

NORTH SLAVE MÉTIS ALLIANCE



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December 21, 2012

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Dear Mr. Hubert:

**Re: NSMA Closing Comments – EIR0607-001 [2006]
De Beers Canada Ltd. proposed Gahcho Kué Project**

The North Slave Métis Alliance submits our attached Closing Comments. Additionally, we have attached our Métis Traditional Knowledge (MTK) Interim Report as an addendum. Please do not hesitate to contact me with any inquiries.

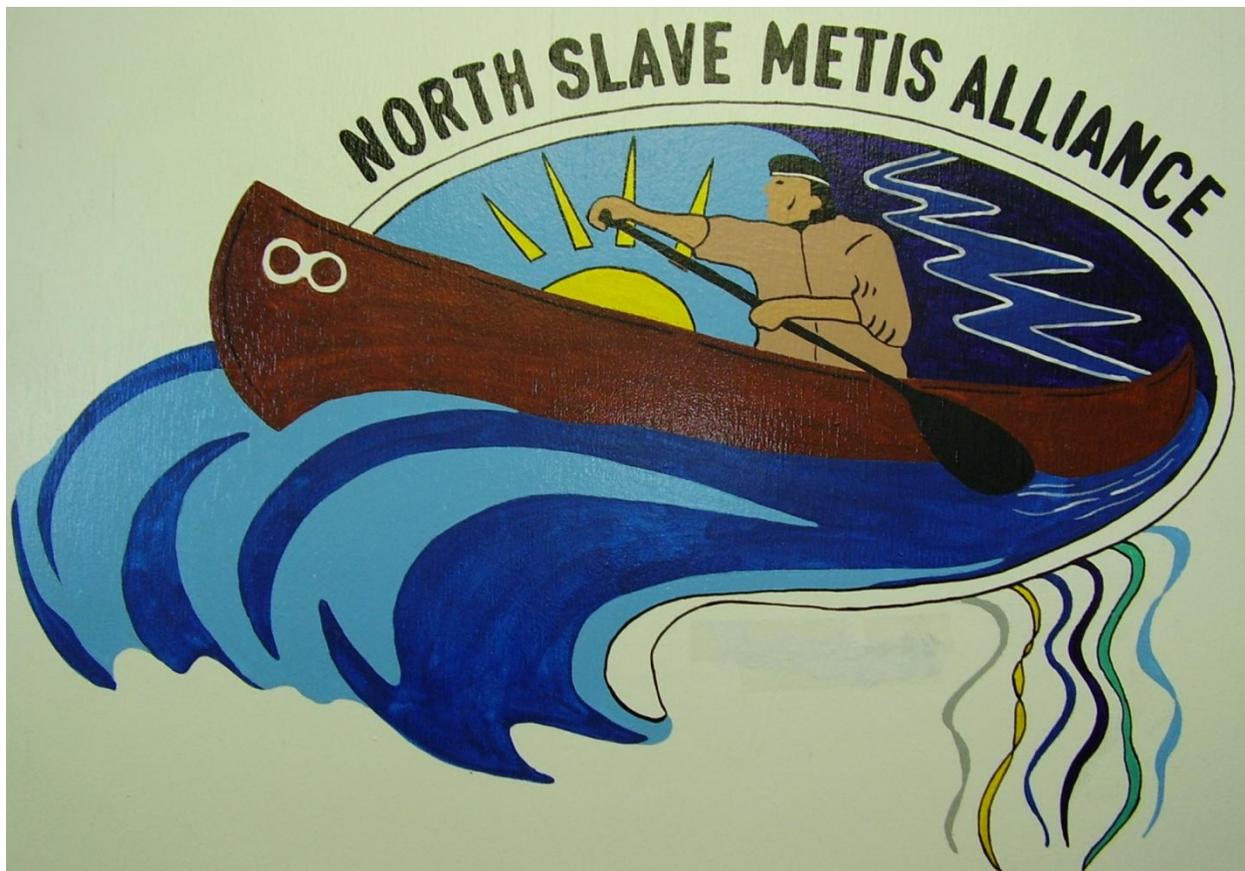
We look forward to reviewing the Panel's decision on the proposed Gahcho Kué project. We wish the Panel well in its deliberations.

Yours sincerely,

Eric Binion
Regulatory Analyst
Email: < reganalyst@nsma.net >

North Slave Métis Alliance Closing Comments

De Beers Canada Ltd. Gahcho Kué Project



**Submitted to the Mackenzie Valley Environmental Impact Review Board
EIR0607-001 [2006]**

December 21, 2012

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Introduction

The North Slave Métis Alliance (NSMA) provides this document to the Mackenzie Valley Environmental Impact Review Board (Review Board) as the closing comments for its participation in the De Beers Canada Ltd. (the Developer) Gahcho Kué (the Project) Environmental Impact Review.

