

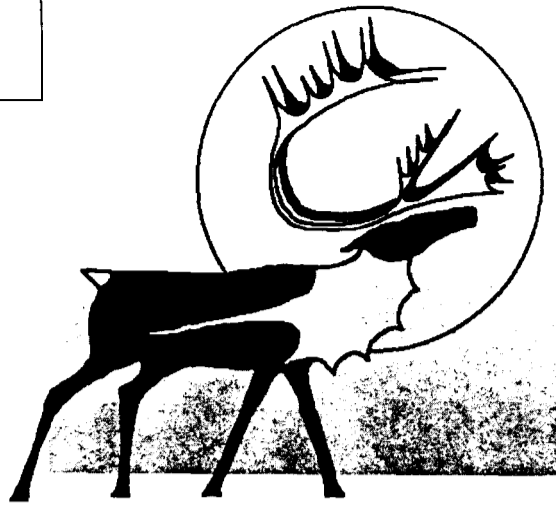
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***Annual Report Of The Implementation
Committee On The Implementation Of The
Gwich'in Comprehensive Land Claim
Agreement Land Claims Information,
Gwich'in***

Date of Report: 1994

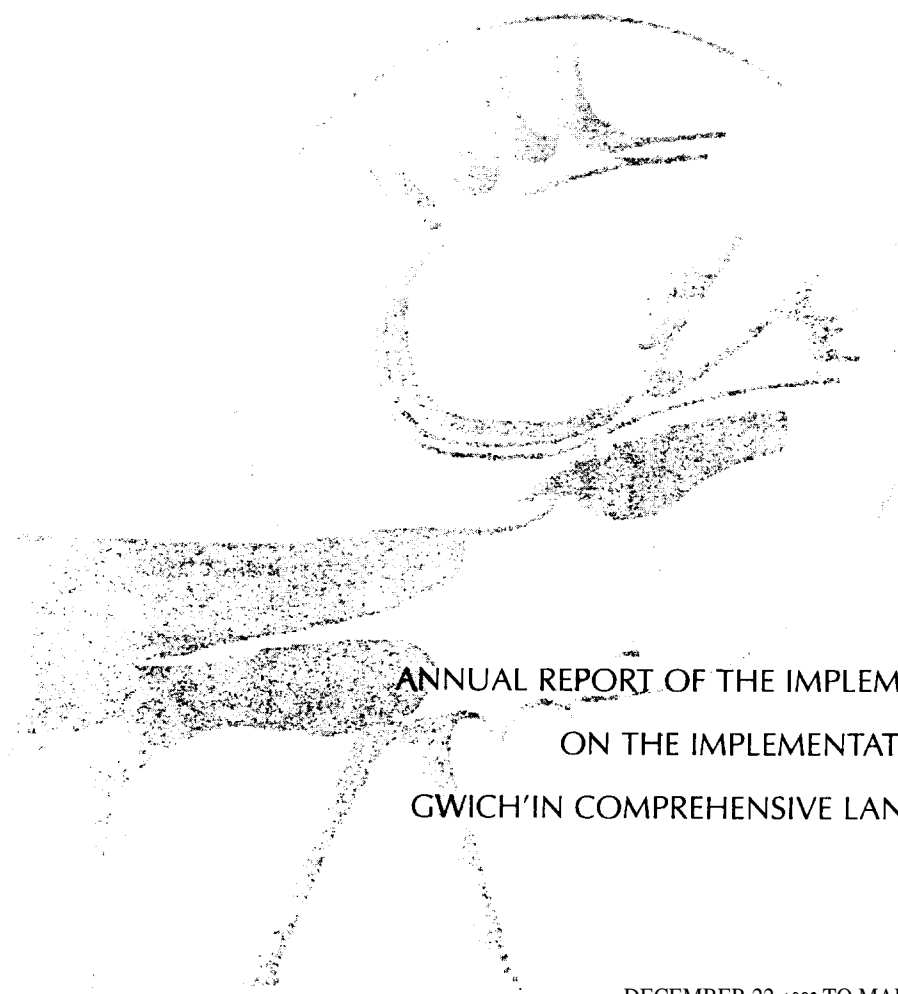
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ANNUAL REPORT OF THE IMPLEMENTATION COMMITTEE
ON THE IMPLEMENTATION OF THE
GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT

DECEMBER 22, 1992 TO MARCH 31, 1994



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ON THE IMPLEMENTATION OF THE
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Canada

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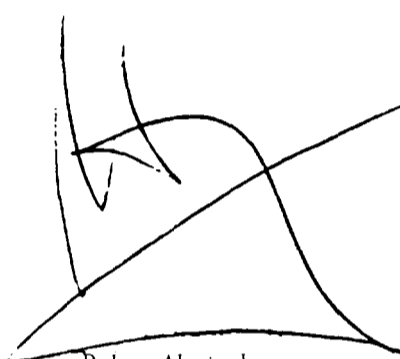
FOREWORD

As members of the three-party Implementation Committee established by the Gwich'in Comprehensive Land Claim Agreement, we are pleased to present this first annual report on the implementation of the Agreement, which was brought into force by the *Gwich'in Land Claim Settlement Act* on December 22, 1992.

The Implementation Committee is composed of three senior officials: one representing the Gwich'in Tribal Council, one representing the Government of Canada, and one representing the Government of the Northwest Territories. Among the various monitoring responsibilities of the Committee is the preparation of a public annual report on the implementation of the Agreement.

