



DENINU KUE FIRST NATION
P.O. BOX 1899
FORT RESOLUTION, NT
X0E 0X0
(867) 394-4335 FAX (867) 394-5122
ADMIN@DKFN.CA

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Mackenzie Valley Land and Water Board
7th Floor – 4922 48th Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Attention: Kimberley Murray (kmurray@mvlwb.com)

Re: Deninu Kue First Nation – Closing Argument for the Pine Point Mining Limited – Confirmation and Exploration Program Applications for Water Licence MV2020L8-0012 and Land Use Permit MV2020C0017

The Deninu Kue First Nation is pleased to provide the following closing argument regarding Pine Point Mining Ltd.'s Confirmation and Exploration Program (CEP) Applications for Water Licence MV2020L8-0012 and Land Use Permit MV2020C0017. The Deninu Kue First Nation (DKFN) of Fort Resolution has a keen interest in the project given the proximity of Pine Point to Fort Resolution, the fact that members of DKFN have used the Pine Point area for traditional practices since time immemorial and continue to use the area to practice its Aboriginal and Treaty Rights.

To date, the DKFN has participated in this review process in good faith to engage in a constructive resolution process that identifies and addresses issues and concerns relating to the Confirmation and Exploration Program. This has included participation in technical sessions, submission of an intervention, presentation at the public hearings, by providing comments and recommendations on the draft water license and land use permit and reviewing the Wildlife Management and Monitoring Plan. We expect that the issues and concerns raised by the DKFN throughout this review process will assist the Mackenzie Valley Land and Water Board in enacting strong conditions and provisions in licenses and permits to facilitate compliance responsibilities for Pine Point Mining Ltd. (PPML). In these closing arguments we summarize our primary concerns with the program. The DKFN has also engaged with PPML throughout this review process and looks forward to the continued dialogue with the company as this project advances.

Water – Any changes to local and regional water availability and quality has the potential to change traditional land use of the area and impact the health and well-being of the Fort Resolution community. It is imperative that the provisions of the water license and land use permit ensure full compliance and reporting by PPML.

Caribou – Boreal caribou are a traditionally harvested species. While the local population of boreal caribou in the Pine Point area is stable and has been relatively undisturbed since the closure of the mine in the 1980s, DKFN members have reported less caribou now compared to when their parents and grandparents were younger. Boreal caribou have been harder to hunt in recent years and most DKFN members prefer to actively hunt moose or bison; although reviving the sustainable harvest of caribou is one goal of the DKFN. To achieve this goal, we anticipate that general research and management approaches, identified in the amended recovery strategy for boreal caribou, will be addressed in the regulatory stipulations. Some of these approaches which require direct consideration for this project include:

- Maintaining habitat and connectivity within and between boreal caribou ranges;
- Coordinating actions to reclaim boreal caribou habitat through restoration efforts (e.g., restore industrial landscape features such as roads, old seismic lines, temporary roads, cleared areas; reconnect fragmented ranges);
- Where ranges are highly disturbed, identification of areas that will be prioritized for boreal caribou recovery and targeted for early habitat reclamation by incorporating management guidelines and actions into permitting conditions for activities identified as affecting boreal caribou or their habitat; and
- Encouraging stewardship of boreal caribou habitat among industries, interest groups, and Indigenous communities and organizations.

Project activities must proceed with a precautionary approach to ensure additional destruction of critical habitat for boreal caribou is not realized. Activities that result in direct habitat loss and/or fragmentation of habitat, such as industrial and infrastructure development, must be properly managed and quantified. An understanding of the structure and function of the local boreal caribou population is required before more habitat is altered by the proposed mine-related activities.

Traditional Land Use – Land use of the Pine Point area by the DKFN was substantial prior to the construction of the original Pine Point Mine in the 1960s; however, this was affected throughout the mine’s lifespan and after its abandonment. The relationship the DKFN people have with the Pine Point area is very sensitive and emotional, with a long-standing history that has been quite negative in the past few decades. Despite these feelings, the DKFN was beginning to gain confidence in the Pine Point area to hunt, fish and trap, and to fulfil the relationship with living and non-living things. Several DKFN members have cabins in the Pine Point area, and it is imperative that the exploration program does not impact the use and enjoyment of these places.

In closing, DKFN has an obligation to its band membership to ensure that “As long as the sun shines, rivers flow and grass grows” based on our Treaty with the Crown, future generations should be also be able to practice their inherent right to hunt, fish, trap and gather in co-existence in our traditional territory. Where there is impact and loss, then we must be given the opportunity for reasonable informed consent, consultation and accommodation benefits. This duty is vested with the crown in their fiduciary obligation to DKFN based on our Treaty and should be addressed within this process.

Sincerely,

Chief Louis Balsille

cc. Richard Simon, DKFN Resource Management Coordinator (ima@dkfn.ca)
Dr. Marc d’Entremont, DKFN Technical Advisor (mdentremont@lgl.com)