



# Yellowknives Dene First Nation

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

August 23<sup>rd</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 Avalon Report of EA**

The Yellowknives Dene First Nation (YKDFN) has recently finished our review of the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) Report of Environmental Assessment (REA) for the Avalon Rare Metals Inc project. Your letter of July 30<sup>th</sup>, 2013 asks if YKDFN is willing to confirm that the REA addresses any negative impacts to Aboriginal and Treaty Rights.

With a single exception, this report ignores all of the concerns that YKDFN brought forward to the Board. Considering this, YKDFN are not satisfied the Crown has fulfilled its duty and we expect that the Northern Project Management Office will facilitate further consultation and accommodation. To be clear, YKDFN concerns will not, and cannot, be accommodated through the Land and Water Board process. The principal concerns with this fall outside the Mackenzie Valley Land Use Regulations.

Already we have seen projected economic benefits to the Territory decrease since initial project design. Increasingly, throughout feasibility studies, benefits are shifting to the South. This is just one example of a commitment made by the proponent that has fallen to the wayside. YKDFN is left to wonder what other commitments can be relied on. Especially where the Review Board has failed to recommend Measures for environmental and monitoring aspects of the project, we anticipate this development will have significant adverse impacts on the environment.

YKDFN are deeply concerned that Measures addressing wildlife are deficient as there is no consideration of cumulative effects. Cumulative effects have been a central issue in every Environmental Assessment/Review since 1996 and the Crown has failed to act. Recent activity by the Crown in response to the concerns raised during the EA's has been delayed until November 2013 already, with no governmental response to the recommendations developed during the initial workshops.

On May 29<sup>th</sup>, 2011 the Federal Government declared Barren Ground Caribou in danger of extinction (C.R.C., c.1236). Despite this classification, protection of this species has not been successful and caribou population numbers remain dangerously low. Avalon is one of 10 mines proposed for the Bathurst Range and this situation can no longer be ignored. The status quo is no longer acceptable and the Crown has consistently failed to respond with appropriate urgency. The Minister of ENR has already made it known that harvesting restrictions on First Nations members will remain in place until 2016, but YKDFN are skeptical that the drastic restrictions and consequential hardship will be removed until effective cumulative effect management is put into place.

Lastly, the REA suggests that they carefully considered evidence from Parties and arrived at a decision that there was no significant public concern. However, it fails to acknowledge a Motion passed by YKDFN leadership that outright rejects the current project proposal. The Report dismisses the weak traditional knowledge base that the project used to arrive at their impact predictions, and fails to introduce any mitigation for air quality granting the project free reign to emit whatever toxins it so chooses without recourse. The MVEIRB report appears to accept the proponent's word for responsible development rather than set enforceable Measures. YKDFN on the other hand has had enough experience with past mines like Giant to know better.

Given that concerns expressed by YKDFN throughout the public process have not been adequately addressed, these same concerns cannot be addressed within further regulatory processes by the MVLWB. YKDFN does not believe that the Duty of Canada has been satisfied. YKDFN requires further engagement and more importantly, effective accommodation of our concerns prior to permitting.

Sincerely,



Chief Edward Sangris  
Yellowknives Dene First Nation (Dettah)