

Arctic Development

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

GWICH'IN

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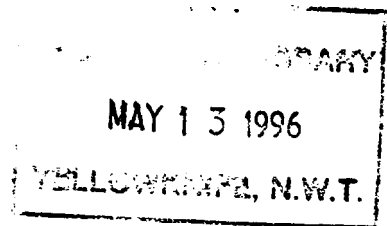
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LAND CLAIM AGREEMENT



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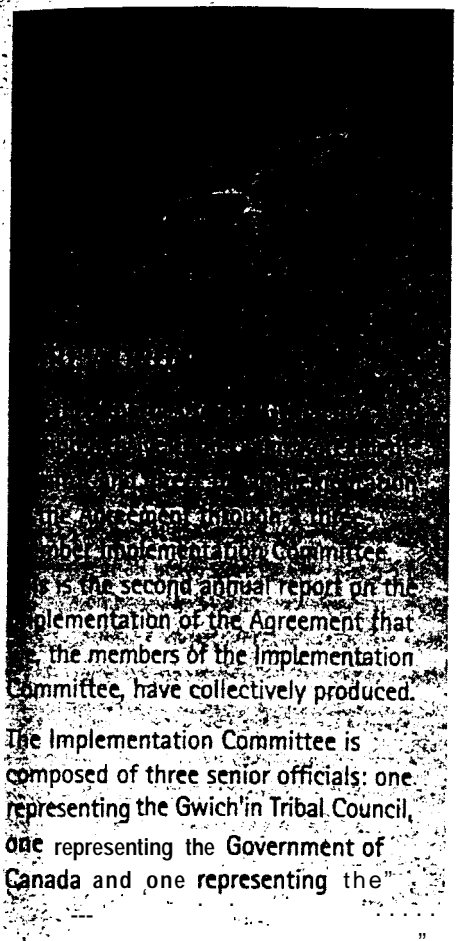
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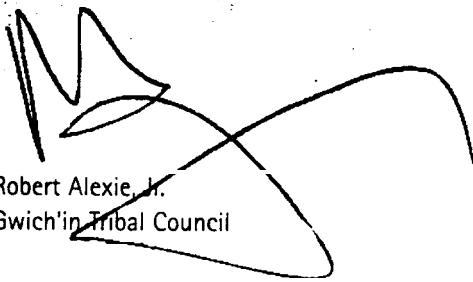


Government of the Northwest Territories. Among the monitoring responsibilities of the Committee is the preparation of a public annual report on the implementation of the Agreement.

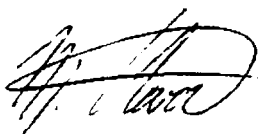
This report is based on information provided by various departments within the federal and territorial governments, the Gwich'in Tribal Council and the different implementing bodies established under the Agreement. It covers the 1994-1995 fiscal year, which is the period from April 1, 1994 to March 31, 1995.

Since the signing of the Gwich'in Comprehensive Land Claim Agreement, the Gwich'in Tribal Council and the federal and territorial governments have worked together to fulfil their obligations and establish the structures required under the Agreement. In so doing, the parties are developing a new relationship, one based on the settlement of Aboriginal land claims and future self-government arrangements.

The report is a joint effort of the Implementation Committee. It is the second annual report on the implementation of the Agreement that the members of the Implementation Committee, have collectively produced. 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



Robert Alexie, Jr.
Gwich'in Tribal Council




Mark Warren
Government of the
Northwest Territories

Terry Henderson
Government
of Canada

TABLE OF CONTENTS

FOREWORDi

1. INTRODUCTION1

2. HIGHLIGHTS2

3. IMPLEMENTATION COMMITTEE3

4. IMPLEMENTING BODIES4

 4.1 ARBITRATION PANEL4

 4.2 ENROLMENT BOARD4

 4.3 INTERIM LAND USE PLANNING BOARD5

 4.4 RENEWABLE RESOURCES BOARD6

 4.5 ENVIRONMENTAL IMPACT REVIEW BOARD7

 4.6 LAND AND WATER BOARD:7

 4.7 OTHER8

5. SUMMARY OF ACTIVITIES: GWICH'IN TRIBAL COUNCIL9

6. SUMMARY OF ACTIVITIES: GOVERNMENT OF THE NORTHWEST TERRITORIES 11

7. SUMMARY OF ACTIVITIES: CANADA 13

APPENDIX 1: MEMBERSHIP OF IMPLEMENTING BODIES 16

APPENDIX 2: MAP OF GWICH'IN SETTLEMENT AREA 17

APPENDIX 3: AMENDMENTS TO THE ENGLISH VERSION OF THE GWICH'IN COMPREHENSIVE LAND
CL41 AGREEMENT AGREED PURSUANT TO 3.1.27 OF THE AGREEMENT18

IN 1993 (1993)

In 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, which came into effect on December 22, 1992, an estimated 2,200 Gwich'in beneficiaries became the owners of 2422 square kilometres (approximately 8,658 square miles) of land in the Northwest Territories, and 1,554 square kilometres (approximately 600 square miles) in the Yukon. The Gwich'in will also receive \$75 million (1990 dollars) in tax-free capital transfers, which will equal \$141 million over 15 years.

In the settlement area, the Gwich'in have extensive and detailed wildlife harvesting rights; guaranteed participation in public government structures to 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 primary use area in the Yukon.

The Agreement clarifies land ownership and rights of 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. In other areas, the Agreement replaces these rights with more detailed ones. The Agreement also allows for the negotiation of self-government arrangements which will be brought into effect through federal legislation.

Highlights

The Gwich'in have received settlement payments of \$6,277,020.

- The Implementation Committee met two times and completed preparatory work for the establishment of the Land and Water Board and the Environmental Impact Review Board.
- The Renewable Resources Board funded four research projects: a Bluenose caribou radio-collaring and monitoring project, a waterfowl harvest study in the Mackenzie Delta, a mapping options study and a base map project. The mapping options study and base map project were carried out by Gwich'in Geographies Limited.
- The Interim Land Use Planning Board developed a framework for the production of the draft land use plan for the Gwich'in settlement area.

- A Parks Management Committee completed a management plan for the Gwich'in Territorial Park for the consideration of the Minister of Renewable Resources for the Northwest Territories.
- In consultation with the Gwich'in Tribal Council, the Government of the Northwest Territories began to develop new heritage legislation.
- On January 31, 1995, amendments to the Gwich'in Comprehensive Land Claim Agreement, which were compiled as schedules A and B, dated June 29, 1994, were approved by the Governor in Council.

