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By Email

RE: Response to Information Request Depositing Processed Kimberlite in Pits and Underground EA1819-01

The YKDFN would like to thank the MVEIRB for its information request regarding the captioned matter. Please accept this submission from YKDFN as our response to same.

It addresses the questions asked by the board in three (3) sections. Section (1) describes our cultural use of the Lac de Gras area, Section (2) outlines our perceptions on the posed scenarios and Section (3) presents points to consider when determining if pits should be reconnected to Lac de Gras at closure.

Section 1: Cultural Use

This section describes the YKDFN people's traditional use of their lands in the barrens of which Lac de Gras is a part (Ndeh¹) as they lived, season by season, and their knowledge of water at Ek'ati².

In the past and until very recently, Weledeh Yellowknives Dene spent most of each year in the open spaces of the barrens north of the treeline. The traditional territory of these people and their T'satsaot'ine relatives extended from what is now called Great Slave Lake to the Coppermine

¹ For Dene, "the land" (Ndeh in their languages) means about the same as the English word "environment": Ndeh includes the soil and plants, the air and weather, birds, the waters and fish, trees, animals, and people who use the land.

² The term Ekati comes from the Dene name Ek'ati meaning "fat lake" which is known officially as Lac de Gras. The YKDFN understand that gras (French for "fat") related to the strong smell of caribou fat that was processed during fall hunts. Note that the YKDFN prefer the spelling Ek'ati and have used it throughout this response.

River and, on rare occasions, as far as the Arctic coast. The lake identified on official maps as Contwoyto is called by Weledeh Yellowknives Dene "Lake with many camps", referring to the winter hunting settlements of their forefathers. Late each summer, Weledeh Yellowknives families would paddle and portage along trails used by hundreds of generations to winter hunting camps, just below the treeline and farther north. The people know the barrens are a place where life is difficult - but not barren of life. Plants, birds, fish, and animals sustain the people to this day. This northern part of the people's territory had been free from industrial development until a gold mine was built on Contwoyto Lake.

In the 1990s, diamond mining activity occurred at Lac de Gras, called *Ek'ati* (*tran*. "Fat lake") by Weledeh Yellowknives Dene. Until then, the only industrial activity this lake and the lands surrounding it have known is the construction and use of a winter road across the eastern part of the frozen lake. Each year, this winter road was built on top of a traditional Weledeh Yellowknives trail from Mackay Lake to Contwoyto Lake.

The Ek'ati area, is significant to Weledeh Yellowknives Dene. The people call the western most peninsula of the large island in the lake "pointing in the direction of Great Slave Lake", referring to where the people stay(ed) in summer. The people also have traditional names for the lands around Ek'ati: the name for the lands south of Ek'ati means "under the sun"; names for lands in the other directions mean where the east, west, and north winds blow. Ek'ati is at the heart of Weledeh Yellowknives history and life.

Treeline & Barren/and Camps

From late summer to early fall each year, hunters took their handmade birchbark (and, later, canvas) canoes up the Weledeh (Yellowknife River) and several other rivers, their dogs running along shore. Making camps below the treeline, hunters gathered firewood and made toboggans, snowshoes, and tentpoles. Leaving caches of meat for their families who could stay in these camps, the hunters headed farther north to caribou migrating south through the lakes - Courageous, Mackay, Lac de Gras, Lac du Sauvage, and the Coppermine River. Caribou provided the families with new clothing, toboggans, tipi, floor mats, meat, and fat vital for winter survival. The "gras" (French for fat) in Lac de Gras refers to the smell of caribou fat from fall hunts burning in campfires: the people could find one another by this smell. The rest of the winter was spent travelling through the barrens hunting and trapping. Some hunters left camp first, making a trail of meat caches for others to follow. After the people were engaged in the fur trade, trappers would make occasional trips to the posts at Reliance and Resolution.

