

**Report of Environmental Assessment and
Reasons for Decision on the North American
General Resources Corporation Preliminary
Diamond Exploration in Wool Bay**

February 10, 2004



Mackenzie Valley
Environmental Impact Review Board



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Review Board Environmental Assessment Decision

To make its decision in the environmental assessment (EA) of North American General Resources Corporation Ltd.'s Diamond Exploration, the Mackenzie Valley Environmental Impact Review Board (Review Board) has relied upon all information in the public record. Having considered this evidence, the Review Board has made its decision in accordance with section 128 of the *Mackenzie Valley Resource Management Act (MVRMA)*.

The Review Board finds that the implementation of the commitments made by the developer in the course of this EA (see Appendix A) alone will not fully mitigate all of the significant adverse environmental impacts of the proposed development. The Review Board also finds that the public concern about the development is linked to these residual adverse environmental impacts. The Review Board, however, is of the view that effective mitigation of these adverse environmental impacts based on the recommendations made in this *Report of Environmental Assessment* can alleviate public concern.

Therefore, the Review Board has concluded, pursuant to subsection 128(1)(b)(ii) of the *MVRMA*, to:

- Recommend that the approval of the proposal be made subject to the imposition of such measures as it considers necessary to prevent significant adverse impacts.

Unless the measures recommended in this *Report of Environmental Assessment* are implemented, the Review Board does not believe the significant adverse environmental impact can be mitigated and the associated public concern can be addressed.



TODD BURLINGAME

Chair
Mackenzie Valley Environmental
Impact Review Board

February 10^{'04}
DATE

Summary Report of Environmental Assessment

The developer, North American General Resources Corp. (NAGRC), proposes to conduct an early stage diamond exploration program in Wool Bay. The proposed exploration includes two to three angled drill holes near an island 250 metres off the shore of Great Slave Lake about 1.5 kilometres southeast of Wool Bay proper. The program is expected to be less than ten days, and would be conducted between late January and late April 2004.

This EA is one of four diamond exploration activities in the same general area undergoing EA. This report is one of a series for the proposed developments in the Wool and Drybones Bay areas. Although this report addresses the proposed development of NAGRC, all these developments are closely related due to:

- similarities in the environmental setting for the proposed developments;
- the concurrent timing of the proposed developments;
- common environmental, social and cultural issues arising from the proposed developments;
- public concern about all developments in Wool and Drybones Bay area;
- the contributions of these developments to cumulative effects in the Wool and Drybones Bay area; and,
- issues arising from the joint public hearing for NAGRC and the other developments.

Because the small size and capacity of the companies, and because of the cumulative nature of many expressed concerns, the Review Board approached this EA differently. This involved having developers describe project specific impacts, and hiring an independent consulting company to report on the broader regional issues related to potential cumulative effects of multiple land uses and to suggest possible means to address these concerns,

A review of the evidence on the public record has convinced the Review Board that:

- Wool Bay is a vitally important cultural and heritage area for the Yellowknives Dene First Nation (YKDFN), North Slave Métis Alliance (NSMA), and Lutsel K'e Dene First Nation (LKDFN). It was the site of the community of Old Fort Providence, holds many burial sites and archaeological sites, and is used extensively today for hunting, trapping, and providing youth with cultural exposure to traditional activities and the land.
- The developer's efforts to consult with Aboriginal parties did not lead to a greater understanding of the cultural importance and use of the area, thus limiting the value of the mitigation measures proposed in the Developer's Assessment Report (DAR).
- Aboriginal groups in this EA did not have adequate resources to participate fully in this proceeding, as no participant funding was available.
- Issues related to fish habitat have been largely resolved by a commitment from the developer to drill in depths unlikely to cause impacts to fish populations.

- Gravesites have not been adequately identified and protected during allocation of subsurface mineral interests in the staking process.
- The YKDFN would like the area formally protected at least for the interim.

Having considered all the evidence on the public record, the Review Board has concluded that significant adverse cumulative impacts on culture of the YKDFN and other Aboriginal parties will result the continued development of this area. The individual contribution of the NAGRC development to this impact is minimal but it is a contributor to these cumulative impacts.

