03-004

Mackenzie Valley Environmental Impact Review Board

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Date:	November 24, 2003	Pages:	3 including this page
To:	Consolidated Goldwin Ventures North American General Resources Corp. New Shoshoni Ventures	Fax:	
		CC:	MVLWB
Subject:	Board Response to INAC Request for Ruling (EA-03-002, EA-03-003, EA-03-004)		

NOTES:

See attached.

359

Our Files: EA-03-002
EA-03-003
EA-03-004

November 24, 2003

Eric Yaxley
Environment and Conservation
Indian and Northern Affairs
P.O. Box 1500
Yellowknife, NWT X1A 2R3

Re: INAC'S Request for Ruling

The Review Board met on November 20, 2003, to discuss INAC's Request for Ruling submitted November 4, 2003. Given that the questions brought forward by INAC are procedural and no specific action is requested, the Review Board has determined that a ruling is not required. The Review Board did decide to issue a response to clarify these procedural matters. The questions and procedural clarifications are provided below.

How will the Review Board use the Cumulative Effects Study in relation to the three environmental assessments in the Drybones and Wool Bay areas?

The Review Board will consider the cumulative effects study and all comments submitted during the comment period. To the extent that the comments provide evidence relevant to the environmental assessment decisions, this information will be form part of the public record for the decision. Participant comments will be weighed along with the findings of the cumulative effects study based on technical merits. All comments will be considered relative to cumulative effects question associated with all three EAs, namely "Is the value of the cultural landscape that is the Drybones and Wool Bay area significantly diminished by each development in combination with other past, current and reasonably foreseeable development?"

As this is a new process whereby a cumulative effects study is being used and it is intended that one Public Hearing will cover three separate EAs, how will the Review Board reconcile its decision making process? Will the MVEIRB combine the three EAs in any respect or will they treat the EAs separately and on their own merits? Can MVEIRB explain this new process?

The Review Board will examine each development on its own merits. A clear record will be established relative to each environmental assessment as stated in the pre-hearing conference. The cumulative effects study will only be considered as it relates to the assessment of cumulative effects for which each developer was asked to make a submission. The technical merits of these

submissions will be judged relative to the cumulative effects study and other comments received into evidence during the participant comment periods.

The three developments will be considered together only relative to potential cumulative effects since the proposed activities are expected to occur concurrently this winter. The evidence of each developer will be evaluated on its individual technical merits as determined by the Review Board in its deliberations after the Public Hearing. Each development will be discussed and evaluated individually. The environmental assessment decision and associated recommendations and suggestions will follow from the deliberations regarding each development.

How will Snowfield Development Corp. factor into the Public Hearings if at all? Will this EA be dealt with separately?

Snowfield Development Corp. will be an observer at the Public Hearing. It is recognized that given the proximity of the developments there may be aspects of the Public Hearing that pertain to Snowfield Development Corp. Snowfield Development Corp. will have an opportunity to address any concerns that arise in the proceedings during the time allotted for public presentations. The Snowfield Development Corp. environmental assessment will have its own hearing, environmental assessment decision, and Report of Environmental Assessment. The Public Hearing is scheduled to occur on December 16, 2003.

INAC identified numerous omissions, deficiencies and incomplete findings in the CE study submitted by Gartner Lee Ltd. Will MVEIRB be submitting a final Cumulative Effects Study with all the parties' comments and issues summarized for the public registry?

These concerns have been noted. Gartner Lee Ltd. has provided a response to comments from the parties. No further action will be taken by the Review Board to present a final cumulative effects study. The study was designed to be a resource for the parties and the environmental assessment, so no further action is required. What has been learned from the study and comments on it will be weighed and incorporated into the environmental assessments to the extent warranted. The comments and issues of all parties related to the cumulative effects study will be summarized, where appropriate, in the final Report of Environmental Assessment.

Should you have any further questions regarding these procedures, please call me for further clarification.

Sincerely,

Sherry Sian
Environmental Assessment Officer