

Mackenzie Valley Land and Water Board
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 P.O. Box 2130
 YELLOWKNIFE NT X1A 2P6
 Phone (867) 669-0506
 FAX (867) 873-6610

MV2003C0003

FILE NUMBER: MV2003C0008

DATE: May 2/03

TO: Sherr:

FAX NUMBER: 766-7074

FROM: Peter

Number of pages including cover _____

Dry bones / Wood Bay letters

RECEIVED
 1:14 pm KB.
 MAY 02 2003
 MACKENZIE VALLEY
 ENVIRONMENTAL IMPACT
 REVIEW BOARD

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1077



DENINU K'UE FIRST NATION

P.O. Box 1899

Fort Resolution, NT X0E 0M0

Phone (867) 394-4335/4336 Fax (867) 394-5122

April 7, 2003

Minister Robert Nault
Indian Affairs and Northern Development
10 Wellington Street 21st Floor
Ottawa, Ontario K1A-0H4
Fax: (819) 953-4941

Mackenzie Valley Land & Water Board
File 1000-20-023
APR - 8 2003
Application # 1000-20-020
Copied To mm/BW/POH/
LJ/VCB/JV/JS/ISN

Dear Mr. Minister:

Re: Drybones Bay Mining Development

I write to you with our concerns for development that is occurring in Akaitcho Territory without consultation with or the consent of the Deninu K'ue First Nation regarding treaty rights.

Mining exploration development is underway in the vicinity of Drybones Bay, on Great Slave Lake, in the middle of Akaitcho Territory, in an area that we of the Deninu K'ue First Nation have used to exercise our treaty rights to hunt, fish, trap and gather for generations. A permit has recently been issued by the Mackenzie Valley Land and Water Board in relation to this development. There are a number of other applications for permits for mining exploration purposes in the same area currently before the Board. There has been no consultation by representatives of your department with the Deninu K'ue First Nation regarding impacts and infringements of the development or proposed developments on the treaty rights of members of our First Nation.

Furthermore, the Akaitcho Territory Dene First Nations, of which we are a member, have been engaged in the process of preparing schedules to the Interim Measures Agreement under the Akaitcho Territory Dene First Nations Framework Agreement to allow for the pre-screening of applications regarding land and water use in Akaitcho Territory. Officials of your department are actively involved in the preparation of these schedules. The Mackenzie Valley Land and Water Board is well aware of this process and the importance of this process to the Akaitcho First Nations.

However, both your department and the Mackenzie Valley Land and Water Board are ignoring this process and are authorizing and allowing development to proceed in Akaitcho Territory without consultation regarding treaty rights, and without our consent.

04/08/03 TUE 13:53 FAX

While we understand that the process in place of putting the schedules under the Interim Measures Agreement is not fully completed, the basic provisions of the Agreement have been in place, together with the basic principles and mechanisms of the Agreement, since June 28, 2001.

Events over one year ago regarding the application for a land use permit for forestry purposes by Patterson Sawmill Ltd. left us with no alternative but court action. We do not want to be put in such a position again.

The Drybones Bay area is of great cultural, spiritual, economical and environmental importance to us. As well, treaty rights have been exercised by members of our First Nation for subsistence purposes in this area for generations, and such use continues to date.

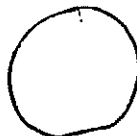
We urge you to take immediate steps to rectify this situation. We request first of all that the constitutionally protected right to be consulted regarding treaty rights take place immediately by officials of your department. We urge that no further permits or licenses be granted by the Mackenzie Valley Land and Water Board pending this consultation. Finally, we urge that the spirit and intent of the Interim Measures Agreement be honoured despite the fact that there is still work to be done on the schedules.

