



October 12, 2012

VIA EMAIL

Chuck Hubert
Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT
X1A 2N7

Dear Mr. Hubert,

**RE: Information Request Regarding Tlicho Government Consultation
EA0809-004 NICO Project, Fortune Minerals Ltd.**

This letter is in response to the Mackenzie Valley Environmental Impact Review Board's (MVEIRB) request of July 31, 2012, for a complete record of consultation between the Government of the Northwest Territories (GNWT) and the Tlicho Government in relation to the Fortune Minerals Limited NICO Project from the time of referral to environmental assessment in February 2009 to the present.

The environmental impact assessment process, as laid out in Part 5 of the Mackenzie Valley Resource Management Act (MVMRA), defines a rigorous consultation process that has been followed for the NICO Project. The Tlicho Government and the GNWT have both engaged in the environmental assessment throughout. The GNWT has responded to requests for information from the Tlicho Government, provided a technical report and responded to questions at technical sessions and public hearings.

Before and during an environmental assessment, a proponent is properly the primary group that consults with affected parties. Some of the activities of a proponent require authorizations related to their project. In this case, the GNWT issued a number of authorizations to Fortune Minerals that included consultation before issuance of actual authorizations. A brief description of consultation with the Tlicho Government and other parties conducted during the permitting processes is attached. Wildlife permits are included in the appendices to this letter.

The GNWT notes the Tlicho Government is also involved in several wildlife co-management processes that provided information on wildlife, in particular on barren-ground caribou and boreal caribou. The Tlicho Government will continue to be engaged in wildlife management planning after the completion of the environmental assessment. The attached appendices identify discussions that have occurred since 2009.

Please contact me if you have questions on this submission at gavin.more@gov.nt.ca or (867) 873-7107.

Sincerely

A handwritten signature in cursive script that reads "Gavin More".

Gavin More
Manager
Environmental Assessment and Monitoring
Environment and Natural Resources

Attachment

Appendix A: NICO Project Environmental Assessment Consultation Record Between The Government of the Northwest Territories and the Tlicho Government

Prince of Wales Northern Heritage Centre

A Class 2 NWT Archaeologist Permit was issued to an archaeologist hired by Fortune Minerals Ltd. (Fortune) in 2009 for an impact assessment of the NICO Project. The permit application was distributed for consultation to the Tlicho Government (TG) and North Slave Métis Alliance on March 30, 2009 with a comment due date of May 14, 2009. Both consultation groups provided comments. The permit was issued June 8, 2009.

Aurora Research Institute

Research permits (Environmental Baseline Surveys for the NICO Project #'s14661, 14718, 14898 and 15027) were issued on October 29, 2009, March 10, 2010, February 8, 2011 and January 4, 2012. Applications were sent for review to the Tlicho Government, AKDFN, NSMA, NWT Métis Nation, YKDFN and the WRRB.

Department of Health and Social Services (HSS)

On August 2, 2012, the Government of the Northwest Territories (GNWT) and Fortune filed a set of commitments on the NICO Project Public Registry that resulted from a meeting on June 20, 2012 between the two parties. The Director of Corporate Planning, Reporting and Evaluation, HSS, kept the Chief Executive Officer (CEO) of the Tlicho Community Services Agency (TCSA) aware of the commitments prior to their being agreed upon at the June meeting. The TCSA is an organization created by the GNWT to provide community services to the Tlicho communities. The TG has authority to write legislation regarding social services and health, but have opted to allow the TCSA to remain the providing entity by not creating required legislation. This is an agreed upon position between HSS and the TG. The TCSA CEO also sits on the HSS Joint Senior Management Committee that deals with relevant topics such as emergency travel from a policy perspective.

Department of Environment and Natural Resources (ENR)

Wildlife Research Permits

The process for ENR to authorize a Wildlife Research Permit (WRP) requires the researcher to consult¹ with any possibly affected Aboriginal parties as dependent on the location of the proposed research project. For permits applicable to the North Slave region, ENR headquarters and the North Slave Regional Office require the researcher to carry out a consultative review of their application with affected parties and keep them apprised of research project results. The North Slave region distribution list² for Aboriginal party consultation includes TG representatives, as well as representatives from the Yellowknives Dene First Nation, North Slave Métis Alliance and the Łutselk'e Dene First Nation.

