Chamber of Mines News Briefs – March 26 - 29, 2015

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NWT NEWS

Statistics show NWT population decline in 2014

Northern Journal - March 23, 2015

Dali Carmichael

A Statistics Canada report on national population demographics released Mar. 18 showed a negative trend in the Northwest Territories as the number of residents in the territory continues to decline.

Preliminary data in the Quarterly Demographic Estimates report – which documents Canada's population trends from October to December 2014 – demonstrated that despite efforts by the GNWT, the territory's population fell by about 0.8 per cent over the time period, the equivalent of just under 300 residents.

From January 2014 to January 2015 the population decreased by about 0.5 per cent or 338 people. As of the start of this year, the population sits at 43,595.

According to the report, the highest net losses in interprovincial migration observed in any Canadian province or territory was in the NWT, with 2 per cent of residents leaving its borders.

Historical data shows that the majority of people who migrate from the NWT and stay within Canada move south to Alberta, which, incidentally, leads the country in population growth with an increase of about 2.4 per cent in 2014.

The number of non-permanent residents in the NWT shrunk as well, with 406 people counted in the first quarter of 2015 compared to 448 in Q1 2014.

On the plus side, the NWT had one of the highest rates of natural increase in the country at 1.1 per cent, trailing only behind Nunavut with 2 per cent. This is far above the national rate, which sits around 0.4 per cent.

As of Jan. 1 Canada's national population was recorded at 35.7 million, up from 35.3 million the same time last year. The report attributes this growth to positive natural increase and net international migration rates across the country.

To check out the full report, head to http://www.statcan.gc.ca/pub/91-002-x/91-002-x2014004-eng.htm.

RESOURCE DEVELOPMENT AND ENERGY NEWS

First Nations lambast Ottawa over Bill S-6

Yukon First Nations had some of their harshest words yet for proposed legislative changes to the territory's environmental regime.

Whitehorse Star – March 25, 2015

Christopher Reynolds

Yukon First Nations had some of their harshest words yet for proposed legislative changes to the territory's environmental regime.

Ruth Massie, grand chief of the Council of Yukon First Nations (CYFN), and Little Salmon/Carmacks Chief Eric Fairclough said at a press conference Tuesday that amendments laid out in the federal Bill S-6 are "unilateral" and unconstitutional.

The chiefs — two of the bill's most vocal critics — renewed their vow to take legal action if the changes to the Yukon's assessment laws go through.

The press conference preceded an upcoming visit by the House standing committee on Aboriginal Affairs and Northern Development.

The committee is currently deliberating S-6, which made it through the Senate last year and passed second reading in the House of Commons earlier this month.

The hearing this coming Monday at the Gold Rush Inn will mark the first time a House committee has travelled since the federal NDP suspended it more than a year ago in response to a government bill.

"These amendments are not consistent with the spirit and intent of our treaties," Massie said.

"To date, they give us no choice," she replied to a Star question on recourse to the courts.

"We spent over 40 years negotiating and implementing these agreements for a better future for everybody in this territory.

The legislation in question was developed collaboratively by Yukon First Nations and the territorial and federal governments in 2003 in accordance with Chapter 12 of the Umbrella Final Agreement, which mandates a permanent, independent assessment process.

The legislation — now on the verge of transformation — is protected under Section 35 of the federal Constitution Act.

Massie criticized Yukon MP Ryan Leef's absence during a vote on the bill March 11.

"He's chosen not to listen not only to First Nations but to the Yukon public," she said. "I don't think that he is protecting our region at all or the people that he represents."

Leef pointed to numerous steps he's taken over the past year.

"Any suggestion that I haven't advanced their position or concerns is a complete abandonment of the facts," he said in a phone interview today.

Leef noted he has met with First Nations on S-6 several times, called publicly for the committee to travel north to hear from local "stakeholders," made sure invitations were sent to each of the 14 First Nations and wrote directly to the prime minister.

"I ensured unfettered access to the (Aboriginal Affairs) minister's senior staff," he said.

"And I'm talking direct, personal communication — that is not the normal course of operation."

The Star has obtained a copy of his letter to Prime Minister Stephen Harper, dated Dec. 12, 2014.

