

Dene Tha' First Nation

Documentary Evidence

Re: Hearing Order GH-1-2004

VOLUME XX

TAB 181 – TAB 187

Dene Tha First Nation
Documentary Evidence
Re: Hearing Order GH-1-2004

VOLUME XX

Tab 181 to 187

C. Communications with NGTL/TCPL (cont.)

| | |
|------|---|
| 181. | Letter to B. Wells from V. Bonnes dated May 3, 2005 regarding "Traditional Land Use Report" (2 pgs) |
| 182. | Letter to B. Wells et al from M. General dated April 21, 2005 regarding DTFN/TCPL Community Review Workplan and Budget for Southern Portion of Mackenzie Gas Project, attaching Dene Tha' First Nation Community Review Process Workplan and Budget (Dickens and Vardie Projects) (8 pgs) |
| 183. | Series of emails between C. Chonkolay and P. Kocis et al dated April 27, 2005 regarding Explanation Required ASAP (2 pgs) |
| 184. | Letter to H. Kvisle et al from G. Pastion dated May 20, 2005 regarding relationship with Dene Tha' First Nation (2 pgs) |
| 185. | Email to S. Watkins et al from M. General dated May 27, 2005 regarding NGPS meeting attendance (1 pg) |
| 186. | Email to N. Popoff et al from S. Alwarid dated May 28, 2005 regarding Meeting with Dene Tha' |
| 187. | Email from S. Alwarid to M. General dated May 31, 2005 enclosing email from R. Kendel to S. Alwarid dated May 26, 2005 regarding outcome of meeting on May 18 th in Calgary |

TAB 181

VALERIE BONNES: DENE LAND SERVICES

181

May 3, 2005

Mr. Bruce Wells
Manager - Major Projects
Trans Canada Pipelines Canada Ltd.
450 1st Street S.W.
Calgary, Alberta
T2P 5H1

Dear Bruce

Bruce, I am writing to you with regard to my participation in the Trans Canada Pipelines' "Traditional Land Use Report" prepared by FMA Heritage Resources Consultants Inc. (FMA).

I recently reviewed a copy of the report and have some comments about the nature of my participation in that preparation of that report. First of all, I wish to clarify that I was hired as a private contractor with FMA. As you are aware, I was personally approached by FMA and asked to submit a proposal. I did so under my company name, Dene Land Services. In that proposal I outlined that I would undertake interview coordination, assist in conducting interviews and assist in preparing interview summaries for the report. I understand that Dene Tha' First Nation was supportive of me in undertaking this work as a private contractor.

My proposal was selected and I assisted FMA in late November 2004. It is important for you to understand the role I played as an independent contractor. I say so as I was somewhat concerned with the way the front cover of "Traditional Land Use Report." The cover states that I represented Dene Tha' First Nation. This is an inaccurate and this needs be changed to reflect the true role and nature of my participation. At no time did I purport to represent Dene Tha First Nation (DTFN) or the interests of DTFN. Therefore the report cover should read, "Valerie Bonnes: Dene Land Services".

Secondly, I understood and note that report is entitled "Phase I". Both DTFN and myself have been told by TCPL and FMA that they recognized that this report did not constitute a full or in depth study of the traditional use / traditional knowledge held by Dene Tha' members in relation to the project area. The study did in fact only deal with those members who hold trapline permits (whose traplines are intersected by the pipeline). Clearly much more work will be required given the large number of band members who utilize the area for a large variety of traditional, cultural and economic purposes. I understand that DTFN and TCPL are now working to address this major deficiency through the Community Review Process for the pipeline project. Further I understand that DTFN is

BOX 27 HIGH LEVEL, ALBERTA
PHONE: 780- 535 - 2254

- 2 -

May 3, 2005

preparing comments on the FMA Report for your review.

I hope that this clarifies my role and situation with regard to the FMA study. I look forward to working with yourself, TCPL and DTFN in the Community Review Process.

