



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

4 July 2019

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre Box 938
5102-50th Ave
Yellowknife, NT
X1A 2N7

Dear Mark Cliffe-Philips,

The Review Board issued Information Requests to the Tłıchǫ Government regarding the Environmental Assessment, Depositing Processed Kimberlite into Pits and Underground Mine Workings, EA1819-01.

We have conducted background work, held focus groups, reviewed previous documentation and prepared the attached material for your consideration.

We look forward to any questions of discussion of these topics raised by our elders.

Masi cho,

Violet Camsell-Blondin, Manager
Lands Regulatory Department.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

Re: Response to Information Requests regarding Depositing Processed Kimberlite into Pits and Underground Mine Workings, EA1819-01

The Tłıchǫ Government is writing to respond to the Mackenzie Valley Environmental Impact Review Board (Review Board). The Tłıchǫ Government was asked to respond to two information requests regarding the plans of Diavik Diamond Mine Inc. (Diavik) to put and store processed kimberlite in pits and underground mine workings. These IRs include:

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

1. Please describe how your group used the Lac de Gras area culturally (including the hunting, fishing, trapping, gathering, and travel) before mining started there.
2. Please describe how your group would use and feel about the Lac de Gras area under the following scenarios:
 - a. Reconnecting empty pits and underground mine workings with Lac de Gras at closure (that is, Diavik's current closure plan for the mine);
 - b. Putting processed kimberlite into the pits and underground mine workings before reconnecting them to Lac de Gras (that is, the proposed activities for this environmental assessment)
 - c. Putting processed kimberlite into the pits and underground mine workings and not reconnecting them with Lac de Gras.

Information Request 2: Closure options

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

Background

The Tłıchǫ Government held a focus group with elders on May 29-30, 2019 and a follow up verification session on June 28, 2019 to gather expertise to inform our answers to the Review Board's information requests. The Tłıchǫ Government also refers to many different historical published resources to answer the information requests.

Elder Focus Group Members

Louis Zoe, Joseph Judas, Joseph Moosenose, Charlie Jim Nitsiza, Joe Rabesca and staff members, including Georgina Chocolate, Mary Adele Mackenzie, Albertine Eyakfwo, Joline Huskey and Violet Camsell-Blondin.

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

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



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

Tłıchǫ knowledge is based in long-term observations and the experience of living on the land. It is important to refer to this knowledge and incorporate it into monitoring and management techniques. Therefore, the Review Board should be relying on Tłıchǫ knowledge, including the Tłıchǫ research reports (Tłıchǫ Government 2014a and 2014b), which were issued in 1999 and initially published in 2001 (discussed further below). These reports consider the nature of Tłıchǫ use and knowledge of the region through the direct review of place names and caribou habitat and behaviour. The reports summarize the words of elders from that time. Many of the voices raised in these reports are from late elders whose words and knowledge must be passed on and respected in these processes. Consequently, we refer the Review Board to their guidance in order to answer question one of IR 1.

The Tłıchǫ Government refers the Board to “The New Shoshoni EA decision” (MVRB 2007). In the New Shoshoni EA decision, the Review Board stated that the size of a project does not equate to the potential for cultural impact. In the words of the Mackenzie Valley Review Board, “although the proposed development is physically small, the potential cultural impacts are not” (MVRB 2007, 1). The New Shoshoni EA decision identifies the significance of cultural impacts and recognizes that, even though quantifying cultural “footprint impacts” may be more difficult, it is equally important (MVRB 2004). The Report of Environmental Assessment identified impact pathways and potential ultimate outcomes of impacts on culture as:

- Reduction of the value of a place in the hearts and minds of the culture group;
- Reduced ability to know and teach about a place between generations;
- Reduced connection to the cultural landscape reducing cultural continuity overall;
- Loss of a place of refuge from the “modern” world; an area ... called “quiet enjoyment of the land”, is still possible;
- Disrespect of ancestors, as a valid impact pathway, and an abrogation of responsibility by the culture holders as well as the Crown; and
- Increased access to a critical cultural area contributing to culture holder alienation. (MVRB 2004, p. 40–62, cited in Gibson 2017, p. 13)