ENR reports annually on any WRPs issued from the year previous. The 2009 Annual Report of NWT Wildlife Research Permits³ and the 2010 Annual Report of NWT Wildlife

¹ http://www.enr.gov.nt.ca/_live/documents/content/Research_Recommendation_Form.pdf

² http://www.enr.gov.nt.ca/_live/pages/wpPages/Wildlife_Research_Permits_contacts.aspx

³ http://www.enr.gov.nt.ca/_live/documents/content/2009_Annual_Report_WRP.pdf

Research Permits and Western NWT Biophysical Study⁴ publications provide synopses that detail location of study, rationale, methods, results, partners, *etc.*, for each issued WRP. Thus, any WRP related to the NICO Project and any possibly affected Aboriginal party during 2009 and 2010 can be ascertained from these publications by using listed locations (*e.g.* proximity to TG territory) and research partners (*i.e.* partners involving Fortune or any of its contractors/consultants; or other NICO Project environmental assessment parties).

For 2011 through 2013 WRPs, as well as for other items of consultation, please refer to Appendix B.

⁴ http://www.enr.gov.nt.ca/_live/documents/content/2010_WRP_BPR.pdf

**Appendix B: NICO Project Environmental Assessment Consultation Record
Between the Government of the Northwest Territories
Environment and Natural Resources and the Tlicho Government**

Date (best estimate)	Topic	Parties involved
2010-2012 (ongoing)	Informal wide-ranging discussions on caribou, harvest, mining, etc.	K. Garner (TG), J. Nishi, J. Adamczewski (ENR), occasionally others; in recent months, a number of informal meetings with TG, and T. Slack (YKDFN), occasionally others.
July 27, 2012	Financial Reporting: 2011-12 Species at risk contribution agreement	ENR, TG
July 12 and 27, 2012	Wildlife Act consultation	ENR, Tlicho Communities (Behchoko, Gameti, Whati)
July 16, 2012	Contribution Agreement for Conference of Management Authorities (CMA): 2012-2014 Species at Risk Implementation	ENR, TG
June 4, 2012	Meeting: Face-to-face meeting of the CMA	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
May 25, 2012	Technical Meeting on Gahcho Kue environmental assessment under MVEIRB	Representatives from DeBeers, Golder, TG, YKDFN, ENR, Lutsel K'e, others
May 7, 2012	Standing invitation for resource person to attend future CMA meetings	WMAC(NWT), GRRB, SRRB, TG, WRRB, ENR, GOC
May 1, 2012	Financial Reporting: 2011-12 NWT Species at Risk Stewardship Project, Tłı̄chų Government EKWO Working Group	TG
March 5, 2012	Financial reporting: 2010-11 Tłı̄chų Government contribution agreement for species at risk	WMAC(NWT), GRRB, SRRB, WRRB, TG, DFN, ATG, NWTMN

Date (best estimate)	Topic	Parties involved
February 1, 2012	Request for range maps of Species at Risk within Tlicho region	ENR, Marjorie Matheson Maund, TG
January 16, 2012	Publications: NWT Species at Risk Stewardship Program	Distribution list that included TG
January 11, 2012	Face-to-face meeting of the CMA	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
December 2, 2011	Publications: SARC annual report and letter (purpose was to engage more directly with CMA member organizations on SARC business)	IGC, SSI, DFN, GTC, TG, GSCI, ATG, NWTMN, GRRB, WMAC(NWT), GRRB
November 24, 2011	Meeting: CMA conference call	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
June-August 2011	Meeting to discuss the Denison Road LUP (MV2011E007) application submitted to AANDC and concerns over access and caribou	ENR, AANDC, TG
June 29, 2011	Publications: Submission of SARC 2010-11 annual report to CMA Chairperson	WMAC(NWT), GRRB, SRRB, WRRB, TG, DFN, ATG, NWTMN
June 10, 2011	Meeting: CMA conference call	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
June 8, 2011	Publication: CMA receive ENR Annual Report	WMAC(NWT), GRRB, SRRB, WRRB, TG, DFN, ATG, NWTMN
May 12, 2011	Contribution Agreement for Conference of Management Authorities (CMA): 2011-12 Species at Risk Implementation	WMAC(NWT), GRRB, SRRB, WRRB, TG, DFN, ATG, NWTMN
April 6, 2011	Contribution Agreement: NWT Species at Risk Stewardship Program	Tłı̄chọ EKWO Working Group

