

Yellowknives Dene First Nation

Closing Comments -

May 2/03³⁶

Who's in charge of air quality regulation?

We are concerned that there currently exists a void in government's ability to regulate air quality.

In southern Canada, the provinces are in charge of setting the regulatory framework for regulating air emissions. In the Northwest Territories, the National Energy Board has that mandate for the oil and gas industry for emissions from at least one aspect of gas development, the flaring off of impurities in natural gas. The only aspect of air pollution that can be regulated by the MVLWB is dust deposition and acid inputs deposited into lakes, this through Class A water licenses. And RWED, through its Environmental Protection Act (1994) has established maximum acceptable limits for sulphur dioxide and total suspended particulates (microscopic particles that can be breathed into lungs. But this has no regulatory standing and thus is not enforceable. *

However, we do not have any mechanisms in the NWT for regulation and enforcement of air quality standards for mine developments. It seems that federal and territorial governments have only an advisory role to play in environmental management of air pollution. It is unfortunate that we do not yet have a government regulation that can punish a developer who pollutes beyond a guideline or threshold. We would like to see some progress made in this regard by regulators in the NWT. Otherwise the only recourse we have to ensure that De Beers and other mines do not contribute to air pollution problems is through legally-binding environmental agreements or litigation.

When is risk acceptable?

Last Wednesday, Mr. Johnstone used a familiar argument in talking about risk and uncertainty. The argument, one that the nuclear energy industry in Canada also uses, is that there are all kinds of risks in life that Canadians willingly accept in their daily lives. We are never certain whether the plane or car that we travel in will crash. We are never certain that the person serving us a meal at a restaurant has used proper food handling and cooking methods to assure the food is safe to eat. But we take it on faith that we will be safe.

However, there is one very big difference between these every day risks and the risks De Beers is talking about. The risks we take in our own lives are VOLUNTARY. We accept the risks and uncertainties exist and are prepared to live with those risks. The risks from the Snap Lake project are INVOLUNTARY risks. That is, these risks are imposed on the land by De Beers. The animals, fish and aboriginal resource users are not volunteering their lives to take on the risks if De Beers is wrong with their predictions of no significant impacts.

Gathering Traditional Knowledge

Yellowknives Dene have concerns about the way their people's Traditional Knowledge has been gathered. It appears to us that what De Beers calls TK gathering has been more like information exchange. Their methods of getting people's TK have not been adequate nor accurate.

Science has its "peer review" process for evaluating scientific information before it is brought out to the larger scientific community. Experts in a scientific field similar to a study's scientists will review the scientist's draft report for accuracy of methods, results and conclusions.

Traditional Knowledge reporting should have the same "peer review" process before a developer uses the TK that is shared. What we mean is, whatever TK is used by the company should be reviewed by the most knowledgeable TK-holders and a larger segment of the community (eg, Land & Environment Committees). This review of the YK Dene's TK that is being sought by the company should be assessed by YK Dene people, checking on the accuracy of the TK documentation before it is used by the company.