



Indian and Northern
Affairs Canada

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et du Nord Canada

Your Guide To Who Manages Crown Land in the Northwest Territories

Operations Directorate/
Land Administration Office

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dans les Territoires du Nord-Ouest

Cover photo: Michael Roesch/DIAND

This Booklet is for You

In this booklet, we describe the role of the Department of Indian Affairs and Northern Development (DIAND) in the Northwest Territories regarding lands and legislation. We've also compiled answers to frequently asked questions, and listed relevant names and addresses of various agencies throughout the booklet to assist you.

If you have questions about Crown lands, territorial lands and regulations, land use or DIAND's district inspectors' responsibilities, this booklet's for you.

► How is DIAND structured to administer Crown land?

DIAND's Operations Directorate

Through the Operations Directorate and its Land Administrative Office, DIAND ensures legislation pertaining to lands is complied to.

The Operations Directorate administers the field activities of the department in the NWT through the administration, inspection and enforcement of renewable, non-renewable and environmental legislation. The Directorate also serves as the field contact for clients, including the general public, industry and First Nation organizations and regulates the use of Crown lands through its Land Administration Office.

You can reach us at:

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Photo courtesy of Darlene Norman

What are the responsibilities of the Land Administration Office?

Our responsibilities include regulating and managing surface land activities pursuant to the *Territorial Lands Act*, the *Federal Real Property Act*, and responding to land claim settlement legislation. These activities include environmental screening pursuant to the *Canadian Environmental Assessment Act*, consultation, the maintenance of over 8,500 land records and the maintenance of an automated Land Information Management System.

The Land Administration Office administers the following legislation:

Territorial Lands Act:

Territorial Lands Regulations
Territorial Land Use Regulations
Territorial Quarrying Regulations

Federal Real Property Act:

Federal Real Property Regulations

Land Claim Legislation:

Inuvialuit Land Claim Agreement
Gwich'in Land Claim Agreement
Sahtu Land Claim Agreement



Photo: Michael Roesch/DIAND

What are district inspectors responsible for?

DIAND district inspectors are responsible for ensuring compliance with legislation, regulations and the terms and conditions that are part of permits and licences issued by land and water boards, as well as authorization issued under the *Territorial Lands Act* and the *Federal Real Property Act*. Officers enforce the legislation with an emphasis on preventing damage to the environment and misuse of resources.

Specifically, district inspectors:

- Provide information and support to facilitate compliance with the applicable Acts and Regulations;
- Inspect, monitor and analyse data to measure the compliance;
- Conduct investigations to determine whether there is non-compliance;
- Recommend enforcement options;
- Lay charges as required;
- Prepare court briefs where there is a decision to prosecute;
- Give evidence in court as needed;
- Take such other actions as are necessary to prevent or minimize danger to the environment, the public and prevent the misuse of natural resources;
- Work in conjunction with other investigative bodies, for example, the Department of Fisheries and Oceans, Environment Canada, or the RCMP, where investigations overlap.

Compliance and enforcement come from the following statutes:

Territorial Lands Act:

Territorial Lands Regulations
Territorial Land Use Regulations
Territorial Quarry Regulations
Canada Mining Regulations

Northwest Territories Waters Act:

Northwest Territories Waters Regulations

Arctic Waters Pollution Prevention Act:

Arctic Waters Pollution Prevention Regulations

Mackenzie Valley Resource Management Act:

Mackenzie Valley Land Use Regulations



Photo: Michael Roesch/DIAND

Land Management and Ownership

► In the Northwest Territories, who owns the land?

In the Northwest Territories, land is either owned, managed, controlled and administered by different governments or land owners. Land can be either Crown or Commissioner's land administered by land managers, or land may be privately owned. Before you can proceed with a development project, you may need a land lease to gain access to the land. Land use permits cover the specific activity you wish to undertake.

► What is the difference between Crown land and Commissioner's land?

Crown land and Commissioner's land are both types of public lands. Crown land is controlled, managed and administered by the federal government. In the Northwest Territories, DIAND is responsible for the majority of Crown land. Commissioner's land is controlled, managed and administered by the Government of the Northwest Territories, and specifically, by the Department of Municipal and Community Affairs (MACA).

