

# **Granular Resource Requirements for Proposed Mackenzie Valley Pipelines:**

**Technical Papers and Workshop Proceedings**

**Sponsored by:  
Northern Oil and Gas Action Program (NOGAP) Project A4:  
Granular Resources Inventory and Management**

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**June, 1993**

***SECTION 9.***

***DISCUSSION PANEL "C"***

***LAND CLAIMS AND BORROW SUPPLY:  
ABORIGINAL PERSPECTIVE***

# THE INUVIALUIT LAND ADMINISTRATION AND BORROW RESOURCE MANAGEMENT ISSUES

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## ABSTRACT

In 1984, the Government of Canada signed a comprehensive land claim agreement with the Inuvialuit of the Western Arctic. The Inuvialuit Final Agreement (IFA) significantly changes land ownership and resource development procedures in the traditionally used and occupied 435,000 km<sup>2</sup> area now termed the Inuvialuit Settlement Region. The Inuvialuit have been granted 91,000 km<sup>2</sup> of lands of which 13,000 km<sup>2</sup> of 7(1)(a) Lands include surface and subsurface rights to all minerals and 78,000 km<sup>2</sup> of 7(1)(b) Lands include surface rights and rights to all granular resources.

The Inuvialuit Land Administration (ILA), a division of the Inuvialuit Regional Corporation, has the mandate to administer access to and across Inuvialuit Lands. The ILA has established a land management system, whereby, all access and developmental activities are subject to the ILA Rules and Procedures which decree the approval process and fees. Approval and licencing is largely dependent on the applicant receiving the support and approval from the community level. Through the IFA, the ILA shall reserve and make available adequate granular resources to meet public and community needs in the Western Arctic based on 20-year forecasts. These forecasts are jointly prepared between the Inuvialuit and appropriate levels of government on the basis of community estimates of requirements.

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## Introduction

This paper provides background information on the ILA's organizational structure and rules and procedures for granular resource development applications. As a result of land claims, the ILA are entitled to 91,000 km<sup>2</sup> of land, of which 13,000 km<sup>2</sup> are around each of the six communities in 800 km<sup>2</sup> blocks. The ILA own both subsurface and surface rights. Within the 7(1)a lands, the ILA hold all rights to sand and gravel, while on the 7(1)b lands, the ILA own the surface and controls access.

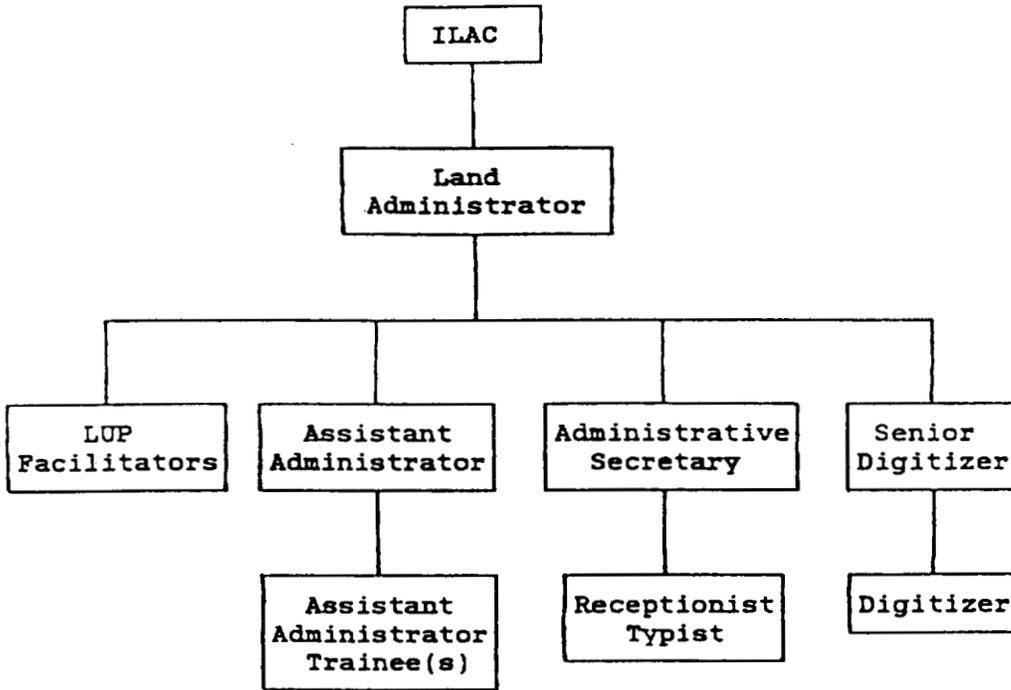
The ILA's first priority on sands and gravels is to reserve granular resources for community needs based on a five-year forecast. They have the right to set aside certain areas that are culturally important. The organizational structure is as follows. First, we have Community Corporations which were established with our land claim. The Community Corporations attend to our socio-economic interests within each land block. Each community is responsible for development within their land blocks and that is also important to our community consultation process. The Hunters and

Trappers Committees (HTCs) are also a part of the seven Community Corporations. The HTC's were an option of the community corporations and they attend to wildlife and environmental issues and report directly to the Inuvialuit Game Council. The Community Corporations also formed a regional corporation where they elect chairman of the IRC. The ILA fits in as a division of the IRC. Figure 1 shows the structure of the ILA. The Inuvialuit Land Administration Commission is a three-member Board that approves or rejects applications. No approval is given unless there has been a community review and approval from both the Community Corporations and the HTCs.