The North Slave Métis Alliance represents the Aboriginal Rights-bearing Métis of the Great Slave Lake area who use and exercise their Aboriginal rights primarily in the area north and east of Great Slave Lake. As delineated in the NSMA constitution, it is the NSMA’s obligation to assert, defend, and implement the Aboriginal Rights of all its members. The North Slave Métis members possess Aboriginal Rights and title to our traditional lands and the resources on these traditional lands, including the right to govern ourselves and to use and manage these lands and the renewable and non-renewable natural resources of these lands. These rights are recognised and protected under Section 35 of *Canada’s Constitution Act* (1982).

The NSMA is concerned about the proposed Project as it is centred in the traditional territory of the North Slave Métis. The area has great historical, cultural, ecological, and economic value to the North Slave Métis. The North Slave Métis traditional territory follows hunting, trapping, and trading trails north to Great Bear Lake and east into what is now Nunavut. Historic Métis settlements, such as Old Fort Island, Old Fort Rae, Lac la Martre, Yellowknife River, Old Fort Providence, Fort Resolution, Beaulieu Fort (now known as Lutselk’e), and Fort Reliance, existed before colonial powers established effective control over the area.

The NSMA has provided recommended measures based on the numerous lessons learned from existing mining projects in the Northwest Territories. This experiential knowledge informs the following recommended measures. We hope that our input will be a valuable contribution to the process of the Environmental Impact Review.

North Slave Métis Alliance's Recommended Measures

A. Traditional Water

The Developer has proposed a passive water management system, developed around static water storage, as opposed to an active water treatment plan. The Developer stated that this method “is more efficient, offers flexibility to address upset conditions, and utilizes available volumes created from mining”.¹ The Developer has refused to incorporate an active water treatment plan for they have deemed the infrastructure to be “costly, energy intensive and inefficient”.² The Developer reiterated that although a water treatment plant is a viable contingency³, their passive method and principles “have been proven successful at Ekati and [Jericho] mines, which have no water treatment plant”.⁴

However, the NSMA would strongly disagree. For example, BHP's Ekati mine Aquatic Effects Monitoring results for 2011-12 demonstrated emerging issues with rising parameters in their passive water treatment system.⁵ Copper, chromium, chloride, and molybdenum levels are still at or above the CCME guidelines. Arsenic levels are rising and iron is nearing CCME recommended guidelines. These elevated parameters are flowing into the Coppermine watershed. Furthermore, during operation, Tahera's Jericho mine Aquatic Effects Monitoring results from 2008 demonstrated similar increases in ammonia, nitrate, arsenic, molybdenum, and uranium levels, some of which were above CCME guidelines.⁶ The NSMA is not impressed if Ekati and Jericho are examples of successful passive water management systems.

The NSMA is troubled by the possible cumulative effects of having multiple developments draining into the Lockhart River watershed. There is public concern with the North Slave Métis members surrounding the possible degradation of their traditional watershed. The NSMA has voiced its concerns regarding the lack of an operable water treatment contingency plan during the December 2012 technical hearings. In addition, the NSMA Traditional Knowledge Interim Report (2012) raised concerns regarding the traditional water surrounding the Project. Within the report, a North Slave Métis elder stated he was aware that the water would be isolated during mine life, yet, he was still concerned that there would be potential leaching into the surrounding Lockhart watershed.⁷

NSMA MEASURE 1: The NSMA requests that the Review Board recommends that the Developer be required to construct an operable water treatment plant in the event that rising parameters are unable to be mitigated through discharge timing, water segregation, or increased storage capacity.

¹ De Beers Canada Ltd. (2012). Mackenzie Valley Environmental Impact and Review Board. Gahcho Kué Project. Yellowknife, NT. December 5, 2012. Day 3 of 6. Ms. Veronica Chisholm, page 50, line 15.

² Ibid., Ms. Veronica Chisholm, page 50, line 25.

³ Ibid., Mr. Wayne Corso, page 72, line 9.

⁴ Ibid., Mr. John Faithful, page 172, line 8-10.

⁵ Independent Environmental Monitoring Agency.(2012). Technical Annual Report 2011-12. Page 16.

⁶ INAC's Compliance Monitoring Report 2007 and Comments on Tahera Diamond Corporation's "Monitoring Program – 2007 Report" on the Jericho Diamond Mine Project. Page 5.

