

Mackenzie Valley Environmental Impact Review Board

Box 938 , 5102-50th Avenue, Yellowknife, NT X1A 2N7

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From: Sherry Sian Fax: 867-766-7074
EAO Phone: 867-766-7063
Date: October 31, 2003 Pages: 5 including this page
To: Consolidated GoldWin Ventures Fax:
North American General
Resources Corp.
New Shoshoni Ventures
Snowfield Development Corp.
CC:
Subject: YKDFN's Comments
(EA-03-002, EA-03-003, EA-03-004, EA-03-006)

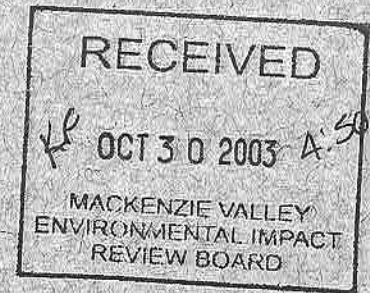
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Yellowknives Dene First Nation
Box 2514, Yellowknife, N.W.T. X1A 2P8

Detah Ph.: (867) 873-4307
(867) 873-8951
Fax: (867) 873-5969



October 29, 2003

Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Box 938, 200 Scotia Centre, (5102-50th Avenue),
Yellowknife, NT. X1A 2N7
Fax: (867) 766-7074

Dear Ms. Sian,

**RE: Participant Comments on the Regional Cumulative Effects Study for
Drybones and Wool Bays**

The Yellowknives Dene First Nation (YKDFN) is writing in response to the supplemental submissions provided by the North Slave Métis Alliance (NSMA), Indian and Northern Affairs (INAC), Government of the Northwest Territories (GNWT RWED) Environment Canada, and the Department of Fisheries and Oceans (DFO) on the Regional Cumulative Effects Study (CES).

The YKDFN want to emphasise the following NSMA identified issues that should be clarified by Gartner Lee Limited or the Review Board before the closure of the public registry including:

- An explanation of how public concern is objectively quantified, analysed and evaluated.
- An explanation of the process and criteria used to determine sub regional cumulative impacts.
- Provision of the information received by Gartner Lee Limited from the series of topics and questions that were explored with traditional users of the Drybones and Wool Bay areas as well as commercial users. The YKDFN did not participate in such topical exploration.
- Documentation of the elders contacted to discuss archaeological, cultural and heritage. The YKDFN have no record of Gartner Lee contacting any of our elders.
- Submission of appropriate mapping information from Gartner Lee as committed to in its Terms of Reference, and, the representation of polygons and not lines for mapped information.
- The method and rationale used by Gartner Lee Limited to establish the study area boundaries.

- An explanation of the relationship between the study area boundaries used by Gartner Lee Limited and the VECs provided by the YKDFN.
- Documentation and reporting of the nature and intensity of public concern by the Akaitcho First Nations.
- Complete documentation of past activities and developments and their integration into the analysis and evaluation in the report.
- Provision of summary interview results/notes by Gartner Lee Limited.

The following are the YKDFN comments regarding the INAC submission. INACs submission supports the YKDFN view that the Gartner Lee Limited report is incomplete, has a significant amount of inaccurate information, and lacks the rigour and accuracy necessary in the Review Board's proceedings.

The INAC submission also raises several questions regarding the developer assessment reports. It seems that there is a significant amount of freely available information accessible over the internet or through simple phone calls to INAC that was never considered by the proponents in their assessment report submissions. It also seems that this information was never considered during preliminary screening, even though the Board's draft guidelines require its use when available. The YKDFN therefore question how much weight the Review Board will give the developer assessment reports and the Gartner Lee Limited report if obvious and freely available information is simply disregarded.

The YKDFN disagrees with INAC's assertion that existing regulations are adequate in the absence of land use plans. The Free Entry System combined with an institutional pro-development bias inevitably results in environmental assessments. The suggestion that larger projects have occurred without issue is an unfair statement because it presumes a direct relationship between project scale and the degree of public concern. This is untrue and unfair to the legitimate concerns of the YKDFN.

The YKDFN wishes to correct INAC regarding the reasons for the Mackenzie Valley Land and Water Board referring the projects to environmental assessment. The public concern cited by the included the entire Akaitcho region and all of its settlements not only the YKDFN.

