



NÀNH' GEENJIT GWITR'IT T'IGWAA'IN WORKING FOR THE LAND

Gwich'in Land Use Plan

Gwich'in Land Use Planning Board
August 2003

Approval

We the undersigned are pleased to have given approval on behalf of the Gwich'in, the Government of the Northwest Territories, and the Government of Canada, in accordance with Section 43 of the Mackenzie Valley Resource Management Act, to *Náhn Geenjit Gwitr'it T'igwaa'in, Working for the Land - The Gwich'in Land Use Plan*. It is considered to be in effect as of August 7, 2003.



Fred Carmichael
President
Gwich'in Tribal Council



Jim Antoine
Minister of Resources, Wildlife, and Economic Development
Government of the Northwest Territories



Robert Nault
Minister of Indian Affairs and Northern Development
Government of Canada

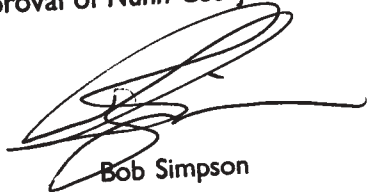
Letter of Transmittal

The Gwich'in Land Use Planning Board is pleased to present the Gwich'in Land Use Plan, *Nành Geenjit Gwitr'it T'igwaa'in - Working for the Land*. The Plan has been created to ensure it conforms with the Gwich'in Comprehensive Land Claim Agreement and the Mackenzie Valley Resource Management Act. This plan for the Gwich'in Settlement Area is the result of 20 years of regional land use planning.

When the interim Land Use Planning Board began work in 1993, the previous 10 years of effort of the Mackenzie Delta Beaufort Sea Land Use Planning Commission were considered. It then took six years to carefully evaluate and incorporate the views of communities, regional organisations, industrial interests, and government departments and agencies before the land use plan was ready to submit for approval. During the approval process of four years, refinements were made and issues of legislative conflict have been addressed.

With the substantial participation from all the interest groups and the refinements made during the approval process, the Planning Board is proud of this integrated regional plan that balances resource development and use with conservation of the land and environment. We look forward to seeing the fruition of many years work in the implementation of this Plan.

Mahsi Cho! to everyone who gave their time, ideas, and energy to the production and approval of *Nành Geenjit Gwitr'it T'igwaa'in - Working for the Land*.



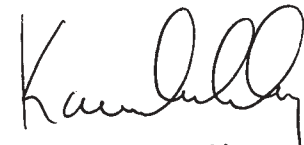
Bob Simpson
Chair



Charlie Snowshoe
Vice-Chair



Fanny Greenland
Director



Karen LeGresley Hamre
Director



Ian McLeod
Director

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Acknowledgements

The Gwich'in are as much a part of the land as the land is a part of their culture, values, and traditions. In the past they were stewards of the land on which they lived, knowing that their health as people and a society was intricately tied to the health of the land. In response to the Berger enquiry of the mid 1970's, the government of Canada made a commitment to recognize this relationship by establishing new programmes and institutions to give the Gwich'in people a role as stewards once again. One of the actions taken has been the creation of a formal land use planning process.

Many people from all communities in the Gwich'in Settlement Area have worked diligently on land use planning in this formal process with the government since the 1980s. Throughout these years people have continued to put their time and energy into land use planning because of their commitment to taking care of the land and their children's future. The Gwich'in helped to set the framework for the 1983 Basis of Agreement on Northern Land Use Planning. The first attempt to develop a Land Use Plan was through the Mackenzie Delta Beaufort Sea Land Use Planning process which was appointed in 1987 and included Gwich'in representatives. The Mackenzie Delta Beaufort Sea Land Use Plan produced in 1991 was not approved or implemented by government. After the signing of the Gwich'in Land Claim in 1992, the Gwich'in Interim Land Use Planning Board was given the task to begin land use planning again. However, it was not until the Mackenzie Valley Resource Management Act was passed in 1998 that there was the legal authority to produce a Gwich'in Land Use Plan.

