

**The Implementation of the Nunavut Land Claims Agreement**



# TABLE OF CONTENTS

Foreword . . . . .	.5
1. Significant Implementation Events for 1997-98 . . . . .	.7
2. Implementation Panel Report . . . . .	.9
3. Summary of Activities: Nunavut Tunngavik Incorporated . . . . .	.11
4. Summary of Activities: Territorial Government . . . . .	.18
5. Summary of Activities: Government of Canada . . . . .	.22
6. Implementing Bodies . . . . .	.29
6.1 Arbitration Board . . . . .	.29
6.2 Nunavut Wildlife Management Board . . . . .	.29
6.3 Nunavut Implementation Training Committee . . . . .	.32
6.4 Nunavut Planning Commission . . . . .	.33
6.5 Nunavut Impact Review Board . . . . .	.35
6.6 Nunavut Water Board . . . . .	.37
6.7 Surface Rights Tribunal . . . . .	.39
Appendix 1: Glossary of Terms . . . . .	.41
Appendix 2: Features of the Nunavut Land Claims Agreement . . . . .	.42
Appendix 3: Membership of Implementing Bodies (as of March 31, 1998) . . . . .	.43
Appendix 4: Schedule of Payments . . . . .	.44
Appendix 5: Amendments . . . . .	.45

## ᓄᓂᑎᓯᓴᓯᑦ

ᑲᓱᓯᓴᓯᓴᓯᑦ. . . . .	.49
1. ᑎᓂᑎᓯᓴᓯᑦᑕᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ 1997-98 . . . . .	.51
2. ᑎᓂᑎᓯᓴᓯᑦᑕᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.53
3. ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.55
4. ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.61
5. ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.65
6. ᑎᓂᑎᓯᓴᓯᑦᑕᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.72
6.1 ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ . . . . .	.72
6.2 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.72
6.3 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.74
6.4 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.75
6.5 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.77
6.6 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.79
6.7 ᓄᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.81
ᑕᓂᑎᓯᓴᓯᑦ 1: ᑕᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.83
ᑕᓂᑎᓯᓴᓯᑦ 2: ᑕᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.84
ᑕᓂᑎᓯᓴᓯᑦ 3: ᑕᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ (ᑕᓂᓂᑦᑕ 31, 1998) . . . . .	.85
ᑕᓂᑎᓯᓴᓯᑦ 4: ᑕᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.86
ᑕᓂᑎᓯᓴᓯᑦ 5: ᑕᓂᑎᓯᓴᓯᑦ ᑕᓂᑦᑕ ᑎᓂᓂᑦᑕ . . . . .	.87

## TABLE DES MATIÈRES

Avant-propos . . . . .	.91
1. Points Saillants de 1997-1998 . . . . .	.93
2. Rapport du Comité de Mise en Oeuvre . . . . .	.95
3. Résumé des Activités : Nunavut Tunngavik Incorporated . . . . .	.97
4. Résumé des Activités : Gouvernement Territorial . . . . .	.104
5. Résumé des Activités : Gouvernement du Canada . . . . .	.108
6. Organismes de Mise en Oeuvre . . . . .	.115
6.1 La Commission d'arbitrage . . . . .	.115
6.2 Le Conseil de gestion des ressources fauniques du Nunavut . . . . .	.115
6.3 Le Comité du Nunavut chargé de la formation pour la mise en oeuvre . . . . .	.118
6.4 La Commission d'aménagement du Nunavut . . . . .	.119
6.5 La Commission du Nunavut chargée de l'examen des répercussions . . . . .	.121
6.6 L'Office des eaux du Nunavut . . . . .	.123
6.7 Le Tribunal des droits de surface . . . . .	.125
Annexe 1 : Glossaire des Sigles et Acronymes . . . . .	.127
Annexe 2 : Caractéristiques de l'Accord sur les Revendications Territoriales du Nunavut . . . . .	.128
Annexe 3 : Composition des Organismes de Mise en Oeuvre (au 31 mars 1998) . . . . .	.129
Annexe 4 : Calendrier des Versements . . . . .	.130
Annexe 5 : Modifications . . . . .	.131

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## *Foreword*

This is the fifth annual report submitted by the Nunavut Implementation Panel covering the implementation of the Nunavut Land Claims Agreement for the period April 1, 1997 to March 31, 1998.

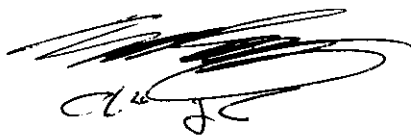
The Panel is continuing to oversee and provide direction on the implementation of the Agreement, as described in Article 37.3 of the Agreement.

To prepare the report, information was obtained from Nunavut Tunngavik Incorporated, the federal government and Territorial Government and the implementing bodies established under the Agreement.

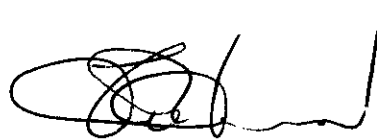
Over the year, the membership of the Panel changed. The Panel was pleased to welcome Bruce Gillies, Director of Implementation for the Nunavut Tunngavik Incorporated, who filled the vacancy left by Simona Arnatsiaq-Barnes.

The Implementation Panel is confident the parties will continue to meet the challenges that lie ahead to ensure that the Nunavut Land Claims Agreement is implemented in the true spirit in which it was intended.

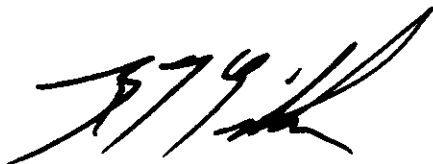
### **Members of the Nunavut Implementation Panel:**



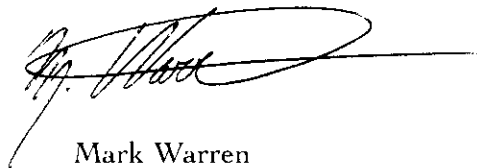
Tagak Curley  
*Nunavut Tunngavik Incorporated*



Terry Henderson  
*Government of Canada*



Bruce Gillies  
*Nunavut Tunngavik Incorporated*



Mark Warren  
*Territorial Government*



# *1. Significant Implementation Events for 1997-98*

- A capital transfer payment of \$84,825,841 was made by the Government of Canada to the Nunavut Trust (Article 29) on May 25, 1997, the fourth anniversary of the signing of the Nunavut Land Claims Agreement. Resource royalties totalling \$1,034,221 were also transferred (Article 25.2).
- Approximately 40 percent of the appointments of Designated Inuit Organizations (DIOs) were made this fiscal year. These appointments are now 70 percent complete (Article 39).
- The Cabinet of the Government of the Northwest Territories approved contracting procedures for the Nunavut Settlement Area on October 16, 1997. These procedures defined how contracting is to be conducted to implement provisions of the Agreement (Article 24).
- The federal government and the Qikiqtani Inuit Association continued negotiating an Inuit Impact and Benefit Agreement (IIBA) for Auyuittuq National Park Reserve, Ellesmere Island National Park Reserve and a new national park on Northern Baffin Island. There are substantial benefits, management participation, training and local involvement for Inuit included in this IIBA. The Kivalliq Inuit Association also continued to negotiate an IIBA for the national park at Wager Bay in the Keewatin (Article 26.2.1).
- During the year, Natural Resources Canada surveyed 160 parcels of Inuit Owned Lands and jointly owned lands in the Nunavut Settlement Area. The Department has completed 65 percent (800 of 1,155 parcels) of its surveys (Article 19.8.8). More than \$3,200,000 was contracted for the Nunavut Land Claims Agreement survey program and related activities in 1997-98. Thirty-seven percent of the dollar value of the contracts was awarded to Inuit businesses or individuals through direct employment, subcontracts or provision of services to the contractor.
- Human Resources Development Canada has devolved responsibility for labour-market training programs to the Regional Inuit Associations (RIAs). Three agreements for labour-market training totalling \$6,478,050 will be in place until March 31, 1999 (Article 23.2.2).
- Over the year, 60 Inuit businesses were enrolled in the Inuit Firm Registry bringing the total number of firms to 230. The registry was established and is maintained by Nunavut Tunngavik Incorporated (NTI) (Article 24.2.1).

- The Government of the Northwest Territories' 1997 annual report on its Inuit Employment Plans was approved by Cabinet in January 1998 (Article 23.2.1).
- The first court decision under the Agreement was handed down on July 14, 1997 by the Federal Court of Canada in *Nunavut Tunngavik Incorporated v. Minister of Fisheries and Oceans*. The Court set aside the Minister of Fisheries and Ocean's 1997 turbot allocations in Davis Strait. This decision was subsequently appealed to the Federal Court of Appeal by the Minister.
- The Minister of Indian Affairs and Northern Development appointed Robert Hanson and Guy Kakkianion to the Nunavut Water Board effective April 25, 1997. These federal appointments filled the vacancies left by Thomas Kudloo, who was appointed chairperson, and by the late Allan Woodhouse (Article 13.3.1(b)).
- The federal re-appointment of Kevin McCormick, Gordon Koschinsky and Meeka Mike to the Nunavut Wildlife Management Board received Governor in Council approval for further four-year terms effective December 6, 1997 (Article 5.2.1(b)).
- The Nunavut Tunngavik Incorporated appointed Joan Scottie, Makabe Nartok, David Tagoona and Pauloosie Keyootak to the Nunavut Wildlife Management Board for four-year terms effective November 14, 1997 (Article 5.2.1(a)).
- Leona Aglukkaq, representing the Territorial Government, and Gabriel Nirlungayuq, representing the Kitikmeot Inuit Association, were appointed to the Nunavut Implementation Training Committee in September 1997 (Article 37.5.1 (a) and (b)).



## 2. *Implementation Panel Report*

The functions of the Implementation Panel are set out in Part 3, Article 37, of the Nunavut Land Claims Agreement and elaborated on somewhat in the Implementation Contract. The Panel's primary purpose is to oversee and provide direction on the implementation of the Agreement.