Date (best estimate)	Topic	Parties involved
January 27, 2011	Publications: NWT Species at Risk Stewardship Program mail-out	SAR distribution list (includes Tłı̄chǫ Government)
January 26, 2011	Publications: SARC and CMA annual reports 2009-2010 - mail out	SAR distribution list (includes Tłı̄chǫ Government)
January 7, 2011	Meeting: Face-to-face meeting of the CMA	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
August 24, 2010	Meeting: CMA conference call	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC)
June 28, 2010	Publications: SARC annual report 2009/10 - submit to CMA	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
June 22, 2010	Discussion on proposed SARC appointment	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
June 2, 2010	Meeting: Initial meeting of the CMA (face-to-face)	WMAC (NWT), GRRB, SRRB, WRRB, TG, GNWT, PC, EC, AANDC (INAC), ATG
May 26, 2010	Contribution Agreement for Conference of Management Authorities (CMA): 2010-11 species at risk implementation	WMAC(NWT), GRRB, SRRB, WRRB, TG, DFN, ATG, NWTMN
April and May 2010	8 days of meetings between Tlı̄chǫ representatives and ENR	For TG: John B. Zoe, J. Nishi, K. Garner, B. Rabesca-Zoe, A. Pape, C. Football, others on occasion. Observers for WRRB: J. Snortland, K. Clark, A. Gunn. For ENR: E. Campbell, S. Fleck, B. Croft, F. Mandeville, J. Adamczewski, K. Lajoie, others on occasion.
April 23, 2010	Discussion on newly proposed SARC appointments	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
April 23, 2010	SARC - keeping management authorities informed	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC

Date (best estimate)	Topic	Parties involved
April 9, 2010	Publications: Distributed new Species at Risk (NWT) Act	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
April 9, 2010	SARC conference call - keeping management authorities informed	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
March 22, 2010	Discussion on proposed Species at Risk Committee (SARC) appointments	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
March 4, 2010	Data Sharing Agreement to be set up for all wildlife observations in WMIS that occur within the Wek'eezhii Management Area and Mowhi Gogha De Nilitlee	ENR, Jody Snortland, WRRB
February 9, 2010	Call for initial meeting of the Conference of Management Authorities (CMA)	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
February 9, 2010	Discussion on proposed Species at Risk Committee (SARC) appointments	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
February 9, 2010	Invitation of observers to initial meeting of CMA	WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, AANDC/INAC, PC, EC
August 1, 2012	Status Reports: Introduction letter: Report on the status of Wolverine in the NWT: Scientific Knowledge Component	Distribution list that included TG
August 1, 2012	Status Reports: Introduction letter: Report on the status of Wolverine in the NWT: Traditional and Community Knowledge Component	Distribution list that included TG
June 23, 2010	Meeting on wolverine research	WRRB
November 29, 2010	Distribution of Wood Bison Management Strategy	ENR, TG and other parties

