



Akaitcho Interim Measures Agreement Implementation Office

NWT Treaty #8 Tribal Corporation

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May 23, 2008

Alan Ehrlich – Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
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Yellowknife, NT X1A 2N7
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**RE: Further Submissions on the Bayswater and Uravan Environmental Assessments
(EA0708-002, EA0708-003, EA0708-004, EA0708-005)**

Mr. Ehrlich:

Please find attached separate documents outlining the NWT Treaty #8 Tribal Corporation's supplementary submissions pertaining to EA0708-002, EA0708-003, EA0708-004, EA0708-005. This information is supplementary to the NWT Treaty #8 Tribal Corporation's submissions transferred previously from the UR-Energy public record. For clarity, please understand that the NWT Treaty #8 Tribal Corporation represents and advocates the overarching political directives of the Akaitcho Dene First Nations (Lutsel K'e Dene First Nation, Deninu Kue First Nation, Yellowknives Dene First Nation).

The supplementary submissions for EA0708-002, EA0708-003, and EA0708-004 are identical save in proponent and project name. The supplementary submission for EA0708-005 differs somewhat from the other three.

Sincerely,

Stephen Ellis – Akaitcho IMA Implementation Coordinator
NWT Treaty #8 Tribal Corporation

- c. Chief Steven Nitah – LKDFN
A/Chief Louis Balsillie – DKFN

Chief Eddie Sangris – YKDFN (Dettah)

Chief Fred Sangris – YKDFN (Ndilo)

Iris Catholique – A/Manager, LKDFN Wildlife, Lands and Environment
Department

Rosie Bjornson – IMA Coordinator, DKFN

Rachel Crapeau – Lands Department Director, YKDFN

EA0708-002 Uravan Minerals Inc. Boomerang Lake South

First and foremost, it is important to highlight the fact that little has changed since the UR-Energy environmental assessment that might encourage the Akaitcho Dene First Nations to shift their positions vis-a-vis uranium exploration in the upper Thelon. With regards to the Boomerang Lake South project, the Akaitcho Dene assert that the predicted impacts remain the same as in UR-Energy, and are effectively communicated in the materials transferred from that EA's public registry.

In this document, I will not seek to reprise details of possible impacts as previously communicated by the Akaitcho Dene First Nations (AKFNs) during the UR-Energy EA. Rather, I will seek to demonstrate that initiatives that have taken place since the UR-Energy decision have done little, if anything, to change the contextual landscape within which the MVEIRB is reviewing this application. The fundamental issue remains the same – the upper Thelon is an extremely sacred place whose integrity is essential to the cultural, environmental, and spiritual well-being of the Akaitcho Dene. No initiative since the UR-Energy decision has provided any indication that this integrity could be maintained in concert with uranium exploration.

Crown Consultation

Pursuant to the *Haida Nation* decision, the Crown has a duty to consult when it has knowledge of the potential existence of an aboriginal or treaty right and contemplates conduct that might adversely affect these rights. In the case of the proposed exploration activities at Boomerang Lake South, the duty to consult clearly arises. The AKFNs, as signatories to Treaty #8, have constitutionally-protected rights throughout their traditional territories. The mineral exploration activity contemplated by Uravan *might* adversely affect these rights.

There can be no debate that there is an obligation to consult with Akaitcho regarding the potential for the activities contemplated by Uravan to infringe upon aboriginal and treaty rights. It is, however, extremely unclear as to which institutional entities have the jurisdiction / responsibility to dispose of this obligation in reference to the AKFNs. The MVEIRB maintains that rights-based consultations are out of its mandate as they are not provided for in the MVRMA. INAC, for its part, maintains that existing MVRMA processes are largely sufficient to deal with rights-based concerns and assertions in the Akaitcho region, even though the case law is clear in stating that public consultation processes cannot be sufficient proxies for aboriginal consultation duties. The end result is that no one is adequately addressing rights-based assertions in the Akaitcho territory.

This very issue was central to the arguments presented by the Dene Tha' in their application for judicial review in matters pertaining to the assessment of the Mackenzie Gas Pipeline. Relief was granted to the Dene Tha' as the judge presiding determined that a) there was clearly a duty to consult with the Dene Tha', and b), institutional entities responsible for consulting with the Dene Tha' concerning their rights either did not exist or did not fulfill their responsibility.

The AKFNs are extremely concerned that no entity or collection of entities has assumed responsibility for rights-based consultations as they pertain to the Uravan Boomerang Lake South environmental assessment, though the potential for rights-infringements has been clearly asserted and articulated by the AKFNs. In this matter, the AKFNs must conclude that in this matter the Crown is in breach of its duty to consult.

The recent *Ka'a Ge Tu* decision out of Kakisa clearly mandates that the Boards responsible for implementing the MVRMA must insure that consultation has occurred prior to issuing any authorizations, and that the consultative obligations of the Crown have been adequately disposed. In the case of the Boomerang Lake South project, as with UR-Energy, this obligation has not been fulfilled.

Given the lack of adequate Crown consultation and accommodation on this file, the MVEIRB must assume that treaty and aboriginal rights infringements are likely to occur if this project is approved. Treaty and aboriginal rights are offered the highest level of protection available under Canadian law (e.g. constitutional); therefore, as an institution of public governance, the MVEIRB must do what it can to protect these rights, however uncertain its responsibilities in this regard may be.

