



Wildlife, Lands and Environment Department

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Alan Ehrlich - Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
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**RE: LKDFN WLEC Submission on the Bayswater & Uravan Assessments
(EA0708-002, EA0708-003, EA0708-004, EA0708-005)**

Mr. Ehrlich;

Please accept this letter and attached response as the LKDFN WLEC submission on Bayswater & Uravan Minerals.

For further information please contact WLED at (867) 370-3197.

Regards,

Iris Catholique
LKDFN WLED Manager

- C. Chief Steven Nitah, LKDFN
Steve Ellis, Akaitcho IMA
Florence Catholique, LKDFN A/SAO/Band Manager

Re: Applications for Uranium Mineral Exploration in the Thelon Basin

We hereby give notice to any and all companies wishing to explore for uranium and other minerals in the Thelon River watershed, Akaitcho Territory:

The Lutsel K'e Dene First Nation (LKDFN) has consistently and repeatedly voiced our complete opposition to mineral exploration in the Thelon Basin, and will continue to do so. The entire Thelon watershed is of vital importance on many scales, and the upper Thelon in particular has distinctive and unique environmental, cultural, spiritual and heritage values which would be at significant risk should mineral exploration and/or mining be allowed to proceed.

The upper Thelon basin is world-renowned as a unique and pristine ecosystem, with huge ecological significance. It is a boreal forest oasis in the barrenlands, providing critical habitat for wolves, grizzlies, wolverines, muskox, moose, furbearers, birds, and other wildlife. It is on the primary migration route (northward, southward, and possibly overwintering) for both the Beverly and Ahiak caribou herds, which are harvested by LKDFN hunters. There is a vast lack of information about the status of the Beverly herd, but they are presumed to be declining along with all the other caribou populations in the NWT. Healthy caribou are required for the survival of our Denesoline culture and way of life. We have seen the impacts on the Bathurst herd from the numerous disturbances throughout their range (particularly mining and exploration developments, roads, aircraft disturbance, noise, and human activity in general). Our annual community-based monitoring surveys have clearly shown that Bathurst animals have poorer body condition than in the past, migration routes and timing are becoming increasingly unpredictable, and their population numbers are dropping at an alarming rate due to low calf survival and low pregnancy rates. We do not want to see the same thing happen with the Beverly herd.

The LKDFN and other Denesoline people have a significant history in the upper Thelon basin, due to the high availability of natural resources in the area throughout the year. There is a wealth of documented evidence of harvesting and land use in the area including hunting grounds, traplines, trails, campsites, and cabins. Along with Aboriginal use of the area, there was extensive European use in recent history, and many of the associated historical and archaeological sites remain undocumented. The entire Thelon basin is regarded by Denesoline people as a birthplace, "the place where God began", and as such has significant cultural and spiritual value.

The Thelon area is also one of the few truly untouched wilderness areas left on Earth, which has value in and of itself. This was clearly shown during the Ur-Energy environmental assessment earlier this year, when dozens of e-mails and letters were sent from across Canada by people who had never even been to the Thelon, urging that the proposed development not be allowed to proceed. Allowing industrial development to proceed will impact the significant tourism potential of the area by changing the recreational and aesthetic values which draw people there from around the world.

For all of the above reasons, we have been actively working for many years to protect the upper Thelon, and to pursue the principle of “Conservation First” before any further development proceeds in our traditional territory. The LKDFN has clearly identified the upper Thelon as part of their overall conservation vision (see attached map of *Thaydene Nene*, “*Land of Our Ancestors*”).

Recent negotiations through the Akaitcho Process involved each First Nation selecting quotas of land to be part of a 5-year Interim Land Withdrawal. The upper Thelon was clearly a priority area for us, but while negotiations were ongoing, the federal government continued to allow the establishment of third-party interests through the issuance of prospecting permits. Claims were staked in rapid succession, and these areas were effectively eliminated from inclusion in the withdrawn areas.