Date (best estimate)	Topic	Parties involved
	publication	
June, 2010	Received comments on Wood Bison Management Strategy	ENR, TG, NSMA, WRRB, NSMA, WMAC, CWS, INAC, PCA, Ft. Resolution, Ft. Providence, YKDFN, Hay River, NBDB, AKDFN
August 8, 2012	Public meeting to provide information and answer questions on anthrax outbreak in Mackenzie bison	ENR, Tlicho, WRRB, Community of Behchoko
August 1, 2012	Status Reports: Introduction letter: Report on the status of Wood Bison in the NWT: Scientific Knowledge Component	Distribution list that included TG
August 1, 2012	Status Reports: Introduction letter: Report on the status of Wood Bison in the NWT: Traditional and Community Knowledge Component	Distribution list that included TG
September 30, 2009	Consultation with Tlicho Assembly on Draft Wood Bison Management Strategy	ENR, TG
Fall-winter 2010-2011 and fall-winter 2011-2012	Regular meetings of Bathurst Technical Working Group	For TG, K. Garner and J. Nishi; for WRRB, K. Clark and J. Snortland; for ENR, B. Croft and F. Mandeville, occasionally others as needed.
August 1, 2012 (and another session)	How NICO Project will be considered in light of the proposed National Recovery Strategy for boreal caribou	ENR and Tlicho
August 17, 2012	Follow up from June 13, 2012 meeting to discuss steps to develop a process for the short and long term management of the Bathurst herd	GNU, SRRB, NWMB, Athabasca Denesuline, TG, ENR, NTI, Kitikmeot RWB, and WRRB participated in the call. Absent were AANDC, YKDFN & Akaitcho, NWTMN and DFN.

Date (best estimate)	Topic	Parties involved
June 13, 2012	Discuss steps to develop a process for the short and long term management of the Bathurst herd	ENR, Tlicho, WRRB, SRRB, NWTMN, YKDFN, AANDC, Government of Nunavut (PAGC, NWMB); other parties invited but unable to attend
May 8, 2012	Request for all boreal caribou observation data within the Wek'eezhii region	ENR, Karin Clark, WRRB
April 27, 2012	Discussion of steps to develop a process for the short and long term management of the Bathurst herd	ENR, Tlicho, WRRB
April 4, 2012	Status reports: Review of draft report on the status of Boreal Caribou in the NWT	TG, WRRB, ENR, AANDC, EC, AKDFN, PAGC, Sayisi Dene FN, Northlands First Nation,
March 12, 2012	Conference call to discuss issues of common ground related to caribou, the NICO Project and Gahcho Kue Project environmental assessments	For TG: Ginger Gibson, Kerri Garner, John B. Zoe, J. Nishi. For YKDFN: T. Slack. For ENR: J. Adamczewski.
January 25, 2012	Request for boreal caribou, moose and bison surveys done in the Tlicho region, 2006 TK workshops on boreal caribou (spatial data)	ENR, Karin Clark, WRRB
September 7, 2011	Status Reports: Introduction letter: Report on the status of Barren-Ground Caribou in the NWT: Scientific Knowledge Component	ATG, NWTMN, GRRB, WMAC(NWT), SRRB, WRRB, GNU, IGC, SSI, DFN, TG, EC, PC
September 2, 2011	Status Reports: Introduction letter: Report on the status of Barren-Ground Caribou in the NWT: Traditional and Community Knowledge component	IGC, SSI, DFN, GTC, TG, GSCI, ATG, NWTMN, GRRB, WMAC(NWT), SRRB, WRRB, ENR, GNU, EC, PC

Date (best estimate)	Topic	Parties involved
June 17, 2011	Status Reports: Introduction letter: Report on the status of boreal woodland caribou in the NWT: Scientific Knowledge Component	IGC, GTC, SSI, DFN, ATG, NWTMN, NSMA, WMAC(NWT), GRRB, SRRB, WRRB, TG, ENR, EC, PC
February to May 2011	Public review of the draft 2011-15 Caribou Management Strategy (CMS). The Tlicho were invited to review the draft CMS and identify priorities for caribou management, monitoring and research over the next 5 years.	Public review; all NWT residents, groups, etc. and adjacent jurisdictions asked to provide feedback on the CMS.
February 11, 2011	Status Reports: Introduction letter: Report on the status of boreal woodland caribou in the NWT: Traditional and Community Knowledge Component	IGC, GTC, DCI, Dene Nation, GSCI, ICRC, SSI, DFN, TG, ATG, NWTMN, NSMA, WMAC(NWT), GRRB, SRRB, WRRB, ENR, EC, PC
June 2, 2010	Seasonal ranges and telemetry collar locations for Bathurst, Ahiak, and Bluenose East caribou herds, shape files of Wood Bison harvest management zones, Caribou No-hunt zone	ENR, Karin Clark, WRRB
April 7, 2010	Data Request: Telemetry locations of Bathurst, Ahiak and Bluenose East caribou	ENR, Rick Page, Intervener
March 31, 2010	Bathurst caribou seasonal range maps	ENR, Karin Clark, WRRB
February 25, 2010	Request for demographic data from 1970 to present for Bathurst, Ahiak and Bluenose East caribou herds	ENR, Karin Clark, WRRB

