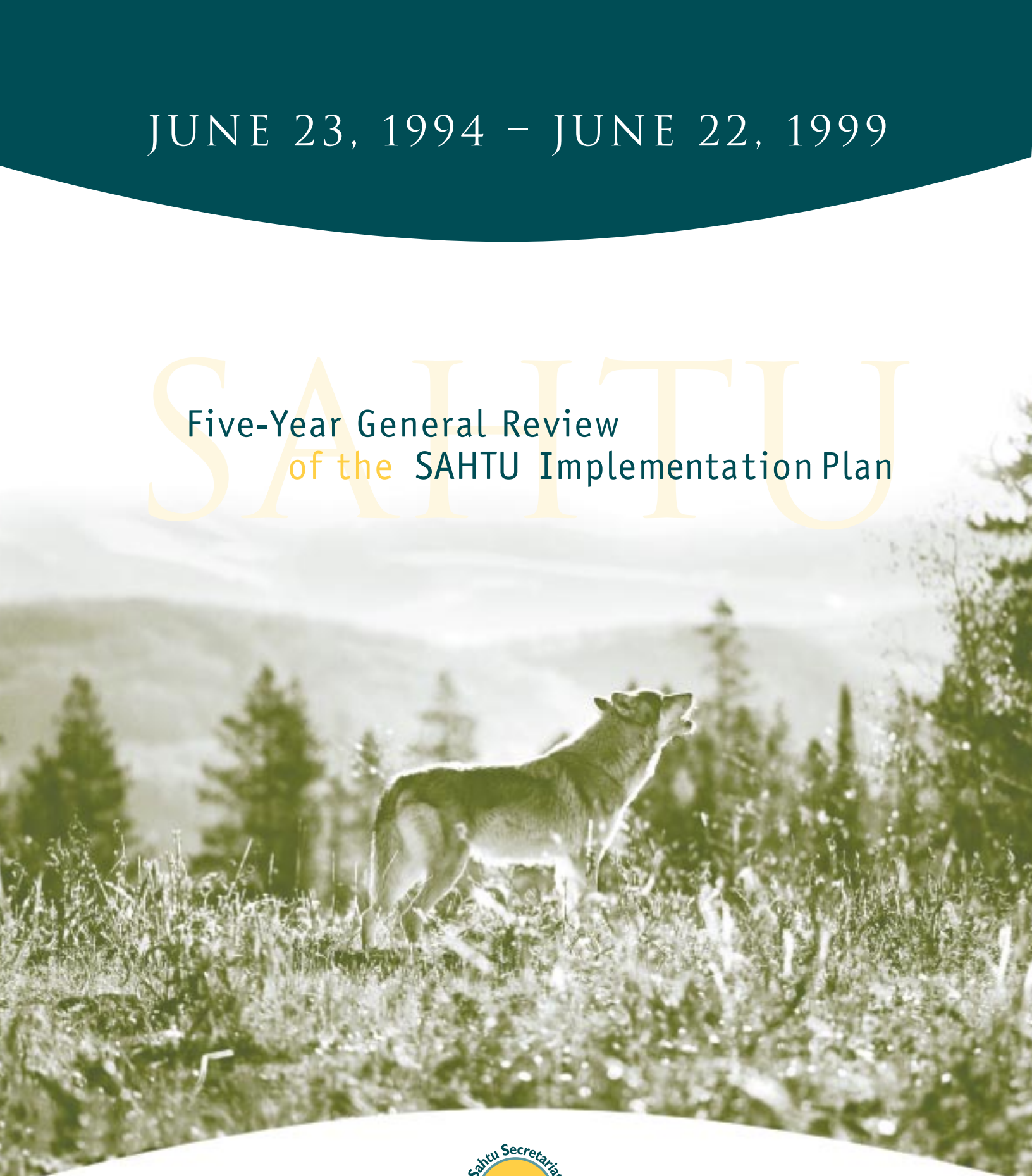


JUNE 23, 1994 – JUNE 22, 1999

# SAHTU

Five-Year General Review  
of the SAHTU Implementation Plan



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# Foreword

The three parties to the Sahtu Dene and Metis Comprehensive Land Claim Agreement (Final Agreement) monitor and direct the implementation of the Final Agreement through a three-member Implementation Committee. The Implementation Committee is composed of three senior officials: one representing the Sahtu Secretariat Incorporated (SSI); one representing the Government of Canada; and one representing the Government of the Northwest Territories (GNWT). The Implementation Committee operates on a consensus basis.

An Implementation Plan accompanies the Final Agreement describing how obligations in the Final Agreement will be fulfilled. The Implementation Plan identifies who is responsible for, and the time frames required to fulfill, the Final Agreement obligations.

