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July 29, 2022

The Honourable Daniel Vandal, P.C., M.P.
Minister of Northern Affairs
Terrasses de la Chaudière
10 Wellington Street, North Tower
Hull, Québec, Canada
K1A 0H4

Joelle Crook
Science Analyst
CIRNAC-RCAANC, Government of Canada
25 Eddy Street
Gatineau, Québec, Canada
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Re: Tłı̄chǫ Government Request for a “Regional Study” under Part 5.2 of the MVRMA

Dear Minister Vandal, Joelle Crook, and to whom it may concern,

The Yellowknives Dene First Nation (YKDFN) has participated in the Regional Strategic Environmental Assessment (RSEA) workshop facilitated by the Mackenzie Valley Environmental Impact Review Board (MVEIRB) in June 2022, reviewed the summary reports, and collaborated internally. The YKDFN wants to express gratitude for the services and considerations of the Minister and the Northern Affairs team on this matter.

The YKDFN is in support of a Regional Study as outlined under Part 5.2 of the Mackenzie Valley Resource Management Act (MVRMA). Our acknowledgements, expectations, and rationale are shared below.

Let us acknowledge our ancestors who lived in harmony with these lands, waters, and life since time immemorial. Our ancestors guide us, and it has been by way of the Yellowknives Dene's Traditional trails that new commers to the region have been able access wealth through trade commodities and mineral exploration within the Yellowknives Dene's Traditional Territory.

Let us acknowledge ourselves as the current peoples who have a relationship with these lands and waters on Chief Drygeese Territory and be mindful that the outcomes of our actions will be inherited by the future generations.

And let us acknowledge the future generations of peoples within the Chief Drygeese Territory whose way of life and wellbeing will be impacted by our actions and take responsibility to care for the land, water, and all life, that will in turn care for ourselves and them.

Regarding matters of **Governance** and the RSEA, the location of the Proposed Slave Geologic Province Access Corridor (PSGPC) in its entirety – Segments 1, 2, and 3 – are the within Chief Drygeese Territory, the YKDFN's administrative Akaitcho Treaty 8 boundary. The entirety of segment 1 is located within Chief Drygeese Territory, a region where the lands and resources are regulated by the Mackenzie Valley Land and Water Board (MVLWB). A board comprised of 1 chairperson, 5 members from the Sahtu Land and Water Board (SLWB), 5 members from the Gwich'in Land and Water Board (GLWB), 5 members from the Wek'èezhii Land and Water Board (WLWB), and four members pursuant to Section 99 of the MVRMA (2 members appointed following consultation by the federal Minister with the first nations and the Tłı̨chǫ Government (TG), 1 member appointed on the nomination of the territorial Minister, and one other member).

Portions of segments 2 and 3 fall within a current area of the Wek'èezhii Resource Management Area (WRMA) where the YKDFN and the TG have a "Shared Primary Use Area". A region where the Akaitcho Dene First Nations (ADFN) and the Tlı̨cho First Nation signed an Overlap Agreement in 2002. This agreement includes clauses that both parties shall enter into an interim agreement to govern their shared decision making (section 5), have equal Rights to participate in any decision-making boards with jurisdiction respecting lands and resources (section 6), and that both parties shall work co-operatively to protect their respective and mutual interests when exercising their authorities with respect to the management and or regulation of lands or resources (section 10a). The "Shared Primary Use Area" is located in the Northwest section Chief Drygeese Territory and the Eastern section of the Wek'èezhii boundary where water, lands, resources, and waste management are regulated by the WLWB, comprised of members from the TG, the GNWT, and Canada.

To this date, the Overlap Agreement has not been implemented and honoured in a manner that provide the YKDFN and the ADFNs representation on any format of board with jurisdiction in the Shared primary Use Area. Further, the YKDFN is an independent and sovereign nation, similar to Canada and have not signed any Rights away to devolution. However, an outcome of not being signatories to the Northwest Territories Devolution Act is the YKDFN not having representation on the MVLWB. Thus, the YKDFN does not have representation on any boards regulating the

lands, waters, resources, waste disposal, etc. within our asserted Traditional Territory, following procedures we have not agreed to.

