



Yellowknives Dene First Nation
Lands Management / Land & Environment Office

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Paul Mercredi	YKDFN L&E Office
COMPANY:	DATE:
MVEIRB	Sept 29/10
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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RE:	
Avalon Scoping	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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Yellowknives Dene First Nation

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

September 28th, 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 Scoping (1011-001)

The Yellowknives Dene First Nation (YKDFN) would like to offer the following comments in addition to the staff input and participation during the two day workshop held August 9th and 10th, 2010.

After reviewing the Project Development Report, and hearing of the significant changes that have occurred already (e.g. new poorly described tailings site, 18 year, possibly 25 year, mine life instead of 14), YKDFN are not convinced that this report should have been accepted as complete. Given the lack of information in terms of closure, the now incorrect information about the tailings management at the Pine Point site, and the limited information in terms of site selection for the Thor Lake Tailings Impoundment Area, reviewers were/are hard pressed to properly evaluate the project with the information made available to use.

However, the Board chose to accept the report and the YKDFN wish to offer the following comments in terms of defining the scope and issues.

Geographic Scope:

The YKDFN believe that the geographic scope of this project should be extended for the entire range of the Bathurst and Ahiak Caribou. As the Board knows, the caribou herds of the NWT are at considerable risk, with the GNWT taking the extraordinary action of eliminating all caribou harvest throughout most of the YKDFN's traditional territory. This was done unilaterally and without consultation, which would indicate the GNWT's perception that drastic action was required. This project lies within the winter range of these herds and though they have not been observed in the last few years, Traditional Knowledge suggests that the winter range of the herd extends onto the Simpson Islands. The lack of recent observations is perhaps readily explained by the population decline – with fewer animals the demand for space is reduced and the herd does not need to travel as far. However, there is every expectation and hope that the herd will recover to its former status and will once again occupy this area.

The geographic scope must include these ranges for three reasons: (1) there is no species more important to the First Nations, (2) there is no species currently at risk, and (3) the cumulative effects to these herds are spread throughout the herd range.

Temporal Scope:

We believe that the scope of this project should extend well into the future, despite the proposed mine life of 14 or 18 years. There appears to be a significant chance that this mine will be operation for many years – and contrary to the company's assertion at the scoping session, this is neither good nor bad. Given this probability, we simply need to be ready to evaluate different scenarios well into the future to understand and respond to developments which, when combined with other projects, will together have significant impacts on the environment. Limiting the temporal scale to the mine's life will not give Parties adequate flexibility to project into the future.

Scoping Issues:

1. Cumulative Effects – During the scoping session, the company asserted their position that only companies with proven reserves need consider cumulative effects. YKDFN contend that this position is counter intuitive to the meaningful evaluation of cumulative effects. This approach would essentially mean that only projects which exist today would be included. For the YKDFN, the crux of cumulative effects is evaluating not just what exists now, but the likelihood of developments in the future – both known and unknown.

The inclusion of several unknown, undefined projects into the future has been used on other EAs, especially those which can be considered basin opening. As this would be the first mine in this area, as well as the first of its kind in the north (Rare Earth Elements), the probability of further development is likely. Already, there is further REE exploration proposed in the vicinity (see: TNR/EA1011-002).

2. Closure – Given the current mine life (described as 14 years in the executive summary) and the experience that the Parties have had in the diamond mines closure planning, the YKDFN believe that the closure section within the PDR is wholly insufficient. YKDFN believe that any development proposal must include planning for closure from day one – only a cradle to grave management approach can fully scope out the options and ensure that operational events do not preclude the selection of the best measures for successful closure.
3. Tailings Impoundment Area, Thor Lake – We are concerned with the selection of the current tailings impoundment area. There is very little data presented as to why this area is selected as the preferred site. YKDFN would like to see a Multiple Accounts Analysis that properly evaluates why the destruction of two fresh water bodies represents the best option.

The preservation of fresh water is critical to the YKDFN and has been the focus of numerous workshops in the NWT (e.g. Keepers of the Water, Waterwise, etc) and the

destruction of these resources should be a last resort.

4. Effluent Quality Criteria – The proponent has suggested that their effluent should be regulated within the Metal Mining Effluent Regulations (MMER). In the YKDFN's opinion, this is wholly insufficient for protecting the background water quality of the receiving environment. The MMER's are more appropriate for those areas where water degradation has already occurred rather than pristine environments such as in the Thor Lake watershed.
5. Water Management - There are no real projections or any evaluation of confidence in the water management regime. The water balance on the registry was illegible, so it is not clear how much water will be used, nor what proportion of Thor Lake will be used. We are concerned that the flexibility within this system is limited relative to the demands.

It's not clear how the large amount of reagents being used will affect the ph balance of the water. Thus far, we only have the assertion from the proponent that the water quality will be 'as good as or better' than the water quality at this point. It's not clear what this means.
6. Air Quality – At the scoping session, YKDFN raised the need for incineration guidelines. GNWT and Environment Canada have emission and operational guidelines, including for the issues surrounding furan and dioxin creation and emission. At the diamond mines, the effective operation of the incinerators was critical to ensuring that the emissions were within expectations. Secondly, there is no indication on the level of Greenhouse Gas (GHG) emission that would be generated by the project based on the current development scenario (eg. Diesel generated power and coal bake processing).
7. Wildlife – there should be no mistake that Caribou should be a VEC. As previously mentioned, the collar data and the recent baseline research run contrary to Traditional Knowledge which indicates that caribou do use the area. As recently as 1994 the YKDFN conducted a community hunt in this area when the Bathurst Herd wintered in the area.
8. Wolves – when caribou return to the area, the interaction between the development and wolves will be of significant interest to YKDFN. If this development was found to be a positive influence on wolves, it may have a significant impact on Caribou numbers and distribution.
9. Ice Conditions – we want to ensure that flows and temperatures in the downstream environment will not be altered in a manner that will affect ice conditions and impact those who would be travelling in the area.
9. Hydromet Tailings – The information provided regarding the hydromet tailings impoundment has changed significantly from what was supplied thus far to reviewers. As such, it's not clear what it was that we were supposed to be reviewing.

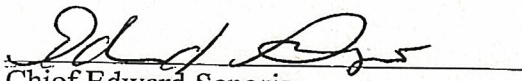
Lastly, as a reminder, we wish to restate that the "Onus is on the developer to convince the


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Review Board that it will not cause significant impacts". The Yellowknives Dene made their position clear – that this project will have real and significant impacts to the First Nation. This has been borne out by the impacts experienced with other permits that proceeded through the EA in this area. The previous Board clearly thought that the measures that are being reconsidered were appropriate to diminish the potential impacts to such a point that the impacts were no longer 'significant'.

The Board should make no mistake. This is the most important territory within the Chief Drygeese Territory and the YKDFN have repeatedly opposed any development. Because of the critical significance of this area, the magnitude of the impacts to the health of the community and the land cannot be underestimated. If you have any questions or concerns, please contact YKDFN Lands and Environment at 766-3496.

Sincerely,


Chief Edward Sangris
Yellowknives Dene First Nation (Dettah)


Chief Ted Tsetta
Yellowknives Dene First Nation (Ndilo)

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