



## Mackenzie Valley Environmental Impact Review Board

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Date: November 18, 2003 Pages: 35 including this page  
To: Consolidated Goldwin Ventures Fax:  
North American General  
Resources Corporation  
New Shoshoni Ventures  
CC: MVLWB  
Subject: Presentations for Joint Public Hearing (EA-03-002, EA-03-003, EA-03-004)

### NOTES:

Attached please find the submission of:

NSMA

Graphics have been removed from this presentation to facilitate distribution. Blank slides are graphics.

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North Slave Metis Alliance  
Public Hearing Presentation

**Proposed Diamond Exploration of  
Drybones and Wool Bay, NT**



Presented By: Kris Johnson  
Public Hearing: November 25-26, 2003

NSMA concerns about the  
Proposed Drybones and Wool Bay  
Diamond Exploration Programs

1. **Will the proposed projects have a significant environmental impact?**
  - Baseline data is inadequate to predict impacts
  - Traditional Knowledge could and should have been used to mitigate inadequacies in the baseline data.

**Direct and Cumulative Impacts to the environment have not been adequately identified because baseline data remains incomplete**

2. **Can impacts be mitigated?**
  - Impacts that cannot be predicted cannot be mitigated.



NSMA concerns about the  
Proposed Drybones and Wool Bay  
Diamond Exploration Programs

**3. Is there significant public concern?**

**Aboriginal Peoples could not be more vocal when expressing their concerns in regards to these proposed projects. The Drybones and Wool Bay areas are culturally, historically, spiritually, socially and ecologically significant for the NSMA. The Drybones and Wool Bay areas are irreplaceable 'significant' areas to the NSMA Peoples.**



NSMA concerns about the  
Proposed Drybones and Wool Bay  
Diamond Exploration Programs

**Outstanding Issues:**

- **Habitat**
- **Wildlife**
- **Increased Access**
- **Heritage Resources**
- **Cumulative Effects**
- **Process Concerns**



### **Habitat Concerns:**

- 1. Where will the drill cuttings and wastewater be discharged?**
- 2. How will water quality in nearby streams, lakes, and the local aquifer be affected?**
- 3. What wildlife habitat exists in designated release areas?**
- 4. How will developers determine where to release the wastewater from drilling when the area is frozen and covered with snow?**
- 5. Where will the water used for drilling come from, and what effects will that have on local water sources?**



### **Habitat Concerns:**

- **The NSMA have requested locations of wastewater disposal and have not received any locations or habitat descriptions of where the wastewater will be disposed.**
- **Without this information neither the NSMA nor the MVEIRB can determine if there is likely to be significant adverse environmental impacts to the area or the NSMA people.**
- **Rushed explorations may compromise irreplaceable resources and the constitutionally protected rights of Aboriginal peoples.**



### **Wildlife Concerns:**

- 1. What is the extent of compaction to soils/vegetation from drills?**
- 2. How many drill holes will there be?**
- 3. What are the exact locations of drill sites?**
- 4. Are the drill holes be filled in after?**
- 5. What actions will be taken should wildlife become attracted to the area?**
- 6. How will wildlife and fish be impacted by drill noises?**
- 7. What are the catch rates of tour operators, commercial and recreational fisherman in the region?**
- 8. What types of environmental problems happen in these operations and how have these been mitigated in the DARs?**





- **The NSMA have requested drill site locations and numbers.**
- **The NSMA have requested information regarding the methods used to remove wildlife from the drill locations. The NSMA have witnessed wildlife being harassed while being removed from exploration sites.**
- **Without this information the NSMA, nor the MVEIRB can determine if there is likely to be significant adverse environmental impacts to the area or the NSMA people.**
- **Rushed explorations may compromise irreplaceable resources and the constitutionally protected rights of Aboriginal peoples.**



## **Habitat and Wildlife Concerns- Big Picture**

- Overall, the Environmental Assessments that have been conducted in the North Slave region continue to have the same problem of inadequate baseline data. This poses a problem later down the road when developers, governing bodies and Aboriginal Peoples attempt to make accurate impact predictions and accurately analyze data. For example, during the EAs for BHP, Diavik and Snap Lake concerns were raised about the adequacy of available baseline data to measure adverse changes in the environment verses natural variation.
- Before exploration or any further development in the area can be conducted baseline data for VECs must be recorded.
- Ensuring adequate baseline data exists prior to development is the only way developers and monitors can prove with certainty what the environmental impacts to an area will be and whether or not mitigation measures are working.



