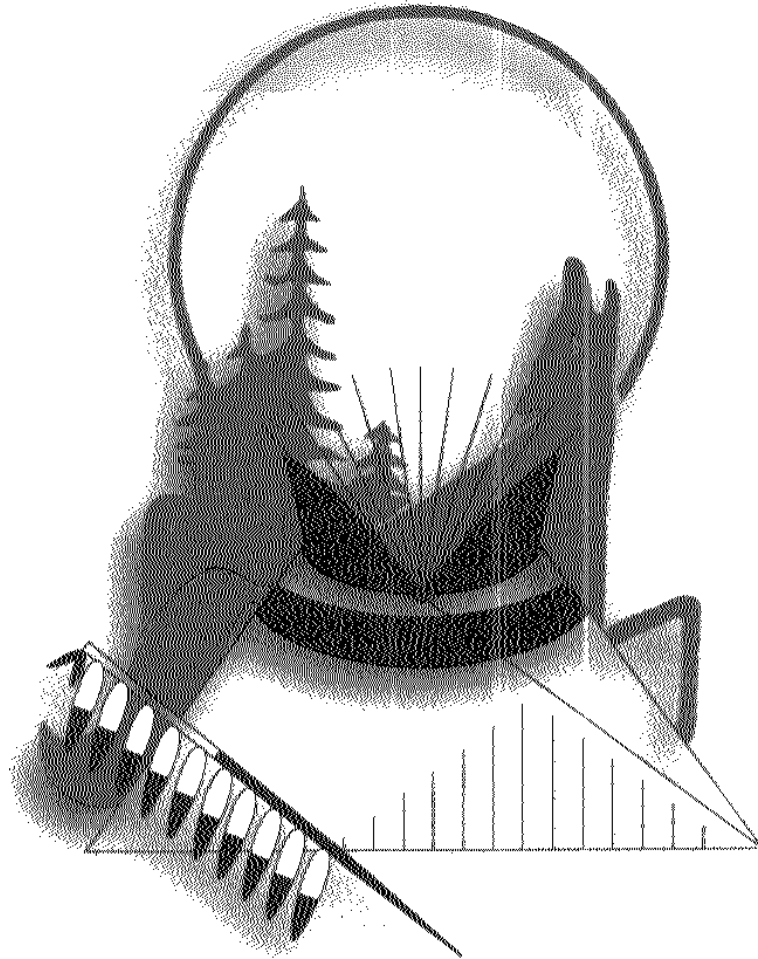


# ANNUAL REPORT 1997/1998



## **The Implementation Committee** Sahtu Dene and Metis Comprehensive Land Claim Agreement

## Foreword

The Implementation Committee is pleased to provide this fourth annual report on the implementation of the Sahtu Dene and Metis Comprehensive Land Claim Agreement. The report covers the fiscal year extending from April 1, 1997 to March 31, 1998.

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

The role of the Implementation Committee is to oversee, direct and monitor the implementation of the Agreement. This annual report describes achievements and developments during the year. Information is contributed by various federal and territorial departments, the Sahtu Secretariat Incorporated and other bodies established under the Agreement.

We are committed to strengthening the partnerships that are key to the successful implementation of this Agreement. Our achievements to date are the product of partners working together to recognize Aboriginal rights in an atmosphere of mutual respect, and the commitment of the parties to fulfil obligations pursuant to this Agreement.



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Danny Yakeleya  
Sahtu Secretariat  
Incorporated



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Mark Warren  
Government of the  
Northwest Territories



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Terry Henderson  
Government of  
Canada

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# 1 FEATURES OF THE AGREEMENT

In July 1993, the Sahtu Dene and Metis voted to approve the Sahtu Dene and Metis Comprehensive Land Claim Agreement. After being approved by the governments of Canada and the Northwest Territories, the Agreement was signed on September 6, 1993, in Tulita (formerly Fort Norman). The *Sahtu Dene and Metis Land Claim Settlement Act* came into effect on June 23, 1994.

Under the Agreement, the Sahtu Dene and Metis:

- Received title to 41,437 square kilometres of land in the Northwest Territories, an area slightly larger than Vancouver Island. Subsurface rights are included on 1,813 square kilometres of this land.
- Will receive financial payments totaling \$75 million (in 1990 dollars) over a 15-year period, as well

as a share of the resource royalties paid to governments each year in the Mackenzie Valley.

- Have their right to hunt and fish throughout the Sahtu Settlement Area confirmed and their exclusive right to trap in the Sahtu Settlement Area established.
- Are guaranteed participation in institutions of public government for renewable resource management, land use planning and land and water use within the Sahtu Settlement Area, and environmental impact assessment and review within the Mackenzie Valley.

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

# 2 HIGHLIGHT

- Sahtu Secretariat Incorporated (SSI) received the fifth transfer payment in the amount of \$8,300,094 (net of negotiation loans repayment) on September 6, 1997, the anniversary date of the Agreement.
- As of December 31, 1997, the net capital invested in the Sahtu Trust was \$33.7 million. The net income generated by the trust totaled \$1,831,016 in 1997. This amount was distributed to the community financial corporations on a per capita basis.

- SSI was paid a total of \$244,265 for resource royalties for the year in quarterly installments.
- The Implementation Committee oversaw the establishment of the Land Use Planning Working Group and the production of the Committee's Annual Report for 1996-1997, and addressed a number of implementation issues raised by the parties.
- The Enrolment Board published the 1997 Enrolment Registry listing 2,428 beneficiaries covered by the Agreement.
- The Sahtu Renewable Resources Board (SRRB) established and funded the Regional Renewable Resources Committee, comprised of representatives of the five community-based renewable resource councils.
- The SRRB oversaw nine research projects, totaling over a quarter of a million dollars. Studies included research on caribou, moose, Dall's sheep, waterfowl and fish.
- A number of technical amendments were approved by the parties and by Governor in Council in October 1997.
- The Tulita District Land Corporation (TDLC) signed benefits and access agreements with various oil and gas companies to allow access to TDLC surface lands for oil and gas exploration. The TDLC also signed an agreement with a Calgary-based company for exploration on eight of its subsurface lands.
- The Deline Land Corporation is in the process of negotiating a self-government agreement pursuant to Appendix B of the Agreement. The Corporation initialed the Process Agreement on February 26, 1998 in Deline with both the federal government and the Government of the Northwest Territories (GNWT).
- The Community of Deline and Parks Canada worked with the GNWT's Department of Resources, Wildlife and Economic Development (RWED) to research and create two sites near Deline as national historic sites. On February 22, 1998, the Secretary of State (Parks Canada) announced the designation of Grizzly Bear Mountain and Scented Grass Hill as national historic sites.
- An inter-jurisdictional claims implementation conference was hosted by the GNWT's Ministry of Aboriginal Affairs on August 19-21, 1997. Participants included representatives from British Columbia, Ontario, Quebec, Newfoundland and Yukon.
- Management planning for the proposed Canol Trail and Dodo Canyon Territorial Park is being completed under a co-management agreement between the GNWT's RWED, the TDLC and the SSI. A draft management plan was sent to the land corporation and the SSI for their review in September, 1997.
- As of March 31, 1997, Natural Resources Canada had surveyed 186 parcels out of a total of 352. Fifty-three percent of the surveys have been completed.
- An initiative to construct a bridge for a winter road that involved an exchange of land pursuant to Section 19.1.5 of the Agreement resulted in the GNWT agreeing to draft an amendment to the Agreement to clarify that parcels of land acquired by a Sahtu organization are settlement lands.

