

Sherry Sian

From: Sherry Sian
Sent: Thursday, September 18, 2003 1:34 PM
To: 'Laurie Stephenson'
Subject: RE: DFO concerns

Laurie,

As both Alan and I have advised you, all correspondence with Review Board staff re: these submissions must be placed on the registry. The letter referred to by DFO is attached.

I will also advise Vern, as per our conversation, that you wish to discuss the Review Board's re-scheduling of the Pre-Conference Hearing and Public Hearing.

Regards,
Sherry

Sherry Sian, M.E.Des.
Environmental Assessment Officer
MVEIRB
Box 938, 5102 - 50th Avenue
Yellowknife, NT X1A 2N7
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e-mail: ssian@mveirb.nt.ca

-----Original Message-----

From: Laurie Stephenson [mailto:lstephenson@wascomgt.com]
Sent: Thursday, September 18, 2003 12:45 PM
To: Sherry Sian
Subject: Fw: DFO concerns

Sherry,

I hope that by dealing directly with DFO to keep this "testiness" off the public record, but am forwarding this to you for your information and to query about the September 17th Letter.

I will definitely be travelling to remote areas next week but hope to phone into Max Braden with respects to the Tuesday Meeting. I am assuming that given the outline sent that this meeting will be more as a procedural event then anything else. I will be able to be briefed by Max on the proceedings but will contact you Friday (September 25th) for your input.

As an aside, I will be at the same latitude as Yellowknife only in the "eastern Arctic" east of the "Bay" - not Drybones but Hudson in part to arrange a drill permit that should be complete before the Public Meeting.

Laurie

----- Original Message -----

From: Laurie Stephenson

9/19/2003

169

To: Elaine Blais
Cc: Dave Balint ; j. Dahl
Sent: Thursday, September 18, 2003 12:33 PM
Subject: Fw: DFO concerns

I knew this would get complicated - you answer one question and you get five more and remarks that have already been addressed by DFO.

I have attached the letter DFO sent last March addressing the items Ms Blais reiterates in paragraph 3-5.

----- Original Message -----

From: BlaisE@DFO-MPO.GC.CA
To: ssian@mveirb.nt.ca ; lstephenson@wascomgt.com
Cc: BalintD@DFO-MPO.GC.CA ; DahlJ@DFO-MPO.GC.CA
Sent: Thursday, September 18, 2003 10:56 AM
Subject: RE: DFO concerns

Dear Sherry,

DFO has read the response below and assume a complete response to our September 17th letter is forthcoming. Have I seen this letter? In the meantime, we have looked at the note below from Laurie Stephenson and have the following questions and concerns:

- Will the developer provide us with a reference for the published data it refers to below? i.e. Is the developer referring to Navigational Charts? Nautical Map #6368

Developer
Response

- DFO is concerned with the statement that "...drilling will be occurring before spawning season of trout...if present; and if there is some disturbance, the area involved is so small that it will not impact the spawning of the (lake) trout habitat".

Developer
Response

DFO already expressed this concern and the mitigating actions to take in the attached letter. Why is it still a concern when you have already addressed it? DFO has already indicated in its letter that if we abide by it there will be no problem. We will abide.

Any works or undertakings that may result in the harmful alteration, destruction, or disruption (HADD) of fish habitat is prohibited under subsection 35(1) of *Fisheries Act* unless otherwise authorized under subsection 35(2). DFO will judge whether the developer's proposed project impacts upon fish habitat.

Developer
Response

DFO has already made this clear in the attached letter.

We know the developer understands that lake trout spawn in the fall and eggs hatch in the spring as it is stated in its DAR - page 21. DFO's position is that all mitigation options must be considered to prevent (small or large) impacts to fish habitat and that includes protecting fish eggs on those spawning shoals. The developer should also note that DFO's legislated mandate considers all fish habitat - not just lake trout habitat.

Developer
Response

DFO has already made this clear in the attached letter.

DFO would appreciate a respectful response from the developer to our September 17th letter.

Developer
Response

This is a two way street.

Is the underlined comment above respectful? Is not recognising that your March 17th letter addressed all the issues raised in the September 2 letter, that your department would have ready access to the nautical charts to confirm the locations presented and the depths of the area around Drybones Bay, that you would have an understanding of the slow and minimal draw down of water in a drilling process would not effect lake levels as has been the case for diamond drilling throughout the NWT for the last 100 year, respectful?

Developer
Response

I am a professional engineer, EBA who we consulted with with respects to the fisheries concerns is a well respected environmental consultant and authority. When we say we are drilling in depths of over 15 metres and you question our professional ethic is that respectful?

This is a 3 week and 8 week diamond drilling project, the like of which to my knowledge has never been subjected to such a rigorous review in the NWT in the past. If I get a little testy, I think spending 10 months (40 plus weeks or 10+ / 5+ times of the actual program) on the permitting begets that!

A little investigative review would have gone a long way to easing my testiness.

