



June 8, 2015

Alan Ehrlich
A/Executive Director
Mackenzie Valley Environmental
Impact Review Board
P.O. Box 938
Yellowknife, NT X1A 2N7

VIA EMAIL

Rachel Crapeau
Director, Lands and Environment
Yellowknives Dene First Nation
PO Box 2514
Yellowknife, NT X1A 2P8

Dear Mr. Ehrlich and Ms. Crapeau:

RE: Canada's Response to June 4, 2015 MVEIRB decision concerning the Environmental Assessment of the Chedabucto Mineral Exploration Project (EA1415-02)

Please find attached the Government of Canada report prepared pursuant to Canada's commitment to conduct a search of records in relation to the Yellowknives Dene First Nation's ("YKDFN") information request (#6, part 2) directed to Canada.

Pursuant to the June 4, 2015 ruling of the Mackenzie Valley Environmental Impact Review Board regarding the May 22, 2015 request for ruling from the Yellowknives Dene First Nation ("YKDFN"), relevant departments of the Government of Canada searched their records related to five projects identified by the YKDFN for any information about past or present YKDFN use of the land in the vicinity of the Chedabucto Mineral Exploration Project.

The attached report outlines the scope of the records search undertaken by the various departments, and includes the relevant information identified.

If you have any questions regarding the search undertaken or the related documents, please contact David Alexander, NPMO Project Manager, at (867) 669-2597.

...2

Sincerely,



Matthew Spence
Director General, Northern Project Management Office
Canadian Northern Economic Development Agency

cc: **Mohan Denetto, Regional Director General, Northwest Territories Region,
Aboriginal Affairs and Northern Development Canada**
Jessica Coulson, A/Director, External Relations, Natural Resources Canada
Georgina Williston, Fisheries Protection Biologist, Fisheries and Oceans Canada
Loretta Ransom, A/Head EA North, Environment Canada
Ken Hansen, Project Manager NWT, Husky Oil Operations Limited

Report of Findings in Response to the Mackenzie Valley Environmental Impact Review Board decision regarding the Yellowknives Dene First Nation's Request for Ruling in the matter of Environmental Assessment EA1415-02: Husky Oil Limited, Chedabucto Mineral Exploration Project

Background

As part of the Government of Canada's participation in the Mackenzie Valley Environmental Impact Review Board's (the "Board" or "MVEIRB") environmental assessment of Husky Oil Operations Limited's proposed Chedabucto Mineral Exploration Project (the "Project"), Canada responded on May 1, 2015 to two information requests ("IRs") from the Yellowknives Dene First Nation ("YKDFN"). These IRs pertained to YKDFN's use of the Project area, which is in the vicinity of the Chedabucto Lake and Whitebeach Point areas on the North Arm of Great Slave Lake.

YKDFN were dissatisfied with Canada's IR responses and, on May 22, 2015, requested a ruling from the Board with respect to their completeness. On May 29, 2015, Canada responded to the Board, proposing that Canada would conduct a search for any records with respect to the past projects specified by the YKDFN, in order to identify any non-privileged records pertaining to YKDFN use of the land in the vicinity of the Project.

On June 1, 2015, CanNor contacted the following federal departments identified as possibly holding relevant records: Environment Canada, Natural Resources Canada, Fisheries and Oceans Canada and Aboriginal Affairs and Northern Development Canada. CanNor requested that each department search their records, and provide a summary of their search efforts and copies of any relevant records found.

On June 4, 2015, the Board instructed Canada to conduct a search of its records for the projects specified in IR#6 part 2 and provide its findings to both the Board and the YKDFN by June 8, 2015.

The projects, as specified by the YKDFN in IR #6 part 2, are:

- Development efforts of Gary Jaeb in the early 2000's
- Anglo American development proposal in 2008

YKDFN also identified the following three additional projects, as described by them in the May 22, 2015 Request for Ruling:

- HTX's staking of mineral rights
- AANDC's efforts to provide recreational leases
- Canada's participation in the proposed national wildlife area (Dinàgà Wek'èhodi)

Each department conducted a search of their records related to the above-noted projects for any non-privileged information about past or present YKDFN use of the land in the vicinity of the Project. This included a search of their relevant electronic databases and, where reasonably possible given the limited timeframe to undertake a search, physical files. While not required by the Board's ruling, Canada's search included records related to the three additional projects specified in the May 22, 2015 Request for Ruling.