Harvesting in the Barrens

Dene survived in the harsh environment of the barrens because their ancestors worked very hard, harvesting what they needed to live. Whatever their need, they never used all the plants, trees, fish, or animals in an area because they knew some had to be left if they wanted to find any when they returned to that place. The people travelled hungry to harvest food at another site rather than use up the foods they relied on at anyone place. Even after hunters started participating in the fur trade, they maintained a sustainable economy, adding trapping to their hunting trips and leaving enough animals to reproduce - a practice not always followed by non-Dene trappers. Some Dene hunters also made extra trips to harvest meat for trading posts. Every member of Weledeh Yellowknives families who could walk in the barrens harvested wood, water, food, feathers, and wind-blown musk-ox hair. Women, children, and old people who could no longer travel on winter trails collected berries, medicine plants, moss, lichen, seeds, fish eggs, and bird eggs. They set willow and babiche nets in lakes to catch fish and in shrubs to catch ptarmigan. They set snares and nets for water fowl, and snares for rabbit and other small animals. Youth and adult hunters who did not have to stay with young children harvested large animals for meat and trapped larger fur-bearers for pelts and sometimes meat. Dene men snared, trapped, and hunted large animals. In the past, the people used many techniques for harvesting animals. Using spears and arrows, hunters would approach moose, bear, musk-ox, and caribou. Dene sometimes deflected caribou from their trails, herding them toward hunters poised in areas enclosed by "caribou ropes" made from twisted plant roots and hung between rocks or low-growing shrubs. To persuade caribou to change their route, the people made stone markers along the trail with pieces of hide wedged between rocks to flap noisily in the wind. When caribou came along, some of the people stood beside the markers, waving their arms and shouting. These unusual and unsettling actions deflected some caribou into the spears and arrows of the hunters. Gradually, the people learned that, if they continued their deflection technique at a place along the migration trail for three successive\ migrations, caribou adjusted their path. For the fourth and subsequent migrations, caribou would follow the trail the people had deflected them onto rather than their previous trail. The other food harvested in large amounts by the people in the barrens is fish even in winter. The people know that the large lakes have good fishing with lots of old and very large fish. Shallows in these lakes, including Ek'ati, have important fall spawning areas, which the people respect. In fall, fish were thin and not good for harvesting. In winter, to add to summer dry fish for their dogs, the people harvested fish at holes in the ice, often at channels where a swift current kept the water open, visiting their nets up to four times a day. Many of the people's traditional names for places in the barrens refer to such open channels, which provide the only access to drinking water in the

frozen landscape. Two of the most important channels are at Mackay Lake and the Narrows between Lac du Sauvage and Ek'ati. Semi-permanent camps would have wood caches for drying fish and meat, as well as caches stored in the ground before freeze-up. In winter, caches of dried and frozen fish, meat, fat, hides, and whole animals were stored under rocks. Meat and frozen animals were usually thawed by placing them frozen beside people going to sleep, because wood could not be spared for fires. Body heat through the night would be enough to thaw meat for cooking and animals to remove pelts for stretching.

Hunters built and re-used winter rock piles for caches near camps and along their hunting trails. Whatever was to be cached was stacked on level stones to prevent animals from burrowing into the cache from underneath. Hunters piled large rocks and, often, cut willows tied in bundles, on top; moss was then poked into gaps to keep out animals, including sled dogs. Such stone caches also served as trail markers that were likely more welcoming to hunters finding them in storms than simple piles of rock.

The People's Birth & Burial Places

Given the extensive occupation of the barrens it is understandable that birth and burial places of Weledeh Yellowknives Dene are throughout the barrens. Present-day First Nation members older than middle age were born on their land, and their traditional name is usually related to that place. The barrens contain the remains of hundreds of generations of the people. Birth and burial places are of immense significance to the people because they tie the people irrevocably to the land: they are indigenous to it in a way that incomers and visitors cannot be.

For Weledeh Yellowknives Dene, their identity, history, and relation to their ancestral lands derives from having been born to the land, having lived with the land since time immemorial, and holding knowledge of evidence that their ancestors remain with the land. Birth and burial places within the people's ancestral lands are of the greatest possible significance to Dene. As the people travelled on the land, they would visit burials to pay respects to their ancestors. In this way, young Dene came to know where the burials are: they may not always know the precise identify of every person buried at a grave site - especially at mass graves, but they have their Elders' assurance of the culture of the deceased. The place where many of the people passed away may not be known: those who became lost, drowned, or did not return from checking their snares. Since non-Dene started coming to the people's land, there have been many unexpected deaths by diseases previously unknown to the people or by poison. It used to be common practice for some non-Dene trappers to use poison bait, acquiring hundreds of pelts with no marks on them; unfortunately, sled dogs and people sometimes ate meat from poisoned animals. (One of the

people's words for non-Dene is the same word for "sickness".) When an epidemic or starvation struck, there might be so many deaths that no one was left to bury the people respectfully for some time. Land users coming across such a tragic scene would bury the deceased in mass graves, often in the loose material of eskers.