Protection Afforded to Cultural and Natural Sensitivities in the Upper Thelon

The only initiative of substance that has affected the context in the upper Thelon has been the resolution of the Akaitcho Interim Land Withdrawals (ILWs), which were signed into law by Canada in November 2007. In the upper Thelon watershed, these ILWs temporarily protect (e.g. 5 years) from disposition some areas of moderate interest to the Akaitcho Dene. However, the core area of interest to the Akaitcho Dene, that being the portion of the Thelon River valley between the confluence of the Thelon and Elk Rivers down to the Thelon Game Sanctuary, is not withdrawn. This is not for lack of trying on the part of the Akaitcho Dene.

The Akaitcho ILWs were negotiated between 2005 and 2006. Initial maps advanced by Akaitcho proposed the most important cultural areas for withdrawal – the shorelines of Great Slave Lake, the travel routes between the boreal forest and the barrenlands, and the sacred “birthplace of the Dene” that is the upper Thelon, particularly the area proximal to the river itself. Unfortunately for Akaitcho, the negotiation of the ILWs coincided with the tenfold increase in the price of uranium, resulting in a staking rush in the upper Thelon watershed. Consequently, the Akaitcho negotiators had to regularly adjust their proposed ILW maps to accommodate an ever-growing mineral claim footprint in the region (See attached maps comparing mineral claim footprints between November 2005 and July 2007).

This accommodation was not done willingly. Akaitcho was effectively precluded from selecting the lands newly under mineral claim in the ILWs as existing interests are “grandfathered”. Any interest registered prior to November 2007 took precedence over the ILWs. For example, if an area under existing mineral claim was identified by Akaitcho for withdrawal, the withdrawal order would not apply until such a time as the claim holder chose to allow its interest to lapse. Akaitcho, provided with a limited quantum with which to identify ILWs, was forced into making a choice: either select prime lands under mineral claim and gamble that the owner allows the interest to lapse (highly unlikely given the “hot” uranium commodity), or else use the limited quantum in areas where the withdrawal order would actually apply. In the end, Akaitcho’s hand was forced to agree to ILWs in sub-marginal areas outside the core upper Thelon.

It is essential that the MVEIRB understand that the absence of ILWs in the core of the upper Thelon is not indicative of Akaitcho interest in the region. Nothing could be further from the truth. Had the ILWs been concluded prior to the uranium staking rush in the region, there is absolutely no question that the core of the upper Thelon would be withdrawn today, including where the Boomerang Lake South project is proposed.

Status of Government Planning Initiative Arising Out of UR-Energy Decision

In response to the UR-Energy decision, the Responsible Ministers (INAC, Environment, GNWT-ENR) committed to developing a long-term land and resource management plan in the upper Thelon region. Though roughly a year has passed since Ministerial acceptance of the UR-Energy decision, progress on this initiative has been limited. To date, the lead government agency (INAC) has but sketched out a rough concept of what such a planning exercise might entail (Dec. 7, 2007 letter signed by Trish Merrithew-Mercredi, attached), and has held some very preliminary discussions with potential parties to the process.

Suffice to say, the upper Thelon planning process is in its inception. The whole purpose of this planning exercise is to develop context with which to assess the feasibility of development in the region (e.g. to avoid the confusion that surrounded the UR-Energy EA). This was clearly the intent of the UR-Energy decision – to insure that the requisite planning was completed in order to accommodate the various overlapping and sometimes conflicting interests in the upper Thelon. Implicitly, in order to insure a measure of clarity and certainty, such planning should be completed prior to the consideration of new development proposals in the region. Indeed, this very point is recognized by INAC in the Dec. 7, 2007 letter, where it indicates that during the proposed 3-year planning period, mineral rights holders in the upper Thelon could be provided with relief under Section 81 of the *Canada Mining Regulations*.

INAC has yet to provide any relief to mineral rights holders in the upper Thelon while it seeks to act on the UR-Energy decision. Consequently, we are in the somewhat absurd situation of having to engage in the environmental assessment of four proposed exploration programs in the upper Thelon that differ very little from UR-Energy. Without guidance from an implemented upper Thelon plan, we are again fumbling around in a policy void. Moreover, the outcomes of these environmental assessments may be highly prejudicial to the upper Thelon planning process, particularly if a project is approved in the core Thelon River valley region.

The MVEIRB should recommend that INAC provide relief and/or compensation to mineral claim holders in the upper Thelon in the interim while the Thelon plan is developed and implemented. It makes no conceivable sense to consider the Boomerang Lake South project in the absence of the context deemed necessary for such review by the MVEIRB and the Minister in the UR-Energy decision.

Need for Public Hearing

It is the contention of the Akaitcho Dene that most of the submissions made by the parties to the UR-Energy EA (except the proponent) are directly applicable to the Boomerang Lake South EA. As such, it is the expectation of the Akaitcho Dene that the submissions transferred over will be given equivalent weight as if they originated during this EA.

Since the UR-Energy EA, the MVEIRB membership has undergone some significant changes. The new members, including the Chair, were not involved in the UR-Energy EA. Most significantly, they did not participate in the public hearing in Lutsel K'e, where elder testimony comprised a significant portion of the evidence submitted. While the current Board members are privy to the proceedings of that hearing and the parties' presentations, nothing can substitute for the personal witness of the testimonies there delivered in order to understand their full weight.

