



# *Asubpeeschoseewagong Netum Anishinabek*

GRASSY NARROWS, ONTARIO P0X 1B0 • PHONE: (807) 925-2201 • FAX: (807) 925-2649

October 7, 2024

Red Lake Gold Inc.  
#1890 – 1075 West Georgia Street. Vancouver, BC. V6E 3C9

Dear Ryan Kalt;

**RE: Mining Claims & Leases in Grassy Narrows' Core Area Subject to Litigation**

You currently hold a mining claim or lease in Grassy Narrows' Interim Core Area of Interest for Mining ("Core Area"). On behalf of Asubpeeschoseewagong Anishinabek ("ANA" or "Grassy Narrows First Nation"), we write to inform you that the Core Area, and your asserted third party mining interests within it, is subject to litigation.

You should be aware that your third party mining interests in Grassy Narrows' Core Area conflict with Grassy Narrows' rights and interests, including our inherent, Aboriginal and Treaty rights and our Indigenous laws.

You should be aware that the Area is subject to unmet legal duties, including the Crown's Treaty promises, its obligations under the 1978 Memorandum of Understanding and ongoing Treaty Land Entitlement claim negotiations, and its fiduciary duties to Grassy Narrows.

The Area is now subject to litigation.

***Area subject to ongoing litigation***

Grassy Narrows has commenced two legal proceedings addressing Crown failures that have the potential to impact your company's mining interests in Grassy Narrows' Core Area.

First, on June 4, 2024, Grassy Narrows served Ontario and Canada with notice of our intention to sue for breach of Treaty obligations, fiduciary duties, and obligations arising from the Honour of the Crown by failing to protect Grassy Narrows Treaty rights,

including from:

- The effects of mercury and other pollutants discharged by the pulp and paper mill in Dryden, Ontario, into the English and Wabigoon River System; and
- The cumulative impacts of industry and land use including mining activity.

Paragraph 95 of the Statement of Claim addresses the issue of the Crown's continued authorization of industrial activities that increase the mercury load, net methylation, bioavailability and biomagnification in the ecosystem.

Paragraph 102 outlines the cumulative impacts of industry and land use that have interfered with Grassy Narrows' Treaty rights, including contaminating air, land and water in and around the Area, degrading the land important to hunting, trapping, fishing and gathering, impacting wildlife habitat and populations, and interfering with the spiritual and cultural integrity of the Area and Grassy Narrows' relationship to it, among other things. Paragraph 103 addresses the harms caused by these cumulative impacts of industry and land use.

Your mining claims and leases continue the unlawful and harmful Crown conduct that is the subject of the lawsuit.

Secondly, on July 12, 2024, Grassy Narrows served a Notice of Application on Ontario asserting that the Mining Act regime violates section 35 of the *Constitution Act, 1982* by failing to consult, accommodate or obtain consent prior to registering mining claims within the Interim Core Area of Interest for Mining.

Grassy Narrows is seeking a declaration that mining claims registered pursuant to this unconstitutional regime and further mining tenures derived from those leases are invalid, which would include any claims, leases, and patents registered by your company in the Area. Ontario did not consult, accommodate nor obtain consent from Grassy Narrows prior to registering your company's mining claims, and the leases, patents and other mining tenures derived from them.

As relief, Grassy Narrows is seeking a declaration that "existing mining claims, including mining activities such as assessment work and exploration activities, and third-party mining interests granted under the Mining Claim Grant Regime within the Area are not consistent with section 35 of the *Constitution Act, 1982* and UNDRIP and are of no force or effect."

If Grassy Narrows is successful in either or both of these legal proceedings, your company's mining claims would potentially be impacted and could be invalidated.

***Grassy Narrows calls on you to respect our law and rights***

We are long past the time when the industry and the Crown should have listened to Grassy Narrows when we said enough is enough. We are decades past the time when industry and the Crown should have realized that the harm to Grassy Narrows was too much, and the Treaty promises were being dishonourably compromised by imposed industry allowed by the Crown. The Crown and industry can no longer impose further impacts on our land and our people when the cumulative impacts from past development mean that any further imposed industry will unjustifiably infringe our Treaty rights, harm our health, and discriminate against us.

We call on you to respect Grassy Narrows' law and our inherent, Aboriginal and Treaty rights, and commit to comply with our Indigenous laws and our right to free, prior, and informed consent.

We strongly urge you to reconsider your plans in our Core Area and to seize this opportunity to set a course for a future that is free of conflict over mining. We call on you to halt all mining related activity (including staking) on our Core Area and to obtain our free, prior, and informed consent before taking any action that could impact our lands waters, people, and interests.

Please address all correspondence to ANA's Lands Protection Team including Joseph Fobister, Mike Fobister, David Sone, Dan Mossip-Balkwill, Annelies Cooper, Jackie Esmonde, and Sydney Lang.

We look forward to your timely response.

Miigwetch,



Joseph B. Fobister  
Lead Negotiator, Grassy Narrows Lands Protection Team

C.C.

