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August 26, 2004

Adrian Paradis, Regulatory Specialist
Mackenzie Valley Land & Water Board
7th Floor, 4910 50th Avenue, Yellowknife NT X1A 2P3
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Re: Town of Hay River Class "A" Water License Amendment
Biotreatment Pad, Hay River Landfill
N1L4-0053

This letter is in response to the letter issued August 19th, 2004 by the Town of Hay River. Katlodeeche First Nation (KFN) has submitted a letter of intervention dated August 3rd, 2004 with no response to the inquiry regarding the construction of the pad prior to regulatory approval and the lack of consultation with KFN and the Deh Cho First Nations (DCFN).

Specifically, our question is as follows: Construction has already taken place for this treatment facility, in effect negating the relevance of public consultation. **Constructing the pad prior to regulatory approval may be putting pressure on the regulators to approve the application.** Is this an appropriate approach to the regulatory process? There has been no response to our question.

In review of the application submitted by the Town of Hay River / Hazco Environmental Services, it is apparent that the only consultation conducted was to the Government of the Northwest Territories. At no time was there any indication or effort for the same consideration extended to the KFN or any other First Nation within the Deh Cho Region. It is the responsibility of the Mackenzie Valley Land and Water Board and all affiliated parties to conduct a consultation with the KFN and DCFN.

Furthermore, the Town of Hay River indicated a working relationship with the MVLWB and RWED in maintaining environmental responsibility. However, there was no indication of a working relationship or opportunities with the KFN to be apart of this responsibility. We have strong traditional values and knowledge with the land, waters and animals in this region.

We have requested that a public hearing be conducted in our community as there has been no consultation with the KFN or the DCFN. We are currently developing a Protected Area Strategy for our traditional lands that will address potential environmental issues such as contamination. We have serious concern

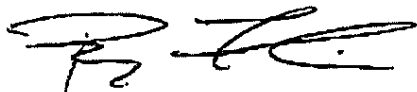
with the proximity of this landfill site to the Hay River and the potential for impact with the watershed, land and animals. Our community is located down the River from the landfill site and our concern is the potential for any contamination to the environment as a result of this Biotreatment pad. The purpose of a public hearing in our community is to share information and knowledge we have and our intentions of developing a Protected Area Strategy.

The GNWT has indicated the siting for these facilities are usually in a location somewhat distant from municipalities to reduce the potential for any concerns with vapours. Our concern is with the lack of consultation, these parties would not be aware of our traditional lands and resources that are potentially affected by this. And, we have to question that if the Town is planning a new land fill site then why is this hydrocarbon pad apart of the old site?

It is to our understanding that there have been no long term effects of hydrocarbon treatment proven to date with relevant data that is comparable to the northern climate that can be extreme in comparison to southern Canada (Alberta & BC).

KFN is denying approval of the application based on the lack of consultation and unanswered questions KFN has submitted. We are requesting that this application follow an Environmental Assessment to properly address our concerns.

Signed,



Chief Roy Fabian

cc: Katlodeeche First Nation Chief & Council
Katlodeeche First Nation Band Administrator
Deh Cho First Nation s