While it is certainly not in the convenience of the Akaitcho Dene to participate in a public hearing for the Boomerang Lake South EA, there is a concern that the evidence transferred over from the UR-Energy hearing into this EA will not be afforded the same solemnity. The MVEIRB, if it has any doubts about its ability to appropriately glean the significance of the transferred hearing proceedings, should order a public hearing in Lutsel K'e for the Boomerang Lake South EA.

EA0708-003 Uravan Minerals Inc. Boomerang Lake North

First and foremost, it is important to highlight the fact that little has changed since the UR-Energy environmental assessment that might encourage the Akaitcho Dene First Nations to shift their positions vis-a-vis uranium exploration in the upper Thelon. With regards to the Boomerang Lake North project, the Akaitcho Dene assert that the predicted impacts remain the same as in UR-Energy, and are effectively communicated in the materials transferred from that EA's public registry.

In this document, I will not seek to reprise details of possible impacts as previously communicated by the Akaitcho Dene First Nations (AKFNs) during the UR-Energy EA. Rather, I will seek to demonstrate that initiatives that have taken place since the UR-Energy decision have done little, if anything, to change the contextual landscape within which the MVEIRB is reviewing this application. The fundamental issue remains the same – the upper Thelon is an extremely sacred place whose integrity is essential to the cultural, environmental, and spiritual well-being of the Akaitcho Dene. No initiative since the UR-Energy decision has provided any indication that this integrity could be maintained in concert with uranium exploration.

Crown Consultation

Pursuant to the *Haida Nation* decision, the Crown has a duty to consult when it has knowledge of the potential existence of an aboriginal or treaty right and contemplates conduct that might adversely affect these rights. In the case of the proposed exploration activities at Boomerang Lake North, the duty to consult clearly arises. The AKFNs, as signatories to Treaty #8, have constitutionally-protected rights throughout their traditional territories. The mineral exploration activity contemplated by Uravan *might* adversely affect these rights.

There can be no debate that there is an obligation to consult with Akaitcho regarding the potential for the activities contemplated by Uravan to infringe upon aboriginal and treaty rights. It is, however, extremely unclear as to which institutional entities have the jurisdiction / responsibility to dispose of this obligation in reference to the AKFNs. The MVEIRB maintains that rights-based consultations are out of its mandate as they are not provided for in the MVRMA. INAC, for its part, maintains that existing MVRMA processes are largely sufficient to deal with rights-based concerns and assertions in the Akaitcho region, even though the case law is clear in stating that public consultation processes cannot be sufficient proxies for aboriginal consultation duties. The end result is that no one is adequately addressing rights-based assertions in the Akaitcho territory.

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The AKFNs are extremely concerned that no entity or collection of entities has assumed responsibility for rights-based consultations as they pertain to the Uravan Boomerang Lake North environmental assessment, though the potential for rights-infringements has been clearly asserted and articulated by the AKFNs. In this matter, the AKFNs must conclude that in this matter the Crown is in breach of its duty to consult.

The recent *Ka'a Ge Tu* decision out of Kakisa clearly mandates that the Boards responsible for implementing the MVRMA must insure that consultation has occurred prior to issuing any authorizations, and that the consultative obligations of the Crown have been adequately disposed. In the case of the Boomerang Lake North project, as with UR-Energy, this obligation has not been fulfilled.

Given the lack of adequate Crown consultation and accommodation on this file, the MVEIRB must assume that treaty and aboriginal rights infringements are likely to occur if this project is approved. Treaty and aboriginal rights are offered the highest level of protection available under Canadian law (e.g. constitutional); therefore, as an institution of public governance, the MVEIRB must do what it can to protect these rights, however uncertain its responsibilities in this regard may be.

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The Akaitcho ILWs were negotiated between 2005 and 2006. Initial maps advanced by Akaitcho proposed the most important cultural areas for withdrawal – the shorelines of Great Slave Lake, the travel routes between the boreal forest and the barrenlands, and the sacred “birthplace of the Dene” that is the upper Thelon, particularly the area proximal to the river itself. Unfortunately for Akaitcho, the negotiation of the ILWs coincided with the tenfold increase in the price of uranium, resulting in a staking rush in the upper Thelon watershed. Consequently, the Akaitcho negotiators had to regularly adjust their proposed ILW maps to accommodate an ever-growing mineral claim footprint in the region (See attached maps comparing mineral claim footprints between November 2005 and July 2007).

This accommodation was not done willingly. Akaitcho was effectively precluded from selecting the lands newly under mineral claim in the ILWs as existing interests are “grandfathered”. Any interest registered prior to November 2007 took precedence over the ILWs. For example, if an area under existing mineral claim was identified by Akaitcho for withdrawal, the withdrawal order would not apply until such a time as the claim holder chose to allow its interest to lapse. Akaitcho, provided with a limited quantum with which to identify ILWs, was forced into making a choice: either select prime lands under mineral claim and gamble that the owner allows the interest to lapse (highly unlikely given the “hot” uranium commodity), or else use the limited quantum in areas where the withdrawal order would actually apply. In the end, Akaitcho’s hand was forced to agree to ILWs in sub-marginal areas outside the core upper Thelon.

