

# ***NORTH SLAVE MÉTIS ALLIANCE***

*PO Box 2301 Yellowknife, NT X1A 2P7*

**DE BEERS CANADA INC.**

**GAHCHO KUE DIAMOND MINE (EIR0607-001)**

**Technical Report**



**Monday, October 22, 2012**

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## Plain Language Summary

The North Slave Métis Alliance (NSMA) concerns are primarily focused on the social, economic, and cultural impacts of the project on our community by virtue of its interference with our ability to exercise of our aboriginal rights, including aboriginal title, self government rights, and the right to occupy, use, enjoy, and benefit from the development of our traditional lands, waters and other resources, renewable and non-renewable.

Although apprehensive about the biophysical impacts of the Project, the NSMA has not the present capacity to comment in detail on such challenges in the technical summary. At present, the principle issue within the scope of the Environmental Impact Review is that our Traditional Knowledge (TK) has not been incorporated, and the detailed description of impact mitigation commitments is not known.

Our TK study has just begun. We expect to have some preliminary data for the December hearings, with the final results to follow in the spring.

## Acronyms

De Beers Canada Inc.	De Beers
Environmental Impact Review	EIR
Environmental Impact Statement	EIS
Federal Government of Canada (the Crown)	Canada
Gahcho Kué Project	Project
Government of the Northwest Territories	GNWT
Local Study Area	LSA
Mackenzie Valley Environmental Impact Review Board	MVEIRB
Mackenzie Valley Resource Management Act	MVRMA
North Slave Métis Alliance	NSMA
Northwest Territories	NWT
Regional Study Area	RSA

## Non-Technical Executive Summary

### Introduction

The North Slave Métis Alliance (NSMA) has reviewed the De Beers Canada Inc. Gahcho Kué Diamond Mine Developer's Environmental Impact Statement (EIS), Appendices, Annexes, and additional documents filed during the Environmental Impact Review (EIR). The NSMA has participated as much as possible with our limited resources during all phases of the EIR, as well as the initial Environmental Assessment (EA0506-008), and have met with De Beers' representatives and consultants to discuss our concerns regarding the Project.

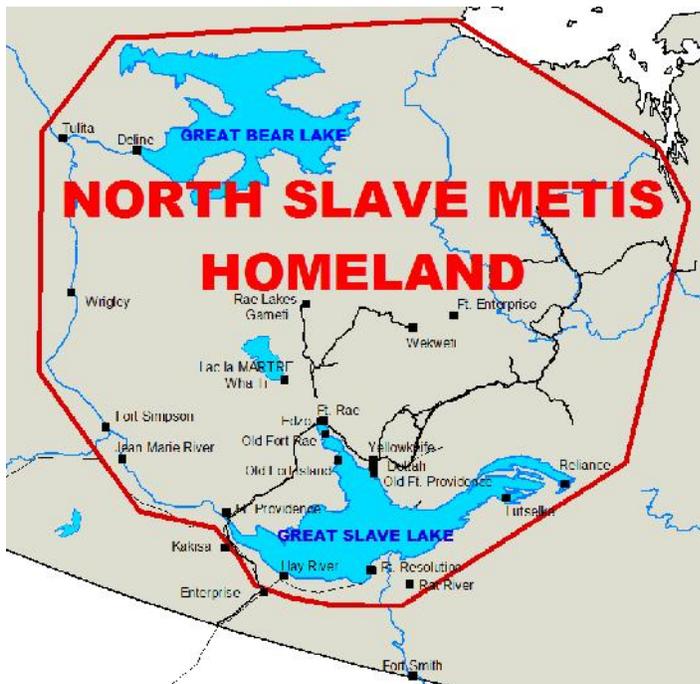
### Mandate of the North Slave Métis Alliance

The North Slave Métis Alliance represents the Aboriginal rights-bearing Métis of the Great Slave Lake area. As delineated in our mandate, it is our obligation to defend the Aboriginal rights of all our members. Since the 17<sup>th</sup> century, the North Slave Métis have continuously *used and occupied* the area surrounding Great Slave Lake, north to Great Bear Lake, and east to the barrens into what is now Nunavut. Métis settlements (such as Old Fort Island, Mountain Island, Lac la Martre, Yellowknife River, Old Fort Providence, Fort Resolution, Beaulieu Fort (Snowdrift and now known as Lutselke'), and Fort Reliance) existed before colonial powers *established effective control* over the area. Hence, the North Slave Métis people possess Aboriginal rights to these traditional lands, including aboriginal titles, rights to use and manage and benefit from the development of the renewable and non-renewable natural resources of the land. Such rights are recognised and protected under Section 35 of *Canada's Constitution Act* (1982). In addition, our Aboriginal Water Rights are protected by sections 14(4) b and 14(5) of the *NWT Waters Act*. The Government of Canada has not yet begun negotiations with us to define the extent and application of our rights. However, we can look to the United Nations Declaration on the *Rights of Indigenous Peoples* and the *Declaration of Human Rights*, which Canada has endorsed, for guidance. Last, we rely on the 2003 *R v. Powley* decision of the Supreme Court of Canada, along with other Canadian jurisprudence.

#### The North Slave Métis Alliance Mandate

1. **Unite the indigenous Métis of the North Slave Region.**
2. **Promote pride in Métis culture and heritage.**
3. **Exercise Métis responsibility to protect the environment**
4. **Promote and enhance Métis education and, economic, social and cultural development.**
5. **Promote recognition and entrenchment of Métis Aboriginal and Treaty Rights.**
6. **Negotiate, ratify, and implement a comprehensive self-government agreement.**

The NSMA has been registered as a non-profit society in the Northwest Territories since 1996, for the stated purpose of negotiating a regionally based comprehensive claim centered in the North Slave Region of the Northwest Territories. Prior to that, our members were represented in the 1975-1990 Dene-Métis Comprehensive Claim negotiation process by the Métis Nation of the Northwest Territories (MNNWT)<sup>1</sup> which was formed in 1972 to represent all indigenous Métis in the Northwest Territories. This organisation was disbanded after the Final Agreement was rejected, and the pan-territorial process was abandoned in favour of the pursuit of regional claims. The North Slave Métis Alliance was endorsed by the MNNWT as the North Slave Regional Métis land claim organisation before it was disbanded.<sup>2</sup> It is also important to note that the Tłı̄chǫ Agreement contains a non-derogation clause which states in section 2.7.1(b)(ii), General Provisions, that “No provision in the Agreement shall be construed to affect any Aboriginal rights of any Aboriginal people other than the Tłı̄chǫ.”



Traditional NSMA Territory

NSMA takes its representation mandate seriously, and must continue to insist it be *consulted and accommodated* on any and all forms of activities, planned or underway, by public and private sector organizations, on its traditional lands.

The North Slave Métis are already severely disadvantaged and vulnerable due to the historic and ongoing discriminatory legislation, policy, and practices of the Canadian, Territorial, and Local governments. Inequitable allocation of benefits and costs of development will exacerbate the NSMA's already severely oppressed

status. Preferential treatment for Status Indians negatively impacts pride

in Métis identity and culture, governance, economic status and even community membership. Capacity issues prevent us from going into depth on all of our issues.

<sup>1</sup>This is not the same organization as the current-day Northwest Territory Metis Nation (NTMN), previously known as the South Slave Métis Tribal Council, formed at the same time as the NSMA, also as a result of the decision to pursue regional instead of pan-territorial claims and the disbanding of the MNNWT.

<sup>2</sup>1996-07-07 Metis Nation – Northwest Territories 24th Annual General Assembly Resolution #4.

## Specific Comments

The North Slave Métis Alliance is much more experienced with diamond mining now than it was when De Beers gained approval of its first diamond mine project in our territory. We have nearly 8 years of experience working with De Beers, and we are intent on doing a better job this time. We need much better agreements with much stronger enforcement provisions, and much more adequate budgets. De Beers, like the NSMA, suffers from capacity issues at their Snap Lake mine.

A review of the Mackenzie Valley Land and Water Board public registry reveals that there have been times where: environmental monitoring has not been done because of bad (cold) weather; spring freshet has been called a flood requiring “emergency” water management measures; the tailings pond and the diffuser were not built or installed according to design; the thickness of the slurry was vastly overestimated; and there have been many spills. The mine discharge is predicted to exceed water licence limits in the near future.

