



Government of
Northwest Territories



FINDING COMMON GROUND

A renewed commitment to regional land
use planning in the Northwest Territories

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TERRE

LANDS

FINDING COMMON GROUND

A renewed commitment to regional land
use planning in the Northwest Territories

May 2019 | Department of Lands



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I. FINDING COMMON GROUND

There are many words for “land” – Nì, Ndéh, Nuna, Terre. The same lands can mean something different to different people within a region, or even the same community. Land use planning takes the time to understand what land means to different people, and build a shared understanding of how land should be used.

In 2015, the Department of Lands created the NWT Land Use Planning Forum to provide a vehicle for Indigenous, regulatory, territorial and federal planning partners to meet annually, build shared understanding and renew the commitment to land use planning across all regions of the NWT.

Finding Common Ground echoes the themes that most resonated with our planning partners from the initial Forum in 2015 through to our most recent forum in 2018.

These themes include:

A shared responsibility and accountability among the Government of the Northwest Territories (GNWT), Indigenous governments and the Government of Canada for land use planning;

Land use planning takes the time to find common ground among planning partners through joint learning, information sharing, and dialogue; and,

Governments have a responsibility for the ongoing renewal of certainty for land users, and confidence for communities that land use plans are achieving their purpose.

This approach builds on the direction set in the Land Use and Sustainability Framework, and priorities of the 18th Legislative Assembly of the NWT to promote and support effective land use planning for all areas of the territory.

As the title suggests, the approach also recognizes the desire of Indigenous governments and the GNWT to continue to build strong government-to-government relationships and find common ground to advance our shared interest in the planning and management of land and resources in the NWT for the benefit of our communities.

Finding Common Ground is a renewed commitment to regional land use planning in the NWT. It is also a commitment to promote ongoing dialogue and shared accountability with federal and Indigenous governments.

While working together for the benefit of all Northerners, it is essential that our government-to-government relationships be based on mutual respect, recognition and shared responsibilities. I reach out to every Northerner and invite you to join us in finding common ground.

*Respect, Recognition, Responsibility:
GNWT's Approach to Engaging with
Aboriginal Governments*

CONTEXT

The GNWT considers regional land use plans to be the primary instrument to define where certain activities can take place.

Regional land use planning started in the NWT in 1983 when the Basis of Agreement on Northern Land Use Planning was signed by the federal and territorial governments, the Dene Nation, the Métis Association of the Northwest Territories and the Tungavik Federation of Nunavut.

This Basis of Agreement has informed modern land, resources and self-government agreements in the NWT, which have been the drivers for advancing regional land use planning as an essential component of the integrated system of land and water management in the Mackenzie Valley. In the Inuvialuit Settlement Region, the Inuvialuit Final Agreement set up a system of land management that did not include land use planning.

The *Mackenzie Valley Resource Management Act* (MVRMA), which received royal assent in 1998, entrenches modern land, resources and self-government agreements which mandated an integrated system of land and water management throughout the Mackenzie Valley in the NWT.

The MVRMA created five main components of land and water management:

- **Land use planning boards** to develop and review land use plans that provide direction as to what types of land uses are allowed within a given area;
- **Land and water boards** to authorize and regulate the uses of land and water and the deposit of waste resulting from a development in a given area, in accordance with land use plans;
- An **environmental impact review board** to conduct an environmental assessment or review of the potential environmental, cumulative and socio-economic impacts of a proposed development;
- **Cumulative impact monitoring**; to monitor the cumulative environmental impact of concurrent and sequential land, and water use and deposits of waste;
- **Environmental audits**, conducted every five years, to ensure the integrated system operates efficiently and according to the MVRMA.

