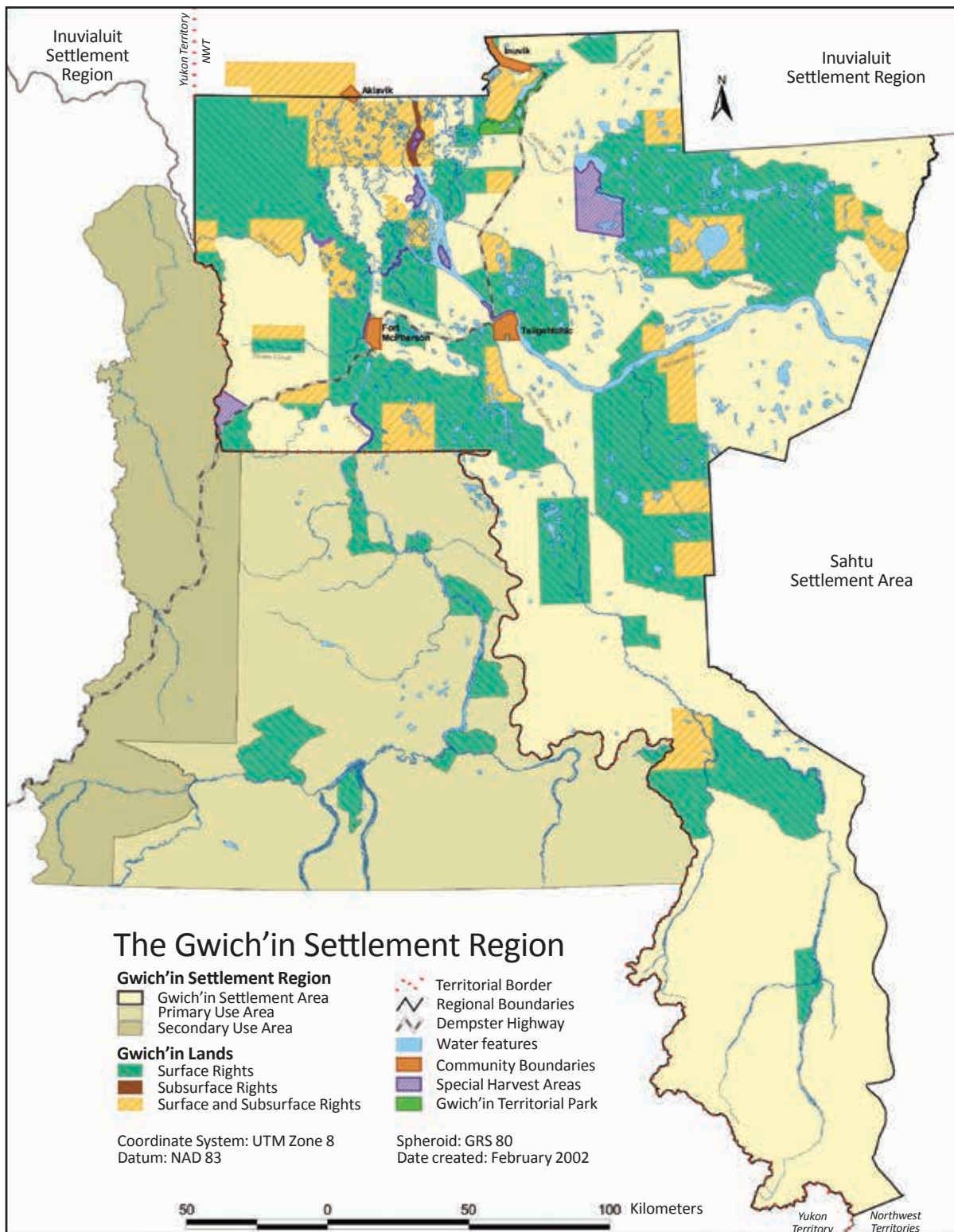
TABLE OF CONTENTS

Glossary of Acronyms and Abbreviations	3
Map of Gwich'in Settlement Area	5
Chapter 1: Overview and Background	6
Summary of Agreement Provisions.....	7
Chapter 2: Gwich'in Implementation Committee	9
Gwich'in Tribal Council (GTC)	9
Government of the Northwest Territories (GNWT)	9
Government of Canada (Canada).....	9
Chapter 3: Report on Activities	10
Implementation Highlights	10
Gwich'in Internship Pilot Project	10
Gwich'in Academic Conferences (Post-Secondary Education Initiative).....	11
Gwich'in Curriculum	11
Key Issues.....	12
1. Annual Reports	12
2. Consolidated Version of the GCLCA	12
3. Amendments to the GCLCA	12
4. <i>Yukon Environmental and Socio-Economic Assessment Act</i> – Update	13
5. Arbitration Panel Review	14
6. Economic Measures.....	14
7. First Nations of Nacho Nyak Dun Negotiations	15
8. Land Exchanges.....	15
Projects	16
1. Gwich'in Implementation Plan Renewal (2013 - 2023)	16
2. Gwich'in Land Use Plan.....	16
3. Land Quantum Tracking.....	16
4. Survey of Gwich'in Settlement Lands	17
Funding Matters.....	17
1. Surface Rights Board	17
2. Board Analysis Update	18
3. Implementation Funding	18
4. Yukon Transboundary Agreement Implementation Funding	18
Appendix A – Implementation Funding	19

