



Sambaa K'e Dene Band
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January 31, 2006

Heidi Wiebe
Executive Director
Dehcho Land Use Planning Committee
Fort Providence, NT

FAX: 867-699-3166

Dear Ms. Wiebe,

This letter is in response to your letter to the Sambaa K'e Dene Band (SKDB) of January 16th and a letter from the Acho Dene Koe (ADK) to the SKDB on January 30th. Both letters have to do with the ADK's request for a 'rezoning' of the draft Dehcho Land Use Plan in an area west and southwest of Sambaa K'e. The Sambaa K'e Dene Band is opposed to this rezoning request for the following reasons.

First, the SKDB does not feel that portions of the area the ADK claims as being its traditional territory is an accurate representation of core land use and occupancy, and these areas are therefore disputed by the SKDB. For your information and review, I have attached the Sambaa K'e Dene Band's oil and gas position paper of September 2003 which clearly lays out the area of land that the SKDB considers to be of 'primary' SKDB interest. Following the release of this position paper, the SKDB entered into negotiations with the previous ADK leadership to resolve the obvious overlap issues between the two communities.

These negotiations resulted in the SKDB presenting a draft 'commercial resource development boundary agreement' to the previous ADK leadership, which lays out the framework for an acceptable resolution of overlap issues as they relate to oil and gas development. This draft agreement, which has been attached to this letter, is viewed by the SKDB as a reasonable compromise between its 2003 position paper and the desire of the Acho Dene Koe to pursue economic development initiatives. The SKDB is still willing to sign this agreement with Acho Dene Koe as it stands.

This draft agreement was developed after considerable consultation with the SKDB elders. It is also based on thoroughly documented traditional knowledge (TK) research that the SKDB carried out in relation to the area west of Sambaa K'e. This TK research included elders from both Fort Liard and Nahanni Butte and, if required, can be tabled confidentially to support SKDB interests in lands claimed by the current Acho Dene Koe Council.

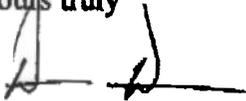
With respect to those lands proposed for rezoning that fall into Zone 5, the Sambaa K'e PAS Area of Interest, I should note that this PAS area of interest has already been supported by Dehcho First Nations Resolution #2004-14 and is well into the PAS

process. To request that this land be rezoned at this time is irresponsible. SKDB has documented TK evidence of its inherent rights and interests in this PAS area and stands by the current PAS process.

Although the SKDB is willing to discuss these issues further with any parties that have an interest in resolving overlap issues between the Samba K'e Dene Band and Acho Dene Koe (which have been ongoing since the early 1990's when ADK decided to open lands for oil and gas development), the SKDB will not back down from its proposed 'commercial resource development boundary agreement' of September 2004. We will also continue to actively pursue the advancement of the Samba K'e PAS Area of Interest with the support of the Dehcho First Nations.

With respect to ADK's proposed re-modification of thresholds and conservation zones on those lands that are clearly within its core area, the SKDB suggests that the Dehcho Land Use Planning Committee consult directly with ADK members, as it consulted with SKDB members regarding Zone 5 protection, before making any decisions.

Yours truly



Chief Dennis Deneron

- cc. Herb Norwegian*, Dehcho First Nations, 867-695-2038
- Chief Eric Betsaka, Nahannie Butte Dene Band*, 867-602-2910
- George Cleary*, INAC, Yellowknife, 867-669-2711
- Miki Erhlich*, PAS Secretariat, GNWT Yellowknife, 867-873-0293
- Chief Harry Deneron, Acho Dene Koe, Fort Liard, 867-770-4141

*January 16th DCLUPC letter with ADK map also forwarded as attachment.

**SAMBAA K'E DENE BAND
POSITION PAPER REGARDING
RESOURCE DEVELOPMENT ACTIVITIES WITHIN THE
SAMBAA K'E TRADITIONAL LAND USE AREA**

September 12, 2003

The Sambaa K'e Dene Band (SKDB) is under increasing pressure from companies, government agencies, and, in some instances, surrounding communities, to open its land for both pipeline development and oil and gas exploration activities. As a direct result of this pressure, the Sambaa K'e Dene Band must respond to a wide range of federal and territorial permit applications involving seismic activities, traditional knowledge research, wildlife studies, soil sampling, and geophysical studies, to name only a few. Most of these permit applications are associated with proposed resource development projects. Some of the pressure comes through the form of Scientific Research Licence applications, which appear to be increasingly used as a method for bypassing the regulatory process normally associated with resource exploration activities.

Due to a lack of appropriate resources, the Sambaa K'e Dene Band finds it difficult to respond adequately to all of the demands placed on the community. In fact, the pressure from all of the proposed activities is already having a significant, negative, socio-economic impact on the community. The Sambaa K'e Dene Band's time and resources are being stretched thin. Staff, Council, and band members are being overwhelmed with meetings to address major decisions regarding the land. Preliminary exploration activities are being carried out within the SKDB traditional area without direct or adequate consultation with the community.

In order to protect its interests, the Sambaa K'e Dene Band has therefore adopted the following position regarding resource development activities within its traditional land use area.

- 1) The Sambaa K'e Dene Band hereby notifies industry, governments, and all other agencies that it has *primary* Aboriginal interests and rights -- as they apply to research, resource development, and other land use activities -- in the area:
 - East of 122 degrees-30 minutes west longitude;
 - North of 59 degrees 45 minutes north latitude;
 - West of 119 degrees-48 minutes west longitude;
 - South of 61 degrees-10 minutes north latitude.