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Since the UR-Energy EA, the MVEIRB membership has undergone some significant changes. The new members, including the Chair, were not involved in the UR-Energy EA. Most significantly, they did not participate in the public hearing in Lutsel K'e, where elder testimony comprised a significant portion of the evidence submitted. While the current Board members are privy to the proceedings of that hearing and the parties' presentations, nothing can substitute for the personal witness of the testimonies there delivered in order to understand their full weight.

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EA0708-004 Bayswater Uranium Corp. El Lake

First and foremost, it is important to highlight the fact that little has changed since the UR-Energy environmental assessment that might encourage the Akaitcho Dene First Nations to shift their positions vis-a-vis uranium exploration in the upper Thelon. With regards to the El Lake project, the Akaitcho Dene assert that the predicted impacts remain the same as in UR-Energy, and are effectively communicated in the materials transferred from that EA's public registry.

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Crown Consultation

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There can be no debate that there is an obligation to consult with Akaitcho regarding the potential for the activities contemplated by Bayswater to infringe upon aboriginal and treaty rights. It is, however, extremely unclear as to which institutional entities have the jurisdiction / responsibility to dispose of this obligation in reference to the AKFNs. The MVEIRB maintains that rights-based consultations are out of its mandate as they are not provided for in the MVRMA. INAC, for its part, maintains that existing MVRMA processes are largely sufficient to deal with rights-based concerns and assertions in the Akaitcho region, even though the case law is clear in stating that public consultation processes cannot be sufficient proxies for aboriginal consultation duties. The end result is that no one is adequately addressing rights-based assertions in the Akaitcho territory.

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EA0708-005 Bayswater Uranium Corp. Crab Lake

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The Crab Lake project differs from the Ur-Energy's Screech Lake Project, Uravan's Boomerang Lake (North and South) Projects, and Bayswater's El Lake Project in one way. While these other projects are situated in the core of the greater Thelon watershed, the Crab Lake Project is just inside the Dubawnt watershed (though drilling is proposed to take place very close to the height of land between the two watersheds, and immediately adjacent to the Thelon Game Sanctuary). Akaitcho Dene concern with this project is different in some minor regards than with the uranium projects proposed in the Thelon River valley itself.

Cultural Concerns

Though the Crab Lake Project (drilling and camp establishment) is proposed to take place in the Dubawnt watershed, and is therefore somewhat removed from the core area of Akaitcho cultural importance along the Thelon River valley, the activities' proximity to Beaverhill Lake, the Clarke River, and the Mosquito Lake/Mary Lake/Sid Lake/Mantic Lake system is of concern. These areas were all used extensively by ancestral Denesoline, and Beaverhill Lake itself has sustained much more recent use. Prince of Wales Northern Heritage Centre databases indicate a substantial concentration of archaeological sites immediately to the south of the proposed drill sites and camp for this project (Sid Lake to Mantic Lake). There can be no question that were archaeological surveys to be conducted in the immediate vicinity of the proposed camp and drill sites, similar concentrations of sites would be found. As often repeated by many Akaitcho Dene, you cannot sit down anywhere in this region without sitting on archaeological evidence.

The integrity of the heritage resources in the region are of paramount importance to the Akaitcho Dene. These resources are the living history of the Denesoline, and represent the strong cultural and spiritual tie that the Akaitcho Dene have to this milieu. These heritage resources require the highest protection.

It is also critical to note that while the cultural importance of the immediate Crab Lake region to the Akaitcho Dene may be somewhat less than the Thelon River valley proper, this is not the case for the Denesoline people as a whole. It is highly likely that the Athabaska Denesuline have extremely significant cultural concerns with the area in question.

The MVEIRB should insure that archaeological resources in the region are quantified and qualified by accredited archaeologists and Denesoline elders prior to any consideration of permit issuance in the area.

Caribou Concerns

The location of the Crab Lake project in the Dubawnt watershed does nothing to detract from its potential impacts upon the Beverly caribou herd. Watershed boundaries do not delimit caribou use. Both the Thelon and Dubawnt watersheds are critical post-calving habitat for the Beverly herd, and both the Clarke River forming the southern boundary of the Thelon Game Sanctuary and the Mosquito Lake/Mary Lake/Sid Lake /Mantic Lake system are known by the Akaitcho Dene to contain major caribou crossings and migration routes.

The MVEIRB must consider submissions transferred from the UR-Energy EA pertaining to caribou directly applicable to the Crab Lake EA.

Crown Consultation

Pursuant to the *Haida Nation* decision, the Crown has a duty to consult when it has knowledge of the potential existence of an aboriginal or treaty right and contemplates conduct that might adversely affect these rights. In the case of the proposed exploration activities at Crab Lake, the duty to consult clearly arises. The AKFNs, as signatories to Treaty #8, have constitutionally-protected rights throughout their traditional territories. The mineral exploration activity contemplated by Bayswater *might* adversely affect these rights.

There can be no debate that there is an obligation to consult with Akaitcho regarding the potential for the activities contemplated by Bayswater to infringe upon aboriginal and treaty rights. It is, however, extremely unclear as to which institutional entities have the jurisdiction / responsibility to dispose of this obligation in reference to the AKFNs. The MVEIRB maintains that rights-based consultations are out of its mandate as they are not provided for in the MVRMA. INAC, for its part, maintains that existing MVRMA processes are largely sufficient to deal with rights-based concerns and assertions in the Akaitcho region, even though the case law is clear in stating that public consultation processes cannot be sufficient proxies for aboriginal consultation duties. The end result is that no one is adequately addressing rights-based assertions in the Akaitcho territory.

