

INTERIM MEASURES AGREEMENT

Among:

THE AKAITCHO TERRITORY DENE FIRST NATIONS
("the AKAITCHO DFN")

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
("CANADA")

and

THE GOVERNMENT OF THE NORTHWEST TERRITORIES
("the GNWT")

(Together known as the "Parties")

BACKGROUND:

1. The Crown entered into Treaty #8 with the ancestors of the Akaitcho DFN at Deninu Kue in 1900;
2. The ancestors of the Akaitcho DFN entered into Treaty #8 with the understanding that it was for as long as the sun shines, the rivers flow and the grass grows;
3. The Parties have entered into a Framework Agreement on July 25, 2000 to guide the negotiation of the Akaitcho agreement;
4. The Parties recognize that certain lands within Akaitcho DFN asserted territory are of environmental, cultural, economic and spiritual importance to the Akaitcho DFN.
5. The Parties have recognized that appropriate interim measures are necessary in order to advance negotiations.

THE PARTIES AGREE AS FOLLOWS:

1. ACKNOWLEDGMENTS

In concluding this Interim Measures Agreement (hereinafter "this Agreement"), the Parties acknowledge the following principles that are the foundations of this Agreement:

- 1.1. Canada and the GNWT acknowledge that the Akaitcho DFN asserted their traditional territory in a map attached to the Framework Agreement.
- 1.2. The Akaitcho DFN have their own internal processes for determining the use of lands and water.
- 1.3. Canada and the GNWT have passed statutes and regulations relating to the occupation, use and disposition of land and resources which contain application mechanisms for various licences, permits, land leases and transfers.
- 1.4. The Akaitcho DFN agree to set up a process to pre-screen applications in a manner described in the Schedules to this Agreement.
- 1.5. The Parties anticipate that resources will be required to allow the Akaitcho DFN to implement a pre-screening process.
- 1.6. The pre-screening process, more fully described in the Schedules, will work as follows:
 - a) The Akaitcho DFN will have the earliest possible notice of applications for various licences, permits, land leases and transfers;
 - b) Canada and the GNWT will take steps to provide the Akaitcho DFN the available information necessary in order for the Akaitcho DFN to respond; and
 - c) The Akaitcho DFN will base their comments on the following grounds:
 - I. Environmental;
 - II. Cultural;
 - III. Spiritual; and
 - IV. Economic

2. ACTIVITIES COVERED BY THIS AGREEMENT

2.1 Canada:

- a) Land Use Permits;
- b) Water Licences;
- c) Disposition of Surface Federal Crown Lands;
- d) Parks and Protected Areas; and
- e) Such other activities as the Parties may agree.

2.2 GNWT:

- a) Disposition of Commissioner's Lands;
- b) Forest Management;
- c) Tourism Establishments and Outfitter Operations;
- d) Parks and Protected Areas; and
- e) Such other activities as the Parties may agree.

3. THE PRE-SCREENING PROCESS

3.1 The Schedules, which will be attached, form part of this Agreement and set out:

- a) How Canada, GNWT or others will provide the Akaitcho DFN with copies of the application or other information, including what information will be provided;
- b) The time lines for response by the Akaitcho DFN;
- c) Which departments/divisions in either Canada, the GNWT or both, as the case may be, the Akaitcho DFN will respond to;
- d) How Canada and the GNWT will inform the Akaitcho DFN of its action, if any, based on the Akaitcho DFN response; and
- e) Which of the Parties will sign the Schedules.

4. OTHER ISSUES

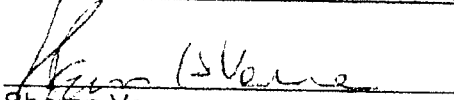
- 4.1 Upon the signing of this Agreement, Canada and the Akaitcho DFN will explore the possibility of entering into negotiations for the purpose of concluding an agreement regarding economic measures in the interim of an Akaitcho agreement.
- 4.2 Processes and Schedules may be developed to identify and address common issues with other Aboriginal groups.
- 4.3 Upon the signing of this Agreement, Canada and the Akaitcho DFN will discuss the resources that may be required to implement the Akaitcho DFN pre-screening process.

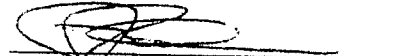
5. GENERAL

- 5.1. Nothing in this Agreement creates or denies rights and obligations arising out of Treaty #8 signed on July 25, 1900.
- 5.2. This Agreement does not constitute a binding contract, but rather serves as a bridge to the Akaitcho agreement.
- 5.3. This Agreement may be reviewed and amended with the written consent of the Parties.
- 5.4. The terms of this Agreement continue until the execution of the Akaitcho agreement or the termination of negotiations.


Signed at Łutsel K'e, Akaitcho Territory, this 28th day of June, 2001.