One of the responsibilities of the Implementation Committee is to complete a general review of the Implementation Plan in year five following the passage of settlement legislation in Parliament. This Five-Year General Review document is based on information provided by various departments within the federal and territorial governments, SSI and the various implementing bodies identified under the Final Agreement. It covers the period from June 23, 1994 to June 22, 1999.

Over the course of the Five-Year General Review, a number of outstanding issues were identified. Several of these issues have since been resolved or are being resolved by the Implementation Committee. A page-by-page review of the 117 projects identified in the Implementation Plan confirmed that, in general, a large majority of the Final Agreement obligations are proceeding smoothly. The Implementation Committee has reallocated funding, as required, due to delays in the passage of the *Mackenzie Valley Resource Management Act* (MVRMA) legislation and changes in planning assumptions. The Committee, as a result of the Five-Year General Review, has recommended that all planning assumptions be reviewed and considered in the re-negotiation of the Implementation Plan during the eight- to ten-year review. Funds have also been carried forward to subsequent fiscal years in order to allow implementing bodies more flexibility in performing their obligations under the Final Agreement.




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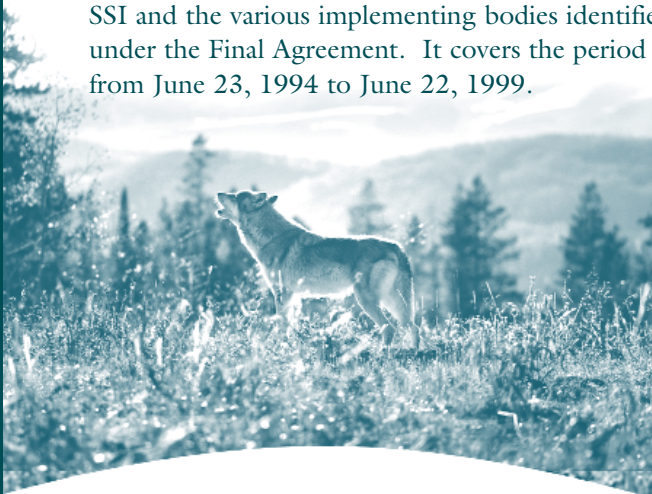

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# Introduction

On September 6, 1993, the SSI, the GNWT and the Government of Canada signed the Final Agreement and the accompanying Implementation Plan to guide the implementation of the obligations by all parties to the Final Agreement. The Final Agreement became effective on June 23, 1994, when the Parliament of Canada adopted the *Sahtu Land Claim Settlement Act*.

The Implementation Committee held its first meeting in August 1994. Its roles and responsibilities are defined in Annex D of the Implementation Plan. One of the responsibilities of the Implementation Committee is to determine from time to time when an obligation has been fulfilled. One-time activities are deemed fulfilled when the activity described in the Implementation Plan has been completed. Ongoing activities are reviewed periodically by the Committee to determine which obligations, if any, remain unfulfilled. The Implementation Committee is further directed to complete a general review of the Implementation Plan in year five following settlement legislation. This document represents the efforts of the Implementation Committee towards fulfilling this obligation.

The purpose of the Five-Year General Review is to assess how government departments, agencies and other implementing bodies are assuming their Final Agreement obligations as outlined in the Implementation Plan. In December 1998, the Implementation Committee agreed that the scope of the review should be scaled down. The scaled-down scope of the review reflects the fact that many of the implementing bodies were not fully functional due to delays in the enactment of the MVRMA, which did not come into effect until December 22, 1998 (except for Part IV, which deals with the Mackenzie Valley Land and

Water Board (MVLWB) and under which some of the implementing bodies, such as the Mackenzie Valley Environmental Impact Review Board (MVEIRB), the Sahtu Land and Water Board (SLWB) and the Sahtu Land Use Planning Board (SLUPB) have been established. The federal government is in the process of preparing legislation to enact the Surface Rights Board.

The objectives of the Five-Year General Review, as defined in the Terms of Reference, are to:

- determine the current status of Final Agreement obligations and activities;
- provide opportunity for representatives from boards and government agencies to discuss land claim obligations and future direction for implementation;
- identify larger implementation issues;
- determine the overall adequacy of implementation funding;
- identify potential amendments to the Implementation Plan; and
- provide recommendations that will help to address concerns, issues or conflicts that surface from the activity review.



# Process for Completing the Review

The Implementation Committee approved the Terms of Reference in August 1998 (see Appendix 1) and established a working group consisting of Cindy Guay of the Government of Canada, Kevin Campbell of the GNWT and Ruby McDonald of the SSI to conduct the Five-Year General Review of the Implementation Plan.

The first step was to consult with all parties identified as either Project Managers or Participants in the Implementation Plan. The Project Managers and Participants have particular responsibilities for each Final Agreement obligation and activity identified in the Implementation Plan. The Government of Canada and the GNWT agreed to consult with their respective departments and prepare status updates identifying the current status of all government obligations and activities. The SSI committed to completing internal consultations to determine the status of its obligations and activities.