### **3 IMPLEMENTATION COMMITTEE**

Pursuant to Section 29.2 of the Agreement, the Implementation Committee is responsible for:

- overseeing, directing and monitoring the implementation of the Agreement in accordance with the implementation plan;
- adjusting the schedule for carrying out implementation activities, reallocating implementation resources and amending the implementation plan as required;
- addressing disputes between the parties; and
- preparing a public annual report on the implementation of the Agreement.

Decisions are made by consensus.

The Committee is composed of three senior officials, representing each of the parties. Committee members are Danny Yakeleya, SSI; Mark Warren, Director, Claims Negotiation and Implementation, Ministry of Aboriginal Affairs, GNWT; and Terry Henderson, Director General, Claims Implementation, Department of Indian Affairs and Northern Development (DIAND).

During 1997-1998, the Implementation Committee met a total of three times, once in the Settlement Area. Among other things, the Committee:

- approved the reallocation of implementation resources;
- oversaw the establishment of the Land Use Planning Working Group;
- oversaw the production of the Committee's annual report for 1996-1997; and
- addressed a number of implementation issues raised by the parties.

## 4 IMPLEMENTING BODIES

The Agreement includes provisions to establish implementing bodies responsible for determining eligibility to enrol as a beneficiary of the Agreement; for managing wildlife resources, planning and regulating land and water use; for settling disputes related to the interpretation of the Agreement; and for conducting both environmental impact assessments and reviews of development proposals. The membership, functions and time frame for the establishment of each of these bodies are specified in the Agreement.

Chapter 25 of the Agreement calls for the development of legislation that will create several of these bodies. In the absence of the legislation, the Implementation Committee has established working groups to prepare for the eventual creation of the boards.

Progress in establishing implementing bodies and working groups is outlined below.

- The Enrolment Board, the Arbitration Panel and the Renewable Resources Board are operational. Current memberships of these implementing bodies are listed in Appendix 1.
- The Joint Working Group on Sahtu Heritage Places and Sites has been established.
- The Land Use Planning Working Group, Land and Water Working Group and Mackenzie Valley Environmental Impact Review Working Group have been established to prepare for enactment of the proposed Mackenzie Valley resource management legislation.

- The Surface Rights Board will be established after separate federal legislation is passed. A Mackenzie Valley Land and Water Board will also be established pursuant to the Mackenzie Valley Resource Management Act (MVRMA).

### 4.1 Enrolment Board

The Enrolment Board has seven SSI appointees and two Government of Canada appointees. The Chairperson is Lorraine Doctor and the Vice-Chairperson is Wilfred McNeely Jr. In 1997-1998, the directors selected an Enrolment Board executive committee comprising of the Chairperson, Vice-Chairperson and the Enrolment Coordinator. The Board held three teleconferences, and the annual meeting was convened on July 17, 1997.

During the year, Board members approved or rejected enrolment applications submitted under Section 4.2 of the Agreement. As of March 31, 1998, 2,428 beneficiaries had been enrolled. The Board published the 1997 Enrolment Registry listing 2,318 eligible beneficiaries covered by the Agreement. This Registry has been distributed to all land claim corporations in the Sahtu region. The Board also reviewed monthly expenditures and activity reports, and developed work plans to fulfil its mandate.

As required by Section 4.4.2(j) of the Agreement, the Board provides a certificate and a photo identification card to each beneficiary as proof of enrolment. Applicants living within the Sahtu region have their photographs taken in their communities by Board staff, while applicants outside the region are required to send identification information and a photograph to the Board office for processing.



## 4.2 Arbitration Panel

During 1997-1998, the Arbitration Panel continued to make progress in the development of its internal administrative procedures. A first draft of the Dene language translation was completed and finalization is anticipated later this year.

A brochure profiling the Arbitration Panel was nearing completion at year-end, with distribution set for August 1998. This brochure explains the role of the Panel under the Land Claim Agreement and identifies membership.

## 4.3 Renewable Resources Board

The Sahtu Renewable Resources Board (SRRB) was established to be the main instrument of wildlife management in the Sahtu Settlement Area. The Board acts in the public interest to protect, conserve and manage all renewable resources within the Sahtu Settlement Area in a sustainable manner to meet or exceed the needs of the public today and for future generations.

The Regional Renewable Resources Committee (RRRC), comprising of representatives of the five community-based renewable resources councils (RRC), was established and funded by the SRRB during the year. The RRRC was established to deal with renewable resource issues of common concern to the five communities. Development of a common operational policy, changes to wildlife regulations, common forestry concerns and resource research issues were addressed by the RRRC.

The \$2.1 million for the Wildlife Studies Fund was invested with the idea of the fund growing to a point where the RRB could use the interest from the fund each year to support wildlife studies within the Sahtu Settlement Area.

Renewable resource research remains the central activity of the SRRB. Major areas of involvement are described below.

- Work continued on establishing and developing the Sahtu Settlement Area Harvest Study. The five-year study, designed to record all wildlife harvesting activity by Sahtu claimants and to protect Sahtu Dene and Metis harvesting traditions, will provide the background data necessary to help establish a minimum needs level for each species. The Sahtu Settlement Area Harvest Study Methods Report was completed during March 1998. The actual harvest data collection work will get under way early in the new fiscal year. Community-based interviewers will perform the monthly interviews and submit data to the central office for recording and processing.
- Nine research projects, totaling over a quarter of a million dollars in funding, were carried out during the year. Studies included research on caribou, moose, Dall's sheep, waterfowl and fish. The projects examined such things as population size, distribution and migration patterns, reproduction and survival rates, and contaminants. The Geographic Information System (GIS) was used by most of the other projects as well as several public and private outside agencies.

Communications and meetings with the four renewable resources boards (Gwich'in Renewable Resources Board, Nunavut Wildlife Management Board, Inuvialuit Wildlife Management Advisory Council, and Sahtu) were ongoing during the year. An item of common concern was the development of the management plan for the Bluenose Caribou Herd. A draft plan was circulated late in the fiscal year with the final version scheduled for presentation to the Advisory Committee during the summer of 1998.