► What do land managers do?

DIAND and MACA are land managers of all public lands in the NWT. Land managers are responsible for the managing of land through sales agreements or leases. This is often called disposition. Basically, the applicant obtains the right to legally occupy the surface of land for a specific period of time from the land manager or land owner.

► Who owns private land in the Northwest Territories?

In the Northwest Territories, private lands are owned largely by First Nations with settled land claims. There are three major land owners in the NWT – the Inuvialuit, Gwich'in and Sahtu. As claims are settled in the Deh Cho, North and South Slave regions, more private lands will be created and Aboriginal groups will become land owners in their respective regions. Other land owners include members of the public who hold title to land either inside or outside community boundaries.

Access to Land

► What do I need to know if I want to get Crown land or if I am planning a land use activity in the Northwest Territories?

Extensive consultation is undertaken prior to the disposal of land. Although every application will be considered, persons applying for land on which they wish to live off of should be aware that their application may not be approved.

► Where can I apply to buy Crown land?

DIAND no longer sells land. Information regarding the purchase or lease of residential lots in communities may be obtained from MACA, the Land Administration Office of DIAND, or you may contact the relevant municipality or community. Crown land outside of communities is not for sale. Real estate firms can provide you with further information on titled lots.

► Where do I get an application for Crown land?

Applications may be picked up at DIAND's Land Administration Office in Yellowknife, at any of DIAND's District Offices, mailed to you, or accessed at DIAND's Web site: www.inac.gc.ca/nt/



Photo: Michael Roesky/DIAND

Leases, Permits and Licences

Do I have to fill out everything on the Crown land application?

Yes. Submitting incomplete forms will cause unnecessary delays. It is important to be as accurate as possible and ensure the form is signed. The application fee (\$150.00 + \$10.50 GST) must accompany the form.

Can I select a parcel of land in the Northwest Territories from a map?

Any person intending to apply for a parcel of land in the Northwest Territories must contact the Land Agent of the relevant district and together, select the site. This will ensure the person is aware of all factors related to a specific site and addresses them in the land application.

Is it easy to obtain a cottage lot in the Northwest Territories?

On January 10, 1975, the Minister announced it would be DIAND's policy to confine cottage lot disposal to developed cottage lot subdivisions. Leases on lots of up to half a hectare are available in established subdivisions by means of private purchase. Real estate firms can give you more information.

Where can I find information about Titled Land?

Transactions involving land held under Certificate of Title are registered in the Land Titles Office in Yellowknife. Real estate firms can give you useful information regarding available titled land in many municipalities.



Photo courtesy of Annette McRobert

If I have a lease now, or get a lease from a land manager or owner, will I require another type of permit or licence?

You may also require other types of permits or licences if you wish to conduct an activity on a lease that is not consistent with the original purpose of the lease. For example, if you have a lease for a tourism outpost camp and you wish to do some mining, you may need to get a land use permit or a water licence, or both, from the appropriate issuing authority. If there is any doubt about whether or not you may require a permit or licence for activity on your lease, contact the appropriate land manager for further advice.

If I need a land use permit, why should I get a lease?

There are a number of reasons for obtaining a lease or other agreement. For example, a lease or other type of disposal agreement offers protection to both the landlord and the tenant if a dispute arises. Long-term occupancy of land usually requires some form of agreement, and is normally required between the manager or land owner and the occupant.

Can I get a land use permit from DIAND?

Yes, but only for land use activities in the Inuvialuit Settlement Region. Applications for the Inuvialuit Settlement Region can be made to DIAND's North Mackenzie District Office in Inuvik. Any activity on Crown lands in the Mackenzie Valley is regulated pursuant to the *Mackenzie Valley Resource Management Act* and land use permits are issued by the applicable Land and Water Board (Gwich'in, Sahtu, and Mackenzie Valley).

Do I need a permit to remove gravel from a quarry?

