

Annual Report  
of the Implementation Committee  
April 1, 1999–March 31, 2000



GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT



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## Foreword

**T**HE IMPLEMENTATION COMMITTEE is pleased to provide its seventh annual report on the implementation of the Gwich'in Comprehensive Land Claim Agreement. This report covers the fiscal year extending from April 1, 1999 to March 31, 2000.

The Implementation Committee is composed of a senior official from each of the parties: the Gwich'in Tribal Council, the Government of the Northwest Territories and the Government of Canada. The Committee functions by consensus and serves as a forum where parties can raise issues and voice their concerns.

The role of the Implementation Committee is to oversee, monitor and provide direction on implementation of the Agreement. This annual report describes achievements and developments during the year. Information is contributed by various federal and territorial departments, the Gwich'in Tribal Council and other bodies established under the Agreement.


Progress is being achieved within a relationship defined by mutual respect and a commitment to fulfilling the obligations set out in the Agreement.



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Gwich'in Tribal  
Council



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# *Glossary of Acronyms and Abbreviations*

ABC	Aboriginal Business Canada (of Industry Canada)
AGJV	Arctic Goose Joint Venture
AHRDA	Aboriginal Human Resources Development Agreement
CEAA	<i>Canadian Environmental Assessment Act</i>
CEAMF	Cumulative Effects Assessment Management Framework
CIM	Cumulative Impact Monitoring
CWS	Canadian Wildlife Service
DFO	Department of Fisheries and Oceans
DIAND	Department of Indian Affairs and Northern Development
GETS	Government Electronic Tendering Services
GIS	Geographic Information System
GLA	Gwich'in Land Administration
GLUPB	Gwich'in Land Use Planning Board
GLWB	Gwich'in Land and Water Board
GNWT	Government of the Northwest Territories
GRRB	Gwich'in Renewable Resources Board
GSA	Gwich'in Settlement Area
GTC	Gwich'in Tribal Council
IB	Implementation Branch
IPC	Implementation Planning Committee
IRC	Inuvialuit Regional Corporation
MOU	Memorandum of Understanding
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NCP	Northern Contaminants Program
NEB	National Energy Board
NWT	Northwest Territories
PAS	Protected Area Strategy
RRC	Renewable Resources Council
RWED	Department of Resources, Wildlife and Economic Development
SRRB	Sahtu Renewable Resources Board
YDAP	Yukon Development Assessment Process

# 1

## *Features of the Agreement*

ON APRIL 22, 1992, the Gwich'in Tribal Council (GTC), the Government of the Northwest Territories (GNWT) and the Government of Canada signed the Gwich'in Comprehensive Land Claim Agreement and the accompanying Implementation Plan. The Agreement took effect on December 22, 1992.

Major provisions of the Agreement include:

- Gwich'in title to 22,422 square kilometres of land in the Northwest Territories and 1,554 square kilometres of land in Yukon;
- Gwich'in wildlife harvesting rights and rights of first refusal to a variety of commercial wildlife activities;
- guaranteed participation in public government bodies;
- the establishment of institutions of public government to manage wildlife and to regulate land, water and the environment; and
- the Gwich'in receive \$75 million, in 1990 constant dollars, in tax-free capital transfers which will represent \$141 million over 15 years. A \$7.4 million capital transfer payment was made to the GTC upon the proclamation of the *Gwich'in Land Claim Settlement Act*. Additional payments are made on each anniversary of the signing of the Land Claim Agreement. A share of annual resource royalties from the Mackenzie Valley is paid to the Gwich'in on a quarterly basis.

The Agreement also provides for the negotiation of agreements on self-government, which will be brought into effect through federal or territorial legislation or both.



# 2

## Highlights

SIGNIFICANT HIGHLIGHTS of the *Annual Report of the Implementation Committee, 1999–2000* include the following.

- The GTC received capital transfer payments of \$9,318,835 after negotiation loans were deducted.
- The GTC continued to enroll eligible participants in the Agreement. The Enrolment Registry now lists 2,412 participants.
- The Operations Directorate of the Department of Indian Affairs and Northern Development (DIAND) established a regional *Mackenzie Valley Resource Management Act* (MVRMA) implementation team to facilitate a smooth transition between the previous land and water management regime and the new regime established under the MVRMA.
- The Implementation Branch (IB) of DIAND obtained approval from Treasury Board to replace the contribution agreement method of funding bodies created under land claim agreements with the Flexible Transfer Payment. This implementation-friendly transfer mechanism addressed two major concerns with the contribution agreement approach: the inability of implementing bodies to carry over funds from one fiscal year to the next and the termination clause.
- The Mackenzie Valley Environmental Impact Review Board (MVEIRB) reviewed and commented on 22 projects and received 161 notifications of preliminary screening.
- The Gwich'in Land Use Plan, *Nành' Geenjit Gwitr'it T'igwaa'in, Working for the Land*, was completed in June by the Gwich'in Land Use Planning Board (GLUPB). Two hundred copies of the plan were produced and distributed to community, regional and industry organizations and government. The GTC and GNWT have approved this plan. DIAND has stated that an approved land use plan does not have the legislative authority to restrict access to sub-surface Crown lands, as proposed by the Gwich'in protected area land zones in the Plan. This difference in interpretation of the provisions of the Agreement has not been resolved.
- The Gwich'in Renewable Resources Board (GRRB) allocated \$252,190 to fund 20 research and management projects including those directed at increasing knowledge of wildlife, fisheries, forest monitoring and the environment.
- The working group established to guide the development of the Cumulative Impact Monitoring (CIM) program for the Mackenzie Valley developed terms of reference and provided input and direction on an inventory of data bases and records of both current and historical environmental, social, economic and community monitoring-related data and research for the Mackenzie Valley. A draft monitoring program for the Mackenzie Valley and a work plan have been developed. The membership of the working group has expanded to include other regions in the Mackenzie Valley.
- A Northwest Territories (NWT) Protected Area Strategy (PAS) was signed by territorial and federal governments in September. The NWT PAS was developed by an advisory committee that included representatives from the Gwich'in, Inuvialuit, Sahtu, Dogrib Treaty 11, Akaitcho Treaty 8, Deh Cho, industry, federal and territorial agencies, and non-governmental organizations. Through its membership on the Implementation Advisory Committee, the GTC has taken the lead role in implementation of the NWT PAS in the Gwich'in Settlement Area (GSA).
- A GSA PAS working group was established to discuss issues related to the implementation of the NWT PAS and the Yukon PAS in the Settlement Area. The GSA PAS regional implementation process will be available for review in October 2000.
- In December, the Minister of the Environment and the Minister of Indian Affairs and Northern Development made a commitment to create a Cumulative Effects Assessment Management Framework (CEAMF). This framework will address the requirement under the MVRMA and the *Canadian Environmental Assessment Act* (CEAA) that the cumulative effects of projects be determined during the environmental assessment process.
- The Interim Regional Council was established to assist at the regional level in preparing for self-government. A political accord was signed by the GTC, Inuvialuit Regional Corporation (IRC), GNWT and Canada recognizing the Council and describing its work.

- DIAND provided various financial resources to Gwich'in bands and organizations in support of the traditional economy, to encourage employment and to fulfil obligations under the Agreement.
- The Department of Resources, Wildlife and Economic Development (RWED) of the GNWT provided assistance to Gwich'in organizations for numerous initiatives including the Gwich'in Science Camp and negotiations with the federal government on forest management-related issues. The Department also provided funding for the development of products utilizing the portable sawmill operated by the Nihtat Gwich'in. Educational opportunities for Gwich'in beneficiaries were provided through participation at workshops and conferences.
- Contracts awarded by Public Works and Services, GNWT, included \$1,371,000 to Tse' Construction to build a new school in Tsiigehtchic, and \$254,000 to the Gwich'in Development Corporation for civil works at the Gwich'in Territorial Park.
- The finished *Integrated Fisheries Management Plan for the Inconnu of the Lower Mackenzie River* provided a mechanism for the management of shared fish populations. This plan was developed in co-operation with the Inuvialuit and Sahtu land claimant groups.
- The allocation to the Gwich'in under the federal Aboriginal Human Resources Development Agreement (AHRDA) was \$893,654.
- The GTC is working with RWED and the GRRB in the development of a forest management plan for the GSA.
- A plain language summary of the Agreement, a joint project of government and the GTC, was completed.
- Agreement was reached between DIAND and the GTC to take action and remedy the Shell Canada waste site on the Peel River.

