Tłı̨cho Government
Box 412, Behchokǫ̀, NT X0E 0Y0 • Tel: (867) 392-6381 Fax: (867) 392-6389 www.tlicho.ca

RE: NICO Project - EA0809-004 [2009]

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

July 30, 2012

Dear Chuck Hubert:

The Tłı̨chǫ Government was represented at today's pre-hearing conference call and I have been briefed on the proceedings. Some of the procedural issues are being worked out and that is a good sign of collaboration among all concerned.

That said, we do wish to raise the continued treatment of the Tłı̨chǫ TLU/TK Study as an "afterthought" to the public hearings.

As a result of further changes to the public hearing schedule (see your letter of July 18, 2012), the Tłı̨chǫ TLU/TK Study is once again at risk of being made an afterthought. The Board is considering how to manage its public hearings and closing of its public registry to deal with the Tłı̨chǫ TLU/TK Study. We continue to be of the view that the October 15 date is the most appropriate time for the public hearings – a time when the full Tłı̨chǫ TK/TLU study will be on the record, where Parties have been afforded the time to review it, and made available for consideration at public hearings. Tłı̨chǫ Government is currently being asked to provide a form of "robust presentation" at the re-scheduled public hearing, once again before the full report is ready.

We have asked the Board to be flexible. We asked at the pre-hearing conference today that the Board look at the possibility of not just keeping the public registry open but also requiring a full session (one day should suffice) to consider the full Tłı̨chǫ TLU/TK Study once it is submitted on September 15th.

I will not repeat the entire contents of our letter to you of June 11, 2012. We also provided you with an accompanying Technical Report on Inadequacy of Traditional Knowledge. That letter and its attachment are part of the public record. If the Review Board cannot provide flexibility in its process to deal effectively with the submission of the full Tłı̨chǫ TLU/TK Study, then we do fear, as we noted in our letter, that our Study:

> "... is merely an afterthought, a potentially useful appendage for the purposes of permitting rather than an integral part of the Review Board's decision-making process..."

We remain of the view that a decision to treat Traditional Knowledge as secondary to scientific studies is both disrespectful to the people affected by the project and is legally suspect.

We look forward to hearing how the Review Board intends to resolve this procedural issue, which we say is quickly becoming a substantive one.

Laura Duncan
Tłı̨chǫ Executive Officer