Yes. Territorial Quarry Regulations authorize the issuance of quarry permits, which are a form of disposal. Quarry permits, which are valid for a maximum of one year, specify the amount and location of material to be removed. They authorize the taking of material such as sand, gravel, stone, or loam, etc.

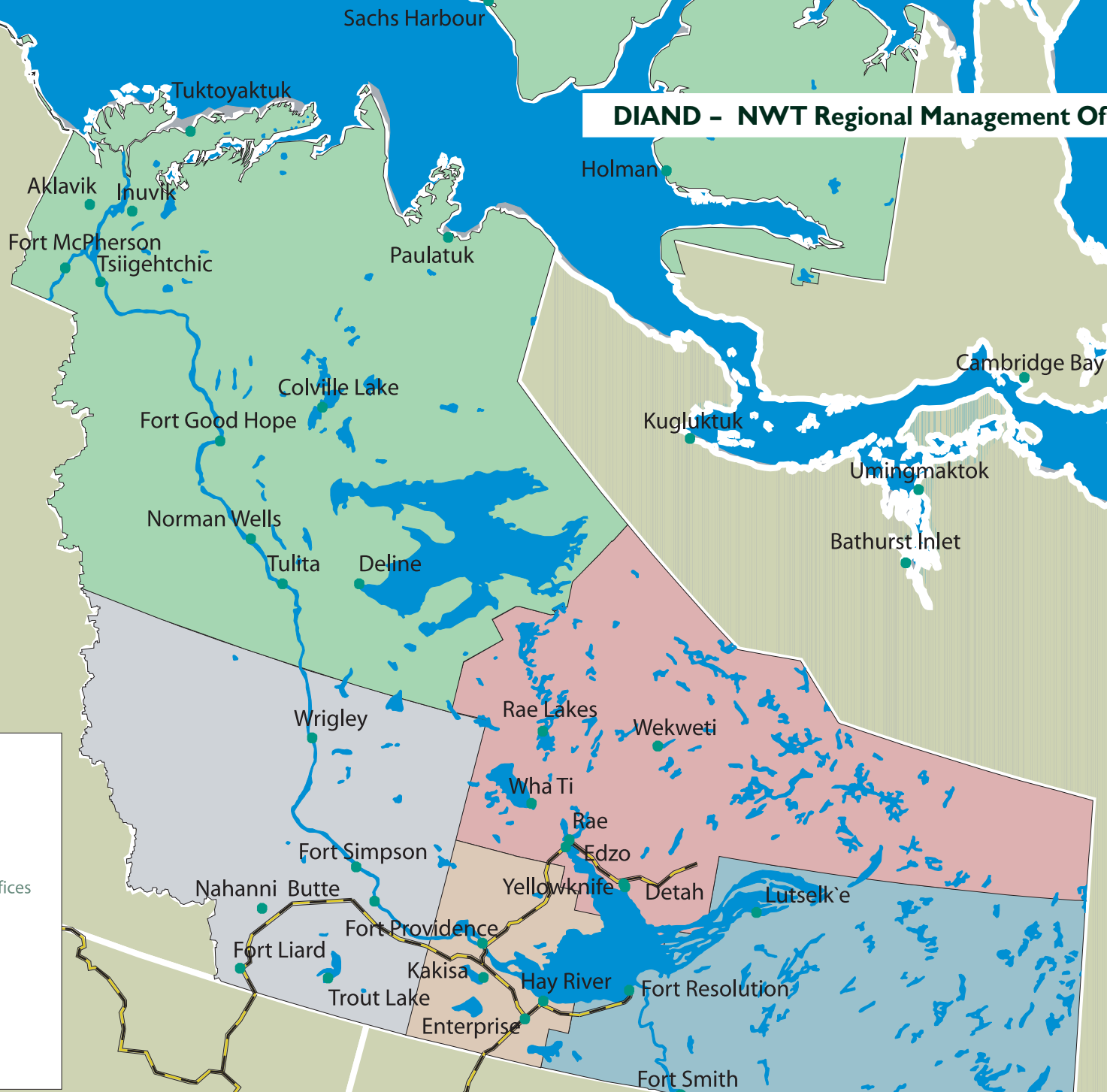
DIAND - NWT Regional Management Offices

Legend

- Communities
- Major Highways
- Water

Regional Management Offices

- Fort Simpson
- Fort Smith
- Hay River
- Inuvik
- Yellowknife
- Canada



► Can I lease land to build a residential home outside of a community?

