

Sherry Sian

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**From:** Kris Johnson [kris@nsma.net]  
**Sent:** Wednesday, January 07, 2004 4:35 PM  
**To:** Sherry Sian  
**Subject:** NSMA's Outstanding Issues re: Snowfield's Proposed Diamond Exploration



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Please accept the following attachment as the NSMA's outstanding issues regarding Snowfield's Proposed Diamond Exploration. We will be submitting a PowerPoint presentation summarizing these issues within the next few days.

Cheers,

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## **North Slave Metis Alliance's Updated Issues and Concerns Regarding the Proposed Diamond Exploration by Snowfield Development Corp.**

Issues and concerns that will be presented at the Public Hearing January 13, 2003:

### **1. Habitat**

- Where are the drill cuttings and wastewater going to be released? What wildlife habitat exists in these designated areas? How will developers determine where to release wastewater from drilling when the area is frozen and covered with snow?
- Where will the water used for drilling come from?
- Describe and explain what sampling methods are proposed and the pros and cons of each? Ex: Till sampling, bulk sampling.
- What is the extent of compaction to soils/ vegetation from drills and/or equipment?
- What effect will drill noises have on wildlife and fish?
- What actions will be taken should wildlife become attracted to the area?
- Map the requests of interveners:
  - 100m from Ordinary High Water Mark (OHWM);
  - 30m buffer around known archaeological sites;
  - 100m buffer around suspected archaeological sites;
  - Wildlife nests, dens and critical habitat;
  - Shoals for spawning areas;
  - access routes/sewage release/ waste storage areas
- BHP, Diavik, Snap Lake EAs all stated the available baseline data was inadequate to measure adverse changes in the environment verses natural variation. Before exploration or any further development in the area can be conducted baseline data for VECs must be recorded. Snowfield has made commitments to record some baseline information. The NSMA requires a similar commitment from relevant government authorities to record baseline information on such things as wildlife and fish harvesting rates, non-permitted development, wildlife distribution and populations, and water quality to name a few.
- How will winter road access be monitored and controlled, and by whom? Snowfield has made two commitments to help mitigate impacts of the ice road proposed. First, Snowfield will route the ice road away from shore to discourage people from using the ice road to access the shoreline. Second, Snowfield has committed to recording and reporting back activity along the ice road to concerned Aboriginal communities and relevant government agencies. The NSMA fully support the first mitigation measure but do not feel the second measure will adequately address our concerns regarding increased access resulting from the ice road. The NSMA do not feel sufficient attention will be focused on the ice road as is required to document vehicles along the road. As previously discussed with Mike Beauregard, Project Manager for Snowfield, the NSMA require a community member patrol the winter road to record user information, harvest rates, wastage etc.

## 2. Heritage Resources

- What Metis heritage or cultural resources exist within the area? This question remains unanswered, however, the NSMA are encouraged by Snowfield's commitments to conduct shoreline archaeological investigations that include input from Traditional Knowledge holders. The NSMA request these investigations be expanded to include areas easily accessible from known trails and the shores of inland lakes where exploration is proposed.
- Spiritually significant areas of NSMA have not been identified. The NSMA are confident Snowfield will work with our Elders and Traditional Knowledge holders to identify areas of spiritual concern.
- How do developments in an area change the perceived health of the environment or ecosystem? Do traditional land users return to areas they have been pushed out of after developed sites have been abandoned or do they perceive these sites to be contaminated or unusable?
- The archaeological sites already identified in the area need to be investigated to identify whom the sites belong to. Without this information it is impossible to determine which Aboriginal Peoples are being impacted and to what severity. The NSMA require a commitment that any archaeological or cultural sites that may potential be disturbed due to the proposed developments will be thoroughly investigated prior to any further development in the vicinity of the site.
- What is the best guesstimate of when land use planning will be complete? In the absence of land-use planning how will the MVEIRB protect culturally significant areas? In the absence of land use planning how will the MVEIRB determine what areas should and should not be slated for development?  
The NSMA cannot support any development in their traditional land use area until comprehensive land use planning has taken place. To help reduce the uncertainty the NSMA require the MVEIRB **complete** the mapping exercise undertaken by Gartner Lee by conducting interviews with Traditional Knowledge holders and map areas of high cultural significance. Snowfield has offered to engage Traditional Knowledge holders in such an exercise for their claim block and the NSMA accept this offer. However, the NSMA suggest, in order to reduce the redundancy and cost of all developers completing separate interviews, the Board should complete the land use mapping exercise already started by Gartner Lee; the Board must complete the land use mapping that remains incomplete because interviews with Traditional Knowledge holders were not required.  
The land use mapping exercise must be complete prior to the closure of the public registry for these assessments. Without this information the Board cannot make an accurate assessment and may end up allowing exploration in culturally sensitive areas where development should not occur. Otherwise this will end up being a case of 'putting the cart before the horse' in that developers will become further entrenched and financially tied to developing the area before it has been determined whether the area should be developed at all.
- In order to mitigate inaccuracies in the archaeological sites database the NSMA require a 150m buffer around known and suspected archaeological and cultural sites.

