



GWICH'IN TRIBAL COUNCIL

**LAND MANAGEMENT AND CONTROL GUIDELINES
WITH SCHEDULE OF RATES, FEES AND PENALTIES**

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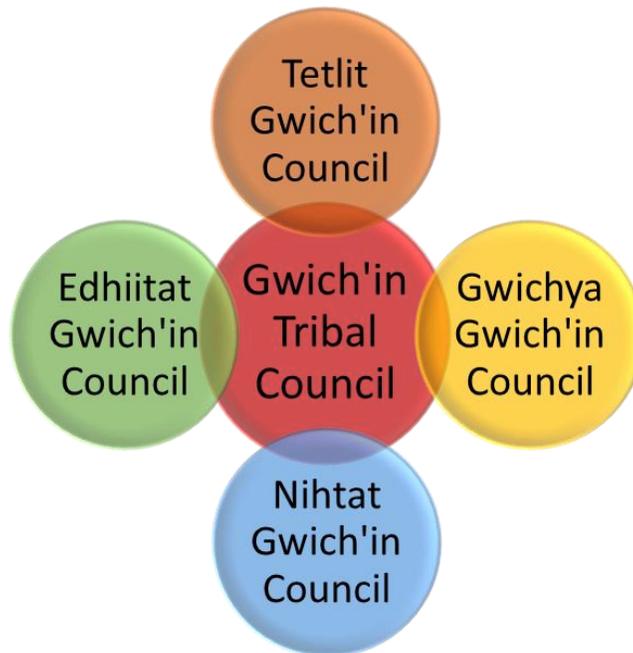
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**GWICH'IN TRIBAL COUNCIL
LAND MANAGEMENT AND CONTROL GUIDELINES**

1.0 INTRODUCTION

Signed in 1992, the ***Gwich'in Comprehensive Land Claim Agreement*** (GLCA) represents the legal document, around which all Gwich'in land use management is defined. Established in conjunction with the Gwich'in Comprehensive Land Claim Agreement, the **Gwich'in Tribal Council** (GTC) is an indigenous organization that represents all Gwich'in Participants in the Mackenzie-Delta of the Northwest Territories and across Canada. **Designated Gwich'in Organisations** (DGOs), pursuant to section 7 of the GLCA, are sub-organizations which help deliver programs and services at the local level in the Gwich'in communities. These community-based land claim organisations, include: the **Tetlit Gwich'in Council** (TGC) representing the Tetlit Gwich'in in Fort McPherson; the **Gwichya Gwich'in Council** (GGC) representing the Gwichya Gwich'in in Tsiigehtchic; the **Nihtat Gwich'in Council** (NGC) representing the Nihtat Gwich'in in Inuvik; and the **Ehditat Gwich'in Council** (EGC) representing the Ehditat Gwich'in in Aklavik.



The GTC along with its DGOs form the governing body that protects and preserves the rights, interests and benefits of the Gwich'in in regards to their use, ownership and management of lands, waters, and resources in the Gwich'in Settlement Area, while



simultaneously preserving and enhancing the traditional and cultural values, customs and language of the Gwich'in.

The **Gwich'in Lands and Resources** (GLR) is the administrative body, established by the GTC, which has been tasked with managing all Gwich'in Settlement Lands within both the Yukon and Northwest Territories. These lands are referred to in these guidelines as **Gwich'in Private Lands** and include:

- 16,264 square kilometers of "surface" private lands;
- 6,065 square kilometers of "surface/subsurface" private lands;
- 93 square kilometers of "subsurface" private land; and
- 1,554 square kilometers of "surface" private lands in the Yukon.

These lands were established as Gwich'in private lands in the Land Claim Agreement:

- To provide for **certainty and clarity of rights to ownership** and use of land and resources;
- To **recognize and encourage the Gwich'in way of life**, which is based on the cultural and economic relationship between the Gwich'in and the land;
- To **encourage the self-sufficiency** of the Gwich'in and to enhance their ability to participate fully in all aspects of the economy;
- To provide the Gwich'in with **specific benefits**, including **financial compensation, land and other economic benefits**;
- To **protect and conserve the wildlife and environment** of the Gwich'in Settlement Region (GSR) for present and future generations; and
- To provide the Gwich'in the **right to participate in decision making concerning the use, management and conservation of land, water and resources**.

Administration and management of Gwich'in Private Lands includes controlling "Rights of Access," "Surface Rights" and "Subsurface Rights" (mineral rights). Gwich'in Lands and Resources manage the use of Gwich'in private lands through the issuance of authorizations. Authorizations must be obtained under the GCLA for any access to or activity on Gwich'in private lands. Gwich'in Lands and Resources is therefore committed to providing the public with information needed to determine if an application for an authorization is needed, and, if it is, provide information, tools, information technology systems and forms to help with the application process.

The overarching objectives of this document are:

- To set out the **standards and guidelines for the use** of Gwich'in Private Lands;
- To provide for **consistency and fairness to the management and control** of Gwich'in Private Lands;
- To provide for Gwich'in **participation in the management and control** of Gwich'in Private Lands;
- To provide for the **coordination of land use regulation** with public regulatory authorities.



2.0 DEFINITIONS

This Section: provides definitions for the terms and acronyms used throughout these rules. Defined terms are bolded in this section to assist the reader in cases where one definition is based on other defined terms.

(1) In these Guidelines,

"Authorization" means a right to use Gwich'in Settlement Lands and includes Access Agreements, Leases, Quarrying, Right of Ways, Research, etc;

"Participant " means "participant" as defined in the GCLCA;

"Cabin/Camp" means any permanent or seasonal structure and/or other like improvement on the lands that are used primarily for trapping or non-commercial wildlife harvesting or other traditional purposes.

"Commercial Activity" means any activity that includes the buying or selling of a service or commodity, including those activities requiring a license or permit.

"Concession Agreement" means an agreement in which the Gwich'in authorize a person or company to prospect for and produce oil or gas or minerals in the area covered by such an authorization;

"Co-operation (Compensation) Agreement" means an agreement in which the Gwich'in authorize a person or company to use water in a way as defined in the GCLCA.

"Consultation" means

- (a) the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;
- (b) the provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and
- (c) full and fair consideration by the party obliged to consult of any views presented;

"Designated Gwich'in Organization" means a Gwich'in organization designated pursuant to chapter 7 of the GCLCA.

"Gas" means natural gas and includes all substances, other than oil, that are produced in association with natural gas;



"**GCLCA**" means the *Gwich'in Comprehensive Land Claim Agreement*, Volumes 1 and 2, 1992, and includes its subsequent amendments;

"**Government**" means federal, territorial or municipal government, its employees, agents and contractors, and includes the Canadian Armed Forces;

"**GSA**" means **Gwich'in Settlement Area**, which includes, as stated in Appendix A of the **GCLCA**, all that portion of the NWT lying within the boundaries of the settled land claim.

"**GSR**" means **Gwich'in Settlement Region** and is used in these Guidelines to mean the **GSA** plus, the crown land in the Yukon designated as the **Primary Use Area** and the **Secondary Use Area** in the YTBA.

"**Guidelines**" means these Gwich'in Land Management and Control Guidelines.

"**Gwich'in**" means participants and Gwich'in organizations as the context requires;

"**Gwich'in Lands**" means lands in the Northwest Territories to which title was granted to the Gwich'in Tribal Council, and as defined in s. 2.1.1 of the **GCLCA**, these lands are made up of **Gwich'in Municipal Lands** and **Gwich'in Settlement Lands**. For the purposes of managing access, and pursuant to s. 20.1.1 of the **GCLCA**, these lands are more specifically defined as including only those **Gwich'in Municipal lands** that are both:

- greater than 10 acres; and either:
- not tax assessable; or tax assessable, but have no improvements and are not serviced.

"**Gwich'in Lands and Resources**" or "Gwich'in Lands and Resources Director" means the office or person designated by the Gwich'in Tribal Council to administer these Guidelines;

"**Gwich'in Municipal Lands**" means, as stated in s. 2.1.1 of the **GCLCA**, Gwich'in Lands within **Local Government** boundaries granted pursuant to s. 22.2.1 of the **GCLCA**.

"**Gwich'in Private Lands**" is a term used in these **Guidelines** to mean all land in the Yukon and Northwest Territories to which the Gwich'in have title. The term encompasses **Gwich'in Lands** in the Northwest Territories plus **Tetlit Gwich'in Yukon lands** in the Yukon. However, for any provisions of the guidelines based on chapter 20 of the **GCLCA**, Gwich'in Private Lands excludes parcels of Municipal Lands that are less than ten acres (4 ha) and either: tax assessable or not tax assessable but have improvements and are serviced.

"**Gwich'in Settlement Lands**" means, "settlement lands", which are defined in s. 2.1.1 of the **GCLCA**, as Gwich'in lands outside local government boundaries and granted pursuant to s. 18.1.2 of the **GCLCA**.



"Gwich'in Tribal Council" means the corporation incorporated as the Gwich'in Tribal Council under the *Canada Corporations Act*;

"Land and Water Board" means the Gwich'in Land and Water Board established under the *Mackenzie Valley Resource Management Act*;

"Local Government" means, as stated in 2.1.1 of the **GCLCA**, all incorporated towns, villages, hamlets, charter communities, settlements and local governments listed in s. 22.8.1 of the GCLCA, and any other local government that is subsequently designated and established pursuant to 22.7.1 and includes the Government of the Northwest Territories when it acts in the stead of local government.

"Minerals" means precious and base metals and other, non-living, naturally occurring substances and includes coal and oil and gas;

"Oil" means crude oil, regardless of gravity, produced at a wellhead in liquid form and any other hydrocarbons except coal and gas;

"Participation Agreement" means an agreement between the Gwich'in and a person or company holding a right to prospect for and produce oil or gas in the area covered by the agreement;

"Primary Use Area" as defined in s. 1.1.1 of the **YTBA**, means the Fort McPherson Group Trapping Area, which was established by the Trapping Concession Boundary Regulation, Order-in-Council 1989/94, made pursuant to the Wildlife Act, R.S.Y. 1986, c. 178, ss. 153 and 178.

"Production" means the making of goods or materials available for use.

"Production Agreement" includes a production sales agreement and a processing and facilities agreement;

"Protected Area" means all areas and locations of land set apart and protected by government in the settlement area including historic parks and sites, national wildlife areas, migratory bird sanctuaries, territorial parks, conservation areas and archaeological sites but does not include national parks;

"Renewable Resource Council" means a Gwich'in Renewable Resource Council described in paragraph 12.9 of the GCLCA;

"Right of Way" means (a) a strip of land over which a person is granted an exclusive or a non-exclusive right of passage, and (b) the right of a person to pass over land of another.

"Secondary Use Area" as defined in s. 1.1.1 of the **YTBA**, means the lands described in Annex A to the **YTBA**, and for which rights concerning government



notice, consultation, use of water, harvesting, trapping, and forest harvesting are granted. (See **YTBA** sections 9.4.2, 9.4.3, 10.3, 12.3.1, 12.3.13, 13.2.2).

