



Akaitcho Interim Measures Agreement Implementation Office

NWT Treaty #8 Tribal Corporation

May 4, 2011

Mackenzie Valley Environmental Impact Review Board
c/o Alan Ehrlich, Senior Environmental Assessment Officer
via email: aehrich@reviewboard.ca

RE: EA0506-005 Consolidated Goldwyn Ventures (Encore Renaissance Resources Corp.) – Request for Comment on YKDFN Request for Ruling.

To Whom It May Concern,

Please accept this letter of support for the Yellowknives Dene First Nation and their request for ruling for a formal oral hearing and extension of time for submissions.

As per your public registry file numbers EA01-001, EA03-002, EA03-003, EA03-004, EA03-006, EA0506-005 and EA0506-006 and the *INAC Aboriginal Consultation and Accommodation Updated Guidelines for Federal Officials to Fulfill the Duty to Consult, March 2011* quoted below, it is more than obvious that the Yellowknives Dene First Nation have a strong claim and that serious adverse impacts will continue as a result of this proposed project in the Drybones Bay area. According to the guidelines the Yellowknives Dene First Nation and the Drybones Bay area deserve the utmost consultation and accommodation as they are clearly in the highest possible end of the “consultation spectrum” in this case and so therefore;

“Guiding Principle and Directive # 4 sums up the key elements of a meaningful consultation process and reflects what Aboriginal groups across the country have stated during the preparatory discussions (2005-06), the engagement process under Canada’s Action Plan (2008-10) and in other forums on consultation and accommodation as follows:

- *A Crown approach that is forthcoming, flexible and responsive;*
- *Inclusive processes to manage issues, decision-making and ensure accountability;*
- *Early consultation and policy-based discussions with communities on accommodation with the objective of avoiding or minimizing adverse impacts;*
- *Pro-active solicitation of Aboriginal involvement and active listening to their concerns;*

- *Real opportunities to inform and influence decisions before they are made;*
- *Assistance to support Aboriginal groups' meaningful participation in a consultation process;*
- *Time lines for information-sharing and responses that are appropriate and adapted to the specific circumstance;*
- *Serious consideration of feedback during the consultation process and prior to any decisions being final;*
- *Clear and direct responses on how concerns have been addressed or why they cannot be addressed;*
- *Better coordination, cooperation and collaboration between Crown and industry with respect to Aboriginal consultations;*
- *Consideration of accommodation as part of a meaningful consultation process. When looking at accommodation options, seriously consider Aboriginal perspectives, concerns and options for addressing impacts on potential or established Aboriginal or Treaty rights and related interests;*
- *Sustainable economic development balanced by an awareness of cumulative impacts and environmental stewardship;*
- *Openness to altering the original proposal and if necessary, not going forward at all with the project or decision."*

"Guiding Principle # 4:

Consultation and accommodation will be carried out in a manner that seeks to balance Aboriginal interests with other societal interests, relationships and positive outcomes for all partners. A meaningful consultation process is one which is:

- *Carried out in a timely, efficient and responsive manner;*
- *Transparent and predictable;*
- *Accessible, reasonable, flexible and fair;*
- *Founded in the principles of good faith, respect and reciprocal responsibility;*
- *Respectful of the uniqueness of First Nation, Metis and Inuit communities; and,*
- *Includes accommodation (e.g. changing of timelines, project parameters), where appropriate"*

The Yellowknives Dene First Nation request for ruling is a perfect example of how they are participating in the consultation process as set out by the federal government, they are using the federal governments preferred mechanisms to request the consultation and accommodation due to them be applied in this case. They are not submitting this request for ruling in order to frustrate the process in fact they are facilitating a meaningful process. The Elders must be able to express themselves in their own preferred means of communication. The fact that this process began in 2005 and has been only recently reactivated in 2011, and all the associated factors such as staff changes and new board member appointments, means that the wishes of the Yellowknives Dene First Nation must be accommodated.

In conclusion, we respectfully demand that the request for ruling submitted by the Yellowknives Dene First Nation for a formal oral hearing and extension of time for submissions be granted as requested.

Marsi Cho

A handwritten signature in black ink, appearing to be 'Stephanie Poole', written over the typed name.

Stephanie Poole
Akaitcho IMA Implementation Office
NWT Treaty #8 Tribal Corporation

cc. YKDFN
INAC