



# Yellowknives Dene First Nation

P.O. Box 2514, Yellowknife, NT X1A 2P8

July 15<sup>th</sup>, 2011

Richard Edjericon  
Chair, Mackenzie Valley Environmental Impact Review Board  
Box 938  
Yellowknife, Northwest Territories  
X1A 2N7  
Fax: (867) 766-7074

Dear Mr. Edjericon:

**Re: Debogorski EA – ‘Community Information Session’ Stage (EA1112-001)**

The Review Board has previously stated that the “Onus is on the developer to convince the Review Board that it will not cause significant impacts”. The Yellowknives Dene made their position clear –this project will have real and significant impacts to the First Nation. In previous EAs, the Board has assessed the likelihood and significance of impacts, determining that the developments in the Drybones Bay area have been likely to cause significant impacts both on their own and in a cumulative sense. YKDFN has already experienced serious impacts from development in the Drybones Bay area.

It is with this in mind that the YKDFN is writing the Board as we fail to see how the developer has responded to the onus being placed on him. As the Board has stated in a previous Reasons for Decision “We do not need another rushed and unplanned development regime that ignores the concerns of First Nations and other Northerners, is uncertain for industry and results in little benefit for present and future generations”. The proponent has not provided any information on the impacts that his program will have nor has the proponent detailed any mitigations.

It is with this in mind that the YKDFN requires the proponent to address and respond to those EA processes already completed. Considering the level of work that the Parties exerted during previous EAs for Drybones Bay, it seems to the YKDFN that the Board is ignoring the results and asking the Parties to repeat that effort. In YKDFN’s view, a more efficient and effective approach would be to require the applicant to address those issues already known (in the form of Measures, Recommendations, Suggestions, and Information Requests). Once this has been completed, the Parties should once again become involved. Otherwise, YKDFN is being asked to ‘reinvent the wheel’ for a sixth time.

First and foremost, the YKDFN does not feel as though the application is well prepared or well defined. For example, the exact camp location is not mapped, the information surrounding the drill sites is insufficient, the area of operations has conflicting aspects, and the method of operations is poorly explained.

YKDFN have briefly reviewed the previous files and identified the following concerns that should be addressed prior to once again requiring the community and organization to dedicate/volunteer hundreds of hours of their time to meaningfully participate in the Review Board process. If the EA process had developed a Producer's Development Report or Developer's Assessment Report these concerns would have been raised, but as the Board has excised this stage, there does not seem to be an administrative stage to raise these issues.

**Previous EA Measures/Recommendations and Suggestions (see Attachment #1):**

- The developer is proposing to move the drill by Cat and the need to create access to each drill hole. The creation of roads and trails is of grave concern to the YKDFN and previous EAs have included measures which avoid the need to create access or overland access.
- The developer is proposing on ice drilling without verifying the depth or the habitat types that will be affected. Previous EA have identified measures to ensure that on ice drilling are in areas of suitable depth and DFO verified that the site was not important fish habitat.
- The developer has not discussed (in the LWB application) how they intend to dispose of the cutting waste. Previous EA Measures have provided guidance on how these concerns can be addressed.
- The developer has not involved the YKDFN in terms of site selection. This is a recurring Measure in previous EAs. The previous archaeological effort was not comprehensive – the whole area was not inspected, thus site inspection is still required prior to disturbance. This has been a Measure in almost all EAs.
- The development has not been subjected to any Land Use Planning effort or cumulative effects assessment.

The concerns that the YKDFN (and other parties) wrote to the Board about should also guide the initial stages of this process. After skimming the Information Requests in the Previous EAs, YKDFN identified many topics that the developer has not addressed.

**Previous Information Requests:**

**Project Information & Application:**

- Can the applicant clarify how they intend to identify and access each drill site?
- The information provided to date, despite the Board's IR is insufficient and ineffectively presented. The project description has changed significantly since the initial proposal to the MVLWB without a new project description being presented.
  - o Can the proponent clarify how they intend to dispose of drill cuttings
  - o Can the proponent provide a map showing: the camp, the claim boundary, the initial drill targets, the areas of Snowfield disturbance, the boundary of the 2007 fire, any roads/trails or access lines, and the other 8 drill targets with their access routes. Additionally, if the company intends to utilize sumps these should be

- located on the map.
- o Can the applicant provide distance(s) from the sump locations to the nearest freshwater resource (ie either lake, river, creek, etc)
- o Can the applicant identify the water resources that will be utilized for operations?
- Can the applicant provide information on the level of reconnaissance conducted to determine the operations and identification of local resources for the project?
- Considering the acknowledged sensitivity and importance of this area to the YKDFN, has the proponent asked the Crown to attempt to discharge their duty to consult and accommodate with the YKDFN?
  - o Can the proponent provide a detailed record of their engagement with the Government regulators INAC, DFO or any others?