Graves that are known in living memory can be located by Elders and land users who used a trail where the grave is located. In summer, the people taught by missionaries made the effort to bury relatives who passed away in coffins laboriously made with chopped wood. In winter, when the ground is frozen, the people made burials in loose gravel or eskers. There is a mass grave - of ten Weledeh Yellowknives who starved - in the esker adjacent to Ek'ati Ndi, the island where Diavik is located. In the barrens, where no wood was available, families piled rocks over those who passed away. A stone cairn that is the burial of a Weledeh Yellowknives female child is located near the marshes on the southeast side of Ek'ati Ndi. There are many other burials around Ek'ati. Burials, tipi rings, and other ancestral evidence can be found throughout the barrens.

The People's Use of their Land (Barren Lands)

Traditional Weledeh Yellowknives names for the lands in their territory around Ek'ati place it at the centre of the people's ancestral lands. The Ek'ati area was important to Dene because of the arrival in late summer and early fall of caribou when they were most useful to the people. Without caribou hunting in fall time, the people could not have survived.

By the middle of August, when fish in Weledeh-Cheh are thin from their efforts to spawn and are no longer worth harvesting, Yellowknives families are busy at treeline camps or have already moved into the barrens. In the past, the people timed their movements depending on the weather and when the most experienced Elders believed caribou to be feeding around the large lakes, like Ek'ati. Elders know that some caribou may be around Mackay Lake by August, slowly moving toward the treeline, and others will still be moving between Lac de Gras and Mackay Lake to feed. By the end of August, the people have observed that most mature bulls have entered woodlands to finish rubbing off antler skin in preparation for mating. By the end of August and into September, people can be confident that all caribou will have moved into woodlands, although, if the weather turns warm again, they may return north of the treeline again to feed. In the past, when caribou migrated as far as Great Slave Lake, some Weledeh Yellowknives families would hunt them in September as the herd passed through the Gordon Lake area. To reach their wintering grounds, indigenous peoples know that much of the Bathurst herd crosses Contwoyto Lake, Yamba Lake, Lac du Sauvage, Lac de Gras (Ek'ati), Mackay Lake, and Courageous Lake. Since time immemorial, these lakes have been used by Weledeh Yellowknives Dene to hunt caribou in fall

time. Because the people went where experienced land users expected most of the caribou to be, the main Weledeh Yellowknives trails meet the caribou migrating south. Each generation of the people learns from their Elders and, later, their own experience, that caribou cows teach their calves the migration trails along eskers and across islands. Caribou follow the same trails season after season. Trails made by the caribou can be found throughout Ek'ati, particularly on islands to which caribou swim to cross the large lakes. For this reason, the two large islands, called collectively Ek'ati Ndi by Weledeh Yellowknives Dene, were of vital importance to migrating caribou. The people maintained caribou hunting camps during fall on east Ek'ati Ndi, where Diavik currently operates. People and caribou with young would go to islands for protection from insects and predators, especially bears. For people, islands were preferred places for shoreline camps and for waiting for migrating animals. For caribou, islands were also important places to heal legs injured from falls through cracks in rocks; many calves die when they snap a leg or become trapped and cannot move.

At Lac de Gras and Lac du Sauvage, Weledeh Yellowknives hunters found many places in fall time to wait downwind from migrating caribou. They prefer places where their families' camps are nearby, where water, fish, and other animals were also available. One very important site was at the Narrows between the two lakes, called traditionally by the people "Standing willow place". The Narrows is a very significant place to Weledeh Yellowknives, where many land uses overlap and have done so for hundreds of generations in the past. Dene Elders consider it sensitive to development, and an area mining companies must avoid.

