

SLAVE MÉTIS ALLIANCE

PO Box 2301 Yellowknife, NT X1A 2P7



October 29, 2021

Ryan Fequet
Executive Director
Wek'eezhii Land and Water Board
Box 32
Wekweeti, NT X0E 1W0
Email: rfequet@wlwb.ca

Dear M. Fequet,

Re: North Slave Metis Alliance Intervention to the Ekati Water Licence (W2020L2-0004) and Land Use Permit (W2021D0005) applications

Arctic Canadian Diamond Ltd. ("Arctic") submitted an amendment application to Water Licence (#W2020L2-0004) and Land Use Permit (#W2021D0005) to the Wekeezhii Land and Water Board ("WLWB"). The primary purpose of this request was to develop a new pit at Point Lake, known as the Point Lake Project ("PLP").

The North Slave Metis Alliance ("NSMA") would like to thank the WLWB for the opportunity to share its thoughts and concerns to the Board in regards to the PLP through the following intervention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marc Whitford', is written over a light blue circular stamp or watermark.

Marc Whitford
Vice President

North Slave Métis Alliance Technical Intervention for Ekati – Type A Water Licence Amendment Application (W2020L2-0004) and Type A Land Use Permit Application (W2021D0005)

Submitted to:
Wek'èezhìi Land and Water Board
PO Box 32
Wekweèti, NT X0E 1W0

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Introduction

The North Slave Métis Alliance (“NSMA”) represents s.35 Aboriginal-right bearing Indigenous Métis people of the Great Slave Lake area. NSMA is the only Indigenous group in the Northwest Territories that has received judicial recognition of its members’ common law Aboriginal rights as Métis. NSMA’s very *raison d’être* is to advocate for the rights of the Métis of the Great Slave Lake area. NSMA members are a distinct constituency of the contemporary Métis collective of the Great Slave Lake area, a constituency which aspires to exercise and protect its Métis practices and customs on traditional Métis lands to the north of Great Slave Lake. The historical record is clear that the community of Métis of the Great Slave Lake area hunted and trapped over a wide-ranging area in the NWT. NSMA members continue to exercise their collectively held, unextinguished Aboriginal rights as Métis people to the north and the south, east and west of Great Slave Lake, including in the area around Ekati Diamond Mine.

NSMA is a regular participant of working groups, workshops, engagement, and discussions lead by Arctic Canadian Diamond Ltd (“Arctic”). Members and staff contribute traditional, local, and technical expertise and knowledge to Arctic to better the overall Ekati project. NSMA is also a member of the Independent Environmental Monitoring Agency (“IEMA), where we are responsible for appointing a Director. We look to IEMA for further expertise and guidance on the Ekati project, notably on technical reviews of project management.

Most recently, NSMA has continued its active engagement with Arctic through various regulatory processes regarding the Point Lake Project (“PLP”). This includes:

- Point Lake Project – Virtual Public Meeting (April 26, 2021);
- Preliminary Water Licence and Land Use Permit application reviews through the Online Review System (July 2021);
- Point Lake Technical Session (September 7-9, 2021); and,
- Ekati Mine Point Lake Traditional Knowledge Workshop (October 7, 2021).

NSMA is pleased to submit our comments through this intervention to the Wek’èezhìi Land and Water Board for the Point Lake Project licence application.

In general, the NSMA is supportive of the proposed Point Lake Project and would like to see the project proceed, provided that environmental concerns are adequately addressed. NSMA recognizes the necessity of the PLP for continuation of the life of mine for the near future. This review involved the delicate balance of reflecting both our expectations for environmental protection and the need for socio economic opportunities in mineral development.

This Intervention reflects our remaining concerns with the proposed project, and includes the following main components:

1. Protecting caribou - mitigate impacts of Ekati operations on caribou movement.
2. Monitoring seepage - adaptive management for monitoring and collection of seepage from the waste rock pile.

Issue 1: Protecting caribou – mitigate impacts of Ekati operations on caribou movement.