# 3

## *Implementation Committee*

**T**HE IMPLEMENTATION COMMITTEE is composed of senior officials representing each of the parties.

Committee members are Richard Nerysoo, President, GTC; Mark Warren, Director, Policy and Implementation, Ministry of Aboriginal Affairs, GNWT; and Aideen Nabigon, Acting Director, Implementation Management, DIAND, Government of Canada.

Pursuant to section 28.2 of the Agreement, the Committee is responsible for:

- overseeing and guiding implementation of the Agreement;
- monitoring the status of the Implementation Plan;
- adjusting the schedule for carrying out implementation activities, re-allocating resources, and amending the Implementation Plan;
- addressing disputes between the parties; and
- preparing an annual report on the implementation of the Agreement for the general public.

During the year, the Committee met three times, in Yellowknife, Tl'oondih and Ottawa.

### **3.1 Five-Year General Review of the Gwich'in Implementation Plan**

The Implementation Committee submitted the finalized version of the Five-Year General Review of the Gwich'in Implementation Plan to the Minister of Indian Affairs and Northern Development, the Minister of Aboriginal Affairs for the GNWT and the President of the GTC. The report was made available to the general public.

The Implementation Committee continued to resolve the outstanding issues identified in the General Review by drafting an action plan to address the 20 recommendations contained within the report. Several of the outstanding issues in the report have been resolved since its release to the general public. These include:

- Issue 1 — Planning of institutions and preparation of legislation

An out-of-court settlement was reached between the Government of Canada and the GTC on November 8,

1999. As a result of the Agreement, the Government of Canada agreed to reimburse the cost of GTC's participation in the MVRMA Co-ordinating Group.

- Issue 2 — Enrolment Board

The Implementation Committee members signed an amendment on November 8, 1999 designating the GTC as "Project Manager" with the responsibility for enrolment functions as of April 1, 1997.

- Issue 5 — Management of migratory wildlife species

Discussions took place between the GNWT (RWED), GRRB and Canadian Wildlife Service (CWS) as to whether schedules listing migratory and non-migratory species should be added to the activity sheet in the Implementation Plan. The parties agreed not to add these schedules to the Plan, as they would be too specific.

- Issue 13 — General improvements to the Implementation Plan

Canada completed the suggested amendments to the Implementation Plan, per chapter 6 of the Five-Year General Review.

- Issue 14 — Planning of institutions and preparation of legislation

Part 4 of the MVRMA was proclaimed on March 31, 2000, thereby establishing the Mackenzie Valley Land and Water Board (MVLWB).

### **3.2 Other Activities**

The Implementation Committee was active in other areas, including:

- approving the reallocation of implementation funding;
- overseeing production of the Committee's annual report for 1998–1999; and
- overseeing the nominations and appointment process for boards established under the Agreement.

# 4

## *Implementing Bodies*

**T**HE AGREEMENT PROVIDES for the establishment of implementing bodies responsible for managing wildlife resources, conducting environmental impact assessments and reviews of development proposals, planning and regulating land and water use, resolving issues relating to surface entry and compensation, settling disputes related to the interpretation of the Agreement and determining eligibility for participation as beneficiaries of the Agreement. The Implementation Plan sets out the membership, functions and time frame for establishment of each implementing body.

Progress in establishing these implementing bodies is outlined below.

- The Gwich'in Arbitration Panel, Gwich'in Land and Water Board (GLWB), GLUPB, GRRB, Renewable Resources Councils (RRCs) and MVEIRB are now operational. Current membership of these implementing bodies, excluding the RRCs, is in Appendix 1.
- Chapter 26 of the Agreement calls for establishment of the Surface Rights Board through separate legislation. This quasi-judicial body will have jurisdiction for resolving disputes between landowners and holders of surface or sub-surface commercial interests over entry to the lands and compensation for their use. The Board will consist of members residing in the Northwest Territories and when dealing with Gwich'in lands, act through a panel of its members at least one of whom is a resident of the GSA. Since the Surface Rights Board has yet to be created by legislation, relevant surface rights disputes in the GSA may be referred to the Gwich'in Arbitration Panel.

### 4.1 Arbitration Panel

Chapter 6 of the Agreement provides for the establishment of the Arbitration Panel to resolve disputes that arise during the implementation of the Agreement.

The Arbitration Panel has not been called upon to arbitrate any disputes since its inception. Panel members chose not to meet in 1999–2000.

### 4.2 Enrolment Board

As required by chapter 4 of the Agreement, the GTC has assumed the responsibility of the Enrolment Board, including the production of the annual register for years 6 through 10 of the implementation period. The Enrolment Registry

now lists 2,412 participants, an increase of 5.1 percent over last year. The GTC is responsible for project funding and maintenance costs.

### 4.3 Gwich'in Land Use Planning Board

The GLUPB has jurisdiction for developing, reviewing and proposing approvals, exceptions and amendments in respect of a land use plan for the GSA. The Board's goal is to develop a plan that provides for the conservation, development and utilization of land, resources and waters for the benefit of all Canadians, with special attention devoted to the needs of the Gwich'in.

The Board completed the Gwich'in Land Use Plan, *Nanh' Geenjit Gwitr'it T'igwaa'in, Working for the Land*, in June. Two hundred copies of the plan were produced and distributed to community, regional and industry organizations and government.

The GTC approved the plan in August. The Board and GTC agreed to minor amendments suggested by the GNWT and with those revisions, the territorial government approved it in November. DIAND has not approved the plan, stating that an approved land use plan does not have the legislative authority to prohibit access to sub-surface Crown lands. The plan proposed by the Gwich'in restricts access to sub-surface Crown lands in protected area land zones as described in the plan. The Board and DIAND agreed that this dispute arises from a difference in the interpretation of the provisions of the Agreement and must be resolved by the signatories to the Agreement.

The plan is a central part of the integrated approach to the administration of land use and to the implementation of the Agreement. The plan was developed after six years of consultation with stakeholders, including DIAND. The parties are working to resolve outstanding disagreements which are delaying final approval of the plan.

In the Five-Year General Review process, the Board along with other implementing bodies voiced concerns about the overall adequacy of funding. The GTC and GNWT noted that some assumptions made during the original budget negotiations were no longer valid. The Implementation Committee did not reach consensus during the year on how to address the inadequacy of funding to ensure effective implementation of the terms of the Agreement.

#### 4.4 Gwich'in Renewable Resources Board

##### *Board Operations*

The GRRB, created pursuant to section 12.8 of the Agreement, completed its sixth year of operation. The Board's mandate is to ensure that wildlife, fish and forests are used in a sustainable manner so they are available today and for future generations. As a regional public board responsible for renewable resource management in the GSA, the Board has involved the public in these management programs and works co-operatively with other institutions of public government and government agencies. The Board meets twice a year in a Gwich'in community. At this time, the Board also meets with the RRCs to discuss local renewable resource management concerns.

##### *Research and Management Projects*

The GRRB has been successful in conducting several research and management programs. To acquire current information on renewable resources in the GSA from which to make informed management decisions, the Board allocated \$252,190 to fund 20 research and management projects. Funded projects include:

- grizzly bear, waterfowl and moose research;
- five fisheries projects (Rat River, Campbell Lake and Creek, Peel River, Vittrekwa River);
- forest monitoring plots;
- the Gwich'in Environmental Knowledge Project;
- grizzly bear and moose management planning; and
- the Gwich'in Science Camp.

The Board worked closely with the RRCs on several community-based research projects to address local resource management concerns and build the capacity for resource research and management among community members. Community involvement in GRRB activities is acquired through community approval of research and management programs, in field research and through community field assistants in research projects.

##### *Renewable Resource Management*

Renewable resource management planning allows communities, the Board and agencies the opportunity to determine how resources will be used and managed. In the last year, the Board assumed a lead role in developing a grizzly bear, moose and forest management plan in the GSA. Annually, each RRC receives two grizzly bear tags to allocate to beneficiaries in their community.

The Board began work with the communities to allow resident and guided sport hunting in the GSA. Forest management planning activities were directed to establishing forest monitoring plots and to planning for future research. The Board will continue to implement resource management plans to identify resource use priorities, concerns and management needs.

