

MGP



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FAX TRANSMITTAL SHEET

October 28, 2004

Fax No. (250) 413-3300

TRANSMIT TO FAX NO.:

153

TO: National Energy Board, c/o Michel Mantha (403) 292-5503
Mackenzie Valley Environmental Impact Review Board,
c/o Martin Haefele, (867) 766-7074
Canadian Environmental Assessment Agency, c/o Elise Dhaussy,
(613) 957-0946
Department of Indian and Northern Affairs, c/o Bob Overvold, RDG,
(867) 669-2703

Re: Dene Tha' First Nation

FROM: Robert C. Freedman
Our File 27001 RCF

MESSAGE: Please see attached letter and copy of our cheque in the amount of \$5.00. The original letter and cheque will follow via mail.

Pages including cover sheet: 3. The original will be sent by mail. In the event of transmission problems please contact **Judie M. Guignon** at (250) 385-1411.

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Reply Attention
Our File

Robert C. Freedman
27001

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October 28, 2004

BY FAX AND EMAIL

To: National Energy Board, c/o Michel Mantha (403) 292-5503
Joint Review Panel, c/o Paula Pacholek, pacholekp@jointreviewpanel.ca
Mackenzie Valley Environmental Impact Review Board,
c/o Martin Haefele, (867) 766-7074
Canadian Environmental Assessment Agency, c/o Elise Dhaussy, (613) 957-0946
Department of Indian and Northern Affairs, c/o Bob Overvold, RDG, (867) 669-2703
Department of Fisheries and Oceans, c/o The Hon. Geoff Regan, Minister, Min@dfm-mpo.gc.ca
Government of the Northwest Territories, Ministry of Aboriginal Affairs, c/o The Hon.
Joseph L. Handley, Minister, joseph_handley@gov.nt.ca

Attention: Decision makers and agencies concerned with environmental review of the Mackenzie Gas Project

Dear Sirs/Mesdames:

Re: Consultation with Dene Tha' First Nation

I am legal counsel for the Dene Tha' First Nation ("Dene Tha"). Dene Tha' are signatories to Treaty 8 and have Traditional Territory in both the southern portion of the Northwest Territories as well as in northern Alberta. My client's rights and interests are protected by section 35 of the *Constitution Act, 1982*.

My clients are concerned that the MGP has the potential to adversely affect their Aboriginal and Treaty rights in both the NWT and in Alberta. On numerous occasions, my clients have expressed their concern to various decision makers and agencies concerned with the review of the MGP that their rights and interests have been ignored, even though they have constitutionally-protected rights in both the NWT and in Alberta. There had not even been an offer to meet with my clients until last month, when INAC finally held a meeting with my clients concerning the MGP. I contrast this with the treatment of other northern First Nations, where various decision makers and agencies have met with those First Nations to enable them to understand the MGP and to prepare for hearings, etc.

The purpose of this letter is put all levels of government, and government agencies on notice of the need to

properly consult with Dene Tha', and to accommodate their rights and interests, prior to making any decisions which have the potential to infringe my client's Aboriginal and Treaty rights. This includes the obligation to provide Dene Tha' with information concerning the potential impact of the MGP on their ability to continue to exercise their Aboriginal and Treaty rights and to provide financial capacity to my clients to enable them to understand the MGP review process and to enable them to intervene in public meetings, community meetings, and in regulatory hearings. My clients lack the financial capacity to engage in meaningful consultation and I point out that such capacity has been provided, and continues to be provided, to other northern First Nations to enable them to engage in meaningful consultation respecting the MGP. My clients ask that they be treated in a like manner.

I am also requesting that any bodies or agencies that intend to hold public hearings concerning the environmental, technical, or other review of the MGP provide early notice to me of deadlines for filing applications to be heard as an Intervener in any of these hearings. My clients also require financial capacity to participate in such hearings. My clients also ask that hearings be held in Dene Tha' communities that will be impacted by the MGP.

Finally, my clients ask that the various agencies and decision makers connected with the MGP arrange to meet with them to explain what role you will play in the review of the MGP, what decisions you are required to make and what process you will follow to make those decisions, what opportunities Dene Tha' will have to be involved in any decisions you are required to make, including how you intend to fulfill your legal duty to consult with Dene Tha', and to explain to Dene Tha' both your past activities in relation to the MGP (what role have you played thus far, what decisions have already been made) and what future steps you plan to take.

I request that all information supplied be directed to my attention.

If you have any questions, please feel free to contact me.

Sincerely,

COOK ROBERTS

Per: 
Robert C. Freedman
RCF/jmg

cc. Chief and Council, Dene Tha' First Nation, c/o cary.chonkolay@denetha.ca
Shakir Alwarid, Negotiator, Dene Tha' Negotiation Team, Alwarid@yt.sympatico.ca