In 1997-98, Panel members included Bruce Gillies and Tagak Curley as the two Nunavut Tunngavik Incorporated (NTI) representatives, Mark Warren as the Territorial Government representative, and Terry Henderson as the Government of Canada representative.

During this period, the Panel:

- held three meetings, two in Ottawa and one by conference call;
- took part in a special meeting with the Nunavut Planning Commission (NPC) in Yellowknife in February to discuss NPC's activities pursuant to Article 11, and to focus on the outstanding question of NPC's head office location;
- met and corresponded with representatives of the Nunavut Implementation Training Committee, accepted its 1997-98 Consolidated Implementation Training Work Plan pursuant to Article 37, and made recommendations to improve its work plan for future years;
- met with representatives of the Nunavut Wildlife Management Board (NWMB) to discuss the board's activities and administrative concerns, and subsequently reached consensus on the interpretation of Article 5.2.8 dealing with the term of "replacement" appointees to the NWMB;
- authorized the carry forward of \$7.2 million in implementation funds from 1997-98 to 1998-99 for the Nunavut Water Board (NWB), the Nunavut Impact Review Board (NIRB), the Nunavut Planning Commission (NPC), the Nunavut Wildlife Management Board (NWMB) and the Surface Rights Tribunal (SRT), effectively amending Schedule 2, Part 1, of the Implementation Contract;
- recommended approval of federal funding to cover the cost of NWB public hearings concerning the water licence application of the Hamlet of Igloodik;



*From left to right: Tagak Curley, Bruce Gillies, Mark Warren and Terry Henderson*

- reviewed and decided against a request from the SRT for increased funding for public consultation within the Nunavut Settlement Area;
- oversaw the production of the 1996-97 annual report on implementation of the Agreement, which was published in Inuktitut syllabics, English and French, given wide distribution through the Nunavut Settlement Area and within government, and tabled with the Territorial Government's Legislative Assembly on February 10, 1998, with the Parliament of Canada on February 24, 1998 and NTI's board of directors;
- began preliminary work on terms of reference for the required five-year independent review of the Agreement and Implementation Contract and the Inuit Employment Plans (Article 37.3.3(b) and Article 23.7.1); and
- began a process to clarify the roles and responsibilities of the Panel.

### *3. Summary of Activities: Nunavut Tunngavik Incorporated*

In its capacity as the Inuit party implementing the Nunavut Land Claims Agreement and principal beneficiary of the Nunavut Trust and through its appointments to the Implementation Panel, the Nunavut Tunngavik Incorporated (NTI), together with other Inuit bodies, continued to implement the terms of the Agreement.

#### **Implementation Planning and Designation Process**

NTI is responsible for determining which Inuit organization should take on the more than 212 implementation responsibilities under Article 39 of the Agreement. This includes developing requests for designation, and implementation plans with detailed procedures and budgets.

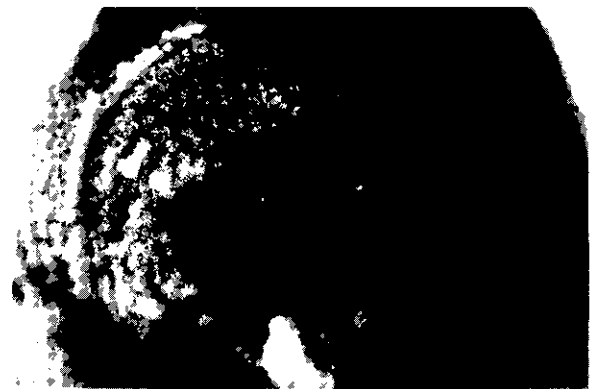
For the last five years, the NTI Implementation Department has spent much time in discussions, workshops and meetings with Regional Inuit Associations (RIAs) to determine which responsibilities under the Agreement they will undertake.

In 1997, NTI initiated a detailed process to determine the capacity of Designated Inuit Organizations (DIOs) to undertake claim responsibilities. It will use the same criteria to assess its own ability and capacity to undertake DIO responsibilities.

At a December 1997 NTI board meeting, 65 DIO responsibilities were approved for designation to the RIAs. These are mostly land and resource management responsibilities from Articles 19 and 21 of the Agreement. The Qikiqtani Inuit Association has 89 designated responsibilities with approximately 30 left to undertake, the Kivalliq Inuit Association has 72 with approximately 35 left to be designated and the Kitikmeot Inuit Association has 89 with 22 remaining. NTI has retained 121 responsibilities and, as a result, becomes the DIO.

#### **Legislative Study**

In February 1998, the Canadian Wildlife Service (CWS), Department of Fisheries and Oceans, Parks Canada the Territorial Government's Department of Resources, Wildlife and Economic Development (RWED) and NTI set the terms of reference for a legislative study on the establishment and regulation of conservation areas in the Nunavut Settlement Area pursuant



to Article 9.3.1 of the Agreement. The study will, in part, determine if existing legislation contains prohibitions on hunting, fishing and related activities that do not apply to Inuit under the Agreement.

Conservation areas now include marine area components and Inuit Owned Lands. Therefore, there is a need to ensure appropriate legislation and regulations for marine areas and to allow Inuit to manage their lands.

A consultant team was retained to undertake and conclude the study by the fall of 1998.

### **Inuit Impact and Benefit Agreements**

Article 8 of the Agreement provides for the negotiation of benefits and the minimization of impacts on Inuit occurring from development in the Nunavut Settlement Area. These Inuit Impact and Benefit Agreements (IIBAs) are to be negotiated for national and territorial parks, conservation areas and major development projects.

The Agreement calls for territorial park and conservation area IIBAs to be completed by July 1998. This time line will not be met. It has taken more time than expected first to determine and then to designate RIAs to negotiate IIBAs. It was also discovered that there are significant costs in preparing for and negotiating the IIBAs, as well as the time needed to establish and fund committees to co-manage the protected areas.

Negotiations for an IIBA for three national parks in Baffin by the Qikiqtani Inuit Association (QIA) are nearly complete. There are substantial benefits, management participation, training and local involvement for Inuit included in this IIBA. The QIA is to implement this agreement by the fall of 1998.

The Kivalliq Inuit Association continued to negotiate an IIBA for the national park at Wager Bay in the Keewatin.

The NTI and the TG worked to initiate negotiations on an umbrella agreement for all territorial parks in the Nunavut Settlement Area to save the time and money involved in negotiating an IIBA for each park. Negotiations on individual parks would be under the umbrella agreement but will take into account unique features of individual parks and service contracts. There are nine territorial parks in the Nunavut Settlement Area classified as new: five in Baffin, two in Kivalliq and two in Kitikmeot.

There are 11 conservation areas proposed or existing in the Nunavut Settlement Area, nine of which required IIBAs according to the CWS. As part of the process, NTI completed the review of the draft IIBA for the proposed national wildlife area at Igaliktuuq negotiated by the designated Hunters and Trappers Organization (HTO) of Clyde River and the CWS. This is the first negotiated IIBA for a conservation area. It awaits resolution as to whether CWS will negotiate economic opportunities.

IIBAs are also to be negotiated for major profit generating development projects between Inuit and industry. One major development project IIBA was completed in 1997-98, the Ulu Project in the Kitikmeot. The project has since been put on hold by Echo Bay Mines due to falling prices in precious metals.

## **Inuit Water Rights**

Article 20 of the Agreement provides for Inuit water rights. DIO responsibilities have not yet been designated, a major article of Inuit rights under the Agreement that remains to be implemented. In November 1997 and March 1998, the regions and NTI agreed to the RIAs being designated the DIO. This approach implied two general responsibilities:

- to monitor physical and political activities in the region related to water, including policy, regulation, legislation, organizational activities and projects; and
- to negotiate compensation agreements with proponents prior to the issuance of water permits by the Nunavut Water Board (NWB).

When the DIO determines that waters may be affected by a proposed project, it can require the proponent to:

- collect and provide the baseline data required as the first step in monitoring;
- establish a water monitoring program satisfactory to the DIO; and
- provide the DIO with both raw data and analysis.

Water monitoring will be based on standards agreed to by all regions.

The RIAs and NTI will remain vigilant and active to ensure that existing Department of Indian Affairs and Northern Development, Environment Canada and other programs are maintained, as a minimum, at current levels.

## **Implementation Administration**

In order to develop a systematic approach to ensure that all parties are implementing the Agreement, NTI resolved to dedicate a full-time manager to the Implementation Department to undertake claim implementation monitoring.

In March 1998, NTI decided to move its Implementation Department from Cambridge Bay to Iqaluit, the future Nunavut capital, to facilitate consultation and collaboration on claim implementation responsibilities with the Government of Nunavut.

## **Business and Economic Development**

In October 1997, the TG finalized a set of measures called Contracting Procedures in the Nunavut Settlement Area which had been approved by the NTI Board of Directors the previous February.

Although NTI has yet to come to an agreement with the Government of Canada on contracting procedures for federal contracts outlined in Article 24 of the Agreement, the work of the Nunavut Construction Corporation proceeded on schedule through 1997-98, and will continue for three more years. The Corporation was formed as a result of a partnering arrangement between the federal government and Inuit regarding the construction and ownership of infrastructure required by the Government of Nunavut.

In 1997-98, 60 Inuit businesses enrolled in the Inuit Firm Registry bringing the total number registered to 230. The NTI Business Development Department will renew its publicity campaign to enrol firms with the Registry in the coming year.

At the same time, the NTI Business Development Department will look at measures to tighten up the interpretation of Article 24, to ensure that Inuit are in full control of registered Inuit firms.

### **Department of Legal Services**

As the Agreement is in its fifth year of implementation and the coming of the Nunavut Territory draws nearer, a substantial amount of legal work continued to be generated for NTI's Department of Legal Services.

