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P.O. Box 938
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4 July, 2019

Dear Mr. Cliffe-Phillips,

RE: Fort Resolution Métis Council Response to MVEIRB Information Requests for the Environmental Assessment of the Processed Kimberlite to Mine Workings Proposal (MVEIRB File No.: EA1819-01)

Fort Resolution Métis Council (FRMC) is pleased to provide our response to information requests from the Mackenzie Valley Environmental Impact Review Board (MVEIRB or the Board).

Given the constraints of time and capacity, please accept the information contained within as a preliminary snapshot of FRMC members use and cultural values associated with Lac de Gras and the Project-affected area, as well as some of FRMC's initial concerns about the Project. As noted in our June 20, 2019 letter to the Board, FRMC, is concerned that the Proponent's gaps in the Summary Impact Statement in relation to culture, are being captured by an Information Request to the parties rather than through the Review Board enforcing the work required by a Proponent for a robust assessment. We would like to emphasize that an FRMC Indigenous Knowledge and Use study needs to be completed to inform this assessment process and FRMC has limited capacity to achieve this on our own.

FRMC's responses to information requests are attached to this letter. We look forward to our continuing participation in this environmental assessment review process.

Thank you,

President Lloyd Cardinal
Fort Resolution Métis Council



Fort Resolution Métis Council

July 4, 2019

MVEIRB File No EA1819-01. Diavik Diamond Mine - Processed
Kimberlite to Mine Workings

Response to Information Requests from the Mackenzie Valley Environmental Impact Review Board to Parties

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Information Request 1: Potential impacts to cultural use of Lac de Gras area

Preamble:

As described in the 1999 Comprehensive Study Report for the Diavik Mine, "(t)here is wide-spread concern that traditions and customs are not practiced as they once were, contributing to a lack of common understanding and connection, of shared beliefs and values" (PR#29)3. The Comprehensive Study Report also states "[t]he land gives a sense of place and identity, provides the context for expression, shapes values and beliefs, and influences customs and practices". The Review Board understands the importance of land and the continuation of cultural use to Indigenous wellbeing. The Review Board also heard during scoping that potential impacts of the project on cultural use should be carefully considered.

The current closure plan for the Diavik Mine is to fill the empty pits and underground mine workings with freshwater and reconnect them to Lac de Gras once water quality is safe for aquatic life, fish, and fish habitat. The Review Board is assessing the impact of adding processed kimberlite to the pits and underground mine workings before they are filled with freshwater and reconnected to Lac de Gras.

Questions

1. Please describe how your group used the Lac de Gras area culturally (including the hunting, fishing, trapping, gathering, and travel) before mining started there.

2. Please describe how your group would use and feel about the Lac de Gras area under the following scenarios:

- a. reconnecting empty pits and underground mine workings with Lac de Gras at closure (that is, Diavik's current closure plan for the mine),*
- b. putting processed kimberlite into the pits and underground mine workings before reconnecting them to Lac de Gras (that is, the proposed activities for this environmental assessment),*
- c. putting processed kimberlite into the pits and underground mine workings and not reconnecting them with Lac de Gras.*



Response to Information Request 1 Question 1: Fort Resolution Métis Council Cultural Use of Lac de Gras

Introduction

“Fort Resolution was the heart of the NWT prior to the governments, this is the oldest community. Just because we are 200 miles away does not mean we are not impacted; since industry came our way of life has changed.” (FRMC 2019)

As noted in our June 20, 2019 letter to the Board, Fort Resolution Métis Council (FRMC), is concerned that the Proponent’s gaps in the Summary Impact Statement in relation to Culture, are being captured by an Information Request to the parties rather than through the Review Board enforcing the work required by a Proponent for a robust assessment. To our understanding, the onus is on the Proponent to gather (or fund the gathering of) the necessary information to put into such an application, not the parties. Added to our concern is the fact that the Proponent has not funded the FRMC to undertake any Project-specific traditional use or Indigenous Traditional Knowledge (ITK) data collection in relation to its operations at Lac de Gras, now or at any time in the past. Our overall position remains the same; a Project-Specific Indigenous Knowledge and Use (IKU) study is required in order to fully answer the Review Board’s questions and address the standing gaps in the assessment to date.