"Surface Rights Board" [20.3.6] means the board established under the *Surface Rights Act*.

"Tetlit Gwich'in Yukon lands" means, as stated in s. 1.1.1 of Appendix C of the **GCLCA**, lands to which the Tetlit Gwich'in received title pursuant to 3.1 of the YTBA.

"YTBA" means the Yukon Transboundary Agreement, which is Appendix C of the GCLCA and is the settled Gwich'in land claim in the Yukon.

- (2) The figures in square brackets, for example [GCLCA 20.2.1], refer to the corresponding chapter and paragraph in the Gwich'in Comprehensive Land Claim Agreement.

3.0 GENERAL ADMINISTRATION

This Section: Refers to the duties assigned to Gwich'in Lands and Resources by the Gwich'in Tribal Council as well as land claim provisions relating to lands, but not access. The Tribal Council will assign duties in accordance with the Gwich'in Comprehensive Land Claim Agreement.

- (1) Gwich'in Lands and Resources shall act, with respect to Gwich'in Private Lands, on issues concerning land access, use and occupation in accordance with the rights granted pursuant to the Gwich'in Comprehensive Land Claim Agreement and in accordance with the policies established by the Gwich'in Tribal Council.
- (2) Nothing in these guidelines is intended to provide Gwich'in Lands and Resources with independence from the Gwich'in Tribal Council.
- (3) Gwich'in Lands and Resources, acting on behalf of and under the direction of the Gwich'in Tribal Council, shall manage the use of Gwich'in Private Lands including:
 - a) assisting the Gwich'in Tribal Council with the development of land management programs, policies and guidelines;
 - b) the administration of land management programs, policies and guidelines;
 - c) issuing authorizations to access and occupy Gwich'in Private Lands; and
 - d) the charging of rents or other fees for the use and occupation of Gwich'in Private Lands.
- (4) Gwich'in Lands and Resources shall act, as authorized by the Gwich'in Tribal Council, on all consultation proceedings concerning land use, access and occupation issues in the GSR including:
 - a) issues concerning all lands within the GSR; and



- b) consultations between the Gwich'in Tribal Council and Governments of the Northwest Territories and the Yukon, industry, and/or the public.
- (5) Land management programs and policies for Gwich'in Private Lands shall incorporate and comply with the principles and provisions of Chapter 24 and Appendix C (YTBA) of the Gwich'in Comprehensive Land Claim Agreement.

4.0 SPECIAL LAND CLAIM PROVISIONS

- (1) Title to Gwich'in Private Lands is not transferable to any one except Government in exchange for other land, or a Designated Gwich'in Organization. [GCLCA 18.1.5]
- (2) Gwich'in Private Lands:
 - a. are not subject to seizure or sale under court order, writ of execution or any other process whether judicial or extra-judicial [GCLCA 18.1.7], [YTBA 3.1.5];
 - b. shall not be mortgaged, charged or given as security [GCLCA 18.1.8], [YTBA 3.1.6];
 - c. shall not be acquired, by prescription, an estate or interest in Settlement Lands [GCLCA 18.1.9], [YTBA 3.1.7].
- (3) The Government of Canada shall make available to the Gwich'in Lands and Resources data and information relating to resources and existing rights after the date of settlement. [GCLCA 18.3.2], [YTBA 3.7.1]
- (4) Hazardous waste sites on Gwich'in Settlement Lands prior to date of settlement (identified in [schedule XVIII, appendix f]) shall not be the responsibility of the Gwich'in [GCLCA 18.3.3], and the clean-up of hazardous sites in the Gwich'in Settlement Area by Government shall include sites on Settlement Lands. The costs of clean-up are the responsibility of Government [GCLCA 18.3.4].
- (5) The resolution of any issues concerning the nature and location of boundaries for parcels of Gwich'in Private Lands will conform to the provisions in the GCLCA respecting boundaries and surveys. [GCLCA 18.4.1, 18.4.2] and [YTBA 11.5.6].
- (6) Subject to the rights of access granted in the Agreement, any disputes between a person, company or government and the Gwich'in Tribal Council shall be referred to the Surface Rights Board. In the event that the Surface Rights Board does not exist, dispute resolution shall be referred to an Arbitration Panel. [GCLCA Ch.6].
- (7) Any proposed activity, requiring a land use permit or water licence, for Gwich'in Private Lands is subject to the Mackenzie Valley Resource Management Act and the existing legislation in the Yukon.



- (8) These management and control guidelines and associated fees will be subject to annual reviews, the conditions of which will depend upon the formalization process for these guidelines.

5.0 ACCESS RIGHTS AND CONDITIONS

This Section: refers to the responsibilities assigned to Gwich'in Lands and Resources for the control and management of surface activities on Gwich'in Private Lands that do not require the payment of fees or rents associated with leases, right of ways, or rights granted to resources. In some cases these surface activities do not require formal authorizations.

5.1 General

This Section: refers to general conditions applicable to Non-Gwich'in rights of access preserved by the GCLCA.

- (1) The GCLCA preserves various public, government, industry and commercial rights to access Gwich'in Settlement Lands is subject to the following conditions:
 - (a) the user shall commit no mischief on Gwich'in Private Lands;
 - (b) the user shall not interfere significantly with Gwich'in use and peaceful enjoyment of Gwich'in Private Lands; and
 - (c) the user shall be responsible for any significant damage caused by the user to Gwich'in Private Lands. [GCLCA 20.1.4] [YTBA 4.1.6].
- (2) Non-Gwich'in exercising a right of surface access to or across Gwich'in Private Lands do so at their own risk and have no right of action against the Gwich'in for alleged loss suffered or damage arising from the access. [GCLCA 20.1.5]
- (3) Non-Gwich'in may enter and stay on Gwich'in Private Lands without prior notice in an emergency. [GCLCA 20.1.8] [YTBA 4.1.5].
- (4) A person may exercise a right to access by any mode of transport unless restricted by conditions imposed by Gwich'in Lands and Resources, Gwich'in Tribal Council or by legislation [GCLCA 20.1.11].

5.2 Gwich'in Access

This Section: Refers to surface land access and use by Gwich'in participants.

- (1) In accordance with these Guidelines Gwich'in accessing or using lands in the GSR, which includes federal crown land, for the purpose of conducting traditional or recreational activities,
 - a) shall commit no mischief on all lands in the GSR;



- b) shall not interfere significantly with other Gwich'in use and peaceful enjoyment of all lands in the GSR;
- c) shall be responsible for any significant damage caused by the user to all lands in the GSR;
- d) must obey the laws of general application in the NWT and the Yukon; and
- e) must practice courtesy when traveling to, through, or visiting another camp, cabin or harvesting area.

5.3 Public Access

This Section: Refers to surface land access and use by members of the public that is casual, harmless and unlikely to have any impact on the land or the environment. The use of land must be for non-commercial and non-industrial purposes (e.g. recreation, non-government research, other non-intrusive/non-consumptive purposes). [GCLCA 20.1, 20.2].

- (1) Non-Gwich'in have the right to use navigable waters, portages and waterfront lands associated with Gwich'in Private Lands for travel by water or for recreation.
- (2) The exercise of this right is subject to the conditions that:
 - (a) non-Gwich'in may not harvest wildlife from Gwich'in Private Lands other than fish and migratory game birds on or in waters overlying Gwich'in Private Lands [GCLCA 12.4.3] [YTBA 4.7.3]. Exceptions to this are defined in [GCLCA 20.2.2] [YTBA 4.7.3].
 - (b) the user may not conduct commercial activities or establish any seasonal or permanent camp or structure without the agreement of the Gwich'in Tribal Council (see Section 3.2) [GCLCA 20.1.2] [YTBA 4.7.7]. Additional conditions may be applied to the right to access Gwich'in Private Lands. [GCLCA 20.1.7] [YTBA 4.6].
- (3) Non-Gwich'in may cross Gwich'in Private Lands to exercise a right, interest or privilege on adjacent lands; for example, to travel to and from a place of work or recreation. Where practicable, these crossings shall take place either on routes specified by the local Designated Gwich'in Organization or upon prior notice to the access. [GCLCA 20.2.3] [YTBA 4.3.3].
- (4) Non-Gwich'in requiring surface access to or across Gwich'in Private Lands and intending to camp on those lands, must provide notice to Gwich'in Lands and Resources prior to such access taking place by submitting the form: **Application to Access Gwich'in Private Lands** (see Appendix A). [GCLCA 20.1.7(b)].

5.4 Government Access

This Section: Refers to the rights and obligations attached to government access to Gwich'in Private Lands.



- (1) Agents, employees, contractors of government and members of the Canadian Armed Forces have the right to enter, cross and stay on Gwich'in Private Lands and to use natural resources incidental to such access to deliver and manage government programs and services, to carry out inspections and to enforce laws. Government shall give prior notice of such access to the Gwich'in Lands and Resources when, in the opinion of government, it is reasonable to do so [GCLCA 20.3.1] [YTBA 4.4.1].
- (2) Any person authorized to provide public utilities shall have, after consulting with Gwich'in Lands and Resources, access to Gwich'in Private Lands to carry out assessments, surveys and studies [GCLCA 20.3.6] [YTBA 4.4.2].
- (3) Where Government access results in damages to Gwich'in Land or interference with Gwich'in use and peaceful enjoyment of Gwich'in Private Lands, government shall compensate the Gwich'in in an amount agreed to by government and the Gwich'in Tribal Council or, failing such agreement, in an amount determined by the Surface Rights Board. [GCLCA 20.3.6]
- (4) The exercise of the Government right to access is subject to the conditions that:
 - (a) Notifications be made to Gwich'in Lands and Resources in writing (**see Appendix A**). [GCLCA 20.3.1]; and
 - (b) Additional terms and conditions may be applied to the right to access Gwich'in Private Lands. [GCLCA 20.1.7].

5.5 Commercial/Industrial Access to Gwich'in Settlement Lands

This Section: Refers to access to Gwich'in Settlement Lands by commercial or industrial activities for temporary non-intrusive/non-consumptive purposes. Land use of this type requires the agreement of the Gwich'in Tribal Council and is subject to specified terms and conditions.