In referring to this decision, the Tłıchǫ Government is suggesting that the knowledge and the words of the land users and culture holders should be given primary consideration. The Tłıchǫ Government held a focus group to consult the expert knowledge holders to understand the significance of impacts on Tłıchǫ’s cultural use of the area and has engaged in follow up discussions on the use of the area and concerns regarding the different plans proposed by Diavik. Elders identified the following traditional uses of the area that must be considered in plans:

- Wildlife habitat: including bears, caribou, moose, muskox, waterfowl, wolf, wolverine, arctic fox, wild rodents (muskrat, mice, chipmunks, weasels, and more), arctic hares, and insects;
- Migration stop: waterfowl and caribou travel through the area.
- Water source: including community drinking water, wildlife drinking source, and habitat for fish (trout and whitefish), plankton and bugs, vegetation surrounding Lac de Gras.
- Traditional plants, plant harvesting and berry harvesting: herbal and medicinal plants, medicinal tea (e.g. Labrador tea), tobacco plants, lichen, berries, (e.g., blue berries and cranberries, etc.). For full list of all vegetation from the area see pages 25-31 of Tłıchǫ Government 2014a.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

- Hunting, trapping, and fishing: duck harvesting, muskox harvesting, caribou hunting, white fox trapping, among other harvesting activities.
- Cultural use of area: the area was used for camps, ceremonies, games, visiting, among other activities.
- Unmarked gravesites.

This is a preliminary list. We anticipate continuing this engagement throughout the EA. It is fundamental for the Review Board to also hold in-depth engagements with elders to understand the value and use of the area. Elders are concerned that their voices and knowledge are not being included in plans. Going forward, they would like to see their knowledge given the same respect and inclusion as scientific knowledge in the review process and in closure plans.

There exists strong background documentation that is based on the knowledge holders from the first environmental review conducted in 1999 and first published in 2001, including two Tłıchǫ research reports:

- Habitat of Dogrib Traditional Territory: Place Names as Indicators of Biogeographical Knowledge, Tłıchǫ Government, first published in March 2001 (Tłıchǫ Government 2014a).
- Caribou Migration and the State of their Habitat: Tłıchǫ Knowledge and Perspectives on ɔ̀ekwǫ̀ (Barrenland Caribou), Tłıchǫ Government, first published in March 2001 (Tłıchǫ Government 2014b).

The Habitat of Dogrib Traditional Territory report (Tłıchǫ Government 2014a) explains the connection of Tłıchǫ to their territory and how this connection is demonstrated through place names. As a Tłıchǫ elder explained,

Long ago, elders that were before our fathers and that worked upon the land were the ones who named the lakes, and to this day their names are still upon them and that is probably why they did it. And that until the end of the world. People do replace one another, but whatever [place] name is given; the elders did not work the land so that the place names would disappear. And wherever there are travel routes ... [we and our ancestors] worked without maps as they made dog team trails and boat trails. They did not need to work that [physically] hard at making the trails; only with their minds and by thinking did they work that hard [because the place names guided them]. Even if without maps, that is how they worked, [they used their minds]. Even as young people go through life, it [the trails and place names] will not go away. (Elder quoted in Tłıchǫ Government 2014a, pp. 55-56)

Place names have been handed down from the ancestors through oral narratives and stories, and together they provide the Board an understanding of the historic and present use of the region (Tłıchǫ Government 2014a, pg. 5). Place names generally provide:

- Reliable biogeographical knowledge with background information on the safety of the place, the human or environmental history of the area, or information related to animal travel or behaviour.
- Predictions concerning natural features of the land.
- Particular information about northern ecosystems or dè.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

- Background on how resource development affects the landscape, including habitat that is particularly important for people, plants, and animals.
- Valuable environmental information, that is vital to Tłıchǫ culture.