The YKDFN wants to unequivocally communicate to the Review Board and the public that land claims had and have nothing to do with the referrals to environmental assessment. INAC's statement that "*the primary concern of the YKDFN, which caused the referral to the MVEIRB, is with regard to treaty rights in relation to land claim negotiations rather than specific environmental concerns*" is completely in error.

INAC suggests in its point 19 entitled hydrology that the period of ice cover on Great Slave Lake provides protection of the areas and limits the periods the areas can be exposed to the drilling the proponents want to undertake. This is factually inaccurate. Consolidated Goldwin Ventures Limited in a press release dated 4/17/03 and included as an attachment to this letter states it is securing a land use permit to drill two anomalies

northwest of Drybones Bay and that these are accessible on ice or from a barge. Ice cover is not limiting to the options being considered by the proponents that have been publicly disclosed but not on the Review Board's public record.

In another press release dated 5/30/03 Consolidated Goldwin states "*the survey also determined that shoals lying approximately 200-300 metres to the southwest of one anomaly and 300 metres southwest of the 2nd anomaly will be able to be utilized to anchor a floating drill platform once pending permits are approved.*" INAC's presumption about drilling on ice is inaccurate based the proponent's press release.

The YKDFN request an amendment to the Terms of Reference and all subsequent documentation and information on the public record to reflect the proponent's intention to undertake barge assisted drilling.

The YKDFN disagrees with writer's assertions in points 22, 23 and 24. The statements provided in point 22 are unfair. The reviewer concludes without any evidence or analysis that social and cultural impacts caused by the project or the biological environment are insignificant. The intent of the assessment is to assess the impacts of the projects on the VECs; not to begin with a presumption of no environmental impact unless shown otherwise, and to dismiss affects as insignificant prematurely.

INAC's point number 23 suggests it has some knowledge about the impacts this project will have on fish, and fish habitat. Again, the writer presumes there cannot be any environmental impacts based on some foreknowledge. This approach is unsound and the YKDFN request that project impacts on fish be assessed based on any revised project description including barge drilling, within the actual environmental context the projects will occur, and within the values ascribed to the area by YKDFN.

INAC point number 24 is particularly indefensible, and causes concern about the objectivity of the author. For emphasis the text of this point is included and parsed. The author states that the Gartner Lee Limited report "infers that past mineral exploration activities, among other activities, may have disturbed heritage resource sites in the area." The author then adds that "the history of the activity in the area, coupled with local knowledge, and documented mineral exploration activity would suggest any "disturbance" of heritage resources would most likely [emphasis added] have occurred well prior to any mineral exploration activity occurring in the area." the author notes that "a review of the easily available documentation of past mineral exploration activities would show that the likelihood of those activities to "disturb" any heritage resources is slim to none [emphasis added]. Finally the author confidently states that "a proper review and analysis of the proposed activities and their locations would likely reveal that, given the current protective legislation regarding heritage sites the indicated willingness of the proponent to work with the YKDFN is this regard, the potential for "disturbance" of heritage sites by this activity is very low.

The YKDFN have carefully considered these statements, and are disappointed. Fundamentally, the YKDFN do not want the information contained in its archaeological

studies to be simply treated as points on a map for development management and mitigation purposes. Those places and the information those places contain are not just archaeological sites. They are part of our social and cultural identity. They represent a small fragment our recent and distant past and are the way we communicate and pass on our culture. Further, the author's presumptuousness about what is or is not important to the YKDFN and what impacts may or may not have already occurred are unnecessary unless there is substantive information to substantiate the assertions.

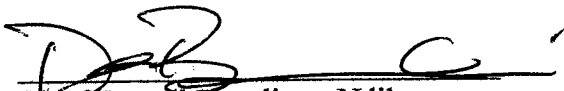
Finally, the Department of Fisheries and Oceans (DFO) email aptly summarizes the YKDFN concerns and fully endorse DFOs statements and efforts taken to date.

If you have any comments regarding this submission please feel free to contact the Manager of our Lands and Environment Committee Ms. Rachel Ann Crapeau at 669-9002.

Sincerely,



Chief Peter Liske - Dettah



Chief Darrell Beaulieu - Ndilo

C.c. Yellowknives Dene First Nations Legal Counsel, Edmonton, Alberta
Fax: (780) 424-5852