



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Box 1500  
Yellowknife NT  
X1A 2R3

CIDM # 420433  
Our File # YEL-E 6735-8-PRO-TNRGOLD  
MVEIRB File No EA1011-002

November 12, 2010

Chief Edward Sangris  
Yellowknives Dene First Nation  
P.O. Box 2514  
Yellowknife NT  
X1A 2P8

Dear Chief Sangris,

**Re: Mackenzie Valley Environmental Impact Review Board  
TNR Gold Corporation Moose Project Environmental Assessment**

I refer to your letter of September 17, 2010, addressed to a staff member of the Department's Consultation Support Unit regarding this project.

The federal approach to the Crown's duty to consult builds upon consultative processes that occur throughout the regulatory process. In this case, in addition to the initial review of the land use permit application by the Mackenzie Valley Land and Water Board, there is an environmental assessment process for the project which is currently underway by the Mackenzie Valley Environmental Impact Review Board.

In assessing whether the Crown has met its duty to consult, any engagement undertaken by the Crown will be taken into account as a whole. This includes the regulatory boards, the federal government and the territorial government. In addition, the Crown will take into account consultation that has been carried out between the developer and aboriginal people such as the Yellowknives Dene.

In this project, in addition to other commitments, TNR Gold has committed to bringing community members to the project site to help identify archaeological and heritage resources. Such activities will be a part of the ongoing consultation record for the project.

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At this stage, therefore, the Review Board is the appropriate authority to respond to the concerns you have raised. By copy of this letter I am providing The Board with a copy of your correspondence.

Yours truly

A handwritten signature in black ink, appearing to be 'J. Lawrance', with a long horizontal flourish extending to the right.

James Lawrance  
Director – Aboriginal and Territorial Relations

c.c. Mackenzie Valley Environmental Impact Review Board

Enc.

20-17-10:10:52AM;

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Yellowknives Dene First Nation  
Lands Management / Land & Environment Office

## FACSIMILE TRANSMITTAL SHEET

TO: Don Aubrey  
COMPANY: INAC  
FAX NUMBER: 669 2540  
RE: TNR Gold EA

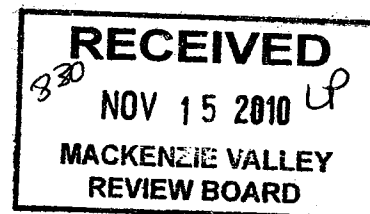
FROM: YKDFN L&E  
DATE: September 17/10  
TOTAL NO. OF PAGES INCLUDING COVER: 3

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

Copy to:

Chief Tsetta @ 873-8545  
Steve Ellis @ 1 888 714 3209  
Todd Slack - hand deliver  
Ray Griffiths @ 370 3143  
Rosie Bjornson @ 394 5122



Yellowknives Dene First Nation  
P.O. Box 2514 Yellowknife, NT X1A 2P8  
Telephone: (867) 766-9496  
Facsimile: (867) 766-3497

09-17-10; 10:57AM;

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## Yellowknives Dene First Nation

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

September 17<sup>th</sup>, 2010

Don Aubrey  
Indian and Northern Affairs Canada  
Box 1500  
Yellowknife, NT  
X1A 2R3  
Fax: (867) 669-2540  
[Don.Aubrey@inac-ainc.gc.ca](mailto:Don.Aubrey@inac-ainc.gc.ca)

Dear Mr. Aubrey:

**Re: TNR Gold Environmental Assessment – EA1011-002**

We are writing to remind the Crown that the obligation to consult with the Yellowknife Dene First Nation has not been dispensed with for this development proposal. YKDFN have asserted that there will be clear and undeniable impacts to the culture and rights of the First Nation. The Mackenzie Valley Land and Water Board agreed that there was the possibility of significant effects and referred this file on July 23<sup>rd</sup>, 2010. As in previous cases, this company has not engaged with the First Nation, despite clear instructions on how to achieve this.