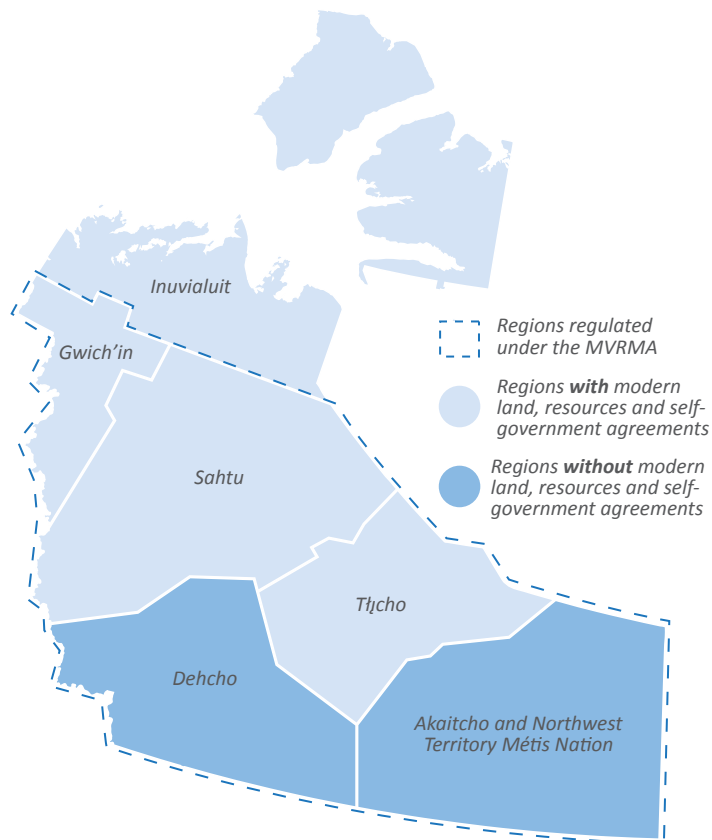
There were two environmental audits completed prior to devolution in 2014, and another completed in 2015, immediately following devolution. All pointed to the lack of completed land use plans as “a critical factor impeding the successful implementation of an integrated system of land and water management.”

The audits recommended that the territorial and federal governments partner with Indigenous governments on the immediate development of enforceable land use plans in the Dehcho, Wek’èezhì and southeastern NWT regions in the interim while modern land, resources and self-government agreements are being negotiated.

I. FINDING COMMON GROUND

STATUS OF LAND USE PLANNING

Following completion of their respective modern land, resources and self-government agreements, land use plans were completed by the **Gwich'in** in 2003 and by the **Sahtu** in 2013. The GNWT, Sahtu Secretariat, Gwich'in Tribal Council and the Government of Canada are working with the Land Use Planning Boards set up under the MVRMA to complete the comprehensive review required for each of these land use plans.



In the **Dehcho Interim Measures Agreement (IMA)**, the Dehcho First Nations, GNWT and the Government of Canada agreed to pursue land use planning concurrently with the negotiation of the Dehcho modern land, resources and self-government agreement. The Dehcho IMA established a Land Use Planning Committee with members from all three land use planning partners.

A first draft of the Dehcho Interim Land Use plan was completed in 2006. The second draft was completed in 2016 with the guidance of a terms of reference document. Currently, all three planning partners are working to reach consensus on the final revisions to the draft plan.

The **Tłı̨chǫ Government** completed their land use plan, called the Tłı̨chǫ Wenek'e (which means land use plan) for Tłı̨chǫ lands in 2013. The GNWT and the Tłı̨chǫ Government have been working collaboratively since 2014 to develop options for a planning process for the public lands in the area known as Wèk'eezhìi under the Tłı̨chǫ agreement, and recently brought the Government of Canada into the discussions.

The parties have decided on an approach to develop a land use plan on a government-to-government basis for public lands in Wèk'eezhìi.

In the southeastern NWT, where both the Akaitcho Dene First Nations and the Northwest Territory Métis Nation have Interim Measures Agreement areas, the GNWT and the Government of Canada are working with them to develop an approach to land use planning that could concurrently inform the negotiations for their future comprehensive land and resource agreements.

Land use planning in this region will require an approach that is responsive to multiple, ongoing, modern land, resources and self-government agreement negotiations and recognizes overlapping Indigenous traditional territories. Further, the regional land use plan must fulfill its role within the integrated system of land and resource management in the Mackenzie Valley.

The **Inuvialuit Settlement Region (ISR)** has a separate regulatory system, with a different system of land management, arising from the Inuvialuit Final Agreement (IFA) which was signed in 1985.

In the ISR the Inuvialuit utilize non-legally binding community conservation plans, coupled with regional strategic environmental assessments. The community conservation plans were developed by a joint planning committee of community interests such as municipal leaders, hunters, elders and regional wildlife interests for the lands surrounding each of the six Inuvialuit communities. These conservation plans serve as guidance documents for the community as well as for governments and industry. The plans are reviewed every five years.

The purpose of land use planning is to protect and promote the social, cultural and economic well-being of residents and communities ... land use planning must involve the participation of the first nation and of residents and communities in the settlement area.