The first court decision under the Agreement was made on July 14, 1997 by the Federal Court of Canada in *Nunavut Tunngavik Inc. v. Minister of Fisheries and Oceans*. The Court set aside the Minister of Fisheries and Oceans's 1997 turbot allocations in Davis Strait, which were found to be set without giving special consideration to the principles of adjacency and economic dependence of Nunavut Inuit. This decision was subsequently appealed to the Federal Court of Appeal by the Minister. On September 12, 1997, NTI brought another judicial review application in the Federal Court, challenging the Minister's August 1997 redetermination of the quota on the grounds that it did not comply with the July 14 decision.

NTI lawyers continued consultations with the federal government on legislation to implement the Agreement's provisions on the Nunavut Water Board under Article 13 and the Surface Rights Tribunal under Article 21. Significant progress has been made in achieving a bill that reflects the intent of the Agreement, including provisions reflecting the interrelationships among the Agreement's Institutions of Public Government. However, substantial areas of disagreement remain to be resolved.

The Department provided ongoing advice on business-related issues, including the development and approval of contracting procedures under Article 24 with the TG; advice in connection with the lawsuit launched by Toonoonik Sahoonek Co-operative Ltd. against the federal government regarding the partnering arrangement under which Nunavut Construction Corporation is to build and own the new infrastructure requirements of the Government of Nunavut; and legal advice regarding specific applications for Inuit firm status and specific contracts for services in the Nunavut Settlement Area.

Legal advice was required in connection with the following matters related to the Agreement's co-management bodies:

- continued advice with respect to the land use planning process under Article 11 of the Agreement and the obligation of the Nunavut Planning Commission (NPC) to locate its head office in the Nunavut Settlement Area;
- continued advice regarding the non-application of the Canadian Environmental Assessment Act in the Nunavut Settlement Area;

- the federal government's funding arrangements for the co-management bodies; and
- the federal government's appointment process.

The NTI Department of Legal Services provided monitoring and advice in connection with the negotiation of IIBAs under Articles 8 and 9 for parks and conservation areas in the Nunavut Settlement Area including the IIBA for the proposed Wager Bay National Park being negotiated by the Kivalliq Inuit Association, the IIBA for the proposed Igaliqtuuq National Wildlife Area being negotiated by the Clyde River HTO, the IIBA for three Baffin Island national parks being negotiated by the Qikiqtani Inuit Association and an umbrella IIBA for territorial parks being negotiated by NTI.

Legal advice was also provided in connection with the following resource-related matters:

- the assignment of harvesting rights under Article 5.7 of the Agreement;
- the preparation of a Thelon Wildlife Sanctuary Management Plan under Article 9;
- the transfer of the Contwoyto Lake lands to a DIO under Article 41;
- the transfer of certain lands near Pond Inlet and Pangnirtung to the QIA under Article 19 and;
- Municipal Lands transfers under Article 14.

### **Inuit Heritage Trust Incorporated**

The Inuit Heritage Trust (IHT) plays a lead role in the management of archaeological sites and resources in the Nunavut Settlement Area under Article 33.4 of the Agreement. IHT activities include:

- appointment of Millie Kuliktana and Appitak Enuaraq to the board of the Inuit Heritage Trust;
- review of planned changes to a national archaeological data base with the Canadian Museum of Civilization and the Prince of Wales Northern Heritage Centre;
- provision of Inuit and government organizations with site information from the national data base;
- participation in the Nunavut Planning Commission's Land Use Planning Workshops – West Kitikmeot and South Baffin;
- review of the Qikiqtani Inuit Association's Inuit Impact and Benefit Agreement for national parks;
- implementation of a two-year training plan for the Inuit Heritage Trust;



- participation in traditional knowledge workshops co-ordinated by the Nunavut Social Development Council;
- review of artifact land management policy with the Canadian Museum of Civilization and the Prince of Wales Northern Heritage Centre;
- review of Inuit Heritage Trust responsibilities regarding the place name policy;
- completion and distribution of a new archaeology poster and brochure;
- commencement of work on a third public awareness poster;
- hiring Allan Angmarlik as Assistant Executive Director; and
- review of 14 permit applications for archaeological field research in the Nunavut Settlement Area for the 1997 permit year.

### **Nunavut Social Development Council**

The Nunavut Social Development Council (NSDC) has the responsibility under Article 32 of the Agreement to participate in the design of social and cultural policies, programs and services established by government within the Nunavut Settlement Area.

In 1997-98, workshops were held on the use of traditional knowledge in social and cultural programs, and the justice system.

The NSDC board also participated in two workshops to plan future goals and review board responsibilities to the NSDC, the people of Nunavut and NTI.

The following are accomplishments of individual workshops:

- Justice Workshop, Yellowknife, December 1997  
This workshop brought together Inuit representatives from Nunavut communities to review the justice system. Representatives made 29 recommendations.
- Traditional Knowledge Workshop, Igloolik, March 1998  
Inuit elders, youth and community representatives to explore how Inuit social and cultural values can become part of the culture of Nunavut. Participants recommended that traditional knowledge be more widely appreciated and used by government and communities.
- Board Workshop, Iqaluit, February 1997  
The board discussed its goals and developed a strategic plan based on concerns from communities.
- Board Workshop, Yellowknife, December 1997  
The board reviewed its goals, objectives and responsibilities as policy makers.

The NSDC continued to work as a member of the Inuit Technical Committee on Social Policy Renewal established by the federal government for advice on Aboriginal social policy. NSDC brought the concerns and ideas of Inuit to the attention of senior policy makers.



The Council also participated in a round table meeting with the TG social envelope departments. The meeting allowed the Council to raise Nunavut Inuit concerns and to ensure government programs reflect the values of Inuit culture.

In 1997-98, the NSDC offices moved from Iqaluit to Igloolik.

## ***4. Summary of Activities: Territorial Government***

### **Ministry of Aboriginal Affairs**

During 1997-98, the Ministry of Aboriginal Affairs worked closely with the parties to the Nunavut Land Claims Agreement and various implementing bodies established by the Agreement. The Ministry co-ordinated the implementation activities of all Territorial Government (TG) departments and reported regularly on the status of these activities. Senior Ministry officials participated in meetings of the Nunavut Implementation Panel and its working group.

In addition to regular meetings with representatives of each department, the Ministry held its annual workshop for all TG implementation personnel from September 2 to 5, 1997. These meetings ensured departmental officials were aware of critical implementation activities, schedules and their funding status.

An inter-jurisdictional claims implementation conference was hosted by the Ministry from August 19 to 21, 1997. Participants included representatives from British Columbia, Ontario, Quebec, Newfoundland and Yukon. A variety of implementation topics were discussed, and all participants agreed to meet regularly to discuss issues and share ideas.

In preparation for the creation of the Territory of Nunavut on April 1, 1999, the Ministry participated in the division planning process. The goal is to develop a plan to facilitate the transfer of the activities that will become the responsibility of the Government of Nunavut. The Ministry will be working with the staff of the Government of Nunavut to ensure all the TG's implementation obligations, including the role of the Ministry, are identified.

The Ministry assisted and advised the Department of Resources, Wildlife and Economic Development (RWED) regarding the ongoing development of an Inuit Impact Benefit Agreement (IIBA) for territorial parks. An IIBA is to be developed pursuant to Article 8 of the Agreement.

The Ministry attended an initial meeting between the Nunavut Social Development Committee established under Article 32 of the Agreement and the deputy ministers of the social envelope departments of the Territorial Government on July 8 and 9, 1997. The discussion centred on how these two groups can work and communicate on social policy issues.

The Ministry assisted the Departments of Municipal and Community Affairs, and Justice in the transfer of municipal lands to individual community governments in the Nunavut Settlement Area. This transfer is an obligation under Article 14 of the Agreement.

To date, substantial resources have been used in effecting this transfer, and the TG is committed to ensuring it is completed as expeditiously as possible.

Through their participation on the Nunavut Implementation Panel, Ministry officials reviewed and provided advice on all training documents provided by the Nunavut Implementation Training Committee.

### **Department of Resources, Wildlife and Economic Development**

The Department of Resources, Wildlife and Economic Development (RWED) provided support and advice to the Nunavut Wildlife Management Board (NWMB), Regional Wildlife Organizations (RWOs) and local Hunters and Trappers Organizations (HTOs). Regional land claim co-ordinators worked actively with RWOs, HTOs and Regional Inuit Associations (RIAs) on projects related to renewable resource harvesting, resource development and administrative matters.

Several co-operative wildlife research and management projects were conducted with support from the NWMB in 1997-98. Funding from the Wildlife Research Fund of the NWMB is in parentheses.

- Wolverine ecology, distribution and productivity in the Slave Geological Province (\$20,000). Radio collared wolverine were monitored in the Lac de Gras area. The age and sex composition of the harvest was monitored in the West Kitikmeot Region. A progress report was provided to the NWMB.
- Seasonal range use and herd definition of Bluenose caribou (\$20,000). Movements of satellite-collared caribou were monitored, and location of calving grounds was documented. A progress report was provided to the NWMB.
- Status of Peary caribou on the western High Arctic islands (\$79,000). An aerial survey was conducted in July 1997, and the results were provided to the NWMB.
- Polar bear population inventory in the High Arctic (\$130,000). Field work was completed, and results were provided to the NWMB.
- Caribou ecology, Southampton Island (\$41,000). The field work is complete in this joint project with the Coral Harbour HTO. The results were provided to the NWMB.

Pursuant to Article 8 of the Agreement, the Department worked closely with Nunavut Tunngavik Incorporated in developing an IIBA for territorial parks. It is expected that the next draft IIBA will be tabled in September 1998.

In compliance with Article 8.4.16 of the Agreement, Inuktitut translations of all RWED publications aimed at informing the Canadian public about parks in the



Nunavut Settlement Area are available. Any information for the public within any park in the Nunavut Settlement Area will also be produced in one or more of Canada's official languages and in Inuktitut.

RWED continued to work in co-operation and consultation with each Nunavut community to support the shared objectives of encouraging employment opportunities and economic self-sufficiency. The Department assisted Nunavut businesses and individuals to gain financing from its programs and from other government and private sources.