This report has been compiled based on information provided by various departments within the federal and territorial governments, by the Gwich'in Tribal Council, and by the different implementing bodies established under the Agreement. Because of the limited reporting period during 1992-1993, the report covers a 15-month period from December 22, 1992 to the end of fiscal year 1993-1994. Subsequent reports will be prepared on a fiscal year basis.

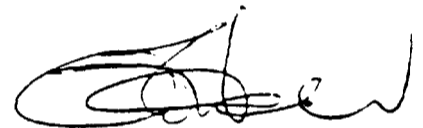
The implementation of the Gwich'in Agreement has presented opportunities and challenges for all parties. As members of the Implementation Committee, we are confident that the Agreement provides significant and lasting benefits to be enjoyed by this and future generations of Gwich'in beneficiaries.



Robert Alexie, Jr.
Gwich'in Tribal Council



Mark Warren
Government of the
Northwest Territories



Terry Henderson
Government of Canada



1. INTRODUCTION

On April 22, 1992, the Gwich'in Tribal Council, the Government of the Northwest Territories, and the Government of Canada signed the Gwich'in Comprehensive Land Claim Agreement. By virtue of the *Gwich'in Land Claim Settlement Act* coming into effect on December 22, 1992, an estimated 2,500 Gwich'in beneficiaries became the owners of 22,422 square kilometres (approximately 8,658 square miles) of land in the Northwest Territories, an area about one-half the size of Nova Scotia, and 1,554 square kilometres (approximately 600 square miles) in the Yukon. The Gwich'in also receive a tax-free capital transfer totalling \$141 million over a 15-year period.

In their settlement area, the Gwich'in have extensive and detailed wildlife harvesting rights, guaranteed participation in decision-making structures, which will be established for the management of wildlife and the regulation of land, water and the environment, and rights of first refusal to a variety of commercial wildlife activities. They receive a share of annual resource royalties in the Mackenzie Valley. The Agreement also provides the Gwich'in with harvesting rights and a role in the management of wildlife in their area of use in the Yukon, but these are less extensive than the rights in

the Northwest Territories, These rights will be exercised within the applicable wildlife management systems of the Yukon,

The Agreement clarifies rights of ownership and land and resource use in the Gwich'in settlement area. The Gwich'in have exchanged certain rights previously established in Treaty 11 for defined land claim benefits. Within the settlement area, the Gwich'in are giving up the hunting, fishing and trapping rights of the Treaty, [n other areas, the Agreement replaces these rights with more detailed ones. Nothing in the Agreement removes from the Gwich'in their Aboriginal identity or affects any existing or future constitutional rights for them as Aboriginal people. The Agreement also allows for negotiation of self-government arrangements which will be brought into effect through federal legislation.

2. HIGHLIGHTS

- The Gwich'in Tribal Council received settlement payments of \$ 11.6 million during the first 15 months of implementation of the Agreement,
- The Minister of Indian Affairs and Northern Development appointed members to the Enrolment Board and the Interim Land Use Planning Board in March 1993, and to the Arbitration Panel in June 1993. **The Governor in Council and the Executive Council of the territorial government jointly appointed members and alternates to the Renewable Resources Board** in January 1994, and the chairperson in February 1994.
- The Gwich'in Tribal Council and the federal and territorial governments created a Coordinating Group to draft guidelines for resource management legislation and regulations which will establish the Land Use Planning Board, the Environmental Impact Review Board, and the Land and Water Board, and develop frameworks for their future operations. **These public government boards** will be either advisory or decision-making in nature, and will administer land and water use in the settlement area and other land claims settlement areas as claims are settled, Other proposed legislation which the

Coordinating Group will address includes surface rights legislation which will create Surface Rights Boards for both the Yukon and the western portion of the Northwest Territories. In the Yukon only, the Surface Rights Board will act as an arbitrator in surface rights disputes.

- An Implementation Committee with representatives from the Gwich'in Tribal Council and the federal and territorial governments was formed and met within one month of the *Gwich'in Land Claim Settlement Act* coming into effect.
- The Enrolment Board enrolled nearly 40 percent of eligible Gwich'in beneficiaries.
- The Gwich'in Tribal Council used the Implementation Training Fund, which totals \$761,000, to **support \$20,000** per year in scholarships, the research and administrative expenses of the Gwich'in Social and Cultural Institute, and, together with the Gwich'in Pathways Training Board, programs in Aboriginal management and natural resources management.
- The Agreement has resulted in significant economic benefits for the Gwich'in. Using the financial leverage provided by the claims settlement, the Gwich'in Tribal Council established two construction firms and a computer technology firm. Land survey fieldwork also led to economic advantages for Gwich'in companies and individuals who were involved in providing logistical support for survey teams.



3. IMPLEMENTATION COMMITTEE

The Implementation Committee comprises three senior officials: one representing the Gwich'in Tribal Council (GTC), one representing the Government of Canada and designated by the Minister of Indian Affairs and Northern Development, and one representing the Government of the Northwest Territories (GNWT). The Committee, which makes decisions by consensus, is responsible for overseeing and providing direction to the implementation of the Agreement; monitoring the status of the implementation plan; rescheduling implementation activities and reallocating resources as required; addressing disputes arising between the parties; and preparing an annual report on the implementation of the Agreement.

