



# Yellowknives Dene First Nation

P.O. Box 2514, Yellowknife, NT X1A 2P8

November 29<sup>th</sup>, 2013

Matt Spence  
Director General, Northern Projects Management Office  
5019-52<sup>nd</sup> Street  
Yellowknife, NT  
X1A 1T5  
[David.Alexander@cannor.gc.ca](mailto:David.Alexander@cannor.gc.ca)

Dear Mr. Spence:

## **Re: Invitation to Provide Comments on the Giant Report of EA**

The Yellowknives Dene First Nation (YKDFN) has recently reviewed the Giant Mine Project's response to the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) Report of Environmental Assessment (REA), released on November 1st. YKDFN were disappointed that the project again failed to recognize the level of public concern surrounding this project.

### **The Response**

Given the project view that their project is not deficient in any way, their response is entirely predictable. It deliberately inflates costs and misconstrues facts to create a straw man.

At no point does the project accept responsibility for the delays, unfulfilled promises or its failure to work collaboratively and in good faith. Continued lack of cooperation and meaningful responses to community concerns, with unilateral decision making, is contradictory to the spirit and intent of effective management. Communities like YKDFN and the public at large will not continue to stand for this type of project management and the government must be held accountable. The record shows the Projects' failure to meet its commitments, its desire to frustrate the development of critical mitigations, and the obvious failure of the 'firewall'. The pattern is clear, create a perception of cooperation but always engage in bad faith, ignore any local concerns, make decisions based on the project's desires.

The evidence is clear – it is the parties who were have demonstrated their desire and ability to work together, while the project actions have revealed their intent to delay, avoid collaboration, and avoid local accountability. The project rejects responsibility for the delays and difficulties that they themselves are the root cause. The project has now used such delays as justification to refute implementation of Review Board Measures. YKDFN will continue to reiterate that they support implementation of the Review Board's Measures and suggestions.

The Parties are committed to working together and deeply value cooperation concerning the project. At every turn, the Proponent has shied away from this type of collaboration to protect its own interests. Consequently, there is frustration and a lack of trust with the project as interested parties are increasingly feeling that, regardless of the severity or validity of their concerns, their voices will be repeatedly ignored. These are the same people who will suffer any and all negative consequences of this project's failure to reclaim Giant Mine.

### **Checking the Box**

Mr. Spence, as holder of the Consultation record, CANNOR has provided the Yellowknives an opportunity to respond so that the "Ministers" can give full consideration to YKDFN views. A simple question must be asked: how can YKDFN concerns receive full consideration given that Minister Miltenberger has already made his Decision known (Nov. 7<sup>th</sup> Hansard)?

It seems that the effort lacks good faith and calls into question the Honour of the Crown (particularly given the behaviour of the project). As the government is aware, consultation must occur 'upstream' of the decisions being made and must be grounded in the honour of the Crown. Whereby, "in all its dealings with Aboriginal peoples, from the assertion of sovereignty to the resolution of claims and the implementation of treaties, the Crown must act honourably". The duty of consultation and accommodation means that plans may have to change based on concerns of interested parties. In this case, adequate accommodation requires Proponent action to mitigate YKDFN concerns. Given the Minister's response, it seems that the YKDFN will be seeking the exact same accommodations that we were looking for in 2009.

The evidence is unambiguous. YKDFN rights, lands, and way of life have been compromised for generations. The Project ignores this – they view the parties as yet another problem to be managed. The Project seems to forget that it is our people who have been impacted by this site and that any compromise in the containment will further degrade the land and water that our way of life depends on. No party has more at stake in the successful and effective completion of this project than the Yellowknives Dene do.

### **Closing**

The Yellowknives Dene desire only one thing – we want to work towards solutions. We've worked and participated throughout the Environmental Assessment, providing suggestions and recommendations, trying to work collaboratively throughout. We're faced with a choice. The Government can accept the straw man that, as the Proponent, they themselves have created and simply choose to do what they want. Alternatively, the Government can look at the evidence and recognize that the proposal was deficient and the proposed Measures are essential mitigations.

Minister Miltenberger has made his choice, but we hope that the Minister of Aboriginal Affairs understands the importance of this decision and the efforts that we have gone to show why these Measures were necessary. The REA is a significant step in the right direction. It does not provide everything we would like to see but it does represent a useful management approach for the near term. We urge the Minister to accept the Measures unchanged, so that we can collectively begin remediation and secure the future.

Our letter of August 15<sup>th</sup>, 2013 remains true. For any future Project changes, YKDFN expects face to face engagement, consultation, and accommodation to address our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Sangris", written over a horizontal line.

Chief Edward Sangris  
Yellowknives Dene First Nation (Dettah)

- c. Alan Ehrlich, MVEIRB  
Dennis Kefalas, City of Yellowknife  
Kevin O'Reilly, Alternatives North  
Shannon Gault, YKDFN