The scope, method and findings of the searches by each department are described below. Where responsive records were identified, either: a) the relevant content is included in this report; or b) a copy of the record itself is provided as an attachment to this report.

Findings

Environment Canada

In order to prepare a thorough response, Environment Canada ("EC") read through all documents related to the Dinàgà Wek'èhodi Working Group (to which YKDFN was a member and EC the record holder) in their possession and prepared a summary of any potentially relevant information. The documents reviewed include meeting minutes for 16 Dinàgà Wek'èhodi Working Group meetings with dates from August 2012 through to October 2014. A YKDFN representative was present at 4 of these working group meetings. EC also reviewed direct correspondence letters sent to YKDFN from EC on August 31, 2010, September 2, 2011, September 7, 2011, and June 28, 2012 for various purposes relating to the working group for any content relevant to the Request for Ruling. EC only holds records or correspondence with the YKDFN with respect to the one outlined issue of the Dinàgà Wek'èhodi proposed National Wildlife Area through participation in the working group. A summary of all information gathered by EC with possible land use information collected from YKDFN was provided to NPMO June 5, 2015 in order to be incorporated into a Government of Canada response.

EC YKDFN Notes from Dinàgà Wek'èhodi Proposed Protected Area Working Group Meetings

Dec 2, 2011

Randy Freeman in attendance for the YKDFN

- Randy expressed concern over the interim land withdrawal and the ongoing land claim process of the YK Dene. He noted that there are claimable lands within the current boundary that are part of the traditional lands of the YK Dene, notably White Beach Point. He noted that it would be more difficult to settle the land claim after the area has been transferred to another agency, and so YK Dene would likely oppose establishment.

Action Item 6: Kevin Kardynal / Gina Ridgely to send a map to the YK Dene to further the conversation on the boundary and potential overlaps.

Action Item 7: Kevin Kardynal / Gina Ridgely to set up a meeting with the YK Dene Chiefs to discuss the process and to update them.

- Randy Freeman – noted that the regional history section needs corrections. Gina Ridgely requested written comments/corrections prior to the next meeting.

May 2-3, 2012

Randy Freeman in attendance for the YKDFN

- WG members are reminded that they should go back to their leadership to talk about what the WG has discussed after each meeting. That is the purpose for the WG.
- Randy- have there been any archaeological studies done in that area? That is a form of protection there are territorial laws to protect archaeological sites- At Whitebeach point there

are archaeological sites there and very little is known. Randy - *reiterates the importance of having an archaeologist documenting sites.*

- Randy- *notes identifying archaeological sites would be an important part of protecting those areas.*

A/I – Gina to request additional information about documenting archaeological sites from GNWT

- Randy (with regard to Gary Jaeb's recreational lease)- my understanding is that because you have a lease that would be continued no matter what the status of the land is, in the same way if Yellowknives Dene were to claim certain areas but if there are preexisting land rights they don't get wiped out. As far as I can see you would be completely safe. Look at Banff- there is a piece of private land in the middle there that is private land because it was private property before the park was established.
- Gary- Except it's a recreational lease- it would have to be converted to commercial. There was a whole consultation process we embarked on and we had support from the Rae Band and but we didn't have support from the Yellowknives Dene- I'm not saying we had negative support but they wanted positive support and we didn't pursue it at the time. The recreational lease would continue, but to get it converted and establish a commercial operation would not be an option.
- Randy- notes YK Dene would certainly want to be part of management of this area.

Jan 29, 2014

Randy Freeman in attendance for the YKDFN

- Randy Freeman voiced concern that there is no mention of traditional use and cultural significance to the Yellowknife Dene mentioned in the report. The YK Dene and the Akaitcho are still in land claims negotiations.

Action item: YKDFN to forward any traditional use and cultural significance info they are willing to share with the WG to the PAS secretariat/CWS for inclusion in the Rec. Report.

October 24, 2014

Randy Freeman in attendance for the YKDFN

- Randy and YKDFN elders were brought out to the Husky Chedabucto area for sites visits as part of a Husky-funded archaeological study of the area.

Nov 29/30, 2012

- Letters have been sent to the YKDFN, NWT Metis Nation and Akaitcho regarding the overlapping boundaries? (meeting minutes do not specify what is overlapping with what); WG organizations to provide feedback on boundary options

Sep 12/13, 2011

- Rita Wettrade (TK Researcher) -> Both Tlicho and Yellowknives people use this area. We share the rest – it would be nice to protect this area for both Yellowknife and Rae people. The purple area shows an area they (the Elders) would like to see protected from mining.

