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August 29, 2007

MVEIRB File Number: EA 0506405

*Your file - Votre référence*

*Our file - Notre référence*

Mr. Alan Ehrlich  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
P.O. BOX 938  
YELLOWKNIFE NT X1A 2N7

By FAX: 766-7074

**Re: Supplementary Information Requests on the Consolidated Goldwin Ventures  
Exploration Program Environmental Assessment (EA0506405)**

Thank you for the Information Request concerning the Review Board's draft mitigation measures for the above mentioned development. Indian and Northern Affairs Canada (INAC) appreciates the Review Board's efforts to provide all parties to the environmental assessment with this opportunity.

INAC's responses to the Information Requests are provided in the attachment. As a participant in the environmental assessment and as a technical advisor, INAC is providing information in the department's possession that may assist the Review Board in making a determination pursuant to section 128 of the *Mackenzie Valley Resource Management Act*.

We look forward to reviewing comments from other parties on the draft measures and to receiving the final Report of Environmental Assessment. If you have any questions about these responses please contact Lionel Marcinkoski by phone at 669-2591 or via email at [marcinkoski@inac.gc.ca](mailto:marcinkoski@inac.gc.ca).

Yours sincerely,

David Livingstone  
Director, Renewable Resources and Environment

Attachment

cc: INAC EA Working Group

## ANNEX

### **Consolidated Goldwin Ventures (EA0506-005) Supplementary Information Requests Responses from Indian and Northern Affairs Canada**

**IR Number: 2.1**

**To:** Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Consolidated Goldwin Ventures Inc.

**Subject:** Increased access

#### *Preamble*

The Review Board has reached the preliminary conclusion that disturbance to traditional harvesting activities is in part attributable to recreational access to the area. The proposed development is likely to increase recreational access to the area, contributing to this cumulative problem.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measure:

- Allowing drill site access by helicopter only.

The intent of the potential mitigation is to ensure that the proposed development does not create new ground access which may be used by recreational hunters or snowmobiles.

#### *Request:*

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

INAC is not clear as to whether the Review Board is concerned about the impacts of the developer using existing access, or about the impacts of the developer creating new access.

The *Mackenzie Valley Land Use Regulations* provide for land use permits to include conditions relating to access. For the Review Board's information, the following standard land use permit conditions are relevant to access:

The Permittee shall not conduct any overland movement of equipment and vehicles, unless otherwise authorized in writing by an Inspector.

The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.

The Permittee shall, while preparing the access road, make every effort to avoid covering or destroying traps or snares that may be found along these routes.

The Permittee shall restore any trails used by trappers or hunters along access routes by slashing any and all trees that may fall across these paths or trails and by removing any other obstructions such as snow piles or debris that may be pushed across the trails.

The Review Board may wish to consider recommending that the developer be permitted to use existing access after consulting affected Aboriginal groups about such use and receiving the Inspector's approval for such use.

**IR Number: 2.2**

**To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Consolidated Goldwin Ventures Inc.**

**Subject: Impacts on heritage sites and burial sites**

***Preamble***

The developer has not conducted preliminary work to identify drill targets in an area with a moderate to high density of suspected heritage sites and grave sites. The Review Board has reached the preliminary conclusion that the proposed development has an unacceptable likelihood of disturbing heritage sites.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measures:

- requiring that the developer conduct heritage surveys on whole claim blocks before any other work is conducted on the ground; or,
- requiring the developer to conduct some geophysical work on the ground to identify drill locations. Once locations have been identified, the measure would require heritage surveys only on areas surrounding the drill locations before conducting the remainder of the project.

The intent of the potential mitigation is to ensure that the proposed development does not disturb any heritage or burial sites, including those as yet undocumented.

***Request:***

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

With respect to the first proposed draft measure, INAC notes that the time and cost required to conduct heritage surveys of whole claim blocks may be considerable; the GNWT response to this request provides further discussion in this regard.

In INAC's experience, geophysical work is by nature non-intrusive ground activity which would likely have little if any impact on the biophysical environment. The work involves walking across the land taking readings from a hand-held geophysical instrument, such as a magnetometer and/or a VLF (Very Low Frequency instrument).

The phrase "some geophysical work" could be interpreted in a variety of ways. The Review Board may wish to consider wording such as "requiring the developer to conduct non-intrusive geophysical work..." or other more precise wording.

The Review Board may wish to consider a measure which would allow low-impact, non-intrusive geophysical work to occur at the same time as heritage surveys. The GNWT response to this request provides further discussion in this regard.

The Review Board may wish to consider including in a measure wording that requires the developer to provide heritage survey results to the Aboriginal parties to the environmental assessment and the Inspector before the drill pads are cleared.

For the Board's information, the following are federal provisions that are currently in place with respect to archaeological and heritage resources:

Subsection 6(a) of the *Mackenzie Valley Land Use Regulations* states that, "Unless expressly authorized by a permit or in writing by an inspector, no permittee shall conduct a land use operation within 30 m of a known monument or a known or suspected historical, archaeological site or burial ground."