Committee members are: Robert Alexie, Jr., Vice-President, GTC; Mark Warren, Manager, Claims Implementation, Intergovernmental and Aboriginal Affairs, GNWT; and Terry Henderson, Director General, Claims Implementation, Department of Indian Affairs and Northern Development (DIAND).

The Committee met in January 1993 in Yellowknife, in March 1993 in Inuvik, in October 1993 in Yellowknife, in December 1993 in Edmonton, and in March 1994 in Inuvik.

During the reporting period, the Implementation Committee dealt with various issues including:

- **protocol and general procedures** for meetings;
- redistributing and managing the 10-year funding **for implementing bodies over fiscal years 1992-1993 to 2002-2003, and clarifying the management of contribution funding;**
- **rescheduling implementation activities** such as the Settlement Area Harvesting Study;
- publishing communications materials for general distribution, including a brochure on the membership and functions of the implementing bodies to be established pursuant to the Agreement, and a map of the Gwich'in settlement area, as well as preparing the text for publications concerning public access to Gwich'in lands and commercial activity in the settlement area;
- reviewing land management rules and procedures for Gwich'in lands, and
- developing a framework for the annual report.

4. IMPLEMENTING BODIES

The Agreement provides that implementing bodies be established to manage wildlife resources, conduct environmental impact assessments and reviews of development proposals, plan and regulate land and water use, settle disputes that may arise in the interpretation of the Agreement, and determine who is qualified to participate as a beneficiary of the Agreement. The Agreement sets out the membership, functions and timeframe of the establishment of each implementing body.

From December 22, 1992 to March 31, 1994, the Arbitration Panel, Enrolment Board, Interim Land Use Planning Board and Renewable Resources Board began operating. The membership of these bodies is listed in Appendix 1. The Planning Board, the Environmental Impact Review Board, and the Land and Water Board are scheduled to be established by legislation prior to December 1994. The Surface Rights Board will begin operating after federal legislation is passed establishing the board.

FUNDING TO IMPLEMENTING BODIES

The parties have agreed to annual sums which represent the implementation funding required for the implementing bodies to fulfil their duties as identified in the Agreement and Implementation Plan, including items related to the Yukon Transboundary Agreement. The overall adequacy of implementation funding will be reviewed in 1997

	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997
Enrolment Board	61,489	299,326	174,344	74,983	56,188	46,873
Arbitration Board	0	35,454	36,518	37,613	38,741	39,904
Settlement Area Harvest Study	0	114,055	161,108	165,941	170,920	134,629
Renewable Resources Board	16,995	453,005	496,497	511,389	526,734	406,158
Renewable Resources Councils	1,571,100	161,813	166,667	171,667	176,817	0
Land Use Planning Board		0	29,887	120,444	124,058	95,121
Interim Land Use Planning Board	5,968	174,295	118,556	0	0	* 0
Environmental Impact Review Board	0	0	182,649	338,745	365,236	280,041
Land and Water Board	0	0	516,133	616,084	630,412	440,847
Surface Rights Board	0	17,894	0	0	19,554	0
TOTAL :	241,552	1,255,842	1,882,359	2,036,866	2,108,660	1,443,573

4.1 ENROLMENT BOARD

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

The members of the Enrolment Board were appointed in March 1993. The members appointed from Gwich'in nominations are Robert Alexie, Sr., Louise André, Barb Foley, Eliza Greenland and Thomas Wright. Members appointed from federal government nominations were Susanna Moffat and Rosemary Cairns, Raj Downe replaced Susanna Moffat in July 1993.

The Enrolment Board held its first meeting in March 1993 in Inuvik, with subsequent meetings in April, May and June 1993 in Aklavik, Tsiigehtchic (Arctic Red River) and Fort McPherson respectively. The board advertised each meeting locally.

Since starting operations, the board registered with the Registrar of Societies, prepared and submitted a 1993-1994 budget, opened a bank account, hired a coordinator and established an office, developed policies and procedures, created and printed enrolment applications and an information brochure on enrolment, purchased fax and computer equipment and leased a postage meter and other office equipment, designed a database system for enrolment data, and set up payroll arrangements with the Gwich'in Tribal Council (GTC).

The board prepared enrolment application packages for the Midway Lake music festival held near Fort McPherson in July 1993, and provided a tent as a venue to accept applications. They received approximately 250 applications, from which they held a draw and awarded the tent to the winner. The Enrolment Board conducted a similar campaign, which was equally successful, at the GTC Annual Assembly in Inuvik in August 1993.

The board sent an enrolment application package to individuals listed on the voters list prepared by the Gwich'in Ratification Committee. The package included a letter, an application form, an information brochure, and a postage-paid reply envelope addressed to the Enrolment Board.

The board focussed its advertising and public relations strategy within the settlement area, using public notices and personal contact, including visits by the enrolment coordinator and board members, to encourage beneficiaries living in the four communities to complete enrolment applications. During its campaign, the board enrolled more than 1,000 Gwich'in. The board considers this an excellent record given that enrolment applications were not available until July 1993, and believes this reflects the good work done by both the enrolment coordinator and the board members. If the estimated total of 2,500 Gwich'in is correct, then the board succeeded in enrolling about 40 percent of eligible Gwich'in from July 1993 to January 1994.