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

AiP	Agreement-in-Principle
CIMP	Cumulative Impact Monitoring Program
CIRNA	Crown-Indigenous Relations and Northern Affairs Canada
EIA	(Department of) Executive and Indigenous Affairs (GNWT)
GAP	Gwich'in Arbitration Panel
GCLCA	Gwich'in Comprehensive Land Claim Agreement
GLUPB	Gwich'in Land Use Planning Board
GLWB	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GRRB	Gwich'in Renewable Resources Board
GSA	Gwich'in Settlement Area
GSCI	Gwich'in Social and Cultural Institute
GTC	Gwich'in Tribal Council
IC	Implementation Committee
IP	Implementation Plan
MACA	(Department of) Municipal and Community Affairs (GNWT)
MOU	Memorandum of Understanding
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories
ROD	Record of Decision
SRBA	<i>Surface Rights Board Act</i>
YESAA	<i>Yukon Environmental and Socio-Economic Assessment Act</i>

MAP OF GWICH'IN SETTLEMENT AREA



CHAPTER 1

Overview and Background

On April 22, 1992, the Gwich'in Tribal Council (GTC) and the Government of Canada (Canada) signed the Gwich'in Comprehensive Land Claim Agreement (GCLCA), and the accompanying Implementation Plan (IP). The Government of the Northwest Territories (GNWT) is a committed partner in the implementation of the GCLCA, as the GNWT is tasked with a number of implementation activities. The Agreement took effect on December 22, 1992.

Under the Agreement, the Gwich'in received title to 22,329 square kilometres of surface land and 6,158 square kilometres of subsurface lands in the Gwich'in Settlement Area (GSA) of the Northwest Territories (NWT), and 1,554 square kilometres of surface land in Yukon.

Other major provisions of the Agreement include:

- Gwich'in wildlife harvesting rights and right of first refusal for commercial wildlife activities.
- The establishment of institutions of public government to manage wildlife, and regulate land, water and the environment.
- Guaranteed Gwich'in-nominated membership on institutions of public government created pursuant to the GCLCA.
- Gwich'in receipt of \$75 million, in 1990 constant dollars, in tax-free capital transfers, which represents \$141 million over 15 years.

The GCLCA also provides for the negotiation of agreements on self-government, to be brought into effect through federal or territorial legislation, or both.

Section 28.2 of the GCLCA provides for the establishment of an Implementation Committee (IC). The Gwich'in IC is comprised of three senior officials: one representing Canada, one representing the GNWT and one representing the GTC.

The IC oversees and monitors the ongoing obligations of the parties pursuant to the GCLCA and the IP, and resolves issues arising with respect to the implementation of the GCLCA. The IC reports annually on the implementation of the agreement.

This report covers the three-year period from April 1, 2015 to March 31, 2018. It provides an overview of initiatives undertaken, issues considered and actions taken during this period, and any future actions to be taken on outstanding issues. Over the reporting period, nine IC meetings were held:

- 2015: April 28 (Ottawa), October 8 (Yellowknife), December 10 (Ottawa)
- 2016: April 20 - 21 (Inuvik), September 29 (Whitehorse) December 8 (Ottawa)
- 2017: May 4 (Teleconference), October 3 - 4 (Inuvik), December 7 (Ottawa)

SUMMARY OF AGREEMENT PROVISIONS

- **Eligibility and Enrolment:** An Enrolment Board comprised of five people appointed by the GTC, one from each of the Indigenous communities, was initially established to enrol those who are entitled to be registered as participants of the GCLCA. Currently, the GTC Board of Directors serves as the de facto Enrolment Board when matters of enrolment arise, and therefore, enrolment remains an ongoing responsibility of the GTC Board of Directors.
- **Self-Government:** The GCLCA provides for the negotiation of self-government agreements through territorial and federal legislation. Self-Government agreements cannot contradict or be inconsistent with the GCLCA, nor can they affect the Gwich'in right to participate in any constitutional development of the NWT. These agreements will address the desire of the Gwich'in to have self-government exercised as close to the community level as is reasonably possible.
- **Dispute Resolution:** The Gwich'in Arbitration Panel (GAP) was established to resolve disputes in accordance with the GCLCA. The GAP is comprised of eight members, four of which are nominated by the GTC and two by the GNWT and Canada respectively.
- **Gwich'in Organizations:** Designated Gwich'in organizations are committed to executing the responsibilities of the Gwich'in outlined in the GCLCA. A designated Gwich'in organization must be a trust, society, or corporation established pursuant to federal or territorial legislation. All rights exercisable by a designated Gwich'in organization – such as receiving and managing financial payments, and owning and managing land – were assigned by the GTC prior to the signing of the GCLCA.
- **Financial Compensation:** Under the provisions of the GCLCA, Canada paid approximately \$141 million over 15 years to the GTC, as the organization representing Gwich'in participants. The GTC commenced the repayment of the negotiation loans in 1993. Canada subtracted the loan repayment costs from the capital transfer payments.
- **Resource Royalties:** Government must pay a percentage of resource royalties, received from resource development projects operating in the Mackenzie Valley, to the GTC, the body identified in Chapter 9 of the GCLCA to receive resource royalty payments. Payments are made to the GTC on a quarterly basis.