Section 12 of the *Mackenzie Valley Land Use Regulations* states that:

Where, in the course of a land-use operation, a suspected historical or archaeological site or burial ground is discovered,

(a) the permittee shall immediately suspend operations on the site or burial ground and notify the Board or an inspector; and

(b) the Board or inspector shall notify any affected First Nation and the department of the Government of the Northwest Territories responsible therefor of the location of the site or burial ground and consult them regarding the nature of the materials, structures or artifacts and any further actions to be taken.

Paragraph 26(1)(k) of the *Mackenzie Valley Land Use Regulations* provides for the inclusion in land use permits of provisions respecting the "protection of historical and archaeological sites and burial grounds."

Additional relevant information is available in a January 6, 2004 document submitted by the Government of the Northwest Territories to MVEIRB for EA03-006 (Snowfield Development Corporation), entitled "Response to the Mackenzie Valley Environmental Impact Review Board regarding questions arising from the management of Archaeological Resources in the Drybones Bay and Wool Bay areas with respect to Environmental Assessment of Snowfield Development Corporation."

INAC also notes that the following measures from previous environmental assessments conducted by the Review Board may be useful to consider, as appropriate, for this environmental assessment:

- EA03-002 - Consolidated Goldwin Ventures Inc., Measure 3  
CGV must be accompanied by an Aboriginal elder, a translator, if required, and a qualified archaeologist to scout out archaeological, burial and cultural sites at the proposed access route and drill location before on-land operations for the drill location at Hearne Channel proceed.

- EA03-002 - Consolidated Goldwin Ventures Inc., Measure 6  
No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.
- EA03-006 - Snowfield Development Corporation, Measure 1  
The Snowfield Development Corporation will not commence any development activity requiring a Land Use Permit, either within or outside of the three kilometer Shoreline Zone, until an archaeological impact assessment detailing suspected archaeological, historical, burial or cultural sites has been completed by a qualified archaeologist accompanied by an Aboriginal Elder and a translator if required.

**IR NUMBER: 2.3**

**To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Consolidated Goldwin Ventures Inc.**

**Subject: Cumulative impacts on traditional harvesting and culture**

***Preamble***

The Review Board has reached the preliminary conclusion that the proposed development will add to the existing disturbances in the area in general and the Shoreline Zone in particular. The increased disturbance in this area is disrupting traditional activities such as hunting and trapping, which is likely to cause a cumulative impact on cultural activities. The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measures:

- Project activities only occur inland of the Shoreline Zone; or
- Allowing the project to proceed at all sites, but restricts timing to periods when less traditional harvesting occurs.

The intent of the potential mitigation is to protect traditional practices in the Shoreline Zone by ensuring that this proposed development does not add to the level of disturbance in the area.

***Request:***

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

INAC's response to IR 2.4, below, is also relevant to this request.

INAC notes that that the "Shoreline Zone" has not been defined with any certainty.

In its November 2006 Information Request response, Consolidated Goldwin Ventures identified ten "proposed drilling areas." Four of these areas are located less than 3 km from the Great Slave Lake shoreline, ie within the "Shoreline Zone." A fifth area is about 3 km from the shoreline and may or may not lie within the "Shoreline Zone." As alluded to in the Review Board's Preamble, above, this IR response also states that the

developer has not yet conducted the magnetic surveys and physical inspections necessary to determine the precise locations of the drilling targets.

Paragraph 26(1)(b) of the *Mackenzie Valley Land Use Regulations* provides for the inclusion in land use permits of provisions respecting "the times at which any portion of a land-use operation may be carried on." In order for such restrictions to be enforceable, however, the language must be clear and specific, and ideally spell out the dates when activities cannot occur. The "periods when less traditional harvesting occurs" need to be defined without ambiguity.

For the Review Board's information, the following standard land use permit conditions are relevant to timing of operations, in particular shut-down periods:

The Permittee shall not conduct any overland movement of equipment and vehicles between           [month and day]           and           [month and day]          , unless otherwise authorized in writing by an Inspector.

The Permittee shall not conduct any activity associated with the land use operation between           [month and day]           and           [month and day]          , unless otherwise authorized in writing by an Inspector.

For the Review Board's information, the following standard land use permit conditions are relevant to traditional harvesting:

The Permittee shall, while preparing the access road, make every effort to avoid covering or destroying traps or snares that may be found along these routes.

The Permittee shall restore any trails used by trappers or hunters along access routes by slashing any and all trees that may fall across these paths or trails and by removing any other obstructions such as snow piles or debris that may be pushed across the trails.

The Permittee shall not conduct activities on this land use permit within 300 metres of a cabin used for traditional activities including trapping, hunting or fishing.