Mackenzie Valley Resource Management Act



II. WHAT IS LAND USE PLANNING?

A land use plan is a document containing maps and directions to land users and regulators on the appropriate or prohibited uses of land, water and resources.

Land use plans are based on input from community residents and are the guide to all later decisions about land use. The plans document the values of Indigenous people and are a key way to ensure that community values are respected during the regulatory process.

The process of land use plan development builds confidence for communities, and the plan itself provides certainty for land users and regulators for how or if development may proceed.

Overheard at the Land Use Planning Forum

"The first round of interviews was done in our language. The language is very descriptive and powerful, where one word can translate into a whole story."

"Down here you gotta have ʔegané, but if you head up to this part of the map you better make sure you got some bògqon!"

"Today is a reflection of choices made in the past. Tomorrow can be a reflection of choices made today."

"You get a bunch of people around a map and all of a sudden everyone's Hank Snow, man, they've been everywhere!"

"Protecting our land and animals is like money in the bank, food in the deep freezer."

"Any trappers in the crowd? I see a few of you."

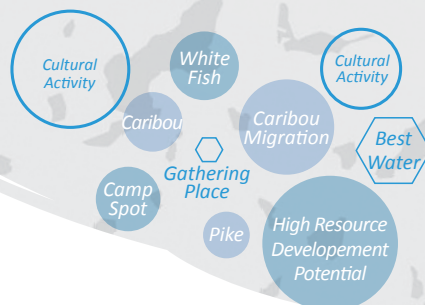
COMMUNITY VISION

What are the social, cultural, and economic goals of our communities?



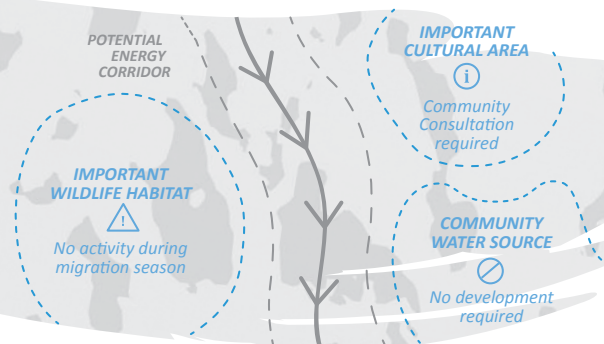
DOCUMENTING KNOWLEDGE

How is the land being used?
Where should it be used?



ZONING

What activities can take place where?



III. NWT LAND USE PLANNING FORUM

The responsibility for regional land use planning in the NWT is shared among a number of parties – regional land use planning boards, Indigenous governments, the GNWT and the Government of Canada - the planning partners. Together, they are accountable to each other and to NWT communities for the development, implementation, and monitoring of the regional land use plans.

LAND USE PLANNING FORUM

Following devolution, the Department of Lands was created with a mandate that included advancing regional land use planning in partnership with Indigenous governments and the Government of Canada.

The vehicle for the Department's approach is the NWT Land Use Planning Forum, started in 2015 as an annual event to bring the land use planning partners together. The intent of the Forum is to find common ground among the partners by sharing information, developing understanding of the key elements of a regional land use plan, and confirming accountability to each other for completing and revising the regional land use plan they are responsible for.

During the Forum in 2016, the Department of Lands began a discussion with the planning partners about the best approach to advancing regional land use planning in the NWT. These conversations continued with all partners during the Forums held in 2017 and 2018, leading to an approach called "Finding Common Ground", outlined in this booklet.

ANNUAL REPORT ON LAND USE PLANNING

Beginning in 2019, the Department of Lands will produce an annual report on land use planning in the NWT. This report will highlight the results of the most recent Forum, offer an opportunity for planning partners to provide status updates on activities that have been carried out to advance land use planning, and, provide information on relevant projects that have been supported by the Department.

