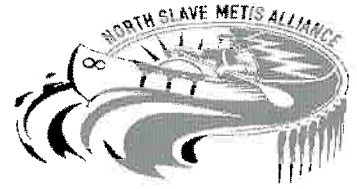

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



August 31, 2007

Mackenzie Valley Environmental Impact Review Board
200 Scotia Center
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Re: EA 0506-05 Consolidated Goldwin Ventures.

Please accept the North Slave Metis Alliance's comments on the proposed recommendations for the above noted environmental assessment.

The NSMA represents the North Slave Indigenous Métis People. These are the Métis People who are descendents of Dene and/or Métis People who not only “used and occupied” the Mackenzie River Basin before, and since the “Crown” took “effective control” of the area, but also signed Treaty 11. In other words, the NSMA represents the North Slave Indigenous Métis people who possess Aboriginal Rights, including Aboriginal Title, and Treaty Rights to the lands and resources in the North Slave region of the NWT.

Accordingly, the NSMA takes its representation mandate seriously, and has and will continue to ensure it is “consulted and accommodated,” on any and all forms of activities planned or underway by public and private sector organizations, wishing to or undertaking activities on its traditional lands.

IR Number 2.1 Increased Access

NSMA agrees that some of the disturbance to our activities results from increased recreational use of the area resulting from improved access. “Helicopter only access” would mitigate against some of this additional recreational access. However, helicopters are also highly disruptive, and without ground access there is likely to be increased helicopter activity. Increased helicopter activity will not only disrupt Metis activities, but is likely to increase the risk to heritage resources and the disturbance of wildlife. Unlike road traffic, the route a helicopter will take can not be accurately predicted or reliably avoided. It will be extremely difficult to monitor helicopter traffic for compliance with laws protecting fish and wildlife, heritage resources, historical and archaeological sites, or objects and places of recreational, scenic or ecological value.

An alternative, and potentially more complete and cost-effective mitigation might be take advantage of the provisions of section 26 (a), (b), (j), (k), (o) and (q) of the Mackenzie Valley Land Use Regulations to require the proponent to submit an “Environmental Management Plan”, for approval, prior to the construction of any access route. The management plan should include specific details regarding the route selected, construction methods, timing of construction, times of use, and decommissioning criteria. The plan should take into consideration, and include a public education campaign and enforcement patrols to protect, the historical and archaeological

sites, and objects and places of recreational, scenic, and ecological value along the way. Enforcement patrols should employ Dene and Metis individuals, selected by their communities (not by the proponent), while the ground access is in use and until decommissioning is completed satisfactorily. The Board could insure that Adequate Consultation between the proponent and Aboriginal Peoples takes place simply by withholding their approval of the "Environmental Management Plan" until they receive sufficient evidence of Dene and Metis satisfaction with and support of the Plan. The proponent would be wise to include the NSMA in the design of the plan, including the provision of resources to enable NSMA to participate, in order to ensure the resulting plan accommodates our needs, and gains our support.

IR Number 2.2 Impacts on Heritage and Burial Sites

NSMA agrees that there is a significant risk of unacceptable damage to heritage sites, including ethnographic sites and grave sites if the developer is permitted to drill areas where thorough heritage surveys have not been conducted. The suggested mitigations are acceptable, but only if the NSMA is involved meaningfully in the heritage resource surveys. The recommendation could perhaps be worded differently, to indicate that no drilling (or access route construction) shall be permitted in any area which has not been subjected to a thorough heritage resource assessment involving both of the Aboriginal Peoples (Dene and Metis) whose heritage resources may be at risk. In addition, protection measures for each heritage site identified should be included in an "Environmental Management Plan" as suggested above.

IR Number 2.3 Impacts on Traditional Harvesting and Culture

NSMA agrees that this proposed project would certainly contribute to the cumulative disturbances in the area, and particularly in the Shoreline Zone¹. NSMA does not have confidence that the proposed mitigation will achieve the desired intent.

Although the "Shoreline Zone" is generally an area of particularly high value, restricting activity to areas away from shore will not eliminate impacts. The three kilometer definition of the Shoreline Zone does not capture the complexity of the actual extent of the most highly valued areas. There are trails and harvesting areas that extend more than three kilometers from shore.