Valerie Bonnes

Dene Land Services

CC: Dene Tha' Negotiating Team

TAB 182

DENE THA' FIRST NATION
P.O. BOX 120
CHATEAU, ALBERTA
T0H 0S0



TELEPHONE: (780) 321-3774
(780) 321-3775
(780) 321-3842
FAX: (780) 321-3886

Your file:

Our file:

BY FAX ONLY

April 21, 2005

Trans Canada Pipeline Corporation
450 – 1st Street S.W
Calgary, AB
T2P 5H1

Attention: Bruce Wells
Project Manager – Major Projects

By Fax: (403) 920 – 2397

Dear Bruce:

**Re: DTFN / TCPL Community Review Workplan and Budget for Southern
Portion of Mackenzie Gas Project ("Dickens and Vardie Projects")**

Bruce, I have attached a redrafted workplan and budget for the Dene Tha' First Nations Community Review Process for the Dickens and Vardie projects. The workplan and budget are based on the original proposal that Dene Tha' First Nation (DTFN) tabled with Trans Canada Pipeline Corporation (TCPL) in December 2004. It is unfortunate that Dene Tha' did not receive a timely and positive response at that time and hence the delay to both parties in proceeding with the Community Review Process. This version attempts to reflect the discussions that occurred between DTFN and TCPL representatives and the issues that arose in relation to the proposal through December 2004 to March 2005. The reworked document represents a considerable compromise on the part of DTFN, who desires to engage TCPL in a constructive and timely information gathering process.

Notwithstanding the changes in this draft, the intent of the Community Review Process remains the same, which is "to enable the community to understand and evaluate the issues and impacts arising from the proposed Dickens and Vardie projects (and to) assist the parties in identifying and resolving issues and concerns / issues on a bi-lateral basis, and to avoid resorting to Regulators where possible." In short, this initiative will assist DTFN and TCPL to identify potential impacts of the project on community members and become informed about their concerns.

By way of background, once DTFN was made aware of TCPL's support (through Kim McCaig) in principle to this initiative and associated funding in January 2005, it began the necessary logistical and planning work. A key part of this work has involved the retaining and orientating of three Community Co-ordinators who are now undertaking the required work. The Co-ordinators will prepare community members to participate in community meetings with TCPL in an informed manner, provide information to community members so that they can better understand the ramifications of the project on the environment and their use of the land, to gather information from community members relating to traditional uses and traditional knowledge in the project area and to assist in the preparation of reports that document potential impacts and concerns of community members.

Further, as I discussed with you at our March 2005 meeting, DTFN has been actively seeking appropriate technical resource people that could fulfil the "desk-top" review portion of the work set out in the workplan (proposal). While the parties were attempting to resolve outstanding issues with the workplan (proposal), the consultants identified by DTFN in December 2004 have since become unavailable to undertake the required work. As discussed with you, the search for an appropriate independent consultant has also been hampered by the fact that many of the qualified experts have been taken up and retained by proponents, other First Nations, public groups and government agencies involved in the Mackenzie Gas Project. However in April 2005, DTFN identified and secured the services of a resource advisor with extensive experience in the area of environmental assessment (EA), working with First Nations in EA reviews and directing EA reviews of major gas pipeline projects.

On reviewing this workplan and budget, you will see that several changes have been made to address TCPL's comments and concerns with costs. Further, I note that the proposal has been further streamlined to contribute to an effective and timely review and information gathering process. The proposal has now been tailored to address TCPL's desired goal of submitting an application to the Alberta Energy and Utilities Board (AEUB) in June 2005. Notwithstanding our position that your project is an integral part of the MGP and should be regulated by the National Energy Board, our attached proposal should meet your desired goal of submitting an application to the AEUB. The changes have been bolded and italicised to assist you in the review of the document. We look forward to hearing your comments on the workplan, working with you to confirm target dates for meetings and confirmation of funding so that this exercise can continue and conclude.

Again, DTFN resubmits this proposal without prejudice to its views on the regulatory aspects of the project. DTFN has and continues to be of the view that the NEB should be the Regulator of this project – not the AEUB. Notwithstanding this issue, DTFN has and is still prepared to engage TCPL in the Community Review Process for the Dickens and Vardie projects. It does so as it is committed to working through these issues in accordance with the DTFN – TCPL Co-operation Protocol. Further it does so as a First Nation that wishes to be meaningfully consulted by the Crown.

