



Dene National / Assembly of First Nations Office (NWT)

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Environment and Sustainable Development Committee

Re: Exxon- Imperial Oil Ltd. Kearl mine tailings ponds leaks and spills FOR IMMEDIATE RELEASE:

[April 24, 2023, Denendeh] - Dene National Chief Gerald Antoine presented to the Environment and Sustainable Development Committee on the Exxon- Imperial Oil Ltd. Kearl mine tailings ponds leaks and spills. The presentation follows over nine months of toxic chemicals released at the northern Alberta Tar Sands sites that flow north through Dene Territory and into international waters. The Imperial Oil Ltd. Kearl mine tar sands allowed poisonous waste to enter Dene Territory - contaminating the waters, aquatic life, animals, land and people. Imperial Oil, Suncor, and the Federal and Alberta Governments have not engaged with the Dene or provided adequate notice or plans for remediation of the environment, lands, water, air and wildlife.

The Dene were not informed when tailings ponds breached from Alberta tar sand, considered a disastrous incident with obvious health and environmental risks. The federal and Alberta governments, Energy Regulators, and Exxon Imperial Oil should have informed the Dene. We learned about this disaster from Alberta First Nations before any national announcements. We agree with Elizabeth May, Green Party Member of Parliament, who stated, "This is criminal activity... this is a crime and comes under environmental racism".

The Mackenzie River is North America's second-largest river system and flows through Denendeh, the homeland of the Dene. Denendeh comprises more than 10% of Canada's land mass and 25% of Canada's Boreal Forest, including the Mackenzie River basin. Industry-breached tailings ponds from the Alberta tar sands threaten all along the Athabasca River. The government and industry built the tar sand mines without Dene's consent. The tailings total over 2 trillion litres of contaminated wastewater: more than 250 square kilometres or 700 thousand Olympic swimming pools. The tailings leached into the Mackenzie water basin flowing north. The Mackenzie River is the center of Denendeh, and these waters drain into the Circumpolar world. International water contamination is a problem in Canada but equally problematic internationally. Nothing prevents the contamination of the USA, the Russian Federation, Finland, Norway, Sweden, the Kingdom of Denmark, and Icelandic territories with tar sands contaminants. Imperial Oil, the Alberta government, and the federal government must answer for what has occurred to all impacted nations.

We, the Dene, vehemently reject the proposal to treat the tailings ponds and release the water to us downstream. Our Elders tell us that "the tailings ponds were designed to fail" by constructing them adjacent to the river system. Treated tailings water should be recycled for future use by industry within the bitumen process.."

The fracking in Alberta and British Columbia adds accumulated effects on our people, environment, and Territory. Over 200 thousand wells have been horizontally fracked for shale gas or oil in Western Canada, directly affecting the Dene. High-pressure hydraulic fracking technology is related to seismic clusters with recorded events over the past 15 years. Natural gas drilling and fracking operations have devastated local Dene First Nations, eroding their ability to hunt, trap, fish, and carry out traditional activities guaranteed under Treaties #8 and #11 and confirmed 50 years ago in the Palette case. Fracking devastates where we live, and we depend on the land for hunting, trapping, and fishing.

During March 14-16, 2023, the Dene, Inuvialuit, and Metis of the NWT met in a historic summit at Inuvik to address their concerns about water. The summit was broadcast nationwide on CKLB Radio and live-streamed internationally on Facebook. Daily summaries were released, and after the summit ended, a joint statement and press release were issued (see attached).

Environment Canada has announced that are "based" on information enforcement officers have to date, the release of tar

sand waste is deleterious, or harmful, to fish." "On March 10, 2023, enforcement officers issued a Fisheries Act direction to Imperial Oil. The direction requires immediate action to contain the seep and prevent it from entering a fish-bearing water body". The Dene have noted that Canada has intervened under the Fisheries Act and has issued the direction. However, Canada must recognize its fiduciary and legal responsibility to downstream Dene in the Northwest Territories. It should include the Dene and all Indigenous and international bodies affected in any activities that review and monitor the tailings developments—highlighting there was no invitation to the Dene to this standing committee. Dene Nation had to request to appear.

In addition, the nine months of breached tailings are very concerning about the damage to fish and fish habitat and harm to waterfowl and their habitat. The Migratory Birds Convention Act, the Treaty with the United States, requires Canada to protect migratory nesting sites of birds.

The contaminated wastewater has also gone through the Wood Buffalo National Park (WBNP), a UNESCO World Heritage Site. It is the largest national park in Canada and the second largest in the world at 44,741 square km (larger than the area of Switzerland)—within Treaty #8 and #11 territories across Alberta and the NWT. WBNP is home to many wildlife species found only in the northern boreal forest. It is also a significant example of biological processes encompassing some of North America's largest undisturbed grass and sedge meadows. The breach may also impact Whooping Cranes, protected as Endangered under the Species at Risk Act (SARA), including their critical habitat. Canada is also legislated to protect Wood Bison and Boreal Caribou and up to 65% of their critical habitat as Threatened species under SARA. The federal government must ensure industry does not further damage this endangered bird.

Fish, migratory birds, Wood bison, Boreal caribou and the critical habitat compromise Dene food security, health and spiritual well-being. They must be protected. Alarming cancer rates downstream from the tar sands also impact Dene's well-being and health.

Industry cannot be permitted to profit by eroding Treaties #8 and #11 and undermining Canadian legislation.

And these are our Recommendations:

1. The Exxon- Imperial Oil Ltd Kearl Mine stopped all production operations until the full extent of the spills and leaks are repaired.
2. All responsible parties remediate the tailings ponds to their natural state.
3. All tailings ponds in the tar sands be fully inspected and analyzed for proper maintenance, restoration, and repair.
4. That the Dene, as downstream Peoples, are fully involved and included in all aspects of the tar sands development with adequate financial resources to sufficiently participate.
5. To prosecute Exxon- Imperial Oil to the fullest extent of the law.
6. Develop stronger prevention measures, legislation, guidelines, and regulations to prevent further spills and leaks.
7. To initiate a complete and comprehensive independent investigation on the Exxon-Imperial Oil Ltd Kearl mine site to determine the full extent and implications of the tailings ponds spills and leaks.
8. That all members of the standing committee on the Environment and Sustainable Development tour the tar sands development area with Indigenous Peoples.
9. Imperial Oil fully funds meetings in the NWT between Dene and Imperial Oil to inform of all mine developments and the environmental impacts.
10. Involve Dene in all committees and boards reviewing mine activities.
11. Fund health studies for cancers.

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For More Information:

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