On behalf of the Deninu K'ue First Nation,



Chief Robert Sayine
Deninu K'ue First Nation

cc: Bob Wooley, Executive Director, Mackenzie Valley Land and Water Board
Melody McLeod, Mackenzie Valley Land and Water Board Member
Laura Johnson, Mackenzie Valley Land and Water Board Member
Stephen Neilson, Mackenzie Valley Land and Water Board Member
Violet Camsell-Blondin, Mackenzie Valley Land and Water Board Member
Jack Van Camp, Mackenzie Valley Land and Water Board Member
Joy Stewart, Mackenzie Valley Land and Water Board Member
Akaitcho Chiefs
Minister of Aboriginal Affairs, GNWT
MLA, Tu Nedhe



NWT Treaty 8 Tribal Corporation

Head Office: Deninu Kue, Resolution

April 1, 2003

Minister Robert Nault
Indian Affairs and Northern Development
10 Wellington Street 21st Floor
Ottawa, Ontario K1A 0H4
Fax: (819) 953-4941

Mackenzie Valley Land & Water Board

File

APR - 2 2003

Application # 1000-20-020

Copied To PUT IN STAPLER
Sm

Dear Mr. Minister:

Re: Drybones Bay Mining Development

Once again we write to you with our concerns for development that is occurring in Akaitcho Territory without consultation with or the consent of the Akaitcho Territory Dene First Nations regarding treaty rights.

We understand that mining exploration development is underway in the vicinity of Drybones Bay, on Great Slave Lake, in the middle of Akaitcho Territory and that a permit has recently been issued by the Mackenzie Valley Land and Water Board in relation to this development. While there have been some discussions by the Mackenzie Valley Land and Water Board, with representatives of our First Nations regarding environmental concerns there has been no consultation by representatives of your department regarding impacts and infringements of the development on the treaty rights of members of the Akaitcho Territory Dene First Nations.

Furthermore, we are and have been engaged in the process of preparing schedules to the Interim Measures Agreement under the Akaitcho Territory Dene First Nations Framework Agreement to allow for the pre-screening of applications regarding land and water use in Akaitcho Territory. Officials of your department are actively involved in the preparation of these schedules. The Mackenzie Valley Land and Water Board is well aware of this process and the importance of this process to the Akaitcho First Nations.

However, both your department and the Mackenzie Valley Land and Water Board are ignoring this process and are authorizing and allowing development to proceed in Akaitcho Territory without consultation regarding treaty rights, and without our consent.

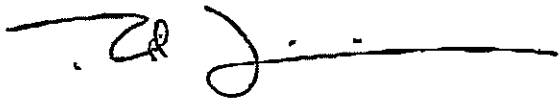
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Events over one year ago regarding the application for a land use permit for forestry purposes by Patterson Sawmill Ltd. left us with no alternative but court action. We do not want to be put in such a position again.

The Drybones Bay area is of great cultural, spiritually and environmental importance to us. As well, treaty rights have been exercised for subsistence purposes in this area for generations, and such use continues to date.

We urge you to take immediate steps to rectify this situation. We request first of all that the constitutionally protected right to be consulted regarding treaty rights take place immediately by officials of your department. We urge that no further permits or licenses be granted by the Mackenzie Valley Land and Water Board pending this consultation. Finally, we urge that the spirit and intent of the Interim Measures Agreement be honoured despite the fact that there is still work to be done on the schedules.

On behalf of the Akaitcho NWT Treaty 8 Chiefs,



Chief Richard Edjericon
Yellowknives Dene First Nation (Dettah)

cc: Bob Wooley, Executive Director, Mackenzie Valley Land and Water Board
Melody McLeod, Mackenzie Valley Land and Water Board Member
Laura Johnson, Mackenzie Valley Land and Water Board Member
Stephen Neilson, Mackenzie Valley Land and Water Board Member
Violet Camsell-Blondin, Mackenzie Valley Land and Water Board Member
Jack Van Camp, Mackenzie Valley Land and Water Board Member
Joy Stewart, Mackenzie Valley Land and Water Board Member

02-May-2003 10:58
Apr-02-03 11:14

From-MVLWB
From-NWT Treaty 8 Tribal Corp.

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1-460



NWT Treaty 8 Tribal Corporation

Head Office: Deninu Kuc, Resolution

FACSIMILE TRANSMITTAL SHEET

TO: Mackenzie Valley Land & Water Board

FAX NUMBER: 873-6610

FROM: Jennifer Goulet, Administrative Assistant

DATE: April 2, 2003

TOTAL PAGES (including cover): 3

RE: 01 April 03 - letter to Ministry Reault

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:

* Please distribute the following letter to your board members.