A review of the Snap Lake Environmental Monitoring Agency documents reveals that: there has not been one caribou tasting event yet; the Traditional Knowledge Workplan is not being implemented as planned; mine site visits are not occurring as committed and reports are overdue. Traditional knowledge is not being integrated as expected, and the expected involvement in heritage, cultural and archaeological studies has not materialized. Michiff is getting no attention.

Economic benefits to the NSMA are not materializing as expected, either. The IBA is not being rigorously implemented, and the socioeconomic monitoring agency is eight years overdue being established. Temporary mine shutdowns and economic downturns have affected us all.

Thorough implementation of all our recommendations are needed to mitigate the very significant cumulative impacts that are very likely to result from this additional proposed mine.

## **Technical Summary**

The North Slave Métis Alliance (NSMA) has reviewed De Beers Gahcho Kué Project Developer's Assessment Report, Environmental Impact Statement, Appendices, Annexes, and additional documents filed during the Environmental Impact Review. The North Slave Métis Alliance is pleased to offer the following technical comments for the proposed Project. We have conducted a technical review of the following subjects:

Part 1. Traditional Knowledge

Part 2. Social, economic, and cultural impacts

Part 3. Environmental impacts

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## **Part 1 – The incorporation of North Slave Métis traditional knowledge**

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### **1.1 Traditional knowledge study**

De Beers has not integrated NSMA's traditional knowledge to an acceptable degree. De Beers has incorporated secondary source traditional knowledge data from the North Slave Métis Alliance that are dated and lack adequate information for the region.

#### **Developer's conclusion:**

De Beers has gained an appreciation of the importance of the land, water, and animals to Aboriginal communities. The concerns raised had consistent themes based on secondary sources. Based upon this understanding, changes to the design and execution of the Project have been made.

#### **NSMA's conclusion:**

The NSMA argues that dated and secondary source traditional knowledge summaries are insufficient. The NSMA has not received adequate time in order to initiate, compile, analyze, and summarize our TK study. De Beers has recently committed to providing funding, however, the TK study will not be finalized in time. The results of the NSMA TK study should be considered along with the remainder of the technical evidence submitted. Early and continuous community engagement is important.

There is inadequate consultation methods used during DeBeers Traditional Knowledge workshops i.e., the fish habitat compensation and wildlife monitoring. The PowerPoint presentations did not provide Aboriginal participants with sufficient detail to allow for proper TK input. The language used by DeBeers staff to summarize specific development plans and options are not compatible with TK experts. Therefore, there is a language divide.

The TK participants are provided a one-day workshop to discuss a complex design concept, but no capacity funding has been provided to allow participants to provide valuable advice in reference to various design options. During the September workshop, two workshops were organized to address: wildlife monitoring and fish habitat compensation. The DeBeers presentation for both workshops were severely lacking in information and depth which placed the NSMA at an information disadvantage. The NSMA could not provide quality TK because of this consultation approach and was left no alternative but to abandon the process. Lack of capacity funding prevents the NSMA from examining whether De Beers' implemented the TK recommendations provided to the company during these workshops. ie Aboriginal representatives request a TK Director and a full-time TK expert representing the NSMA be hired. The TK Director would be placed at the Executive Level where decision making powers to mitigate impacts on wildlife during high impact seasons would be within their authority.

**Our rationale to support conclusion:**

EIS 5.3; EIS 5.3.6; EIS 5.4.1; EIS 5.4.2.6.2; EIS 5.4.2.6.3; EIS 5.4.2.7.3: All references demonstrate that traditional knowledge has been summarized from secondary sources (for all Aboriginal groups involved).

EIS 5.3.6: Secondary sources used, particularly from the NSMA, are dated (1999) and lack significant in-depth knowledge from our members. NSMA members have considerable more experience with diamond mine operations and their impacts now than they did in 1999. We all deserve a chance to benefit from this enhanced perspective. Traditional knowledge is not static (Simeone, 2004), and thus, must be regularly (re)examined.

The Board makes it clear that "in order to ensure that aboriginal cultures, values and knowledge play an appropriate role in its decisions, the Review Board is committed to fully consider any traditional knowledge brought forward in its proceedings" (MVEIRB, 2005:4).

Traditional knowledge plays an important role in sustainable development and knowledge mobilization. Nevertheless, it continues to be largely disregarded in development planning or, when taken into account, is utilized inappropriately. Traditional knowledge is an important facet in designing more effective conservation measure for biodiversity and ecological systems (Berkes *et al.*, 1995). In general, there is a disconnection between the requirement for applying traditional knowledge (GCC, 1992; SDMCC, 1993; MVRMA, 1998) and the information actually being collected.

*Knowledge, not capital, is the key to sustainable social and economic development (World Development Report, 1999).*

**Recommendation 1:**

The NSMA recommends that De Beers please:

- a. Integrate all primary source traditional knowledge studies from all Aboriginal parties involved.
- b. Guarantee and honour their commitment to include and incorporate the North Slave Métis Alliance's traditional knowledge study post-hearing into their site planning.
- c. Hire a TK Director. They would be placed at the Executive Level with decision making powers and the authority to mitigate impacts on wildlife during high impact seasons.

*References:*

- Berkes, F., Folke, C., Gadgil, M. (1995). Traditional ecological knowledge, biodiversity, resilience and sustainability. In Perrings (ed) *Biodiversity Conservation*, 281-299.
- The Gwich'in Comprehensive Claims (GCC).
- Mackenzie Valley Resource Management Act (MVRMA). (S.C. 1998, c. 25)
- MVEIRB (Mackenzie Valley Environmental Impact Review Board). (2005). Guidelines for incorporating traditional knowledge in environmental impact assessment. Yellowknife: MVEIRB. Available from MVEIRB, 200 Scotia Centre, 5102-50th Avenue, Yellowknife, Northwest Territories X1A 2N7
- Sahtu Dene and Métis Comprehensive Claim Agreement (SDMCC)
- Simeone, T. (2004). Indigenous Traditional Knowledge and Intellectual Property Rights. Library of Parliament, Canada, PRB 03-38E.
- World Bank, (1999) World Development Report 1998/1999: Knowledge for Development.

## **1.2 Long-term traditional knowledge monitoring**

De Beers will be monitoring the site. However, they have failed to incorporate long-term traditional knowledge monitoring into their site plan.

### **Developer's conclusion:**

De Beers has integrated secondary source traditional knowledge into their site plan. They mentioned utilizing traditional knowledge for setting monitoring and mitigation recommendations and for incorporating the knowledge into their Project.

### **NSMA's conclusion:**

De Beers has failed to incorporate long-term traditional knowledge monitoring. Traditional monitoring are qualitative and valuable because they are based on observations over long-term periods, are inexpensive, invite the participation of NSMA hunters and harvesters as researchers, and incorporate subtle multivariate cross checks for environmental change. Using long-term traditional knowledge alongside adaptive management techniques will be useful for feedback learning. De Beers mentions using traditional knowledge to augment monitoring programs, but fails to address a plan or program into how they will function.

### **Our rational to support conclusion:**

EIS 5.4.1: Where provided, traditional knowledge will be used to improve monitoring programs. De Beers does not discuss how this will be implemented, or what they will do to ensure that the indigenous peoples have the capacity to develop and to contribute their traditional knowledge.

EIS 5.4.3: The section presents additional monitoring and mitigation recommendations that arose from traditional knowledge, but does not mention the use of long-term monitoring using traditional knowledge or community-based input.

EIS 5.4.5: De Beers mentions hosting site visits in order to update communities on the Projects Development. They mention involving students and elders in on-site field monitoring from time to time. However, this is a vague commitment that should be expanded upon. T

Conceptual Caribou Monitoring Plan 11-1365-0012: "Objectives for the monitoring program will not be finalized until the company holds the September workshop. De Beers has also funded traditional knowledge studies for communities that wanted to complete them". De Beers has misinterpreted the concept of long-term monitoring, and in lieu, they insinuated that the TK studies are a single, static, baseline collection of data.

Appendix C Comments on Caribou Monitoring, Wildlife Monitoring Plan (September) Workshop: De Beers is coming closer to understanding the concept, but is still failing to comprehend the long-term aspect. They are not committing to any long-term monitoring aside from berry picking at the site. The rest of the monitoring mentioned is technical or rhetoric.

