

YA'THI NÉNÉ LAND AND RESOURCE OFFICE



MINERAL EXPLORATION GUIDELINES IN THE NUHENÉNÉ

December 2020

**On behalf of the Athabasca First Nations:
Black Lake First Nation, Fond du Lac First Nation, Hatchet Lake First Nation and
the Athabasca Communities:
Stony Rapids, Wollaston Lake, Uranium City and Camsell Portage**

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EXPLORATION GUIDELINES IN THE NUHENÉNÉ AND INHERENT RIGHTS

The Athabasca Denesųliné First Nations of Black Lake First Nation, Fond du Lac First Nation, and Hatchet Lake First Nation (the First Nations) are committed to working with mining companies who are prepared to respect our rights, our land and our way of life. The First Nations' traditional territories in Nuhenéné are shown in Appendix B (Traditional Territory).

The First Nations' live "in here," in Nuhenéné, our Traditional Territory, and have since time immemorial. The First Nations rights to use our lands and resources, and the corresponding responsibility to protect them for future generations, are thus "inherent" and sacred. They flow from the Creator. The First Nations decide how to exercise such rights and responsibilities through self-determination. The First Nations have been self-determining since time immemorial, and have managed our lands in accordance with our own Indigenous laws, notwithstanding the Crown's interference.

A Matter of both Respect and of Law

The First Nations' rights and responsibilities as an Indigenous peoples are confirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), and its rights to self-determine as a people are also confirmed by the *UN Conventions on Civil and Political Rights and Economic, Cultural and Social Rights*. Canada has ratified these instruments of international law. These international instruments confirm that the First Nations have rights to determine our own laws and governance, and to exercise free, prior and informed consent (FPIC) in respect of Projects¹ that would have a substantive impact on the survivability and well-being of our lands and resources base. As peoples, we depend on the health and bounty of such lands and resources.

These rights are also protected under s. 35 of Canada's *Constitution Act, 1982*. The Supreme Court of Canada has confirmed that the purpose of s. 35 is reconciliation.

Reconciliation means the mutual co-existence of dual perspectives and worldviews (and laws that emanate from them). This mutual co-existence is what the treaties that allowed Canada to exist, stand for. The First Nations understand Treaty 8 and Treaty 10 to be a pact of mutual or dual co-existence. The Treaty was a promise between peoples to sharing the benefits from Treaty lands and resources, and to share governance over them. The Treaty is an agreement which requires our consent for Projects that affect our rights in substantive ways. Our consent must be free, prior and informed.

The First Nations' exercised jurisdiction throughout its Traditional Territory since time immemorial under Indigenous laws. Our laws are customary in nature – developed over millennia of experience, as our people have learned to interpreting how to apply the Creator's intentions. They are largely unwritten, having been passed down through oral history, although some are compiled as written laws for the purposes of dealing with modern situations.

The First Nations' Aboriginal and Treaty Rights, as outlined above, apply across the Traditional Territory. They apply to the lands that the Creator gave us. We have a responsibility to protect Nuhenéné so that

¹ Throughout this document, the term "Project" encompasses any activities, decisions, authorizations, or policy developments that have the potential to affect the First Nations or their members.

infinite future generations may survive and thrive as generations past have done. With our Creator-given responsibility to protect Nuhenéné, the First Nations have developed these *Mineral Exploration Guidelines* (Guidelines).

These Guidelines represents a written law of the First Nations regarding the circumstances under which Proponents may be authorized to carry out activities in the First Nations' Traditional Territory. These Guidelines are intended to guide all Crown consultation and Proponent² consultation and engagement for all Projects in the Nuhenéné. The Guidelines provide certainty to all parties, by ensuring that the requirements of Canadian, international, and Indigenous law are met.

Building a Respectful Relationship: Accommodation and Consent

The Guidelines set out the terms on which the First Nations' consent to Projects in or affecting the First Nations' Traditional Territory may be obtained. To acquire the First Nations' consent, consultation leading to accommodation—whereby all of the First Nations' legitimate concerns about the subject Project and its potential impacts are addressed—must be completed. Where all such concerns are addressed, the First Nations' consent will be set out in agreements with Project proponents, with the Crown, or both.

Canadian courts have repeatedly confirmed that all consultation must be carried out by the Crown (and to the extent they are delegated, by the Proponent) in good faith, with the intent to substantially address the concerns of the affected Indigenous people. Concerns are addressed through accommodation measures. Such measures include:

1. *preventing* impacts that can be fully prevented;
2. *mitigating* impacts that cannot be fully prevented;
3. *compensating* for impacts left over; and
4. *sharing* in upside benefits to reflect the sharing treaty relationship.

Consultation is thus the process that is to lead to the result of accommodation. Consultation on its own is merely the vehicle through which to take the journey; the measurement of its success is the destination of accommodation and consent.

The Guidelines set out the terms for such consultation and accommodation. It ensures that consultation and accommodation engagements and results apply to and are triggered by every action or decision by any Proponent that might affect the First Nations' Aboriginal and Treaty Rights, Traditional Territory, and cultural connections to, heritage values in, and spiritual uses of the Traditional Territory (Values).

In most cases, adherence to the Guidelines will lead to an accommodation agreement establishing the First Nations' consent to the Project or decision in question, on specified terms. A large-scale, long-term Project such as hydro, mining or forestry development will usually take the form of a long-term Impact Benefit Agreement. In contrast, a small-scale, short-term project such as exploration will usually take the form of a smaller scale agreement of more limited duration, such as an Exploration Agreement.