Yours respectfully,

Matthew General
Dene Tha' First Nation Review Co-ordinator

CC: Dene Tha' First Nation Negotiation Team
Dene Tha' First Nation Community Co-ordinators

DENE THA' FIRST NATION COMMUNITY REVIEW PROCCSS WORKPLAN AND BUDGET DICKENS AND VARDIE PROJECTS

1.0 BACKGROUND

Dene Tha' First Nation (DTFN) and Trans Canada Pipelines (TCPL) have signed a **Cooperation Protocol** that sets out both parties intention to build and maintain a strong working relationship. Under this agreement both parties agree to work collaboratively to identify and resolve issues arising from proposed **new** TCPL projects and **existing** operations. Discussions are now underway with respect to the proposed Alberta Dickens and Vardie projects – the southern portion of the Mackenzie Gas Project. DTFN wishes to be engaged in a review of the proposed projects and work with TCPL in a constructive manner. ***DTFN desires to achieve this through a Community Review Process that has been co – developed and that meets the interests and expectations of both parties. This document serves as a summary workplan that sets out the objectives, principles, deliverables, milestones and budget for the Community Review Process.***

2.0 OBJECTIVE

DTFN wishes to establish and conclude a timely review process to enable the community to understand and evaluate the issues and impacts arising from the proposed Dickens and Vardie projects. The review process would provide the technical capacity and financial resources to engage TCPL on a level playing field. The process will assist the parties in identifying and resolving issues any concerns / issues on a bi – lateral basis, and to avoid resorting to Regulators where possible.

3.0 PRINCIPLES

Collaboration

- ☐ Parties to co – develop / negotiate **Community Review Process**;
- ☐ TCPL will disclose all relevant information and documentation to assist in review;
- ☐ DTFN will consult TCPL on selection of **Technical Resource Advisor**;
- ☐ Parties to attempt to resolve issues on bi – lateral basis prior to filing of applications;
- ☐ Parties to employ problem - solving approach to address broader indirect and landscape cumulative impact issues;
- ☐ **DTFN** and TCPL project team to interact on an open and frequent basis to assist principles in issue resolution;

Results Based / Timeliness

- ☐ Review to focus on TCPL work / studies undertaken to date and assess the adequacy of this work from a community perspective;
- ☐ Review will consider and apply best environmental assessment practice principles however effort will be focused on the ground results vs. process;
- ☐ Additional work / field studies to be considered only where gaps are identified;
- ☐ Review and community consultations will be conducted on a timely basis

Community Driven

- ☐ Review process to evaluate how community's key concerns regarding their practices and enjoyment of their rights; way – of – life implications and environmental and socio – economic interests;
- ☐ Review team reports to and receives direction from Councilors on the DTFN / TCPL Advisory Committee (Advisory Committee);

- ☐ Process to be driven by DTFN Councilors on the Advisory Committee, with considerable interaction with community;
- ☐ Traditional Knowledge to be incorporated into all aspects of review;
- ☐ Documentation and reports to community will be in lay – person's language with reports translated to extent possible in Dene language

4.0 COMMUNITY REVIEW PROCCES: COMMUNITY PARTICIPATION

The above objective and principles will be met through two streams of activities: Community Participation and Technical Review and Support. "Community Participation" is designed to maximize community awareness of and participation in the project review activities and is comprised of the following components;

4.1 Community Advisory Panel: This body will act as an important conduit for information flow between TCPL / DTFN and the community vis – a – vis the projects. A good cross section of community members / interests will be represented with emphasis on elders, youth, trappers and community members from the **Meander River, Chateh and Bushe communities**. The group will provide advice to DTFN Negotiation Team / DTFN on the overall review process and project issues. It is anticipated that this group will meet **three times during the course of the Community Review Process**.

4.2 Community Meetings: In addition to the above activity, it is anticipated that general meetings (**Chateh, Meander River and Bushe**) will be held for interested community members. The meetings will be facilitated / hosted by the Community Advisory Panel and will provide an appropriate forum for TCPL to present its project, methodology / approach to studies and study findings / information gathering results. Meeting agendas and format will be jointly developed by the Community Advisory Panel and the TCPL project team.

4.3 Project Communications: DTFN will promote and support the above activities through two communication activities. First, it will produce two project newsletters in lay – person's language that will explain the project, project issues and the community review process. These newsletters will be distributed door – to – door in the **Chateh, Meander and Bushe communities**. TCPL will be consulted in the drafting of the newsletters. Secondly, community radio may be utilized to promote awareness of and participation in the community meetings.

4.4 Community Review Coordinators: **Three community members will be hired from the Chateh (1), Meander River (1) and Bushe (1) communities** to assist the DTFN Negotiation Team in undertaking the above activities. The coordinators will liaise with community, coordinate community meetings, support communications efforts and provide translation and document review services. The coordinators will also attend key meetings along with DTFN Negotiations Team and undertake one – on – one home visits / meetings where required. The review coordinators will need to be fluent in Dene.