CHAPTER 1

Overview and Background

- **Economic Measures:** In delivering its economic development programs in the GSA, government is required to take measures that it considers reasonable to support the traditional economy; encourage the development of commercially viable Gwich'in businesses and enterprises; provide the Gwich'in with business and economic training and educational assistance; and encourage Gwich'in employment in major projects and developments in the public service and public agencies. Government is required to consult with the GTC when proposing new programs related to the objectives detailed in section 10.1.1, and to meet every three years to review the effectiveness of programs relating to the objectives in 10.1.1.

In addition to their obligations under chapter 10, with respect to contracting and procurement, Canada and the GNWT will utilize best practices and procedures intended to maximize local, regional and northern employment and business opportunities when conducting public activities in the GSA. The GNWT also has an obligation to provide Gwich'in participants the first opportunity to negotiate contracts for activities on Gwich'in settlement lands, when the GNWT decides not to go to public tender.

- **Wildlife Harvesting and Management:** Chapter 12 sets out the extensive wildlife harvesting rights of the Gwich'in in the GSA and provides for the establishment of the Gwich'in Renewable Resources Board (GRRB). It is the responsibility of the Board, in collaboration with the other parties, to protect, conserve, and manage, in a sustainable manner, renewable resources within the GSA, and to meet the needs of the public today and in the future. For more information, please visit the Board's website at: www.grrb.nt.ca.

- **Land and Water Regulation:** Chapter 24 of the GCLCA provides for the creation of the following implementing bodies pursuant to legislation:
 - The Gwich'in Land and Water Board (GLWB) regulates land and water use throughout the GSA. For more information, please visit the Board's website at: www.glwb.com.
 - The Gwich'in Land Use Planning Board (GLUPB) is tasked with developing a land use plan for the GSA, and for reviewing and proposing amendments to the plan. For more information, please visit the Board's website at: www.gwichinplanning.nt.ca.
 - The Mackenzie Valley Environmental Impact Review Board (MVEIRB) is mandated to conduct environmental impact assessments of development proposals within the Mackenzie Valley. The GCLCA provides for Gwich'in-nominated membership on the Board, the ability of the GTC to refer development proposals to the MVEIRB that may impact the GSA, as well as an opportunity for the GTC to nominate members to Review Board panels, which are established from time to time. For more information, please visit the Board's website at: www.reviewboard.ca.

CHAPTER 2

Gwich'in Implementation Committee

The Gwich'in IC consists of representatives from each of the Parties to the GCLCA:

GWICH'IN TRIBAL COUNCIL (GTC)

The GTC is the organization mandated by the GCLCA to represent Gwich'in participants on the IC, and to ensure the protection of the rights and interests of the Gwich'in. During the 2015/2016 fiscal year, the GTC was represented on the IC by Mr. Norman Snowshoe, Vice President of the GTC. In 2016/17, Ms. Bobbie Jo Greenland-Morgan, GTC President, represented the GTC and in 2017/18 Mr. Jordan Peterson, Vice President, represented the GTC.

- More information about the GTC can be found online at: www.gwichin.nt.ca.

GOVERNMENT OF THE NORTHWEST TERRITORIES (GNWT)

Until April 1, 2017, the Department of Aboriginal Affairs and Intergovernmental Relations was responsible for coordinating the GNWT's implementation activities under the GCLCA. On April 1, 2017, the department merged with the Department of the Executive to form the Department of Executive and Indigenous Affairs (EIA). During the reporting period, the GNWT was represented on the IC by Ms. Susan Bowie, Director, Implementation Division, EIA.

- More information about the GNWT can be found online at: www.gov.nt.ca.
- More information about EIA can be found online at: www.eia.gov.nt.ca.

GOVERNMENT OF CANADA (CANADA)

Canada is represented on the IC by Crown-Indigenous Relations and Northern Affairs Canada (CIRNA, formerly Indigenous and Northern Affairs Canada). The Department's Implementation Branch is responsible for monitoring and facilitating the fulfillment of the federal government's obligations contained in the GCLCA and the accompanying IP. The Implementation Branch provides funding to the implementing bodies, the GTC and the GNWT, as identified in the IP. During the 2015/16 fiscal year, Canada's representative on the IC was Ms. Kimberly Thompson, Director, Treaty Management West, Implementation Branch. During the 2016/17 and 2017/18 fiscal years, Mr. Dale Pegg assumed the position of Director, Treaty Management West, replacing Kimberly Thompson as Canada's representative on the IC.

