

Denim Kue
First Nation

Environmental Impact
Assessment

For

Tamerlane Ventures Inc.

Public Hearing

October 16, 2007

↳ The Deninu Kue First Nation has an obligation to its membership to ensure that development does not come before the preservation of the ecosystem that we as "Dene" are part of. We have to be assured as a Nation, that cumulative affects from all the mining activities does not infringe on our traditional way of life.

We have to be involved.

↳ In the 1990 decision *Sparrow v. The Crown*, the Supreme Court ruled that aboriginal people have an inherent right to harvest resources for subsistence, and that Section 35(1) of the Constitution Act of 1982 must be read broadly and in favour of Aboriginal People. In 1991 it was further argued that the Sparrow decision calls for the involvement of Aboriginal Peoples in regulation of natural resources management.

- The MVEIRB is an institution of public government responsible for implementing a section of a federal statute. Consequently, the MVEIRB is bound to respect, if not implement, the obligations of the Crown.
- The MVEIRB must consider the progress and results of rights-based Crown consultations in their determinations as to whether to recommend the issuance of permits and licenses within the Akaitcho Territory. To do otherwise necessarily prejudices against constitutionally-protected rights.
- The Crown's failure to dispose of its obligation to conduct rights-based consultations fetters the MVEIRB's ability to fulfill its mandate in the Akaitcho Territory. The MVEIRB has clearly articulated this understanding in the previous Snowfield and UR-Energy EAs.
- With respect to Tamerlane's proposed activities, the Crown has not disposed of its obligations vis-à-vis rights-based consultations. Previous and existing mining/exploration activities have already infringed upon Akaitcho rights in the Pine Point area – the PPPP will only compound these infringements.

- The MVEIRB must communicate to the Crown that it cannot satisfactorily complete the Tamerlane environmental assessment in the absence of a process whereby rights infringements are assessed and adequate accommodations are implemented.
- In this instance, to recommend issuance of a permit to Tamerlane prior to the Crown properly disposing of its obligations is to promote the infringement of rights.
- **The MVEIRB must make a Measure (e.g. not a "suggestion") requesting that rights-based consultations regarding the Pine Point area be satisfactorily completed and infringements accommodated by the Crown.**

- To date, the Crown has not approached Deninu Kue First Nation in regards to aboriginal and treaty rights within our Traditional Territory
- Traditional Land Users that utilize the area must be recognized and compensated for lost of livelihoods.

Akaiitcho Framework Agreement.

On July, 2000 a Framework Agreement was signed by the Crown and Akaiitcho Dene First Nation to guide the negotiations of the Akaiitcho Agreement and the parties recognize that certain lands within the Akaiitcho DFN asserted territory are of environmental, cultural, economic and spiritual importance to the Akaiitcho DFN. With that the parties also recognized that appropriate Interim Measures are necessary in order to advance negotiations.

Aboriginal Peoples generally have not been consulted about development activities, usually they have not been guaranteed, nor have they obtained, specific economic benefits from such activities on their traditional lands, and they have had difficulty protecting their traditional use from the effects of development.

Royal Commission on Aboriginal People. 1996.

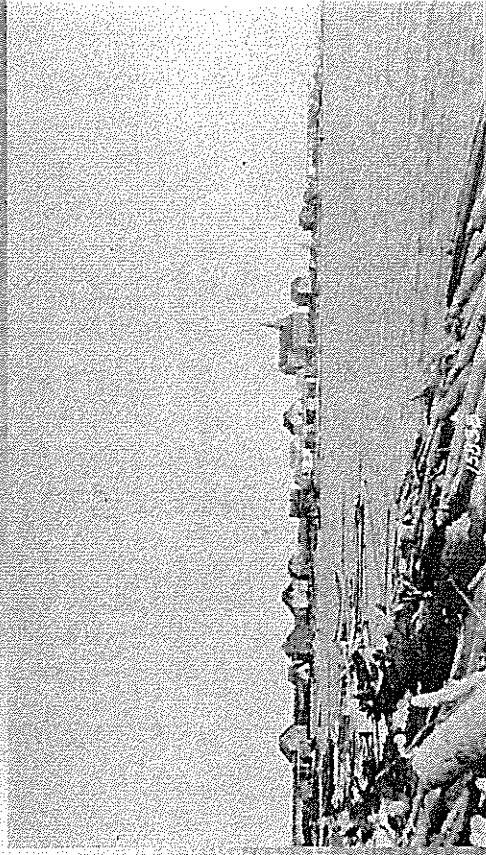
Tamerlane Ventures Inc. R-190 Site

- o Deninu Kue First Nation invoke our Inherent and Treaty Rights and demand Industry recognize our Inherent and treaty rights in our Traditional Territory.



o Tamerlane Ventures Inc. is proposing to extract 1,000,000 tonnes of bulk sample lead-zinc ore from the Traditional Territory of Deninu Kue First Nation within the Akaitcho Territory. If Tamerlane Ventures Inc. is going to make change within the scope of the work and the project description, DKFN feel strongly that a presentation and information on the scope of work and project description must be provided to the Deninu Kue First Nation for further assessment

- Since time immemorial the people of Deninu Kue First Nation have used the land, water and wildlife to sustain their way of life.