**IR Number: 2.4**

**To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Consolidated Goldwin Ventures Inc.**

**Subject: Cumulative impacts and planning**

***Preamble***

The Review Board is concerned that this development is contributing to a larger problem in the Shoreline Zone, where a cultural landscape that is very important to Aboriginal parties is progressively changing without any deliberate plan. With uncoordinated mineral development, any future land use planning will be less useful for protecting the cultural landscape. The Review Board has reached the preliminary conclusion that this is a potentially significant impact.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measure:

- Requiring that no new land use permits be issued for developments within the Shoreline Zone until an interim plan is created that duly considers the values of Aboriginal land users (as per the suggestion on in the previous Report of Environmental Assessment for Consolidated Goldwin Ventures (p.58, EA0304-02)).

The intent of this potential mitigation is to prevent this development from contributing to uncoordinated development within a sensitive cultural landscape, by ensuring that development within the Shoreline Zone reflects interim land use planning that incorporates the values of Aboriginal land users.

***Request:***

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

INAC notes that:

- this draft measure, as presented above, is not directed at any particular party.
- the "Shoreline Zone" has not been defined with any certainty.

- this draft measure, as presented above, is directed at future projects and INAC is unclear as to how it would mitigate the contribution of the proposed Consolidated Goldwin Ventures development to any potential significant adverse cumulative impacts in the area.

For the Review Board's information:

INAC has not identified any mechanisms currently available to the department for preventing the issuance of new land use permits in the "Shoreline Zone" in the short term.

With respect to the longer term, INAC, the Akaitcho Dene First Nations and the GNWT are currently engaged in land and resource governance negotiations with respect to the Akaitcho region. In the long term, the Akaitcho process may, depending on the outcome of that process, have the effect of preventing the issuance of new land use permits in some areas of the Akaitcho region. It should be noted that the Akaitcho process respects existing third party rights, such as, but not limited to, mineral claims and mineral leases.

Earlier in the Consolidated Goldwin Ventures environmental assessment, INAC provided information to the Review Board on the status of the consideration of Suggestion 5, from the previous Consolidated Goldwin Ventures EA. (This suggestion is the one referred to in the Review Board's Preamble, above.) The most recent response is dated March 27, 2007 and is available on the Review Board's public registry. As of August 29, 2007, INAC confirms that no updates to this information are required.

As discussed in the March 27, 2007 Information Request response, INAC is working with the Akaitcho Dene First Nations and the Government of the Northwest Territories to address the long term context for land and resource governance in the Akaitcho region, including the Drybones Bay area and the "Shoreline Zone." The initiation of an interim land use planning process for the Akaitcho region is a matter to be discussed and decided by the three parties to the Akaitcho Process negotiations, namely Canada, the Akaitcho Dene First Nations and the GNWT.

As discussed in the March 27, 2007 Information Request response, INAC is also supporting the efforts of the Yellowknives Dene First Nation to advance the Drybones Bay area through the NWT Protected Areas Strategy process.

**IR Number: 2.5**

**To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Consolidated Goldwin Ventures Inc.**

**Subject: Monitoring for Enhanced Management**

***Preamble***

There is little quantitative information available on the cumulative changes in the area. This information will be needed to make decisions to manage cumulative impacts of future developments in the area. The Review Board has reached the preliminary conclusion that there is public concern regarding cumulative impacts of the proposed development in combination with past, present, and reasonably foreseeable future developments. This concern might be partly mitigated by a focused monitoring program, to provide an improved basis for enhanced decision making in the future.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measure:

- Requiring a long-term monitoring program, focusing on cumulative effects in the Shoreline Zone and resulting impacts on culture and well-being of the Aboriginal users of the land.

The intent of the potential mitigation is to ensure that the combined impacts of this and other developments can be managed through enhanced future decision making that includes a quantitative analysis of cumulative changes.

***Request***

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose? Instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

INAC notes that this draft measure, as presented above, is not directed at any particular party. It may be that such a measure could be carried out as a shared effort among government parties, Aboriginal parties, and the developer.

INAC notes that the Mackenzie Valley Land and Water Board may issue a land use permit with a maximum duration of 5 years, and may grant one extension with a maximum length of two years. It may not be feasible to incorporate a "long-term" monitoring program into a land use permit.

INAC notes that monitoring does not mitigate biophysical impacts, and acknowledges MVEIRB's statement in the Preamble, above, that the monitoring program might partly mitigate public concern about biophysical cumulative impacts. In INAC's experience with water monitoring, monitoring can be one method of addressing public concern about impacts on the biophysical environment.

For the Board's information:

INAC notes that the NWT Cumulative Impact Monitoring Program (CIMP) will, when fully implemented, provide opportunities for the development of monitoring programs such as the one described in the Review Board's Preamble above.

Water monitoring currently conducted by INAC in the NWT is focussed on monitoring the biophysical impacts of major resource developments such as diamond mines. In INAC's experience, early stage mineral exploration has relatively little impact or cumulative impact on water quality and quantity.