- More information on the Government of Canada and its departments, programs, and services can be found online at: www.canada.ca/home.html.
- More information on CIRNA can be found online at: www.canada.ca/en/crown-indigenous-relations-northern-affairs.html.

CHAPTER 3

Report on Activities for Fiscal Years 2015/2016 to 2017/2018

IMPLEMENTATION HIGHLIGHTS

Over the course of the reporting period the GTC led a number of successful initiatives that supported the obligations, spirit, and intent of the GCLCA. Canada and/or the GNWT have worked collaboratively with the GTC on a number of these initiatives, including:

Gwich'in Internship Pilot Project

The Gwich'in Internship Pilot Project is intended to support the economic measures provisions of the GCLCA. The project was designed by the GTC to enhance the skills and work experience of Gwich'in participants in government operations through on-the-job training. The goals of the project are to increase the participation of Gwich'in participants in the territorial and federal government workforce, to build stronger ties between the parties, to implement the GCLCA, and to build high-level institutional capacity within the GTC. The project represents a coordinated effort by the GTC, Canada and the GNWT to provide practical work experience that will lead to a greater understanding of the public sector and prepare interns for future career opportunities, potentially within the GTC.

Each Gwich'in participant admitted to the program serves three consecutive one-year work placements, one with each level of government. As host organizations, the GTC, Canada and the GNWT have attempted to place interns in areas that reflect their individual interests and specific career aspirations. Placements are enhanced with formal and informal learning and mentoring opportunities.

History of the Gwich'in Internship Pilot Project

On February 23, 2015, Canada and the GTC signed a Memorandum of Understanding (MOU) to establish a joint internship pilot project. The GNWT and the

GTC subsequently entered into an MOU on capacity building on May 11, 2015, committing the parties to explore opportunities for secondment and internship opportunities. These agreements formed the basis for the development and implementation of the Gwich'in Internship Pilot Project.

The target date for the launch of the Internship Pilot Project was set for September 2015, beginning with work placements within the GTC for 3 successful candidates. Interns completed their placements with the GTC and subsequently moved to placements in the federal government, while 3 new interns began their 1-year terms with the GTC. The final intake of interns occurred in September 2017. All interns will finish the program with a 1-year placement with the GNWT.

With the final intake of new interns into the pilot project in September 2017, the parties turned their attention to identifying best practices and lessons learned to be incorporated into future internship programs.

Strengths of the pilot project included its length (other similar programs are of too short a duration to be truly helpful); contribution to positive and collaborative intergovernmental partnerships; individualized focus; and contribution to invaluable career experience.

Areas that future internship programs will seek to address include comprehensive preparation and career planning by applicants; retention of interns; minimizing delays in the timing of placements between governments; streamlining of the human resource process and, where appropriate, a more regional focus on placement opportunities.

Next Steps:

The parties to the GCLCA have worked collaboratively to make the Gwich'in Internship Pilot Project a success. In the coming year, the IC will consider next steps for future internship and capacity-building programs.

Gwich'in Academic Conferences (Post-Secondary Education Initiative)

In an effort to encourage and support Gwich'in youth to pursue post-secondary education, the GTC developed a series of Academic Conferences to expose students to the post-secondary education environment. By taking Gwich'in students from small communities and introducing them to the world of academic study and campus life, the GTC's goal has been to increase the number of Gwich'in youth pursuing post-secondary studies.

Over the reporting period, a series of three academic conferences have been held at universities across the country:

- March 23 - 27, 2015 – Memorial University, St. Johns, Newfoundland: 10 Gwich'in youth participated in the GTC's inaugural academic conference.
- March 7 - 11, 2016 – Carleton University, Ottawa, Ontario: 14 Gwich'in youth participated in the conference.
- March 27 - 31, 2017 – Inuvik, Northwest Territories: Circumstances did not permit travel to a university, however, a successful conference was held in Inuvik for 22 Gwich'in youth.
- March 9 - 13, 2018 – University of Alberta, Edmonton, Alberta: 15 Gwich'in youth participated in the conference.

The success of the program has been unprecedented, with 89% of youth attendees going on to full time post-secondary studies, internships and full-time employment.

Next Steps:

The GTC has received support to continue its Post-Secondary Education Initiative with another Academic Conference to be held in 2018/19.

Gwich'in Curriculum

Initially conceived as a single secondary school course focused on the GCLCA, the Gwich'in Curriculum Project has grown to include the successful development and implementation of a 5-course Gwich'in Certificate program offered in grades 10 through 12 in GSA schools. Courses include:

- Gwich'in Cultural Studies (3 credit-course).
- Celebrating our History, Our Land, Our Culture (On the Land Course (1 credit).
- Legends, Stories and Cultural Teachings (1 credit).
- Family History through Genealogy (1 credit).
- Introduction to the Gwich'in Comprehensive Land Claim (1 credit).

