

# Mackenzie Valley Environmental Impact Review Board

Box 938, 5102-50th Avenue, Yellowknife, NT XIA 2N7

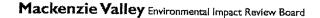
| From:    | Sherry Sian               | Fax:              | (867) 766-7074                          |  |
|----------|---------------------------|-------------------|---|--|
|          |                           | Phone:            | (867) 766-7063                          |  |
| Date:    | Oct. 1, 2003              | Pages:            | 7 including this page                   |  |
| То:      | Distribution              | Fax:              | Fax:                                    |  |
|          |                           | CC:               | Bob Wooley                              |  |
| Re: Conf | fidentiality of NSMA Info | rmation Contained | in Gartner Lee Study (EA-03-002, EA-03- |  |
|          | 03-004, EA-03-006)        |                   | . ,                                     |  |

**NOTES:** 

NEW SHOSHOWI - NOV

This transmission may contain information that is confidential and privileged. It is intended solely for the use of the addresseemed is protected by legislation. If you have received this fax transmission in error, please call (867) 766/050 (collect) and destroy any pages received. Thank you.

| Todd Burlingame Vern Christensen Kirsten Berg Bridgette Larocque Karen MacArthur Sherry Sian Martin Haefele | Chair  Executive Director  Administration Assistant (casual)  Finance & Administration Officer  Traditional Knowledge Coordinator  Environmental Assessment Officer  Environmental Assessment Officer | (867) 766-7059       TBurlingame@mveirb.nt.ca         (867) 766-7055       VChristensen@mveirb.nt.ca         (867) 766-7050       Secretary@mveirb.nt.ca         (867) 766-7054       BLarocque@mveirb.nt.ca         (867) 766-7060       KMacArthur@ mveirb.nt.ca         (867) 766-7063       SSian@mveirb.nt.ca         (867) 766-7053       MHaefele @mveirb.nt.ca |
|---|---|--|
| Martin Haefele<br>Alan Ehrlich  |   | (867) 766-7053MHaefele @mveirb.nt.ca   |
| Roland Semjanovs  | Communications Officer  | (867) 766-7056AEhrlich@mveirb.nt.ca<br>(867) 766-7051RSemjanovs@mveirb.nt.ca   |





Our Files:

EA-03-002

EA-03-003

EA-03-004

October 1, 2003

To: Distribution

### Re: NSMA Maps in the Gartner Lee Cumulative Effects Study

Kris Johnson of the North Slave Metis Alliance phoned on September 29, 2003 regarding the sensitive nature of maps depicting traditional land use. She expressed concern regarding the inclusion of this map series in the Gartner Lee study based on potential sensitivities of these areas and the need for ground-truthing to fully and properly delineate significant sites and areas.

The Review Board has removed these maps from Appendix B of the study. These items should be considered confidential and are not for distribution. If you have not yet received the Gartner Lee study, you may download it from our web site.

If you have any questions, please call me at 867-766-7063.

Sincerely,

Sherry Sian

**Environmental Assessment Officer** 

#### **Sherry Sian**

From:

Sherry Sian

Sent:

Wednesday, October 01, 2003 3:49 PM

To:

Gordon Stewart

Subject:

Implications of pulling NSMA maps from the study

Hi Gordon,

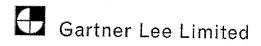
I am about to send a letter to the parties Re: the confidentiality of the NSMA maps. In anticipation of potential questions about how this may affect cumulative effects predictions and regional maps, could you please describe how this would alter Gartner Lee Ltd.'s selection of VECs, cumulative effects predictions, proposed mitigations and maps? Your response will be provided to the parties. I will need this at your earliest convenience.

Thank you.

Sherry

Sherry Sian, M.E.Des.
Environmental Assessment Officer
MVEIRB
Box 938, 5102 - 50th Avenue
Yellowknife, NT X1A 2N7
Phone: (867) 766-7063
Fax: (867) 766-7074

e-mail: ssian@mveirb.nt.ca



October 2, 2003

Ms. Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938
Yellowknife, NT X1A 2N7

Dear Ms. Sian:

Re: 23546 - Regional Cumulative Effects Study - Drybones Bay and Wool Bay

In response to your recent request, I would like to provide an indication of how the removal of the North Slave Metis Alliance (NSMA) map which recorded general NSMA land use patterns for the Drybones Bay and Wool Bay areas from the public record might affect the above titled Gartner Lee report. For the record, although the map was removed from the public record, permission for Gartner Lee Limited to use the map in completing its report was given.

The following changes to the Gartner Lee Limited report should be noted:

Changes to the Wool Bay and Drybones Bay Biophysical Resources and Activities Maps
The changes to these maps would be the extension of the Land Use and Recreational Activities
(linear) polygon (i.e., the thin red line) and the Biological Resources and Use (linear) polygon
(i.e., the thin green line) along the whole length of the shoreline within the Regional Study Area.
This new visual representation should be interpreted to include shoreline accessible land based
activities as well (e.g., assuming access to these areas is by boat, then land based activities would
be limited to how far one would walk inland).

The implications of these changes would be minimal as similar traditional land use information is still being provided only now (with these changes) the information is being provided in a more general form. Predictions about potential cumulative effects would remain the same, as would the selection of the VECs.

