

Our Files: EA-03-002  
EA-03-003  
EA-03-004

September 23, 2003

Chief Peter Liske  
Yellowknives Dene First Nation  
Box 2514  
Yellowknife NT X1A 2P8

Dear Chief Liske,

**Re: Request for Ruling on Confidential Information by the Yellowknives Dene First Nation**

The Review Board received a letter from the Yellowknives Dene First Nation, dated September 12, 2003, requesting confidential treatment of several reports completed during or after site visits and studies undertaken in cooperation with the Land and Environment Committee. The documents cited in this letter were not attached.

In order for the Review Board to rule on the confidentiality of an item, the document must be received in a sealed envelope under cover explicitly requesting confidential consideration of the material. The Review Board will rule on the confidentiality of all the documents submitted in this manner.

The Review Board reviews the reasons for such requests and may arrange for a review of the documents in question by a single Board member or counsel before rendering its decision. If INAC wants the trip report admitted to the public record on a confidential basis your submission should:

- Indicate whether all or which parts of the document are confidential and must be protected;
- identify the importance of this information to the Environmental Assessment; and
- explain the reasons why the indicated part(s) of the document should be treated as confidential and not filed on the Public Registry.

In exceptional circumstances where the information in question is protected by law or where sensitive or proprietary information is essential to the conduct of an

EA, confidential information may be accepted as evidence for consideration by the Review Board. In order to meet the requirements of fairness, the Review Board must, however, seek ways to present confidential evidence critical to an EA decision to the Developer and other parties. This may be done by summarizing or abstracting from the document in order to protect confidential facts.

Where possible when dealing with confidential evidence, the party seeking its introduction is encouraged to present the information in only as much detail as is required for the EA without disclosing the confidential facts. In this way the essence of the evidence may be included on the record for the EA without the need for a ruling on the admissibility of protected information or for special measures.

The Review Board is aware of the intention of the Yellowknives Dene First Nation to submit the following reports:

1. Archaeological Overview Assessment of Mineral Exploration and Aggregate Extraction in the Vicinity of Drybones Bay, Great Slave Lake Northwest Territories;
2. Preliminary Report on the Cultural and Historical Resources of the Drybones and Wool Bay Areas;
3. Wildlife and Wildlife Related Activities in the Wool and Drybones Bay Areas;
4. Section of the Traditional Knowledge Map used for negotiations with the government of Canada; and
5. INAC Drybones Bay Trip Report.

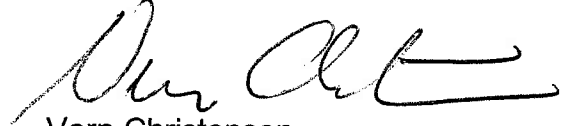
Until these documents are received and reviewed by the Review Board, a ruling on the acceptance of confidential material can not be rendered. The RWED Report provided to the Review Board is being returned to the Yellowknives Dene First Nation with this letter for resubmission. Once the package is received in its entirety, it will be taken to the Review Board for a ruling. If a confidentiality ruling is required, please submit the package as described above by September 29, 2003.

Please note that only the owner of a document may request a ruling on confidentiality. Two of the documents listed may be the property of the RWED and INAC. If you have concerns about the use and release of sensitive information pertinent to the Yellowknives Dene First Nation, please follow up with these agencies to ensure they are aware of your concerns. If necessary, these parties should submit a request for ruling on the confidentiality of these materials by the date noted above.

If the Review Board determines that the information contained within the Trip Report is not essential to the EA or does not qualify as confidential, we will promptly return it to the Yellowknives Dene First Nation.

Should you have further questions, please contact Sherry Siq̓ at 766-7063.

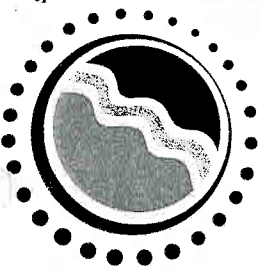
Sincerely,



Vern Christensen  
Executive Director

Enclosure:

*YKDFN/ RWED Study- Drybones Bay*



**FILE COPY**

Our Files: EA-03-002  
EA-03-003  
EA-03-004

September 23, 2003

Gavin More  
Policy, Legislation and Communications  
Department of Resources, Wildlife and Economic Development  
P.O. Box 1320  
Yellowknife, NT X1A 2L9

Dear Mr. More,

**Re: Request for Ruling on Confidential Information by the Yellowknives Dene First Nation**

The Review Board received a letter from the Yellowknives Dene First Nation, dated September 12, 2003, (copy attached) requesting confidential treatment of a Field Trip Report on Drybones/Wool Bay area prepared by the North Slave Office. In order for the Review Board to rule on the confidentiality of an item, the document must be received in a sealed envelope under cover explicitly requesting confidential consideration of the material. The Review Board will rule on the confidentiality of all the documents submitted in this manner.