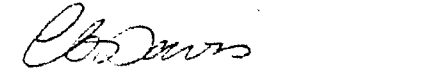
For the Akaitcho Dene First Nations


Sharon Venne
Chief Negotiator

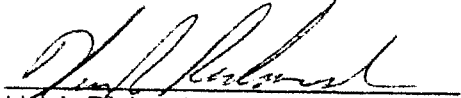

Witness

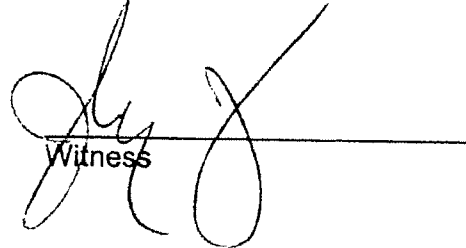
For Canada


John Gill
Chief Federal Negotiator


Witness

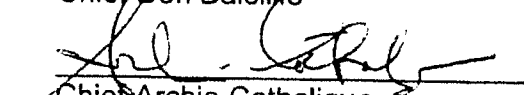
For the Government of the Northwest Territories

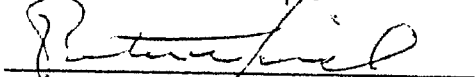

Hugh Richardson
Chief Negotiator



Witness


Akaitcho Dene First Nations Chiefs

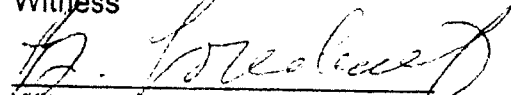

Chief Don Balsillie

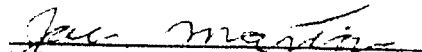

Chief Archie Catholique


Chief Peter Liske


Chief Rick Edjericon


Witness


Witness


Witness


Witness

Witnesses

Augusta Eng

Mike Francis

Jarvis

May Jane Francis

Mark Pystupa

Tom Buss

Shiranda Bull

Addie Jonsson

Ursula Beaman

EIKEEN/ISKE

Aserae Jonsson

Bianca Lockhart

Don Eng
Amy O'Neill

J P R

T. A.

W. A. A. A.

Dem. Pussere

Pierre Fatt

Eddie Likyn

ALFRED BAILLARDON

Chin Hewitt

Evelyn Martone

Albert P. ...

Belinda Michel

Pierre Marlo

Rose Betsim

... ..

Lily Defardis

Janelle ...

Chize ...
Marlene

Alice Nichol
... ..

SCHEDULE "A"
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT
TERRITORIAL PARKS

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by Akaitcho Dene First Nations, Canada and the Government of the Northwest Territories (GNWT) on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licences or permits relating to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement and reflects the principles set out in the Political Accord of June 13, 2000. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process will be for given activities. Attached as Appendix I to this Schedule is a description of the Akaitcho Pre-Screening Process.

Statutes:

Territorial Parks Act, R.S.N.W.T. 1988 c. T-4
Territorial Parks Regulations, R.R.N.W.T. 1990, c. T-13

For greater certainty, the listing of the above statutes is not intended to preclude the ability of the Akaitcho Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

Background:

Under the *Territorial Parks Act*, a system for the development of Territorial Parks ("Park") is established. The purpose of the legislation is to both create Park spaces for people to enjoy and to maintain the environmental stability of those sites by making rules for their use. For example, it is an offense under the legislation, in a Park, to damage or destroy a natural feature, to leave garbage, refuse or other noxious material, and to operate a motor vehicle, motorcycle or snowmobile except in an area designated for that purpose. There is a process for the establishment of new Parks, which includes consultation with persons who reside near the proposed Park and others who may be affected by the proposed Park. A system of permitting is established. A "Superintendent of Parks" is established. The *Territorial Parks Regulations* speak to the details of Park permits, environment protection, buildings and businesses, campground and picnic areas, etc. Over the years various Orders have been issued establishing Wayside Parks, Community Parks, Historic Parks, Natural Environment Recreation Parks and Outdoor Recreation Parks.

Pre-Screening Process:

1. Where the establishment of a new Park or the expansion of an established Park is proposed in Akaitcho Territory, GNWT will, at its earliest opportunity, deliver a package of materials to the Regional Coordinator of the NWT Treaty 8 Tribal Corporation Regional Pre-Screening Board setting out, in as much detail as possible, the proposed location and reasons for the new or expanded Park. GNWT will seek the views of the NWT Treaty 8 Tribal Corporation Regional Pre-Screening Board (the "Board") on the name of any proposed Park. Where GNWT holds public meetings relating to the proposed Park, the Board will be informed as to the time and place.
2. The Board will consider the proposal and respond to the GNWT Superintendent of Parks within 90 days of receipt of the materials or within such time as otherwise agreed to between GNWT and the Board. The Board's response may include, but is not limited to, the following:
 - a) Written submissions;
 - b) Oral submissions;
 - c) Audio-visual presentation; and/or
 - d) Elder's submission – oral or written.
3. GNWT will fully address the Board's response. The GNWT Superintendent of Parks will meet with the Board to discuss the proposal for the establishment or expansion of the Park and how the views, as appropriate, of the Board will be considered.
4. Where required by legislation or policy, GNWT may conduct further consultations as required. GNWT will formally notify the Board of its decision on the proposal.
5. The GNWT Superintendent of Parks is the GNWT contact person for inquiries relating to the Pre-Screening Process described above.