The Caribou Migration and the State of their Habitat report (Tłıchǫ Government 2014b) explains the close, respectful relationship of the Tłıchǫ with caribou and the economic, social, and cultural importance of caribou to the Tłıchǫ people. The Tłıchǫ respect, nurture, maintain and share important information on caribou, including (see Tłıchǫ Government 2014b, p. 2):

- Caribou have unpredictable migration patterns, but when they migrate to particular areas, they are more likely to use certain trails and water crossings. Tłıchǫ elders have witnessed migration routes changing because of the mining operations in the ʔek'atì area. ʔekwǫ avoid areas with the most development and the greatest amount of activity and traffic. When migration movements are restricted, they change their patterns and the point at which they start to move away cannot be predicted. If the project is developed in a manner that hinders or alters caribou migration, it is possible they will not return to the area in the future.
- Caribou return to the same birthing grounds and because ʔekwǫ always return to the same area, the Tłıchǫ are concerned about developments interacting birthing grounds.
- Caribou follow the same general annual cycle each year.
- Caribou leaders—middle-aged cows with experience—have good memories. This allows them to remember areas with good vegetation, which they will return to. If vegetation is impacted by project plans, caribou may not return to the area for the long-term.
- Caribou have a very strong sense of smell, which leads them to migrating to areas with lush vegetation and keeps them away from areas they have identified as dangerous. However, elders find that ʔekwǫ become confused when there are pollutants in the area as they are unable to smell vegetation and are unsure where to travel. Eventually, ʔekwǫ will learn that these smells will not immediately hurt them and that there is still vegetation in these areas, so they may end up digesting contaminated plants and water when no other sources are accessible.
- Caribou migrate where the vegetation is lush and remain in an area if the vegetation is easily accessible and plentiful. If vegetation is impacted by the project plans, the caribou will leave the area for better vegetation and not return.
- Caribou are fairly adaptable to changing environments, but adaptation has its limits; they are susceptible to pollutants. Elders have witnessed the effects of mining development on caribou migration and expressed concern over dust affecting the vegetation, noise deterrents, and contaminants from tailings ponds impacting caribou.
- Caribou survival and continued annual migration depends on humans showing them respect. Elders consider pollutants and infrastructure developments a reflection of a lack of knowledge and respect towards caribou territory. If the caribou are not respected, then they will not be able to survive.
- Only a few people have a spirit connection with the caribou and the knowledge and intelligence that comes from this. These people know where the caribou are at any given time but cannot predict where the caribou will migrate to in the boreal forest. It is these ʔekwǫ knowledge holders who should be defining possible impacts to caribou and developing mitigations to ensure they continue to be respected and return to the area.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

In summary, when considering impacts to Tłıchǫ, the Review Board should:

- Consider their past decisions on similar matters (MVRB 2007 and 2004);
- Refer to past research done by the Tłıchǫ that highlight Tłıchǫ connection and knowledge of the territory (Tłıchǫ Government 2014a) and the importance of caribou to Tłıchǫ people and the depth of Tłıchǫ knowledge on caribou (Tłıchǫ Government 2014b); and
- Directly incorporate Tłıchǫ knowledge and knowledge holders, through Community Hearings and relying on past elder guidance from the previous hearing submissions.

IR1, Question 2: Please describe how your group would use and feel about the Lac de Gras area under the following scenarios.

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

Tłıchǫ members feel that connecting Lac de Gras to the pits will alter the cultural and traditional use of, and relationship with, Lac de Gras and the surrounding area. In the June 2019 internal review, Tłıchǫ members raised concerns regarding the plan to place processed kimberlite into the pits and underground mine workings and connecting them to Lac de Gras. The concerns raised were operational (i.e. could the placement occur without failure and impact), and related to concerns regarding potential impacts to wildlife, environment, and use of area.

Elders raised the following issues:

- 1) Operational concerns - the structure and design security and the possibility of leaks, cracks or floods;
- 2) Cumulative effects - the cumulative impacts of the plans in the context of an already changing environment due to climate change;
- 3) Wildlife, habitat, and vegetation - the impacts of the project design on wildlife and vegetation;
- 4) Use of land - the ability for Tłıchǫ members to use the area; and
- 5) Monitoring and follow up - concerns regarding the effectiveness of monitoring of the area and the pits over the long term.