The Board and staff continued, and expanded, their close cooperative working relationship with the other management boards and outside resource agencies (e.g., Wildlife Management Advisory Council, Gwich'in Renewable Resource Board, Nunavut Wildlife Management Board, Sahtu Land and Water Board). A wide variety of

environmental issues was addressed, some dealing with immediate short-term concerns and others involving more in-depth, long-range strategic planning. Consultation work continued between the SRRB and other government agencies on matters dealing with the development of a Protected Areas Strategy for the Northwest Territories, Rare and Endangered Species Legislation, an agreement on International Humane Trapping Standards and proposed changes to the muskox hunting regulations in the Sahtu Settlement Area.

#### **4.4 Joint Working Group on Sahtu Heritage Places and Sites**

Pursuant to Section 26.4 of the Agreement, the Joint Working Group was established to make recommendations with respect to Sahtu Heritage Places and Sites. The Implementation Committee granted the working group its request to extend the deadline for the final report from January 1997 to January 1999.

In 1997, the Working Group met in January, October and December to make recommendations on how sites will be protected. As a result of these meetings and the fieldwork conducted, 31 site-specific and 10 non-site-specific draft recommendations were made.

The Working Group is scheduled to meet in June 1998 to:

- establish a process to consider new sites and places;
- make recommendations to the federal government about Scented Grass Hills and the Deline Fishery; and
- draft a work plan leading to the final meeting of the Working Group.

#### **4.5 Mackenzie Valley Environmental Impact Review Working Group**

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) will be established as the principal agency to undertake environmental impact assessment and review in the Mackenzie Valley. The Board's jurisdiction will apply to all lands in the Western Arctic, excluding the Inuvialuit Settlement Region and Wood Buffalo National Park. The MVEIRB will be established under the proposed MVRMA. This legislation is proceeding through Parliament and is expected to be proclaimed in 1998.

The Mackenzie Valley Environmental Impact Review Working Group, which was formed by the parties in preparation of the Board, has been developing Environmental Assessment and Review Guidelines to establish how the Board will handle assessment referrals and environmental impact reviews; and has been finalizing by-laws and the Operations and Review Manual. During 1997-1998, the Working Group held six meetings and numerous teleconferences.

Activities included:

- participating in orientation sessions to develop a better understanding of the environmental impact assessment process;
- cooperating with other agencies and working groups to formulate guidelines for preliminary screening (bringing consistency of approach to screening in the Mackenzie Valley);
- hosting public information sessions, attending meetings to disseminate information and building liaisons with other organizations; and
- working to fulfil other implementation requirements, (e.g., providing input to the Five-Year Review of the Gwich'in Implementation Plan).

The Working Group will continue to focus on the preparations for the implementation of Part V, Mackenzie Valley Environmental Impact Review Board, of the MVRMA.

#### **4.6 Land and Water Working Group**

Upon enactment of the proposed MVRMA, the Sahtu Land and Water Board will be established to regulate land and water use throughout the Sahtu Settlement Area. It will amend, issue or renew water licences, land use permits and other authorizations as described in the proposed MVRMA and associated regulations.

The SSI, GNWT, and federal government nominated their representatives to the Board in 1996. The Minister of Indian Affairs and Northern Development will appoint the members when the proposed MVRMA is enacted. The Working Group was created pending establishment of boards on enactment of the legislation.

During 1997-1998, the Working Group priorities were staff recruitment, office set-up and operations, training for the Working Group and staff, public consultation and awareness building, and the preparation of an office manual for policy, administration and proce-

dures. Five initial staff positions were filled by the Sahtu Land and Water Board Working Group, including executive director, office administrator, financial controller, land/resource geographer and hydrologist. The Manual for Administrative Policy was approved by the Working Group in December.

The Working Group held meetings in communities throughout the Sahtu Settlement Area: Fort Good Hope in June, Tulita in September, Colville Lake in October and Deline in January. On each occasion, a public information meeting was held in the community to introduce Working Group members and staff, discuss the proposed MVRMA, and explain how applications for water licences and land use permits would be handled.

#### **4.7 Land Use Planning Working Group**

The Working Group held its inaugural meeting on March 18-19, 1998. Rod Hardy was elected Interim Chair and Barry Harley as Interim Vice-Chair. The agenda included discussions on their responsibilities and the development of society by-laws. A newspaper advertisement was placed for a senior planner.

## **5 SAHTU SECRETARIAT INCORPORATED**

The Sahtu Secretariat Incorporated was formed by the seven Sahtu land corporations on June 23, 1994, with the enactment of the *Sahtu Dene and Metis Land Claims Settlement Act*. Four Dene land corporations and three Metis land corporations make up the seven Sahtu land corporations.

The SSI is mandated to:

- assist all members to negotiate and enter into arrangements with the federal and territorial governments concerning the implementation of the comprehensive agreement; and
- deal with issues and concerns of the Sahtu Dene and Metis.

## 5.1 Board of Directors

In December 1997, Ruby L. McDonald was elected Chairperson of the SSI. The Board of Directors is now composed of the following eight members:

Ruby L. McDonald	Chairperson
Edwin Erutse	Vice-Chairperson

Directors:

Larry Tourangeau  
Raymond Tutcho  
Gordon Yakeleya  
Eddy McPherson  
Wilfred McNeely, Jr.  
Wilbert Kochon

During fiscal year 1997-1998, the Board of Directors held seven meetings, seven teleconferences and one joint meeting with the Sahtu Dene Council.

## 5.2 Head Office

SSIs head office is in the Chief George Kodakin building in the community of Deline. The building also houses the Sahtu Dene Council and the Sahtu Enrolment Board.

## 5.3 Community Renewable Resources Councils

Pursuant to Section 13.9 of the Agreement, five renewable resources councils were created to encourage and promote local community involvement in conservation, research and wildlife management harvesting studies and to advise the SRRB.

Under the Agreement, designated community organizations (land corporations) are to appoint renewable resources councils for each community. In 1997-1998, the following renewable resources councils were active in the Sahtu Settlement Area:

### Colville Lake

Colville Lake Renewable Resources Council

### Deline

Deline Renewable Resources Council

### Fort Good Hope

Fort Good Hope Renewable Resources Council

### Tulita

Tulita Renewable Resources Council

### Norman Wells

Norman Wells Renewable Resources Council

During the fiscal year, the Regional Renewable Resources Committee was formed to establish a direct communication link between the SRRB and the community renewable resources councils. This Council meets prior to SRRB meetings to discuss issues. A president from the Regional Committee then attends SRRB meetings to table these issues for discussion and resolution to the satisfaction of all groups.

## 5.4 Land Ownership

The SSI does not own land. All the settlement lands are owned by the district land corporations in the three districts of Deline, Tulita and K'asho Got'ine.