##### *Gwich'in Harvest Study*

The Gwich'in Harvest Study entered its fifth and, possibly, last year of operation. The Harvest Study will protect Gwich'in hunting, fishing and trapping by setting the Gwich'in Minimum Needs Level, and will provide information for renewable resource management. The Harvest Study relies on the participation of Gwich'in living in the GSA. As an incentive for participants, the Harvest Study includes a contest with monthly prizes awarded in each community. Harvest information is displayed in RRC offices so community members can see the results as they become available.

##### *Gwich'in Environmental Knowledge Project*

The Gwich'in Environmental Knowledge Project continued work on a second book, covering an additional 20 wildlife and fish species. Focus groups were held and a substantial portion of the book was completed. The full-time project staff includes a co-ordinator, communications/data base manager and project assistant. The staff have been involved in projects and workshops to ensure that local knowledge was incorporated into research and management projects.

##### *Education and Training*

Education and training of Gwich'in beneficiaries in renewable resource research and management has been a major component of the GRRB operations. The Board delivered several programs and activities including:

- four full-time, on-the-job training positions (office manager, harvest study assistant, fisheries technician trainee and forest management assistant);
- community interviewers for the Gwich'in Harvest Study and Gwich'in Environmental Knowledge Project, involving 28 people over the last five years;
- summer employment for two to three students in renewable resource research and management projects through the Summer Student Program (students obtain first-hand work experience and learn about co-management of renewable resources);

- Jim Edwards Sittichinli scholarships of \$1,000 to three college or university students pursuing studies in renewable resources or a related field;
- staff training to address professional enhancement of staff;
- GRRB participation in community career days, science camps and fairs to encourage youth to pursue careers in renewable resource management; and
- GRRB staff participation in the Aurora College Natural Resource Technology Program as instructors and as contributors to curriculum development.

#### *Working Together To Take Care of the Land*

The Agreement requires that the GRRB work as an institution of public government with Gwich'in and government agencies to ensure responsible renewable resource management. The GRRB has established good working relationships with institutions of public government in the GSA and other land claim areas.

Because the community RRCs are the foundation of renewable resource management in the GSA, the GRRB worked closely with them to ensure their involvement in renewable resource research and decision making. The Board helped organize the third trappers and fur workshop for the Beaufort-Delta area in September.

#### **4.5 Renewable Resources Councils**

The RRCs are the local voice for renewable resource issues in the GSA. Their role is to promote local involvement in conservation, harvest studies, research and wildlife management.

There are four RRCs in the GSA:

- Tetlit Gwich'in RRC in Fort McPherson;
- Ehdiiat Gwich'in RRC in Aklavik;
- Gwichya Gwich'in RRC in Tsiigehtchic; and
- Nihtat Gwich'in RRC in Inuvik.

The RRCs have the power to:

- allocate a Gwich'in needs level for their respective communities;
- manage Gwich'in harvesting rights including the methods, seasons and location of harvest;

- establish group trapping areas; and
- advise the GRRB and GTC with respect to harvesting by Gwich'in and other matters of local concern.

The RRCs also have the right to provide permits for hunting and trapping by non-Gwich'in on Gwich'in lands. If permission is granted, all laws or conditions set out by the RRC when granting the permit must be followed.

Over the past year, all four RRCs have continued to assist the GRRB and RWED during the development of grizzly bear and moose management plans. The RRCs have also helped the GTC, GRRB and RWED in the creation of a forest management plan.

In the upcoming year, the RRCs will continue to issue harvesting permits on Gwich'in land. They will also assist in the creation of a Dall's sheep management plan with the GRRB and RWED and a potential Dall's sheep sport-hunting strategy with the GTC. As well, the RRC manual will be reviewed by the GTC with input from the RRCs.

#### **4.6 Mackenzie Valley Environmental Impact Review Board**

The MVEIRB is the main agency mandated by the MVRMA to undertake environmental assessment and review in the Mackenzie Valley. The Board's jurisdiction covers all lands in the NWT, excluding the Inuvialuit Settlement Region and Wood Buffalo National Park. The MVRMA replaced the CEAA in the Mackenzie Valley except under specific circumstances.

The Board's office in Yellowknife house a staff of five, including an executive director, two environmental assessment officers, a finance and administrative officer and a communications officer.

#### *Transition Projects*

Transition developments, those projects caught in the transition between the CEAA and the MVRMA, occupied much of the Board's attention during the first few months of the fiscal year. Section 159 of the MVRMA requires that the regulator consult with the MVEIRB before completing the CEAA screening. The Board reviewed and commented on 22 transition projects, the largest of which was the Diavik Diamond Mines Comprehensive Study. The Board submitted comments on the Diavik study to the federal Minister of the Environment and to the regulatory bodies in October.

### *Preliminary Screenings and Environmental Assessments*

The Board received 161 notifications of preliminary screenings. Three preliminary screenings were referred for environmental assessment: Bruce Domes lumber harvest development near Enterprise; Ranger Oil, Chevron Canada and Canadian Forest Oil natural gas pipeline near Fort Liard; and the BHP Diamonds expansion at the Ekati mine site. The BHP environmental assessment will be completed in 2000. The MVEIRB staff attended several BHP presentations and met with 17 community and First Nation representatives regarding this assessment.

*Interim Environmental Impact Assessment Guidelines Environmental Impact Assessment in the Mackenzie Valley — Interim Guidelines* were distributed to Aboriginal organizations, communities, government and industry in August for comment. MVEIRB staff worked on revisions to these interim guidelines including the addition of new material to clarify specific issues. The revised guidelines will be released in 2000.

### *Board Activities*

MVEIRB members participated in seven board meetings and 26 teleconferences during the fiscal year. These meetings and teleconferences were held to discuss the full schedule of environmental assessments and transition projects in the Board's first full year of operation. Board activities included:

- two meetings held in conjunction with community consultations on the Ranger, Chevron and Canadian Forest environmental assessment;
- sites visits to the Diavik site and BHP's Ekati mine site, the Chevron Canada Resources facility near Fort Liard, Paramount's gas processing facility in northern British Columbia and the site of the company's proposed development near Fort Liard, and the Bruce Domes lumber harvest site near Enterprise;
- several orientation sessions to develop a better understanding of the environmental impact assessment process and board governance; and
- representation on the CEAMF, a body of various government departments and Aboriginal organizations, which is developing the framework for defining cumulative assessment in the NWT.

### *Public Information*

MVEIRB members had the opportunity to host public information sessions, attend meetings to disseminate infor-

mation, and build liaisons with other organizations. The Board responded to invitations to provide information sessions at more than 20 fora, community workshops and conferences. Staff met with the National Energy Board (NEB) on several occasions to discuss co-ordination issues on preliminary screenings and environmental assessments.

### *The Next 12 Months*

In addition to environmental assessments of projects referred by the preliminary screeners, MVEIRB activities in the next year will include:

- continued discussions between various exploration and pipeline companies and staff on the anticipated Mackenzie Valley natural gas pipeline;
- release for public comment of a draft *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*, followed by adoption by the Board;
- completion of the financial and operational review with DIAND;
- completion of the environmental assessment of the BHP Ekati mine site expansion; and
- discussions regarding co-operation agreements with other regulatory agencies and boards which operate adjacent to the Mackenzie Valley. On this issue, the MVEIRB will continue working with the NEB on a memorandum of understanding (MOU) detailing the mechanisms of co-operation between the two agencies when dealing with transboundary environmental assessments.

### **4.7 Gwich'in Land and Water Board**

The GLWB is the regulatory authority established under the Agreement and given effect by the MVRMA to regulate land and water use throughout the GSA, including Gwich'in lands.

The mandate of the Board is to provide for conservation, development and use of land and water resources in the GSA in a manner that will provide the optimum benefit for present and future residents of the GSA, the Mackenzie Valley and all Canadians. The Act authorizes the Board to regulate the use of land and water by issuing, amending, renewing and suspending land use permits and water licences throughout the GSA, including all Crown, Gwich'in and other private lands.

The Board consists of five members. The GTC nominates two members, and two members are nominated by the GNWT and the Government of Canada. These four

members then nominate a chair. All members are appointed by the Government of Canada for a three-year term.

