



Overview of
Land and Resource Management in the NWT

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The purpose of this information is to provide a broad overview of land and resource management and regulation in the Northwest Territories (NWT).

It is intended as a general overview only. For definitive information on the regulatory system in the NWT, please refer to the appropriate acts, regulations, land claims organizations or boards.

A list of these organizations and their contact information can be found at the end of the presentation.

Please see the Notes section on each slide for expanded information.

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Overview of Land and Resource Management in the NWT

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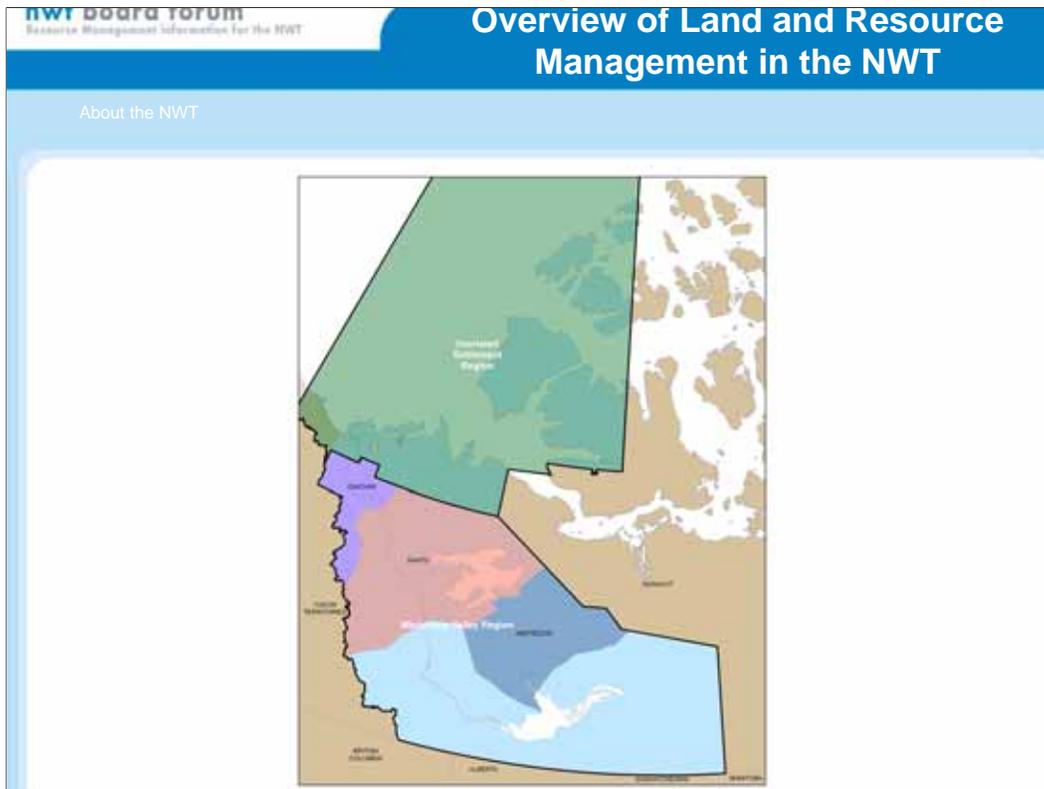
Introduction

In the Northwest Territories, the negotiation of regional land claim agreements has resulted in different types of land ownership. To manage northern land and resources, an integrated and coordinated regulatory system has been designed and implemented.

This presentation explains how the system came into being, who owns lands in the NWT, and the significance of environmental assessment regulation and land use planning in managing lands and resources, in both the Inuvialuit Settlement Region (ISR) and the rest of the Mackenzie Valley.

It also introduces the system presently in place to regulate development activities, including an initiative started in 2005 to improve cooperation and communication between the NWT resource management Boards and with other resource management partners – the NWT Board Forum.

Included is a brief explanation of the role of land use planning, environmental assessment, land and water boards and resource management boards in the determination of project impacts, mitigation and the issuing of land use permits and water licences.



About the NWT

Canada's Northwest Territories (NWT) is located north of the 60th parallel, above Saskatchewan, Alberta, and eastern British Columbia, between the Yukon and Nunavut.

