



**Yellowknives Dene First Nation**  
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TO: *Mary Tapsell*

FROM: *Rachel*

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NOTES/COMMENTS:

*and a copy for Gabriella Mack-Scott.*

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June 10, 2005

Mary Tapsell, Manager  
 Environmental Impact Assessment  
 Mackenzie Valley Environmental Impact Review Board  
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Attention Ms. Tapsell:

**RE: Upcoming Yellowknife Gold Project Issues Scoping Session in Support of Preparing Draft Terms of Reference for the Environmental Impact Statement of the Tye NWT Corporation Yellowknife Gold Project.**

The Yellowknives Dene First (YKDFN) will be unable to attend the forthcoming scoping session on the Tye NWT Corporation (Tye) proposed gold project scheduled for June 15<sup>th</sup>, 16<sup>th</sup> or 17<sup>th</sup> because of a planned site visit to the Snap Lake Diamond Mine on the 15<sup>th</sup>, followed by the Snap Lake Environmental Monitoring Agency Annual General Meeting on the 16<sup>th</sup>. Not being able to attend this important scoping session is untenable because the proposed project is in the heart of the Yellowknives Dene territory.

The YKDFN Land and Environment Committee are therefore requesting the MVEIRB rule on YKDFN's request to delay the scheduled scoping meeting for at least one week to allow the YKDFN to attend.

It is important to ensure administrative and policy decisions during the environmental assessment occur in a fair and open process, and that the process fits the institutional and social context of the YKDFN. The YKDFN recommend the following five factors be used to assess the reasonableness of its request.

1. The nature of the decision and the process followed;
2. The nature of the statutory scheme;
3. The importance of the decision to the individual affected;
4. The legitimate expectations of the persons challenging the decision; and
5. The choices of procedures made by the agency itself.

Based on the above tests of fairness, we believe it is patently unreasonable to hold the scoping meeting when the MVEIRB knows the attendance of key participants is not possible. In addition, the election for our Ndilo Chief and Council is scheduled for the week of June 13<sup>th</sup> and most of the Land and Environment Committee members are attending the Akaitcho Treaty 8 Annual Assembly held this week at Fort Fitzgerald and therefore are not reviewing the Yellowknife Gold Project Description Report to be prepared for the scoping sessions.

We sincerely hope the MVEIRB chooses to rule on the matter and to accommodate our First Nations needs. This is not a frivolous request. It goes to the heart of what fair and adequate consultation with First Nations is all about, and if the Minister is expecting the MVEIRB to fulfill his crown's consultation role, some flexibility must be shown by the MVEIRB for our request for a one-week delay in the scoping session.

Sincerely,



Rachel Ann Crapeau  
Manager, Land and Environment

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Steve Ellis, Akaitcho IMA Implementation Coordinator, NWT Treaty 8 Tribal Corporation, Box 28, Lutsel K'e, NT, X0E 1A0, Fax: (867) 370-3200

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