The current Board has four members. The fifth position was vacant at year end, pending the appointment by DIAND of an individual who was nominated by the GTC in November. During the year, personnel changed in three of the five staff positions, including the executive director, integrated resource manager and office manager.

1999–2000 was the first full year of operation for the Board. There was no substantial increase in the number of permits or licences; however, it is expected that these will rise in the calendar year 2001 due to the heightened interest in oil and gas exploration in the Gwich'in and Inuvialuit settlement areas.

Board objectives for the coming year include, but are not limited to, the following:

- to maintain an efficient and timely method of processing land use permits and water licences in the GSA;
- to continue to employ and train qualified First Nation people;
- to continue to develop a more effective communication process with the Gwich'in communities; and
- to continue to work with other institutions of public government in the GSA and elsewhere to provide for an integrated and co-ordinated system of land management in the Mackenzie Valley.



# 5

## *Gwich'in Tribal Council*

**T**HE GTC is mandated by the Agreement to represent Gwich'in beneficiaries on the Implementation Committee and to ensure the protection of Gwich'in rights and interests as outlined in the Agreement. Since its incorporation in 1992, the GTC has made steady progress in establishing an integrated resource management framework in the Mackenzie Valley as required by the Agreement. Central to this framework is the MVRMA. The last part of this Act, Part 4, was proclaimed in March and established the MVLWB.

Some key implementation activities undertaken by the GTC are described below.

### 5.1 Cumulative Impact Monitoring Program

A Mackenzie Valley CIM program must be established according to the Implementation Plan of the Agreement within three years of the passage of the settlement legislation. This program will provide a mechanism for monitoring the cumulative impact of land and water use on the environment in the Mackenzie Valley. While this program has been several years in the making, significant progress was achieved in its design during 1999–2000. Central to this impetus has been the involvement of all the other NWT Aboriginal groups in developing the work plan. Previously, the only Aboriginal participants had been the Gwich'in, Sahtu and Inuvialuit.

A draft work plan has been produced, involving 12 tasks. The GTC has developed proposals to complete some of the tasks, in particular the methodology for incorporating traditional knowledge, communities and Elders into the program and the creation of an information management system.

In addition to the CIM program, Part 6 of the MVRMA also requires periodic environmental audits, which are independent and publicly available at least every five years. The first audit must be conducted no later than 2003.

### 5.2 Cumulative Effects Assessment Management Framework

In December, the Minister of the Environment and the Minister of Indian Affairs and Northern Development made a commitment to create a CEAMF. A working group was struck, with one of its first activities being the development of a draft work plan to begin constructing the man-

agement framework. The CEAMF will manage the effects of development on land and resources throughout the NWT and will provide mechanisms to control these effects. The CEAMF arose out of the requirement under the MVRMA and the CEAA that the cumulative effects of projects be determined during the environmental assessment process.

### 5.3 Gwich'in Land Use Plan

The draft Gwich'in Land Use Plan was approved by the GTC and GNWT, and submitted to the Government of Canada. The Minister of Indian Affairs and Northern Development responded with questions relating to the interpretation of the proposed land use planning process and its application. The GTC and the Minister requested a meeting of the three signatories to address these questions.

### 5.4 Understanding the Agreement

A plain language summary of the Agreement was produced. This project grew out of a recommendation of the Five-Year General Review to provide more culturally relevant communication material on the land claim agreement to beneficiaries.

### 5.5 Consultations on the Yukon Development Assessment Process

The Yukon Development Assessment Process (YDAP) will assess the environmental and socio-economic effects of activities in the Yukon such as mining, logging or tourism developments. These sorts of assessments are currently carried out for projects under federal jurisdiction through the CEAA process, and the YDAP will expand this scope to include projects on all lands in the territory under First Nation, territorial or federal jurisdiction.

Over the course of the year, the GTC received copies of the draft YDAP legislation for review and comment and held discussions on specific points with the federal lead DAP negotiator. The GTC has received funding from DIAND Yukon Region to assist in the reviews. The GTC continues to press for authority in the YDAP legislation to nominate a member to the Yukon Development Assessment Board when Gwich'in traditional territory is the subject of the Board's deliberation. However this has not been done.

The GTC has been involved in discussions relating to the implementation of the YDAP legislation through the YDAP

Implementation Planning Committee (IPC) and receives funding from Canada for its participation. The GTC is no longer involved in IPC discussions relating to implementation funding for Yukon First Nations and the Yukon Government. The GTC believes it should be involved in these discussions in order to be satisfied that the YDAP will function effectively. Canada has pointed out that any discussions relating to GTC funding for implementing the YDAP should be carried out through the Implementation Committee as provided for in the Implementation Plan.

Some changes to the draft legislation have been made as a result of consultations with the GTC.

### 5.6 Yukon Devolution

The GTC are in the process of negotiating a communications protocol which will govern the relationship of the two parties under the proposed Yukon Environmental Assessment legislation which will come into force after devolution. The GTC has met with representatives of Canada on two occasions over the last year for discussions on the Devolution Transfer Agreement.

### 5.7 Beaufort-Delta Self-Government Negotiations

Chapter 5 of the Agreement provides for negotiations between governments and the GTC to conclude self-government agreements, and Appendix B of the Agreement details subject matters for negotiation. In 1993, government accepted a joint GTC-IRC proposal as the basis for self-government negotiations. Negotiators received a detailed mandate from the GTC in 1998. This was reviewed in the fall by all communities.

A draft agreement-in-principle is expected by December 2000. To date, negotiations have been concluded on:

- governing institutions and structures;
- health;
- child and family services and adoption;
- income support; and
- student support.

Negotiations continue on:

- implementation and intergovernmental relations;
- review and amendment;
- heritage, culture and language;
- education and training;

- guardianship and trusteeship;
- administration of justice; and
- ratification.

### *Research and Communications*

Traditional governance research was completed in the communities by field workers to provide facts about self-government and to obtain feedback for the negotiation process. Field workers were hired in Fort McPherson and Tsiigehtchic. The communities of Inuvik and Aklavik were unable to hire field workers for most of the year.

Negotiators met with bands, hamlet councils, designated Gwich'in organizations and other community organizations. Negotiators and field workers participated in mandate review, traditional governance and leadership workshops. A regional workshop on self-government was held for the Gwich'in leadership in February. As well, during that month a joint leadership meeting with the IRC was convened on self-government, and included planning for self-government and resource development.

The self-government office provided updates for various newsletters, newspapers and developed a Web page at [www.selfgov.org](http://www.selfgov.org).

### *Community Development*

Field workers received training in communications and community development, which is eligible for credit at Aurora College. To facilitate the development of skills in self-government developmental processes, all field workers were encouraged and supported by the self-government office to pursue a community development certificate through Aurora College.

### *Regional Political Development*

The Interim Regional Council was established to assist at the regional level in preparing for self-government. The self-government office was instrumental in establishing this Council at the direction of the region's leadership. A political accord was signed by the GTC, IRC, GNWT and Canada recognizing the Council and describing its work. A copy of the Political Accord is available at [www.selfgov.org](http://www.selfgov.org).

### *Aboriginal Summit*

The Aboriginal Summit reconvened early in the year in order to participate in the intergovernmental forum, a forum for all governments to discuss issues of territorial significance.

## 5.8 Gwich'in Land Administration

The administration, management and control of Gwich'in lands is the responsibility of the Gwich'in Land Administration (GLA), stemming from section 18.1.6 of the Agreement. Activities on Gwich'in lands include gravel pits and rock quarries, scientific research, timber harvesting, recreational access and government access. The GLA also develops land management procedures and policies for the GTC, such as pit and quarry management projects for Frog Creek and Willow Creek.

The GLA worked on a new version of a wall map for the GSA. This map will be distributed to Gwich'in organizations, government agencies and institutions, and non-governmental organizations during 2000.

In the upcoming year, GLA activities will include the following projects: completion of a pit and quarry management framework, the establishment of a community-based land and resource advisory committee, a land use registry system and the implementation of a geographic information system (GIS).

## 5.9 Renewable Resource Management

The mandate of the GTC renewable resources manager is to ensure that the interests of the Gwich'in communities are included and respected during renewable resource management and planning within the GSA. The manager was involved in several joint projects with the GRRB and RWED to produce various forest and wildlife management plans. Other activities included monitoring of all renewable resource-based activities in the GSA and participating in reviews of several territorial and federal government acts which could affect the area's renewable resource development and protection.