The territory is divided up into a number of settled and unsettled land, resource and self-government agreement areas.

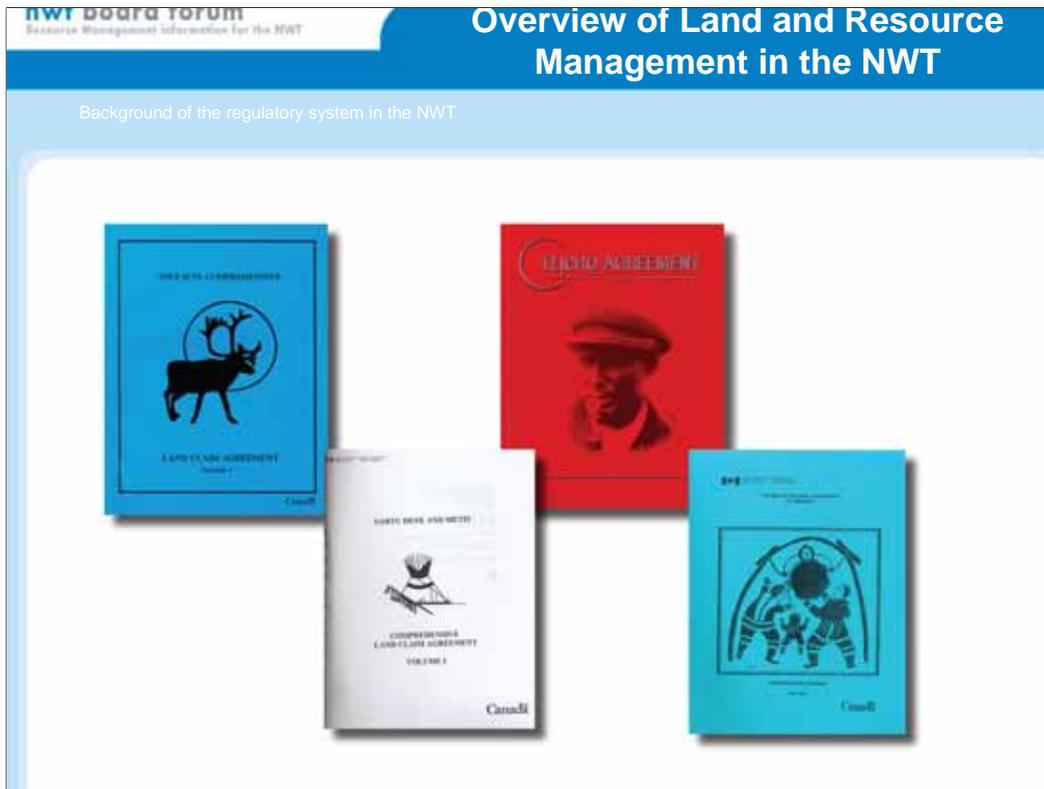
Over 43,200 people live in the NWT, of which approximately half of are Aboriginal. Much of the population lives in small communities, with approximately 20,000 people living in the capital city, Yellowknife.

Mineral and petroleum exploration and development are important components of the NWT economy. The NWT currently has three diamond mines in production and another two in the works, and the territory is considering the possibility of a Mackenzie Valley Pipeline.

On the political front, the Northwest Territories operates under a consensus system of government, rather than a system of party politics. Within this system, all 19 members of the Legislative Assembly are elected as independents in their constituencies and among themselves vote on the Premier and six Cabinet members, who function collectively in much the same way as a provincial legislature.

Through the implementation of treaties, the people of the North have developed an evolving relationship with the Government of Canada and the Government of the Northwest Territories, as well as the mining and oil and gas industries.

One component of this relationship will be the devolution of existing federal responsibilities for land management to the Government of the Northwest Territories and Aboriginal governments. Negotiations regarding devolution are on-going.



Background of the regulatory system in the NWT

Currently, there are four settled comprehensive claims, or “modern treaties” in the NWT: the Inuvialuit Final Agreement [link to (1984)], the Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993), the Gwich’in Comprehensive Land Claim Agreement (1992) and the Tlicho Land Claims and Self-government Agreement (2005).

