



NWT Treaty #8 Tribal Corporation

Stephen Ellis – Senior Advisor
Akaitcho IMA Implementation Office
NWT Treaty #8 Tribal Corporation
Box 28
Lutsel K'e, NT X0E 1A0

November 29th, 2012

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

RE: Technical report for EA1011-001

Mr. Mercredi:

Please find below an enumeration of technical items of concern with regards to Avalon Rare Metals Inc. Nechalacho Project. The Akaitcho IMA Office would like to be address these items before the Review Board at the technical hearings in the New Year.

1. **Caribou Impacts – Direct and Cumulative:** Akaitcho Dene First Nation (AKFN) Traditional Knowledge strongly suggests that the existing mines have had an undeniable impact on the Bathurst Caribou herd and have contributed to the very significant decline in the herd numbers. AKFN harvesters have been forced to make increasing levels of sacrifice while development has proceeded without any additional constraints placed on their operations. The propoent does not propose any specific mitigations to minimize regional impacts upon caribou, and the AKFNs are concerned that the impacts associated with the development may result in part of the traditional range being isolated from caribou use.

The Nechalacho Project may be one of ten mines that would exist across the Bathurst Caribou range within a five year period. The AKFNs will want to have the proponent commit to contribute towards any regional cumulative effects framework that may become operational during the lifespan of the mine. The AKFNs will want to see the Review Board solidify such a commitment with an associated Measure.

Commensurate with a Measure directing the proponent to contribute to cumulative effects studies, the AKFNs will be asking for a Measure requiring the governments to develop and implement of a meaningful strategy for the management of cumulative effects, particularly as they relate to caribou. This strategy should include clear data management mechanisms, thresholds, and adaptive response mechanisms.

2. **Monitoring – Wildlife Effects:** The AKFNs will want to see a Measure that requires the collaborative development of a Wildlife Effects Monitoring Program (WEMP). Initial work on the development of the WEMP should commence in advance of any regulatory authorization, and be completed in partnership with the aboriginal parties.

Such a Measure is required as the Land and Water Board has been explicit in stating that requiring a WEMP is outside of the scope of the current permits and licenses it is authorized to issue. A WEMP without an enabling Measure is therefore unenforceable.

Any WEMP should include a clear monitoring program, appropriate resources for party participation and review, an agreed upon reporting and approval mechanism, and finally a dispute resolution system that is efficient and timely. WEMP development and implementation should be based upon best practices from existing mines in the Akaitcho Territory.

Monitoring - Air Quality: The Parties, Boards and regulators lack any legislative authority to enforce Air Quality measures. This gives a company complete freedom to emit any level of pollution up until they are releasing acutely toxic emissions. This is not acceptable. The AKFNs will be asking the Review Board for a Measure that requires a collaboratively designed Air Quality Management Plan that includes regular post-commissioning stack testing. Part of this plan should be a local sediment sampling program to establish current levels of persistent pollutants. AQMP development and implementation should also be based upon best practices from existing mines in the Akaitcho Territory.

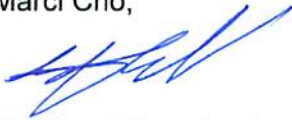
3. **Traditional Knowledge:** The AKFNs wish to ensure that their valuable traditional knowledge with respect to the Nechalacho region informs best design, management, and monitoring practices. The AKFNs will be requesting a Measure requiring the proponent to demonstrate how it will secure relevant traditional knowledge and use it to adapt the design and management of the Project.
4. **Aboriginal Party Participation in Environmental Monitoring and Management:** The AKFNs have a responsibility to monitor and manage the lands and resources in their traditional territories. At the other mines across the Akaitcho Territory, agencies and/or forums have been developed to promote and ensure Aboriginal Party participation in project-specific environmental monitoring and management. The AKFNs will be requesting a Measure requiring the proponent to develop and implement a robust

approach to meaningfully engaging the AKFNs in the environmental stewardship of the Nechalacho Project. This approach should be based upon best practices at other mine projects in the Akaitcho Territory.

5. **Closure:** The lack of component based closure objectives and criteria make it difficult to know what the company's ultimate vision for the site is. The AKFNs will be requesting a Measure that requires the collaborative development (with the Aboriginal Parties) of a closure and reclamation plan for the Nechalacho Project. This plan should include immediate development of component based closure objectives, delineated within a specific timeframe.

Please excuse the brevity of this letter – it is a very busy time within the AKFNs. If you would like any further context or clarification on the issues raised, please don't hesitate to contact my office.

Marci Cho,



Stephen Ellis – Senior Advisor
NWT Treaty #8 Tribal Corporation