Traditional knowledge is misconceived by De Beers as a collection of facts rather than an art or science. While one would never presume to have adequately involved “engineering knowledge” in the construction of a mine by simply inviting some engineers to an occasional site visit or meeting, this is often how Traditional Knowledge is “incorporated” into the design and implementation of monitoring plans and programs. Likewise, the knowledge of aquatic biologists on the status of an aquatic system is not obtained by inviting them to occasional workshops. In sum, De Beers has failed to provide the NSMA with the appropriate time in order to undertake and complete our traditional knowledge study, and has failed to propose any meaningful integration of traditional knowledge into its environmental monitoring plans or programs. The one and only **effective** means of incorporating Traditional Knowledge into environmental monitoring and management of the mine is to **meaningfully** engage Traditional Knowledge holders in environmental monitoring and management of the mine, in a manner at least commensurate with that of scientific experts and technicians. They must be engaged at every stage, from problem definition, to selection of methods, to analysis, and to implementation.

The accumulated experiential and tacit knowledge with the environment and region should be utilized to detect long-term trends (Berkes *et al.*, 2007), which is necessary for evaluating the success or failures of the site plan. Qualitative community-based monitoring methods are compatible with quantitative technology techniques, as long as these approaches are developed in partnership (Marcoux *et al.*, 2011). De Beers may be beginning to understand this concept; however, they need to commit to the long-term traditional monitoring of the site. In addition, De Beers’ commitments need to be detailed and specific in order to achieve the intended result over time, with the predictable changes in staff as well as budgetary and political inconsistencies.

Sufficient time and resources must also be guaranteed to ensure Parties are capable of negotiating effective agreements. Effective agreements have clear goals, well defined objectives, objectively measureable criteria of success, and enforceability. Consideration should be given to reviving the idea of a multi-project environmental monitoring agency, and to better integration of socioeconomic and biophysical environmental monitoring and management.

## **Recommendation 2:**

The NSMA recommends that De Beers please:

- a. Amend section 5.4.5, bullet 7: "...field monitoring programs from time to time;" in order to incorporate actual frequencies (i.e., monthly, annual, century, etc.) and add details to the program commitments.
- b. Commit to funding long-term traditional knowledge monitoring on-site, including the transmission of knowledge from elders to youth. This would facilitate a process in which Aboriginal elders would assess the environment in order to determine if it has been altered or changed based on their traditional knowledge of the region and would involve inviting elders and students to site workshops.
- c. Integrate traditional knowledge holders, as experts on par with biologists, planners and other experts in the design, implementation, analysis and interpretation of all environmental monitoring and management plans and programs.
- d. Negotiate an Environmental Agreement with the Aboriginal Parties. The Environmental Agreement must have specific details of how traditional knowledge holders will be involved, clear goals, well defined objectives, objectively measurable criteria of success, and enforceability. Ensure that the Aboriginal Parties have the capacity to negotiate effectively, and to benefit from lessons learned from the existing De Beers Environmental Agreement with the Snap Lake mine.
- e. Consideration should be given to reviving the multi-project environmental monitoring agency concept.
- f. Hire a full time TK Director at the Executive Level within the Environment, Health and Safety Department, with decision making powers and the authority to mitigate impacts on wildlife during high impact seasons.

### *References:*

- Berkes, F., Berkes, MK., Fast, H. (2007). Collaborative Integrated Management in Canada's North: The Role of Local and Traditional Knowledge and Community-Based Monitoring. Coastal Management. 35(1), 143-162.*
- Maroux, M., Auger-Methe, M., Chmelnitsky, E., Ferguson, S., Humphries, M. (2011). Local passive acoustic monitoring of narwhal presence in the Canadian arctic: a pilot project. ARCTIC. 64(3), 307-316*

### **1.3 Traditional knowledge regarding land use**

The proposed Development is located within the North Slave Métis Alliance traditional territory, where the ownership and control of lands and resources is under dispute.

#### **Developer's conclusion:**

De Beers has not addressed the depletion of non-renewable resources in a region of disputed land and resource ownership.

#### **NSMA's conclusion:**

The NSMA has asserted our Aboriginal Rights and Titles to the area of the Project. The NSMA has not been adequately consulted with respect to the permanent removal of valuable minerals from our traditional lands. Canada and the GNWT have been aware of our asserted rights since the 1970's. Both governments continue to delay conducting their required strength of claims analysis. Instead they continue to request more and more information from the NSMA, without providing any funding to assist us in preparing the data.

#### **Our rational to support conclusion:**

It is paramount that our claim to lands, resources, and the control over these, be negotiated immediately by the Federal Government of Canada. The lands on which the proposed Project will be located are within our traditional area of use and have never been surrendered. The place names in the area of the project bear testimony to the early French-Cree Métis occupation. For example, Lac Capot Blanc and Lac Tete d'Ours lie between Snap Lake and the proposed Project. Lac de Charloit is just to the northeast of the Project.

Nearby, Camsell Lake is named after one of the most famous Métis in the northwest of Canada (Davis, 1993), Charles Camsell, who is an ancestor of a number of NSMA members. Camsel Lake was also known as the lake of the hanging rock where a large boulder perches on three little stones and can be shaken but not dislodged<sup>3</sup>.

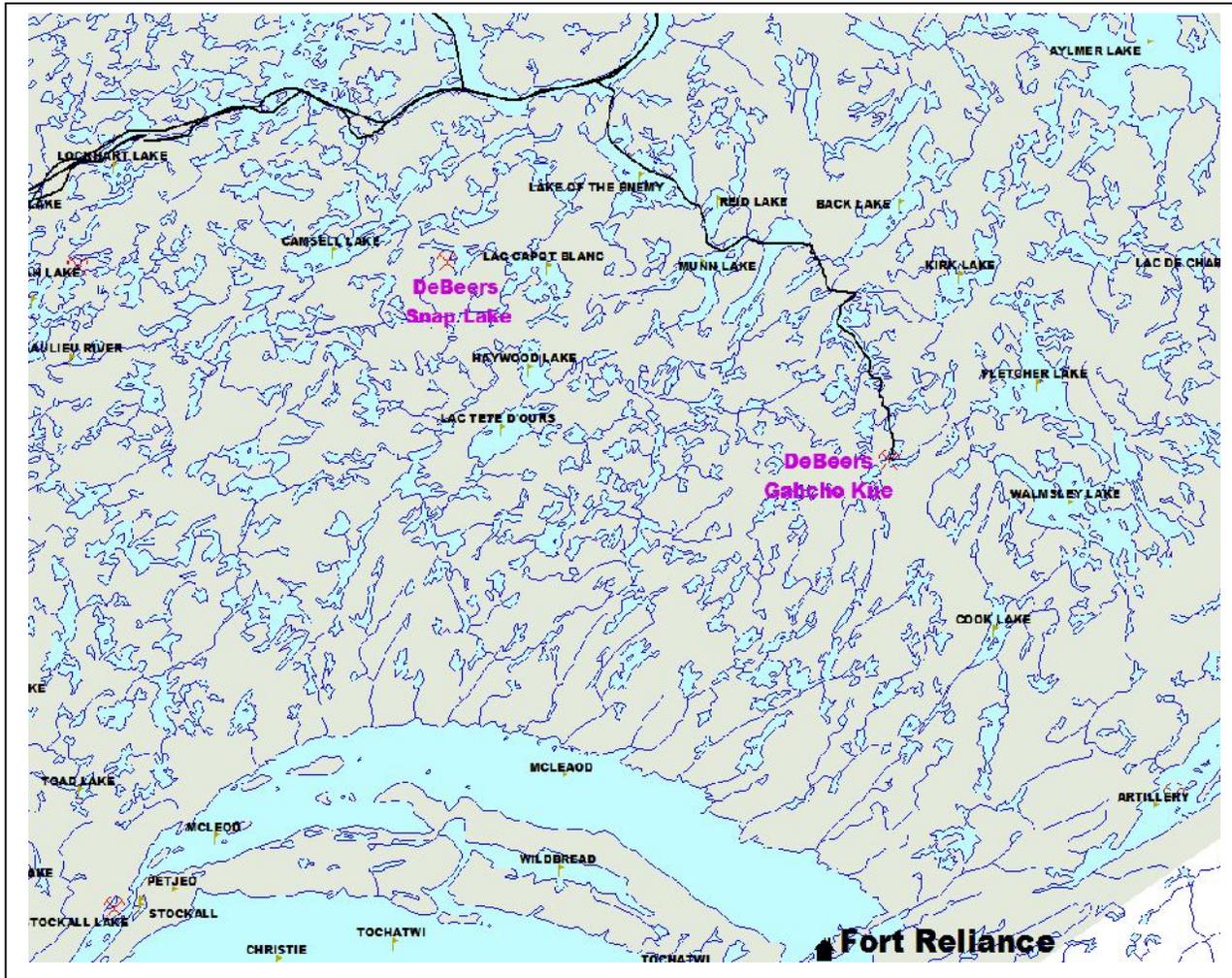
The area is used, and has been used since the 17<sup>th</sup> century for hunting barrenland caribou, bears, wolves, wolverine, small game and birds. The area is, or at least was, on the edge of the barrenlands and was important for stocking up on firewood.