- The Deline Land Corporation owns all the land in the Deline district.
- In the Tulita District, the settlement lands are owned by the Tulita District Land Corporation, the Fort Norman Metis Land Corporation, the Ernie McDonald Land Corporation, and the Tulita Land Corporation.
- In the K'asho Got'ine District, the land is owned by the Yamoga Land Corporation, the Fort Good Hope Metis Local No. 54 Land Corporation, the Yamoga Land Corporation and the Ayoni Keh Land Corporation (Colville Lake).

During 1997-1998, the TDLC signed benefits and access agreements with various oil and gas companies to allow access to TDLC surface lands for oil and gas exploration. The TDLC also signed an agreement with a Calgary-based company for exploration on eight of its subsurface lands.

The K'asho Got'ine District Land Corporation had discussions with an oil and gas company to work on an access agreement for lands in the Fort Good Hope area.

### **5.5 Sahtu Trust**

The Sahtu Trust was created by the seven financial corporations eligible for settlement moneys and royalties under the terms of the Agreement. This trust is managed by the SSI on behalf of the financial corporations. Each financial corporation owns a portion of the Sahtu Trust allocated on a per capita basis.

As of December 31, 1997, the net capital invested in the Sahtu Trust was \$33.7 million. The net income generated by the trust totaled \$1,831,016 in 1997. This amount was distributed to the community financial corporations on a per capita basis.

### **5.6 Self-Government**

The Agreement provides for the negotiation of self-government agreements to be effected through federal legislation. Provisions relevant to self-government are contained in Chapter 5 and Appendix B of the Agreement.

The Deline Land Corporation is in the process of negotiating a self-government agreement pursuant to Appendix B of the Agreement. The Corporation initiated a process agreement on February 26, 1998, in Deline with both the federal and territorial governments.

### **5.7 Western Northwest Territories Aboriginal Summit**

Pursuant to Section 5.1.12 of the Agreement, SSI is a member of the Western NWT Aboriginal Summit, an informal gathering of the Western NWT Aboriginal leaders. The SSI representative, Danny Gaudet, participated in several Aboriginal summit activities over the year. The Summit is a partner with the Western NWT members of the Legislative Assembly in the Constitutional Working Group. The Constitutional Working Group is responsible for

designing a new constitution and form of government for the Western NWT after division in 1999. By motion of the board and annual meeting, the SSI is no longer participating in the Constitutional Working Group. The SSI remains a member of the Aboriginal Summit.

During the fiscal year, the Western NWT Aboriginal Summit initiated the Inherent Right Working Group to develop recommendations for all parties for self-government discussions at the regional/tribal and district/community/First Nation levels. The Group's work is now complete and the SSI Board of Directors has approved its recommendations, with conditions.

The Summit is represented on the Western Leaders' Coalition (WLC), an advisory group on division financing. The SSI is not directly involved with this group, but receives and can request information from the WLC's Summit representatives.

### **5.8 Other Activities**

- Members of the Ernie McDonald Land Corporation, Tulita Land Corporation, Fort Norman Metis Land Corporation and SSI met with representatives of Imperial Oil Resources Ltd. and the Government of Canada to review current and future operations pursuant to the Proven Area Agreement.
- The Community of Deline and Parks Canada worked together to research and create two sites near Deline as national historic sites. On February 22, 1998, Secretary of State (Parks Canada) announced the designation of Grizzly Bear Mountain and Scented Grass Hill as national historic sites.

# 6 GOVERNMENT OF THE NORTHWEST TERRITORIES

During 1997-98, the GNWT was actively involved in implementation activities pursuant to the Sahtu Implementation Plan and related funding agreements. Activity profiling for the ministries and departments of Aboriginal Affairs; Resources, Wildlife and Economic Development; Education, Culture and Employment; Justice; Public Works; and Transportation are presented below.

## 6.1 Ministry of Aboriginal Affairs

Throughout the fiscal year, the Ministry coordinated GNWT implementation activities. Activities included liaison with SSI, federal and GNWT representatives, preparing regular status reports for the Implementation Committee and coordinating the GNWT contribution to this annual report.

An inter-jurisdictional claims implementation conference was hosted by the Ministry on August 19-21, 1997. Participants included representatives from British Columbia, Ontario, Quebec, Newfoundland and Yukon. A variety of implementation topics was discussed, and all parties agreed to continue meeting regularly to discuss issues and share ideas.

Other activities included the following.

- A Ministry official participated in the three meetings convened by the Implementation Committee.
- Ministry officials worked with the Department of Justice to ensure the ongoing registration of title to Sahtu lands.

- A Ministry official served as a member of, and provided advice and assistance to, the Sahtu Land and Water Working Group.
- A Ministry official represented the GNWT on the coordinating group responsible for developing regulations for the proposed MVRMA.

In accordance with Chapter 5 and Appendix B of the Sahtu Final Agreement, the Ministry participated in the self-government negotiations that are ongoing with the community of Deline. A Process and Schedule Agreement outlining the time frame, approach and subject matters for negotiations was initiated by all three parties in Deline on February 26, 1998.

## 6.2 Resources, Wildlife and Economic Development

RWED worked in partnership with the SSI, SRRB, local renewable resources councils (RRCs) and participants of the land claim in research and management activities.

Progress was made in:

- negotiating water management agreements for shared drainage basins;
- establishing national historic sites, pursuant to Section 26.1.3 of the Agreement;
- developing a park management plan for the proposed Canol Trail and Dodo Canyon Territorial Park, pursuant to Section 17.3.1 of the Agreement; and

- providing participants with employment and training opportunities associated with resource management.

Several cooperative wildlife research and management projects were conducted with funding and assistance from the SRRB and the United States Fish and Wildlife Service in 1997-1998.

#### *Dall's Sheep*

In conjunction with the SRRB, a long-term project was initiated to assess sheep populations at four study areas in the Mackenzie Mountains. Field crews were composed of two participants, selected by the RRCs from each of the three Sahtu communities nearest the mountains (Tulita, Norman Wells and Fort Good Hope). These crews received training and carried out data collection activities.

#### *Moose*

A jointly funded, RWED/SRRB aerial survey was completed in the Fort Good Hope area. Two participants selected by the Fort Good Hope RRC joined the flight as observers.

#### *Muskox*

RWED recommended an increase in the annual quota of muskoxen for the Sahtu from 11 to 27. This recommendation was based on a March 1997 survey of muskoxen funded by RWED and the SRRB. The SRRB, the RRCs and the Renewable Resources Committee subsequently approved the recommendation.

#### *Geographic Information System Project*

RWED and the SRRB began the first year of a multi-year project to meet the GIS needs of various boards, councils, corporations and other agencies involved in resource management activities in the Sahtu Settlement Area. Costs for the project are shared between the SRRB and RWED (Sahtu Region, Forest Management). A GIS specialist was hired to compile the many data layers required by resource managers.

