

# NORTH SLAVE MÉTIS ALLIANCE

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May 21, 2013

Mr. Bernard LaRochelle  
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Canadian Northern Economic Development Agency  
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## VIA E-mail

Dear Mr. LaRochelle:

### **Re: NICO Project (EA0809-004) – Receipt of your response letter and invitation to provide comments on a proposed modification to Measure #8**

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Thank you for your letter dated May 3, 2013, which included the Canadian Northern Economic Development Agency's (CanNor) response with respect to the North Slave Métis Alliance's (NSMA) comments on the Mackenzie Valley Environmental Impact Review Board (MVEIRB) Report of Environmental Assessment and Reasons for Decision (the Report) for the Fortune Minerals Limited (the Developer) NICO Project (the Project).

The NSMA's participation and presentation in the environmental assessment process were acknowledged by the MVEIRB in its EA Report.<sup>1</sup> The MVEIRB recognized that the Project is within the traditional land and resource use area of the North Slave Métis people and that the NSMA asserts Aboriginal rights and title to the Project area.<sup>2</sup> In addition, the MVEIRB referred to the *Traditional Land Use, Occupancy, and Knowledge Study* submitted by the NSMA on September 15, 2012, which provided evidence of the North Slave Métis community members' knowledge, land use, and occupancy of the lands and waters surrounding the NICO Project area and region.<sup>3</sup>

With respect to the amendments in Measure #8 within the Report, the NSMA is concerned with a few salient aspects: 1. the long-term impact on the North Slave Métis people's Bathurst herd caribou harvest restriction; 2. the future role of the NSMA within the implementation of the response frameworks; and 3. a clarification with the expense changes.

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<sup>1</sup> EA Report (2013). pp. vii, 6, 18, 19, 22, 29, 80, 82, 85, 86, 88, 96, 100, 103, 105, 106, 107, 109, 117, 118, 123, 154, 155, 156, 158, 159, 160, 161, 162.

<sup>2</sup> EA Report. p.96.

<sup>3</sup> EA Report. p.106

First, will the amended Measure #8 have any impact on the current NSMA caribou harvest restriction? This concern is of the utmost importance to the NSMA and has not been sufficiently addressed or accommodated. The NSMA requests further engagement with the Government of the Northwest Territories (GNWT) in order to ensure that the North Slave Métis people's §35 Aboriginal rights and title are respected, recognized, and accommodated within this process.

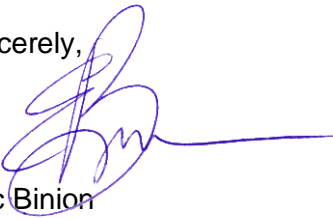
Second, can the GNWT commit to involving the NSMA as a member in any future caribou working group with respect to the response frameworks? Previous, the NSMA has had its Aboriginal rights and title infringed when it was barred from being involved in the caribou working groups. There has been limited consultation and no collaboration with the NSMA on the creation of the proposed amendment for Measure #8. Collaboration is an essential element to this process.

Last, the amendment suggested that expenses be "shared multi-party among those contributors" and that sharing of costs occur among contributors and not only the two parties identified (i.e., Tłı̨ch̨ government & the GNWT). The NSMA asserts that any involvement in such an initiative should not be financed by the NSMA.

The NSMA must be included and engaged in adaptive management process that address the monitoring and mitigation of all environmental, socio-economic, and cultural impacts, during all phases of the Project, including construction, operation, and closure.

The NSMA requests further engagement with the Crown, prior to the Crown approving the NICO Project, and prior to the amendments to Measure #8. The NSMA must be assured that its members' §35 Aboriginal rights and title are sufficiently accommodated by the Developer and the Crown.

Sincerely,



Eric Binion  
Regulatory Analyst

c.c: Mr. Chuck Hubert, Senior Environmental Assessment Officer, Mackenzie Valley Environmental Impact Review Board