### **Department of Justice**

The Department of Justice continued to contribute to the ongoing implementation of the Agreement. The Land Titles Office worked with Municipal and Community Affairs to continue conveying land within the built-up area of each municipality to those municipalities that had enacted the necessary by-laws to acquire and administer the lands. Certificates of title were issued for all conveyances received, estimated at 60 percent of the parcels required to be conveyed. This transfer of land is required under Article 14 of the Agreement.

An additional 14 descriptive map plans for the Inuit Owned Lands parcels were registered over the last year pursuant to Article 19 of the Agreement. Notifications to issue title to almost all of the Inuit Owned Lands parcels were received in February and March 1998. It was anticipated that certificates of title will be issued for these parcels by the end of May 1998.

The Legislation Division worked on wildlife regulations which needed to be amended because of the realignment of the boundaries of wildlife management units, zones and areas to conform to the settlement area.

Legal advice and assistance were provided by Legal Division on a variety of matters including territorial parks and IIBAs, wildlife provisions, municipal lands and other issues involving the application of territorial legislation.



### **Department of Municipal and Community Affairs**

The Department of Municipal and Community Affairs (MACA) continued to implement its responsibilities under the Agreement during 1997-98, especially with regard to Article 14, the conveyance of municipal lands to Nunavut municipalities.

Departmental staff were extensively engaged in preparing all land transfer documents for municipal lots in order that the titles could be registered at the Land Titles Office when community by-laws are finalized. The land turnovers are now substantially

complete in some communities. As of March 1998, more than 2,000 titles had been issued for Nunavut municipalities. In addition to community visits, MACA staff conducted regional workshops to assist municipalities in processing the required by-laws for land turnovers.

MACA sponsored training programs for municipal land administrators in 1997-98. The third year of students from the Community Land Administrator Certificate Program graduated from Nunavut Arctic College in December 1997. There are now 29 graduates from this program. MACA provided ongoing support and training for all current and previous graduates.

Pursuant to the Bilateral Funding Agreement between Canada and the TG, a program was started in July 1996 to fund the salaries of Municipal Land Officers in Nunavut municipalities. Long-term contribution agreements were entered into with all the communities, and over \$1 million was spent in 1997-98.

### **Department of Education, Culture and Employment**

Pursuant to Article 23 of the Agreement, the TG developed Inuit Employment Plans. The Department of Education, Culture and Employment compiled the TG's 1997 annual report on these plans in December 1997. The report was approved by Cabinet in January 1998. Copies, along with translated versions and executive summaries, were made available in department offices throughout the Nunavut Settlement Area.

The Department worked with the Inuit Heritage Trust (IHT) on heritage and culture issues pursuant to Article 33 of the Agreement. Applications for archaeological permits and for geographic place names were referred to IHT for recommendations. A summary report of archaeological work conducted in 1997 was completed and circulated widely within the Nunavut Settlement Area. The Department also advised on possible impacts that last-use operations may have on heritage sites.

### **Department of Public Works and Services**

The TG is obligated to contract for goods and services in the Nunavut Settlement Area in accordance with Article 24 of the Agreement. The TG represented by the Department of Public Works and Services, Department of Transportation and the Northwest Territories Housing Corporation held several meetings with the Nunavut Tunngavik Incorporated. The Ministry of Aboriginal Affairs and the Department of Justice provided advice and assistance to this group. As a result of the discussions, procedures were developed for TG contracting in the Nunavut Settlement Area. The finalized Contracting Procedures in the Nunavut Settlement Area were approved by Cabinet in October 1997 and are now being implemented.

## ***5. Summary of Activities: Government of Canada***

### **Economic Activity and Employment**

In 1997-98, the federal government continued to implement the objectives of Article 24 of the Nunavut Land Claims Agreement to provide support and assistance to Inuit firms to enable them to compete for government contracts.

The Department of Public Works and Government Services (PWGSC) assisted Nunavut businesses with information kits and seminars on federal government bidding and contracting procedures. PWGSC delivered a seminar to more than 30 participants in Iqaluit on August 13 and 14, 1997. Topics included doing business with the federal government, writing effective proposals, comprehensive land claim agreements, registering in the ACCORD and SPEC computerized supplier registration and sourcing systems for real property contracting, and a demonstration of the MERX electronic tendering system.

Three agreements between Human Resources Development Canada and Regional Inuit Organizations (RIOs) have devolved responsibility for training programs funded through the Consolidated Revenue funding, Employment Insurance Part II funds, and Operations and Maintenance/Administrative Funding to the Inuit Organizations. The agreements, signed on March 13, 1997, are worth \$6,478,050 per year for three years, and will be in place until March 31, 1999.

### **Environmental and Wildlife Management**

The objectives of Article 5 of the Agreement are to create a system of harvesting rights, priorities and privileges, and wildlife management.

Environment Canada continued to fulfil its obligation relating to the Nunavut Wildlife Management Board (NWMB). A summary of Environment Canada's wildlife research was presented to the NWMB and is listed in NWMB's section of this report.

The Canadian Wildlife Service (CWS) of Environment Canada consulted with the Department of Resources, Wildlife and Economic Development of the Territorial Government (TG) and Nunavut Tunngavik Incorporated (NTI) on a study to determine the need for amendments or new legislation to designate and manage land and marine conservation areas in the Nunavut Settlement Area as outlined in Article 9.3.1 of the Agreement. Terms of reference were produced for a contract that was tendered in May 1997. It should be completed by the fall of 1998.

As the Inuit Impact and Benefit Agreement (IIBA) for the proposed Igaliqtuuq National Wildlife Area, under Article 9.4.1 of the Agreement, was nearing completion, the federal government and the Designated Inuit Organization (DIO) planned formal appointments

to the management committee for Igaliktuuq. IIBA negotiations began in September 1997, on appointment of the Nangmoutaq Hunters and Trappers Organization as the DIO. A draft IIBA was produced in March 1998.

Formal appointment of a management committee for the Nirjutiqavvik National Wildlife Area awaits the commencement of an IIBA. Environment Canada and the Qikiqtani Inuit Association, designated the DIO in the fall of 1997, had preliminary discussions, but IIBA negotiations did not begin.

Management and planning for Nirjutiqavvik and Igaliktuuq wildlife areas under Article 9.3.7 of the Agreement were handled in 1997-98 through ad hoc committees composed of Inuit and federal government members.

All Environment Canada and CWS public materials dealing with Nunavut and Environment Canada administered conservation areas were made available in Inuktitut and English/French pursuant to Articles 8.4.16 and 9.4.3 of the Agreement.

The Department of Fisheries and Oceans (DFO) continued to work closely with the NWMB and the three Regional Wildlife Organizations on clarifying roles and responsibilities under Article 5 of the Agreement.

DFO is a member of the Canada-Greenland Joint Commission on Beluga and Narwhal. The Commission held its December 1997 meeting in Iqaluit with full participation by Inuit.

DFO continued to work co-operatively with the DFO Laurentian Region, the Makivik Corporation and the NWMB on the status and management of eastern Hudson Bay beluga.

A meeting in Iqaluit in December 1997 between the Director of Resource Management and the NWMB discussed management of northern shrimp and Sub Area 0 turbot for 1998.

DFO continued to carry out stock assessments and met NWMB subcommittees to explain research results to allow for effective and informed management decisions. DFO continued to use implementation funds and NWMB Research Trust funds for stock assessment. It worked on development of stock management plans with the NWMB, participated in an NWMB workshop to review the narwhal management structure and continued to co-operate with the NWMB on management plans of high profile stocks.

A new licensing regime planning process continued for the Special Features of Inuit Harvesting in Article 5.7 of the Agreement.

The issue of fishery allocations, specifically for turbot in Davis Strait, between DFO and the NWMB continued. DFO launched an appeal of the Court decision of July 14, 1997. NTI applied to the federal court for a judicial review of the Minister's second decision (Article 15.3 and 15.4).



The Minister of Fisheries and Oceans accepted the NWMB's recommendation for a total allowable harvest of one bowhead whale for 1997-98 under Article 5.6.16. This hunt was planned for July 1998 at Pangnirtung. DFO provided advice to the Hunt Planning Committee of Pangnirtung.

DFO continued to monitor walrus sport hunting in the Nunavut Settlement Area. Hunts in four locations were approved for the next fiscal year.

### **Department of Canadian Heritage**

Article 8 of the Agreement provides for the establishment of Auyuittuq and Ellesmere Island National Park Reserves as national parks and for a new national park on northern Baffin Island. The federal government and the Qikiqtani Inuit Association continued negotiation of an IIBA for these parks. The parties agreed to conclude the IIBA by June 30, 1998.

With the NWMB and department of Canadian Heritage working together, an ecosystems conservation plan was completed and approved for Auyuittuq National Park Reserve in compliance with Article 9.2.1 of the Agreement.

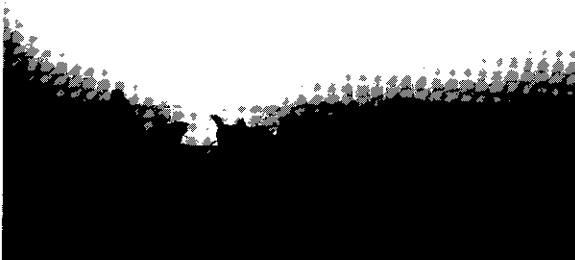
In February 1998, a new five-year land withdrawal for a national park in the Blucnose Lake area was implemented by order-in-council to replace the 1995 land withdrawal which was due to expire March 1998. In 1996, an agreement had been reached between Parks Canada, the Inuvialuit and Territorial Government to establish Tukrut Nogait National Park in that portion of the proposed park lying within the Inuvialuit Settlement Region. The possible addition to the park of land within the Nunavut Settlement Area is being considered as part of the West Kitikmeot land use planning process.

