

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



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Dr. Kathleen Racher
Wek'`eezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT. X1A 3S3
E-mail: racherk@wlwb.ca

2007 Aquatic Effects Monitoring Program (AEMP) Report for the Ekati Mine

Dear Ms. Racher,

The North Slave Métis Alliance (NSMA) has reviewed the 2007 report of the Ekati Mine AEMP, and wishes to provide the following comments.

The Métis People indigenous to the North Slave have a direct and proprietary interest in the monitoring of water and aquatic life in the vicinity of the Ekati Diamond Mine, which is within the NSMA's traditional territory. Not only do the North Slave Métis have Aboriginal Rights, Aboriginal Titles, and Treaty Rights in the area of this mine, but our People possess communally held water rights similar to riparian rights, which are protected under section 14(4)b of the NWT Waters Act. Furthermore, BHP has signed a Socioeconomic Agreement to ensure that the Ekati Diamond Mine contributes to the social, economic, and cultural well-being of Northern Residents, to ensure that training, employment, and business opportunities are made available to Northern Residents, and to protect and promote the wellness of any affected peoples or community and minimize any adverse social impacts of the project. BHP also has signed an IBA with the NSMA which reiterates similar issues, more specifically with regards to the NSMA. For all these reasons, the NSMA has legal rights to be meaningfully involved in the design, and implementation of the AEMP.

BHP, as a researcher in the Northwest Territories, is also under the jurisdiction of the Scientists Act, and is expected to follow guidelines for the conduct of ethical research such as have been provided by the Royal Commission on Aboriginal People¹, and described in section 6 of the Tri-Council Policy Statement on Ethical Research². These guidelines, available on the Aurora Research Institute's website, confirm that the interests of Aboriginal Peoples must be taken into account in the conduct of research, in addition to the individual interests of aboriginal individuals, and that Aboriginal Peoples have a right to be meaningfully involved in, and benefit from, research that affects them.

The best way for the North Slave Métis to ascertain whether the monitoring of the impacts of the Ekati mine on the water and aquatic life in the region are acceptable to

¹ http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html

² <http://pre.ethics.gc.ca/english/policystatement/section6.cfm>

the North Slave Métis is to utilize traditional Métis Knowledge, which requires hands-on experience, on site. Our People are not satisfied with exclusively textual or mathematical information provided to us by government, industry, or industry's consultants. We have many valid reasons not to trust resource management decisions based exclusively upon that kind of information. In addition to high quality scientific research, we also require the experience based opinions of our respected elders to inform our community whether or not the research is acceptable or not. The meaningful incorporation of Traditional Knowledge ensures that community concerns, as well as academic interests, are addressed by the research.

The AEMP report does not detail the inclusion of Métis Traditional Knowledge. The NSMA desires more involvement in the design and the implementation of the Ekati Aquatic Effects Monitoring Program (AEMP), as well as better reporting of our involvement. In particular, we desire involvement in establishing acceptable limits of change, or effects sizes. Acceptable limits of change should not to be mistaken for detection limits of analytical techniques.

We would also still like to receive a response to our comments, sent to Laura Tyler, regarding the 2006 AEMP.

Although the late delivery of the 2007 AEMP has interfered with our ability to review this research, we do have concerns about the reported results showing that water contamination with molybdenum, selenium, and nitrate are exceeding or almost exceeding CCME guidelines. We strongly disagree with the reasoning used to discount the importance of exceeding the CCME guidelines, which was, essentially, that since the 95% confidence interval overlaps the CCME guideline, you can't prove the CCME guideline was surpassed until you get a value quite a bit over the CCME guideline. We do not consider the CCME guidelines to be "pollute up to" variables, and this argument is not compatible with the "precautionary principle" of environmental management which we insist on.

We are alarmed by the reports of elevated hydrocarbon, mercury, molybdenum, and selenium in fish, and very disappointed to hear that no winter oxygen measurements were taken in 2007, in lakes where low winter oxygen has been a problem in the past. Traditional Knowledge should have been solicited, and used, to obtain the required winter oxygen measurements. We are also concerned about the elevated infection rates of tapeworm in slimy sculpin.

Sincerely,



Sheryl Grieve
Manager, Lands and Resources
lands@nsma.net

c.c. Eric Denholm; Eric.J.Denholm@bhpbilliton.com

Ph: (867) 873-NSMA (6762)

Fax: (867) 669-7442

Email: general@nsma.net