Sincerely

Laurence Stephenson

Sincerely,

Elaine Blais

(867)669-4912 | facsimile/ télécopieur (867) 669-4940

blaise@dfo-mpo.gc.ca

Area Habitat Biologist| Biologiste, Habitat

Fish Habitat Management, Western Arctic Area| Gestion de l'Habitat du Poisson, Secteur de l'Arctique de l'Ouest

Central and Arctic Region | Région Centrale et de l'Arctique

Fisheries and Oceans Canada | 101-5204 50th Ave, Yellowknife, NT, X1A 1E2

Pêches et Océans Canada | 101-5204 50 Ave, Yellowknife, NT, X1A 1E2

-----Original Message-----

From: Sherry Sian [<mailto:ssian@mveirb.nt.ca>]

Sent: Thursday, September 18, 2003 6:38 AM

To: BlaisE@DFO-MPO.GC.CA

Subject: FW: DFO concerns

Clarification from Mr. Stephenson re: drill depth. It will be sent to the distribution list for the information of all parties.

Sherry Sian, M.E.Des.
Environmental Assessment Officer
MVEIRB
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Yellowknife, NT X1A 2N7
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-----Original Message-----

From: Laurie Stephenson [<mailto:lstephenson@wascomgt.com>]

Sent: Wednesday, September 17, 2003 3:44 PM

To: Sherry Sian

Subject: Re: DFO concerns

Dear Sherry,

In a follow up to the DFO concerns regarding the bathometric survey and the "confirmatory soundings" we took.

9/19/2003

We did not produce any new data from the water depth data we took. Basicly we confirmed that the current published (by DFO) bathometric maps over the area we our proposing to drill is correct. If the DFO wants the hand scribbled notes, we will provide them. However since we do not intend to utilize them in any other way we feel it would be unprofessional to issue them onto the public record in there current form.

It begs the question of why the DFO is asking for this "unscientific data" given that it appears from the published DFO data that the area is below the spawning area of the trout habitat; that it is most apparent we will be drilling well before the actual spawning season of the trout in that habitat area if present; and that even if there is some disturbance, the area involved is so small that it will not impact the spawning of the trout habitat.

Trusting this is a satisfactory explanation of the potential impact on the trout spawning habitat.

Sincerely

Laurence Stephenson
Consultant
Consolidated Goldwin Ventures Ltd.
New Shoshoni Ventures Ltd.



Western Arctic Area Office
Suite 101, 5204 50th Avenue
YELLOWKNIFE NT X1A 1E2
PH: (867) 669-4900
FX: (867) 669-4940

Page 1 of/de ~~4~~ (including cover)

DATE: September 17, 2003

RECEIVED
JP 4:00 pm
SEP 17 2003
MACKENZIE VALLEY
ENVIRONMENTAL IMPACT
REVIEW BOARD

TO/A:

Name/ Nom	Sherry Sian
Organization/Company Organisation/Compagnie	EA Officer, MVEIRB
Telephone Number/ Numéro de téléphone	
Facsimile Number/ Numéro de téléphone	766-7074

MESSAGE:

Sherry,

Enclosed are DFO comments on the Response to the Sept 2, 2003 Information Request for EA-03-002, and EA-03-004.

Sincerely,

Dave Balint

FROM/DE:

Name Nom	Dave Balint, Fish Habitat Biologist
Telephone Number Numéro de téléphone	(867) 669-4926

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Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
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Your file *Votre référence*

Our file *Notre référence*

SC02167
SC03002

September 17, 2003

Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Box 938, 5102-50th Avenue
Yellowknife, NT
X1A 2N7

RE: Submission of Depth Data and Information Request - Consolidated Goldwin Ventures Inc. EA-03-002; New Shoshoni Ventures Ltd. EA-03-004.

Dear Ms. Sian,

The Department of Fisheries and Oceans – Fish Habitat Management (DFO) has reviewed the information submitted by letter dated September 8, 2003 from Laurence Stephenson in response to DFO comments on the Developers Assessment Reports (DAR) for these projects.

Our review has concluded that the information requested has not been provided and DFO is unable to conclude its review of the Environmental Assessment.

Consolidated Goldwin Ventures EA-03-002/SC 02167

- The developer's response to our request for the water depth survey data was that the data comprised a "test" to corroborate existing published data. It was also said to be "preliminary, proprietary and too scattered to be of any meaningful consequence."

The water depth data is necessary to substantiate the developer's claims that its drilling program will not impact lake trout spawning shoals or rearing areas. Given that the information used to determine water depth is too scattered to be of any meaningful consequence, the developer must provide meaningful data that can be placed on the public registry.

- In response to our request to provide specific information pertaining to the source waterbody, the developer stated that they would provide data when it is available if there is a chance of drawing down the pond, which they state is unlikely since there would be sufficient groundwater inflow during the winter months.

Canada

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It is our view that groundwater inflow in this region may be insufficient during the winter to prevent a draw down situation. As such, bathymetric data (e.g. lake volume) will have to be provided to show that the company will maintain sufficient water under ice to ensure the survival of fish (see attached DFO Protocol for Water Withdrawal in the Northwest Territories).