The working group made a commitment to consult with the various implementing bodies (boards and committees) and request operational plans identifying the current status of Final Agreement

obligations and activities. In addition, it was asked to include an analysis of anticipated activities and projected costs of operations over the ensuing five years, based on funds allocated in Annex B of the Implementation Plan.

The working group identified the need for a document that would correspond to the Implementation Plan and would accommodate the consolidation of the activity-by-activity status updates from both governments, the SSI, Designated Sahtu Organizations (DSO) and the boards/working groups. As a result, a contractor was hired to develop a database for the activity-by-activity review.

The working group met on November 5, 1998 to complete a page-by-page review of the activities identified in the Implementation Plan, and again on December 17, 1998 to review the status updates and activities. A subsequent teleconference was held on March 3, 1999 to work on the draft report. The working group distributed copies of the draft report and gave a presentation at the Sahtu Implementation Committee meeting held on April 14, 1999 in Yellowknife. At its August 10, 1999 meeting, the Sahtu Implementation Committee discussed the issues raised by the working group.

The database summary, with consolidated status updates for each Final Agreement obligation and activity, is available upon request from the Government of Canada, the GNWT and SSI.



# Implementing Bodies

## – Highlights of Activities

The following is a summary of activities and highlights for each of the implementing bodies.

### **Sahtu Enrolment Board (SEB)**

The SEB was established in June 1994 to register eligible beneficiaries under the Final Agreement. It was funded by the Government of Canada for the initial enrolment period of five years ending on June 22, 1999. The SEB was comprised of appointees from SSI and the Government of Canada.

By the end of the initial enrolment period, 2,598 individuals were enrolled as beneficiaries. During the five-year period, the SEB assisted individuals with completing applications, provided enrolment cards to successful applicants and published an annual Sahtu Enrolment Register. As provided for in the Final Agreement, the SSI assumed project management responsibility for the enrolment function on June 17, 1999.

### **Sahtu Renewable Resources Board (SRRB)**

The SRRB was established in 1995 as the main instrument of wildlife management in the Sahtu Settlement Area (SSA). The SRRB has the power to establish policies and propose regulations in respect of the harvesting of trees and to approve forest conservation and forest management plans and policies within the SSA. The board is composed of six members and six alternates, and a chairperson who is nominated by the members. Three members and three alternates are nominated by the Sahtu, two members and two alternates by the Government of Canada and one member and one alternate by the GNWT.

The first meeting of the SRRB was held January 16-18, 1996. A temporary office was established in Norman Wells and staff was hired. The office moved to Tulita in October 1998.

As the main instrument of wildlife management, the SRRB is responsible for management planning and wildlife research in the SSA. The SRRB funds research through the Wildlife Studies Fund and conducts independent research through its core operating budget. Management planning has begun for Bluenose caribou, Dall's sheep, moose, muskox, fish and waterfowl.

The SRRB is also responsible for administering the Settlement Area Harvest Study, a study that will set a minimum needs level for future use of wildlife in the SSA. A working group was established and met for the first time in October 1997. The methodology and design for the harvest study was approved by the board in February 1998 and harvester registration began in April 1998. The study is now running in five Sahtu communities. The data collection will be completed in May 2003.



## **Sahtu Arbitration Panel**

The Government of Canada, the SSI and the GNWT reached consensus on the eight persons to be appointed to the Arbitration Panel and these individuals were appointed in September 1995. The role of the panel is to resolve disputes over the interpretation of the Final Agreement. The inaugural meeting was held February 1996, in Calgary. The panel has established "Commencement and Proceedings" Rules. To date, they have not been called upon to arbitrate any disputes.

Two workshops have taken place in the SSA, one in 1996 in Norman Wells and the other in 1998 in the Hume River area, near Fort Good Hope. On April 29, 1998, the chairperson of the panel gave a presentation on its activities to date at the Implementation Committee meeting in Yellowknife.

## **Surface Rights Board (SRB)**

An SRB is to be established as an institution of public government and shall have jurisdiction over matters relating to surface entry and compensation. In the absence of surface rights legislation, disputes may be referred to the Arbitration Panel.

As a result of the passage of the MVRMA on December 22, 1998, the Mackenzie Valley Environmental Impact Review Working Group (MVEIRWG), the Sahtu Land and Water Working Group (SLWWG) and the Sahtu Land Use Planning Working Group (SLUPWG) were dissolved and the MVEIRB, the SLWB and the SLUPB were established.

## **Sahtu Land and Water Board (SLWB)**

As a transition measure, the SLWWG was incorporated in November 1996 to prepare prospective board members and the public for the new regulatory regime. The Minister of Indian Affairs and Northern Development (IAND) made notional appointments to the SLWWG on June 6, 1996. The working group developed operating guidelines and application procedures for the board, designed and held orientation sessions for board members and established office procedures.