The elders note a high level of uncertainty with respect to operational realities and performance of the PK in the pits, and they note concerns regarding the potential impacts of the proposed activity on the caribou, on fish, and on their long-term certainty for use and travel through the region.

1) Operational concerns

Elders raised concerns regarding whether the PK placement in pits will behave as predicted over the long term and raised questions about how the proponent can ensure that there will be no leaks, cracks, breaches or floods overtime:

Tłıchǫ 2: There is a concern about putting the PK in the bottom of the pit and putting fresh water over it, if they break the dike and eventually there will be water flows and



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

the ice formation ... plus the ice cracks, and supposing there are tremors, what kind of disturbance to the environment may happen in the future? We could look at telling the company not to fill the dike all the way to the water level, leave space so natural rainwater will fill it.

There is also a concern that with changes in weather, the structure will be impacted and if the structure is impacted the kimberlite will mix in with the water and alter water quality and the surrounding ecosystems:

Tłıchǫ 6: ... with snow and rain, he [elder] doesn't want the water levels level with Lac de Gras. You can feel the ground moving, this could disturb the kimberlite and mix with the water, there is the potential for that to happen. That's why he doesn't want to breach the dike.

2) Cumulative effects of climate change

Related to the above issue, a number of elders brought up the likelihood of climate change impacting the region and the need to account for such changes in project design:

Tłıchǫ 5: If water temperature changes, fish will go into the deeper water. Climate change will have a big impact over wildlife and fish.

Tłıchǫ 2: Today we have some problems with climate change. When I left Wekweèti, some people were still on skidoo, looking out here people are already using boats, there are leaves out here too. The last herd of the caribou, how will climate change impact caribou and the people? Company should take a good look at climate change and try to have a good legacy that we might have to live with it. Due to climate change there are tremors on the land. I mentioned in wintertime, ice ridge formed because the ice cracks, there are reasons the earth moves. A scientist may want to look into the study of the lake ice formation, how thick the ice formation is and changed from climate change and how the thickness will be reduced. They should have already looked into it. Concerns about the environment, water and the land, the animals who live with it.

Tłıchǫ 5: I think we need to have a global warming meeting too ... you won't fish in five feet of water, the fish will get warm and go into the deeper water, how are you going to fish if the temperature changes? I saw 5-8 fish floating in the water dead, I sent people there to check the fish, they got caught in low warm water, I had thought it was to do with Rayrock, nothing to do with Rayrock just the water temperature change.

In short, elders are concerned that climate change is already altering the environment, wildlife behaviour, and weather, and will continue to into the future. As such, project designs must be especially sensitive to these changes.

3) Wildlife, habitat, and vegetation

Elders identified the following wildlife using the area: various fish species (including trout and whitefish), bears, caribou, moose, muskox, waterfowl, wolf, wolverine, arctic fox, wild rodents



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

(mice, arctic squirrel, and more), arctic hares, and various important insects. Elders were quite concerned about how the plans will impact wildlife, habitat, and vegetation.

Tłıchǫ 1: What will happen to the fish, what will happen to the fish habitat, if it is too shallow? Because there is no fish habitat in the open pit, we don't know if the fish will survive. Have had meetings in the past, it was mentioned that we put rock back in there and pack it and put vegetation on it so it can be regrown, today we are talking about filling the open pits with the water.

Elders mentioned the likelihood that the project will add pressure to their already changing food system and will discourage wildlife from returning to the area. They highlighted the interconnectedness of the wildlife and the ecosystems. They are concerned about what will happen if one element of the ecosystem and food chains is disrupted and how this will lead to wider changes in the area. Elders explained that it is not just fish that will be impacted but all animals that use the area.

Tłıchǫ 2: Not talking only about fish, but also land animals like caribou. This is going to be used by the animals crossing the lake and all the way around, when they swim and eat. I never drink any water near a mine, don't want to die young. They are breaking the whole thing [referencing the passages], why do they have to break? I know it's going to be deep, but how high is the water to the top? ... If we break in [to the dikes], how is it going to be good for any other animals around the lake there? Bears eat fish. Other people eat fish over there too. We need to talk among ourselves and see how good it will be and see how other aboriginal people think.