² In this document, "Proponent" means any public or private sector party proposing a physical work or activity, or other authorization requiring a plan, policy or program with potential effects on the First Nations' territories or rights, or the interests of Athabasca Communities.

Cooperative arrangements are central to any process that recognizes shared decision-making and self-determination and potentially provides support and consent to mining-related Projects.

The First Nations support responsible development that provides sustainable benefits to its people, and that is conducted in a manner that respects its Aboriginal and Treaty Rights and Values. The Guidelines will serve as a basis for Proponents to engage with the First Nations in a respectful, productive, and non-adversarial manner.

APPLICATION AND INTERPRETATION OF THE GUIDELINES

These Guidelines apply to any and all land- and resource-use related decisions potentially affecting the Aboriginal and Treaty Rights, Values or interests of the First Nations within the Traditional Territory. Individuals or companies wishing to conduct mineral exploration activities wholly or partially in the Traditional Territory (Appendix B) will utilize these Guidelines to engage and consult with the First Nations. The First Nations reserve the right to deal with individual Projects outside of the Traditional Territory as they determine may be necessary or reasonable to protect Nuhenéné.

For greater clarity, these Guidelines apply both to proposed Projects and any other Crown decisions (including but not limited to permits or authorizations) that may directly or indirectly impact the constitutionally protected rights of the First Nations and their members or the lands and resources on which they rely to exercise such rights.

Notwithstanding the above, if the First Nations have entered into a written agreement with the Proponent—such as an Impact Benefit Agreement or Exploration Agreement—that sets out a consultation process and accommodation and/or the First Nations’ consent for a particular Project or decision, that agreement will take priority over these Guidelines.

Ya’thi Néné Lands and Resources Office (YNLR)

The First Nations have established Ya’thi Néné Lands and Resources Office (YNLR) to manage Proponent consultation and engagement on behalf of the First Nations. They have directed the Crown, as well as industry and others who take on procedural aspects of consultation, to solely contact YNLR for consultation and engagement purposes (see Appendix A).

In addition, these Guidelines apply to any Projects or other proposed activities for which consultation and engagement with other communities in the Athabasca Basin might be sought, specifically Stony Rapids, Wollaston Lake, Uranium City and Camsell Portage (Athabasca Communities). The Athabasca Communities are working with the three Athabasca Denesų́iné First Nations on land and resource issues, and are represented on the YNLR board of directors. The Athabasca Communities have designed YNLR to be their “one window” for consultation and engagement concerning Crown decisions about land and resource use. Engagement with the Athabasca Communities is necessary to secure social license for developments affecting the long-term residents of the Athabasca Basin.

Proponents are therefore directed to make all consultation and engagement requests in the Athabasca Basin (whether of the Athabasca First Nations or the Athabasca Communities) through YNLR. YNLR will work closely with and take direction from the most affected of the First Nations and Athabasca Communities on a project-by-project basis.

Role of the YNLR and the Guidelines

The First Nations and Athabasca Communities support appropriate and sustainable economic activity in the region. Athabasca Denesų́iné have lived here since time immemorial, harvesting, trading, travelling,

and conducting spiritual and cultural activities while maintaining a healthy environment. We aim to keep the environment healthy, while providing economic opportunities for our people, and protecting our land and Indigenous rights. YNLR aims to work with Proponents in good faith towards mutually respectful and beneficial outcomes and to advance Projects that provide a net benefit to the people of the Athabasca Basin.

The First Nations and Athabasca Communities require that all Proponents who wish to develop projects or make decisions that have implications for Nuhenéné to review, respect and comply with the processes, principles, procedures and spirit and intent of the Guidelines, and to direct all requests for consultation and engagement to YNLR.

These Guidelines are a living document. They will be reviewed and revised as needed by YNLR to reflect changes to new best mining practices, legislative and First Nations' Indigenous law requirements. Proponents are responsible for ensuring they have and are using the most recent version of these Guidelines. Please contact YNLR if you have any questions.

YNLR reserves the right to deal with individual Projects outside of the process in these Guidelines as it determines to be necessary or reasonable.

Non-Derogation and Interpretation

These Guidelines are to be given a broad and liberal interpretation. Nothing in these Guidelines is to be interpreted to limit any consultation or accommodation obligations owed to the First Nations by any Proponent. They are not definitive statements of the First Nations s. 35 rights.

Notwithstanding anything in these Guidelines, the First Nations retain the right to challenge, by way of judicial review or any other legal or other processes, any action or decision that fails to meet consultation and accommodation obligations, or fails to secure the First Nations' consent.

Proponent engagement in consultation or engagement activities under these requirements is a necessary but **not** sufficient condition for Project support. Fulfillment of the procedural aspects of consultation is necessary, however, the First Nations reserve their rights to make final decisions about support for a Project based only after they have full and complete information about the Project and an opportunity to consider the potential impacts and benefits. The First Nation decisions will be made in accordance with their own rights of self-determination and the principle of Free, Prior and Informed Consent as articulated in the *United Nations Declaration on the Rights of Indigenous Peoples*.

