

February 16, 1996

Surface Rights Board  
Box 31201  
Whitehorse, Yukon  
Y1A 5P7

Dear Sirs:

RE: Placer Mining Claims "Asmari 1" and "Asmari 2"  
Stewart River, Map 115P12, Nacho N'yak Dun

I am requesting that the matter of accessing my placer mineral right staked on Category "B" Settlement Lands identified as Site R23B and belonging to Nacho N'yak Dun First Nations be placed before the Surface Rights Board for resolution. I recorded the above claims on the 27th day of February 1995 and was advised that consent should be obtained prior to starting my mining program. On several occasions in March and April of 1995, I went to the office of the Nacho N'yak Dun located in Mayo, Yukon but was unable to arrange an appointment to discuss access to the placer mineral right on these two claims. Finally, in April 1995, one of the band members did say to me verbally that he did not think it would be a problem - I believe it was one of the administrators, but unfortunately did not get his name - he said that he would notify the right people and if it was a problem they would come and see me.

Prior to the selection of this area by NND, I had located claims in the same area. My mining plan for the season included mining the adjacent claims and moving onto the new claims to strip, thaw and sluice if possible. As I thought that the verbal consent I received in April would be sufficient, I moved onto the claim in mid-July and proceeded to strip an area. On 26 July 1995, I was hand delivered a letter from the Regional Manager, Mineral Rights recommending that I obtain written consent before proceeding. An inspector from Northern Affairs and two members of Nacho N'yak Dun Measured the work done that day.

On 27 July 1995, the Nacho N'yak Dun placed a moratorium on any mining activities on newly staked claims on their lands. On 28 July 1995, a letter of notice to stop any and all work was hand delivered to me on the basis that I had failed to negotiate access, despite my belief that I had received same. These three pieces of correspondence are attached for your information. Naturally, all work was stopped. On August 1, 1995, I wrote a letter to Nacho N'yak Dun, confirming a telephone conversation of 31 July 1995 and requested to meet with the chief and council to discuss and resolve the situation. I tentatively set a date of 14 August for such a meeting. When I arrived at the band office on that date, no one was prepared to meet with me. Nor have I ever received any written response to my letter of 1 August 1995.

This has been a very frustrating experience for me and has cost me time and money. I believe that I have done my best to negotiate a fair access to my mineral right. In view of the stop work order and the moratorium issued by Nacho N'yak Dun, I would ask that the Surface Rights Board intervene to resolve this matter as per the terms and conditions of the Final Agreement. Please acknowledge receipt of this request.

Yours sincerely,



Eugene Bekar  
Box 56  
Dawson City, Yukon  
Y0B 1G0

# YUKON SURFACE RIGHTS BOARD

P.O. Box 31201  
Whitehorse, YT Y1A 5P7

February 28, 1996

Eugene Bekar  
Box 56  
Dawson City, Yukon  
Y0B 1G0

Dear Mr. Bekar:

Re: SRB File 96-1002

The Yukon Surface Rights Board acknowledges receipt of your letter dated February 16, 1996.

The Surface Rights Board was created under the Umbrella Final Agreement and established pursuant to the Yukon Surface Rights Board Act (Bill C-55). The Board shall deal with disputes respecting surface rights that fall within its jurisdiction. The Board is currently developing its rules and operating procedures and this shall be completed by mid-April, 1996.

The Board shall respond to the particulars of your request shortly. If you have any questions or concerns, please contact me in writing at the above address or by phone at (403) 633-6594.

Yours truly,

*Orig. Mailed Feb 28, 96*  
*SM*

Stephen J. Mills  
A/Chairperson

# YUKON SURFACE RIGHTS BOARD

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P.O. Box 31201  
Whitehorse, Yukon  
Y1A 5P7  
Tel: (403) 667-7695

May 9, 1996

Eugene Bekar  
Box 56  
Dawson City, Yukon  
Y0B 1G0

Dear Mr. Bekar:

Re: SRB File 96-1002

Further to our letter dated February 28, 1996, the Yukon Surface Rights Board (the "Board") has approved its Rules and have enclosed them to assist you in your application to the Board.