#### History & Experience:

- The applicant should provide their resume and a detailed history on their experience with drilling and development programs in the North. Included in this should be detailed descriptions on the nature and location of projects previously undertaken by the applicant.
- The proponent should detail their history of consultation and accommodation with First Nations from a development perspective
- The proponent should be required to submit evidence that they have the means and resources to remediate the environment in case of accident or malfunction causing environmental harm.
- Can the proponent confirm that he's the sole owner of these claims? If there are other partners, can the applicant provide similar information for these owners?
- Can the applicant confirm who has an appropriate professional and technical background to ensure environmental compliance and best practices?
- Does the applicant hold ISO 14000 registration or has it pursued similar certification?
- The applicant has not provided adequate information on the timing of the project. Can they provide information on when the project activities will be carried out? As part of this, can the applicant identify the environmental constraints on the decision process?

#### Process:

- Given that the Measures from the Consolidated Goldwin Ventures Environmental Assessment will have such an impact on this project, would the proponent prefer to have clarity on that outcome before proceeding with this application?
  - o Why is the Board proceeding with this file when the Measures being considered with the CGV file would have such a clear and direct impact on this project? Procedurally, it would be much more efficient to allow the completion of that process to inform this EA.
- What mitigations does the applicant believe are necessary to ensure that the impacts are kept to a level which will not limit the ability of the First Nation to exercise their rights and customs within this traditional area? This should be taken in the context of the clear impacts from previous programs, the Crown's reluctance to implement these mitigations, the Board's written statements in previous EAs that the lack of effective mitigations will result in significant impact.

#### Water Quality and Habitat:

- Can the developer provide information on wastewater – will it meet CCME guidelines for the Protection of Human Health?
- What has the company done to identify important fish habitat and what mitigations are being proposed to ensure that the project does not damage these critical habitats?
- How will the company identify the volumes of those waterbodies they intend to draw water from? What will the process be for evaluating the depth and degree of withdrawal?
- If there is a winter road built to the site, who will be responsible for the operation and use of the site? What commitment do they make in case of accident or malfunction? After a truck went through the ice in Drybones Bay in 2006, the company and the Crown decided that it would be advisable to leave it in place. This is unacceptable to the YKDFN.

#### Cumulative Effects:

- What has the proponent, the Board or the Crown done to prepare or complete a “Cumulative Impacts Assessment Report”? Even the limited 2003 study did not account for the actual Snowfield operations or future activities in the area.
  - o What Valued Ecosystem Components does the developer believe should form a part of this effort? Has the developer reviewed the YKDFN suggestions from April 2004?
  - o What temporal and spatial boundaries would the company propose?
  - o What significance criteria should be used in the developers opinion?
- How will the proponent control access to the area? While unclear, considering the mention of ‘pickup trucks’ in the application, it seems likely that the applicant will be constructing a winter road to this site, continuing the vastly improved access to the area.

#### Closure:

- What is the projects closure and reclamation plan? The application treats this aspect in a light manner, with few details. What is the project’s vision in terms of closure commitments and objectives?

#### Cultural Landscape:

- Given the importance of this area, how does the developer envision their project within the cultural landscape? How does the proponent understand the area encompassed by the ‘Smitski claim’ fits within this landscape and what will the proponent do to protect it?
- Where will the camp be located following the closure of the Snowfield Camp? Has this area been evaluated for heritage resources or community use?
- What was the exact area inspected during the 2004 Callum Thompson Archaeological study? Can the applicant produce a map showing the area within the Smitski Claim that was investigated?