Parks Canada and the Kivalliq Inuit Association continued to negotiate an IIBA for the proposed national park at Wager Bay. Negotiating sessions were held in Repulse Bay in May 1997, and in Rankin Inlet in November 1997 and March 1998. In October 1997, Parks Canada agreed to provide funding to enable a representative from each of the seven communities in the Keewatin to participate in the IIBA negotiations.

A new park feasibility study, including community consultations, continued for the proposed national park on northern Bathurst Island.

Under Article 9.2.1 of the Agreement, oral histories supporting national park and national historic sites initiatives were undertaken in the vicinity of Northern Foxe Basin, Thelon River, Pond Inlet, Grise Fiord, Pangnirtung, Broughton Island and Iqaluit. Consultations

were completed with the people of Arviat and Baker Lake for the development of conservation and protection plans for the Arvia'juaq and Fall Caribou Crossing National Historic Sites near those communities. Cost-sharing agreements for Arvia'juaq Fall Caribou Crossing were signed by the Minister and are being implemented.





Archaeology permit applications for work in Nunavut national parks were submitted for review to the Inuit Heritage Trust in accordance with Article 33.5 of the Agreement.

During the year, Parks Canada and the Inuit Heritage Trust produced an educational poster on harpoons which was distributed throughout Nunavut. Work is under way on cultural resource management plans for Auyuittuq and Ellesmere Island National Park Reserves in compliance with Article 33.2.

A joint Parks Canada and Inuit thematic study to identify a framework for assessing proposals for the commemoration of sites of national historic significance continued and is scheduled for completion in 1999. In addition to a report to be tabled to the Historic Sites and Monuments Board of Canada, several products are being developed for release during the celebrations for the launch of Nunavut. These will include a publication entitled *Inuit Traditions: An Oral History of Nunavut*. Work continued to integrate collected material into the Nunavut high school curriculum.

As a co-operative venture under Article 9.2 of the Agreement, Parks Canada worked with the community of Pond Inlet, the TG and other agencies to develop and install interpretive displays in the Pond Inlet Nature Centre. The official opening will take place in the spring of 1998.

### **Land and Water Management**

The Land Administration Division of the Department of Indian Affairs and Northern Development (DIAND) is responsible for the administration of Crown lands in the Nunavut Settlement Area. This includes the issuance of land use permits, land leases, quarry permits and recording of mineral claims. According to Article 12.2.5 of the Agreement, before any of these authorities can be issued, the Nunavut Impact Review Board (NIRB) must screen the project proposals to ensure the integrity of the Nunavut Settlement Area ecosystem is protected. Once approved land use plans are in place, project proposals must comply with the plan before they are allowed to proceed. *Within the Nunavut Settlement Area during 1997-98 the following were issued: 23 land use permits, four land leases and five land reserves.*

DIAND's Water Resources Division provided advice to the Nunavut Water Board and on technical reviews of projects including the Iqaluit sewage treatment and wetlands study, the Baker Lake water quality study, the Jericho quality analysis/quality control plan, the Pangnirtung sewage treatment facilities, the Boston Project, the Nanisivik water licence renewal and numerous exploratory drilling reviews. DIAND also presented a formal intervention in the public hearing for the Igloolik municipal water licence held by the NWB.

DIAND continued to enforce the terms and conditions of the authorities issued by DIAND and NWB. The Department met with NIRB in February 1998 to provide information on the inspection activities of DIAND, improve communications and further define working relationships and roles. Copies of all inspection reports in Nunavut will be sent to NIRB.

Natural Resources Canada is responsible for surveying the Inuit Owned Lands and land jointly owned with the Inuit of Northern Quebec under Article 19.8.8 of the Agreement. This involves the survey and demarcation of approximately 1,155 Inuit Owned Lands parcels and 12 jointly owned land parcels, all Crown land areas excluded from these parcels, and plan preparation and delivery to the Registrar of Land Titles.

This year, 160 parcels were surveyed which now brings the total to 800 parcels (65 percent) surveyed. Survey plans are being prepared, will be recorded in the Canada Land Survey Records and will be delivered to the Registrar of Land Titles.

More than \$3,200,000 was contracted for the Nunavut Land Claims Agreement survey program and related activities in 1997-98. Thirty-seven percent of the dollar value of the contracts was awarded to Inuit businesses or individuals through direct employment, subcontracts or provision of services to the contractor.

Six major survey projects were contracted for Inuit Owned Lands parcels, and Crown land areas excluded from the Inuit Owned Lands. The surveys included two in Bathurst Inlet area, Kitikmeot region; one each in Repulse Bay and Coral Harbour areas, Kivalliq region; and one each in Resolute and Arctic Bay, Qikiqtani (Baffin) region.

## **Defence**

The Department of National Defence provided the Designated Inuit Organizations and the Regional Inuit Associations with yearly training plans and notice of exercises approximately one month prior to any exercise in accordance with Article 21.5. Affected communities were also advised of forthcoming activities.

The Nunavut Settlement Area has 15 of the 21 sites that are no longer required for the operation of the North Warning System. Negotiations with the Inuit of Nunavut for a co-operation agreement on the clean-up of the sites continued in 1997-98.

## **Legislation**

DIAND, in consultation with NTI, TG, NWB and the Surface Rights Tribunal (SRT), continued to develop the Nunavut Water Management and Nunavut Surface Rights bill. The bill was intended to be introduced in the spring of 1998. However, DIAND and NTI disagreed on the approval of water use in Nunavut and the role of government in the liability regime for wildlife compensation.



Further consultation resulted in additional changes to the bill which will be introduced in Parliament at the earliest opportunity.

## **Federal Co-ordination of Implementation Activities**

The Claims Implementation Branch of DIAND is responsible for monitoring federal government activities to ensure Canada meets its obligations under the Agreement. The Branch is also responsible for funding arrangements with the TG and all implementing bodies established by the Agreement, as well as for capital transfer payments to the Nunavut Trust.

During 1997-98, the Branch participated actively in all aspects of implementation of the Agreement including:

- consulting with all the implementing bodies to assess funding requirements to year-end, and making recommendations to the Implementation Panel on funds to be re-allocated to 1998-99;
- maintaining regular liaison with the TG and NTI implementation managers for exchange of information on administrative matters pertaining to implementation activities;
- maintaining regular contact with all federal government departments and agencies with respect to their implementation activities, intervening as necessary, and maintaining comprehensive implementation status reports on its automated Land Claims Obligations System;
- assisting the Implementation Panel by organizing the Panel agenda, receiving and distributing material to Panel members, scheduling presentations, providing interpreters, taking minutes, preparing records of decision, following up on action items and co-ordinating the preparation of the 1996-97 annual report;
- participating in meetings of the chairpersons and executive directors of Nunavut implementing bodies involved in discussions of common administrative and fiscal concerns;
- obtaining Governor in Council approval on August 28, 1997, for coverage of members of the NIRB, NPC and NWB under the Workers Compensation Act; and
- obtaining Governor in Council approval, December 6, 1997, to re-appoint three federal members to the Nunavut Wildlife Management Board for a further four-year term.

## **Capital Transfer Payments**

### *Nunavut Trust*

- capital transfer payment (net of loan repayment) (Article 29.1.2) \$84,825,841

## **Resource Royalties**

### *Nunavut Trust*

- resource royalties during 1997 (Article 25.2) 1,054,221

## **Implementation Funding**

### *Government of the Northwest Territories*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Parts 5.7 and 5.8 of Implementation Contract) 940,037
- land administration activities 1,125,000

### *Arbitration Board*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 38.1.7) 25,719

### *Nunavut Impact Review Board*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 12.2.31) 1,501,200

### *Nunavut Planning Commission*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 11.4.3) 3,473,310

### *Surface Rights Tribunal*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 21.8.1) 275,000

### *Nunavut Water Board*

- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 13.3.17) 1,423,354
- public hearings (Section 5.14 of the Implementation Contract) 82,200

### *Nunavut Wildlife Management Board*

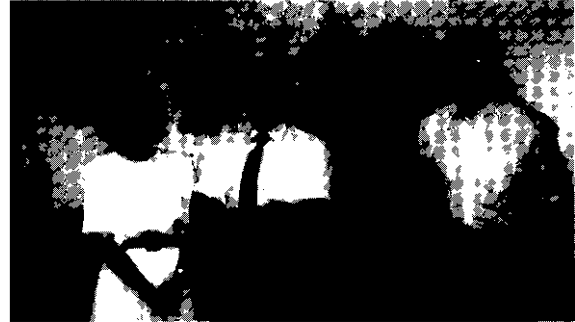
- to fulfil its responsibilities under the Agreement and Implementation Contract  
(Article 5.2.19) 3,496,707
- Nunavut Wildlife Harvest Study (Article 5.4.4) 1,328,347

## 6. Implementing Bodies

### 6.1 ARBITRATION BOARD

The Arbitration Board was created under Article 38 of the Nunavut Land Claims Agreement. The role of the nine-member board is to resolve disputes arising from the implementation of the Agreement.

The Board held its 1997-98 annual meeting in Iqaluit. The Board took this opportunity to further its training with mock hearings pertinent to Nunavut issues.



*Front row, left to right: Letba J. MacLachlan, Andrew Tagak (chair), Elizabeth Copland (Vice-chair)  
Back row, left to right: Keith Crowe, Edward Pisco, Robert Stanbury and David T. McCann  
(Missing: Anne Crawford and Violet Mac Ford)*

### 6.2 NUNAVUT WILDLIFE MANAGEMENT BOARD

The Nunavut Wildlife Management Board (NWMB) completed four years as the main instrument of wildlife management in the Nunavut Settlement Area pursuant to Article 5 of the Agreement. The NWMB enjoyed a full complement of staff during the report period.

#### Wildlife Management Highlights

Research is necessary to ensure that wildlife resources are harvested in a knowledgeable and sustainable way so that Nunavummiut can continue their hunting and fishing so essential to their way of life. The NWMB has the lead role and is committed to making wildlife research responsive to the needs and concerns of people, to recognize Inuit knowledge and culture, and to address their priorities.