The Narrows site is important to birds, fish, and animals, including caribou, grizzly bear, wolf, fox, wolverine, weasel, and Arctic hare. It was common to find piles of caribou hair as well as bones left by feeding animals. The channel at the Narrows is an important site for fish to spawn in fall. All winter, the strong current at this channel, which provides a good oxygen supply for fish, keeps the surface from freezing. This current is so strong that it produces current movement in bays in the east part of Ek'ati. These bays are also good fish spawning sites. Weledeh Yellowknives camps were not located adjacent to the water at the Narrows because of the danger to their children from grizzly, and because their presence might disturb animals that they relied on. The people camped on islands and nearby mainland at a distance from shores at the Narrows. Markers, including burials of Weledeh Yellowknives Dene can be found throughout this area.

In winter, Dene hunted the musk-ox, which they respect for its ability to survive by itself, until the government ban. Before 1917, it was traditional for Weledeh Yellowknives hunters to hunt musk-ox with their T'satsot'ine relatives east of Artillery Lake, and in their traditional lands south of the

eastern part of Mackay Lake and north of Ek'ati. Dene families looked forward to musk-ox hunts because musk-ox meat is delicious, and the hides are so useful. Dene hunters would take their dogs, spears, and bows and arrows to places where they expected to find musk-ox.

Weledeh Yellowknives land users keep track of wolf and fox partly as an indication of the whereabouts of caribou and partly in order to trap the fur-bearers. Before they pursued the fur trade, Dene made use of the pelts for their own clothing and blankets. Over time, Dene trappers developed different methods for harvesting fur-bearers, drawing on their knowledge of the animals behaviour. Mink and lynx do not leave their woodland habitat to wander in the barrens and, although otter are found in all rivers, their pelts are not profitable enough for Dene to trap them for trade. Elders praise the ways in which people used to worked together, along with dogs, in order to harvest successfully and look after their families. Elders expressed sadness about changes to the people's lives that remove them from such positive ways.

Arctic hare and ground squirrel are barrens animals that are very respected by the people. Arctic hare den almost everywhere in the barrens and move quickly to hide in boulders from their many predators. Weledeh Yellowknives land users eat hare meat, use the bones to make tools, and wear or sleep under thick rabbit pelt\ s. The large Arctic hare feeds on willows, berries, and short shrubs, finding vegetation on top of wind-blown hills and around rocks in winter. In summer, hare get water from plants and around boulders; in winter, they get water from snow.

Ptarmigan and grouse are small birds that stay in the barrens and near the treeline. Weledeh Yellowknives women caught the birds, which are fat and tasty in winter, in nets made of sinew and babiche strung between low-growing shrubs. Feathers were collected for arrow shafts and for blankets. The people say that young pregnant girls who sleep on ptarmigan feathers will give birth to a playful, alert, and helpful child. To ensure a child might grow as surefooted as the ptarmigan on the barrens, parents might tie ptarmigan feet to the child's ankles until they were a few ye\ ars old. When ptarmigan are mentioned in conversation, Dene land users will speak about their mating dance. Male and female ptarmigan gather in spring before dawn for their dance, fanning their wings as the sunrises. The motion of their wings is strong enough to sweep away everything on the ground where their mating dance is done. Dene coming across a patch of ground with no moss, lichen, stones, or plants know they are looking at a place where ptarmigan danced in the spring dawn. Such cleared places are called "ptarmigan dances".

In the barrens, winter survival depended on how much caribou and fish the people managed to harvest in summer and fall. Fish were crucial for feeding dogs. Weledeh Yellowknives Dene have always used dogs: a family had at least one large husky-type dog to pull a sled carrying the tipi,

firewood, drymeat and dryfish, and the very old and very young family members. It was normal for dogs pulling a loaded sled to cover twenty-four kilometres a day. In the distant past, a family with a three-dog team was considered well off; today's Elders were accustomed to driving four dogs at a time. By the 1940s, it was usual for hunters to take teams of four to six dogs on week-long hunting trips in the barrens, returning to the lakeside camps. By the late 1960s and 1970s, people had started to haul many more goods: manufactured tools, fuel, groceries, and dog food. They needed longer teams to haul the heavier loads over longer distances. If food was available for them, as many as twelve dogs might be seen running along the traditional trails. Few of the working dogs can now be found: dogs seen in communities today are likely to be racing dogs.