Board members feel that they have now heard from almost all beneficiaries who will respond on their own initiative, and believe it will be a more labour-intensive process to track down the remaining beneficiaries. The board plans to hire enumerators in each of the four communities to assist these remaining beneficiaries in completing enrolment applications.

The board intends to seek out Gwich'in living outside the settlement area by placing advertisements in selected southern Canadian newspapers in April and May 1994 encouraging potential beneficiaries to complete enrolment applications. Once this campaign has ended, the board intends to run an advertisement twice a month in one northern newspaper, which circulates extensively outside the settlement area, to encourage potential beneficiaries living outside the settlement area to enrol.

4.2 INTERIM LAND USE PLANNING BOARD

The Agreement provides that an Interim Land Use Planning Board be established for land use planning in the Gwich'in settlement area between the date of settlement legislation and the date that the legislation establishing the permanent Land Use Planning Board comes into effect. The board is to address the draft land use plan prepared by the Mackenzie Delta-Beaufort Sea Regional Land Use Planning Commission.

The board has four members: two nominated by the Gwich'in Tribal Council (GTC), one by Canada (Department of Indian Affairs and Northern Development), and one by the Government of the Northwest Territories (GNWT). The members appointed from Gwich'in nominations were Margaret Donovan and Charlie Snowshoe, the member appointed from the nomination by the Department of Indian Affairs and Northern Development (DIAND) was Norman Sancarrier, and the member appointed by the GNWT nomination was Robert Aitken. The membership subsequently nominated Piet Van Loon as chairperson. Both the members and the chairperson were appointed by the Minister of Indian Affairs and Northern Development, the members in March 1993 and the chairperson in April 1993.

The Interim Land Use Planning Board held its first meeting in March 1993, and met subsequently in April, September and November 1993 and January 1994. The board held conference call meetings as needed, averaging one every three weeks. The GTC provided administrative services for the first eight months of board operations.

Since commencing operations, the board developed terms of reference and a policy on the remuneration of board members' expenses; adopted the policy and administration guidelines of the GTC for its own operation; incorporated under the *NWT Societies Act*; rented and furnished office space in Inuvik; established a bank account and signing authority developed work plans for 1993-1994 and 1994-1995, developed a job description and work plan for the position of land use planner/coordinator, and hired a land use planning coordinator, Ron Cruickshank

The board also dealt with other issues, including:

- summarizing comments by the GTC, Inuvialuit, GNWT and DIAND on the final draft of the Mackenzie Delta/Beaufort Sea Land Use Plan;
- implementing a community consultation schedule to identify land and water concerns from the four communities in the region, government and private organizations. The board held successful land and water issues-identification workshops in each community in February and March 1993;
- investigating the establishment of a database with which the board would document the GTC's rationale for selecting the Gwich'in Land Blocks identified in the Agreement, and
- deciding to act in an advisory role in the development of a management plan for the Gwich'in Territorial Park and to participate in land use planning activities for the land immediately adjacent to the park, but not for land located inside the park's boundaries.

In December 1993, the secretary/treasurer and coordinator conducted a full review of the budget, which reduced the board's 1993-1991 budget by \$35,000. These funds are available for future work.

The board was represented at the Peel River Watershed Advisory Committee meeting held in Fort McPherson in March 1993 and at the Bonnet Plume Heritage River meetings held in Mayo, Yukon in March 1994.

In 1994, the Interim Land Use Planning Board plans to prepare a paper summarizing community, government and private industry concerns regarding land and water issues, and will present a draft land use plan to the permanent Land Use Planning Board.

4.3 ARBITRATION PANEL

The Agreement provides that an Arbitration Panel be established to resolve disputes that arise in the implementation of the Agreement. The panel will arbitrate disputes over topics described in the Agreement, or those which arise in interpreting the Agreement. The process may involve either one or three arbitrators who will hear evidence. The decision of the arbitrator(s) will be binding, and the arbitrator(s) may make an award, including the payment of costs and interest, Unless otherwise agreed to by the panel, it will keep a public file on each decision.

The Minister of Indian Affairs and Northern Development appointed members to the Arbitration Panel in June 1993. Members appointed from Gwich'in nominations are Robert Alexie, Jr., Willard Hagen, Chief James Ross, and Peter Ross. Members appointed from territorial government nominations are John U. Bayly and Letha MacLachlan, and members appointed from federal government nominations are Charlie Caudet and Richard Hill. The Arbitration Panel held two administrative meetings in the reporting period. The first meeting was held in Yellowknife in January 1994, where members selected Chief James Ross as chairperson and Letha MacLachlan as vice-chairperson, and established an agenda and workplan for their annual meeting. At the annual meeting, held in Fort McPherson in March 1994, **panel members established procedures and guidelines** for the initiation and conduct of arbitrations under the Agreement.

The panel determined that it requires an administrative secretary to perform some limited administrative functions in relation to the arbitrations. **Panel members decided that these responsibilities should be assigned to a staff person within one of the resource management boards established under the Agreement, and they selected an interim administrative secretary. They also decided that the public registry of files from each panel decision should reside with the management board from which the administrative secretary is drawn.**

4.4 RENEWABLE RESOURCES BOARD

The Agreement provides that a Renewable Resources Board be established as the main instrument of wildlife management in the settlement area. The board has the **power to establish policies and propose regulations on harvesting, including commercial fishing. It has an independent research capability and is responsible** for conducting a harvest study. Renewable Resources Councils, established in each Gwich'in community, will be responsible to advise the board with respect to harvesting by the Gwich'in and other matters of local concern within the jurisdiction of the board.