Overview:

The Independent Environmental Monitoring Agency (IEMA) commissioned a report examining the influence of Ekati mine operations on collared tundra caribou movement (Poole et al. 2001). This report found that the Ekati mine is likely having significant effects on caribou movement despite mitigation measures (such as caribou crossings) which are currently in place at the mine as part of the Ekati Wildlife Effects Monitoring Program (“WEMP”) and Caribou Road Mitigation Plan (“CRMP”). This is of particular concern for caribou migrating north towards calving grounds. In the caribou collar data, only 25% of caribou that approached roads eventually crossed them, and 57% of caribou were delayed on encounters with the mine. This is impactful for the caribou because over half of collared animals examined showed delays of 1.5 days (average for caribou which eventually crossed roads) to 4.5 days (average for caribou which did not eventually cross roads). Despite the existence of caribou road crossing structures, these crossings are used by caribou less than expected, likely due to sensory disturbance from mine operations. Poole et al. made several recommendations (page 32) paraphrased here:

- Conduct experimental manipulations to mine traffic flow, to determine if larger gaps in mine traffic can be implemented as a mitigation to help caribou cross roads.
- Gather additional data on mine traffic flow patterns, and data on caribou movement (specifically with cameras) to analyze alongside data from collars.

Arctic’s conclusions:

Arctic’s stance is that minesite roads do not prevent caribou moving through Ekati. The CRMP lists mitigations they deem sufficient for caribou movements over roadways. Through conversations with Arctic leading up to the intervention submission, Arctic has added that all temporary water pipeline will be covered and that they plan to discuss modifying the road to Jay pit to make it easier for caribou to cross.

NSMA’s Conclusion:

The full scope of impacts to caribou remains unclear to NSMA. The combination of road configuration (potentially creating a funnel effect around the Misery Camp or a complete barrier), increased traffic for the PLP, project impact to caribou habitat, and limited knowledge of effectiveness of the CRMP leaves us concerned for the protection of caribou.

Recommendations:

NSMA recommends dedicated review of effectiveness of the CRMP. Understanding linkages between caribou movement and mitigations from minesite activities will ensure adaptive management actions for protection of caribou. This review should include further discussion with elders and land users, to ensure inclusion of local and traditional knowledge.

Issue 2: Monitoring seepage – adaptive management for monitoring and collection of seepage from the waste rock pile

Overview:

Shake flask extraction tests indicate that the acid generating potential of waste rock for the proposed Point Lake pit (91 % of samples with NPR <2) will be higher than other pits at the Ekati mine (51 % at Misery and Pigeon). During discussions leading up to intervention submissions, Arctic described that some of the data required to assess this potential are currently incomplete, because the kinetic tests required to determine the rate at which waste rock may turn acidic are not yet complete. These data will only be available next year. Therefore, the effectiveness of proposed mitigation actions for seepage and water quality are unclear. Currently, Ekati plans to monitor surface drainage in sump pits, which capture potential surface water contamination from the waste rock storage area, along Lac Du Sauvage Road. However, this plan does not address potential contamination to groundwater.

Arctic's Conclusions:

It is our understanding that Arctic considers the current monitoring location and schedule is sufficient for detecting seepage.

NSMA's Conclusions:

The high acid generating potential of waste rock for the PLP (91% compared to the 51% of Misery and Pigeon) is concerning because acidic seepage from the waste rock pile has the potential to leach toxic metal ions. NSMA is concerned that seepage into groundwater will occur and we believe the current monitoring schedule and setup is too infrequent to detect such an event.

Recommendations:

In order to fully understand potential risks from the proposed PLP, NSMA requires further details about seepage impacts and monitoring schedules. We request:

- Conduct regular ground water monitoring around waste rock storage areas (at minimum, monthly) and respond to contain seepage that is not being collected by planned sump network along the road.
- Ensure continued involvement of the NSMA in the development of the plans for final closure and remediation.

Summary of Recommendations

NSMA is, in general, in support of the issuance of Arctic's application for the Water Licence and Land Use Permit. The Point Lake Project is crucial for the continuation of the life of Ekati mine. NSMA has and will continue to be concerned for the protection of the environment and traditional lands, in particular the conservation of caribou. We remain concerned about the lack of knowledge on effectiveness of the Caribou Road Mitigation Plan in the face of increase minesite traffic and work, as well as there being sufficient monitoring of seepage at the waste rock piles.

References

Poole, K., Gunn, A., Pelchat, G. (2021). *Influence of the Ekati Diamond Mine on migratory tundra caribou movements*. <https://monitoringagency.net/wp-content/uploads/2021/08/Poole-et-al-IEMA-Ekati-caribou-movements-final-August-2021.pdf>