This very issue was central to the arguments presented by the Dene Tha' in their application for judicial review in matters pertaining to the assessment of the Mackenzie Gas Pipeline. Relief was granted to the Dene Tha' as the judge presiding determined that a) there was clearly a duty to consult with the Dene Tha', and b), institutional entities responsible for consulting with the Dene Tha' concerning their rights either did not exist or did not fulfill their responsibility.

The AKFNs are extremely concerned that no entity or collection of entities has assumed responsibility for rights-based consultations as they pertain to the Bayswater Crab Lake environmental assessment, though the potential for rights-infringements has been clearly asserted and articulated by the AKFNs. In this matter, the AKFNs must conclude that in this matter the Crown is in breach of its duty to consult.

The recent *Ka'a Ge Tu* decision out of Kakisa clearly mandates that the Boards responsible for implementing the MVRMA must insure that consultation has occurred prior to issuing any authorizations, and that the consultative obligations of the Crown have been adequately disposed. In the case of the Crab Lake project, as with UR-Energy, this obligation has not been fulfilled.

Given the lack of adequate Crown consultation and accommodation on this file, the MVEIRB must assume that treaty and aboriginal rights infringements are likely to occur if this project is approved. Treaty and aboriginal rights are offered the highest level of protection available under Canadian law (e.g. constitutional); therefore, as an institution of public governance, the MVEIRB must do what it can to protect these rights, however uncertain its responsibilities in this regard may be.

Status of Government Planning Initiative Arising Out of UR-Energy Decision

Though the Crab Lake project falls outside of the Thelon watershed proper, it is within the Thelon geological basin. This, coupled with the fact that the project is directly adjacent to the Thelon watershed, will mean that the Crab Lake region will be considered in INAC's upper Thelon land and resource management process.

In response to the UR-Energy decision, the Responsible Ministers (INAC, Environment, GNWT-ENR) committed to developing a long-term land and resource management plan in the upper Thelon region. Though roughly a year has passed since Ministerial acceptance of the UR-Energy decision, progress on this initiative has been limited. To date, the lead government agency (INAC) has but sketched out a rough concept of what such a planning exercise might entail (Dec. 7, 2007 letter signed by Trish Merrithew-Mercredi, attached), and has held some very preliminary discussions with potential parties to the process.

Suffice to say, the upper Thelon planning process is in its inception. The whole purpose of this planning exercise is to develop context with which to assess the feasibility of development in the region (e.g. to avoid the confusion that surrounded the UR-Energy EA). This was clearly the intent of the UR-Energy decision – to insure that the requisite planning was completed in order to accommodate the various overlapping and sometimes conflicting interests in the upper Thelon. Implicitly, in order to insure a measure of clarity and certainty, such planning should be completed prior to the consideration of new development proposals in the region. Indeed, this very point is recognized by INAC in the Dec. 7, 2007 letter, where it indicates that during the proposed 3-year planning period, mineral rights holders in the upper Thelon could be provided with relief under Section 81 of the *Canada Mining Regulations*.

INAC has yet to provide any relief to mineral rights holders in the upper Thelon while it seeks to act on the UR-Energy decision. Consequently, we are in the somewhat absurd situation of having to engage in the environmental assessment of four proposed exploration programs in the upper Thelon that differ very little from UR-Energy. Without guidance from an implemented upper Thelon plan, we are again fumbling around in a policy void. Moreover, the outcomes of these environmental assessments may be highly prejudicial to the upper Thelon planning process, particularly if a project is approved in the core Thelon River valley region.

The MVEIRB should recommend that INAC provide relief and/or compensation to mineral claim holders in the upper Thelon in the interim while the Thelon plan is developed and implemented. It makes no conceivable sense to consider the Crab Lake project in the absence of the context deemed necessary for such review by the MVEIRB and the Minister in the UR-Energy decision.