Generally, residential land is not available outside communities unless it is required as part of a business operation located outside the community.

► What happens if I sell my cabin?

A lessee who wishes to assign his lease shall pay all outstanding rent and furnish DIAND with a properly executed unconditional assignment of the lease, in duplicate, together with the registration fee set out in the schedule. The lessee shall also furnish a certificate from the proper official of the Territorial Government, municipality or other local authority, to show that all taxes on the territorial lands covered by the assignment have been paid. The new lessee must use the lease for the same purposes as it was issued.

► Are there lots, outside subdivisions, that are under lease?

There are some lots outside established subdivisions which are held under five-year leases. Although the leases contain no provision for renewal, to date, they have been renewed every five years. These leases may be assigned, with the approval of DIAND's Minister, to the purchasers of the existing improvements.



Photo courtesy of Annette McRobert

Legislation, Jurisdiction and Regulations

► Whatever happened to the *Canadian Environmental Assessment Act*?

The *Canadian Environmental Assessment Act* (CEAA) only applies to the Inuvialuit Settlement Region. The *Canadian Environmental Assessment Act* has been replaced by the *Mackenzie Valley Resource Management Act* (MVRMA) within the Mackenzie Valley. A joint CEAA- MVRMA review panel may be established in specific instances including transboundary projects or developments considered to be in the national interest.

► How do you define the Mackenzie Valley? Is it another name for the NWT?

The Mackenzie Valley, as defined in the *Mackenzie Valley Resource Management Act*, includes all of the NWT, with the exception of the Inuvialuit Settlement Region and Wood Buffalo National Park.

► What are the *Federal Real Property Regulations* used for?

The *Federal Real Property Regulations* authorize DIAND's Minister to acquire, dispose of, or surrender federal real property where Her Majesty is the tenant, or to transfer administration and control of federal real property to another federal or territorial government.



Photo courtesy of Stelly Hauck

► **What's the purpose of Territorial Lands Regulations?**

The Territorial Lands Regulations authorize the use of surface lands through leases and agreements of sale, etc., and provide for land disposal for periods of up to 30 years. Leases contain conditions regarding environmental protection, purpose, term, annual rent, abandonment, and security deposits.

► **What regulates the disposition of Crown minerals?**

The Canada Mining Regulations regulate the disposition of minerals in the NWT through mineral claims, prospecting permits, and mineral leases.

► **Who has jurisdiction over subsurface rights?**

DIAND has jurisdiction over subsurface rights on Crown lands, while private land owners have subsurface rights on their lands. If you are uncertain about who manages or owns subsurface rights in a particular area, please contact DIAND's Mining Recorder's Office in Yellowknife. They will be able to assist you in determining the current status of subsurface rights.



Photo courtesy of Annette McRobert

Agricultural Land and Gardens

► **Are there any agricultural leases in the NWT?**

There is only one. The disposition of agricultural lands (dairy farming, mixed farming, grazing) is under the authority of the Commissioner of the NWT, as represented by the territorial departments of Resources, Wildlife and Economic Development (RWED), and MACA. For further information, contact the Land Administration Office of DIAND and MACA.

► **What is market gardening?**

Market gardening involves small acreages of land made available for growing truck crops for local markets and for community gardens for individual use. On June 17, 1977, DIAND and GNWT announced that land under municipal and/or the Commissioner's administration were to be given priority in meeting initial demands for market gardens. Please contact the Land Administration Office of DIAND and MACA for further information.



Photo courtesy of Annette McRobert

Other Questions People Ask

Where do I get a map of various lakes?

