



Lutsel K'e Dene Band

Post Office Box 28
Lutsel K'e, Northwest Territories
X0E 1A0

Telephone: (867) 370-3197
Fax: (867) 370-3143

Tawanis Testart
Mackenzie Valley Environmental Impact Review Board
PO Box 938,
Suite 200, 5102-50th Ave
Yellowknife, NT X1A 2N7

December 11, 2009

Re: Lutsel K'e Dene First Nation Technical Report for Deze Energy Corp. Ltd. Talston Hydroelectric Expansion Project-EA0708-007 [2007]

What are the Concerns of Lutsel K'e Dene First Nation (Lutsel K'e) regarding the Deze Energy proposal to expand the Talston Hydroelectric project?

Many of Lutsel K'e's concerns were strongly conveyed to MVIERB on September 29, 2009 in a report given by Ms. Angie Lantz during the Talston Hydro Expansion Lutsel K'e IR Session (Supporting Documents, pgs. 76-98). Ms. Lantz's report covered many of the environmental degradations that the overall project will cause to the land, caribou, water, and other important wildlife over a broad and varied terrain covering more than 400 kilometers of landscape in the eastern part of the Northwest Territories that is Lutsel K'e's traditional territory.

The final analysis for Lutsel K'e on the Talston Hydro Expansion is that the development will cause unmitigable impacts to community members of Lutsel K'e. Lutsel K'e's history of opposition to development in this area is globally known. Tsanku Theda ("The Old lady of the Falls") and Desnethche (the Lockhart River) are the fundamental core of Lutsel K'e Denesoline cultural identity, the spiritual apex of our people. We do not support the present transmission line pathway and will continue to be in opposition to any development of towers, transmission lines, labor camps or any other disturbance this development wishes to bring into the Lockhart River area. The mere idea of transmission lines strung across the river and towers constructed on the shores approximately seven kilometers away from Tsanku Theda causes undue stress and harm to the people of Lutsel K'e.

1. Desnethche (the Lockhart River) and Tsanku Theda (Parry Falls or Old Lady of the Falls) are the holiest of sacred places to the Denesoline people of Lutsel K'e.

- Lutsel K'e's battle for government acknowledgment and support of this fact has been long and arduous. The lack of acknowledgment and the continual attacks government and industry have made in attempting to develop or disturb this sacred space has caused cumulative sorrow and undue stress to Elders, youth and Denesoline adults of Lutsel K'e. Merely contemplating or visualizing the Desnethche river area with transmission lines strung over its most holy of waters is unmentionable. Please consider the attached documents

LKDFN Final Technical Submission to Deze Energy Corp. Talston Hydro Expansion Project, -EA0708-007 [2007]

outlining Lutsel K'e's consistent efforts over the past decades to insure the protection and recognition of Desnethche and Tsaku Theda as sacred places that require a "hands-off" approach from industrial interests.

- Numerous studies and reports have well documented the extreme spiritual importance and cultural relevance of the Desnethche area and the community's requirement for complete land use planning and Dene land use protection of this area. (See supporting documents pgs. 22-40, 42, 52-55, 56-60).
- The rich traditional knowledge of the area including place names, grave and burial sites, stories, legends and traditional patterns of use have documented the extreme cultural sensitivity and richness of the area to the Denesoline in countless research program reports and documents. The life-giving myth and image of the Old Lady of the Falls is the religious icon next to the image of the Virgin Mary in every Lutsel K'e home. (See attached supporting documents pgs. 1-7).
- Lutsel K'e has demonstrated the need for protection of this area over the last 40 years through communications with the Ministers of the Government of the Northwest Territories, with Ministers of Federal departments of the Government of Canada, with Parks Canada, with the NWT Power Corporation, the GNWT Protected Area Strategy, and the Canadian press. (See supporting documents, pgs. 8-21, 41, 68-73, 74-75).
- Desnethche, the cornerstone to the Lutsel K'e Denesoline identity has been underscored in aboriginal health and wellness indicators, through community based monitoring studies, documented through the transcripts of Elders, adults and youth. It is demonstrated through its hosting of the annual spiritual gathering at the mouth of the Lockhart River every year in August by the people of Lutsel K'e. The Desnethche Spiritual Gathering is always held in tandem with spiritual services, sweat lodges, a caribou hunt, and visits to Tsanku Theda, to gain spiritual wisdom or guidance, for the sick to seek healing whether ill in mind or body. The Lockhart Watershed is an undeniable cultural axiom for the Denesoline of the East Arm of Great Slave Lake. (See supporting documents, pages 42, 45-47, 48-51, and 61).