#### *Waterfowl*

The third year of a successful duck-banding project was completed at Willow Lake, north of Tulita. This project is part of the North American Waterfowl Banding Program and is a joint effort of the United States Fish and Wildlife Service, the Pacific Flyway Council, RWED, and the Tulita RRC. Six participants from Tulita (four youth and two elders) were hired on a contract with RWED and the RRC. The United States Fish and Wildlife Service has agreed to cover the full ongoing costs of the project.

#### *Other Activities*

- RWED has been active in negotiating water management agreements for shared drainage basins. The Northwest Territories is close to signing a bilateral agreement with the Yukon and work continues on signing agreements with British Columbia, Alberta and Saskatchewan.
- RWED park staff worked with Parks Canada on identifying a national historic site on Great Bear Lake. On February 22, 1998, Grizzly Bear Mountain and Scented Grass Hills received this designation by the Secretary of State (Parks Canada).
- Management planning for the proposed Canol Trail and Dodo Canyon Territorial Park is being completed under a co-management agreement between RWED, the Tulita District Land Corporation and the SSI. A draft management plan was sent to the land corporation and the SSI for their review in September 1997.
- Two participants were hired by RWED in the resource management field. The participants are renewable resource park management trainees. These future officers will be responsible for protected areas, resource management, enforcement of legislation and parks development.

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

A representative of the Department's Culture and Heritage Division is the GNWT's member on the Joint Working Group on Sahtu Heritage Places and Sites. Pursuant to Section 26.4.3 of the Agreement, this Working Group has the responsibility to review Sahtu heritage places and sites and make recommendations to the appropriate Minister. The Working Group completed a community-based research project to gather information on heritage sites and has formulated recommendations for site protection.

The Department provided ongoing advice on possible impacts that land use operations might have on heritage sites. Pursuant to Section 26.2.7 of the Agreement, major museums and archival institutions across Canada and internationally were contacted for information on relevant items in their collections. A report on this search was provided to the SSI's representative on the Sahtu Implementation Committee in January 1998.

### **6.4 Justice**

The Department of Justice continued to participate in the ongoing implementation of the Agreement. Legal advice and assistance were provided to a number of GNWT departments on a variety of issues including Sahtu lands, resource royalties, wildlife issues and a variety of other issues involving the application of territorial legislation.

A Bill to amend the *Wildlife Act* is under review by the Legislative Division. Work continued on various amendments to the wildlife regulations that were necessitated by the realignment of the boundaries of the wildlife management units, zones or areas to conform with the settlement area.

Pursuant to Section 19.3.5 of the Agreement, the Land Titles Office has issued certificates of title to all the surveyed municipal parcels and several specific sites. To date, 45 new survey plans have been registered for the previously unsurveyed municipal parcels, the specific sites and portions of the boundaries of the large settlement land parcels. Thereafter, certificates of title will be issued upon the request of the Sahtu. In total, certificates of title have been issued for 127 of the Sahtu-owned parcels.

### **6.5 Publics Works and Services**

Pursuant to Section 12.2.1 of the Agreement, both the Sahtu Final Agreement and GNWT preferential contracting policies and procedures are intended to maximize local, regional and northern employment and business opportunities. In 1997-1998, the Department negotiated the following contracts.

- A contract for \$941,516 with Tulita Developments Ltd. for the construction of an addition and renovations to the Chief Albert Wright School in Tulita. Construction was completed in February 1998.
- A contract for \$360,000 with Fossil Lake Enterprises for the construction of a fire attack base and heliport in Fort Good Hope. Work is scheduled for completion in the fall of 1998.

### **6.6 Transportation**

An initiative to construct a bridge for a winter road that involved an exchange of land pursuant to Section 19.1.5 of the Agreement resulted in the GNWT agreeing to draft a possible amendment to the Agreement to clarify that parcels of land acquired by a Sahtu organization are settlement lands.



Below is a summary of the developments to date on this issue:

- To build the bridge, the Department initiated an exchange of land in the Canyon Creek area with the Tulita District Land Corporation under Section 19.1.5 of the Sahtu Final Agreement.
- A meeting with legal representatives from the SSI, the Government of Canada and the GNWT took place in Yellowknife in March 1998 to discuss ways to resolve this issue. The GNWT agreed to draft a possible amendment to the Agreement to clarify the status of lands received by a designated Sahtu organization from government as settlement lands.

## 7 GOVERNMENT OF CANADA

### 7.1 Legislation and Regulation

#### *Bill C-6*

On September 26, 1997, the Minister of Indian Affairs and Northern Development re-introduced the proposed MRVMA in the House of Commons as Bill C-6. In accordance with the Gwich'in and Sahtu Land Claim Agreements, the Bill creates two land use planning boards; two land and water boards, one for each Sahtu and Gwich'in Settlement Area; and the MVEIRB. The Bill also provides for the creation of the Mackenzie Valley Land and Water Board.

On December 12, 1997, the House of Commons passed third reading of Bill C-6 with a number of amendments. The amendments related to the Minister's obligation to review the legislation with First Nations following successful negotiations on self-government, thus ensuring transparency of the boards in their administrative affairs, allowing for a greater number of representatives on the MVEIRB and clarifying the regulatory process during the transition period.

#### *Mackenzie Valley Land Use Regulations*

The Mackenzie Valley Land Use Regulations (MVLUR), modeled on the existing Territorial Land Use Regulations, were pre-published in the *Canada Gazette* on January 3, 1998. These regulations set out the land use activities that require a permit by a land and water board on all lands within the Mackenzie Valley. They also set out land uses that are prohibited without an authorization and the process for issuing a permit, including the provisions relating to security deposits and fee schedule. In response to public comments, the MVLUR have been amended to include smaller campsites of 200 to 400 person-days as an activity requiring a land use permit. The regulations will come into force at the time of the proclamation of the bill.

#### *Statute and Exemption List Regulations*

The Statute and Exemption List Regulations retain the same features and work in a similar fashion to the *Canadian Environmental Assessment Act* (CEAA) Law and Exclusion List Regulations. Drafting is under way by the Department of Justice for pre-publication.

The Statute Regulations itemize provisions of federal and Northwest Territories laws and regulations that govern developments requiring a permit, licence or authorization that might have a significant adverse impact on the environment or be a cause of a significant public concern. Any project which requires such a permit, licence or authorization will be subject to the Mackenzie Valley environmental assessment process and will undergo a preliminary screening.

The Exemption List Regulations exclude from preliminary screening any activities unlikely to have significant adverse impact on the environment.

These regulations will come into force upon proclamation of Part V of the MVRMA establishing the MVEIRB.

## **7.2 Economic Activity and Employment**

### *Human Resources Development Canada*

Pursuant to Chapter 12 of the Agreement, Human Resources Development Canada is providing funding in support of human and institutional initiatives through the national framework and regional bilateral agreements. The allocation to Sahtu under the current agreement is \$646,156.