As a result of the MVRMA, the SLWB was established to regulate land and water use throughout the SSA, including Sahtu private lands. The SLWB has equal membership from nominees of the SSI and government

and a chairperson selected by the board members. The Minister of IAND appoints all members and the chair. The SLWB held meetings in all five Sahtu communities and has hired Sahtu beneficiaries in the areas of financial and office management.

## **Mackenzie Valley Environmental Impact Review Board (MVEIRB)**

In 1996, the MVEIRWG was established, pursuant to the NWT's Societies Act, to prepare for the creation of the permanent board. Seven out of a possible eleven notional board appointments were made and an Executive Director was hired.

The MVEIRWG initiated guidelines for preliminary screening and environmental assessments, designed and held training sessions for board members, established office procedures and attended public meetings to provide information and build liaisons with other organizations.

As a result of the MVRMA, the MVEIRB was established as a main instrument for the conduct of environmental impact assessment and review in the Mackenzie Valley. The MVEIRB has equal membership from nominees of aboriginal groups and government. The Final Agreement states that the chairperson is selected by the board members. Not less than one member of the board shall be a nominee of the SSI.

## **Sahtu Land Use Planning Board (SLUPB)**

The Minister of IAND made the notional appointments to the SLUPWG on October 24, 1997. The SLUPWG finalized its by-laws and was established in March 1998 in Fort Good Hope, NWT.

As a result of the MVRMA, the SLUPB was established to regulate land use planning in the SSA. The board has equal membership from nominees of the SSI and government. A chairperson was selected by the board members. A Senior Planner started work in September 1998. The Senior Planner was designated as a representative on the Protected Areas Strategy Advisory Committee in October 1998. In November 1998, a draft participation strategy and communications options paper was prepared. The Senior Planner has also prepared a policy and procedures guide for the operations of the board.





# Issues and Recommendations

The Implementation Committee met on April 14, 1999 and discussed the status of the Five-Year General Review. The following provides a status update and potential recommendations to resolve each of the issues identified during the Five-Year General Review process.

The corresponding pages from the Implementation Plan are indicated in parentheses.

## *i. Saktu Enrolment Board (13)*

**Issue:** Should the SSI be added as a “Project Manager” to reflect the fact that future enrolment functions would be an SSI responsibility.

**Background:** The Implementation Plan identifies DIAND as the “Project Manager” and the SSI as a “Participant”. After the initial enrolment period (five years), the SSI assumes responsibility for the enrolment function.

**Recommendation:** The Implementation Committee recommends that the Government of Canada redraft the activity sheet in the Implementation Plan to reflect the fact that the SSI will assume the enrolment function after year five. “Project Manager” should be amended to reflect “DIAND: June 23, 1998 to June 17, 1999” and “SSI: June 18, 1999 onward”.

## *ii. Support of traditional economy and encouragement of employment of Saktu (36); Consultation regarding proposed economic development programs (38); Government of the Northwest Territories preferential contracting (41); and Modification of the Government of the Northwest Territories preferential contracting policies and procedures (42)*

**Issues:** (a) Whether government obligations are being fulfilled; and (b) what methodologies could be utilized to measure the progress of economic development programs.

**Background:** There is an obligation for government to meet with the SSI not less than once every three years to review the effectiveness of programs relating to the objectives in 12.1.1 of the Final Agreement. Those objectives are: (a) that the traditional economy of the participants should be maintained and strengthened; and (b) that the participants should be economically self-sufficient. A meeting was held in Edmonton on November 4, 1998 with representatives from the federal and territorial governments, SSI and the Gwich'in



Tribal Council (GTC) to discuss the economic measures provisions. SSI does not agree with government that this fulfills the obligation in the Final Agreement to meet with the Sahtu every three years. SSI also feels that the GNWT is not fulfilling its preferential contracting obligations under Chapter 12 of the Final Agreement. The GNWT's position is that it is fulfilling all its obligations under Chapter 12.

**Recommendation:** The Government of Canada, the GNWT, the SSI and the GTC have agreed to establish a working group to address the issues associated with the economic measures provisions of Chapter 12 of the Sahtu Final Agreement and Chapter 10 of the Gwich'in Final Agreement. The working group is comprised of DIAND, the Ministry of Aboriginal Affairs, departments involved in economic development programs, SSI, and GTC representatives. The working group met in Yellowknife on April 15, 1999. The working group will continue its efforts to meet on a regular basis to discuss the economic measures provisions in the Sahtu and Gwich'in Final Agreements.