Involvement of Gwich'in communities in decision-making processes was provided through the RRCs and community-oriented information delivery and feedback workshops.

## 5.10 Environmental Contaminants

Traditional foods are critical components of the Gwich'in diet. Due to concerns in communities about contaminants in the food chain, the position of regional contaminants co-ordinator was developed. The co-ordinator participated in the Northern Contaminants Program (NCP) which was created to study contaminant levels in the northern environment that are released from industrial and agricultural activities in the south.

A major concern of communities has been the lack of communication regarding past and present studies. To address this concern, public information sessions were held in GSA communities. These were attended by NCP resource persons and affiliated organizations. The co-ordinator was available to attend local meetings to deal with further concerns and disseminate information on contaminant issues. The co-ordinator participated in the NCP Results/Training Workshop and the NWT Environmental Contaminants Committee meetings.

Programs were developed to examine specific concerns under the NCP Local Contaminant Concern Blueprint, such as the collection and analysis of fish from Fort McPherson where there is local contaminant concern involving an abandoned Shell oil and gas exploration site.

## 5.11 NWT Protected Area Strategy

The NWT PAS was ratified in 1999 by the federal and territorial governments and NWT Aboriginal partners. The strategy is based on the vision of strong regional networks of protected areas in the NWT to serve as a foundation for a sustainable environment. It is also a guide to help communities make balanced decisions in identifying and providing long-term protection for significant natural and cultural areas using the best available knowledge.

Throughout the development of the PAS, the GTC participated in the NWT PAS Working Advisory Committee and presently serves on the Implementation Advisory Committee. The GTC has taken the lead role in implementation of the NWT PAS in the GSA.

In March, proposals were successfully submitted to the NWT Protected Area Secretariat and the World Wildlife Fund's Local Action Fund for Endangered Species for the resources to develop a regional implementation process for the NWT PAS in the GSA. Work in the next fiscal year will include compilation of a comprehensive list of community-identified priority areas for protection. All existing cultural heritage, ecological and economic information for these priority sites will be collected. Assessment of existing and appropriate tools for protection will be completed as well as the identification of options for the creation of new protection tools in the GSA.

A GSA PAS working group was established to discuss issues related to the implementation of the NWT PAS and the Yukon PAS in the GSA. The GSA PAS process will be available for review in October 2000.

# 6

## *Government of the Northwest Territories*

**T**HE GNWT PERFORMED various implementation activities pursuant to the Gwich'in Implementation Plan and related funding agreements.

### **6.1 Ministry of Aboriginal Affairs**

The Ministry worked closely with the GTC, federal and GNWT officials, and the various implementing bodies established by the Agreement. The Ministry co-ordinated the implementation activities of all GNWT departments, prepared regular status reports for the Implementation Committee and prepared the GNWT component of this annual report.

A Ministry official actively represented the GNWT on the Implementation Committee dealing with such issues as the implementation of Five-Year General Review recommendations, MVEIRB funding concerns, the approval process for the Gwich'in Land Use Plan, a new funding instrument for implementing bodies, the process for board appointments, departmental implementation obligations and the reallocation of implementation resources.

The GNWT also supported the GTC's development of a plain language summary of the Agreement with a financial contribution and assistance in editing the draft summary document. Publication and distribution is anticipated in the spring of 2000.

Ministry officials initiated preliminary discussions regarding a formal procedures manual for the Implementation Committee. A meeting to discuss the objectives and scope of the manual is scheduled for April 2000.

#### *Beaufort-Delta Self-Government Negotiations*

In accordance with chapter 5 and Appendix B of the Agreement, the Ministry participated in the Beaufort-Delta self-government negotiations that are moving toward an agreement-in-principle. Draft sub-agreements are being developed in the areas of governing structures, preschool to Grade 12, culture, heritage and language, child protection and adoption, health and income support. Negotiations continued on administration of justice, ratification and implementation.

### **6.2 Resources, Wildlife and Economic Development**

RWED continued to meet its obligations through ongoing consultation with the GTC, designated Gwich'in organizations and RRCs. The Department also worked closely with the GRRB, GLUPB, GLWB, Gwich'in Social and Cultural Institute and Gwich'in Development Corporation. RWED promotes, assists with and advises these bodies on wildlife management, forest management, resource development and economic development issues.

#### *Education, Training and Career Development*

Education, training and career development remained a departmental priority. In support of this, the Department provided assistance to Gwich'in organizations for numerous initiatives including the Gwich'in Science Camp and negotiations with the federal government on forest management-related issues. The Department also provided funding for the development of products using the portable sawmill operated by the Nihtat Gwich'in. Training opportunities for Gwich'in beneficiaries were provided through participation at the Fur Institute of Canada workshop in Montreal and the North American Wildlife Officers' Conference in St. Louis, Missouri.

#### *Economic Development*

RWED continued, in close co-operation and consultation with the GTC and the Gwich'in community, to support and encourage beneficiary involvement in business development and employment opportunities leading to economic self-sufficiency. The Department provided business advice, counselling and support, and assisted Gwich'in businesses and individuals to gain access to financial support from various sources. Discussions were ongoing with the GTC on a comprehensive agreement for all forest-fire management services within the GSA. RWED provided assistance for Gwich'in representation at the Council for the Advancement of Native Development Officers' Annual General Meeting.

#### *Forest Management Plan*

RWED consulted with the GTC and all RRCs regarding the Forest Management Plan and worked in co-operation with the GRRB on a community forest-use planning

workshop in Aklavik. Gwich'in delegates were sponsored to attend a forestry workshop in Winnipeg and a non-timber forest products conference in Kenora. RWED convened a timber scaling course and sponsored Gwich'in delegates to attend.

#### *Bluenose Caribou Management Plan*

The Department continued to work with the users of the Bluenose caribou herd. A draft plan was prepared, consistent with government's obligation to establish an agreement for the management of the herd. The draft plan included information on the status of the herd, maps showing the seasonal ranges of the herd and land management within the range of the herd. The draft plan has been reviewed by the RRCs, the institutions of public government and government agencies responsible for wildlife management within the Bluenose caribou range.

The fourth year of the caribou satellite-tracking program was completed. Maps showing the location and movements of the collared caribou were provided on a regular basis to the 12 user communities and institutions of public government. The project was co-funded by the GRRB, Sahtu Renewable Resources Board (SRRB), Nunavut Wildlife Management Board and Parks Canada. Results of DNA analysis and data from the satellite-tracking program continue to indicate that there are three herds within the range of the Bluenose caribou herd, including Bluenose-East, Bluenose-West and Cape Bathurst.

Sixty radio collars were deployed on Cape Bathurst and Bluenose-West caribou in preparation for a photo-census in summer 2000. Late winter recruitment surveys of the two herds were completed. The work was co-funded by the GRRB, SRRB and Parks Canada.

#### *Legislation*

All appropriate Gwich'in organizations were consulted on the creation of the new *Wildlife Act* that incorporates the land claim agreement, and species-at-risk legislation.

#### *Land Use Plan*

The Gwich'in Land Use Plan was approved by the GTC in August and forwarded to the Minister of RWED, who approved it in November.

#### *Park Master Plan*

The Gwich'in Territorial Park Master Plan continued to be implemented. The Gwich'in Development Corporation

received a sole-source contract for \$200,000 to design a staff residence, to purchase and install bear-proof garbage containers and to construct recreational vehicle sites. A general maintenance sole-source contract for the Park valued at \$28,000 was awarded to Chii Construction Ltd. of Inuvik. The Gwich'in beneficiary who works as a seasonal Parks Officer was provided with training opportunities through attendance at trade shows in Fairbanks, Alaska.

### **6.3 Education, Culture and Employment**

Education, Culture and Employment provided funding and professional support to the Gwich'in Social and Cultural Institute to initiate discussions with the Canadian Museum of Civilization and the Smithsonian Institute to repatriate and replicate traditional Gwich'in skin clothing in their collections.

The Department provided ongoing advice on the possible impact that land use operations might have on heritage sites.

### **6.4 Justice**

The Legal Division continued to provide support for the implementation of the Agreement through legal advice and assistance as required by departments.

### **6.5 Public Works and Services**

In support of the economic measures provisions in chapter 10 of the Agreement, and consistent with the GNWT preferential contracting policies and procedures intended to maximize local, regional and northern employment and business opportunities, the following contracts were negotiated with Gwich'in businesses.

