

**AREAS OF IMPORTANCE TO YELLOWKNIVES DENE FIRST NATION
POTENTIALLY AFFECTED BY THE SNAP LAKE DIAMONDS PROJECT**

Prepared by the Land & Environment Committee

Traditional Yellowknives Dene First Nation Trapping, Fishing & Hunting Areas

In De Beers' responses to the Mackenzie Valley Environmental Impact Review Board Information Request Round No. 1, we note with concern a comment on the current land use of the Snap Lake area. Response # 1.43 from De Beers states: "At no time during the consultation (with community groups) were traplines identified within the regional study area. In addition, during the review of documents related to Aboriginal land use in the vicinity of Snap Lake, and listed on pages 6-50 and 6-51 of the Environmental Assessment Report, there was no identification of traplines within the regional study area. Based on the consultation conducted and a review of documents related to land use, it is determined that no current traplines are found within the regional study area."

Sufficient Consultation?

How thorough was the consultation process? Especially for the Yellowknives Dene whose traditional land use areas may be directly affected by the project?

Response # 1.43 states: "There were in excess of 70 consultation sessions over a 3-year period. These sessions involved community elders, political leaders, youth, First Nation staff and the general public."

Of the 70, there were 6 meetings in Dettah, 2 in Ndilo and 4 mine site visits for Yellowknives Dene (Table 4.2-2 of EA Report). But p.6-52 of the Environmental Assessment Report makes an essential point in evaluating this information. It states: "The (Yellowknives Dene) traditional knowledge study for Ek'ati...reveals that the area in and around Snap Lake has been used heavily for trapping activities. No existing traplines in the vicinity of Snap Lake were identified during site visits to Snap Lake by Elders from the Yellowknives Dene, Dogrib Treaty 11 and NSMA. However, people currently trapping have not confirmed this information." So it appears that attempts have not yet been made to verify the accuracy of the trapping information that De Beers received. De Beers should make a commitment to consult the local contemporary trapping experts before drawing any conclusions in regards to the prevalence of trapping in the affected area.

The Aboriginal consultations that De Beers refers to might more correctly be described as information-gathering sessions, at least in the Yellowknives Dene experience with De Beers. There were no attempts to solicit constructive criticisms of the Snap Lake Diamonds proposal. The purpose of the meetings and mine site visits was to (1) inform Yellowknives Dene of the mining operations and the company's proposed strategies to manage and mitigate environmental problems, and (2) gather our traditional knowledge.

Both of these objectives are endorsed by Yellowknives Dene in order to promote good understanding of the project by our people, and to help the project's activities benefit from our people's knowledge of the land. However, it should be noted that the consultation process is not finished when these 2 objectives area met. In our view, it is also important and necessary for the company to hear from us on our opinions of the project, and our convictions on what constitutes sound environmental protection.

Also noteworthy: The Yellowknives' 1997 traditional knowledge study (Weledeh Yellowknives Dene: a traditional knowledge study of Ek'ati) identifies the Snap Lake area as having wolf harvesting trails. But nobody, according to De Beers, identified recent wolf hunting within the Snap Lake area. Have the experience of the currently active wolf hunters been solicited to verify this declaration?

We are uneasy with the implication that because no harvesting is currently taking place in the Snap Lake regional study area, then any disturbance or damage to the area will be of little consequence to Aboriginal communities. De Beers believes that this situation will last until mine closure when the land is supposed to be reclaimed to as close to a pre-development state as possible. This conception negates the possibility of our people needing to use the area in future year **prior to mine closure** and reclamation.

Compensation for Impacts to Trappers

The De Beers EA does mention, though, that Yellowknives from Yellowknife and Dettah traditionally used a travel route between Lac Cabot Blanc and Lac Tete D'Ours to get to trapping areas around MacKay Lake.

Also disturbing to us is the idea that De Beers seems to want to deal with impact compensation to trappers on an individual basis. As stated on p. 6-56: "Impacts to an individual's traditional use of the land (e.g., future loss of traps) will be avoided if possible. Where a loss is demonstrated, De Beers will negotiate a settlement." It is not normal practice for industry to settle with individual Yellowknives Dene. Rather, a case of compensation for lost access to harvest areas or disruption or damage to an individual's harvesting tools, trap lines, etc. must be negotiated with the Yellowknives Dene First Nation as a whole, through our representative bodies (i.e. Land & Environment Committee, Chief and Council, etc.).

Contemporary Yellowknives Dene continue to require access to their traditional harvesting land in the same unrestrained way that their ancestors did. Yellowknives Dene believe that unrestricted access to productive harvesting areas should be maintained for their future generations, as well.

Yellowknives Dene Traditional Significant Areas

The Yellowknives Dene Traditional Knowledge report identified traditionally importance sites (burial sites, migration routes, fish-spawning grounds, etc.) north of MacKay Lake. But no areas have been reported south of MacKay Lake. The EA report states p.6-54: "There may be traditionally important areas to the Yellowknives Dene located within the Snap Lake RSA; however, during consultation associated with site visits, no traditionally significant areas within the RSA were identified by the Yellowknives Dene."

Consequently, De Beers did not (or could not, due to the lack of identified sites) analyze the possible impacts of the Snap Lake Diamonds Project on traditionally significant areas. The EA report states p. 6.58: "The linkage between the Snap Lake Diamond Project and loss of traditionally significant areas is not valid. No further analysis is necessary."

The EA Report Conclusion

Overall, the EA report claims that:

1. the magnitude of impacts on traditional land use will be low, because of
 - (a) the small footprint of the mine site and the mine and esker access roads (maximum 550 ha) and;
 - (b) no evidence of current intensive traditional land use.
2. there is no link between the mine and potential loss of areas of special significance to Aboriginal people, so no analysis of impacts on this is required.

We have serious reservations about these conclusions. We believe that they were not based on sufficient consultation with Yellowknives Dene First Nation. De Beers are advised to approach us for in-depth discussion of these topics before the Mackenzie Valley Environmental Impact Review Board conducts its public hearings on the Snap Lake Environmental Assessment, scheduled for March 2003. We do not want to see the Board makes its final recommendations on mine approval before these issues have been completely resolved to our satisfaction.