

NORTH SLAVE MÉTIS ALLIANCE

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Mackenzie Valley Land and Water Board
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November 27, 2009

Re: Intervention of North Slave Métis Alliance - MV2009L3-0007

Please accept this letter as formal notice that the North Slave Métis Alliance intends to intervene in the issuance of the above noted water licence, applied for by the City of Yellowknife. The grounds for our intervention are summarized below.

- 1) The Board has failed to Consult the NSMA regarding exemption from environmental screening, despite environmental concerns expressed by the NSMA.
 - ∞ On August the 27th, 2009, the NSMA submitted a letter to the Board outlining a number of significant environmental concerns to be considered during environmental screening of the application. The concerns included:
 - (a) Inadequate information about heritage resources and cultural sites.
 - (b) Cumulative effects to fish, birds, furbearers, carnivores and ungulates in terms of health, behaviour and abundance.
 - (c) Noise, odours, aesthetic impacts, and public perception of dirty lands.
 - (d) Interference with Aboriginal and Treaty rights.
 - (e) Interference with traditional use.
 - (f) Community distress due to lack of Consultation.
 - ∞ On September 30th, 2009, the NSMA informed the Board that we had insufficient information available with which to determine whether or not the project should be exempted from preliminary screening. We specifically mentioned our need for details on how this proposed project differs from the project description which was previously subjected to environmental assessment. We informed the Board that we did not have a copy of the previous environmental assessment, or the detailed project description that was assessed.
 - ∞ On October 27th, 2009, without informing the NSMA or contacting the NSMA, Board Staff recommended to the Board that the project be exempted from preliminary screening without notifying the Board regarding the concerns expressed by the NSMA regarding the inadequate information available with which to determine the project's eligibility for exemption from screening.
 - ∞ On November 5th, the Board exempted the project from preliminary screening.

- ∞ As of today, the 27th of November, the NSMA has still not received the information it requested in order to comment on the issue of exemption from preliminary screening, despite continued requests.
 - ∞ As of today, the 27th of November, the NSMA has still not received any support to enhance its capacity to comment on the issue of exemption from preliminary screening, despite continued requests.
 - ∞ The Board should not have made its decision without Consulting the NSMA.
- 2) The Crown has failed to consult with the North Slave Métis People with regards to the use of waters and deposit of waste within their traditional Territory.
- a) The North Slave Métis People, as represented by the NSMA, are an Aboriginal People with Aboriginal and Treaty Rights in the area of this project, and have a right to be Consulted with regards to the withdrawal of water from the Yellowknife River, and from Great Slave Lake, both of which are within our traditional territory. Our inherent right of self-determination entitles us to meaningful participation in decisions regarding:
 - ∞ The acceptable volumes of water to be withdrawn, and the timing of the withdrawals.
 - ∞ The acceptable quality of drinking water to be delivered to our homes.
 - b) The North Slave Métis People, as represented by the NSMA, are an Aboriginal People with Aboriginal and Treaty Rights in the area of this project, and have a right to be Consulted with regards to the deposit of waste to Fiddlers Lagoon and the downstream waters, all of which are within our traditional Territory. We have an inherent right of self-determination which entitles us to meaningful participation in decisions regarding:
 - ∞ The volume, and quality of effluent to be deposited.
 - ∞ The location and timing of effluent discharges.
 - c) To this day, the NSMA has received no capacity support in order to enable our participation in the review of this application.
- 3) The Board can not issue a licence unless and until the applicant satisfies the Board that appropriate compensation has been or will be paid to existing water rights holders who would be adversely affected and who have notified the Board within the time period stipulated.
- a) The North Slave Métis Alliance hereby notifies the Board that its members, the indigenous North Slave Métis People, possess communally held water rights, in accordance with their Aboriginal Rights, and qualify under section 14(4)(b) of the NWTWA as “existing water users” of the Yellowknife River, Great Slave Lake, Fiddlers Lagoon, and all other waters potentially affected by this project. ● Our traditional use and current rights (despite previous infringements) to use waters includes all of these categories:
 - ∞ Domestic use of the Yellowknife River and Great Slave Lake waters, as well as the waters of Fiddlers Lagoon and downstream waters, and all the snow and rain which falls on the area surrounding Yellowknife, and including all the ground waters under and down gradient from the Yellowknife area. ● Our domestic use of waters includes drinking, bathing, washing, fishing, watering of livestock and gardens, and other uses.
 - ∞ Instream use of the Yellowknife River, Great Slave Lake, Fiddlers Lagoon and all downstream waters for domestic and commercial fishing, transportation, washing, watering, trapping, and other uses.
 - ∞ Owners of property and occupiers of property throughout the North Slave Region.

- o Holders of rights similar in nature to outfitting or trapping rights, and including domestic and fishing rights, and rights to the harvest of plants and animals.
- b) We will be adversely affected by the applicants use of waters in the following ways:
 - o Certain areas and waters that were traditionally used by the North Slave Métis will no longer be suitable for continued use. In fact, much of the area will be fenced off so that no use at all will be possible.
 - o A substantial area of lands and waters surrounding the solid waste landfill for have been, still are, and will become more, contaminated by the cumulative impacts of burning waste, and also by wind borne contaminants, making the waters no longer considered potable, and the vegetation no longer appetising.
 - o The water quality criteria for the water delivered to our homes does not fully meet our requirements.
 - o The quality of storm water, and effluent discharged to the environment does not fully meet our requirements, and exceed guidelines from other jurisdictions.
 - o The fees which our households pay for water do not reflect the fact that the water is being taken, without compensation, from waters in our territory, and that we are not receiving any form of compensation for the use of our waters. This is an economic injustice which causes public concern as well as socio-economic impacts.
 - o The waters of Great Slave Lake have been and will continue to be degraded, more heavily in some areas than others, to the detriment of our ability to use those waters for our various uses.
 - o The properties which the City occupies for its solid and liquid waste discharges, and for its water treatment, and other purposes, are all on our traditional lands, yet we receive no benefit from the fair rental of those lands. As well, we receive no rental or compensation for the lands which are contaminated in various ways by the City's operations, including snow removal, road construction and maintenance and so on.
 - o This undertaking will produce noise, odours, dust, aesthetic impacts and various other nuisances and inconveniences for the North Slave Métis People.
 - o The City of Yellowknife does not follow the guidelines for conducting ethical research involving Aboriginal Peoples, their lands, and their resources when performing its studies, and therefore the environmental monitoring and environmental planning that the City does fails to take our rights, values, and interests into consideration.

If you have any questions regarding this intervention, please do not hesitate to email me at the address provided below.

Sincerely,



Sheryl Grieve, B.Sc.
Manager of Environment, Lands and Resources
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