

# ***NORTH SLAVE METIS ALLIANCE***

***PO Box 2301 Yellowknife, NT X1A 2P7***



June 29<sup>th</sup>, 2012

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**Re: NSMA round 1 IR's - Tyhee NWT Corp. Yellowknife Gold Project EA0809-003**

Please accept the following information requests on behalf of the North Slave Métis Alliance. The first ten information requests were submitted on June the 15th.

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**IR Number:** NSMA-1-01

**Source:** North Slave Métis Alliance (NSMA)

**To:** Canada – Mining recorder. (or Tyhee, if they have the information)

**Subject:** Project Description – Project History 2.3

**Preamble:** The NSMA asserts, on behalf of its members, aboriginal rights and titles in the area of this proposed project. According to the United Nations Declaration on the Rights of Indigenous Peoples, which has been endorsed by Canada, indigenous rights include a right to meaningful involvement in the determination of strategies and priorities for development and use of their lands and resources, as well as just and fair redress for past infringements of their rights, and mitigation of environmental, social, cultural and spiritual impacts going forwards. Existing aboriginal rights are protected under section 35 of Canada's Constitution Act.

The NSMA has identified, during scoping sessions, that non-renewable resource depletion and inequitable allocation of benefits of development are two major expected impacts of this proposed project, as well as impacts to aboriginal water rights and harvesting rights. The complicated history of this property makes it difficult to differentiate between past, current, future and cumulative impacts on aboriginal rights, which could be positive or negative. More information on the history of ownership and management of this property is needed in order to assess the magnitude and duration of impacts and to clarify responsibility for mitigation.

**Request:** Please provide a detailed history of the ownership and operation of the property, including the names of the individuals who staked, recorded and owned each claim or lease in this area, and their corporate affiliations, since government control of mining began. Also,

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***Ph: (867) 873-6762***

***Fax: (867) 669-7442***

***Email: [general@nsma.net](mailto:general@nsma.net)***

please summarize the reports of work filed for each claim, group or lease, for each reporting period.

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**IR Number:** NSMA-1-02

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Community Engagement, 2. Pg. II.

**Preamble:** We note that the acronym and the phone number provided for the NSMA are incorrect, and the address is out of date. We assume the incorrect acronym and phone number are typographical errors, as they have never been correct. The NSMA moved its office from downtown Yellowknife to its current location in the Kam Lake industrial area in 2005.

**Request:** Please correct your information to show the North Slave Métis Alliance acronym as “NSMA”, the NSMA’s address as 32 Melville Drive, P.O. Box 2301, X1A 2P7, and the phone number as (867) 873-6762.

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**IR Number:** NSMA-1-03

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Impact on Valued Components, 3. Page II, prologue.  
Compliance with applicable policies, guidelines, regulations, acts.

**Preamble:** The DAR states that the development of the YGP will meet all applicable federal and territorial environmental regulations and guidelines, and lists a number of acts, regulations, and guidelines. There are some additional relevant guidelines and policies which are not listed. We are looking for assurance that these policies and guidelines will also be met by Tyhee, as well as any contractors or consultants hired by Thyee. Compliance with these policies and guidelines is necessary to ensure that impacts on the NSMA community's valued environmental components are properly identified, and mitigated in the most culturally appropriate manner.

**Request:** Please confirm whether or not Tyhee commits to meeting the requirements of the following the guidelines and policies in all aspects of the project, including those portions carried out by contractors or consultants:

- 1) NSMA Community Engagement Policy (2009 version, and as updated)

- 2) MVEIRB Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment
- 3) ARI (Aurora Research Institute) Doing Research in the Northwest Territories - Guide for Researchers.
- 4) Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans, specifically chapter 9 (2012), Research Involving the First Nations, Inuit, and Métis Peoples of Canada.
- 5) ACUNS (Association of Canadian Universities for Northern Studies) Ethical Principles of the Conduct of Research in the North.
- 6) GNWT's summary of best practices for applying traditional knowledge in GNWT programming and services, including Policy 52.06 – Traditional Knowledge.
- 7) United Nations Declaration on the Rights of Indigenous Peoples.
- 8) International Finance Corporation (World Bank Group) Performance Standard 7 – Indigenous Peoples. (January 2012).