The Review Board therefore recommends pursuant to *MVRMA* section 128 (1)(ii)(b) the approval of the proposed development subject to mitigation measures to reduce impacts such that they are no longer significant. Recommended measures include:

- DFO will verify that sensitive fish spawning and nursery habitat does not occur within NAGRC's proposed program area.
- NAGRC will confirm the lake depth at all drill locations. NAGRC will only drill in lake depths less than 11 metres, if the ice is frozen to bottom prior to start of drilling.
- NAGRC will be restricted to operating on lake ice to ensure that direct impact to archaeological sites is minimized or eliminated.
- NAGRC must transport all drill waste water to Yellowknife for proper disposal along with all other wastes generated as a result of the development
- NAGRC will be provided with precise locations and extent of recorded archaeological sites within its development area by PWNHC and other Aboriginal parties.
- NAGRC seek advice and assistance from the YKDFN and NSMA in order to undertake the development in a manner that is sensitive to the community and respectful to the families of those buried in the vicinity of the operations. This may involve a visit to the site by a YKDFN elder and an NSMA elder and translator, if required, before, during, and after the operation.
- No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.

In order to address EA process issues and the overall sensitivity of the area, the Review Board suggests:

- The MVLWB should ensure that the distribution list for any activities on the shoreline of Great Slave Lake be more inclusive given that Aboriginal communities have traveled the lake extensively and shared the use of the lake resources and shoreline for traditional purposes.
- Indian and Northern Affairs Canada (INAC), Environment Canada (EC), Fisheries and Oceans Canada (DFO) and the Government of the Northwest Territories (GNWT) should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date.

- The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the *MVRMA* to be equivalent to the Comprehensive Study Review funding practices under *CEAA*.
- INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking areas and to avoid conflict over land use.
- No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, until a plan has been developed to identify the vision, objectives, and management goals based on the resource and cultural values for the area.
- The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap.

Table of Contents

1. INTRODUCTORY INFORMATION.....	1
1.1. INTRODUCTION.....	1
1.1.1. Referral of the Proposed Development to the Review Board.....	1
1.1.2. Requirements of the Mackenzie Valley Resource Management Act	2
1.2. OVERVIEW OF THE PROPOSED DEVELOPMENT.....	2
1.2.1. Environmental Setting.....	2
1.2.2. Description of the Operation	4
2. ENVIRONMENTAL ASSESSMENT PROCESS.....	6
2.1. PARTIES TO THE EA	6
2.2. EA APPROACH	7
2.3. DETERMINATIONS OF SIGNIFICANCE	13
2.4. SCOPE OF THE PROCEEDING.....	13
2.4.1. Scope of the Proposed Development.....	13
2.4.2. Scope of the Environmental Assessment	14
2.5. EA PROCESS ISSUES.....	14
2.5.1. Community Engagement	14
2.5.2. Consultation.....	16
2.5.3. Roles and Responsibilities	19
2.5.4. Participant Funding	20
2.5.5. Adequacy and Quality of Submissions	22
2.6. PROPOSED RECOMMENDATIONS, AND SUGGESTIONS.....	24
3. PUBLIC CONCERN	27
3.1. APPROACH.....	27
3.2. SUBMISSIONS OF THE PARTIES.....	28
3.3. ANALYSIS	28
3.4. CONCLUSIONS	29
4. IMPACT ANALYSIS	30
4.1. REVIEW BOARD'S APPROACH	30
4.1.1. Structure of Analysis	30
4.1.2. Issues Identification.....	31
4.1.3. Developer's Commitments	31
4.2. STUDY AREAS	32
4.3. BIOPHYSICAL ENVIRONMENT	35
4.3.1. Fish Habitat Alteration, Disruption, and Destruction.....	35
4.3.2. Biophysical Cumulative Effects	38
4.4. CULTURAL LANDSCAPES	38
4.4.1. Archaeological Sites.....	40
4.4.2. Burial Sites.....	44
4.4.3. Cultural Cumulative Effects.....	48
5. SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS	59

Figures and Tables

FIGURE 1. NORTH AMERICAN GENERAL RESOURCES CORPORATIONS PROPOSED PROGRAM LOCATION (JULY 2003) ..	5
FIGURE 2. OVERVIEW OF THE ENVIRONMENTAL ASSESSMENT PROCESS	8
FIGURE 3. REGIONAL STUDY AREA ADOPTED BY THE REVIEW BOARD	34
TABLE 1. SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS	60

