

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

FEB 23 2004

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Ms. Melody J. McLeod
Chair
Mackenzie Valley Land and Water Board
PO Box 2130
YELLOWKNIFE NT X1A 2P6

Dear Ms. McLeod:

Enclosed is a Policy Direction to the Mackenzie Valley Land and Water Board pursuant to sections 82 and 109 of the *Mackenzie Valley Resource Management Act (MVRMA)*.

This Policy Direction is 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.

Sincerely,

Andy Mitchell

Encl.

Canada

MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

Policy Direction to the Mackenzie Valley Land and Water Board regarding the Akaitcho Territory Dene First Nations

Pursuant to sections 82 and 109 of the *Mackenzie Valley Resource Management Act*, I direct the Mackenzie Valley Land and Water Board (the Board) as follows

1. In this Direction "Akaitcho Pre-screening Board" means the Akaitcho Pre-screening Board established by *the* Akaitcho Territory Dene First Nations in accordance with the interim Measures Agreement among the Akaitcho Territory Dene First Nations, Canada and the Government of the Northwest Territories, dated June 28, 2001.

The Board is to forward copies of each application for a permit for the use of land or a licence for the use of water or the deposit of waste in the asserted Akaitcho Territory referred to in the Akaitcho Territory Dene First Nations.. Framework Agreement dated July 25, 2000 and described in the map attached to this Direction to the Akaitcho Pre-screening Board instead of to individual Akaitcho Territory Dene First Nations. The Board is to forward an application within five days of receipt, unless otherwise agreed by the Board and the Pre-screening Board, and to include, subject to the Access to *Information Act* and the *Privacy Act*, a copy of any available, supporting documentation.

The Board is to make efforts to work co-operatively with the Akaitcho Pre-screening Board to develop and implement administrative procedures so that the Akaitcho Pre-screening Board will be informed by the Board and will provide information and recommendations to the Board as early in the permitting process as practicable.

4. The Board is to consider fully and impartially a request by the Akaitcho Pre-screening Board that the Board make an order under 22(2)(b) of the Mackenzie Valley Land Use Regulations that a hearing be held or that the applicant for a land use permit conduct further studies or investigations respecting use by members of an Akaitcho Territory Dene First Nation of the land which is subject to the application and of adjacent land and water that may be affected by the application.

5. The Board is to consider fully and impartially a request by the Akaitcho Pre-screening Board that the Board require, pursuant to section 16 of the *NWT Waters Act*, additional information or studies from an applicant for a licence for the use of water or the deposit of waste respecting the impact of the application on use by members of an Akaitcho Territory Dene First Nation of the water which is the subject of the application and of adjacent land and water that may be affected by the application.
6. When establishing the terms or conditions for a permit for the use of land, the Board is to consider the impact of the permit on hunting, fishing, trapping and other traditional natural resource use activities engaged in by members of Akaitcho Territory Dene First Nations and on heritage resources of which it is informed.
7. When deciding whether to issue a licence for the use of water or deposit of waste and when establishing the terms or conditions for a licence, the Board is to consider the impact of the licence on hunting, fishing, trapping and other traditional natural resource use activities engaged in by members of Akaitcho Territory Dene First Nations and on heritage resources of which it is informed.
8. The Board is to consider fully and impartially any recommendations made by the Akaitcho Pre-screening Board respecting the terms and conditions to be included in a permit for the use of land.
9. The Board is to consider fully and impartially any recommendations made by the Akaitcho Pre-screening Board respecting whether to issue a licence for the use of water or deposit of waste and *the terms* and conditions to be included in a licence.
10. For greater certainty, this Policy Direction does not change any time period set out in *the Mackenzie Valley Resources Management Act* or the *NWT Waters Act* or their regulations.

ORIGINAL SIGNED

February 23, 2004

Andy Mitchell
Minister of Indian Affairs and
Northern Development

Date