The Renewable Resources Board is made up of seven appointed members: three appointed by the federal and territorial governments, three nominated by the Gwich'in and subsequently appointed by the governments, and a chairperson nominated by the membership and subsequently appointed by the governments. Six alternate members are also chosen in the same manner. The members, alternates and chairperson were appointed by federal order-in-council and territorial government Executive Order.

Members appointed from Gwich'in nominations are Chief James Firth of Inuvik, Chief James Ross of Fort McPherson, and Joe Benoit of Aklavik. The member appointed from the nomination by the territorial Department of Renewable Resources is Roger Binne. The member appointed from the nomination by the federal Department of Fisheries and Oceans is Jim Hickling, and the member appointed from the nomination by the Canadian Wildlife Service is Kevin McCormick. The members selected Robert Charlie as chairperson. The members and the chairperson are well versed in renewable resources issues, and are familiar with the Agreement and the settlement area.

Although the appointment of members was planned to be completed by April 22, 1993, there were lengthy delays in making these appointments. In **February 1994, the appointments were completed and the oaths of office were administered to the members. The chairperson was formally appointed** in April 1994, and took his oath of office at a quarterly board meeting in May 1994 in Inuvik. With the appointment of the chairperson, the board became fully operational,

The Renewable Resources Board held three administrative meetings in 1993-1994: in Tsiigehtchic (Arctic Red River), Whitehorse, and Fort McPherson. The board nominees drafted a set of interim operating procedures to use until a full-time executive director is hired. The board also developed a fair and equitable lease agreement and established a procedure for hiring an executive director

The board reviewed a number of proposals for study and action on wildlife issues. However, as these proposals were presented to the board before it was fully operational, nominees were not able to commit to them. The board deferred some important matters, including issues relating to the Bluenose caribou herd and fish studies in the Mackenzie Delta, until 1994-1995. Since becoming fully operational, the board has received the \$2 million Wildlife Studies Fund and will be considering research projects.

Although communication between the community-based Renewable Resources Councils and the Renewable Resources Board has not been fully established, the roles of these bodies will be clarified as the councils become fully operational.

4.5 OTHER

In 1993-1994, the Coordinating Group developed legislative drafting guidelines, a draft of the Mackenzie Valley Resource Management bill, and associated regulations. The proposed bill would result in the establishment of the Land Use Planning Board, the Environmental Impact Review Board, and the Land and Water Board. These boards will be advisory or decision-making in nature, and will administer land and water use in the settlement area and other land claims settlement areas as claims are settled. Other proposed legislation which the Coordinating Group will address includes surface rights legislation, which will create Surface Rights Boards for both the Yukon and the western portion of the Northwest Territories. In the Yukon only, the Surface Rights Board will act as an arbitrator in surface rights disputes.

The Coordinating Group assembled and distributed an information package on the proposed Mackenzie Valley resource management legislation in February 1993, and toured Mackenzie Valley communities in April. The Group also reviewed a first draft of the proposed legislation, and scheduled a second review for the summer of **1994**. After meeting with other stakeholders in early **1994-1995**, the federal government is planning to introduce Mackenzie Valley resource management legislation in the House of Commons in late 1994.



SUMMARY OF ACTIVITIES: GWICH'IN TRIBAL COUNCIL

During the reporting period, the Gwich'in Tribal Council (GTC) and Gwich'in communities carried out various activities to implement the Agreement, which are described below.

5.1 PARTICIPATION IN IMPLEMENTING BODIES

The GTC nominated Gwich'in members to the implementing bodies, explained the provisions of the Agreement to their members, and provided advice and assistance in developing operating procedures. The GTC also extended loans to the implementing bodies so they could start operating, and provided them with administrative support. Implementation funds were channeled to the implementing bodies through the GTC until the bodies became legally incorporated.

The GTC constructed two buildings to house the Renewable Resources, Enrolment and Interim Land Use Planning Boards. These two buildings, built by a Gwich'in construction company, are the first investments of the GTC.

Because of federal government delays in making appointments to the Renewable Resources Board, and thus to the board becoming fully operational, the GTC initiated legal action to seek compensation for the board's potential loss of interest earnings from the \$2 million Wildlife Studies Fund.

5.2 INVESTMENTS

The GTC met with investment counselors and developed investment objectives and an investment strategy. While the proposed strategy includes investing in high-risk business ventures to stimulate the improvement of Gwich'in social and economic conditions, the GTC plans to place the majority of the funds available for investment in secure, low-risk ventures.

During the reporting period, the Gwich'in Tribal Council held the Agreement funds, but these funds may be transferred to the Gwich'in Settlement Corporation after the proposed investment strategy is discussed at the Annual Assembly in August 1994.

5.3 ECONOMIC DEVELOPMENT

Many of the ventures the Gwich'in have developed are labour-intensive construction businesses. Using the financial leverage provided by the Agreement, the Gwich'in started two construction firms and one computer technology firm. The Gwich'in Development Corporation, which is the main regional development corporation in the settlement area, is developing other businesses.

