



# DENINU KUÉ FIRST NATION

P.O. Box 1899

Fort Resolution, NT X0E 0M0

Phone (867) 394-4335/4336 Fax (867) 394-5122

---

April 4, 2006

Martin Haefele  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938  
5102 - 50th Ave  
Yellowknife, NT X1A 2N7

**Fax: (867) 766-7074**

**Re: DeBeers Canada Mining Ltd. - Gahcho Kue Project.**

Dear Mr. Haefele;

Attached is the written submission of the Deninu Kue First Nation regarding the proposed DeBeers Canada Mining Ltd.-Gahcho Kue project in the heart of our traditional territory? As you have heard from the delegation to the environmental scoping session (March 21-23, 2006) in Yellowknife, the Deninu Kue First Nation is going to be affected by the project. We do have aboriginal and treaty rights in the area of the Gahcho Kue project and that has to be respected and recognized.

In the attachment, we have concerns about the land, wildlife, water plants and fish. Specifically, the cumulative affects of mining developments on the watersheds that flow into the Great Slave Lake.

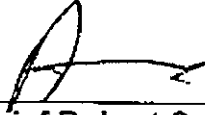
It important the Mackenzie Valley Environmental Impact Review Board have an environmental scoping session with our leadership, elders, membership and land users in Fort Resolution. Recent Supreme Court decisions support our First Nations in ensuring proper consultation and accommodation of our interest is met. Presently the systems you have in place do not meet the courts expectations on consultation and accommodation.

*"As long as the sun shines, the rivers flow and the grass grows."*

1

We look forward to your response and to the hearing in Yellowknife on April 10, 2006. If you have any question please do call me at my office.

Sincerely,



---

**Chief Robert Sayine,**  
Deninu Ku'e First Nation

cc. Allan Donovan, Donovan and Company, Barristers and Solicitor

/attachment

*"As long as the sun shines, the rivers flow and the grass grows."*

2

**DeBeers Canada Mining Ltd – Gahcho Kue Project**

**Deninu Ku'e First Nation – *Concerns, issues and suggestions***

1. Respect of the treaty making in 1900 between the crown and the Dene. The ancestors of the Deninu Ku'e First Nation entered into treaty making with the understanding that it was for *“As long as the sun shines, the rivers flow and the grass grows.”*
2. Recognize and respect Akaitcho Territory, the home and traditional territory of the **Four** Akaitcho First Nations consisting of Deninu Ku'e, Dettah, Lutsel Ke and Ndilo.
3. Respect of the Deninu Ku'e First Nations aboriginal and treaty rights on the north side of Great Slave Lake. The Environmental assessment of any development does not determine rights, Deninu Ku'e First Nation is party to treaty making in 1900 at Deninu Ku'e and section 35 (1) of the Constitution Act , 1982 states *“the existing aboriginal and treaty rights of the Aboriginal peoples are hereby recognized and affirmed.”*
4. On November 19, 2002, the Akaitcho Chief and Tlicho Chiefs initialed an overlap agreement respecting each others aboriginal and treaty rights and mutual benefit.

*“As long as the sun shines, the rivers flow and the grass grows.”*

1

**DeBeers Canada Mining Ltd – Gahcho Kue Project**

5. The level of consultation and accommodation on any infringement on our aboriginal and treaty rights must meet the test set out by the supreme court of Canada and the relationship based on the spirit and intent of the Treaty. MVEIRB must have a scoping session in Deninu Ku'e with leadership, membership, elders and land users in light of recent court cases in relations to consultation and accommodation. In addition must demonstrate meaningful consultation and consent.
6. The migration of the caribou and its importance to the Dene seemed to be diluted at the scoping session (March 21-23, 2006 in Yellowknife). A full review, assessment or study must be done to determine the cumulative effects of mining developments and the winter roads on the caribou migration route, feeding, reproduction and behavior.
7. A comprehensive review or assessment must be done to determine the cumulative effects of mining developments on the land, water, wildlife, plants, birds and fish. Particularly in and around Great Slave Lake and the watersheds that flow into Great Slave Lake. Also must demonstrate meaningful consultation and consent.
8. The environment scoping seems to be geared toward how to get around the real issues that affect the people, the land and the water. The environmental scoping must focus on the peoples concerns at the grassroots level such as traditional and current land users in the communities mainly around Great Slave Lake. Also must demonstrate meaningful consultation and consent.