Leef wrote that First Nations were concerned the amendments to the Yukon Environmental and Socio-economic Assessment Act (YESAA) would "undermine the neutrality" of the assessment process as well as the collaborative spirit of land claims agreements.

The letter touched on each of the four clauses and echoed First Nations' concerns on the changes.

These provisions would allow a federal minister to impose policy direction on the assessment board, or delegate that authority to a territorial minister.

They would also institute end-to-end assessment timelines and provide broad exemptions for project renewals or expansions that currently trigger an independent review.

Fairclough expressed both optimism and skepticism at Tuesday's press conference.

"It's been a long road. And we self-governing Yukon First Nations continue to believe that there is a solution to this issue.

"The way things are progressing right now, even with the minister's speech this morning, I really don't believe that they're going to make any of these changes at all," he added of changes to S-6 suggested by the CYFN.

Aboriginal Affairs Minister Bernard Valcourt addressed the standing committee Tuesday morning in Ottawa.

"On each and every count where it is alleged that this violates the umbrella agreement — and I've met personally with the chief — she could not show me one single concrete example of how Bill S-6 violates the umbrella agreement," he said.

Fairclough disagreed, and lamented the "economic uncertainty" a lengthy legal battle might bring.

"YESAA is not legislation that Canada may simply alter as it wishes," he said, citing its constitutional grounding.

"We're not going to let the federal government or the territorial government slowly pick away at our agreements and water it down," he said. "Not gonna happen."

In the House during question period today, Valcourt insisted the amendments are aimed at "fostering economic development by improving Yukon and Nunavut regulatory systems while protecting" the environment.

Northwest Territories MP Dennis Bevington, a New Democrat, responded that "gutting environmental legislation ... just simply leads to more legal actions."

Fairclough added Tuesday that the territorial government "does bear responsibility and has shown they are not willing to work with First Nations on changes to Bill S-6."

The cabinet, which suggested two of the four amendments, did not respond to a request for comment before press time this afternoon.

"It is not acceptable to have the Yukon and Canada steering the ship without Yukon First Nations at the helm. We are in this together," Fairclough stated.

"We need to stop governing through conflict and start working together on these issues until we can agree to solutions to our differences."

At least six First Nations and the CYFN will speak at Monday's full-day committee hearing at the Gold Rush Inn.

They have been allotted seven minutes of speaking time each.

Representatives from the Vuntut Gwitchin First Nation, Ta'an Kwach'an Council, and Teslin Tlingit Council, among others, have said they will participate.

The premier will speak for 10 minutes.

Members of the public are encouraged to attend the proceedings, though they will not be able to address the committee.

Leef, who is not on the 10-member House Aboriginal Affairs committee, will sit in as a substitute during the hearing.

A public forum will be held at the Kwanlin Dun Cultural Centre from 7 to 9 p.m. Thursday “so that those that attend have a place to be heard,” Fairclough said.

Their concerns will be passed on to the standing committee, he added.

Review board holds all the cards

Water quality an ill-defined issue; De Beers says fate of Snap Lake hangs on decision

Yellowknifer – March 27, 2015

Stewart Burnett

There are no guidelines governing an acceptable level of pollutants in Snap Lake, meaning a high-stake decision is wholly at the discretion of the Mackenzie Valley Land and Water Board.

De Beers Canada is threatening to shut down its Snap Lake Mine if the board does not nearly triple the allowable level of total dissolved solids (TDS), which, in the case of Snap Lake, mainly consists of salts.

Cracks in the walls of the underground mine means groundwater with an extremely high concentration of salts is seeping in and is being pumped to the surface of the lake. This higher-than-expected discharge led De Beers to request an increase of TDS levels from 350 milligrams per litre to 1,000 milligrams per litre.

The Mackenzie Valley Land and Water Board is currently deliberating on the request, with a decision expected by the end of the month.

"The board has full discretion to set effluent quality criteria in any licence it issues," said Zabey Nevitt, executive director of the board. "The board considers any evidence brought through the public hearings process. That may include any relevant local, regional or national standards."

Tom Hoefer, executive director of the NWT & Nunavut Chamber of Mines, told Yellowknifer he could not find any hard guidelines for TDS levels in mining operations around the country.