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**IR Number:** NSMA-1-04

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Community Engagement, 2. Prologue. Pg II. (ref. Section 5. DAR)

**Preamble:** Tyhee has stated that “no issues have been raised that cannot be dealt with during the design phase of the project”. However, the NSMA has raised a number of important issues during scoping sessions, in our Land Use Report, and in our submissions to the land and water board which we do not find responses to in the DAR. We would like to clarify whether or not Tyhee does intend to address our issues, and how, during the design phase of the project.

**Request:** Please explain Tyhee's intentions with respect to addressing the following issues which have been raised by the NSMA:

- 1) Reconciliation of NSMA's asserted aboriginal rights (including property rights, water and harvesting rights) and crown issued mineral rights.
- 2) Equitable distribution of benefits of development, and costs.
- 3) Identification, inventory, assessment and protection of cultural heritage values and sites.
- 4) Community specific socioeconomic and cultural impact assessment and mitigation.
- 5) Acceptability of CCME and MMER guidelines.
- 6) Closure goal - particularly the difference between reclamation and restoration.
- 7) Meaningful involvement in heritage resource identification, assessment and protection.

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**IR Number:** NSMA-1-05

**Source:** North Slave Métis Alliance (NSMA)

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**Ph:** (867) 873-6762

**Fax:** (867) 669-7442

**Email:** [general@nsma.net](mailto:general@nsma.net)

**To:** Tyhee NWT Corp.

**Subject:** Existing Baseline - Socioeconomic Conditions  
North Slave Métis Community DAR 3.8.2

**Preamble:** There is conflicting information provided with respect to North Slave Métis fishing areas. Page 324 of the DAR reports that " People do not fish on several lakes near YGP including: Giauque, Thistlewaite, Duncan, Fishing, Barker, Fox, Johnston, Drygeese, Prosperous, River, and Walsh Lake, or on the Yellowknife River. No reason was provided." However, Page 21 of NSMA's Traditional Land Use Report (which can be found on page 158 of Appendix G - Public Consultation and Socioeconomic Documentation) states that "Everyone is afraid to fish on Discovery Lake, (Giauque Lake), or any of those lakes close by, but they do fish on Thistlewaite, Duncan, Fishing, Barker, Fox, Johnston, Drygeese, Prosperous, River Walsh and the Yellowknife River."

**Request:** Please correct section 3.8.2 of the DAR to correctly report the Traditional Land Use information provided by the NSMA regarding NSMA fishing use of the area.

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**IR Number:** NSMA-1-06

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Existing Baseline - Socioeconomic Conditions  
North Slave Métis Community DAR 3.8.2

**Preamble:** The NSMA has been unable to find information in the DAR that describes the socioeconomic baseline conditions and trends for the North Slave Métis community.

TOR page 8: "The geographical scope for assessing effects to the human environment shall encompass any potentially affected communities.".... "Throughout this environmental assessment, the term 'potentially-affected community' refers to any settlement, town, village, city or hamlet as well as any First Nation or Métis group that may be impacted by the proposed development".

TOR page 14: "The developer is required to provide the following information on..... 13. Current socio-economic conditions and relevant trends in the potentially-affected communities, using appropriate indicators"....

**Request:** Please explain where this information is to be found, if it exists, in the DAR. Alternatively, please explain how, and when, this information gap will be filled. In particular,

please indicate the methodology used (or anticipated) for developing and using appropriate socioeconomic indicators for the North Slave Métis community.

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**IR Number:** NSMA-1-07

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Human Environment Assessment - DAR 7.  
TOR 3.4.1 Employment and Business Opportunities.

**Preamble:** The NSMA has consistently asserted the need for community specific impact predictions and mitigation which take into account the uniquely vulnerable condition of the NSMA community.. However, the NSMA is unable to locate in the DAR any assessment of the potential effects of the project on the economy of the North Slave Métis community, or any community specific proposed mitigations.