5.0 COMMUNITY REVIEW PROCCES: TECHNICAL REVIEW AND SUPPORT

The above objective and principles will be met through two streams of activities: Community Participation and Technical Review and Support. "Technical Review and Support" is designed to inform DTFN and the community about potential project impacts and support its decision making with respect to the proposed projects and is comprised of the following components;

5.1 Technical Resource Advisor: DTFN wishes to invite TCPL's in house – project staff and project consultants into the communities to participate in the **Community Review Process**. DTFN, however does wish to retain independent technical advice to assist the community to understand and interpret the data and information that TCPL has generated to support its project applications.

At this time it is proposed that DTFN would **retain a Technical Resource Advisor with relevant experience and credentials in the area of environmental assessment of major project reviews (including environmental assessments of major pipeline projects). This individual would take direction from and report to the DTFN Negotiation Team.**

The Technical Resource Advisor would review TCPL's project development proposal and how the proposed project might impact the environment and the community. The individual would assess the adequacy of what TCPL has undertaken to date and identify gaps and means of addressing these gaps, and, consider and propose mitigation / best practices as part their work. Specifically the Technical Resource Advisor would;

- ☐ undertake a "desk - top" review of key project documents tabled by TCPL, including the "Environmental Design Basis, the "Traditional Land Use Report" and other relevant project related documentation;
- ☐ participate in community meetings to understand and confirm the key concerns, values, rights and interests at stake for the community;
- ☐ participate in information sharing sessions with TCPL in - house staff to discuss and attempt to resolve any outstanding technical / regulatory matters in a collegial manner;
- ☐ assist in producing a final report for DTFN / TCPL and drafting of lay - person's summaries for community on the project and project issues

5.1.1 Additional Expert Advice

In developing this proposal, DTFN has elected to not assemble a large review team with a consultant identified for each valued eco - system component / review area (i.e. regulatory - environmental assessment, pipeline construction, design and monitoring, aquatic system health and fish, botany, heritage and socio - economic). Rather, it has chosen to **utilize the Technical Resource Advisor** as it wishes to demonstrate a level of trust in the work of TCPL's in house - project staff and project consultants. Such an approach also has the benefit of reducing potential duplication in work and costs to both parties. **However, it may be possible that during the course of the review, that DTFN may disagree with the views / conclusions of TCPL and its team in a given area. (e.g. significance of effects on Caribou.**

6.0 DELIVERABLES and MILESTONES

This proposal is designed to address TCPL's and DTFN's agreed to timelines for implementing and finalizing the Community Review Process;

2005

Phase 1: Planning and Initial Review

| | Target Date | Resp. Party |
|---|-------------|-------------|
| <input type="checkbox"/> Discussion and agreement in principle for workplan | Complete | DTFN |
| <input type="checkbox"/> Hire Community Coordinators and provide orientation | Complete | DTFN |
| <input type="checkbox"/> DTFN to retain Technical Resource Advisor | Complete | DTFN |
| <input type="checkbox"/> TCPL to provide project briefing to community coordinators | Complete | DTFN/TCPL |
| <input type="checkbox"/> Appointment of Community Advisory Panel | Underway | DTFN |
| <input type="checkbox"/> DTFN to commence preliminary community TU / IK interviews | Underway | DTFN |
| <input type="checkbox"/> Produce first community newsletter and adv. Comm. Mtgs. | May 05 | DTFN |
| <input type="checkbox"/> TCPL and DTFN to set dates for community meetings | May 05 | DTFN |
| <input type="checkbox"/> DTFN / TCPL Technical Working Session (via telcon) | May 20 | DTFN / TCPL |
| <input type="checkbox"/> Interim - Report tabled (identification of preliminary issues) | May 24 | DTFN |

Phase II: Community Meetings and Issue Identification

| | | |
|---|--------|-----------|
| <input type="checkbox"/> Lay Person's Summary Report to Community | May 24 | DTFN |
| <input type="checkbox"/> First community meeting held in Chateh / Meander River | May 26 | DTFN/TCPL |

| | | |
|---|---------|-----------|
| <input type="checkbox"/> First community meeting held in Meander River | May 27 | DTFN/TCPL |
| <input type="checkbox"/> First community meeting held in Bushe | May 28 | DTFN/TCPL |
| <input type="checkbox"/> First meeting with trap line holders (whose traplines are traversed by pipeline ROW) | TBD | DTFN/TCPL |
| <input type="checkbox"/> DTFN to continue with community TU / IK interviews | Ongoing | DTFN |
| <input type="checkbox"/> TCPL provides written response to Interim Report | June 03 | TCPL |