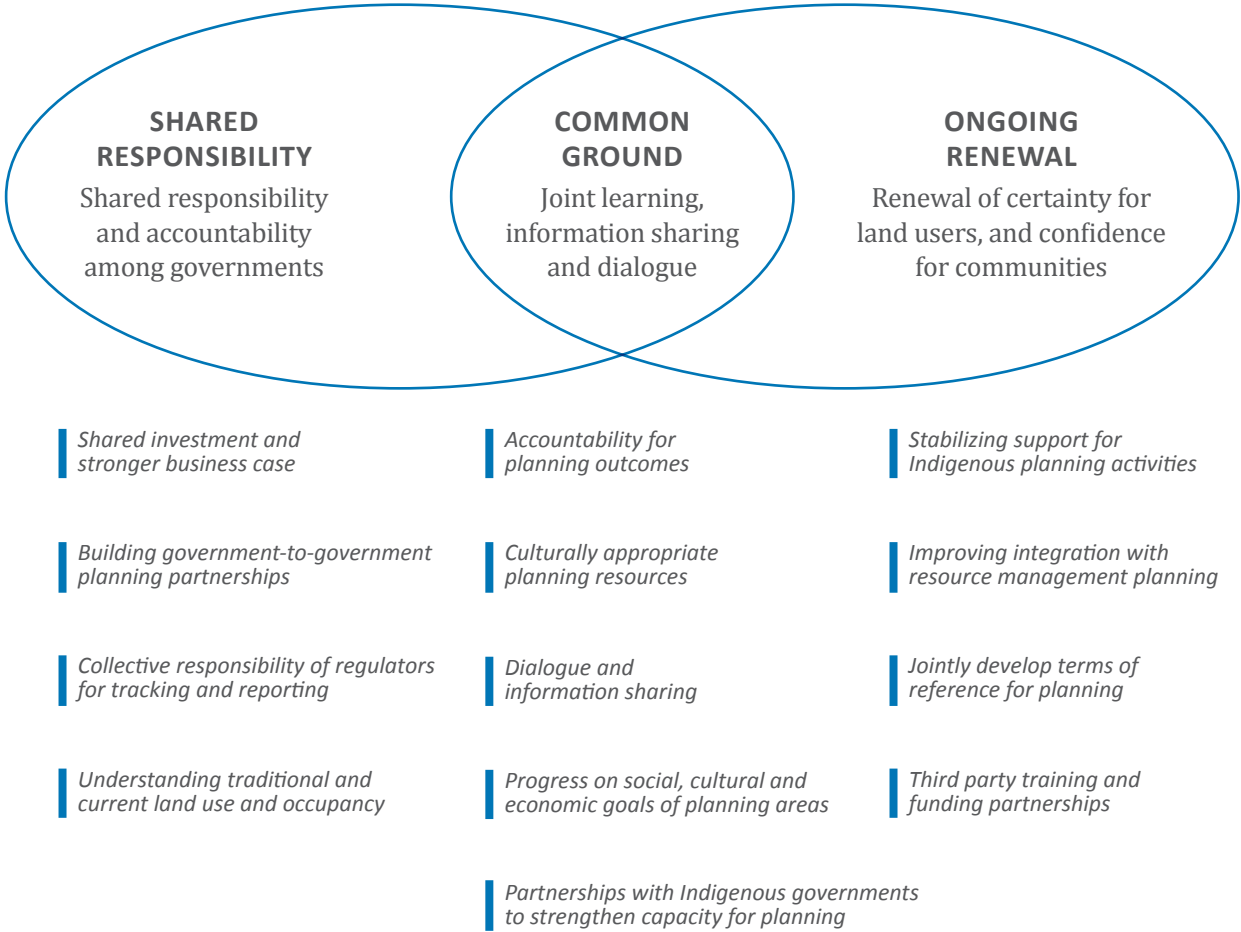
Land use, planning and management are shared responsibilities. It is a GNWT priority to promote and support effective land use planning in all regions in the NWT.

*Northern Lands Northern Leadership:
The GNWT Land Use and Sustainability Framework*

IV. OUR APPROACH

Finding Common Ground is intended to serve as a guide for the territorial, Indigenous and federal governments to help with understanding each other’s perspectives, setting directions and working between waypoints.

The 16 objectives of the Finding Common Ground approach, listed below, are interdependent. Progress achieved on one objective is tied to the progress achieved on other objectives. Success is dependent on our ability to consider the objectives from three different perspectives: shared responsibility, common ground and ongoing renewal for regional land use planning in the NWT.



1. SHARED RESPONSIBILITY

A SHARED RESPONSIBILITY AND ACCOUNTABILITY AMONG THE GNWT, INDIGENOUS GOVERNMENTS, AND THE GOVERNMENT OF CANADA FOR LAND USE PLANNING

WHAT WE HEARD

"We want to work together on a government-to-government basis in the spirit of mutual respect and reconciliation to address land use issues proactively."

"A government-to-government agreement could help to address some of the uncertainty that is inherent to land use planning occurring prior to, or concurrent with land claim negotiation."

"The GNWT needs to sit with Chief and Council. This discussion needs to begin at a government-to-government level."