⁷ North Slave Métis Alliance. (2012). Interim Report: North Slave Métis Alliance Site-Visit Summary for the Gahcho Kué Project for De Beers Canada Inc.

B. Traditional Fish

The NSMA is concerned about the direct, unintended, short term, long term, and cumulative impacts to water, fish, fish habitat, and Métis traditional uses of water. The Developer should be required to negotiate water quality criteria, including closure criteria with the NSMA. Social, cultural, and, economic considerations will be addressed to include reasonable compensation for substantial alterations in fish and water quality.

The NSMA voiced its concern regarding suitable fish habitat compensation during the December 2012 technical and community hearings. These concerns are on the public record and in the NSMA TK Interim Report (2012). Within the Interim Report, North Slave Métis members have stated their concerns regarding probable in-migration and increased local harvesting. This concern has led to recommendations that fish habitat compensation should take place locally.⁸ Thus, the NSMA wishes to enhance the productive capacity of existing habitats along the Ingraham Trail. The NSMA understands that there will be further discussion with De Beers in order to discuss the appropriate means of fish habitat compensation.

NSMA MEASURE 2: The NSMA requests that the Review Board recommends that the Developer include the North Slave Métis members' traditional knowledge of the Gahcho Kué environment in the Aquatic Effects Monitoring Plan (AEMP) and Wildlife Effects Monitoring Plan (WEMP) objectives.

NSMA MEASURE 3: The NSMA requests that the Review Board recommends that the Developer collaborate with the NSMA, and other Aboriginal parties, in order to work towards enhancing the productive capacity of existing local (Yellowknife region) fish habitats.

NSMA MEASURE 4: The NSMA requests that the Board recommends that the Developer provide training and education to engage NSMA youth with the applied practice of technical fish habitat monitoring, aquaculture, local fisheries management, local habitat rehabilitation, the Gahcho Kué Aquatic Monitoring Plan, and the Kennady Lake fish-out.

⁸ North Slave Métis Alliance. (2012). Interim Report: North Slave Métis Alliance Site-Visit Summary for the Gahcho Kué Project for De Beers Canada Inc.

C. North Slave Métis Employment Data

There is no estimate of actual North Slave Métis workforce engagement with the proposed Project. The concern of the NSMA has been mentioned in the NSMA TK Interim Report (2012). Within the report, North Slave Métis members stated that prior developments have had no accurate means of tracking the number of North Slave Métis members who have been employed, trained, or advanced.⁹ The NSMA would like to see transparent reports on employment numbers attained by the proposed Project as there is substantial uncertainty about the net benefits of any resource extraction developments. The NSMA needs this data to monitor the impacts of this Project and future developments.

NSMA MEASURE 5: The NSMA requests that the Review Board recommends that the Developer partner with the NSMA in order to develop an effective human resources monitoring system. This system will include base monitoring and reporting of North Slave Métis members who have been trained, what their training entailed, their gender and age range, and any relevant metrics on North Slave Métis members' recruitment, retention, training, and advancement.

NSMA MEASURE 6: The NSMA requests that the Review Board recommends that the Government of Canada take immediate action to complete an environmental audit, as required by Part 6 of the MVRMA, to include the establishment of a baseline of North Slave Métis socioeconomic conditions and trends that may be used to assess the Project's impacts.

⁹ North Slave Métis Alliance. (2012). Interim Report: North Slave Métis Alliance Site-Visit Summary for the Gahcho Kué Project for De Beers Canada Inc.

D. Ni Hadi Yati

As stated in the technical hearings, the NSMA has been notified only recently of the proposed Ni Hadi Yati holistic environmental monitoring regulatory organization.¹⁰ The NSMA is currently in discussion with De Beers about the future role, commitment, and relationship that the NSMA will have within Ni Hadi Yati. At present, the NSMA has not been fully informed and cannot make a decision on behalf of its North Slave Métis members. The NSMA is concerned about its capacity to become fully involved in Ni Hadi Yati.¹¹ De Beers mentioned in the technical hearings that capacity and resource allocation will be decided upon collectively.¹² The NSMA is concerned that they do not have the same resources to operate on par with other Aboriginal groups in Ni Hadi Yati, and thus, collective decisions may not be equitable with regard to finances or resources.

NSMA MEASURE 7: The NSMA requests that the Review Board recommends that the Developer allocate sufficient funding for the NSMA to participate in Ni Hadi Yati in a fair, equitable, and meaningful manner.

NSMA MEASURE 8: The NSMA requests that the Review Board recommends that the Developer hire a full time executive director/traditional knowledge expert for the Ni Hadi Yati in order to inform Aboriginal parties of any mine non-compliances and facilitate traditional knowledge mobilization among the Aboriginal parties and De Beers.

