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FEB 28 2003

MACKENZIE VALLEY  
ENVIRONMENTAL IMPACT  
REVIEW BOARD

# Watershed Writing

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Feb 28/03*

## Summary

1. **Cultural and heritage resource.** De Beers acknowledges that it did not consider the potential effects of the project on Métis archeological resources. De Beers committed to a re-analysis of artifacts to determine if they contribute to knowledge about Métis heritage in the NWT. Until this ToR requirement (438-441) is met, potential contributions to knowledge have not been achieved and create considerable uncertainty about the effects of the project on NSMA cultural and heritage resources.
2. **Traditional Knowledge.** De Beers acknowledges that it did not facilitate the collection of TK among NSMA members (ToR 45-55). A NSMA TK project is yet to be implemented. Continued failure to facilitate the collection of NSMA TK will prevent the NSMA from 1) making TK contributions to ongoing environmental predictions, 2) contributing to mine management.
3. **NSMA's existing subsistence economic environment.** De Beers did not describe the existing subsistence economy of the NSMA (ToR 471). The NSMA provides data on their subsistence economy to De Beers. De Beers must analyze this data and determine how the NSMA subsistence economy can be protected from negative effects of increased wage work and propose mitigation measures, if necessary.
4. **NSMA's existing economy.** De Beers did not describe the existing economy of the NSMA (ToR 229, 459-470) or conduct a survey of the employment, skill, and education levels in the NSMA community. This data is important for three reasons. First, it will enable the development of a recruitment program specific to the NSMA that will create certainty over what numbers of members are qualified for employment. Second, it will enable the development of training and education programs for members so that they become skilled and qualified for employment before trained southerners are sought for employment. Third, it forms a baseline of data on the existing employment, education, and skill levels of the community before the mine is approved from which changes in these baseline economic conditions can be monitored over time and mitigated, if necessary. The NSMA's economy is different from other aboriginal communities and generic predictions for all communities are not reliable or in keeping with best practices in SEEIA. The NSMA provided De Beers with data on its economy, but the company did not analyze this data or initiate the training programs outlined in its EA. De Beers must immediately analyze all the economic data submitted by the NSMA and then develop recruitment, education, and training programs immediately so that Métis

- will qualify for meaningful employment before opportunities are provided to southerners.
5. **Housing.** De Beers recognizes there is a chronic housing shortage and high levels of overcrowding in aboriginal communities (EAR: 5-52, 5-57, 5-63, 5-67, 5-72, 5-76, 5-80). De Beer's recognizes that housing conditions are linked to individual and community health (EAR section 5.2.2.5). De Beers states that housing upgrades are required and more housing units are needed within the affected communities (5-102). De Beers did not describe the existing housing environment of the NSMA community (ToR line 228). This data gap makes predictions about impacts on individual and community health impossible. A housing survey must be conducted immediately to collect the data necessary for potential mitigation and long term monitoring.
  6. **NSMA infrastructure.** De Beers did not describe the existing infrastructure environment of the NSMA as required (ToR line 231). The infrastructure conditions of the NSMA are unique from all other affected communities as the NSMA receives no core funding from government. De Beers has not determined how this infrastructure variable regarding the NSMA affects the community's resiliency and ability to adapt. De Beers' predictions about positive community impacts are uncertain in the case of the NSMA given this key variable.
  7. **NSMA language use.** De Beers needs to determine the anticipated or possible changes to the NSMA's use of their indigenous Métis language (*Michif*) as a result of the project (ToR line 441). The absence of this data makes it impossible to determine what the adverse impacts on NSMA language use and retention will be. The NSMA provides De Beers with data on its language use. This data must be analyzed and mitigation and monitoring programs developed.
  8. **Mine Production Rate.** In its EAR, De Beers proposed a 3000 tpd production rate but that that mine production rates may increase if additional resources are located. I understand De Beers recently committed to a production rate of 3000 tpd with no potential increase. It is critical that the MVEIRB impose a condition on approval of the De Beers project that this tpd not change in order to create certainty over the socio-economic and environmental predication and mitigation measures developed during the EA process.
  9. **Public consultation.** De Beers articulates a consultation methodology in its EA. With respect to the NSMA, I conclude that this methodology was not rigorously pursued. I also have concerns about whether government and De Beers are meeting their obligations pursuant to the duty to consult. I understand that the NSMA's legal counsel will deal more comprehensively with the issue of the failure to consult. The Board must require De Beers and government fulfill their obligation to properly consult with the NSMA before approving this project.
  10. **Resource use, spatial boundaries, and cumulative effects.** De Beers concludes there will be no impacts on NSMA fisheries in the regional study area (RSA). De Beers has not properly established the maximum zone of influence of its project on Métis fisheries proximal to Yellowknife. There is evidence that the mine's development will negatively affect NSMA fisheries outside of the RSA with corresponding effects on fisheries and the Métis' culture, land use, economy, health, aboriginal rights, and spiritual and cultural practices. The absence of this

data makes it impossible to determine what the adverse impacts on NSMA fisheries and associate economy, cultural, spirituality, community health, and rights will be. There is thus considerable uncertainty over the sustainability of these fundamental facets of the NSMA culture and economy.