



Indian and Northern
Affairs Canada

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January 15th, 2008

Ms. Tawanis Testart
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938
5102-50th Ave., Suite 200
Yellowknife, NT X1A 2N7

VIA FAX: (867) 766-7074

Dear Ms. Testart:

RE: INAC Comments on the Draft Terms of Reference for EA0708-001 Selwyn Resources – Mineral Exploration at Howard's Pass

INAC is pleased to provide the attached comments on the Draft Terms of Reference issued by the Board on December 21, 2007.

If you have any questions about these comments, please do not hesitate to contact Kris Vascotto in Environment & Conservation at (867) 669-2600, or myself at (867) 669-2647.

Sincerely,

David Livingstone
Director
Renewable Resources and Environment

General Comments:

Given that the Howard's Pass project is associated with the larger exploration program currently permitted and being undertaken in the Yukon, INAC feels that including records of consultation, environmental monitoring/management, and community relationships from the Yukon development will provide valuable insight on Selwyn's history of working in the North.

Maps presented in the Developers Assessment Report should be presented in the same scale to allow the information to be effectively cross-referenced. INAC realizes that different scale maps may be needed to fulfill the requirements of the Final Terms of Reference, however, we ask that a set of maps using a common scale also be included.

INAC's specific comments will be broken down by the sections outlined in the Draft Terms of Reference issued by the Board on December 21, 2007.

Scope of the Development:

INAC would like to highlight a conflict between the application package from Selwyn and the Draft Terms of Reference. As per the application package, Selwyn indicated that they intended to clear 2 km of trail per year for a total of 10 km over the lifetime of the permit, not 20 km per year as indicated in the Draft Terms of Reference.

INAC would like to see the following bullets added:

- On-site disposal of waste associated with drilling activity and reclamation in the Northwest Territories
- Any structures that may be erected during the course of the project (e.g. emergency shelters) in the Northwest Territories
- Reclamation of drill pads and trails

General Items:

INAC would like to see the following changes made to the 2nd and 5th bullet:

- Identify the changes this activity may produce in the environment
- Predict the possible impacts that may not be mitigated

Specific Items:**2. Developer**

2.4 Environmental Record: The environmental performance record of the company should include all aspects associated with their work in the Yukon.

3. Development Description

INAC recommends adding a specific item to the beginning of this section entitled "Context of Project". Suggested wording is as follows:

Context of Project: Describe the purpose of the exploration program in light of other activities in the Howard's Pass region on both the Yukon and Northwest Territories side of the border, including anticipated plans for the region.

INAC also recommends adding a specific item to the end of the section entitled "Reclamation". Suggested wording is as follows:

Reclamation: Describe the nature and extent of reclamation proposed for trails and drilling pads constructed as a result of the exploration program.

3.3 Operations: This section should include any structures that may be erected during the course of operations.

3.7 Future Development: INAC suggests this section be reworded as follows:
Future Development: Describe future activities for the site pending the results of the exploration drilling program.

4. Regulatory Regime

4.1 Licences, Permits and Authorizations: Any authorizations necessary for this development should be listed, including those from other jurisdictions (e.g. waste disposal in the Yukon).

5. Public Consultation

5.1 Consultation: INAC requests that the Board clarify as to whether the Terms of Reference is referring to consultation specific to this development, or to Selwyn's operations in the region as a whole. INAC feels that a complete record of consultation beginning at Selwyn's consideration of an exploration project in the Northwest Territories would be very useful for assessing whether consultation requirements have been fulfilled.

5.2 Issues and Resolution: INAC requests that the following be added to this section:

For issues that are considered resolved, provide a brief description of the resolution.

For issues that are not considered resolved, provide a brief description of proposed next steps.

6. Effects on the Environment of the Development

Given the proposed content of this section, INAC recommends that the title be changed to "*Effects of the Environment on the Development*".

7. Project Alternatives

7.1 Project Alternatives: INAC recommends that this discussion not be limited only to those options that may potentially mitigate adverse environmental impacts, but be extended to include the range of options considered by the Developer.

8. Boundaries

For greater clarity, INAC requests that the Board clarify what spatial and temporal boundaries are to be rationalized by Selwyn.

10. Fish and Wildlife Resources

INAC recommends that an additional section entitled "*Watershed Characteristics*" be added. This section should include a map to assist in determining the direction and magnitude of flow, which would aid in delineating any potential adverse impacts on water quality. Suggested wording is as follows:

Watershed Characteristics: Provide a map delineating local sub-watersheds and associated drainage patterns. The map should also include all known watercourses (permanent and/or intermittent) and all potential fish-bearing waterbodies should be identified.

12. Land Use Conflicts

12.1 Potential Park: INAC recognizes that the proposed development is in an area identified by the Sahtu Draft Land Use Plan as a conservation zone, and is an area of potential interest for a national park, however, INAC also realizes that the existing surface and sub-surface rights will be protected during any future process. INAC asks that the Board clarify what is being requested of Selwyn in light of this information. Is the Board interested in a description of impacts from the exploration program that may occur outside of the claim blocks in these areas? If so, please clarify. We also suggest the title be changed to "Conservation Lands", to encompass the value of this area both as identified in the draft land use plan and potentially as a park.

13. Cumulative Impacts

INAC recommends that this section be changed to the following:

This project is in addition to an already permitted exploration program in the Yukon Territory. Please describe how the proposed NWT development will contribute to the impacts of the Yukon development and vice versa. This should include a description of any other land uses in the area that the proponent is aware of.