The NWMB recognizes the importance of ensuring that the communities and regions in the Nunavut Settlement Area have a voice and can participate in wildlife research as outlined in Article 5.2.37 of the Agreement. To this end, the NWMB hosted workshops on developing wildlife research priorities. These workshops brought together representatives from across the Nunavut Settlement Area, as well as government researchers and managers to prioritize wildlife stocks and research questions. The research priorities of the NWMB are conveyed to government and non-governmental organizations for action, and to direct its own research funding.



The NWMB funds its own wildlife research and research by non-governmental organizations. The NWMB through the Nunavut Wildlife Research Trust funds government departments to carry out research pursuant to Section 5.17 of the Implementation Contract.

### **Nunavut Wildlife Research Trust**

More than \$700,000 was made available in 1997-98 to government departments to carry out research that was of high priority to the NWMB. Funding proposals are considered by the NWMB annually at the February meeting. The following projects were funded under this program in 1997-98.

#### *Canadian Wildlife Service:*

- selection of polar bear denning habitat (\$20,000);
- common eiders in South Baffin (\$31,800);
- king eiders in Karrak Lake, Kitikmeot (\$32,000); and
- common eiders in the Belcher Islands (\$65,000).

#### *Department of Fisheries and Oceans:*

- southeast Baffin beluga tagging (\$67,500);
- Baffin Bay narwhal tagging (\$25,010);
- Keewatin coastal fishery monitoring (\$25,000);
- walrus satellite tagging (\$34,000);
- whale sampling program (\$50,000);
- habitat selection of bowheads in Foxe Basin (\$25,500);
- walrus population studies (\$54,000);
- Baffin arctic charr fishery information collection (\$32,500); and
- Arctic charr in the Thiewiaza and Tha-Anna Rivers (\$20,000).

#### *Department of Resources, Wildlife and Economic Development (RWED):*

- see Summary of Activities: Territorial Government above.

### **NWMB Research Funding**

More than \$106,000 was made available to non-governmental organizations to carry out research. Funding proposals were considered by the NWMB throughout the year.

#### *Alviit Hunters and Trappers Association, Coral Harbour:*

- winter range study of Southampton Island caribou (\$10,000).

*Department of Resources, Wildlife and Economic Development on behalf of the Nativak Hunters and Trappers Organization (HTO), Clyde River and Mittimatalik HTO:*

- Baffin Bay's polar bear inventory project (\$55,000).

*Aviq HTO:*

- Peary caribou workshop in Grise Fiord (\$5,000).

*Nattivak HTO:*

- benthic survey of the areas around Broughton Island (\$19,350).

*Resolute Bay HTO:*

- Peary caribou workshop in Grise Fiord (\$5,000).

*Arviat HTO:*

- habitat monitoring of snow geese (\$12,000).

### **Nunavut Wildlife Harvest Study**

The NWMB completed two years of the five-year Nunavut Wildlife Harvest Study mandated under Article 5.4 of the Agreement. Inuit participants report the number of animals they harvest each month to the NWMB. The Board will use this information to ensure that Inuit maintain priority over the use of wildlife resources in the Nunavut Settlement Area and contribute to the sound management and utilization of these resources.

During the second year of the study, the NWMB concentrated on collection and management of the data. This will remain the priority for the next three years. On completion, the NWMB will analyse the data and produce a comprehensive report on the number of animals harvested and on any seasonal patterns and locations of the harvest.

Data collected by the study will be available free to government and Inuit. During the past year, data were provided on request whenever possible.

### **Inuit Bowhead Knowledge Study**

During 1995 and 1996, 257 individual interviews with elders and hunters in 18 communities were carried out to record sightings, location and concentration of bowhead whales in the Nunavut Settlement Area in compliance with Article 5.5 of the Agreement. Of these interviews, 175 have been translated and transcribed. Small group workshops were carried out in eight communities. All map data collected during the study have been digitized and will be entered into a Geographical Information System (GIS) at the Nunavut Planning Commission (NPC) office.

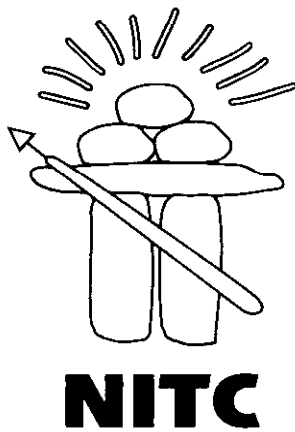
In November 1997, the Inuit Bowhead Knowledge Study Committee met to draft a preliminary table of contents for the final report of the study. The committee decided on these main topics in the final report:

- importance of the bowhead to Inuit culture;
- whaling;
- population changes; and
- environmental factors and bowhead whales.

A protocol for analysis and synthesis of the text information in relation to the above topics was developed. For the final report, digital map information will be composed using a GIS at the Nunavut Planning Commission to display Inuit knowledge of distribution and migration of bowhead whales at different seasons, as well as the locations of Inuit and commercial whaling grounds.

The final report of the Inuit Bowhead Knowledge Study was expected to be completed by August 1998 with publication by December 1998.

### 6.3 NUNAVUT IMPLEMENTATION TRAINING COMMITTEE



The Nunavut Implementation Training Committee (NITC) was established under Article 37, Part 5 of the Agreement. NITC held a workshop in September 1997 to bring together implementation organizations, training institutions, facilitators, and the staff and board of the NITC. Presentations included the NTI Building From Within project, the Consolidated Implementation Training Work Plan and the Training Support Request Guide.

The Building From Within project is the first implementation organization training plan NITC has received. It identified training needs of the organization and board. It also identified full-time Inuit senior management trainee positions required to meet Inuit representation levels. The training needs assessment form and process were available for use and adaption to all implementation organizations.

The workshop was viewed as beginning the process of building the capacity of implementation organizations in human resource and organizational development.

The Nunavut Beneficiaries Scholarship Program continued to encourage post-secondary students pursuing academic excellence. There were 120 scholarships awarded in the 1997-98 academic year. One scholarship recipient, Allen Mikitok Duffy, graduated with honours from the University of Saskatchewan with a degree in physics and a certificate in mathematical physics.



The NITC continued to receive, co-ordinate and provide assistance to implementation organizations in developing their Inuit human resources for the continued implementation of the Agreement.

#### 6.4 NUNAVUT PLANNING COMMISSION



The Nunavut Planning Commission (NPC) was established pursuant to Article 11 of the Agreement. During the reporting period, NPC submitted two revised land use plans to government, published a third plan, launched a new land use planning exercise, began work on monitoring in the Nunavut Settlement Area, and was nominated for a public sector award. Land use planning is either under way or complete in four of the six planning regions in Nunavut Settlement Area.

One of the most important tasks the NPC undertook was to ensure existing land use plans were updated and within the terms of Article 11.4.4 of the Agreement. To that end, the NPC submitted for approval by government the Revised Keewatin Regional Land Use Plan and the Revised North Baffin Regional Land Use Plan. These were developed following community meetings and informal public hearings in both planning regions. The NPC is awaiting a reply from government on these plans.

The draft West Kitikmeot Regional Land Use Plan was published in September. This plan was circulated for comment and was the subject of the West Kitikmeot Regional Land Use Planning Workshop No. 6 in January 1998 in Cambridge Bay. Attended by community representatives from Cambridge Bay, Kugluktuk, Omingmaktok and Bathurst Inlet, as well as government and industry, the workshop provided the opportunity to assess the draft plan and its recommendations. Following the workshop, a revised plan was published and used at community meetings. Once the West Kitikmeot plan is finalized, it will be submitted to government for approval.

A new land use planning process was launched in the South Baffin involving the communities of Pangnirtung, Cape Dorset, Kimmirut, Broughton Island and Iqaluit. The NPC held two planning workshops in Iqaluit for communities, government and industry. The meeting identified land use planning issues and will guide the next stages of the planning process.

Under the Agreement, the NPC is required to work with DIAND to generate a monitoring program for the Nunavut Settlement Area. West Kitikmeot was identified for a pilot project since land use planning is advanced in the region. Work began with a workshop in Cambridge Bay with representatives from regional and community organizations. The participants identified a list of indicators and provided direction for further work on the monitoring program.

The NPC held a community meeting in Cape Dorset in November 1997 to discuss issues related to the ownership and use of islands in the waters between the Nunavut Settlement

Area and the Nunavik Marine Region under Article 40 of the Agreement. More than 100 people attended, along with the local member of the Legislative Assembly and two representatives from Makivik Corporation. Of special importance to the communities is the status of Nottingham and Salisbury islands, which are lands equally shared by the Inuit of northern Quebec and the Inuit of Nunavut. Further work is planned on the issue of the offshore boundaries.

Together with the Nunavut Wildlife Management Board, the Nunavut Water Board and the Nunavut Impact Review Board, the NPC held the first meeting of the Institutions of Public Government in December 1997. The meeting allowed members of the boards to discuss issues of common concern. These bodies began discussions about the development and role of the Nunavut Marine Council, which may be established under Article 15.4.1 of the Agreement.

Mapping work began in the South Baffin with the NPC's regional liaison officer visiting all the communities to collect information on the use of lands and waters. This information will be digitized, along with data on clean-up sites, archaeological and heritage sites, and wildlife habitat. It will become the foundation of the land use maps for the planning process. Similar work continued in the Keewatin, North Baffin and West Kitikmeot Regions.

NPC moved map making north. In March 1998, NPC offices in Arviat, Rankin Inlet, Iqaluit, Pond Inlet, Cambridge Bay and Taloyoak were upgraded with new GIS facilities. These communities now have complete regional GIS data sets. They can produce maps locally for interested individuals, groups and organizations. In addition, GIS training continued to ensure that regional co-ordinators can expand their knowledge of GIS software, hardware and data.

The conversion of the National Topographic Data Base was completed. All 350 map sheets for the Nunavut Settlement Area are now in Arc/Info format. The GIS Department of the NPC performed quality assurance work on the files, which will be sent to partner agencies this fall.