- (1) In the course of conducting a commercial activity, a person or company has the right to use navigable waters overlying, and portages and waterfront lands within Gwich'in Settlement Lands for travel by water. These rights of access must be exercised by using the most direct route and by minimizing the use of portages and waterfront land. [GCLCA 20.4.2]
- (2) The rights specified in 5.5 (1) are subject to the conditions that;
 - (a) a person or company must notify Gwich'in Lands and Resources by completing and submitting the form: **Application for Access to Gwich'in Private Lands. (see Appendix A)**. [GCLCA 20.1.7 (b)];
 - (b) no permanent or seasonal camp or structure is established on lands to which the rights apply
 - (c) there is no significant alteration or damage to the lands to which the rights apply; and



- (d) no commercial activity is conducted on the lands to which the rights apply, other than such activity as is necessarily incidental to travel. [GCLCA 20.4.2]
- (3) Any person or company requiring access across Gwich'in Settlement Lands to reach adjacent lands or waters for commercial purposes has a right to that access, provided that:
 - (a) the access is of a casual and insignificant nature;
 - (b) notification is made to Gwich'in Lands and Resources by completing and submitting the form: **Application for Access to Gwich'in Private Lands (see Appendix A)**. [GCLCA 20.1.7 (b)]; and
 - (c) the route used is recognized and being used for access on a regular basis, whether year round or intermittently [GCLCA 20.4.3].
- (4) Any person licensed to conduct a commercial fishing operation on waters overlying or adjacent to Gwich'in Settlement Lands has a right of access to the waterfront lands on Gwich'in Settlement Lands for tying up vessels or attaching nets, and has such right of access to waters overlying Gwich'in Settlement Lands as is required to conduct the commercial fishing operation [GCLCA 20.4.5].
- (5) A person or company that has a right to prospect for minerals and to locate claims, and does not require a land use permit from the Land and Water Board for the exercise of that right, shall have access to Gwich'in Settlement Lands (described in 18.1.2(a)) and their overlying waters, provided that:
 - (a) notice, including the address of the person or company, shall be given to the Gwich'in Tribal Council at least seven (7) days prior to entry on the Gwich'in Settlement Lands; and
 - (b) the notice shall specify the National Topographic System map sheet (1:50,000 scale) that includes the Gwich'in Settlement Lands to which access is required [GCLCA 20.4.6].
- (6) A person may exercise a right to access by any mode of transport unless restricted by conditions imposed by the Gwich'in Tribal Council or by legislation [GCLCA 20.1.11].

6.0 OCCUPATION AND USE OF GWICH'IN PRIVATE LANDS

*This Section: refers to the responsibilities assigned to Gwich'in Lands and Resources for the control and management of surface activities on Gwich'in Private Lands **requiring** the payment of fees, rents or royalties associated with leases, right of ways, or access to resources. It refers to the right to occupy and use of a specific surface land area for a specific period and purpose. It may exclude the use of the land for other purposes. A formal authorization and environmental monitoring are usually required.*

6.1 General



This Section: refers to guidelines that apply to all activities requiring land use authorizations.

- (1) Gwich'in Lands and Resources shall administer surface rights in accordance with the rights granted pursuant to the Gwich'in Comprehensive Land Claim Agreement and in accordance with the policies established by the Gwich'in Tribal Council.
- (2) A land use authorization is required for the use of Gwich'in Private Lands if the use could have an impact on the land. Gwich'in participants retain the right to harvest wildlife, on the lands described in any land use authorization, unless the provision of the GCLCA [such as 12.4.10] or the terms of the authorization specifically restrict such access.¹ Gwich'in harvesters have no right of action against the Gwich'in Tribal Council or an authorization holder for any harvesting loss or damage unless it is provided for in an agreement [12.4.10 (b)(iv)]. The wildlife harvesting rights do not extend to the following specified lands [12.4.12, 12.4.13]:
 - a) lands designated for military or national security purposes,
 - b) lands owned in fee simple or are subject to an agreement for sale or to a surface lease, prior to date of settlement legislation (April 21, 1992),
 - c) lands within municipal boundaries,
 - d) lands outside of municipal boundaries that are 130 hectares or less in surface area which after April 21, 1992, are granted in fee simple, made subject to an agreement for sale or to a surface lease,
 - e) lands which are restricted in accordance with 12.4.13

Where the proposed use and the overriding Gwich'in harvesting rights granted in 12.4.10 are in conflict, the authorization holder may propose restrictions on harvesting. In this case, the GCLCA [12.4.13] requires that the authorization holder;

- a) Consult with the Gwich'in Tribal Council
 - b) Give notice to all other interest holders and Gwich'in Renewable Resource Councils specifying the nature, extent, duration and conditions of the proposed restriction.
 - c) Post a public notice of the proposed restriction.
- (3) If there is no opposition, the proposed restriction will come into effect. [12.4.13(e)] Where there is opposition, the parties must try to work out a solution involving acceptable restrictions. [12.4.13(e)] "... unless otherwise agreed to by the parties.] Where the parties cannot agree, the matter can be resolved by arbitration. [12.4.13(c) and (d)].

¹ These overriding beneficiary harvesting rights also extend to federal crown land (public lands) within the GSA, even where the federal government has granted access to its lands.



- (4) Application for a land use Authorization for Gwich'in Private Lands must be submitted to Gwich'in Lands and Resources on the appropriate form. The Application must be complete and accompanied by the applicable application fee, prior to its acceptance.
- (5) The categories of land use Authorizations are:
- a) Residential Lease
 - b) Government/Public Lease
 - c) Research/Field Studies (including Government)
 - d) Land Use Authorization:
 - 1. Access and/or Type II Research (research that requires the use of heavy equipment)
 - 2. Seismic Exploration
 - 3. Exploratory Drilling
 - e) Class I Commercial/Industrial Lease including wellsite lease (production drilling)
 - f) Class II Commercial/Industrial Lease
 - g) Commercial Timber Harvesting
 - h) Staging Authorization
 - i) Tourism Authorization
 - j) Campsite Fees @ \$/day/person
 - k) Quarry Authorization
 - l) Grazing Authorization
 - m) Right of Way
 - 1. Temporary
 - 2. Permanent
 - 3. Pipeline
- (6) The Lands and Resources Director shall determine which Authorization is required for each proposed activity.
- (7) Land Use Authorizations are non-transferable.

6.2 Gwich'in Use

This Section: Refers to surface land access and use by Gwich'in participants.

- (1) Gwich'in Individuals do not own the land. The land is vested in the GTC and managed collectively on behalf of all Gwich'in participants.
- (2) Land use decisions will be based on honour, trust and respect for traditional users of the land. The land must be protected for future generations.
- (3) Camps on federal crown land should be registered with the Department of Indian and Northern Affairs Canada to help prevent conflicting land uses.
- (4) Written consent of the adjacent Gwich'in occupants will be taken into consideration in the approval of new camps on Gwich'in Land.



- (5) An inventory of Gwich'in activities on Gwich'in Private Lands will be maintained by Gwich'in Lands and Resources and local Renewable Resource Councils. These activities include: firewood cutting, trapping, hunting, berry collection, other traditional activities, and recreation (e.g. picnic sites, etc.).

The Gwich'in Lands and Resources reserves the right to report non-compliance or violations of Environmental and/or Land Management legislation to the applicable regulatory agency by Gwich'in Participants and Gwich'in Organizations when Lands and Resources become aware of such incidents.

- (6) All Gwich'in residences and camps on Gwich'in Private Lands will be governed by local Designated Gwich'in Organizations. All Gwich'in residences and camps must be registered with Gwich'in Lands and Resources. New camps and residences require the approval of the DGO, upon the recommendation of the local Renewable Resource Councils.
- (7) Gwich'in interested in conducting commercial/industrial activities are subject to the requirements of these guidelines and all legislation, except that specific terms, conditions, rents and royalties in these Guidelines and the associated fee schedule may be waived or reduced to promote economic activities for Gwich'in, as approved by the GTC Board of Directors.
- (8) Gwich'in intending to access Gwich'in Private Lands to conduct commercial or industrial activities or to construct new cabins and campsites must apply to Gwich'in Lands and Resources by completing and submitting the form: ***Application to Access Gwich'in Private Lands or Application form – Gwich'in Participant Camp. (see Appendix A).***
- (9) Gwich'in individuals do not have the authority to grant residential sites for new cabins or campsites to Non-Gwich'in on Gwich'in Private Lands. Only Gwich'in Lands and Resources has this authority.

6.3 Public Use

This Section: Refers to surface land access and use by members of the public for residential or research purposes. These uses will exclude the use by others of a defined area of land for a specific period of time.

- (1) Non-Gwich'in requiring surface access to or across Gwich'in Private Lands and intend to camp on those lands, must apply to Gwich'in Lands and Resources by completing and submitting the form: ***Application to Access Gwich'in Private Lands. (see Appendix A).***
- (2) Non-Gwich'in wishing to occupy Gwich'in Private Lands for recreation (e.g. seasonal camp) or residential purposes must enter into a "***Residential Lease***" Agreement with the Gwich'in Tribal Council.



- (3) A "**Residential Lease**" gives an individual person or a family the exclusive right to occupy a defined area, which may be a primary residence, recreational residence, or a seasonal residence in support of wildlife harvesting for a maximum term of 15 years and a periodic rent review every 5 years.
- (4) Land held under a "**Residential Lease**" shall not be subdivided. Terms, conditions and rent will be attached to a "**Residential Lease**".
- (5) Land held under a "**Residential Lease**" shall not be used for commercial or industrial activities.
- (6) A "**Residential Lease**" of Gwich'in Private Lands shall not exceed four (4) hectares in area and shall be restricted to:
 - (1) a perimeter having no side greater than 500 metres in length, and
 - (2) a lake or river frontage not exceeding 200 metres in total length.
- (7) Persons may enter, cross and stay on Gwich'in Private Lands in order to conduct research subject to an agreement with Gwich'in Lands and Resources and to the Guidelines described herein [GCLCA 20.2.4] [YTBA 4.6]. "**Research Type**" authorizations will be as follows:

Research Type I or Educational Activity	Research Type II	Research Type III
<ul style="list-style-type: none"> •zero to minimal environmental impact/disturbance •no collection of samples (i.e. rock, soil, water, vegetation or animal) •no temporary or permanent installation or use of scientific instruments 	<ul style="list-style-type: none"> •low to medium environmental impact/disturbance •minimal collection of samples (i.e. rock, soil, water, vegetation or animal) •temporary installation or use of scientific instruments •use of non-intrusive or minimally intrusive monitoring/sampling methods 	<ul style="list-style-type: none"> •high environmental impact/disturbance •extensive collection of samples (i.e. rock, soil, water, vegetation or animal) • permanent installation or use of scientific instruments •the use of heavy equipment •use of highly intrusive monitoring/ sampling methods

Note: Where there is confusion surrounding the Research Type based on levels of impact/disturbance and/or degree of intrusive monitoring/sampling methods of a proposed project, the Research Type will be determined by the Gwich'in Tribal Council.

6.4 Government Use

This Section: refers to the access and use of Gwich'in Private Lands by the Government and Military. These are long term uses of the land or uses that may impact the environment.

- (1) If government requires the continuous use or occupancy of Gwich'in Settlement Lands for more than two (2) years, the use or occupancy shall be on terms negotiated between government and the Gwich'in Tribal Council. Failing agreement, the matter shall be referred to arbitration pursuant to chapter 6 of the GCLCA [GCLCA 20.3.2].