#### **Conclusion**

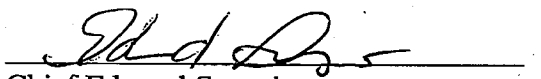
The concerns raised above should not be seen as the breadth of the concern that YKDFN has with this project. It represents concerns that have been previously raised with the Board and developers that have not been addressed in this application. The Drybones EAs, considering their

identical nature and location, should be informed by previous EAs – it shouldn't be a requirement to relist the concerns that have previously been put before the Board. It is inefficient and results in a process that lacks genuineness – how many times will the YKDFN be required to state the same issues to ensure that they are addressed? It is once these initial concerns have been addressed that YKDFN should be required to fully engage with the Board to ensure a thorough Environmental Assessment is completed.

The Board should make no mistake. This is one of the most important places within the Chief Drygeese Territory and the YKDFN have repeatedly opposed any development. Because of the critical significance of this area, the magnitude of the impacts to the health of the community and the land cannot be underestimated. However, wasting community time and effort by asking them to duplicate the hard work which already exists and has been placed before the Board is not a meaningful way to engage the community and it lacks good faith.

If you have any questions or concerns, please contact YKDFN Lands and Environment at 766-3496.

Sincerely,

  
Chief Edward Sangris  
Yellowknives Dene First Nation (Dettah)

Copy: Steve Ellis, Akaitcho IMA Implementation Office, Lutsel K'e NT, 1-888-714-3209  
Todd Slack, YKDFN – Land and Environment, Yellowknife, NT (867) 766-3497  
Lorraine Seale, Environmental Assessment and Agreements, INAC, Yellowknife NT, Fax: (867) 669-2701

## Attachment #1 Summary of Recommendations and Suggestions

Item	Description
<b><i>Recommendations for North American General Resources</i></b>	
NAGR R1	DFO will verify that sensitive fish spawning and nursery habitat does not occur within NAGRC's proposed area.
NAGR R2	NAGRC will confirm the lake depth at all drill locations. NAGRC will only drill in lake depths less than 11 meters, if the ice is frozen to bottom prior to start of drilling
NAGR R3	NAGRC will be restricted to operating on lake ice to ensure that direct impact to archaeological sites is minimized or eliminated.
NAGR R4	NAGRC must transport all drill waste water to YK for proper disposal along with all other wastes generated as a result of the development.
NAGR R5	NAGRC will be provided with precise locations and extent of recorded archaeological sites within its development area by PWNHC and other Aboriginal parties
NAGR R6	NAGRC seek advice and assistance from the YKDFN and NSMA in order to undertake the development in a manner that is sensitive to the community and respectful to the families of those buried in the vicinity of the operations. This may involve a visit to the site by a YKDFN elder and an NSMA elder and translator, if required, before, during, and after the operation.
NAGR R7	No part of the proposed development will occur within 100 meters of any known or suspected archaeological, burial or sacred sites.
<b><i>Suggestions</i></b>	
NAGR S1	The MVLWB should ensure that the distribution list for any activities on the shoreline of Great Slave Lake be more inclusive given that Aboriginal communities have traveled the lake extensively and shared the use of the lake resources and shoreline for traditional purposes.
NAGR S2	INAC, Environment Canada, Fisheries and Oceans, and the GNWT should design and test a model for Crown consultation with

	Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date
NAGR S3	The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the MVRMA to be equivalent to the Comprehensive Study Review funding practices under CEAA.
NAGR S4	INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking areas and to avoid conflict over land use.
NAGR S5	No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, until a plan has been developed to identify the vision, objectives and management goals based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development direction and include provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for greater certainty of all parties in the future development.
NAGR S6	<p>The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap.</p> <p>This survey should be designed in collaboration with the YKDFN, NSMA, and other Akaitcho First Nations with an interest in the shoreline zone. The survey will be jointly funded by the federal and territorial governments.</p> <p>Should NARGC wish to conduct further work in this area, they are strongly encouraged to participate in this initiative.</p>
<b><i>Recommendations for Consolidated GoldWin Ventures</i></b>	

