



Strategic Plan

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NORTHWEST TERRITORIES SURFACE RIGHTS BOARD
YELLOWKNIFE, NT

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MESSAGE FROM THE CHAIRPERSON

March 27, 2017

The Northwest Territories Surface Rights Board (SRB or Board) is pleased to present its 2017/18 revised Strategic Plan. It further evolves the Board's public presence and enhances its capacity to deliver its dispute resolution mandate.

The Board's Strategic Plan provides a carefully considered plan to achieve its immediate challenge of establishing the administrative and management structures to receive Applications and undertake its mandate in a competent and timely manner.



The strategic plan provides a succinct vision and statement of values that guide the Board as it fairly resolves disputes in a timely manner. It also sets out goals and objectives that will guide the Board toward the medium and longer term. Finally, the plan provides specific prioritized strategies the Board intends to deliver over the first five years of its operations. It is based on an assessment of its relevant operating environment including key challenges and opportunities.

The *Surface Rights Board Act* is an *Act* of the Northwest Territories Legislative Assembly and came into force on April 1, 2014. The substantive functions of the SRB come into force on April 1, 2016. It provided for the Government of the NWT to appoint five Board members and a Chairperson as well as five alternate members. One Board member and one alternate must be a Gwich'in, Inuvialuit, Sahtu and Tłı̨chǫ resident. The purpose of the SRB is set out in section 8.(1) of the *Act*; being "to resolve matters in dispute relating to access to Gwich'in lands, Sahtu lands, and Tłı̨chǫ lands, and the waters overlying those lands, and Inuvialuit lands and non-designated land."

Members of the SRB and respective residential areas are Louie Azzolini Chairperson – Tlı̨cho, Danny Bayha - Sahtu, Darrell Christie – Inuvialuit, Mike Vaydik - non regional, and Elizabeth Wright - Gwich'in. Alternate members are Vern Christensen - non regional and Ian McCrea - Tlı̨cho.

Sincerely,

A handwritten signature in blue ink that reads "Louie Azzolini". The signature is written in a cursive, flowing style.

Louie Azzolini
Chairperson

MISSION

To fairly resolve disputes regarding access to lands in the NWT and waters overlying those lands in the Mackenzie Valley.

The SRB's mission describes its core purpose or "reason for being" and the contribution it makes to society.

VISION

Respected and trusted to resolve land and water access disputes in a fair and timely manner.

The SRB's vision represents the preferred "ultimate" state the Board would like to achieve in the long run. The Vision outlives the current membership's tenure, and guides short and intermediate term actions.

VALUES

- **Fairness:** treating people equitably and impartially through clear, objective, transparent, accessible and reasoned decision making processes.
- **Respect:** sensitivity to the diversity of the parties to the Board's processes and the peoples of the NWT; and the unique values they attach to lands.
- **Integrity:** honest, ethical and reasonable behavior.
- **Timeliness** – responsive, effective and efficient resolution of disputes.
- **Professionalism:** being competent and proficient while striving for improvement through continuous review and application of lessons learned.

The SRB's values reflect its corporate culture and guide its actions.

ENVIRONMENTAL SCAN

The environmental scan identifies key trends and developments relevant to the SRB's operations and legislative mandate that directly impact its ability to deliver its functions in a fiscally prudent and judicious way.

External Factors

Challenges

- The SRB is a new dispute resolution Board in the NWT (opened for business on April 1, 2016) and is generally unknown to the public and potential clients.
- Similarly, the SRB's "fit" with the existing resource management regime is not well understood (e.g., by Land and Water Boards, Land Use Planning Boards, the Mackenzie Valley Review Board and Renewable Resources Boards, Inuvialuit Game Council, Federal and NWT Government officials).
- The SRB was contemplated pursuant to settled aboriginal land claims and not through a broadly debated public process. Therefore, while enacted by the Government of the Northwest Territories (GNWT), it may not be publicly accepted as a legitimate organization.
- While acknowledged in aboriginal land claims negotiations, First Nations generally will not have a solid understanding of the provisions of the SRB Act; especially in the unsettled land claim areas.
- No "case based" funding is provided to the SRB to resolve specific disputes as and when applications are made.
- There is some uncertainty in jurisdiction of the SRB with land claimant organizations due to specific overlaps still to be resolved.
- The SRB is on a steep learning curve to achieve an acceptable state of competence and readiness to resolve disputes.
- Board vacancies may pose a challenge for addressing disputes in a timely manner.

Opportunities

- The SRB appears to be adequately resourced for its core activities.
- The SRB is not anticipating any applications for dispute resolution in the near future so there should be time to get sufficiently organized in advance of initiating its first dispute resolution process.
- There also appears to be sufficient time for desirable public and stakeholder education and awareness initiatives in advance of the SRB receiving its first application for dispute resolution.

- The SRB office is centrally located in relation to the GNWT, Federal Government offices, the Mackenzie Valley Review Board, the Mackenzie Valley Land and Water Board and the Board Relations Secretariat; all located in Yellowknife. This will facilitate ready day-to-day communications; ready access to GNWT and Board Forum sponsored training events, as well as access to their infrastructure and other resources (e.g. Board rooms) when not in use.
- The GNWT is supportive to the SRB getting organized and operational.
- The Nunavut Surface Rights Tribunal is a similar organization to the SRB operating in Nunavut. It has been very helpful in sharing its expertise and experience with the SRB and appears willing to be as supportive as possible as the SRB gets its “feet on the ground.”
- The *SRB Act* provides comfort to the development community as it assures developers that there is a process that will ensure resolution of land access disputes; if the parties cannot successfully resolve the conflict directly.