Notwithstanding and without prejudice to our position, FRMC – being particularly concerned about the effects of the Project in the Lac de Gras area, which is critical to many of our members’ traditional use and occupancy activities – does not wish to miss any opportunity to demonstrate (even in part, as in this instance) our Aboriginal rights and interests connected to the Project Area. As a result, we are providing the following preliminary information, within the heavy constraints of our time and capacity limitations, concerning our member’s use and cultural values associated with Lac de Gras and the Project-affected area. Please note that the information provided is in no way a complete depiction of the dynamic and living system of knowledge maintained by FRMC members. Furthermore, the information contained herein should not be construed as to define, limit, or otherwise constrain the Aboriginal rights of FRMC or its members.

FRMC members have a long history with the Lac de Gras area and continue to practice their Aboriginal rights there to date. It is important to note that Fort Resolution is the oldest community in the region with long standing ties to the area in question. However, our members tend to feel that they have experienced all of the adverse impacts of the mine without any of the benefits. According to one member, “In the Fort Resolution community there are not many people that work at the mine, but we have the full impact” (FRMC 2019). FRMC is seeking a



cooperative relationship moving forward with both the Board and the Proponent and hopes that our request for an IKU study is not ignored.

FRMC held community sessions on June 26 and 27, 2019, to help formulate our response to the Board's questions. Through these discussions FRMC members able to attend identified an initial set of valued components (VCs) relating to FRMC culture, knowledge and use that may be impacted by the Project. These were:

- Caribou
- Hunting and Trapping;
- Fish and Fishing;
- Access to Travel-ways;
- Clean Drinking Water (for members while out on the Land);
- Gathering of Subsistence Plants and Medicines; and
- Transmission of Knowledge for future generations (Cultural Continuity).

Importance of a Project-Specific Indigenous Traditional Knowledge and Use Study

"In the late 90's early 2000s, elders still alive, many passed on now, the elders predicted what was going to happen today. If you bother caribou, animals are going to move away, everything those elders said in the meeting is happening now. They told them everything that was going to happen, but nobody talks about it." (FRMC 2019)

FRMC members have valuable Indigenous Traditional Knowledge that could help to inform Project Design and the development of appropriate mitigations for this environmental assessment process. To-date the Mine design and operations has not been informed by FRMC Indigenous Traditional Knowledge, which has been a missed opportunity. As FRMC ITK is fluid, evolves over time, and connected to place a Project-Specific¹ Indigenous Knowledge and Use study is necessary. ITK shared in other processes (i.e. Ekati Jay Project see Dominion Diamond 2014; northSense Consulting 2015) are not Project specific nor did FRMC have the additional capacity at that time to collect the vital information necessary for that assessment. In summary, a FRMC Project-Specific Indigenous Knowledge and Use Study would greatly benefit this Environmental Assessment Process because it would:

- map important places for FRMC near the Project (including site specific locations) such as campsites, travel routes, cultural sites and places where important resources are harvested;

¹ A Project Specific Traditional Use Study (TUS) or Indigenous Knowledge and Use (IKU) study has never been undertaken for the Diavik Diamond Mine.



- provide a baseline of Indigenous knowledge and use that can be used for monitoring environmental change in the future;
- Inform a transparent alternatives assessment process; and
- Aid in design of mitigation measures to avoid or reduce harm to culture and resources highly valued by FRMC members
-

Historical Connections to Lac de Gras and Surrounding Area

“Beaulieu was a guide out there, all the way to the Coppermine, our people used the area, we would follow the caribou, could speak both languages, so he was one of the main guides out there”. (FRMC 2019)

Eight generations of Beaulieus can trace their family tree back over 200 years to the Cree-Métis Francois Beaulieu [II] (Mandeville 2001, para 1). Francois Beaulieu II hunted, trapped, and traded (independently, with the Northwest Company, and the Hudson’s Company) around Lac de Gras and down the Coppermine River (Franklin 1823; Mandeville 2001; Burger 1976). Notably, John Franklin received both advice and a hand drawn map depicting the area in the early 1820s (Franklin 1823; Mandeville 2001). Franklin wrote in his 1823 “Narrative of a Journey to the Shores of the Polar Sea” that:

“Our first object was to obtain some certain information respecting our future route; and accordingly we received from one of the North-West Company’s interpreter, named Beaulieu, a half-breed...some satisfactory information, which we afterwards found tolerably correct, respecting the mode of reaching the Copper-mine River, which he had descended a considerable way, as well as of the course of that river to its mouth.” (Entry for March 26 1820, p. 142).

Figure 1 below supports the FRMC Oral History confirming the extent of FRMC ancestors’ travel and use in our Territory. The map depicts Great Slave Lake and the Coppermine River and overlaps the area of Lac de Gras demonstrating and FRMC’s ancestor’s extensive knowledge and use of the area.