Dene watch for fish migrating to their spawning grounds in late fall when the first patches of ice are forming at shorelines. When female fish can feel their eggs are really large, they go to shallows around islands and shorelines with reeds for protection and a current, to lay their eggs where there is more light and oxygen than in deep water. Dene know that, after spawning in the fall, fish in large lakes of the barrens migrate to the deepest water where they stay throughout the coldest mid-winter weather. In late fall and early winter, Dene know that the fish caught in their nets will be very thin from the efforts of migrating and spawning. In deep winter, the people check for wind direction to set their nets in a sheltered place.

In the Ek'ati area, the people fished in small lakes around Lac de Gras as well as the lake itself. Long Lake is called "Fish lake" by Weledeh Yellowknives, because they found fish there very plentiful. Elders know that there were camps with many fish caches made from wood around the former shores of Long Lake

One of the most important animals, which the people treat with great respect throughout their territory, is the bear. The barrens grizzly is not hunted at all by Dene, and the black bear is hunted and eaten by only certain families. The grizzly takes branches and shrubs to block the entrance to its den, but does not make beds with boughs, as other animals do. Bear are also important for medicine to remedy ailments.

Dene use of their lands is traditional, but it is not frozen in the past: the people today continue to rely on meat and other things the land provides. For that reason, the people continue to need access to the expansive lands where the animals and fish have always sustained them.

Dene recognise three different kinds of trout: darker brown and green trout that are found in rivers, lighter silver and grey trout that stay in large lakes like Ek'ati, and reddish trout that are found all over. The colour of the trout tells the people whether it lives in a stream or deep lake water.

Weledeh Yellowknives land users know there are many kinds of fish in Ek'ati. Fish with teeth, such as pike and trout, feed on smaller fish, insects, and plants that grow near shore. Bottom-feeders without teeth, such as loche (ie, moray, or burbot) and whitefish, feed on insects, plants, and nutrients in silt. Cisco, grayling, and suckers are also found in the large, deep lakes of the barrens. Elders say that there are pike in Ek'ati and some of the smaller lakes in the area, although it is rare for pike to be this far north. Other species may enter Ek'ati from the Coppermine River. Dene know that fish in their lands grow very slowly, taking two years before they are longer than a few centimetres. In Ek'ati, there are many very large, very old fish that Elders say should be protected. Some types of fish, especially the largest ones, stay in the deep water of lakes like Ek'ati all year, except for their migration to shallows for spawning. In

summer, smaller fish find their way into the creeks that flow into Ek'ati. Elders say that tasting is the best way to tell fish that stay near shore a lot from those that come to shallow water only once a year: they taste like the grasses they eat near shore. As a traditional fishing lake, Ek'ati has always provided the people with fat fish.

There were shallows and spawning grounds around Ek'ati Ndi, where Diavik operates. Important spawning grounds were also located in the narrow inlet that nearly separates the north part from the rest of the east island.

Plants common to Weledeh-Cheh and the barrens are well known and well used by Dene. In fact, a compelling reason for the people to return early to the barrens is to collect plants and wood before snow starts to fall.

One plant harvested extensively by the people is peat moss, which they call (*kwa*). Peat moss grows on the ground in thick, deep mats of a light green to mustard colour. The moss, soft and spongy and very absorbent, is ideal for its traditional uses for infants and sick or incontinent adults. Two cleaned caribou hides were cut, with a small hole in one, so that they could be wrapped and tied around a baby (the way cloth diapers are), then dried peat moss was added inside the caribou wrapper to line it. The infant is placed over the hole, so that soiled peat moss could easily be removed and replaced. Women carried two or three spare hides for each child to replace those that were wet and in need of cleaning. Young children and sick or incontinent adults could have clumps of dried peat moss placed under them during sleep to absorb urine. Peat moss is harvested year-round by pulling it out of the ground, in winter cut in frozen blocks with a sharp bone chisel or copper knife. Before it is used, the people dry it: for immediate use, clumps of the moss can be placed near a fire to dry. Normally, the women lay the clumps on boughs, where sun and wind dry it in less than a day. Women carried large caribou-hide bags filled with dried *kwa*.

To be respectful, used peat moss was buried, returned to the land. When gathering peat moss, the people might come across depressions in the ground, about three to four feet deep and several feet long. Seeing this, they would know a bear had slept or rested there, seeking protection from a storm, heat, or insects. Even the slightest changes to the barrens landscape \ endure for a long time.

