



EA0506-003

May 5, 2005

Chair
Mackenzie Valley Land and Water Board
Box 2130
Yellowknife NT X1A 2P6

Request to Reconsider Decision

Responses to Consultation re: Various Permit Applications by Lutsel Ke Dene First Nation
Your files:

MV2004C0021/Fortune Minerals
MV2005C002/Wyn Developments
MV2005C006/Alberta Star Development

We respectfully ask that the Mackenzie Valley Land and Water Board reconsider its decision in the Alberta Star application, the result of which was communicated to Alberta Star on May 3, 2005.

We understand that our correspondence of April 29, 2005 in this regard was not before the Board when it made the decision to send the project to Environmental Assessment. We believe that points raised in our letter would have materially changed the Board's decision in this case *and in several others* concerning the Lutsel Ke Dene First Nation (LKDFN).

We believe that the Board has not shown due regard for the Akaitcho Territory Interim Measures Agreement (IMA) nor the Policy Direction given by the Minister of Indian Affairs and Northern Development in the matter of the Akaitcho Pre Screening Board. These set out specific terms and conditions under which the Akaitcho Territory can intervene in applications before the Mackenzie Valley Land and Water Board. In our view, these specific terms and conditions have not been met. We believe that the Lutsel Ke Dene First Nation is not operating within the spirit and intent of the Interim Measures Agreement.

This is borne out by the style of correspondence: form letters that do not address specific issues with the proposed activities. This is particularly evident in the letter from Lutsel Ke to Wyn Developments dated April 20 (copy attached). From this letter, it is obvious that Lutsel Ke Dene First Nation does not want to engage in constructive consultation on proposed land use activities on Crown Land within its traditional territory.

It is impossible to envision how referral to environmental assessment, even within the focus of the referral, will assist the proponents in mitigating concerns that have not been properly nor specifically expressed, particularly when the LKDFN has shown an unwillingness to engage in meaningful consultation.

We believe that the referral to environmental assessment is unnecessary, contravenes the IMA and the Minister's policy direction and will serve no purpose other than to delay and to add considerable cost to the proponents and to the Mackenzie Valley Environmental Impact Review Board without hope of coming to a mutually beneficial conclusion.

We ask the Board to reconsider its decision in light of our letter of April 29 and issue land use permits with the usual terms and conditions.

Yours truly,



Lou Covello
President

Hon. Andy Scott, Minister, Indian and Northern Affairs Canada
Hon. Ethel Blondin-Andrew, Minister of State for Northern Development
Hon. Brendan Bell, Minister of Industry, Tourism and Investment, GNWT
Lutsel Ke Dene First Nation
Mr. Robert Sayine, Chair, Akaitcho Pre Screening Board
Mr. Robin Goad, President, Fortune Minerals
Mr. Tim Coupland, President, Alberta Star Development
Mr. Max Braden, Wyn Developments
Ms. Liseanne Forand, Assistant Deputy Minister, DIAND, Ottawa
Ms. Caroline Dennill, Aboriginal Territorial Relations, DIAND, Yellowknife
Mackenzie Valley Environmental Impact Review Board

**Lutsel K'e Dene First Nation**

Wildlife, Lands & Environment Department

P.O. Box 28

Lutsel K'e NT

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Fax: 867-370-3743

Pete Enzoe, Chair
Wildlife, Lands & Environment Committee
Lutsel K'e Dene First Nation

April 20, 2005

Max Braden
Wyn Developments Inc.
620, 800 West Pender St.
Vancouver, BC V6C 2V6
Fax (604) 685-7349

Re: Proposed Meeting in Lutsel K'e

We understand that representatives from your company will be in Yellowknife next week, and have also requested a meeting with the Wildlife, Lands and Environment Committee here in Lutsel K'e.

Our letter of February 28, 2005 (sent both to yourself and to the MVLWB) clearly outlined our position in regards to your proposed mineral exploration program on the North Shore of Great Slave Lake. We have already discussed your application and made a decision to reject the issuance of the land use permit. We wish to make it perfectly clear that any meetings with your company will not change our decision.

However, if you would still like to meet with us, we will certainly accommodate you. It is the standing policy of the Lutsel K'e Dene First Nation that any resource developers who request a community meeting are required to cover all associated costs, as part of the consultation process. A tentative budget is as follows:

- Honoraria: \$75 each for up to seven Wildlife, Lands & Environment Committee members = \$525 (not all members may be able to attend, so this cost may be lower)
- Interpreter: \$400
- Refreshments (coffee, tea, cookies, etc.): \$50

TOTAL: \$975

The proposed date of the meeting is Wednesday, April 27th at 1:00pm. Please confirm in writing that this is acceptable, and that you agree to be invoiced for the above expenses (we will cover costs up front, but will require reimbursement).

Also in attendance at the meeting will be staff from the Akaitcho Interim Measures Agreement (IMA) Implementation Office. This office was recently opened (based here in Lutsel K'e), for the purposes of coordinating land use initiatives and providing administrative and technical support to the Akaitcho Dene First Nations. They are responsible for ensuring that the IMA and the Ministerial Directive to the MVLWB are implemented effectively. Stephen Ellis is the Coordinator, and Dora Enzoë is the Screening Officer. They have also written a letter of support for our decision regarding your proposed development on the North Shore, sent to Heather Mills at the MVLWB. Please contact Stephen or Dora at (867) 370-3217 if you were not forwarded a copy of this letter, or if you require further information about the IMA Implementation Office.

If you have any other questions about this letter or the upcoming meeting, please feel free to contact Monica Krieger (Manager, Wildlife, Lands & Environment Department) at 867-370-3197.

Sincerely,



Pete Enzoë

Cc: Stephen Ellis, Akaitcho IMA Implementation Coordinator