Abbreviations

CARC	Canadian Arctic Resources Committee
CE Study	Gartner Lee Ltd.'s Cumulative Effects Study
CEAA	Canadian Environmental Assessment Act
CGV	Consolidated GoldWin Ventures Inc.
CPAWS	Canadian Parks and Wilderness Society
DAR	Developer's Assessment Report
DFO	Department of Fisheries and Oceans
DKFN	Deninu K'ue First Nation
EA	Environmental Assessment
EC	Environment Canada
EIR	Environmental Impact Review
HADD	Habitat Alteration, Disruption or Destruction
INAC	Indian and Northern Affairs Canada
LSA	Local Study Area
LKDFN	Lutsel K'e Dene First Nation
MVLUR	Mackenzie Valley Land Use Regulations
MVRMA	Mackenzie Valley Resource Management Act
NAGRC	North American General Resources Corporation Ltd.
NSMA	North Slave Métis Alliance
NSV	New Shoshoni Ventures Ltd.
NWT	Northwest Territories
NWT Métis	NWT Métis Nation
PR	Public Record
RSA	Regional Study Area
RWED-GNWT	Resources, Wildlife and Economic Development, Government of Northwest Territories
TK	Traditional Knowledge
VC	Valued Component
YKDFN	Yellowknives Dene First Nation

1. Introductory Information

This section provides background information on the referral of this development to the Mackenzie Valley Environmental Impact Review Board (Review Board) and sets out the requirements for Environmental Assessment (EA) under the *Mackenzie Valley Resource Management Act (MVRMA)*. It also provides an overview of the environmental setting and a brief description of the development proposal.

Section 2, Environmental Assessment Process, presents the Review Board's EA process and the role of each EA phase in making a determination under section 128 of the *MVRMA*. This section also describes process issues that arose during the course of the proceeding.

Section 3, Public Concern, considers the extent of, reasons for, and significance of public concern.

Section 4, Impact on the Environment, considers the environmental components that the developer was required to examine during its impact assessment of the development on the biophysical and socio-economic environment and includes the Review Board's conclusions about the environmental impacts if the proposed development and their significance.

Section 5, Summary of Recommendations and Suggestions, contains a summary of all recommendations and suggestions of the Review Board in consideration of all material on the public record (PR).

1.1. Introduction

1.1.1. *Referral of the Proposed Development to the Review Board*

On February 14, 2003, North American General Resources Corp. (NAGRC) applied to the Mackenzie Valley Land and Water Board (MVLWB) for a 2-year, Type "A" Land Use Permit (MV2003C008). The proposed undertaking included access over ice from Yellowknife. The drilling program consists of two to three drill locations around a small unnamed island southeast of Wool Bay (PR #2). All holes are expected to be drilled from the ice on Great Slave Lake. Associated activity includes the transport and disposal of waste to Yellowknife as well as on land disposal of drill cuttings.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

A preliminary screening of the proposed development was initiated on February 14, 2003, as required under the *MVRMA*. On April 28, 2003, the MVLWB referred the development to the Review Board as per subsection 125(1) of the *MVRMA*. The reason for the referral was a:

“clear indication of public concern about development in the Drybones and Wool Bay [...] given the evidence of the cultural, spiritual and environmental importance of the Drybones and Wool Bay Areas” (MVLWB Reasons for Decision, April 28, 2003, PR#1).

The Review Board formally notified regulatory bodies of the referral and began planning the EA in a letter dated May 12, 2003 (PR#3).

1.1.2. Requirements of the Mackenzie Valley Resource Management Act

The Review Board administers part 5 of the *MVRMA* and has decision-making responsibilities in relation to the proposed development.¹ The Board is responsible for the conduct of an EA which considers the environmental, socio-economic and cultural impacts of the proposed development in accordance with section 114 and section 115 of the *MVRMA*. The conduct of the NAGRC EA was based on the Board's *Rules of Procedure*.

Pursuant to section 117 of the *MVRMA*, the Board must determine the scope of a development and set out the factors to be considered in the EA for a development in with the federal or territorial responsible Ministers, if such consultation is requested. None was in this case. The Board is also required to prepare and submit a report of EA in accordance with subsection 128(2), a decision under subsection 128(1), and written reasons for decision, required by section 121, to the Minister of Indian and Northern Affairs Canada (INAC).