Elders explained that it is important to protect vegetation to protect wildlife. Elders voiced concerns about the fact that vegetation has already been compromised in the area from current and past industrial development. One elder explained that the vegetation in the area is already very fragile: "All the vegetation there, it's like walking on potato chips, it's all dried out from the mine work. All the vegetation has been dried up." Elders are concerned that impacts to vegetation will impact wildlife. For example, a member explained that caribou rely on lichen as a source of food and lichen has already been impacted by industrial development in recent years. If there is no lichen or other healthy vegetation in the area, then the caribou will not return.

The elders voiced several concerns about how the project design could impact caribou and emphasized the need to account for caribou in project plans and reviews. Many elders are concerned about how the structure design will impact the ability for caribou to migrate through the area as caribou have traditionally swam through the Lac de Gras and surrounding lakes on their migration routes (see Tłıchǫ Government 2014b for extensive discussion on caribou migration).

Tłıchǫ 2: We see all this, we as Tłıchǫ people in regards to our traditional knowledge; this is pristine land for caribou to migrate in. It is important if there is going to be any further construction, we know... We are worried about the water, wildlife, the air, thus it would be good to discuss these things.

Tłıchǫ 1: When the caribou migrate, that area is known as migration route, would be good to think about it and have it's slope so it is not too high.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

Tłıchǫ 5: This is going to be a very big issue; it is a migration issue for caribou. I just want to say that because this is our land.

Tłıchǫ 2: This is supposed to be our land, these kinds of recommendations, the land we are talking about that is where the caribou used to migrate.

Tłıchǫ 2: ... does it affect any caribou or any other wildlife or anything that is using this island? Wildlife can go anywhere, wildlife crossings in this area, might go across the PKC.

Tłıchǫ 6: How do you prevent caribou from going in the water? It used to be caribou water crossing path.

As the Tłıchǫ Government report (2014b) presents, elders suggest that caribou have a very strong sense of smell, good memories, and migrate to places where the vegetation is lush. They are adaptable but they are susceptible to pollutants and change migration routes based on where the vegetation is most accessible. Placement of PK in dikes may therefore have impacts on caribou.

Efforts must be made to ensure Tłıchǫ knowledge informs all mitigation plans that relate caribou, especially caribou migration. Tłıchǫ Government report (2014b) lists various recommendations that should be considered in closure plans (see pgs. 6-7), including, for example, protecting known ʔekwǫ water crossing, documenting caribou water crossings, and fencing tailings areas to protect caribou from using the tailings rather than ʔelà (mud) to coat themselves, and more.

4) Use of the land

As explained above, this is an important area for hunting, fishing, harvesting, trapping, medicinal plants, cultural activities and is the site of a burial ground. As an elder explained, “our forefathers have been using the lands for winter trapping, harvesting, every year they were travelling through there, getting arctic fox, fish.” He went on to explain that they want to make sure they can use the area again since there is a cultural connection to the area that must be considered in project closure plans. As the elder explained, “there’s a freezer and a bank over there for us”. An example of this cultural connection and the history of hunting in the area is the story of the medicine man who would track caribou for hunters:

Tłıchǫ 6: There is a story about the area and how the caribou would move through the area and how the people would find them. A medicine man followed the trails of the caribou. This is a story about how they would plan the harvest. They would go to the man with the caribou spirit. He would check for them where the caribou are located, the man would come to his state of mind and would describe the journey he was on. He would go to the areas and when he sees the location of the tracks, he tells them to point to the area. He would give the hunters direction and tell them where the different groups of caribou were. One time he told them, “you’re going to find the caribou with a bad eye”. The group of people found the group of caribou. When they shot one, they saw it was the one with the bad eye.