Internal Factors

Strengths

- The SRB has acquired experienced legal counsel to assist with start-up, training and on-going challenges.
- The SRB has also retained a competent suite of service providers to address financial, book keeping, IT and website design needs.
- Regular and Alternate Board members have a relevant and broad base of experience and knowledge.
- Board members have a good understanding of their role as members of the SRB.
- Cornerstone documents are now in place and the SRB is operational.

Weaknesses

- The SRB is still maturing in terms of operational readiness.
- The cost of each future dispute resolution process is unknown.

Relevant Trends

- The economic trend in the NWT is downward which suggests land use conflicts requiring dispute resolution will be less likely.
- Implementation of the Canada-GNWT Devolution Initiative will have uncertain impacts on the likelihood of land access disputes.
- The younger demographic in the NWT is becoming differently engaged in land management issues (e.g. through social media). Values held by older generations are being questioned.

- Industry is becoming more engaged in securing a social license for its activities.
- Uncertainty continues regarding settlement of outstanding Aboriginal land claims.

Workload Drivers

- Professional development needs must continue to be addressed to ensure Board readiness to address disputes.
- The administrative requirements (e.g., reporting) of the legislation and the GNWT funder must be satisfied.
- The more people are aware of the SRB's role and how to access the Board, the more work that may be referred to the Board.

Issue(s)

- How to maintain a "state of readiness" if there are few or no applications for many years. This issue may be more problematic at times when there is turnover in Board membership. Part of the answer may need to be in the quality of the documentation left by the current Board members to assist the new Board members when they are appointed. Periodic scenario based conflict resolution training may also be needed.
- The lack of awareness of the SRB and its processes among the public, industry, land administrators, land use planning boards, government officials and other relevant individuals.
- How to ensure the SRB and land and water regulators have a common understanding regarding the role of the SRB within the NWT resource management regime.

GOALS

The SRB seeks to achieve these priorities over the next to 5-10-years.

- **Ready, competent and timely dispute resolution.**
- **Respected, trusted and understood by the public and parties to a dispute.**
- **Core capacity and administrative requirements are met.**

OBJECTIVES & STRATEGIES

The SRB's objectives are realistic, results-oriented statements of what the Board expects to achieve in the short term on the way to accomplishing its goals. Objectives are closely linked to strategies.

The SRB's strategies are specific actions that help accomplish an objective in the next one to five years. The SRB's strategies are "do-able" given its resources, and each strategy has an intended outcome and priority. These are the SRB's strategies organized by goal and objective.

Goal 1 - Ready, competent and timely dispute resolution

Objective – Establish and continually improve dispute resolution procedures, guidelines and best practices

- Develop and maintain an internal electronic database of Canadian surface rights decisions – a resource for the SRB to reference when considering a variety of surface rights related legal issues.
- Develop relationships with similar jurisdictions to benefit from their lessons learned and best practices.

Objective – Maintain Board competence and proficiency

- Develop and maintain a Board member and staff professional development and training plan – including topics such as surface rights law, running fair hearings, review of relevant aboriginal land claim agreements, administrative law, resource management law in the NWT and interest based negotiation.
- Conduct annual mock NWT land access dispute resolution exercises (including pre-hearing and hearing scenarios).
- Issue periodic communications to Board members and staff with respect to relevant on-going cases and developments in surface rights law and administration.

Goal 2 - Respected, trusted and understood by the public and parties to disputes

Objective – Improve awareness and understanding of the Board’s role and dispute resolution process with relevant organizations and individuals

- Build relationships with resource management and other relevant organizations.
- Finalize development of the Board website – as a public portal for information regarding the SRB.
- Finalize SRB visual identity (branding) graphics standards to govern the “look and feel” of the Board website, graphics design for Board publications, business cards, letterhead, public notices etc.

Objective – Establish ready public access and transparency to the Board’s dispute resolution process and its decisions

- Finalize and maintain a Public Registry of Board Decisions to be posted on the Board website.
- Develop a communications strategy and key messaging to be conveyed to the public and potential parties to the Board’s processes.

Goal 3 - Core capacity and administrative requirements are met

Objective – Maintain timely and current Strategic and Business Plans and Reports

- Submit annual reports as required.
- Submit annual business plan submissions as required by funder(s).
- Prepare/renew the SRB strategic plan once every 5 years.

Objective – Conduct efficient day-to-day Board operations

- Lease of office space.
- Retain Board Coordinator.
- Identify sufficient funds for Board Honoraria and related travel, meals and accommodation as well as general office supplies, postage & miscellaneous expenses.
- Retain general service providers.
 - Book keeping
 - Legal counsel
 - Financial auditing
 - IT support
 - Website maintenance
- Develop and implement a formal records management system for the storage and retrieval of current and archival records that addresses both paper and digital formats.

- Maintain capacity to digitize documents for posting on the Board’s website, public registry and/or internal records management system.
- Identify a standing budget to address Applications as they arise.

Objective – Establish and maintain clear and comprehensive operating procedures

- Maintain on-going currency of the Board’s By-laws.
- SRB Members Questionnaire – to assist the Chair in avoiding conflicts when assigning Members to pre-Hearing and /or Hearing duties.
- SRB Support Guide for Staff and Consultants – to clearly delineate the expectations placed on them by the Board e.g. code of conduct, conflict of interest/apprehension of bias etc.
- SRB Support Guide for members clearly delineating the roles, responsibilities and expectations placed on them e.g. code of conduct, conflict of interest/apprehension of bias etc.
- Develop and maintain the necessary internal operations policies.
- Develop and maintain supplementary Process Directives, Reference Bulletins and Guidance Documents to further clarify the Board’s processes for parties to disputes and the public (prioritized list to be developed).