



Yellowknives Dene First Nation

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Delivered by Email

Shannon Allerston, Regulatory Specialist
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th Street, PO Box 2130
Yellowknife, NWT X1A 2P6

Re: Yellowknives Dene First Nation - Comments on Compensation under the Waters Act

Dear Ms Allerston,

Thank you for meeting with us on August 1, 2019. As briefly discussed at that meeting and several others over the past years, the Yellowknives Dene First Nation ("YKDFN") is deeply impacted by the Giant Mine Remediation Project and related water and land use permits (the "Permit"). Having considered the matter further, please be advised that YKDFN will not be making a claim for compensation under the Waters Act, SNWT 2014, c.18 or the Mackenzie Valley Resource Management Act, SC 1998, c.25t. Our decision not to pursue compensation related to the Permit should not be interpreted as an admission that no compensation-worthy impacts will flow from the Permit; but instead is rooted in the inability of the current regulatory regime to address the extent of our concerns.

Having reviewed the statute and the draft Permit, we believe that we would be entitled to compensation by the Mackenzie Valley Land and Water Board (the "Board"). The Permit is expected to have adverse impacts on the YKDFN throughout its term, including:

- Increased dust generated from remediation activities,
- Noise from remediation activities;
- Risk of reduced winter ice thickness from remediation activities.

Additionally, the scale of the proposed remediation and the Permit is unique in the NWT. We have little doubt that the above- noted impacts will not constitute the full extent of those that YKDFN will experience through the term of this Permit.

However, we also recognize that redress for the most extreme impacts of the Giant Mine operations fall outside of the Board's jurisdiction related to the Permit. For generations YKDFN has suffered loss of use and contamination of our ancestral lands, and the wrongful appropriation of our un-surrendered resources from these lands. In addition, we are reluctant to pursue compensation under these Acts as our extremely limited resources throughout the regulatory process will be better spent on working with the Proponents and the Board to mitigate impacts of remediation generally on YKDFN.

In this forum, as in all others, we are calling upon the Crown to right this wrong by engaging in negotiations to assess appropriate compensation and other avenues for reconciliation, including an apology for the historic impact of Giant Mine on YKDFN.

In closing, we confirm that YKDFN will not be providing notice of a compensation claim under the Permit. Our decision not to pursue compensation under the Waters Act and MVRA should not be seen as an admission that this permit will not have effects worthy of compensation. To the contrary, we remain convinced that it will. Rather, our decision not to pursue compensation under the Acts reflects the limited resources provided to our government to participate in the regulatory process and the outstanding issue of historical compensation which remains unaddressed.

If you have any further questions on the content of this submission, please contact Jason Snaggs Chief Executive Officer of the Yellowknives Dene First Nation at jasons@ykdene.com.

Sincerely,



for Edward Sangris
Chief of Dettah



Ernest Betsina
Chief of N'Dilo

cc: Jason Snaggs
CEO
Yellowknives Dene First Nation

Johanne Black
Director, Department of Lands & Environment
Yellowknives Dene First Nation

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