
NORTH SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



April 8, 2014

Angela Love
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
PO Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Love,

Re: DeBeers Gahcho Kué Type A Water License and Land Use Permit Application (MV2005L2-0015 and MV2005C0032)

1.0 Introduction

The North Slave Métis Alliance (“NSMA”) will participate in the May 6-8, 2014 Public Hearing respecting the review and consideration DeBeers’ (“the Proponent”) Class A Water License and Class A Land Use Permit for its proposed Gahcho Kué mine.

The NSMA’s mandate includes ensuring that public and private sector organizations respect its members’ section 35 Aboriginal rights when developments are contemplated and/or operating on their traditional lands. This submission considers the following: aquatic effects, wildlife health, environmental monitoring, and closure and reclamation.

2.0 Gahcho Kué Location

The NSMA has been involved in DeBeers’ Gahcho Kué mine project (“the Project”) since the Project entered the regulatory process. This Project is of significant concern and interest to NSMA members because the land in and around the mine claim block area is going to be substantially impacted. With that in mind, NSMA members wish for measures to be taken that - to the best extent possible – mitigate against negative impacts the mine may have on this area of their traditional land. It is worth noting here that the mine development area is of important cultural value to NSMA members as fish and animals in this area were traditionally harvested by them. In that respect, the

NSMA's members traditional land use of the area is well documented in the traditional knowledge and land use study that the NSMA undertook with funding from DeBeers for this Project. The study is entitled *Traditional Knowledge and Land Use Report 2012-2013: A study for De Beers Canada Inc. Proposed Gahcho Kué Project*. This report is a product of research material and a community "on-the-land camp" at Kirk Lake in the vicinity of Gahcho Kué.

3.0 Aquatic Environment Based Concerns

At the Environmental Impact Review ("EIR") hearings in December 2012 the NSMA voiced its concerns about the water quality challenges DeBeers is having at its Snap Lake mine. In that respect, DeBeers does not appear to be able to maintain the water quality standards at Snap Lake as required under their Class A Water Licence. This situation is still ongoing. With that in mind, during the Gahcho Kué Technical Sessions the Proponent stated that - in relation to water quality issues - they will "deal with it as it – as it comes up." (Technical Session Transcript Day 1/3, pg 40). In light of the challenges DeBeers is having meeting its water quality requirements at its Snap Lake mine, the NSMA believes that DeBeers needs to install a water treatment plant at its Gahcho Kué mine, with a view to ensuring DeBeers meet its water quality commitments at its Gahcho Kué mine site.

The NSMA is concerned about the Proponent's recently disclosed plans to discharge water during the winter season. It is still unknown what effects such a discharge may have on the water when paired with seasonal variability and spring freshet. Since these plans were only recently disclosed to the NSMA, the NSMA cannot determine what effects this change might have on the water system in and around Gahcho Kué. The NSMA believes, however, that winter discharges could negatively impact fish and traditional harvesting downstream. It is NSMA's understanding that DeBeers has been directed by the MacKenzie Valley Land and Water Board ("MVLWB") to produce information, respecting the Proponent's winter discharge plans, to address these concerns as per Information Request 1, but has, thus far, been unable to provide this information as of the writing of this submission. Given the timelines for the dewatering and fish-out of Kennady Lake, there is little time left to review and consider the Proponent's proposed winter dewatering plan. The Proponent stated during the technical sessions that there will not be a problem with winter discharge "because of the mitigation and monitoring being applied" (Technical Session Transcript Day 1/3, pg 42). The NSMA is not comfortable with DeBeers' wish to dewater Kennady Lake during the winter season, without having first undertaken research into the possible effects of the following:

- How far downstream DeBeers will monitor the effects of winter discharges for potential of the following: over-topping of banks, increase in erosion of banks, stream beds etc., changes in retention of downstream environments, ice buildup, spring ice melt, spring rainfall, increased snowpack melt, and changes in stream temperatures;
- An analysis of how winter discharge could impact fish and fish habitat compared to other seasons;
- A description of the monitoring that will be required, and how far downstream this monitoring will occur to determine if and when discharge should be stopped, and the action levels and thresholds that will need to be developed in order to successfully mitigate effects when issues occur.