The Thelon Game Sanctuary Management Plan, which we played a major role in developing, calls for a Special Management Area to be created to protect the upper Thelon (the “Tyrrell Lake SMA”). This area was originally included as part of the Sanctuary, then withdrawn in the 1950’s to cater to mineral interests, but is still integral to maintain the values and resources for which the Sanctuary was originally created. It is the headwaters of the Thelon River drainage system, provides critical wildlife habitat, and has one of the highest concentrations of archaeological sites in the NWT. We are currently working with the GNWT and other Aboriginal groups to implement the management plan, which would establish this SMA and manage it as a buffer area to the Sanctuary.

We understand that mineral exploration is only the first phase in what can be a very long process, with no guarantees that an economically viable deposit will be found and mining will proceed. However, we are in complete opposition to having an operating mine in the Thelon area, and therefore will not support even the initial stages of such a possibility. As well, having an exploration camp with human activity (and associated noise from drilling rigs, aircraft, and helicopters) in an otherwise pristine and undisturbed ecosystem is a significant impact in itself.

The current mineral of interest is obviously uranium. Although we have major specific concerns with this mineral (e.g. potential for drilling to bring radioactive ore to the surface, danger of intersecting with groundwater flows, proper storage & disposal, and the massive documented health concerns), when it comes to the Thelon basin we will take the same position of opposition regardless of the particular mineral being pursued. We do not have confidence in the use of Saskatchewan Best Practices Guidelines to effectively address our concerns about uranium, and similarly do not believe that other mitigation measures imposed as conditions of a land use permit would be sufficient to prevent adverse impacts from occurring.

One mineral exploration project may not seem like a significant impact to the vast Thelon region. However, we do not assess projects in isolation. The potential for cumulative effects from past, present and reasonably foreseeable future developments is huge, especially given the current high market prices, and we will not “open the door”. Various studies, models and frameworks to assess and manage cumulative effects have been

proposed, but all are incomplete and many key pieces of information which are required input to these models (e.g. the current population and health status of the Beverly caribou herd) are not yet available. In cases where impacts are uncertain or unknown (e.g. the ability of caribou to adapt to changing environmental conditions and human disturbances throughout their range), the precautionary principle must apply. Until we have the required data to make informed decisions, we will not approve any developments which could potentially jeopardize our way of life.

Our Aboriginal and Treaty rights are protected under *Treaty 8* and under *s. 35* of the *Canadian Constitution*. We require lands and resources in order to exercise those rights, and the cumulative effects of current and future projects (e.g. changes in caribou migration routes or health) has the potential to impact the long-term ability of future generations to practice our way of life. The entire Thelon area remains a special place even for the youth who have not yet traveled there, as a place to connect with their cultural heritage and history. The physical, emotional, cultural and spiritual connection between Aboriginal people and the land cannot be taken lightly. The recent (2006) Ontario Supreme Court of Justice ruling on *Platinex vs. Kitchenuhmaykoosib Inninuwug (KI) First Nation* states this very clearly:

[80] It is critical to consider the nature of the potential loss from an Aboriginal perspective. From that perspective, the relationship that Aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint.

In regards to the potential for an Akaitcho Exploration Agreement, efforts have been made by some companies to work towards an “acceptable” version. However, it is important to clarify that this type of agreement would only be signed and implemented if the Akaitcho Chiefs recommend that a proposed project should proceed with attached terms and conditions. In the case of mineral exploration in the Thelon Basin, the LKDFN will by no means be making such a recommendation to the Akaitcho Screening Board.

In conclusion, we hope this letter has clarified our position. The Thelon Basin is part of the traditional territory of Akaitcho Dene First Nations and subject to ongoing Treaty Land Entitlement negotiations. It is vitally important to the culture, history, and spirituality of the Denesoline people, and has been clearly identified by the LKDFN as an area they wish to keep undisturbed and off limits to resource development of any kind and at any stage. If you would like further details, we encourage you to visit the public registry for the Mackenzie Valley Environmental Impact Review Board (MVEIRB), where you can find a link to the documents associated with the Environmental Assessment of Ur-Energy’s proposed project at Screech Lake (in particular, the written interventions and the January 2007 public hearing transcripts). Our elders and youth have spoken, and we are listening. Our position on this issue is abundantly clear.

If you have any questions, please feel free to contact Iris Catholique (Manager; Wildlife, Lands & Environment Department) at (867) 370-3197.

