



Tłıcho Government

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August 24, 2012

MVEIRB

RE: NICO Project - EA0809-004 [2009]

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Dear Chuck Hubert:

Re: Notice of MVRMA Requirements

Thank you for your letter of July 31, 2012.

According to that letter, the Review Board's view is that its process has provided Tłıcho Government with the opportunity for meaningful participation in the environmental assessment. Further, the Review Board relies on what it considers to be the fairness of the EA process to address section 127.1 of the MVRMA.

In doing so, the Review Board is making a calculation that its process, by the time it has concluded, will have been fair and that it provided for meaningful participation of the Tłıcho Government. Our view is that the fact of the according of "party status" to Tłıcho Government does not automatically serve to meet the consultation requirement under s. 127.1. The EA process is not yet complete and Tłıcho Government expects to have a better assessment of what further consultation is required at the end of the public hearings. Currently, all our efforts are being engaged to meet deadlines and preparing for the public hearings next week.

That said, as it pertains to our meaningful participation and the fairness of the EA process, we have made requests of the Review Board on issues including the timing of its hearings,

holding an additional session once the TK/TUS Study is submitted and participation of Tł̓cho people in evening sessions to ensure their views are heard.

We continue to ask the Review Board to listen to us, give opportunity and listen to our people at the public hearings and give our TK/TUS Study equal footing with other scientific reports. Those other scientific reports are part of next week's public hearing. Because of the timing and decision of the Review Board to advance the hearing dates, we are not yet on that same footing.

Tł̓cho Government continues to say that there is time for the Review Board to address these concerns.

The EA process is not yet complete. The public hearings have not yet taken place. We may have further comments on the discharging of your 127.1 duties once the public hearings are complete.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Duncan', with a stylized, cursive script.

Laura Duncan

Tł̓chq Executive Officer