PURPOSE OF THE GUIDELINES

Among the purposes of the Guidelines are to:

- Streamline and provide clarity to all parties of the consultation, engagement and accommodation requirements applicable within Nuhenéné;
- Build effective working relationships between YNLR, the Crown(s) and Proponents;
- Protect the Aboriginal and Treaty Rights of the First Nations and their members;
- Increase process certainty and reduce the need to resort to the courts or other forums to protect Aboriginal and Treaty Rights;
- Ensure that adequate information is made available for the First Nations' to provide their required Free, Prior and Informed Consent to proposed developments and decisions; and
- Through effective engagement with the First Nations, Athabasca Communities and residents, generate and maintain a social license to operate.

To accomplish these purposes, the Guidelines provide clear and consistent direction to Proponents proposing land and resource developments or to the Crown in respect of any proposed authorizations or other regulatory approvals in the First Nations' Traditional Territory. When in doubt about any direction provided herein, Proponents and the Crown should contact YNLR, rather than attempt to interpret the Guidelines unilaterally.

YNLR will identify to the Proponent if additional consultations are required with any of the three First Nations. For greater clarity and expanded upon below, Proponents are directed not to seek direct engagement with any of the three First Nations unless and until directed to do so by YNLR.

Crown Requirements to Consult and Accommodate

The federal and provincial governments and regulatory bodies (such as the Canadian Nuclear Safety Commission or the Canadian Energy Regulator) individually or collectively represent “the Crown” and have legal obligations to undertake meaningful consultation with Aboriginal people concerning decisions or activities that may affect their constitutionally protected Aboriginal and Treaty Rights. Where, following consultation, the Crown determines to pursue actions that might negatively affect such rights, the Crown is obligated to take steps to accommodate such rights in direct proportion to the strength or importance of the rights and the degree to which the proposed actions might affect the rights. In all cases, consultation is required, but the extent to which the Crown must consult and accommodate depends on the significance of the rights and the extent of the impacts on those rights. Furthermore, the Crown is always subject to a principle known as the “honour of the Crown” which requires diligence in carrying out the consultation process.

Crown actions that may affect Aboriginal and Treaty Rights and which trigger a consultation requirement arise for any Crown-contemplated conduct, including but not limited to:

- issuance, renewals or amendments of regulatory permits, licences, approvals or other authorizations;
- sale, lease or other dispositions or changes of interests in lands or tenures;

- changes to laws, plans or policies; and
- any other activities and decisions that could affect Indigenous rights.

Meaningful consultation requires that the First Nations have full information about the proposed projects and Crown actions, and that they have adequate time, capacity and opportunity to make an informed decision. The duty to consult and accommodate is an essential feature of the protection of Aboriginal and Treaty Rights provided in section 35 of the *Constitution Act, 1982*. The purpose of section 35 is Crown-Aboriginal reconciliation. The duty to consult and accommodate is intended to advance that purpose. This has been set out by the Supreme Court of Canada on a number of occasions, including *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511 and *Mikisew Cree v. Canada*, [2005] 3 S.C.R. 388.

The Crown is entitled to delegate to third party Proponents some responsibilities in relation to procedural aspects of consultation. However, it is ultimately responsible for ensuring that such delegated consultation is complete and correct. Proponents cannot assume that the Crown has adequately consulted with YNLR or the First Nations, nor can the Crown assume that Proponents have adequately conducted any procedural aspects of consultation.

The three Athabasca Denesūliné First Nations have formerly designated YNLR as their technical representative in consultation activities related to resource and energy development proposals (see Appendix A).

GUIDING PRINCIPLES

While every effort is made herein to provide specific information and communication requirements to guide Proponents in how to engage with YNLR (and through YNLR, with the First Nations), guidance is necessarily general until specific Project requirements are identified.

YNLR requirements for Projects of different size and complexity will differ based on the potential extent of impacts on the environment, rights or other factors. YNLR will work collaboratively with the Proponent to determine the depth of consultation, engagement, and accommodation required for a given project. Once adequate information is brought forward to make a determination of the requirements, YNLR will make the final determination on the depth of consultation required and communicate this decision in writing to the Proponent based on the direction from the First Nations and leadership. Throughout the process, YNLR will communicate information and process requirements to the Proponent. In general, the greater the potential impact/infringement the proposed Project may have, the more substantial the level of consultation, engagement and accommodation will need to be.

YNLR's 10 General Consultation and Engagement Principles

YNLR will use the following principles when involved in – and when gauging the adequacy of – consultation and engagement with Proponents.

1. YNLR will work on behalf of the First Nations and the Athabasca Communities in a spirit of mutual respect, cooperation and collaboration during consultations and engagement with Proponents who adhere to these Guidelines.
2. Early community consultation and engagement, prior to submitting a Project Description or any request or an authorization—e.g., permit or licence to federal or provincial EA agencies, regulators or other decision makers—is vital to fostering a positive and effective consultation process.
3. YNLR will operate in accordance with the United Nations' *Declaration on the Rights of Indigenous Persons* (UNDRIP), including the right of Free, Prior and Informed Consent (FPIC) to any Projects or decisions on – or affecting – the First Nations' Traditional Territory and/or rights. Proponents are advised to inform themselves of the requirements of UNDRIP, including FPIC, and of the best practices for meeting UNDRIP requirements in consultation and engagement.
4. It is the joint responsibility of the Proponent and the Crown seeking to make a decision, to adequately fund YNLR consultation and engagement and consultation activities. This will typically include requirements for funding for YNLR to secure adequate capacity, technical support, and community engagement in respect of the Project.
5. Consultation and engagement with the First Nations will only be carried out through YNLR. Proponents will engage with YNLR as the First Nations' sole consultation and engagement representative. Should direct consultation and engagement with individual First Nations be required at any time, YNLR will communicate this requirement and the specific requirements to the Proponent. No Proponent will attempt to directly engage an individual First Nation or Athabasca Community unless expressly authorized by YNLR or that First Nation or Athabasca Community.

