

NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



June 20th, 2011

Kathleen Graham
Regulatory Officer
McKenzie Valley Land and Water Board
7th floor, 4910-50th Avenue.
P.O. Box 2130,
Yellowknife. NT. X1A 2P6
Fax: (867) 873-6610
Email: permits@mvlwb.com and kgraham@mvlwb.com

Re: Fort Smith Water Licence Renewal MV20111L3-0001

The North Slave Métis Alliance (NSMA) is the democratically elected political representative of the indigenous North Slave Métis People that continue to use and occupy the North Slave area of the Northwest Territories (NWT) as they have done continuously since long before Europeans “established effective control” of the area. As well, many North Slave Métis were included in Treaty 11 and possess existing Treaty Rights in the North Slave Area, as defined during the negotiation of Treaty 11. Those boundaries were detailed on page 136 of Rene Fumoleau’s well known book “*As Long As This Land Shall Last*”, and formally placed on the Canadian Government public record for the original Mackenzie Pipeline Inquiry, on page 168 of the equally famous *Berger Report*. The indigenous North Slave Métis therefore possess Canadian constitutionally protected section 35 Aboriginal Rights and Titles, including Treaty 11 Rights, to the lands and resources of their traditional territory.

The North Slave Métis People’s Aboriginal and Treaty rights include rights to use water for domestic, instream, and commercial purposes, and while practicing activities similar in nature to trapping, hunting and outfitting concessions. These communal rights are shared by the community as a whole, just as we also share occupancy, use and ownership rights throughout our traditional territory. Our People, as a group, are therefore entitled to compensation for any interference with our *existing water users rights* under sections 14(4)b and 14(5) of the NWT Waters Act.

With that in mind, the NSMA takes its representation mandate seriously, and must continue to insist it is “consulted and accommodated,” on any and all forms of activities, planned or underway, by public and private sector organizations, on, or potentially affecting, its traditional lands, waters, and resources. This includes the municipal use of water and any discharge of wastes.

Unfortunately, the immense volume of applications, plans and reports circulated to the NSMA for our input by the several co-management boards, governments, and industries that operate in our territory far exceeds our capacity to respond.

With respect to the above noted application, the NSMA does not have sufficient funding or qualified staff to read and evaluate the information available on the public registry, to meet with the proponents, to visit and inspect the site, to solicit input from the community, or to review our archival information. We therefore cannot contribute our traditional knowledge or formulate our community's views, and we can also not assess the likelihood that the quality, quantity or rate of flow of the Slave River, Great Slave Lake or any other surface or groundwater's that flow onto or under our lands, may be impacted or whether our use of our traditional waters will be interfered with.

As a result, we must regretfully inform you that **there has NOT been adequate Crown Consultation** with respect to this application, and **appropriate compensation for interference with our existing water rights has been neither agreed to nor paid.**

If you have any questions regarding this letter, please do not hesitate to contact me at the email address as signed below.

Sincerely,

A handwritten signature in black ink that reads "Sheryl Grieve". The signature is written in a cursive, flowing style.

Sheryl Grieve, B.Sc.
Environment Manager
Email: enviomgr@nsma.net

Rhonda Miller - MVLWB

From: Sheryl Grieve [enviromgr@nsma.net]
Sent: June-20-11 4:59 PM
To: 'Kathleen Graham'; permits@mvlwb.com
Subject: Fort Smith WL intervention
Attachments: 2011-06-20 NSMA intervention Ft Smith WL.pdf

Please accept the attached intervention letter on behalf of the NSMA, regarding the town of Fort Smith Water Licence.

Sheryl Grieve B.Sc.
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