By guaranteeing consultation and participation in the regulatory system, modern treaties give Aboriginal groups in the Northwest Territories (NWT) a significant say in land, water and environmental management. Through the signing of these agreements, new legislation and changes to existing legislation, created boards and other management bodies for the regulation of land, water and environmental management.

The intent of modern treaties is to clarify how renewable and non-renewable resources will be managed by different land owners, how and by whom resource development will be managed and regulated, and how parties will work together when making decisions related to the resources of the NWT.

In areas of the NWT where modern treaties have not yet been reached, there are original, or “historic” treaties in place – Treaties 8 and 11 – in the southern part of the NWT. These historic treaties and the rights outlined in them are constitutionally recognized and protected, just as are the rights in the modern treaties.

Modern treaties also include chapters on Economic Measures which ensure, among other things, that governments proposing economic development programs within a region must consult with the governing body(ies) of that region.

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Overview of Land and Resource Management in the NWT

Principles of Land and Resource Management

- Integrated and coordinated system
- Based on principles of co-management

Principles of Land and Resource Management

There are two principles fundamental to the northern regulatory system, as outlined in the *Mackenzie Valley Resource Management Act (MVRMA)* and the *Inuvialuit Final Agreement*:

- Integrated and coordinated
 - The regulation of land, water and wildlife in the settlement area and in adjacent areas should be co-ordinated
 - An integrated system of land and water management should apply to the Mackenzie Valley and the Inuvialuit Settlement Region
- Based on the principles of co-management



Land and Resource Management – Overview

Land and resource management in the NWT is a web of interrelated areas. The four main categories to be considered are:

- Land and resource ownership and access
- Environmental assessment, land and water regulation, issuance of permits and inspection
- Wildlife and renewable resource management
- Land use planning

The system needs to be integrated and coordinated and monitored, based on the principles of co-management.

Inspection and enforcement is presently the responsibility of the federal and territorial governments.

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Overview of Land and Resource Management in the NWT

Land Ownership

- Federal (Crown Land)
- Territorial (Commissioner's Land)
- Aboriginal
- Private

Land Ownership

In the NWT, lands are managed or owned by one of four parties:

- Government of Canada (Crown Land)
- Government of the Northwest Territories (Commissioner's Land)
- Aboriginal governments or land corporations
- Private

The federal government owns large areas of land, including surface and subsurface rights. Individuals and companies can apply for permission to access and use resources in, or on, the ground, and must comply with relevant acts and regulations.

Through the finalization of land, resource and self-government agreements, Aboriginal governments have established rights for ownership of land and resources in defined areas. The Inuvialuit, Sahtu, Gwich'in and Tlicho now manage significant areas of land in the NWT, with a combination of surface and sub-surface rights.

Each of these aboriginal governments has established their own land administration systems to manage access by individuals and companies to their lands and resources. Boards, as institutions of public governance, provide an overarching framework for all lands in the NWT.

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Overview of Land and Resource Management in the NWT

NWT Boards Overview

General functions of the boards:

- Prepare regional land use plans
- Conduct environmental assessment and environmental impact review processes
- Issue water licenses and land use permits
- Manage wildlife
- Ensure protection of the environment from significant adverse impacts of projects and other developments
- Consider economic, social and cultural well-being of residents, including the recognition of Aboriginal rights

NWT Boards – Overview

There are several governing bodies and regulatory organizations that have different mandates and responsibilities for certain areas in the Northwest Territories. The term 'boards' refers to institutions of public government, and co-management and advisory bodies.

Today, there are 13 public boards involved in making decisions over the land, water and resources in the NWT. They are responsible for preliminary screening of development proposals, environmental assessments and impact reviews, land use planning, wildlife management and the issuance of water licenses and land use permits. Most have members nominated by Aboriginal organizations, the Government of Canada, and the Government of the Northwest Territories (GNWT).

