

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



April 23, 2013

Mr. Bernard LaRochelle
Project Co-ordinator, Northern Project Management Office
Canadian Northern Economic Development Agency
2ND Floor – Hougen Centre
305 Main Street
Whitehorse, YT Y1A 2B3
Phone: (867) 667 - 3271
Fax: (867) 667 - 3801
E-mail: Bernard.LaRochelle@cannor.gc.ca

By E-mail and Fax

Dear Mr. LaRochelle:

Re: North Slave Métis Alliance Comments on the NICO Project Report of Environmental Assessment – MVEIRB EA0809-004

The Regional Director General of the Northern Projects Management Office, in a letter dated February 28, 2013, invited the North Slave Métis Alliance (NSMA) to comment on the recommendation by the Mackenzie Valley Environmental Assessment and Review Board (MVEIRB) that the NICO Project be approved, subject to the implementation of the measures and commitments described in the MVEIRB's Report of Environmental Assessment and Reasons for Decision (EA Report) issued on January 25, 2013.

The NSMA has concerns which have not been sufficiently addressed or accommodated in the EA Report and requests further engagement with the Crown to ensure that the North Slave Metis people's section 35 Aboriginal rights and title are respected, recognized and accommodated with regard to the NICO Project.

The NSMA's participation and presentations in the environmental assessment process were acknowledged by the MVEIRB in its EA Report¹. The MVEIRB recognized that the NICO Project is within the traditional land use area of the

¹ EA Report, pp. vii, 6, 18, 19, 22, 29, 80, 82, 85, 86, 88, 96, 100, 103, 105, 106, 107, 109, 117, 118, 123, 154, 155, 156, 158, 159, 160, 161, 162.

Ph: (867) 873-NSMA (6762)

Fax: (867) 669-7442

Email: general@nsma.net

North Slave Métis people and that the NSMA asserts Aboriginal rights and title to the Project area². The MVEIRB also referred to the Traditional Land Use, Occupancy and Knowledge Study submitted by the NSMA on September 15, 2012, which provides evidence of the North Slave Métis community members' knowledge, land use and occupancy of the lands and waters in the NICO Project area and vicinity.³

Notwithstanding the MVEIRB's recognition and acknowledgement, in its EA Report, that the NICO Project is located in the North Slave Metis people's traditional land use area, the North Slave Métis people's section 35 Aboriginal rights and title are inadequately accommodated by the MVEIRB. This shortcoming is highlighted in the EA Report's recommendations for the Developer's commitments and mitigation measures. In that respect, for the Developer to adequately accommodate the NSMA with respect to its Project, it must adequately accommodate the NSMA in the following areas: monitoring and adaptive management and mitigation of environmental, socio-economic and cultural impacts of the operation and closure of the NICO mine.

With the above in mind, the NSMA cannot, at this time, give its unequivocal support for the proposed NICO Project. The NSMA does, however, agree with the MVEIRB's conclusion that the impacts of the NICO Project will not be unacceptably significant - if properly managed. The NSMA therefore recommends that the Project be allowed to proceed, providing the Developer adequately accommodates the NSMA's above mentioned concerns.

The NSMA wishes to establish an open and respectful working relationship with the Developer, i.e. Fortune Minerals Inc. (Fortune). We are pleased and encouraged by Fortune's recent confirmation of its commitment to negotiate a Memorandum Of Understanding with the NSMA, which will form the basis for the negotiation of an Impact Benefit Agreement (IBA) with the NSMA. The IBA will address some of the NSMA's concerns regarding the management and mitigation of the impacts of the Project, but this agreement cannot accommodate all of NSMA's concerns - as outlined above.

There are measures and commitments which need to be modified to appropriately include or involve the NSMA. Although the EA Report recognizes the NSMA's expressed concerns with the proposed Project's impacts on traditional uses of water, air, land, wildlife, culture and economy in the Project area⁴, the involvement and accommodation of the NSMA in the recommended measures and commitments is limited to impacts on wildlife and cumulative impacts on barren-ground caribou - in particular. This is an unacceptable restriction on the North Slave Metis people's section 35 Aboriginal rights. The NSMA must be included and engaged in adaptive management processes addressing the

² EA Report, p.96

³ EA Report, p.105

⁴ EA Report, p.106

monitoring and mitigation of all environmental, socio-economic and cultural impacts, in all phases of the Project, including construction, operation and closure.

In conclusion, the NSMA requests further engagement with the Crown, prior to the Crown approving the NICO Project, as the NSMA is of the view that its members' section 35 Aboriginal rights and title are insufficiently accommodated by the MVEIRB as per its EA Report.

Sincerely,



William (Bill) A. Enge
President

E-mail: president@nsma.net