

# ***NORTH SLAVE MÉTIS ALLIANCE***

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Re: Terms of Reference for Fortune Minerals' Nico Project Environmental Assessment.

On behalf of the North Slave Métis Alliance (NSMA), I wish to submit the following comments on the draft Terms of Reference for the Fortune Nico Project.

- ∞ The table of contents reveals that impacts to the biophysical environment are broken down into seven categories, including water quality, water quantity, fish and aquatic habitat, wildlife, terrain, air quality, vegetation and that four pages are devoted to instructions on how to assess and report on those impacts. A section is devoted to describing assessment steps and significance determination, and another section devoted to closure and reclamation requirements for those seven biophysical components of the environment. On the other hand, there is no breakdown of the components of the human environment which require separate assessment and no guidance as to assessment steps or significance determination. Impacts on the human environment are dealt with on the same page as accidents and malfunctions and cumulative effects. The structure of the table of contents, and thus of the Terms of Reference, indicates a very strong and inappropriate bias towards biophysical scientific analysis, and only a cursory glance at the human environment. The NSMA believes that this is not a balanced approach, and that an equally rigorous standard of review should be devoted to the human environment as to the biophysical one. There review of impacts to the human environment should also be broken down into components such as social impacts, cultural impacts, and economic impacts, and each directly affected group should be considered separately. The Métis and the Tlicho and non-native residents will all have distinct and different cultural, social, and economic impacts which should be discussed, as well as subdivisions within those groups such as by gender, residence location, age, etc. Guidance should be provided for standards of assessment and determinations of significance for social, cultural and economic impacts as well.
- ∞ The NSMA believes that the socio-economic impacts of the project on the North Slave Métis People should be one of the highest priorities of this assessment. There exists a very large discrepancy in the baseline social, economic and cultural conditions between the indigenous Tlicho and Métis Peoples which needs to be acknowledged and addressed. The socio-cultural and economic impact analysis should each be a key line of inquiry

receiving equal consideration to the impacts to fish and fish habitat, and to wildlife and wildlife habitat.

- ∞ There is no such thing as the Tlicho Region. The Tlicho Settlement Area is the area where there has been a settlement of the Tlicho comprehensive claim. The North Slave Region is the name of the GNWT's administrative region, and it has not been changed. We would like to remind everyone that the NSMA also has Aboriginal Rights and Titles and Treaty rights throughout the portion of the so-called Northwest Territories between Great Bear Lake and Great Slave Lake, and between the Mackenzie River and Contwoyto Lake. This territory includes the mine site, the ranges of the impacted wildlife, birds and fish, the waters on and under the ground, the air, and the transportation route routes as far as Enterprise, if not further. The definition of "region" should be provided, and a proper name used for it throughout the document.
- ∞ We also object to the designation of Rae, Edzo, Bechoko, Wati, Wekweeti, Gameti, as Tlicho communities. The Tlicho are a cultural community, and they live in geographic communities, known by various names including their historic Métis names (such as Lac La Martre), which are also populated by indigenous Métis, and others. The physical, geographic communities were in fact established and run initially by Métis fur traders, centuries ago, and it is very disrespectful of the Métis heritage and cultural values to designate Métis established communities as Tlicho communities (even though they have effectively been expropriated from us and re-allocated to the Tlicho by Canada). They are still our communities, despite the inequitable treatment that government has given the Métis compared to the Dene, and the resulting drop in Métis populations in those communities. This is one of the baseline conditions which needs to be carefully considered if the Métis are to receive their fair share of both benefits and costs resulting from this project.
- ∞ The NSMA has identified the depletion of non-renewable resources in the context of disputed property rights and inequitable distribution of benefits and costs of the project as a very serious socioeconomic impact which should be addressed as a key line of inquiry.
- ∞ In section 3.2.4 where the developer is required to describe the existing environment for "surrounding communities" and to provide information on "socioeconomic conditions in communities and the region" it should be made clear that the communities of interest are human, cultural communities, and not geographic locations. There should be a specific requirement for a breakdown in the data between cultural groups, as well as analyses of various sub-groups, such as by age, gender, or residence.
- ∞ Also, with regards to the regional analysis mentioned in 3.2.4, the "region" needs to be properly defined. We submit that the Tlicho Settlement Area is only part of the actual region which will be affected, especially since people living in Yellowknife, Dettah, N'Dilo, Fort Providence, Enterprise, and likely Hay River will be affected by the project both economically, socially, and biophysically through risks of contamination (including accidents and malfunctions of transportation) and increased traffic effect, and should be included in the Regional analysis.

