



Yellowknives Dene First Nation

P.O. Box 2514, Yellowknife, NT X1A 2P8

January 6th, 2010

Paul Mercredi
Mackenzie Valley Environmental Impact Review Board
Box 938
Yellowknife, Northwest Territories
X1A 2N7
Fax: (867) 766-7074

Dear Mr. Mercredi:

Re: Avalon Terms of Reference (1011-001)

The Yellowknives Dene First Nation (YKDFN) would like to offer the following comments in response to the draft Terms of Reference that were issued.

Section 2.2.2 – Geographic Scope

- We feel the geographic scope for this Environmental Assessment Terms of Reference is constrained by only covering an area of direct impact at the Nechalacho project itself. It provides no opportunity to test to see if the project acts as an influence to the surrounding area, either as an attractant or deterrent for the Valued Ecosystem Components. The preamble of this section mentions the ranges of wildlife that use the area, but it doesn't note this as one of the 11 listed drivers for minimum scope. Furthermore, other areas in the document identify the range of the Cumulative Effects analysis and that it may be larger than the scope for this section, but there is nothing that discretely notes that in this section.

Section 2.2.4 Other scope of assessment considerations

- The alternatives here should include those project components that have been already defined. For instance, YKDFN feel that the alternative assessment for the Tailings Impoundment Area was not adequately conducted. It was felt that the alternatives presented in Producer's Development Report were insufficient as they did not account for the degree of storage that would have been needed. Suggesting an 'alternative' that is automatically excluded does not provide a meaningful options analysis. With regards to this example, YKDFN are expecting a multiple accounts analysis that openly and transparently shows why the current site is the preferred option.

Section 3.1.1

- A key line of inquiry should consider the impacts this site will have on the Caribou range and the influence of the site on the Bathurst Herd's recovery, especially in a cumulative effects approach.

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The YKDFN have had to make significant sacrifices to their traditional way-of-life to aid this recovery plan, they have no wish to see those hardships offset by more development. Any new developments must occur in such a manner that the herd recovery is the priority, the economic resource secondary.

Section 3.1.2

- What is meant by 'assist' needs to be defined. YKDFN often relies on outside funding to collect traditional knowledge data, who will provide this funding? Who will be conducting the research? The wording of this section suggests that the responsibility for collecting TK rests with the First Nation while it should be responsibility of Avalon to gather this vital information with the assistance of First Nations. The statement "Avalon will make all reasonable efforts to incorporate traditional knowledge from culture holders ..." should say "Avalon will incorporate traditional knowledge from culture holders..." along with some statement that makes it apparent that First Nations are the owners of this traditional knowledge and will determine its applicability to the Environmental Assessment.

Section 3.3.1

- Can the Review Board confirm that they intend to follow the stages listed in Section Three of their *Environmental Impact Assessment Guidelines*?

Section 3.3.3 Cumulative Effects

- There should definitely be a cumulative effects section for the Nechalacho site as well.

Section 3.3.10 Biophysical Environmental Monitoring and Management Plans.

- YKDFN want the company to incorporate TK based monitoring and a Wildlife Effects Monitoring Program into their monitoring scheme. The AEMP/WEMP is only a portion of the monitoring regime that will be required.
- Additionally, YKDFN want to ask for clarity on how the community will be involved in the ongoing monitoring decisions, evaluation of data and design of mitigation measures within Adaptive Management structures. Early identification of triggers or threshold criteria will hasten the development of these AM plans.

Section 3.4 – Human Environment

- YKDFN are interested in how the company understands enforcement of any mitigations for impacts identified under this section. If adequate tools are not available, what mechanisms does the company suggest should be created or are they amenable to.

Section 3.5 – Accidents and Malfunctions

- The company should identify the impacts associated with a breach of the tailings impoundment area. At the scoping, the proponent said the chances of this were remote. Even so, to be able to evaluate the risk posed by this development, we need to be able to understand the impacts of a

failure. Significance is a combination of the probability of something occurring and the magnitude of the effects if it does occur.

Section 3.7 – Closure and Reclamation

- YKDFN just wish to remind the company and the Board how important this stage is. Any development in the Chief Drygeese Territory must be viewed from viewed with a cradle-to-grave. The thorough development of the closure vision, plan and identification of other planning milestones will be a primary focus of the YKDFN review.

Appendix B – Mine Workings: Closure and Reclamation

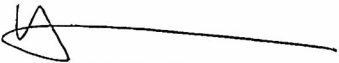
- What is the anticipated long term management structure for the monitoring and oversight of reclaimed site
- Anticipated Pillar/Ground stability after the mine is closed
- Will buildings and surplus be removed from site?

Appendix C – Water Quality

- There should be a focus on not just the *Metal Mining Effluent Regulations* but regulations protective of the receiving environment. Generally, the MMER's are not going to reflect the background levels of water in the North and if they are set forth as the goal, the wastewater entering the environment may have contaminant levels several hundred or thousands of times the receiving environment. Furthermore, as Great Slave Lake is (or is being considered) as the drinking water source for several communities, CCME drinking water guidelines should be considered. Inputs into that waterbody should be reflective of its overall quality, not rely on dilution to moderate the influx of waste discharge and provide high quality drinking water.

If you have any questions or concerns, please contact YKDFN Lands and Environment at 766-3496.

Sincerely,



Randy Freeman
Director, Lands

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