General functions of the boards:

- Prepare regional land use plans to guide resource development, and the use of land, water and other resources
- Conduct environmental assessment and environmental impact review processes
- Regulate the uses of land and water through the issuance of licences and permits
- Manage wildlife and renewable resources
- Ensure land and water decisions protect the environment from any significant adverse impacts of proposed developments
- Consider the economic, social and cultural well-being of residents and communities of the region and the territory as a whole

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Overview of Land and Resource Management in the NWT

Types of Boards

Land and resources in the NWT are managed through four different types of boards:

- Land use planning Boards
- Environmental assessment Boards
- Land and water regulation Boards
- Renewable resource Boards

Members are nominated and/or appointed by federal, territorial and Aboriginal governments.

Types of Boards

Land and resources are managed through four different types of boards in the Mackenzie Valley:

- Land use planning Boards
- Environmental assessment Boards
- Land and water regulation Boards
- Renewable Resource Boards

A board typically comprises members nominated and/or appointed by each of the federal, territorial and aboriginal governments. Details on individual board composition can be found in the *Mackenzie Valley Resource Management Act (MVRMA)*, the *NWT Waters Act*, and in individual claim agreements.

Renewable resource boards, where they exist, act as the regional authority for wildlife management in the settlement region and these boards work cooperatively with the GNWT.

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Overview of Land and Resource Management in the NWT

Jurisdictions of land management in the NWT

There are two separate jurisdictions of land management in the NWT:

- Inuvialuit Settlement Region
- Mackenzie Valley Region

Jurisdictions of land management in the NWT

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- Inuvialuit Settlement Region
- Mackenzie Valley Region

Inuvialuit Settlement Region

The Inuvialuit Settlement Region (ISR) and the Mackenzie Valley are governed by different statutes and have established resource management boards to perform regulatory, advisory, planning, and environmental assessment functions.

The *Inuvialuit Final Agreement (1984)* created management bodies for wildlife, land and environmental management for the Inuvialuit Settlement Region through changes to existing legislation.

Mackenzie Valley

For the rest of the NWT, new legislation called the *Mackenzie Valley Resource Management Act (1998) (MVRMA)*, created boards for land, water and environmental management.

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Overview of Land and Resource Management in the NWT

Land Management – Inuvialuit Settlement Region

- Inuvialuit Regional Corporation
- Exclusive ownership of surface and subsurface rights
- Co-management bodies
- Environmental assessment
- Renewable resource boards
- Land use planning

Land Management – Inuvialuit Settlement Region

The ISR is a northern region of the territory which runs along the Beaufort Sea. The Inuvialuit Land Administration has the administrative authority for Inuvialuit Private Lands under the Inuvialuit Final Agreement.

The Inuvialuit Regional Corporation was established to manage the affairs of the Inuvialuit including their private lands. The Inuvialuit have exclusive ownership of surface and subsurface rights. Within the Inuvialuit Regional Corporation, the Inuvialuit Land Administration administers and manages these lands and the Inuvialuit Land and Administration Commission is responsible for making decisions on land use applications.

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Overview of Land and Resource Management in the NWT

How are land and water boards organized in the ISR?

- Environmental Impact Screening Committee
- Environmental Impact Review Board
- Wildlife Management Advisory Council (NWT)
- Fisheries Joint Management Committee
- Inuvialuit Game Council
- Hunters and trappers committees in each community

How are land and water boards organized in the ISR?

The following public co-management bodies were established under the Inuvialuit Final Agreement to enhance environmental and resource co-management in the Inuvialuit Settlement Region:

- Environmental Impact Screening Committee
- Environmental Impact Review Board
- Wildlife Management Advisory Council (NWT)
- Fisheries Joint Management Committee

Additionally, organizations were established to represent Inuvialuit interests and local community interests in wildlife management:

- Inuvialuit Game Council
- Hunters and trappers committees in each community

In addition to the boards formed under the Inuvialuit Final Agreement, the NWT Water Board was established by the *Northern Inland Waters Act* proclaimed in 1972. This Act was replaced by the *NWT Waters Act* in 1992. The NWT Water Board is an institution of public government in the Inuvialuit Settlement Region responsible for the conservation, development and utilization of the water resources in the region.

Finally, the Joint Secretariat was established as a non-profit organization under the *NWT Societies Act* to provide technical and administrative support to these committees, boards, and councils.