After approximately 20 years of work on the part of many people, the Gwich'in Land Use Planning Board (Planning Board) is proud to present *Nanh' geenjit gwitr'it t'igwaa'in/Working for the Land - Gwich'in Land Use Plan*. We would like to thank all the board members, staff, community members, government and industry participants who have worked on land use planning over the years.

Current Planning Board Members include Bob Simpson (Chair), Charlie Snowshoe (Vice-chair), Ian McLeod, Karen LeGresley Hamre and Fanny Greenland. Other people who have contributed as Board Members include Hal Mills, Margaret Donovan, Piet Van Loon, Robin Aitken and Norman Sancartier. The Planning Board would like to especially thank Charlie Snowshoe who has served on the Planning Board from its beginning. Charlie's interest and passion for land use planning stems from his love of the land and the Gwich'in people. He first became involved in the Mackenzie Delta Beaufort Sea Land Use Planning process and has continued in land use planning ever since. Charlie is an untiring source of energy, always ready to work and motivate those around him. We thank him for his dedication.

In addition to Board Members there have been many staff who have made the production of the Gwich'in Land Use Plan possible. Staff members who have worked on the Plan over the years are Ron Cruikshank, Wilbert Firth, Wes Funk, Allen Firth, Deena Clayton and Neida Gonzalez. The Board would also like to recognize the efforts of Jane Henson as planner for the Gwich'in during the Mackenzie Delta Beaufort Sea land use planning process.

By far the greatest thanks for this Plan goes to the people from the communities of Aklavik, Tsiigehtchic, Fort McPherson and Inuvik who have worked hand in hand with us on the development of *Nanh' geenjit gwitr'it t'igwaa'in/Working for the Land - Gwich'in Land Use Plan*. Regardless of how many times communities have been asked to contribute to projects or initiatives that have not met with expectations, they are still willing to participate and try to make a difference for their communities and their futures. They have put their trust in the Planning Board and staff to protect their land and all that it encompasses while providing a base for economic opportunities. The Planning Board hopes that it meets community expectations.

The Planning Board would like to thank the following people for their participation, support and work in developing the Plan:

AKLAVIK

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TSIIGEHTCHIC

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We thank everybody that has participated in the planning process for their contributions, particularly the Gwich'in Land and Water Board, the Gwich'in Renewable Resource Board, the Gwich'in Tribal Council, the Gwich'in Social and Cultural Institute, the Department of Indian and Northern Affairs, the Department of Resources, Wildlife and Economic Development and all other government and industry groups.

We also thank those groups and people that provided comments on the *Plan Options Paper, the Proposed Community Protected Areas and the Preliminary Draft Land Use Plan*. Without the support of all groups this Gwich'in Land Use Plan would not have been possible. Lastly, thanks to Scott Black and Chris Douglas at Compass Communications for working with us to produce this document.

We look forward to working with you in the implementation of *Nanh' geenjit gwitr'it t'igwaa'in/Working for the Land - Gwich'in Land Use Plan*.