TOR 3.4.1 states that "The developer will assess the potential effects of the proposed Yellowknife Gold Project on the economy of ..... each potentially-affected community. As part of this assessment, the developer will use statistically defensible analysis to support any assertions about the available labour pool." "In assessing access to employment and business opportunities, the developer will provide the following: ..... 4) A description of any barriers to direct or contract employment, advancement and retention ..... 9) An assessment of any barriers to maximizing the utilization of northern businesses; "

**Request:** Please explain where this information is to be found, if it exists, in the DAR. Alternatively, please explain how, and when, these information gaps will be filled.

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**IR Number:** NSMA-1-08

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Human Environment Assessment - DAR 7.  
TOR 3.4.2 Distribution of Beneficial and Adverse Socioeconomic Impacts

**Preamble:** The NSMA has consistently asserted the need for community specific impact predictions and mitigation which take into account the uniquely vulnerable condition of the NSMA community, and which recognise the importance of equitable distribution of benefits and costs of development.

TOR 3.4.2 states that the developer will provide ..... "1) f. a prediction of any impacts the proposed Yellowknife Gold Project may have on other types of economic activity occurring in potentially-affected communities, with emphasis on the traditional economy" and " 2) The developer's policies, strategies, plans, and commitments for the mitigation of any adverse socio-economic impacts....."

The NSMA is unable to locate in the DAR any predictions or assessment of the distribution of costs or benefits of the project related specifically to the North Slave Métis community, in comparison to other potentially-affected communities.

**Request:** Please explain where this information is to be found, if it exists, in the DAR. Alternatively, please explain how, and when, these information gaps will be filled.

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**IR Number:** NSMA-1-09

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Human Environment Assessment - DAR 7.  
TOR 3.4.3 Social Impacts

**Preamble:** The NSMA has consistently asserted the need for community specific impact predictions and mitigation which take into account the uniquely vulnerable condition of the NSMA community in comparison to the other Indigenous Peoples of the same area.

TOR 3.4.3 states that the developer shall describe: 1) Potential impacts associated with the proposed development on community wellness and population health issues. The appropriate criteria and indicators should be developed in dialogue with the potentially-affected communities and responsible government agencies, and a prediction made of how community wellness may be impacted for each potentially-affected community; ..... 3) Human resources management plans and programs the developer will offer to identify and mitigate potential adverse social impacts, including discussion of: ..... d. avoidance of cross-cultural conflict at the work site;... 5) Identification and description of any lessons that the developer may take from the social and economic impacts of previous mine developments in the Mackenzie Valley and northern Canada, and how the developer has incorporate such lessons into the impact identification, prediction and mitigation for the proposed Yellowknife Gold Project."

The Diavik Communities Advisory Board (DCAB) is the only independent socioeconomic and cultural impact monitoring agency established so far in the North Slave Region. It's mandate includes monitoring and reporting on community-specific social, economic and cultural community wellness and community perceptions, as well as the assessment of government and

industry social and cultural mitigation programs and monitoring. It has been in operation since 1999, and includes Board members from Diavik, GNWT, four Tlicho communities, two Yellowknives communities, Lutselke, and the North Slave Métis Alliance.

The NSMA is not aware of any process to date where the proponent has attempted to develop criteria or indicators of community wellness or population health in collaboration with the NSMA. We can not find any community specific impact predictions or mitigations proposed for the NSMA community. Nor can we find any discussion of "lessons learned" from an analysis of the effectiveness of DCAB in the DAR.

**Request:** Please explain where the information is to be found, if it exists, in the DAR. Alternatively, please explain how, and when, these information gaps will be filled.

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**IR Number:** NSMA-1-10

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Cultural Impacts - Heritage Resources. DAR 7.3, TOR 3.4.4

**Preamble:** Tyhee states, on page 587 of the DAR, that "no areas of sensitive heritage resources were identified" and that "no archaeological or heritage resources were found in the YGP during assessments conducted in 2004 and 2005".