The Mining Association of Canada said TDS is not regulated federally.

In De Beers' original 2004 water licence approval, the board noted that British Columbia set a 150 milligrams per litre guideline for chloride in surface water and that the 350 milligrams per litre would achieve an equivalent quality result.

The 350 milligram figure was originally requested by De Beers under assumed water discharge levels that proved inaccurate.

Although the raised level is expected to change the taste of the water until four to seven years after the closure of the mine in 2028, De Beers maintains the fish will be safe to eat and the water safe to drink.

Todd Slack, negotiator with the Yellowknives Dene First Nation, lobbied the water board for a maximum TDS level of 684 milligrams per litre in Snap Lake.

Erica Bonhomme, environmental manager at Snap Lake Mine, told the board that 684 milligrams per litre would result in closure of the mine and cannot be met.

Closing the mine risks almost 800 jobs, 300 of which are for NWT residents.

Decision in a vacuum

Yellowknifer – March 27, 2015

If comments from the De Beers diamond company are to be taken at face value, the Mackenzie Valley Land and Water Board's pending decision on the company's proposed water licence amendment will determine the fate of the Snap Lake diamond mine.

At stake are two things. The board has to balance water quality at Snap Lake, and downstream through the entire watershed, against the fiscal reality of the danger that a major Northern employer and driver of economic productivity may shut up shop if it is unable to gain the water licence amendment.

Since going into commercial production at Snap Lake in 2008, De Beers has discovered that managing groundwater seepage into mine works means the company must pump out more water than anticipated. That groundwater seepage is high in mineral salts which are then carried into Snap Lake.

To operate the mine, De Beers needs to essentially triple the amount of salty discharge it is permitted to put into the lake.

Living with the legacy of environmental mismanagement at Giant Mine and Colomac contributes to a knee-jerk skepticism when it comes to an application like this. On the surface, it sounds like De Beers is simply asking to pollute beyond regulated limits but it's not as simple as that.

There are no baseline environmental standards for acceptable levels of discharged salts into lake water. According to De Beers, the discharge would not harm fish or make the water unsafe to drink, although it would change the taste of the water during mine life and for several years afterward.

Setting revised standards for groundwater discharge into Snap Lake and monitoring the effect of that will likely be an ongoing effort between De Beers and the land and water board.

The days of Giant Mine are hopefully behind us. It is reasonable to predict the water board will make a decision that protects the environment from significant, irreversible harm. But why is the Mackenzie Valley Land and Water Board in a position where it must make a far-reaching environmental decision without well-established baseline references?

Underground mining is not a novel concept. The territorial government should have baseline data on hand regarding acceptable levels of discharged salts from mining operations, or any other easily anticipated concern.

Asking the water board and an industrial proponent to come up with operational standards while in the middle of an active mining operation puts all involved in an almost impossible position.

Canada appeals decision delaying N.W.T. land and water superboard

Federal government filed its appeal of Tlicho injunction earlier this week

CBC News – March 26, 2015

Guy Quenneville

The federal government is appealing a recent court decision delaying the government's plan to amalgamate the territory's land and water boards and make other changes to the N.W.T.'s regulatory system.

On Monday, lawyers for Aboriginal Affairs and Northern Development Canada filed the appeal with the Court of Appeal of the N.W.T.

"We have been clear that we will vigorously defend the new regulatory framework," a spokesperson for Aboriginal Affairs said.

The federal lawyers are arguing that an injunction granted by Northwest Territories Supreme Court Justice Karan Shaner was based on flawed legal reasoning.

Shaner granted the injunction on Feb. 27, at the request of the Tlicho government. Unless it's overturned, the current system of regional land and water boards remains in place at least until a larger court case about the constitutionality of merging the boards is heard.

"I think it's not in the least surprising," Nuri Frame, a lawyer for the Tlicho government, said of the appeal.

Frame says the earliest a public hearing on the appeal could be heard is June.

He says it's "premature" to say whether the Tlicho Government would take its case for an injunction to a higher court if the N.W.T. court of appeal overturned the injunction.

The superboard, which would remove the Wek'eezhii, Sahtu and Gwich'in land and water boards, was supposed to launch next week.