SUMMARY

The planning partners agree that land use planning must be built on respectful government-to-government relationships and shared accountability.

Accordingly, in areas where there is no land use plan, the process needs to start with an agreement among the planning partners, who must also develop the terms of reference.

The relationship among planning partners holds true in areas with existing plans, developed by land use planning boards as a result of completed modern land, resources and self-government agreements. The responsibility to ensure that land use planning boards can fulfill their roles and responsibilities ultimately rests with the signatories to these completed agreements.

An important feature of this relationship will be a shared commitment from each government to be accountable to one another in order to achieve the best results from our efforts.

Working from a foundation built on a strong partnership means the land use planning can meet the planning partners' shared interests for reconciliation, regulatory certainty, and will help with the completion of negotiations for modern land, resources, and self-government agreements.

OBJECTIVES FOR SHARED RESPONSIBILITY

- Building a direct government-to-government relationship for land use planning with Indigenous, territorial and federal governments
- A shared investment among governments and a stronger business case for planning
- Accountability to and among planning partners for planning outcomes

SUPPORTING OBJECTIVES

- Jointly develop and understand the terms of reference for planning
- Collective responsibility among regulators for the tracking, assessing and reporting on land use plan implementation

IV. OUR APPROACH

2. COMMON GROUND

LAND USE PLANNING TAKES THE TIME TO FIND COMMON GROUND AMONG PLANNING PARTNERS THROUGH JOINT LEARNING, INFORMATION SHARING, AND DIALOGUE

WHAT WE HEARD

“Land use planning is intended to build the solid relationships that will be essential for working through conflict that comes later at the project assessment stage. We rely on the relationships that land use planning builds with Indigenous Governments and the public.”

“We need adequate, stable, multi-year support to allow us to build our capacity and preparation for participating in land use planning processes”.

“We are interested in using land use planning to support our land selection activities — as a tool to facilitate greater conversation between groups with overlapping interests and to facilitate a conversation about values to see if some common ground can be found”.

SUMMARY

As the title page to this booklet shows, there are many different words for land, which can also have many different meanings for people, even among those living in the same region.

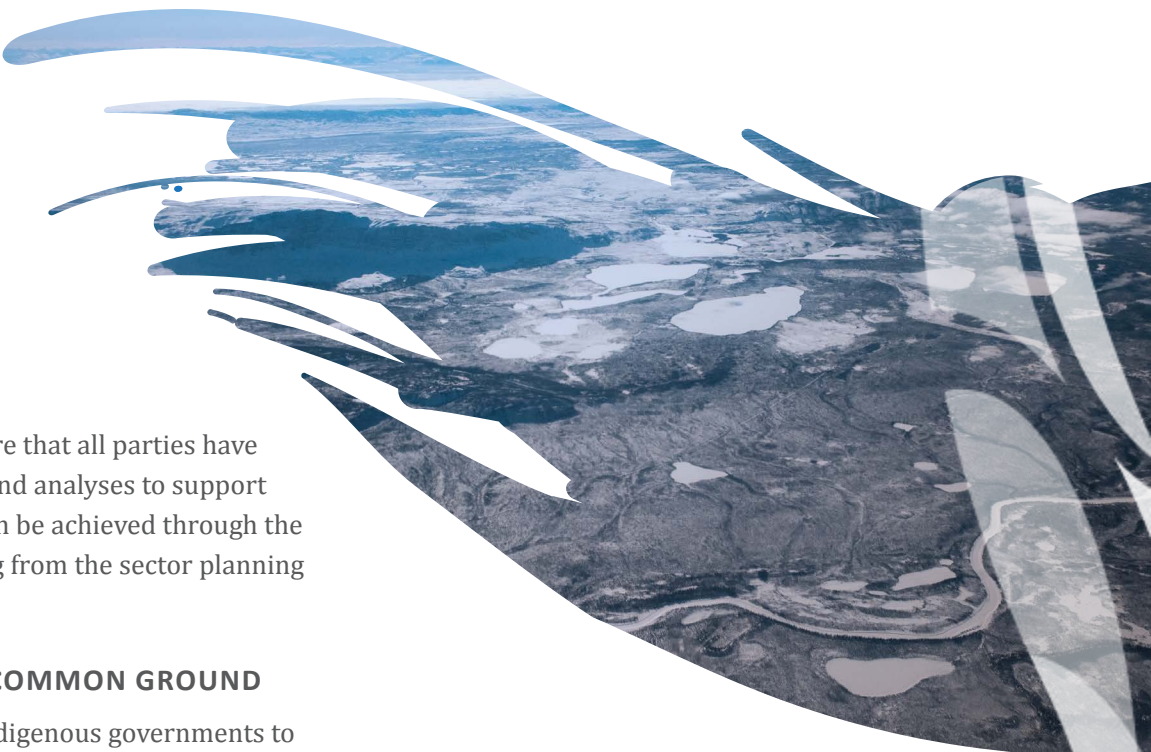
Discussions at the Land Use Forums emphasized the importance of dialogue to increase understanding among governments, within communities, and among Indigenous land users.