- A negotiated contract for \$1,371,000 was awarded to Tse' Construction for the construction of a new school in Tsiigehtchic. Construction began in July and will be completed in the spring of 2000.
- A sole-source contract for \$254,000 was awarded to the Gwich'in Development Corporation for civil works at the Gwich'in Territorial Park. Work will be completed in the summer of 2000.

### **6.6 Transportation**

The Department of Transportation and the GTC agreed to develop a Pit Management Plan for the Frog Creek granular source. It is anticipated that the plan will be completed and ready for implementation by the GTC in December 2000.

## 7.1 Legislation

With the proclamation in 1998 of the MVRMA, the obligations under the Gwich'in Comprehensive Land Claim Agreement and Sahtu Dene and Metis Comprehensive Land Claim Agreement to legislate an integrated resource management system in the Mackenzie Valley were fulfilled.

On March 31, 2000, the MVLWB, with jurisdiction over the Mackenzie Valley, was established and joined the other institutions of public government which include the GLUPB, GLWB, Sahtu Land Use Planning Board, Sahtu Land and Water Board and MVEIRB.

Part 6 of the MVRMA has not yet been implemented.

## 7.2 Economic Activity and Employment

### *Human Resources Development Canada*

Government economic activities in the GSA are structured to ensure that the traditional economy is maintained and strengthened, and to work toward economic self-sufficiency of the Gwich'in. Human Resources Development Canada provides funding in support of human and institutional initiatives through the Aboriginal Human Resources Development Strategy. The Strategy is a five-year policy and funding commitment to employment programs. It offers a full service menu of options by integrating several Aboriginal programs including labour market programming, First Nation and Inuit home care, an urban component, youth programming, capacity building and programs for persons with disabilities.

The allocation to the Gwich'in under its AHRDA was \$893,654.

### *Industry Canada*

Aboriginal Business Canada (ABC) of Industry Canada continued to increase awareness of its program in the NWT. Three business projects were under way in the Gwich'in and Sahtu settlement areas. In the GSA, ABC contributed \$13,747 toward the establishment of a taxi business in Fort McPherson and \$25,000 to Western Arctic Community Futures — Inuvik to assist with the Regional Economic Development Conference.

### *Public Works and Government Services Canada*

Public Works and Government Services Canada continued to provide opportunities to bid on government contracts by advertising procurement opportunities on the government electronic tendering system (GETS) and by notifying all claimant groups of procurement of goods, services and construction destined for the GSA.

Assistance and information on the procurement process was provided as requested, as well as information on contracts. Whenever practical and consistent with sound procurement management, evaluation criteria were included in tenders to maximize socio-economic opportunities for claimant groups.

### *Department of Indian Affairs and Northern Development*

The following resources were provided to Gwich'in bands and organizations to support the traditional economy and encourage employment.

#### *Tetlit Gwich'in Band*

- \$25,065 from the Regional Opportunities Program and Development Impact Zone Program: business recovery plan for Dunnet Petroleum.
- \$12,000 from the Regional Opportunities Program: negotiations on community petroleum, oil and lubricants (POL) supply contracts and ownership of retail gas outlet.
- \$10,000: co-ordination of all functions associated with travel schedules of the Delta chiefs to attend the Nexus 1999 conference in Vancouver.
- \$80,262 from Community Economic Services: community-based, community-driven economic development support.

#### *Gwichya Gwich'in Band*

- \$34,358 from Community Economic Services: community-based, community-driven economic development support.

#### *Aklavik Band*

- \$38,390 from Community Economic Services: community-based, community-driven economic development support.

#### *Inuvik Native Band*

- \$27,905 from Community Economic Services: community-based, community-driven economic development support.

## GTC

- \$40,000 from the Resource Access Negotiations Program: negotiations on forestry management contracts with the GNWT.

## GRRB

- \$11,000 from the First Nations Forestry Program: study of regeneration and productivity of forests in the GSA.

## National Energy Board

The NEB has a specific responsibility under chapter 24 of the Agreement for the expropriation of settlement lands required for pipeline facilities and electrical transmission rights of way that are judged to be in the public interest. The NEB has not been required to deal with any activities under this chapter to date.

During the year, NEB staff have been involved in several activities directed at facilitating implementation of the Agreement. At the request of the GLUPB, staff participated in a workshop to review the draft Gwich'in Land Use Plan. Staff also provided comments to DIAND relative to the overall federal review of this land use plan.

The NEB continued to support the implementation of the MVRMA. Staff gave a presentation at the conference, Resource Development and the *Mackenzie Valley Resource Management Act: The New Regime*. This presentation described the NEB's role as a regulator and opportunities for the co-ordination of assessments with the MVEIRB and the land and water boards in the Mackenzie Valley.

## 7.3 Environmental and Wildlife Management

### Environment Canada

The CWS participated in a number of activities related to the management of wildlife, including representation on the Harvest Study Working Group. This working group provides harvesting information to the GRRB. One outcome of the Harvest Study will be establishment of a total allowable harvest of migratory birds in the GSA.

The CWS, through its seat on the GRRB, has provided the following services.

### Harvest of Migratory Game Birds

- The GRRB is advised of all changes to migratory bird regulations that may affect the Gwich'in. These regulations cover topics such as the use of non-toxic bird shot and the proposed spring hunting season.
- Annual migratory bird harvest statistics are compiled by the CWS and the United States Fish and Wildlife

Service. Setting a total allowable harvest for migratory birds has not been discussed by the GRRB; however, it is expected that the Harvest Study will provide information from which the GRRB could determine a total allowable harvest.

- The CWS communicates with and advises the GRRB regarding the federal non-toxic shot regulations that came into full effect in September. The CWS also disseminated this information through brochures to northern communities and through the media.

### Management of Migratory Wildlife Species

- The CWS communicates with the GRRB on relevant issues discussed by the Arctic Goose Working Group of the Arctic Goose Joint Venture (AGJV). The AGJV is a cooperative Canada-United States body that co-ordinates goose management and research in both countries. The CWS, through its seat on the working group, kept the Board informed of the group's activities regarding the overpopulation of snow geese in the Arctic. This overpopulation mainly affects the Central Arctic. The Gwich'in harvest snow geese from the Western Arctic population where the problem does not appear to be as severe.
- The CWS and the GRRB communicate on the state of Canada-United States negotiations to amend the Migratory Bird Convention to allow for the spring hunting of waterfowl by northern Aboriginal peoples including the Gwich'in. Once these amendments are fully ratified by both countries, the CWS will begin the process of regulation changes. The CWS kept the GRRB informed of the status of this amended protocol as it proceeded through the respective Canadian and American legislative bodies. In October, the protocol to amend the Migratory Bird Convention was signed by the United States.
- The CWS provided updates to the GRRB on the peregrine falcon trapping issue with the United States and invited the Board to submit comments on the issue and the Canadian position directly to the Director General of CWS.
- The CWS, through its seats on the various flyway committees, the North American Waterfowl Management Plan and other international initiatives, is involved closely in the management of migratory bird species that cross international boundaries. The GRRB was routinely apprised of issues arising from these international initiatives that may affect the Gwich'in.
- The CWS continued to be involved in the management of other migratory species which cross international

boundaries. Through its seat on the GRRB, it has participated in the preparation of management plans for the Bluenose caribou herd and the Barren Ground grizzly bears, both of which move in and out of the GSA. The CWS is also represented on the Porcupine Caribou Management Board whose activities are directed to the Porcupine caribou which move between Canada and the United States and are harvested by both NWT and Yukon Gwich'in.

#### *Mackenzie Valley Environmental Impact Review*

The CWS provided environmental assessment advice to the GLWB on activities in the GSA. It also provided advice and input to the MVEIRB on a number of procedural and environmental matters.

#### *Species at Risk Legislation*

As a signatory to the International Biodiversity Convention and other international conservation initiatives, Canada is obliged to take steps that ensure the continued viability of all wildlife species within its borders. Consequently Canada, through the CWS, developed species-at-risk legislation that died on the parliamentary order table with the dissolution of the last Parliament. Environment Canada tabled new species-at-risk legislation in Parliament in 1999–2000. The GRRB was involved both times by means of regular appraisal and direct participation in workshops and meetings.