### *Indian and Northern Affairs Canada (DIAND)*

The Deline Land Corporation was provided with \$25,000 from the Resource Access Negotiations (RAN) program to negotiate with territorial and federal government departments to develop the Franklin's Fort /Deline Fishery National Historic Site to generate employment, training and business opportunities for the residents of the community.

The Tulita District Land Corporation Ltd. was provided with \$33,000 from the Resource Access Negotiations (RAN) program to negotiate a comprehensive subsurface mineral rights agreement, access agreement and benefits agreement with International Frontier Resources Ltd.

At the annual meeting called by the Sahtu/DIAND joint committee, Imperial Oil reviewed the year's operations at the Norman Wells oil field, presented appropriate financial information and reported on environmental matters, employment and training, as well as plans for the coming year, pursuant to Section 9.2.4 of the Sahtu Final Agreement.

As a culmination to a process launched in 1996 with the support of Sahtu communities, the Minister issued seven oil and gas exploration licences in May 1997, subsequent to a Call for Bids launched January 20, 1997. To pursue the regular annual issuance of oil and gas exploration rights, DIAND reviewed the Call for Nominations and Call for Bids process in consultation with Sahtu communities and organizations, and has provided opportunities for Sahtu groups to present their views on matters relating to a new round of issuance pursuant to Section 22.1.2.

Benefit plans submitted under Section 22.2.1(a) of the Sahtu Final Agreement, as it relates to the proposed oil and gas exploration activities involving Sahtu lands described under Section 19.1.2(a), were submitted to DIAND and approved.

### *Industry Canada*

Industry Canada approved two projects in the Sahtu Settlement Area in 1997-1998.

- Deline management received funding toward Internet access and CD-ROM development.
- Fort Franklin Dene Corporation was provided with \$200,000 toward the establishment of a hotel in Deline.

### *National Energy Board*

The National Energy Board has specific responsibilities pursuant to Chapter 24 of the Agreement with respect to the expropriation of settlement lands. Their authority has to do with property required for pipeline facilities and electrical transmission line rights of way in the public interest. The

Board was not engaged in any such activities in 1997-1998. The Board assisted implementation activities during the year by playing a facilitating, advisory and informative role (e.g., attendance at meetings of the Mackenzie Valley Preliminary Screening Committee and the Sahtu-sponsored Stakeholders Conference).

#### *Public Works and Government Services Canada*

Public Works and Government Services Canada (PWGSC) continues to inform the various Sahtu land claimant groups of contracting opportunities which arise in their settlement area. PWGSC also offers seminars to familiarize companies with the use of its bidding system and how to do business with the federal government.

### **7.3 Environmental and Wildlife Management**

#### *Canadian Wildlife Services*

Canadian Wildlife Services (CWS) advised the SRRB of all changes to migratory bird regulations that may affect the Sahtu Dene and Metis. The SRRB is aware that migratory birds are managed according to a well-defined set of regulations. CWS has regularly advised the SRRB about changes to the Migratory Bird Regulations, such as the use of non-toxic bird shot and the proposed spring hunting season.

The SRRB receives annual migratory bird harvest statistics compiled by CWS and the United States Fish and Wildlife Service. Using these statistics, the Board is conducting a harvest study which will provide the basis for establishing the total allowable harvest of migratory birds in the Settlement Area.

The CWS has a seat on the Harvest Study Working Group. In this capacity, it contributed to the design of the study, and reviewed and commented on the methodology report. CWS is also involved in the preparation of management plans for the Bluenose Caribou Herd which moves in and out of the Sahtu Settlement Area.

CWS sits on the Arctic Goose Working Group of the Arctic Goose Joint Venture. The Joint Venture is a cooperative Canadian-U.S. body that coordinates goose management and research in both countries. This group deals with the overpopulation of snow geese in the Arctic, especially in the Central Arctic. Sahtu Dene and Metis harvest snow geese from the Western Arctic population where the problem does not appear to be as severe. The SRRB, however, is kept informed about this issue. Canada, through the CWS, initiated negotiations with the United States to amend the Migratory Birds Convention to allow for the spring hunting of waterfowl by northern Aboriginal peoples including the Sahtu. CWS has informed the Board about the progress of these negotiations.

### **7.4 Heritage**

The 1825-1826 wintering place of Sir John Franklin's Second Expedition in the community of Deline has been a point of interest for Dene for decades. Since the late 1980s, the community and the Prince of Wales Northern Heritage Centre have worked closely to protect the remains of Franklin's Fort. The importance that the Dene assigned to the old site led to its inclusion as one of the six heritage sites identified in the Agreement. In 1995, Parks Canada began working with the community of Deline to explore the national significance of Franklin's Fort. A major part of the project was the collection of oral histories and archival information documenting the role of the Dene in the Second Expedition.

#### *Deline*

In December 1996, the Minister of Canadian Heritage advised the community of Deline that "the traditional Dene fishery at Deline, its use over time and the long history of sharing its resources, as well as the remains of Franklin's Fort, the wintering quarters of Sir John Franklin's Second Expedition, are of national historic significance and should be the subject of joint commemoration." Work on the Commemorative Integrity Statement and the Management

Plan are proceeding. An elders' group coordinated by Leroy Andre is contributing significantly to the process.

### *Grizzly Bear Mountain and Scented Grass Hills National Historic Site*

Grizzly Bear Mountain and Scented Grass Hills is the North's most recent national historic site. In a meeting with delegates from the community of Deline in February 1998, the Secretary of State (Parks Canada) announced the national historic site designation of this area.

Grizzly Bear Mountain and Scented Grass Hills are two prominent landmarks on Great Bear Lake. They are associated with many Sahtu Dene oral histories and provide a splendid example of sites that maintain the continuity of the cultural heritage of people who traveled extensively as they lived off the land.

This new national historic site holds a broad legacy of traditional Sahtu Dene stories and beliefs. To the Sahtu Dene, Grizzly Bear Mountain and Scented Grass Hills are sacred places. They are the setting for five different groups of oral stories containing the collective wisdom of the people that has been passed from generation to generation. Sahtu Dene continue these oral traditions because the hero of an ancient culture, Yamoria, insisted that these stories be maintained.

## **7.5 Land and Water Management**

### *Indian and Northern Affairs Canada*

The NWT Regional Office of DIAND worked with the various working groups in preparation for the passage of the MVRMA. The resource management responsibilities that DIAND now has for environmental assessment, land use regulation and water management support will be taken over by the new institutions of public government. DIAND will retain responsibility for administering federal Crown land under the *Territorial Lands Act*, *Territorial Lands Regulations*, *Territorial Quarry Regulations* and the *Canada Mining Regulations*. DIAND will continue to provide the

inspection and enforcement of the terms and conditions attached to all authorizations issued by both DIAND and the institutions of public government.