IMPLEMENTATION COMMITTEE

The Implementation Committee is made up of three members: 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 Implementation Committee met in August 1994 via teleconference, and in December 1994 in Edmonton.

In 1994-1995, the Committee dealt with various issues, which included:

- conducting a mid-year review of funding available to each of the implementing bodies, the Gwich'in Tribal Council and the Government of the Northwest Territories for the 1994-1995 fiscal year; and
- formalizing preparatory work by the Co-ordinating Group for the establishment of the Land and Water Board and the Environmental Impact Review Board. For the Land and Water Board, preparatory work will allow the designated nominees to be appointed to this Board once it is established, and will allow staff members of the GTC, the GNWT and the federal government (DIAND) to perform transition work in advance of the enabling legislation for the Board.

4 IMPLEMENTING BODIES

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

The Arbitration Panel, Enrolment Board, Interim Land Use Planning Board and Renewable Resources Board have been established. 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 on enactment of the proposed Mackenzie Valley resource management legislation. The Surface Rights Board will begin operating after separate federal legislation is passed establishing that Board.

4.1 ARBITRATION PANEL

The Agreement provides for the establishment of an Arbitration Panel to resolve disputes that arise in the implementation of the Agreement. The Panel will arbitrate disputes over topics described in the Agreement, or those which arise in interpreting the Agreement. The process may involve either one or three arbitrators who will hear evidence. Decisions of the

arbitrator(s) will be binding, and the arbitrator(s) may make an award, including the payment of costs and interest. Unless otherwise agreed to by the 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. However, the Arbitration Panel did not meet during 1994-1995.

4.2 ENROLMENT BOARD

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

The Board has seven members: five appointed by the Gwich'in Tribal Council (GTC) and two appointed by the Government of Canada. The five GTC appointees are Barb Crawford (formerly Barb Foley) and Dolly Carmichael of Inuvik, Robert Alexie, Sr. of Fort McPherson, Louise Andre of Tsiigehtchic and James Garlund of Aklavik. The two Government of Canada appointees are Rosemary Cairns and Raj Downe, both of Yellowknife. The chairperson is Barb Crawford.

Board members review and accept or reject applications for enrolment. Applications made under section 4.2.2 of the Agreement, which provides that Canadian citizens of Aboriginal ancestry who are resident in the settlement area and accepted by the Gwich'in may be enrolled as beneficiaries, are referred to the GTC for review and decision.

In 1994-1995, Enrolment Co-ordinator Sharon Snowshoe, assisted on a part-time basis by clerk-typist Lucy Kay, received and distributed enrolment application forms and prepared certificates of enrolment and Gwich'in status cards for enrolled beneficiaries. As of March 31, 1995, the Board had prepared over 1,900 certificates of enrolment, all signed by the chairperson.

The Board focused its advertising and public relations strategy within the settlement area, by distributing a poster and a pamphlet, entitled "Enrolling in the Gwich'in Claim," by setting up an enrolment booth at major Gwich'in events and hiring field workers to assist in completing applications, and by advertising extensively in northern newspapers. Enrolment packages were also available in the maternity wards of hospitals in Yellowknife and Inuvik. To reach Gwich'in beneficiaries living outside the Northwest Territories, the Board advertised twice in newspapers in Toronto, Ottawa, Halifax, Winnipeg, Saskatoon, Vancouver and Edmonton, as well as several First Nations newspapers.

The first Enrolment Registry was published on April 22, 1994, and listed 1,245 participants. By March 31, 1995, the number of beneficiaries had increased to 1,904. If the estimated total of 2,200 beneficiaries is correct, then the Board has enrolled 88 percent of the total beneficiaries, with about 250 people left to consider. The population enrolled from each community is as follows:

- Aklavik -219 within the community, 72 outside Aklavik;
- Fort McPherson -758 within the community, 327 outside Fort McPherson;
- Inuvik -270 within the community, 57 outside Inuvik; and
- Tsiigehtchic -121 within the community, 125 outside Tsiigehtchic.

Eleven beneficiaries have died during the last two years.

Board members met with the enrolment authorities established pursuant to the Inuvialuit, Yukon and Sahtu comprehensive land claim agreements and developed arrangements for transferring membership among these agreements. The Board also carried out extensive work to develop a data base of Gwich'in genealogy. This work, which is intended to assist beneficiaries in tracing their family histories, involved consultation with elders, particularly Sarah Simon of Fort McPherson.

From February 20 to 24, 1995 a major genealogy workshop was held in Fort McPherson at which elders Sarah Simon, Mary Kendi of Aklavik, Hyacinthe Andre of Tsiigehtchic, Catherine Mitchell of Inuvik, and Lydia Thomas and Hannah Netro of Old Crow, were videotaped discussing their knowledge of individual family histories. Board members anticipate that this videotape will serve as a continuing record of Gwich'in history.

The implementation plan calls for the Enrolment Board to do most of its work in the first two years of implementation. Accordingly, in 1994-1995, the Board met four times, compared to the 10 or 11 times it met in the first two years of implementation.

4.3 INTERIM LAND USE PLANNING BOARD

The Agreement provides for the establishment of an interim Land Use Planning Board for land use planning in the Gwich'in settlement area between the date of settlement legislation and the date that the legislation establishing the permanent Land Use Planning Board comes into effect. The Board is to produce recommendations on a draft land use plan for the Gwich'in settlement area based on work conducted by the Mackenzie Delta-Beaufort Sea Regional Land Use Planning Commission. A permanent board will be established when the proposed Mackenzie Valley resource management legislation is enacted.

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

The Board is currently chaired by Piet Van Loon and is composed of Charlie Snowshoe, vice-chairperson (Gwich'in nominee), Bob Simpson, member (Gwich'in nominee) and Robin Aitken, secretary-treasurer (GNWT nominee). In 1994-1995, there was no Department of Indian Affairs and Northern Development (DIAND) nominee on the Board. A land use planner-co-ordinator, Ron Cruikshank, has worked with the Board since September 1993, and in 1994-1995 the Board, using GNWT training funds, hired two part-time staff, Bonnie Ross and Wilbert Firth.

