

Paul Mercredi

From: Randy Freeman [rfreeman@ykdene.com]
Sent: Friday, December 10, 2010 9:46 AM
To: Paul Mercredi
Subject: Draft ToR for Nechalacho

Re: Draft Terms of Reference for the environmental assessment of Avalon Rare Metals Inc.'s Nechalacho Rare Earth Element Project

Good Morning Paul,

I'm emailing to ask for an extension of the deadline for comments on the Draft Terms of Reference. We're a small office and only just today completed our application for Giant Mine Participant Funding, it won't be until next that we have the opportunity to review the draft terms.

We can have Yellowknives Dene First Nation comments to you by December 17th.

Thanks,

*Randy Freeman, B.A., M.A.
Director, Lands Management
Yellowknives Dene First Nation
P.O. Box 2514
Yellowknife, NWT X1A 2P8
Tel: (867)766-3496
Fax: (867)766-3497
Cell: (867)446-0702*

Paul Marred

Fax

TO	ATTENTION	FAX	PHONE
<i>M.V.E.I. R.D.</i>			<i>1 (867) 766-7074</i>

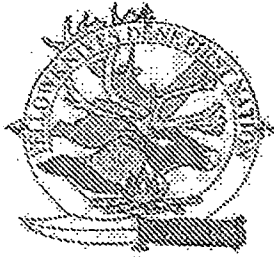
FROM	DIRECT PHONE	DIRECT FAX	OUR FILE	DATE
<i>Chief Ted Tso</i>	<i>1 (867) 446 0948</i>			<i>10-Dec-10</i>

NO. OF PAGES (including this page) **3**

This facsimile may be privileged and confidential. Any use of this facsimile by an unintended recipient is prohibited. If you have received this facsimile in error, please call us immediately.

URGENT

Re: *Enclosed our initial comments re Avalon Project (TOR briefs).*



Yellowknives Dene First Nation
P.O. Box 2514
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Dettah
Telephone: (867) 873-4307
Facsimile: (867) 873-5969

Ndilo
Telephone: (867) 873-8951
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December 10, 2010

Sent Via Fax: (867) 766-7074

Paul Mercredi
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938
Yellowknife, NWT
X1A 2N7

Dear Mr. Mercredi:

Re: Request for Extension to deadline to submit comments on draft Terms of Reference for Nechalacho Rare Earth Element Project - EA1011-001 [2010]

Further to our email dated December 10, 2010, the Yellowknives Dene First Nation ("YKDFN") are requesting an extension to submit comments on the draft Terms of Reference (dTOR) for the Nechalacho Rare Earth Element Project - EA1011-001 [2010] (the "Project").

We are unable to provide Mackenzie Valley Environmental Impact Review Board ("MVEIRB) with comments by today's deadline and request an extension to January 15, 2010.

We require this extension for a number of reasons as:

- 1) YKDFN has minimal resources and in addition to participating in the Giant Mine Remediation EA also being conducted by your office, we are attending to a number environmental assessments with the Mackenzie Valley Land and Water Board; and
- 2) our office is closed for the holidays from December 20, 2010 to January 4, 2011 so we will not be able to work on drafting comments during that time.

To date, the nature and location of proposed Project pose significant environmental risks to Chief Drygeese Territory, as a result of which we require additional time to consult our elders and other land users before commenting on the draft Terms of Reference.

Also, the dTOR is over 50 pages in length and is a detailed and complex document and relates to numerous and significant issues impacting our Aboriginal and Treaty rights.

Not only do we need time to provide comments but we also need to meet with you to discuss our concerns in the dTOR as this forms part of the consultation and accommodation process.

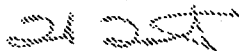
We also need time to consider the many other comments and concerns of others, including government agencies in this process, none of whom have contacted us to consider our concerns.

We are confident that you will grant our reasonable request for an extension as the recent decision in *Yellowknives Dene First Nation v. Canada (Attorney General)*, 2010 FC 1139 makes it clear that in accordance with the *Mackenzie Valley Resource Management Act* First Nations are to be included in the Board's consultation process.

Furthermore, *Dene Tha First Nation v. Canada (Minister of Environment)*, 2006 FC 265, made it clear that First Nations are to be included in the process of designing an environmental assessment process and the draft Terms of Reference are a significant portion in setting out the framework for the Project's assessment- to not allow us sufficient time to develop our comments on the draft Terms of Reference would be in breach of the duty to consult.

As you are aware, the Project area is of critical significance to the YKDFN and we have extensive Treaty and Aboriginal rights within the proposed Project area. We hope that your office will extend the comment period in order to ensure a fair and effective assessment of the proposed Project.

Sincerely,



Chief Ted Tsetta
Yellowknives Dene First Nation (Ndilo)



KatloDeeche First Nation

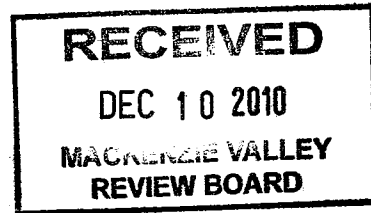
P.O. Box 3060, Hay River Reserve, NT X0E - 1G4

Phone: (867) 874 - 6701

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Email: hrdb@katloDeeche.com

FAX



TO: Paul Mercredi

FROM: Victoria St Jean

FAX: 1-867-766-7777 DATE: NOV 10/11

RE: letter PAGES (INCLUDING COVER): 2

URGENT () FOR REVIEW () PLEASE COMMENT () PLEASE REPLY

COMMENTS:

THIS FAX WAS SENT BY: USJ

HARD COPY TO FOLLOW: YES () OR NO ()

PLEASE CONTACT THE ABOVE NUMBER, IF YOU REQUIRE MORE INFORMATION.

THANK YOU.



Kátlódeeché First Nation

P.O Box 3060, Hay River Dene Reserve, NT X0E 1G4
Ph: (867) 874-6701, Fax: (867) 874-3229
Email: landsnresources@Katlodeeche.com

December 10, 2010

Paul Mercredi
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
PO Box 938
Yellowknife NT X1A 2N6

Re: Extension for Comments on Draft Terms of Reference

Dear: Mr. Mercredi

Katlodeeche First Nation would like to ask for an extension to comment on the Draft Terms of Reference for the Environmental Assessment of Avalon Rare Metals Incorporated's Nechalacho Rare Earth Element Project EA1011-001.

If you have any questions or comments, please contact me at your earliest convenience.

Thank you,

Victoria St Jean
Lands and Resource Manager
Katlodeeche First Nation

Paul Mercredi

From: Fitzgerald,Jane [Yel] [Jane.Fitzgerald@EC.GC.CA]
Sent: Monday, November 29, 2010 11:49 AM
To: Paul Mercredi
Cc: Ogilvie,Carey [Yel]
Subject: Review of Draft Terms of Reference

Hi Paul,

With the need to obtain certain approval signatures for EC's letter of comment on the Draft Terms of Reference for Avalon's Nechalacho Rare Earth Element Project it is unlikely that we will be able to have our review completed for the December 10th deadline. Would it be possible to get an extension on the submission deadline to December 17th?

Tanks,
Jane

Jane Fitzgerald

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Environmental Protection Operations
Environmental Stewardship Branch
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Jane Fitzgerald

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