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Overview of Land and Resource Management in the NWT

Land and Water Management in the ISR

- NWT Water Board regulates water use; issues water licenses
- Land administration looked after by INAC

Key Legislation

- *NWT Waters Act* and Regulations
- *Territorial Lands Act*
- *NWT Wildlife Act*

Land and Water Management in the ISR

Land and water boards are responsible through legislation and regulation to administer the use of land and water and the deposit of waste in each of their respective management areas on both public and private lands.

In the ISR, the NWT Water Board regulates the use of water, and the deposit of waste into water, through the issuing of water licenses.

In this region, federal land administration is looked after by Indian and Northern Affairs Canada, who are responsible for issuing land use permits in the ISR.

Key legislation

- *NWT Waters Act* and Regulations
- *Territorial Lands Act*
- *NWT Wildlife Act*

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Overview of Land and Resource Management in the NWT

Environmental assessment in the ISR

Two bodies responsible for environmental assessment in the ISR:

- Environmental Impact Screening Committee
- Environmental Impact Review Board

Environmental assessment in the ISR

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- Environmental Impact Screening Committee
- Environmental Impact Review Board

Environmental Impact Screening Committee (ISR)

The Environmental Impact Screening Committee is responsible for environmental screening for all potential developments in the ISR. The committee reviews proposed projects to decide if a development is likely to have significant adverse impacts on the environment or on wildlife harvesting. The Committee can also recommend terms and conditions which mitigate the potential significant impacts of a development.

The Environmental Impact Screening Committee may refer a project for additional environmental review to a governmental development or environmental impact review process, or to the Environmental Impact Review Board.

Environmental Impact Review Board (ISR)

The Environmental Impact Screening Committee may refer a project for additional environmental review to the Environmental Impact Review Board, if it determines that a governmental development or environmental impact review process will not adequately address the assessment and review function necessary for the scope of a particular project.

The Environmental Impact Review Board carries out detailed environmental impact assessments and public reviews of development projects referred to it by the Environmental Impact Screening Committee. The Board decides whether a project should proceed and, if so, under what specific terms and conditions. In making its decision, the Environmental Impact Review Board considers the need for wildlife compensation, mitigation, and remedial measures.

Very few (5-6%) of development proposals make it to this stage. Most get into the regulatory system after the Environmental Impact Screening Committee process.

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Overview of Land and Resource Management in the NWT

Renewable resource boards in the ISR

- In the ISR, the Inuvialuit Game Council has a renewable resource management responsibility.
- Hunters and Trappers Committees have similar responsibilities in individual communities.

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Hunters and Trappers Committees have similar responsibilities in individual communities.

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Overview of Land and Resource Management in the NWT

Land use planning in the ISR

- Community and regional approaches
- Community conservation plans

Land use planning in the ISR

In the ISR, both community and regional approaches to land use planning have been adopted.

Community conservation plans have been developed for the lands surrounding each of the Inuvialuit communities.

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Overview of Land and Resource Management in the NWT

Land and Water Boards in the Mackenzie Valley

Administer the use of land and water and the deposit of waste on both public and private lands.

- Environmental Assessment
- Renewable resource boards
- Land use planning

Land and Water Boards in the Mackenzie Valley

Land and water Boards are responsible through legislation and regulation to administer the use of land and water and the deposit of waste in each of their respective management areas on both public and private lands. This is achieved through:

- Environmental Assessment
- Renewable resource boards
- Land use planning

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Overview of Land and Resource Management in the NWT

How are land and water boards organized in the MVR?

Four land and water boards created under the *MVRMA*

- Gwich'in, Sahtu, Weke'ezhii, Mackenzie Valley
- Regulate use of land and water, and the deposit of waste into water
- Issue land use permits and/or water licenses

Key Legislation

- *Mackenzie Valley Resource Management Act (MVRMA)* and Regulations
- *NWT Waters Act* and Regulations
- *Territorial Lands Act*
- *NWT Wildlife Act*

How are land and water boards organized in the Mackenzie Valley Region?

There are four land and water boards that perform the same function in different jurisdictions:

- Gwich'in
- Sahtu
- Weke'ezhii
- Mackenzie Valley (Dehcho, Akaitcho and transboundary)

What do the land and water boards do?

These boards regulate the use of land and water, and the deposit of waste, through the issuing of Land Use Permits and Water Licenses.