DIAND, NWT Region, solicited input and agreement from the Gwich'in Land and Water Working Group, the Sahtu Land and Water Working Group, the Mackenzie Valley Environmental Impact Review Working Group, the GNWT and DIAND, Headquarters, to develop a communications package for environmental assessment and land and water management under the proposed MVRMA. Information folders included fact sheets on each of the working groups, a description of changes to the land and water regulatory process, an explanation of the interrelationship of the boards, pamphlets on the MVRMA, a contact sheet, and a flow chart of the new proposed Mackenzie Valley Resource Management System.

DIAND, NWT Region, also initiated the process to find members for the various working groups that have been formed. They will become the members of the various boards when the MVRMA is passed.

### *Natural Resources Canada*

As of March 31, 1997, Natural Resources Canada had completed the following surveys:

- Schedule I - Sahtu lands, excluding minerals -- 53 of 173 parcels (30.6 percent complete);
- Schedule II - Sahtu lands, excluding minerals -- zero of nine parcels (0 percent complete);
- Schedule III - Sahtu lands, including minerals -- 27 of 39 parcels (69.2 percent complete);
- Schedule IV - Specific Sites -- 17 of 42 (40.5 percent complete); and
- Schedule XVI - Unsurveyed Sahtu municipal lands -- all municipal lands for the five Sahtu communities (100 percent complete).

As of March 31, 1997, Natural Resources Canada had surveyed 186 parcels out of a total of 352. Fifty-three percent of the surveys have been completed.

### **7.6 National Defence**

The Department of National Defence/Canadian Forces provides the affected tribal council and communities with a yearly training plan and a notice of exercise approximately one month prior to the exercise. Also, affected communities are advised at that time of forthcoming activities in their areas.

There are two Army Cadet Corps in the area, one at Fort Good Hope and the other at Norman Wells. Each Corps conducts up to three field exercises in the local community each year.

### **7.7 Other Implementation Activities**

DIAND met with each of the Sahtu bands to make the annual treaty payments in June 1997.

Pursuant to the terms of the Sahtu Dene and Metis Comprehensive Land Claim Agreement, the community of Deline is negotiating a self-government agreement. A Process and Schedule Agreement for the negotiations was initiated in February 1998 by Canada, the GNWT and negotiators for the Deline Land Corporation. The federal negotiation mandate will be reviewed by the Federal Steering Committee on Self-Government on June 17, 1998. Current negotiations focus on governing structures.

DIAND's Northern Contaminants Program (NCP) provided a second year of funding toward the staffing of a Sahtu regional contaminants coordinator. The community of Deline participated with DIAND, through Deline Management Limited, in conducting a site clean-up of radioactive wastes at Sawmill Bay.

### **7.8 Federal Coordination of Implementation Activities**

The Claims Implementation Branch (CIB) of DIAND coordinates the fulfillment of federal government obligations pursuant to the Agreement. In 1997-1998, the Branch continued to participate in the three-party Implementation Committee, and to consult with the GNWT and the SSI regarding the implementation of Canada's responsibilities under the Agreement.

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

CIB also coordinates production of the annual report which was provided to the Ministers of DIAND and GNWT as well as the SSI, ensures funding agreements are in place with implementing bodies, and assists in the process for appointing members to institutions created under the Agreement either through an order-in-council or the Ministerial appointment process. Mr. Max Melnyk was appointed by order-in-council as an alternate member to the SRRB, effective September 16, 1997. The Branch continued preparations for establishment of permanent appointments upon the coming into force of the MVRMA.

CIB, in cooperation with the NWT Region, oversaw a contract with Essa Technologies for an options paper on the cumulative impact monitoring, pursuant to Section 25.1.4 of the Agreement. The legislation implementing the provisions of this chapter shall provide a method of monitoring the cumulative impact of land and water uses on the environment in the Mackenzie Valley. The NWT Region evaluated the report with the assistance of other federal departments to define the scope and focus of the program. An assessment of contingent monitoring programs

is under way, including national and regional initiatives to identify opportunities for cooperation and gaps in existing monitoring programs.

A number of technical amendments to the Agreement were approved by the parties and the Governor in Council in October 1997. Copies of these amendments are available from the Claims Implementation Directorate at (819) 953-1774.

Funding was provided during the reporting period to the following organizations:

<b>Organization</b>	<b>Amount</b>
Sahtu Secretariat Incorporated	
! Implementation Funding	\$196,347
! Capital Transfer Payment (net of loan repayment)	\$8,300,094
! Resource Royalties	\$244,260
Government of the Northwest Territories	\$89,779
Renewable Resources Board	
! Implementation Funding	\$784,709
! Settlement Area Harvest Study	\$106,100
Enrolment Board	\$110,640
Arbitration Panel	\$13,363
Land and Water Working Group	\$469,532

In addition, the following funds were transferred to the SSI:

- \$33,800 to cover the inaugural meeting of the Sahtu Land Use Planning Working Group
- \$14,143 for costs incurred as a result of the delay in passage of the MVRMA; and
- \$9,544 was provided to the GNWT for real property taxes pursuant to Section 23.4.4 of the Agreement.

# **A1 MEMBERSHIP OF IMPLEMENTING BODIES**

## **appendix (AS OF MARCH 31, 1998)**

### **Enrolment Board**

Lorraine Doctor	Chairperson
Wilfred McNeely, Jr.	Vice-Chairperson
Raymond Taniton	Deline
Larry Tourangeau	Norman Wells
Isidore Manuel	Fort Good Hope
Lori Ann Lennie	Tulita
Wilbert Kochon	Colville Lake
Rosemary Cairns*	Yellowknife
Monica Loomis*	Norman Wells

\* *Government of Canada appointees*

### **Arbitration Panel**

Deborah Hanly	Chairperson
Robert A. Kasting	Vice-Chairperson
David C. Elliott	
Larry Chartrand	
Nigel Bankes	
James H. Davis	
Anton M.S. Melnyk	
Francis Price	

### **Renewable Resources Board**

Winter Lennie	Chairperson
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### **Members**

Russell Hall  
Paul Latour  
George Barnaby  
Danny Gaudet  
Ruby L. McDonald  
Gerard (Gerry) LePrieur

### **Alternates**

Lucy Jackson  
Diane F. Malley  
Kevin J. McCormick  
Leonard Kenny  
Archie Lennie, Sr.  
Max Melnyk