Figure 1: 'Chart according to Boileau' (sic): sketch map of the area (now in the North-West Territories and Nunavut, Canada) between the Mackenzie River, the Great Slave Lake and the Burnside River, showing the Great Bear Lake, the source of Coppermine River, other lakes and rivers (with their native names), hills, and Fort Providence.

Source: The National Archives [London]. Map MFQ 1/1257/1



Many FRMC families have travelled, hunted, trapped, and traded in the barren lands on and around Lac de Gras. According to one member:

“Back in the day our water was higher, our ancestors would paddle for food and plants, medicine, we don’t have to work that hard anymore, ...[but] still go out there [Lac de Gras] for caribou and fur-bearing animals.” (FRMC 2019).

Members have also noted that the seasonal round has always been tied to the caribou:

“Before, a lot of our people followed the caribou” (FRMC 2019).

Burger (1976) notes that North West Territory Metis including FRMC ancestors utilized the waters as trade networks to secure goods and services for both Indigenous Groups and incoming White Settlers at the turn of the Century:

“Subsidiary routes on Lake Athabasca, Great Slave Lake and Great Bear Lake and River total more than 800 miles. Services were first provided by canoes, then by picturesque York boats and later Steamboats. This transportation system made it possible to carry large amounts of factory made goods necessary for trade and luxury. To do this men were needed who knew the rivers. The majority of men who took on this responsibility were Metis.” (p. 51)

At the 2019 meeting members remembered their Grandparents trapping around Lac du Gras, McKay Lake, and the Coppermine River and how families often travelled together for hunting and to the traplines. Trapping changed for FRMC members in the 1950’s and 1960s as the wage economy expanded (FRMC 2019).

Current Culture and Use

“Our people went and hunted and travelled in that area, all the way right to the coast, a lot of people still use the area today” (FRMC 2019)

The information provided herein is a preliminary snapshot of the myriad of uses and values FRMC members hold today for Lac de Gras. FRMC members continually use the Project footprint, Local Assessment Area and Regional Assessment Area for extensive hunting of Caribou and other mammals (including moose and white fox, fishing for multiple species (including Lake trout, whitefish, suckers, some northern pike, cisco, sticklebacks, and arctic grayling), and gathering of subsistence plants and medicines (including lichen, Labrador tea,



Blueberry bushes, cranberries, and plantain). Additionally, there are important sites that support the cultural continuity of FRMC members including winter travel routes.

FRMC members have reported the continuance of caribou hunting, as recently as this winter (FRMC 2019). Unfortunately, ever since diamond mining construction and operations commenced in the late 1990s/early 2000's members have reported having to travel further north to find caribou. It is important to note that FRMC members hold important Indigenous Traditional Knowledge (ITK) concerning Bathurst caribou, therefore, an FRMC Project Specific ITK Study is also recommended to both capture change over time and inform closure of the Project.

FRMC also report harvesting other mammals in the region:

"No buffalo out there, there is some moose. A lot of moose have moved north...even the birds migration route has changed. Not just Diavik and Lac De Gras have caused impacts; it is all industry that have impacted all animals and the environment. In that area, people mostly harvest caribou harvest, but if they see fox or wolf, still harvest it, depending on the amount of room in their sled" (FRMC 2019).

While not travelling there specifically to fish, members have reported catching fish while there to sustain their use on the land (FRMC 2019). Species of importance to FRMC members within Lac de Gras are reported to include:

"Lake trout, whitefish, suckers, some northern pike, lots of cisco, sticklebacks, arctic grayling, those are the main fish, but there are other species:" (FRMC 2019).

FRMC members also travel to the area to collect plants and medicines:

"Lots of birds and plants up there that are important to the animals and our people use the plants from the barren lands for medicine" (FRMC 2019);

"Some of us still take plants from out there, they are changing from pure and clean, but some people still do" (FRMC 2019); and

"Spruce is old-growth, so the medicine is stronger. Also lichen and Labrador tea is taken from the area, used for colds. Blueberry bushes too, cranberries, quite a few that people still use it" (FRMC 2019).



FRMC members also travel over Lac de Gras by ski-doo in winter and it serves as an access point for important hunting grounds. One member noted that the Proponent and Board may have not considered the area as travel-way due to the FRMC tradition of leaving no trace when you are on the land:

“The reason they say that [there is no travel in the area], is when aboriginal person travels on the land, we don’t leave any mess behind, when industry comes they leave mess. Even when we bring wood, we burn it all and don’t leave any behind.” (FRMC 2019).