Susan McKenzie
Land Use Planner
August, 2003

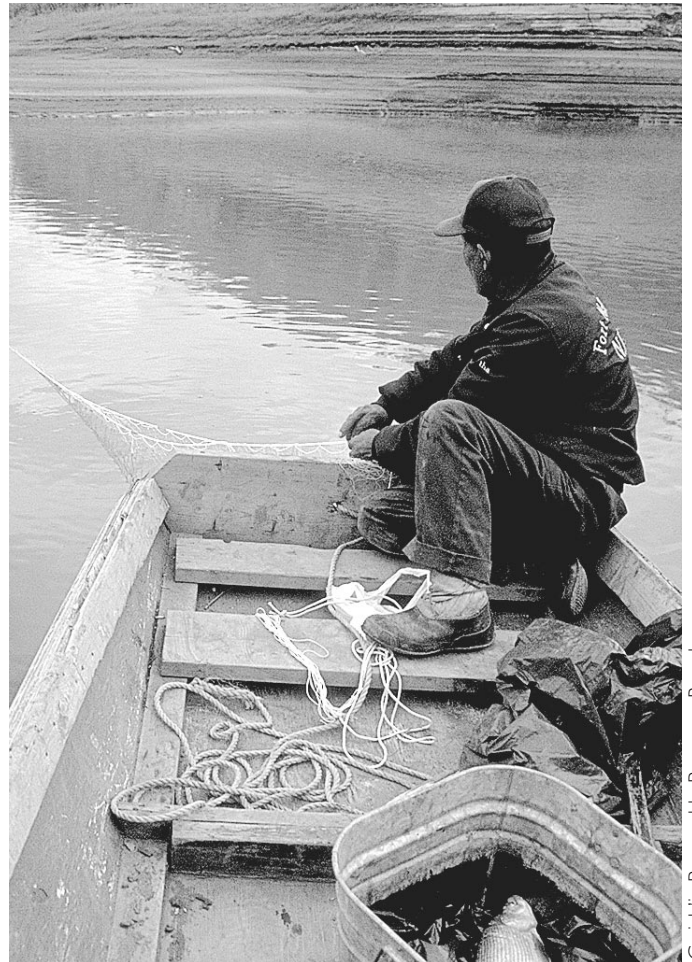
Introduction

1.1 What is a Land Use Plan?

A Land Use Plan is one tool for taking care of the land and people of the Gwich'in Settlement Area today and in the future.¹ "Taking care of the land" means more than just looking after the ground beneath us. For people in the Gwich'in communities, taking care of the land means taking care of the whole environment including people, land, water, air, wildlife, heritage and other resources. Land has spiritual values as well as physical values. Taking care of the land means understanding and maintaining connections between all parts of the land. Land includes natural processes like migration of animals, the break up and freeze up of rivers and lakes and fire.

An important part of land use planning is preparing to deal with future situations that may affect the land. Land use planning provides an opportunity to think about how land should be used today and in the future. In a Land Use Plan there are goals for land use and recommended actions for meeting goals. A Land Use Plan also sets aside different areas for different uses, and describes what is allowed and not allowed in specific areas.²

The Gwich'in Land Use Planning Board (Planning Board) has been given the authority to develop a Gwich'in Land Use Plan by the *Gwich'in Comprehensive Land Claim Agreement* (Gwich'in Land Claim) and the *Mackenzie Valley Resource Management Act*. The Gwich'in Land Claim establishes land ownership and sets up a system for land management. The Land Use Plan is one land management tool for the Gwich'in Settlement Area. The Planning Board has worked with the communities, Gwich'in, government, co-management, business and non-government groups to develop the Gwich'in Land Use Plan.



Gwich'in Renewable Resource Board

Why call it the Gwich'in Land Claim?

Even though it is really an agreement, most people in the area still say 'the Claim' when they are talking about the Gwich'in Comprehensive Land Claim Agreement. To be consistent, the Land Use Plan also refers to the agreement simply as the Gwich'in Land Claim.

Why use the term co-management board?

The boards that were set up under the Gwich'in Land Claim are actually called institutions of public government. However, since most people in the area call them 'co-management boards', the same term is used in the Land Use Plan.

According to the Mackenzie Valley Resource Management Act, Gwich'in, government, and other regulatory authorities will be obligated to carry out their powers in accordance with the Gwich'in Land Use Plan, after it receives formal approval. Proposed land use activities will



The Land Use Planning Office

Gwich'in Land and Water Board

be required to conform with the Gwich'in Land Use Plan. The Planning Board will carry out a comprehensive review of the Gwich'in Land Use Plan no later than five years after it receives formal approval, in order to consider new issues, information, opportunities and user needs. The Plan will continue to be reviewed every five years unless the Gwich'in, the federal minister and the territorial minister agree to review it at a different time.