Surface maps may be obtained from DIAND's Land Administration Office for \$5.00 + GST; sub-surface maps may be obtained from DIAND's Mining Recorder's Office for \$3.00 + GST; and topographic maps are available from TGIT Geomatics Ltd. All three suppliers are located in Yellowknife.

How do I get a fishing lodge started?

Leases are available for tourism purposes. Your first step is to contact DIAND and the Government of the Northwest Territories' RWED for the appropriate tourism establishment licence. A proposed project should be discussed with government prior to making an application for a lease.

What happens to trespassers on Territorial Lands?

Persons who, in the opinion of the Minister, wrongfully or without legal authority use, possess or occupy territorial land are subject to removal pursuant to Section 20 of the *Territorial Lands Act*. They are also subject to a fine and/or imprisonment pursuant to Section 21 of the Act if they fail to vacate the land after having been ordered to do so.

Are there rules for fuel storage?

Above-ground storage tank systems designed to be installed in a fixed location and having a single or total capacity greater than 4,000 litres, or all underground storage tank systems having a capacity of more than 230 litres, must be registered with Environment Canada. Storage tank system owners are responsible for tank management, including the proper operation and maintenance of their storage tank. They must also register their tanks with DIAND. Information for registration can be provided by the Land Administration Office.

Where can you reach us?

Land Administration Office

Box 1500
4914 - 50th Street
Yellowknife, NT, X1A 2R3
Tel.: (867) 669-2671
Fax: (867) 669-2713
www.inac.gc.ca/nt/lad/index_e.html

Mining Recorder's Office

Box 1500
4914 - 50th Street
Yellowknife, NT, X1A 2R3
Tel.: (867) 669-2691
Fax: (867) 669-2714

DIAND - NWT Regional Management Offices

South Mackenzie District

Box 2550
Yellowknife, NT, X1A 2P8
Tel.: (867) 669-2760
Fax: (867) 669-2720

Fort Smith District

Box 658
Fort Smith, NT, X0E 0P0
Tel.: (867) 872-2558
Fax: (867) 872-3472

Hay River District

41 Capital Drive, #203
Hay River, NT, X0E 1G2
Tel.: (867) 874-6994
Fax: (867) 874-6994

Fort Simpson District

Box 150
Fort Simpson, NT, X0E 0N0
Tel.: (867) 695-2626
Fax: (867) 695-2615

North Mackenzie District (Inuvik)

Box 2100
Inuvik, NT, X0E 0T0
Tel.: (867) 777-3361
Fax: (867) 777-2090

Norman Wells District

Box 126
Norman Wells, NT, X0E 0V0
Tel.: (867) 587-2911
Fax: (867) 587-2928

Other Contacts

Mackenzie Valley Land and Water Board

Box 2130
Yellowknife, NT, X1A 2P6
Tel.: (867) 669-0506
Fax: (867) 873-6610
www.mvlwb.com

Sahtu Land and Water Board

Box 1
Fort Good Hope, NT, X0E 0H0
Tel.: (867) 598-2413
Fax: (867) 598-2325
www.slwb.com

Gwich'in Land and Water Board

Box 2018
Inuvik, NT, X0E 0T0
Tel.: (867) 777-4954
Fax: (867) 777-2616
www.gjwb.com

TGIT Geomatics Ltd.

Box 244
Yellowknife, NT, X1A 2N2
Tel.: (867) 873-8448
Fax: (867) 873-8439

Land Titles Office

Stuart Hodgson Building,
1st Floor
Box 1320
Yellowknife, NT, X1A 2L9
Tel.: (867) 873-7491
Fax: (867) 873-0243

Government of the Northwest Territories

Municipal and Community Affairs

– Lands Division

500, 5201 - 50th Avenue,
Northwest Tower
Yellowknife, NT, X1A 3S9
Tel.: (867) 873-7569
Fax: (867) 920-6156
www.maca.gov.nt.ca/about/comops.html

Resources, Wildlife and Economic Development

Box 1320
Yellowknife, NT, X1A 2L9
Tel.: (867) 920-8974
Fax: (867) 873-0163
www.gov.nt.ca/RWED/index.html



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