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January 11, 2006

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 Ottawa, Ontario

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Ms. Gabrielle Mackenzie-Scott, Chair  
 Mackenzie Valley Environmental Impact Review Board  
 Yellowknife, NT

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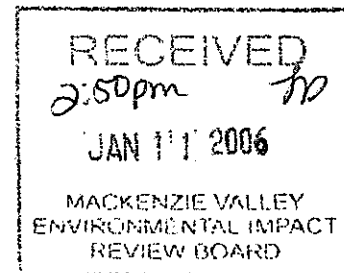
**Regarding Report of Environmental Assessment on the Imperial Dehcho Geotechnical Program (EA 03-009) and the INAC Consult to Modify Engagement Letter (Dec. 23, 2005)**

Dear Sir and Madam,

This letter is in response to the modifications proposed by the Minister to the MVEIRB's recommended measures to reduce the impacts of the proposed Dehcho Geotechnical Program. Although the SKDB finds that a number of the modifications are reasonable, a few modifications warrant comment. One of the proposed modifications (#6) severely undermines SKDB inherent interests. Below are our comments.

**Measure #4:** Prior to, during, and immediately following the EA, the SKDB made consistent efforts to engage Imperial Oil in direct discussions regarding use of the winter road. To date, Imperial Oil has not once approached the community to discuss this matter. The proposed modification suggests that the SKDB has been, or might be, unwilling to meet with Imperial regarding this matter. In fact, the opposite is true – it has been Imperial that has made no effort to engage in discussion regarding the winter road. There is no need for the proposed modification given the SKDB's keen and long-standing interest in discussing this matter.

**Measure #6:** As documented in its traditional knowledge assessment of the MGP and as expressed during the EA, the SKDB has witnessed many types of resource development activities in its traditional land, most of which have resulted in damage to the wildlife and landscape. In order to fully accommodate its strong interest in and inherent right to protect its traditional lands, the SKDB concluded that it required the ability to carry out independent environmental monitoring of any resource development activities taking place on the land. For this reason, it pushed for the right to hire its own Community Environmental Monitors, through contractual



funding provided by Imperial Oil. This approach was supported by the MVEIRB in its deliberations.

Although the SKDB is comfortable with removing the reference to the Gwich'in monitoring program, the modification proposed by the Minister removes the clause regarding the hiring of independent monitors. Moreover, the Minister does not provide a rationale for making this particular change. One of the most fundamental ways to ensure that SKDB inherent interests are accommodated in the face of resource development is to allow the SKDB to independently monitor what is taking place on its land. Putting monitors under the direct employment of Imperial Oil is not acceptable because it creates a conflict of interest and undermines the authority of the SKDB to protect and preserve its traditional lands. This portion of the proposed modification is completely unacceptable to the SKDB and we strongly suggest that it be overturned.


Measure #10: For the Minister's information:

- 1) The Smbaa K'e Dene Band has never been a member of DAS and is currently pursuing direct negotiations with Imperial Oil regarding all mitigation / compensation matters.
- 2) Immediately following the release of the report on the Dehcho Geotechnical Program by the MVEIRB, the SKDB contacted Imperial Oil to begin the negotiations outlined in Measure 10. At that time (May 2005), Imperial informed the SKDB that it would not negotiate the Geotechnical Program separately from the main project and would only negotiate one agreement on a regional level that would include the Geotechnical work and all subsequent MGP activities. This position was in direct contradiction to Imperial's position during the EA that the Geotechnical Program should not be considered a component of the main MGP. Imperial needs to be questioned about its commitment to negotiate with the SKDB regarding the Geotechnical Program.

On this note, as with Measure #4, the Minister's modification leaves the impression that the SKDB has been, or might be, resistant to negotiations. This is an unfair impression. The SKDB has always been open to direct negotiations regarding the Geotechnical Program, but its request for negotiations following the EA was rebuffed by Imperial.

We ask that you seriously consider our input and accommodate our interests as you discuss the proposed modifications to the MVEIRB's recommended measures regarding the Dehcho Geotechnical Program. Mahsi.

Yours truly,

  
Chief Dennis Deneron

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