The Yukon Surface Rights Board Act states that a person cannot apply to the Board for an order unless the person has attempted to resolve the matter in dispute by negotiation in accordance with the Rules. Under the Rules, if a person has made negotiation efforts in good faith to resolve the dispute, then the Board will accept the application for an access order.

Sections 3 and 4 of the Rules identify what is required in order to apply to the Board for an access order and the requirements to prove that you attempted to negotiate with the First Nation of Na-Cho Nyak Dun. Once you have met these requirements, the Board will be able to proceed with the necessary processes within its rules in order to ensure that your application can be dealt with in a timely manner.

If you have any questions, please contact me at the above number.

Sincerely,



Stephen J. Mills  
Chair

*Handled  
May 10, 96*

# YUKON SURFACE RIGHTS BOARD

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Box 31201  
Whitehorse, Yukon  
Y1A 5P7  
Tel: (403) 667-7695 Fax: (403) 668-5892

December 10, 1996

Eugene Bekar  
Box 2145  
Smithers, BC  
VOJ 2N0

Dear Mr. Bekar:

Re: SRB File 96-1002

This letter is to acknowledge receipt of your application to the Surface Rights Board for a hearing.

The Board is currently reviewing your application and shall make a determination pursuant to section 4(2) of the "Yukon Surface Rights Board Rules of Procedure" as to whether your application meets the requirements and will be accepted. You will be notified of the outcome as soon as practicable.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Stephen J. Mills  
Chair



YUKON SURFACE RIGHTS BOARD  
Box 31201  
WHITEHORSE, YUKON  
Y1A 5P7

February 20, 1997

Our File: 96-1002

Eugene Bekar  
P.O. Box 2145  
Smithers, BC  
V0J 2N0

Dear Mr. Bekar:

RE: APPLICATION TO YUKON SURFACE RIGHTS BOARD

This is to confirm that the Yukon Surface Rights Board (the 'Board') has accepted your application to the Board for an access order relating to the following matter:

access to placer mining claims 'Asmari 1' and 'Asmari 2' (P40415 and P40416) located within Category B, block R23, First Nation of Nacho Nyak Dun Settlement Lands, for the purposes of exercising a New Mineral Right on Category B Settlement Land.

Your application has been accepted for the following reasons:

- a) The First Nation of Nacho Nyak Dun Final Agreement came into effect on February 14, 1995;
- b) Asmari 1 and Asmari 2 claims, which are located within Block R23 of Category B Settlement Land in the Traditional Territory of the First Nation of the Nacho Nyak Dun, were recorded by the Dawson Mining District Mining Recorder on February 27, 1995; and,
- c) you have been unable to obtain the consent of the First Nation of Nacho Nyak Dun for a right of access for the purposes of exercising a New Mineral Right to use, cross and make necessary stops on the Settlement Land in question.

Further, in accordance with Rule 4(2) of the *Yukon Surface Rights Board Rules of Procedure* (the 'Rules'), I have reviewed your submitted record of negotiation efforts and have determined that you have attempted, without success, to resolve the matter in dispute by negotiation in accordance with the *Rules*.

In accordance with Rule 5(1), the Board is required to offer you the option of mediation of this dispute. Please accept this as our offer of mediation. If mediation is acceptable to you and the First Nation of Nacho Nyak Dun, the Board will appoint a mediator acceptable to both parties and will pay up to \$400. for mediation. Although you are encouraged to proceed with mediation if it appears that both parties may be able to come to agreement, any costs of mediation that exceed \$400. are the responsibility of the parties.