5.4 LAND ADMINISTRATION

The GTC staff, assisted by a consultant, drafted land management and control rules. These rules will serve as the basis for the management of all Gwich'in lands. The territorial and federal governments have commented on the proposed rules and the recently-hired Land Administrator, John Brownlee, will revise the rules in 1994-1995.

The GTC formed the Gwich'in Land Corporation to hold revenues from Gwich'in land and resources. Land Administration staff dealt with several issues, including trespassers on Gwich'in lands, quarry permits and royalties, access on Gwich'in lands, designating routes across Gwich'in lands, and the issuance of a lease

During the reporting period, some municipal lands in Inuvik began to be developed.

5.5 COMMUNITY GWICH'IN COUNCILS

During the period covered by this report, only the Ehdiiat Gwich'in Council in Inuvik had a formal election. Now that the first Gwich'in Enrolment Register has been published, the Community Gwich'in Councils can prepare voters' lists for formal elections in the other communities.

5.6 RENEWABLE RESOURCES COUNCILS

Community Gwich'in Councils formed Renewable Resources Councils, whose members will assume the local management of lands and renewable resources. Workshops were held in each community on the roles and responsibilities of Renewable Resources Councils, and several regional meetings and workshops were also held to discuss renewable resources issues.

5.7 TRAINING AND EDUCATION

The GTC used the Implementation Training Fund, which totals **\$761,000**, to support \$20,000 per year in scholarships, the research and administrative expenses of the Social and Cultural Institute, and, together with the Gwich'in Pathways Training Board, programs in Aboriginal management and natural resources management.

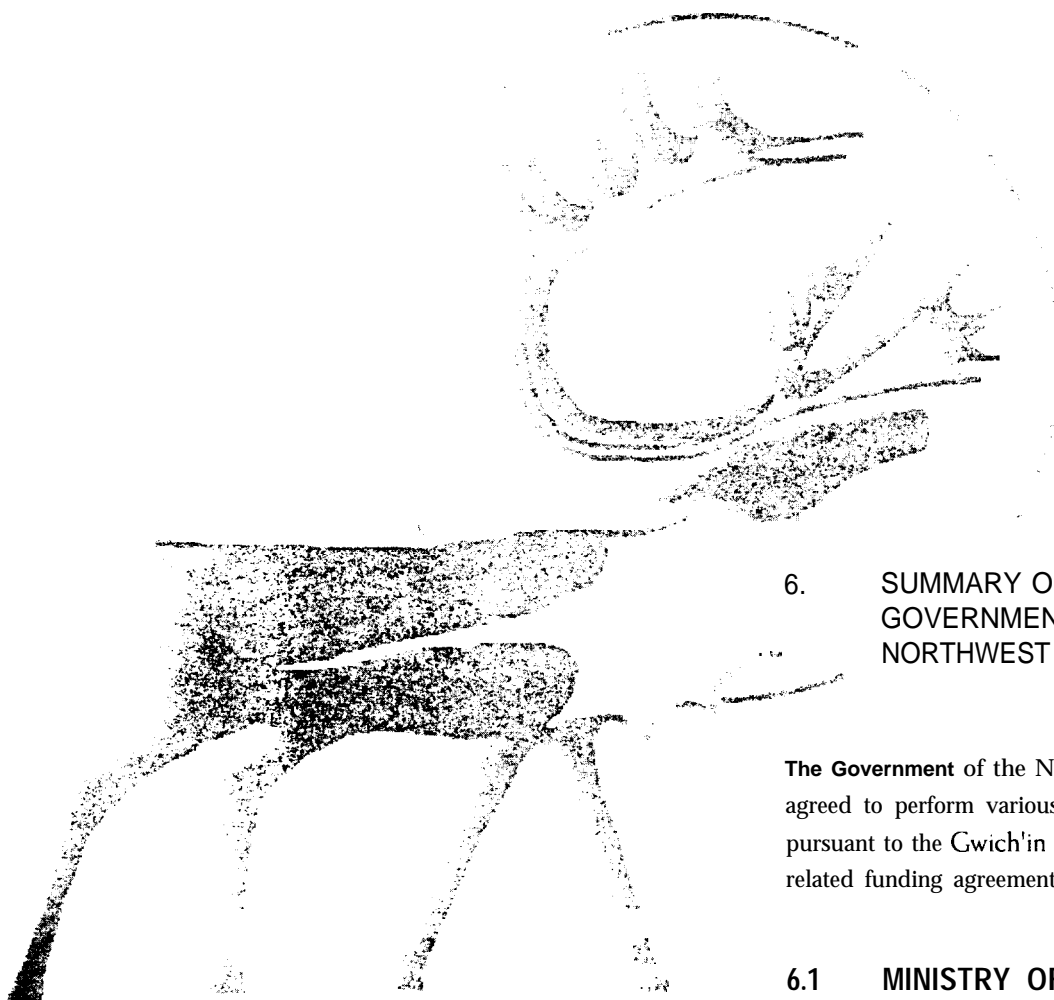
5.8 GWICH'IN SOCIAL AND CULTURAL INSTITUTE

The GTC formed the Social and Cultural Institute to promote, preserve, and protect Gwich'in heritage. **The institute carried out research to identify Gwich'in heritage sites, and prepared oral histories of each site. It also supervised the completion of two research contracts, relating to oral history for the Gwich'in Territorial Park and Gwich'in heritage resource repatriation.**

The institute is involved in developing social and educational programs relevant to the Gwich'in, including a healing camp that will work to heal social, emotional, spiritual and mental problems faced by Gwich'in. The GTC has invested land claim funds to build a healing camp 36 kilometres (approximately 20 miles) north of Fort McPherson, and is currently seeking government funding to start the camp program.