The NPC entered into a partnership program with ESRI Canada Limited and Jonah Amit'naaq Secondary School in Baker Lake. Under the program, the NPC provided GIS hardware, data and expertise to the school. ESRI Canada provided GIS software at no cost to the students and staff.

Work continued on the West Kitikmeot Slave Eskers Study. The NPC integrated further field data and produced numerous additional maps.

The NPC provided mapping services in support of Parks Canada's Inuit place names project in the Keewatin.

The NPC provided data and expertise to the RWED's Coronation Gulf mineral development area initiative.



Settlement Area. Board members travelled to all communities in North Baffin in September and October in 1997 and the Kitikmeot in October. NIRB visited the most of South Baffin in February 1998.

At public meetings, community members discussed their concerns and priorities and learned about the NIRB. Since the tours, NIRB has received more public input on project proposal screenings.

A six-page colour brochure, the "Summary of the Environmental Assessment Process", was produced and translated for the general public.

NIRB finalized its Human Resource Manual, as well as policies for tendering, contract administration and investment.

NIRB also considered the creation of an independent scholarship and trainees bursary society to support individuals from the Nunavut Settlement Area pursuing post-secondary education in fields related to environmental assessment. NIRB offered summer and part-time employment to youth from the Nunavut Settlement Area. This informed young people about the NIRB and opportunities available for students who remain committed to their studies.

The Institutions of Public Government established under the Agreement discussed related mandates and issues of common concern. They also considered opportunities for cost sharing on initiatives related to each board and the resource management system as a whole, such as joint publication of annual reports, Web page development and public education.

In April 1997, NIRB participated in the General Monitoring Workshop held in Cambridge Bay. Hosted by DIAND and NPC, the conference focussed on establishing the General Monitoring Program outlined in the Agreement. Follow-up meetings ensured appropriate scientific and Inuit knowledge resources were consulted to reflect the state of the environment of Nunavut accurately.

As the pace of development accelerates in the Nunavut Settlement Area, cumulative effects assessment is becoming an extremely important factor in NIRB screening and in determining the overall impact of a proposed project. This was recognized in the Agreement by ensuring that small projects normally exempt from screening must be referred to NIRB for cumulative effects assessment. A paper on cumulative effects assessment in the Nunavut Settlement Area was prepared by the NIRB and presented at the international conference of the Canadian Circumpolar Institute, May 1 to 4, 1997, in Edmonton. The cumulative effects assessment document will be published in the conference proceedings. NIRB intends to work with the other boards and agencies with a cumulative effects mandate to develop more concrete guidelines for proponents.

To acquaint the mining industry with the environmental assessment and regulatory process outlined in the Agreement, NIRB took part in the Calgary conference of the Canadian Institute of Resources Laws, Mineral Exploration and Mine Development in the Nunavut Settlement Area, December 11 and 12, 1997.

NIRB also participated in the Nunavut Mining Symposium in Cambridge Bay, March 27 to 30, 1998. It chaired a panel on the regulatory processes in Nunavut. The panel provided the mining industry and associated businesses with a better understanding of NIRB requirements and gave NIRB the opportunity to hear the concerns of industry. NIRB assured the mining industry and other private sectors that it is co-operating and co-ordinating with other agencies and boards.

As a part of NIRB's mandate, the Board must use traditional Inuit knowledge and recognized scientific methods in ecosystem analysis of project proposals. Since ownership and intellectual property rights are associated with this, NIRB decided to investigate appropriate actions and means of incorporating Inuit knowledge and value systems into the NIRB process.

NIRB participated in and supported the traditional knowledge conference of the Nunavut Social Development Council in Igloolik, March 20 to 23, 1998. The insight and perspective of traditional knowledge holders and community delegates will help develop protocols and guidelines for the application of traditional Inuit knowledge in Nunavut.

NIRB hosted a contaminants in northern environments course. With financial support from the Nunavut Implementation Training Committee, the course explained contaminant pathways in permafrost regions, as well as mitigation measures to minimize the impact of development activities on the Nunavut Settlement Area. Participants included the NIRB Board and its staff, as well as members of Grise Fiord and Baker Lake Hamlet Council, Ikaluqtutiaq Hunters and Trappers Organisations, DIAND, RWED, NWB, Kitikmeot Inuit Association and Nunavut Arctic College science and technology students.

## 6.6 NUNAVUT WATER BOARD



The Nunavut Water Board (NWB), established under Article 13 of the Agreement, marked its second year in 1997-98 and is fully operational.

Pursuant to a decision of the Board in June 1997, the head office is now in Gjoa Haven in the eastern Kitikmeot region where the public registry of applications and licences issued by the Board is maintained. The Board's permanent staff consists of an executive director, secretary to the Board, Inuktitut translator, technical advisor, office manager, project clerk and licence administrator.

To assist the Board with the review of applications, the services of a geotechnical engineer, a municipal engineer, an environmental scientist, and security and liability advisors are retained on a contractual basis. The chairperson of the Board works from an office located in Baker Lake in the Kivalliq region.

A fire destroyed the Gjoa Haven head office and seriously affected the work of the Board, delaying the review and approval of several applications. The building,



*Left to right: David Olooyuk, Guy Kakkianion,  
Frank Ipakobak, George Porter, Kono Tattuinec,  
Thomas Kadloo and Robert Hanson*

equipment and files of the Board were completely destroyed. Most files were reconstructed with the assistance of various organizations, but there are still gaps and missing data. Restoration of the files will continue in 1998-99.

The Board had eight members with a ninth to be appointed by the Minister of Indian Affairs and Northern Development on

nomination by NTI. The members and staff of the NWB were saddened by the death of board member Rose Okpik from the community of Pangnirtung.

The Board held five regular sittings including a public hearing in Igloolik. Training workshops, conferences and symposia were organized in conjunction with regular Board sittings. Board members also attended a Calgary conference on mining in Nunavut in December 1997 and met with co-management boards to discuss issues of common interest. They also took part in a training workshop on water management in the mining industry.

Because the Government of Canada failed to introduce implementation legislation with respect to water management in the Nunavut Settlement Area, the Board was faced with operational difficulties. For example, the Board could not constitute itself into panels in the absence of legislation, and all applications are initially subject to a hearing and an environmental screening because there are no classes or types of applications prescribed by regulation for which a public hearing need not be held. This caused serious concern to the Board and to the applicants, on which an unduly lengthy and costly process is imposed.

The Board waived public hearings for all applications received this year with the exception of the Igloolik municipal licence application. The Board can only waive this requirement when notice of application is given and no public concerns are expressed. A public hearing for this licence was held in February 1998. The Board continued to review the application and may issue a licence next year based on concerns expressed at the hearing and its own understanding of the issue.

The Board received applications and issued approvals for the following projects:

- Sissons project (Kiggavik) — mining exploration, Cogema;
- Ulu project — mining exploration, Echo Bay Mines;
- Kikerk, Victoria Island and Rockinghorse projects — mining exploration, Monopros;
- Meliadine and Peter Lake projects — gold exploration, WMC International;
- Wolverine and Windy Lake projects — mining exploration, BHP Minerals;
- Stickleback project — construction and operation of a weir, BHP Minerals;

- Epworth, Esker and Anteater Lake projects — mining exploration, Rhonda Mining;
- Tunnuq caribou harvest project — commercial caribou harvest, Coral Harbour Hunters and Trappers Association;
- Hadley Bay project — mineral exploration, Noranda;
- Occurrence 8: dewatering of a quarry, Echo Bay Mines;
- Heninga Lake project — mining exploration, Inco; and
- JDO3 — mineral exploration, Canamera Geological.

The Board also reviewed the preliminary environmental report filed by Lytton Mineral in support of a future application for the development of a diamond mine near Jericho Lake. Detailed comments on this report were to be made available to the proponent in June 1998.

The Board is also involved with NIRB, DIAND, NTI and Inuit land owners in a project headed by NPC to develop the Project Registry Information System to support the collection and integration of project-related data from applicants. This is intended to facilitate the submission of applications in a “one stop shopping” environment, allowing for faster review and decision making, and providing enhanced communication between the agencies and applicants.

## 6.7 SURFACE RIGHTS TRIBUNAL



The Surface Rights Tribunal is an Institution of Public Government established under Article 21, the land and resources management regime of the Agreement. It is a quasi-judicial, independent arbitrator. The Tribunal’s goal is to provide the fairest possible mechanism for

the resolution of disputes within the context of the Agreement.

The Tribunal will be responsible for settling disputes over access to lands, compensation payable to the surface titleholder for access, wildlife compensation claims and rights to carving stone or specified substances in the Nunavut Settlement Area.

Tribunal members were appointed in April of 1996.

In 1997-98, the Tribunal concentrated its efforts on the initial tasks required to establish and maintain itself through a series of planning sessions, training workshops and participation at mining conferences.

The Tribunal developed draft policies and procedures to govern its operations. Operational planning resulted in further revisions to initial drafts of the following documents: the operations and administration manual, personnel policies and procedures, rules of procedure, and bylaws.



*Back row, left to right: Emile Inumaritok,  
Peter Katorka, Tom Sammurtok (Vice-chairperson)  
Front row, left to right: Patricia Angnakak  
(Interim chairperson), Eva Adams-Klaassen*

The rules of procedure for hearings took a considerable amount of time to bypass improper procedures which could subject the Tribunal to judicial review.

The Tribunal developed a communications strategy for industry and the people of Nunavut to promote awareness of its roles and functions, and introduced itself through presentations at conferences and magazine advertisements. The conferences attended by Tribunal members or staff included the Surface Rights Board's conference, Mineral Exploration and Development in Nunavut, Prospectors and Developers' Convention and the Nunavut Mining Symposium.

The Tribunal and staff met with the Alberta Surface Rights Board to observe its operations and attended a public hearing to learn from an established administrative board dealing with surface rights and compensation issues.

