



Debogorski EA 1112-001

Public Hearing Presentation

Akaitcho IMA Office - NWT Treaty #8 Tribal Corporation
October 12th, 2011

- Purpose of Presentation -

To recommend Measures and procedures that, if implemented, will help insure that the Debogorski project does not have significant adverse impacts upon the rights and aspirations of the Akaitcho Dene First Nations.

Observation a)

- There is a “contentious history of other applications in the Drybones Bay area from existing EA evidence on the public registry.”
- This EA cannot ignore the context and history of the Drybones Bay area, particularly the conclusions and recommendations made previously by the Review Board itself.

The T8TC maintains that the public registry for this EA must remain open in order to and include all evidence from all the previous EA's in the region, including the ongoing Encore Renaissance (CGV) & Sidon International EA's.

Observation b)

- The Review Board previously made Suggestions (Feb 2004) that “no new land use permits be issued for proposed developments within the Shoreline Zone and within Drybones Bay and Wool Bay proper... until a plan has been developed.”
- Failure to acknowledge this suggestion, let alone implement, is the root cause of the conflicts in the Drybones Bay area.

The T8TC maintains that the Review Board must hold fast to its position. A Measure should be made indicating that no permits/licenses should be issued in the Drybones Bay area until the federal government has developed and implemented, in partnership with the Akaitcho Dene, a “Plan of Action” that may guide regulatory considerations in the area.

Observation c)

- The Review Board has stated recently that the “cumulative cultural impacts [in the Drybones and Wool Bay areas] are at a critical threshold” (“Report of Environmental Assessment and Reasons for Decision on Sidon International Resources Corp. Exploratory Drilling at Defeat Lake” Feb. 2008).
- In the absence of a cumulative effects assessment, the Review Board cannot determine whether the activities proposed, in combination with other exploration and land-use activities, will significantly impact upon the natural and cultural landscape of the area.

The Review Board must require an adequate cumulative effects assessment of all exploration activities, historical and contemporary, upon the Drybones Bay area prior to any new permit/license consideration. This could be completed as part of the “Plan of Action”.

Observation d)

- It is the understanding of the T8TC that Mr. Debogorski has until recently received relief from AANDC under s.81 of the *NWT and Nunavut Mining Regulations*. This relief was not provided over the past year.
- The federal government has failed to inform prospective developers proposing activities in the Drybones Bay area of the contentious nature of the region, thereby “luring” unwitting developers into a “quagmire” of uncertainty and regulatory process.

The Review Board should provide a directive to AANDC, until such time as a “Plan of Action” is implemented:

- To secure an order from the Governor-In-Council to set apart the Drybones Bay area, as per s. 4 or s. 23(d)(ii) of the *Territorial Lands Act*;
- To offer relief from fulfilling representation work to mineral claim holders in the Drybones Bay area, as per the *NWT and Nunavut Mining Regulations*;
- To offer relief from paying rent to mineral lease holders in the Drybones Bay area.

Observation e)

- The Akaitcho Dene have long maintained that the federal government has not adequately consulted them regarding proposed developments in the Drybones Bay area.
- There can be no debate that the duty to consult and accommodate here is at the most rigorous end of the spectrum – the impacts are real, significant, and are infringing upon rights as we speak.

The Review Board must communicate to the federal government that it cannot satisfactorily complete environmental assessments in the absence of a Crown-led process whereby rights infringements are assessed and adequate accommodations are implemented. This process could include to a large degree the development of a “Plan of Action” for the area.

Conclusions

- This is not about a “small-scale project” – it is about the cumulative impacts of a host of projects across a limited landscape, where mineral exploration activities have already directly resulted in real significant negative impacts (e.g. graveyard fire, sunken tanker, decreased traditional use).

Conclusions

- The federal government has long been aware of the pressures and sensitivities in Drybones Bay – at least since 2003. In the eight years since, government agency action to alleviate this pressure has amounted to exactly zero.
- Unless compelled to do so, the federal government will continue to do nothing about Drybones Bay.

“...the Review Board is of the view that cultural impacts are being caused by incrementally increasing development in this important area, including the proposed development. The Review Board is of the opinion that these cumulative cultural impacts are at a critical threshold. Unless certain management actions are taken, this threshold will be surpassed.”

- REA, EA0506-005