The pilot phase of the project was successfully completed at Aklavik and Fort McPherson schools in 2016. Inuvik's East Three School has indicated an interest in offering the program.

Challenges associated with advancing the implementation of the project include the lack of funding required to undertake the in-service work necessary to see the program offered at East Three School.

Next Steps:

Educators have expressed an interest in seeing elementary school and post-secondary level course offerings on subject matters covered in Gwich'in secondary school courses. The parties will continue to work on the advancement of this issue through the IC and other intergovernmental channels.

Report on Activities for Fiscal Years 2015/2016 to 2017/2018

KEY ISSUES

Listed below are the key issues discussed and projects undertaken by the IC during the reporting period. Funding amounts provided in accordance with the GCLCA, Implementation Plan (IP) and bilateral funding agreements are also listed below.

1. Annual Reports

The GCLCA requires the IC to prepare an annual report on the implementation of the agreement. Canada is responsible for publishing the reports, although the GNWT has agreed to undertake the drafting and preparation of the reports on behalf of Canada.

Activities: 2015/16 – 2017/18

The IC agreed to incorporate 2014/15 into the 2009/10 to 2013/14 consolidated report to form a five-year consolidated report, and to consolidate 2015/16 to 2017/18 into a single report.

The GTC suggested, and Canada has agreed to support, a Gwich'in translation of this consolidated report and future annual reports.

Next Steps:

Going forward, the IC will continue to work together to identify and implement improvements to the format and timing of annual reports, returning to an annual format that focuses on implementation highlights of the previous fiscal year.

2. Consolidated Version of the GCLCA

A number of amendments to the GCLCA have been agreed to since the Agreement was brought into effect; however, these amendments have not yet been consolidated in a revised version of the GCLCA.

Activities: 2015/16

With funding provided by Canada, the GTC prepared a consolidated version of the GCLCA. The draft document was distributed by the GTC to Canada and the GNWT in December 2015 for review and comment.

Activities: 2016/17

The GNWT provided comments on the draft consolidated version of the GCLCA prepared by the GTC. Canada's review of the document is ongoing at this time.

Activities: 2017/18

Canada provided its comments on the draft consolidated version of the GCLCA. GTC is currently reviewing Canada's comments and will release a final draft version of the agreement for review by the parties.

Next Steps:

The parties will review the final draft version of the GCLCA produced by the GTC. Once approved, the document will be translated and the parties will execute a Record of Decision reflecting agreement on the final consolidated English and French versions of the GCLCA.

3. Amendments to the GCLCA

The GTC expressed an interest in pursuing a number of amendments to the GCLCA as a single package, including a proposal on how to address the issue of representation regarding the Tetlit Gwich'in as set out in the Yukon transboundary agreement.

Activities: 2015/16

The GTC advised that it had set up an internal sub-committee to review the GCLCA for potential areas of amendment. The GTC will finalize a list of proposed amendments based on the comprehensive review undertaken by its sub-committee and will circulate the list of its findings to the GNWT and Canada for consideration and further discussion at the IC.

Activities: 2016/17

The GNWT proposed an amendment to the GCLCA to ensure that the status of lands received by the GTC from Canada or the GNWT pursuant to a land exchange would be recognized and treated as settlement lands. As currently worded, the GCLCA does not contain any specific regulations on the particular issue. The GNWT advised that the Sahtu Dene and Metis Comprehensive Land Claim Agreement had been amended to ensure this clarity and suggested that the GCLCA could also benefit from this approach.

Activities: 2017/18

Canada advised that it is currently working with Finance Canada to clarify any concerns that Finance Canada may have with respect to taxation implications of the proposed amendment. The parties look forward to concluding the discussions on the proposed amendment in the coming year.

Next Steps:

Canada will inform the GTC and GNWT of Finance Canada's concerns with respect to the amendment. If Finance Canada's concerns are addressed, and if the GTC is supportive, the parties will action the GNWT's proposed amendment package, including a draft record of decision indicating the IC's support for the amendment.

4. Yukon Environmental and Socio-Economic Assessment Act – Update

The *Yukon Environmental and Socio-Economic Assessment Act* (YESAA) was established pursuant to the Umbrella Final Agreement between the Government of Canada, the Government of Yukon and Yukon First Nations. YESAA sets out an assessment process for all lands in Yukon.

Responsibility for the management of land and resources was devolved from the federal government to the Government of Yukon in 2003, and the YESAA was passed that same year. Under the terms of the Umbrella Final Agreement, a comprehensive review of YESAA by the parties to the agreement was required within five years of YESAA becoming law. That review was completed in March 2012.