6. Routine communications with YNLR (e.g. for the purposes of arranging consultations or other meetings, providing background materials for meetings, conducting business) does not constitute consultation or engagement. Routine phone calls, casual or unplanned discussions, or discussions in relation to other topics with individual members, staff, councillors or other officials or representatives of the First Nations do not constitute meaningful consultation or engagement, and will not be reflected in any consultation records by a Proponent.
7. YNLR requires that consultation and engagement processes with Proponents include substantive participation by executives or other senior representatives authorized and empowered to make binding decisions on behalf of the Proponent.
8. There is no “one size fits all” consultation and engagement process. Consultation and engagement requirements will be custom-tailored to the Project or other proposed change in question, including consideration of factors such as Project size and complexity, location (including degree of existing disturbance as well as importance for Athabasca Denesųłiné), and potential for biophysical impacts and rights infringements. The definition and extent of the Project, and the proposed scope of any study area within which to consider potential impacts, will be confirmed by YNLR.
9. Participation in any consultation and engagement activities do not imply YNLR or the First Nations’ consent or support for the Project, decisions, or activities. Any consent or support for a Project will be communicated in writing once consultation is complete.
10. Communication between the parties is critical. When in doubt about these Guidelines’ requirements or any other YNLR policy document, Proponents are required to contact YNLR directly.

Minimal Project Requirements

In order to be approved, Projects must:

- avoid causing significant, irreparable environmental, social, cultural, economic or other harm to the First Nations and Athabasca Communities;
- respect the requirement of FPIC, following UNDRIP;
- provide a net benefit to the First Nations and the Athabasca Communities; and
- adhere to the spirit and intent of *the Athabasca Denesųłiné Land Use Vision*: To manage the use of the land and renewable resources of the Athabasca in an integrated and environmentally sound manner to ensure ecological, economic, social, cultural and spiritual benefits for present and future generations.

ADHERING TO THE ATHABASCA DENESųŁINÉ LAND USE VISION

Appendix C to these Guidelines is a copy of the Athabasca Denesųłiné Land Use Vision, adopted by the three First Nations and four municipalities in 2008. It establishes four land use zones (Nih bųk’ųsųłđđái (Conservation), Special Management, Multiple Use, and Infrastructure), with different acceptable activities and restrictions for each. In order to adhere to the spirit and intent of this Land Use Vision, Proponents must review their proposed location of activities against the zoning map and where activities are likely to occur in a conservation or special management area flag these locations specifically in application packages for review by YNLR.

CONSULTATION AND NEGOTIATION OF ACCOMMODATION PROCESS

Engagement with the First Nations must occur as soon as possible in the planning process for a Project.

For mineral exploration and development activities, this will mean that engagement should occur:

1. prior to an individual or company applying for a permit to perform assessment work, including any airborne geophysical or reconnaissance surveys, in the Traditional Territory, and
2. in all cases, before the commencement of exploration activities.

General Consultation and Accommodation Process

Proponents wishing to conduct exploration activities in the Traditional Territory are advised to initiate dialogue with YNLR well in advance (up to six months) of the desired start date of exploration activities.

Proponents of mineral exploration activities should become familiar with these Guidelines and the framework provisions of a YNLR Exploration Agreement prior to initiating any exploration program in the Traditional Territory. The provisions of a YNLR Exploration Agreement may, as required, be modified by the Proponent and YNLR to address the individual circumstances of a particular Exploration Program.

The purpose of consultation and accommodation is not to “check boxes” – it must be directed at meaningful and good-faith efforts to achieve a full understanding of the impacts and benefits of the proposed activities from the First Nation perspective, and a fair and just agreement on how impacts may be minimized and benefits shared so that informed consent may be obtained. Any engagements which are simply for the purpose of building “a record of consultation” will be rejected as bad-faith.

An individual or company must follow the general process of engagement and consultation outlined in the following steps:

- Notify YNLR of the location of the mineral claim(s)
- Prior to *any* exploration activity on mineral claim(s), consult meaningfully with YNLR
- Prior to applying for a land-use permit, enter into discussions with YNLR for an Exploration Agreement.

Specific Consultation and Accommodation Process

These steps must be followed to engage and consult with YNLR:

- Prior to applying for a work permit, the proposed project location and associated claim locations must be submitted to YNLR by providing
 - A project description of the proposed work including types of planned activities, duration and schedule.
 - Shape files of the project location and associated claims.
- Upon the provision of applicable initial consultation fees and signing of a confidentiality and non-disclosure agreement, YNLR will make an initial determination to see if any areas sensitive to the First Nations are encompassed by the claim(s). If this determination is positive, the YNLR will

inform the proponent of the nature of the sensitivity and the potential barriers to advancing exploration programs on the claims. YNLR will provide the above information to the Proponent within 28 days of claim notice having been received and indicate whether an additional consultation fee will be required to further engage.