- (2) The Department of National Defence and the Canadian Armed Forces may have access to Gwich'in Private Lands for military manoeuvres provided a negotiated agreement is reached with the Gwich'in Tribal Council. The agreement may include terms respecting contact persons, areas and timing of use, land use rent, compensation for damages, and other matters. The agreement is called a "**Government Lease**". Failing agreement, the matter shall be referred to arbitration pursuant to chapter 6 of the GCLCA [GCLCA 20.3.3] [YTBA 4.5.1, 4.5.2].
- (3) Government may establish, on Gwich'in Settlement Lands, after consultation with Gwich'in Lands and Resources, navigational aids and safety devices along the shorelines of navigable waters provided the area occupied does not exceed:
 - (a) 2 hectares, for range markers and buoy transits; and
 - (b) 30.48 metres by 30.48 metres, for single beacons [GCLCA 20.3.5].
- (4) A "**Government Lease**" is not required for the establishment of navigational aids and safety devices.

6.5 Commercial/Industrial Use

This section refers to leases for commercial and industrial activities that will have an impact on the land, or will be occurring for an extended period of time. This includes all activities such as: commercial wildlife and fish harvesting, timber harvesting, guiding and outfitting, research, oil and gas exploration and production, government activities, mineral exploration, and others.

- (1) Any person or company wishing to establish use and occupy Gwich'in Private Lands to carry out a commercial activity for a period exceeding one (1) day requires a "**Class I**" or "**Class II Commercial/Industrial Lease**".
- (2) A "**Commercial/Industrial Lease**" shall have a minimum term of one (1) month and a maximum term of twenty-five (25) years, and may include a provision for rent review on a quarterly basis. A "**Commercial/Industrial Lease**" will include terms, conditions, rent and in some cases royalties.
- (3) Gwich'in Corporations and businesses in partnership with other companies will be required to pay all fees (administration, rental) stipulated in a Commercial Industrial Lease Authorization.
- (4) Gwich'in corporations and businesses, including non-Gwich'in businesses, in possession of a Gwich'in Lease Authorization shall not sub-lease lands owned by the Gwich'in Tribal Council, to another party without the written approval of the Gwich'in Tribal Council Board of Directors. This applies in cases where the GTC will not derive any significant revenue or profit sharing from the lease or sublease.



- (5) A "**Commercial/Industrial Lease**" may be renewed upon application by the lessee, provided the terms and conditions of the lease have been met, the operation has caused no adverse environmental effects, and Gwich'in Lands and Resources approves the renewal.

6.5.1 Class I Lease

"*Class I Commercial/Industrial Lease*" is required for any one of the following activities:

- (1) Construction and/or operation of facilities (other than oil and gas wells) for the extraction, compression, separation, processing, refining, liquefaction, transportation or other treatment or shipment of petroleum, coal, minerals or their by-products;
- (2) Storage of 10,000 litres or more, of fuel;
- (3) Storage of any radioactive, toxic, combustible or other hazardous goods or materials;
- (4) Construction and/or operation of a wharf or docking facility for the movement of goods and materials;
- (5) Construction and/or operation of an airfield or landing site for fixed or rotary wing aircraft;
- (6) Generation of 100 kilowatt hours (kWh) or more, of electric power;
- (7) Storage of more than one thousand (1000) tonnes of any materials, goods or inventories;
- (8) Construction or operation of a building or number of buildings with a total floor space of 1,000 square metres (m²) or more;
- (9) Use of a surface land area of four (4) hectares or more, for activities related to the support of wildlife harvesting or tourism;
- (10) Employment of 25 persons or more, whether occasional, permanent or contracted employees, during the operation of facilities, works or undertaking;
- (11) Use of explosives, self-propelled power driven machinery for moving earth or clearing land of vegetation, a vehicle that exceeds five (5) tons net vehicle weight, or any power driven machinery for hydraulic prospecting, moving earth or clearing land, other than a power saw; or
- (12) Levelling, grading, clearing, cutting or snowploughing of any line, trail or right-of-way exceeding 1.5 metres in width and exceeding four (4) hectares in area.



6.5.2 Class II Lease

"*Class II Commercial/Industrial Lease*" is required for any one of the following activities:

- (1) Storage of more than 5,000, but less than 10,000 litres of fuel;
- (2) Generation of less than 100 kilowatt hours (kWh) of electric power;
- (3) Storage of less than one thousand (1000) tonnes of any materials, goods or inventories;
- (4) Construction or operation of a building or number of buildings with a total floor space less than 1,000 square metres (m²);
- (5) Use of a surface land area of less than four (4) hectares for activities related to the support of wildlife harvesting or tourism; or
- (6) Employment of less than 25 persons, whether occasional, permanent or contracted employees, during the operation of facilities, works or undertaking;
- (7) Levelling, grading, clearing, cutting or snowploughing of any line, trail or right-of-way less than 1.5 metres in width and less than four (4) hectares in area; or
- (8) Use of any vehicle other than a snowmobile or four wheel recreational vehicle.

6.5.3 Wellsite Lease

- (1) A **Wellsite Lease** is required before drilling an oil, gas or condensate, production or injection well on Gwich'in Private Lands.
- (2) A **Wellsite Lease** provides exclusive control of the specific well site, but does not by itself permit production from the well bore. A Production Agreement between the operator and the Gwich'in Tribal Council is required before hydrocarbons may be produced from a well. If a Production Agreement cannot be reached, the dispute may be referred to the Surface Rights Board.
- (3) No person or company may hold or maintain an oil or gas well for more than ten (10) years with only a **Wellsite Lease**. A **Wellsite Lease** must include a provision for rent review every five (5) years.
- (4) If a well capable of production is shut-in, its status must be reviewed every five (5) years. If a well is not capable of production, Gwich'in Lands and Resources may order the well to be abandoned and the site restored as near as possible to its original state.
- (5) If a **Wellsite Lease** is issued, Gwich'in Lands and Resources must approve a **Right of Way** access to the site.



- (6) A **Wellsite Lease** does not require the drilling of a relief well in an emergency. A relief well shall not be drilled unless both a **Wellsite Lease** and a Production Agreement have been obtained.

6.5.4 Timber Harvesting Authorization

- (1) All commercial timber harvesting on Gwich'in Private Lands requires a "**Timber Harvesting Authorization**", and must comply with legislation and the Forest Management Plan for the Gwich'in Settlement Area.
- (2) Terms, conditions, rent and royalties will be attached to a "**Timber Harvesting Authorization**".

6.5.5 Gwich'in Quarry Authorization

- (1) Gwich'in title to Gwich'in Private Lands includes the right to the following quarry substances: carving stone, clay, construction stone, diatomaceous earth, earth, flint, gravel, gypsum, limestone, marble, marl, ochre, peat, sand, shale, slate, sodium chloride, soil, and volcanic ash.
- (2) A Gwich'in person may take, without a Quarry Authorization or the payment of any fees or royalties, not more than 40 cubic metres of quarry substances specified in section 6.5.5 (1) from existing GTC quarries in any one year for their own use but not for trade or sale. This person must give notice to GLR by requesting the material in writing specifying material type, quantity and from which quarry.
- (3) All quarry activities on Gwich'in Settlement Lands requires a "**Quarry Authorization**", and must comply with legislation. Terms, conditions, rent and royalties will be attached to a "**Quarry Authorization**".
- (4) A "**Quarry Authorization**" should not exceed one (1) year, unless the proposed activity or project requires an ongoing use of a quarry for more than one year.
- (5) The long term stockpiling of granular material is not allowed with a Gwich'in Quarry Authorization. A person or company wanting to stockpile granular material within a Gwich'in pit shall obtain a Commercial/Industrial Lease.
- (6) In accordance with GCLCA 18.2.3 and YTBA 15.2.5, the Gwich'in are required to provide supplies of quarry material, and permit access to, construction materials from Gwich'in Private Lands if no alternative source of supply is reasonably available in the surrounding area in the opinion of the Land and Water Board.

6.6 Rights of Way and Easements

- (1) A Right of Way may:



- a) consist of a continuous strip of land or several adjoining strips of land within a single corridor.
 - b) consist of or cross bodies of water and may pass in, across and out of Gwich'in Private Lands.
 - c) consist of a main corridor together with one or more connecting corridors.
- (2) The entire network may belong to one **Right of Way** holder or may be held by several separate holders.
- (3) Separate Rights of Way may intersect.

6.6.1 Government Right of Way and Easements

- (1) A *Government Right of Way* for the Non-Exclusive Land use of a strip of Gwich'in Private Lands may be granted to a government for public convenience and necessity. The maximum term for a Public Right of Way is twenty-five (25) years.
- (2) Any access roads established or improved on Gwich'in Private Lands after December 22, 1992 shall remain Gwich'in Private Lands and shall not become a highway or public land unless the Gwich'in agree [GCLCA 20.4.3(c), YTBA 4.1.8]. This provision does not apply to any lands that may be expropriated under chapter 23 of the GCLCA.

6.6.2 Temporary Right of Way

- (1) A *Temporary Right of Way* for a specific strip of Gwich'in Private Lands may be granted for the commercial transportation of
 - (a) people, goods and/or material by road or rail;
 - (b) water, petroleum or gas by pipeline; or
 - (c) electricity by an electrical transmission system.
- (2) A *Temporary Right of Way* is granted for a maximum term of one (1) year, which can be renewed or extended, if required, upon submission of an application.
- (3) Where a *Right of Way* consists of a temporary road, the Right of Way holder is responsible for building the road so that traffic can proceed on it safely. This responsibility includes, but is not restricted to, erecting signs, repairing hazards, and controlling traffic as is required on public roads. These responsibilities apply equally to winter, ice and other temporary or seasonal roads.
- (4) A road or a *Right of Way* may be used by any person who has a right of access to Gwich'in Private Lands, subject to any restrictions imposed by the Right of Way holder or Gwich'in Lands and Resources. These restrictions must be posted at the road entrance and at reasonable intervals along the road.



- (5) A *Temporary Right of Way* is not required by Gwich'in participants for the transportation of goods and materials for residential or recreational purposes.

6.6.3 Permanent Right of Way

- (1) A *Permanent Right of Way* for a specific strip of Gwich'in Private Lands may be granted for the commercial transportation of
- (a) people, goods and/or material by road or rail;
 - (b) water, petroleum or gas by pipeline; or
 - (c) electricity by an electrical transmission system.
- (2) A *Permanent Right of Way* is normally granted for a term of twenty-five (25) years. It is subject to renewal with periodic rent review, provided the initial terms and conditions have been met. A Permanent Right of Way is normally renewable upon written notice to Gwich'in Lands and Resources.
- (3) A *Permanent Right of Way* is not required by Gwich'in participants for the transportation of goods and materials for residential or recreational purposes.
- (4) Where a *Right of Way* consists of a permanent road, the *Right of Way* holder is responsible for building the road so that traffic can proceed on it safely. This responsibility includes, but is not restricted to, erecting signs, repairing hazards, and controlling traffic as is required on public roads. These responsibilities apply equally to winter, ice and other temporary or seasonal roads.
- (5) A road or a *Right of Way* may be used by any person who has a right of access to Gwich'in Private Lands, subject to any restrictions imposed by the Right of Way holder or Gwich'in Lands and Resources. These restrictions must be posted at the road entrance and at reasonable intervals along the road.