Natural Resources Canada

Natural Resources Canada (“NRCan”) undertook a search of its records for those relating to developments specified by the YKDFN in order to identify any records pertaining to YKDFN use of the land in the vicinity of the Chedabucto Mineral Exploration Project area. The search was limited to environmental assessment/project file records and records relating to NRCan’s regulatory role in administering the *Explosives Act*.

NRCan’s search did not yield any records relating to those projects. NRCan has no responsive records pertaining to Gary Jaeb’s (True North Safaris) development, Anglo American's application for uranium exploration, HTX's staking of mineral rights, AANDC's efforts to provide recreational leases, nor Canada's participation in the proposed national wildlife area (Dinàgà Wek’èhodi) or the YKDFN use of the land.

NRCan’s regulatory approvals under the *Explosives Act* were also reviewed to determine if the department has had a regulatory role in the project area in order to potentially identify other responsive project records that could be checked. That review indicated that NRCan has not issued any licences under the *Explosives Act* in the specified project area.

Fisheries and Oceans Canada

Fisheries and Oceans Canada (“DFO”) conducted a search of its DFO project database (PATH “Program Activity Tracking for Habitat”) as well as the regional shared drive in the Yellowknife office for records pertaining to the five projects. No records were found that concerned the projects specified.

Aboriginal Affairs and Northern Development Canada

Aboriginal Affairs and Northern Development Canada (“AANDC”) electronic files are saved in an electronic database (CIDM). There is also a database, Livelink, of all the physical files. It identifies where the file is such as in the office records room, at an individual’s desk, archived in Ottawa or destroyed based on established retention limits.

Key word searches were undertaken of CIDM and Livelink to identify what files may exist with respect to this IR. The search will only return results based on the keywords used and cannot be done by geographic location or other criteria.

Given the short timeframe to respond to this ruling, efforts were focused on the records for the keywords of recreation (32), recreational lease (3), True North Safaris (45), Anglo American (91), Whitebeach Point (6), Chedabucto (33), and HTX (5). These 216 records were then further reviewed in detail to identify any relevant information to this IR. The net result was there were very few files found of potential relevance. These potentially relevant files were then reviewed again for any information on YKDFN use of the land in the vicinity of the Project, and no such records were identified.

With respect to historic recreational lease files, it was determined that the majority of these files were archived at the National Archives in Ottawa well prior to devolution. The process to request files from the National Archives can take upwards of a year. There is a small possibility that some

limited information on YKDFN use of the Project area could be contained in the lease administration files; however, AANDC has no specific knowledge of such information at this time.

In addition to conducting a search of regional office records, AANDC conducted a search of records held in its departmental headquarters. AANDC Headquarters officials searched the National Capital Region CIDM library as well as their archives and the records of the departmental historian, Mineral Division, and the Lands and Waters Division as well as the Aboriginal Treaty Rights Information System (ATRIS). The potentially relevant records identified were reviewed and determined not to contain information with respect to YKDFN use of the Project area, with the exception of the following records which are attached to this submission:

1. March 27, 2008 YKDFN letter to Anglo American Exploration concerning Dessert Lake Exploration Program
2. April 16, 2008 YKDFN letter to Anglo American Exploration concerning Dessert Lake Exploration Program
3. May 1, 2008 WLWB email to YKDFN concerning Dessert Lake Exploration Program
4. May 21, 2008 WLWB email to Anglo American Exploration concerning Dessert Lake Exploration Program
5. May 6, 2008 YKDFN letter to WLWB concerning Dessert Lake Exploration Program
6. May 27, 2009 YKDFN letter to WLWB concerning Dessert Lake Exploration Program

Canada acknowledges that other relevant records could exist in Canada's possession, but submits that this report demonstrates that Canada has made good faith efforts to identify and provide any such relevant records in the time available, to support the environmental assessment process for this Project.