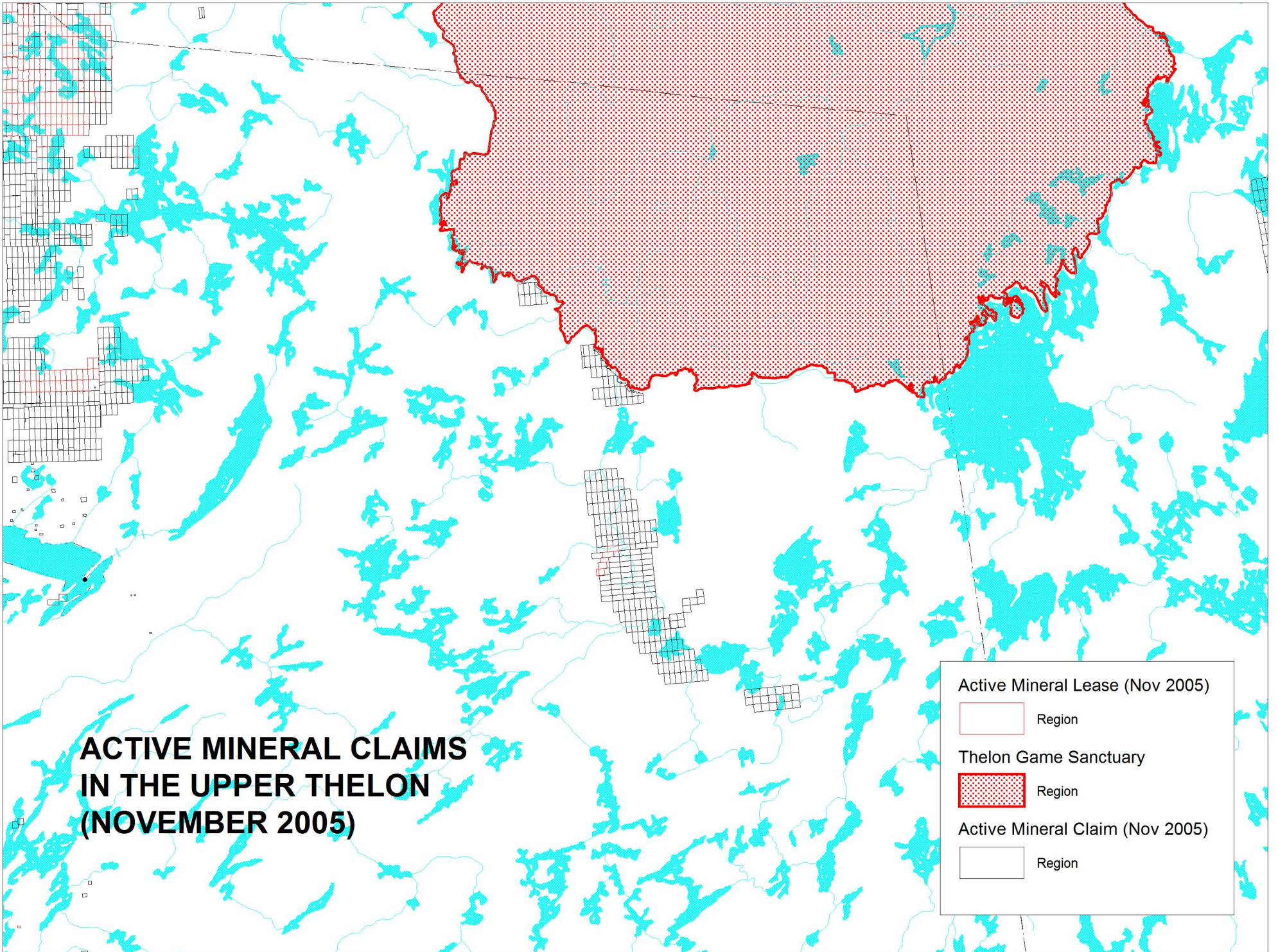
Need for Public Hearing

It is the contention of the Akaitcho Dene that most of the submissions made by the parties to the UR-Energy EA (except the proponent) are directly applicable to the Crab Lake EA. As such, it is the expectation of the Akaitcho Dene that the submissions transferred over will be given equivalent weight as if they originated during this EA.

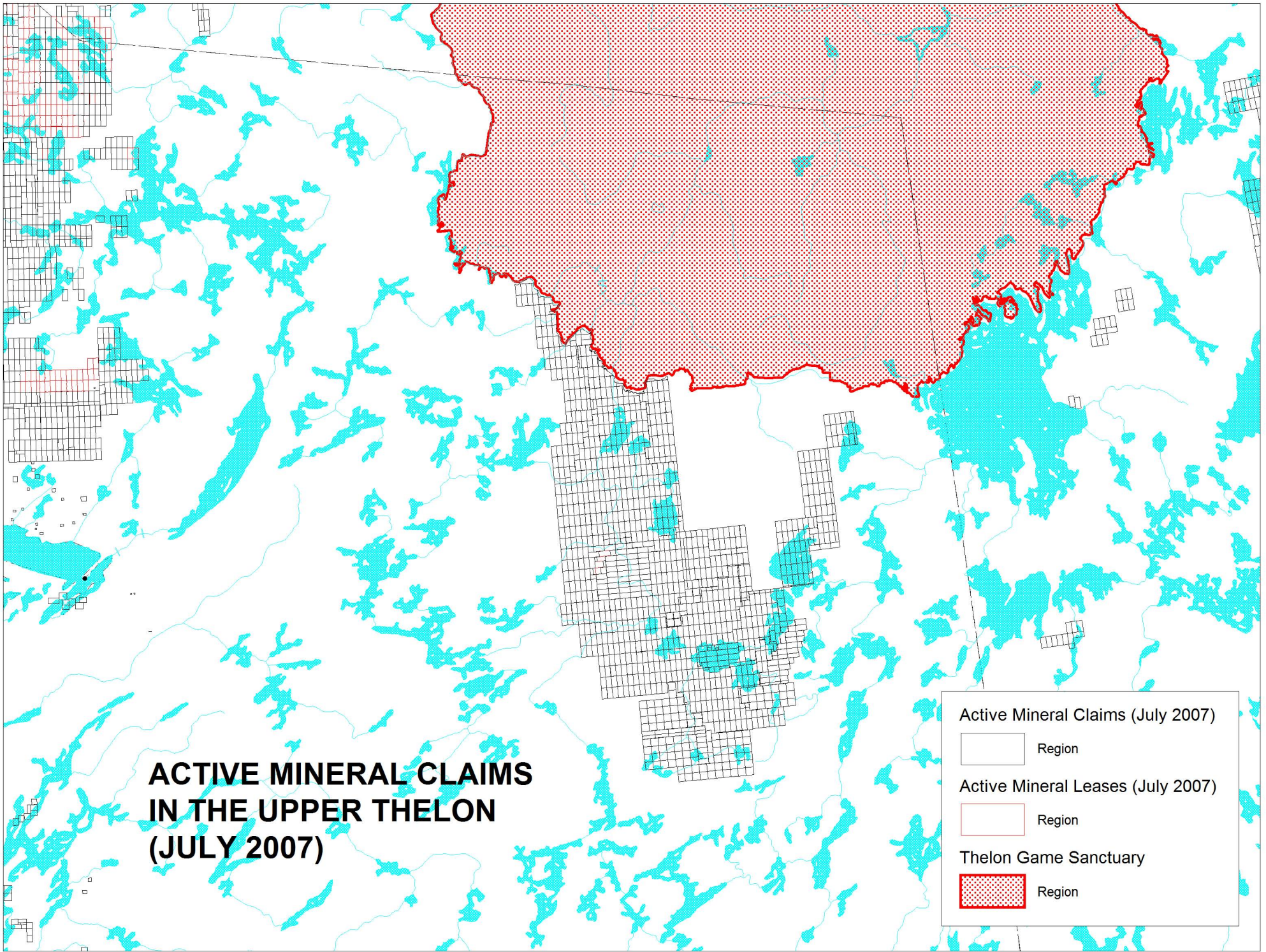
Since the UR-Energy EA, the MVEIRB membership has undergone some significant changes. The new members, including the Chair, were not involved in the UR-Energy EA. Most significantly, they did not participate in the public hearing in Lutsel K'e, where elder testimony comprised a significant portion of the evidence submitted. While the current Board members are privy to the proceedings of that hearing and the parties' presentations, nothing can substitute for the personal witness of the testimonies there delivered in order to understand their full weight.