### *iii. Summary page outlining roles and responsibilities of federal departments*

**Issue:** Should activity sheets be added to the Implementation Plan summarizing the activities and obligations of certain federal departments, as on page 73 (Department of Renewable Resources, GNWT).

**Background:** The GNWT recommended that a one- or two-page summary for certain federal departments, identifying their specific activities and obligations, be added to the Implementation Plan. The summary would include all references to that particular department, as in Renewable Resources (p.73) and Education, Culture and Employment (p.171) for the GNWT.

**Recommendation:** The Implementation Committee recommends that the Government of Canada provide a schedule summarizing the roles and responsibilities of federal departments under the land claim agreement for incorporation in the Implementation Plan.

### *iv. General improvements to the Implementation Plan*

**Issue:** Consideration as to whether more specific detail should be provided under Project Manager and Participant/Liaison columns in the Implementation Plan. For example, amendments could be made replacing "government" or "SSI" with the specific government

(GNWT or the Government of Canada) or Designated Sahtu Organization (DSO) responsible for the project.

**Background:** The Terms of Reference for the Five-Year General Review tasked the working group with identifying potential amendments to the Implementation Plan.

**Recommendation:** The working group recommends that the Implementation Committee consider 21 amendments to the Implementation Plan. The potential amendments are included as Section 6 of this document.

### *v. Monitoring of cumulative impacts of land and water uses on the environment, and periodic environmental audits (137)*

**Issue:** Consideration as to whether DIAND has fulfilled its obligation to develop a Cumulative Impacts Monitoring (CIM) framework within the proper time frame, and whether the SSI has been properly consulted.

**Background:** In November 1998, a two-and-a-half-day meeting was held in Inuvik with representatives from each of the Sahtu and Gwich'in communities, resource management boards, MVEIRWG, federal and territorial governments to discuss the Mackenzie Valley Cumulative Impacts Monitoring Program. A working group was established to guide the next steps in the development of the program, including a compilation of databases and records of current and historic environmental, social, economic and community monitoring-related data and research to be used as an aid for decision making. As the approach to consultation will be different for each claimant group, it was decided that each group would recommend consultation methods that would best meet the needs of their communities. The working group developed Terms of Reference at their meeting in Inuvik, March 1999. A consultation tour of the communities within the SSA took place from April 13-26, 1999. The working group met in Norman Wells mid-September 1999.

**Recommendation:** The Implementation Committee recommends that the DIAND NWT Regional Office continue to consult with the Sahtu on CIM.

### *vi. Navigational aids and safety devices (112)*

**Issue:** SSI indicated that they had not been notified of the placement of any navigational aids along the Mackenzie River.



**Background:** The Coast Guard has an obligation to notify SSI of any proposals to establish, on Sahtu lands, a navigational aid or safety device along the shoreline of a navigable water where the area occupied will not exceed two hectares for range markers, buoy transits and single beacons. The Coast Guard also must allow SSI a reasonable period of time to prepare its views on the matter and provide it with an opportunity to present its views. The Coast Guard has agreed to provide SSI with information on a yearly basis, as well as an update of activities completed to date. In the spring of 2000, the Coast Guard will also provide SSI with a schedule of upcoming activities.

**Recommendation:** The Implementation Committee supports the efforts of the Coast Guard, as identified in the background, and encourages the continuation of their efforts.

*vii. Interim measures to the development and implementation of a Northern Accord on oil and gas development (126)*

**Issue:** The Government of Canada feels that the sequence of activities under this obligation should reflect more accurately the actual practice that is in place.

**Background:** The Implementation Plan identifies that the developer must notify the STC of a proposal to explore for, develop or produce oil and gas on Sahtu lands, provide a proposed benefits plan and provide the STC with reasonable time to prepare its views. Once a proposal is reviewed, it is presented to the Government of Canada and the developer must give full and fair consideration to the views presented and submit a benefits plan to the Minister. The Minister must then decide whether to issue the right to explore for, develop or produce oil and gas on Sahtu lands.

**Recommendation:** The working group recommends that the Implementation Committee make the following changes to the activities identified.

Activity 1) states, “Notify the STC of a proposal to explore for, develop or produce oil and gas on Sahtu land described in 19.1.2(a) and provide a proposed benefits plan; provide the STC with a reasonable period of time and prepare its views on the matter; and provide the STC with an opportunity to present their views”.

Change to read: “Consult with the relevant Sahtu Land Corporation on a proposal to explore for, develop or

produce oil and gas on Sahtu land described in 19.1.2(a) and prepare a proposed benefits plan; provide the Sahtu Land Corporation with a reasonable period of time and prepare its views on the matter; and provide the Sahtu Land Corporation with an opportunity to present their views.”

Activity 2) states, “Proposal reviewed and views presented to the Government of Canada”.

Change to read: “Proposal reviewed and views presented to the Developer.”