As referenced above, only a few people have a spirit connection with the caribou and the knowledge and intelligence that comes from this (Tłıchǫ Government 2014b). The knowledge and stories of these people should be involved in understanding possible impacts to caribou and the use of the area.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

Several of the elders pointed out that the plans will change the way they use and view the area. A Tłıchǫ member explained that if the pits are connected and the area is turned into a fish habitat, it is unlikely that they would “use the area for hunting, fishing, netting or anything like that.” Another member pointed out the impacts of the plan to the surrounding area:

Tłıchǫ 8: When I think about it, Lac de Gras flows into the Coppermine River so the islands are going to be used all around the lake, everything. If the pit lakes flow into Lac de Gras it will contaminate the pristine area around the lake.

Tłıchǫ 2: All the dikes shouldn't be broken because anything draining out into the big lake, all the fish and plants will be affected. I don't think people are going to use it for drinking or fishing, but animals (caribou and bear) would use it to drink. I don't think fish will go there and use the pit. My father used this lake and area before. This [the land] is a freezer to us and a bank to us. They have been trapping this area. This is stuff I still have in my mind, it shouldn't be destroyed. Both sides need to work together to have a good plan that both sides are happy and walk away. That was the closure I was talking about. We are not going to be drinking or fishing there. If natural water goes into the lake pit, [water levels] might go up a little bit. Need to watch the water level over time.

Tłıchǫ members emphasized the need to ensure their use of the area it is not impacted:

Tłıchǫ 5: We have land claims, never forget that, don't run away from that. The way the land is outlined, this large portion of land we have, they can't say wherever Monfwi¹ outlined our land to us, they can't tell us not to go hunting, that is all our land, that is all our land today, because we took treaty, it is our right because treaty is taken. If someone tells us not to go into that area, in the past when Monfwi took treaty, no one is going to tell me not to go to the land (into Nunavut, Sahtu, the plateau). We can overlap with other aboriginal people. As Tłıchǫ people wherever we can go on the land, maybe one day into the future we will go trapping again, this is our land nobody can tell us not to go on the land. Anytime we want to go on the land we can do that. So, if a person says that, it wouldn't be right for me and future generations to come... this is our land no one can tell us what to do. If we don't go into the area then people might tell us we don't use it, what is the use of talking, we have to maintain our way of life and culture.

Tłıchǫ 2: Monfwi story is a good thing, a very strong thing. RCMP arrested two people for shooting caribou and who is the government to send you a letter saying you can't have hunting, these are the important stories that you are talking about, whatever they do within the Monfwi area of the land, all the materials they move out, the wildlife use the land, pertaining to our way or life and culture we need to protect the land.

Therefore, the future use of the area must be considered in remediation plans:

Tłıchǫ 5: There is an alternative. Is it necessary to put the kimberlite in the pit, we would like DDMI to consider other options to put the PK, such as the other optional

¹ In reference to when Chief Monfwi signed Treaty 11 with Canada on behalf of Tłıchǫ people on August 22, 1921.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

location? When they remediate the site, the site is remediated to the point where DDMI can't say we can't go in the area, nothing preventing harvesters from going into the area. Therefore, the site has to be remediated to a site that invites wildlife and the quality of water to be intact to pursue our traditional harvesting.

In short, Tłıchǫ members feel that the plans may alter their use and relationship to the area. This cultural impact is in line with those identified in The New Shoshoni EA decision (MVRB 2007), and therefore should be considered as equally important as impacts to the environment. Tłıchǫ access and use must be protected for hunting and harvesting purposes as well as during rehabilitations efforts. Elders want to see plans integrating Tłıchǫ knowledge and knowledge holders to encourage wildlife to return to the area and to protect migration routes, which will in turn protect Tłıchǫ's future use of the area.

5) Monitoring and mitigation

Several elders raised concerns about whether and how the company will be held responsible if something happens to the structures further into the future:

Tłıchǫ 2: If the water seeps from the pit lakes into Lac de Gras, what will happen 20 years into the future, how long is the monitoring going to take place? How long, how many years? Maybe every year or every other year?

