

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

AUG 22 2003

Ms. Melody J. McLeod
Chair
Mackenzie Valley Land and Water Board
PO Box 2130
7th Floor - 4910 50th Avenue
YELLOWKNIFE NT X1A 2P6

Mackenzie Valley Land
& Water Board

File 1030-10-018

AUG 29 2003

Application # 1000-20-023

Copied To mm/BW

Dear Ms. McLeod:

Attached you will find two letters providing policy direction to the Mackenzie Valley Land and Water Board pursuant to section 82 of the Mackenzie Valley Resource Management Act (MVRMA).

The policy letters are issued to provide guidance to the Board with respect to carrying out of the Board's functions under sections 63(2) and 64(1) of the MVRMA, in the specific circumstances set out in the policy direction.

Yours sincerely,

Robert D. Nault, PC, MP

Encl.

Policy Direction to the Mackenzie Valley Land and Water Board
Regarding Consultations with the Manitoba Denesuline

- Whereas: the Government of Canada and the Sayisi Dene First Nation and the Northlands Dene First Nations (the “Manitoba Denesuline”) are in without prejudice negotiations to resolve the litigation surrounding harvesting rights north of 60 degrees latitude, which are asserted by the Manitoba Denesuline in its Statement of Claim in *Chief Simon Samuel et al v. HMTQ et al.* (Federal Court Action No. T-703-93);
- Whereas: the Government of Canada has agreed, during the active negotiations surrounding rights north of 60 degrees latitude which are asserted by the Manitoba Denesuline, to consult the Manitoba Denesuline with respect to the possible effects of certain activities proposed for the area of the Northwest Territories identified in the attached map (Annex “A”);
- Whereas: land and water use and the deposit of waste in the Mackenzie Valley is subject to the *Mackenzie Valley Resource Management Act* and the area of the Northwest Territories identified in Annex “A” is within this jurisdiction; and
- Whereas: in accordance with the *Mackenzie Valley Resource Management Act*, consultations respecting this policy direction have previously been conducted with the Mackenzie Valley Land and Water Board (“the Board”).

I now therefore, issue the following policy direction to the Board, pursuant to section 82 of the *Mackenzie Valley Resource Management Act*.

This policy direction shall guide the Board in the carrying out of its functions under the *Mackenzie Valley Resource Management Act* in consulting with the Manitoba Denesuline while the without prejudice negotiations are active.

I hereby direct the Board to:

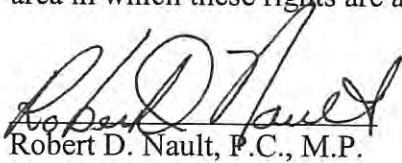
1. Notify the Manitoba Denesuline of an application made to the Board for a licence or permit in relation to the area identified in Annex “A” of this policy direction and allow a reasonable period of time for them to make representations to the board with respect to the application [63(2)];
2. seek and consider the advice of the Manitoba Denesuline respecting the presence of heritage resources that might be affected by a use of land or waters or a deposit of waste proposed in an application for a licence or permit.[64(1)]

3. The Board shall notify or seek the advice from the Manitoba Denesuline through:

Symbion Consultants
415-70 Arthur Street
Winnipeg, Manitoba
R3B 1G7

Tel: (204) 982-2941
Fax: (204) 982 2949

Nothing in this policy direction is intended to be interpreted as recognizing any rights that the Manitoba Denesuline have asserted north of 60° degrees latitude or recognizing the extent of the area in which these rights are asserted as identified in Annex "A".



Robert D. Nault, P.C., M.P.

Minister

Indian Affairs and Northern Development

AUG 22 2003

Date

Policy Direction to the Mackenzie Valley Land and Water Board
Regarding Consultations with the Saskatchewan Athabasca Denesuline

- Whereas: the Government of Canada and the Fond du Lac First Nation, the Black Lake First Nation, and the Hatchet Lake First Nation (the “Saskatchewan Athabasca Denesuline”) are in without prejudice negotiations to resolve the litigation surrounding harvesting rights north of 60 degrees latitude, which are asserted by the Saskatchewan Athabasca Denesuline in its Statement of Claim in *Louis Benoanie et al. v. The Queen et al.* (Federal Court Action No. T-1301-01);
- Whereas: the Government of Canada has agreed, during the active negotiations surrounding rights north of 60 degrees latitude which are asserted by the Saskatchewan Athabasca Denesuline, to consult the Saskatchewan Athabasca Denesuline with respect to the possible effects of certain activities proposed for the area of the Northwest Territories identified in the attached map (Annex “B”);
- Whereas: land and water use and the deposit of waste in the Mackenzie Valley is subject to the *Mackenzie Valley Resource Management Act* and the area of the Northwest Territories identified in Annex “B”; and
- Whereas: in accordance with the *Mackenzie Valley Resource Management Act*, consultations respecting this policy direction have previously been conducted with the Mackenzie Valley Land and Water Board (“the Board”).

I now therefore, issues the following policy direction to the Board, pursuant to section 82 of the *Mackenzie Valley Resource Management Act*.

This policy direction shall guide the Board in the carrying out of its functions under the *Mackenzie Valley Resource Management Act* in consulting with the Saskatchewan Athabasca Denesuline while the without prejudice negotiations are active.

I hereby direct the Board to:

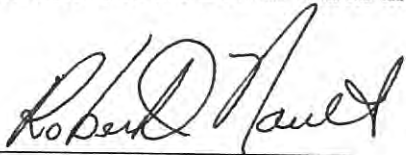
1. Notify the Saskatchewan Athabasca Denesuline of an application made to the Board for a licence or permit in relation to the area identified in Annex “B” of this policy direction and allow a reasonable period of time for them to make representations to the board with respect to the application [63(2)];
2. seek and consider the advice of the Saskatchewan Athabasca Denesuline respecting the presence of heritage resources that might be affected by a use of land or waters or a deposit of waste proposed in an application for a licence or permit.[64(1)]

3. The Board shall notify or seek the advice from the Saskatchewan Athabasca Denesuline through:

Negotiations Coordinator
Prince Albert Grand Council
Suite 206
1004-1st Ave. West
Prince Albert, Saskatchewan
S6V 4Y4

Tel: (306) 922-7612
Fax: (306) 763-2973

Nothing in this policy direction is intended to be interpreted as recognizing any rights that the Saskatchewan Athabasca Denesuline have asserted north of 60° degrees latitude or recognizing the extent of the area in which these rights are asserted as identified in Annex "B".



Robert D. Nault, P.C., M.P.
Minister
Indian Affairs and Northern Development

AUG 22 2003

Date



Mackenzie Valley Land and Water Board

7th Floor - 4910 50th Avenue • P.O. Box 2130

YELLOWKNIFE, NT X1A 2P6

Phone (867) 669-0506 • FAX (867) 873-6610



April 9, 2002

File No. 1000-20-003
1030-10-018

Mark Prystupa
A/Director
Aboriginal and Territorial Relations
Indian and Northern Affairs Canada

Dear Mr. Prystupa:

Thank you for your letter concerning the draft policy with respect to consultations with the Manitoba Denesuline and the Saskatchewan Athabasca Denesuline. The Board has considered this draft policy and has no comments. We will await the Minister's direction in this matter.

Sincerely,

Melody J. McLeod
Chair
Mackenzie Valley Land and Water Board