Phase III: Community Meetings and Issue

| | | |
|---|---------|-------------|
| <input type="checkbox"/> TCPL / DTFN meet to review project impact issues | June 10 | DTFN/TCPL |
| <input type="checkbox"/> Community interviews complete / Summary Reports tabled | June 15 | DTFN |
| <input type="checkbox"/> Second joint community mtg(Bushe/Chateh/Meander) | June 20 | DTFN/TCPL |
| <input type="checkbox"/> Second meeting with trapline holders (whose traplines are Traversed by pipeline ROW) | TBD | DTFN/TCPL |
| <input type="checkbox"/> TCPL / DTFN meeting | June 24 | DTFN / TCPL |
| <input type="checkbox"/> TCPL to table Report with TCPL | June 27 | DTFN |
| <input type="checkbox"/> TCPL to provide written response to Report | June 30 | TCPL |
| <input type="checkbox"/> DTFN to produce second community newsletter | TBD | DTFN |

Phase IV: Regulatory Hearings

| | | |
|--|-----|------|
| <input type="checkbox"/> TCPL to make application to Regulator | TBD | TCPL |
| <input type="checkbox"/> DTFN to make determination on need for intervention | TBD | DTFN |

*** Meeting dates with trappers will need to be by DTFN in conjunction with trappers

7.0 BUDGET

As part of the DTFN / TCPL Cooperation Protocol, DTFN agrees to work with TCPL to provide comments on proposed projects and work collaboratively to address potential project impacts on the community and to work to identify and resolve community concerns. The Budget is broken out into two segments - Appendix I: Community Participation Budget and Appendix II: Technical Review and Support Budget.

APPENDIX I: COMMUNITY PARTICIPATION BUDGET

1) Community Review Panel: The Community Review Panel to be comprised of:

Community Members

- ☐ 4 from Chateh (2 elders / 1 trapper / 1 youth)
- ☐ 4 from Meander River (2 elders / 1 trapper / 1 youth)
- ☐ 4 from Bushe (2 elders / 1 trapper / 1 youth)

DTFN Negotiations Team

- ☐ Acting Chief Gordon Pastion or alternate
- ☐ Councillor Stanley Solapree or alternate
- ☐ Councillor Cary Chonkolay or alternate

Cost Considerations

- ☐ Each Community Member of the Panel will be paid to attend the three meetings. These individuals will be paid at \$200.00 / day and will be reimbursed for out of pocket travel expenses as per DTFN policy. (Approx. per diem rate and travel rate per meeting = \$350.00)
- ☐ The Community Review Panel will meet three times during the course of the review.
(Cost calculation : 12 Community Members X \$350.00/ day X 3 meetings = \$12,600.00)
- ☐ The time accrued to the project by the three councillors (of the DTFN Negotiation Team) will be billed out under another funding source. The councillors will not be reimbursed personally, but the funds will go into general revenue to offset time spent away from other community duties / priorities.
(Cost calculation: 3 councillors X 3 meetings @ \$350.00 / day = \$3,150.00)

COST - \$12,600.00 (Councillor time of \$3,150.00 not reflected in total)**

2) Community Coordinators

- ☐ Each Community Coordinator will devote 60 days of work (full time) over the three - month to address the TCPL project. (60 days @ \$150.00 / day X 3 Coordinators = \$27,000.00)
- ☐ The Community Coordinators will require some travel to attend meetings in High Level and all three communities . (3 Coordinators X \$1000.00 / per Coordinator = \$3,000.00)

COST -- \$30,000.00

3) General Community Meetings

- ☐ It is estimated that each community meeting will be attended by 75 people each.
- ☐ Three community meetings with a meal served. (\$1,250.00 / meeting X 3 Mtgs = \$3,750.00)

COST - \$3,750.00

4) Communications: Newsletter / Community Report Printing and Distribution / Radio

COST - \$4000.00

5) Equipment Costs and Community Office Space Contribution

- ☐ Simultaneous Translation Services (\$3000.00 for three meetings)
- ☐ Purchase two video cameras to document interviews / meetings for DTFN / TCPL (\$1,600.00)
- ☐ Office Rental for three Coordinators (In Kind contribution from DTFN)