7.0 SUBSURFACE RIGHTS TO GWICH'IN PRIVATE LANDS IN THE GWICH'IN SETTLEMENT AREA (NWT)

7.1 General

This Section: refers to the access and use of sub-surface resources in the Gwich'in Settlement Area. The Gwich'in do not own sub-surface rights in the Yukon.

- (1) Any person or company who intends to explore for minerals, oil or gas in the Gwich'in Settlement Area and who requires a land use permit or water licence from the Gwich'in Land and Water Board must consult the Gwich'in Tribal Council before the exploration takes place. Similar consultations must take place prior to the development and production of minerals, oil or gas. [GCLCA 21.1.3, 21.1.4 and 21.1.5]
- (2) The consultation referred to in 6.1(1) must include the following matters:



- (a) environmental impact and mitigative measures;
- (b) impact on wildlife harvesting and mitigative measures;
- (c) location of camps and facilities and other related site specific planning concerns;
- (d) maintenance of public order including liquor and drug control;
- (e) participation and benefit of Gwich'in, including employment, business, training and counselling opportunities;
- (f) expansion or termination of activities;
- (g) process for ongoing consultation; and
- (h) any other matter of importance to the Gwich'in or the developer [GCLCA 21.1.3].

7.2 Mines and Minerals

- (1) Exploration for surface and subsurface minerals, other than oil and gas, on Gwich'in Settlement Lands requires a ***Land Use Authorization – Access and/or Type II Research***. Mere notice is not sufficient to authorize exploration activity.
- (2) Permanent or temporary facilities constructed to develop or produce minerals on Gwich'in Settlement Lands require a ***Commercial Lease*** ("Class I" or "Class II"). Access roads, conveyors and pipelines to and from those facilities require a ***Right of Way*** authorization.
- (3) No mineral or aggregate extraction is permitted on Gwich'in Settlement Lands until the developer has reached agreement with the Gwich'in Lands and Resources. Disputes may be settled by order of the Surface Rights Board.
- (4) No exploration for surface and subsurface minerals and the right to work mines and minerals is permitted on Tetlit Gwich'in Yukon Lands.

7.3 Oil and Gas

- (1) Government must notify the Gwich'in Tribal Council before opening any lands in the Gwich'in Settlement Area for oil or gas exploration [GCLCA 21.1.2].
- (2) A Concession Agreement is required before any operator may explore for oil or gas on Gwich'in Private Lands. The Concession Agreement shall include an Impact/Benefit Agreement. A separate Production Agreement is required prior to production.
- (3) Seismic exploration and other conventional exploration and reconnaissance techniques on Gwich'in Private lands require a Land Use Authorization – Seismic Exploration. Formal notice to the Gwich'in Tribal Council is required to conduct aeromagnetic surveys and other low-level over-flights.
- (4) Production facilities on Gwich'in Private Lands require a ***Class One Commercial Lease***. Pipelines, access roads and other linear features require a Right of Way.



Large-scale projects must include a plan for the exploration, development and production phases, including abandonment.

- (5) A Land Use Authorization – Exploratory Drilling is required before drilling an oil, gas or condensate well on Gwich'in Private Lands. A *Wellsite Lease* is required for production drilling. (see Section 5.5.3).

8.0 WATER

This Section: refers to the management of water resources in the Gwich'in Settlement Region

- (1) Subject to the provisions of the GCLCA, Gwich'in have the exclusive right to use waters that are on or that flow through Gwich'in Private Lands. Gwich'in use of water is subject to legislation in respect of water use. [GCLCA 19.1.3] [YTBA 10.3.4, 10.3.5].
- (2) Non-Gwich'in water users are subject to the provisions of the GCLCA, YTBA and to any applicable legislation that controls water use.
- (3) Even though the Gwich'in own the beds of certain water bodies, government retains the right to protect and manage water and beds of water bodies, and to use water through the Gwich'in Settlement Area for public purposes [GCLCA 19.1.5, 19.1.7] [YTBA 10.4.1].
- (4) All alterations to the quality, quantity or rate of flow must conform to an agreement between the user, the Gwich'in Tribal Council and the Gwich'in Land and Water Board. [GCLCA 19.1.15 and 19.1.18]
- (5) The Gwich'in Tribal Council has the right of action against unauthorized alterations to the quality, quantity or rate of flow of water in the Gwich'in Settlement Area. [GCLCA 19.1.10]
- (6) The Land and Water Board regulates the use of water within the Gwich'in Settlement Area, and may require water users to enter into a cooperation agreement with the Gwich'in Tribal Council [19.1.18].

9.0 APPLICATION PROCESS/CONSULTATION

9.1 Application for Gwich'in Private Lands, Access and Use

This Section: refers to the process of applying for a land use Authorization.

- (1) Applications must be addressed to:

Director, Lands and Resources
Gwich'in Tribal Council
P.O. Box 1509



Inuvik, NT
X0E 0T0

- (2) Gwich'in Lands and Resources will ONLY accept applications that are completed correctly and include payment in full of the applicable application fee. Every application to Gwich'in Lands and Resources for the right to access or use Gwich'in Private Lands must be accompanied by all information specified on the application form.
- (3) Fees for Quarry, Leases and Rights of Way Authorizations will be levied in accordance with the current schedule, which is available from Gwich'in Lands and Resources. Fees for camping for recreational or scientific research purposes may be reduced or waived at the discretion of Gwich'in Lands and Resources. Fee waiver and/or reduction must be requested in writing by the applicant, and must meet the requirements outlined in Appendix D.
- (4) In addition to the fees referred to in 9.1 (3), an applicant may be required to pay a security deposit in an amount prescribed by, and in a form acceptable to, the Gwich'in Lands and Resources Director. Once the term is up a security deposit is not returned until a *Letter of Clearance* is issued.

9.2 Consultation

This Section: refers to the need for consultation with Gwich'in Communities and Organizations prior to the issuance of an Authorization.

- (1) The processing of applications requires Gwich'in consultation, which means consulting with Designated Gwich'in Organizations, Gwich'in Renewable Resource Councils, Gwich'in Social and Cultural Institute and the Gwich'in Renewable Resources Board (see Appendix B). The extent of consultation will depend on the application. Applicants have the right to assume the timely processing of each application.

10.0 MONITORING AND COMPLIANCE

10.1 Inspection

This Section: refers to the requirements for inspection during the administration of an Authorization.

- (1) Gwich'in Lands and Resources shall inspect all areas of all proposed land use activity
 - (a) before the proposed activity commences;
 - (b) periodically during the life of the activity; and
 - (c) before a *Letter of Clearance* may be issued.



- (2) Inspection of land use by Gwich'in Lands and Resources may take place at any time, with or without prior notice to the holder of the land use right.

10.2 Monitoring

This Section: refers to the requirements for monitoring during the administration of an Authorization.

- (1) Wildlife and/or environmental monitoring is a requirement for all land use activities occurring on Gwich'in Private Lands, unless otherwise authorised by the Lands and Resources Director.
- (2) The appointment of an individual(s) as wildlife and/or environmental monitor(s) will be at the sole discretion of the Designated Gwich'in Organizations.
- (3) Gwich'in Lands and Resources, with the assistance of Designated Gwich'in Organizations, shall monitor all unauthorized and authorized uses of water in, and adjacent to, the Gwich'in Private Lands for any substantial alteration of the quality, quantity or rate of flow.
- (4) Monitoring of land use by Gwich'in Lands and Resources may take place at any time, with or without prior notice to the holder of the land use right.

10.3 Default

This Section: refers to the default terms and conditions in Authorizations.

- (1) Where, in the opinion of the Lands and Resources Director, the Authorization Holder has breached a term or condition of an Authorization;
 - (a) the Lands and Resources Director shall, provide written notice of such breach and outline the particulars of the breach and the requirement that the authorization holder remedy the breach;
 - (b) if within seven days of receipt of such notice, the authorization holder fails to remedy the breach, or has failed to commence and diligently pursue remediation of the breach to the satisfaction of the Lands and Resources Director , the Lands and Resources Director may;
 - (i) take any action necessary to remedy the breach; and/or
 - (ii) terminate the authorization by written notice to the authorization holder and such termination shall be effective immediately upon receipt of such written notice by the authorization holder.
 - (c) Once the Authorization Holder has received notice that it has breached a



term or condition of an authorization, it shall not continue the activities at the area without the written consent of the Lands and Resources Director until such time as the breach has been remedied to the satisfaction of the Lands and Resources Director and the Lands and Resources Director has provided written notice to the authorization holder of same.

- (d) The authorization holder shall be responsible for any and all costs incurred by or on behalf of the Lands and Resources Director in the remediation of the breach (as contemplated by section xx(b)(i) hereof) plus an administration fee of 15%, and any and all costs on a solicitor and his own client basis for any legal action undertaken by the Lands and Resources Director to recover amounts payable under this section;
- (e) The Lands and Resources Director shall not be liable to the authorization holder for any act or omission in the course of the remediation contemplated in this section.

- (2) Nothing contained herein shall be construed as an obligation on the part of the Lands and Resources Director to remedy any breach by the authorization holder of a term or condition of an authorization.
- (3) In all cases of default, whether remedied or not, a detailed report shall be submitted by Gwich'in Lands and Resources to the Gwich'in Tribal Council.

10.4 Notice

This Section: refers to the need of Gwich'in Lands and Resources to consult with the holder of an Authorization in writing during the life of the Authorization.

- (1) Gwich'in Lands and Resources will notify in writing the holder of a Land use Authorization when:
 - (a) the status of the Authorization is about to change;
 - (b) any deadline, commitment or the date of completion is approaching;
 - (c) default status is imminent; or
 - (d) another Land use application may affect the holder's existing right.

10.5 Enforcement

- (1) The GTC's ability to enforce its' authorizations for use of Gwich'in Private Lands arises from the provisions it writes into the authorizations. This is why it is very important to ensure that the authorizations contain adequate provisions establishing requirements as well as remedies in the event those requirements are not met. The authorizations are contracts rather than regulatory instruments. They are enforced through contract law rather than through regulatory procedures used to enforce permits issued by regulatory authorities.



- (2) Activities on crown land in the GSR are governed by the Land and Water Board (in the NWT) and other federal and territorial government agencies. Non-compliances can only be enforced by those agencies. However, where the GTC becomes aware of a non-compliance situation it can and should bring this to the attention of the regulatory agency. Where the non-compliance is one of significant concern to Gwich'in participants, the regulatory agency should be followed up with until the matter is satisfactorily resolved. If the regulatory agency does not resolve the matter, this can be brought to the attention of the government minister responsible and dealt with at a political level.