Should you wish to participate in a mediation session, please complete the attached form and return it personally, by registered mail or by facsimile to the above-noted address of the Board. The same offer of mediation will be extended to the First Nation of Nacho Nyak Dun.

Please be advised that in accordance with Rule 10, the matter may proceed to a hearing of the Board in the future if:

- a) either party notifies the Board of their intent to proceed to a hearing;
- b) both parties do not respond to confirm their attendance no later than seven days before the date fixed for the first mediation session; or
- c) if the parties fail to reach a mediated settlement.

If you have any questions on the above, please contact my office at 667-7695. You are reminded once again that if you elect to participate in a mediation session, we must have the attached form completed and returned to our office by March 7, 1997.

Yours truly,



Stephen J. Mills  
Chairperson



**YUKON SURFACE RIGHTS BOARD**  
Box 31201  
WHITEHORSE, YUKON  
Y1A 5P7

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February 20, 1997

Billy Germaine  
Deputy Chief, First Nation of Nacho Nyak Dun  
P.O. Box 220  
Mayo, Yukon  
Y0B 1M0

Dear Mr. Germaine:

This is to advise you that on today's date the Yukon Surface Rights Board accepted the application of Eugene Bekar respecting

access to placer mining claims 'Asmari 1' and 'Asmari 2' (P40415 and P40416) located within Category B, block R23, First Nation of Nacho Nyak Dun Settlement Lands, for the purposes of exercising a New Mineral Right on Category B Settlement Land.

A copy of the Board's letter of acceptance is attached for your information.

In accordance with Rule 5(1), the Board is required to offer the parties the option of mediation of this dispute. Please accept this as our offer of mediation. If mediation is acceptable to the First Nation of Nacho Nyak Dun and Mr. Bekar, the Board will appoint a mediator acceptable to both parties and will pay up to \$400. for mediation. Although you are encouraged to proceed with mediation if it appears that both parties may be able to come to agreement, any costs of mediation that exceed \$400. are the responsibility of the parties.

Should you wish to participate in a mediation session, please complete the attached form and return it personally, by registered mail or by facsimile to the above-noted address of the Board. As the attached letter indicates, the same offer of mediation has been made to Mr. Bekar.

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PHONE: (403) 667-7695

FAX: (403) 668-5892

Please be advised that in accordance with Rule 10, the matter may proceed to a hearing of the Board in the future if:

- a) either party notifies the Board of their intent to proceed to a hearing;
- b) both parties do not respond to confirm their attendance no later than seven days before the date fixed for the first mediation session; or
- c) if the parties fail to reach a mediated settlement.

If you have any questions on the above, please contact my office at 667-7695. You are reminded once again that if you elect to participate in a mediation session, we must have the attached form completed and returned to our office by March 7, 1997.

Yours truly,

Stephen J. Mills  
Chairperson

cc. Eugene Bekar





**Yukon Surface Rights Board**

19 May, 1998

SRB File: 96-1002

Eugene Bekar  
Box 2145  
Dawson City, Yukon

Dear Eugene:

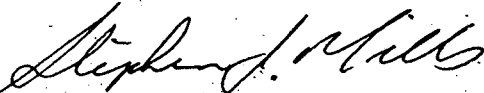
**Re: Status of Application to Yukon Surface Rights Board**

The Yukon Surface Rights Board (the 'Board') is interested in concluding your application. We require that you provide the Board notice to proceed to a hearing or an indication of a planned negotiating session with the Nacho Nyak Dun before July 31, 1998 or your file will be closed. In order for your file to remain open the Board requires notification of your intent before that time. If the file is closed, you will need to reapply for the Board if you require an access order in the future.

I understand from speaking with your associate in Smithers, that you will be in Dawson on May 20, 1998. This letter should reach you soon thereafter. Please call this office upon receipt.

These timelines should pose no problems to your field season.

Sincerely,



Stephen J. Mills  
Chair  
Yukon Surface Rights Board

c.c. Nacho Nyak Dun