#### *Department of Fisheries and Oceans*

The Department of Fisheries and Oceans (DFO) provided input on fisheries management issues through attendance at GRRB meetings, consultation on legislation and policies, and the development of migratory species plans, specifically the draft Coney Management Plan.

DFO continued to issue commercial fishing licences; however, a new commercial fishing licensing regime is being considered for the GSA. DFO has also consulted with the RRCs and was involved in fishery research projects, which included hiring six community workers.

From a fisheries perspective, the highlight of the fiscal year was the establishment of a mechanism for the management of shared fish populations through the completion of the *Integrated Fisheries Management Plan for the Inconnu of the Lower Mackenzie River*. This plan was developed in co-operation with the Inuvialuit and Sahtu land claimant groups.

The Canadian Coast Guard provided aids-to-navigation-service on the Mackenzie River in the GSA from June 5 to approximately October 10. With respect to land adminis-

tration activities of the Coast Guard, five applications for reserves (land sites) were submitted and were pending at year-end. Two sites have been reserved for more than 10 years and are still in use. Applications were pending to renew these reserves.

#### *Canadian Environmental Assessment Agency*

The Canadian Environmental Assessment Agency worked with DIAND to clarify the relationship between the MVRMA and the *Canadian Environmental Assessment Act* (CEAA).

### 7.4 Heritage

#### *Canadian Heritage*

The Agreement provides for the active involvement of the Gwich'in in the conservation and management of Gwich'in heritage resources, as traditional culture and history are priorities to the Gwich'ya Gwich'in. Parks Canada worked with the Gwich'in Social and Cultural Institute to complete a commemorative integrity statement for the Nagwichoonyik National Historic Site. A workshop was held in the community of Tsiigehtchic in the fall.

Parks Canada provided funding to assist a Gwich'in seamstress in the completion of a traditional Gwich'in dress to be used for presentation and educational purposes. In addition, the Gwich'in Social and Cultural Institute received approval for funding to contract an archeological survey of the Peel River Plateau near Fort McPherson.

#### *Department of Indian Affairs and Northern Development*

The existing *NWT Lands Act* includes mandatory consideration of heritage resources before issuing land permits. All applications to lease federal Crown lands are reviewed for compliance. Revision of the existing NWT Archeological Sites Regulations is under active consideration.

### 7.5 Land and Water Management

#### *Department of Indian Affairs and Northern Development*

DIAND worked with the institutions of public government to facilitate a smooth transition from the previous land and water management regime to the new regime established under the MVRMA. To this end, the Operations Directorate established a regional MVRMA implementation team, which hosted information sessions and workshops to promote a better understanding of the Act and its processes. In addition, approximately 2,500 information folders were distributed which included fact sheets on each of the boards, a description of the changes to the land and water regulatory processes, an explanation of the interrelationship of the



boards, pamphlets on the MVRMA, contact sheets and a flow chart of the new Mackenzie Valley resource management system.

DIAND NWT Region continued to co-ordinate DIAND's technical input to environmental assessments undertaken by the MVEIRB. DIAND co-ordinated the federal input for the decision reports of the Minister of Indian Affairs and Northern Development on environmental assessments. Continued support was provided in the development of screening and assessment guidelines, and the Region participated in the operational and management review of the MVEIRB processes.

DIAND retained responsibility for administering federal Crown land under the *Territorial Lands Act*, Territorial Lands Regulations, Territorial Quarry Regulations and the Canada Mining Regulations. The Department continued to inspect and enforce the terms and conditions attached to authorizations issued by both DIAND and the newly established institutions of public government.

#### *Sand and Gravel Resources*

The NWT Region provided quarterly reports on the quarry royalties collected in the Mackenzie Valley.

#### *Hazardous Wastes*

DIAND's Northern Contaminants Program provided \$36,000 for staffing a Gwich'in regional contaminants co-ordinator to address general contaminant concerns within the GSA and \$17,500 to address contaminant issues from Peel River. The GTC is a member of the NWT Contaminants Committee and was funded to participate in meetings and to attend national workshops.

The Waste Program provided approximately \$200,000 to assess a contaminated site on the Peel and Caribou rivers. As the site is on Gwich'in traditional lands in the Yukon, the funds were administered through the DIAND Yukon office.

#### *Land Use Planning*

The NWT Region, in co-operation with DIAND headquarters, provided a technical analysis of the draft Gwich'in Land Use Plan which was submitted for approval under clause 43.4 of the MVRMA. The region and headquarters continued to work with the GLUPB, GNWT and GTC to facilitate approval of the plan by the Minister of Indian Affairs and Northern Development.

#### *Land and Water Use Process*

The North Mackenzie District office worked with the GLWB to recommend terms and conditions on applications for land use permits and water licences, and provided

inspection services for the Board to ensure compliance with the terms and conditions attached to the authority. Land Administration sent monthly reports to the GLWB on any activity recorded in the Land Information Management System in the GSA. Review and sign-off of survey plans were done for parcels within the GSA.

#### *Natural Resources Canada*

All program activities for Natural Resources Canada, Legal Surveys Division, are completed. No surveys are outstanding under the Agreement. The majority of the survey plans are registered in the Land Titles Office, with a few remaining in the process.

#### **7.6 Revenue Canada**

Revenue Canada's responsibilities under the Agreement include providing general information on the tax implications for the settlement corporations, and preparing an information document on this topic. The draft of this information document dealing with settlement corporations and related tax aspects was completed and forwarded to the GTC in March.

#### **7.7 National Defence**

Pursuant to the Agreement, the Canadian Forces, of the Department of National Defence, provide the GTC with a yearly training plan and a notice of exercise approximately one month before the exercise. Communities that will be affected are also advised at the time of forthcoming activities in their area.

Most exercises are in the form of Ranger patrols and Junior Ranger program activities. Current strengths are as follows:

Fort McPherson	26 Rangers
Tsiigehtchic	13 Rangers, 11 Junior Rangers.

Each patrol conducts training annually. The following Ranger exercises were scheduled:

Fort McPherson	November
Tsiigehtchic	June, October, February.

No Junior Ranger program activities were scheduled. No flying exercises were planned from forward operating locations through the GSA.

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

The Implementation Branch (IB) of DIAND co-ordinates the fulfilment of federal government responsibilities pursuant to the Agreement. In 1999-2000, the Branch continued to

participate in the three-party Implementation Committee, and to consult with the GNWT and GTC regarding the implementation of Canada's obligations under the Agreement. The Branch continued to serve as the secretariat to the Implementation Committee which held its meetings on April 13, August 30 to September 1, and December 7 to 8.

The Branch is responsible for maintaining regular contact with all federal government departments and agencies with respect to their implementation activities, intervening as necessary, and maintaining a comprehensive implementation status report on its automated Land Claims Obligations System.

In addition to consulting with implementing bodies to assess their funding requirements to year-end and making recommendations on funding reallocations to fiscal year 2000–2001, the Branch continued to review the budgets of, and manage contribution agreements with, implementing bodies during 1999–2000. The IB also processed Order-in-Council and ministerial appointments of individuals to various implementing bodies created under the Agreement. During the fiscal year, appointments were made to the GRRB, Arbitration Panel, GLUPB, GLWB and MVEIRB.

The IB participated in the out-of-court settlement discussions related to the delay in passage of the MVRMA. On November 8, 1999, upon signed release and execution of the dismissal of this action, \$257,805.90 was paid to the GTC.

Approval was obtained by the IB from Treasury Board to replace the contribution agreement method of flowing funds to bodies created under the land claim agreement with the Flexible Transfer Payment. This implementation-friendly transfer mechanism addressed two major concerns with the contribution agreement approach: the inability of implementing bodies to carry over funds from one fiscal year to the next and the termination clause.

The IB tabled the Five-Year General Review of the Gwich'in Implementation Plan at Federal Steering Committee and followed up on the recommendations contained within the review. The Branch also co-ordinated the preparation of the annual report for 1998–1999.

## 7.9 Other Implementation Activities

### *Cumulative Impact Monitoring*

The Agreement and Part 6 of the MVRMA contain a provision for the development of a method of monitoring the cumulative impact of land and water use on the environment in the Mackenzie Valley. The working group, composed of all regional Aboriginal groups and federal and territorial government representatives, was established to guide the next steps of the CIM program, develop terms of reference, draft a work plan, draft regulations and initiate the first environmental audit. The group also provided input and direction on an inventory of data bases and records of current and historical environmental, social, economic and community monitoring data and research for the Mackenzie Valley with emphasis on the Gwich'in and Sahtu regions.

