

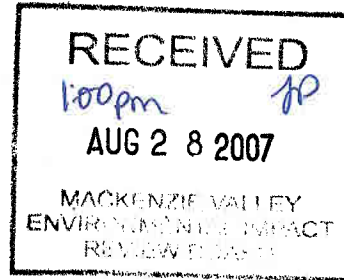
Yellowknives Dene First Nation
Treaty Entitlement Office

FAX COVER SHEET

To: Vern Christensen From: Phil Bon
 Company: MVEIRB Date: August 28/07
 Fax number: 766-7074 Total No. Of pages including cover: 8
 Re: Correspondence

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES COMMENTS



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August 24, 2007

Vern Christensen
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Dear Mr. Christensen,

RE: EA 0506-05 and EA 0506-06 Supplementary Information Requests

The Yellowknives Dene First Nation (YKDFN) is pleased to presents its views regarding proposed mitigation measures for the Consolidated Goldwin (Consolidated) and Sidon International Resources Corp. (Sidon) Environmental Assessments.

It should be emphasized that in providing responses to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) Information Requests (IR), the YKDFN is in no way suggesting or implying acceptance of the proposed developments. The YKDFN are in fact vehemently against any unmanaged developments in our traditional territory, especially developments that interfere with our traditional pursuits and cultural landscape. Further, given lack of consultation undertaken by the proponent in respect to protecting YKDFN Treaty Rights, it is inconceivable any measures imposed on the proponent, short of outright refusal of the project can mitigate impacts to the YKDFN.

Information Requests Pertaining to EA 0506-05 and 0506-06

IR 2.1 – With respect to increased access, allowing drill site access by helicopter only.

RESPONSES

1. The feasibility of the measure.

The YKDFN concurs with the Review Board that increased access for recreational travelers, and the cumulative impacts associated with increased access are a significant and growing concern. Historically, exploration projects have increased non-Dene access to areas of significance for YKDFN and there has been little or no acknowledgement of this fact. Therefore, the Review Board's recommendation that exploration drilling site access be limited to helicopter usage only is viewed favorably. In considering the feasibility of the proposed measure the Review Board should consider that YKDFN have occupied and lived from the land from time immemorial, and that any impact to the rights of YKDFN to use the land in an undisturbed way is unacceptable.

2. The capacity of the measure to reduce or prevent the impact described.

Allowing only the use of helicopters to access exploration sites will, in the YKDFN opinion, only marginally reduce accessibility associated impacts. The issue is now so prevalent and wide spread, that critical disturbance thresholds for species may have been reached. However, without some monitoring mechanism to determine the impacts of the proposed measure there is no way of knowing, for certain, the capacity of the proposed measure to mitigate access impacts.

Further, the impact of any further disturbance on YKDFN Treaty Rights is not acceptable. Reducing the impact still means there is an impact, and the YKDFN have the treaty right to use and enjoy the use of the land without being disturbed in any way.

3. Is there any mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same intent? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.

The YKDFN have no other measure to propose that would enable the proponent to achieve the same intent short of outright refusal of the development application. For YKDFN location is important. Even taking a small area of land is serious if it includes a YKDFN hunting ground or trap line. The YKDFN have a treaty right to hunt, trap, and fish throughout the treaty area. The Crown promised the YKDFN that we would be able to continue hunting, fishing and trapping after the treaties as we did before them. So taking any area we actively use is simply unacceptable.

IR 2.2 Respecting Impacts on Heritage and Burial Sites**RESPONSES**

1. Requiring that the developer conduct heritage surveys on whole claim blocks before any other work is conducted on the ground.

Without knowing where the proponent proposes to undertake exploration drilling activities, the YKDFN can only conclude that the entire claim block represents the area of exploration interest. Therefore, it is reasonable to request a heritage resource impact assessment of the entire claim block(s) held by the proponent for which there is any potential for development activity.

Furthermore, given the proponent has the supposed right to undertake development work anywhere on the exploration claim block, the crown is under obligation to inform itself of the impacts the project will have on the exercise by the YKDFN of its treaty rights and to communicate those findings to the YKDFN. Therefore, the YKDFN believe it is incumbent on the Crown, or the Crown through the proponent, to undertake a thorough evaluation of potential impacts on heritage resources throughout the entire claim block.

2. Requiring the developer to conduct some geophysical work on the ground to identify drill locations. Once locations have been identified, the measure would require heritage surveys only on areas surrounding the drill locations before conducting the remainder of the project.

The YKDFN are of the opinion the proponent has had more than ample opportunity to undertake appropriate pre-drilling reconnaissance work with associated risk management, including appropriate consultation and where necessary accommodation. By not undertaking the appropriate involvement of YKDFN in conjunction with other proposed exploration activities the MVEIRB is now suggesting it should help the proponent undertake the due diligence it has failed to undertake. This however fails to address any potential accommodation, including the possibility of not undertaking the work, if deemed necessary by the YKDFN. Therefore, the YKDFN believe this mitigation option is inappropriate.

Furthermore, as noted in the Taku River court case, the Crown, or the Crown through the proponent, should have fulfilled its honorable duty to consult, and if indicated, to accommodate the YKDFN throughout the permitting, approval and licencing process, as well as in the development of a land use strategy. Clearly this did not occur and now the Review Board is being placed in the position of mediating an undertaking that clearly should have been discharged by the Crown. The YKDFN believes this is not the role of the Review Board and that until the Crown as done the work it should have this proposed project should not be allowed to proceed.

