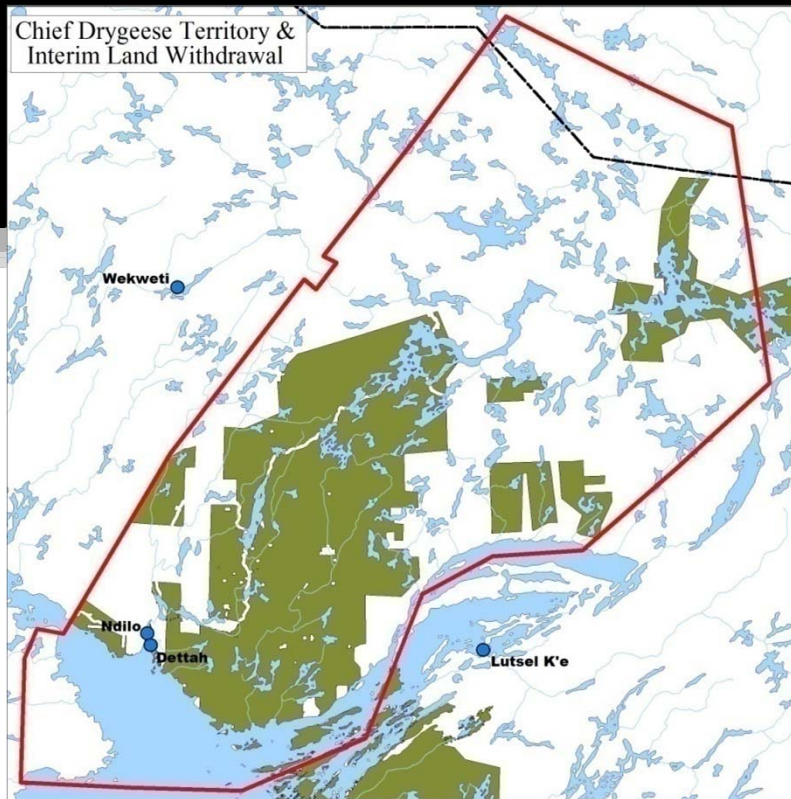


YKDFN Debogorski Environmental Assessment Presentation



EA1112-001

Mackenzie Valley Environmental Impact Assessment Board
October 12th – 13th, 2011

Historic Determinations of Impacts - Current Situation

- This is yet another project in a critical landscape
- Determination of impacts from CGV EA Report:
 - *“The Review Board finds that cultural impacts...are at a critical threshold. Unless certain actions are taken, this would result in diminished cultural value of this particular area, which would be an unacceptable cumulative impact on Aboriginal land users.” [underline added]*
 - *“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.*

If this threshold were surpassed, it would result in a significantly diminished cultural value of this particular area to Aboriginal peoples. This would be an unacceptable cultural cumulative impact on Aboriginal land users. The Review Board views the cumulative cultural impacts described by the parties, and particularly the YKDFN, as likely, significant, and adverse.” [underline added]



Historic Determinations of Impacts - Current Situation

- MVEIRB proposed a suite of measures as mitigations
- Measures were essentially the same as Suggestions that have been advanced earlier
 - Of the Board's 20 suggestions, none have been implemented
- Impacts have continued to build since 2003
- Cumulative Impacts are from a continuing series of exploration projects and other pressures



YKDFN Involvement in Previous Hearings and Regulatory Processes

- 7th Environmental Assessment for this area
- 8th Hearing
- Almost 1700 pages of testimony
- Hundreds (?thousands?) of documents submitted to the registries
- 2% of YKDFN membership have spoken to the board
 - This is approximately 20% of the adult membership who reside in the Yellowknife area.



Project Specific Considerations

- Impacts associated with the project are similar to other projects – barring accident or malfunction
- Impacts continued across the landscape – spatial area extended south
- Claim block includes new lands, including islands highly used for cultural and Treaty purposes



Project Uncertainty

- Considerable unknowns with the project
 - 8 site locations remain undefined vs. only 2 known sites
 - Wide range of potential keystone areas that could be effected
 - Camp location(s) not clear
 - Pebble Beach camp is not currently permitted



Lack of Accommodation/Mitigation

- On the one hand AANDC/CANNOR have effectively forced this situation by initially refusing to grant section 81 relief
- While on the other they have refused to meaningfully respond to the advice of the Board or engage whatsoever with YKDFN regardless of the consultative duty
 - Where is the good faith approach?



YKDFN Recommendations - 1

- At this point, the application should be refused because of the uncontrolled development and lack of any, much less effective, management occurring at Drybones Bay.
- Board should direct the Crown to complete their consultative duty
- The Measures from CGV – including the Plan of Action, Monitoring, and Heritage Evaluation – must be developed and come into force in the meantime (e.g. prior to future impacts)
 - Mineral exploration must wait for the development of sound management



YKDFN Recommendations - 2

- Once these measures are enacted, this proposal can be reconsidered
 - Until that time, the applicant should be granted relief from work obligations to keep their claims in good standing. The impacts associated with management failures of the Crown should be mitigated not just for YKDFN, but for the applicant as well
- Measures must be enacted in a way that makes them enforceable, not just some sort of guidance document that the various boards and governments can ignore at their leisure – e.g. Inuvialuit CCPs, Great Bear Plan.
 - For example, via Policy Directive from the Minister



YKDFN Recommendations - 3

- The registry associated with this application should remain open until such time that the decisions associated with CGV/Encore and Sidon are completed – the considerations and measures in those files will greatly influence all projects throughout the Shoreline Area
 - This is a cumulative situation effecting the entire landscape – these projects cannot be dealt with in isolation
- If the registry is not held open, the Measures from CGV/Encore should be used as the benchmark for the necessary management level mitigations to avoid significant impacts



YKDFN Conclusion

- The situation is clear:
 - Significant impacts continue
 - Further development pressure – not just from Debogorski, but a upcoming wave of claim holders
 - Mitigations and sound management are non-existent
- Decision is equally clear – more impacts absent of mitigation and management must be rejected.
 - Once an enforceable management scheme exists, this project can be reconsidered within that framework
- Status quo means that the Board and the Crown continue to ignore the significant community concerns, allowing significant impacts to effect well-being of the

YKDFN



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