Co-Existence Issues:

6. Where another Aboriginal group or Aboriginal person has demonstrated an interest in the proposed location for a new or expanded Park, then the Board's response will be considered in the context of other processes or consultations with the other Aboriginal group.
7. In the event that the GNWT or another Aboriginal group questions the application of this Schedule to a new or expanded Park, then the issue is to be addressed on a priority basis


before this Schedule can apply.

Dated this 18th day of December, 2001.

For the Akaitcho Dene First Nations

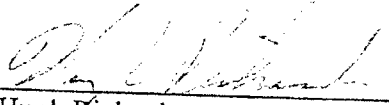


Don Balsillie
Chief Negotiator



Witness

For the Government of the Northwest Territories



Hugh Richardson
Chief Negotiator



Witness

SCHEDULE "B"
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT

FOREST MANAGEMENT

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by Akaitcho Dene First Nations, Canada and the Government of the Northwest Territories (GNWT) on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licences or permits relating to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement and reflects the principles set out in the Political Accord of June 13, 2000. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process will be for given activities. Attached as Appendix I to this Schedule is a description of the Akaitcho Pre-Screening Process.

Statutes:

Forest Management Act, R.S.N.W.T. 1988 c. F-9

Forest Management Regulations, R.R.N.W.T. 1990, c. F-14

For greater certainty, the listing of the above statutes is not intended to preclude the ability of the Akaitcho Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

Note: In this Schedule, "free timber cutting permits", "timber cutting permits", "timber cutting licences", "timber transport permits", "mill licences", "research licences", "scaling licences", "permits", "permit holder" and "licence holder" have the meaning as set out in the *Forest Management Act and Regulations*.

The purpose of the *Forest Management Act* is to provide for the management of forests, to allow the conduct of research respecting forests, and to create a system for authorizing activities in the forests of the NWT. Permits and licences to cut, use and transport timber, to conduct research respecting forests, and to conduct programs or activities respecting the management of forests are authorized under the Act.

The *Forest Management Regulations* address the manner in which free timber cutting permits, timber cutting permits, timber cutting licences, timber transport permits, mill licences, and research licences are issued. The *Regulations* provide for the inclusion of terms and conditions in permits and licences for matters including environmental protection and protection of wildlife and fisheries habitat.

Background:

The Role of the Forest Management Supervisor

A "Forest Management Supervisor" is appointed to act on behalf of the Minister in performance of the requirements of the *Forest Management Act*. Under the *Forest Management Act*, The Forest Management Supervisor may:

- a) design, implement, and supervise programs and activities respecting management of forests;
- b) conduct research respecting forests;
- c) approve the form of permits, licences, applications and reports;
- d) issue permits and licences and impose terms and conditions on said permits and licences.

Forest Management Officers are established with powers and duties under the *Forest Management Act* and *Forest Management Regulations*. The Forest Management Supervisor may delegate authority to an Officer to carry out certain duties of the Forest Management Supervisor.

The *Forest Management Regulations* provide the authority for the Supervisor to consult on forest management authorizations with First Nations and others to determine how forest management activities may affect them.

The *Forest Management Regulations* set out time limits in which the Forest Management Supervisor must reply to an application for a forest management activity received by the Supervisor.

Pre-Screening Process:

1. Where a forest management or forest harvesting activity requiring a timber cutting licence, research licence or mill licence is proposed in Akaitcho Territory, GNWT will, upon receipt of a complete application and at its earliest opportunity, deliver a package of materials to the Regional Coordinator of the NWT Treaty 8 Tribal Corporation Regional Pre-screening Board setting out, in as much detail as possible, the proposed activity. Where GNWT holds public meetings relating to the proposed activity, the NWT Treaty 8 Tribal Corporation Regional Pre-screening Board (the "Board") will be informed as to the time and place.