**Increased Access:**

- How will winter road access be monitored and controlled, and by whom?
- Who will ensure squatters will not inundate the area?
  - What cabins exist in the area now?
  - Do all these dwellings hold valid land use permits?
- Who will ensure wildlife are not harassment and meat is not wasted?
  - Will a wildlife officer be patrolling the road?
  - How many animals are harvested in the area each year?
  - Has the number of animals harvested in the area increased since the other land use permits in the area were approved?



- **Without this information the NSMA nor the MVEIRB can determine if there is likely to be significant adverse environmental impacts to the area or the NSMA people.**
- **Rushed explorations may compromise irreplaceable resources and the constitutionally protected rights of Aboriginal peoples.**



### **Heritage Resource Issues:**

- **What Metis heritage sites, critical use areas, and other cultural resources exist within the area?**
- **Culturally, socially, economically and spiritually significant areas of the NSMA have not been identified.**
- **How do developments in an area change the perceived health of the environment or ecosystem?**
- **How do developments affect Metis and other Aboriginal peoples perceptions and attitudes of the environment and land-use activities?**
- **Do traditional land users return to areas they have been pushed out of after developed sites have been abandoned or do they perceive these sites to be contaminated or unusable?**



### **Heritage Resource Issues:**

- **What archaeological investigations have been done in the area?**
- **There is a complete lack of data available about Aboriginal land use in the areas of concern. What little data is available has not been ground-truthed, is not case specific and is incomplete.**
- **The archaeological sites already identified in the area need to be investigated to identify to whom these sites belong. Without this information it is impossible to determine which Aboriginal Peoples are being impacted and to what severity.**
- **It will be a great tragedy should diamond 'exploration' take precedence over and possibly cause permanent damage to cultural and heritage resources only because adequate resources and time were not allocated to properly document this important information. Often, heritage resources are the only evidence Aboriginal Peoples have to validate claims to the areas their forefathers used and occupied.**



### **Heritage Resource Issues:**

*MVRMA- 6(a) unless expressly authorized by a permit or in writing by an inspector, no permittee shall conduct a land use operation within 30 m of a known monument, or known, or suspected historical, arch site, or burial ground.*

**The Prince of Whales Heritage Museum has been working toward changing this legislation to mitigate inaccuracies in the archaeological sites database. The museum has been working toward having the buffer zone around archaeological sites increased to 150m. Considering the museum is the main authority on protecting Archaeological sites, will the Board follow the museums direction and request a 150m no-development buffer for archaeological sites?**



## **Heritage Resource Issues:**

### **Land Use Planning-**

- **What is the best “guesstimate” of when land use planning will be complete?**
- **In the absence of land-use planning how will the MVEIRB protect culturally significant areas?**
- **In the absence of land use planning how will the MVEIRB determine what areas should and should not be slated for development?**
- **Issue of developers becoming further entrenched in culturally significant areas. How much money will the developers have lost up to this point should land use planning determine the Drybones and Wool Bay areas should be protected from development?**
- **Rushed explorations may compromise irreplaceable resources and constitutionally protected rights of Aboriginal peoples.**
- **What steps has INAC & the GNWT taken to ensure that culturally significant areas of Drybones and Wool Bay are sufficiently documented, assessed as to cultural affiliation, understood and protected in the absence of land use planning?**





**Cumulative Effects:**

- **What are the future plans of the developers should the exploration programs proposed prove the area is rich in diamonds?**
- **Describe and explain what bulk sampling & confirmation drill programs entail?**
- **What questions or information requested of the developers remains outstanding?**