- The Proponent should then contact the YNLR to schedule an information-sharing meeting, preferably in-person and as desired by YNLR. If YNLR does not want to have a face-to-face meeting, they will provide a written letter or email confirmation to that effect.
- Where a meeting is to occur, the Proponent should proceed with planning in conjunction with the prescribed YNLR contact.
- Meetings should be attended by company representatives with decision-making power (e.g. a high-level executive) and the YNLR authorities. The Proponent will be expected to bear reasonable costs for holding the meeting (room rental, translation, honoraria, etc.) which will be included in the consultation fees.
- YNLR will record attendance and ensure complete minutes are taken at the meeting.
- Materials must be presented in an appropriate visual media (e.g. PowerPoint) and should also be provided in written form. A proponent should expect to leave visual materials such as: maps, posters, and an electronic copy of the PowerPoint presentation. A proponent should be prepared to discuss the following:
 - Proponent and partner background,
 - Location(s) of proposed exploration activity with maps clearly delineating areas of work,
 - Timing of activity with start and stop dates,
 - Nature of activity,
 - Commodity being explored for and duration of activity,
 - The number of workers involved,
 - The type and amount of equipment and materials to be used,
 - Any local environmental or cultural sensitivities,
 - Potential impacts with respect to environmental, cultural or other sensitive matters,
 - Mitigation measures,
 - Any deadlines of filing dates pertaining to the action or decision; and
 - Potential economic opportunities for the First Nations.
- Proponents should not expect “approval” of their proposed activities during the initial meeting. YNLR will require a contemplation period of at least 21 days post-meeting to consider the information that has been shared and to identify necessary consultation and engagement activities, along with the associated fees to support the identification of any issues and concerns.

- At the end of the contemplation period, YNLR will advise the Proponent of required consultation and engagement activities. An agreement regarding the information shared must be kept confidential pursuant to the previously signed mutual confidentiality and non-disclosure agreement.
- Additional consultation and engagement activities will depend on a variety of proposed project factors and could include but are not limited to:
 - i. Public notification of the proposed work using radio, social media and local notification methods.
 - ii. Additional information sessions with broader audiences including leadership, Elders and potentially impacted land users.
 - iii. Site visits by qualified YNLR staff to document environmental and cultural conditions.
 - iv. Conducting Traditional Knowledge interviews with impacted land users.
- Upon completion of the additional consultation and engagement activities, YNLR will advise the proponent of their issues and concerns. If the issues and concerns can be accommodated within the scope of a Proponent's proposed exploration program, YNLR will recommend a YNLR Exploration Agreement be entered into between YNLR and the Proponent. A YNLR Exploration Agreement will provide YNLR's consent for a specified exploration program. In return, the Proponent will accommodate the issues and concerns raised by YNLR by agreeing to the terms in the Exploration Agreement.
- If an Exploration Agreement is signed by YNLR and a Proponent, the Athabasca First Nations and the Athabasca Communities will provide a letter to the regulatory authorities stating that it has been satisfactorily consulted and that an Exploration Agreement has been signed.

Obtaining YNLR Consent

Where accommodation measures are determined by YNLR as necessary concerning the proposed Project, YNLR will advise the Proponent to commence accommodation negotiations and to reply to that correspondence *before* the commencement of exploration activities. YNLR and the Proponent will meet and/or correspond as necessary, and set out a workplan to exchange information and negotiate accommodation measures.

If and when appropriate accommodations have been determined and agreed upon, YNLR and the Proponent will enter into an Exploration Agreement setting out the agreed-upon accommodation measures, the steps that the Proponent will take to implement the accommodation measures, and the terms and conditions of First Nations' consent for the activities to proceed.

Once an Exploration Agreement is in effect, the Proponent will continue to update YNLR on the status of the Project per the terms of the Exploration Agreement and will immediately notify YNLR of any future change to the nature or scope of the Project, and engage in a new consultation and accommodation process as required.

The contents of any Exploration Agreement will vary with the Project's circumstances; however, all such agreements will serve to govern the conduct of exploration and development work and define the relationship between the Proponent and the First Nations. In addition to ensuring an overall benefit to the First Nations, capacity funding to cover all Project-related costs and establishing a framework for ongoing collaboration, Exploration Agreements will generally include:

Community Consultation and Information

Proponents will be required to keep YNLR informed about their activities. This includes details on the location and duration of the operation of base and fly camps, nature and scale of proposed exploration activities, as well as future plans. Detailed maps and aerial photographs of potential sites should be included. Proponents will provide annual reports and other corporate information to YNLR. Proponents will keep YNLR informed of any materially significant developments or discoveries in respect of such activities.

Proponents may also be invited to give updates to the First Nations and to the Athabasca Communities.

The rights of the hunters, fishers and trappers of the First Nations must be accounted for at all times. In cases where the potential for interference with such activities exists, YNLR will facilitate meetings and information-sharing between the Proponent and affected harvesters to obtain their consent and determine appropriate avoidance and mitigation measures.

Additional Studies

Depending on the extent of proposed activity and the location of the proposed project, additional studies may be required including archaeological, socio-economic, biophysical, cultural and food, traditional knowledge and use / occupancy, harvest, mitigation or other studies involving the First Nations. All studies must be carried out with the advance approval of and/or under the supervision of YNLR. Detailed study methodologies will be provided if required. Any studies carried out without YNLR approval or supervision may not be considered adequate by YNLR.

