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Willard Hagen
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Mackenzie Valley Land
& Water Board

File _____

JUN 10 2014

Application # MV2005C0032

Copied To AL/Res

June 10, 2014

**Re: Comments on the De Beers Gahcho Kue Project - Draft Land Use Permit v.1
(MV2005C0032)**

Dear Mr. Hagen,

The Deninu Kue First Nation (DKFN) has reviewed the draft conditions annexed to and forming part of the land use permit #MV2005C0032 for the Gahcho Kue Mine dated May 23, 2014. We have the following comments:


- Part A: Scope of the Permit – we recommend that the project description details outlined in this section be consistent with the corresponding section of the draft water license.
- Item 20. This items should make specific reference to the Erosion and Sediment Management Plan.
- Items 37 and 38. These items make reference to a land-based sump or the deposition of drilling waste into a natural depression. We recommend that these references be removed and that all drilling waste be contained in a closed circuit system for reuse or off-site disposal.
- Section 26(1)(h) Wildlife and Fish Habitat – We recommend that similar provisions as described in the land use permit for the Snap Lake Mine be added here. These include specific references to the Wildlife Effects Monitoring Program, the provisions for ensuring wildlife awareness training is conducted and that a Wildlife and Wildlife Habitat Protection Plan is implemented.
- Items 47 and 48. These items should be updated to specifically mention the Wildlife and Wildlife Habitat Protection Plan (WWHPP).

- Section 26(1)(o) Restoration of Lands – this section should be consistent with the water license in specific regards to the provisions relating to the Closure and Reclamation Plan.
- Item 89. We recommend the revised Engagement Plan be submitted within 60 days of the issuance of the permit.
- Item 90. The details regarding the Engagement Plan should remain consistent with the provisions in the water license.
- Item 94. We recommend that annual reports be submitted by March 31st.
- Item 95. This provision seems out of place and should be consistent with the standard operating procedures for project activities around caribou.
- The direction provided on completing revisions or submissions on any monitoring and management plans or program should include consistent wording that was put forth in the draft water license in regard to the Response Framework. Specifically, we recommend the following be included in the draft land use permit for annual reporting purposes: *Include any Action Level exceedances and a description of the actions taken in response to any Action Level exceedances under the Response Framework.*

In closing we are concerned that the draft land use permit does not address the measures put forth in the Report of the Environmental Impact Review (EIR0607-001) by the Mackenzie Valley Review Board. Measure 1 states that governments, land managers and regulators will include conditions for habitat protection in the Land Use Permit and any land tenures issued for the Project. In this regard, the land use permit needs to be consistent with the draft water license in terms of the direction it provides to the proponent for the implementation and reporting of protection plans and monitoring programs, particularly in reference to the implementation of the Response Framework.

We thank the MVLWB for the opportunity to be part of this permitting process and we look forward to reviewing the next version of the draft permit.

Sincerely,



for Chief Louis Balsillie

Encl.

cc. Angela Love, Regulatory Officer MVLWB
 Jen Potten, Regulatory Officer MVLWB
 Linda Vanden Berg, LVB Strategic Negotiations and Research
 Marc d'Entremont, LGL Limited