



**Fort Resolution Métis Government**

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Katie Rozestraten  
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PO Box 1320  
4923 – 52nd Street  
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February 27<sup>th</sup>, 2020

RE: Fort Resolution Métis Government Closing Remarks for Diavik EA1819- 01 – Processed Kimberlite in Mine Workings (the “Proposed Project”)

Dear Ms. Rosestraten,

Fort Resolution Métis Government (or “FRMG”) is opposed to the approval of the Diavik EA1819- 01 – Processed Kimberlite in Mine Workings (the “Proposed Project”) given the remaining uncertainty associated with impacts to Culture and Caribou. If the Project is approved additional conditions and measures would be required to protect the Section 35 Aboriginal Rights and culture of our members. To-date Diavik has not made meaningful effort to engage or work with us, therefore stronger conditions are also required to ensure better engagement.

**Caribou**

FRMC disagrees with the Board’s findings that the Project is not likely to impact Caribou given the uncertainty regarding impacts to water quality. In the Report of Environmental Assessment the Mackenzie Valley Review Board (or “MVRB” or “the Board”) acknowledged that uncertainty remained concerning water quality and Diavik’s modelling and noted they are “unconvinced by Diavik’s assessment of water quality impacts because Diavik’s preliminary modelling leaves too much to uncertainty” (REA p. 64). FRMG is concerned that any additional contamination to Lac de Gras will add to the Project Zone of Influence, and decrease the number of healthy caribou in preferred harvesting locations for FRMG members. The Board did acknowledge that the, “Pre-existing cumulative impacts have already affected the Bathurst caribou herd significantly.” Given this current vulnerability FRMG requests that additional conditions be imposed if the Minister decides to approve the project. As noted in our final submission, we recommend:

- **As a condition for approval, the Proponent should be required to conduct Indigenous Traditional Knowledge (ITK) informed sampling of caribou forage and a funded FRMG caribou ITK study highlighting changes over-time observed by**





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**FRMG knowledge holders and identifying culturally appropriate recommended measures to reduce existing Project and Cumulative Effects to caribou health.**

- **As a condition for approval, the Proponent should be required to develop a community-based sampling program of caribou organ meat to track changes of caribou health overtime, and report results to the affected indigenous communities, Government of the Northwest Territories (GNWT), and as part of relevant regulatory filings with Wek'èzh?i Land and Water Board (WLWB) and or the Wek'èzh?i Renewable Resources Board.**

### **Culture**

FRMG agrees with the following findings of the Board related to Culture:

- The Project is likely to reduce cultural use of the Lac de Gras area
- Impacts from the Project on cultural use of Lac de Gras are significant
- The Project will add to pre-existing cumulative cultural impacts

The Culture and Rights of FRMG Members have already been significantly impacted by the Diavik mine without adequate compensation and are at risk for greater degradation should this Project be approved. FRMG is supportive of Measure #2 "Diavik will work collaboratively with Indigenous groups to develop criteria for determining water in the pit lake(s) is acceptable for cultural use," however assurances must be made that FRMG will have the resources to participate and that equal opportunities for any on-the-ground monitoring tied to this measure will be provided. It is FRMG's understanding that a resource's use, and subsequently objectives for that resource are often more clearly and accurately identified when community members' perspectives are fully and diligently documented. FRMG requires the capacity to document our member's concerns and objectives for water in Lac de Gras, we therefore recommend in addition to measure 2:

- **As a condition for approval, the Proponent will fund and support the documentation of qualitative water quality objectives for each affected Indigenous group.**

We understand the Board has also identified the need for Diavik to improve their engagement with affected Indigenous Groups. Given the seriousness of potential impacts to Culture, proof of engagement alone will not be adequate. Mitigations specific to cultural use will need to account for experiential or sensory changes specific to land and water users and alienation effects related to perceptions of contamination and other stigmas, alteration of the visual landscape, reduced knowledge of navigability, and other impacts that can only be identified by FRMG cultural land users and knowledge holders. To protect the Rights of our Members, FRMG recommends that





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the Proponent be required to collaborate with Indigenous groups in developing mitigations specific to culture. FRMG recommends:

- **As a condition of approval, the Proponent should be required to show evidence to the WLWB and GNWT that it is working with FRMG and other indigenous groups through workshops or other agreed to forums, to identify mitigation appropriate for preventing, reducing or compensating/offsetting harms to cultural use.**

FRMG is also supportive of the Board's proposed measure #6 "The Government of the Northwest Territories will support the Indigenous intervenors to develop community-specific cultural well-being indicators to monitor and evaluate cultural well-being impacts associated with the Project, in combination with other diamond mining projects." FRMG has not had the funding or internal capacity to complete any studies that would inform the development of well-being indicators and will require financial support from the Government in order to do so.

**Funding**

FRMG did not have the capacity to meaningfully participate in the original approval process for this mine nor has a FRMG specific Traditional Knowledge and Use Study or other FRMG specific baseline studies related to the Mine ever been completed. We have not received any funds from Diavik for this Project. FRMG has had to do a significant amount of work internally in our attempt to participate equally to other Indigenous intervenors for this process. We have had to rely both on the participant funding provided and our own resources. If the Project is approved further support will be required for FRMG to both meaningfully engage in the water licensing process and to participate in the conditions proposed by the Board. While we appreciate the funding already provided, FRMG will require further support in order to meaningfully participate and to ensure that the Aboriginal Rights of our members are protected.

FRMG would like to thank the Government for the opportunity to participate in this review process and hopes that the comments and recommendations provided here and in our closing submission are seriously considered. We look forward to further engagement opportunities associated with this Project.

Thank you,

President Lloyd Cardinal  
Fort Resolution Métis Government