2. Where a forest harvesting activity requiring a timber cutting permit for a volume of timber in excess of five hundred (500) cubic metres is proposed in Akaitcho Territory, GNWT will, at its earliest opportunity, deliver a package of materials to the Regional Coordinator of the Board setting out, in as much detail as possible, the proposed activity. Where GNWT holds public meetings relating to the proposed activity, the Board will be informed as to the time and place.
3. Where GNWT proposes the establishment of an area where permits will be granted for the harvesting of fuel wood in Akaitcho Territory, GNWT will, at its earliest opportunity, deliver a package of materials to the Regional Coordinator of the Board setting out, in as much detail as possible, the details of the proposed location and reasons for the establishment. Where GNWT holds public meetings relating to the proposed area, the Board will be informed as to the time and place.
4. For greater certainty, the following forest management activities are allowed and forest management authorizations may be issued without the requirement for consultation as set out in this Schedule:
 - a) free timber cutting permits;
 - b) forest management authorizations issued in relation to the incidental use of timber;
 - c) where the Minister, pursuant to Section 28.(1) of the *Forest Management Act*, intends to direct the Forest Management Supervisor to issue a permit or licence in respect of an appeal made under Section 22.(1) of the *Forest Management Act*;
 - d) scaling licences;
 - e) permits issued in established fuel wood harvest area; and
 - f) any of the exemptions listed in s. 12 of the *Forest Management Regulations*.
5. The Board will consider the proposals and respond to the Forest Management Supervisor, Department of Resources, Wildlife & Economic Development within 60 days of receipt of the materials or within such time as otherwise agreed to between GNWT and the Board. The Board's response may include, but is not limited to, the following:
 - a) Written submissions;
 - b) Oral submissions;
 - c) Audio-visual presentation; and/or
 - d) Elder's submission – oral or written.
6. Where there is an application by a licence or permit holder for a significant change in the terms and conditions of a licence or permit as considered under the *Forest Management Regulations*, GNWT will consult with the Board using the process described in clause 1 above.

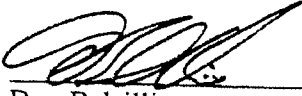
7. Where required by legislation or policy, GNWT may conduct further consultations as required. GNWT will fully consider the Board's response. The Forest Management Supervisor will respond to the Board on the proposal and how the views of the Board will be considered.
8. GNWT will formally notify the Board of its decision on the proposal.
9. The Forest Management Supervisor is the GNWT contact person for inquiries relating to the Pre-Screening Process described above.

Co-Existence Issues:

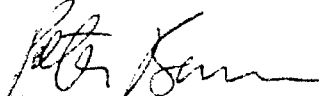
10. Where another Aboriginal group or Aboriginal person has demonstrated an interest in the area of the proposed activity, then the Board's response will be considered in the context of other processes or consultations with the other Aboriginal group.
11. In the event that the GNWT or another Aboriginal group questions the application of this Schedule to a geographic area or to any of the forest management authorizations listed above, then the issue is to be addressed on a priority basis before this Schedule can apply.

Dated this 12 day of December, 2001.

For the Akaitcho Dene First Nations




Don Balsillie
Chief Negotiator




Witness

For the Government of the Northwest Territories



Hugh Richardson
Chief Negotiator



Witness

SCHEDULE "C"
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT

COMMISSIONER'S LAND

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by Akaitcho Dene First Nations, Canada and the Government of the Northwest Territories (GNWT) on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licenses or permits relating to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement and reflects the principles set out in the Political Accord of June 13, 2000. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process will be for given activities. Attached as Appendix I to this Schedule is a description of the Akaitcho Pre-Screening Process.

Statutes & Policies:

Area Development Act, R.S.N.W.T. 1988, c. A-8 and Regulations
Commissioner's Land Act, R.S.N.W.T. 1988, c. C-11 and Regulations
Land Lease-Only Policy
Municipal Lands Policy

For greater certainty, the listing of the above statutes and policies is not intended to preclude the ability of the Akaitcho Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

Definitions:

In this Schedule:

"Block Land Transfer" ('BLT') means a Federal Order in Council transferring to the Commissioner the administration and control of a tract of land.

"Board" means the Akaitcho NWT Treaty 8 Tribal Corporation Regional Pre-Screening Board as set out in Appendix I to this Schedule.

"Commissioner's Land" means land at or about the City of Yellowknife, Dettah, Ndilo, Lutsel K'e, or Deninu Ku'e that is under the administration and control of the Commissioner of the Northwest Territories, excepting the following:

- a) Commissioner's Land upon which, on the date of the signing of this Schedule, the following interests are recorded either in the Department of Municipal and Community Affairs' (MACA) land registry system or at the Land Titles Office, Northwest Territories Registration District:
 - i) Lease;
 - ii) Easement;
 - iii) Land Use Permit;
 - iv) Permission to Occupy;
 - v) Quarry Lease; or
 - vi) Right of Way;
- b) Commissioner's Land either presently in use or reserved for use by Canada, the GNWT and its municipal or statutory corporations and agencies; or
- c) Commissioner's Land identified in Appendix II to this Schedule.

"Disposition" means a sale or lease of Commissioner's Land, but does not include the renewal or assignment of a lease.

"Minister" means the GNWT Minister responsible for Municipal and Community Affairs or his or her designate.

Background:

This Schedule flows from section 2.2 (a) of the Interim Measures Agreement and is intended to assist the Parties in advancing negotiations.

Pre-Screening Process:

1. Where an applicant has applied for the Disposition of Commissioner's Land, the Minister will provide the Board with a copy of the application and any supporting documentation within 30 days of the application being complete.
2. The Board has 60 days from its receipt of the application and any supporting documentation to make a recommendation to the Minister regarding the proposed Disposition.
3. The Minister will provide the Board with additional, relevant information related to the proposed Disposition if the Minister receives such information after providing the Board with the information pursuant to clause 1. Unless otherwise agreed by the Minister and the Board, the timeframe to make a recommendation to the Minister is not affected by the provision of additional information.
4. The Minister and the Board may agree to a timeframe other than the 60 days stated in clause 2.