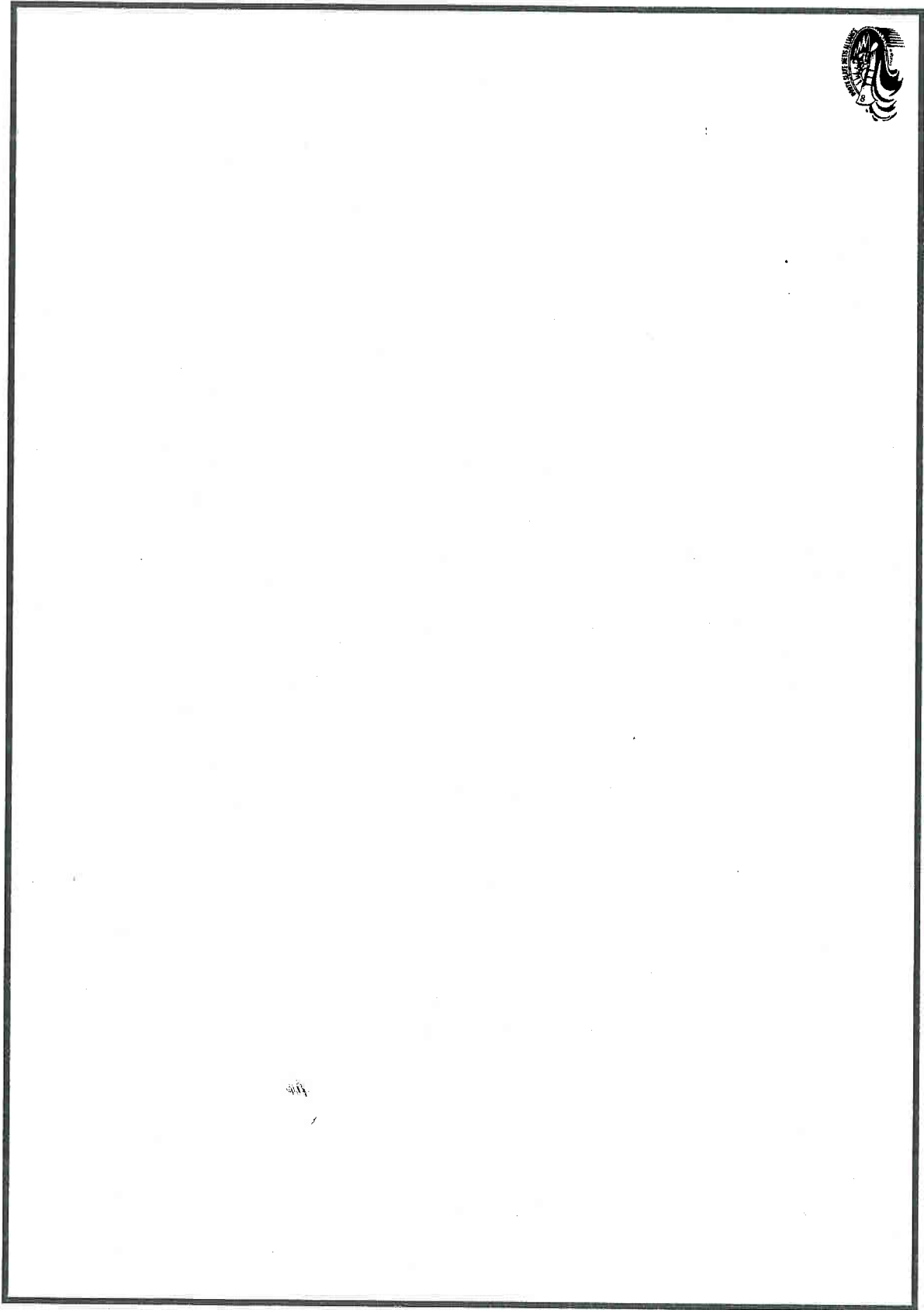


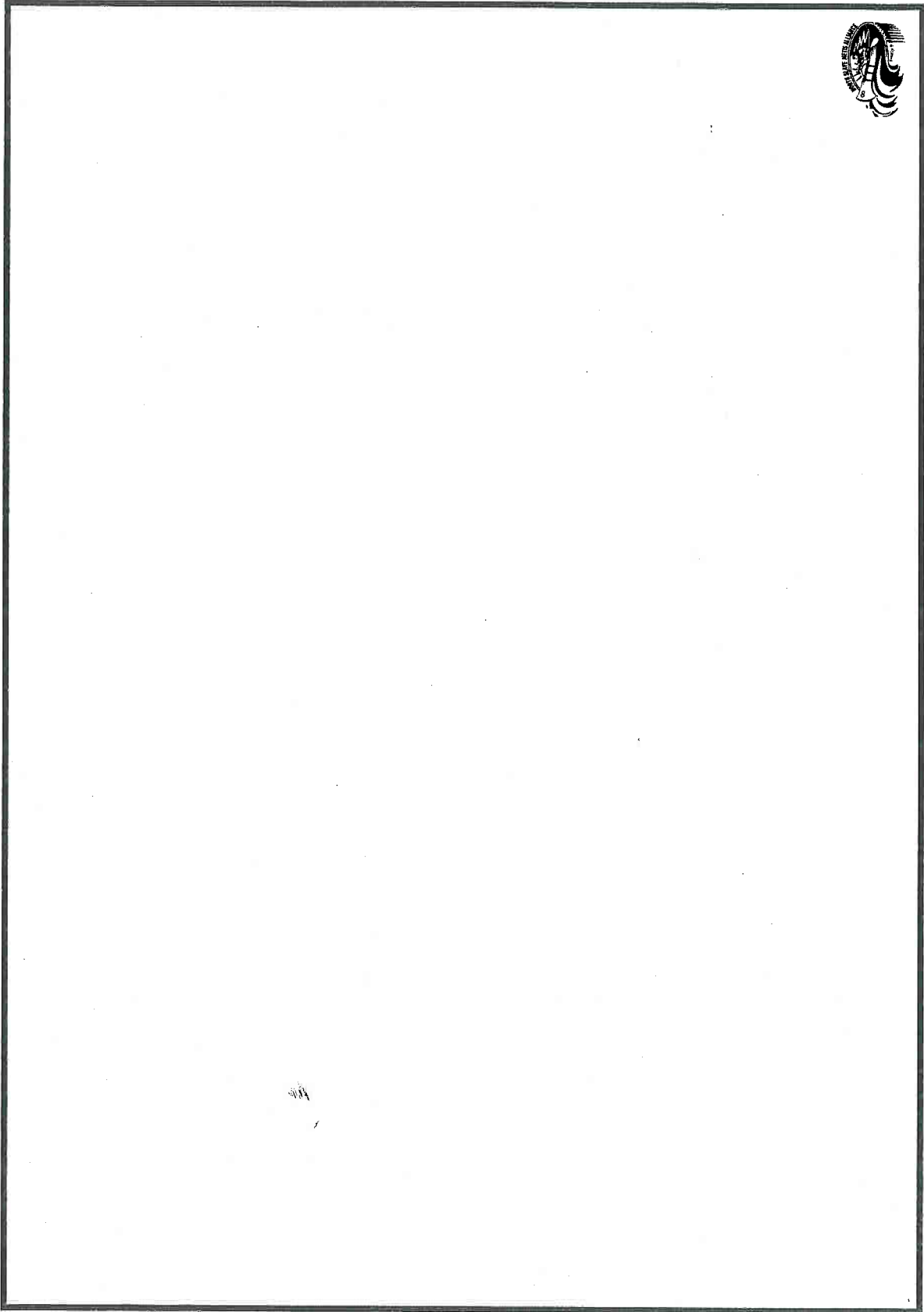
## **Cumulative Effects:**

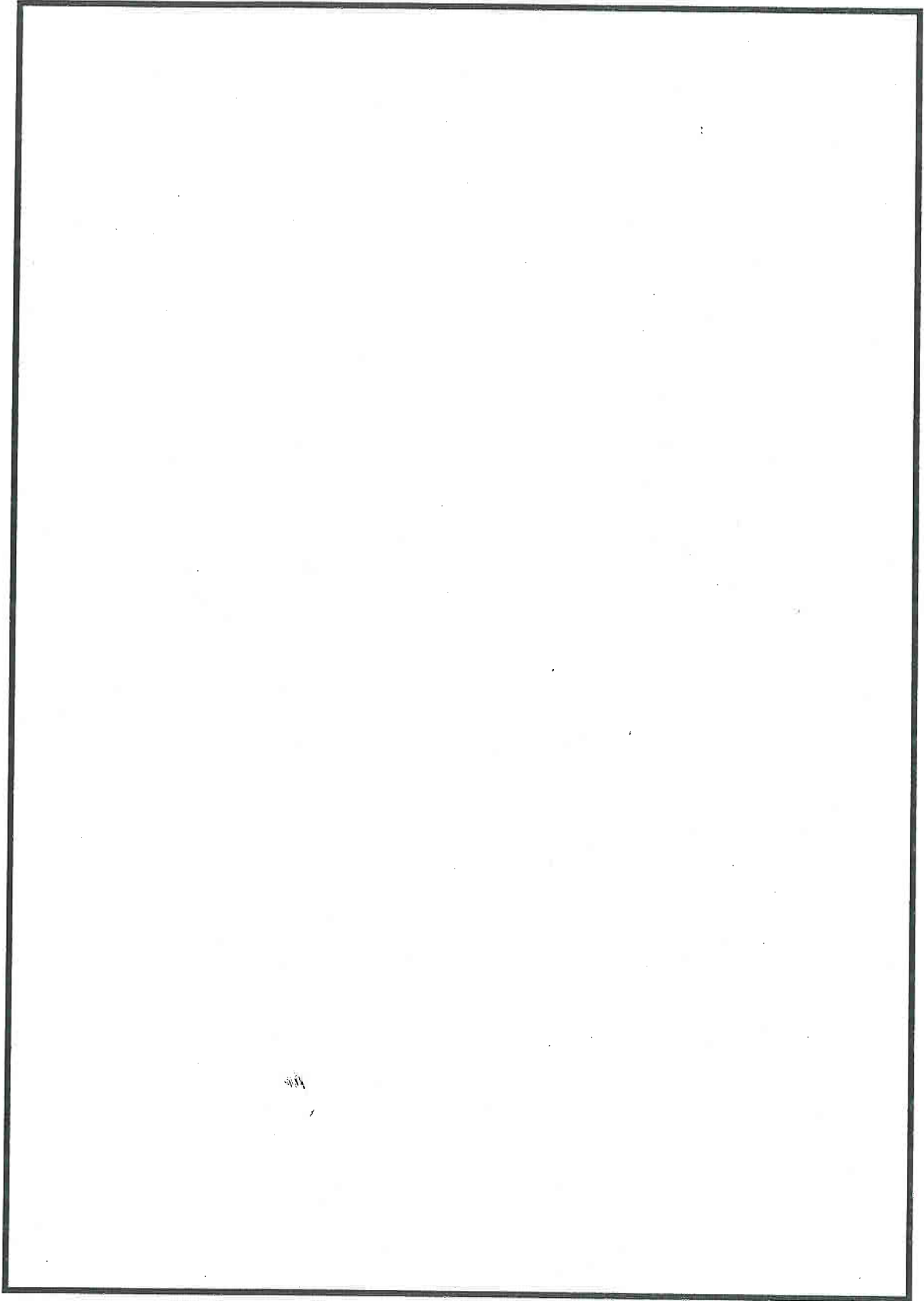
### **Increasing Development-**

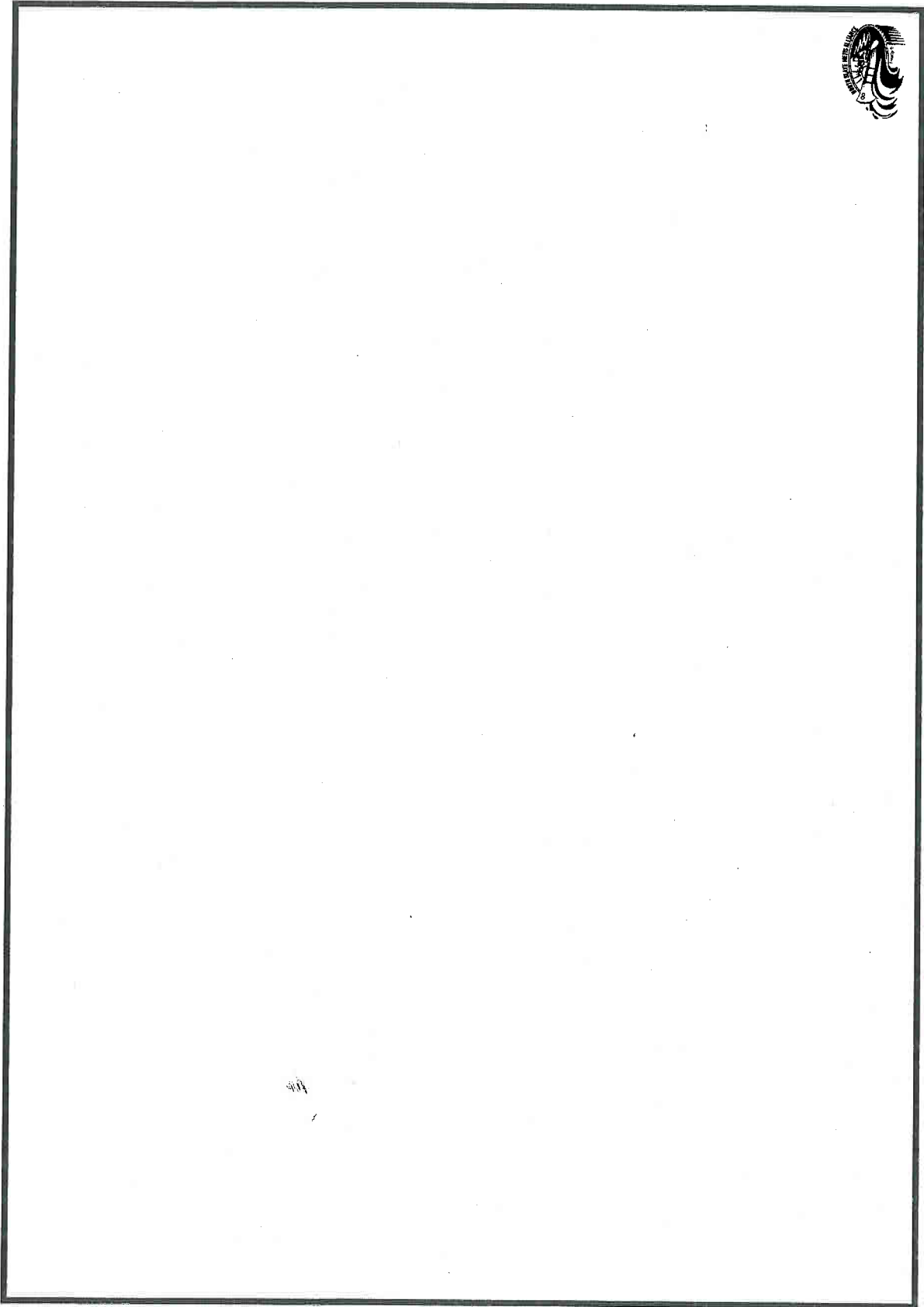
- **What is the cumulative impact of the Diamond North Resources exploration programs on the area?**
- **What are the catch rates of tour operators, commercial and recreational fisherman in the region?**
- **Is the current rate of development sustainable?**
- **How was the Regional Study Area boundary determined for the Regional Cumulative Effects Study?**
- **How can the Board make an accurate assessment of the possible Cumulative Effects of the proposed developments when the disturbance of past developments, such as Con and Giant mines, have yet to be properly assessed and quantified?**
- **Considering the rapid rate of development occurring in the north what are the cumulative impacts on the environment and Aboriginal Peoples should development continue to occur at this rate?**