- The topics and questions explored with Traditional users of the Drybones and Wool Bay areas required in the TOR for Cumulative Effects Study have not been provided. Furthermore, transcripts or summaries of these discussions have not been provided.

**4. Cumulative Effects-** Although the Cumulative Effects Report will not formally be discussed at the Public Hearing for Snowfield, the NSMA have included our outstanding issues with the CE assessment that ultimately be a part of Snowfield's Environmental Assessment.

- What is the purpose of the diamond exploration programs proposed- diamond mining?
- What are the future plans of the developers should the exploration programs proposed prove the area is rich in diamonds?
- What will the cumulative impact of developing a diamond mine in Drybones or Wool Bay have on the North Slave Metis community health, wellness and culture?
- What is the ability of the NSMA people to adapt to change should Drybones and Wool Bay be slated for development?
- The Regional Cumulative Effects Study states the purpose of the impact decision-making tool was for consideration of Cumulative impacts to social, cultural and traditional land users- how can this be achieved without consulting the NSMA land users?
- How useful a tool is a cumulative effects study that does not take into consideration the Aboriginal concerns about cultural survival, spiritual needs and intrinsic values?
- What are the cumulative social and cultural impacts to Aboriginal Peoples should development occur within the culturally significant areas of Drybones and Wool Bay?
- How can the Board make an accurate assessment of the possible Cumulative Effects of the proposed developments when the disturbance of past developments, such as Con and Giant mines, have yet to be quantified?
- Considering the rapid rate of development occurring in the north what are the cumulative impacts on the environment and Aboriginal Peoples should development continue to occur at this rate?
- Is the current rate of diamond exploration sustainable?

#### **6. Mackenzie Valley Environmental Impact Review Board**

- How will the Board be measuring public concern?
- Terms of Reference for Exploration companies and Cumulative effects study do not capture the extent of development predicted for the area.
- There is inadequate time and resources available for Aboriginal communities to deal with the four environmental assessments and one cumulative effects assessment. Furthermore, the MVEIRB has made no attempt at meshing their

timelines with the timelines of the MVLWB. Considering both the MVEIRB and MVLWB must assess the same projects they must co-ordinate their efforts and timelines to ensure the communities burdened with these EAs, CEAs and Land & Water hearings are given adequate time to deal with both Boards. For example, the Snap Lake has just begun the extensive process of licensing and permitting via the MVLWB at the same time communities are trying to deal with new, additional diamond exploration programs going through the EA process.

- Why were changes suggested by the Directly Affected Parties, Interveners and Responsible Authorities to the original Terms of Reference and Developers Assessment Reports ignored by the MVEIRB? For example, the NSMA, DIAND and GNWT requested interviews conducted be placed on public record. How does the MVEIRB determine what comments and suggestions are to be included in revised TOR and DARs? What rationale does the Board use to include some suggestions and not others? Another example is the NSMA and GNWT both requested a workshop or consultation session in directly affected communities. What rationale did the MVEIRB use to determine the requested community consultation was not necessary?
- How did the MVEIRB ensure Traditional Knowledge was used in the development of the TOR for the Developers Assessment Reports and Regional Cumulative Effects Study?
- Developers have been given higher priority, consideration and consultation than the directly affected Aboriginal communities. This is evidence of an unfair process. Why else would developers be granted ten interviews while Aboriginal Peoples were granted none? Traditional Knowledge is supposed to be given equal weight yet Information Requests did not ask for Traditional Knowledge equally during process, why not?
- How does the MVEIRB ensure Traditional Knowledge is given equal weight to scientific knowledge?

## **7. DIAND & GNWT**

- What is the best guesstimate of when land use planning will be complete?
- What steps has INAC & the GNWT taken to ensure the culturally significant areas of Drybones and Wool Bay are understood and protected in the absence of land use planning?
- The capacity or resources to deal with these EAs and CEA have not been provided by neither INAC nor the GNWT. Aboriginal organizations have been required to provide information, responses and comments on extensive amounts of information during these EAs. Had we not provided this information our issues would never have been addressed because neither the Federal or Territorial governments have consulted with us on these proposed projects. Furthermore, the level of technical research required to understand the environmental and cultural impact of these projects is beyond the capacity of our organization and thus remains incomplete.