The TOR requires the developer to describe:

- 1) All consultations with traditional knowledge holders, archaeologists, anthropologists, and the Prince of Wales Northern Heritage Centre that the developer conducted during its cultural impact assessment, and indicate where and how such interactions influenced mine planning;
- 2) A list of all known archaeological and heritage resources, sites or areas of cultural significance, and areas of high potential for unfound heritage resources in or near the required environmental assessment local study area; and
- 3) All recommended mitigation measures that consultation produced for the protection of local known and high potential areas of cultural and heritage resources, and the developer's commitments to adopt these measures or reasons for not adopting.

NSMA's records indicate that Tyhee was informed about the NSMA's concerns regarding the inadequacy of the 2004 and 2005 archaeological reports at a meeting in 2006. The 2008 Land Use Report, and the 2008 Intervention to the Mackenzie Valley Land and Water Board identified numerous areas of cultural and heritage value. The lack of sensitivity to Métis history and culture demonstrated by archaeologists, and the inadequacy of the existing legislative and regulatory framework for protecting heritage and cultural values were highlighted as things that needed to be addressed.

**Request:** Please review the minutes of the September 30th, 2006 meeting, the February 19th, 2008 Land Use Report (particularly the conclusions), the August 8th, 2008 intervention to the Mackenzie Valley Land and Water Board, and revise the section in the DAR about Cultural and Heritage Resource impacts accordingly.

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**IR Number:** NSMA-1-11

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Traditional Land Use and Wildlife Harvesting - TOR 3.4.4, DAR 7.4.

**Preamble:** The TOR requires the developer to identify any adverse impacts the project might have on traditional land use and harvesting activities as well as plans and commitments for mitigation of adverse impacts or compensation for unpreventable impacts.

The NSMA has identified numerous potential impacts and noted the need for mitigation and/or compensation in submissions to the Mackenzie Valley Land and Water Board, during scoping sessions, in our Traditional Land Use Report, and during meetings with Tyhee.

In section 7.4 of the DAR, Tyhee concludes that its proposed project is unlikely to have any measurable effect on cultural (traditional?) use of the area or on harvesting access or success. It is unclear to the NSMA how this conclusion is supported by the information available.

**Request:** Please explain where in the DAR the following information can be found, if it exists. Alternatively, please explain how Tyhee intends to fill the identified information gap(s).

1. Is there a commitment that there will be no project related effects on NSMA members Aboriginal Water Rights to access, use and enjoy waters that are of unaltered quality, quantity and rate of flow? If not, what is the duration, extent, and magnitude of any predicted loss of access of water throughout the lease area, downstream, and all along the access road? What mitigations or compensation is proposed?
2. Is there a commitment that there will be no project related effects on NSMA members Aboriginal and Treaty Harvesting Rights? If not, what is the duration, extent, and magnitude of any predicted loss of harvesting access, interference with harvesting success, or change in quality of harvested resources including mammals, birds and furbearers, throughout the lease area, downstream, and all along the access road? Please include specific details on how NSMA members right to hunt any species during any season using any equipment (such as high powered rifles) on and around the lease area and all along the road might be curtailed for public safety or security reasons, and how the continued operation of the road will facilitate increased competition for harvested resources?. What mitigations and/or compensation are proposed?

3. What is the duration, extent, and magnitude of unavoidable interference with NSMA members Aboriginal Rights and Title to lands and resources throughout the lease area and all along the access road? Please include details specifically with regard to non-renewable resource depletion and occupancy rights. What mitigations or compensation is proposed?

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**IR Number:** NSMA-1-12

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Human Environment Monitoring - TOR 3.4.5, DAR 7.2.4

**Preamble:** Tyhee was asked to provide a description of any commitments, plans and strategies proposed to engage with affected communities in monitoring and reporting on success of training, employment and procurement, social impacts as well as impacts on traditional use. Engagement with, and contribution to, existing relevant initiatives is also to be discussed. Tyhee discusses the internal, unsupervised, record keeping that its Operations Manager will do, but we can find no mention of any commitment to engage with affected communities or with the existing (DCAB) and long overdue but not yet established (Snap Lake) independent socioeconomic monitoring agencies.

**Request:** Please explain, in detail, how social and cultural impacts on the North Slave Métis community, specifically and distinctly from non-aboriginal and Dene communities inhabiting the North Slave Region, will be monitored and reported on. Also, please provide details of how changes in NSMA traditional use, specifically, will be monitored and reported on.