In 1994-1995, the Board met four times: in June 1994 in Inuvik, in July 1994 in Tsiigehtchic, in October 1994 in Fort McPherson and in March 1995 in Aklavik. Board members dealt with the following issues:

- developing a framework for the production of the new land use plan for the Gwich'in settlement area;

- reviewing funding proposals and deciding to fund the **Tsiigehtchic Ethnoarcheological** Project and a geographic information system study proposed by Gwich'in Geographies Limited. (The members supported, in principle, a proposal to develop an **inventory** of environmental information on the Peel River Basin);
- reviewing the draft **Beaufort Sea-Mackenzie Delta** land use plan and deciding to hold a series of workshops with Gwich'in community renewable resources councils to review existing land classification maps (Workshops had been held in each community by December 1994);
- identifying and documenting land and water issues relevant to the settlement area in a paper entitled "Issues Associated with the Land and Waters of the Gwich'in Settlement Area;"
- reviewing projected and actual 1994-1995 board expenses and considering the 1995-1996 budget (In general, budget projections for 1994-1995 were accurate); and
- contributing to a paper regarding a geographic information system to be used by the Land and Water Board and the permanent Land Use Planning Board.

In 1994-1995, Ron Cruikshank, the planner-co-ordinator, was very involved in the production of the master plan for the Gwich'in Territorial Park, and the collection of information on land and water resources in the settlement area. The maps, air photos and files located to date have been consolidated at the Interim Land Use Planning Board office in Inuvik.

In 1995-1996, the planner-co-ordinator will develop options for a land use classification system for the settlement area, and the Board will produce a settlement area land use map series to replace existing seasonal land use maps. In conjunction with the Peel River Watershed Advisory Committee, the Board will also coordinate the development of an environmental information data base for the area. Finally, the Board has contracted Gwich'in Geographies Limited to gather written and mapped information related to the Peel River.

4.4 RENEWABLE RESOURCES BOARD

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

and is responsible for conducting a harvest study. Renewable resources councils, established in each Gwich'in community, are responsible for advising 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 jointly appointed by the federal and territorial governments. Six alternate members were also chosen in the same manner.

The Gwich'in Renewable Resources Board became fully operational when the chairperson was formally appointed in April 1994 and took his oath in May 1994. The current membership of the Board is listed in Appendix 1.

In October 1994, the Board hired Peter Clarkson as the executive director. After an office was established in Inuvik, the Board hired an executive secretary Trina Edwards, a biologist, Cheryl Chetkiewicz, a policy-management analyst, Wynet Smith and a harvest study co-ordinator, Ian McDonald.

The Renewable Resources Board was very busy during the 1994- 1995 fiscal year. It held three meetings and a teleconference, and decided to meet four times per year, in January, April, July and October. The meeting location will rotate between the four Gwich'in communities of Inuvik, Aklavik, Fort McPherson and Tsiigehtchic. Teleconferences will be held between meetings as needed.

The board chairperson and executive director attended community renewable resources council meetings to inform council members and others of the Board's activities, to hear community concerns and needs regarding renewable resources, and to develop close working relationships with renewable resources councils. These councils were created pursuant to section 12.9 of the Agreement to encourage and promote local community involvement in conservation, harvesting studies, research and wildlife management, and to advise the Renewable Resources Board.

Over the last year, the Board established administrative arrangements and structures to support board activities. The Board drafted operating procedures and designed a standard funding request application form. This standard form will make the review process easier for board members, researchers requesting board funds for renewable resources research and community renewable resources councils.

During 1994-1995, the Board funded four research projects: a Bluenose caribou radio-collaring and monitoring project, a waterfowl harvest study in the Mackenzie Delta, a mapping options study and a base map project. The Board also contributed funding to support the protection of the Porcupine caribou herd from threats posed by land development in Alaska, where the herd's calving grounds are located.

In January 1995, the Board organized a Rat River char workshop in Aklavik. This workshop was attended by members of renewable resources councils in Aklavik and Fort McPherson, as well as the Aklavik Hunters and Trappers Committee. It provided an opportunity for members of these communities to express their concerns about the Rat River char fishery and to make recommendations for future fishery harvest monitoring, enforcement and research. The Board reviewed changes to the federal *Migratory Birds Convention Act* and the *Endangered Species Act*, and in March 1995, board representatives attended a mesh size workshop sponsored by the federal Department of Fisheries and Oceans.

Board members believe that the contacts they have made over the last year with government agencies, renewable resources councils and Inuvialuit organizations will help ensure the Board is able to fulfil its mandate effectively for renewable resource management in the Gwich'in settlement area.

4.5 ENVIRONMENTAL IMPACT REVIEW BOARD

The Environmental Impact Review Board will be established to assess development proposals in the Mackenzie Valley, including those on Gwich'in lands, to determine their impact on the environment.

In 1994-1995, the GTC nominated Alestine Andre, the Sahtu Secretariat Incorporated nominated Gordon Lennie, the federal government nominated Sarah Jerome and the GNWT nominated Len Colissimo to the Board. The Minister of Indian Affairs and Northern Development has agreed to appoint these members when the proposed Mackenzie Valley resource management legislation is enacted.

4.6 LAND AND WATER BOARD

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

In 1994-1995, the GTC nominated Willard Hagen and Robert Alexie, Jr., the GNWT nominated David Krutko and the federal government nominated Norma Kassi to the Board. The Minister of Indian Affairs and Northern Development has agreed to appoint these members when the proposed Mackenzie Valley resource management legislation is enacted.

4.7 OTHER

A Co-ordinating Group was established in 1993 as a forum for consultation on the drafting of resource management legislation in the Mackenzie Valley, including the proposed Mackenzie Valley resource management legislation and surface rights legislation. The Co-ordinating Group includes representation from the Government of Canada, the GNWT, the GTC and the Sahtu Secretariat Incorporated. The Co-ordinating Group met frequently in 1994-1995.

Although the preparation of the proposed Mackenzie Valley resource management legislation is behind schedule, there has been substantial progress in the drafting of the legislation. The legislation, originally planned to be completed by December 1994, will create the Land Use Planning Boards, the Land and Water Boards, and the Environmental Impact Review Board and will provide for a cumulative impact monitoring process. The federal

and territorial governments, the Gwich'in and the Sahtu Dene and Metis are confident that the proposed legislation will honour the resource management obligations set out in the Gwich'in and the Sahtu Dene and Metis comprehensive land claim agreements.