1.2 What is the Gwich'in Land Use Planning Board?

The Planning Board is comprised of two Gwich'in nominees, two government nominees and a chairperson who is chosen by the nominees. Planning Board funding comes from the settlement of the Gwich'in Land Claim and allows the Planning Board to have an office, one staff person, hold Board Meetings and consult with communities, government and other groups.



Aklavik Community Meeting, 1997

Gwich'in Land and Water Board

1.3 What are the principles guiding the development of the Land Use Plan?

The principles and objectives guiding the development of the Land Use Plan are found in the Gwich'in Land Claim.³ The Planning Board uses these principles and objectives as a guide for its work. Similar objectives and principles are also found in the *Mackenzie Valley Resource Management Act*.⁴

1.3.1 Objectives from the Land Claim Agreement Guiding Planning

1. To recognize and encourage the Gwich'in way of life which is based on the cultural and economic relationship between the Gwich'in and the land (Section 1.1.3).
2. To encourage the self-sufficiency of the Gwich'in and to enhance their ability to participate fully in all aspects of the economy (Section 1.1.4).
3. To provide the Gwich'in the right to participate in decision making concerning the use, management and conservation of land, water and resources (Section 1.1.7).
4. To protect and conserve the wildlife and environment of the settlement area for present and future generations (Section 1.1.8).
5. To integrate planning and management of wildlife and wildlife habitat with the planning and management of all types of land and water use in order to protect wildlife and wildlife habitat (Section 12.1.1f).

1.3.2 Planning Principles in the Land Claim Agreement

1. The purpose of land use planning is to protect and promote the existing and future well-being of the residents and communities of the settlement area having regard to the interests of all Canadians (Section 24.2.4a).



Gwich'in Land and Water Board

Integrated Resource Management and Land Use Planning Workshop, Inuvik March 1997.

2. Special attention shall be devoted to:
 - (i) protecting and promoting the existing and future social, cultural and economic well-being of the Gwich'in;
 - (ii) lands used by the Gwich'in for harvesting and other uses of resources;
 - (iii) the rights of the Gwich'in under this agreement (Section 24.2.4b).
3. Land use planning shall directly involve communities and designated Gwich'in organizations (Section 24.2.4c).
4. The plan developed through the planning process shall provide for the conservation, development and utilization of land, resources and waters (Section 24.2.4d).
5. Water resources planning within the Mackenzie Valley is an integral part of land use planning (Section 24.2.5).

1.4 What is the Land Use Planning Process?

The land use planning process is a six stage process (see Figure 1):

- 1) Information Gathering
- 2) Plan Options
- 3) Draft Land Use Plan
- 4) Final Land Use Plan
- 5) Plan Implementation
- 6) Review and Amendment

The Gwich'in Land Use Plan reflects comments on land use planning from communities, Gwich'in, government, co-management, business and non-government groups (see Appendix A). Comments are in response to consultations through community and regional workshops, land use planning meetings and the release of:

- *Plan Options: A Discussion Paper for the Land and Water Managers and Users of the Gwich'in Settlement Area* (February, 1997),
- *Proposed Community Protected Areas* (September, 1997), and
- *Preliminary Draft Land Use Plan for the Gwich'in Settlement Area*. (March, 1998).

Figure 1: The Land Use Planning Process

Information Gathering

At this stage we gather information about community issues and resources such as wildlife; forests; sand and gravel; tourism and roads.

(We continually update information and add new information)

Plan Options

What needs to be in the Plan? Here we present ideas that could be in the Plan.

Draft Plan

This is our first effort at a Land Use Plan. After all groups have had a chance to comment, we produce the Final Plan.

Final Plan

This document is submitted to the Gwich'in Tribal Council, the territorial government and the federal government for approval. The Board will consider all of the comments the approval agencies make. If the Board decides to change the final plan based on the comments, then all of the agencies have to agree to the changes.

(Community meetings are an important part of the process at every stage)

Note: First Plan officially approved August, 2003.

