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March 27, 2007

*Your file - Votre référence*

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Patrick Duxbury  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact  
Review Board  
PO Box 938  
Yellowknife NT X1A 2N7

File Number: MVEIRB 0506-005

Dear Mr. Duxbury,

**Re: Update to INAC Response to CGW IR 1.8**

Thank you for the request to update Indian and Northern Affairs Canada's November 3, 2005 response to Consolidated Goldwin Ventures (CGW) Information Request 1.8. INAC's approach to the suggestion quoted in the Information Request has not changed materially since November 2005. We are therefore not submitting a new response, but rather two addenda to the original response as follows:

- A backgrounder entitled "Akaitcho Process Negotiations" issued in November 2006. The only update to the material contained in this backgrounder is the INAC contact. Christian Bertelsen has replaced Roxane Poulin as the INAC contact. Mr. Bertelsen can be reached at (867) 669-2580 or [bertelsenc@inac-ainc.gc.ca](mailto:bertelsenc@inac-ainc.gc.ca).
- Updated supplemental information concerning Protected Areas Strategy activities and conservation planning which may be relevant to the Board's Information Request.

Although the IR was issued for the CGW EA only, INAC notes that the responses may also be relevant to the Sidon EA.

If you have any questions or concerns about the above materials, please contact Lorraine Seale at 669-2590 or by email at [sealel@inac-ainc.gc.ca](mailto:sealel@inac-ainc.gc.ca).

Sincerely,

David Livingstone  
Director, Renewable Resources and Environment

cc. INAC EA Working Group

**Canada**

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# Backgrounder

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## Akaiicho Process Negotiations

The Akaiicho Dene First Nations (ADFN), the Government of Canada and the Government of the Northwest Territories (GNWT) are working together to achieve a lands, resources and governance agreement through the Akaiicho Process.

ADFN members reside primarily in the communities around Great Slave Lake (known to the Akaiicho as *Tu Cho*). This includes the Deninu Kue First Nation (Deninu Kue/Fort Resolution), the Lutsel K'e First Nation (Lutsel K'É) and the Yellowknives Dene First Nation (Ndilo and Dettah). There are also ADFN members located throughout Canada.

### The goal of negotiations

The parties to the Akaiicho Process recognize that the Dene living in the area made treaty with the Crown on July 25, 1900 at Deninu Kue. The parties do not have a shared understanding of the terms of that treaty and, through the Akaiicho Process are resolving outstanding issues related to lands, resources and governance.

Negotiating this type of agreement is a complex and intensive process that spans several years and involves many interim steps. Through interim measures agreements and negotiations to conclude an Akaiicho Agreement, the parties are working to:

- preserve a land base for the Akaiicho Dene First Nations;
- acknowledge and protect the spiritual and cultural ties the Akaiicho Dene have to the land, water, and animals;
- recognize the ADFN's jurisdiction to protect cultural traditions and language;
- help Akaiicho citizens, especially young people, to enjoy a good quality of life and strong economic prospects in their traditional territory; and,
- regulate development in a sustainable manner so that the Akaiicho traditional territory is a good place to invest and do business today and in the future.

### Negotiation Milestones

#### ***June 13, 2000: Akaiicho/GNWT Political Accord***

A Political Accord is signed by the ADFN and the GNWT. They agree to meet periodically for open and candid discussions to share ideas and information. They also agree to work cooperatively together and to work towards enhancing the co-ordination of activities and communication.



Canada

**July 25, 2000: Framework Agreement**

One hundred years to the day from the making of treaty at Deninu Kue (Fort Resolution), the ADFN, Canada and GNWT sign a Framework Agreement. This agreement establishes the process, items and timetable for the negotiations and lays out the following objectives for an Akaitcho Agreement:

- describe the structure, operation, legal status and extent of the ADFN government;
- describe the ADFN governments and their relationships to other levels of government;
- explain how lands, water and other resources, including wildlife and their habitat, will be used, managed and protected;
- contain land and resource provisions that provide for clarity of rights respecting lands and resources; and,
- include measures to enhance the capacity of the ADFN to participate fully in the economy.

**June 28, 2001: Interim Measures Agreement and Schedules**

The Akaitcho Interim Measures Agreement (IMA) is signed by the three parties in Lutsel K'e. It establishes temporary arrangements that clarify the role of the ADFN in resource management decisions in their region while the Akaitcho Process is ongoing. A number of IMA Schedules are later created to describe how the federal and territorial governments, and/or regulatory bodies, will consult the ADFN in decisions that impact their asserted territory in areas such as: Commissioner's Lands, Crown Lands, Forest Management, Land Use Permits, Surface Federal Crown Lands, Territorial Parks, and Water Licences.

**September 2001: Start of formal negotiations**

Formal negotiations of the Akaitcho Agreement-in-Principle begin. This is a major step toward an Akaitcho Agreement that will clarify who owns and has rights to lands and resources within Akaitcho Territory and how it will be governed.

**November 27, 2002: Akaitcho/Tlicho Boundary Agreement**

Akaitcho and Tlicho leaders sign a boundary agreement in Behchokò addressing matters relating to the overlap of their traditional territories. It establishes how they will work together to protect and manage lands, resources and wildlife.

**February 23, 2004: Ministerial Direction**

The Minister of Indian and Northern Affairs Canada provides written policy direction to the Mackenzie Valley Land and Water Board to further clarify the Akaitcho IMA and provide guidance for its implementation.