Yellowknives Dene First Nation
Lands & Negotiations Office

FAX COVER SHEET

To: Jim Pickell From: YKDFNO
Company: Anglo American Exploration Date: March 27, 2008
Fax number: (604) 689 3480 Total No. Of pages including cover: 3
Re: Correspondence

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Yellowknives Dene First Nation
Box 2514 Yellowknife, NT X1A 2P8
Phone: (867) 766-3496
Fax: (867) 766-3497



Yellowknives Dene First Nation
Box 2514, Yellowknife, N.T. X1A 2P8

March 27, 2008

J. R. (Jim) Pickell, P. Geo.
Senior Geologist - North America / Europe
Anglo American Exploration (Canada) Ltd.
Suite 800 - 700 West Pender Street
Vancouver, British Columbia, Canada, V6C 1G8
Fax (604) 689 3480
Email jpickell@angloamerican.ca

Dear, Mr. Pickell;

RE: Proposed Anglo American Exploration (Canada) Ltd. (Anglo American) Desert Lake Exploration Project

Further to our teleconference of March 19, 2008, I would like to thank you for your engagement efforts and taking the time to brief our CEO, Mr. John Carter and myself regarding your company's proposed exploration program.

Our Lands Management has reviewed the information provided regarding the proposed exploration program; and, based on the analysis; I am pleased to provide you the following feedback.

1. The proposed exploration program (Program) will likely cause spill over effects eastward beyond Wek'eezhii into an area currently claimed by the Yellowknives Dene First Nation (YKDFN).
2. There are known YKDFN valued socio-economic and cultural resources in the area likely to experience effects of the Program.
3. There are as of yet unrecorded YKDFN socio-economic and cultural resources that may be affected owing primarily to the dearth of resources needed to identify, document and record the YKDFN's cultural landscape.
4. There are known hunting, trapping, fishing, gathering and burial areas likely to be affected by the Program.
5. The character of a place of intrinsic spiritual importance to the YKDFN will be disturbed.

Based on the results of our analysis of Anglo American's Program the YKDFN cannot support the issuance of any authorization that would allow the Program to proceed. In addition, because of the transboundary effects of the proposed Program between the Tlicho and the Yellowknives Dene First Nation's Drygeese Territory the Preliminary Screening and regulatory applications, should they be made, should be with the Mackenzie Valley Land and Water Board.

Sincerely,



Rachel Ann Crapeau
A/Director, Lands Management

Copy: Greg Empson, Legal Counsel, Edmonton, AB. Fax: (780) 424-5852
Steve Ellis, Akaitcho IMA Implementation Office Fax: (867) 370-3209
Wanda Anderson, Executive Director, Mackenzie Valley Land and Water Board, Fax (867) 873-6610
Zabey Nevitt, Wek'eezhii Land and Water Board Fax: (867) 669-9593

Attachment - 2

Yellowknives Dene First Nation
Lands & Negotiations Office

FAX COVER SHEET

To: Zabey Devitt

From: YKDFN TE Office

Company: WLWB

Date: April 16/08

Fax number: 669-9593

Total No. Of pages including cover: 3

Re:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Wek'ozhil Land
& Water Board

File _____

APR 16 2008

Application # W20080010
Copied to Wek

Yellowknives Dene First Nation
Box 2514 Yellowknife, NT X1A 2P8
Phone: (867) 766-3496
Fax: (867) 766-3497



Yellowknives Dene First Nation
Box 2514, Yellowknife, N.T. X1A 2P8

April 16, 2008

J. R. (Jim) Pickell, P. Geo.
Senior Geologist - North America / Europe
Anglo American Exploration (Canada) Ltd.
Suite 800 - 700 West Pender Street
Vancouver, British Columbia, Canada, V6C 1G8
Fax (604)-689 3480

Dear, Mr. Pickell;

**RE: Proposed Anglo American Exploration (Canada) Ltd. (Anglo American)
Desert Lake Exploration Project**

Thank you for Ms. Dene Tackyth's March 31st e-mail. The Yellowknives Dene First Nation (YKDFN) is not opposed to development in our Chief Drygeese Territory; however, we do hold particular areas in high regard for their cultural and spiritual values; and, for their contribution to our member's hunting, trapping, fishing, and gathering pursuits. Not the least, the YKDFN's right to pursue these activities unhindered, and to maintain the supporting environment in a state that enables those activities to continue into the future.

To protect YKDFN interests while negotiating our land claim, the Akaitcho Chief Drygeese Territory is subject to the provisions of the Akaitcho Interim Measures Agreement, Interim Lands Withdrawals, and the Akaitcho process. As such, insofar as we are concerned, YKDFN permission is required for any entry and any use of the lands; or, for undertaking activities that may impact the use of our lands.

