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November 3, 2005

By Facsimile (867) 766-7074

Your file - Votre référence

Our file - Notre référence

Ms. Gabrielle Mackenzie
Chair
Mackenzie Valley Environmental Impact
Review Board
P.O. Box 938
YELLOWKNIFE, NT X1A 2N7

Dear Ms. Mackenzie:

**Re: The Mackenzie Valley Environmental Impact Review Board (MVERIB),
Request for Information Request # 1.8 on the Consolidated Goldwin
Resources Environmental Assessment, MV2004C0038.**

Indian and Northern Affairs Canada (INAC) is pleased to submit our information request number 1.8 to the Board on the subject of Land Management for the Consolidated Goldwin Ventures Exploration Program Environmental Assessment (see attachment).

If you have any questions or concerns regarding our submission, please contact Lionel Marcinkoski at 669-2591. Our staff will also be present at the Public Hearing on December 6, 2005 to address any concerns by the MVEIRB and public.

Yours sincerely,

David Livingstone
Director Renewable Resources and Environment Directorate

Attachment

cc: Mr. A. Ehrlich, Senior Environmental Assessment Officer

Canada

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IR Number : 1.8
Source: Mackenzie Valley Environmental Impact Review Board
To: INAC
Subject: Land Management

Preamble:

In the Review Board's past EA on Consolidated Goldwin Ventures, the management of the area surrounding Drybones Bay was repeatedly raised as an issue during public hearings. One of the conclusions of the Report of Environmental Assessment and Reasons for Decision on the Consolidated Goldwin Ventures Preliminary Diamond Exploration in Drybones Bay was the following suggestion:

No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones and Wool Bay proper, until a plan has been developed to identify the vision, objectives, and management goals based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development direction and include provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for greater certainty of all parties in the future development of this region.

Request

a. What specific actions have the Department of Indian Affairs and Northern Development taken to address the actions suggested?

INAC has considered this suggestion in the context of current negotiations and other activity in the shoreline region. We note that suggestions made by the Board in Reports of Environmental Assessment are non-binding.

Land, resource, and self-government negotiations are currently underway among Canada, the Akaitcho Territory Dene First Nations and the Government of the Northwest Territories.

This Information Request response outlines the status and current direction of these negotiations, and includes supplemental information concerning a recent proposal from the Yellowknives Dene First Nation.

The federal government's approach in land claim negotiations is to seek to clarify a range of land and resource-related matters with Aboriginal groups where their continuing interest in the lands concerned can be

established.

To date, neither a regional restriction on the issuance of land use permits nor the "development of a plan to identify a vision, objectives, and management goals" have been discussed at the negotiations table by the parties. With respect to the five year time frame mentioned in the suggestion, the parties have not developed a timetable for completion of negotiations.

Response

a. Canada is currently negotiating a land, resources and governance agreement with the Akaitcho Territory Dene First Nations (DFN). The Akaitcho Territory DFN represents approximately 2,500 Dene from Deninu Ku'e, Lutsel K'e, Ndilo and Dettah.

Canada signed a Framework Agreement with the Akaitcho Territory DFN, as represented by the NWT Treaty 8 Tribal Corporation, and the Government of the Northwest Territories on July 25, 2000, to guide the negotiation of an Agreement-in-Principle (AIP) on lands, resources and governance. Formal negotiations of the AIP began in September 2001, and have continued based on a workplan that is updated and reviewed each fiscal year.

On June 28, 2001, negotiators representing all three parties signed the Akaitcho Interim Measures Agreement (IMA) in Lutsel K'e. Interim measures are temporary arrangements introduced to afford a measure of protection to Aboriginal interests during the period that an agreement is being negotiated. Temporary arrangements of this kind have to be made within the framework of existing federal and territorial laws. The Akaitcho IMA led to the creation of a pre-screening process where the Akaitcho First Nations review applications for various licences, permits, and dispositions of lands. The precise nature of the pre-screening process for each type of application was to be outlined in Schedules.