**Grassy Narrows Lands Protection Team**

Mike Fobister, Supervisor, Lands Protection Team ( [REDACTED] )  
David Sone, ANA Advisor ( [REDACTED] )  
Dan Mossip-Balkwill, ANA Advisor ( [REDACTED] )  
Annelies Cooper, ANA Advisor ( [REDACTED] )  
Jackie Esmonde, ANA Legal Counsel ( [REDACTED] )  
Sydney Lang, ANA Legal Counsel ( [REDACTED] )

## **Ministry of Mines**

Honourable Minister George Pirie, Minister of Mines ( [REDACTED] )

Erin Kahkonen, Mineral Exploration & Development Consultant

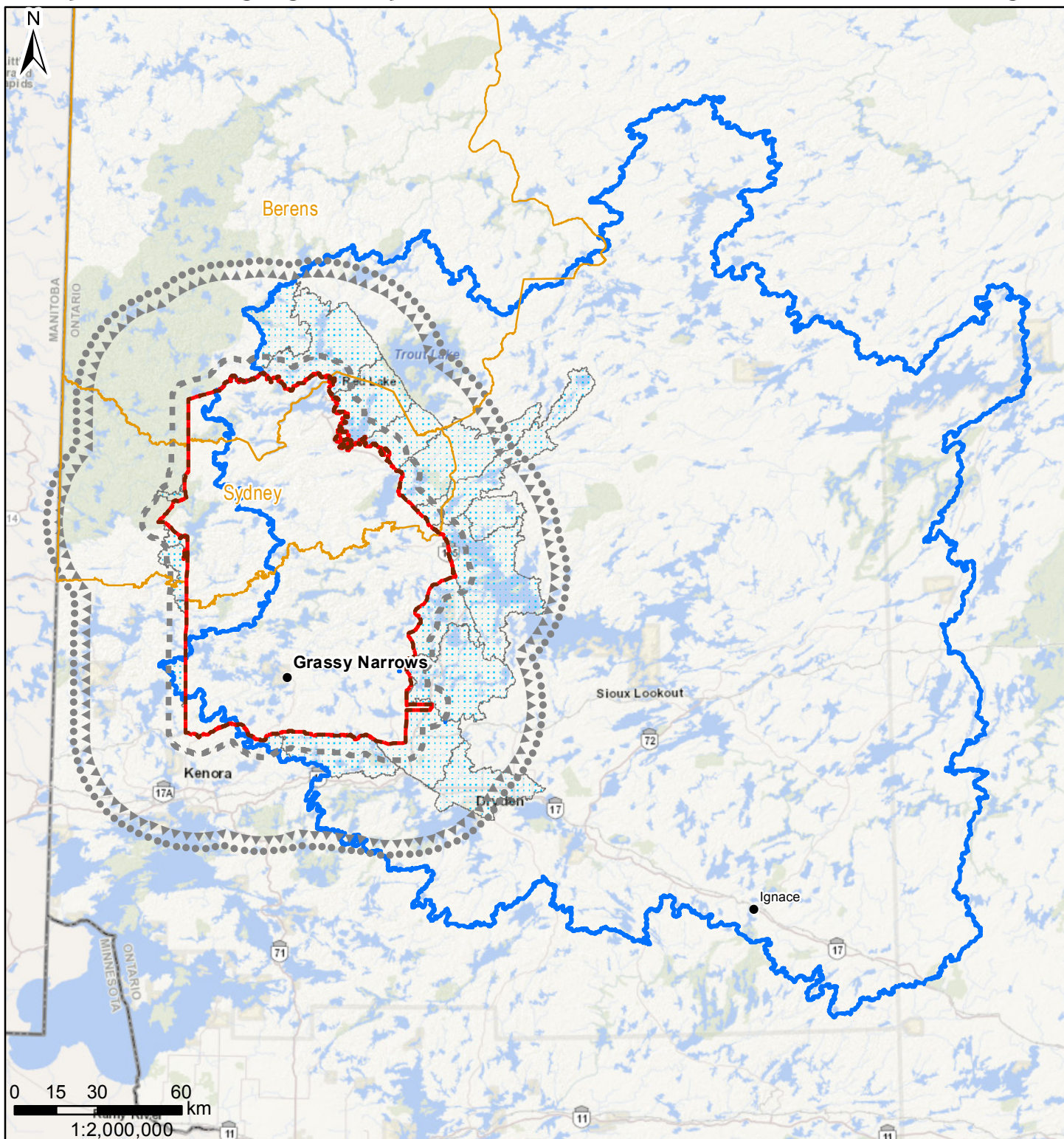
( [REDACTED] )

Trina Rawn, Director, Mineral Development Branch ( [REDACTED] )

Teri McDonald, Director, Indigenous Consultation and Partnerships Branch

( [REDACTED] )

# Asubpeeschosewagong (Grassy Narrows) Interim Core Area of Interest for Mining



- Interim Core Area of Interest for Mining
- Moose Home Range (6km)
- Wolverine Home Range Area (36km)
- Walleye Migration Area (40km)
- Caribou Range Boundaries
- Nearby Quaternary Watersheds That Flow Into The Core
- English River Watershed at Separation Narrows

N.B. This is an interim product created under duress arising from the escalation of imposed mining activity by the Crown and industry and for the sole purpose of identifying an interim area for negotiations on mining related activity. It is not a complete representation of Grassy Narrows' area of interest. Due to unique circumstances and capacity constraints Grassy Narrows has not completed comprehensive studies required to fully determine its area of interest including, but not limited to, land use and occupancy, ethnohistory, archeology, biology, and hydrology. For example, rights and interests associated with air quality, migratory birds, travel routes, marten, lake sturgeon, wolves, eastern cougar, landscape intactness, climate resilience, biodiversity, genetic diversity, and many other factors are not reflected here. Also, linear boundaries are an imposed non-Indigenous concept that does not accord with the nature of Grassy Narrows' relationship with the land which includes extensive interconnectedness, reciprocity, travel, sharing, and trade. This map does not limit any claims by Grassy Narrows people to assert their rights and interests throughout their territory and to protect themselves from harm to their health, rights, way of life, livelihood, society, and environment. Grassy Narrows people have Treaty rights, and practice them, throughout the Treaty 3 area. Grassy Narrows people also have inalienable inherent rights given by the Creator, some of which are affirmed in international law and instruments. The Grassy Narrows people are the true experts about their land, rights, and interests.

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