Anglo American's project activities will likely impact an area that has significant value for the reasons cited above; and for that reason, we are particularly sensitive to the proposed exploration program. However, in a spirit of accommodation and reconciliation, the YKDFN is contemplating a Community Participation Agreement to facilitate productive engagement and accommodation with the exploration industry. That policy would apply uniformly to exploration companies throughout the YKDFN Drygeese Territory.

Please let me know when you would like to meet to discuss the Community Participation Agreement of a Community Participation Agreement for our mutual accommodation. I can be reached at (867) 766-3496, or you can call John Carter, CEO of the YKDFN at (867) 873-4307 at the YKDFN Detah Band Office.

Sincerely,
A/ Director of Lands


Rachel Ann Crapeau

- Copy: Chief Edward Sangris, YKDFN - Detah Fax: (867) 873-5969
- Chief Fred Sangris, YKDFN - Ndilo Fax: (867) 873-8345
- Greg Simpson, Legal Counsel, Edmonton, AB. Fax: (780) 424-5852
- Steve Ellis, Ahlatcho Treaty 8 Tribal Corporation Fax: (867) 370-3209
- Wanda Anderson, Executive Director, Mackenzie Valley Land and Water Board, Fax (867) 873-6610
- Zahay Nevitt, Wek'echiil Land and Water Board Fax: (867) 669-9593
- Ernie Campbell, RNR, GNWT Yellowknife, NT. Fax: (867) 873-6230

Mark Cliffe-Phillips

From: Zabey Nevitt [zabey@wlwb.ca]
Sent: May-01-08 2:22 PM
To: 'Rachel Crapeau'
Cc: 'Mark Cliffe-Phillips'; 'Adrian Paradis'
Subject: RE: amended NWT water act
Attachments: Mackenzie Valley Resource Management Act.pdf; NWT Waters Act.pdf; MVRMA Regs - Revised.pdf; NWT Water Regulations.pdf

Rachel;

I have attached to this email the following documents and indicated which were amended following the implementation of the Tlicho Agreement.

Mackenzie Valley Resource Management Act (amended).
NWT Waters Act (Not amended)
Mackenzie Valley Land Use Regulations (amended)
NWT Waters Regulations (Not amended)

In response to your enquiry why Anglo-American applied to the Wek'èezhii Land and Water Board and not the Mackenzie Valley Land and Water Board I will provide detail below:

Anglo-American's application is for mineral exploration activities south of Behchoko on the west shore of the north arm of Great Slave Lake. All of the activities that trigger a land use permit and water licence take place within the area described as the Wek'èezhii management area. The MVLWB has reviewed, and concurred that all the currently proposed activities are physically located within, and will not have an impact outside of, the Wek'èezhii management area. Therefore the applications are to be reviewed, determinations made and ongoing management of the file administered by the Wek'èezhii Land and Water Board.

It is understood that the project might affect community members from both Tlicho and Yellowknives Dene communities that use the area, however this does not in its own right make the project "transboundary" as these decisions are made on geographical scope, i.e., is the project physically located or will it have an impact (relating to land use permitting and water licensing) outside of the management area.

Until Akaitcho Treaty 8 and the Tlicho Government complete any subsequent discussion/negotiations based on the original overlap agreement and any resultant changes are made to board structure or mandate, the Boards will continue to operate within the legal jurisdictions provided to them through the MVRMA, NWT Waters Act and associated regulations.

The Board is aware of the interests of Akaitcho communities in areas within Wek'èezhii and will continue to include the Akaitcho IMA office, Yellowknives Dene First Nation, Lutselk'e Dene First Nation and Deninu Kue First Nation on our distribution lists, and consider evidence provided by these organizations during our decision making processes.

I hope that this helps to describe issues relating to Board operations and please feel free to contact me if you wish to discuss this or any other issue relating to WLWB operations further.

All the best,
Zabey

++++
Zabey Nevitt
Executive Director
Wek'eezhii Land and Water Board
Tel: 867 669 9590
Fax: 867 669 9593
www.wlwb.ca

From: Rachel Crapeau [mailto:rachelc@ykdene.com]
Sent: May-01-08 12:32 PM
To: zabey@wlwb.ca
Subject: amended NWT water act

May 1, 2008

Would you please send us a copy of the amended acts for the office to read, since we were asking questions why Anglo was applying to Wekeezhii rather than to MVLWB.