FRMC members are also concerned about future water quality in the region. Presently clean water on the land supports the practice of other FRMC Aboriginal rights in the Lac de Gras area. Elders have warned that this could change if development is not managed:

“grandfather said there would be a time when you could no longer dip a cup into a river or lake and drink” (FRMC 2019).

Younger members from FRMC also travel to the Lac de Gras area to hunt Caribou. FRMC members are highly concerned about the future of caribou for the next generation. Any impact, including contamination of water or forage, that could exacerbate the decline of caribou or prevent their return to the area after Closure, would represent a substantial cultural loss to FRMC:

“Unless the caribou come back [won’t use the area], that’s about it. It is a big part of our culture gone, big part of livelihood taken away, big change in way of life” (FRMC 2019).

FRMC members have a longstanding connection with Lac de Gras both historically through FRMC ancestors and through their current use. FRMC members are therefore greatly concerned about the future of the area as legacy for their youth.



Response to Information Request 1 Question 2: Fort Resolution Métis Council Closure Preferences

FRMC is highly concerned about the potential contamination associated with Processed Kimberlite (PK) and would prefer that any form of contamination be kept out of the waters of Lac de Gras. At this point in time Fort Resolution Métis Council requires more information from the Proponent and Hearing process as well as additional capacity to collect further information internally before being able to make an informed and official decision between the three options (a, b, and c) put forward in the Information Request. FRMC would also appreciate confirmation that these are indeed the only viable three options being considered by the Board at this time.

It is FRMC's understanding and position that a well-funded (either by Proponent or the Board) Indigenous Knowledge and Use Study would aid in identifying potential impacts of the Project on land use and occupancy along with other impacts. It is also FRMC's understanding that impacts are often more clearly and accurately identified when community members' perspectives are documented and brought forward to an environmental assessment process through such studies.

Many technical questions also remain that need to be answered before FRMC members will be comfortable supporting one alternative closure plan over another. For example:

- Is there strong evidence that the processed kimberlite materials will descend to the bottom and not remain in suspension for an extended or permanent period of time?
- What actions or compensation are planned if monitoring demonstrates contamination after reconnection?
- If the pit lakes are not reconnected, does the Proponent have draft fish offsetting plans already in place and available for review?
- What are the environmental benefits (not the economic benefits) of putting PK in the pit lakes versus expanding the Processed Kimberlite Containment Facility?
- It is FRMC's understanding that pit walls have been subject to fissures and cracks in the past, if reconnection is not undertaken how will the Proponent ensure that material stays within the Pits?

Further FRMC concerns are described in our response to Information Request #2.



Information Request 2: Closure Options

Preamble:

The current closure plan requires Diavik to reconnect the flooded pits and underground mine workings to Lac de Gras once water quality is deemed to be acceptable. Once reconnected, the pits can function as fish habitat². Under the current proposal, some of the pits that would be reconnected with Lac de Gras to serve as fish habitat would contain processed kimberlite.

Questions:

- 1. When determining if the pits should be reconnected to Lac de Gras at closure, is water quality in the pit lake the only criteria that should be considered?*
- 2. If not, please describe what additional criteria for re-connection should be considered.*

² FRMC would like to state that the ability of the pit lakes to be used as functional fish habitat has not been subject to meaningful testing to date and should not be assumed. For FRMC, functional fish habitat, which is exactly what the Review Board has suggested here will be the outcome, requires both that the water quality is high – close to natural baseline conditions, that fish are healthy and plentiful within the range of natural variation, and harvesters are comfortable to harvest fish from the area. Those criteria are by no means guaranteed in relation to the current closure plan or any potential alternatives.



Response to Information Request 2 Questions 1 and 2: Criteria to be considered prior to re-connection

Fort Resolution Métis Council is concerned that water quality would not be the only valued component potentially impacted by having Processed Kimberlite in the water in Lac de Gras and therefore strongly recommends a number of requirements before reconnection is ever considered (details provided in the table below). Ultimately, to provide assurances that any potential adverse impacts would not be significant, a thorough understanding of the state of the receiving environment, the chemical and physical nature of the Processed Kimberlite, the track record of the technology of lacustrine disposal of Processed Kimberlite in a major fish-bearing lake, and proof of agreed-to measures to accommodate potential loss of culture from worst-case scenarios would be required.