This speaks in part for the need to increase opportunities for joint learning, for the exchange of ideas among organizations, and the development of culturally relevant resources for engagement.

From discussions heard at the Forums, these meetings are helping to increase understanding among planning partners, which can lead to more opportunities within the planning regions. More work must be done, however, to ensure that Indigenous governments can continue to participate equally in the planning relationships.

A recurring theme, identified at each Forum by participants, was that of capacity. To be able to participate effectively in land use planning, Indigenous governments stated that they would like to be able to carry out the technical and engagement work necessary to map land use and occupancy data, and to identify traditional and current values for traditional territories.

This shows a path forward — increasing opportunities for training, mentoring and technical support for Indigenous governments’ land use planning activities. This can help prepare for larger, regional planning activities, and will necessarily align both the GNWT’s and the Government of Canada’s efforts to support building Indigenous government capacity for these planning efforts.



It will also be necessary to ensure that all parties have the same baseline information and analyses to support their planning activities. This can be achieved through the coordinated information sharing from the sector planning initiatives within each region.

OBJECTIVES FOR FINDING COMMON GROUND

- Strengthen the capacity of Indigenous governments to participate in planning
- Stabilize support for Indigenous planning activities
- Promote dialogue and information sharing across regions, organizations and communities

SUPPORTING OBJECTIVES

- Increase our understanding of historical and current land use and of Indigenous peoples for planning regions
- Culturally appropriate resources and communications are available to support planning
- Build training and funding partnerships with industry, academic and non-government organizations

IV. OUR APPROACH

3. RENEWAL

GOVERNMENTS HAVE A RESPONSIBILITY FOR THE ONGOING RENEWAL OF CERTAINTY FOR LAND USERS, AND CONFIDENCE FOR COMMUNITIES THAT LAND USE PLANS ARE EFFECTIVE

WHAT WE HEARD

"We need land use plans to fill the gaps in the regulatory system, to tell us what land uses should be allowed where, and under what conditions."

"There are broader goals for land use planning than just regulatory certainty. We want to build community capacity, protect the sacred areas and develop a sustainable economy."

"We need to plan in advance for economic scenarios so that when a project does come along that communities do support, we are ready and not creating a regulatory burden for these projects".

SUMMARY

The effectiveness of a land and resource management regime hinges on ensuring that land users, regulators and communities are confident of the plan's ability to deliver on its stated purpose.

Central to the effectiveness of the NWT land and resource management regime is the level to which land use plans can deliver on their purpose, as described in the MVRMA and completed land, resources, and self-government agreements: to promote the social, cultural and economic well-being of communities.

Confidence in the land use plans depends on the implementation, tracking and monitoring of conformity with the land use plans by regulators, planning and environmental assessment boards, and through the renewal process of periodic comprehensive review of the plans themselves.

As heard at the Forums, regulators are effectively implementing land use plans on an individual basis, but there is a need for planning partners to consider whether plans are achieving the vision and goals established during the planning process. Currently, there is no formal mechanism to assess whether a region's vision for land use is being achieved.

Periodic review of land use plans provides the opportunity to see if land use plans are achieving their purpose to review the overall state of social, cultural and economic well-being of a region in order to assess if progress has been made to achieve the vision for land use set by communities.

Governments have a responsibility to provide land users with the certainty that land use plans are achieving their purpose.

OBJECTIVES FOR RENEWAL

- Strengthen our understanding of progress towards the social, cultural and economic well-being of planning regions
- Collective responsibility among regulators to track, assess, and report on the implementation of land use plans
- Improve the integration of regional land use planning with other land and resources planning processes within each region

SUPPORTING OBJECTIVES

- Accountability to and among planning partners for planning outcomes
- Building a direct government-to-government relationship for land use planning with Indigenous governments and Government of Canada



V. PATHS FORWARD

PLANNING FOR WÈK'EEZHÌ PUBLIC LANDS

The Tłıchǫ Land Claims and Self-Government Agreement, Section 22.5.1 states: “Government may establish a Mechanism for the preparation, approval and implementation of a land use plan that applies to all parts of Wèk’eezhì, other than Tłıchǫ lands, national parks and lands in a community”.