5.9 SELF-GOVERNMENT NEGOTIATIONS

The GTC and the Inuvialuit Regional Corporation joined together to develop a Public Regional Government Proposal that was submitted to both the federal and territorial governments. The governments accepted the proposal as a basis for negotiations and provided funding to begin discussions.



6. SUMMARY OF ACTIVITIES: GOVERNMENT OF THE NORTHWEST TERRITORIES

The Government of the Northwest Territories (GNWT) agreed to perform various implementation activities pursuant to the Gwich'in Implementation Plan and related funding agreements, as described below.

6.1 MINISTRY OF INTERGOVERNMENTAL AND ABORIGINAL AFFAIRS

During the period covered by this report, the Ministry coordinated GNWT implementation activities, including: liaising with Gwich'in Tribal Council (GTC), federal and GNWT representatives; assisting with the review of land claim obligation sheets; preparing an assessment of the issues and costs of Agreement implementation; preparing quarterly status reports for the Implementation Committee; and preparing the GNWT component of this annual report.

A Ministry official actively participated on the Implementation Committee. The Ministry nominated members to the Arbitration Panel, and participated in discussions with Gwich'in Tribal Council officials regarding terms and conditions attached to certain types of access to Gwich'in lands.

6.2 RENEWABLE RESOURCES

The Department of Renewable Resources nominated members to the Interim Land Use Planning Board and the Renewable Resources Board. The department hired a regional land claim coordinator in December 1993 to help the Renewable Resources Board and Renewable Resources Councils implement departmental obligations pursuant to the Agreement. The department began developing the Bluenose Caribou Management Plan and reconciling the *Wildlife Act* to provisions in the Agreement, and started a regulatory review of Wildlife Management Units.

6.3 ECONOMIC DEVELOPMENT AND TOURISM

A Gwich'in, employed as a Parks Officer, was retained past the normal summer work season and provided with formal training in preparation for a full-time parks position.

To support the traditional economy and provide employment opportunities for Gwich'in, regional staff helped prepare proposals for funding under economic development agreements. Several of these proposals were accepted and are being implemented.

The department made presentations regarding proposed economic development programs in all Gwich'in communities, and participated in establishing a park committee responsible for preparing a management plan for a territorial park.

6.4 EDUCATION, CULTURE AND EMPLOYMENT

The department initiated a public consultation paper on proposed changes to the *Historic Resources Act*, commissioned a study of Gwich'in artifacts and archives in museums for release in autumn 1994, and developed a new policy to recognize traditional Gwich'in names for geographic features.

6.5 JUSTICE

The Constitutional Law Division provided legal advice to GNWT departments in relation to various issues including: land and water management legislation, real property taxation, judicial review of boards' decisions, the status of board employees and the application of employee benefits legislation to them, the law with respect to administrative tribunals and its applicability to Gwich'in boards, forestry provisions, preferential contracting in territorial parks, and territorial legislation required to implement the Agreement.

The Legislation Division prepared amendments to the *Wildlife Act* to address implementation issues that overlap with provisions of the Inuvialuit Final Agreement in the Northwest Territories. The division reviewed the Agreement to identify GNWT legislation requiring amendment, and legal advisors drafted amendments to the *Home Owners Property Tax Rebate Act*. Division staff also participated in developing options for the land and water resource management regime.

The Legal Division consulted with, and provided assistance to, the Legislation Division and other GNWT departments regarding the proposed Mackenzie Valley resource management legislation. Legal support was provided to the Departments of Renewable Resources and Economic Development and Tourism on a variety of matters, including wildlife management and the development of a Territorial Park. *

The Land Titles Office provided land title search services, which were mainly related to requests for copies of initial maps. The Registrar participated in discussions with legal counsel, government officials and the CTC to clarify the procedure for dealing with these land parcels, and developed a proposed procedure to initiate issuance of land title.



7.- SUMMARY OF ACTIVITIES: CANADA

7.1 ECONOMIC ACTIVITY AND
EMPLOYMENT

Following initial discussions with the Gwich'in Tribal Council (GTC), staff of Public Works and Government Services Canada and other government departments began discussions with the Treasury Board to develop a general contracting strategy for the procurement requirements of various land claim agreements,

Public Works and Government Services Canada conducted a departmental seminar to sensitize contracting officers to the **procurement** issues raised by comprehensive land claims agreements, and to enhance the ability of the department to meet its obligations under the Gwich'in Agreement.

Revenue Canada distributed copies of the Agreement to appropriate departmental staff, along with summaries of the tax implications of the Agreement and guidelines regarding the processing of tax returns filed by settlement corporations

7.2 ENVIRONMENTAL AND WILDLIFE MANAGEMENT ISSUES

The Department of Fisheries and Oceans conducted research on broad whitefish. In March 1994, this research culminated in a workshop that brought together various researchers and participants from three land claim settlement areas: Gwich'in, Inuvialuit and Sahtu.

Fisheries and Oceans staff conducted fisheries monitoring, enforcement programs and habitat referrals in consultation with Renewable Resources Councils.

