

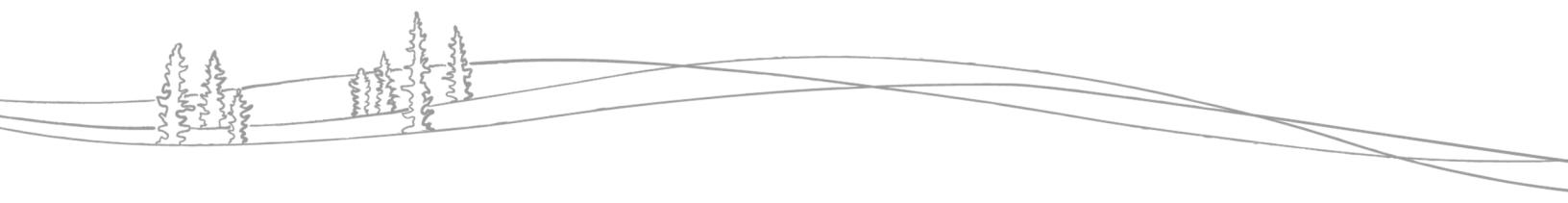


# Process Guide

## Transfer of Public Land to Communities

Mandate commitment of the 19<sup>th</sup> Legislative Assembly

Revised July 13, 2022



The following procedure outlines the general process by which the Government of the Northwest Territories (GNWT) will undertake the transfer of certain public land which are either vacant or already leased to a community and within the municipal boundary, to the applicable municipality. The process, to the extent possible, reflects the legal requirements of the GNWT, the roles and responsibilities of to each of the GNWT parties, including the Departments of Environment and Climate Change, Executive and Indigenous Affairs, and Municipal and Community Affairs. Where required, the process also reflects required actions and projected timelines of the municipality.

*Note: This process is informed by existing statutes and policies of the Department of Environment and Climate Change, Municipal and Community Affairs and Executive and Indigenous Affairs. However, should any of these changes or be modified to accommodate the implementation of the bulk land transfer it may impact the activities detailed below and/or timelines involved.*

### GNWT Roles and Responsibilities

Executive Council (Cabinet) may be required to authorize an exemption to the Land Lease-Only Policy relating to the proposed land dispositions to the municipality.

*Note: this step has not been included in the below process for Cabinet confidentiality reasons*

Department of Environment and Climate Change (ECC) is currently responsible for administration of all land under the administration and control of the Commissioner of the Northwest Territories, including those land which fall within the municipal boundary. During this process, Environment and Climate Change will proceed with the land transfer and identify GNWT program and capital needs, assess the legislative and policy requirements.

Department of Municipal and Community Affairs (MACA), in general, is responsible for supporting community governments to develop community plans, zoning or land administration bylaws, and through the coordination of land

development activities within their capital planning process, advising, and supporting community governments in understanding how to acquire and dispose of land through local bylaws, and through obtaining tenure from the GNWT where applicable.

Department of Executive and Indigenous Affairs (EIA) is the Department responsible for among other things, the negotiation and implementation of land, resources and self-government agreements with Indigenous governments and organizations. In the context of land dispositions to the municipality, EIA will be responsible for reviewing any land disposition proposal to ensure that ongoing negotiations are not prejudiced, or existing agreements are being adhered to.

## Municipal Roles and Responsibilities

The municipality is responsible for the administration and management of municipal land including land use planning and zoning related to all municipal land within the municipal boundary, as well as by-laws which apply to all land within the municipality. The municipality participates in the resolution of any conflicts or needs arising out of land use and access to public land (i.e., Commissioner's or Territorial land) lying within their boundary. The municipality is also recognized as having an interest in land use and planning on public land adjacent to it.

## Process for Disposing of Land to a Community

The following procedures outline the requirements/steps associated with transferring public land in “bulk” from the GNWT to a community.

### PHASE I: PLANNING

Step 1: Scoping and Clarification of Initiative		
GNWT	TIMING	COMMUNITY
<p><b>Part 1: Development of a Process Document</b></p> <p><i>The process document may be revised from time to time where steps, actions or timelines require adjustment</i></p>		
<p><b>1.1</b> The GNWT (ECC, EIA and MACA) prepares a document that identifies the general and anticipated process steps required to dispose of land to the municipality.</p> <p>The GNWT will share the process document with communities.</p>		<p><b>1.2</b> Communities receive and review the process document.</p>
<p><b>Part 2: Memorandum of Agreement</b></p> <p><i>(To be confirmed whether this document will be needed to capture the spirit and intent of the parties to guide this transfer initiative)</i></p>		

If “Political” signatures by Minister & Mayor; if “officials” level – DM(s) & SAO		<b>1.4</b> The community reviews and provides input into the Memorandum of Agreement.
<b>1.3</b> The GNWT may draft a Memorandum of Agreement, if necessary, to formally recognize the spirit and intent of the parties (GNWT and community) to the land transfer initiative.		
<b>1.5</b> Second draft prepared to focus on principles of transfer and return of land where appropriate.		