In 1994-1995, the Co-ordinating Group and the nominees to the Land and Water Board, with the guidance of the Implementation Committee, planned transition work for the Board, including preliminary work on the development of guidelines and procedures for the operation of the Board and the preparation of a job description for the executive director. Similar work is being planned for the Environmental Impact Review Board.

Work is also being undertaken toward developing a cumulative monitoring process and conducting environmental audits.

SUMMARY OF ACTIVITIES: GWICH'IN TRIBAL COUNCIL

In 1994-1995, the Gwich'in Tribal Council (GTC) was instrumental in ensuring that government met its implementation obligations. The GTC was contracted to carry out research projects regarding cumulative impact monitoring and environmental audit, and work toward the establishment of the Land and Water, and Environmental Impact Review boards. The GTC also gave ongoing advice to the Renewable Resources and Interim Land Use Planning boards regarding the intent and interpretation of the Agreement.

Although the Agreement is generally being implemented according to the Implementation Plan, in 1994-1995 there continued to be difficulties with delays in federal appointments to various boards and the drafting of the proposed Mackenzie Valley resource management legislation.

In 1994-1995, there were several major issues between the GTC and government:

- The GTC began court proceedings against the Government of Canada over delays in appointing members of the Renewable Resources Board. As compensation for these delays, the GTC sought relief for lost interest on the Wildlife Studies Fund and court costs. The parties settled the issue out of court and the GTC discontinued the court action.

- The GTC expressed strong concerns over delays in the drafting of the proposed Mackenzie Valley resource management legislation. Although the drafting was six months behind schedule by March 31, 1995, the GTC was continuing to work with the other parties toward completion of the legislation.
- A major issue with respect to the use of the Frog Creek gravel pit by the Government of the Northwest Territories (GNWT) involved the provision of free gravel to government at a cost to the GTC. In 1994-1995, the Gwich'in Land Administration began to work with GNWT officials to develop a pit management plan to resolve many of the ongoing issues in maintaining the pit.

5. PROPOSED MACKENZIE VALLEY RESOURCE MANAGEMENT LEGISLATION

The GTC was actively involved in drafting the proposed Mackenzie Valley resource management legislation which contains a number of very positive elements (see section 4.7 above).

5.2 CUMULATIVE IMPACT MONITORING

The GTC, on behalf of the Co-ordinating Group, interviewed potential contributors to a cumulative impact monitoring process in the Mackenzie Valley, and began planning a workshop to develop a submission for review by the Minister of Indian Affairs and Northern Development. The workshop is planned for winter 1996.

5.3 BOARD DEVELOPMENT

Gwich'in nominees to the Land and Water Board participated in the transition work undertaken by the Coordinating Group. In 1994-1995, the GTC was particularly concerned with the development of land use permit applications and operating procedures.

5.4 LAND ADMINISTRATION

The Gwich'in Land Administration processed applications for use of Gwich'in lands in consultation with community renewable resources councils and the approval of the GTC. Other activities in 1994-1995 included:

- developing a fee schedule for the rental of Gwich'in lands;

- drafting Gwich'in land management rules; and
- attempting to resolve a dispute with the GNWT over the registration of title to Gwich'in lands.

In 1995-1996, the draft Gwich'in land rules will be completed with input from Gwich'in communities and government. In particular, input will be sought to develop a process for the approval of land uses. Regional workshops will also be held in 1995-1996 to verify completed land surveys.

5.5 SELF-GOVERNMENT NEGOTIATIONS AND CONSTITUTIONAL DEVELOPMENT

The Minister of Indian Affairs and Northern Development committed to entering into substantive self-government negotiations, appointing a negotiator and starting discussions on a framework agreement. The first activity for the GTC will involve the production of research papers for the Beaufort-Delta region. It is expected that negotiations toward an agreement in principle will be almost complete within two years.

The GTC also participated in the Constitutional Development Steering Committee conference to develop a western territorial constitution.

5.6 RENEWABLE RESOURCES COUNCILS

The Gwich'in Land Administration continues to assist the development of community renewable resources councils, and to address issues of concern to local harvesters. The Renewable Resources Board also worked closely with the councils, and board members plan to initiate several projects in 1995-1996, including a study on traditional knowledge.

5.7 GWICH'IN ECONOMIC DEVELOPMENT

The goals of Gwich'in economic development are business development and the employment of Gwich'in individuals. One of the businesses created by the Gwich'in Development Corporation Limited is Gwich'in Geographies Limited, a technology-communications firm supplying geographic information to the various land claim boards and Gwich'in institutions.

The Gwich'in and government continue to work to implement the economic measure provisions of the Agreement. These provisions have assisted Gwich'in businesses and individuals in obtaining a substantial number of government contracts and economic development opportunities in the settlement area.

The Gwich'in also worked closely with the GNWT on initiatives related to the transfer of economic development officers in Fort McPherson, Tsiigehtchic, Aklavik and Inuvik.

5.8 SOCIAL AND CULTURAL INSTITUTE

The Gwich'in formed the Social and Cultural Institute to promote, preserve and protect Gwich'in heritage. In 1994-1995, the Institute began identifying Gwich'in names for sites in the settlement area, and collecting information on the history and significance to the Gwich'in of each site. After all the sites have been identified, a list and map of these sites will be provided to government and to the Land and Water Board. These sites can then be considered when land use proposals in the settlement area are reviewed.

The Social and Cultural Institute also made submissions to the GNWT regarding proposed new heritage legislation, and is working on a five-year plan for heritage management. Finally, the Institute carried out a number of fund-raising activities.



SUMMARY OF ACTIVITIES GOVERNMENT OF THE NORTHWEST TERRITORIES

In 1994-1995, the Government of the Northwest Territories (GNWT) agreed to perform various implementation activities pursuant to the Gwich'in Implementation Plan and related funding agreements. These activities are described below.

6.1 MINISTRY OF INTERGOVERNMENTAL AND ABORIGINAL AFFAIRS

The Ministry of Intergovernmental and Aboriginal Affairs co-ordinated GNWT implementation activities by liaising with the Gwich'in Tribal Council (GTC), federal and GNWT officials, coordinating a review of GNWT land claim obligations, and preparing quarterly status reports for the Implementation Committee the GNWT component of this annual report.

Ministry officials participated in discussions regarding registration of title to Gwich'in lands and access to sand and gravel on Gwich'in settlement lands. A ministry official actively participated on the Implementation Committee and addressed the establishment of implementing bodies, the co-ordination of various implementing body activities, the reallocation of implementation funding and the preparation of a proposal to establish a transition office for the Land and Water Board.