## ILA Rules and Procedures

I'll now explain some of the general provisions of our ILA rules and procedures. These are the documents that we use as guidelines for application for land access. Our application process includes time for consultation--we like to receive applications as far in advance as possible as we include the Community Corporations. We then complete a review in about 6 to 8 weeks. Following our review, we will forward it

Figure 1. Structure of the Inuvialuit Land Administration



**ILAC Commissioners:**

Albert Elias, Chief Commissioner  
 Les Lee Carpenter  
 Randall Pokiak

**ILA Staff:**

|                     |   |
|---------------------|---|
| Jane Bicknell       | Land Administrator  |
| Martina Jacobson    | Assistant Land Administrator                                |
| Stephen Kerr        | Assistant Land Administrator                                |
| Charles Klengenberg | Assistant Land Administrator Trainee & Beaufort Facilitator |
| Bessie Hagen        | Administrative Secretary                                    |
| Lorna Gruben        | Receptionist/Typist   |
| Robert Gruben       | Senior Digitizer  |
| Eleanor Young       | Delta Facilitator   |

to the Community Corporations and any other interested parties. If we don't have approval from the Community Corporation or the HTC, most likely the application will be deferred until those requirements are met. Our fee schedule is from July 1 to June 30 and we also have a slight increase in our fees each year based on the Bank of Canada rate.

For any applications, the following are the basic requirements.

First, we require a secured deposit in the form of a promissory note, certified cheque, bonds, or letter of credit. The deposit is kept in trust until final inspection is conducted and a letter of clearance is issued by the ILA. When you receive the letter of clearance you have access to the security deposit.

Second, the issue of compensation. We require the applicant to compensate for any damage. If there is any damage to the land and wildlife, the applicant is responsible to pay for any damage.

The ILA is involved in many projects through our corporations or local hire. Through participatory agreements we expect a large percentage of the work force to be Inuvialuit. One of the factors we look at before we consider an application is--Are they going to use our businesses? Are they going to hire our people for these projects on our land? That's really important to the Inuvialuit. A few applications have been turned down because of lack of Inuvialuit involvement or use of Inuvialuit businesses.

Inspections are done during the course of the program and at the completion of the project. The costs involved for inspections are usually paid by the developer. We will also suggest the use of local trappers as these people are familiar with the areas. Before our land claim, it was the oil companies that paid our environmental monitors. Now, we don't want our monitors reporting directly to the company. The monitors should report directly to ILA and not the oil companies or the companies involved. We have had some orientation workshops during projects, like the recent Shell Canada program. It improves our reporting system.

The ILA Rules and Procedures are used to strike a development agreement to specify the terms and conditions under which access will be permitted with the emphasis on employment participation through business and training opportunities. (Note: a brief

summary of the ILA Rules and Procedures regarding Quarry Licences is attached to these proceedings as Appendix C).