The closest settlement to the proposed mine site is Fort Reliance, which was built in 1833 for Sir George Back by Mr. MacLeod, a group of French-Métis, and a corps of English soldiers (Petitot 1891). Several Métis, including Baptiste de Mandeville, helped build Fort Reliance, and King

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<sup>3</sup> Pike, Warburton. 1892 (1967 reprint). Journeys to the Barren Ground of Northern Canada in Search of Musk-Ox, Macmillan and Co. London and New York. (Arno Press, New York. 1967

Beaulieu managed a trading post at Fort Reliance in the mid-19<sup>th</sup> century<sup>4</sup>. It was King Beaulieu that told Warburton Pike, in 1892, the names of Lac de Gras, Point du Misiere, Lac du Sauvage, and Beau Lieu River. Then Warburton named King Lake after King Beaulieu and Mackay Lake after Dr. Mackay of the Athabasca District of the Hudson's Bay Company. Back Lake was named after Sir. George Back.



The proposed access road, through Lake of the Enemy, ignores the legendary importance of the lake as the residence of giant musk ox and an “enemy” that makes people insane<sup>5</sup>. There are numerous Métis trails in the area, for fishing, hunting and travelling.

<sup>4</sup> Bellman, Jennifer and Christopher C. Hanks, 1998, “Northern Métis and the Fur Trade” in *Picking up the Threads: Métis History in the Mackenzie Basin*. Edited by Diane P. Payment. Métis Heritage Association of the Northwest Territories: 29-68.

<sup>5</sup> Pike, Warburton. 1892 (1967 reprint). *Journeys to the Barren Ground of Northern Canada in Search of Musk-Ox*, Macmillan and Co. London and New York. (Arno Press, New York. 1967)

Much more detail will be forthcoming as our TK research project progresses.

**Recommendations 3:**

The NSMA recommends that De Beers please:

- a. Acknowledge Métis Aboriginal Rights through the signing of an Impact Benefit Agreement.
- b. Consult the NSMA as a full partner for all heritage research and archaeological work.

*References:*

*Davis, Richard C.(1993). Lobsticks and Stone Cairns: Human Landmarks in the Arctic. Edited by Richard C. Davis, University of Calgary Press, Alberta.*

*Petitot, E. (1891) Autour du Grand Lac des Esclaves. A.Savine. Paris. Pg. 82*

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## Part 2 – Social, cultural, and economic impacts

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### 2.1 Métis traditional language use

NSMA is concerned about our endangered Aboriginal language, Michif.

#### **Developer’s conclusion:**

De Beers strives for a culturally supportive work place.

#### **NSMA’s conclusion:**

Michif is an endangered language. The anticipated or possible changes in the NSMA’s use of Michif are unknown and must be assessed. A significant majority of NSMA members indicated a strong interest in learning Michif.

#### **Our rational to support conclusion:**

EIS 12.4.10: De Beers indicated that “incorporating Dene culture and traditions into key site celebration activities”. However, De Beers fails to mention Métis culture, traditions, or most importantly, language.

EIS Table 13.9-1: Potential cumulative effects on language use: “Yes. Continued but varied loss of Aboriginal language”.

EIS 13.7.4.1: “Aboriginal language use as a *second language* may actually be slightly increasing in some LSA communities”. The NSMA would not be comfortable with labelling aboriginal language a *second language*. Though technically it may fit the definition, the connotation of a *second language* is that it is not your first language, or your mother tongue. Here, De Beers is unintentionally portraying language loss in a positive manner, by stating that Aboriginal languages are *increasing as a second language*, which inherently means that it isn't their first language anymore.

EIS 13.7.4.1: “Yet, there has been a noticeable and statistical decline in some languages. This decline is not attributed to mining or employment but, rather, on English media and mobility”. How can De Beers separate *employment* and *mobility*? De Beers then goes on to state: “Specifically, people will leave a community for economic opportunity in places where the dominant language is English”. These statements are contradicting. The issue is that language shift happens for a myriad of reasons. De Beers should make no conclusion as to why they believe language shift is occurring in the north, when their opinion is seemingly contradictory and baseless.

It has been well documented that over the last fifteen years that fewer individuals can speak an Aboriginal language in the Northwest Territories (Gibson & Klinck, 2005). Some Métis can converse with elders in Michif, but not with youth (NSMA, 2002, p65). Regrettably, this trend has been attributed to greater participation in the English labour market, the aging of the most fluent community members, a lack of educational materials and programs in Aboriginal languages, and the migration of non-Aboriginals into the North (GNWT, 2003).

In Hinton's (2002) seminal piece on language revitalization, she summarizes what she calls *community-internal themes* associated with language renewal. They are (1) that language is a key to healing communities; (2) that language is a key to identity; (3) that language is a key to spirituality; and (4) that language is a carrier of culture and world view. The meaning of language in Métis cultural identity is significant.

Michif is the only indigenous Aboriginal language in the Northwest Territories that does not enjoy official recognition, and therefore has not received any significant attention, funding or efforts to preserve it. This is yet another example of the uniquely disadvantaged status of Métis in the Northwest Territories in comparison to the Dene.

#### **Recommendation 4:**

The NSMA recommends that De Beers please:

- a. Continues to work with the North Slave Métis in ongoing support of language and cultural pursuits.
- b. Pay equal respect to North Slave Métis culture, traditions, and language compared to other (Dene) First Nations.
- c. Incorporate North Slave Métis cultural activities to be part of the company's socio-economic monitoring plan and used to inform policy and procedure.

#### *References:*

- Gibson, G. & Klinck, J. (2005). *Canada's resilient north: the impact of mining on aboriginal communities. Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 3(1)
- GNWT Government of the Northwest Territories. (2003). *NWT Social Indicators: Consultation Report. Yellowknife, NWT: Government of the Northwest Territories.*
- Hinton, L. (2002). *Commentary: Internal and external language advocacy. Journal of Linguistic Anthropology* 12(2): 150–156.
- NSMA North Slave Métis Alliance (2002). *Can't live without work: North Slave Métis Alliance environmental, social, economic and cultural concerns. Yellowknife, NT: North Slave Métis Alliance*

## **2.2 Need for southern workers**

The large labour force required for this multiyear project will compete with several simultaneous projects. All projects have certain quotas for hiring Aboriginal and northern labour.

### **Developer's conclusion:**

De Beers aims to fill as many of the skilled positions and as many of the semi-skilled positions as possible with northern Aboriginal workers over the life of the Project (EIS 12.7.1.3.2).

### **NSMA's conclusion:**

De Beers is vague regarding how they will source enough northern Aboriginal labour from the Northwest Territories. They demonstrate concern, but never mention hiring workers from outside the Northwest Territories. Based on the timelines of numerous developments in the Northwest Territories and Nunavut, De Beers will be unable to maintain its northern Aboriginal labour quota. The NSMA is of the opinion that a large number of the skilled labour will have to be sourced from southern provinces.

### **Our rational to support conclusion:**

EIS 12.3.4: "For example, the increase in the mining industry in the Kitikmeot and Kivalliq regions of Nunavut may have employment and related impacts on the NWT, such as drawing upon experienced labour from existing and planned mining developments. This could possibly generate additional skilled labour shortages in the NWT, which is already being experienced as many businesses need to recruit new employees from outside of the NWT."

