

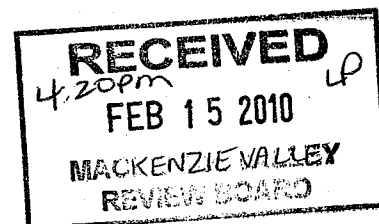
Lutsel K'e Dene First Nation

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February 11, 2010

Martin Haefele
MVEIRB
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Dear Martin,

Re: Deze Energy's new alternate routing for its proposed transmission line: EA0708-007

The Lutsel K'e Dene First Nation's Wildlife, Lands and Environment Committee met February 10 & 11, 2010 with the Lutsel K'e Deze Energy Focus Group that was tasked with spearheading Lutsel K'e's response to the Deze Energy proposal during the environmental assessment. The meeting was called to coordinate Lutsel K'e's initial response to the newly proposed alternative transmission route recently announced by Deze Energy to circumvent crossing Desnedhe Che (Lockhart River).

Obvious throughout the meeting was the dismay our community members have with this new alternative transmission line routing through the Kache (Reliance) region. Many members repeated that **"we said No to the transmission lines being routed around the east end of Great Slave Lake through Kache and Desnedhe Che"** at the public hearing in January **"and No means NO"**.

The following points were raised about the current request from the MVEIRB to review this new alternative routing:

- a) Deze's Developer's Assessment Report outlined four alternative routings for its proposed transmission line. These were the only alternative routings presented during the body of the environmental assessment. This new, fifth alternative routing describes approximately fifty kilometers of transmission line, through an extremely sensitive region, for which no environmental assessment has been done. Currently, the Parties are being asked to consider this fifth alternative

routing in a completely ad hoc manner, with no opportunity to properly question the proponent or investigate environmental and cultural implications. This is procedurally unfair.

- b) The deadline for comments by February 18th does not allow time for our community to properly, and with due diligence, consider the implications of the new, fifth transmission line alternative. Our Focus Group and Wildlife, Lands and Environment Committee must meet, community members must review the proposal and Elders and Youth must be allowed input. The impacts of this new transmission line alternative must be considered carefully and cannot be rushed through in a couple of weeks. We have serious concerns about our Treaty, aboriginal and inherent rights, how this alternative route impacts our conservation vision for the Kache and Desnedhe Che area, and how our traditional, cultural and spiritual practices might be negatively impacted.
- c) This project would be the first to open a large swath of the most important region of our pristine traditional territory to development pressures. This project offends the spirit and intent of the interim land withdrawals instituted by Canada in the region to protect our traditional territory from development pressures until conservation and treaty entitlement discussions are completed.
- d) This situation is similar to the Mikisew Cree case where the Supreme Court of Canada recognized that a road, which allows access to virgin territory, will have significant impacts upon the exercise of Treaty, aboriginal, and inherent rights. The proposed power line is comparable to this road, and will have similar effects in allowing new access to our traditional territory. It is quite likely that a transmission line will allow new developments to become "reasonably foreseeable". However, these cumulative effects were not given due consideration in the environmental assessment.

The MVEIRB must order an environmental impact review of the Deze project pursuant to section 128(1)c of the MVRMA. The rationale for such an order is clear:

- 1) The Deze project is likely to cause significant public concern. In fact, there is no question that there is already significant public concern being demonstrated by the LKDFN, many other Parties, and members of the public.
- 2) Consideration of the new, fifth alternative routing in an ad hoc, "gun to the head" manner outside the body of the environmental assessment is a breach of procedural fairness that cannot be allowed by an administrative tribunal such as the MVEIRB.
- 3) The proposal of the new, fifth alternative has created new issues and concerns for the LKDFN, and probably the other responsible government agencies (migratory birds, visual landscape in the Kache region). These issues have not been considered in the environmental assessment.

- 4) A thorough investigation of alternatives was not completed in the environmental assessment. Not only was the new, fifth alternative routing not considered by the MVEIRB and the Parties, but the very studies that informed Deze's "alternatives assessment" were only revealed post-public hearing, after which the Parties had no opportunity to review and respond (as the public registry had been closed to any comments except those explicitly related to the fifth alternative routing). As well, a clear element of the public concern expressed by many Parties is the uncertainty with regards to the purpose of this development, especially with regards to where Talston power should be routed. Who should be served by Talston power? Which alternative is in the best interest of the LKDFN and the citizens of the NWT? These questions are expressly mandated to be answered in an environmental impact review, as per section 117(3).

In summary, an environmental impact review is essential to allow proper procedures to be followed and allow our community the opportunity to properly review the implications of the project, it's purpose, and it's various alternatives. This is the only way to potentially mitigate the significant concern that the LKDFN has at this time, and insure ultimately that our Treaty, aboriginal, and inherent rights remain protected.

Yours truly,



Chief Steven Nitah
Lutsel K'e Dene First Nation