

September 13, 2012

VIA EMAIL

Chuck Hebert
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**Re: GNWT Response to Tlicho Government Information Request #3 – Gahcho Kue Project
Environmental Impact Review**

Attached is the Government of the Northwest Territories's (GNWT) response to the Tlicho Government's Information Request #3 issued by the Mackenzie Valley Review Board on July 16, 2012.

Should you have any questions or concerns, please contact me at (867) 873-7197 or gavin_more@gov.nt.ca.

Sincerely



Gavin More
Manager
Environmental Assessment and Monitoring
Environment and Natural Resources

IR #: TG-3

Source: Tlicho Government

To: GNWT

Subject: Relationship between Snap Lake Environmental Monitoring Agency and Gahcho Kue body

Preamble:

Under the Snap Lake Environmental Agreement, the Snap Lake Environmental Agency was formed to ensure the environmental integrity of the Snap Lake area. This agency has responsibilities for:

- a) Reviewing and commenting on the design of monitoring and management plans and the results of these activities;
- b) Monitoring and encouraging the integration of traditional knowledge of the nearby Aboriginal peoples in the mine's environmental plans;
- c) Acting as an intervener in regulatory processes directly related to environmental matters involving the Snap Lake Project and its cumulative effects;
- d) Bringing concerns of the Aboriginal peoples and general public to De Beers Canada Mining Inc and government;
- e) Keeping Aboriginal peoples and the public informed about Agency activities and findings, and
- f) Writing an Annual Report with recommendations that require the response of De Beers Canada Mining Inc and / or government.

Request/Response:

1a. Will the GNWT please describe the proposed relationship between the existing SLEMA and any new authority?

The Snap Lake Environmental Monitoring Agency (SLEMA) is directed by a board of eight individuals with two representatives each from the four signatory aboriginal groups. The board takes direction from two panels, a science panel and a traditional knowledge panel.

As the GNWT is not a member of SLEMA, it is not aware of any proposed relationship between SLEMA and the De Beers proposed adaptive management advisory committee. This question should best be addressed by De Beers and the parties represented on SLEMA.

1b. Has the GNWT considered having one authority or agency to ensure environmental integrity?

The GNWT is of the opinion one authority for regulating the environmental integrity of the proposed Gahcho Kue mine already exists. It is the Mackenzie Valley Land and Water Board.

For some matters, such as species at risk, regional scale monitoring by a government department is also necessary. Coordination of site monitoring with regional monitoring assists these departments to ensure landscape level environmental integrity.

1c. Can the GNWT provide insight into how the mechanisms of environmental monitoring can be implemented without duplication or replication?

The primary authority for ensuring environmental monitoring occurs at the Snap Lake mine is the Mackenzie Valley Land and Water Board through its Land Use Permit and Water Licence system. The regulatory oversight must be site-specific and is not considered to be a duplication of requirements with other mines. Although other regulators may provide additional authorizations that include terms and conditions requiring specific environmental monitoring and/or reporting, the GNWT is not aware of a significant level of duplication among these authorities.

Similarly, the Gahcho Kue Project will require authorizations from the Mackenzie Valley Land and Water Board specific to that project and are not considered to be a duplication of environmental monitoring or reporting vis a vis other projects.

The Land and Water Boards, government departments and industry have also made progress toward establishing guidelines and best practices, which have been tested and proven in northern landscapes for northern mines. When based on northern experience and expertise these can increase effectiveness of mine planning and mitigation and reduce the duplication and replication for each mine project. Similarly, the development of monitoring protocols applied by multiple projects increases the effectiveness and allows for comparability among projects.

2. What is GNWT's current position towards a multi-project environmental monitoring agency?

Schedule B of the Snap Lake Environmental Agreement required Aboriginal Affairs and Northern Development Canada [formerly Indian and Northern Affairs Canada] and the Government of the Northwest Territories to engage a variety of parties, including the three existing companies operating diamond mines, in the development of a "Terms of Reference for a Multi-Project Environmental Monitoring Agency for the BHPB, Diavik, and De Beers diamond mine projects in the NWT." The parties actively engaged in this negotiation and issued the required terms of reference on June 23, 2008.

Based on the level of participation of some mines and issues raised by BHP Billiton during the final stage of the process, the GNWT is not convinced a multi-project environmental monitoring agency is achievable. The GNWT also does not see such an agency as a significant improvement on the key functions of the current monitoring agencies, particularly in the area of increased communication with communities or in terms of review comments to the primary regulatory authorities of the Wek'eezhii Land and Water Board and the Mackenzie Valley Land and Water Board.

Based on the experience with the Snap Lake Environmental Monitoring Agency, the GNWT believes the most appropriate means of achieving the Preamble list of expectations is an agreement between the affected communities and the individual mine operators to establish an appropriate process for review of regulatory documents and plans.