The IMA schedules are being negotiated on a bilateral basis. Canada and the Akaitcho have negotiated three schedules:

1. The Disposition of Federal Surface Crown Lands - Schedule D to the Akaitcho IMA, The Disposition of Surface Federal Crown Lands, was agreed to, and signed off by Canada and the Akaitcho DFN on February 13, 2003. The pre-screening process described in the schedule was effective immediately upon being signed. The schedule applies to the sale, lease or transfer of surface Crown lands, easements, and reserves of Crown Lands. Licenses of Occupation must now be forwarded to the Akaitcho DFN Pre-screening Board within five business days of a fully completed application form having been received by INAC. The Akaitcho Board has 45 days to respond to the application.

2. Land Use Permit Schedule - Schedule C to the Akaitcho IMA, the Land Use Permit schedule, was signed on December 4, 2003, but was not actually brought into effect until the Policy Direction to the Mackenzie Valley Land and Water Board was signed on February 23, 2004. According to the schedule, the MVLWB is to provide to the Akaitcho Pre-screening Board a copy of each application for a Type A Permit or a Type B Permit, within five working days of the MVLWB declaring the application complete. The Pre-screening Board has 21 working days to consider and respond to a Type A Permit, and five working days to consider and respond to a Type B Permit.

3. Water Licence Schedule - Schedule C.1 to the Akaitcho IMA, the Water Licence schedule, was also signed on December 4, 2003, but was not actually brought into effect until the Policy Direction to the Mackenzie Valley Land and Water Board was signed on February 23, 2004. The Schedule states that, unless otherwise agreed, the MVLWB will provide to the Akaitcho Pre-screening Board with a copy of each application for a Licence within five working days of the MVLWB declaring the application complete. The Pre-screening Board is to consider and respond to the application within 30 days of receipt, unless otherwise agreed.

The **Policy Direction from the Minister of DIAND to the Mackenzie Valley Land and Water Board**, signed on February 23, 2004, paved the way for the Akaitcho and the MVLWB to develop and implement procedures that would further describe how and when Akaitcho would be informed of development activities, and how the Akaitcho would, in turn, provide timely recommendations to the Board. Those procedures have not yet been developed.

The Government of the Northwest Territories and the Akaitcho have also negotiated three IMA schedules:

- a. Commissioners' Land schedule, signed on December 4, 2003
- b. Forestry schedule, signed on December 4, 2001, and
- c. Territorial Parks Schedule, signed on December 18, 2001.

Together, the Framework Agreement, the Interim Measures Agreement, and the schedules describe the present state of negotiations with the Akaitcho First Nations.

Request

- b. What steps is the Department of Indian Affairs and Northern Development planning to take to address the actions suggested?**

INAC will continue to participate in the land, resource, and self-government negotiations with the goal of completing an Agreement-in-Principle and ultimately a Final Agreement. A timetable for completion of this process is not available.

On October 20, 2005, the Chief Negotiators for Akaitcho and the Governments of the Northwest Territories and Canada initialled an Interim Land Withdrawal Protocol which describes how some key federal Crown Lands within Akaitcho asserted territory will be protected from new land dispositions being issued.

The focus on land withdrawals represents new momentum at the negotiation table. Lands that are not withdrawn will be more readily available for recreation and resource development activities, guided by current legislative and regulatory processes, and the Akaitcho Interim Measures Agreement.

SUPPLEMENTAL INFORMATION

Indian and Northern Affairs Canada is working with the Yellowknives Dene First Nation, who have now formally indicated their interest in protecting and preserving significant portions of the Great Slave Lake shoreline and waters from Yellowknife to Taltheilei Narrows. The Yellowknives Dene First Nation Water, Land and Environment Committee submitted a Proposal on Preparing a Protected Area dated August 11, 2005, through the Protected Area Strategy Committee. INAC is working with the Yellowknives to review this proposal and we anticipate that work may be initiated in early 2006.