



DENENDEH NATIONAL OFFICE

*Assembly of First Nations Regional Office
Arctic Athabaskan Council, Yellowknife Office*

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P.O. Box 2338
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January 13, 2006

Mackenzie Valley Land
& Water Board

File

JAN 13 2006

Application # MV2005L2-0015

Copied To LA/Reg.

Gwich'in

Inuvik
Akavik
Tsiigehtchic
Teet'it Zheh

Sahtu

Radel'i Koe
Tulita
Define
K'ahbamitue

Deh Cho

Shotagotine
Pehdzeh K'j
Liidlii Kue
T'hedzehl'edeli
Zah'ti Kue
T'henaago
Echaor'i Kue
K'a'agee Tu
Sambaa K'e
Kat'l'o Deh
Tsu ehda

Tli Cho

Behichoko
Wha ti
Gameti
Wekweti

Akaiicho

Dertah
Naiilo
Lutsel K'e
Deninu Kue
Salt River
Smiths Landing
Tadoule Lake

Regulatory Officer
Mackenzie Valley Land & Water Board
7th Floor, 4910 50th Ave.
Yellowknife, NT X1A 2P6

Attn: Lisa Hurley

Re: Land Review: Land & Water applications for Mining/Milling of Diamonds
at Gahcho Kue Project: **MV2005C0032/MV2005L2-0015**

We are pleased to have the opportunity to respond to your correspondence faxed on December 6, 2005. As your Ministers are well aware, Dene have Aboriginal rights that are recognized in the Canadian Constitution (1982). These rights date to before Treaties 8 and 11, but were further outlined in the treaties and modern claims. The nature and extent of these rights require 'the Board' to assess observed and projected infringements, including social economic, as well as environmental impacts. Furthermore, your Ministers should be advised of infringements and the Board should instruct applicants on measures to mitigate and reduce impacts.

Mitigation efforts must be aimed at reducing the ill effects Dene would experience as a result of this project, including cumulative effects from different projects over-time.

Our members are not all in agreement as to the authority of the Board, we do not all respect the legislation that created and maintain the legitimacy of your jurisdiction. This issue is in dispute. Some of our members lack the capacity to respond to the highly technical and legal nature of your correspondence. We will not be reviewing your application at this time.

Once the issues related to authority and capacity are resolved, we will review your application accordingly.

Sincerely,


Shirley V. Cook
Program Coordinator, Lands & Environment

"Implementing Treaty & Aboriginal Rights Since 1970"



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FAX

To: Lisa Hurley From: S.V. Cook
 MV LWB

Fax: 873-6610 Pages: 2

Phone: _____ Date: Jan 13/06

Cc: _____

Urgent: _____ For Review: + Please Comment: _____ Please Reply: _____

MacKenzie Valley Land
& Water Board

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