10.6 Letter of Clearance

This Section: refers to the need of Gwich'in Lands and Resources to be satisfied that terms and conditions of the Authorization have been met before a Letter of Clearance can be issued.

- (1) A site inspection must take place before a *Letter of Clearance* will be issued to the holder of a Land use Authorization. Standards of environmental clean-up, restoration, reclamation or mitigation must be acceptable to Gwich'in Lands and Resources. Disputes will be referred to Surface Rights Board.
- (2) When Gwich'in Lands and Resources is satisfied that the holder of the Land use Authorization has complied with all applicable terms and conditions of the right, the holder shall be issued a *Letter of Clearance*. A *Letter of Clearance* shall not normally be issued before the completion date specified in the land use Authorization.

11.0 DELEGATION

This Section: refers to the transfer of duties for land management and control from Gwich'in Lands and Resources to Designated Gwich'in Organizations.

- (1) The Gwich'in Tribal Council may specify and delegate to Designated Gwich'in Organizations any of its powers contained in these Guidelines [GCLCA 7.1.1].
- (2) Designated Gwich'in Organizations will provide technical and consultation support to Gwich'in Lands and Resources with respect to all applications for:
 - (a) "**Access Authorizations**"
 - (b) "**Timber Authorizations**" for commercial and personal use; and,
 - (c) "**Residential Leases**"

that are specific to a community "area of jurisdiction". Administration of these authorizations will proceed according to these Guidelines. The Gwich'in Tribal Council will be responsible for making decisions on all disputes resulting from an application.



12.0 INTERPRETATION

This Section: refers to the fact that the Gwich'in Comprehensive Land Claim Agreement and the Yukon Transboundary Agreement take precedence over all other Canadian legislation.

- (1) Where there is any inconsistency or conflict between these Guidelines and the GCLCA and the YTBA, the GCLCA and YTBA shall prevail.



APPENDIX A – APPLICATION FORM AND AUTHORIZATIONS

Authorization Application Form:

- a) **Application to Access Gwich'in Private Lands** – all activities

List of Agreements:

- a) Concession Agreement
- b) Production Agreement
- c) Impact/Benefit Agreement

The categories of land use Authorizations are:

1. Residential Lease
2. Public Lease
3. Land Use - Research
4. Land Use - Seismic Exploration
5. Land Use – Exploratory Drilling
6. Class I Commercial/Industrial Lease including wellsite lease (production drilling)
7. Class II Commercial/Industrial Lease
8. Staging Authorization
9. Tourism Authorization
10. Campsite Fees @ \$/day/person
11. Commercial Timber Harvesting
12. Quarry Authorization
13. Grazing Authorization
14. Right of Way
 - a. Temporary
 - b. Permanent
 - c. Pipeline



	<p>GWICH'IN TRIBAL COUNCIL Lands & Resources Box 1509, Inuvik, NT X0E 0T0 Phone (867)777-7900 Fax (867)777-7919</p> <p>Gwich'in land, culture & economy for a better future!</p>
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Application To Access Gwich'in Private Lands

New Application <input type="checkbox"/>		Amended Application <input type="checkbox"/>		Application #	
Company/Application Name:					
Address:					
Phone:		Fax:		Email:	
Mobile:			Company Registration #:		
Field Supervisor:					
Phone:		Fax:		Email:	
Have you been in contact with the following? (Use dates contacted)					
Gwich'in Land and Water Board		Gwichya Gwich'in Council (Tsiigehtchic)			
Gwich'in Land Use Planning Board		Ehdiitat Gwich'in Council (Aklavik)			
Gwich'in Renewable Resource Board		Nihtat Gwich'in Council (Inuvik)			
Gwich'in Social and Cultural Institute		Tetlit Gwich'in Council (Fort McPherson)			
<small>(ATTACH COMMENTS AND CONCERNS RAISED BY COMMUNITIES)</small>					
Purpose of application:					
Description of operation type of undertaking proposed: (✓ The following)					
Transportation		Forestry			
Quarry		Oil / Gas			
Industrial		Mining/Milling Agriculture			
Recreation		Other (describe)			
Power Facility					
Period of operation: (include all phases of project, work applied for, including restoration)					
Activity	Earliest Start date	Latest Start Date	Earliest Finish Date	Latest Finish Date	
Describe the operation: (include additional pages if necessary)					
Location of activity: (describe)					

GTC Land Management and Control Guidelines



Gwich'in Settlement Lands Parcel #:	Latitude:	Longitude:	
Describe access to site:			
(Be specific, indicating use of new or existing routes and if the access has been ground truthed).			
Provide description of camp: N/A <input type="checkbox"/>			
Disposal method for:			
Garbage			
Sewage			
Trees and Bush			
Overburden			
Water use: (List all required uses of water during the activity and the location of the source).			
	Volume per m³	Source location	
Domestic (Camp use)			
Other (Describe)			
During the proposed activity, it will be required to:			
1	Cross a watercourse	Yes <input type="checkbox"/> No <input type="checkbox"/>	
2	Control flooding	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3	Alter the flow or store water	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4	Modify bed or bank of water course	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5	Divert water	Yes <input type="checkbox"/> No <input type="checkbox"/>	
List equipment for all activities: (including drills and pumps, etc.)			
Please use another page if necessary			
Type	Proposed use		
Fuels and other hazardous materials:			
Method of fuel storage:			
Complete the following table:			
	Number of containers	Capacity of Containers	Location stored
Diesel			
Gasoline			
Aviation			

GTC Land Management and Control Guidelines



Propane			
Other			
Containment and spill contingency plans:			
(Please attach contingency plan on separate page if necessary)			
Calculations of area involved:			
(Include access, staging area, airstrips, camp sites, etc.)			
List of other contractors:			
(If possible)			
List of personnel:			
(If possible)			
Environment/Resource Impacts			
Proposed mitigation for all disturbances and impacts:			
(Please use another page if necessary)			
Identify any monitoring programs:			
Restoration Plans:			
Proposed restoration for all disturbances and impacts. (Use separate page if necessary).			
Endorsements			
Authorized representative:			
Applicant:		Date:	
(Please print name in full)			
Signature:		Date:	
Gwich'in Tribal Council (for GLR use only)			
Accepted by:		Date:	
Remarks:			

GTC Land Management and Control Guidelines



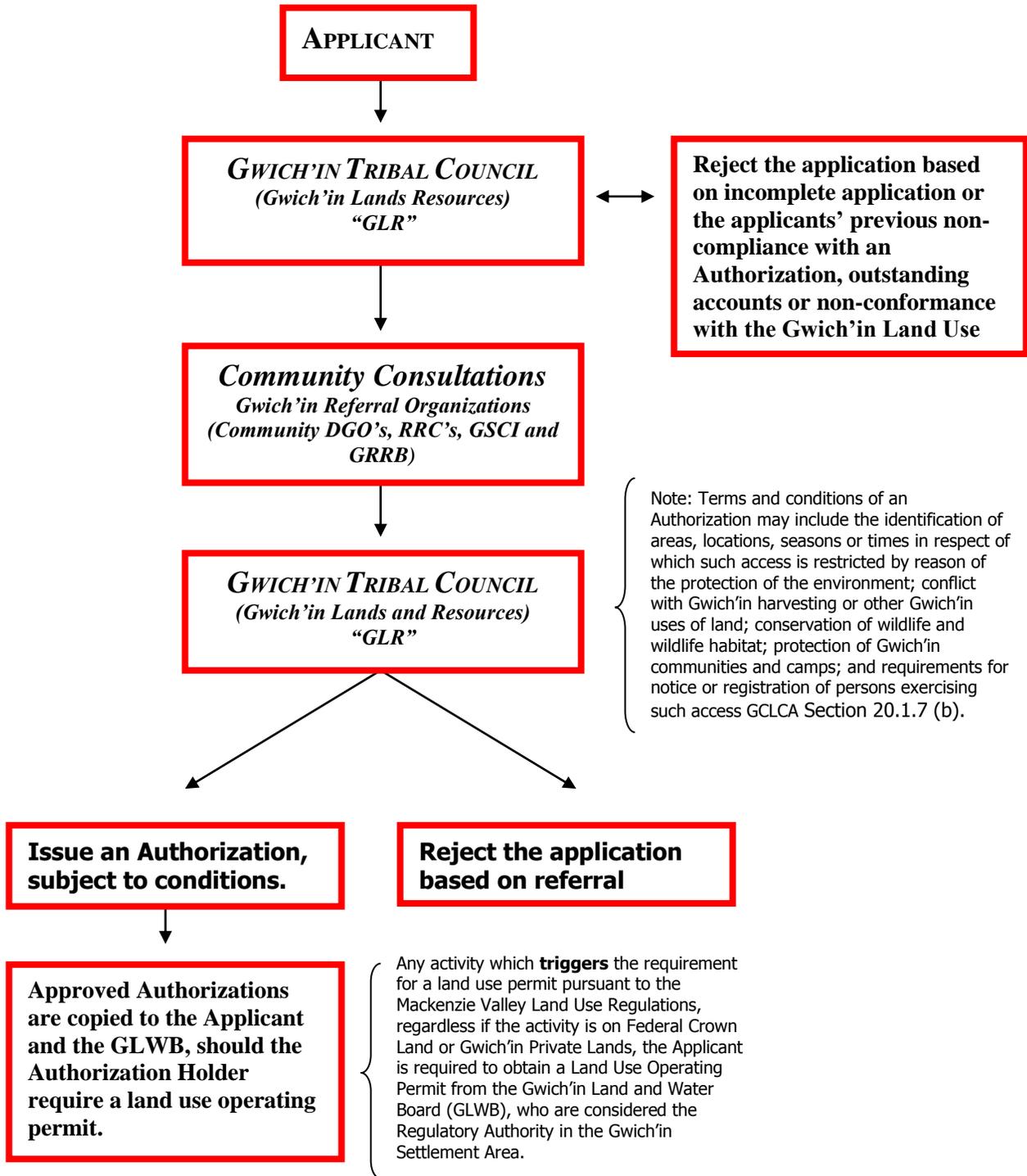
Application Fee		Date received	



APPENDIX B – GLR APPLICATION PROCESS FLOW CHART

THE REFERRAL PROCESS FOR PRIVATE LAND ACCESS AUTHORIZATION

[THE FOUR COMMUNITIES ARE GIVEN TEN (10) WORKING DAYS FOR CONSULTATION and RESPONSE]





APPENDIX C – GLR PROCESS FOR BUILDING CAMPSITES ON GWICH'IN PRIVATE LANDS

Policy and Procedures for the Establishment of Campsites on Gwich'in Private Land

The Gwich'in Tribal Council (GTC) is responsible for keeping an inventory of all camps and cabins on Gwich'in Settlement Lands (private lands). The GTC is responsible for charging rental fees for non-participants who currently occupy private lands. This aids in covering the cost of managing the land so all can enjoy it for generations to come. Permanent structures (i.e. Cabins) and non-permanent structures (i.e. tent frames) on Private Lands by Gwich'in and non-Gwich'in will be recorded.

