



Lutsel K'e Dene Band

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

Telephone: 867 370-3051
Fax: 867 370-3010

Charlie Catholique - Chair
Wildlife, Lands and Environment Committee (WLEC)
Lutsel K'e Dene First Nation
Box 28
Lutsel K'e, NT X0E 1A0

August 27, 2001

Gordon Lennie - Chairperson
MacKenzie Valley Environmental Impact Review Board
Box 938
Yellowknife, NT X1A 2N7

Dear Mr. Lennie,

RE: SNAP LAKE PROJECT DRAFT TERMS OF REFERENCE

The Snap Lake Diamond Project Draft Terms of Reference were reviewed at a meeting of the Wildlife, Lands and Environment Committee on August 24, 2001. We have the following comments and suggestions:

General

- We would like the MVEIRB to conduct a scoping hearing with the Lutsel K'e Dene First Nation in regards to the draft ToR. We believe this is warranted as we have a significant stake in the outcome of this EA, due to the presence of the Snap Lake Diamond Project in the Lockhart River Watershed, an area traditionally and currently used and occupied by the Lutsel K'e Dene. The only way to properly consult with our people is orally and in our language - written submissions by the WLEC are inadequate to capture the depth and detail of our concerns and suggestions. Oral, face-to-face communication is a requirement for proper consultation with our community members - this sort of consultation must be sought by the MVEIRB if they wish to insure that our voice is heard and considered.

Following the same rationale, we request that DeBeers be required to present the completed EAR in the community of Lutsel K'e to the WLEC and the public.

- We are concerned about the treatment of impacts as they are defined via scientific or traditional means. It is entirely probable that impacts of the Snap Lake Diamond Project will differ in their presence / absence based upon the type of source information, whether 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. We believe that the Terms of Reference should state that DeBeers 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. They should not, however, weigh the relative merits of these predictions. This should be the role of the MVEIRB.
- The draft ToR do not require De Beers to describe the monitoring program for the proposed development. We believe this is an essential component of the EAR. We recommend that the ToR state that De Beers should describe the approach, objectives and methodologies that will be used in their monitoring program.

Specific

These comments are organized by section number:

- 5.3.2 It would be more informative if this section were organized according to mine function, with the various components necessary to accomplish that function described.

The esker access road, Lupin winter road and continuing exploration on the claim block should be included in the project description.

- 5.5 The draft ToR state that quantitative data and analysis are preferable where available. We believe this seriously compromises the validity of traditional knowledge, relegating it to a form of "expert opinion" or "judgement". Traditional knowledge represents observations verified by Elders' experience and the test of time. It is a fully viable and verifiable form of information. Thus, we recommend that the EAR should present data and analyses that are *verifiable* in nature, but not preferably quantitative. In the absence of verifiable knowledge, the best expert opinion (unverifiable) should be used, whether that be from traditional or scientific sources.

In this section, it is also specified that where expert opinion is applied, De Beers should explain the soundness of these views. We do not believe De Beers is necessarily qualified to comment on the soundness of the expert opinions presented, particularly in reference to traditional knowledge. Rather, De Beers

should provide the credentials of the expert whose opinion is provided. This could be a CV for scientific experts, and a life history for Elders. The question of the validity of expert opinions should be left up to the MVEIRB.

- 5.5.1 De Beers should also provide a description of the alternatives to the living conditions to which employees will be subject - living quarters, leisure facilities, food, visitors, access to outdoors, etc.
- 5.5.2 Included in the description of the existing environment should be a discussion of the current and historic land use and occupancy in the region, whether industrial or aboriginal.
- 5.5.3 A discussion of how the "maximum zone of influence of the proposed development for each valued ecosystem component" is determined should be required in the EAR.
- 5.7.4 The potential development impacts upon the spiritual and cultural health of employees, their families and communities should be considered. This is particularly important as the simple presence of the Snap Lake Diamond Mine within the sacred waters of Desnedhe Che (Lockhart River) and the Old Lady of the Falls spiritual site may seriously affect the communities sense of place with the land.
- 5.9 The ToR should specify what "likely" means in the context of cumulative effects.

De Beers should also include in their discussion of cumulative effects all exploration, scientific and maintenance camps within the Slave Geological province, as well as lodges.

Regarding quantitative analyses and professional judgement, the same comments as those pertaining to Section 5.5 should be considered.

In addition to these comments and recommendations, we would like to offer our strongest support to the comments made by the Yellowknives Dene First Nation in their letter dated August 2, 2001.

Sincerely,



Charlie Catholique - Chair
Wildlife, Lands and Environment Committee
Lutsel K'e Dene First Nation