



Our File: EA-03-002
EA-03-003
EA-03-004

June 19, 2003

Mr. Greg C. Empson
Galbraith Empson Barristers & Solicitors
#1750, 10123 – 99 Street
Edmonton, Alberta
T5J 3H1

Dear Mr. Empson;

RE: Drybones Bay/Wool Bay Cumulative Effects Terms of Reference

Ref. # 39

The Mackenzie Valley Environmental Impact Review Board (Review Board) has carefully considered correspondence from the Yellowknives Dene First Nation dated May 16, 2003, June 2, 2003 and June 17, 2003 regarding scoping of factors and the reasons for referral for all proposed mineral explorations (Consolidated Goldwin Ventures, North American General Resources Corporation and New Shoshoni Ventures) in the Drybones Bay/Wool Bay area. The specific concerns regarding potential cumulative effects expressed by the Yellowknives Dene First Nation in correspondence dated April 15, 2003 and reaffirmed in your letter of June 17, 2003 have been noted by the Review Board.

In order to properly address the concerns in the letter of April 15, 2003, the Review Board has engaged an independent consultant in accordance with Rule 17 of the Board's *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*. This consultant will conduct a Cumulative Effects Assessment of the Drybones Bay/Wool Bay area.

The Review Board is unable to contract the Yellowknives Dene First Nation for the Cumulative Effects Assessment. Such a relationship would affect the independence of the Board in the environmental assessment process and could lead to challenges to the process on the basis that this relationship raised an apprehension of bias. For this reason, the Review Board must maintain a position of independence from parties to an environmental assessment.

The Review Board also can not direct the developers to use a particular consultant to assist them in the preparation of their Environmental Impact Statement or Developers Assessment Report as offered in letters dated May 16, 2003 and June 2, 2003. Such action may also lead to the apprehension of bias. The selection of consultants by the developers is at their discretion. These requests should be made to the developers.

Nevertheless, the Review Board is encouraged by the interest of the Yellowknives Dene First Nation to participate in this process. The participation of the Yellowknives Dene First Nation in

the Cumulative Effects Assessment is integral to the quality and success of the environmental assessments in the Drybones Bay/Wool Bay area.

The Review Board recognizes that the Yellowknives Dene First Nation may wish to present the results of its own Cumulative Effects Assessment as evidence. Although the Review Board cannot provide funding for the Cumulative Effects Assessment, you may wish to inquire with Indian and Northern Affairs Canada (INAC) regarding funding that may be available for this purpose under its Interim Resource Management Assistance Program.

The draft Terms of Reference and Workplan for all mineral exploration programs that have been referred in the Drybones Bay/Wool Bay area will be released for comment June 20, 2003. The Review Board welcomes comments from the Yellowknives Dene First Nation on draft Terms of Reference and Workplan to ensure its concerns are fully addressed. Requests for amendments to the schedule should be submitted during the comment period.

If you have any questions, please do not hesitate to contact me. I can be reached at 766-7050 or via fax at 766-7074.

Sincerely,



Vern Christensen
Executive Director

Cc: Chief Peter Liske, Yellowknives Dene First Nation (Dettah)
Chief Darrell Beaulieu, Yellowknives Dene First Nation (N'dilo)
Director, Renewable Resources & Environment, INAC