#### Page 15, Section 3.6.1

Please remove bullet 2. North Slave Metis Alliance Land Use and the accompanying map in Appendix B.

## Page 75 Section 5 Proposed Mitigation for Combined Developments

The mitigation measures proposed by the developers (identified in tables 20 to 23) and those suggested combined mitigations (identified in tabled 24 to 27) would not change. However, what could be considered, given the indication of a fairly high level of use of the Regional Study Area, with higher indications of use in the Local Study Areas by all users (e.g., traditional land use activities, recreational land use activities (general public), and the developers), is how to better address potentially conflicting land uses in these areas in the absence of a more formalized land use process (i.e., an approved Land Use Plan).

There are several programs and legal instruments that are available that might assist in resolving these issues:

| Program/Instrument             | Purpose                               | Force of Law                        |
|--------------------------------|---------------------------------------|-------------------------------------|
| Mackenzie Valley Resource      | An Act to provide fro an integrated   | Federal legislation, Bill C-6       |
| Management Act (MVRMA) and     | system of land and water              | ,                                   |
| regulations.                   | management in the Mackenzie           |                                     |
|                                | Valley.                               | ;                                   |
| Tli Cho Land Claim Agreement   | Land claim for Dogrib people,         | Agreement signed August 25, 2003.   |
|                                | coverage is north of Yellowknife,     | Not yet law.                        |
|                                | between Great Slave Lake and Great    |                                     |
|                                | Bear Lake. Likely no direct effect on |                                     |
|                                | Regional Study Area, but will result  |                                     |
|                                | in consequential amendments to the    | 45                                  |
|                                | MVRMA and other federal               |                                     |
|                                | legislation that may affect the area. |                                     |
| Treaty 8 (Yellowknives)        | Discussions between governments       | Still at negotiation stage. Interim |
| negotiations.                  | and Yellowknives towards a treaty     | Measures for land with drawl may be |
|                                | settlement (potentially similar to a  | possible. Not yet law.              |
|                                | land claim agreement).                |                                     |
| Cumulative Impact Monitoring   | A collaborative effort to improve     | Not law.                            |
| Program/ Cumulative Effects    | environmental management and          |                                     |
| Assessment Management Strategy | stewardship in the NWT, focusing on   |                                     |
| and Framework (CEAMF)          | Cumulative effects (changes to the    |                                     |
|                                | biophysical, social, economic, and    |                                     |
| . Alie                         | cultural environments caused by the   |                                     |
| 1                              | combination of past, present and      |                                     |
|                                | "reasonably foreseeable" future       |                                     |
|                                | actions). The vision of the NWT       |                                     |
|                                | CEAM Strategy and Framework is to     |                                     |
|                                | make recommendations to decision-     |                                     |

| Program/Instrument       | Purpose                                 | Force of Law                     |  |
|--------------------------|---|----------------------------------|--|
|                          | makers to facilitate: the protection of | :                                |  |
|                          | ecological integrity; the building of   |                                  |  |
|                          | sustainable communities, including      |                                  |  |
|                          | social and cultural dimensions, and     |                                  |  |
|                          | responsible economic development        |                                  |  |
|                          | within a sound environmental            |                                  |  |
|                          | management framework.                   |                                  |  |
| Mineral Claims / staking | Process to allow for exploration and    | "Free entry" system set up under |  |
|                          | potential development of mineral        | Canada Mining Regulations.       |  |
|                          | resources in Canada.                    |                                  |  |
| Protected Areas Strategy | A joint federal and Government of       | Not law.                         |  |
|                          | the Northwest Territories strategy for  |                                  |  |
|                          | a balanced approach to establishing     |                                  |  |
|                          | protected areas in the NWT.             |                                  |  |

These programs and instruments should be investigated to see if there are mechanisms available to assist in resolving the issues that resulted in the four developments being referred to the MVEIRB for EA. As a starting point, a planning meeting with developers, Yellowknives and Metis representatives, regulators and assessors could be arranged to collectively work out how to approach working in the region. This meeting could be a subgroup of the CEAMF. The objectives of this meeting would be to develop protocols to protect important cultural resources (i.e., early notification). Any activities that will physically change the environment (i.e., cutlines) should have a cultural resources survey completed before work is started.

In addition to this, the Yellowknives and the NSMA should develop land use maps of the region to identify areas of concern. To assist in significance determination in any future EAs, based on the traditional use information, and other information such as that collected for this report, a process to classifying important land use area, such as that used by the Gwich'in in their Land Use Plan could be developed and used. Essentially, the Gwich'in approach identified three levels of importance, and hence land protection:

- 1. general entry allowed.
- 2. limited entry areas.
- 3. protected areas, no changes allowed.

These types of processes would not be binding, but would assist planning activities and processes.

I trust this information meets your requirements. If you have any questions please contact me at  $(867)\ 873-5808\ x26$ .

Yours very truly,

GARTNER LEE LIMITED

Gordon G. Stewart, M.Sc.

Senior Environmental Scientist

cc. Kris Johnson, North Slave Metis Alliance

Air.

GGS:ggs