## **Cumulative Effects:**

### **Socio-economic-**

- **What will the cumulative impacts of developing a diamond mine in Drybones or Wool Bay have on the North Slave Metis individual, household and community health and wellness?**
  - **NSMA Culture, values, and land-use activities?**
- **Do the NSMA community possess the skills and resources to effectively adapt to change should Drybones and Wool Bay be slated for development?**
- **Is the current rate of diamond exploration socially, culturally and economically sustainable? And, how will we know when we have crossed the threshold where development becomes “underdevelopment” for the north’s Metis and other Aboriginal peoples? Have we crossed this boundary already? Where are the studies to address whether more development is what we need?**



## **Cumulative Effects:**

### **Consultation-**

- **The Regional Cumulative Effects Study states the purpose of the impact decision-making tool was for consideration of Cumulative impacts to social, cultural and traditional land users. How can this be achieved without consulting the NSMA land users?**
- **How useful a tool is a cumulative effects study that does not take into consideration the Aboriginal concerns about cultural survival, spiritual needs and intrinsic values associated with the lands in question?**





## **Environmental Assessment Process:**

### **Consultation-**

- **The developers have not consulted with the NSMA.**
- **The concerns of the NSMA have not been substantially addressed?**
- **The developers have not provided sufficient time, information, and resources for the NSMA, in conjunction with the developers, to determine the multiple and cumulative effects of the projects?**



## **Environmental Assessment Process: Consultation-**

- **The capacity or resources to deal with these EAs and CEA have not been provided to Aboriginal communities by neither INAC nor the GNWT. Aboriginal organizations have been required to provide information, responses and comments on extensive amounts of information during these EAs. Had we not provided this information, our issues and concerns would never have been be addressed because neither the Federal nor Territorial governments have consulted with us on these proposed projects. Furthermore, the level of technical research required to digest and understand the scope of environmental and cultural impacts of these projects is well beyond the capacity of our organization and thus remains incomplete. When will we be reimbursed for our efforts? What have INAC and the GNWT contributed to this process?**



**Environmental Assessment Process:**

**Consultation-**

- How will the Board be assessing and measuring public concern?
- Public Concern has not been evaluated.
- The MVEIRB has not provided the NSMA with the criteria they will use to evaluate public concern.
- What programs and activities are planned by the Board to adequately assess the public's and Aboriginal Peoples concerns?



