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February 8, 2022

Wek'èezhì Land and Water Board
#1-4905 48th Street
Yellowknife, NT | X1A 3S3
Attention: Rhiana Bams (rbams@wlwb.ca)

Re: Deninu Kue First Nation – Closing Argument for the Ekati Point Lake Project water licence amendment (W2020L2-0004) and land use permits (W2021X0004 & W2021D0005)

The Deninu Kue First Nation (DKFN) is pleased to provide the following closing argument regarding Arctic Canadian Diamond Company Ltd.'s water licence amendment (W2020L2-0004) and land use permits (W2021X0004 & W2021D0005) to the Wek'èezhì Land and Water Board (WLWB) for the Point Lake Project. As was highlighted in our Intervention, the DKFN is concerned about the potential barrier effects to caribou from the Point Lake Project. It is well known that the movement corridor west of Lac du Sauvage, and the Lac du Sauvage Outlet Narrows, has been traditionally used by caribou from the Bathurst and Beverly/Ahiak herds during their annual migrations. In addition to this area being used by caribou, it is known that people have camped here when travelling, hunting, and fishing. Traditional knowledge owned by the DKFN verifies this information.

During the public hearing for this application, we heard that engagement on the Wildlife Effects Monitoring Program (WEMP) and the Caribou Road Mitigation Plan would likely occur in early 2022. At the time of this submission, this engagement has not occurred. Therefore, the permit approvals for the project are expected to occur before any meaningful revisions to these plans are realized. Once again, we must proceed in good faith that sound co-management decisions will be made in the best interest of one of the most valuable resources in the north – caribou.

The parties involved in the implementation of the Bathurst Caribou Range Plan have identified the Lac du Sauvage Outlet Narrows and other important habitats that require conservation measures. Discussions are currently occurring about legal tools for conservation and Indigenous Protected and Conservation Areas, but specific provisions in this regard have yet to be enacted. A challenge for Arctic and the WLWB will be to permit the Point Lake Project to proceed in a way that addresses the needs of people in the north, is protective of caribou and does not impact the co-management actions and initiative that are ongoing. Therefore, we recommend the WLWB fulfil its duties under Section 26(1) of the Mackenzie Valley Land Use Regulations and include interim protection measures for the Lac du Sauvage Outlet Narrows within the land use permit for the Point Lake Project. In addition to identifying the spatial extent of the area to be protected, the project mitigation measures cannot act in isolation of other factors impacting the caribou populations, including population size, trend, and rate of change; caribou vital rates: cow survival, pregnancy (productivity), and calf survival; adult composition of the herd; and body condition and health. Monitoring of these components could potentially be addressed within a revised WEMP. Regardless, identifying interim protection measures will allow for scientific analysis and the documentation and application of traditional knowledge to continue as the legal tools for protection of these important habitats are explored.

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. Patrick Simon, DKFN Councillor

Dr. Marc d'Entremont, DKFN Technical Advisor