

NORTH SLAVE MÉTIS ALLIANCE

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April 04, 2016

Hon. Robert C. McLeod
Minister
Department of Lands
Government of the Northwest Territories
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Via Email & Fax

Dear Minister McLeod:

RE: Comments on the Report of Environmental Assessment for Dominion Diamond Ekati Corporation's Jay Project

The North Slave Métis Alliance ("NSMA") is an Aboriginal organization that represents 35 Aboriginal rights-bearing Métis people in the area north and east of Great Slave Lake, Northwest Territories. With that in mind, the NSMA requests that the Minister accept and consider NSMA's views and concerns, as outlined in this letter, respecting the MacKenzie Valley Environmental Impact Review Board's ("MVEIRB") "Report of Environmental Assessment ("REA")" for the Dominion Diamond Ekati Corporation's ("DDEC") Jay Project.

The NSMA has participated in the Environmental Assessment ("EA") process prior to and since the Ekati mine was built.

The NSMA participated in the current environmental review process of DDEC's Jay Project, as the Jay Project is within the traditional land use area of NSMA's members. In that respect, there are two lakes in the Jay Project area that can trace their names back to the historic Métis people that used and occupied that area of the North Slave Region: Lac de Sauvage and Lac de Gras. This area has always been an important hunting and fishing area to the Indigenous Métis of the North Slave Region. The NSMA, therefore, wishes to protect and preserve this area for generations of its people to come. To that

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end, the NSMA has actively advocated for strong social and environmental impact mitigation measures, respecting public and private development(s) in and around the area.

NSMA commends the Developer for the commitments they have made to minimize the social and environmental impacts of the Jay Project.

Some of the commitments, most notably the Caribou Compensatory Offset Plan, clearly demonstrates the Developer's willingness to work with the Aboriginal peoples whose Aboriginal rights will be affected by the Developer's project (i.e. Jap Pipe project)

The NSMA, however, has concerns about the Jay project. These concerns were provided to the MVEIRB at the latter's Public Hearing as well as in our Final Written Submission.

On February 1, 2016, the MVEIRB released the REA, which included 22 Measures and 7 Suggestions. These Measures and Suggestions, if accepted and implemented, are intended to mitigate all of the significant adverse impacts expected to be incurred by the Jay Project development.

The NSMA reviewed the REA, and found that most of our concerns have been addressed by the Measures and Suggestions sections of the REA. That said, NSMA has two closely related recommendations that it wishes to see implemented respecting Measure 6-5 "Traditional Knowledge ("TK") based caribou monitoring and mitigation".

Firstly, NSMA would like the TK Elders group, as proposed under the auspices of Measure 6-5, to be an independent body of TK holders, whose expert advice must be considered and acted on by DDEC and Regulatory Authorities.

The independence of the TK Elders Group is consistent with the role of other independent review panels, such as the Dyke Review Panel suggested in Measure 4-4. Holding the TK Elders group to a similar standard to a scientific panel (i.e. the Dyke Review Panel) is also a good reflection of values expressed in s.115.1 of the MacKenzie Valley Resource Management Act.

Secondly, it is important to recognize and respect TK as a broad holistic system of knowledge.

NSMA is of the view that the scope of activities by the TK Elders group should be broadly defined under the auspices of a Terms Of Reference respecting issues that the TK group may be required to address. The Terms Of Reference needs to be broadly defined because restricting the TK Group's advice too narrowly, in relation to discrete project activities and a single ecosystem component (caribou), may prevent the TK Elders Group from being able to provide a holistic perspective regarding whatever issues they are dealing with at the time.

With the above in mind, NSMA would like the following modifications be made to the Measure 6-5 respecting the TK Elders group:

"Dominion will:

[F]und a Traditional Knowledge Elders group drawn from Aboriginal organizations that participated in the EA. This group will be an independent body of TK holders, and recommendations from this group will be considered and acted on by Dominion and the Regulatory Authorities.

This group will:

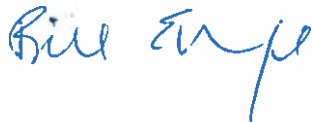
- Advise on the construction and operation of the Jay road, esker crossing and waste rock management area egress ramps that limit impacts to caribou
- Monitor caribou reactions to the Jay road use, esker crossing and waste rock storage area egress ramps in coordination with existing caribou management authorities
- Report on the results of monitoring to Dominion, IEMA, regulators and Aboriginal organizations that participated in the EA
- Recommend mitigation based on monitoring results
- Recommend a contingency plan for the esker crossing if monitoring indicates that the road through the esker is a major barrier to caribou movement"
- **Construct a Terms Of Reference that is broad enough to take into consideration the holistic nature of TK**

In sum, NSMA supports most of the MVEIRB environmental assessment findings respecting DDEC's Jay Project. Having said that, the NSMA's only concerns revolve around the TK Elders group. In that respect, NSMA would like the Minister to add bullet number six to the mandate of the TK Elders group.

In closing, NSMA appreciates DDEC's commitment and willingness to work with the Aboriginal people who will be affected by its Jay Project development. We look forward to working with DDEC respecting its Jay Project (and other projects as may arise) now and into the future.

Should you have any questions regarding this submission, please contact Shin Shiga, Regulatory Analyst for the NSMA Lands Department: shin.shiga@nsma.net.

Sincerely,



William (Bill) A. Enge
President

CC: Mark Cliffe-Phillips – Executive Director – MVEIRB
JoAnne Deneron – Chairperson - MVEIRB