



Indian and Northern
Affairs Canada

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et du Nord Canada

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MVEIRB File Numbers: EA 0708-002, EA 0708-003, EA 0708-004, EA 0708-005

November 2, 2007

Mr. Alistair MacDonald
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
P.O. Box 938, 5102-50th Ave.
Yellowknife, NT
X1A 2N7

VIA FAX: (867) 766-7074

Dear Mr. MacDonald:

RE: Call for Comments on Conduct of Environmental Assessments in the Upper Thelon River Basin

In response to your letter dated October 3, 2007, Indian and Northern Affairs Canada is providing the attached comments on the options presented in the aforementioned correspondence.

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) 669-2648.

Sincerely,

David Livingstone
Director, Renewable Resources and Environment Directorate

Attachment A: INAC Comments on Conduct of Environmental Assessments in the Upper Thelon River Basin

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1. Evidence transfer from the UR Energy file:

Much of the evidence assembled for the UR Energy file may be directly applicable to the four environmental assessments (EAs) in question. In the interests of streamlining the process and preventing duplication, INAC supports the transfer of relevant evidence from the UR Energy file to the current EAs. INAC also recommends that the parties identify what of their submissions to the UR Energy file are applicable to the current EAs with supporting rationale.

2. Scoping:

INAC would like to recommend that additional information on the proposals be made available to all parties. The application packages as provided do not provide sufficient information to effectively delineate the impacts of each project on the social, cultural and biophysical environment. As such, the issues raised during the preliminary screening may not reflect the full scope of concerns associated with each project. INAC therefore suggests that prior to any scoping exercise, additional information from the proponent will be required. Whether this information is presented as a separate document or is presented through a scoping exercise (*i.e.*, scoping session in the communities) remains at the Board's discretion.

INAC agrees with the Review Board that the scope of the four proposals is similar; however, INAC recommends that a formal scope be developed for each environmental assessment. Identification of site-specific components will be necessary to ensure that each project is assessed on its own merit. INAC also requests that these scoping exercises focus on the proposals at hand (*i.e.*, exploration drilling program) and scope in all foreseeable components that can be expected given an unproven resource.

3. Gathering New Evidence

INAC supports the issuance of a formal Terms of Reference (TOR) for each EA. Although the content of these four TORs will be similar, INAC recognizes that some development-specific requirements may be necessary.

4. Public Hearings

INAC recognizes that it is the Review Board's discretion to determine whether hearings are required. Furthermore, it is INAC's view that the Review Board's EA process also plays a role in carrying out procedural aspects of section 35 Crown consultation. Where a development has the potential to cause adverse impacts on established or potential Aboriginal and treaty rights, public hearings provide an opportunity for Aboriginal parties to the EA and any other potentially affected Aboriginal groups to articulate their views on such potential impacts and potential means of accommodating or mitigating such impacts.

Should the Review Board decide that hearings are necessary, INAC suggests that separate hearings be held for each developer, as having two developers present at a single hearing may lead to confusion.

If hearings are required, INAC will participate.