



Yellowknives Dene First Nation

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May 6th, 2011

Alan Ehrlich
Mackenzie Valley Environmental Impact Review Board
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Dear Mr. Ehrlich:

Re: Gahcho Kue Panel Workplan

The Yellowknives Dene First Nation (YKDFN) has reviewed your letter of April 15th, 2011. It is absolutely clear to us that the timelines are unduly restrictive and will mean that neither YKDFN nor any other party, other than the company, will be able to participate in any meaningful manner.

The Board must be aware of the sheer size of this document – in excess of eleven thousand (11,000) pages. By comparison, the Giant EA was eleven hundred (1,100) pages and the DAR review and IR preparation for that file was a major endeavour that engaged staff and consultants for over a month. Not only does YKDFN believe that the near-term deadlines are unrealistic to provide real opportunity to participate, but also that the nominal mid and long term dates are also unrealistic. Simply put, if this file is an order of magnitude larger than the Giant EA, the timeline should reflect this – even if significant additional resources are available to compensate, which they are not. Given the recent election and the delays that occurred in the Giant EA, it is unlikely that any additional funding announcement will be imminent.

In the Giant EA, the Crown eventually did provide participant funding, but it was not until very 'late in the day' and the IR submissions were repeatedly delayed. To get into the 'meat' of the GK process, without having the resources to properly review the Developer's Assessment Report, will have ripple effects on the adequacy and efficacy, effectively prejudging the rest of the process. In recent months, YKDFN has written to the INAC representative to request the early/timely release of these resources, but YKDFN have not been provided with any real indication as to when the GK participant funding will be forthcoming.

Beyond the preliminary indications from the Crown, which the Board is no doubt aware of, that

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participant funding will perhaps, at some future date, be provided we have no official notice on this. YKDFN are forced to participate without any funding – neither IRMA Resource Pressures Funding, participant funding, or other resources.

Additionally, the YKDFN has, on several occasions, requested resources from De Beers to facilitate participation – namely to hire additional staff and consultants to increase the pace of review. On April 20th, despite their initial willingness to consider the possibility, De Beers refused to provide any funding to the First Nation to better facilitate the review of this proposal.

In real world terms, this means that YKDFN will have one person available to review the eleven thousand (11,000) pages of the EIR. This means that it will be some time before the YKDFN is ready to participate in the Gap Analysis Sessions currently scheduled for May 31st. It is impossible for one person to read, review and prepare a thorough analysis in the two weeks between the EIS conformity and GAP analysis, let alone allow the YKDFN and its advisors to formulate coherent positions on the perspective gaps in the EIR.

YKDFN Suggestion: EIS Analysis Session Date - July 15th, 2011

YKDFN also request that the subsequent ‘near term’ dates be adjusted in a similar manner. Given our experience in the Giant EA it is not reasonable to prepare Information Requests on a document this large, covering the breadth of themes and topics it does, in only two weeks. YKDFN found, even with consultants in place, that the Giant EA preparation took several weeks.

YKDFN Suggestion: Information Request Deadline – August 30th, 2011

As the Parties have seen with the Giant EA, the information requests required more time to respond to and I think that this should be reflected in order to keep the EA on track. In that much smaller EA, with a narrower scope, the proponent has already required two months (and may need more). There is already extra time allotted to the IR response (two months instead of one), but it seems clear that this will be insufficient given the wide scope of topics and issues that will be considered.

YKDFN Suggestion: Information Request Responses Deadline – November 30th, 2011

The subsequent dates for the Medium and Long term steps must similarly be adjusted. Because of the abstract nature, it is difficult to provide firm recommendations – but for planning purposes the following represents YKDFN’s suggested dates:

Medium Term

Technical session preparation (parties) - January 2011

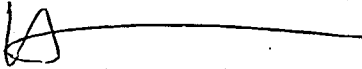
Technical sessions - February 2012
Information requests round 2 preparation - March 2012
Issue information requests round 2 - April 2012
Information request responses (developer, parties) - July 2012
Technical reports (parties) - September 2012

Long Term

Pre-hearing conference - 4th quarter 2012
Public hearing preparation (panel, parties) - 4th quarter 2012
Hearings - 1st quarter 2013
Submission of additional information (parties) – 1st quarter 2013
Closure of public record – 1st quarter 2013
Evidence analysis (panel) – 2nd quarter 2013
Clarification requests (panel) – 2nd quarter 2013
Decision and reporting process – 2nd quarter 2013
Decision and report of EIR issued – 4th quarter 2013

YKDFN have provided these suggested dates in good faith to the Board and represent a realistic timeline for our ability to review and participate in meaningful manner that will ensure that the concerns of the Yellowknives Dene are considered. Even within these dates, there is precious little time for us to consult internally or to review the documents and our analysis with the membership. Should the Board allow a longer period, YKDFN would most certainly welcome it. In the interest of fairness, we ask the Review Board to confirm as soon as possible that the proposed deadlines in the Draft Workplan are not binding.

Sincerely,



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