All studies, land use information, or other information regarding the First Nations that a Proponent obtains through consultation and engagement or consultation with YNLR or any of the First Nations will remain the property of the YNLR or the First Nations. This may include but will not be limited to data, maps, analysis and written reports provided by YNLR or any of the First Nations to the Proponent. Such information will be held in confidence, and cannot be redistributed or used for any purpose without the express and advance written approval of the First Nations or YNLR.

Environmental Concerns and Monitoring Requirements

Proponents will be required to meet or exceed government environmental regulations and guidelines in all aspects of their operations. In addition, Proponents must demonstrate respect for YNLR environmental and cultural concerns by preparing a detailed environmental and cultural protection plan including specified mitigation measures for review and approval by YNLR.

YNLR will require that Proponents facilitate visits by YNLR Community Land Technicians to their sites. Monitors are invaluable to developing a good working relationship with the Proponent at the Project site.

Monitoring is required before, during and after siting a camp or undertaking exploration activities with the potential for ground disturbance.

YNLR CONTACT

Any questions with respect to these Guidelines should be directed to:

YNLR, Garrett Schmidt, Executive Director
Ya'thi Néné Land and Resource Office
100–335 Packham Avenue, Saskatoon, SK S7N 4S1
(306) 477-1251 garrett.schmidt@yathinene.com

Proponents are advised to engage directly with YNLR and to communicate openly and constructively about proposed Projects or decisions with potential impacts on the First Nations per our Guidelines. These Guidelines are designed to reduce uncertainty, provide clarity, and avoid costly and adversarial court proceedings.

REVIEW AND AMENDMENT

The map of the Traditional Territory attached as Appendix B is based on the First Nations' understanding of the land as of the date that these Guidelines were authorized. It is subject to change as the First Nations acquire additional information about its territory and history.

The First Nations reserve the right to review and amend the Guidelines as necessary or desirable.

Any consultations that have begun before such amendments shall not be affected by the amendments to these Guidelines unless agreed upon by all parties.

AUTHORIZATION

These *Mineral Exploration Guidelines in the Nuhenéné* were approved by the First Nations and the Athabasca Communities on 9th, December, 2020.



Chief Bart Tsannie
Hatchet Lake Denesų́łíné First Nation



Chief Archie Robillard
Black Lake Denesų́łíné First Nation



Band Manager Marlene Naldzil
Fond du Lac Denesų́łíné First Nation



Mayor Daniel Powder
Northern Hamlet of Stony Rapids



Chairperson Dean Classen
Northern Settlement of Uranium City



Chairperson Terri Daniels
Northern Settlement of Wollaston Post



Chairperson Claire Laroque
Northern Settlement of Camsell Portage

Appendix A – Direction to Consult with YNLR

BLACK LAKE FIRST NATION

BAND COUNCIL RESOLUTION

Resolution consented to by a quorum of the Chief and Council of the First Nation (“**Chief and Council**”) at a meeting of the Chief and Council duly convened on the 11 day of August, 2020.

WHEREAS Black Lake First Nation (the “**First Nation**”) is a Member of the Ya’thi Néné Land and Resource Office, and receives services and support from the Ya’thi Néné Land and Resource Office;

AND WHEREAS in relation to all mining, milling, exploration, forestry, road building and other industrial and non-industrial developments and activities for which a provincial or federal licence, permit, regulatory process, environmental assessment or other approval is required, the initial point of contact for Black Lake First Nation is to be the Ya’thi Néné Land and Resource Office with a copy of the correspondence issued to Black Lake First Nation.

AND WHEREAS Accordingly we direct you to the communicate directly with the Ya’thi Néné Land and Resource Office in relation to all related matters and our staff will be in direct contact with Black Lake First Nation.

NOW THEREFORE BE IT RESOLVED THAT Chief and Council now provide this BCR as evidence that the First Nation has approved the Ya’thi Néné Land and Resource Office as their representative in the above noted activities and processes.

The foregoing resolution is hereby consented to in writing by a quorum of the members of the Chief and Council as evidenced by their signatures hereto.


Chief


Councillor


Councillor


Councillor


Councillor


Councillor


Councillor


Councillor

FOND DU LAC FIRST NATION

BAND COUNCIL RESOLUTION

Resolution consented to by a quorum of the Chief and Council of the First Nation (“**Chief and Council**”) at a meeting of the Chief and Council duly convened on the 28 day of **February**, 2020.

WHEREAS Fond du lac First Nation (the “**First Nation**”) is a Member of the Ya’Thi Néné Lands and Resource Office, and receives services and support from the Ya’Thi Néné Lands and Resource Office;

AND WHEREAS in relation to all mining, milling, exploration, forestry, road building and other industrial and non-industrial developments and activities for which a provincial or federal licence, permit, regulatory process, environmental assessments or other approval is required, the initial point of contact for Fond du lac First Nation is to be the Ya’thi Néné Lands and Resource Office with a copy of the correspondence issued to Fond du lac First Nation.

AND WHEREAS Accordingly we direct you to the communicate directly with the Ya’ thi Néné Lands and Resource Office in relation to all related matters and our staff will be in direct contact with Fond du lac First Nation.

NOW THEREFORE BE IT RESOLVED THAT Chief and Council now provide this BCR as evidence that the First Nation has approved the Ya’Thi Néné Lands and Resource Office as their representative in the above noted activities and processes.