Where do the rules come from?

Issuing permits and licenses is guided by the following:

- Mackenzie Valley Resource Management Act (MVRMA)* and Regulations
- NWT Waters Act* and Regulations
- Territorial Lands Act*
- NWT Wildlife Act*

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Overview of Land and Resource Management in the NWT

Mackenzie Valley Land and Water Board (MVLWB)

- Issues land use permits and water licenses in unsettled claim areas (Dehcho, North and South Slave)
- Processes transboundary applications

What does the Mackenzie Valley Land and Water Board (MVLWB) do?

The main function of the Mackenzie Valley Land and Water Board is to issue land use permits and water licences on land in unsettled land claim areas (i.e. the Dehcho, and North and South Slave areas). The board also processes transboundary land and water use applications (i.e. projects that cross settled or unsettled land claim boundaries).

The Board's other functions include:

- Ensuring consistency in the application of the legislation throughout the Mackenzie Valley
- Administering land use permits and water licences that were issued prior to the MVRMA

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Overview of Land and Resource Management in the NWT

Regional Land and Water Boards in Settled Claim Areas

- Issue land use permits and water licenses in their respective areas
- Are regional panels of the MVLWB

What do the regional land and water boards do in the settled claims areas?

The Gwich'in, Sahtu and Wek'eezhii Land and Water Boards issue land use permits and water licences in their respective areas on public and private lands. They are regional panels of the MVLWB, and the members of the regional panels are also members of the MVLWB.



Environmental assessment in the Mackenzie Valley Region

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) was established under the *Mackenzie Valley Resource Management Act (MVRMA)* and is responsible for carrying out preliminary screenings, environmental assessments and environmental impact reviews of proposed developments. The Board carries out environmental assessments or reviews of projects referred to it by other organizations, including the land and water Boards, on all lands (private and public) in the NWT, except in the ISR.

For the most part, the MVRMA replaces the *Canadian Environmental Assessment Act (CEAA)* in the NWT, except in the ISR, where the CEAA still applies.

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Overview of Land and Resource Management in the NWT

Renewable Resource Boards in the MVR

NWT-wide

- GNWT has overall jurisdiction for wildlife and works cooperatively with other boards

In settled claim areas

- Gwich'in Renewable Resources Board
- Sahtu Renewable Resources Board
- Wek'eezhii Renewable Resources Board

In unsettled claim areas

- GNWT

Renewable Resource Boards in the Mackenzie Valley Region

Co-management boards that act in the public interest to manage renewable resources—that is, wildlife, fish and forests—in their respective regions.

In settled claim areas in the Mackenzie Valley, renewable resource boards have been established through land claim agreements in the Gwich'in, Sahtu and Tlicho regions.

In unsettled claim areas, structures for the management of renewable resources have yet to be established, and will be addressed as part of ongoing land claims negotiations. In the meantime, the Government of the Northwest Territories fulfills this function.



Land use planning in the Mackenzie Valley Region

Before any discussion of Land Use Planning Boards, it is helpful to have an overview of the land use planning process in general, and the approach to and status of land use planning across different regions in the NWT.