2. CARIBOU

The Reliance area is a caribou cross roads. Our people have known this for centuries. It is in our blood, it is who we are. Countless interview transcripts of Lutsel K'e Elders document this traditional knowledge. This knowledge of this area will be passed down to our children as we inherited it from our ancestors. The Reliance or Desnethche area is a culturally, historically and spiritually complex landscape where the significance of our values is unparalleled anywhere in the Lutsel K'e traditional territory. Lutsel K'e has consistently demonstrated a need to protect this landscape for over 40 years. At the boreal forest/ tundra edge, it has been for centuries a rich bastion for human and caribou activity, as well as critical habitat for wolves, grizzlies, wolverines, musk ox, moose, furbearers, birds. The Talston Hydro Expansion will effect the ranges of the Bathurst, Beverly and Ahiak herds, as the transmission line pathway is on the primary migration route (northward, southward, and over wintering) for both the Bathurst and Ahiak caribou herds, which are harvested by LKDFN hunters. Especially vulnerable is the overwintering range with increased hunting pressure from new winter roads developed. With the Bathurst and Ahiak herds in severe decline, we cannot afford to increase the stresses on these herds.

- There is a crisis decline in the Bathurst herd, now well known. Emergency measures are being made by regulatory boards concerned with this decline. A very recent December 2009 report from GNWT tabulating four years of Ahiak herd survey results for this herd shows continuing decline and is in decline by 60% over the last four years of survey results.
- Ahiak and Bathurst herds overwinter in the proposed transmission line path, and in the vicinity of the proposed winter road to Nonacho Lake. According to INAC, by law public or private roads cannot be gated and use cannot be controlled as the proponent suggests (witness the Tibbit to Contwoyto Road). This will create direct road access for southern hunters (Ft. McMurray, FT. Smith, Hay River) and increase pressure the Ahiak and Bathurst overwintering caribou range.
- Healthy caribou are required for the survival of our Denesoline culture and way of life. We have seen the impacts on the Bathurst herd from the numerous disturbances throughout their range (particularly mining and exploration developments, roads, aircraft disturbance, noise, and human activity in general).
- In cases where impacts are uncertain or unknown (e.g. the ability of caribou to adapt to changing environmental conditions and human disturbances throughout their range), the precautionary principle must apply. We have the required data to make the informed decision on protecting the ranges of the Ahiak and Bathurst caribou now. We will not approve any developments which could potentially jeopardize our way of life.

3. EA PROCESS INSUFFICIENT FOR A MAJOR INFRASTRUCTURE PROJECT UNPARALLELED IN NORTHWEST TERRITORIES DEVELOPMENT HISTORY

EA0708-007 should be several EA's for the complexity and high risk involved with the execution and staging of a project of this magnitude and scope. The project is fundamentally a Northwest Territories major infrastructure project. If the unconfirmed potential customers of the newly generated electricity fail to become customers, the secondary plan of opening up the eastern part of the Northwest Territories for development will have been achieved (See supporting documents, pages 43-44, 62-65) or will they have lost the funding source to make this major infrastructure loop around the Great Slave Lake happen? The cultural impacts of this eventual and undesired electrical power grid possibly spanning around the Great Slave Lake would cause inevitable cultural cumulative negative impact this community is working hard to avoid. This would cause irreparable harm to the cultural value of our sacred landscape. The Talston Hydro Expansion transmission lines propose to cover 435 kilometers of relatively pristine and undeveloped taiga-barrenland ecosystem, held by towers 20-25 meters in height, spanning over three sub-watersheds, crossing two major northern rivers, with transmission line right of ways 30 meters wide, with winter roads paralleling that right of way 15 meters wide for a great distance of the lines. Access to these winter roads cannot be barred and controlled. This is a grave concern to us.