In addition, De Beers fails to mention numerous other developments. BHP Billiton is expanding while Fortune Minerals NICO, Avalon Thor Lake, Tyhee Yellowknife Gold, and Seabridge Courageous Lake are proceeding through the environmental assessment process. The Mackenzie Gas project has been approved and could begin any time. Each of these developments will be looking to hire northern Aboriginal workers over the life of the Project.

Presently, the NWT faces several labour challenges, such as skills shortages and low labour market participation (HRSDC, 2012a). The territory has yet to return to employment peak numbers since 2008 (HRSDC, 2012b).

### **Recommendation 5:**

The NSMA recommends that De Beers please:

- a. Provide a plan of how they will mitigate competition with other mines while meeting their projected employment quota.

- b. Provide a forecast of how many workers and for which positions De Beers expects to hire for each phase of the project.
- c. Provide a forecast of how many southern workers and for which positions De Beers expects to hire for each phase of the project.

*References:*

*HRSDC Human Resources and Skills Development Canada (2012a). Northwest Territories: Accessed from*  
<[http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar\\_2011/provinces\\_territories/nwt.shtml](http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar_2011/provinces_territories/nwt.shtml)>

*HRSDC Human Resources and Skills Development Canada (2012b). Labour Market Bulletins: Accessed from*  
<[http://www.hrsdc.gc.ca/eng/workplaceskills/labour\\_market\\_information/ts.shtml](http://www.hrsdc.gc.ca/eng/workplaceskills/labour_market_information/ts.shtml)>

### 2.3 In-migration

As discussed above, De Beers will have to draw upon the southern province's labour force. By doing so, De Beers will certainly be increasing the presence of a transient, young, unattached, and cash rich population in the NWT. By doing so, there will be increased cumulative effects. To the extent that these people decide to stay in the NWT, demographic change will result.

#### **Developer's conclusion:**

De Beers states that in-migration will be both *likely* and *not likely*. De Beers states that in-migration will not have a negative impact on social disparity, cost of living, or social problems.

#### **NSMA's conclusion:**

As mentioned above (Need for southern workers), the NSMA believes that De Beers has not acknowledged the multiple other developments and the shortage of skilled northern Aboriginal labour. Cumulative effects of outsourcing labour from southern provinces will increase the cost of transportation, living and housing, and will increase the use of regional infrastructure and services. The NSMA is of the opinion that with sourced labour from the south, there will be a higher influx of migrant workers than speculated. These workers will put pressure of fish and wildlife, recreational facilities, and potentially skew political representation even farther away from aboriginal peoples in the major centers of Yellowknife and Hay River. In addition, unskilled, and lower income earning individuals will be attracted to migrate north and accumulate in the large centers seeking work, while those who are more skilled and higher income earners will be able to afford to commute, or leave. This will impoverish the NWT, and it will tend to increase social problems such as substance abuse, violence, and other crime.

#### **Our rational to support conclusion:**

EIS 12.7.2.2.1: De Beers indicated that "In-migration has not been associated with mineral exploration and mining activity over the past decade". This statement is quite contradictory to what the GNWT Department of Environment and Natural Resources discusses regarding the driving forces of demography in the NWT: "As in other regions of Canada, migration in the NWT generally appears to be associated with economic factors. Most people moving into the NWT are in their 20s and 30s, and slightly more are males than females. Over the past 20 years the net migration of people can be explained by the boom and bust of the NWT's economy and in recent years, by the demands of large-scale construction sites, such as diamond mines" (GNWT, 2007; GNWT 2008) .

EIS 12.7.2.2.2: "Additionally, any external or temporary labour brought in by the Project will *not likely* remain in the NWT". This is the only time De Beers mentions outsourcing labour, which

they hastily mention will *not* remain in the NWT. Perturbingly, De Beers does not explain how they know this.

EIS 12.7.2.8.2/Table 12.7-14: Here, De Beers contradicts their previous statement by mentioning that in-migration is *likely* (as opposed to *not likely*). De Beers defines *likely* as “an impact that will occur at least once in the next ten years” (EIS 12.7.1.6.1). Thus, De Beers guarantees that in-migration will occur within the Projects expected 15-year lifespan.

EIS Table 13.7-1: Potential cumulative effect for in-migration: “Yes. Some increase in in-migration for jobs, but overall tendency to increased out-migration”.

EIS 12.6.1.3.2: De Beers cited Ensign (2010) and Gardner (1994), who find “characteristics of movement to more remote regions of the country for employment was highly cyclical and there was a great deal of mobility”. However, De Beers fails to mention that both authors do mention high numbers of in-migration occurring with resource extraction development.

Resource towns in the Mackenzie Basin do not follow a predictable pattern of population change over time (Bone, 1998), thus making it difficult for De Beers to state that in-migration will or will not occur. In-migration has been proven to generate significant social geography pressures which in turn can affect local community development (Adger, 2000; Halseth, 2008) and stress the carrying capacity of the territory (O’Lear, 1997).

A socioeconomic agreement is essential, as is an independent socioeconomic monitoring agency. De Beers committed to establishment of a socioeconomic monitoring agency for their Snap Lake mine, just a little to the west of Kennedy Lake, but is 8 years overdue in establishing it. This time, the agreement must be much more specific, detailed, and enforceable. Perhaps one agency can do both mines, or be a multi-project agency. The NSMA believes that socio-cultural impacts are the largest impacts of diamond mining, and that proper socioeconomic monitoring must be done, and effective mitigation implemented. There should be a study of lessons learned from the Diavik Communities Advisory Board, and improvements made as appropriate. It will be essential that appropriate expertise is involved, and that the Agreement, bylaws, budget, and workplan are all realistic and appropriate.

*“Migration has a cumulative inertia ... the longer people stay in place, the less likely they are to move” (Heleniak 2009, pg 33)*

#### **Recommendation 6:**

The NSMA recommends that De Beers please:

- a. Clarify, expand, and explain how in-migration will be simultaneously *not likely* and *likely* occur, what the impacts of that change will be, how it will be monitored and mitigated.
- b. Negotiate a socioeconomic agreement with the Aboriginal Peoples (not just GNWT) and establish an effective socioeconomic and cultural impact monitoring agency.
- c. Participate in a review of the Diavik Communities Advisory Board to benefit from lessons learned.

References:

- Adger, W.N. (2000) "Social and Ecological Resilience: Are They Related?" *Progress in Human Geography* 24(3): 347-365.
- Bone, R. (1998). *Resource towns in the Mackenzie Basin*. *Cahiers de géographie du Québec*, 42(116), 249-259.
- Ensign, P.C., Giles, A., & Reed, M.G. (2010). *Labour migration – What goes around comes around*. In D. Carson, P.C. Ensign, T.L. Huskey, O.L. Rasmussen, & A. Taylor (Eds.), *Demography at the edge: Remote human populations in developed nations*. London: Ashgate
- GNWT *Investment and Economic Analysis (2007)*. "Economic Review and Outlook 2007" (Government of the Northwest Territories; Industry, Tourism and Investment).
- GNWT *Investment and Economic Analysis (2008)*. "Economic Review NT Regions" (Government of the Northwest Territories; Industry, Tourism and Investment).
- Halseth, G. (1999). *We came for the work: Situating employment migration in B.C.'s small resource-based communities*, *Canadian Geographer*, 43(4), 363–81.
- Heleniak, T.E. (2009) *The role of attachment to place in migration decisions of the population of the Russian North*, *Polar Geography*, 32(1), 31–60.
- O'Lear, S. 1997: *Migration and the environment: a review of recent literature*. *Social Science Quarterly* 78, 606–18.

## 2.4 Health and wellness: sexually transmitted infections

De Beers has no mitigation strategies in place to address a possible rise in sexually transmitted infections with on/off-site employees.

### Developer's conclusion:

De Beers mentions that the reported cases of sexual transmitted infections are *already* much higher in the NWT than the rest of Canada. De Beers cites that sexual transmitted infections are particularly highest in smaller Aboriginal communities.

### NSMA's conclusion:

A combination of hiring more workers from the south, higher employment, and a mobile workforce, will increase sexually transmitted infections. De Beers has performed inadequate research regarding this challenge.

### Our rational to support conclusion:

De Beers has failed to discuss proper mitigation measures for sexual health after discussing that the NWT already has nearly ten times the national average of chlamydia and gonorrhoea (EIS12.3.4.4.4; GNWT Department of Health and Social Services, 2008). The rate of infection is higher in the communities. Seminal studies have demonstrated that sexually transmitted infections are typically *higher* in resource extraction communities with a mobile workforce (Goldenberg *et al.*, 2010; Storey, 2010).