## **Mackenzie Valley Environmental Impact Review Working Group**

Gordon Lennie                      Interim Chairperson

### *Members*

Leonard Colissimo  
Bertha Rabesca  
Sarah Jerome

### *Technical Advisors*

Peter Bannon  
Joe Benoit  
Ruby L. McDonald  
Brenda Kurzyk

## **Land and Water Working Group**

Larry Wallace                      Interim Chairperson

### *Members*

George Barnaby  
Walter Bayha  
Derrick Muyres

### *Technical Advisors*

Ruby L. McDonald  
Kevin Campbell  
Rudy Cockney

## **Joint Working Group on Sahtu Heritage Places and Sites**

John T'Seleie                      Chairperson

Bella T'Seleie  
Isadore Yukon  
Tom Andrews  
Ellen Lee

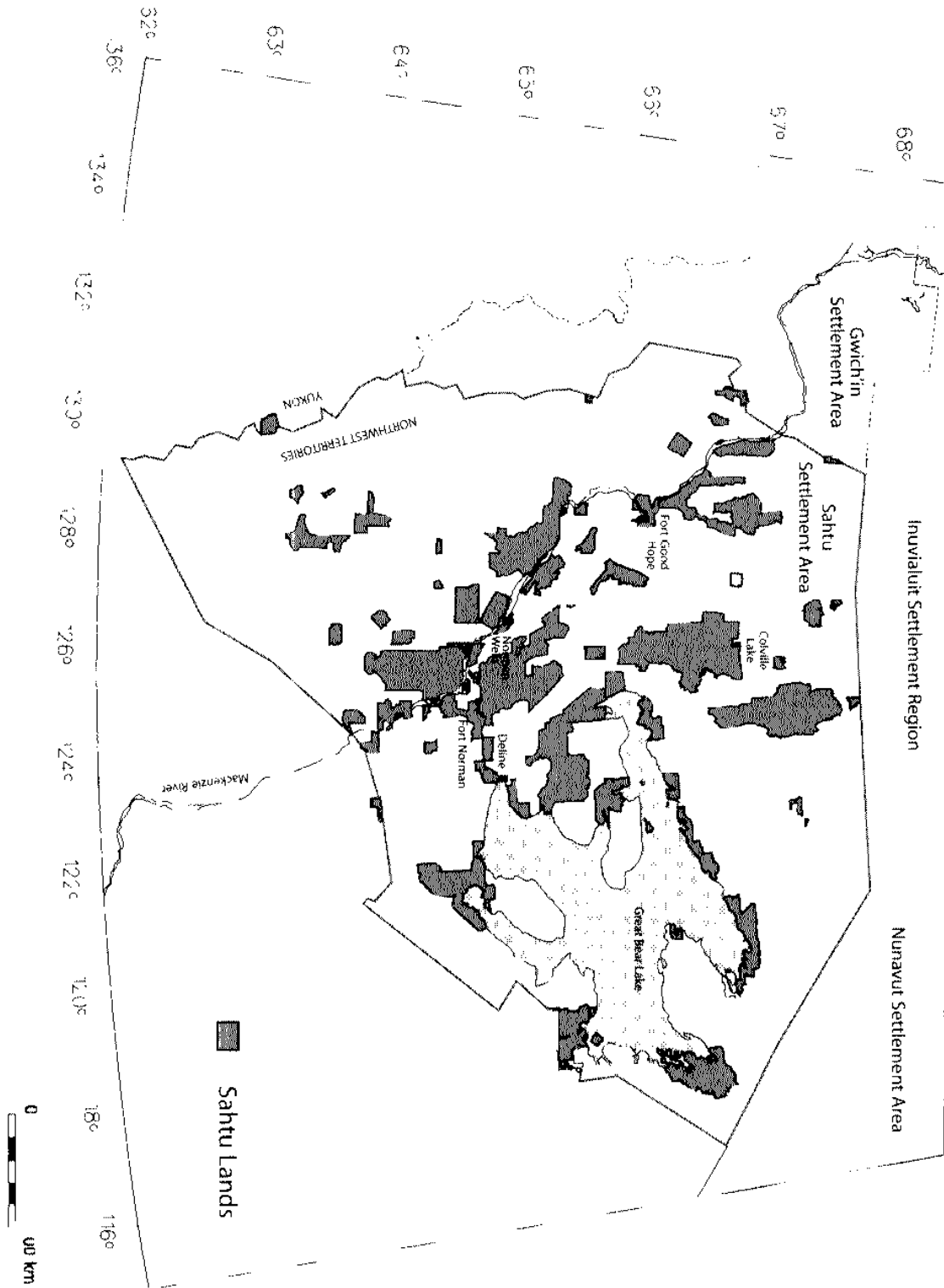
## **Land Use Planning Working Group**

Roderick Hardy                      Interim Chairperson  
Barry Harley                      Interim Vice-Chairperson  
Wilbert Kochon  
Vacant (Canada to appoint member)

Federal Advisor                      Marie Adams  
GNWT Advisor                      Celina Stroeder  
SSI Advisor                      Ruby McDonald



**A2**      **MAP OF SAHTU**  
**Appendix**      **SETTLEMENT AREA**



<b>A3</b>	<b>SCHEDULE OF CAPITAL</b>
appendix	<b>TRANSFER PAYMENTS, 1994 TO 1997</b>

Date	Schedule of Payments	Loan Repayment	Total Paid to SSI
June 23, 1994	\$9,000,000	\$0	\$9,000,000
September 6, 1994	\$3,853,940	(\$533,903)	\$3,320,037
September 6, 1995	\$5,780,911	(\$800,854)	\$4,980,057
September 6, 1996	\$7,707,881	(\$1,067,805)	\$6,640,076
<b>September 6, 1997</b>	<b>\$9,634,851</b>	<b>(\$1,334,757)</b>	<b>\$8,300,094</b>
<b>Total</b>	<b>\$35,977,583</b>	<b>(\$3,737,319)</b>	<b>\$32,240,264</b>

<b>A4</b>	<b>IMPLEMENTATION</b>
appendix	<b>PAYMENTS, 1994-1995 TO 1997-1998</b>

Fiscal Year	Implementation Payments
1994-1995	\$ 688,458
1995-1996	\$1,205,791
1996-1997	\$1,622,443
<b>1997-1998</b>	<b>\$1,970,533</b>
<b>Total</b>	<b>\$5,487,225</b>

Note:

These amounts include payments to SSI, GNWT and the implementing bodies.

**A5 RESOURCE ROYALTIES,**  
Appendix **1993 TO 1997**

Fiscal Year	Resource Royalties Paid Out
1993	\$123,221
1994	\$198,041
1995	\$204,357
1996	\$278,782
<b>1997</b>	<b>\$244,261</b>
<b>Total</b>	<b>\$1,048,662</b>

**A6 PROPERTY TAXES PAID TO GNWT,**  
Appendix **1994 TO 1997**

Fiscal Year	Property Taxes Paid to GNWT
1994 & 1995 Two years paid in one	\$8,666.00
1996	\$9,739.00
<b>1997</b>	<b>\$9,544.00</b>
<b>Total</b>	<b>\$27,589.00</b>