NSMA MEASURE 9: The NSMA requests that the Review Board recommends that the Government of Canada and the GNWT shall ensure that the Developer enters into an Environmental Agreement that is consistent with those negotiated for similar mines within the Slave Geological Province.

¹⁰ North Slave Métis Alliance (2012). Mackenzie Valley Environmental Impact and Review Board. Gahcho Kué Project. Yellowknife, NT. December 5, 2012. Day 3 of 6. Ms. Bill Enge, page 136, line 15.

¹¹ North Slave Métis Alliance (2012). Mackenzie Valley Environmental Impact and Review Board. Gahcho Kué Project. Yellowknife, NT. December 5, 2012. Day 3 of 6. Ms. Bill Enge, page 141, line 12.

¹² De Beers Canada Ltd. (2012). Mackenzie Valley Environmental Impact and Review Board. Gahcho Kué Project. Yellowknife, NT. December 5, 2012. Day 3 of 6. Ms. Veronica Chisholm, page 164, line 9

E. Traditional Caribou

The cumulative effects of opening and operating another mine in this region are a serious concern with the North Slave Métis members. There will be an estimated ten mines operating in this region in the next coming years. These mines will be utilizing existing or new winter roads. These roads will create more human access and greater barriers to caribou movement. The NSMA feels that no one is adequately addressing or investigating the declining numbers of caribou, the lack of conservation, or the cumulative effects upon the herds. The North Slave Métis members are justifiably concerned about the future of the Bathurst caribou herd.

NSMA MEASURE 10: The NSMA requests that the Review Board recommends the creation of a caribou cumulative effects monitoring programme for the Bathurst caribou herd. This programme would foster cooperation and incorporation of Métis and other Aboriginal Traditional Knowledge with the technical monitoring data from the Developer, other regional developments, the Government of Canada, and the GNWT.

Conclusion

The North Slave Métis Alliance is obligated to assert, defend, and implement the Aboriginal Rights of all its members. This includes defending the traditional land area on which the proposed Project is located. Through community and technical hearings the Review Board has had the opportunity to hear comments provided by members of the NSMA. These members included respected Métis elders, Métis youth, and Métis women of the community. The Métis members expressed concerns regarding sustainable development, perceived economic benefits, and long-term environmental degradation. Measures to address these concerns have been discussed in these Closing Comments and are summarized below.

The North Slave Métis Alliance continues to support sustainable development as long as their Métis Aboriginal Rights are protected and respected. The NSMA looks forward to the Panel's decisions, the Report of the Environmental Impact Review, and the future recommendations and suggestions.

Summary of NSMA Recommended Measures

- NSMA MEASURE 1:** The NSMA requests that the Review Board recommends that the Developer be required to construct an operable water treatment plant in the event that rising parameters are unable to be mitigated through discharge timing, water segregation, or increased storage capacity.
- NSMA MEASURE 2:** The NSMA requests that the Review Board recommends that the Developer include the North Slave Métis members' traditional knowledge of the Gahcho Kué environment in the Aquatic Effects Monitoring Plan (AEMP) and Wildlife Effects Monitoring Plan (WEMP) objectives.
- NSMA MEASURE 3:** The NSMA requests that the Review Board recommends that the Developer partner with the NSMA, and other Aboriginal parties, in order to work towards enhancing the productive capacity of existing local (Yellowknife region) fish habitats.
- NSMA MEASURE 4:** The NSMA requests that the Board recommends that the Developer provide training and education to engage NSMA youth with the applied practice of technical fish habitat monitoring, aquaculture, local fisheries management, local habitat rehabilitation, the Gahcho Kué Aquatic Monitoring Plan, and the Kennady Lake fish-out.
- NSMA MEASURE 5:** The NSMA requests that the Review Board recommends that the Developer partner with the NSMA in order to develop an effective human resources monitoring system. This system will include base monitoring and reporting of North Slave Métis members who have been trained, what their training entailed, their gender and age range, and any relevant metrics on North Slave Métis members' recruitment, retention, training, and advancement.
- NSMA MEASURE 6:** The NSMA requests that the Review Board recommends that the Government of Canada take immediate action to complete an environmental audit, as required by Part 6 of the MVRMA, to include the establishment of a baseline of North Slave Métis socioeconomic conditions and trends that may be used to assess the Project's impacts.
- NSMA MEASURE 7:** The NSMA requests that the Review Board recommends that the Developer allocate sufficient funding for the NSMA to participate in Ni Hadi Yati in a fair, equitable, and meaningful manner.

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