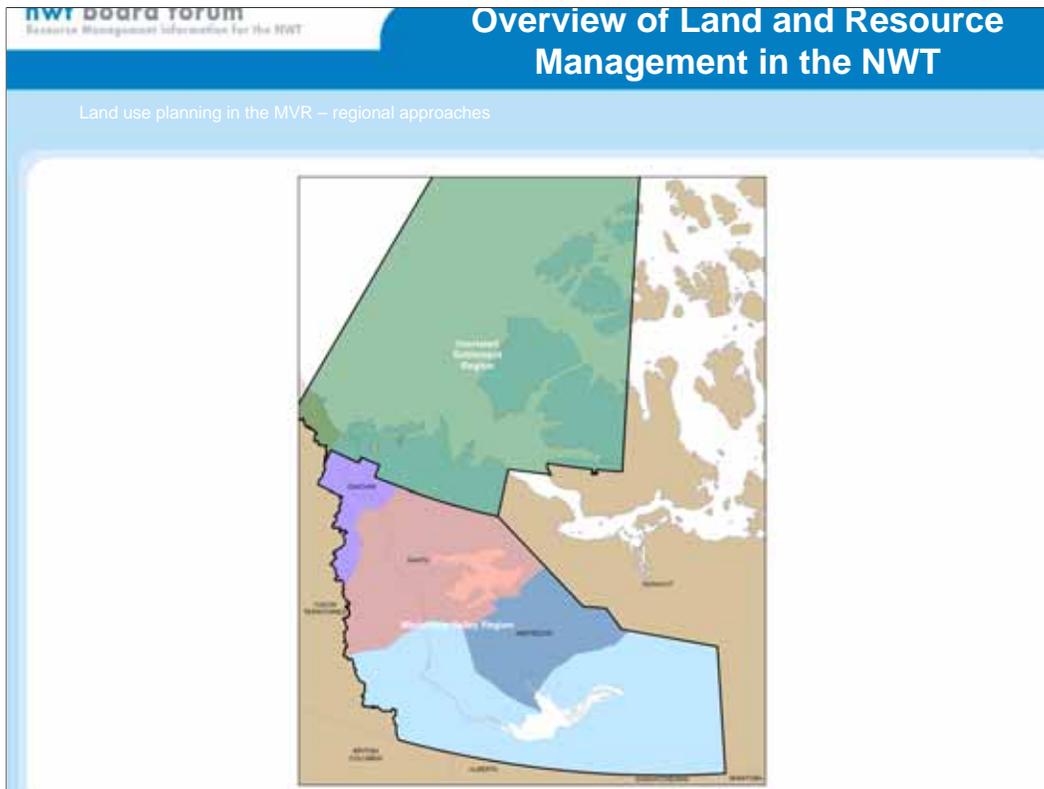
In the NWT, land use planning is a critical part of effective management and use of lands and resources.

Land use plans provide guidance on what activities should or should not take place on the lands of the North. Special areas of spiritual, ecological or cultural importance can be protected, and there can also be areas designated for development.

Land use planning is not just about restricting development – rather, it is about creating certainty for where, when and how development can or cannot take place.

Land use plans provide guidance to the regulatory authorities. For example, under the *Mackenzie Valley Resource Management Act* (MVRMA), boards cannot issue licences or permits that are not consistent with an approved Land Use Plan.

However, while the principles of what land use planning should achieve are generally consistent, the approaches to developing land use plans vary by region within the NWT.



Land use planning in the Mackenzie Valley – regional approaches

In the Sahtu and Gwich'in regions, decisions were made during negotiations to take a settlement region-wide approach to land use planning, for both private and public lands. Co-management boards were created to develop land use plans in these regions, with representation from both the federal, territorial and aboriginal governments. To date, the Gwich'in is the only region to have a completed land use plan.

The Tlicho Government has jurisdiction to develop a land use plan for the 39000km² of Tlicho-owned lands. A land use planning committee has been established, and has been working for several years to develop this plan. The Tlicho Government can approve the plan unilaterally.

On lands outside of Tlicho lands but within the Wek'èezhii management area, the federal government has the responsibility to establish a process to carry out land use planning. To date, no action has been taken to initiate this process, however the *Tlicho Agreement* does suggest that this planning could be coordinated with any land use planning activities undertaken for Tlicho lands.

In the Dehcho, a land use planning committee has been established under the Dehcho Interim Measures Agreement.

No formalized land use planning process exists in the Akaitcho.

Neil McCrank's 2008 "Road to Improvement" report, the 2005 Environmental Audit and numerous other reports have indicated that land use planning is critical, in order to ensure certainty, protection and public involvement in land use management.

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Overview of Land and Resource Management in the NWT

Land Use Planning Boards in the MVR

- Develop and implement regional land use plans
- Have been established in Sahtu and Gwich'in regions, through *MVRMA*

Land Use Planning Boards in the Mackenzie Valley

Land Use Planning Boards develop and implement regional land use plans.

Land use planning boards have been established in the Sahtu and Gwich'in regions, through land claim agreements, as reflected in regulations in the *Mackenzie Valley Resource Management Act* (MVRMA).