How will the NSMA be involved in human environmental monitoring and adaptive mitigation plans?

Does Tyhee commit to participate establishing an independent human environment monitoring agency, or to collaborate with the existing Diavik and required Snap Lake independent monitoring agencies? Would Tyhee support the amalgamation of, and contribute to the operation of, the socio-cultural monitoring agencies in an attempt to address multi-project effects and cumulative impacts which are difficult to attribute to a specific project?

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**IR Number:** NSMA-1-13

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp. TOR 3.3, DAR 7.3

**Subject:** Biophysical Environmental Monitoring - Community Involvement and TK

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**Preamble:** The NSMA holds Aboriginal Rights to be meaningfully involved in any research that might affect them, their lands, or their resources. These rights are recognised in international law, the Canadian Constitution, and in the NWT Scientists Act. Tyhee was required to describe how traditional knowledge and community input has been incorporated into the development of environmental monitoring programs. We believe that incorporation of our Traditional Knowledge should also be designed into ongoing monitoring programs. We are unable to locate any information in the DAR about NSMA's past, current, or future involvement.

**Request:** Please explain where this information is to be found, if it exists in the DAR. Alternatively, please state Tyhee's commitment to ongoing MEANINGFUL involvement of the NSMA in the development, implementation, evaluation, and adaptation of any and all environmental monitoring programs associated with this proposed project.

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**IR Number:** NSMA-1-14

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Closure and Reclamation. - TOR 3.7 DAR appendix G.

**Preamble:** Tyhee was required to identify closure and reclamation issues raised by affected communities, as well as a record of how closure plans were adapted to alleviate community concerns. Social and economic effects of mine closure were to be provided.

On page 24 of NSMA's Traditional Use Study (which is page 161 of Appendix G in the DAR) the NSMA notified Tyhee of the need to be Consulted on the choice between restoration, reclamation and remediation, as well as the appropriateness of CCME and MMER guidelines and criteria. We also identified the need for additional information on the validity and appropriateness of the standards or objectives for closure and environmental quality. The consultation record does not show that this Consultation occurred.

**Request:** Please confirm that Tyhee is committed to meaningful Consultation with the NSMA on closure objectives, environmental quality standards, and criteria based on the internationally recognised Indigenous Right of Free, Prior, and Fully Informed Consent for any effects on our lands, resources, or culture.

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**IR Number:** NSMA-1-15

**Source:** North Slave Métis Alliance (NSMA)

**To:** Tyhee NWT Corp.

**Subject:** Socioeconomic impacts - cumulative. TOR 3.4 and 3.6; DAR 7 and 10.

**Preamble:** The NSMA has consistently argued that it is a uniquely vulnerable community with respect to the discriminatory and inequitable allocation of costs and benefits of development. The NSMA has repeatedly and consistently identified non-renewable resource depletion in the context of inequitable resource revenue sharing as a significant impact.

International law recognises the rights of Indigenous Peoples to an equitable share in the benefits of development of resources on their lands.

The MVEIRB's own SEAI guidelines endorse the principle of Impact Equity, and state that " No group of people, particularly those that might be considered more sensitive or vulnerable as a result of ethnicity, race, or other factors, should have to bear the brunt of adverse social impacts". Socioeconomic impact assessment should "consider fully any identifiable vulnerable groups within communities". The NSMA does not share in resource revenue sharing from non-renewable resource development on our traditional lands, despite their constitutionally protected existing Aboriginal Rights and Titles.

We cannot find any information in the DAR that predicts the socioeconomic impacts, direct, indirect, or cumulative, on the NSMA community, specifically. Neither is there any community specific mitigation proposed.

**Request:** Please confirm that a proper Socioeconomic Impact Assessment for the North Slave Métis community will be done which considers the unique strengths and vulnerabilities of the North Slave Métis in the context of settled and unsettled land claims, non-renewable resource extraction, and political oppression and disenfranchisement of the Métis. Alternatively, please explain where this information can be found in the DAR.

Sincerely,



Sheryl Grieve  
Manager, Environment Branch.  
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