### Recommendation 7:

The NSMA recommends that De Beers please:

- a. Implement preventative interventions, such as sexual health programming for employees.
- b. Expand and elaborate on how they will mitigate sexually transmitted infections with employees (both on/off-site).
- c. Partner or assist in funding a local sexual health organization.

### References:

- GNWT Department of Health and Social Services (2008). Accessed from:  
<<http://www.executive.gov.nt.ca/documents/HSS2008-12.pdf>>
- Goldenberg, S., Shoveller, J., Ostry, A., Koehoorn, M. (2010). Youth sexual behaviour in a boomtown: implications for the control of sexually transmitted infection. *Sexual Transmission Infection*. 84. 220–223.
- Storey, K. (2010). Fly-in/Fly-out: Implications for community sustainability. *Sustainability*. 2.1161-1181.

## 2.5 Health and wellness: drugs and alcohol

De Beers should expand upon their nebulous drug and alcohol mitigation measures for on/off-site employees.

### **Developer's conclusion:**

The Project is not anticipated to substantially increase drug or alcohol consumption, and other negative lifestyle choices. De Beers will be utilizing *several known mitigation and benefit enhancement strategies* to reduce negative lifestyle effects, such as drug and alcohol consumption. De Beers mentions these strategies as their *Dry Site Policy* (EIS 12.4.11) and *drug and alcohol programming* (EIS 12.5.6).

### **NSMA's conclusion:**

The NSMA, however, would argue that De Beers has not properly analyzed the cumulative effects of drugs and alcohol, particularly off-site employees. De Beers may feel that this is not part of their scope. Nevertheless, the NSMA would argue that De Beers has a responsibility to fully mitigate all aspects of the Development for on/off-site employees. De Beers reached a conclusion that the Project will *have little impact on negative lifestyle choices*, despite having undertaken unexceptional research. The NSMA is concerned as they are unable to foresee how De Beers will mitigate these challenges with their vague, unsubstantiated conclusions.

### **Our rational to support conclusion:**

EIS 12.2.2: The Project is not anticipated to substantially increase drug or alcohol consumption, and other negative lifestyle choices.

EIS 12.6.2.3.2: Due to its use of a strictly controlled camp environment, rotational work, and limited in-migration, the Project is not anticipated to substantially increase drug or alcohol consumption, and other negative lifestyle choices. Several known mitigation and benefit enhancement strategies will also be implemented to reduce potential negative effects.

EIS 12.5.6: offer drug and alcohol programming and other counselling.

De Beers contradicts a number of sources by suggesting that increased income and employment in rural communities will not increase drug and alcohol consumption. Research from resource extraction communities would beg to differ, citing increased alcohol consumption (Bowes-Lyon *et al.*, 2009; Goldenberg *et al.*, 2010; Nikiforuk, 2009; Ruddell, 2011; Storey, 2010; Tetley, 2005). In addition, the vast majority of NSMA respondents were concerned that an increase in disposable income will exacerbate the usage of alcohol and drugs (NSMA, 2002, p164).

### **Recommendation 8:**

The NSMA recommends that De Beers please:

- a. Expand and explain as to how their mitigation strategies (i.e., Dry Site Policy and Drug and Alcohol programming) will lessen negative lifestyle choices, both on- and off-site.
- b. Expand and explain how their drug and alcohol programming will operate.
- c. Explain the residual effects with boom economies, substance abuse, and the effect on local infrastructure (policing, counselling, rehabilitation, etc.)
- d. Partner or assist in funding a local addiction clinic.

### *References:*

- Bowes-Lyon, L.M.; Richards, J.P.; McGee, T.M. Socio-Economic Impacts of the Nanisivik and Polaris Mines, Nunavut, Canada. In Mining, Society, and a Sustainable World; Richards, J., Ed.; Springer: Berlin, Germany, 2009; pp. 371–396.*
- Goldenberg, S., Shoveller, J., Koehoorn, M. and Ostry, A.(2010). 'And They Call This Progress? Consequences for Young People of Living and Working in Resource-Extraction Communities.' Critical Public Health 20: 157–168.*
- Nikiforuk, A. (2009). Tar Sands: Dirty Oil and the Future of a Continent. Toronto, CAN: Greystone Books.*
- NSMA North Slave Métis Alliance (2002). Can't live without work: North Slave Métis Alliance environmental, social, economic and cultural concerns. Yellowknife, NT: North Slave Métis Alliance*
- Ruddell, R. (2011). Boomtown policing: Responding to the EISk side of resource development. Policing. 5 (4). 328-342.*
- Storey, K. (2010). Fly-in/Fly-out: Implications for community sustainability. Sustainability.2.1161-1181.*
- Tetley, D. (2005). Sex, Drugs and Alcohol Stalk the Streets of Fort McMurray. Calgary Herald. Accessed from: <<http://oilsandstruth.org/sex-drugs-and-alcohol-stalk-streets-fort-mcmurray>>*

## 2.6 Health and wellness: mental health

Mental stress, depression, and anxiety occur due to the high risks involved in the operation of heavy machinery or menial and repetitive tasks over long shifts. De Beers offers extended insurance of counselling services, but does not mention having a counselling service on-site. Thus, it is assumed, that workers will use such services off-site.

### Developer's conclusion:

N/A

### NSMA's conclusion:

De Beers has not mentioned any mitigation measures as to how they will ameliorate depression or anxiety with employees aside from offering them off-site extended health care options.

### Our rational to support conclusion:

EIS 12.3.4.4.5: Gamètì experienced a dramatic increase in mental disorder cases: from 48 per 1,000 cases in 1996 to 220 per 1,000 cases in 2002. By contrast, the number in Wekweètì declined from 279 to 105 cases in the same time period (GNWT Department of Health and Social Services 2005a). De Beers mentions that employees may access counselling services through the company health care plan (EIS, Table 12.6-31).

In Avery *et al.*'s (1998) study of mining and mental health, following a national pit closure, 52% of unemployed former miners faced psychological disorders. Following the Elliot Lake mine closure, health centres began receiving an increased case-load of patients suffering from depression (Robinson and Wilkinson, 1998).

### Recommendation 9:

The NSMA recommends that De Beers please:

- a. Consider on-site counselling services.
- b. Expand on how offering counselling service through the company health plan will *not* impact local health services (i.e, counselling services in Yellowknife, Hay River, etc.).

### References:

- Avery, A.J., D.S. Betts, A. Whittington, T.B. Heron, S.H. Wilson, and J.P. Reeves (1998). *The Mental and Physical Health of Miners following the 1992 National Pit Closure Programme: A Cross Sectional Survey using General Health Questionnaire GHQ-12 and Short Form SF-36.* *Public Health*. 112(3): 169-174.
- Robinson, D. and D. Wilkinson (1998). *The Adjustment of Displaced Mining Workers: Elliot Lake – 1990-1996.* Sudbury, Ontario: Laurentian University, Institute for Northern Ontario Research and Development.

## **2.7 Travel to the mine site and rotation flexibility**

The NSMA is concerned that De Beers may not offer direct transportation back to the communities.

### **Developer's conclusion:**

De Beers will transport workers on their two weeks on, two weeks off shifts.

### **NSMA's conclusion:**

De Beers should commit to flying people directly back to their communities after shift rotation.

### **Our rational to support conclusion:**

EIS 12.4.2.5: De Beers will provide return air transportation, at its expense, to employees travelling from designated pick-up points in NWT communities. De Beers mentions vague designated pick-up points.

EIS 12.5.6: "subject to operational requirements, provide direct return air transportation to employees travelling from NWT communities and the Project, which will maximize time in the community".

EIS Table 13.7-1: "Rotation will continue, although proximity of some projects to communities may offer flexible options".

### **Recommendation 10:**

The NSMA recommends that De Beers please:

- a. Amend EIS 12.5.6 to expand and clarify "operational requirements".
- b. Consider providing direct flights at no cost to employees, contractor employees, and subcontractor employees to and from the mine site from all NWT communities without stopping or staying in Yellowknife.
- c. Give further consideration to a flexible rotation schedule and offer shorter shifts, where operationally feasible, and communicate this to the potential northern workforce in order to maximise opportunities for all NWT residents including NWT Aboriginal residents and women.