In a March 17, 2003 letter, DFO advised the developer that water use for its drilling program could result in a harmful alteration, disruption, or destruction (HADD) of fish habitat which is prohibited by sub-section 35 (1) of the *Fisheries Act*.

New Shoshoni Ventures Inc. EA-03-004/SC03002

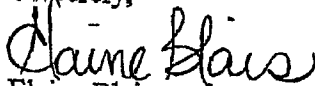
- **Drill sites and areas.** Map 2 in the DAR depicts three drill site areas and these are listed on page 7. These sites are different than that presented in the original land use application where approximately 10 drill site areas were distributed throughout Drybones Bay. No sites are shown to occur on-ice in Great Slave Lake, but the last paragraph of page 6 of the developer's DAR states that "Most of the drill site areas are located in Great Slave Lake and along the shoreline area of Drybones Bay. The other potential drill site areas are located on land in a low-lying area and to the north of Drybones Bay."

The discrepancy with the number and location of drill site areas has not been clarified in our opinion. The developer must clearly delineate the location of each drill site area on a map and clearly state the number of drill holes the company anticipates drilling in each area.

The Report mentions offshore drilling programs will occur in water depths exceeding 15 metres. The developer must provide its references for its data. The developer must show that there are no shoals in the vicinity of the proposed drill sites.

DFO requires this information in order to conclude its review of the Environmental Assessment. If you have any questions or require clarification, please call me at (867) 669-4912 or Dave Balint at (867) 669-4926.

Sincerely,



Elaine Blais

Area Habitat Biologist

Fish Habitat Management-Western Arctic Area

DB

Copy Julie Dahl, Habitat Chief, Western Arctic Area

Canada

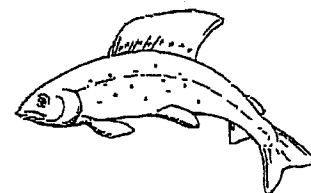
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DFO Protocol for Water Withdrawal in the Northwest Territories



The following information must be provided to DFO for review and project approval prior to program commencement.

Information Requirements

Water Source Identification

- 1) Primary and secondary access routes with water source locations are to be clearly identified on a map. Consistency in water-source identification is to ensure that your crews and other operators in the area using the same water-source will not be in conflict by using the same source independently.
- 2) Document how and whether there is watercourse connectivity (permanently flowing or seasonal) between the proposed water-source to any other water body.

Bathymetric Determination

- 3) For all water bodies: One 'e-line' transect, regardless of waterbody size, done in open water conditions using an echo sounder with continuous depth recording capabilities to the bottom sounded from shore to farthest opposing shore. Depth of lake requires the incorporation of the depth that the transducer is positioned below the water surface.
- 4) For lakes less than 1km in length: Two transects (dissecting the water body into thirds) perpendicular to the 'e-line' and regardless of size, done in open water conditions using an echo sounder with continuous depth recording capabilities to the bottom.
- 5) For lakes 1km or greater in length, at least one 'e-line' transect (shore to farthest opposing shore) should be run with an echo sounder and perpendicular transects (shore to shore) done at maximum intervals of 500m.
- 6) Regardless of lake size, additional transects be run as required to include irregularities in water body shape (e.g., fingers or bays) or irregular basin depths.

Volume Calculations

- 7) Document how surface area was calculated. If aerial photos were used, provide the date (month/year) that the photo was taken as surface area may change depending on the time of year. Provide the year of datum if maps were used. Detail how volume was determined, incorporating the field bathymetry.
- 8) Use 2.0m ice thickness in volume calculations (total volume minus 2.0m of ice cover) to account for water volume that will be unavailable. 2.0 m is the maximum expected ice thickness expected and will represent end of winter conditions.

General Mitigation

Water Source Identification

- 1) Streams, excluding the Mackenzie River and channels, are to be avoided as a water-source unless site specific permission is given by DFO.
- 2) Any water bodies that are less than 1.5m in depth with no connectivity may be used since the potential for fish over-wintering habitat would be low.
- 3) No water should be removed from water bodies that are between 1.5 and 3.7 m in maximum depth.
- 4) Total seasonal water removal per waterbody is not to exceed 5% of the free water (under ice volume using 2.0m ice thickness) available in the water body, regardless of the number of operators utilizing the waterbody.

Water Withdrawal

- 5) Water removal is to take place in the deepest portion of the lake reasonably and safely accessible, avoiding removal of oxygenated water and minimizing the potential for fish entrainment.
- 6) 2.54 mm (1/10") screened mesh size on intake end of pipe is recommended. Other dimensions for intake screens may be determined following calculations outlined in DFO's *Freshwater Intake End-of-Pipe Fish Screen Guidelines* and ensuring that these calculations, complete with pump specifications, are maintained on-site at the pumping location.

Any deviations from the above must be submitted to DFO and will be dealt with on a site-specific basis (e.g. additional bathymetric data collected during the winter).

For more information contact DFO at (867) 777-7500, or (867) 669-4900.

Canada

Current as of December 16, 2002/bh/pc/el

page 1 of 1