JG

P.O. BOX 1768 • YELLOWKNIFE, NT • X1A 2P3

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Detnah Fax: (867) 873-5969
Ndilo Ph.: (867) 873-8951
Ndilo Fax: (867) 873-8545

April 15, 2003

Mrs. Melody McLeod, Chair
Mackenzie Valley Land and Water Board
Box 2130
7th Floor - 4910 50th Avenue
Yellowknife, NT X1A 2P6

Mackenzie Valley Land
& Water Board

File #

APR 16 2003 MV2003C0016

Application # MV2003C0003

Copied To PUMUC/Sm/Reg

Dear Mrs. McLeod,

The Mackenzie Valley Land and Water Board (Board) recently denied Land Use Permit MV2002C0083 to Mr. David Smith for Mineral Exploration at Dry Bones Bay for further study. The Board will soon render its decisions on the following Drybones Bay area Land Use Permit Applications.

1. MV2003C0008. North American General Resources, Mineral Exploration, Dry Bones Bay.
2. MV2003C0003. Consolidated Goldwin Ventures Inc., Mineral Exploration, Dry Bones Bay.
3. MV2003C0016. New Shoshoni Ventures Ltd., Mineral Exploration, Dry Bones Bay.

On a matter of jurisdiction, the YKDFN notes that two of the proposed drilling programs would take place on the frozen surface of Great Slave Lake. The YKDFN questions whether such water based drilling programs are regulated within the scope and jurisdiction of the Mackenzie Valley Land and Water Board.

The YKDFN is requesting the denial of all cited Land Use Permits for further study in order to address significant YKDFN membership concerns and to obtain additional

information for the Board before it renders its decisions.¹

The YKDFN recently concluded a two day public meeting on the Drybones Bay and Wool Bay areas. The YKDFN is preparing transcripts of the April 2, 2003 public session and will put them on your public record. A video record is also available at your convenience.

As you may know from our previous correspondence, Yellowknives Dene Research (community surveys available at the Land and Environment office) concludes that the following individuals, families and extended families use and occupy the Drybones Bay and or Wool Bay areas. It is also highly likely that others from the community of Lutsel K'e use the areas as well.

1. Alexi Potfigher	2. Alex Lacorne
3. Joe Charlo	4. Modest Sangris
5. Alex Crapeau	6. James Sangris
7. Joe Fishbone	8. Philip Crapeau
9. Isadore Sangris	10. Philip Goulet
11. Joe Martin	12. Edward Lacorne
13. Isadore Tsetta	14. Antoine Liske
15. Morris Sangris	

The YKDFN have also identified the following significant valued attributes of the Wool Bay and Drybones Bay areas:

1. Culturally vital (many residents grew up and spent summers in the areas, and continue to actively use the areas).
2. Spiritually significant (site identified by YKDFN)
3. Numerous grave sites at the bays and along the shoreline

¹ Type A Land Use Application - Extract from Section 22 of the Mackenzie Valley Land Use Regulations

(2) Subject to subsection (3), where the Board does not return an application under paragraph (1)(a), it shall, within 42 days after receipt of the application,

(a) issue a Type A permit, subject to any conditions included pursuant to subsection 26(1);

(b) order, pursuant to subsection 24(1) of the Act, that a hearing be held or further studies or investigations be made respecting the lands proposed to be used in the land-use operation and notify the applicant in writing of the reasons therefore;

(c) refer the application to the Mackenzie Valley Environmental Impact Review Board for an environmental assessment pursuant to subsection 125(1) of the Act and notify the applicant in writing of the reasons therefore; or

(d) where a requirement set out in section 61 or 62 of the Act has not been met, refuse to issue a permit and notify the applicant in writing of its refusal and of the reasons therefore.

(3) Where the Board makes an order under paragraph (2)(b) or a reference under paragraph (2)(c), the time provided in subsection (2) for the Board to issue a permit or to refuse to issue a permit does not begin until (a) in respect of an order under paragraph (2)(b), the completion of the hearing, further studies or investigation; and

(b) in respect of a reference under paragraph (2)(c), the completion of the environmental impact assessment and review process under Part V of the Act.