Activity 5) states, “Decide whether to issue right to explore for, develop or produce oil and gas on Sahtu lands described in 19.1.2(a) and on what terms, including the benefits plan.”

Change to read: “Decide whether to issue right to explore for, develop or produce oil and gas on Sahtu lands described in 19.1.2(a) and decide whether to approve the benefits plan or approve it with terms and conditions”.

*viii. Resource Royalty Payments (31)*

**Issue:** This activity should be amended to reflect the fact that the GNWT now has responsibility for the payment of sand and gravel royalties to the SSI.

**Background:** SSI’s legal counsel wrote to the GNWT stating that sand and gravel royalties should be considered resource royalties in accordance with Chapter 10 of the Final Agreement. The GNWT’s Department of Justice reviewed the Final Agreement on the issue of whether sand and gravel royalties are considered resource royalties and agreed with SSI’s interpretation of the Final Agreement. The GNWT has paid SSI a percentage of the sand and gravel royalties it has collected retroactive to September 5, 1993, which is the date of the signing of the Final Agreement.

**Recommendation:** The Implementation Committee recommends that Project 10-1 be amended to reflect the fact that the GNWT also has responsibility for the payment of resource royalties to SSI. In particular, amend activities 1, 2 and 5 of the project to include GNWT’s Department of Municipal and Community Affairs (MACA) under “Responsibility”, as well as the third and fourth bullet under “Planning Assumptions”. Amend Activity 4 to include the GNWT’s Audit Bureau under “Responsibility”, as well as the fifth bullet under “Planning Assumptions”.



# Overall Adequacy of Implementation Funding

The Implementation Plan states that, as part of the Five-Year General Review, the adequacy of funding for the various boards and committees (Annex B - Part 1), the SSI (Annex B - Part 4) and the GNWT (Annex B - Part 5) will be reviewed by the Implementation Committee.

Both the boards and the working groups were asked to submit long-term work plans identifying their forecast activities and expenditures for implementation years six through ten.

One of the responsibilities of the Implementation Committee is to reallocate implementation resources to ensure that those limited resources are used to efficiently and effectively implement activities identified in the Implementation Plan. The Implementation Committee has the authority to reallocate resources between boards and to recommend the carry-forward of surplus funds to future years. At the December Implementation Committee meetings, current year implementation budgets of the various boards and GNWT are reviewed and funding reallocations and carry-forward requests are considered.

During the first five years of implementation, the committee approved some funding reallocations from boards that were not yet established to other boards and the SSI. The carry-forward of funds to future years has enabled the implementing bodies to safeguard projected year-end surpluses. This exercise has provided implementing bodies with the ability to defer funding that is associated with particular obligations that have been intentionally postponed or delayed.

The Implementation Committee has agreed that implementing bodies were generally expected to live within the resources available to them in the Implementation Plan. The Government of Canada's representative assured the other members that the institutions of public government established by the Final Agreement were intended to be sustainable, that it was not in the interests of anyone to see them fail, and that volume-driven workload of the regulatory bodies would be a key factor in determining resource levels for future years.

All parties agreed it did not make sense to allocate resources in advance of actual need. However, the Implementation Committee recommended that the Government of Canada develop an approach to deal with the contingent needs of the resource management boards that may arise from time to time. It was understood by all parties that the statutory obligations of the boards flowing from the MVRMA require the need for this approach. It was further acknowledged that some of the assumptions reflected in the Implementation Plan may have changed, and that this would be a key consideration in renewing the Implementation Plan beyond the initial ten-year planning period.



# Amendments to the Implementation Plan

In accordance with the Terms of Reference, and based on the working group recommendations, the Implementation Committee approves the following amendments to the Implementation Plan.

1. Replace all references to “Sahtu Tribal Council (STC)” with “Sahtu Secretariat Incorporated (SSI)” to reflect the name change, or to the specific Designated Sahtu Organization (DSO) that has responsibility for the obligation.
2. Pages 9, 11, 12, 18, 19 , 20, 36, 86, 105, 120, 131, 133, 136, 137, 139, 145, 147, 158 and 176 - replace all references to Intergovernmental and Aboriginal Affairs (IAA) with Ministry of Aboriginal Affairs (MAA).
3. Page 13 - Indicate under “Project Manager” that SSI has assumed responsibility for funding the Enrolment Board from DIAND by adding the following, “DIAND: June 23, 1994 to June 22, 1999” and “SSI: June 23, 1999 onward”.
4. Pages 31 and 32 - Project 10-1 has to be changed to reflect that GNWT-MACA also has responsibility in this area for the payment of resource royalties. Amend activities 1, 2 and 5 to include MACA, as well as the third and fourth bullets under “Planning Assumptions”. Amend Activity 5 to include Audit Bureau, as well as the fifth bullet under “Planning Assumptions”.
5. Page 33 - Indicate that DIAND is the Project Manager. Replace “Canada” with “Canada-DIAND” or just “DIAND”.
6. Page 35 - Under “Project Manager” change “Revenue Canada, Taxation” to “Canadian Customs and Revenue Agency” to reflect name change.
7. Page 39 - Replace all references to “Department of Supply and Services” (DSS) with “Public Works and Government Services Canada” (PWGSC) to reflect name change.
8. Pages 46, 47, 54, 55, 56, 57, 62, 68, 73, 75, 76, 77, 82, 85 and 88 - replace all references to “the GNWT’s Department of Renewable Resources” and/or “Departement of Economic Development and Tourism” with “Resources, Wildlife and Economic Development” to reflect departmental consolidation.
9. Pages 77, 78, 79, 80 and 81 - Indicate change for “Project Manager”. Replace “Department of Environment (DOE) - Canadian Parks Service - CPS” with “Parks Canada Agency - (PCA)”.
10. Page 82 - Add “Land Use Planning Board” and “Renewable Resources Board” under “Participant/Liaison”.



