

**IR Number: IR0607-003-13**

**Source: NWT Treaty #8 Tribal Corporation**

**To: GNWT**

**Issue: Archaeological and cultural resources**

### **Preamble**

*The Treaty 8 Tribal Corporation submitted, "UR-Energy recognized the likelihood that its proposed activities would encounter previously unrecorded archaeological sites, and indeed anticipated a heritage assessment. However, the Prince of Wales Northern Heritage Center determined that a heritage assessment was not needed in the area of proposed exploration activity. This determination was made without consultation with any of the Akaitcho Dene First Nations. Had consultation occurred, the Prince of Wales Northern Heritage Centre would have been made privy to the fact that Akaitcho considers the area between Beaverhill Lake and the Thelon River to be of extremely high cultural significance. It is certain that unrecorded archaeological sites exist in the area, and the Akaitcho Dene have identified some particularly special burial and historic sites connected to cultural legends and stories. Without proper documentation of these sites and implementation of protective measures, it is likely that they will be compromised by exploration activities."*

While impacts on archeological resources per se were not defined as being within the scope of the EA in the work plan, information related to the presence and protection of archeological resources is directly related to the issue of cultural importance of the area, which is within the scope of the EA.

### **Request**

Given the likelihood that unrecorded archaeological sites may be found in the area of activity proposed by UR-Energy, how will the PWNHC (GNWT) ensure that heritage resources are protected?

## Response

The Prince of Wales Northern Heritage Centre (PWNHC), a part of the Culture and Heritage Division of the Department of Education, Culture and Employment, GNWT, is responsible for managing the public's interest in the protection of archaeological sites in the Northwest Territories. Primarily, this involves permitting archaeological research and advising land managers to ensure that land use operations do not disturb archaeological sites.

Pursuant to this mandate, at the preliminary screening stage for Land Use Permit Application MV2005C0007, UR-Energy's initial application for mineral exploration in the vicinity of Screech Lake, we issued the following review comments to the Mackenzie Valley Land and Water Board (MVLWB):

*Our review of the land use permit application indicates that minimal ground disturbance, and thus minimal disturbance to suspected archaeological sites, will result from the proposed geophysical survey and drilling program. No known archaeological sites are recorded for the Screech Lake development area. However, the high density of archaeological sites situated on small lakes to the south of Screech Lake, which has never been inspected by an archaeologist, indicates that the potential for archaeological sites in the proposed development area is very high.*

*Therefore, because of the scale of the proposed work, we recommend that no archaeological work be required as a condition of the permit. However we request that the proponent be made aware that an archaeological impact assessment will be required in future if development plans call for the intensification of ground disturbance in the proposed development area.*

As indicated in this letter, the GNWT determined the potential for unrecorded archaeological sites in the proposed development area was high but the probability of an impact to an archaeological site was low based on the minimal ground disturbance expected as a result of the proposed mineral exploration program. While it is likely there are unrecorded archaeological sites in UR-Energy's claim areas, the probability of a drill target coinciding with an archaeological site is low.

In such cases, we typically recommend that proponents avoid known archaeological sites by a minimum distance of 100 m (in this case there are no recorded sites in the development area). Land use permits issued by the MVLWB also cite Section 12 of the Mackenzie Valley Land Use Regulations, which requires proponents to suspend land use operations if a suspected historical or archaeological site or burial ground is discovered. In most cases, we expect that these measures provide an adequate level of protection to heritage resources in relation to small mineral exploration projects.

Our assessment of the land use permit application submitted by UR-Energy was based primarily on the documented archaeological record of the Screech Lake area, i.e. sites recorded by archaeologists within 40 km of the development area, and a general understanding of traditional land use in the area. As argued in the preamble to this information request, this assessment lacks the critical perspective of the Akaitcho Dene First Nations. Traditional land users, through their intimate knowledge of the land, have knowledge pertaining to the cultural significance of areas and the presence of specific historic features and burials that the PWNHC often lacks, particularly in cases where a development area has never been inspected by an archaeologist, such as the Screech Lake area. Thus, it is critical that traditional knowledge of cultural places be considered in the preliminary screening of land use permit applications.

The Akaitcho Dene have identified some particularly special burial and historic sites connected to cultural legends and stories in the development area, and are concerned that these sites will be impacted by the mineral exploration project proposed by Ur-Energy. These sites are not recorded in the NWT Archaeological Sites Database, and thus did not inform our review of the proposed development. Consequently, our assessment of the land use permit application did not directly address the protection of these sites, leading to a major discrepancy with the concerns raised by the NWT Treaty #8 Tribal Corporation.

It is important that the MVLWB seek to clarify discrepancies in expert evidence provided by the PWNHC and Aboriginal organizations. Both the PWNHC and Aboriginal organizations submit review comments to the Board as part of the preliminary screening process for land use permit applications. It is the role of the MVLWB to synthesize these recommendations and apply terms and conditions to land use permits, and thus the Board is well positioned to ensure that recommendations submitted by the PWNHC are consistent with the concerns raised by Aboriginal organizations in regards to the protection of archaeological sites. In cases where major discrepancies are evident, the MVLWB should facilitate the transfer of information between Aboriginal organizations and the PWNHC to ensure that the expertise of both groups are combined to provide the most effective management of archaeological sites in relation to a development project.

In light of the NWT Treaty #8 Tribal Corporation's concerns with the proposed development, we recommend that UR-Energy undertake a heritage resource impact assessment (HRIA) of their development area. If the mineral exploration program proceeds as planned, and drilling operations are carried out from March to May of 2007, a follow-up effects assessment of all winter drill targets should be conducted in the summer of 2007. This study should also include an HRIA of all additional drill targets planned for the term of the land use permit. Efforts to document and protect the special burial and historic sites connected to cultural legends and stories identified by the Akaitcho Dene should be a main focus of these studies.