1.2. Overview of the Proposed Development

1.2.1. Environmental Setting

The environmental setting has been described based on the broad interpretation of environment under the *MVRMA* that includes land, water, air or any other component of

¹ The Minister of DIAND and responsible ministers make the final decision in consideration of the Review Board's recommendations and suggestions.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

the environment, including the social and cultural environment. Given the nature of this referral, this section emphasizes the social and cultural environment based on use of the project area.

Great Slave Lake is the fifth largest lake in Canada with a surface area of 28,400 square kilometres and the deepest lake in North America, reaching a maximum depth of 614 metres. The Wool Bay area offers rich and varied habitat for many different species of wildlife throughout the year. The area's wetland habitat is ideal for moose and other fur-bearers including muskrat and beaver. The shallow bays provide important habitat for fish spawning and nurseries. The inlets, bays, and islands along the coast, provide nesting, breeding, and/or staging habitat for waterfowl, passerines, and raptors.

The intensive historical and current use of this area by Aboriginal peoples, including the Dogrib, Dene, and Métis is well known. Cabin foundations, grave sites, traplines, and recently documented archaeological sites found in the assorted islands outside Wool Bay attest to the use of the area and the richness of its heritage and cultural resources. The traditional importance of Wool Bay is underlined by the stories of Aboriginal peoples who used to seek shelter in the bays and lived in tents with their families on the islands. Traditional use in the bay includes fishing, camping, hunting, trapping, picnicking, berry-picking, harvesting traditional medicines, and spiritual practices. The area has long been a gathering place for Aboriginal peoples and a place where elders teach young people about their culture.

Residents of Yellowknife, Dettah, N'Dilo, Lutsel K'e, Fort Resolution, and Hay River regularly travel along the shores of Great Slave Lake to harvest and pursue traditional livelihoods as well as for recreation. The proximity of Drybones Bay to the growing City of Yellowknife has been linked to increased year-round recreational use. In the summer, the area is frequented by boaters, including but not limited to the recreational boaters and canoeists, as well as some members of the Great Slave Cruising Club, and Great Slave Yacht Club. Some naturalists are also known to go bird-watching in these sheltered bays which accommodate an abundance of bird species. In the winter, the area is visited by people on snowmobiles, including members of the YK Snowmobiler's Club.

Commercial activities in the Drybones Bay area have included fisheries and tourism. Commercial fisheries have existed in the region since the early to mid-1900s. Tourism outfitters activities have also increased in the area (hunting and cultural tours).

Prospecting and mineral exploration from Wool Bay to Gros Cap dates back to the 1930s in the Wool Bay area, but there has been a recent resurgence in staking and drilling activity in the area in search of diamonds and other minerals. This activity has been noted by traditional land users. Because there is no requirement to consult the



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

traditional users of an area before staking mineral claims, some of the recent development activity appears to have taken place without an understanding of the intensity of local land use and of the cultural importance of the area to Aboriginal users. Treaty land entitlement negotiations, which include this area, are ongoing between the Akaitcho Treaty 8 First Nations and Canada but they have not yet been completed.

These circumstances, combined with increasing pressure on valued traditional use areas throughout the Akaitcho Territory, have prompted concern about the future development of the Wool and Drybones Bay area. Concerns have been voiced about the areas where Akaitcho First Nations and Métis believe traditional uses have already been affected due to mineral exploration and mine development. These kinds of concerns underscore the relative importance of areas, such as Wool and Drybones Bay.

1.2.2. Description of the Operation

The developer, North American General Resources Corp. (NAGRC), proposes to conduct an early stage diamond exploration program near Wool Bay. This small winter exploration sampling program on its claim is intended to determine its merits. The program would involve two to three angled drill holes near an island 250 metres off the shore of Great Slave Lake about 1.5 kilometres southeast of Wool Bay proper. The drill holes would be two inches in diameter and drilled to a depth of approximately 150 metres deep.

The program would be supported from Yellowknife with crews commuting daily by 4x4 pick-up truck to the work area, so no camp is necessary. An ice road to Wool Bay has been constructed annually to support winter fishing activities in the vicinity of Wool Bay. An ice road expected to be installed to Drybones Bay by New Shoshoni Ventures (NSV), Consolidated GoldWin Ventures (CGV) and Snowfield Development Corporation (SDC) would provide the majority of the access for crews and equipment. A 300 – 400 metre long road spur would be ploughed from the main ice road to access the Wool Bay work area. No shoreline access is proposed for the program of NAGRC (See Figure 1).