11. Page 96 - Amend “Planning Assumptions” to indicate that the Arctic Environmental Strategy ended on March 31, 1997. A contaminant sites clean-up program is being developed.
12. Pages 97, 99 and 100 - Replace “Energy, Mines and Resources - EMR” with “Natural Resources Canada - NRCan”.
13. Page 99 - In “Obligations Addressed”, under 19.4.1(d), delete reference to schedules III and V of Appendix E. Replace with schedules IV and XVI of Appendix E.
14. Page 104 - Under “Activities”, correct the sequence of numbers.
15. Page 112 - Under “Project Manager”, replace “Transport Canada” with “Department of Fisheries and Oceans - Canadian Coast Guard”.
16. Page 120 - Add “Environmental Impact Review Board” under “Participant/Liaison”.
17. Page 124 - Under “Project Manager” replace “GNWT - Department of Energy, Mines and Petroleum Resources (EMPR)” with “GNWT - Resources, Wildlife and Economic Development (RWED)”.
18. Page 134 - Add “Sahtu Land Corporation(s)” under “Participant/Liaison”. Add “Sahtu Land Corporation(s)” under Activities 2, 3, 4, 6 and 9 of “Responsibility”.
19. Page 135 - Under “Planning Assumptions”, add “The Minister of Natural Resources Canada is responsible for providing an arbitration panel or a negotiator under Sections 88 to 103 of the National Energy Board Act to resolve matters of compensation related to the expropriation of lands. The costs of a negotiator and/or arbitration panel are borne by the Minister.”
20. Page 145 - Under “Participant/Liaison” replace “Federal Environmental Assessment Review Office (FEARO)” with “Canadian Environmental Assessment Agency (CEAA)”.
21. Add activity sheets summarizing the activities and obligations of certain federal government departments.



# Conclusion

The page-by-page review provided implementing bodies with the opportunity to provide their long-term work plans to the Implementation Committee. The work plans included forecast activities and expenditures for implementation years six through ten.

The Review revealed the following conclusions.

- In general, a large majority of Final Agreement obligations are being implemented effectively and efficiently.
- During the first five years of Implementation, the Committee was able to reallocate funding resources to support the requests of various implementing bodies.
- Of the 117 activities identified in the Implementation Plan, the working group determined that 109 activities were either completed or were being implemented on an ongoing basis.
- Eight outstanding issues, as identified under Section 4 - Issues and Recommendations, were tabled as a result of the review. Recommendations were put forth by the working group. Twenty-one amendments to the Implementation Plan were recommended for approval.
- It was recognized that the most significant impact on the implementation of the Final Agreement was the delay in the passage of the MVRMA. The delay hampered the timely implementation of regulatory boards in the SSA.
- The working group identified the need to revisit the planning assumptions within the Implementation Plan. The Committee agreed that an evaluation of the planning assumptions would be included in the eight-to-ten-year review of the Implementation Plan.

To conclude, while the Implementation Plan provides a means for guiding the implementation of the Final Agreement obligations, it also provides a mechanism for measuring the status of implementation activities and obligations. The Five-Year General Review exercise was a valuable experience for all the parties as it provided a forum to address current and potential implementation issues before they became disputes.



# Appendix 1

## – Terms of Reference

### Terms of Reference and Proposed Work Plan for the General Five-Year Review of the Sahtu Implementation Plan

#### 1. Summary

The purpose of this document is to provide a work plan and terms of reference for the Five-Year General Review of the Sahtu Implementation Plan. The requirement for a general review of the Implementation Plan in year five following settlement legislation is based on paragraph 12 of Annex D of the Implementation Plan itself. The parties agree that the scope of the review will be general, taking into account paragraph 29.1.1 of the Final Agreement.