Given this circumstance, **the YKDFN expect to have special considerations and provisions to participate equally in the regulatory decision-making process. The YKDFN's model of governance is for Chief and Council to make decisions on matters concerning the YKDFN's Rights in the YKDFN's asserted Traditional Territory. This model of governance must be honoured and will be of paramount importance to honour when a free, prior, and informed decision is made whether to build the PSGPC.**

The YKDFN have the following, additional expectations regarding aspects of **Governance**:

2. **The process should be Indigenous lead, and before the process proceeds any further, an additional workshop should be held allowing the Indigenous Governments (IG) an opportunity to gather and determine whether they want to implement an Indigenous Caucus (IC).** The proposed IC will be developed to hold internal discussions between IGs where common goals, values, principles, and other matters of importance may be collaborated upon before IGs meet with proponents, developers, Territorial Governments, and/or Canada. **The IC should be able to gather before and after the development of a Terms of Reference (ToR), facilitated, include provisions for legal representation, and funded in full.**
3. **The YKDFN should have a member on the committee established by the Federal Minister pursuant to clause 144.32 (2) of the MVRMA and expect that all affected First Nations will have a member on the committee should they opt to.** To preserve the YKDFN's Chief and Council's authority, and the authority of the other IGs, this committee should not be comprised of independent representatives who can not make decisions on Chief and Council's behalf. Adequate time should be allocated to discussions between IGs and Canada on how IG committee members are appointed.
4. Pursuant to **clause 144.32 (3) of the MVRMA**, the committees ToR should include:
 - aspects of **governance and Rights;**
 - a **dispute resolution process** with terms and conditions that address how infringements on Rights are prevented, mitigated, monitored, resolved, losses are compensated, etc.;
 - a **reasonable time frame and schedule for funded land use planning before the decision point described below;**
 - a **decision point when the YKDFN's Chief and Council decide whether they agree to the PSGPC being built;** and
 - all points above should be determined to be suitable by the YKDFN.
5. **All affected and participating Indigenous Governments will have equal authority in the governance structure.** There must not be one governing body with more power or authority than others, ensuring **consensus decision-making** and that no IG is left behind.

The **Scope** of the RSEA should:

- consider placing **well-being** as the most important value and consider well-being in a balanced and holistic manner.
- **include all affected Caribou ranges**, specifically the historical Bathurst Caribou Range.
- **include all affected water sheds**, specifically the Yellowknife watershed.
- in future discussions, determine a temporal scope for the RSEA.
- include **temporal and spatial guidelines, and possibly acts, for industry and developers to follow.**
- develop of a strategy for **integrating the information generated by cumulative effect assessments** into acts, policies, procedures, guidelines, action limits, thresholds for development, future planning, etc.

Consultation and Engagement should be a **shared responsibility** where IGs and other parties develop individual IG and general IG **engagement plans**, which should be living documents.

Traditional Knowledge (and/or information) should be protected by establishing **data sharing agreements** before this process proceeds any further.

Before any of the above work occurs, early and sufficient **participant funding** should be determined (in a phased approach) and distributed. Funding should be provided for all costs below, if, and to the degree identified by an IG as being reasonably necessary to meaningfully participate in the RSEA process:

- **capacity funding**
- **legal support**
- **technical support**
- **consultation and engagement**
- **workshops, meetings, gatherings, all associated fees**
- **office rental and supplies**

This component will have a big impact on the effectiveness, efficiency, participation, meaningfulness, acceptance, and willingness to implement the outcomes of the RSEA.

The YKDFN will support the Ministers decision on a Regional Study and look forward to the reasons for decision. If discussion is needed to better understand any element of this letter, please reach out to coordinate a meeting.

Mahsi,



Ryan Miller
Regulatory Specialist, Department of Environment
Yellowknives Dene First Nation

cc. Johanne Black, a/Director of Environment, Yellowknives Dene First Nation