4. Actively used for hunting
5. Actively used for Fishing
6. Historic village at Wool Bay
7. Actively used for trapping (Leo A. Hetsina for example)
8. Actively used for Berry picking
9. Site of Bald eagles (raptors)
10. Actively used camping and campground areas
11. Actively used goose hunting areas
12. Actively used duck hunting areas
13. The bays are ecological unique because they are the largest bays on the shoreline and provide a unique microclimate and unique ecosystems.
14. The unique habitat makes it excellent for wildlife
15. Very sheltered bays are regularly used during lake travel (impact current use and activity patterns)
16. Drybones Bay is a main artery of current and traditional trails
17. The trail to Patrick Charlo's starts at Drybones Bay (Patrick Charlo)
18. Good places for picking medicinal plants
19. Main boat moorage on windy days, (security, shelter and safety)
20. Wool Bay and Dry Bones bay are the birth place of many current residents of Dettah and Ndilo
21. Significant impact on Treaty rights and alienation of current access to the land.

In addition, the YKDFN public meeting confirmed the following valued ecosystem components (VEC) that might be impacted significantly by the proposed developments, either individually or collectively:

1. Raptors,
2. moose,
3. muskrat,
4. fish,
5. beaver,
6. water,
7. wildlife habitat,
8. Grasslands.

The membership also noted that moose are already being impacted because of the low flying planes and helicopters.

In addition to concerns about impacts on the valued ecosystem components, the YKDFN membership would like additional study completed on the following:

Effective use of forest resources

Members cited that there were impacts to forest resources with all the trees getting knocked down for trails, drilling and ground magnetic surveys.

Sound effects on wildlife

There were questions about how sound impacted wildlife, and how a relatively pristine area could be changed by the year round sound.

....4

Impact on inland streams

Members wondered how the current work programs would impact the main streams flowing into Drybones Bay and what would happen to the lake and the surrounding wetlands if the major arteries into Great Slave Lake from Drybones Bay were impacted.

Cumulative Impacts

Membership expressed serious concern about the cumulative impacts from the exploration activities. "If five companies get permission, then other companies see the door open and move forward with their applications and this will result in cumulative impacts."

Cumulative Impacts of Improved Access

~~Improved winter road access to the areas will open up new lands, and this is an added~~ impact. Then there are associated impacts. Outfitters will add small camps because there is a winter road. "The open door effect" that will result in increased traffic that results in increased garbage, noise and general nuisances. Impacts that were not there before the ice winter road. If the road cannot be controlled there will be an impact including additional cabin construction. Cabin construction that is unmanaged and uncontrolled. The Snowmobile association is marking trails and opening the land up to more and more people and this is also causing an impact. Trails are being overtaken by other users.


Conclusion

The Mackenzie Valley Land and Water Board denied a Land Use Permit at the Drybones Bay area for further study. There are three additional Land Use Permits for the Dry Bones Bay area. The YKDFN is requesting that the denial of the Land Use Permit applications for further study. The study would be used to ascertain the extent and specific nature of public concern consolidate existing YKDFN documentation of the area, synthesize known information on the identified VECs, and to assemble alternative cumulative impact mitigation strategies.

The YKDFN are making every effort to participate in the Boards processes in a fair and productive manner. We hope that by proposing a constructive and proactive approach to addressing issues we can collectively ensure the well-being of all northerners. Please feel free to call me or Rachel Ann Crapeau to discuss this letter.

Yours truly,


Richard Edjericon
Chief


Darrell Beaulieu
Chief

c. Mr. Bob Wooley, Executive Director, Mackenzie Valley Land and Water Board
Mr. Todd Burlingame, Chair, Mackenzie Valley Environmental Impact Review Board
Yellowknives Dene First Nations Counsel



Yellowknives Dene First Nation
Box 2514, Yellowknife, N.W.T. X1A 2P8

Deaf PH: 669-9002

FAX: 669-9003

FACSIMILE TRANSMITTAL SHEET

DATE: April 15/03

FAX #: 873-6610

TO: Mrs M. McLeod

FROM: Rachel Crapace

TOTAL NO. OF PAGES INCLUDING COVER 5

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NOTES/COMMENTS:

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