While it is certainly not in the convenience of the Akaitcho Dene to participate in a public hearing for the Crab Lake EA, there is a concern that the evidence transferred over from the UR-Energy hearing into this EA will not be afforded the same solemnity. The MVEIRB, if it has any doubts about its ability to appropriately glean the significance of the transferred hearing proceedings, should order a public hearing in Lutsel K'e for the Crab Lake EA.

**ACTIVE MINERAL CLAIMS
IN THE UPPER THELON
(NOVEMBER 2005)**



ACTIVE MINERAL CLAIMS IN THE UPPER THELON (JULY 2007)



Indian and Northern
Affairs CanadaAffaires indiennes
et du Nord CanadaBox 1500
Yellowknife NT X1A 2R3

December 07, 2007

Dear Interested Party:

In response to issues raised during the environmental assessment process of Ur-Energy's application for a land use permit for exploration, the Responsible Ministers committed to developing an action plan to address long-term land and resource management in the Thelon region.

The purpose of the plan is to re-set the operating environment following the conclusion of the environmental assessment process and to ensure there is a balance of interests in the Thelon region. To confirm that all interests are adequately reflected in the planning process, a key component of the Responsible Ministers' approach to developing this plan is to actively engage decision-making partners and other parties in discussions regarding future land and resource management in the area.

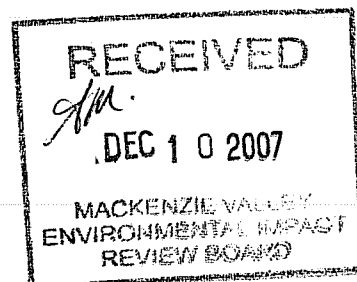
Canada recognizes Aboriginal groups with asserted rights in the Upper Thelon region and the Government of the Northwest Territories as partners in the development and implementation of this management plan; and is committed to working with parties identified in the enclosed document to create certainty around land and resource management in this area.

As a starting point for these discussions, the enclosed document sets the context for the Upper Thelon Land and Resource Management Plan from an Indian and Northern Affairs perspective. It includes proposed short and long term goals as well as components that the Responsible Ministers recognize as important.

In an effort to move forward, Teresa Joudrie, the department lead coordinating this initiative, will be contacting you within the next month to facilitate your involvement in the development and implementation of the plan. In the meantime, if you have questions or concerns, Teresa can be reached by phone at (867) 669-2588 or by email at joudriet@inac-ainc.gc.ca.

Sincerely,

Trish Merrithew-Mercredi
Regional General Director
Northwest Territories



Distribution List Upper Thelon Land and Resource Management Plan Status Report

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07/12/2007

STATUS REPORT ON UPPER THELON LAND AND RESOURCE MANAGEMENT PLAN

Preamble

Since the announcement of the Responsible Ministers' decision regarding MVEIRB's recommendation to reject UR Energy's application for a Land Use Permit for exploration in the Thelon geologic basin, Indian and Northern Affairs Canada (INAC) has been working to develop an integrated plan to manage land and resources in the Thelon region. The purpose of the plan is to re-set the operating environment following the conclusion of the Environmental Assessment process and create a balance of interests in the Thelon region. The Crown has significant interest in the Thelon geologic basin as it contains uranium resources that represent a strategic commodity that are an important source of "green" energy for Canada.¹

Components of the plan include short- and long-term goals. In the short term, we propose to undertake work that will create certainty for parties with interests in the region, with specific "wins" identified for parties with interests in the area. In the longer term, we propose to initiate studies that will inform the development of a balanced land and resource management plan and to facilitate improved relations among industry and Aboriginal groups with interests in the area.

