



1. Statement of Policy

The Government of the Northwest Territories will exclude certain Crown lands within areas where aboriginal land claims or treaty land entitlements have not been settled from public disposition by way of sale in order to ensure that land claim and treaty land entitlements negotiations are not prejudiced.

2. Scope

This Policy applies to the public disposition, by way of sale, of certain Crown lands in areas where aboriginal land claims or treaty land entitlements have not been settled.

3. Definitions

The following terms apply to this Policy:

Community Government - a municipal corporation or, in the absence of a municipal corporation, a community governing authority recognized by the Minister of Municipal and Community Affairs as the prime public authority responsible for the provision of municipal services.

Crown Land - Commissioner's land as defined in the *Northwest Territories Act* (Canada) and the *Commissioner's Land Act*, or Territorial Lands, as defined in the *Territorial Lands Act* (Canada) and which are administered by the Government of the Northwest Territories.

Government Lands - lands within community government boundaries which have been set aside by reserve or leased to the Government of the Northwest Territories, Crown corporations or municipal corporations in respect of buildings and works.

Land Selection - a process whereby agreement is reached between the negotiating parties as to those lands which will form part of each regional claim settlement. It is understood that selected land will be withdrawn from disposal by the Crown for ultimate transfer to the regional claimant group.

Lease in Good Standing - a lease for which all terms and conditions have been met for the fiscal year and the use of the land is consistent with the prescribed use under the zoning by-law of the community (if applicable).



Local Aboriginal Authorities - band councils or Metis locals in areas where aboriginal land claims or treaty land entitlements have not been settled.

Metis Local - a community-based Metis organization representing the local interests of Metis residents in the Northwest Territories along the Mackenzie Valley and around Great Slave Lake. A Metis local does not have to use the term "local" and may wish to use another term such as "council" or "corporation".

Municipal Corporation - a corporation established under or continued by the *Charter Communities Act*, the *Cities, Towns and Villages Act*, the *Hamlets Act* or the *Settlements Act*.

Municipal Programs and Services - those programs and services which are normally provided by community governments, including the provision of water; collection, treatment and disposal of sewage and garbage; fire protection; road maintenance; recreation; by-law enforcement; land use control and community planning. This may also include land administration, borrowing and the collection of property taxes.

4. Authority and Accountability

(1) General

This Policy is issued under the authority of the Executive Council. The authority to make exceptions and approve revisions to this Policy rests with the Executive Council. Authority and accountability is further defined as follows:

(a) Minister

The Minister of Municipal and Community Affairs (the Minister) is accountable to the Executive Council for the implementation of this Policy.



(b) Deputy Minister

The Deputy Minister of Municipal and Community Affairs (the Deputy Minister) is accountable to the Minister and responsible to the Minister for the administration of this Policy.

(2) Specific

(a) Minister

The Minister:

- (i) ensures this Policy is applied in areas where aboriginal land claims or treaty land entitlements have not been settled; and
- (ii) may approve certain exceptions to this Policy as detailed in Section 5(2)(b).

(b) Deputy Minister

The Deputy Minister may, after consulting with the local Aboriginal authority(ies) and the government of an affected community:

- (i) recommend to the Minister the Crown lands that should be excepted from this Policy; and
- (ii) approve exceptions to the Policy as detailed in Section 5(2)(c).

5. Provisions

(1) Applicability

All Crown lands within areas where aboriginal land claims or treaty land entitlements have not been settled will be subject to this Policy.



(2) Criteria

- (a) Exceptions to the policy will be lands under sales consideration.
- (b) Further exceptions may include:
 - (i) certain lands for which planning and engineering design work has been completed or is being done; and
 - (ii) certain lands planned for development within five years under a community development plan.
- (c) The Deputy Minister may approve the following exceptions:
 - (i) government lands;
 - (ii) certain residential or commercial lands being used in a manner consistent with municipal zoning by-laws, which contain fully-constructed buildings, and with leases in good standing;
 - (iii) certain untenured residential lands being used in a manner consistent with municipal zoning by-laws, which contain fully constructed buildings, and for which an application to purchase has been submitted and supported by the local Aboriginal authority(ies) and the community government;
 - (iv) certain lands for which the annexation of adjacent lands would remove discrepancies in land tenure (e.g., encroachments);
 - (v) certain lands required by a municipal taxing authority to offset outstanding property taxes; and
 - (vi) rights-of-way, roads, lanes and planned community access routes that have been established according to Government of the Northwest Territories' standards and criteria.



(3) Term

This Policy will be in effect in all areas where aboriginal land claims or treaty land entitlements have not been settled.

6. Prerogative of the Executive Council

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action respecting the public disposition of Crown lands outside the provisions of this Policy.

Premier and Chairman of the
Executive Council