Several elders questioned whether funding will be available down the road or if the community would be left to cover costs should something happen to the structure:

Tłıchǫ 2: Who is going to clean it up when you walk away from it? Hopefully the company has funding made possible for reclamation after the mine is completed... Concerns about the environment, water and the land, the animals who live with it. ... the history tells us that the abandoned mines have left behind arsenic and uranium and how harmful it is, the caribou don't hang around.

Tłıchǫ 6: How many years of the monitoring will take place after the mine closes? Who is going to be responsible to look at the monitoring after closure? Do we have enough funding to have upfront money, is there enough to do monitoring work after the mine closes? Has the mining company increased security after closure? ... Because now you are putting in kimberlite, will that increase security deposit for the mine? With the PK in the pits, will that extend the years of monitoring?

While the majority of the elders in the focus group stated that they do not support breaking passages into pit lakes, staff discussed how there are benefits to consider that need further review:

Tłıchǫ 7: I wouldn't say no [to breaking passages into pit lakes after mine closes] because they will do research, just because we don't understand the clarity the answer is no. That is for me, because you have to understand the scientific and traditional knowledge. This water is cleaner than the water in Lac de Gras.

Many of the elders indicated that there was a high level of uncertainty – they themselves had many unanswered questions and that the process of assessing impacts and acquiring information has been problematic so far. In short, many Tłıchǫ elders were sceptical of the plan to place kimberlite into the pits and then connect the pits with Lac de Gras. The elders felt there was a high degree of



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

uncertainty associated with the technical approach proposed. They will continue to learn, ask questions, and share knowledge in the forthcoming technical and community hearings.

Review Board Information Request 2: Closure options

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

Elders were clear. Water quality should not be the only criteria considered when determining if the pits should be reconnected to Lac de Gras at closure. Elders indicated that when water quality is effected other impacts will follow, including: impacts to the surrounding ecosystems; impacts to fish (such as trout and whitefish) and fish habitat; impacts to wildlife (bears, caribou, muskox, waterfowl, wolf, wolverine, arctic fox, wild rodents, arctic hares, and various important insects); impacts to vegetation (see pages 25-31 of Tłıchǫ Government 2014a for complete list); impacts to hunting, harvesting, trapping, and fishing rights; impacts to trust and security in the area, loss of use of area and impacts to culture; and cumulative effects associated with climate change.

Changes to water quality will impact the surrounding ecosystems and food chains. As an elder explained, “the lakes around that area are pure lakes, if Lac de Gras changes, what happens to the other lakes? It wont only effect people but animals too. We must keep the water pure all along there.”

Elders believe in the need to protect water in order to protect ecosystems and food chains. Elders emphasized that the plans will lead to changes to the water of Lac de Gras, which will in turn impact the food chains in the area from the bugs to the fish and fish habitat, the wildlife that drink from the lake and eat the vegetation surrounding the lake and the fish within the lake. A member explained that, “the essence of the plants, grass, bugs, land water, soil all will be impacted. All the potential food sources have been compromised.”

Tłıchǫ 1: These are all the things elders have brought to the company’s attention at one time or another. Main concern from elders was the caribou and wildlife, another concern was the water and sewer and drainage... water treatment plan, waste sites, these are all things the elders talk about.

Tłıchǫ 2: ... anything draining out into the big lake, all the fish and plants will be affected. I don’t think people are going to use it for drinking or fishing, but animals (caribou and bear) would use it to drink. I don’t think fish will go use the pit. My father used this lake and area before. This [the land] is a freezer to us and a bank to us. They have been trapping this area. This is stuff I still have in my mind, it shouldn’t be destroyed. Both sides need to work together to have a good plan that both sides are happy and walk away. That was the closure I was talking about. We are not going to be drinking or fishing there.

Tłıchǫ people rely on many of the species in the area as sources of food. These sources must be protected as their food systems continue to be thrown off balance by industrial developments and climate change. As one member explained, “A lot has been comprised already. A lot has been lost and we need to make up for this.”



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

Elders are also quite concerned about how climate change is already impacting the area and, as such, should also be accounted for in the mitigation efforts and design plans:

Tłıchǫ 5: If water temperature changes, fish will go into the deeper water. Climate change will have a big impact over wildlife and fish.