## **Environmental Assessment Process: Consultation-**

- **There is inadequate time and resources available for Aboriginal communities to deal with the four environmental assessments and one cumulative effects assessment. Furthermore, the MVEIRB has made no attempt at meshing their timelines with the timelines of the MVLWB. Considering both the MVEIRB and MVLWB must assess the same projects, these Boards must co-ordinate their efforts and timelines to ensure the communities burdened with these EAs, CEAs and Land & Water hearings are given adequate time to deal with both Boards. For example, the Snap Lake has just begun the extensive process of licensing and permitting via the MVLWB at the same time communities are trying to deal with new, additional diamond exploration programs going through the EA process.**

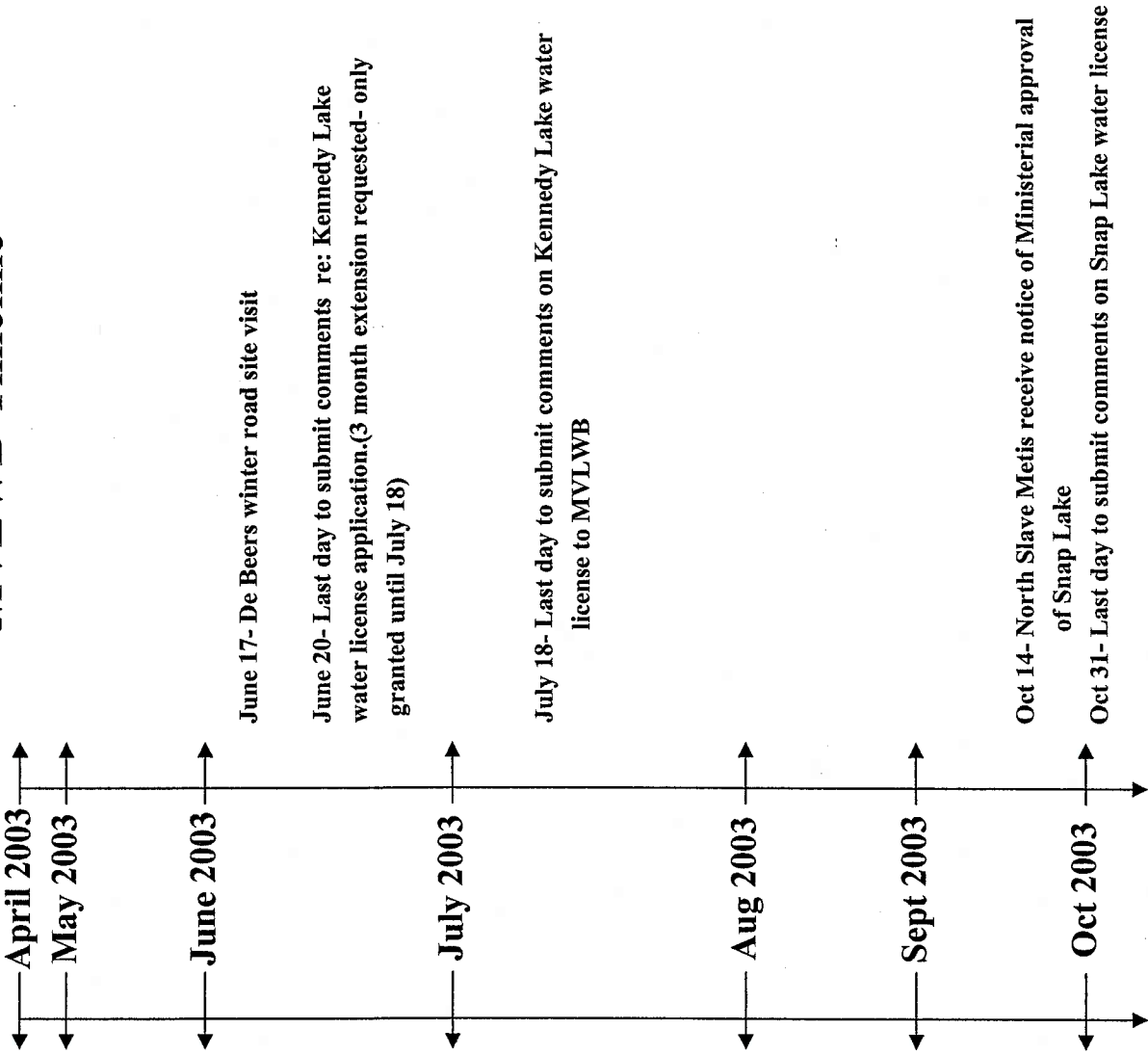


# EA & Licensing Process Timelines Example

## MVEIRB Timeline

NSMA notified of CGV referral to EA- Apr 17  
 De Beers Snap Lake Public Hearing- Apr 28 to May 2  
     Elders Caribou workshop -May 12-14  
 Closure of Snap Lake Public Registry -May 23  
 NSMA notified of NAGRC referral to EA- May 26  
 NSMA notified of NSV referral to EA-May 29  
     Draft TOR for NSV Released- June 20  
     Draft TOR for CGV Released -June 20  
     Draft TOR for NAGRC Released- June 20  
     Draft CE TOR released- June 26  
     Comments on NSV Draft TOR due -June 30  
     Comments on CGV Draft TOR Due- June 30  
     Comments on Draft TOR Due for NAGRC -June 30  
     Last day to submit comments on CE TOR- July 11  
 Final TOR for NAGRC released to all parties- July 17  
 Draft TOR for Snowfield released to all parties- July 17  
 Consolidated Goldwin Ventures Final TOR released- July 18  
 NSMA notified of Snowfield's Referral to EA- July 18  
     Comments on Snowfield Draft TOR due- July 23  
 MVEIRB release Snap Lake EA Decision Report- July 24  
 NSMA receive for comments the final TOR for RCER- July 25  
     Final TOR for Snowfield released- Aug 11  
     DAR for NAGRC released -Aug 12  
     DAR for NSV released for comments -Aug 15  
     Snowfield DAR received- Aug 20  
 Snowfield notified they are not in conformity with TOR -Aug 28  
 Comments due for DARs for NAGRC, CGV & NSV- Sept 2  
     Draft RCER released- Sept 5  
 Impact analysis portion of RCER released for comments- Sept 12  
     Comments on draft RCER due- Sept 17-  
         Release of final RCER -Sept 29  
     Comments due for final RCES- Oct 24-

## MVLWB Timeline



## **Environmental Assessment Process:**

### *Terms of Reference, Developer's Assessment Reports and the Regional Cumulative Effects Study*

- How was the spatial and temporal parameters of the Cumulative Effects Study and Developers Assessment Reports determined? What was the consultation process used?
- How was the sub-regional scale of the Cumulative Effects Study determined?
- Terms of Reference for Exploration companies and Cumulative effects study do not capture the extent of development predicted for the area. Development is defined in only the narrowest sense, and little consideration was given to Metis and Aboriginal concerns that environmental impacts will adversely effect cultural, social, and other values and rights.