Concerns.....

- DKFN strongly feel that more information needs to be provided to stakeholders involved in this Environmental Assessment in regards to how the "Injection wells" will be more suitable for this type of underground mining with inflow of water from the bottom of the freeze wall. This raises a number of questions...

Injection Well concerns.

- How do these "injection wells" work, and what are the safe-guards should this method fail?
- What would happen should the rate of water flow pumped into the injection well exceeds the aquifer's ability to absorb the water back into the rock formation?
- Will the extreme cold temperature have an affect on the in-flow?
- Do you anticipate icing due to the extreme temperatures at the in-flow?
- Will the presents of TSS at the injection well make the receiving aquifer impermeable and force the pumped water in another direction beneath the surface of the gravel quarry?
- Should the above incident occur, what are the chances that the water now re-directed accumulate near the surface into a reservoir

Transportation Corridor.

- The increased volume of mine traffic on Highway #5 could have an impact on wildlife migration, and the traffic coming out of Fort Resolution.
- The residual effects of lead and zinc along the transportation corridor should be adequately contained.
- In the Tamerlane "Developers Assessment Report" it is quoted that "Tamerlane is confident that the safety of the general public will be maintained" in reference to the increase in volume of traffic from km 42 back to Hay River. How are they proposing to maintain the volume when its proceeding on a 24/7 basis?

Species At Risk Act (SARA)

- There are 489 Whooping Cranes in North America, of which 344 reside in the wild.
- There are six primary nesting areas within and adjacent to Wood Buffalo National Park; between the headwaters of the Nyarling, Sass, Klewi and Little Buffalo rivers.
- Whooping Crane are sensitive to disturbance on both breeding and wintering grounds.
- COSEWIC designated the Whooping Crane endangered in April 1978

SARA; Yellow Rail.

- Yellow Rail is one of the smallest rails in the world, weighing only 60 g and measuring 15-19 cm in length.
- The loss and degradation of wetlands due to agriculture and human development is the greatest threat to this species throughout its breeding range.
- Yellow Rail is protected under the federal Species at Risk Act.
- The Yellow Rail is also protected by the federal Migratory Birds Act, under this act, it is prohibited to kill, harm, or collect adults, young, and eggs.
- There are less than 5000 nesting pairs in Canada.

SARA: Peregrine Falcon.

- Peregrine Falcon is bird of prey that are smaller and more streamlined than hawks, with long pointed wings that enable them to fly at great speed.
- Status under SARA: Threatened.
- The decline in peregrine population in North America were associated with the widespread, intensive use persistent organochlorine compounds, particularly the pesticide DDT.
- In 2000, an estimated 500 pairs of Peregrine Falcon anatum subspecies nested in Canada.
- The Peregrine Falcon is listed on Appendix 1 of the Convention on International Trade on Endangered Species of Wild Fauna and Flora (CITES), which sets controls on the international trade and movement of species that have been, or maybe, threatened due to commercial exportation.

SARA; Woodland Caribou.

- › Canada's forest-dwelling woodland caribou, except those in Newfoundland, were declared "threatened" under the federal Species at Risk Act (SARA) in 2002.
- › How and where future industrial resource extraction will take place in the N.W.T. will be a key factor in determining whether or not there will be a long-term safety and stability of the boreal woodland caribou population

SARA; Wood Bison.

- The Wood Bison is a distinct northern sub-species of the North American Bison whose range included much of the boreal forest regions.
- Reduced by hunting from a total population of about 168,000 to less than 250 individuals by the year 1900, the Wood Bison has since recovered to a total population of approximately 9000, largely as a result of conservation efforts by Canadian Government Agencies.
- In 1988, the COSEWIC changed the subspecies' conservation status from "endangered" to "threatened".

Socio-impacts

- The increased workforce does not meet the increased requirement for child care services in Fort Resolution. How does Tamerlane and Government propose to mitigate this concern?