7.3 HERITAGE ISSUES

The Department of Canadian Heritage (Northern Parks and Sites Establishment Office) contributed to research sponsored by the Gwich'in Social and Cultural Institute to support the completion of a Dene thematic study. This study will provide a framework for recommendations to the Historic Sites and Monuments Board of Canada for commemorating Dene heritage sites in the Mackenzie Valley.

7.4 LAND AND WATER MANAGEMENT ISSUES

Natural Resources Canada managed a \$1.3 million program of legal surveys of the boundaries of settlement land. In June 1993, the department held an introductory land survey training program in Fort McPherson. **Land survey fieldwork led to significant economic benefits** for Gwich'in companies and individuals involved in providing logistical support for survey teams. By March 31, 1994, Natural Resources Canada had completed approximately two-thirds of the Agreement survey program in the Northwest Territories and half of the program in the Yukon.

The Peel River Watershed Advisory Committee met in March 1994 in Fort McPherson to plan its work with respect to recommendations on the establishment of a water management agreement, a regional land use planning commission, and a special management area for the Peel River. Although, according to the Agreement, the committee has a two-year mandate, it is expected to request an extension beyond December 1994.

The Department of Indian Affairs and Northern Development (DIAND) began designing a method for monitoring the cumulative impacts of land and water use on the environment in the settlement area, as well as a system for conducting periodic environmental audits.

A memorandum of understanding between the GTC and DIAND provided an interim land and water use management process covering the period between the enactment of the settlement legislation and the anticipated establishment of the Land and Water Board. As a result, all land use permits on Gwich'in lands are issued by DIAND with the agreement of the GTC, and DIAND has extended the initial review of applications for land use permits on Crown lands to the maximum 42-day mandatory issuance period so that the CTC can review each application.

The Land Management Division of DIAND began **activities relating to the clean-up of hazardous waste sites** on Crown lands in the settlement area. The Division held discussions to define federal obligations, and is setting priorities for clean-up activities as waste sites are identified.

In December 1993, the Commander of Canadian Forces in Yellowknife received the mandate to negotiate access agreements between the Gwich'in and the Department of National Defence.

As a member of the Coordinating Group, the Northern Affairs Program of DIAND consulted with the GTC and the Government of the Northwest Territories (GNWT) in drafting the Mackenzie Valley Resource Management bill, and will be conducting valley-wide community consultation to inform the general public on issues relating to the proposed legislation

7.5 LEGISLATION

The Department of Justice provided legal support and advice to departments involved in implementing the Agreement, and participated in drafting the proposed Mackenzie Valley resource management legislation and surface rights legislation.

7.6 OTHER IMPLEMENTATION ACTIVITIES

DIAND made quarterly resource royalty payments to the Gwich'in. The payments to the GTC for 1993 and the first quarter of 1994 totalled \$280,740. This amount represents a percentage of all oil and gas royalties received by Canada during this period for the production of a resource in, on or under the Mackenzie Valley, including the Norman Wells Proven Area. In April 1993, DIAND made a one-time payment of \$140,407 to the GTC for the sand and gravel royalties relating to Aklavik lands.

The Department of National Defence drafted a policy on land claims implementation to ensure that departmental activities meet the requirements of land claims agreements. The department is also developing a work plan to address departmental obligations in the Gwich'in Agreement.

Following the GTC's submission to DIAND of a self-government proposal in February 1994, negotiations on a self-government agreement are scheduled to begin in autumn 1994.

7.7 FEDERAL COORDINATION OF IMPLEMENTATION ACTIVITIES

The Claims Implementation Branch at DIAND is responsible for the coordination of federal government obligations under the Agreement. During the reporting period, the branch also provided secretarial services to the three-party Implementation Committee.

Pursuant to funding provisions of the Implementation Plan, the branch entered into funding arrangements with the GTC, the GNWT and Agreement implementing bodies. The branch provided settlement grants to the GTC (\$11,607,446), and implementation funding to the GTC (\$573,277), the GNWT (\$545,193), the Arbitration Panel (\$20,512), the Enrolment Board (\$82,897), the Interim Land Use Planning Board (\$119,508) and, through special funding arrangements with the GTC, the Renewable Resources Board (\$63,732) and the Renewable Resources Councils (\$318,913). The Wildlife Studies Fund (\$2,030,000) was also placed in trust for the Renewable Resources Board, and the Implementation Training Fund (\$761,250) was paid to the GTC.

**APPENDIX 1:
MEMBERSHIP OF IMPLEMENTING BODIES**

ARBITRATION PANEL

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

ENROLMENT BOARD

Barb Foley, Chairperson
Robert Alexie, Sr.
Louise André
Rosemary Cairns
Raj Downe (appointed December 30, 1993)
Eliza Greenland
Susanna Moffat (March 1993 to July 8, 1993)
Thomas Wright

INTERIM LAND USE PLANNING BOARD

Piet Van Loon, Chairperson
Robert Aitken
Margaret Donovan (**March** 19, 1993 to March 16, 1994)
Norman Sancartier (March 19, 1993 to March 7, 1994)
Charlie Snowshoe

RENEWABLE RESOURCES BOARD

Robert Charlie, Chairperson
Joe Benoit
Roger Binne
Chief James Firth
Jim Hickling
Kevin McCormick
Chief James Ross

APPENDIX 2:
 MAP OF GWICH'IN SETTLEMENT REGION