Tribunal members or staff participated in training workshops on decision writing, the hearing process and surface rights issues. The Tribunal also visited a mine site to examine operations. Other workshops were held to practice mock hearings.

The Tribunal began their collaboration of materials on Inuit traditional knowledge. Evidence of this nature will be given equal weight with scientific knowledge in the hearing process.

The Tribunal's legal review of its draft legislation resulted in consultations for changes in a draft of the Surface Rights Tribunal bill. The latest development to the draft bill is its amalgamation with the Nunavut Water Board's draft legislation, creating the proposed Nunavut Waters and Surface Rights Tribunal bill.



## *Appendix 1: Glossary of Terms*

CWS	Canadian Wildlife Service
DIAND	Department of Indian Affairs and Northern Development
DFO	Department of Fisheries and Oceans
DIO	Designated Inuit Organization
GIS	Geographical Information System
HTO	Hunters and Trappers Organization
IHT	Inuit Heritage Trust
IIBA	Inuit Impact and Benefit Agreement
MACA	Department of Municipal and Community Affairs
NIRB	Nunavut Impact Review Board
NITC	Nunavut Implementation Training Committee
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NSDC	Nunavut Social Development Council
NTI	Nunavut Tunngavik Incorporated
NWB	Nunavut Water Board
NWMB	Nunavut Wildlife Management Board
PWGSC	Public Works and Government Services Canada
QIA	Qikiqtani Inuit Association
RIA	Regional Inuit Association
RWO	Regional Wildlife Organization
RWED	Department of Resources, Wildlife and Economic Development
SRT	Surface Rights Tribunal
TG	Territorial Government

## *Appendix 2: Features of the Nunavut Land Claims Agreement*

The Nunavut Land Claims Agreement, also referred to as the Nunavut Final Agreement:

- was signed on May 25, 1993, in Iqaluit by representatives of the Tunngavik Federation of Nunavut, the Government of Canada and the Government of the Northwest Territories;
- received royal assent in Parliament on June 10, 1993, and came into force on July 9, 1993; and
- involves the largest number of claimants and the largest geographic area of any comprehensive claim in Canadian history.

Today, there are approximately 20,600 Inuit beneficiaries in the central and eastern Northwest Territories described as the Nunavut Settlement Area. This area includes approximately 1.9 million square kilometres in the Northwest Territories (one fifth of the total land mass of Canada), as well as adjacent offshore areas. Inuit constitute approximately 85 percent of the population in the Nunavut Settlement Area.

In exchange for ceding, releasing and surrendering to her Majesty the Queen in Right of Canada all their Aboriginal claims, rights, title and interests, in and to lands and waters anywhere in Canada, the Agreement provides the Inuit of the Nunavut Settlement Area with:

- title to approximately 350,000 square kilometres (136,000 square miles) of land, of which, 35,257 square kilometres (14,000 square miles) include mineral rights;
- equal representation of Inuit with government on joint management boards related to wildlife management, land use planning, environmental assessment and the regulation of water use;
- the right to harvest wildlife on lands and waters throughout the Nunavut Settlement Area;
- capital transfer payments of \$580 million in 1989 dollars with interest payable over 14 years (totalling \$1.173 billion less repayment of negotiating loans totalling \$39.8 million);
- a \$13 million training trust fund;
- a \$4 million implementation fund;
- a \$500,000 bowhead knowledge study fund;
- a share of government royalties from oil, gas and mineral development on Crown lands;
- a right of first refusal on sport and commercial development of renewable resources in the Nunavut Settlement Area; and
- a commitment to recommend legislation to establish a government of Nunavut and Nunavut territory.

## *Appendix 3: Membership of Implementing Bodies (as of March 31, 1998)*

### **Arbitration Board**

Andrew Tagak, *Chairperson*  
Elizabeth Copland, *Vice-chairperson*  
Anne Crawford            Keith Crowe  
Violet Mae Ford            Letha J. MacLachlan  
David T. McCann            Edward Picco  
Robert Stanbury

### **Nunavut Impact Review Board**

Larry Aknavigak, *Chairperson*  
Kane Tologanak            Ruby Arngna'naaq  
Duncan Cunningham      Elizabeth Copland  
Ludy Pudluk                Henry Kablalik  
Leona Aglukkaq            David Iqaqrialu

### **Nunavut Implementation Training Committee**

Peter Kritiqlilik, *Chairperson*  
Kenny Adams                Leona Aglukkaq  
Gabriel Nirlungayuq      David Omilgoitok  
Peter Tapatai                Mary Wilman

### **Nunavut Planning Commission**

Bob Lyall, *Chairperson*  
Bob Aknavigak                Jobie Nutaraq  
Louis Pilakapsi                Ronald Tologanak  
Peter Suwaksiork            Akalayok Qavavau  
Loseeosee Aipellee

### **Nunavut Water Board**

Thomas Kudloo, *Chairperson*  
Robert Hanson                Frank Ipakohak  
Guy Kakkianion                Peter Kattuk  
David Oolooyuk                George Porter  
Kono Tattuinee

### **Nunavut Wildlife Management Board**

Ben Kovic, *Chairperson*  
Harry Flaherty                Pauloosie Keyootak  
Gordon D. Koshinsky      Kevin J. McCormick  
Meeka Mike                    Makabe Nartok  
Joan Scottie                    David Tagoona

### **Makivik Corporation Nominees**

Henry Alayco                 Johnny Peters

### **Surface Rights Tribunal**

Patricia Angnakak, *Interim Chairperson*  
Eva Adams-Klaassen      Emile Immaroitok  
Peter Katorka                 Tom Sammurtok

## *Appendix 4: Schedule of Payments*

### **Capital Transfers to Nunavut Trust**

*(Net of Loan Repayment)*

Date

May 25, 1993 .....	\$ 79,307,736
May 25, 1994 .....	\$ 50,895,504
May 25, 1995 .....	\$ 67,860,673
May 25, 1996 .....	\$ 84,825,841
May 25, 1997 .....	\$ 84,825,841
<b>TOTAL</b>	<b>\$ 367,715,595</b>

### **Resource Royalty Payments**

1993-1994 .....	\$ 1,260
1994-1995 .....	\$ 53,060
1995-1996 .....	\$ 1,089,078
1996-1997 .....	\$ 1,018,000
1997-1998 .....	\$ 1,034,221
<b>TOTAL</b>	<b>\$3,195,619</b>

### **Implementation Payments**

Implementation Payments, pursuant to the Implementation Contract, made to the Nunavut Tunngavik Incorporated, Government of the Northwest Territories and implementing bodies for fiscal years 1993-94 to 1997-98 are listed below. Annual payments to individual recipients are available in previous Nunavut Implementation Panel annual reports.

1993-1994 .....	\$ 26,295,640
1994-1995 .....	\$ 6,320,187
1995-1996 .....	\$ 12,434,589
1996-1997 .....	\$ 13,306,032
1997-1998 .....	\$ 13,670,874
<b>TOTAL</b>	<b>\$72,027,322</b>

## Appendix 5: Amendments

The following is a cumulative list of all amendments to the Nunavut Land Claims Agreement and to the Implementation Contract, which received Governor in Council approval following all-party recommendations.

*(Effective April 26, 1995)*

Nunavut Land Claims Agreement	Implementation Contract
<ul style="list-style-type: none"> <li>• <b>5.4.2:</b> extension to January 1, 1996 from July 9, 1994 for the start of the Nunavut Wildlife Harvest Study; and</li> <li>• <b>5.6.25:</b> extension for the Nunavut Wildlife Management Board to establish the basic needs levels for beluga, narwhal and walrus within 24 months, rather than 12 months, from the establishment of the Nunavut Wildlife Management Board.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>5.2:</b> extending funding provided to the transition teams to year three of implementation;</li> <li>• <b>Schedule 1 Page 5-6:</b> extending the time frame for the Nunavut Wildlife Management Board to develop the methodology and design of the wildlife harvest study (to October 1, 1995), to identify the Designated Inuit Organization required to collect data (to January 1, 1996), and to prepare a multi-year budget for the study (to July 1, 1995);</li> <li>• <b>Schedule 1 Page 5-13:</b> extending the time frame for establishing Hunters and Trappers Organizations and Regional Wildlife Organizations from the first anniversary of the Agreement (July 9, 1994) to the second anniversary (July 9, 1995);</li> <li>• <b>Schedule 1 Page 19-13:</b> deleting the Department of Energy, Mines and Petroleum Resources as a responsible agency respecting the rights to carving stone; and</li> <li>• <b>Schedule 2 Part 2:</b> transferring funding from the Nunavut Water Board and Nunavut Impact Review Board Transition Teams to the Territorial government to provide additional funding for the training of municipal land administrators.</li> </ul>

## *Appendix 5: Amendments (Continued)*

*(Effective September 17, 1996)*

Nunavut Land Claims Agreement	Implementation Contract
<ul style="list-style-type: none"> <li>• <b>5.6.25:</b> extension of the deadline for the establishment of the basic needs levels for beluga, narwhal and walrus to March 31, 1997;</li> <li>• <b>8.2.2:</b> extension to negotiate and conclude an IIBA for Auyuittuq National Park by July 9, 1997;</li> <li>• <b>8.2.3:</b> extension to negotiate and conclude an IIBA for Ellesmere Island National Park by July 9, 1997; and</li> <li>• <b>35.5.7:</b> extension to the deadline for the Appeals Committee to hear and determine appeals to July 9, 1996.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Page 8-2 of Schedule 1:</b> replacing the entry under the heading, "Timing," to July 9, 1997;</li> <li>• <b>Page 8-3 of Schedule 1:</b> replacing the entry under the heading, "Timing," to July 9, 1997;</li> <li>• <b>Page 24-1 of Schedule 1:</b> replacing the first entry under the heading, "Referenced Clauses," by 24.2.1; and</li> <li>• <b>Page 35-6 of Schedule 1:</b> replacing the entry under, "Timing," for the second activity by July 9, 1996.</li> </ul>