The Ministry is also represented on the Co-ordinating Group which is developing Mackenzie Valley resource management legislation, along with a method of monitoring the cumulative impacts of land and water uses on the environment in the Mackenzie Valley.

6.2 RENEWABLE RESOURCES

The Department of Renewable Resources worked co-operatively with the Renewable Resources Board and provided support and advice on various projects. A departmental regional land claim co-ordinator provided advice and assistance to local renewable resources councils. The Department was also involved in the development of a Bluenose caribou management plan.

The Department submitted GNWT nominations for the Land and Water Board and the Environmental Impact Review Board, both of which will be established after the enactment of proposed Mackenzie Valley resource management legislation.

6.3 ECONOMIC DEVELOPMENT AND TOURISM

To support the development of the traditional economy and to provide employment opportunities for residents of the Gwich'in settlement area, the Department of Economic Development and Tourism helped prepare funding proposals under various economic development agreements. Several of these proposals were approved and implemented.

The management plan for a Gwich'in Territorial Park was completed and will be implemented in 1995-1996.

The Department offered training and employment opportunities for Gwich'in in the area of parks and visitor services. In addition to the Gwich'in beneficiary employed as a parks officer, a Gwich'in was hired as an interpretive services officer trainee.

6.4 EDUCATION, CULTURE AND EMPLOYMENT

The Department of Education, Culture and Employment developed a legislative action paper proposing new heritage legislation in consultation with the GTC. This paper is now awaiting formal review by the territorial Standing Committee on Legislation.

The Department established procedures to consult with the GTC on the administration and protection of Gwich'in heritage resources and a policy to provide for the review of geographic feature names. The Department referred land use permits to the Prince of Wales Northern Heritage Centre for review of any potential impacts on historic resources.

A study of Gwich'in artifacts and archival materials in museums and archival institutions was under way in 1994-1995, and a final report is expected by the fall of 1995.

6.5 ENERGY, MINES AND PETROLEUM RESOURCES

The Department of Energy, Mines and Petroleum Resources received implementation funding for consultation leading to the development of the Northern Accord. Implementation resources enabled the Gwich'in and GNWT to meet at both the technical-working level and the co-ordinating committee level. The Department and the Gwich'in met four times at the technical-working level, with technical and professional staff, lawyers and consultants, and three times at the co-ordinating committee level, with professional staff and political leaders.

Implementation resources were substantially supplemented by territorial "A" base funding. These additional resources were used to carry out the consultation required to accommodate Aboriginal interests in the development of the Northern Accord.

6.6 JUSTICE

The Constitutional Law Division of the Department of Justice provided legal advice and assistance on a number of issues relating to implementation of the Agreement, including self-government discussions, access to sand and gravel on Gwich'in lands, land registration and the proposed Mackenzie Valley resource management legislation,

The Legal Division played an ongoing role in the analysis and review of the proposed Mackenzie Valley resource management legislation. The division also provided advice to various GNWT departments on matters arising in the implementation of the Agreement,

The Legislation Division participated in discussions regarding the proposed Mackenzie Valley resource management legislation. Work also started on amendments to the *Wildlife Act* to ensure that the harvesting provisions of the Agreement are recognized and implemented.

The Land Titles Office continued to work with the Gwich'in Land Administration to finalize the procedures for issuing land titles. The Land Titles Office also initiated amendments to the *Land Titles Act* which support the procedure developed for issuing title to lands.



7. SUMMARY OF ACTIVITIES: CANADA

7.1 ECONOMIC ACTIVITY AND EMPLOYMENT

In 1994-1995, the Department of Indian Affairs and Northern Development (DIAND) consulted with the Gwich'in Tribal Council on all economic development initiative applicable to the Gwich'in. The Gwich'in Tribal Council (GTC) and member First Nations continued to be full participants in DIAND's Community Economic Development Organization program, which is administered in the settlement area by the GTC.

In 1994-1995, Public Works and Government Services Canada (PWGSC) continued to maintain open lines of communication with the GTC, and further developed its ability to communicate contracting information to Aboriginal firms in the settlement area.

The PWGSC western regional office created an Aboriginal issues program advisor position, and in 1995-1996 will prepare regional workshops to familiarize Aboriginal contractors, suppliers and other interested groups with federal contracting practices. Internal seminars and workshops regarding PWGSC's obligations under land claims agreements were given to various procurement sectors within PWGSC during 1994-1995.

The Treasury Board Secretariat and the PWGSC Aboriginal issues program advisor met with the GTC

in Fort McPherson in July 1994. In 1994-1995, PWGSC and the Treasury Board Secretariat developed an overall general contracting strategy for procurement requirements pursuant to various land claim agreements. The Treasury Board issued a corresponding policy document to all federal contracting authorities in March 1995.

In 1995-1996, PWGSC is prepared to provide the GTC with seminars regarding federal contracting procedures and approaches designed to maximize local and regional employment and business opportunities, including the provision of opportunities for potential contractors to become familiar with Government of Canada bidding systems.

The Legal Surveys Division of Natural Resources Canada developed criteria for Tetlit Gwich'in employment in all contract opportunities associated with surveys of Tetlit Gwich'in land. These criteria included hiring of technical and non-technical people, rent of Tetlit Gwich'in-owned boats, trucks, snowmobiles and aircraft, purchase of goods and services from the Tetlit Co-op and rent of Tetlit Gwich'in-owned cabins and camps. Points were awarded based on these criteria during the evaluation of proposals for all contracts.

A list of Tetlit Gwich'in businesses and Tetlit Gwich'in interested in providing technical and support services to potential contractors for surveys of Tetlit Gwich'in Yukon land was compiled by the Tetlit Gwich'in and attached to each federal survey proposal request. All requests for proposals and

contracts for the survey of Tetlit Gwich'in Yukon land contained the mandatory condition that the Tetlit Gwich'in and Tetlit Gwich'in businesses with the necessary qualifications and experience be given first consideration in providing technical and support services associated with the contract.

7.2 ENVIRONMENTAL AND WILDLIFE MANAGEMENT ISSUES

The Agreement provides for the establishment of an Environmental Impact Review Board as the main instrument for the conduct of environmental impact assessment and review in the Mackenzie Valley. The Review Board is to have equal membership from nominees of Aboriginal groups and of government, not including the chairperson. It will be created after the enactment of proposed Mackenzie Valley resource management legislation. •

In 1994-1995, DIAND identified potential members of the Environmental Impact Review Board for consideration by the Minister of Indian Affairs and Northern Development. A contract to develop draft by-laws and procedures for the Board and to determine office space requirements was also completed.