Date (best estimate)	Topic	Parties involved
2007/2008 and 2008/2009	Preliminary Results for Caribou Harvest Reporting: Pilot project conducted in the Tlicho communities; worked with and interviewed Tlicho community members for annual harvest numbers	ENR, Tlicho people
October 14, 2009	Tlicho Assembly (Gameti) - Inform the Tlicho about Bathurst caribou decline and obtain guidance on management options	ENR - Bruno Croft and Fred Mandeville, TG
October 1, 2, 5 and 6, 2009	Workshops on decline and harvest modeling for Bathurst herd	All aboriginal groups that hunted Bathurst herd in NWT; caribou outfitters, ENR.
September 26 and 27, 2009	Bathurst caribou decline: technical review with caribou experts	Biologists, statisticians, modelers; TG requested that they be able to attend as observers; K. Garner, A. Nitsiza, B. Rabesca-Zoe; Met in Calgary.
September 24, 2009	Tlicho Elders Workshop: Meet with Tlicho Elders Working Group to discuss Bathurst Caribou Decline	ENR - Fred Mandeville and Bruno Croft; Tlicho people
September 22, 2009	Distribution of Boreal Woodland Caribou Conservation in the NWT 2010-2015 publication	ENR, TG, wildlife co-management boards and other parties
September 9, 2009	Caribou Working Group: discussed the preliminary results of the 2009 survey	ENR - Fred Mandeville and Bruno Croft; TG
June 26-30 and July 1-5, 2009	Tlicho Summer Gathering (Behchoko): Inform the Tlicho about Bathurst caribou decline and obtain guidance on management options	ENR - Susan Fleck, Danny Beaulieu, Bruno Croft, Tlicho people
June 3-12, 2009	Community participation in the Bathurst Caribou Calving	ENR, TG, NSMA, YKDFN, LKDFN

Date (best estimate)	Topic	Parties involved
	Ground Photographic Survey	
July 2009 to January 2010	Visited each Tlicho community about caribou decline and Emergency Interim Measures (IEM)	ENR, TG
March, 2009	Received comments on Boreal Woodland Caribou Conservation plan	NWT Metis Nation, INAC, SKDB, SRRB, CAPP, WRRB, CPAWS, WMAC, WWF, GRRB, MVEIRB
2009, 2010, 2011, 2012 (Seasonal)	General Wildlife Permit - True North Safaris preliminary screening	ENR, TG, WRRB
January 20, 2012	Wildlife Research Permit: Baseline Wildlife Studies for the NICO Project (NS12-WL500013)	Distribution list that included TG, YKDFN, NSMA, LKDFN, WRRB
January 25, 2011	Wildlife Research Permit: Baseline Wildlife Studies for the NICO Project (NS10-WL5684)	Distribution list that included TG, YKDFN, NSMA, LKDFN, WRRB
2010	Wildlife Research Permit: Baseline Wildlife Studies for the NICO Project (NS11-WL6877)	Distribution list that included TG and other parties
February 21, 2012	Publication review and input: NWT Summary of Hunting Regulations	ENR, TG and others
October 12, 2011	Publication review and input: NWT Sport Fishing Regulations Guide	ENR, TG and others
January 6, 2011	Publication review and input: NWT Summary of Hunting Regulations	ENR, TG and others
December 8, 2010	Publication review and input: NWT Sport Fishing Regulations Guide	ENR, TG and others