**Environmental Assessment Process:**

*Terms of Reference, Developer's Assessment Reports and the  
Regional Cumulative Effects Study*

- The topics and questions explored with Traditional users of the Drybones and Wool Bay areas required in the TOR for Cumulative Effects Study have not been provided.
- Furthermore, transcripts or summaries of these discussions have not been provided. In otherwords, the NSMA have not been consulted regarding the developments proposed at Drybones and Wool Bay.



## **Environmental Assessment Process:**

### *Terms of Reference, Developer's Assessment Reports and the Regional Cumulative Effects Study*

- **Why were changes suggested by the Directly Affected Parties, Interveners and Responsible Authorities to the original Terms of Reference and Developers Assessment Reports ignored by the MVEIRB? For example, the NSMA, DIAND and GNWT requested interviews conducted be placed on public record.**
- **How does the MVEIRB determine what comments and suggestions are to be included in revised TOR and DARs? What rationale does the Board use to filter some suggestions and not others? Another example is the NSMA and GNWT both requested a workshop or consultation session in communities directly affected by the proposed developments.**
- **What rationale did the MVEIRB use to determine that the requested community consultation was not necessary?**





## **Environmental Assessment Process:**

### *Terms of Reference, Developer's Assessment Reports and the Regional Cumulative Effects Study*

- **How did the MVEIRB ensure Traditional Knowledge and the values and concerns of Aboriginal peoples was used in the development of the TOR for the Developers Assessment Reports and Regional Cumulative Effects Study?**
- **How does the MVEIRB ensure Traditional Knowledge is given equal weight to scientific knowledge? What formal processes and activities ensure that this is done?**
- **Why have developers been accorded higher priority, consideration and consultation than the directly affected Aboriginal communities? This is evidence of biased and flawed process. Why were the developers granted 10 interviews while Aboriginal Peoples were granted none? Traditional Knowledge is supposed to be given equal weight in the activities of the Board, yet the Information Request process did not specifically engage Aboriginal communities in accessing their Traditional Knowledge on a footing equal with that of scientific knowledge.**



## **Two Options:**

**To ensure the Environment and Aboriginal Peoples are protected the MVEIRB have been left with two options:**

**1. Recommend the proposed Developments to an Environmental Impact Assessment**

**Or**

**2. Complete Land Use Planning before any further development can occur.**



**“It is only when a developments effects are known and understood that it is possible to determine and implement effective mitigation measures and to make an informed decision about supporting the development”**

**(Addressing Cumulative Effects in Environmental Assessments under the MVRMA. Interim Guide  
Sept 2000)**