Todd and I are just trying to work with all available information as much as possible and keep ourselves updated and hopefully not outdated.

Masi to you for helping,

Rachel

Roberta Judas

From: Mark Cliffe-Phillips [mark_cp@wlwb.ca]
Sent: Wednesday, May 21, 2008 1:43 PM
To: 'Roberta Judas'
Subject: FW: Request for jurisdictional clarification on exploration project west of Great Slave Lake

Mark Cliffe-Phillips
Regulatory Specialist
Wek'eezhii Land and Water Board
P.O. Box 32 Wekweeti, NT XOE 1W0
(p) 867-713-2500
(f) 867-713-2502
www.wlwb.ca

From: Adrian Paradis [mailto:adrian@mvlwb.com]
Sent: April-02-08 10:37 AM
To: 'Dene Tarkyth'
Cc: mark_cp@wlwb.ca; 'Jim Pickell'
Subject: RE: Request for jurisdictional clarification on exploration project west of Great Slave Lake

Hi Dene,

After a review of Anglo American Exploration (Canada) Ltd. application for Dessert Lake Project I believe it is wholly within the Wek'eezhii management area and Anglo American should apply to the WLWB. As part of the Land and Water Boards standard practice the WLWB will provide a copy of the application to the MVLWB for a formal response. If you have any questions please give me a call.

Adrian Paradis
Senior Regulatory Officer
Mackenzie Valley Land and Water Board
wk. 867-766-7473
fax. 867-873-6610

From: Dene Tarkyth [mailto:dtarkyth@angloamerican.ca]
Sent: Monday, March 31, 2008 10:22 AM
To: adrian@mvlwb.com
Cc: mark_cp@wlwb.ca; Jim Pickell
Subject: Request for jurisdictional clarification on exploration project west of Great Slave Lake

Hi Adrian,

Janna at the MVLWB office referred me to you. I am in the process of completing a land use permit and water licence application regarding some proposed exploration activity on Anglo American Exploration (Canada) Ltd.'s Dessert Lake Project mineral claims west of Great Slave Lake, and I am seeking clarification regarding jurisdiction. Although the claims extend onto the Lake, all of the actual proposed work and camp locations is inland within the area regulated by the Wek'eezhii Land and Water Board. I had contacted the MVLWB at the start of the process in October, and was referred to apply to the WLWB. In November during the course of speaking with stakeholders, Eddie Erasmus at the Tlicho Lands Protection Department informed us that the Tlicho have an overlap agreement with the Yellowknives Dene west of Great Slave Lake in part of the area where we propose to work. I asked a regulatory specialist at the WLWB whether the overlap agreement would alter the jurisdiction of the permit from the WLWB to the MVLWB, and was told that as the proposed work is all within Wek'eezhii we should still apply through the WLWB. On Thursday of last week, we received a

fax from the Lands Management Director of the Yellowknives Dene stating that they view our proposed activity as a transboundary issue and that we should apply for permits through the MVLWB.

I have attached a map showing the location of Anglo American's claims and proposed work locations, as well as the fax (which was cc'ed to Wanda Anderson and Zabey Nevitt) from Rachel Crapeau stating that we should be dealing with the MVLWB. If you could get back to me with a clarification on the permitting jurisdiction in this case, I would greatly appreciate it.

Regards,

Dène Tarkyth

Project Manager
Anglo American Exploration (Canada) Ltd.
800 – 700 West Pender Street
Vancouver, BC V6C 1G8
Tel: (604) 684-1454 / 1-877-784-1454
Fax: (604) 689-3480
Email: dtarkyth@angloamerican.ca

Yellowknives Dene First Nation
Lands & Negotiations Office

FAX COVER SHEET

To: Mark Cliffe - Phillips	From: YKDFN - TE Office
Company: WLLWB	Date: May 6 / 08
Fax number: (867) 713-2502	Total No. Of pages including cover: 3
Re:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Greg Empson (780) 424-5852
 Steve Ellis (867) 370-3209
 Wanda Anderson (867) 873-6610
 Zabey Nevitt (867) 669-9593
 Ernie Campbell (867) 873-6230

Wek'eezhli Land
& Water Board

File _____

MAY 06 2008

Application # W2008C010 / W2008L1-0002
Copied To WLEK

Yellowknives Dene First Nation
Box 2514 Yellowknife, NT X1A 2P8
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**Yellowknives Dene First Nation
Box 2514, Yellowknife, N.T. X1A 2P8**