Since devolution, the GNWT and the Tłıchǫ Government have been working collaboratively to scope options to implement article 22.5.1 of the Tłıchǫ Agreement. This partnership began with a joint engagement in 2015-16 with Tłıchǫ Elders, community members in Wekweètì, Whatì, Behchokò and Gamètì, and Tłıchǫ leadership.

Based on the success of this early partnership, in 2017, the GNWT Department of Lands, Tłıchǫ Department of Culture and Lands Protection, and the Department of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) agreed to work together to design, cost and develop a terms of reference to implement a land use planning approach for public lands in Wek’eezhì.

As a result of this collaboration the parties propose to proceed on a government-to-government basis to establish a joint planning office in Behchoko, and to carry out a land use planning process for Wek’eezhì.

Using the Land Use and Sustainability Framework to be clear and transparent we will implement the agreed upon governance structure for land use planning in the Wèk’eezhì Management Area, and complete land use plans for all areas, including unsettled areas.

Mandate of the Government of the Northwest Territories, 2016-2019



ADVANCING LAND USE PLANNING IN AKAITCHO AND NORTHWEST TERRITORY MÉTIS NATION INTERIM MEASURES AGREEMENT AREAS (IN THE SOUTHEASTERN NWT)

There is a shared interest on the part of the GNWT and Indigenous governments to find opportunities to strengthen government-to-government relationships on lands and resources, and on how to advance land use planning in areas without completed modern land, resources and self-government agreements.

From 2015 to 2017, the Department of Lands steadily increased its training, capacity building and contribution funding to Indigenous governments in areas without completed land use plans to assist with planning for traditional territories, and to build capacity in concert with the negotiations for modern land, resources and self-government agreements.

Work has progressed towards completing modern land, resources and self-government agreements to a point where land use planning could help to inform land selection activities and facilitate conversations between Indigenous governments with overlapping traditional territories.

There is recognition that land use planning can help meet the shared interests of Indigenous, territorial and federal governments for reconciliation, regulatory certainty and the completion of modern land, resources and self-government agreements.

The GNWT is partnering with the Akaitcho Dene First Nations, the Northwest Territory Métis Nation and the Government of Canada to determine the feasibility of a land use planning process proceeding concurrently with negotiations for modern land, resources and self-government agreements for these groups' Interim Measures Agreement Areas in the southeastern NWT.

A successful approach will be responsive to multiple ongoing negotiations, provide an appropriate role for all Indigenous governments with overlapping traditional territories, and be able to deliver a regional land use plan that fulfills its role within the integrated system of land and resource management in the Mackenzie Valley.

