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*EAD3-005
KTFN Hearing Presentation
Summary.*

FAX COVER SHEET

DATE: February 10, 2004

CLIENT #: 216-00.4

TO: Mackenzie Valley Environmental Impact Review Board
Attention: **Kimberley Cliffe-Phillips**
Environmental Assessment Officer

FAX: 1-867-766-7074
PHONE: 1-867-766-7062

CC: Ka'a'Gee Tu First Nation
Attention: **Allan Landry**

FAX: 1-867-825-2002
PHONE: 1-867-825-2000

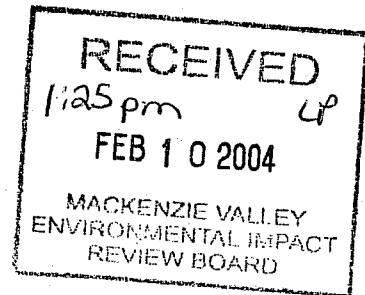
FROM: Gillian Calder

RE: Paramount Cameron Hills Extension Environmental Assessment ("EA") - Hearing Presentation

NUMBER OF PAGES INCLUDING COVER SHEET: 5

ORIGINAL BEING SENT BY MAIL: NO

Please see attached our letter to you of today's date, attaching summary of presentation.
Thank you.



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February 10, 2004

Via Fax (867) 766-7074

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre - 5102 50th Avenue
P.O. Box 938
Yellowknife, NT X1A 2N7

**Attention: Kimberley Cliffe-Phillips
Environmental Assessment Officer**

Dear Ms. Cliffe-Phillips:

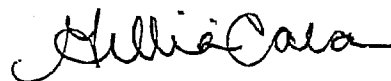
Re: Paramount Cameron Hills Extension EA: Hearing

We are counsel for the Ka'a'Gee Tu First Nation (the "Ka'a'Gee Tu"). We attach, as per your requirements, a summary of the presentation that the Ka'a'Gee Tu will make at the EA Hearing scheduled for February 18-19, 2004.

Please contact either Allan Landry or myself, should you require any additional information. All the best.

Yours very truly,

MANDELL PINDER



Gillian Calder
Barrister and Solicitor

GC/djg
encl.
ccs: Clients

**THE KA'A'GEE TU FIRST NATION
CAMERON HILLS PROJECT ENVIRONMENTAL ASSESSMENT
FEBRUARY 18-19, 2004**

Summary of Presentation

1. Video Presentation

- presentation of the video: "The People of Tatlina"

2. Overview

- the proposed project takes place in Cameron Hills region
- extensive environmental and social impact on the region
- Cameron Hills is the traditional territory of the Ka'a'Gee Tu First Nation
- main traditional land users, caretakers and managers
- Ka'a'Gee Tu worked to be involved since the outset
- failure of consultation and accommodation
- infringement of treaty rights
- lack of resources for full participation as directly affected party
- need to contextualize the full extent of the socio-economic impact of this project on the traditional practices and territory of the Ka'a'Gee Tu First Nation

3. The Ka'a'Gee Tu People

- the Ka'a'Gee Tu have used this area for thousands of years
- sustaining the culture of the Ka'a'Gee Tu involves practising aboriginal rights of trapping, hunting, fishing and gathering
- sharing with the community of what is gathered from the land
- importance to the children of the Ka'a'Gee Tu, living off the land
- recognition by the Dene National Assembly of the rights of the Ka'a'Gee Tu to final approval in all economic and land use activities in the Cameron Hills area
- treaty rights

4. The Relationship between the Ka'a'Gee Tu and the Land

- we are the land
- reliance in the community on the land, year round basis
- households and economies of the Ka'a'Gee Tu people sustained by Cameron Hills
- hunting, fishing and trapping

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5. History of the Paramount Project

- despite limited resources, the Ka'a'Gee Tu have been involved in the EA process since the outset of the proposed projects
- no accommodation for interference to their economies and way of life caused by the project, and the foreseeable implications of the project on their way of life
 - a. **EA: August 2001**
 - traditional use study
 - recommendations made by the MVEIRB to INAC
 - draft benefits plan
 - project approved January 11, 2002
 - b. **On-going negotiations**
 - draft compensation plans
 - meetings in Calgary September, 2002
 - second phase of permit applications
 - meeting in Vancouver March, 2003
 - c. **Cumulative Effects EA**
 - importance of cumulative effects
 - flaring
 - accidents
 - use of joint ventures
 - concerns with the Developer's Assessment Report

6. Consultation and Accommodation

- legal, equitable and constitutional duty on the company and the Crown to consult and seek workable accommodation with the Ka'a'Gee Tu
- principles for consultation and accommodation set by the B.C.C.A. in *Haida and Taku*
- prima facie case of infringement to their aboriginal rights and title and treaty rights
- consultation is more than an adherence to existing regulatory process
- fiduciary obligations and obligations on third parties
- acknowledgement of Paramount consultation to date
- meaningful consultation and workable accommodation
- Deh Cho First Nations: Consultation Principles

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7. Concerns of the Ka'a'Gee Tu

- environmental and social concerns of the Ka'a'Gee Tu have not been adequately addressed
- assessment of cumulative effects includes consideration of the following impacts on the culture and economy of the Ka'a'Gee Tu:
 - a. **Water: Protection of the Watershed**
 - maintenance of the watershed pollution free
 - b. **Accidents and malfunctions**
 - failure to notify the Band of accidents and malfunctions
 - significant erosion problems and pipeline breaks
 - understanding permafrost conditions
 - c. **Access**
 - increased access to non-Band members
 - d. **Flaring**
 - inadequate consideration, impact on geese
 - e. **Drugs and Alcohol**
 - operations on traditional lands
 - f. **Trapping**
 - failure to identify and consult with traditional trappers
 - g. **Plants**
 - medicinal plants
 - h. **Wildlife**
 - inadequate studies on wildlife
 - i. **Cutlines**
 - use of existing cutlines
 - j. **Hiring practices**
 - need for commitment to aboriginal relations in all the communities in which Paramount conducts its businesses
 - k. **Air Quality**
 - assessment of air quality studies and impacts

8. Conclusion and Resolution

- compensation and impact benefits plan
- recognizing the significance of economic and cultural considerations
- incorporating traditional use studies
- traditional territory law
- ability of the Ka'a'Gec Tu to participate in the new economy of their traditional territories