May 6, 2008

Mark Cliffe-Phillips
Regulatory Specialist
Wek'echi' Land and Water Board
P.O. Box 32, Wekweti, NT, X0B 1W0
Phone: (867) 713-2500
Fax: (867) 713-2502

Dear Mr. Cliffe-Phillips,

**RE: Proposed Anglo American Exploration (Canada) Ltd. (Anglo American)
Desert Lake Exploration Project**

As mentioned in our letter of April 16th, the Yellowknives Dene First Nation (YKDFN) is not opposed to development in our Chief Drygeese Territory. However, we do hold particular areas in high regard for their cultural and spiritual values. The area southwest of White Beach Point is one of them. This area is a significant contributor to the high value landbase where our members can engage in hunting, trapping, fishing, and gathering activities. For many years, the YKDFN has managed this area to ensure its productivity. Our desire is to see the YKDFN's right to pursue these activities unhindered and to maintain the supporting environment in a state that enables those activities to continue into the future.

Recently, our office reviewed the proposed Anglo American exploration program. It was recognized that Anglo American's project activities will likely have a significant impact on an important cultural area. However in the spirit of accommodation and given a) the willingness of the company to work with YKDFN to minimize their impacts; and b) the limited scope of the work, with a temporary nature, the YKDFN offers tentative and limited support for the project, provided that the following conditions are met within a Community Participation Agreement (to be finalized with the company), prior to issuance of a permit:


- Pre-notification of drill sites and GPS lat/longs
- Observers for the camp and drill site activities
- Wildlife monitors
- A heritage resource assessment prior to any activity by a mutually agreed upon archaeologist
- YKDFN site visit after demobilization to inspect the sites and impacts

The YKDFN wishes to restate that this conditional support for the proposed 'exploration program' is not indicative of any forthcoming support should the exploration program have promising results. The elders and ancestors have actively managed this land for generations, and we feel that it is already under considerable pressure from development. Given the very high value placed on this area, the YKDFN is very risk adverse to any proposal that would threaten the health of this land. In particular, the policy of the YKDFN is to oppose any development of uranium or other rare earth minerals that could pose health concerns to users of the land. Substantial resources, research and investigation will be required prior to any proposed undertaking involving these minerals.

Our objection has historical background and is consistent with the YKDFN position with respect to other development proposals in this area. Most recently, in 2000, True North Safari's proposed a recreational and tourism venture in the same area, which met with stringent opposition from our office, amongst others. Considerable work done at the time by the YKDFN Land and Environment Committee which showed that the elders felt that this area 'should be strictly left alone for hunting, fishing and trapping purposes in the area had a wide variety of wildlife'. Furthermore, for generations, it has been YKDFN practice that no permanent structures were allowed in the area to protect the wildlife. These are just two examples of the management practices that are now or have been in place for centuries in this area, which are at risk of being compromised by development. Every additional development threatens to compromise the ecological integrity that the original inhabitants preserved for so long.

Sincerely,


Chief Edward Sangris


Chief Fred Sangris

- Copy: Chief Edward Sangris, YKDFN - Denali Fax: (907) 573-5060
- Chief Fred Sangris, YKDFN - Nulik Fax: (867) 573-2545
- Greg Eganon, Legal Counsel, Edmonium, AB. Fax: (780) 424-5852
- Steve Ellis, Ahakoho Treaty 8 Tribal Corporation Fax: (867) 570-3204
- Wanda Anderson, Executive Director, Mackenzie Valley Land and Water Board, Fax: (867) 579-6610
- Zelby Nevitt, Weh'ocahil Land and Water Board Fax: (867) 669-9593
- Eric Campbell, ENR, GNWT Yellowknife, NT. Fax: (867) 573-6230



Yellowknives Dene First Nation
Lands Management / Land & Environment Office

FACSIMILE TRANSMITTAL SHEET

TO: <u>Mark Cliffe - Phillips</u>	FROM: <u>YKDFN - L&E Office</u>
COMPANY: <u>WLWR</u>	DATE: <u>June 1/09</u>
FAX NUMBER: <u>(867) 713-2502</u>	TOTAL NO. OF PAGES INCLUDING COVER: <u>4</u>
RE:	

- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

Copy to:

Greg Empson @ (780) 424 5852
Stephanie Poole for Steve Ellis - email
James Lawrence @ 669 2859
Julie Jackson @ 669-2540