In Federal Court Case T-1349-09 (Volume II, p29-30) the Crown advanced the following position:

*"And, in a sense, in terms of the Crown consultation piece, if you will, the process allows to a certain extent, the First Nations to determine how much consultation they want in this sense. The preliminary screening decision is a very low threshold decision it does not take very much in terms of identifying a risk of a significant adverse impact to the environment to have this matter referred to environmental assessment, which is a much more elaborate process one which there's a lot more processes in there for Crown consultation to occur..."*

*"If more consultation is wanted because there are concerns of aboriginal people that in their view need to be looked at seriously, the process [Environmental Assessment] is at hand to do that."*

The YKDFN do not believe that this is the proper venue for consultation, but even if it was, the 'fast-track' approach adopted by the Mackenzie Valley Environmental Impact Review Board directly limits our ability to participate. Not only is the process significantly abridged (skipping the steps associated with the Developer's Assessment Report, no Technical Review Period, no Information Request process), there is no information exchange or additional information to review, nor is it clear how Traditional Knowledge on *Section 35* rights can be collected and

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submitted. The critical issues in this EA, as in the Drybones Bay and Thelon assessments, will be heritage resources and traditional use. Without resources, time, and a process in place to gather this information the EA will not be able to begin to assess whether there will be significant impacts, let alone design mitigations.

The point here is that even by the Crown's definition, this process will not adequately allow the First Nation to raise their concerns, consequently limiting the accommodation measures that can be developed to address these concerns. As such, the YKDFN are providing advance notice that it seems likely that this process will meet the duty to consult.

If you have any questions or concerns, please contact YKDFN Lands and Environment at 766-3496.

Sincerely,

  
Chief Edward Sangris  
Yellowknives Dene First Nation (Dettah)

Copy: Chief Ted Tsetta, YKDFN Sub Chief, Ndilo, NT, (867) 873-8545  
Steve Ellis, Akaitcho IMA Implementation Office, Lutsel K'e NT 1-888-714-3209  
Todd Slack, YKDFN - Land and Environment, Yellowknife, NT (867) 766-3497  
Ray Griffiths, LKDFN - Land and Environment, Lutsel K'e, NT (867) 370-3143  
Rostic Bjornson, DKFN - Land and Environment, Fort Resolution, NT (867) 394-5122  
Don Aubrey, Crown Consultation Support Unit - INAC, Yellowknife, NT (867) 669-2540

Indian and Northern  
Affairs CanadaAffaires indiennes  
et du Nord CanadaABORIGINAL & TERRITORIAL RELATIONS  
CONSULTATION SUPPORT UNIT

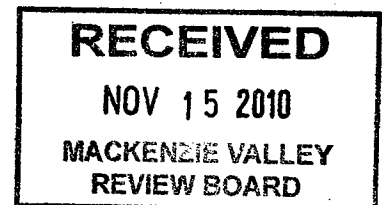
## FACSIMILE TRANSMITTAL SHEET

TO:	Chie + Edward Sengis YKDFN	FROM:	<ul style="list-style-type: none"><li><input type="radio"/> Julie Jackson - Manager</li><li><input checked="" type="radio"/> Don Aubrey - Consultation Advisor</li><li><input type="radio"/> Darha Phillipot - Consultation Advisor</li><li><input type="radio"/> Administrative Coordinator</li></ul>
COMPANY:		DATE:	Nov 12/2010
FAX NUMBER	867-766-3497	TOTAL NO OF PAGES INCLUDING COVER:	6
PHONE NUMBER:	867-766-3496	SENDER'S REFERENCE NUMBER:	
RE:		YOUR REFERENCE NUMBER:	

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NOTES/COMMENTS:

copy to: MVEIRB. - Attention Nicole Spencer.  
Fax # 867-766-7074



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YK CIDM# 261316

11/12/2010 FRI 18:32 [TX/RX NO 5635]