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Overview of Land and Resource Management in the NWT

NWT Board Forum - Overview

- Established 2004
- Understanding and coordination between Boards
- Membership: Board chairs and senior officials of federal and territorial gov'ts and the National Energy Board

NWT Board Forum

One mechanism to help coordinate resource management in the NWT is the NWT Board Forum.

The purpose of the NWT Board Forum is to give organizations involved in land use planning, environmental assessment, land and water regulation and resource management an opportunity to learn from one another and to coordinate activities. The Forum is intended to improve and maintain effective lines of communication between its members, resolve common issues, and share expertise. It also provides industry, government and other organizations with a structured forum to engage and interact with the Northwest Territories' co-management boards.

The NWT Board Forum began meeting in April 2004, and has addressed a number of recommendations made in the 2005 Auditor General's Report to improve the northern regulatory system.

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Overview of Land and Resource Management in the NWT

NWT Board Forum - Membership

- Chairs of the NWT resource management, advisory and environment assessment boards created under the *MVRMA*
- Chairs of the NWT environmental assessment committees, boards, and co-management bodies under the *Inuvialuit Final Agreement* and the *NWT Waters Act*
- Regional Director General of INAC – NT Region
- Assistant Deputy Minister for Environment and Natural Resources of the Government of the Northwest Territories
- Chair of the National Energy Board

NWT Board Forum – Membership

The NWT Board Forum comprises chairs and senior staff members of all NWT resource management co-management Boards, as well as senior officials from the National Energy Board (NEB), Indian and Northern Affairs Canada (INAC) and the Government of the Northwest Territories (GNWT).

The NWT Board Forum meets twice a year to share information on various resource and environmental issues of common interest and to discuss new initiatives that boards and/or government are undertaking to support the regulatory system in the NWT.

The NWT Board Forum comprises the following members:

- Chairs of the NWT resource management, advisory and environment assessment boards created under the *Mackenzie Valley Resource Management Act* (MVRMA)
- Chairs of the NWT environmental assessment committees, boards, and co-management bodies under the *Inuvialuit Final Agreement* and the *NWT Waters Act*
- Regional Director General of Indian and Northern Affairs Canada Northwest Territories Region
- Assistant Deputy Minister for Environment and Natural Resources, Government of the Northwest Territories
- Chair of the National Energy Board (NEB)

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Overview of Land and Resource Management in the NWT

NWT Board Forum – Strategic Goals

- **Goal 1:** A coordinated/Sustainable publicly supported natural resource management system
- **Goal 2:** Member boards are knowledgeable and effective contributors to the system
- **Goal 3:** Communities, constituents and clients are consulted and informed in the pursuit of our goals

NWT Board Forum – Strategic Goals

Recently, the Forum carried out strategic planning exercises, and came up with three goals:

Goal 1: A coordinated/Sustainable publicly supported natural resource management system in the NWT

Goal 2: Member boards are knowledgeable and effective contributors to the system

Goal 3: Communities, constituents and clients are consulted and informed in the pursuit of our goals

The NWT Board Forum will continue to work towards these objectives in future.

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Overview of Land and Resource Management in the NWT

NWT Board Forum – Objectives

- Mutual understanding
- Collaborative approaches
- Strategic and operational planning initiatives
- Resource sharing
- Forum to hear concerns from industry, governments and others
- Ongoing orientation training for members and of boards

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NWT Board Forum – Objectives

Objectives of the forum include:

- Increasing mutual understanding – presentation on current issues
- Identifying and developing collaborative approaches to resolve issues of concern – developed interagency working groups
- Planning strategic and operational initiatives of mutual benefit
- Identifying opportunities to share resources and expertise – cross-board opportunities
- Acting as a Forum to hear from industry, government and other interest groups. For example, in last two years, there have been presentations from the Canadian Association of Petroleum Producers (CAPP), the Prospectors and Developers Association of Canada (PDAC), the Mining Association of Canada (MAC) and the NWT and Nunavut Chamber of Mines
- Pursuing training and development initiatives—formalized training committee, materials, and the delivery of courses for board members and staff—is a cornerstone of Board Forum activities.

Examples of courses include:

- Administrative Law
- Board Orientation
- Technical Training
- Public Hearing Course

Course curriculum is available on the NWT Board Forum website, www.nwtboardforum.ca

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