Wet'sechii Land & Water Board

JUN 01 2009

Application # W2008C0010 / W2008LI-0002
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Yellowknives Dene First Nation
Box 2514, Yellowknife, N.T. X1A 2P8

May 27, 2009

Mark Cliffe-Phillips
Regulatory Specialist
Wek'eezhii Land and Water Board
P.O. Box 32, Wekweeti, NT, X0E 1W0
Phone: (867) 713-2500
Fax: (867) 713-2502

Dear Mr. Cliffe-Phillips,

RE: Anglo American Exploration (Canada) Ltd. (Anglo American) Desert Lake Update

Recently, our office received the Operational Plan for the 2009 Season from Anglo American. In both this and other emails as well as a phone call to our office, Anglo has indicated their desire for road access to the site and that they feel as though this will be appropriately handled by an amendment to their current permits. YKDFN is vehemently against this idea. Given the history of this license, the significance of the area to the First Nation, and the impacts associated with increased access, our First Nation wanted to proactively notify the board how concerned we are that a winter road proposal could be pushed through as an amendment to the Land Use Permit or Water License. If this were part of the original proposal, the First Nation would have steadfastly objected to the proposal.

YKDFN wishes the board to be aware of the events leading up to the license and afterwards. This program was advertised to the First Nation as a helicopter supported program, which is the level of infringement that we considered when we put in place tools and methods that attempted to offset the original impacts. As these mitigation measures were not actually followed up on, the impacts and infringements persist. Now we are looking at further, compounded impacts with an upcoming winter road proposal.

For context, we would like to remind the board of some of the things we said in our letter related to the initial permitting:

- "Anglo American's project activities will likely have a significant impact on an important cultural area"
- "[YKDFN] hold particular areas in high regard for their cultural and spiritual values. The area southwest of White Beach Point is one of them
- "For many years, the YKDFN has managed this area to ensure its productivity"

- "Work done ... by the YKDFN Land and Environment Committee which showed that the elders felt that this area 'should be strictly left alone for hunting, fishing and trapping purposes in the area had a wide variety of wildlife'"
- "The elders and ancestors have actively managed this land for generations, and we feel that it is already under considerable pressure from development"
- "Substantial resources, research and investigation will be required prior to any proposed undertaking involving these minerals."

This area is one of the most critical use areas in the YKDFN landbase. We revive these passages in a quick effort to establish the importance of the area to the membership of the YKDFN.

In this same letter, we offered conditional support to this program in an attempt to compromise with the proponent – as we put it, the spirit of accommodation. This tentative and limited support was possible only because of two things: the limited scope of work and its temporary nature; and the companies willingness to engage with YKDFN in order to mitigate the impacts. The proponent appeared to make good faith gestures on issues related to potential infringements, creating an impression that there was a trustworthy working relationship which could allow for limited, controlled development while protecting treaty and aboriginal pursuits with significant mitigation measures. In the letter, the accommodation measures we suggested included:

- Pre-notification of drill sites and GPS lat/longs
- Observers for the camp and drill site activities
- Wildlife monitors
- A heritage resource assessment prior to any activity by a mutually agreed upon archaeologist
- YKDFN site visit after demobilization to inspect the sites and impacts

Not one of these mitigation measures has been fully implemented.

Most importantly, our limited support was conditional upon the company entering into a Community Participation Agreement (now formalized and ratified as an Exploration Agreement) prior to the land use permit being issued. At the outset of the 'consultation' process, the company indicated its willingness to pursue such an Agreement. After receiving their permits, the company notified YKDFN that they were no longer interested.

In *Haida Nation*, the court clearly mandated that consultation must be more than an opportunity for aboriginal people to "blow off steam". It is certainly the YKDFN position that this company did not engage the First Nation in good faith. True consultation must involve real, *bona fide* attempts to reach mutually beneficial understandings.

Now we see that the company is proposing a winter road into the site. This project was described to us as a helicopter supporter endeavour, with very little ground work. The introduction of a winter road, with all of the implications that are associated with

increased access and additional pressures goes against everything we tried to achieve with this company. Any increased access completely changes the dimensions of the impacts of this project and has to be seen as a new development or a change of scope, requiring a new permit.

We trust that this letter makes our position clear. If you have any questions, please contact the Land and Environment office at 766-3496.

Sincerely,



Chief Edward Sangris

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