

NORTH SLAVE METIS ALLIANCE

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facsimile transmittal

To: Sherry Sian Fax: 867-766-7074

From: Kris Johnson Date: July 9, 2003

Re: Cumulative Effects Pages: 4 (including Cover)
TOR

cc:

- Urgent
- For Review
- Please Comment
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COMMENTS:

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Thank you.

NORTH SLAVE METIS ALLIANCE

PO Box 340 Yellowknife, NT X1A 2N3



Sherry Sian
 Environmental Assessment Officer
 Mackenzie Valley Environmental Impact Review Board
 Box 938, 5102-50th Ave.,
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July 9, 2003

Re: NSMA comments and suggestions on General Cumulative Effects Assessment draft Terms of Reference for the Drybones Bay/Wool Bay Area

Dear Sherry,

The NSMA have received and completed an initial review of the draft Terms of Reference (TOR) for the General Cumulative Effects Assessment for the Drybones Bay/Wool Bay area. The following comments are the changes we want included in the TOR.

First, it is apparent there may be some discrepancy in the definition of 'reasonable foreseeable development'. The NSMA require a definition of reasonable foreseeable development be included in the TOR. The NSMA are concerned the cumulative effects assessment for the proposed explorations will not include full-scale mine development should the Drybones/Wool Bay area prove to be diamond rich. Thus, we require the definition in the TOR for 'reasonable foreseeable development' include full-scale mine development.

Introduction

- The purpose must include '... to develop a decision-making tool to help the MVEIRB, Aboriginal communities, developers, government agencies and interested parties make better decisions about potential development's contribution to cumulative effects...' This is very important because this exercise and the deliverables should be used to educate all parties about cumulative effects assessment.
- The decision-making instrument being developed by the contractor should include an evaluation of possible mitigation measures to reduce impacts due to cumulative effects.

Terms of Reference

Cumulative Impact Model

- The compiled maps should include predicted impact scenarios that result after possible mitigation measures have been implemented.

Information Sources

- Prior to the on-site visit with representative First Nations we require an on-site visit with all the developers, relevant government biophysical experts, independent biophysical experts

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and representative First Nations. This will provide an opportunity for all interested parties to exchange information and answer questions on site. This should then be followed with an on-site visit between representative First Nations and independent biophysical experts to further identify and clarify cumulative impact concerns.

- Interviews with holders of Traditional Knowledge must also be conducted in the respective communities to ensure individuals who cannot physically attend the site-visit are consulted.

Deliverables

- It must be clear all deliverables will be available on a public registry.
- We also request the digital mapping projects and associated data used to do the analysis be made available in a format compatible with ArcView. This will make editing, sharing of data and analysis more compatible with mapping programs used by Aboriginal communities.

Work Plan

Contract Initiation

-At least one member from the concerned Aboriginal communities must be hired to work with the contractor in order to ensure Aboriginal Peoples gain experience in cumulative effects research.

Literature Review and Gap Analysis

- All sources of documents used in the literature review must be made available on a public registry with the exception of protected Aboriginal sacred site locations.
- Aboriginal communities must approve the topics and questions discussed with traditional users.
- The literature review and gap analysis must be reviewed, discussed and commented on by all parties to ensure it is comprehensive.

Focus Group and Site Visit

- An additional site-visit between the developers, relevant government biophysical experts, independent biophysical experts and representative First Nations must be conducted to describe the proposed exploration operations, aid the sharing of information, and answer questions.
- The site visits must be recorded either with recording devices or short hand notes and all notes and transcripts made available on a public registry.
- Interviews with holders of Traditional Knowledge must be conducted. In many cases it is not physically possible for Elders to go on site visits. To ensure physical barriers do not prevent the sharing of knowledge we request interviews with holders of Traditional Knowledge also be conducted in respective communities.

Interviews with Industry Associations and Developers

-All interviews must be recorded and made available on a public registry.

Interviews with Government Departments

-All interviews must be recorded and made available on a public registry.

Design Impact Decision Tool

- The compiled maps and report should include predicted impact scenarios that result after possible mitigation measures have been implemented.
- Where gaps and discrepancies exist between scientific and Traditional Knowledge the precautionary principle must be applied when the final analysis is reported and mapped.

Refine Impact Decision Tools and Report

-Concerned Aboriginal communities must be involved in the final revision of the impact decision tools and report.

-All correspondences and meetings regarding the changes made to the impact decision tools and report must be made available on a public registry.

Presentation to the MVEIRB

Deliverable: Should read "Enhanced understanding of the decision-making aid among the Board members of the MVEIRB, Aboriginal communities, developers, government agencies and interested parties."

Schedule

The NSMA are very concerned the proposed timeline is very short considering the amount of research and consultation that must take place. The individuals from our community who will take part in the site-visits, information review and public hearing are not available on such short notice as many members are either out on the land participating in traditional activities or are involved in the organization of our Annual General Assembly at Old Fort Rae Aug 1-4. Furthermore, the MVEIRB, Federal or Territorial Governments have not provided any funding for our organization to participate in these proceedings. Considering the capacity and lack of resources available to Aboriginal communities it is unreasonable to require this Cumulative Assessment to occur over such a short timeline. It seems the timeline is designed to developers' advantage without considering the realities of Aboriginal organizations. Considering the proposed explorations were recommended for an EA because of significant public concern from Aboriginal communities we must be given enough time to consider all the information presented to us and time to provide the consultant with sufficient information about our social, cultural and environmental concerns. Thus, the NSMA require the milestones to be moved back at minimum one month in order for our organization to reprioritize, contact Traditional Knowledge holders, and remain adequately informed.

Appendix

Please include the NSMA as an available information source (contact: Kris Johnson)

Thank you for your attention to these matters. We look forward to hearing from you.

Yours truly,



Kris Johnson
Land & Resource Coordinator
North Slave Métis Alliance