Initial meetings have been held in all Gwich'in communities to discuss the role of communities and the use of traditional knowledge in the CIM program. The GTC held a workshop on community involvement in monitoring and undertook a pilot project to geo-reference water quality monitoring data in the GSA.

### *Protected Area Strategy*

The NWT PAS was signed by territorial and federal governments in September 1999. The NWT PAS was developed by an advisory committee that included representatives from the Gwich'in, Inuvialuit, Sahtu, Dogrib Treaty 11, Akaitcho Treaty 8, Deh Cho, industry, federal and territorial agencies, and non-governmental organizations. As implementation of the PAS moves forward, DIAND will continue to work with Gwich'in communities and organizations under the Agreement when new protected areas are being considered in the GSA. DIAND supports a PAS secretariat in partnership with RWED.

### *Treaty Payments*

The NWT Region of DIAND met with each of the four Gwich'in bands and made the annual treaty payments: Gwichya Gwich'in in Tsiigehtchic on April 16, 1999, Tetlit Gwich'in in Fort McPherson on April 7, 1999, Aklavik on April 8, 1999, and Inuvik on April 9, 1999.

# Appendix 1

## Membership of Implementing Bodies (as of March 31, 2000)

### *Arbitration Panel*

James Ross            Chairperson  
Grace Blake  
Freddie Carmichael  
Willard Hagen  
Richard M. Hill  
Katherine Peterson, QC  
Peter Ross  
Nick Sibbeston

### *Gwich'in Land Use Planning Board*

Bob Simpson            Chairperson  
Karen LeGresley  
Ian McLeod  
Hal Mills  
Charlie Snowshoe

### *Gwichin Land and Water Board*

Morris Blake            Chairperson  
Robert Alexie, Jr.  
Willard Hagen  
Norma Kassi  
David Krutko

### *Gwich'in Renewable Resources Board*

Robert Charlie            Chairperson  
Robert Alexie, Sr.  
Joe Benoit  
Chief James Firth  
Paul Latour  
Ron Morrison  
Roger Peete

### *Alternates*

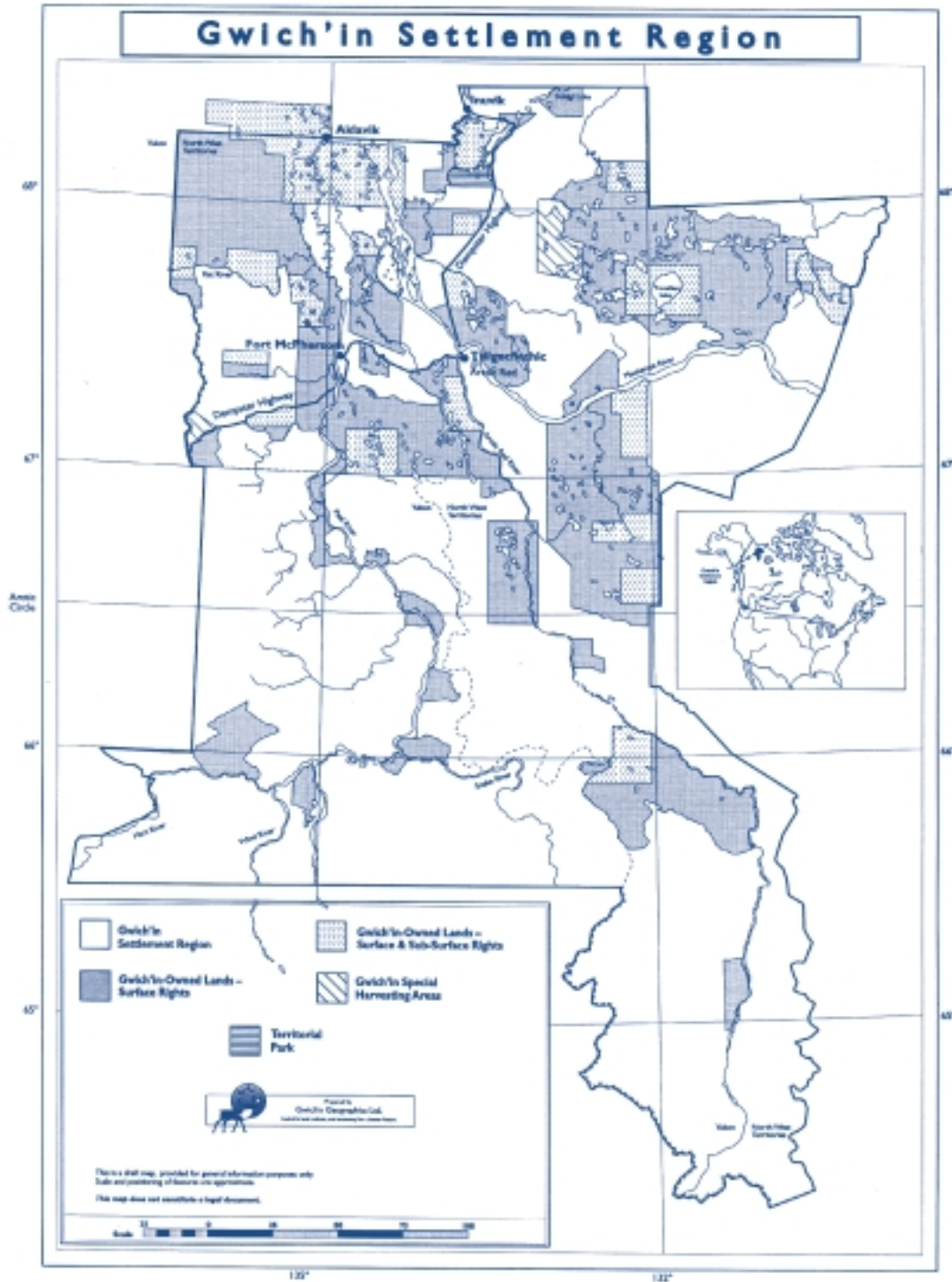
Robert Elais  
Victoria Johnson  
John S. Nagy  
Melba Mitchell  
Robert Moshenko  
Norman Snowshoe

### *Mackenzie Valley Environmental Impact Review Board*

Gordon Lennie            Chairperson  
Dennis Bevington  
Frank Pope  
Bertha Rabesca  
Charlie Snowshoe  
Gordon Wray

# Appendix 2

Map of Gwich'in Settlement Area



## Appendix 3

### Schedule of Capital Transfer Payments, 1992 to 1999

Date	Capital Transfers to the GTC*
April 22, 1992	\$2,000,000
December 23, 1992	\$7,426,766
April 22, 1993	\$4,180,680
April 22, 1994	\$6,271,020
April 22, 1995	\$7,455,068
April 22, 1996	\$9,318,835
April 22, 1997	\$9,318,835
April 22, 1998	\$9,318,835
April 22, 1999	\$9,318,835
Total	\$64,608,874

\* net of negotiation loan repayments

## Appendix 4

### Implementation Payments to the GTC, GNWT and Implementing Bodies, 1992–1993 to 1999–2000

Fiscal Year	Implementation Payments
1992–1993	\$559,151
1993–1994	\$1,070,634
Wildlife Studies Fund	\$2,030,000
1994–1995	\$1,833,735
1995–1996	\$1,886,760
1996–1997	\$2,987,444
1997–1998	\$3,174,342
1998–1999	\$3,197,097
1999–2000	\$3,310,619
Total	\$20,049,782

# Appendix 5

## Resource Royalties, 1992 to 1999

Fiscal Year	Implementation Payments
1992	\$10,122
1993	\$212,883
1994	\$197,009
1995	\$204,345
1996	\$242,090
1997	\$244,261
1998	\$211,264
1999	\$321,949
Total	\$1,643,923

## Appendix 6

### Gwich'in Property Taxes Paid Out, 1994 to 1999

<u>Fiscal Year</u>	<u>Amount</u>
1994	\$4,306
1995	\$4,348
1996	\$4,571
1997	\$4,571
1998	\$4,752
1999	\$4,734
<u>Total</u>	<u>\$27,282</u>