The review will be conducted by a working group, consisting of one person representing each of the parties to the Agreement. The working group members are:

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The review must be completed by June 23, 1999. The principles driving the review are those outlined in the Sahtu Comprehensive Land Claim Agreement.

The review will involve the following phases of project development.

**PHASE 1** Completion of reviews involving the following components: (a) operational review of activities by institutions of public government (IPGs)/SSI(DSO)/government (recognizing that the DSOs have decision-making powers throughout the Implementation Plan); (b) strategic planning exercise by IPGs in the form of a costed work plan to identify the most efficient use of resources allocated in Annex B of the Implementation Plan for funds during years 6-10.  
**(Expected completion date is December '98.)**

**PHASE 2** Activity review of all obligations by working group - review status reports (IPGs, government, SSI(DSO)) - identify outstanding issues. To facilitate this review, a common template will be developed to assist the working group in consolidating data of the three parties.  
**(Working group meeting to be held in December '98.)**

**PHASE 3** Five-year review document with recommendations for consideration by the Implementation Committee. Possible reissue of Implementation Plan if there are enough amendments or additions to warrant it.  
**(Working group to draft document in March '99.)**

**PHASE 4** Implementation of approved recommendations by Implementation Committee.

## 2. Purpose and Objectives of the Five-Year Review

The purpose of the Five-Year General Review is to assess how IPGs, Government departments, agencies, other implementation bodies and SSI are assuming their land claims obligations as outlined in the Sahtu Dene and Metis Comprehensive Land Claim Agreement. In doing so, the Implementation Plan will be reviewed in light of its ability to help implement the land claim.

Specifically, the review should:

- take into consideration paragraph 29.1.1 of the agreement;
- determine the current status of obligation activities in the context of the Implementation Committee's authority to reallocate implementation funding;
- identify larger implementation issues;
- determine the overall adequacy of implementation funding;
- provide opportunity for Board members, staff and government agencies to discuss land claim obligations and future direction for implementation; and
- provide recommendations that will help to address concerns, issues or conflicts which surface from the activity review.

## 3. Project Scope

The following implementing bodies are involved in the review.

- SSI (RRCs and Designated Sahtu Organizations)
- IPGs
- Government Agencies with land claim obligations

The review may result in amendments to the Implementation Plan. It must provide the Implementation Committee with enough information to review the adequacy of funding and reallocate implementation funds between implementing bodies, if required.



## 4. Project Management

The three members of the working group shall act as project managers for the Five-Year General Review. A contractor may be hired to develop a common template and input data to assist the working group in consolidating the status reports of the three parties. The Implementation Committee members shall be available to advise the working group.

## 5. Methods

The Five-Year General Review will be based on three primary methods:

- review of existing relevant documentation in relation to the Implementation Plan;
- interviews and informal communications with individuals from the IPGs and government departments involved in the implementation of the land claim, as well as SSI (DSO); and,
- meetings of the working group to review status reports of the implementing bodies.

## 6. Project Design

The processes involved in the Five-Year General Review are:

### 1. IPGs/SSI/Government Reviews

- Develop Implementation Review Database
- Prepare status report and discussion papers

**August 1998 - December 1998**

### 2. Working Group Activity Review

- Activity review of all projects in the Implementation Plan
- Consolidation of data
- Identification of outstanding issues

**December 1998**

- Preparation of a five-year implementation review document, summarizing the process and the results of the review

**March 1999**

## 3. Report to Implementation Committee

- Submit report to Implementation Committee for approval

**April 1999**

- Publication of document

## 4. Implementation

- Implementation of Approved Recommendations
- Amendments to Implementation Plan, as needed
- Funding reallocations, as needed

## 7. Final Products

The Five-Year General Review document will contain:

- a summary of the process followed and of findings/recommendations; and
- amendments and additions incorporated into the revised Implementation Plan, as needed.

A schedule of meetings is attached to this document.



## Schedule of Meetings - Sahtu Five-Year Review

<b>August</b>	Approval of Terms of Reference by the Implementation Committee at the August Implementation Committee meeting.
<b>September</b>	Conference call with working group to discuss work plan and time frames.
<b>November</b>	Meeting of the working group in Edmonton to input existing data and a preliminary page-by-page review of the Implementation Plan.
<b>December</b>	Working group to meet in December, after the Implementation Committee Meeting, to conduct activity review - review status reports (boards, governments, SSI) and identify outstanding issues.
<b>March</b>	Working group meeting - consolidation of data; draft five-year review document with recommendations for Implementation Committee; possible amendments.
<b>April</b>	Implementation Committee meeting to approve draft document and amendments and resolve any outstanding issues.
<b>May</b>	Implementation Committee meeting (if necessary) to finalize draft amendments.
<b>June</b>	Implementation Committee meeting to review final draft and respond to recommendations.



## Notes