### ILA Rights Approval Process

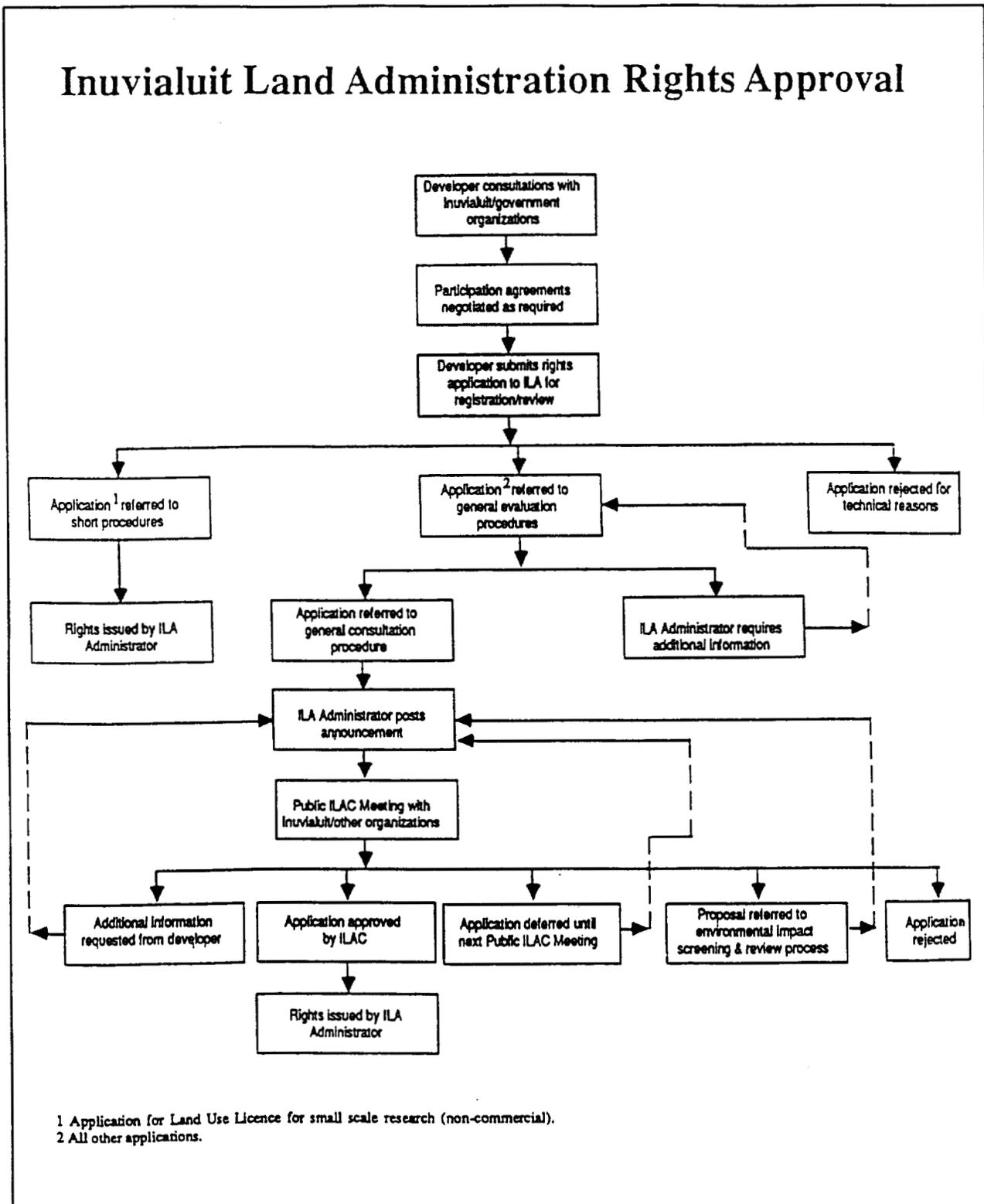
A flow chart of the ILA Rights Approval Process is shown in Figure 2. In summary, there will be a public consultation/review session if it is a proposed large scale development. We'll require the applicant to be there to explain what they will be doing, when they will be doing it, and how they anticipate involvement by the Inuvialuit. These sessions are usually attended by the HTCs, the Community Corporations, or any other interested parties. If there are any outstanding requirements that have to be met, the application is usually deferred for a later decision. Applications for further review are deferred until the next ILAC meeting (ILAC meetings are the second Wednesday of every month).

Our fee schedules are based on access. We cannot charge for access over lakes and waters because we don't have the rights to lakes and waters but for any land access, we have two forms: Class A or temporary permits. Our 1992-93 fees include an access and administration fee, wildlife compensation fee, land occupancy rent, and land use rate. For a base of 1,000 m<sup>3</sup>, the cost is \$18,000 and that doesn't include road construction. All fees are negotiated between the proponent and the contractor being hired to get the gravel out. You're looking at about \$40 m<sup>3</sup>. For example, the road to Source 155 which is 12 or 13 miles out of Tuktoyaktuk--just to maintain the ice road and access route--costs almost \$40,000. Our inspection costs for the road to Source 155--all the costs referred back to the holder--are \$593 plus all transportation costs. We can do any inspection whenever we want.

The availability of gravel to Inuvialuit is through a personal quarry license. They are allowed free gravel, up to 50 m<sup>3</sup> a year. They pay the transportation costs. This is a new program that we implemented recently. So far the communities are looking at it and so in the future we will probably see it used a lot more.

Most of the gravel requirements are quite close to the communities with the exception of Inuvik and Aklavik. They have access to the Ya Ya Lake source and with Tuktoyaktuk there is also some distance involved to access the gravel sources. With Sachs Harbour and Paulatuk, the sources are right by the community.

Figure 2. Inuvialuit Land Administration: Rights Approval Process



access the gravel sources. With Sachs Harbour and Paulatuk, the sources are right by the community. We have started negotiating an umbrella agreement with the GNWT for allowing their leases on our lands.

That covers their lease agreements, fees, etc. but it excludes gravel; they have to apply for gravel and all of the same costs as a private developer would.

*Note: The text of this presentation has been transcribed from an audio-tape recording of the workshop presentations. If necessary, we would suggest that the reader verify the accuracy of these comments with the presenter.*