The impacts of the construction footprint of Twin Gorges could account for one singular environmental assessment. For the adverse effects it will bring to the hydrologic regime from Nonacho Lake area all the way to Great Slave Lake, there will be considerable loss of vegetation, construction disturbance of supplying of quarrying material for concrete to the dam, as well as upgrading to the gravel airstrips at Twin Gorges to increase the generating power of the Twin Gorges Plant from 18 to 36 megawatts, are just a few of the localized impacts to this geographical region of the project. The large scope of the Kache-Ft. Reliance area barge

landing, winter access roads in this area to staging terraces and labor camps within a proposed nationally-protected area is not compatible for a proposed protected area and causes incredible visual impact problems, environmental disturbance, pollution problems, as well as construction and human-labor disturbance to sensitive archaeologically and culturally significant areas around the Kache Area (Reliance) still requiring more archaeological and cultural inventorying to occur. This is all impacts that will be made by the proponent to mobilize, move and construct the towers and lines, just in the northern section of the project alone.

3. HISTORY OF INTENT TO PROTECT THE KACHE AREA (Reliance), Specifically the THAY DENE NENE National Park land use plan & park proposal

Allowing industrial development to proceed will impact the significant tourism potential of the area by changing the recreational and aesthetic values which draw people there from around the world. We have been working for decades to protect the Thaidene Nene area, and to pursue the principle of "conservation First" before any further development proceeds in our traditional territory. The Desnethche –Reliance area is the jewel to the overall conservation vision (see attached map of Thaidene Nene, "Land of Our Ancestors"). Supporting documents speak to this long arduous history for protection and recognition in this area (pgs. 11-40).

- It has come to our attention that if the transmission line requires land "tenure" through a lease/easement, it cannot be run through the 1970/1997 OIC land withdrawal (reference pg. 41) in the Desnethche area. This land withdrawal has no exemption for transmission lines.

4. ALTERNATE ROUTING OF TRANSMISSION LINES NOT SERIOUSLY CONSIDERED

Those incredulous to Lutsel K'e's position would like to conveniently place a label on the community of Lutsel K'e as perhaps not ready or supportive of industrial development. We are not against development. We are interested in planned development that supports the conservation and protection of lands first before bulldozing a major infrastructure project through the gem of our traditional lands. We want government that supports and builds on this unique and important community of people, that will embolden us to pass our heritage and cultural legacy onto our children while working with us to find ways that will create sustainable economy and jobs for our children in the community we live. We support development that respects our values and connections to our land, not diminishes it. In this light of compromise, Lutsel K'e would be willing to contemplate a transmission pathway that would not open up winter roads to the south for increased hunting pressure on declining caribou herds and would not disturb the Desnethche area with running transmission lines through it and over the Lockhart River. Lutsel K'e realizes that not everyone in the NWT, even with our aboriginal heart and soul woven into this great land, will respect the wishes and the thoughtful planning process which Lutsel K'e has undertaken to protect its cultural treasures through the Thaidene Nene protected area proposal. The original Talston project destroyed enough cultural heritage and land use patterns beginning in the early 1960's, which still the community as a whole has received no compensation. There needs to be an alternate routing to the northern potential customer(s). Lutsel K'e would be open to considering an alternate routing meeting these conditions.

In closing, our Aboriginal and Treaty rights are protected under Treaty 8 and under s.35 of the Canadian Constitution. We require lands and resources in order to exercise those rights, and the cumulative effects of current and future projects (e.g. changes in caribou migration routes or health, desecration of the Desnethche Area, the most important spiritual area with an intrinsic

and intangible cultural value to the Denesoline peoples) has the potential to impact the long-term ability of future generations to practice our way of life. The entire Desnethche area remains the cultural heart of Lutsel K'e; it would be hard to find a single Lutsel K'e person who has not traveled there, the home to the most sacred area to our cultural heritage and history. The physical, emotional, cultural and spiritual connection between Aboriginal people and the land cannot be taken lightly. In 2006, the Ontario Supreme Court of Justice ruling on *Platinex vs. Kitchenuhmaykoosib Inninuwug (KI) First Nation* states this very clearly: (80) it is critical to consider the nature of the potential loss from an Aboriginal perspective. From that perspective, the relationship that Aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint. We ask you not to rule on the Talston Hydro Expansion lightly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Nitah', with a stylized flourish underneath.

Chief Steven Nitah
LUTSEL K'E DENE FIRST NATION