COST - \$4600.00

A) SUB TOTAL -- \$53,950.00

TCPL portion: \$42,000.00 of Sub - Total / DTFN portion: \$11,950.00 of Sub - Total

***Note: TCPL has transferred \$42,000.00 to DTFN

TAB 183

183

> Hi Cary,

>

> We appreciate your Nations concerns with regards to our discussions
> about the proposed NGTL Dickins and Vardie projects. As you have
> requested, I offer you the following response to your concerns as raised
> in your April 27 e-mail. I would also like to apologize for the late
> response.

>

> As you are well aware, our proposed Dickins Lake and Vardie River
> projects are being included in the Joint Review Panel process for the
> MGP. As part of this process, the JRP issued an Information Request to
> the MGP asking about all discussions NGTL has had with the DTFN. NGTL
> is named as a proponent under the JRP process, and so the JRP has the
> authority to request the information directly from NGTL. NGTL's
> preference is follow the process that is in place.

>

> The summary table I passed along was a high level summary of our
> discussions for the time period identified in the JRP Information
> Request, since June 2004. NGTL also felt it was important to ensure the
> MGP and the JRP understand that our discussion with DTFN have been
> focussed on the proposed NGTL projects only.

>

> The response did not include the TLU Report we jointly undertook. We
> have agreed earlier in the process with the DTFN, that the TLU Report
> will not be shared without mutual agreement of both parties.

>

> Our commitment is to collectively move NGTL's projects forward and that
> commitment has not changed. The Dene Tha Nation and NGTL have enjoyed a
> positive working relationship for many years and I believe our Protocol
> Agreement signifies this commitment.

>

> In my email to you on March 16th I informed you that NGTL had received
> this request for information from the MGP and would be responding
> accordingly. In hindsight, what I should have done was share a copy with
> you of the information we developed for the purpose of responding to
> this Information Request.

>
> I would once again like to reiterate NGTL's commitment to working with
> the Dene Tha' Leadership and the Nation. As you mentioned many times,
> education /training, employment and business opportunities are just a
> few of the areas identified to assist in building more prosperous
> communities, and we can assure you that NGTL is committed to assisting
> the Dene Tha in these initiatives as outline in our Protocol Agreement.
>
> I trust this response will satisfy your request.
>
> Respectfully
> Perry
>
>
> -----Original Message-----
> From: Cary Chonkolay [mailto:CaryC@denetha.ca]
> Sent: Wednesday, April 27, 2005 2:59 PM
> To: Perry Kocis; Bruce Wells
> Cc: Shakir Alwarid (E-mail); Matthew General (E-mail); Gordon Pastion;
> Sidney Chambaud; Stanley Salopree
> Subject: explanation required ASAP.
>
> Gentlemen Bruce/Perry
> As Shakir had discussed with Perry Kocis on April 8th,05,we had always
> been assured by TCPL/ reps that all of our discussions are to be kept
> confidential and that any information obtained from discussions
> would/are not to be shared with any third party. Both of you gave us
> further assurances when DTFN reps Matt and the newly hired co-ordinators
> (Robert M,Valerie B and Les M) met on April 7,05 at Bushe office. You
> both absolutely assuring our reps that all our discussions, studies etc
> along with theTUS (DTFN assisted in obtaining) are for TCPL's use only
> and are not to be shared with Regulators or third parties. At the end of
> April 7,05 meeting we had learned of a submission by Imperial (MGP) of
> the attached chart to the Joint Review Panel (JRP),providing very
> specific alleged outcomes of discussions and meetings between
> DTFN/NGTL,consultants working for your company and even discussions we
> have had via tele conference and of particular interest is the alleged
> outcome of discussions between FMA and Meander River members/residents
> as was part the TUS study DTFN had assisted on.
> I along with other Council members find this behavior not in the spirit
> of the Protocol that was signed between our First Nation and TCPL.
> PLEASE SEND US AN EXPLANATION/JUSTIFICATION FOR THIS APPARENT SERIOUS
> BREACH OF TRUST. WE REQUIRE TCPL RESPOND BY NO LATER THAN MAY 2,05.WE
> CONSIDER THIS MATTER TO BE EXTREMELY URGENT AND TRUST THAT YOU WILL
> ALSO CONSIDER IT IN LIKE FASHION.
>
>
>
>
> This electronic message and any attached documents are intended
> only for the named addressee(s). This communication from
> TransCanada may contain information that is privileged, confidential
> or otherwise protected from disclosure and it must not be disclosed,
> copied, forwarded or distributed without authorization. If you have
> received this message in error, please notify the sender immediately
> and delete the original message. Thank you.