The Gwich'in Comprehensive Land Claim Agreement provides that

18.1.6 Subject to the provisions of this agreement and legislation, the Gwich'in shall manage and control the use of Gwich'in Lands, including:

- (a) the development and administration of land management programs and policies; and
- (b) the charging of rent and other fees for the use and occupation of Gwich'in Lands.

Process for the Establishment of New Gwich'in Participant Camps

New residences on Gwich'in Private Lands must be approved by the local Designated Gwich'in Organization (DGO) and all decisions copied to the GTC. When a Renewable Resource Council (RRC) receives an application from a Gwich'in Participant to build a camp or residence on Gwich'in Private Lands, it will follow the following procedure:

1. The RRC Coordinator will assist with completing an application to establish a campsite on Gwich'in Lands and prepare for discussion at next RRC Council Meeting.
2. The RRC will review the request, considering the questions listed in Chapter 6.11.4 of the Gwich'in Renewable Resource Manual.
3. The RRC will record their advice in the RRC minutes and advise the applicant and the DGO of their recommendations.
4. The applicant will then present their application to the DGO for approval.
5. The application form and DGO approval will be copied to the GTC Lands and Resources for entry in the Gwich'in Lands Registry.

Process for the Establishment of New Non-Gwich'in Camps

Non-Gwich'in Residents wanting to lease Gwich'in Private Lands for the purpose of constructing a campsite must comply with the following procedure.

1. Submit a Gwich'in Lands and Resources (GLR) application with the appropriate application fee to the GTC.
2. The GLR Staff will review the application to determine if it is complete.



GTC Land Management and Control Guidelines

3. If complete, the application and map is distributed to the four Gwich'in community DGO's and RRC's for a 10 day review/comment period.
4. Providing that the Gwich'in community organizations have no objections, a Campsite Lease will be drafted for the applicant's review and consideration.
5. All information will be entered into the Gwich'in Lands Registry and the applicant will be required to pay an annual rental fee for the use of the site.

Application Fee: see current fee schedule

Annual Rental Fee: see current fee schedule



APPENDIX D – GWICH'IN SCHEDULE OF RATES, FEES AND PENALTIES

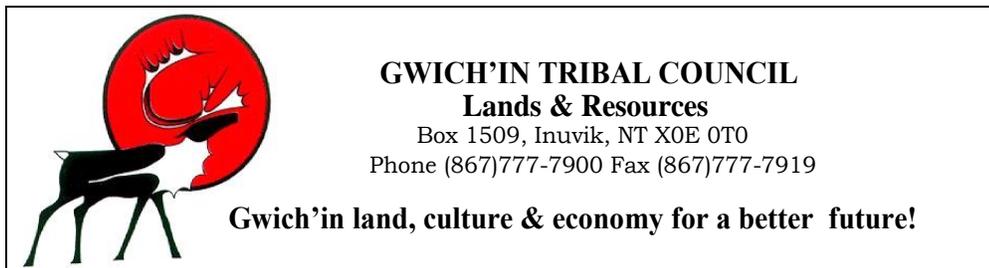


**THE GWICH'IN SCHEDULE
OF RATES, FEES and PENALTIES**

Prepared by Gwich'in Lands and Resources

Inuvik, Northwest Territories

May 2012



The Gwich'in Schedule of Rates, Fees, and Penalties

AUTHORITY:

This Schedule may be adjusted from time to time by Authority of the Gwich'in Tribal Council in accordance with the Gwich'in Comprehensive Land Claim Agreement pursuant to Section 18.1.6 (b).

CALCULATION OF NEW FEES:

The Fee Schedule shall be reviewed prior to January 1st of any given year with the new, or reviewed, Schedule being implemented April 1st thereafter.

The calculation of GLR Fees is based on the following calculation, or as altered and approved by the GTC Board:

$$B / A \text{ Multiplier} = *.**$$

Where B = The Gross National Product of Canada in current dollars for the present year, (e.g. 2004) as found in the Bank of Canada Banking and Financial Statistics – December 2004 Table H1 Column V499687 – Page S95.

Where A= The Gross National Product of Canada in current dollars for the previous year, (e.g. 2003) as found in the Bank of Canada Banking and Financial Statistics – December 2004 Table H1 Column V499687 – Page S95.

Whereas B = 1,233,952 and A = 1,191,928 Therefore B/A = 1.04 (2005)

NOTICE:

The Gwich'in Lands and Resources will provide three (3) months notice of any rate or fee increase that may take place at a time other than the annual review through an announcement placed in the local newspaper and by notices posted in the Designated Gwich'in Organization (DGO) Council Offices. As well the Gwich'in Tribal Council's web site, www.gwichin.nt.ca.



WAIVOR OF FEES:

Where the Lands and Resources Director is of the opinion that all or part of the operations of the Holder are of **significant cultural, scientific, educational, recreational or social value to the Gwich'in people**, the Lands and Resources Director may waive some or all of the established fees in the Schedule with the authorization of the President.

ENVIRONMENTAL MONITORS:

The presence of a Gwich'in Environmental Monitor is required in most Authorizations, unless waived by the Lands and Resources Director. The Environmental Monitor is an observer for the Gwich'in Lands and Resources (GLR) and is required to submit a daily report of the activity to the GLR Office, the DGO and RRC offices.

INSPECTION COSTS:

The Holder of any Right, except Residences, shall pay all travel and lodging costs related to an inspection by one or more GLR officials. The Lands and Resources Director shall ensure to the extent possible that inspectors make use of the regular transport and lodging facilities available to the Holder. The Right Holder will be given approximately 48 hours notice prior to an inspection.

FREQUENCIES OF INSPECTIONS:

The Lands and Resources Director may require a minimum of four (4) and not more than twelve (12) regular inspections per year. The total costs of regular inspections are not to exceed a cost equal to 12 inspector days. Inspections are neither the equivalent to, nor the replacement of the required presence of Environmental Monitors which are required on an Authorization.

ADDITIONAL INSPECTIONS:

The Lands and Resources Director may order inspections, additional inspections, more frequent inspections or the continuing presence of inspectors, where:

- The Lands and Resources Director has obtained a written report from any Gwich'in that the Holder may be violating certain terms or conditions of the Authorization,
- The Holder has violated the terms or conditions previously,
- In the opinion of the Lands and Resources Director, the Holder is violating the terms or conditions of the Authority,
- The Holder holds an Authorization which may become likely to have a major impact on Gwich'in Lands.

PENALTIES:

Penalties for noncompliance of an Authorization will be implemented as specified in the terms and conditions of an Authorization. Notwithstanding the above, legal action and regulatory enforcement remain options to the GLR or the Gwich'in Tribal Council (GTC), of enforcement at all times.



FEE DESCRIPTIONS:

It is important to note that all requests to access Gwich'in Private Lands are submitted on an Application to Access Gwich'in Private Lands form.

FEES:

APPLICATION FEES:

All applications for the usage of Gwich'in Private Lands require an application fee. This fee is intended to cover the administrative costs related to the timely processing of the applicant's request.

AMENDMENT FEES:

Any significant changes to an application that warrant the development of a new file or a new referral to the communities requires an Amendment Fee. This fee will be equal in amount to the Application Fee due to the amount of work required for administration.

ADMINISTRATIVE FEES:

Authorizations that are established, but require ongoing correspondence and filing are charged an annual Administration Fee.

ASSIGNMENT FEES:

From time to time, the Holder of an Authority may be required, or may find it advantageous to transfer their holdings to another company or party. As this may substantially change the perspective of the communities regarding the approval of such an activity, referrals may be necessary. An Assignment Fee is charged which is the same as the previous Application, Amendment or

Renewal Fees paid by the previous Holder.

The rationale for reviewing an assignment is that the community may not feel comfortable with a company or individual's business record, or may feel that a monopoly may be developing. Also, the assignment may be injurious to developing Gwich'in businesses.

RENTAL FEES:

As with any use of lands over time, regular rental is expected. Therefore, several of the Holdings or Authorizations stipulate regular rental, which is usually on an annual basis. For ease of administration, one year plus a day requires the payment of the second year's rent. This rental fee will not be prorated.

INSPECTION FEES:

Gwich'in Private Lands are situated in several remote locations. Inspection fees must recover these costs. The applicant must be prepared to accept the cost of inspectors accessing the requested lands by the most efficient means available as a part of the approval.

In some instances, the Holder may be asked to provide a helicopter for such inspections. Lodging and meal costs will also be charged to the Holder if the Inspector requires overnight stays.



ACCESS:

There are several categories of Access. Some of these are designated short term or temporary access. Other access may result in a longer tenure on the land or result in an impact on the land. These are each described below.

A RIGHT OF WAY:

a) A Right of Way may consist of a continuous strip of land or several adjoining strips of land within a single corridor. This is common where several pipelines may parallel each other for instance. A Right of Way may include or cross bodies of water and may pass in, across and out of Gwich'in Settlement Lands.

b) A Right of Way may consist of a main corridor together with one or more connecting corridors. The entire network may belong to one Right of Way Holder or may be held by several separate holders. Separate Rights of Way may intersect each other, such as power-lines, pipelines and roads.

A Temporary Right of Way Access Authorization

A Temporary Right of Way provides a Holder with a non-exclusive authority for the commercial transportation of

- a) People, goods and/or material by road or rail;
- b) Water, petroleum or gas by a pipeline; or
- c) Electricity by an electrical transmission system.

A Temporary Right of Way is granted for a maximum term of one (1) year and cannot be renewed or extended.



An ice road is an excellent example of a temporary access.

It is important to note that being non exclusive, a Temporary Right of Way may also be issued to others over the same route, subject to any restrictions imposed by the initial Right of Way Holder or the Gwich'in Lands and Resources Director . The intended period of usage by the Holders is a very important factor in considering other users.

It would be acceptable for the initial Holder to ask for a Road Use Agreement from the second Holder.

Land Use Authorization - Seismic Exploration

Land Use Authorization - Seismic Exploration is required for any exploration using sound, vibration, explosives, compressed air or aerial magnetism on Gwich'in Settlement Lands.

The Term is one year maximum and the Authorization is non exclusive on the area covered.



Land Use Authorization – Oil and Gas Exploration

Land Use Authorization – Oil and Gas Exploration is required for any exploratory oil and gas drilling on Gwich'in Private Lands. This type of authorization is required prior to an oil and gas field being developed for production and a well lease issued.

Land Use Authorization – Access /Type II Research

Land Use Authorization – Access/Type II Research is required for any type of access or research that requires the use of heavy equipment. Examples of this type of research would be geotechnical drilling for quarry development, etc.

Research Authorization/Field Studies Permit

Research Authorization entitles people to conduct research subject to their Authorization, including Government Research.