In 1994-1995, the Canadian Wildlife Service representative on the Renewable Resources Board advised the Board of all changes to migratory bird legislation that may affect the Gwich'in. In particular, the Gwich'in were consulted regarding proposed changes to the Migratory Bird Convention allowing

the spring harvest of waterfowl. The Canadian Wildlife Service consulted with the Gwich'in during preliminary meetings before the formal Migratory Bird Convention negotiations.

7.3 HERITAGE ISSUES

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

7.4 LAND AND WATER MANAGEMENT ISSUES

In 1994-1995, the Northwest Territories office of the Legal Surveys Branch of Natural Resources Canada carried out the bulk of departmental activities and obligations under the Agreement, while the Yukon office assumed responsibility for field surveys and plan preparation.

The surveying of boundaries of existing interests within or adjoining Gwich'in lands identified in the Agreement and of right of ways which are used as boundaries of Gwich'in lands (parts of the Dempster and Mackenzie highways) is complete.

The Agreement specifies that Natural Resources Canada shall survey boundaries which are not well-defined. Parcel corners in the settlement area, defined by the intersection of artificial boundaries (usually a line of latitude or longitude) and natural boundaries (primarily rivers), are poorly defined. These corners are important to the Gwich'in, and the Legal Surveys Division feels surveys are required to avoid conflicts with other interest holders. In consultation with the GTC and Gwich'in Land Administration, surveys of these corners were made a priority in 1994-1995, and will continue in 1995.

As of March 31, 1995, all boundaries but one of Tetlin Gwich'in Yukon land were surveyed, and official plans prepared for all surveyed land parcels. A contract is in place to survey the final boundary in 1995.

The Agreement provides for the establishment of a single Land and Water Board to regulate land and water use throughout the settlement area, including Gwich'in lands. In 1994-1995, potential board members were identified for consideration by the Minister of Indian Affairs and Northern Development. A contract to develop draft by-laws and procedures for the Board and to determine office space requirements was completed. In March 1995, prospective board members met in Inuvik to review draft procedures and the proposed resource management legislation.

As an interim measure related to land and water use authorization in the settlement area before the establishment of the Land and Water Board, all land use permits in the settlement area are issued with the agreement of the GTC. The initial review period for applications for land use permits on Crown land has been extended to the maximum 42-day period to facilitate GTC review. The GTC is also represented on the technical advisory committee which reviews water licence applications and advises the Northwest Territories Water Board on terms and conditions.

The Agreement provides for the establishment of a Surface Rights Board as an institution of public government with jurisdiction over matters relating to surface entry and compensation. In 1994-1995, DIAND developed a nomination process for federal nominees to the Board, and a few potential nominees were identified. •

No hazardous waste sites were identified on Gwich'in lands or in the settlement area in 1994-1995. In the Gwich'in primary use area in the Yukon, a former oil company staging camp waste site was identified, and clean-up activities began in the spring of 1995. DIAND is undertaking a program to clean up non-hazardous waste sites in consultation with Gwich'in communities.

7.5 LEGISLATION

In 1994-1995, the development of proposed federal Mackenzie Valley resource management legislation progressed. Consultations were carried out with various industry groups, including mining and oil and gas interests, as well as Aboriginal organizations in the southern Mackenzie Valley. Several revised drafts of the proposed legislation were completed and reviewed by the Co-ordinating Group developing the legislation. It is anticipated that legislation will be introduced by the fall of 1995, following review by the Comprehensive Claims Steering Committee.

7.6 OTHER IMPLEMENTATION ACTIVITIES

In early 1995, the Department of National Defence (DND) established the position of Director General, Aboriginal Affairs to act as a departmental focal point on Aboriginal issues. An implementation working group will assist this Director General in ensuring that all departmental obligations under comprehensive land claim agreements are identified and that DND implementation plans are developed accordingly. The DND implementation strategy for the Gwich'in Agreement was drafted by March 31, 1995 and is awaiting review by departmental authorities before its planned publication in 1995-1996.

In 1994-1995, DND provided information to the GTC on project training and exercises by Canadian Ranger patrols, cadets and southern-based Canadian military units in the settlement area. Canadian Forces activities in the settlement area included Canadian Ranger patrol exercises in Fort McPherson and Tsiigehtchic, and a related sovereignty exercise by a southern-based military unit.

Between April 18 and 24, 1994, DIAND made annual treaty payments to each of the four Gwich'in bands. In June 1994, DIAND developed a process for calculating royalty payment amounts for sand and gravel resources. Royalties totalling \$197,008 were paid to the Gwich'in Tribal Council for the 1994 calendar year.

The self-government negotiations proposal submitted by the GTC in February 1994 was reviewed by DIAND and a federal negotiator appointed in early 1995.

7.7 FEDERAL CO-ORDINATION OF IMPLEMENTATION ACTIVITIES

The Claims Implementation Branch of DIAND continues to be responsible for the co-ordination of federal government obligations under the Agreement. During the reporting period, the Branch monitored the fulfilment of Canada's obligations by federal government departments and participated actively in the three-party Implementation Committee, including the provision of secretariat services to the committee.

The Branch entered into funding arrangements with the GTC, the GNWT and implementing bodies. Settlement payments of \$6,271,020 and implementation funding of \$252,017 were provided to the GTC. Implementation funding was provided to the GNWT (\$436,457), the renewable resources councils (\$166,667), the Enrolment Board (\$264,577), the Interim Land Use Planning Board (\$180,311) and the Renewable Resources Board (\$337,567). Funding for transitional work for the Land and Water Board working group was provided to the GTC (\$24,345), and funding was provided to the GNWT for real property taxes (\$4,306).