## **2.8 Career advancement and training**

De Beers can amend some aspects of their advancement and training.

### **Developer's conclusion:**

De Beers will hire on a case-by-case basis.

### **NSMA's conclusion:**

De Beers needs to commit to their cases.

### **Our rational to support conclusion:**

EIS 12.4.4: High school graduation or General Equivalency Diploma. De Beers does consider the experiences of individuals not meeting minimum education requirements for entry level positions on a case-by-case basis.

EIS 12.4.8: Unskilled workers will receive on-the-job training.

### **Recommendation 11:**

The NSMA recommends that De Beers please:

- a. Develop a detailed workplace education strategy and consider hiring instructors to help employees achieve success in their education and career development activities
- b. Clarify whether the company intends to provide incentives for employees to pursue training/education on their out-rotation
- c. Deliver further details regarding the company's contribution to student achievement awards and its educational assistance program.
- d. Provide more details regarding its pre-employment plans and preparations.
- e. Offer further details on the professional development and training opportunities for Aboriginal and northern employees who would like to pursue supervisory and management roles.

## **2.9 Medical services available at mine site**

De Beers has not expanded on the medical services it will provide on-site, nor explained what sort of medical staff it will hire.

### **Developer's conclusion:**

De Beers proposes a camp of 432 workers for the construction period and following, a 216 person permanent camp with employees working a two weeks on / two weeks of schedule during the operations phase. When asked about the availability of medical services on site (12.4.2.6) De Beers mentions that there will be medical personal on site and that emergencies will be evacuated to Yellowknife. De Beers states that the Project will not add pressure to existing medical services.

### **NSMA's conclusion:**

De Beers has not stated what sort of medical aid personnel will be provided.

### **Our rational to support conclusion:**

EIS 12.4.2.6 Medical personnel will be stationed at the site and the medical aid personnel will be accessible 24 hours a day, seven days a week. This service will be provided throughout the construction, operations, and closure. Medical emergencies will be evacuated to Yellowknife.

### **Recommendation 12:**

The NSMA recommends that De Beers please:

- a. Hire NWT-licensed physicians and/or NWT-registered nurse-practitioners in sufficient numbers to provide 24-hour, 7-day per week medical services at the mine site.

## 2.10 Socioeconomic Impacts of the Closure Phase

### **Impact:**

Mine closure may cause rapid demographic and economic change.

### **Developer's conclusion:**

The mine will close.

### **NSMA's conclusion:**

De Beers has yet discussed their intention in providing a transition centre for post-closure employees. They have not mentioned a business transition plan for aboriginal businesses that have developed in response to mining activity. Since the removal of non-renewable mineral resource is permanent, so should the benefits be long-lasting. The provision of benefits should be assured, as well, not just the provision of an opportunity to compete for a benefit against other Aboriginal or non-aboriginal businesses.

### **Our rational to support conclusion:**

EIS 3.3.4: De Beers describes its closure and reclamation objectives. The Developer does not distinguish between the biophysical and human environment in the key goals of the Closure and Reclamation plan.

EIS 12.4.2.3: De Beers describes the reclamation period and employment during interim closure, but fails to mention any transitional support post-reclamation.

The downside of this may be the question of what happens to workers when the mine or other resource development closes. For Australian workers, particularly those from Western Australia, who may have access to a number of mine sites within range of Perth or other regional centres, switching workplace destinations may be relatively easy. In the Canadian North where there are fewer fly-in operations, distance and cost may make it impractical to draw on workers who had formerly worked at other fly-in/fly-out sites. In addition, jobs will likely first go to workers closer to the new operation under local hiring agreements. This was illustrated when the Nanisivik and Polaris zinc operations in Nunavut closed. The local economic effects were significant as local Inuit workers in the area lost their jobs, but did not have the opportunity to fly-in to work at other mining operations or to use their acquired skills (often not formally accredited) elsewhere in Nunavut or the Northwest Territories. (Bowes-Lyon, 2009; Storey, 2010)

**Recommendation 13:**

The NSMA recommends that De Beers please:

- a. Take measures to mitigate the negative impacts of closure and to assist transition to post-closure for its employees be formalized in the Closure and Reclamation plan that will be developed in cooperation with communities.
- b. Provide a plan of how they will mitigate negative social, cultural, and economic effects post-reclamation.
- c. Complete a Closure Socioeconomic Impact Assessment, targeted for three years prior to closure of the operation.
- d. Research the possibility of creating an employment transition centre (both online and tangible).
- e. Provide a plan of action on business diversification and sustainability planning for each affected First Nation (that term includes Métis organisations, by legal definition, in the NWT) business that depends on diamond mining related business.

*References:*

- Bowes-Lyon, L.M.; Richards, J.P.; McGee, T.M. Socio-Economic Impacts of the Nanisivik and Polaris Mines, Nunavut, Canada. In Mining, Society, and a Sustainable World; Richards, J., Ed.; Springer: Berlin, Germany, 2009; pp. 371–396.*
- Storey, K. (2010). Fly-in/Fly-out: Implications for community sustainability. Sustainability.2.1161-1181.*

### **2.11 Infrastructure use offset**

All of the cumulative effects mentioned in this technical report will lead to stress and demand on existing infrastructure in the NWT. The majority of NSMA members reside in Yellowknife. In-migration and southern labour will extend Yellowknife's physical and social infrastructure capacity. This, overtime, will increase taxes for resident members, increase the cost of living, and put excess demand on local infrastructure. Who will be covering the cost?

#### **Developer's conclusion:**

There is little evidence that the Project will affect the physical infrastructure or the provision of critical services in the LSA communities. For road infrastructure, De Beers will be paying royalties and taxes to all levels of government that will be allocated as appropriate (EIS 12.7.2.7). De Beers will offer volunteer incentives.

#### **NSMA's conclusion:**

The NSMA would argue that the demands on the local infrastructure will be much higher and more spread than what De Beers states. These demands include a community's physical infrastructure (water, sewage, waste, housing, roads, and transportation), health, social, education, and protective services (emergency medical, fire, and law enforcement). The NSMA suggests that De Beers and the GNWT develop a working partnership in order to develop a further offset in order to pay for the demand on these services. These funds would be used to directly contribute to the stressed services in the communities and Yellowknife, thus lowering costs and taxes for residents who are feeling the brunt of in-migration. If De Beers is willing to offset habitat losses with compensation habitat, why not develop a cumulative infrastructure offset for the residual impact upon regional services?

#### ***Our rational to support conclusion:***

EIS 12.2.1: Governments have benefited further as a result of increased revenues generated at the corporate and personal taxation levels, through resource royalties (transfer payments) and indirect taxes on products.

EIS Table 12.5-2: Infrastructure use: The Project may increase demand for existing infrastructure from the transport of material and people to the Project site. The Project may result in pressure on government services. Increased government revenues may be spent on infrastructure and services.

EIS Table 13.7-1: Demands on infrastructure: "Yes. Continued in-migration, offset by higher out-migration. Use of existing infrastructure increase cost for maintenance, need for expansion. Increased costs to the government to upgrade infrastructure and to monitor and regulate developments".

EIS 13.7.2.3: The projects may increase demand for LSA and NWT infrastructure (mainly airports and roads) for the transport of material and people to the project sites.

The Developer, and their employees, will still benefit from the use of local infrastructure and services. These activities have economic consequences as increased demands are placed upon infrastructure and services, the cost burden of which tends to fall on the community rather than the resource developer (Ruddell, 2011; Storey, 2010). The Project will take place beyond municipal boundaries where the Developer will not be subject to local taxation. Paying royalties and taxes is not necessarily a mitigation strategy, as it still leaves the onus on the GNWT/Canada to allocate the funds appropriately.

**Recommendation 14:**

The NSMA recommends that De Beers please:

- a. Develop a legally binding *Good Neighbour/Developer Agreement*. Such an agreement would facilitate the creation of financial offset that would transfer directly to the communities. The amount would be calculated by an independent oversight agency, based on employee infrastructure use and residual impact.

*References:*

- Ruddell, R. (2011). *Boomtown policing: Responding to the EISk side of resource development*. *Policing*. 5 (4). 328-342.
- Storey, K. (2010). *Fly-in/Fly-out: Implications for community sustainability*. *Sustainability*. 2.1161-1181.