CGV R1	CGV verifies that the water depth at each lake-based drill site is greater than 11 meters and reports this information to DFO prior to start of drilling.
CGV R2	CGV will only withdraw water from small source lakes at the Hearne Channel location if there is sufficient water in those lakes to ensure that less than 5 percent of the water is taken.
CGV R3	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.
CGV R4	CGV will be provided with precise location and extend of recorded archaeological sites within its development area by Aboriginal parties and PWNHC
CGV R5	CGV will be restricted to operating on lake ice or overland access on packed snow to ensure that direct impact to suspected archaeological sites is minimized or avoided.
CGV R6	No part of the proposed development will occur within 100 meters of any known or suspected archaeological, burial or sacred site.
<b><i>Suggestions</i></b>	
CGV S1	The MVLWB should require that CGV report to Aboriginal parties to this EA (YKDFN, NSMA, LKDFN) before and after completion of the development. Follow-up activities should include, at minimum, a plain language, post-project report that addresses the cultural concerns of the parties.
CGV S2	INAC, Environment Canada, DFO, and the GNWT should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date.
CGV S3	The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the MVRMA to be equivalent to the Comprehensive Study Review funding practices under CEAA



CGV S4	INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking area and to avoid conflict over land use
CGV S5	No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, until a plan has been developed to identify the vision, objectives, and management goals, based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development direction and include provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for greater certainty of all parties in the future development of this region.
CGV S6	<p>The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap.</p> <p>This survey should be designed in collaboration with the YKDFN, NSMA, and other Akaitcho First Nations with an interest in the shoreline zone. The survey will be jointly funded by the federal and territorial governments.</p> <p>Should CGV wish to conduct further work in this area, they are strongly encouraged to participate in this initiative</p>
<b><i>Recommendations for Snowfield Development Corp.</i></b>	
SDC R1	SDC will not commence drilling within the three kilometers zone until the operational areas within the claim blocks are surveyed by a qualified archaeologist, accompanied by an Aboriginal elder and a translator if required, to detect suspected archaeological, historical, burial or cultural sites.
SDC R2	SDC will only use access routes in the three kilometer zone if routes are scouted by an Aboriginal elder, a translator, if required, and a

	qualified archaeologist for suspected archaeological, historical, burial or cultural sites. Use of these access routes will only be permitted over packed snow or on lake ice.
SDC R3	Any drill sites not in the tree kilometer zone must be scouted by an Aboriginal elder, a translator, if required and a qualified archaeologist for suspected archaeological historical, burial or cultural sites.
SDC R4	Aboriginal parties and the PWNHC will provide precise locations and the extent of recorded archaeological, historical, burial or cultural sites to SDC for its claim blocks.
SDC R5	SDC will maintain a 100 meter buffer around all known and suspected archaeological, historical, burial or cultural sites.
<b><i>Suggestions</i></b>	
SDC S1	INAC, Environment Canada, DFO and the GNWT should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date
SDC S2	The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the MVRMA to be equivalent to the Comprehensive Study Review funding practices under CEAA
SDC S3	INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking areas and to avoid conflict over land use.
SDC S4	No new land use permits should be issues for proposed developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, for which applications for Land Use Permits have not already been received by the release date of this Report of Environmental Assessment, until a plan has been developed to identify the vision, objectives, and management goals based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development and include

	provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for the future development of this region.
SDC S5	<p>The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap, within the Shoreline Zone.</p> <p>This survey should be designed in collaboration with the YKDFN, the NSMA and other Akaitcho First Nations with an interest in the shoreline zone. The survey will be jointly funded by the federal and territorial governments.</p> <p>SDC should participate in this initiative in areas proposed for use in its claim areas.</p>
<b><i>Recommendations for New Shoshoni Ventures</i></b>	
NSV R1	The Minister of INAC reject SSV's proposed diamond exploration program in Drybones Bay, pursuant to section 128(1)(d), because the proposed development is likely to cause an adverse impact on the environment so significant that it cannot be justified.
<b><i>Suggestions</i></b>	
NSV S1	INAC, Environment Canada, DFO and the GNWT should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date.
NSV S2	The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level un the MVRMA to be equivalent to the Comprehensive Study Review funding practices under CEAA
NSV S3	INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas and to avoid conflict over land use.

## **Sidon International Resources Corp. Summary of Measures**

### **Measure #1**

Sidon must identify drill sites by conducting non-intrusive geophysical activities which do not require a land use permit. Once drill sites are identified, Sidon must be accompanied by an Aboriginal Elder, translator and a qualified archaeologist to scout out archaeological, burial and cultural sites on any access routes and drill locations before on-land operations at any drill location proceeds. The archaeologist involved must be acceptable to the PWNHC following consultation with YKDFN.