TAB 184

184

DENE THA' FIRST NATION
P.O. BOX 120
CHATEAU, ALBERTA
T0H 0S0



TELEPHONE: (780) 321-3774
(780) 321-3775
(780) 321-3842
FAX: (780) 321-3886

Your file:

Our file:

May 20, 2005

Mr. Harold N. Kvisle
President and CEO,
TransCanada
450 - 1st Street S.W.
Calgary, AB
T2P 5J1

BY FAX (403) 920-2397

Dear Mr.

Subject: Relationship with Dene Tha' First Nation

I wish to inform you of the excellent relationship which has developed between your company and our Nation. We are pleased with the cooperative approaches, which have been followed by our respective representatives. Our Nation intends to honour the spirit and intent of the Cooperation Protocol concluded between TCPL and our Nation.

We also wish to indicate our appreciation for your company's contribution to offering the Life Skills and Pre-employment Training Program at two of our communities. We look forward to your continued support for our educational priorities.

In light of the recently filed legal action against the Federal Government and other Parties associated with the Mackenzie Gas Pipeline Project, we wish to make it abundantly clear that our concerns are related to environmental protection and the Crown's obligation to respect our rights in the totality of our traditional territory in the NWT and northern Alberta. We are not opposed to the construction of the Pipeline. We only wish to be consulted and our rights respected by the Crown and the Proponents.

Notwithstanding our position on the appropriate regulatory regime for the Pipeline, in the NWT and Alberta, and the appropriate required mechanism for the ongoing protection of the environment and our traditional practices, we intend to continue our dialogue with TCPL through direct communications and community meetings, which have already been arranged for June 1, 2 and 3.

I wish to also inform you of the continued positive relationships, which have been established and maintained by your representatives, especially Robert Kendel, Bruce Wells, Perry Kocis and Karen Etherington and our Councillors, staff and consultants.

The Chief and Council are committed to consultation with the Proponents of the Pipeline Project and others. Towards that goal, we would welcome any effort by TCPL to arrange the appropriate meetings with senior representatives of Imperial, the Governments of Canada and Alberta and the Regulators.

Please convey our appreciation to your team.

Sincerely,

Gordon Pastion
A/Chief

c. DTFN Council,
Shakir Alwarid
Robert Freedman
Robert Kendel
Bruce Wells

TAB 185

185

From: "Matthew General" <sfnmatt@hotmail.com>
To: <watkinss@ngps.nt.ca>, <turnerr@ngps.nt.ca>, <perry_kocis@transcanada.com>
Date: 27/05/2005 11:51:26 am
Subject: NGPS Mtg Attendance

Bryan as per my voice mail today, Dene Tha' is prepared to host or hold any meeting with the NGPS and any other regulator or federal agency in relation to the Mackenzie Gas Project. We wish to look at dates with you where your staff could come into the community to provide information on the project and the status of the review.

You have asked if you could send two representatives to participate in, and or observe the upcoming DTFN - TCPL meetings on June 1,2 and 3. Given the lateness of the request, the fact that this meeting is occurring under the auspices of the TCPL - DTFN protocol agreement, that the agenda is quite full, and the fact that we don't want too confuse participants with additional organizations at this meeting, we would ask that NGPS not attend this particular meeting.

The NGPS and its staff are welcome into the DTFN community and we would be interested in working with you to set up a mutually workable, and timely date to hold such an event. Given the number and seriousness of issues that DTFN has raised in relation to the project, I think it would be important for the NGPS, regulators and federal agencies to hold such a meeting.

The NEgotiating Team will contact Earnestine (sp) Chambaud to speak with her on this issue. They are looking forward to meeting with her and providing her an opportunity to explain her new and exciting role. She will be invited to the afternoon session of the meeting as a Dene Tha' community member but not as an employee or representative of NGPS. I think we would both agree that we would not wish to place in her in a conflict of interest. If she does wish to attend, hopefully you can make appropriate arrangements to give her the time off.

Look forward to seeing you soon.