Tall fireweed (*Epilobium angustifolium*) produces abundant pink flowers on its tall stems. The flowers can be burned, and the resulting smoke inhaled by someone needing relief from a headache. Close to shores, a small shrub that turns brown at the tips in August is a staple for Weledeh Yellowknives adults, who never travelled without it: it is also very effective as a headache remedy. A low-growing shrub called by the people simply "Green leaves in the barrens" (*Betula glandulosa*) is very abundant; its roots, like willow roots, have many uses for the people. Dug up, shaved, and split in two, the roots could be twisted for making and repairing canoes, and for building drying racks and "caribou ropes

In summer, moose sometimes move through the barrens around the large lakes, where Weledeh Yellowknives Dene hunt them. In summer, moose wander out to the barrens to browse on dwarf birch and berries, and to escape insects. Moose meat was dried and cached in ways similar to caribou, and moose hide usually becomes footwear, as the scraped and smoked hide is thicker and more durable than caribou.

Section 2

Reconnecting empty pits and underground mine workings with Lac de Gras

This option is currently more favourable than the preferred proposed option of returning EFPK and FPK to the underground and pit, so long as the potential acidity of rocks within the pit and the residual ammonia from pit blasting can be neutralised and mitigated against. Further if this proponent follows stringent regulations carefully defined for this purpose we foresee no issue with or perception of the area as it is quite likely our members will once again return to enjoy and exercise aboriginal rights in the barren lands of Eka'ti as we did before the advent of the mining operations there. To persevere or "good" perception of the area it is important the proponent works collaboratively monitor the water quality as without direct involvement an knowledge gap will occur with the likely potential to darken our perception and thus severing us from the land.

PK into the pits and underground mine workings before reconnecting to Lac de Gras

Anything that has the likelihood to reduce the quality of the clear, pure waters of the barrens is of concern to Weledeh Yellowknives Dene. Elders who expressed concerns about mining at Ek'ati emphasised how important water is to the people, to the animals, to the fish, to the birds, and to the plants. For the people, water is important for transportation, drinking, fishing, and soaking hides as well as the myriad other uses of water. Consequently, Dene have great respect for water. Dene have their own ways to test water quality before they will trust water for drinking. When the people can see that edible plants along the shore have changed, the people stop using them because they know that changes in water quality have damaged the plants. When the people can see meat in fish that used to be healthy is mushy and the fish have sores, they do not eat the fish.

As an indigenous community we are mindful of the perception of our members even in the light of the proponent offering the most trusting suggestions of minimal adverse effects. If the processed kimberlite was to be placed into the mine workings. Our perception of the area would change, and this would lead to us (if not avoiding the area altogether) limiting our contact to it (the area). Particularly, we would be concerned about lake water contamination and the effect of this on fish and other animals which access the water. Additionally, we have concerns if the water will be drinkable or safe for human consumption.

A major traditional use of the area by our members is as camping grounds while out on the land. Access to safe clean water is a prerequisite for camping grounds. If the water is not clean, or even not perceived to be clean our members will refrain from using the site, a site which we have used to exercise our aboriginal rights since time immemorial.

Section 3

PK pit lake reconnection them with Lac de Gras.

Currently we view this is a better solution. We prefer this option due our doubts surrounding meromixis: its effect on the water quality and breaching the dyke to allow connection to the larger Lac de Gras. However, we want to know how the integrity of the dyke walls will be maintained to ensure that the pit lake water is contained. This is our only concern; currently, we do not have a problem with this option. Eventually over time this would be come its own self-sustaining lake sustain.

Considerations for connection to Lac De Gras

Alongside water quality, the stability of the pit lake walls, and rock acidity should be considered. Further aspects, rock acidity: YKDFN elders tell of the acidity of the rocks in the Lac de Gras area. This could result in porewater contamination that would subsequently mix with pit lake water. Additionally, the level of residual ammonia from pit blasting. Proponent should provide a comprehensive water quality assessment of water in the pit lakes before reconnection and verify the directional flow of the water from Lac de Gras.

We hope this proves to be useful. If you require further information, please contact Machel Thomas at the YKDFN Band office Ndilo.867-766-3496 ext. 1006 or by email at mthomas@ykdene.com.

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