Information Requests Pertaining to EA 0506-05

IR 2.3 Respecting Cumulative Impacts on Traditional Harvesting and Culture. Specifically:

- project activities only occur inland of the Shoreline Zone (The Shoreline Zone refers to the area within three kilometers of the Great Slave Lake shoreline between Wool Bay and Gros Cap); or
- allowing the project to proceed at all sites, but restricts timing to periods when less traditional harvesting occurs.

RESPONSES

1. Please provide your views on the feasibility of these measures.

Given a choice, the YKDFN prefer not to see any development in the shoreline zone for reasons cited in the environmental assessment proceedings; particularly, the abundance of wildlife using the area and the density of cultural and heritage resources forming a tightly woven cultural fabric over the shore line lands.

Allowing the proposed project to proceed with timing limitations is unsatisfactory as the entire area affected by the developments is used by YKDFN members, for traditional pursuits, all year round. Therefore, irrespective of any proposed timing restrictions, there will be impacts on the YKDFN treaty rights to hunt fish and trap in the area undisturbed.

The idea of not allowing any development activity in the shoreline zone seems like the Review Board is looking for a way to allow treaty infringement to occur in other areas outside the shoreline zone. The YKDFN do not want any of its treaty rights infringed upon anywhere in its traditional territory.

2. Please provide your views on the capacity of these measures to reduce or prevent the impact described.

In the YKDFN's opinion restricting exploration development in the shoreline lands will alleviate some of the cumulative impact (disturbance, destruction and accessibility) issues caused by developments occurring in a highly productive and culturally valuable area. However, the YKDFN assert that all of its lands are vital for the carrying on hunting, trapping and fishing rights protected under treaty. Limiting the location or timing of development still results in treaty infringements unless appropriate consultation is undertaken by the Crown.

Restricting the timing of development will have a negligible effect on cumulative impacts because the areas proposed for development are used year-round by the YKDFN members and wildlife. In other words, there is no good or better time to undertake the proposed development work.

3. Is there any mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same intent? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.

The most preferred mitigation measure for the YKDFN is not to have any exploration development occur. YKDFN members have communicated at several environmental assessments regarding development in the Drygeese Territory in and around the Drybones Bay area. They have consistently and emphatically requested that no development occur in the area because of its significant environmental, harvesting, and cultural importance; and, in respect of existing treaty rights. YKDFN members have also said that animals are already being affected by the exploration activity and that they must travel further and further away from Dettah and Ndilo, to hunt and trap. Any more impacts are simply unacceptable.

The proponent had ample time to meaningfully consult with the YKDFN and failed to do so. Furthermore, the environmental assessment process cannot be viewed as consultation as it is happening under the authority of the Review Board, and the Review Board cannot make recommendations that infringe on the YKDFN treaty rights.

IR 2.4 Respecting Cumulative Impacts and Planning. Specifically

- requiring that no new land use permits be issued for developments within the Shoreline Zone until an interim plan is created that duly considers the values of Aboriginal land users (as per the suggestion on in the previous Report of Environmental Assessment for Consolidated Goldwin Ventures (p58, EA0304-02)).

RESPONSES

1. Please provide your views on the feasibility of these measures.

The YKDFN supports not having any new land use permits issued for development within the Shoreline Zone until an interim plan is created and duly considers Yellowknives Dene First Nation land users. The YKDFN are in the process of preparing a 'high-level' planning document for the Drygeese Territory and envisage the development of more focused planning documents such as that suggested by MVEIRB as time and resources permit. Therefore, the idea of

planning before doing is reasonable.

2. Please provide your views on the capacity of these measures to reduce or prevent the impact described.

In the YKDFN's opinion it is a good idea to hold off on developing the Shoreline lands in the Drygeese Territory until there is a land use plan in place. It is what the YKDFN have been asking for because we think it is the right way to do things, and has the most chance of producing results that are satisfactory. The YKDFN have repeatedly asked the Crown to meaningfully consult for the purposes of appropriately protecting treaty rights; and while not perfect, the process of preparing an enforceable plan may help achieve some of the needs of the YKDFN.

3. Is there any mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.

No comment.

IR 2.5 Monitoring for Enhanced Management. Specifically

- requiring a long-term monitoring program, focusing on cumulative effects in Shoreline Zone and resulting impacts on culture and well-being of the Aboriginal users of the land.

1. Please provide your views on the feasibility of these measures.

It is feasible to monitor cumulative impacts; however, the YKDFN do not welcome parties arbitrarily deciding what to monitor and how the monitoring should occur. Preferably, the YKDFN would have the resources and capacity to lead a monitoring program in partnership with other parties.

The Crown's treaty with the YKDFN established environmental thresholds in that the rights of the YKDFN to hunt, fish, and trap would not be changed after the treaty. Therefore, establishing new monitoring thresholds, after impacts have occurred, and treaty rights infringed, fails to recognize the Crown's promise that no impacts would occur to the YKDFN way of life. And, monitoring those impacts does nothing to stop them or the ongoing treaty infringement.

2. Please provide your views on the capacity of these measures to reduce or prevent the impact described.

Monitoring in itself will not prevent impacts from occurring. It will however inform

people about the direction, degree, and severity of impacts. The YKDFN have been monitoring the Shoreline Zone and Inland areas of the Drygeese Territory for time immemorial, and it is based on our monitoring that we raised concerns about how development is changing things for the worse. Unless all development is halted we are worried that all the monitoring in the world will not preserve our culture. Therefore, we do not believe that monitoring will reduce impacts from occurring unless there is a halt to development in areas deemed important to the YKDFN.

- 3. Is there any mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.

No Comment

Thank you for the opportunity to comment on recommendations the MVEIRB is considering.

Sincerely,
Chiefs of the Yellowknives Dene First Nation


Chief Eddie Sangris
Dettah


Chief Fred Sangris
Ndilo

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