Respectfully,

M General.
On behalf of the DTFN Negotiating Team

CC: <sidney.chambaud@denetha.ca>, <stanley.salopree@denetha.ca>,
<cary.chonkolay@denetha.ca>, <alwarid@northwestel.net>, <bruce_wells@transcanada.com>

TAB 186

186

From: "shakir alwarid" <salwarid@hotmail.com>
To: <noreen.f.popoff@esso.ca>
Date: 28/05/2005 11:01:44 am
Subject: MTG WITH DENE THA'

HI NOREEN,
JUST FOUND THE MISTAKE WHICH CAUSED THE E-MAIL BELOW NOT TO GO TO YOU IN
RESPONSE TO YOURS..MY APOLOGIES FOR THE MIX UP!!!

Thanks Noreen for your note. We were about to call Randy and suggest a
meeting asap. We assume that Randy and others in your office have read the
Application for Judicial Review filed last week with the Federal Court
regarding the MGP. We would like to meet and explore options for dealing with
DTFN's concerns and interests outside litigation..

please call me to discuss your Team's availability for the weeks of June 3rd
or June 10th, in High Level.

I am in High Level and can be reached at 780-926-2422.

shakir

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CC: <CaryC@denetha.ca>, <gordon.pastion@denetha.ca>,
<sidney.chambaud@denetha.ca>, <rfreedman@cookroberts.bc.ca>

TAB 187

187

From: "shakir alwarid" <salwarid@hotmail.com>
To: <sfnmatt@hotmail.com>
Date: 5/31/2005 9:53:16 AM
Subject: Fw: outcome of meeting on may 18th in Calgary

>----- Original Message -----

>From: Robert Kendel

>To: Alwarid & Assoc.

>Sent: Thursday, May 26, 2005 6:59 AM

>Subject: RE: outcome of meeting on may 18th in Calgary

>

>

>Letter is Ok

>

>List of items , I am not going to fuss over the words ,as per our

>conversation at the Ramada we have agreed to discuss all the items and we

>will see where that leads us

>

>

>

>ASRD, Perry and Karen have met with Gail Tucker and Bruce Mayer

>

>I have followed up with Bruce, Gail needs to meet with you folks to forward

>the regional land use planning process, as always we are willing to

>participate

>

>The crown has to lead and apparently they believe in the process and it is

>one of Gail's prime initiatives

>

>

>

>

>-----

>

>From: Alwarid & Assoc. [mailto:alwarid@northwestel.net]

>Sent: Friday, May 20, 2005 2:01 PM

>To: Robert Kendel

>Subject: Fw: outcome of meeting on may 18th in Calgary

>

>

>

>Hello Rob,

>

> The following is a list of the items we agreed on for negotiatatins with

>DTFN. It was understood that any discussions/negotiations will be held

>without prejudice to our legal position and the recent legal action filed

>in the Court.

>

> 1.. Orientation/cross cultural training for all managers, employees and
>others hired by TCPL on this project.

> 2.. Environmental monitoring and compliance during construction and

>operation of the project, including the development of an initiative to

>increase Dene Tha's capacity in this area.

> 3.. Work with Dene Tha' and governments on the development and

>enforcement of a joint planning process leading to method(s) for protecting
>the impacted area and compliance with any legislative enforcement. This
>will require the cooperation of the Alberta Government and other land
>users.
> 4.. Development of a training plan for this project.
> 5.. Development of an employment plan for DTFN members.
> 6.. A plan for maximizing contracting opportunities for local
>contractors and First Nation's joint venture partners. The parties will
>also investigate methods for supporting DTFN members who wish to establish
>their own small businesses.
> 7.. Investigation into providing opportunities for equity participation
>by DTFN in TCPL projects, which might be in any other projects in the
>traditional territory.
> 8.. Compensation to trappers and other land users.
> 9.. Safety plan, including monitoring and enforcement.
> 10.. Protection of heritage and cultural sites.
>I undertook to report the above to Chief and Council and to arrange for an
>early meeting to pursue detailed discussions on each of the above items.
>Please let me know if you agree with main topics listed above and if there
>are any that were missed. Also, attached is my draft of the letter to go to
>your CEO. please let me know if it is ok...I still must pass it by the Chief
>and Council for review and approval. So it is for your eyes only and for
>your personal feedback.
>
>have a great wknd...just do not work!!
>
>shakir
>
>
>
>
>
>
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CC: <rfreedman@cookroberts.bc.ca>