The foregoing resolution is hereby consented to in writing by a quorum of the members of the Chief and Council as evidenced by their signatures hereto.



Chief



Councillor



Councillor

Councillor

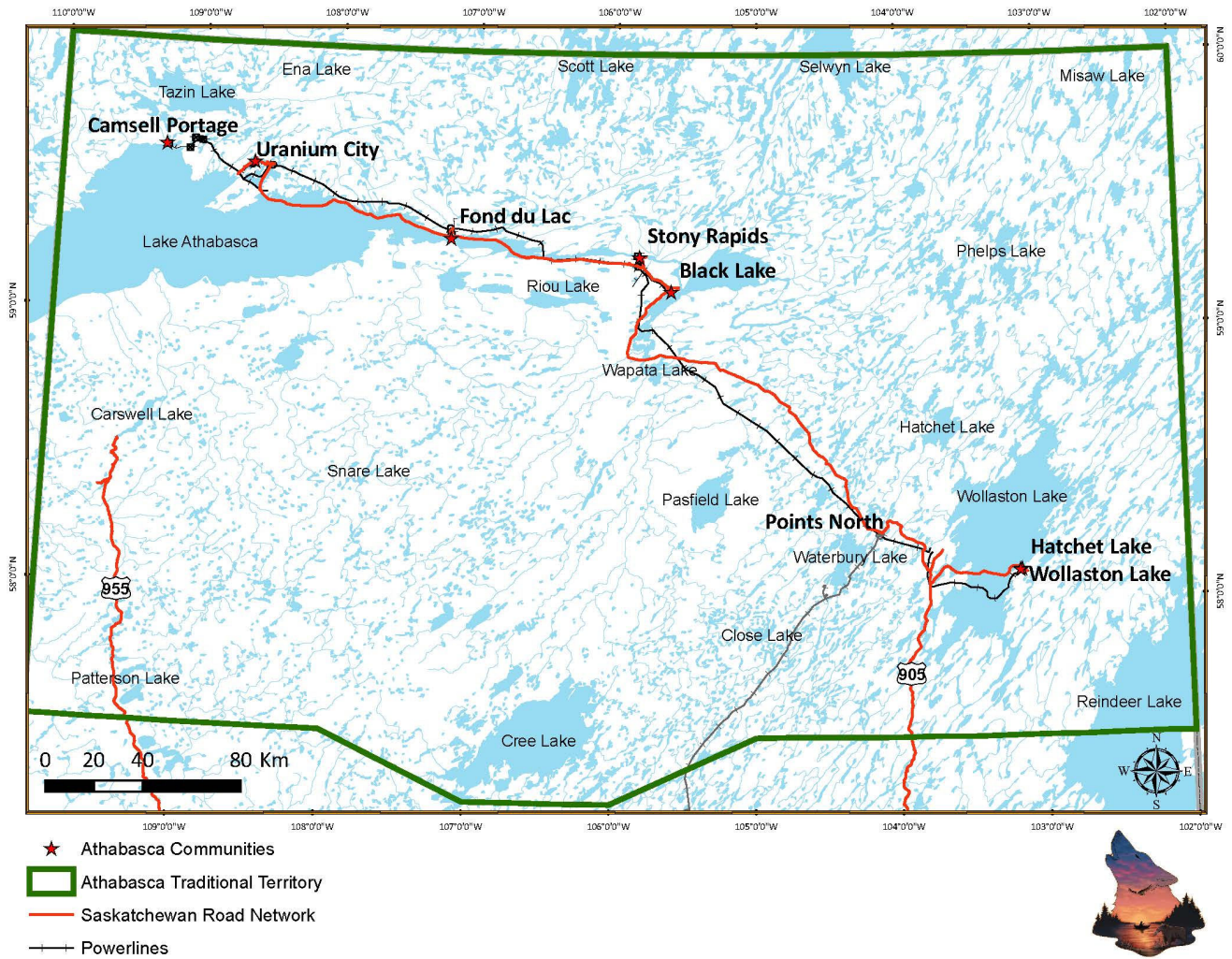


Councillor


Councillor

Councillor

Appendix B – Map of Traditional Territory of Athabasca Denesųłin  (Nuhen n )



Appendix C – Athabasca Land Use Vision³



Athabasca Land Use Vision

Vision

To manage the use of the land and renewable resources of the Athabasca in an integrated and environmentally sound manner to ensure ecological, economic, social, cultural and spiritual benefits for present and future generations.

Background

Arising from the ashes of the Athabasca Land Use Interim Advisory Panel, three First Nation and four municipal communities, including Camstell Portage, Uranium City, Fond-du-Lac, Stony Rapids, Black Lake, Wollaston and Hatcher Lake, united to prepare an Athabasca land use vision and plan. This land use vision applies to all First Nation reserves and provincial Crown lands within the Athabasca. The Athabasca vision and plan was coordinated and supported by the Prince Albert Grand Council.

