



Tłıchǫ Government

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September 14, 2012

RE: NICO Project - EA0809-004 [2009]

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Attention: Chuck Hubert:

Re: Public Hearings – August 30 - Response to Undertaking #1

The Tłıchǫ Government undertook to respond to a question asked by the MVEIRB's legal counsel, Mr. John Donihee. The Tłıchǫ Government recommended the following as a measure:

3) Recommendation for Measures: Proponent will develop WEMP PRIOR to permitting process in a collaborative manner involving the Parties and to be approved and supported by all parties. NOT just in one day workshop, but in a meaningful manner that incorporates Traditional knowledge and science EQUALLY;

The Tłıchǫ Government was asked why measure #3 needs to be in place before the water licensing and land use permits are in place. Why burden those licensing processes with a WEMP condition precedent when in the end without an access road, there is no project moving forward?

Our response is as follows:

In the Tłıchǫ Government presentation, the precipitous decline of the caribou was set out. It constitutes a crisis of proportions which resulted in emergency actions of a hunting ban and further significant restrictions on the harvest of the Bathurst herd for the Tłıchǫ and all others. There is no certainty that these low numbers are about to stabilize or dramatically improve. It is in this context that the request for a WEMP pre-condition was made. The herd is in crisis, and we need measures included to protect them while they are in this fragile state. Particularly while there is a decline in caribou

numbers, the WEMP takes on an even more critical importance in mine projects.

Up to this point, the enforcement of WEMP's has been left to Environmental Agreements – agreements that are encouraged by the responsible authorities once the EA report with measures is issued by the Board. We share the concern that though the company has made commitments, in tough economic times, there is a temptation to reconsider environmental programs, and this issue is far too critical to not be guaranteed and enforceable, for the sake of the caribou – a sensitive species that is currently at critically low numbers.

This is why we recommend that this EA consider measures to have a WEMP required to minimize the chances that a mine or other development ends up somehow being the “tipping point” in the herd decline or slowing down the hope for recovery. We think that the WEMP needs to be elevated as an enforceable tool for management in these hard times for aboriginal hunters, particularly given that this proposed project may add additional pressure to both the Bathurst and Bluenose East herds with increased hunter access.

The access road issue is between the Tłıchǫ Government as landowner and the proponent as the applicant. It is a bilateral process. The access road has been “scoped in” to this EA process. As such, consideration of multi-party WEMP's as measures relating to the access road is vital to be considered part of this EA process. In the event there are talks relating to the access road, it may be preferable to have a WEMP in place as part of the public permitting process. Responding to caribou decline is a multi-party commitment and we hope to elevate the status of WEMPs as pre-conditions to licenses, so that WEMP's are part of the multi-party licensing discussions.

Thank you for the opportunity to answer the questions asked.

In Tłıchǫ Unity,

Kerrı Garner
Director, Tłıchǫ Lands Protection Department