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 Crawford
(formerly Barb Foley), Chairperson
Robert Alexie, Sr.
Louise Andre
Rosemary Cairns
Dolly Carmichael
Raj Downe
James Garlund

INTERIM LAND USE PLANNING BOARD

Piet Van Loon, Chairperson
Robert Aitken
Bob Simpson
Charlie Snowshoe
(vacant position)

RENEWABLE RESOURCES BOARD

Robert Charlie, Chairperson

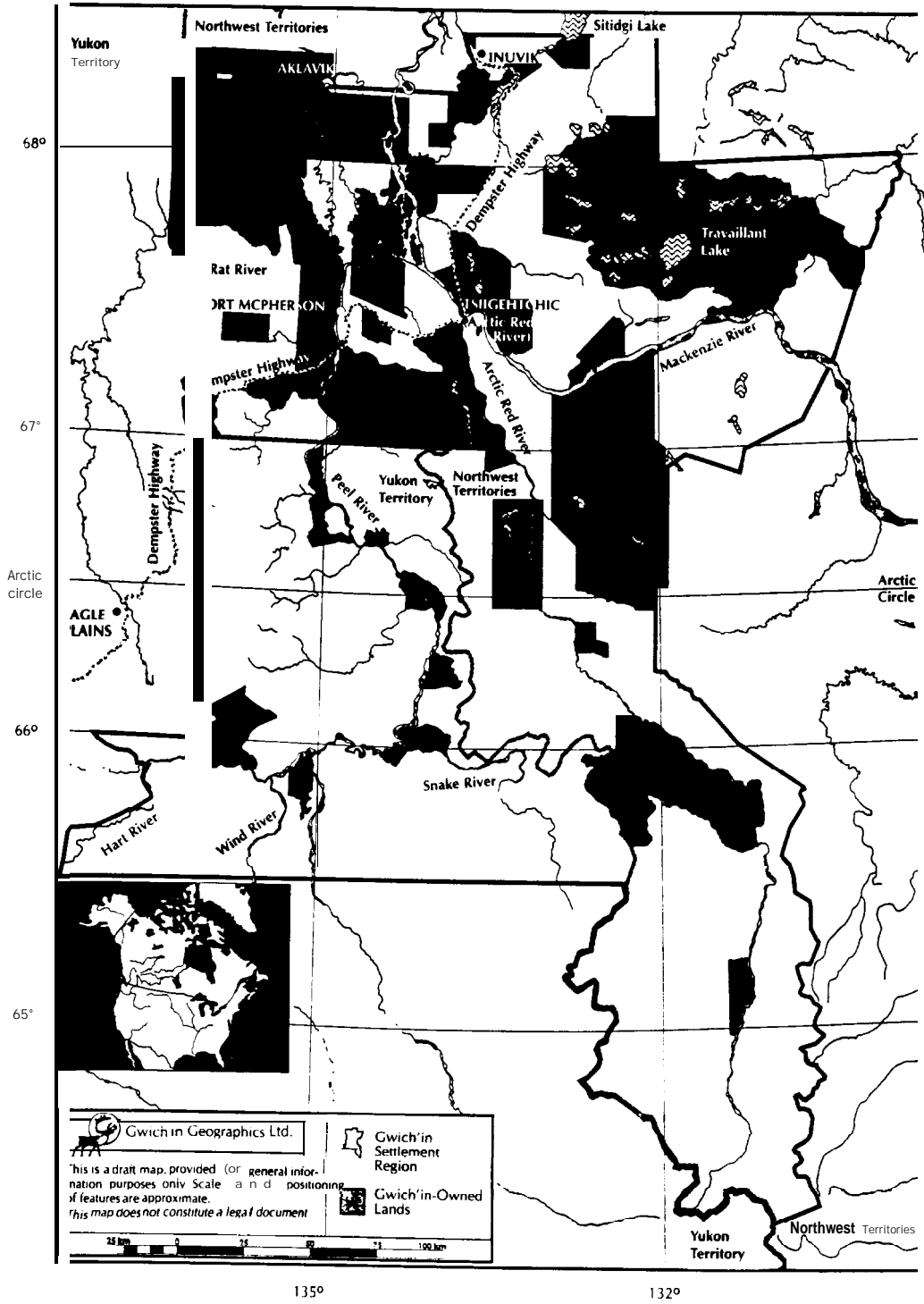
MEMBERS:

Joe Benoit
Roger Binne
Chief James Firth
Jim Hickling
Kevin McCormick
Chief James Ross

ALTERNATES:

Robert Alexie, Sr.
Grace Blake
Freddie Greenland
Edward Henderson
Paul Latour
Roger Peet

APPENDIX 2: -
 MAP OF GWICH'IN SETTLEMENT AREA



135°

132°

APPENDIX 3: AMENDMENTS TO THE ENGLISH VERSION OF THE GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT AGREED PURSUANT TO 3.1.27 OF THE AGREEMENT

Prepared: June 29, 1994

Approved by Governor-in-Council: January 31, 1995

PAGE	SECTION	CHANGES
Table of Contents	"24 Land and Water"	Add sub-heading "24.5 Interim Measure. "
Page 4	"heritage resources"	Add a new definition: "heritage resources" means: (a) archaeological sites, historic places and sites and burial sites; (b) artifacts and objects of historical, cultural or religious significance; and (c) records;"
Page 9	3.1.13 (d)(ii)	Replace "participants under" with "Dene and Metis parties to"
Page 10	3.1.18 (c)	Delete "(a) and"
Page 12	4.2.4	Add "conducting" after "for" in the first line.
Page 13	4.4.1	Add "and 4.2.2" after "4.2. 1"
Page 14	4.5.1(a)	Replace "28.3. 1" with "3.1 of appendix E."
Page 14	4.8.2	Add a new sentence: "Persons enrolled pursuant to 4.2.2 are deemed to be Gwich'in for the purposes of chapter 3."
Page 21	7.1.3(a) 7.1.6(a) 7.1.7(a)	Replace "9. 1.2" with "9. 1. 1. "
Page 26	9.1.1(a)	Replace "royalty" with "royalties."
Page 31	11.3.5 (a)(iv)	Replace "87(6)" with "87(7)(6)."
Page 32	11.3.7(b)	Delete "or has failed to meet the requirements set out in 17.3. 1(u) through (e)"
Page 33	11.3.7(b)	Replace "revocation of" with "notice of intent to revoke"
Page 38	1 (c)	Replace "cultural languages" with "culture and language. "
Page 39	5	Delete comma after "participants." Add commas after "including" and "limitation."
Page 69	13.1.9 (b)(iii)	Replace "the establishment of fire attack zones" with "forest fire management activities. "
Page 69	13.1.10(a)	Replace "the fighting and control of forest fires" with "forest fire management;"
Page 82	18.2.2(a)	Replace "of the Gwich'in to work specified" with "to specified substances and to work such"