**November 21, 2005: Interim Land Withdrawal Protocol**

An Interim Land Withdrawal Protocol is signed by the negotiators for the three parties. Once identified, the governments of the NWT and Canada will formally ensure that no further land sales, leases or other types of land dispositions take place in the withdrawn areas for a specific period of time. Interim land withdrawals give the parties assurance that areas they may want to include in an Akaitcho Agreement will remain available.

**November 2, 2006: Interim Withdrawal of Commissioner's Land in the City of Yellowknife**

The ADFN and the GNWT announce they have reached agreement on an interim land withdrawal of 1034 hectares of Commissioner's Land within the City of Yellowknife for a period of five years. This agreement forms part of an out-of-court resolution to a legal action brought by the ADFN against the GNWT and allows the parties to resume Akaitcho Process negotiations

**Current focus of negotiations**

The IMA and Interim Land Withdrawals provide a level of comfort for all parties about what activities can and cannot take place in the area under negotiation. They also put clear processes in place to ensure the Akaitcho Dene First Nations are consulted on land, resource wildlife and water related activities as negotiations move forward. This has allowed the parties to focus their efforts on reaching an Agreement-in-Principle.

Negotiation sessions occur monthly and are based on a workplan that is updated and reviewed annually. The majority of Akaitcho Process negotiation sessions take place in the ADFN traditional territory.

- 30 -

This backgrounder is available on the Internet on:

The Department of Indian Affairs and Northern Development website: [www.ainc-inac.gc.ca](http://www.ainc-inac.gc.ca)

The NWT Treaty 8 Tribal Corporation website: [www.akaitcho.info](http://www.akaitcho.info)

The Department of Aboriginal Affairs and Intergovernmental Relations website:  
<http://www.daair.gov.nt.ca/>

For further information, please contact:

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/3

**Consolidated Goldwin Exploration Drilling – MVEIRB EA 0506-005**

**IR Number: IR 1.8**  
**Source: MVEIRB**  
**To: INAC**  
**Subject: Land Management**

Original response November 3, 2005

Update to supplemental information portion March 27, 2007

**Overview of Protected Area Strategy (PAS) activities for Aboriginal groups with potential interest in the area of the proposed Consolidated Goldwin Ventures development****Akaiicho**

In November 2006, the NWT Treaty #8 Tribal Corporation, on behalf of the Yellowknives Dene First Nation, Deninu Kué First Nation and Lutsel K'e Dene First Nation, was funded in 2006-07 by the NWT PAS Secretariat - INAC to organize and re-vision conservation planning in the Akaiicho Territory. INAC expects to receive a report in April 2007.

**Yellowknives Dene First Nation**

The Yellowknives advanced Drybones Bay and Wool Bay into the NWT PAS process (Step 1) in 2004-05. INAC funded the Yellowknives to carry out archaeological research to aid in protection of these areas.

In August 2005, the NWT Protected Areas Secretariat - INAC funded the Yellowknives Dene First Nation Water, Land and Environment Committee to assist in information gathering and further work on possible protected areas. The Yellowknives have indicated that they completed the following work on the area of interest in 2005-06:

- Consultations with YKDFN membership;
- development of a draft table of contents for a protected area proposal for the Shoreline of Great Slave Lake from Dettah to Gros Cap and Drybones Bay and Wool Bay; and
- Documentation of use and occupancy information on 1:50,000 map sheets.

The maps cannot be released due to the continuing Akaiicho Process negotiations. In the report submitted to the NWT Protected Areas Strategy program for the work conducted in 2005-06, the Yellowknives state that they plan to complete PAS work and seek a government sponsor for the site.

2006-07 – Yellowknives Dene First Nation did not apply in 2006-07 to the NWT Protected Areas Strategy for funding to continue work on a protected area proposal.

**Deninu K'ue First Nation**

The Deninu K'ue First Nation has not identified any areas of interest within the NWT PAS planning process in the development area. To date the DKFN has focussed on a PAS area of interest on the south shore of Great Slave Lake.

**Lutsel K'e Dene First Nation**

To date the Lutsel K'ue Dene First Nation has not identified any areas of interest within the NWT PAS planning process in the development area.

**North Slave Métis Alliance**

The NWT PAS funded the North Slave Métis Alliance (NSMA) in 2006-07 to complete a general inventory of areas of special interest to the North Slave Métis. INAC expects to receive a report in April 2007, and is not aware of whether the NSMA will identify any areas in the area of the proposed Consolidated Goldwin Ventures development.

To date, the NSMA has not advanced any areas of interest into the PAS planning process.

**NWT Métis Nation**

The Northwest Territory Métis Nation has not identified any areas of interest within the NWT PAS planning process in the development area.

In 2005-06, the PAS Secretariat met with the NWT Métis Nation to review the PAS process. At that time, NWT Métis Nation representatives noted that there were several cultural and ecological areas that the NWT Métis Nation is interested in protecting for future generations. To date, the NWT Métis Nation has not advanced these areas through the PAS process. INAC is not aware if any of these areas are in the development area.

**Tlicho Government**

The Tlicho Government have not identified any areas of interest within the NWT PAS planning process in the development area.

# FAX

To: Pat Duxbury  
Mackenzie Valley Environmental Impact Review Board

Fax: 766-7074

Date: March 27, 2007

Pages: 7, including this one

From: Lorraine Seale, DIAND

Attached are INAC's updates to Responses for CGW IR 1.8.

Regards,  
Lorraine

**FROM THE DESK OF:**

**Lorraine Seale  
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