The Review Board reviews the reasons for such requests and may arrange for a review of the documents in question by a single Board member or counsel before rendering its decision. The submission should:

- Indicate whether all or which parts of the document are confidential and must be protected;
- identify the importance of this information to the Environmental Assessment; and
- explain the reasons why the indicated part(s) of the document should be treated as confidential and not filed on the Public Registry.

In exceptional circumstances where the information in question is protected by law or where sensitive or proprietary information is essential to the conduct of an EA, confidential information may be accepted as evidence for consideration by

the Review Board. In order to meet the requirements of fairness, the Review Board must, however, seek ways to present confidential evidence critical to an EA decision to the Developer and other parties. This may be done by summarizing or abstracting from the document in order to protect confidential facts.

Where possible when dealing with confidential evidence, the party seeking its introduction is encouraged to present the information in only as much detail as is required for the EA without disclosing the confidential facts. In this way the essence of the evidence may be included on the record for the EA without the need for a ruling on the admissibility of protected information or for special measures.

The Review Board accepts requests for confidential consideration of information only from the party authoring and submitting the document. In the event that the Field Trip Report contains sensitive information from the Yellowknives Dene First Nation, please discuss an appropriate approach to its submission with the Yellowknives and advise us accordingly. If a confidentiality ruling is required, please submit the document in the fashion outlined above by September 29, 2003.

If the Review Board determines that the information contained within the Trip Report is not essential to the EA or does not qualify as confidential, we will promptly return it.

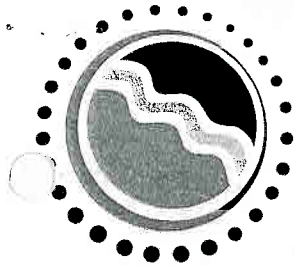
Should you have further questions, please contact Sherry Sian at 766-7063.

Sincerely,



Vern Christensen  
Executive Director

Cc: Yellowknives Dene First Nation



# Mackenzie Valley Environmental Impact Review Board

Our Files: EA-03-002  
EA-03-003  
EA-03-004

September 23, 2003

**FILE COPY**

Miki Promislow  
Environmental Conservation  
Indian and Northern Affairs Canada  
P.O. Box 1500  
Yellowknife NT X1A 2R3

Dear Ms. Promislow,

**Re: Request for Ruling on Admissibility of Confidential Trip Report by the Yellowknives Dene First Nation**

The Review Board received a letter from the Yellowknives Dene First Nation, dated September 12, 2003, (copy attached) requesting confidential treatment of a Trip Report prepared by representatives of INAC after a trip to Drybones/Wool Bay. In order for the Review Board to rule on the confidentiality of an item, the document must be received in a sealed envelope under cover explicitly requesting confidential consideration of the material. The Review Board will rule on the admissibility of confidential documents submitted in this manner.

The Review Board reviews the reasons for such requests and may arrange for a review of the documents in question by a single Board member or counsel before rendering its decision. If INAC wants the trip report admitted to the public record on a confidential basis your submission should:

- Indicate whether all or which parts of the document are confidential and must be protected;
- Identify the importance of this information to the Environmental Assessment; and
- Explain the reasons why the indicated part(s) of the document should be treated as confidential and not filed on the Public Registry.

In exceptional circumstances where the information in question is protected by law or where sensitive or proprietary information is essential to the conduct of an EA, confidential information may be accepted as evidence for consideration by the Review Board. In order to meet the requirements of fairness, the Review Board must, however, seek ways to present confidential evidence critical to an EA decision to the Developer and other parties. This may be done by summarizing or abstracting from the document in order to protect confidential facts.

Where possible when dealing with confidential evidence, the party seeking its introduction is encouraged to present the information in only as much detail as is required for the EA without disclosing the confidential facts. In this way the essence of the evidence may be included on the record for the EA without the need for a ruling on the admissibility of protected information or for special measures. :

The Review Board generally accepts requests for confidential consideration of information only from the party responsible for creating the document. In the event that the INAC Trip Report contains sensitive information from the Yellowknives Dene First Nation, please discuss an appropriate approach to its submission with the Yellowknives and advise us accordingly. If a confidentiality ruling is required, please submit the document in the fashion outlined above by September 29, 2003.

If the Review Board determines that the information contained within the Trip Report is not essential to the EA or does not qualify as confidential, we will promptly return it to INAC.

Should you have further questions, please contact Sherry Sian at 766-7063.

Sincerely,



Vern Christensen  
Executive Director

Encl.