



July 31, 2020

Simon Toogood
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Stoogood@reviewboard.ca

Maurice Albert
VP, External Affairs
Selwyn Chihong Mining Ltd
malbert@chihongmining.com

Re: Need for Meaningful Consultation with Łídlíj Kúé on the Howard's Pass Project and Selwyn Mine Project

Dear Mr. Toogood and Mr. Albert,

We are writing to you to request that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) recognize and include Łídlíj Kúé First Nation as an impacted First Nation to be fully engaged and consulted with directly on the Howard's Pass Access Road Upgrade Project, which Selwyn Chihong Mining Ltd. (Selwyn) is undergoing Environmental Assessment for.

We request that the Board and Proponent engage directly with our community on the Howard's Pass road project and on the Selwyn mine project.

Selwyn is proposing to expand and upgrade the 79 km Howard's Pass Access Road into a two lane gravel road, commencing near Cantung and extending to the Yukon border. As noted in the project description for the road, approximately half of this road falls within the Nahanni and Naats'ihcho'oh National Park Reserves.

Additionally, Selwyn is proposing to construct a zinc-lead mine in an area that straddles the current Yukon-Northwest Territories border. This project supposedly contains one of the largest lead-zinc deposits in the world and is currently in the advanced exploration phase.



Łíídlíí Kúé First Nation

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The Howard's Pass Access Road Project is located within Denendeh, and the Selwyn Mine Project straddles the Dene and Deh Cho regions. Consequently, these projects impact Łíídlíí Kúé's traditional shared territory in an area tied to and used by our Łíídlíí Kúé citizens, along with other Dene citizens.

The people of Łíídlíí Kúé continues Dene relationship with these lands of the proposed project areas, and never surrendered Dene inherent rights nor title in this specific area. The direct and cumulative impacts of these proposed projects will adversely disrupt our relationship with our traditional Dene lands, including the seasonal activities we carry out on the land.

Should these projects proceed without our input or engagement, our community's Dene and Treaty rights and relationships will be negatively impacted.

The Crown has a sacred treaty and legal obligations with our people. Our elders instruct us that our treaty relationship is a relationship based on recognition, respect and sharing, in line with Dene understandings of these relationships, not surrender of our land, resources and waters rights (and Canada's courts confirmed that our treaty was not a land surrender, in the *Re Paulette* decision).

Canada and GNWT administrations, have currently a process with the legal duty to consult and accommodate our people when the Crown contemplates actions or makes a decision that may impact our Dene and Treaty rights.

As you know, Indigenous consultation processes must be meaningful and carried out with the intent of addressing an affected community's concerns, yet we have not been consulted on these meaningfully consulted on these projects or even had the opportunity to review the projects and provide information about our concerns.

Moreover, as Canada and GNWT move toward implementing the principles of the United Nations Declaration on the Rights of Indigenous Peoples, we expect Crown agencies to work with us in good faith to obtain our free, prior and informed consent prior to approving a project within our traditional Dene Territory.

Moving forward, Łíídlíí Kúé requests to be engaged directly in a meaningful way on these files as well as any other related projects that are contemplated within our territory. As this project is not our project and the necessary engagement on this file takes us away from other important tasks that our already busy staff are preoccupied with, we also expect that capacity funding will be provided to accommodate our engagement and our participation on this file.



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Development projects that occur within the Dhe Cho Region must happen in relationship with, and benefit, the Dene who have lived on this land since time immemorial. The Dene never gave up rights or title to our land and we still depend on it. Dene law requires us to remain in good relationship with our traditional lands and to ensure that future generations will also have this relationship with the land that is at the core of who we are as a Dene people.

We would like to set up a meeting at your earliest convenience to discuss your proposal for engagement requirements moving forward.

Mahsi,

Chief Gerald Antoine
Lı́ıdlı́ı Kúé First Nation

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