The objective of Bill S-6 is to update the regulatory regime in Yukon and Nunavut and align it with other regulatory regimes throughout Canada. It is composed of the following two parts:

- Part 1 proposes a series of amendments to the *Yukon Environmental and Socio-Economic Assessment Act*; and
- Part 2 proposes amendments to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

Activities: 2015/2016

Canada confirmed that Bill S-6 was referred to the Standing Committee, which held hearings regarding the Bill, and travelled to Whitehorse in February. A clause-by-clause review of the Bill was undertaken and the committee reported its progress in Parliament, which was followed by third reading. Bill S-6 subsequently received royal assent and became law on June 3, 2015.

5. Arbitration Panel Review

In December, 2014, Canada tabled a proposal to replace the dispute resolution model set out in the GCLCA. The proposal would see the Arbitration Panel replaced with a Dispute Resolution Administrator and roster of qualified arbitrators or, alternately, the IC could fulfill the Administrator function and develop and manage the list of qualified arbitrators. In putting forward this proposal, Canada advised that the model, currently used in other agreements, has proven to be less costly and more efficient. The IC is considering this proposal.

Activities: 2015/16

Canada advised that a formal amendment to the GCLCA would be required in order to implement the proposed approach. The GTC expressed an interest in following up with the Tlicho Government to discuss their perspective on the model. At the December 2015 IC meeting, the GTC confirmed its approval in principle of the proposed approach.

Activities: 2016/17

Canada distributed a paper entitled “Dispute Resolution in Modern Treaties”, which provided a more in-depth discussion of options pertaining to the proposed approach to Dispute Resolution. The paper also provided further context for the options of using a Dispute Resolution Administrator to administer a roster of qualified and approved arbitrators or mandating the IC to serve in this role.

Activities: 2017/18

Canada undertook further research on dispute resolution approaches and recommended that the parties consider the model used in the Deline Final Self-Government Agreement. The GNWT endorsed

the use of the Deline model, which provides a framework for dispute resolution without the requirement for set-up and maintenance of a formal panel or board.

Next Steps:

The GTC will consider the proposal and present it to the GTC Board of Directors. If the proposed amendment is supported, a draft amendment and IC ROD will be drafted as the first steps in moving the amendment forward.

6. Economic Measures

Chapter 10 of the GCLCA, Economic Measures, requires that government meet with the GTC not less than once every three years to review the effectiveness of programs relating to the objectives of the Chapter.

Activities: 2015/16 – 2017/18

The GTC advised the IC that President James Wilson had expressed an interest in reviewing the implementation of Chapter 10. Canada stated that, historically, it has been difficult to conduct an objective, performance-based review of the chapter, and that as a result, focus has shifted to doing more practical work in order to meet the objectives of the chapter. Previously, Canada had proposed, and the IC had approved, a four-phased approach to the three-year economic measures review, and the parties have been working together to move the process forward.

The parties agreed to undertake a more comprehensive review of the Chapter 10 provisions, while still proceeding with an Economic Measures Workshop to inform beneficiaries of government contracting processes and economic development programs. The GNWT reviewed previous economic

measures studies completed in 2004 and 2006 and agreed to undertake the development of a draft terms of reference/framework for the next study for consideration by the parties. The parties agreed that a sub-committee should be formed and tasked with overseeing the completion of the work.

A two-day Economic Measures Workshop was held by the parties in March 2018. Canada provided a comprehensive overview of federal contracting on the first day of the workshop. On the second day, the GNWT provided presentations on its contracting procedures, economic development programs and programs related to the traditional economy.

Related to the GCLCA's provisions on economic measures, the GTC has expressed concern that Canada and the GNWT view Inuvik as a "shared community". Both Canada and the GNWT have confirmed their understanding and agreement that Inuvik is in the Gwich'in Settlement Area. Furthermore, both governments have confirmed that Inuvik is identified as an Inuvialuit community under the Inuvialuit Final Agreement and as a Gwich'in community under the GCLCA for purposes of articulating various provisions of the respective agreements. Neither Canada nor the GNWT characterize Inuvik as a "shared community."

Next Steps:

The parties will designate an Economic Measures Sub-committee to undertake a review of the proposed economic measures review framework prepared by the GNWT, and develop a final version for tendering by the parties.

The Economic Measure Sub-committee will oversee the completion of the review and provide regular updates to the IC on progress towards completion of the review.

7. First Nations of Nacho Nyak Dun Negotiations

Activities: 2017/18

The GTC expressed its concern that it has little information and is not being consulted on transboundary negotiations taking place between the First Nations of Nacho Nyak Dun, Canada and the GNWT. The GTC recognizes the confidential nature of negotiations, however, it is concerned that consultation will come too late in the process for any meaningful input on behalf of the GTC.

Next Steps:

Canada has committed to follow-up internally in order to get a better idea of consultation planning with respect to the negotiations.

8. Land Exchanges

Activities: 2015/16 to 2017/18

The GNWT informed the parties that it had been approached by the Hamlet of Aklavik regarding the potential exchange of Gwich'in land for Territorial land in order to construct a new solid waste site for the community. The existing facility is quickly approaching its final capacity and given the geography of the area, the need to secure high ground outside of the flood plain can only be achieved through the acquisition of Gwich'in lands. The GTC indicated that it is aware of the matter.