Since each phase of the Project is so unique, in a water management sense, the NSMA requests that separate water management plans be developed for each of these phases (i.e. dewatering, operations, and refilling/closure) of the Project. By compartmentalizing each phase of the water use by the Gahcho Kué mine, a clearer understanding and more effective implementation of the water quality management plan can be realized. The NSMA is committed to participate in these processes and to remain informed throughout all steps of water-related plan design.

4.0 Wildlife Based Concerns

The NSMA is concerned about the health of wildlife in the zone of influence of the Project. Of particular concern for the NSMA is the health and well-being of the Bathurst caribou herd. The Bathurst caribou face increased pressure from the Gahcho Kué mine as it impacts the herd's migration route. Consequently, all measures (especially Measure 1) should be implemented by DeBeers in order to mitigate cumulative effects radiating out from the Gahcho Kué mine site. A link between the Wildlife Effects Monitoring Program ("WEMP") and the Wildlife and Wildlife Habitat Protection Plan ("WWHPP") will be a valuable monitoring and mitigation tool. The NSMA does not feel that this link was adequately addressed during the Technical Sessions other than to initiate further studies on caribou. During the WWHPP discussions the NSMA is encouraged by a commitment from the Proponent to mitigate the cumulative effects of the winter road traffic. This commitment includes: minimizing traffic accidents, traffic frequency effects, and dust mobilization

5.0 Environmental Monitoring Based Concerns

In December 2012, at the EIR, the NSMA voiced support for the establishment of an organization to monitor the mine. The NSMA is pleased that Ni Hadi Yati is near ratification and is hopeful that it will provide a successful model for other projects. The NSMA is working towards becoming a member of this organization.

6.0 Closure and Reclamation Based Concerns

It was stated by the Proponent during the Technical Sessions that Traditional Knowledge reports would be used to inform the closure objectives (Technical Session Transcript Day 2/3, pg 197). The NSMA submitted a Traditional Knowledge report, referenced on page one (1) in this submission. The NSMA encourages the Proponent to continue to consider the viewpoints and values of the NSMA. The Water License and Land Use Permit should ensure that, post-closure, the environment of the mine site and surrounding area is, once again, usable for traditional practices including harvesting, and that all technological means available are used to achieve this state in a proactive manner. The NSMA believes the Proponent needs to clarify some aspects of its closure plans and commit to establishment of an organization to oversee the mine's closure. This organization needs to be established before construction of the mine commences in order to recognize and undertake opportunities for progressive reclamation.

7.0 Recommendations

1. The NSMA wants the waters in and around Kennady Lake to remain clean and potable as it is an important life force for the environment;
2. The NSMA recommends that DeBeers be required to install a water treatment plant at its proposed Gahcho Kué mine site;
3. The NSMA wants proper waste incineration to be implemented at the Gahcho Kué mine site, as its members want to be assured that toxins will not contaminate the environment to the extent that animals become inedible;
4. The NSMA wants all steps available to be taken to ensure that the low number of Bathurst caribou does not experience additional impacts, further prolonging harvest restrictions. As traditional harvesters of caribou in the region, NSMA members are concerned about the well-being of caribou that migrate through and around the Project area;

5. The NSMA wants DeBeers to undertake the construction and operation of its proposed Gahcho Kué mine in a sustainable way.

The above recommendations summarize what the NSMA wishes to see the MVLWB require of DeBeers respecting the latter's proposed Gahcho Kué diamond mine. It is, in addition, NSMA's wish that DeBeers operates the Gahcho Kué mine in a sustainable manner that achieves a good return on its investment while preserving the health of the land and water and the species that depend on it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Hoover", with a horizontal line extending to the right.

Matt Hoover
Manager of Lands and Environment
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