*"As long as the sun shines, the rivers flow and the grass grows."*

2

**DeBeers Canada Mining Ltd – Gahcho Kue Project**

9. The traditional knowledge component has to be a major part of any environment assessment of the Gahcho Kue (Tue) project. Presently it is minimal and more of a gesture.
10. A remediation plan for the Gahcho Kue (Tue) project must have traditional knowledge and scientific input to determine the restoration of the land and water that is acceptable to the Dene. Also must demonstrate meaningful consultation and consent.
11. Non-refundable deposit to be held in trust for restoration of the Gahcho Kue project. Also must demonstrate meaningful consultation and consent.
12. DeBeers Canada Mining Ltd. to fund an independent environmental monitoring agency for the Gahcho Kue project in consultation and participation with the Akaitcho Dene First Nations consisting of Deninu Ku'e, Dettah, Lutsel Ke and Ndilo. The environmental monitoring agency must include pre-development, during development and post-development phases of the project. The PKC facility is a huge concern and its ability to hold and contain the contaminants from the milling both in the short and long term.

*"As long as the sun shines, the rivers flow and the grass grows."*

3

**DeBeers Canada Mining Ltd – Gahcho Kue Project**

13. The drainage of the 80% of water from the lake is a concern specifically on the aquatic species and plants. A traditional knowledge and scientific sessions with scientists, elders and current land users must be set up to determine the extent of the effects. At this time there not enough information to make a meaning decision in regards to the drainage of the lake specifically from the Dene perspective.
  
14. The Akaitcho Dene has both the inherent and treaty right to use and enjoy the Creator's gift of water. Our rituals and stories teach about the sacred right to live with water, a responsibility to use traditional knowledge and cultural practices to protect and sustain pure water for the continued cleansing and healing of our communities. Government, regulatory agencies and industry are interfering with the traditional ways and practices that have always protected the land and waters, and as result the water have been compromised and polluted. To ensure the rights to clean water, new approaches need to be discussed to protect the water from mining development with the Dene.

*"As long as the sun shines, the rivers flow and the grass grows."*

4



# DENINU KUÉ FIRST NATION

P.O. Box 1899

Fort Resolution, NT X0E 0M0

Phone (867) 394-4335/4336 Fax (867) 394-5122

MH

## FACSIMILE TRANSMITTAL SHEET

Send To: Martin Haefele	From: Chief Saynie
----------------------------	-----------------------

Company: MWEIRB	Date: April 4/06
--------------------	---------------------

Fax Number: 766-7074	# of Pages:
----------------------	-------------

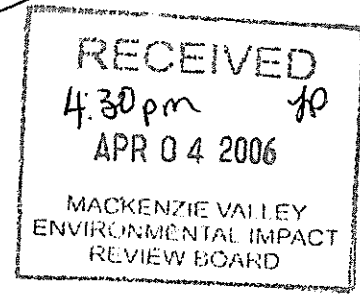
Cc: Alan Donavan
---------------------

Phone Number: (Gahcho Kue Project)	Program File:
RE: De Beers Canada Mining Ltd	

Urgent: Please Reply:	For Review: As per Request:	Please Comment: Confidential:
--------------------------	--------------------------------	----------------------------------

### NOTES/COMMENTS:

Pls forward to Martin Haefele



The document accompanying this transmission contains confidential information intended for a specific purpose. The information is private and legally binded by law. If you are not the intended recipient, you are legally notified that any disclosure, or the taking of any action in reliance on the contents of this telecopy information is strictly prohibited. If you received this transmission in error, please notify our office immediately, via collect at (867)394-4335/6, and return the original by regular air-mail service or destroy the transmitted information. Marsi cho/Thank You.