Next Steps:

The parties will continue to discuss the potential land exchange at the IC as matters progress.

PROJECTS

1. Gwich'in Implementation Plan Renewal (2013 - 2023)

Chapter 28 of the GCLCA speaks to the preparation of an Implementation Plan (IP) to accompany the GCLCA. The previous 2003 - 2013 IP for the GCLCA was extended by ROD for two years (2013-2014 and 2014-2015) in 2012, and was later extended again by another ROD for an additional three years (to 2017/18). The financial payments listed in Annex B of the IP were also amended to reflect the Annual Price Adjustment Factor of the Federal Domestic Demand Implicit Price Index (FDDIPI) for each year.

Activities: 2015/16

The GNWT offered to take the lead in handling the editorial aspects of the IP renewal process, and undertook a review of the draft IP to ensure the Activity sheets were informative and reflected the appropriate level of detail regarding the activities of the parties.

Progress on IP was delayed due to scheduling issues with the Yukon Government to complete activities related to Appendix C of the GCLCA – the Yukon Transboundary Agreement.

Activities: 2016/17

The GNWT undertook additional edits to the IP and distributed a proposed draft of the plan to Canada and the GTC for review. The edits attempted to provide more instruction to those relying on the plan for guidance on implementing the GCLCA.

A detailed joint review of the plan was initiated.

Activities: 2017/18

The parties completed a detailed joint review of the plan. Several issues require some further

consideration; however, the parties are committed to moving forward with internal reviews of the IP as they look to address any outstanding matters in the coming months.

Next Steps:

Canada will confirm whether a formal approval process is required or whether a ROD signed by the IC is sufficient to adopt the new plan.

2. Gwich'in Land Use Plan

The GCLCA contains provisions for the establishment of a Gwich'in Land Use Planning Board, and for the development of a Land Use Plan (LUP) that will provide for the conservation, development and utilization of land, water and resources in the GSA, an area entirely within the Northwest Territories.

The initial Gwich'in LUP was approved by all three Parties in 2003. The Gwich'in LUP was revised in 2011 and, based on comments received, further edits were made in order to produce a final revised LUP, which was distributed to all Parties by the Board for final approval in January 2015.

Following Devolution in 2014, the GNWT's Department of Lands took over the overall GNWT lead on coordination of GNWT input into Land Use Plans. The GNWT provided comments on the final revised Gwich'in LUP in June, 2015.

3. Land Quantum Tracking

While no exchanges of Gwich'in and Crown land have occurred since the GCLCA came into effect, the GCLCA does provide for such exchanges and the IC anticipates that these provisions will be utilized in the coming years as communities grow, and require new or replacement infrastructure such as solid wastes sites or sewage lagoons.

Activities: 2016/17 – 2017/18:

The GNWT raised the issue of tracking land quantum to ensure that the impact of future land exchanges is known and that ultimately the quantum of settlement lands is maintained over time as exchanges occur. The GNWT asked the parties to consider approaches to land quantum tracking and engage in further discussion on this matter at future IC meetings.

Next Steps:

The parties will consider the matter of land quantum tracking at future IC meetings.

4. Survey of Gwich'in Settlement Lands

Canada has not yet completed the survey of Gwich'in settlement lands. Settlement lands associated with all other NWT land claims have been legally surveyed.

Activities: 2016/17

The IC agreed that the survey of Gwich'in settlement lands should be a priority. Given that the cost associated with this undertaking will be significant, Canada will require some lead time to secure approval of the required funding to undertake the project. The IC anticipates that the survey work will be a multi-year project.

Activities: 2017/18

The Surveyor General contacted both the GTC and GNWT to provide information and gather comments on the planned survey work, including the Surveyor General's plan to use an isolated boundary standard to survey the land. This standard would see survey monuments placed at 10 kilometre intervals, rather than the 1 kilometre interval standard that has been used for surveying other settlement lands. After discussions between their respective land experts,

the parties agreed upon a hybrid approach using both the isolated boundary standard in remote areas and a 1 kilometre standard in areas close to communities.

Next Steps:

Survey work is expected to begin in the 2018/19 fiscal year.

FUNDING MATTERS

1. Surface Rights Board

An obligation emanating from the GCLCA is the establishment of the Surface Rights Board. The Surface Rights Board addresses applications when a negotiated agreement relating to land access and compensation for that access cannot be reached between surface and sub-surface rights holders.

The *Surface Rights Board Act* (NWT) came into force on April 1, 2014. In accordance with the legislation, the Surface Rights Board was created on April 1, 2015 and its jurisdictions came into effect on April 1, 2016. Canada provides funding to the GNWT to implement the Surface Rights Board, based on the funding model in place with the Yukon government

Activities 2015/16:

The GNWT reported that board members had been selected. Louie Azzolini, Elizabeth Wright, Danny Bayha, Darrell Christie and Mike Vaydik were appointed to the Surface Rights Board effective April 1, 2015, each to a five-year term. Over the course of the fiscal year, the Board worked on the establishment of bylaws and administrative functions necessary to become operational on April 1, 2016. During this time, the GNWT also approved regulations setting interest rates and an access fee.