- ∞ In section 3.2.6 it should be noted that Traditional Knowledge should be used to establish baseline conditions as well as to predict impacts.
- ∞ In section 3.3.6 it should be clearly stated that the energetic effects to birds, fish and wildlife from project related disturbance, obstruction etc. should be considered.
- ∞ In section 3.4 it should be made clear that Aboriginal Peoples are cultural communities which need consideration separately from the communities of people defined by their residential address. Aboriginal Peoples have distinct cultural, heritage, and social issues not shared by all residents of geographic communities. The inequity between the Tlicho social, economic and cultural baseline conditions and the Métis conditions needs to be acknowledged, and mitigation has to take into account the particular vulnerabilities and threats to the Métis community. The NSMA strongly encourages the MVEIRB to treat this issue of inequality as a primary line of inquiry.
- ∞ In section 3.5, dealing with accidents and malfunctions, the proponent should also detail their proposed responses to failures to train, hire, or involve Communities in the development as predicted. The risk, and severity of these failures to the socioeconomic and cultural environment should receive an equally rigorous and professional assessment as biophysical risks do.
- ∞ Section 3.6 should clearly state that cumulative social, economic, and cultural impacts need to be assessed as rigorously and professionally as other environmental impacts.
- ∞ In appendix A, section 12, there is a reference to use of information pertaining to the area from the Tlicho land use planning process. Since the Métis are not involved in the Tlicho land use planning process, a separate process is needed to gather Métis information pertaining to the area. We also strenuously object to any analysis which looks only at Tlicho regional labor pool, as the Tlicho government has no jurisdiction over the Métis, and are neither qualified nor authorized to provide Métis labour pool information. To attempt to do so would be a serious infringement of our inherent right of self determination and self-government in our homeland.
- ∞ In Appendix B, the description of the development, there needs to be a specific statement of how much ore, and at what grade, is proposed to be removed. This information is essential in assessing the depletion of non-renewable resources, and determining whether the benefits of the project to the directly affected Peoples and society in general are worth the costs. There must also be a firm statement of how long the project will continue, in each stage. This information is essential in determining the benefits to be expected from the project in terms of employment, training, tax and royalty revenues, etc.
- ∞ In Appendix D, regarding closure and reclamation, we would like to know what site infrastructure might remain after mining that could be re-used and have the mine take post-mining use of the site into account in its mine plan.

- ∞ In Appendix J, Human Environment, it is important to re-iterate the definition of community includes cultural communities, including Aboriginal Peoples.
- ∞ There should be a specification in the TOR that all research conducted, both biophysical and socioeconomic/cultural, should be done according to the current appropriate ethical standards. In particular, it is important that the Ethical Standards for Conducting Research Involving Human Subjects and guidelines established by Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, Social Sciences and Humanities Research Council of Canada, in their *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*. 1998 (with 2000, 2002 and 2005 amendments). Is followed, and special attention should be paid to section 6 dealing with research involving Aboriginal Peoples, their lands, or their resources. (<http://www.pre.ethics.gc.ca/english/policystatement/introduction.cfm>)
- ∞ Appendix J3 should require that the assessment of community wellness address community cohesiveness, knowledge and pride in cultural identity, and stability and resiliency of socio-political institutions as well as the suggested indicators. The proponent should also discuss monitoring and mitigation methods and commitments.

Thank you for the opportunity to comment. Do not hesitate to contact me by email for clarification of any of our comments.

Sincerely,

Sheryl Grieve



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