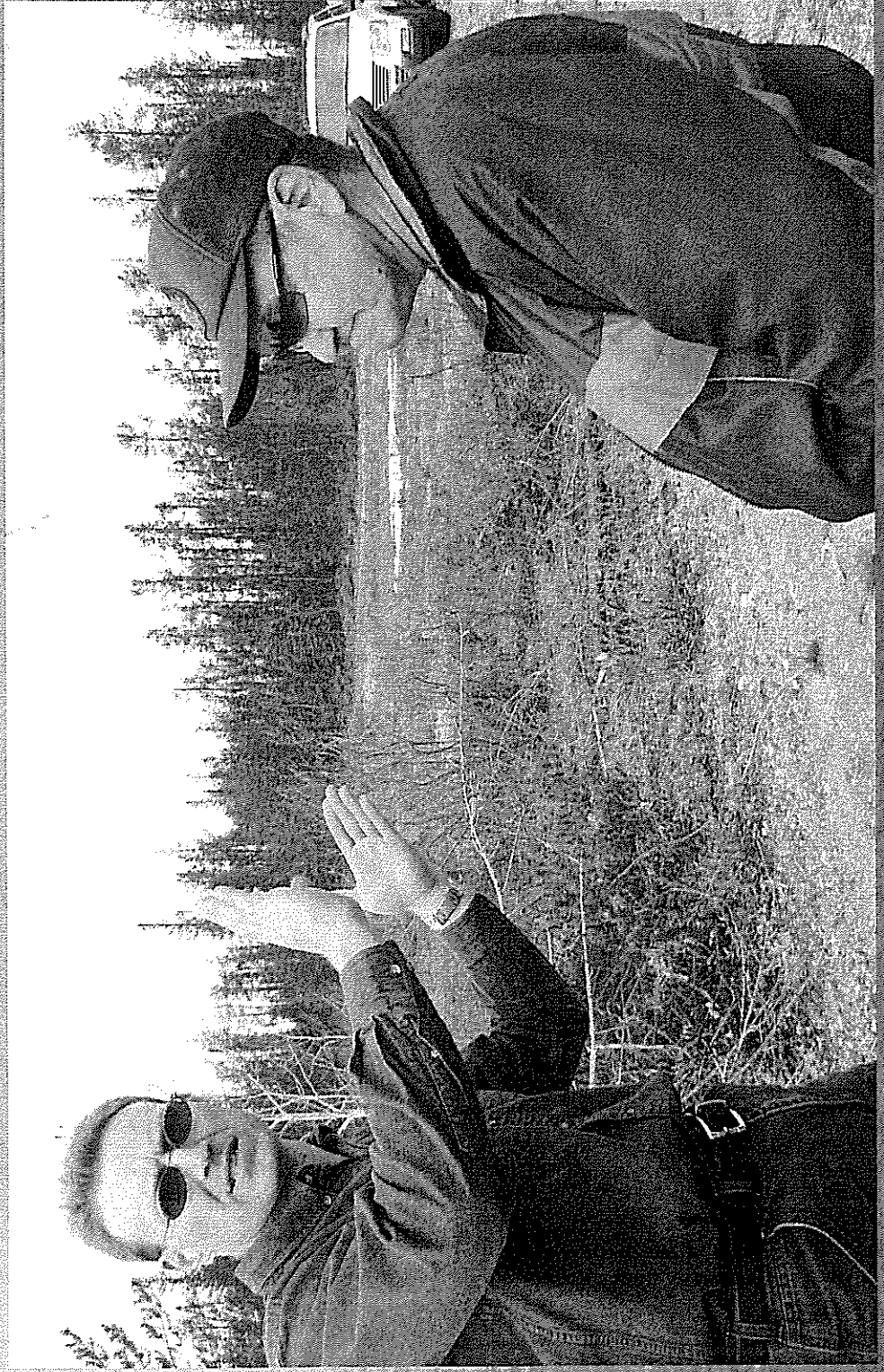
Health

- › Concerns about cancer rates, asthma and increase metal in drinking water, fish and fish habitat. How is this being addressed?

Past experiences.

- › Cominco Pine Point Mines happened and closed without our participation. We had absolutely no say in the operations of the mine for the twenty-five it operated. We are living with the cumulative effects from a mine that operated in our back-yard and further, we are still restricted from freely utilizing that area for subsistence harvesting because of the questionable nature of the environment and the physical blockage on the haul-roads. To date Teck Cominco has not cooperated with DKFN in sharing information or consulting about the land and water they are utilizing. DKFN wants assurance that history will not repeat itself.

Integrating Traditional Knowledge with Modern Technology to ensure environmentally safe development of this project for Deninu Kue First Nation on their Traditional Lands...



What does this mean for our
future?



Conclusion

Deninu Kue First Nation would like to thank the Mackenzie Valley Environmental Impact Review Board, Staff, Tamerlane Ventures Inc, Elders, and general public for their participation and concerns of this development within Akaitcho Territory.

Marsi Cho