



Strategic Plan

2015/16 to 2019/20

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Contents

MESSAGE FROM THE CHAIRPERSON ii

MISSION 1

VISION 1

VALUES 1

ENVIRONMENTAL SCAN 2

GOALS..... 4

OBJECTIVES & STRATEGIES & PRIORITIES..... 4

MESSAGE FROM THE CHAIRPERSON

January 2, 2019

The Northwest Territories Surface Rights Board (SRB or Board) is pleased to present its revised strategic plan and its 2019/20 Business Plan & Five-Year budget forecast. The 2019/20 business plan further evolves the Board's public presence and enhances its capacity to deliver its dispute resolution mandate.

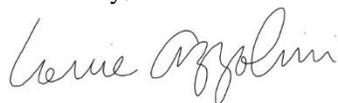
The Board's Strategic Plan provides a carefully considered plan to solidify its administrative and management systems to receive Applications and undertake its mandate in a competent and timely manner.

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. 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 – M̄q̄whì Gogha Dè N̄ı̄tlèè, Danny Bayha - Sahtu, Mike Vaydik - non-regional, and Elizabeth Wright - Gwich'in. Alternate members are Vern Christensen - non-regional and Ian McCrea - M̄q̄whì Gogha Dè N̄ı̄tlèè.

Sincerely,



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

1. **Fairness** – treating people equitably and impartially through clear, objective, transparent, accessible and reasoned decision-making processes
2. **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
3. **Integrity** – honest, ethical and reasonable behaviour
4. **Timeliness** – responsive, effective and efficient resolution of disputes
5. **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 unknown to the public and potential clients.
- The existing resource management regime is not well understood by the public, 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.
- On July 26, 2017, the Supreme Court of Canada released its decision in the case of *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.* In it, the Supreme Court of Canada states clearly that government regulatory tribunals (of which the NWT SRB is one) have, in varying degrees, a duty of consultation with respect to impacts on the rights of Aboriginal people. This decision may affect how the SRB ensures adequate consultation in its land and water access dispute resolution process(es).
- 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 geographic and legislative overlaps still to be resolved.
- The SRB is on a steep learning curve to achieve and maintain 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 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 all parties with an interest in land because it provides a process that will ensure resolution of land access disputes; if the parties cannot successfully resolve the conflict directly.
- The GNWT review of the NWT Lands Act and Commissioner's Lands Act and development of a new Mineral Resources Act provides an opportunity to improve its understanding of the SRB's roles and responsibilities.
- Northern Resource Management Board operations are unique compared to southern Canada. There is a large body of northern Board experience to assist the SRB in designing operational approaches and processes appropriate to the NWT.

Internal Factors

Strengths

- The SRB has acquired experienced legal counsel and staff to assist with training and on-going operations.
- 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.
- There is a general lack of locally available training resources to address the needs of Board members and staff. As a result, this often requires the Board to access more expensive training resources from southern Canada.

Relevant Trends

- The economic trend in the NWT is uncertain which suggests land use conflicts requiring dispute resolution are difficult to predict.
- The younger demographic in the NWT has become differently engaged in land management issues (e.g. through social media). Industry appears to be more engaged in securing a social licence for its activities.
- Uncertainty continues regarding settlement of Aboriginal self-government negotiations, settlement of outstanding Aboriginal land claims and implementation of land use plans.
- Increasing efforts by governments in settled land claim areas to address unauthorized occupancies may result in disputes.

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.
- Completing the foundational work of the SRB.

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.
- The lack of clarity of jurisdiction between the SRB and authorities in certain land claim agreements may cause process confusion when disputes occur in those areas.
- 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.
- 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.

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 disputes.**
- **Core capacity and administrative requirements are met.**

OBJECTIVES & STRATEGIES & PRIORITIES

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 & Timely Dispute Resolution

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

- 1 Develop and maintain an integrated hearing process support system consisting of an NWT Surface Rights Law and Policy database, which is electronically linked to the SRB rules of procedure. HIGH PRIORITY
- 2 Develop relationships with similar jurisdictions to benefit from their lessons learned and best practices. MEDIUM PRIORITY
- 3 Develop and implement an operational plan to provide French and Aboriginal language services. LOW PRIORITY

Objective B – Maintain Board competence and proficiency

- 1 Develop and maintain a Board member and staff professional development and training plan – including topics such as dispute resolution, 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. HIGH PRIORITY
- 2 Conduct regular dispute resolution exercises relating to disputes which may arise within the jurisdiction of the SRB. HIGH PRIORITY
- 3 Issue periodic communications to Board members and staff with respect to relevant on-going cases and developments in surface rights law and administration. LOW PRIORITY

Goal 2 - Respected, Trusted & Understood by The Public & Parties to Disputes

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

- 1 Build relationships with governments, resource management and other relevant organizations MEDIUM PRIORITY
- 2 Continually improve the Board website – as a public portal for information regarding the Surface Rights Board. HIGH PRIORITY
- 3 Maintain 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. MEDIUM PRIORITY
- 4 Identify and clarify potential areas of jurisdictional conflict between the SRB Act and land claim agreements including overlapping land claim agreements from neighbouring jurisdictions and implement a process to address these potential conflicts. LOW PRIORITY
- 5 Deliver presentations and information sessions to interested parties regarding the SRB’s roles and responsibilities. MEDIUM PRIORITY

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

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

Goal 3 - Core Capacity & Administrative Requirements are Met

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

- 1 Submit annual and mid-year reports as required HIGH PRIORITY
- 2 Submit annual business plan as required by funder(s) HIGH PRIORITY
- 3 Prepare/renew the SRB strategic plan once every 5 years. HIGH PRIORITY

Objective B – Conduct efficient day-to-day Board operations

- 1 Ensure general operating requirements are met; including:
 - a. Leased office space, board room space and secure storage space
 - b. General office supplies
 - c. Communications expenses (phones, postage, internet etc.)
 - d. Book keeping services
 - e. Legal counsel services
 - f. Financial auditing services
 - g. IT support services
 - h. Website hosting services
 - i. Document digitizing capacity (for the website, public registry and internal records management)
 - j. Janitorial services
 - k. Budget for minor miscellaneous expenses to address the Board’s day-to-day operating requirements. HIGH PRIORITY
- 2 Maintain Executive Director position HIGH PRIORITY
- 3 Maintain sufficient funds for Board Honorariums and related travel, meals and accommodation HIGH PRIORITY
- 4 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. MEDIUM PRIORITY
- 5 Develop and maintain Board member IT capacity to carry out duties and responsibilities. HIGH PRIORITY
- 6 Identify a standing budget to address Applications as they arise. HIGH PRIORITY

Objective C – Establish and maintain clear and comprehensive internal operating procedures

- 1 Maintain on-going currency of the Board’s By-laws MEDIUM PRIORITY
- 2 SRB Members Questionnaire – to assist the Chair in avoiding conflicts when assigning Members to pre-Hearing and /or Hearing duties. LOW PRIORITY



- 3 SRB Support Guides for Board members, Staff and Service Providers – to clearly delineate the expectations placed on them by the Board e.g. code of conduct, conflict of interest/apprehension of bias etc. LOW PRIORITY
- 4 Develop and maintain an electronically accessible Board member orientation/reference manual. HIGH PRIORITY
- 5 Maintain the necessary internal operations policies. MEDIUM PRIORITY
- 6 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). LOW PRIORITY