PAGE	SECTION	CHANGES
Page 85	18.5.1 (a)	Replace "kinds" with "land." Replace "becomes o Gwich'in interest at the date of settlement legislation" with "continues on G with 'in land"
Page 89	New. 19,1.19	Add a new 19.1.19: <i>"For greeter certainty, the diversion of water from o water body, including the taking of water for sale or other disposition whether for use within or far export outside the settlement urea, is o use of water for the purposes of 24.4.5. "</i>
Page 91	New. 20.1.12	Restructure 20.4.3(c) as a new 20.1.12: <i>"Subject to the expropriation provisions of this agreement, any access route which may be established or improved after the date of settlement legislation shell, unless the Gwich'in agree otherwise, remain settlement land ond shall not be a public road, by operation of low or otherwise, notwithstanding that the route is established or improved. "</i>
Page 92	20.2.2 (a)	Restructure first sentence: <i>"As set out in schedule X, appendix F, members of the public may fish in navigable waters overlying Gwich'in lands and may have access to these waters and to the associated waterfront lands to exercise this right. "</i>
Page 95	20.4.3 (c)	Delete.
Page 96	21.1.6	At the end of the paragraph add: <i>" , or any other agreement under which jurisdiction over minerals mo y be transferred from the Government of Canada to the Government of the Northwest Territories. " •</i>
Page 97	New. 21.2	Add the provisions set out in attachment 1.
Page 98	22.2.4	Replace "Land Register" with "lands records. "
Page 100	22.4.4(a)(i)	Replace 'land Register" with "lands records. " Add "for Indian housing" after "Branch."
Page 106	24.1.2(a)	Delete "in the Mackenzie Valley."
Page 110	24.3.7	Replace with provisions set out in attachment 2.
Page 111	24.3.10	Replace "the joint" with "any."
Page 114	New. 24.5	After 24.4.7 and before 24.4.8, add a new sub-heading: <i>"24.5 Interim Measure"</i>
	24.4.8	Re-number 24.4.8 as "24.5. 1."
Page 115	25.1.1	Replace definition of "Gwich'in heritage resources" with: <i>"Gwich'in heritage resources" means heritage resources which relate to the history and culture of the Gwich'in. "</i>

PAGE	SECTION	CHANGES
APPENDIX B		
Page 3	4.1 (g)	Add a new (g): "use, management, administration, control and protection of settlement lands;" Re-number provisions which follow new (g).
APPENDIX C		
Page 38	10.6.9	Replace "10.6.8 or 10.6.9" with "10.6.7 or 10.6.8. "
Page 44	11.5.4	Replace "11. 1.3" with " 11.2.3. "
Page 44	11.5.6, 11.5.7, and 11.5.8	Re-number as "11.5.5, 11.5.6 and 11.5.7. " In the new 11.5.6, replace "11.5.6" with "11.5.5"
Page 49	12.3.9	Replace "12.3.5" with "12.3.8."
Page 52	13.2.3	In 2nd line, delete 2nd "management,"
Annex B	1.1	Replace "schedule" with "annex."
	2.2	Delete "in" after "land."

APPENDIX D

PAGE	SECTION	CHANGES
Page 4	4.7(a)	Replace "Lend Register" with "lands records. "

APPENDIX F

Page 17	Parcel 13	Delete "106M 76006. "
Page 27	Parcel 17	Delete "106N16004" in the 5th line from the end.
Page 81	Special Harvesting Area #2	In the first "thence" paragraph, replace • "135 °22'46<" with "135°22'53."
Page 109	Parcel 30A)	Freddy Jerome's cabin: replace "67°46'52"N" with "66°46'52"N."
Page 113		Delete "Portel 2"
Page 121	Parcel 17	Delete 3rd line under "Recreational Leases."
Page 138	Heading	Replace "24.4 4.4" with "22.4.4"
Page 140	"Arctic Red River"	Replace "LTO 2107" under Lots 69, 70 and 71 with "LTO 1887. "
	"Fort McPherson"	Add "402-SK- 764" after "402-SK-159." Delete "402-SK-068," "402-SK-079" and "LTO 1642, Block 22, Lot 1. " Replace "LTO877, Block12, Lot 7" with "LTO 877, Block 12.8"

21.2 INTERIM MEASURE

- 21.2.1 (a) Prior to the transfer of jurisdiction described in 21.1.6, any person who proposes to explore for, develop or produce oil and gas on Gwich'in lands described in 18.1.2(a) shall, in addition to any other obligations under this agreement, submit a benefits plan to the Minister of Indian Affairs and Northern Development for approval.
- (b) The Minister of Indian Affairs and Northern Development may require that the benefits plan in (a) contain provisions to ensure access to training and employment opportunities and to facilitate participation by the Gwich'in in the supply of goods and services.
- (c) Any person who proposes to explore for, develop or produce oil and gas on Gwich'in lands described in 18.1.2(a) shall consult the Gwich'in Tribal Council prior to the submission and during the implementation of the benefits plan.
- 21.2.2 The obligations in 21.2.1 shall remain in effect until the Government of the Northwest Territories enacts legislation with respect to benefits from oil and gas activities on the Gwich'in lands referred to in 18.1.2(a).
- 21.2.3 Government shall consult the Gwich'in Tribal Council in the preparation of any policies or legislation to implement 21.2.1.

24.3,7

- (a) Where the Review Board determines that a development proposal wholly within the Mackenzie Valley should be subject to an environmental impact review, or where the Minister issues a direction under 24.3.6 in respect of a development proposal wholly within the Mackenzie Valley, the review shall be conducted, subject to 24.3.8, by a panel of the Review Board.
- (b) The Review Board panel may include persons appointed by the Review Board because of their special expertise.
- (c) When the Review Board conducts a review, the Gwich'in Tribal Council shall be entitled to nominate members of the Review Board panel, as follows:
 - (i) 50 percent of the members, not including the chairperson, where the Review Board has determined that the likely significant adverse impact or likely cause of significant public concern is wholly within the settlement area;
 - (ii) where the Review Board has determined that the likely significant adverse impact or likely cause of significant public concern is predominantly within the settlement area, that number which together with the number of members, if any, entitled to be nominated by any other aboriginal groups pursuant to comprehensive land claim agreements, shall constitute 50 percent of the members, not including the chairperson, provided that in no event shall the Gwich'in Tribal Council be entitled to nominate less than two members; or
 - (iii) in all other cases, where the Review Board has determined that the impact of a development proposal is partially within the settlement area, one member.