This Authorization is for:

- More than two days,
- where no collections of samples are made (government excluded).
- There are no instruments established, or the environment is not disrupted (government excluded).
- Where there is instruments to be established and potential environmental impacts, as determined by GLR.
- Helicopter access is required and a possible helicopter landing pad may be required.

A Permanent Right of Way Access Authorization

A Permanent Right of Way provides a Holder with a non-exclusive authority for the commercial transportation of

- a) People, goods and/or material by road or rail;
- b) Water, petroleum or gas by a pipeline; or
- c) Electricity by an electrical transmission system.

A Permanent Right of Way is normally granted for a term of twenty-five (25) years. It is subject to renewal with periodic rent review as well as the review of currency of operational conditions, provided the initial terms and conditions have been met. A Permanent Right of Way is normally renewable upon written notice to the Gwich'in Lands and Resources Director .

It is important to note that being non exclusive, a Temporary Right of Way may also be issued to others over the same route, subject to any restrictions imposed by the initial Right of Way Holder or the Gwich'in Lands and Resources Director . The intended period of usage by the Holders is a very important factor in considering other users.

It would be acceptable for the initial Holder to ask for a Road Use Agreement from the second Holder.



A road provides a service for several years. A Permanent Right of Way Authorization expedites activity for years to come

ROAD USE AGREEMENT:

A road use agreement is a cost sharing of route maintenance between Holders. It is not a cost recovery mechanism for the initial cost of construction. Reclamation is the responsibility of the first Holder.

A Government Right of Way / Public Right of Way Access Authorization

A Government Right of Way is an Authority for the non-exclusive use of land for public convenience and necessity. The maximum term for a Government Right of Way / Public Right of Way is twenty-five (25) years.

Land Use Authorization – Type II Research (non-government)

A Land Use Authorization – Type II Research is required for non-government organizations that want to conduct research on Gwich'in Settlement Lands that includes any of the following:

- The need to camp on Settlement Lands for more than 7 days, or the collection of any samples (e.g. rock, soil, water, vegetation, etc.),
- the establishing of scientific instruments,
- Where the environment is disrupted in the opinion of the GTC.
- The requirement of heavy equipment to conduct the research.



This moisture gauge is located at the Yukon border and collects both snow and rainfall.



ACCESS RESTRICTIONS:

It is important to note that access restrictions may be required on an Authorization for several reasons. Both the Holder and the public must respect these restrictions when they are placed on an activity.

Following are the more standard instances when access restrictions would be placed on an Authorization:

Wildlife protection:

At the recommendation of a Renewable Resources Committee (RRC), or the Gwich'in Renewable Resources Board (GRRB), an access route, a site, or an area may be restricted to protect a wildlife feature. Examples of these might be nesting areas, calving or wintering areas, migration routes, sensitive habitat or den areas.

Reclamation Sites:

Quite often access is restricted over routes where reclamation is underway. The continual use of a route often does not allow plants to revegetate. As companies are obligated to ensure the success of these techniques and as the route was not there before them, it is reasonable to limit access so that the company can meet its commitment to the Gwich'in people.

Safety:

There are instances during oil and gas exploration and development when public safety is a concern. Examples of this are during seismic

programs when blasting takes place. During drilling programs and servicing of well-sites, there may be the threat of the presence of hydrogen sulfide or H₂S. As this gas is lethal in very small concentrations, it is prudent to restrict access in the public interest. Another common occurrence for restriction is thin ice during the fall and spring along access routes.



One method of access restriction is a gate. Other common techniques are rolling brush back across the access or trail.

Social:

Access to camps may have restrictions for the peace and good order of the camp. This condition may be placed on an Authorization as a means of restricting the importation of drugs, alcohol, or unwanted visitors.

Heritage:

There is the possibility that work may take place in the close proximity of a heritage site. To protect such a location, access may be restricted.



OCCUPANCY:

An Occupancy Lease Authorization recognizes the Holder's right to occupy a specific location or area for a period of time. Leases may be issued on a location on the basis that the site is considered to be, or likely to be impacted.

Leases may be issued for a site for any term from seven (7) days.

All Occupancy Leases allow the Holder exclusive use of the site and are non-transferable. Prior to any assignment of an Occupancy Lease, a referral is required. If approved, the Occupancy Lease would be issued as a new Authorization to the assignee.

Whereas roads were covered under Access, we will look at the definition of "Right of Way" again in this Section, because the Authorization Holder actually has something permanently remaining on the land. This could be a pipeline or a power line.

PIPELINE OR POWERLINE RIGHT OF WAY:

a) A Right of Way may consist of a continuous strip of land or several adjoining strips of land within a single corridor. This is common where several pipelines may parallel each other for instance. A Right of Way may include or cross bodies of water and may pass in, across and out of Gwich'in Settlement Lands.

b) A Right of Way may consist of a main corridor together with one or more connecting corridors. The entire network may belong to one

Right of Way Holder or may be held by several separate holders. Separate Rights of Way may intersect each other, such as power-lines, pipelines and roads.

The types of Occupancy Authorizations used on Gwich'in Private Lands follow:

A Class I Commercial / Industrial Lease Occupancy Authorization:

These Leases are over certain described minimum limits and cover a wide number of usages.

Class I Leases are used for:

- Any facility other than a well-site
- Where more than 10,000 liters of fuel are stored
- A wharf or docking facility
- A fixed or rotary winged airfield or landing site
- A generation site of over 100 kWh
- Storage of anything over 1000 tonnes
- Any building or group of buildings over 1000 square meters (m²) in area
- Any wildlife harvesting or tourism site over four (4) hectares
- Any facility that employs more than twenty-five (25) people
- Any site seeing equipment over five tons or using explosives for clearing land or prospecting



- Any site clearing that exceeds 1.5 meters in width or four (4) hectares in area

A Class II Commercial / Industrial Lease Occupancy Authorization:

These Leases are under certain described minimum limits and cover a wide number of usages.

Class II Leases are used for:

- Any facility other than a well-site
- Wherever less than 10,000 liters of fuel are stored
- A generation site of under 100 kWh
- Storage of anything less than 1000 tonnes
- Any building or group of buildings under 1000 square meters (m²) in area
- Any facility that employs less than twenty-five (25) people
- Use of any vehicle other than a snowmobile or four wheel recreational vehicle

A Well Site Lease Occupancy Authorization

The Gwich'in Tribal Council has completed a process for subsurface rights issuance and no authorizations for access to Gwich'in Private Lands will be issued until the subsurface rights issuance process has been completed.

No hydrocarbon (oil or gas) production can take place until a Production Agreement as part of the subsurface rights issuance process

has been approved by the Gwich'in Tribal Council or the Surface Rights Board. All well sites must have an approved Access Authorization – Permanent Right of Way.

A Pipeline Permanent Right of Way Authorization

A Pipeline Authorization is required for all pipelines. The Authorization carries a term of twenty-five years and gives non-exclusive usage to the right of way to the Holder. Because of safety and reclamation issues, any other user must receive permission to cross or use the same right of way. Pipelines are often under tremendous pressure.

A PRODUCTION AGREEMENT:

A Production Agreement is an agreement for the compensation of subsurface resources such as oil or gas. On Gwich'in Private Lands, these agreements are negotiated between the GTC and the Holder of the surface well site prior to a company drilling a well site. On Crown lands, the subsurface rights are sold by the Federal government for an area prior to drilling taking place. The company then negotiates the surface access with the surface owner.

An Easement Authorization

An Easement is an Authority for the non-exclusive use of land for occupancy of a power-line. The maximum term for an Easement is twenty-five (25) years. It is subject to renewal with periodic rent review as well as the review of currency of operational conditions, provided the



initial terms and conditions have been met. An Easement is normally renewable upon written notice to the Gwich'in Lands and Resources Director .

The principal reason an Easement is non-exclusive is because other usages can often be accommodated for the land. In southern Canada, for instance, power-lines cross roads, pipelines and fields regularly.

Access can often be made along an Easement with minimal impact to the land and little or no impact on the power line.

A Residential Lease Authorization – is used for houses or cottages leased to members of the public who are non-Gwich'in. These Leases are for a maximum term of fifteen (15) years with a rent review every five (5) years. Being residential, these leases are not to be used for any commercial or industrial activities.

Seasonal camps, cottages or residences are all classed as Residential Lease Authorizations.



Residential Leases shall not:

- Exceed four (4) hectares in area, or
- Have a perimeter side greater than 500 meters in length, or
- A lake or river frontage longer than two hundred (200) meters.

Tourism:

Guides and Outfitters intending to take tourists out on Gwich'in Settlement Lands are required to apply for Occupancy for access to an area of Gwich'in Private land. This does not include a commercial lease for a permanent structure but for access for tourism only.

Staging:

A Staging Authorization is required when temporary storage or staging of fuel and/or equipment is required. The staging of fuel and equipment can be for one day and up to two years.

Camping:

A Campsite Fee has been established for those individuals who wish to apply to camp on Gwich'in Settlement Lands. This rate is based on a calendar/person day and is nontransferable.



USAGE:

Usage Fees are charged for resources such as gravel, timber, or hay, sold to Holders. Usage Fees do not convey any ownership in a site and are strictly limited by the expiry dates on the Authorizations.

Any materials remaining on Gwich'in Private Lands after the expiry date return to the Gwich'in Lands and Resources if undeveloped, (e.g. pit run materials or timber never cut). Processed materials (e.g. crushed gravel or cut timber), are considered a chattel or property stored without authority. As such, storage costs may be charged, or removal demanded.

The types of Authorizations for usage used by the Gwich'in Lands and Resources are:

Quarry Authorization:

A Quarry Authorization Holder receives authority to remove a specific volume of material during a specific period of time. The approved volume must be removed in conformance with the development plan for the site.

Quarry materials are normally sand or gravel, but applications could be made for carving stone, clay, construction stone, diatomaceous earth, earth, flint, gravel, gypsum, limestone, marble, marl, ochre, peat, shale, slate, sodium chloride, soil, or volcanic ash.

A Quarry Authorization is not issued for longer than one (1) year.

Commercial Timber Harvesting Authorization:

All commercial timber harvesting on Settlement Lands require a Timber Harvesting Authorization. This harvesting must comply with legislation and the Forest Management Plan for the Gwich'in Settlement Area.

A Timber Harvesting Authorization will have terms, conditions and fees attached to it. The operation will likely require access and occupancy authorizations as well, depending on the extent of the timber harvesting operation being undertaken.

Grazing Lease Authorization:

Grazing Lease Authorizations are areas where a livestock holder wishes to feed or pasture livestock. These areas often require fencing to contain the livestock as well as dugouts for watering them. Additional features may be pens to sort livestock and possibly shelters from the elements.

As the resource being purchased is the actual plant growth used for feed, the measurable resource is based on animal unit months (aum) per hectare. An animal unit month is calculated based on a review of the plants commonly found



that are acceptable for grazing on the lease. The volume of plants is then determined to support one head of livestock for one month. The number of months and the number of animals are then calculated.