



Sidon International Resources Corp.
and
Consolidated Gold Win Ventures Inc.

Environment Assessments

MVEIRB Public Hearing Presentation (Apr. 3-4, 2007)

*Akaiicho Interim Measures Implementation Office
NWT Treaty #8 Tribal Corporation*

Key Messages

- The MVEIRB must require an adequate cumulative effects assessment of Sidon's and CGV's exploration activities upon the Shoreline Zone prior to the completion of the EA.
- The MVEIRB must make the following MEASURES:
 - No permits/licenses issued in the Shoreline Zone until the federal obligation to consult regarding rights-based assertions has been adequately disposed.
 - No permits/licenses issued in the Shoreline Zone until conservation and land-use planning is completed.

Cumulative Effects

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- The traditional and current land-use of the Akaitcho Dene in the Shoreline Zone, particularly of the Yellowknives, is extensive. The cultural importance of this area has been made abundantly clear in this and other hearings.
- The Shoreline Zone has seen intense exploration activity in the past few years – Snowfield Development Corp., North American General Resources Corp., and Consolidated Gold Win have all conducted multi-year exploration operations in near proximity to one another. This activity may intensify – Sidon, Consolidated Gold Win, and New Shoshoni Ventures Inc. all have new programs planned.
- Under the MVRMA, the MVEIRB is obliged to consider cumulative effects in the review of permit applications.
- With regards to Sidon and CGV, neither the proponents nor the responsible authorities have conducted a cumulative effects assessment of these exploration activities in the Shoreline Zone.

Cumulative Effects

- In the absence of a cumulative effects assessment, the MVEIRB cannot determine whether the activities proposed by Sidon and CGV, in combination with other exploration and land-use activities, will significantly impact upon the natural and cultural landscape of the Shoreline Zone.
- **The MVEIRB must require a full and complete cumulative effects assessment of the Sidon and CGV projects in relation to other activities in the Shoreline Zone. This assessment should be completed prior to the completion of the this EA.**

Crown Consultation

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- The MVEIRB is an institution of public government responsible for implementing a section of a federal statute. Consequently, the MVEIRB is bound to respect, if not implement, the obligations of the Crown.
- The MVEIRB must consider the progress and results of rights-based Crown consultations in their determinations as to whether to recommend the issuance of permits and licenses within the Akaitcho Territory. To do otherwise necessarily prejudices against constitutionally-protected rights.
- The Crown's failure to dispose of its obligation to conduct rights-based consultations fetters the MVEIRB's ability to fulfill its mandate in the Akaitcho Territory. This understanding is clearly indicated in Section 2.5.2 of the *Report of Environmental Assessment and Reasons for Decision on the Snowfield Development Corporations Diamond Exploration Program*, and in Suggestion #1 of the same.
- With respect to both Sidon's and Consolidated Gold Win's proposed activities, the Crown has not disposed of its obligations vis-à-vis rights-based consultations. Existing exploration activities are already infringing upon Akaitcho rights within the Shoreline Zone – further exploration activities will only compound these infringements.

Crown Consultation

- The MVEIRB must communicate to the Crown that it cannot complete environmental assessments in the Shoreline Zone (or indeed the Akaitcho Territory) in the absence of a process whereby rights infringements are assessed and adequate accommodations are implemented.
- In this instance, to recommend issuance of permits to Sidon and Consolidated Gold Win prior to the Crown properly disposing of its obligations is to promote the infringement of rights.
- **The MVEIRB must make a Measure (e.g. not a “suggestion”) requesting that rights-based consultations be satisfactorily completed and infringements accommodated by the Crown prior to completing these or any other EA processes in the Shoreline Zone.**

Conservation and Land-Use Planning

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- The Akaitcho Dene First Nations and Canada are in the process of designing land and resource planning and governance regimes in their territories through the Akaitcho Process. These processes are incomplete.
- The Yellowknives Dene have clearly and officially identified the Shoreline Zone (the area from Dettah to Gros Cap and beyond to Talthelei Narrows) as an area they are striving to conserve as a natural and cultural landscape (June 11, 2004 Band Council Resolution).
- The areas in question are proposed for interim land withdrawal, identified by the Akaitcho Dene even though much of the land has been claimed or leased. The areas are so important that Akaitcho is willing to use a portion of its limited “quantum” for interim land withdrawal to gamble on the chance that some of the claims might lapse into protection.

Conservation and Land-Use Planning

- Section 4.4.3 of the *Report of Environmental Assessment and Reasons for Decision on the Snowfield Development Corporations Diamond Exploration Program*, and Suggestion #4 of the same, demonstrate MVEIRB acknowledgement of the importance of conservation and land-use planning in the Shoreline Zone *in advance* of further permit issuance.
- Continued exploration in the Shoreline Zone necessarily prejudices the outcomes of conservation and land and resource governance planning by effectively removing lands/resources from identification and consideration by the First Nations and Canada.
- **The MVEIRB must make a Measure requesting that Akaitcho planning initiatives vis-à-vis conservation and land-use in the Shoreline Zone be completed prior to further consideration of permit and license applications in the region.**

Final Comment

- In 2003, exploration activities in the Shoreline Zone underwent EAs. The fundamental issues raised during the 2003 process remain unresolved:
 - Rights continue to be infringed and rights-based consultations are not happening.
 - The Shoreline Zone is being compromised due to “death by a thousand cuts”
 - Long-term planning for the Shoreline Zone in order to insure that the hopes and aspirations of aboriginal peoples and northerners are being respected has not occurred.
- The MVEIRB purportedly serves the interests of the people and communities of the NWT. It must uphold this responsibility.
- In the interest of proceeding wisely and sustainably, it is imperative that the measures outlined herein are completed prior to any further consideration of permits and licenses in the Shoreline Zone. We do not need yet another rushed, unplanned development regime that ignores the concerns of First Nations and other northerners, is uncertain for industry, and results in little benefit for present and future generations.