As well, temporal separation of "traditional" and "industrial" activities does not ensure there will be no interaction or impact. Changes to the smell or appearance of an area may influence wildlife behavior for a long time after an activity ceases. Once disturbed, animals may not return for an entire season, and sometimes longer. As well, harvesters often feel uncomfortable picking berries, gathering medicines, or fishing in areas used for industrial purposes for a very long time after the activities cease. Whether there is "scientific proof" of contamination or not, there is often a lingering fear of contamination combined with mistrust for the "authorities" who are supposed to be protecting their health and wellbeing, based on the suspicion that money from development is more important to them than the People. Giant mine and Con mine are two often quoted examples of ineffective government control over resource development which provides tangible and indisputable justification for those fears and suspicions.

¹ The three kilometer wide shoreline between Gros Cap and Wool Bay.

An alternative, and potentially more complete mitigation might be take advantage of the provisions of section 26 (a), (b), (j), (k), (o) and (q) of the Mackenzie Valley Land Use Regulations to require the proponent to submit an "Environmental Management Plan" for approval, prior to any land use. The management plan should include specific details of what activities will take place, where, how, and how they will be cleaned up. The "Environmental Management Plan" should contain provisions for each of the directly affected Aboriginal Peoples to appoint a monitor or observer who will be involved in monitoring compliance with the "Environmental Management Plan", at the proponents expense. The monitors would be aware of community values and practices and would be trusted by the communities to report on whether there is or is not likely to be contamination remaining in any place, or whether it should be safe to harvest. This would be in addition to the scientific activities of the "responsible authorities". The monitors would also be responsible for reporting to the communities on how the "responsible authorities" perform their duties, in the hopes of increasing understanding and confidence.

The Board could insure that adequate Consultation between the proponent and Aboriginal Peoples takes place simply by withholding approval of the "Environmental Management Plan" until sufficient evidence of Dene and Metis satisfaction with and support of the Plan is provided. The proponent will be wise to ensure the NSMA participates in the development of the plan, so as to be assured that the resulting plan will receive NSMA approval and support.

NSMA expects that the proponent would favor a more flexible approach such as this where access and activity can be negotiated rather than to have a blanket prohibition on any activity in the "Shoreline Zone".

IR Number 2.4 Cumulative Impacts and Planning

NSMA agrees with the Review Board's preliminary conclusion that unplanned development within the "Shoreline Zone" poses a significant risk to NSMA's important, and sensitive, cultural landscape. NSMA feels that the requirement, that no new land use permits be issued until an interim land use plan is completed that duly considers Aboriginal land users, would be a useful mitigation, but only partially. More importantly, there should be a restriction on the issuance of further mineral rights. Furthermore, the interim land use plan should not only consider Aboriginal land users needs and rights, but should Consult and Accomodate them regarding their protection. If the environmental management plan, as suggested above, was implemented properly, it would go a long way towards the development of an interim land use plan.

IR Number 2.5 Monitoring for Enhanced Management

NSMA believes that there is significant public concern regarding the cumulative changes in the area, especially the "Shoreline Zone", and that this concern impacts negatively on the well being of the NSMA's members. Specifically, members experience fear that their heritage is being destroyed, that their lands and waters are being contaminated and defaced, that their wildlife are being disturbed and chased away, and that valuable resources are being removed before they are ready to make use of them. There is also resentment due to the lack of recognition of their resource ownership and self determination rights.

The proposed mitigation, if implemented effectively, could serve to reduce some of the future cumulative impacts and could alleviate some fear and resentment. The chance that the NSMA's members fears and suspicions will be alleviated, and that their values and interests will be protected, will depend in part on how effectively and meaningfully the NSMA is involved in the design and implementation of the programs, how well Metis traditional knowledge is integrated into the monitoring, into the interpretation of the data, and into the land use decisions resulting from the collected knowledge.

The environmental management plan, developed in Consultation with the directly affected aboriginal People, as suggested above, could and should, include project specific and cumulative effects monitoring, and should be submitted "for approval" to the Board prior to land use permits being issued.

Thank you very much for accomodating the NSMA's interests to the best of your ability in this environmental assessment.

Sincerely,

delivered by email on September 3, 2007.

Sheryl Grieve
Manager, Environment and Resources.
lands@nsma.net