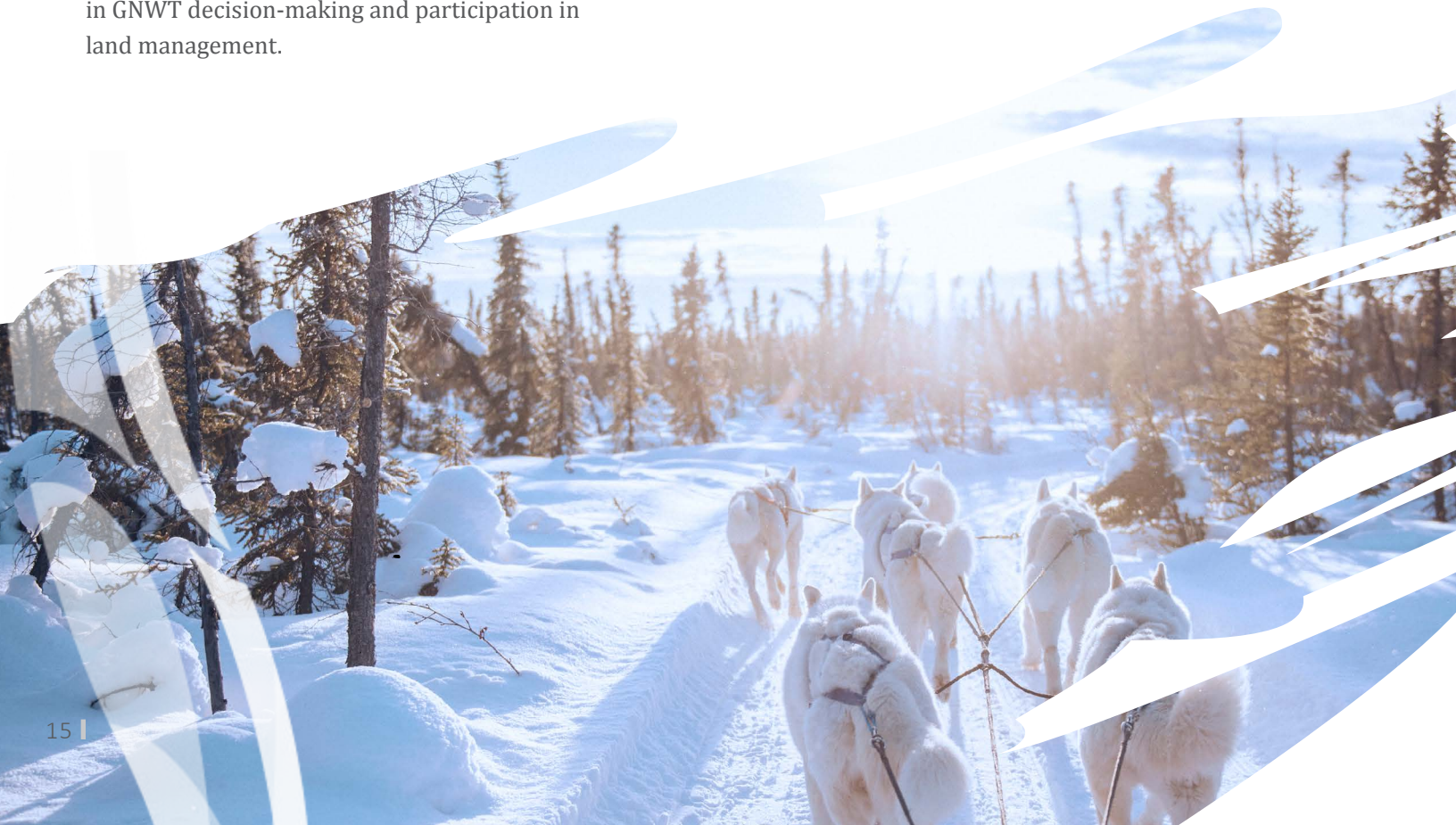
VI. LINK TO OTHER GUIDING DOCUMENTS

Finding Common Ground is just one component in a collection of guiding documents aimed at promoting understanding of the GNWT's approach to land use planning.

Other key guidance documents include:

Northern Lands Northern Leadership: The GNWT Land Use and Sustainability Framework outlines the position and interests that the GNWT will bring to the table once land use planning begins, and how these will be considered in making responsible decisions. The Framework is intended to facilitate greater consistency in GNWT decision-making and participation in land management.

Regional Land Use Planning: Guidelines on what to expect from the Government of the Northwest Territories specifies the government's criteria and decision making processes for land use plans where the GNWT's input is sought as either a reviewer or approver. The guidelines explain the role of the GNWT in plan approvals, implementation, departmental roles and responsibilities, communications, and the list of criteria for review.





Kīspin ki nitawih̄tīn ā nīh̄yawih̄k ōma ācimōwin, tipwēsīnēn.

Cree

ᑭerih̄tł'īs dēne sūlīné yati t'a huts'elkēr xa beyéyati theᑭa ᑭat'e, nuwe ts'ēn yółti.

Chipewyan

If you would like this information in another official language, call us.

English

Si vous voulez ces renseignements en français, contactez-nous.

Français

Jii gwandak izhii gin̄jik vat'atr'ijāhch'uu zh̄it yīnohthan j̄i', diits'āt ginohkn̄ii.

Gwich'in

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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Inuktitut

UVANITTUAQ ILITCHURISUKUPKU INUVIALUKTUN, QUQUAQLUTA.

Inuvialuktun

K'éhshó got'īne xədá k'é hederi ᑭed̄ih̄tl'é yeriniwē nídé dúle.

North Slavey

Edi gondi dehgéh got'ie zhatié k'ěé edatł'éh enahddhē nide naxets'é edahí.

South Slavey

T̄ich̄o yati k'ěé dē wegodīi wek'ēhoiz̄o nēw̄o dē, gots'ō goahde.

T̄ich̄o

Department of Lands

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Government of
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