2. Board Analysis Update

In 2011/12, Canada acknowledged that NWT boards were under various funding pressures. At that time, Canada advised that the current board funding model would be reviewed and options developed for improvement. Canada subsequently distributed a preliminary source list of material to be reviewed in preparation for the analysis, and developed a questionnaire to gather board input. Updates on the progress of the project were provided in periodic conference calls, before Canada began its in-depth analysis and development of recommendations on the revision of its approach to board funding.

Activities: 2015/16 – 2017/18

At IC meetings in 2015/16 and 2016/17, Canada stressed that once its analysis was complete and a financial mandate was obtained, board funding negotiations would begin. For a variety of reasons, the analysis and approval of resulting recommendations took much longer to complete than Canada had initially anticipated.

In 2017/18, Canada ultimately secured the required approvals and new board funding levels were established, based on extensive discussions with NWT boards. New funding levels implemented in the fall of 2017/18 represent significant increases in core funding for boards established pursuant to the GCLCA, and other NWT comprehensive land claim agreements.

3. Implementation Funding

The IP outlines funding levels provided to the organizations, parties and boards pursuant to the GCLCA. Funding is categorized in two ways: core funding, which is provided to address the mandate and fulfill obligations under the GCLCA; and supplementary funding, which is additional funding provided upon specific organization's needs and projects. Supplementary funding is subject to Federal approval and availability of funds. For more information on the amounts allocated on a yearly basis, please see Appendix A.

4. Yukon Transboundary Agreement Implementation Funding

Presently, the GTC does not receive ongoing funding for activities under Appendix C of the GCLCA, the Yukon Transboundary Agreement. Canada has provided supplemental funding to support transboundary activities within Gwich'in Yukon Lands.

Once the 2013 - 2023 Implementation Plan renewal has been finalized, it will help to inform core funding levels over the next ten years; this will include funding for the activities under the Yukon Transboundary Agreement and will involve discussions with the Yukon Government to, in essence, update the transboundary funding arrangements.

APPENDIX A

Implementation Funding

Implementation funding was allocated as follows for the fiscal years covered in this report:

2015/16			
Implementing Body	Core Funding	Supplementary Funding	Total Funding
Gwich'in Tribal Council	\$599,140	Amendment 1 (Post-Secondary Conference): \$82,556.20	\$1,007,314.20
Renewable Resource Councils	\$325,618	\$0	\$325,618
Gwich'in Arbitration Panel	\$50,709	\$0	\$50,709
Gwich'in Land and Water Board	\$843,936	\$0	\$843,936
Gwich'in Land Use Planning Board	\$310,811	\$0	\$310,811
Gwich'in Renewable Resources Board	\$806,541	\$0	\$806,541
MVEIRB	\$2,796,056	\$0	\$2,796,056

2016/17			
Implementing Body	Core Funding	Supplementary Funding	Total Funding
Gwich'in Tribal Council	\$608,667	Amendment 1 (Internship Coordinator): \$30,000 Amendment 2 (relocation, GIPP): \$3,767.24 Amendment 3 (Post-Secondary Conference): \$86,530.59 Total Amendment: \$120,297.83	\$1,059,759.83
Renewable Resource Councils	\$330,795	\$0	\$330,795
Gwich'in Arbitration Panel	\$0	\$0	\$0
Gwich'in Land and Water Board	\$857,355	\$0	\$857,355
Gwich'in Land Use Planning Board	\$315,753	\$0	\$315,753
Gwich'in Renewable Resources Board	\$819,365	Amendment 1 (Species at Risk Biologist): \$91,884	\$819,365
MVEIRB	\$2,840,516	\$0	\$2,840,516

APPENDIX A

Implementation Funding

2017/18			
Implementing Body	Core Funding	Supplementary Funding	Total Funding
Gwich'in Tribal Council	\$747,458	Amendment 1 (Internship Coordinator): \$30,000 Amendment 2 (relocation, GIPP): \$24,863.86 Amendment 3 (Post-Secondary Conference): \$100,095 Amendment 4 (Economic Measures Workshop): \$19,380 Amendment 5 (Yukon Transboundary Agreement Funding): \$357,828.87 Total Amendment: \$532,167.73	\$1,279,625.73
Renewable Resource Councils	\$680,000	\$0	\$680,000
Gwich'in Arbitration Panel	\$0	\$0	\$0
Gwich'in Land and Water Board	\$985,958	\$0	\$985,958
Gwich'in Land Use Planning Board	\$420,753	\$0	\$420,753
Gwich'in Renewable Resources Board	\$1,019,365	Amendment 1 (Strategic Planning Workshop): \$18,463.45	\$1,037,828.45
MVEIRB	\$3,440,516	Amendment 1 (NWT Board Forum Training): \$150,000	\$3,590,516