It should be noted that SKDB traditional hunting, fishing, and gathering interests and rights extend beyond this area.

- 2) The Sambaa K'e Dene Band acknowledges that its interests and rights in this area are not necessarily exclusive and that surrounding First Nations have overlapping Aboriginal interests and rights within this area. The SKDB is therefore willing to work cooperatively with these First Nations to address issues of joint concern.

- ~~3) The Smbaa K'e Dene Band hereby notifies industry, governments, and all other agencies that direct consultation with the Smbaa K'e Dene Band is required prior to any permit or licence application involving research, resource development, or other land use activity occurring, or affecting land or wildlife, within this area. Further, the organization seeking the permit or licence must reimburse the Smbaa K'e Dene Band for any reasonable costs associated with this consultation process.~~
- 4) The Smbaa K'e Dene Band hereby notifies industry, governments, and all other agencies that the Smbaa K'e Dene Band's Yundiit'oh (traditional knowledge) Policy and any other land or resource management policies developed by the SKDB apply within this area and must be followed. Copies of current policies are available from the SKDB on request.
- 5) Notwithstanding the Interim Resource Development Agreement (IRDA), the Smbaa K'e Dene Band is opposed to oil and gas rights issuance within the area defined above for a period of at least three years or until suitable terms and conditions for issuance are met. These terms and conditions must address:
- Resource ownership or a reasonable and equitable sharing of resource revenues
 - The size and location of land parcels open for bid
 - Local control over the pace of development
 - Management of traditional knowledge research
 - Involvement in environmental assessment and monitoring
 - Use of equipment and procedures that have the least impact on the environment
 - Restrictions on the movement and activities of camp personnel
 - Economic and social benefits from development, including the sharing of benefits on a regional level. Economic and social benefits might include:
 - Cash compensation and / or equity involvement
 - Employment and training opportunities
 - Business opportunities
 - Support for community and regional capacity building.
- 6) Governments and other agencies must make greater effort to assist the Smbaa K'e Dene Band to develop the financial and human resource capacity it requires to deal effectively with the intense resource development pressures placed on the community.

This position paper has been issued under the authority of the Smbaa K'e Dene Band Council. For further information, contact the Smbaa K'e Dene Band office at 867-206-2800 after October 5th. The office will be closed for a community-wide fall hunt for the remainder of September.

**SAMBAA K'E – FORT LIARD
COMMERCIAL RESOURCE DEVELOPMENT BOUNDARY AGREEMENT**

This agreement is between

**Acho Dene Koe First Nation
(herein referred to as ADKFN)**

-and-

**Sambaa K'e Dene Band
(herein referred to as SKDB)**

Whereas ADKFN and SKDB recognize that they have shared histories and traditions based on overlapping use of some Deh Cho lands for traditional hunting and gathering purposes; and

Whereas both the ADKFN and SKDB have an interest in participating in commercial resource development¹ activities of benefit to their respective communities and the Deh Cho as a whole; and

Whereas both the ADKFN and SKDB recognize that there needs to be clearer definition of their respective jurisdiction over commercial resource development activities within areas of shared traditional land use;

Therefore ADKFN and SKDB agree to the following:

- 1) Traditional protocols defined by our elders will continue to govern the sharing and use of overlapping lands by ADKFN and SKDB members for traditional hunting and gathering and other non-commercial resource development activities. In the NWT, this shared area lies roughly in an area between 122 degrees 0 minutes West Longitude and 122 degrees 30 minutes West Longitude.
- 2) A *commercial resource development boundary* will be established between ADKFN and SKDB at 122 degrees 15.00 minutes West Longitude. ADKFN will have primary jurisdiction over commercial resource development decisions regarding lands west of 122 degrees 15.00 minutes West Longitude (as limited by any agreements regarding a northern boundary negotiated between ADKFN and the Nahanni Butte Dene Band or any other First Nation). SKDB will have primary jurisdiction over any commercial resource decisions regarding lands east of 122 degrees 15.00 minutes West Longitude (as limited by any agreements negotiated between SKDB and other First Nations).
- 3) Where a proposed development overlaps this *commercial resource development boundary*, primary jurisdiction regarding this project will rest with the First Nation on whose land the majority of the project will occur, but this First Nation must seek approval from the other party prior to any decisions directly resulting in commercial resource development activities.

¹ For the purposes of this agreement, 'commercial resource development' is defined as oil and gas exploration or development, mineral exploration or development, commercial logging, or any other renewable or non-renewable development activity that is carried out primarily for business rather than for subsistence purposes and normally requires some form of land or water use permit.

Each party will ensure that the other party is consulted whenever proposed commercial resource development activities may impact on traditional hunting and gathering activities in shared traditional land use areas.

Each party will ensure that the other party is consulted in advance on business initiatives of potential joint benefit occurring within shared land use areas.

- 6) The ADKFN herein agrees to support the Candidate Protected Area proposed by the SKDB through Dehcho First Nation Resolution 2004-#14 and will work co-operatively with the SKDB to move this initiative forward.

The parties acknowledge and support each community's respective interest in promoting economic development for the benefit of their people and businesses, while ensuring protection and preservation of the land and culture.

- 8) The parties shall try in good faith to jointly negotiate any disputes that arise from this agreement. Where joint negotiations are not effective, the parties will pursue a mutually agreed upon third-party mediation process.
- 9) Nothing in this agreement shall be interpreted as abrogating or derogating the inherent Aboriginal or Treaty rights of ADKFN or SKDB.

This agreement has been signed and executed this _____ day of September, 2004

Chief Floyd Bertrand

Chief Dennis Deneron

Witness

Witness