

TRIP REPORT

Mackenzie Valley Environmental Impact Review Board

Subject: EA99-004

Date: October 5, 1999

Prepared by: Louie Azzolini

RE: Trip to Lutsel K'e

Development: BHP Mine Extension
Departure Date: October 5, 1999, Louie Azzolini
Return Date: October 6, 1999
Mode of Travel: Air Tindi
Reason: Meet with the Wildlife, Land and Environment Committee
Public Notification: No notification provided
Meetings: No meetings attended
Cost: Approximately \$500

Louie Azzolini attended a meeting on October 5, 1999. The meeting started at 7:30 PM at the Zah Lockhart Community Hall.

Name

Charlie Catholique

Antoine Michel

Ramona Sanderson

Joe Desjarlais

JB Rabesca

Albert Boucher

Band Councillor: Chief Felix, Liza Enzoe, Sara Basil, George Marlowe, Gilbert Abel,
Jonas Catholique, Mary Rose Enzoe

Interpreters: Archie Catholique

Staff: Brenda Parlee and Lucy Sanderson

MVEIRB: Louie Azzolini

The meeting began at about 7:30 with general introductions. Louie provided an overview of the *Mackenzie Valley Resource Management Act (Act)* and work of the Review Board and its staff. There was general discussion about the appropriateness of the forum as it seemed better suited for Band Council. The following is a summary of the points discussed at the meeting.

From.....

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Board Nominees	<ul style="list-style-type: none"> • There was considerable discussion regarding the nature of the Review Board and its potential impact on Treaty Rights and land claim processes.
Communications	<ul style="list-style-type: none"> • People asked why this was the first time anybody from Review Board had come to the community to talk about the Act.
Board Relationships	<ul style="list-style-type: none"> • There was a general discussion about the relationship of the Mackenzie Valley Land and Water Board and the Review Board and what the respective authority was and how the these Boards were supposed to co-ordinate and co-operate.
Review Board Meetings	<ul style="list-style-type: none"> • Attendees wondered how often, where and how Review Board meetings where held and if the Review Board could hold a regular meeting in Lutsel K'e.
Authority of the Review Board	<ul style="list-style-type: none"> • Attendees enquired about the authority of the Review Board and if it could turn down developments and what the power of the Minister of DIAND was with respect to the Review Board.
Cumulative Impacts	There might be other mining companies coming on an it would not be good and was wondering if the Review Board could stop mines.
Conflicting Determinations	George asked what would happen if the Review Board said yes to a development and the community said no.
Community (Local Government Authority)	Question of power of the people and the community. Louie indicated that the Act provided referral authority to "local governments" and that this was an authority that enabled greater local involvement in decision making.

<p>Treaty Rights</p>	<ul style="list-style-type: none"> • There was some discussion about the nominating process and the composition of the Review Board and who appointed members to the Review Board. • Concern expressed about “representation” from unsettled areas and how that could effect future negotiations between the Lutsel K’e First Nation and the Crown. Louie spoke to Sections 5 and 8(2) of the Act. • There is a desire to have a strong voice. Ms. Catholique said that government made the Act and are still making decisions on the land. The Lutsel K’e First Nation still had rights and that the people had to say yes or no with conditions, based on their own laws. Laws that would come from the people and be used to govern the use of the land and the water. • Liza indicated that they lived in the Akaitcho Territory and that Indian Affairs had taken the land. and that they, the Akaitcho people were watching out for the land and that they needed to have their own Board, and that the Treaty 8 people had their own rights. Liza said that the Yellowknife area was damaged by mining companies and that the quality of the water and the fish was not good. She expressed concern for her children and what would happen to them. Where was the money going to come from for the clean-up? She said that they should speak for themselves - Treaty 8 Board. She said that they would have to deal with mining companies and that kids needed to get an education to get training and work experience. That nothing was going on for them now and that there was also need to go to treatment.
<p>Expert Input</p>	<ul style="list-style-type: none"> • Sara asked for an explanation of how the Review Board came into existence and how strong the Review Board really was - if it could say no to development. She also asked if and how the Review Board could know all there was to know about the land and the water. She said that the people learned from the elders and that the elders were historians and how could the seven Review Board members know all that the elders knew.

<p>Concluding remarks by Chief Felix Lockhart</p>	<ul style="list-style-type: none">• Chief Lockhart indicated that they wanted to be involved if developments are coming up and that there was concern for the water the land and the children. He also indicated they wanted a Board they could participate in and not be left out. Chief Lockhart went on to say that the Review Board had considerable power and that is in part a reflection of the desire of communities to have a greater say in decision making. He indicated that they had never given consent to the Review Board and that they were still negotiating with the Crown and that they still wanted to have a say in the future with respect to Treaty rights. He said there was concern about caribou depletion and how the Review Board was going to handle these types of issues, and that it was the Treaty 8 peoples responsibility to have the caribou in the future and that government would and could not make that decision for them.
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Louie indicated that regular fax out updates were planned and that regular newspaper advertisements were planned as the environmental assessment progressed. They also indicated that the community and its Wildlife, Land and Environment Committee could be directly involved by calling the Review Board at any time.

**Public Meeting
October 5, 1999 @ 7:00 PM
Community Hall**

A G E N D A

- 1. Opening Prayer:**
- 2. Introductions:**
- 3. Presentation by Louis Azzolini on the MVRMA – background/history, Review Boards, Working Groups, Lands & Water Board, any seats available on the boards.**
- 4. Other Concerns:**
- 5. Meeting Adjournment:**
- 6. Closing Prayer:**