5. Where the GNWT holds public meetings relating to an application for the Disposition of Commissioner's Land, any official records of such meetings will be released to the Board as soon as they are completed.
6. The Board will consider the application for the proposed Disposition and will make a written recommendation, with reasons for support or non-support, to the Minister in the time identified in clause 2, or within such reasonable time as otherwise agreed on between the GNWT and the Board. The Board's recommendation may be based upon but is not limited to the following:
 - a) written submissions;
 - b) oral submissions;
 - c) audio-video presentations; and/or
 - d) Elder's submissions, oral or written.
7. The Minister will not finalize a proposed Disposition of Commissioner's Land until:
 - a) the Board has made a recommendation regarding the proposed Disposition; or
 - b) 60 days, or such other timeframe as may be agreed to pursuant to clause 4, have elapsed from the Board's receipt of a complete application and any supporting documentation on the proposed Disposition;which ever comes first.

Amendment to Appendix II:

8. The applicable municipality or designated authority and the Board will work cooperatively to reach agreement on lands for inclusion in Appendix II to this Schedule. Where such lands are identified for inclusion in Appendix II, the GNWT will be notified by a letter jointly signed by the municipality or designated authority and the Board or its designate.

Co-Existence Issues:

9. Where another Aboriginal group or Aboriginal person has demonstrated an interest in the Disposition of Commissioner's Land, any recommendations made by the Board in relation to that Disposition shall be considered in the context of other processes or consultations with those other Aboriginal groups.
10. In the event that the GNWT or another Aboriginal group questions the application of this Schedule to the geographic area or to the proposed Dispositions of Commissioner's Land, then the issue is to be addressed on a priority basis before this Schedule can apply.

Contact Personnel:

GNWT Contacts

Regional Superintendent
Department of Municipal and Community Affairs
Government of the Northwest Territories
1st Floor Laing Building
Box 1320
Yellowknife, NT
X1A 2L9

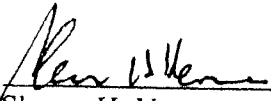
Regional Superintendent
Department of Municipal and Community Affairs
Government of the Northwest Territories
2nd Floor, Sweetgrass Building, 177 McDougal Road
P.O. Box 390
Fort Smith, NT
XOE 0P0

Akaiicho Contact

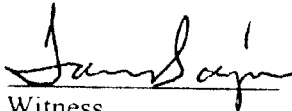
IMA Board
NWT Treaty 8 Tribal Corporation
P.O. Box 1768
Yellowknife, NT
X1A 2P3

Dated this 14 day of December, 2003

For the Akaiicho Dene First Nations




Sharon H. Venne
Chief Negotiator



Witness

For the Government of the Northwest Territories

for 

Fred Talen
Chief Negotiator

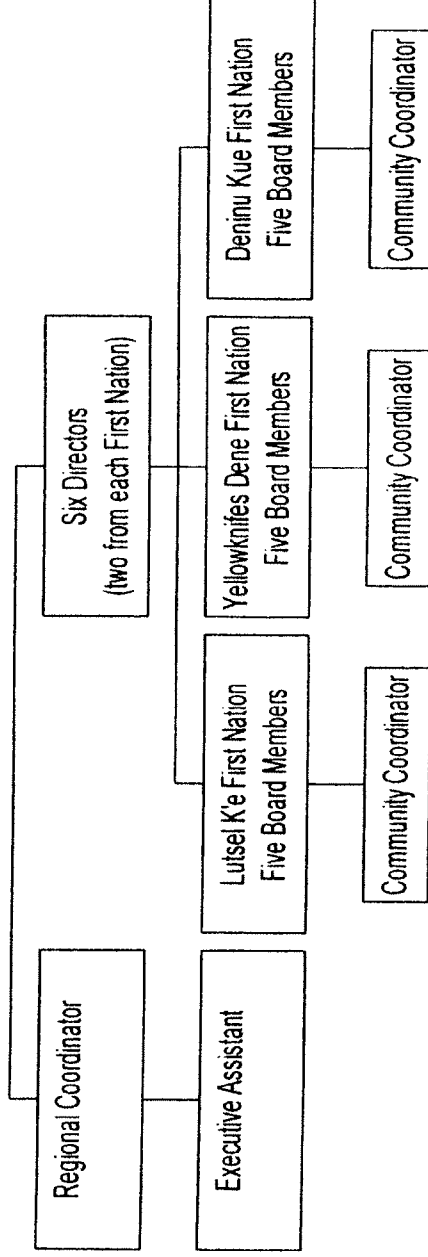


Witness

APPENDIX I

NWT Treaty 8 Tribal Corporation

Regional Pre-screening Board



APPENDIX II

SCHEDULE C
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT

LAND USE PERMITS

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by Akaitcho Territory Dene First Nations, Canada and the Government of the Northwest Territories (GNWT) on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licences or permits relating to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process will be for given activities.