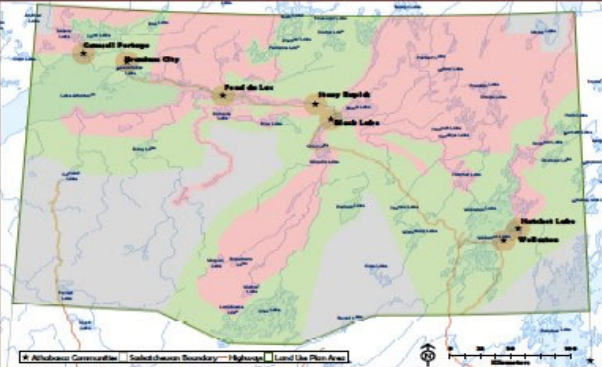
Method

The planning area covers 132,300 sq. km. The land use zones illustrated on this poster are a result of years of community consultation, research, and data analysis modelling conservation, cultural, commercial renewable resources, and industrial development. The conservation zone is based on wildlife habitat, Athabasca Denesuline land use and occupancy and important natural areas. The multiple use zone is based on areas of commercial and industrial development. The special management zone is based on overlap between the conservation and multiple use zones. The infrastructure zone is a 10 km buffer around communities and a 1 km buffer along existing roads and the proposed Wollaston road.

Important Facts

- The Athabasca vision of land use and resource management is to work jointly with the governments of Canada and Saskatchewan in the sharing of the Athabasca Denesuline ancestral lands in the furtherance of the treaty relationship.
- 70% of the planning area is potentially open for new development subject to the Athabasca land use planning guidelines.
- 30% of the planning area is set aside to protect Athabasca Denesuline land use and occupancy, including cultural places, barren ground caribou habitat, other important terrestrial and aquatic species' habitats, and important ecological landscapes.
- Conservation of cultural places, drainage systems and wildlife habitat are paramount throughout the planning area.

Land Use Zones



Land Use Zone Policies

Overarching Policies

- Consultation with Aboriginal communities, including arrangements of socio-economic benefits, is necessary.
- Reporting and avoiding cultural places, archaeological sites, and caribou encountered during development is mandatory.
- Licences, permits or other government authorizations and their environmental protection terms are required. However, such authorizations may only be issued when consistent with the Athabasca land use vision and plan.

Nih bȳk'ȳsorȳdāi (Conservation) 30%

- The conservation zone was created to protect the ecological and cultural integrity of the landscape, with special attention to wildlife (especially barren ground caribou habitat), water, land use and occupancy, and important cultural sites. Nih bȳk'ȳsorȳdāi means "to respect and keep in their natural state."
- The Athabasca Sand Dunes Provincial Park is included in this zone.
- In this zone, new development is restricted to protect high concentrations of sensitive cultural sites and wildlife habitat. Existing authorizations will be valid for the life of their tenure; but they will not be renewed.

Special Management 40%

- In this zone, protection of cultural places and wildlife habitat are paramount. New development may be permitted providing that the impact on cultural and wildlife resources is minimal.
- New developments are subject to more rigorous up-front scoping and consultation to identify and protect significant natural and cultural values. The required consultation and investigations may be best accomplished through a social and environmental impact assessment of any proposed development.

Multiple Use 27%

- The multiple use zone is an area where commercial and industrial development are likely potentially compatible with or will probably have little direct impact on land use and occupancy.
- New development is potentially permitted under existing, approval, regulatory and environmental protection processes, and subject to the Athabasca land use planning guidelines.

Infrastructure 3%

- The infrastructure zone was created in anticipation of future community and infrastructure expansion, and also to protect land use and occupancy immediately surrounding the communities.
- New developments are directed towards community and public infrastructure, however, other forms of development are potentially permitted subject to the Athabasca land use planning guidelines.

What is allowed in each zone?

Land use activities & development	Nih bȳk'ȳsorȳdāi	Special Management	Multiple Use	Infrastructure
Land Use and Occupancy *	P	P	P	P
Low impact tourism **	P	P	P	P
Outfitting ***	C	C	P	P
Commercial fishing	C	C	P	P
Mineral exploration	N†	C	P	P
Mineral extraction / mining	N†	C	P	P
Sand gravel extraction	N†	C	P	P
Roads & trails construction	N†	C	C	P
Lodge & infrastructure establishment	N	C	P	P
Waste disposal	N	C	P	P
Hydro development	N	C	P	P
Timber harvesting **	N	C	P	P

N = Not Permitted C = Potentially Permitted with Special Conditions and Consultation P = Potentially Permitted with Conditions and Consultation

* Land use and occupancy includes hunting, fishing, trapping, gathering plants, collecting eggs, collecting oils.
 † In the impact studies there is no cultural or environmental data available. Additional research, including site visits, interviews, and other information, may be required.
 ** Outfitting includes outfitting and outfitting, and other outfitting services, including site visits, interviews, and other information.
 *** Building operations, however, some authorizations will be valid for the life of their tenure but they will not be renewed.
 †† Includes cultural, social and historic resources for subsistence and local commercial purposes.

The information on this poster is based on the current version of the Athabasca Land Use Plan: A Northern Perspective and is subject to revision as the plan develops. Please contact Diane McDonald for the most recent version of the plan. Diane McDonald, Coordinator, Athabasca Land Use Panel, Prince Albert Grand Council, 2300 9th Avenue West, Prince Albert, SK S4V 7G3; Office: 306-922-7512; Mobile: 306-222-1813; Fax: 306-763-2973; Email: dmcDonald@pagg.ca

Map prepared by PACTteam Canada Inc. May 1, 2008

³ The Land Use Vision shows the First Nations' traditional territory in Saskatchewan only and does not include NWT traditional territory.