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## Part 3 – Environmental impacts

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### 3.1 Caribou

For generations, the North Slave Métis have depended on the land and what it had to offer for survival. Everything needed for physical, economic, social, cultural and spiritual well-being was provided by the land. Hence, the cumulative effects on caribou of this proposed mine is of great concern to the North Slave Métis Alliance. There is very little NSMA knowledge documented about predicted impacts on caribou on the public record to date, as the NSMA TK study is not yet completed. Previous research has demonstrated that the vast majority of NSMA members were concerned most with the potential impact of resource extraction on caribou (NSMA, 2002).

There are already known impacts on caribou and on access to caribou harvesting by NSMA members. This is another example of the extreme disadvantage that the NSMA faces vis a vis other Aboriginal groups. When caribou numbers (allegedly) declined precipitously, a ban on caribou hunting was implemented. The Akaitcho and Tlicho were, however, given a small quota in recognition of hardships. Nothing was offered to the NSMA despite repeated demands. The issue is now before the court, awaiting judgement.

#### **Recommendation 15:**

The NSMA recommends that De Beers please:

- a. Develop a caribou monitoring plan with the NSMA.
- b. Implement a caribou tasting aspect to the long-term monitoring.
- c. Develop mitigation plans to assure NSMA of a caribou harvest adequate to meet its members justifiable needs.

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## Part 4 – Summary of Recommendations

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### 1. Traditional Knowledge

The NSMA recommends that De Beers please:

- a. Integrate all primary source traditional knowledge studies from all Aboriginal parties involved.
- b. Guarantee and honour their commitment to include and incorporate the North Slave Métis Alliance’s traditional knowledge study post-hearing into their site planning.
- c. Hire a TK Director. They would be placed at the Executive Level with decision making powers and the authority to mitigate impacts on wildlife during high impact seasons.

### 2. Long-term traditional knowledge monitoring

The NSMA recommends that De Beers please:

- a. Amend section 5.4.5, bullet 7: “...field monitoring programs from time to time;” in order to incorporate real times (i.e., monthly, annual, century, etc.).
- b. Commit to funding long-term traditional knowledge monitoring on-site, including the transmission of knowledge from elders to youth. This would facilitate a process in which Aboriginal elders would assess the environment in order to determine if it has been altered or changed based on their traditional knowledge of the region and would involve inviting elders and students to site workshops.
- c. Integrate traditional knowledge holders, as experts on par with biologists, planners and other experts in the design, implementation, analysis and interpretation of all environmental monitoring and management plans and programs.
- d. Negotiate an Environmental Agreement with the Aboriginal Parties. The Environmental Agreement must have specific details of how traditional knowledge holders will be involved, clear goals, well defined objectives, objectively measurable criteria of success, and enforceability. Ensure that the Aboriginal Parties have the capacity to negotiate effectively, and to benefit from lessons learned from the existing De Beers Environmental Agreement with the Snap Lake mine.
- e. Consideration should be given to reviving the multi-project environmental monitoring agency concept.
- f. Hire a full time TK Director at the Executive Level within the Environment, Health and Safety Department, with decision making powers and the authority to mitigate impacts on wildlife during high impact seasons.

### 3. Traditional knowledge regarding land use

The NSMA recommends that De Beers please:

- a. Acknowledge Métis land use claims through the signing of an Impact Benefit Agreement.
- b. Consult the NSMA in being a full partner for all heritage research and archaeological work.

#### **4. Métis traditional language use**

The NSMA recommends that De Beers please:

- a. Continues to work with the North Slave Métis in ongoing support of language and cultural pursuits.
- b. Mention North Slave Métis culture, traditions, and language alongside Dene.
- c. Incorporate North Slave Métis cultural activities to be part of the company's socio-economic monitoring plan and used to inform policy and procedure.

#### **5. Need for southern workers**

The NSMA recommends that De Beers please:

- a. Provide a plan of how they will mitigate competition with other mines while meeting their projected employment quota.
- b. Provide a forecast of how many workers and for which positions De Beers expects to hire for each phase of the project.
- c. Provide a forecast of how many southern workers and for which positions De Beers expects to hire for each phase of the project.

#### **6. In-migration**

The NSMA recommends that De Beers please:

- a. Clarify, expand, and explain how in-migration will be simultaneously *not likely* and *likely* occur, what the impacts of that change will be, how it will be monitored and mitigated.
- b. Negotiate a socioeconomic agreement with the Aboriginal Peoples (not just GNWT) and establish an effective socioeconomic and cultural impact monitoring agency.
- c. Participate in a review of the Diavik Communities Advisory Board to benefit from lessons learned.

#### **7. Health and wellness: sexually transmitted infections**

The NSMA recommends that De Beers please:

- a. Implement preventative interventions, such as sexual health programming for employees.
- b. Expand and elaborate on how they will mitigate sexually transmitted infections with employees (both on/off-site).
- c. Partner or assist in funding a local sexual health organization.

#### **8. Health and wellness: drugs and alcohol**

The NSMA recommends that De Beers please:

- a. Expand and explain as to how their mitigation strategies (i.e., Dry Site Policy and Drug and Alcohol programming) will lessen negative lifestyle choices, both on- and off-site.

- b. Expand and explain how their drug and alcohol programming will operate.
- c. Explain the residual effects with boom economies, substance abuse, and the effect on local infrastructure (policing, counselling, rehabilitation, etc.)
- d. Partner or assist in funding a local addiction clinic.

### **9. Health and wellness: mental health**

The NSMA recommends that De Beers please:

- a. Consider on-site counselling services.
- b. Expand on how offering counselling service through the company health plan will *not* impact local health services (i.e, counselling services in Yellowknife, Hay River, etc.).

### **10. Travel to the mine site and rotation flexibility**

The NSMA recommends that De Beers please:

- a. Amend EIS 12.5.6 to expand and clarify “operational requirements”.
- b. Consider providing direct flights at no cost to employees, contractor employees, and subcontractor employees to and from the mine site from all NWT communities without stopping or staying in Yellowknife.
- c. Give further consideration to a flexible rotation schedule and offer shorter shifts, where operationally feasible, and communicate this to the potential northern workforce in order to maximise opportunities for all NWT residents including NWT Aboriginal residents and women.

### **11. Career advancement and training**

The NSMA recommends that De Beers please:

- a. Develop a detailed workplace education strategy and consider hiring instructors to help employees achieve success in their education and career development activities
- b. Clarify whether the company intends to provide incentives for employees to pursue training/education on their out-rotation
- c. Deliver further details regarding the company’s contribution to student achievement awards and its educational assistance program.
- d. Provide more details regarding its pre-employment plans and preparations.
- e. Offer further details on the professional development and training opportunities for Aboriginal and northern employees who would like to pursue supervisory and management roles.

### **12. Medical services available at mine site**

The NSMA recommends that De Beers please:

- a. Hire NWT-licensed physicians and/or NWT-registered nurse-practitioners in sufficient numbers to provide 24-hour, 7-day per week medical services at the mine site.

### **13. Socioeconomic Impacts of the Closure Phase**

The NSMA recommends that De Beers please:

- a. Take measures to mitigate the negative impacts of closure and to assist transition to post-closure for its employees be formalized in the Closure and Reclamation plan that will be developed in cooperation with communities.
- b. Provide a plan of how they will mitigate negative social, cultural, and economic effects post-reclamation.
- c. Complete a Closure Socioeconomic Impact Assessment, targeted for three years prior to closure of the operation.
- d. Research the possibility of creating an employment transition centre (both online and tangible).
- e. Provide a plan of action on business diversification and sustainability planning for each affected First Nation (that term includes Métis organisations, by legal definition, in the NWT) business that depends on diamond mining related business.

### **14. Infrastructure use offset**

The NSMA recommends that De Beers please:

- a. Develop a legally binding *Good Neighbour/Developer Agreement*. Such an agreement would facilitate the creation of financial offset that would transfer directly to the communities. The amount would be calculated by an independent oversight agency, based on employee infrastructure use and residual impact.

### **15. Caribou**

The NSMA recommends that De Beers please:

- a. Develop a caribou monitoring plan with the NSMA.
- b. Implement a caribou tasting aspect to the long-term monitoring.
- c. Develop mitigation plans to assure NSMA of a caribou harvest adequate to meet its members justifiable needs.