Statutes:

Mackenzie Valley Resource Management Act, S.C. 1998 c.25 and Regulations

For greater certainty, the listing of the above statute is not intended to preclude the ability of the Akaitcho Territory Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

1. In this Schedule

“MVLWB” means the Mackenzie Valley Land and Water Board, established pursuant to the *Mackenzie Valley Resource Management Act*.

“Type A Permit” and “Type B Permit” have the same meanings as in the Mackenzie Valley Land Use Regulations and which are for land use within the asserted Akaitcho Territory as referred to in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

“Pre-screening Board” means the Akaitcho Pre-screening Board, described in a chart in Appendix I to this Schedule, established by the Akaitcho Dene First Nations to implement the Akaitcho Pre-Screening Process.

2. The Pre-screening Board will make efforts to work co-operatively with the MVLWB to develop and implement administrative procedures so that the Pre-screening Board will be informed by the MVLWB and will provide information and recommendations to the

MVLWB as early in the permitting process as practicable.

3. Without limiting paragraph 2, the MVLWB will provide to the Pre-screening Board a copy of each application for a Type A Permit or a Type B Permit. The MVLWB is to forward an application within five working days of receipt, unless otherwise agreed by the MVLWB 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.
4. Without limiting paragraph 2, the MVLWB will provide to the Pre-screening Board a copy of each application for a Type A Permit or a Type B Permit which the MVLWB declares complete within five working days of the MVLWB declaring the application complete, and, subject to the *Access to Information Act* and the *Privacy Act*, a copy of any available supporting documentation.
5. The MVLWB will provide, subject to the *Access to Information Act* and the *Privacy Act*, a copy of any available, supporting information subsequently received by the MVLWB to the Pre-screening Board as soon as practicable.
6. The MVLWB will provide any official records it compiles of any public meetings relating to the application to the Pre-screening Board as soon as practicable.
7. The MVLWB will provide to the Pre-screening Board a copy of any notice the MVLWB sends to an applicant for a permit under paragraph 22(1)(b) or 23(b)(iii) of the Mackenzie Valley Land Use Regulations.
8. The information referred to in paragraphs 3 to 7 above will be provided to:

Co-ordinator
Akaitcho Territory DFN Pre-screening Board
Northwest Territories Treaty 8 Tribal Corporation
Box 1768
Yellowknife, NT X1A 2P3 Fax:

9. The Pre-screening Board will consider an application for a Type A Permit which the MVLWB declares complete and respond within twenty one (21) days of the receipt by the Pre-Screening Board of a copy of the application and notice that the MVLWB has declared the application complete to:

Executive Director
Mackenzie Valley Land and Water Board
P O Box 2130
Yellowknife, NT
X1A 2N7 Fax:

10. The Pre-screening Board will consider an application for a Type B Permit which the MVLWB declares complete and respond within five (5) working days of the receipt by the

Pre-screening Board of a copy of the application and notice that the MVLWB has declared the application complete to:

Executive Director
Mackenzie Valley Land and Water Board
P O Box 2130
Yellowknife, NT
X1A 2N7 Fax:

- 11. The Pre-screening Board's response may include, but is not limited to, the following:
 - a) written submissions;
 - b) oral submissions;
 - c) audio-visual presentations; and/or
 - d) Elders' submission, either oral or written.
- 12. The MVLWB will send a copy of each approved and signed Permit to the Pre-screening Board as soon as practicable.
- 13. The Akaitcho enter into this schedule on the condition that the Minister of Indian Affairs and Northern Development will give and maintain in effect written policy directions to the MVLWB substantially in the form annexed to this schedule.

Co-existence Issues:

- 14. Where another Aboriginal group or Aboriginal person has demonstrated an interest in an application for a Permit to the MVLWB, then the MVLWB will consider the response of the Pre-screening Board in the context of other processes or consultations with the other Aboriginal group.

Dated this _____ day of _____, 2003.

For the Akaitcho Dene First Nations

Sharon Venne
Chief Negotiator

Witness

For Canada

John Gill
Chief Negotiator

Witness

SCHEDULE C.1
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT

WATER LICENCES

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by the Akaitcho Territory Dene First Nations, Canada and the Government of the Northwest Territories on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licences or permits relating to water use and to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process and consultation will be for given activities.

Statutes:

Mackenzie Valley Resource Management Act, R.S.C. 1998 c.25 and Regulations
Northwest Territories Waters Act, S.C. 1992 c.39 and Regulations

For greater certainty, the listing of the above statutes is not intended to preclude the ability of the Akaitcho Territory Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

1. In this Schedule

“MVLWB” means the Mackenzie Valley Land and Water Board, established pursuant to the *Mackenzie Valley Resource Management Act*

“Licence” means a Type A or Type B Water License as provided for in the *Mackenzie Valley Resource Management Act* and which is applicable within the asserted Akaitcho Territory as referred to in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

“Pre-screening Board” means the Akaitcho Pre-screening Board, described in a chart in Appendix I to this Schedule, established by the Akaitcho Territory Dene First Nations to implement the Akaitcho Pre-Screening Process.