Elders have already experienced changes in climate which is changing the wildlife patterns in the area and their sources of food. Elders believe that it is also important to consider how changes to wildlife and the environment will impact hunting, harvesting, trapping, and fishing rights:

Tłıchǫ 5: Look at the traditional land use and hunting trails, people may think this is in the past, but there is nothing stopping us from going out there. If fox price goes up, I can go trapping up in the northwest outside of the Tłıchǫ land claim. We are like two people. I can work for you one day, and go doing traditional activities the next. Want to keep the land as natural as it can be, want to be a part of it from the beginning to the end of the closure plan.

In general, elders pointed out the need to understand how this plan will impact the community's relationship to the area and use of the area.

Tłıchǫ 5: After the mine, it's never going to be the same. Before it was natural and clean, all kinds of species where there, migratory birds, caribou, fish, once the mine is here, it is never going to be the same.

In short, when determining if the pits should be reconnected to Lac de Gras at closure, elders think the following criteria should be considered collectively and separately:

- Impacts to ecosystems and food chains surrounding Lac de Gras;
- Impacts to fish and fish habitat as changes to water will directly impact the quality and quantity of fish in Lac de Gras;
- Impacts to wildlife and wildlife habitat: including bears, caribou, muskox, waterfowl, wolf, wolverine, arctic fox, wild rodents (mice, arctic squirrel, weasels, and more), arctic hares, and insects;
- Impacts to caribou migration patterns as they travel into the area and access the lakes after closure;
- Impacts to water fowl as they access the pit lakes after closure;
- Impacts to traditional plants, plant harvesting and berry harvesting: herbal and medicinal plants, medicinal tea (e.g. Labrador tea), tobacco plants, lichen, berries (blue berries, juniper berries, cranberries, cloud berries, etc.), and more;
- Impacts to hunting, fishing, trapping, and harvesting practices as members lose trust and security in the area and as quality and quantity of species in the area diminishes;
- Loss of use of area and impacts to culture as less members use the area for cultural purposes (including hunting and harvesting, ceremonies, visits to area, camps, etc.) due to diminished trust in area; and
- Cumulative effects of climate change as weather patterns change the environment and wildlife behaviour and may alter the project designs over time.



Tłıchǫ Government

Box 412, Behchokǫ, NT X0E 0Y0 • Tel: (867) 392-6381 • Fax: (867) 392-6389 • www.tlicho.ca

References

Diavik Diamond Mines (Diavik). 2019. DDMI Submission of the Summary Impact Statement for the Processed Kimberlite to Mine Workings Project (MVEIRB File No.: EA1819-01)

Gibson, G., and The Firelight Group. 2017. Culture and Rights Impact Assessment: A survey of the Field. A report prepared for the Mikisew Cree First Nation. Accessible at http://www.thefirelightgroup.com/firelightmaterials/wp-content/uploads/2016/03/MCFN-303_MAPP-Report_Final.pdf

Mackenzie Valley Environmental Impact Review Board [MVRB]. May 2007a. "Report of Environmental Assessment and Reasons for Decision On UR Energy Inc. Screech Lake Uranium Exploration Project (EA 0607-003)." Mackenzie Valley Review Board.

Mackenzie Valley Environmental Impact Review Board [MVRB]. 2004. "Report of Environmental Assessment and Reasons for Decision on the New Shoshoni Ventures Preliminary Diamond Exploration in Drybones Bay."

Tłıchǫ Government. 2014a. Habitat of Dogrib Traditional Territory: Place Names as Indicators of Biogeographical Knowledge. www.research.tlicho.ca.

Tłıchǫ Government. 2014b. Caribou Migration and the State of their Habitat: Tłıchǫ Knowledge and Perspectives on Ɂekwǭ (Barrenland Caribou). www.research.tlicho.ca.

Tłıchǫ Elder Focus Group: DCLP & Diavik Diamond Mine Project. May 29-30, 2019. DCLP Board Room

Tłıchǫ Government follow up discussions. June 28, 2019.