Still to be finalized are the timeframes for the short and long term pieces of the plan, and the specific lists of parties to be engaged. Decision-making partners include Aboriginal groups with interests in the region: Akaitcho Dene First Nations, Northwest Territory Métis Nation and Athabasca Denesuline, Responsible Ministers for the UR Energy environmental assessment (INAC, Government of the Northwest Territories, Environment Canada) and Natural Resources Canada, who are responsible for developing Canada's energy policy. Other parties include, but are not limited to, industry representatives, resource management boards, and non-government organizations (NGO's); these parties will be kept informed of progress and engaged, as appropriate, in the implementation of the plan. With respect to timeframes, it is proposed that "short term" be defined as within 6 months of the decision, and "long term" be delimited by the end of March, 2010 (i.e. two years after short term goals are achieved).

Summary of Short-term Goals

Short-term goals consist of addressing (or leveraging) one or more of the objectives that have been expressed by parties with vested interests in the area. Such "wins" are defined as an action on the part of a Responsible Minister that contributes to certainty with respect to the values expressed by one or more of the parties, and will serve to indicate that government is hearing and responding to concerns, and create an atmosphere in which all interests can be accommodated.

¹ Sustainable Development Strategy: Moving Forward
<http://www.nrcan.gc.ca/sd-dd/pubs/strat2004/PDFs/sds2004.pdf>

Two such "wins" have been achieved to date:

- Akaitcho First Nations have had their interim land withdrawal approved; and
- Aboriginal groups and organizations with conservation interests have seen the interim withdrawal of the proposed East Arm National Park area of interest.

A short term win for industry has yet to be achieved. In the short term, we will undertake work with decision-making partners and other parties to seek agreement for a portion of the Thelon geologic basin to be defined as "open for business", thus allowing at least some mineral exploration to proceed.

Summary of Long-term Goal

The long-term goal is for decision-making partners to develop a land and resource management plan for the Thelon geologic basin that adequately balances the various interests of all parties and guides development in the region. Such a plan would respond to MVEIRB's suggestions that baseline environmental information be gathered to support resource management decisions and that land use planning be undertaken in the area. Six primary components are envisioned for the plan to achieve its goal:

- Geologic studies;
- Environmental studies;
- Cultural/traditional knowledge studies;
- Regional engagement;
- Industry-community liaison; and
- Progress on lands, resources and governance negotiations.

The three sets of studies will provide data that will inform decisions over which portions of land should be open for development and which should be conserved. Although the studies focus on three different topics, it will be important that they are coordinated to ensure efforts are focussed on areas that are most contentious, and therefore require the most information to support decision making. This process is distinct from, but will consider linkages to, the draft Thelon Game Sanctuary Management Plan.

To ensure success, the process must be inclusive and transparent. To that end, the latter three components (regional engagement, industry-community liaison and claims negotiations) will be critical components that will underpin all stages of the plan.

While detailed discussions regarding the scope and timelines for the studies have not yet been held, some thoughts are offered here as a starting point for planning purposes. It is proposed that the studies be undertaken over a period of two years. Factoring about 6 months' lead time to consult with parties on the scope of the work and 6 months following completion of the studies to review the results and reach consensus on boundaries, a total of 3 years is envisioned between the EA decision and a final plan for land and resource management in the Upper Thelon area. During this period, relief can be granted to mineral rights holders under Section 81 of the Canada Mining Regulations to allow them to hold their properties in good standing. Such a timeline limits the footprint of the area to be studied. As a starting point for discussion, it is proposed that the study area be focused on that portion of the Thelon geologic basin that lies within the

Thelon watershed, as this is the area of overlapping and conflicting interests among parties.

Participants:

This process recognizes the partnership role that Aboriginal groups must play in developing the plan for land and resource management, and the value of engaging other parties in the work. While specific roles of the parties still need to be discussed, the following is envisioned:

Responsible Ministers and Aboriginal Groups:

- coordination and implementation of the plan; leadership of individual components in collaboration with other parties as appropriate

Beverly-Qamanirjuaq Caribou Management Board:

- contribute to the environmental studies through collaboration with GNWT's Department of Environment and Natural Resources on caribou studies

Mineral Exploration Companies:

- provide input to the scope of the geologic study and participate in the review of the results

Natural Resources Canada:

- participate in/contribute to the geologic study

Mackenzie Valley Environmental Impact Review Board:

- consider short term decisions and participate in discussions to finalize the scope of the environmental and cultural/traditional knowledge studies

Mackenzie Valley Land & Water Board:

- consider short term decisions and participate in discussions to finalize the scope of the environmental and cultural/traditional knowledge studies

Other parties:

- engage at various stages of the process; will include the Kivvalli Inuit Association, the Baker Lake Hunters & Trappers Association, NGO's, tourism operators

Four applications to undertake uranium exploration in the Thelon geologic basin are presently before the Mackenzie Valley Environmental Impact Review Board. As the Board conducts these environmental assessments, Responsible Ministers will keep the Board apprised of progress on the Upper Thelon Land and Resource Management Plan.