### **Measure #2**

No part of the proposed development will occur within 100 meters from any known or suspected archaeological, burial or cultural site.

### **Measure #3**

To prevent impacts on traditional harvesting resulting from increased access to the area, the developer shall access any proposed drill areas by helicopter only, so that no new access from Great Slave lake is created. Small camps near drill sites may be created to facilitate access by helicopter. Travel by snowmobile from the camps to the nearby drill sites will be the only exception to the requirement for the helicopter access. These camps will be located inland of the Shoreline Zone, in the vicinity of drill sites, at locations selected by the YKDFN in consultation with the developer.

If no agreement between the YKDFN and the developer can be reached regarding the locations of these camps within one year of Ministerial acceptance of this report, the decision on camp locations will be made by the Mackenzie Valley Land & Water Board, following its consideration of the views of the developer, the YKDFN and the Land Use Inspector.

## **CGV (#2) Summary of Measures**

### **Measure #1**

CGV must identify drill sites by conducting non-intrusive geophysical activities which do not require a land use permit. Once drill sites are identified, CGV must be accompanied by an Aboriginal Elder, translator and a qualified archaeologist to scout out archaeological, burial and cultural sites on any access routes and drill locations before on-land operations at any drill location proceeds. The archaeologist involved must be acceptable to the PWNHC following consultation with YKDFN.

### **Measure #2: (section 6.1.3)**

No part of the proposed development will occur within 100 metres from any known or suspected archaeological, burial or sacred site.

### **Measure #3: (section 6.2.10)**

The federal and territorial governments will work with the YKDFN and other Aboriginal land users of the subject area to produce a local Plan of Action for the Shoreline Zone. This will be similar in nature to a regional Plan of Action, but focused on a smaller area. This Plan of Action, at a minimum, will:

1. be drafted and implemented with substantive input from Aboriginal parties;
2. identify the vision, objectives, and management goals based on the resource and cultural values for the area;
3. specifically address future development in the Shoreline Zone and include provisions for protecting sensitive environmental, cultural, and spiritual sites;
- and
4. provide clear recommendations for managing development and recreational activity in the Shoreline Zone.

The Plan will be produced within one year from the date of Ministerial acceptance of this report, and will be implemented within two years of Ministerial acceptance of this report.

The Minister of INAC will provide a policy directive to the Mackenzie Valley Land and Water Board requiring it to consider the results of this Plan of Action and its implementation before reaching any determinations regarding preliminary screenings of all new applications for developments in the Shoreline Zone.

**Measure #4: (section 6.2.10)**

A long-term monitoring program will be developed as part of the Plan of Action described in Measure #3 to track and evaluate the effects of cumulative changes in the Shoreline Zone, on the culture and well-being of the YKDFN. This program will:

1. Identify the priority biophysical and cultural valued components;
2. Determine the full range of human activities in the shoreline zone that potentially affect those components;
3. Evaluate the cumulative effects of those human activities on the identified components; and,
4. Provide recommendations for management of those impacts in the Plan of Action.

Design and implementation of this program shall take place in cooperation with relevant federal and territorial government departments, the YKDFN and other Aboriginal land users.

**Measure #5: (section 6.2.11)**

The PWNHC, with funding from the federal and territorial governments, will conduct a thorough heritage resources assessment encompassing the Shoreline Zone. The YKDFN and other land users shall have substantial input on the design of this assessment, and shall participate in the assessment. This shall be completed within two years of ministerial acceptance of this report.

**Measure #6: (section 6.3.3)**

To prevent impacts on traditional harvesting resulting from increased access to the area, the developer shall access any proposed drill areas by helicopter only, so that no new access from Great Slave Lake is created. Small camps near drill sites may be created to facilitate access by

helicopter. Travel by snowmobile from the camps to the nearby drill sites will be the only exception to the requirement for helicopter access. These camps will be located inland of the Shoreline Zone in the vicinity of drill sites on frozen water bodies selected by the YKDFN in consultation with the developer.

If no agreement between the YKDFN and the developer can be reached regarding the locations of these camps within one year of Ministerial acceptance of this report, the decision on camp locations will be made by the Mackenzie Valley Land and Water Board, following its consideration of the views of the developer, the YKDFN and the Land Use Inspector.