Valued Component/ Indicator	Criteria / Measures	FRMC Concern	How to Measure
Bathurst caribou herd Health and Availability in Preferred Locations	-Health/existing contamination of caribou Forage prior to reconnection -Migration behavior of herd prior to reconnection	FRMC is concerned that any additional contamination to Lac de Gras could add to the Project Zone of Influence changing the number of healthy caribou in preferred harvesting locations for FRMC members. FRMC seeks assurances as to both the state of caribou forage in the Project area and cumulative impacts on caribou prior to any reconnection.	-Indigenous Traditional Knowledge (ITK) informed sampling of caribou Forage -Funded FRMC caribou ITK study highlighting changes over-time observed by FRMC knowledge holders and identifying culturally appropriate recommended measures to reduce existing Project and Cumulative Effects.
Fish and Fishing	-Health and availability of fish in Lac de Gras	FRMC members are concerned that fish in Lac de Gras are already contaminated due to Project activities. FRMC requests confirmation that the present state of fish health	-Tissue sampling of preferred fish species in Lac de Gras -Proponent commitment to



Valued Component/ Indicator	Criteria / Measures	FRMC Concern	How to Measure
	<p>-Turbidity of water in the pit lakes before reconnection</p>	<p>could sustain any additional contaminants prior to reconnection.</p> <p>FRMC members are also concerned that member perceptions of contamination may add to alienation effects for fishing therefore assurances on the transparency of fish sampling and safety are required prior to reconnection.</p> <p>FRMC members are also concerned about water turbidity if PK does not fully settle over time and how this could change the natural turbidity of Lac de Gras if reconnected impacting fish.</p>	<p>sharing fish sampling results directly with FRMC</p> <p>-Proponent commitment to developing a Traditional Food Risk communication program or equivalent agreed to program is in place</p>
<p>Water Quality (In Lac de Gras) and the ability of FRMC members to have access to fresh water on the land.</p>	<p>-Water quality in Lac de Gras</p>	<p>FRMC members are also concerned that member perceptions of contamination may add to alienation effects related to availability of clean water supportive of FRMC land-use therefore assurances on the transparency of water sampling and safety are required prior to reconnection.</p>	<p>-Water quality in Lac de Gras in proximity to potential pit breaching areas</p> <p>-Proponent commitment to sharing water quality sampling results directly with FRMC</p> <p>-Proponent commitment to developing a water Risk communication</p>



Valued Component/ Indicator	Criteria / Measures	FRMC Concern	How to Measure
			<p>program or equivalent agreed to program is in place</p> <p>-Opportunities for 3rd party review of water monitoring program(s)</p>
State of (track record of) Technology	-Proof that best methods are being utilized prior to reconnection	FRMC members are concerned that not all potential alternatives have been explored and seek assurances that best practice and any technological advances that could limit adverse impacts are employed.	<p>-Open and transparent alternatives assessment with Indigenous Involvement (Including FRMC participation) has been conducted</p> <p>-Proof that all available technologies have been considered (including use of conveyors to cap pits with courser PK material).</p>
Long-term Stability of PK and Pore Water in Pits	<p>-Proof of stability of layers for greater than 5 years</p> <p>-Results of any University Studies on the long-term</p>	FRMC is concerned that the results of any University Studies experimenting with this new mining technique and it's stability will not be available prior to the completion of this EA. Assurances that the long-term stability of layers can be	<p>-All study reports are made available to the Water board as part of permitting prior to consideration of reconnection.</p> <p>-5 to 10 year monitoring of layers prior to</p>



Valued Component/ Indicator	Criteria / Measures	FRMC Concern	How to Measure
	stability of PK and Pore Water Layers	maintained is required before re-connection.	reconsideration of connection to be determined by best available science
Proof of Measures to Protect FRMC Culture	-Identification of appropriate and agreed to measures are ready to be implemented	FRMC is concerned that reconnection could mean a permanent loss of culture in any worst case scenario and requests assurances that appropriate accommodation including commitments for compensation is in place prior to consideration of reconnection.	-Proponent commitments to appropriate and agreed to measures for the Protection of FRMC culture are in-place including implementation plans.

Moving forward, FRMC hopes that both the Board and the Proponent seriously consider the priority values, criteria, and methods (both to protect and monitor those values) proposed by FRMC. FRMC looks forward to working with the Board and Proponent to ensure that the necessary actions required for this EA process are also completed (i.e FRMC Indigenous Knowledge and Use Study).



Works Cited

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