



Akaitcho Interim Measures Agreement Implementation Office

NWT Treaty #8 Tribal Corporation

FAX

To: *Patrick Daxbury*

From: *Steve*

Fax #: *766-7074*

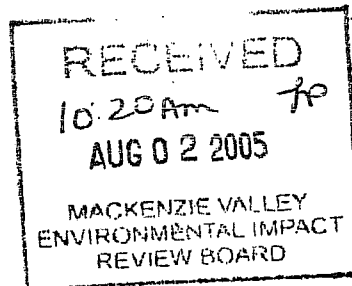
Pages: *3(including cover)*

Phone #:

Date: *Aug 1/05*

RE: *Tyhee - Terms of Reference*

Please send for.



Akaitcho (IMA) Interim Measures Agreement Office
Box 28, Lutsel K'e, NT XOE IAO
Phone: (867) 370-3217 Fax: 867 370-3209



Akaitcho Interim Measures Agreement Implementation Office
NWT Treaty #8 Tribal Corporation

Stephen Ellis – Akaitcho IMA Implementation Coordinator
NWT Treaty #8 Tribal Corporation
Box 28
Lutsel K'e, NT X0E 1A0
Ph: (867)-370-3217
Fax: (867)-370-3209

July 28, 2005

Patrick Duxbury – Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Box 938, 5102-50th Avenue
Yellowknife, NT X1A 2N7
Fax: (867)-766-7074

RE: Comments on the Terms of Reference and Work Plan for the Tyhee NWT Corp.'s Yellowknife Gold Project Environmental Assessment

Dear Mr. Duxbury:

The Akaitcho IMA Implementation Office has the following comments and suggestions regarding the Terms of Reference and Work Plan for the Yellowknife Gold Project Environmental Assessment:

General

- The MVEIRB and Tyhee NWT Corp. are encouraged to hold regular information sessions with the Yellowknives Dene First Nation (YKDFN) throughout the EA. Oral, face-to-face communication is a requirement of proper consultation with the Akaitcho Dene First Nations, and must be sought by the MVEIRB and the proponent if they wish to insure that the voice of the YKDFN is appropriately heard.
- Tyhee should be required to actively solicit YKDFN traditional knowledge relating to the project and its impacts. Tyhee should work with the YKDFN, if they are willing, to develop a project specific traditional knowledge study. The terms of reference of the study should be negotiated between the YKDFN and Tyhee, and the study should be funded by the proponent. It is not adequate for Tyhee to simply state that "traditional knowledge is not available" or "was not provided in time". Traditional knowledge exists among the YKDFN people, and the onus is upon the proponent to secure this information in partnership with First Nation. The project specific traditional knowledge study completed by the Lutsel K'e Dene First Nation for the De Beers Snap Lake Project EA might serve as an effective model.
- The MVEIRB should give some consideration to the treatment of impacts as they are predicted / defined via scientific or traditional means. It is possible that impacts will differ in their presence / absence and intensity based upon whether the source information is traditional or scientific. For example, scientific expertise may determine that noise levels from the mine site will present no impact

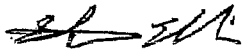
upon wildlife movements, whereas traditional expertise may determine that they will. The Terms of Reference should state that Tyhee must present both the scientific and traditional perspectives on predicted impacts wherever both types of information are available, whether they support each other or otherwise. Where the two types of information do not concur, the weighing of the relative merits of these predictions should be accomplished during the hearing phase of the EA process, and not left solely to the proponent.

Specific

- In addition to providing a plain language, non-technical summary of the DAR, Tyhee should be required to provide audio translations of the summary in the appropriate aboriginal languages.
- In its description of the existing environment, Tyhee should specifically describe the past and current land-use and occupancy of the YKDFN in the area.
- YKDFN members have aboriginal and Treaty rights. In instances where the rights of First Nations may be infringed upon, we are dealing with circumstances where the Charter of Rights and Freedoms, as well as the provisions of Treaty #8, may be compromised. The burden upon the proponent and the MVEIRB to insure effective consultation and accommodation is far greater in such instances than when consulting with the "public". Tyhee should be required to outline a consultation plan that is specific to the holders of aboriginal and Treaty rights in the project area. This plan must be over and above the consultation plan for the general public, and should make specific reference to how the concerns and issues of the aboriginal and Treaty right holders will be accommodated.
- In their assessment of social and cultural impacts, Tyhee should describe the methods they have applied and the rationale why these methods were selected.
- Tyhee's discussion on water resources should include a description of the groundwater environment and an assessment of the project's potential impacts upon it.

Please contact me if you have any questions or comments regarding the contents of this letter.

Sincerely,



Stephen Ellis – Akaitcho IMA Implementation Coordinator
NWT Treaty #8 Tribal Corporation

- c. Chief Peter Liske - YKDFN
Chief Fred Sangris – YKDFN
Rachel Crapeau – YKDFN Lands and Environment Manager
Sharon Venne – Akaitcho Head Negotiator