### ***Step 2: Identification of Land***

GNWT	TIMING	COMMUNITY
<b>2.1</b> EIA/ECC engages, through the Intergovernmental Working Group on Land Interest (IWGLI), to request that each GNWT department identify their current and anticipated future (including through the GNWT 20-year capital plan) land requirements within communities.		<b>2.3</b> The community reviews the map provided by the GNWT.
<b>2.2</b> ECC identifies and maps all land required for GNWT use (current and future), as well as those public land parcels available for transfer to the community.		<b>2.4</b> The community confirms land identified for transfer.  <b>2.5</b> Consider breaking transfer of all land into priority areas to allow for manageable transfer of land.

## PHASE II: IMPLEMENTATION

<b><i>Step 3: Submission and Review of Land Application</i></b>		
GNWT	TIMING	COMMUNITY
Land Application:  <b>3.1</b> ECC works with the community to develop application for “bulk” or vacant land. (If in agreement, focus on priority areas of interest for initial transfer).  <b>3.2</b> ECC completes a title search.  <b>3.3</b> ECC processes application as complete.	Requires completion of Phase I  Process step is 2 weeks to 2 months depending	<i>Depending on legislative or formalization mechanism required to facilitate land transfer</i>  <b>3.6</b> Consistent with content of a Land Application for bulk vacant public land within its boundaries:

<p><b>3.4</b> ECC commences mapping requirements which is required to be included with final package for consultation and engagement.</p> <p><b>3.5</b> ECC accepts application as required, pursuant to and necessary to fulfill the municipality's Community Plan.</p>	<p>upon outcomes.</p>	<p><b>(i)</b> The community prepares and submits an application for bulk vacant public land within its boundaries.</p> <p><b>(ii)</b> Application will be accompanied with agreed to application fee and sketched description of parcel(s).</p> <p><b>3.7</b> The community ensures that the land identified are considered in the community's Community Plan as the "Statement of Purpose" pursuant to s.9 of the Commissioner's Land Regulations.</p> <p>Bylaw(s)</p> <p><b>3.8</b> The community develops draft bylaw(s) to legalize the authority of the municipality's management and administration of transferred lands.</p>
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#### **Step 4: Indigenous Consultation and Public Engagement**

GNWT	TIMING	COMMUNITY
<p><b>4.1</b> ECC will undertake Aboriginal consultation under the signature of the Minister of ECC, consistent with guidance from EIA.</p> <p><b>4.2</b> ECC will engage with other stakeholders through the Lands Advisory Committee (LAC).</p> <p><b>4.3</b> Any responses to consultation will be assessed and responded to by the Minister, including consideration of potential accommodations.</p> <p><b>4.4</b> Claims Negotiations – Communication and Engagement.</p>	<p>Minimum 2 months</p>	<p><b>4.4</b> Community participates with ECC, as necessary, during the consultation process.</p>

## Step 5: Approvals of Land to Be Transferred

GNWT	TIMING	COMMUNITY
<b>5.0</b> Review / approve of Survey Plan: Given the size of parcel(s) involved, survey work may be required to be done in stages over a period of time to be defined by Surveyor.		
<b>5.2</b> ECC approves final survey.	Requires completion of Phase I.	<b>5.1</b> Survey plan submitted for review.

## Step 6: Approvals and Implementation

GNWT	TIMING	COMMUNITY
<p><b>6.1</b> ECC drafts Agreement (s) for Sale and/or a Transfer of Land Agreement. (As defined by surveyed parcels or other agreed to description method).</p> <p><b>6.2</b> ECC finalizes Sale or Transfer of Land Agreement.</p> <p><b>6.3</b> Where transfer is for land in Fee Simple Title to the community, ECC:</p> <ul style="list-style-type: none"> <li><b>(i)</b> Identifies all easement agreements required with utilities.</li> <li><b>(ii)</b> Finalizes surveys submitted for approval.</li> <li><b>(iii)</b> Registers survey, inclusive of all easements, rights-of-way, etc.</li> </ul> <p><b>6.4</b> If any land is already leased, a Surrender of Lease is required to be drafted by ECC.</p> <p><b>6.5</b> ECC prepares and signs notification, and any existing community leases are surrendered and registered as new parcels at Land Titles.</p> <p><b>6.6</b> Upon receipt of the signed Notification of Titles, the Department of Environment and Climate Change will notify the relevant GNWT departments and the community of the disposition(s) or grant(s), and forward the signed copy of the Notification of Titles.</p>	To be done parallel to survey work.	<p><b>6.7</b> The community submits final Land Acquisition bylaw(s) with legal description of parcels and parcel price.</p>