2. The Pre-screening Board will make efforts to work co-operatively with the MVLWB to develop and implement administrative procedures so that the Pre-screening Board will be informed by the MVLWB and will provide information and recommendations to the MVLWB as early in the permitting process as practicable.
3. Without limiting paragraph 2, the MVLWB will provide to the Pre-screening Board a copy of each application for a License. The MVLWB is to forward an application within five working days of receipt, unless otherwise agreed by the MVLWB 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.
4. Without limiting paragraph 2, the MVLWB will provide to the Pre-screening Board a copy of each application for a Licence which the MVLWB declares complete within five working days of the MVLWB declaring the application complete, and, subject to the *Access to Information Act* and the *Privacy Act*, a copy of any available supporting documentation.
5. The MVLWB will provide, subject to the *Access to Information Act* and the *Privacy Act*, a copy of any available supporting information subsequently received by the MVLWB to the Pre-screening Board as soon as practicable.
6. The MVLWB will provide any official records it compiles of any public meetings relating to the application to the Pre-screening Board as soon as practicable.
7. The information referred to in paragraphs 3, 4, 5 and 6 above will be provided to:

Co-ordinator
Akaitcho Territory DFN Pre-screening Board
Northwest Territories Treaty 8 Tribal Corporation
Box 1768
Yellowknife, NT X1A 2P3
Fax:
8. The Pre-screening Board will consider the application and, subject to paragraph 9, respond within thirty (30) days of the receipt of the application and notice that the MVLWB has declared the application complete to:

Executive Director
Mackenzie Valley Land and Water Board
P O Box 2130
Yellowknife, NT
X1A 2N7
Fax:
9. The MVLWB may extend the time for the Pre-Screening Board to respond, to the extent permitted by the *Mackenzie Valley Resource Management Act*.

- 10. The Pre-Screening Board's response may include, but is not limited to, the following:
 - a) written submissions;
 - b) oral submissions;
 - c) audio-visual presentations; and/or
 - d) Elders' submission, either oral or written.
- 11. The MVLWB will send a copy of each approved and signed Licence to the Pre-Screening Board as soon as practicable.
- 12. The Akaitcho enter into this schedule on the condition that the Minister of Indian Affairs and Northern Development will give and maintain in effect written policy directions to the MVLWB substantially in the form annexed to this schedule.

Co-existence Issues:

- 13. Where another Aboriginal group or Aboriginal person has demonstrated an interest in an application for a Permit to the MVLWB, then the MVLWB will consider the response of the Pre-screening Board in the context of other processes or consultations with the other Aboriginal group.

Dated this _____ day of _____, 2003.

For the Akaitcho Dene First Nations

 Sharon Venne
 Chief Negotiator

 Witness

For Canada

 John Gill
 Chief Negotiator

 Witness

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.
2. 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.
3. 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.

Andrew Mitchell, P.C., M.P.
Minister of Indian Affairs and
Northern Development

Date

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SCHEDULE D
TO THE
AKAITCHO INTERIM MEASURES AGREEMENT

SURFACE FEDERAL CROWN LANDS

Preamble:

This is a Schedule to the Akaitcho Interim Measures Agreement that was signed by Akaitcho Dene First Nations, Canada and the Government of the Northwest Territories (GNWT) on June 28, 2001. The goal of the Interim Measures Agreement is to allow the Parties to engage in a process of mutual cooperation where certain activities, policies and applications for licences or permits relating to land use, lease and sale are the subject of an Akaitcho Pre-Screening Process. The Interim Measures Agreement, while not a binding contract, is a bridge to the ultimate Akaitcho Agreement. Schedules to the Interim Measures Agreement are without prejudice to the ongoing negotiations and set out the details of what the Akaitcho Pre-Screening Process will be for given activities. Attached as Appendix I to this Schedule is a description of the Akaitcho Pre-Screening Process.

Statutes:

Territorial Lands Act, R.S.C., 1985, T-7 and Regulations
Federal Real Property Act, R.S.C. 1991, C-50 and Regulations

For greater certainty, the listing of the above statute is not intended to preclude the ability of the Akaitcho Dene First Nations to negotiate the subject matters as set out in the Akaitcho Territory Dene First Nations Framework Agreement dated July 25, 2000.