Plan Implementation

At this stage we begin to use the Plan for making decisions about land use and resource management.

(Every five years the Plan is reviewed and updated)

Review and Amendment

five years after the Plan is approved we review it to ensure we've met the goals and objectives. This gives us an opportunity to change the Plan.



A variety of meetings and workshops have taken place on Gwich'in land use planning in the Gwich'in Settlement Area as well as in Yellowknife and Calgary (see Appendix A). In March, 1997, a workshop took place, in Inuvik, to review *Plan Options* and to give direction to the Planning Board. Over 80 representatives of community, government, co-management, business and Gwich'in groups met to discuss land use planning issues. Since the planning workshop, the Planning Board has continued to consult with all groups on the development of the Land Use Plan.

The Planning Board has organized five community tours where people provided comments on the land use planning work. The Planning Board has continued to consult with government and industry through meetings in Inuvik, Yellowknife and Calgary as well as by participating in the *Protected Areas Conference* and *Geoscience Forum* in Yellowknife. Consultation work has given the Planning Board useful direction on goals, land use issues and the land use zoning system. As a result of the consultation process, communities, government and business groups are more directly involved in the planning process.

1.5 What is in the Gwich'in Land Use Plan?

There are seven chapters in the Gwich'in Land Use Plan:

Chapter 1	Introduction
Chapter 2	Information about the Gwich'in Settlement Area
Chapter 3	Land and Water Regulation
Chapter 4	Land Use Plan for the Future: Vision and Land Zones
Chapter 5	Land Use Plan for the Future: Land Use Issues and Actions
Chapter 6	Procedures for Implementing the Land Use Plan
Chapter 7	Implementation Plan Outline

Chapter 2 describes the Gwich'in Settlement Area and its resources. This chapter outlines the significance of resources, how they are being used and what demands are on resources of the Gwich'in Settlement Area.

The Land and Water Regulation chapter outlines who owns land in the Gwich'in Settlement Area, what groups are managing land and resources and what regulations are in place to manage resources.

Outlined in **Chapter 4** is the Planning Board's perspective on land use planning and its vision for the future as well as the Land Zones for the Gwich'in Settlement Area. **Chapter 5** outlines the major land use issues and recommended actions for dealing with these issues. Direction for managing land and resources is the focus of **Chapter 5**.

Chapter 6 deals with the rules for implementing the Land Use Plan like: “Under what special circumstances will an exception to the Land Use Plan be considered?” or “What is meant by a five year review of the Land Use Plan?”. **Chapter 7** addresses what will be in the Implementation Plan for the Land Use Plan.

1.6 How was the Gwich'in Land Use Plan Formally Approved?

The Gwich'in Land Use Plan was approved by three groups. The first group required to approve the Gwich'in Land Use Plan was the Gwich'in Tribal Council. The second was the territorial government and the third was the federal government.

1.7 “Conformity with the Land Use Plan” What does it mean?

“Conformity with the Gwich'in Land Use Plan” means groups are legally obligated to follow the Land Use Plan. All groups including the Gwich'in, federal government, territorial government, co-management boards and business groups are required to conform to the approved Land Use Plan. The Plan is written so that land users can look at the Plan and figure out for themselves whether a proposed land use is likely, or is not likely to conform with the Plan.

Regulators, like the Gwich'in Land and Water Board, cannot issue a licence, permit or authorization until it is established that the proposed activities are in conformity with the Land Use Plan. If there are questions about conformity, the Planning Board will decide if the activity conforms to the Land Use Plan.

References

- ¹ GNWT Comments: Gwich'in Settlement Area Land Use Plan-Plan Options Paper, 1997 p.1
- ² Department of Indian Affairs and Northern Development, Fact Sheet: Land Use Planning Boards (1999).
- ³ Gwich'in Comprehensive Land Claim Agreement (1992), Sections 1, 24 and 25.
- ⁴ Mackenzie Valley Resource Management Act (1998), Sections 35, 58, 64, 114, and 115.