Background:

Territorial Lands Act

The *Territorial Lands Act* and its Regulations provide for the administration and disposal of lands or any interests in land in the Northwest Territories that are vested in the Crown or of which the Government of Canada has power to dispose and administer. The administration of these lands is accomplished through the various regional and departmental land management policies that direct:

- a) disposal of surface rights in the territorial land to meet the legitimate needs of people and institutions living or conducting business in the north;
- b) protection of the environment by controlling and monitoring activities and operations occurring on territorial lands;

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- c) provision of land to territorial governments and other government departments or agencies, to enable them to carry out their legislative mandates; and
- d) consideration, in any lands disposition, of whether the actions affect the fiduciary (trust-based) relationship between government and aboriginal peoples.

Federal Real Property Act

The *Federal Real Property Act* (FRPA) provides for the administration and disposition of federal Crown Lands by all federal Crown agencies where there is no provision to do so in or under any other Act. The Act also allows DIAND to dispose of federal territorial lands to other federal agencies by transferring the "administration and control" of the parcel of land. As well, through the FRPA instruments such as licenses of occupation allow for linear developments previously not contemplated under the *Territorial Lands Act*.

Pre-screening Process:

- 1. An application refers to an application for Crown Lands under the administration and control of the Minister of Indian Affairs and Northern Development for:
 - a) the sale of surface Crown Lands;
 - b) the lease of surface Crown Lands;
 - c) the lease of surface Crown Lands with an option to purchase at a later date;
 - d) the issuance of Reserves of Crown Lands;
 - e) the transfer of Crown Lands to federal or territorial departments except where infrastructure already exists;
 - f) the establishment of easements for Crown Lands;
 - g) the issuance of licences of occupation for Crown Lands; and
 - h) any other land applications identified in the enabling Federal legislation that is not inconsistent with a) to g) and includes any changes in terms or conditions.

Applicants are required to submit an application form for Crown Land to the Department of Indian Affairs and Northern Development (DIAND).

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2. Copies of applications accepted as complete, and any available supporting information related to applications received by the Manager, Land Administration, for the application of Crown Lands will be forwarded to the Akaitcho DFN Pre-screening Board within five business days of a fully completed application form having been received by DIAND at:

Co-ordinator
Akaitcho DFN Pre-screening Board
Northwest Territories Treaty 8 Tribal Corporation
Box 1768
Yellowknife, NT X1A 2P3

3. The Board will consider the proposal and respond to the,

Manager, Land Administration
Department of Indian Affairs and Northern Development
Box 1500
4914 - 50th Street
Yellowknife, NT X1A 2R3

within forty-five (45) days of the receipt of the material or within such time as otherwise agreed to between Manager, Land Administration and the Board.

4. The term "Manager, Land Administration" shall also include any agent or agents that is delegated to act on behalf of the Manager, Land Administration.
5. The Board's response may include, but is not limited to, the following:
 - a) written submissions;
 - b) oral submissions;
 - c) audio-visual presentations; and/or
 - d) Elders' submission - oral or written.
6. The Manager, Land Administration will notify the Co-ordinator, Akaitcho DFN Pre-screening of the actions the Manager is taking in relation to completed applications. Where the Manager, Land Administration does not follow the decision of the Pre-screening Board on whether or not an application should be accepted or rejected the Manager will provide reasons. If requested, the Manager, Land Administration will meet with the Pre-screening Coordinator and/or the Board to discuss the outcome.
7. When required by legislation or policy, the Manager, Land Administration will conduct further consultations as required, the Federal Government will formally notify the Board of its decision on the proposed application.

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8. The Manager, Land Administration is the federal contact person for inquiries relating to the Pre-Screening Process described above.
9. The Manager, Land Administration will advise the Co-ordinator, Akaitcho DFN Pre-screening Board, once the consultation process has been completed and a decision has been rendered, of the actions taken in relation to the application being considered.

Other Applications for the Disposition of Federal Crown Lands

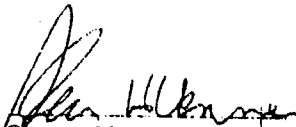
In order to ensure that all Crown Lands are covered, DIAND will undertake to consult with other federal departments responsible for the disposition of surface federal Crown Lands in the Northwest Territories with the view of amending this Schedule to include provisions for the Co-ordinator, Akaitcho DFN Pre-Screening Board, if necessary, in the review of applications received by federal departments other than the DIAND.

Co-existence Issues:

1. When another Aboriginal group or Aboriginal person has demonstrated an interest in the Federal Crown Lands, then the Board's response will be considered in the context of other processes or consultations with the other aboriginal group.
2. In the event that Canada or another Aboriginal group questions the application of this Schedule in a specific geographical area the issue is to be addressed on a priority basis before this Schedule can apply.

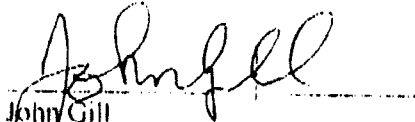
Dated this 13th day of February, 2003.

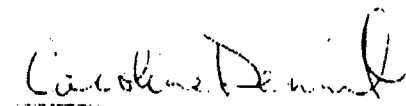
For the Akaitcho Dene First Nations


Sharon Venne
Chief Negotiator


Witness

For Canada


John Gill
Chief Negotiator


Witness