The entire drill program would be limited to an area of approximately 200 metres by 200 metres on the ice of Great Slave Lake. Each individual drill site would temporarily impact an ice surface of less than ten metres squared. Drill cuttings will be collected by the Poly-drill system. This system collects the return water and drill cuttings at the drill collar and filters out the particulate material into sausage-like bags for removal. The cleaner water is recycled and reused in the drilling process for about 1.5 days in this closed re-circulating system. NAGRC intends to transport the rock cuttings bags to Yellowknife daily by pick-up truck for deposition in the local land fill along with any garbage on-site. Between 0.2 and 0.5 cubic metres of drill cuttings will be produced and disposed of daily.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project



Figure 1. North American General Resources Corporations Proposed Program Location (July 2003)



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Re-circulated drill water, after a period of 1.5 days, would be pumped to a localized natural depression on land at least 30 metres from the shoreline. This water will freeze and during spring thaw will gradually evaporate or disperse naturally. Suspended solids will settle in place producing a light dust coating in the depression. The natural sump will be located to ensure that its contents cannot directly enter Great Slave Lake or any other nearby waterbody. The volume of water during each purge will be approximately 500 gallons. The material pumped would contain minimal rock cuttings, water and biodegradable Polydrill polymers. These polymers have been previously approved for use in the NWT by Environment Canada (EC) and the Department of Fisheries and Oceans (DFO).

Fuel would be transported daily in a Tidy tank on the back of one pick-up truck. Enviro-mats would be present on site and placed under any fuel transfer areas. Used mats would be removed daily. Drill pans and spill kits would be present and personnel would be trained in the use of the kits. An electric pump and hose would be used to transfer fuel from the Tidy tank on the back of the pick-up truck to the rig.

The short-term and highly localized nature of the program will require only limited on-site personnel at any time. Diamond drill contractor personnel will be limited to two shifts per day with each crew limited to 2 people. NAGRC consultants will be limited to Paul Cowley, VP Exploration and one other geologist. Mr. Cowley would be present as a project supervisor/observer, monitoring drill contractor performance for waste, water and fuel management and for geological control. The second geologist would conduct daily drill site visits but would be predominantly based in Yellowknife logging core.

The duration of the program is expected to be less than 10 days and would be conducted between late January and late April 2004. The exact timing during this period is dependent on the conditions of the winter ice road and the ice surface at the work site.

2. Environmental Assessment Process

2.1. Parties to the EA

There were twelve parties to the environmental assessment (EA). According to the Review Board's *Rules of Procedure*², the developer is deemed to be a directly affected party. Eleven government departments, Aboriginal groups, other organizations, and

² MVEIRB. *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*. (May 2002).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

leaseholders within the vicinity of the development were also accepted as registered parties. They included:

- Indian and Northern Affairs Canada (INAC);
- Fisheries and Oceans Canada (DFO);
- Environment Canada (EC);
- Government of the Northwest Territories (GNWT);
- Yellowknives Dene First Nation (YKDFN);
- North Slave Métis Alliance (NSMA);
- Lutsel K'e Dene First Nation (LKDFN);
- Northwest Territory Métis Nation (NWT Métis);
- Deninu K'ue First Nation (DKFN);
- NWT and Nunavut Chamber of Mines; and,
- Ms. Susan Weaver.

During the EA process, representatives of government departments had the opportunity to identify their interest in the proceedings and to notify the Review Board of their Minister's intent to participate in the proceeding in the role of a "responsible minister", as defined in section 111 of the *MVRMA*. The Responsible Ministers play a role in the decision-making process. Included in this category are the Ministers of DFO, EC, and the RWED-GNWT. The Minister of INAC is the federal minister as defined by the *MVRMA* and plays the central decision-making role in the EA.

2.2. EA Approach

The EA process had three phases: a scanning phase to define information needs and to describe the development and potential impacts; an analysis phase to explore the reasons for public concern and associated environmental issues; and a decision phase to consider, evaluate, and weigh evidence in order to render an EA decision. Figure 2 shows the phases and tasks undertaken in each phase.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

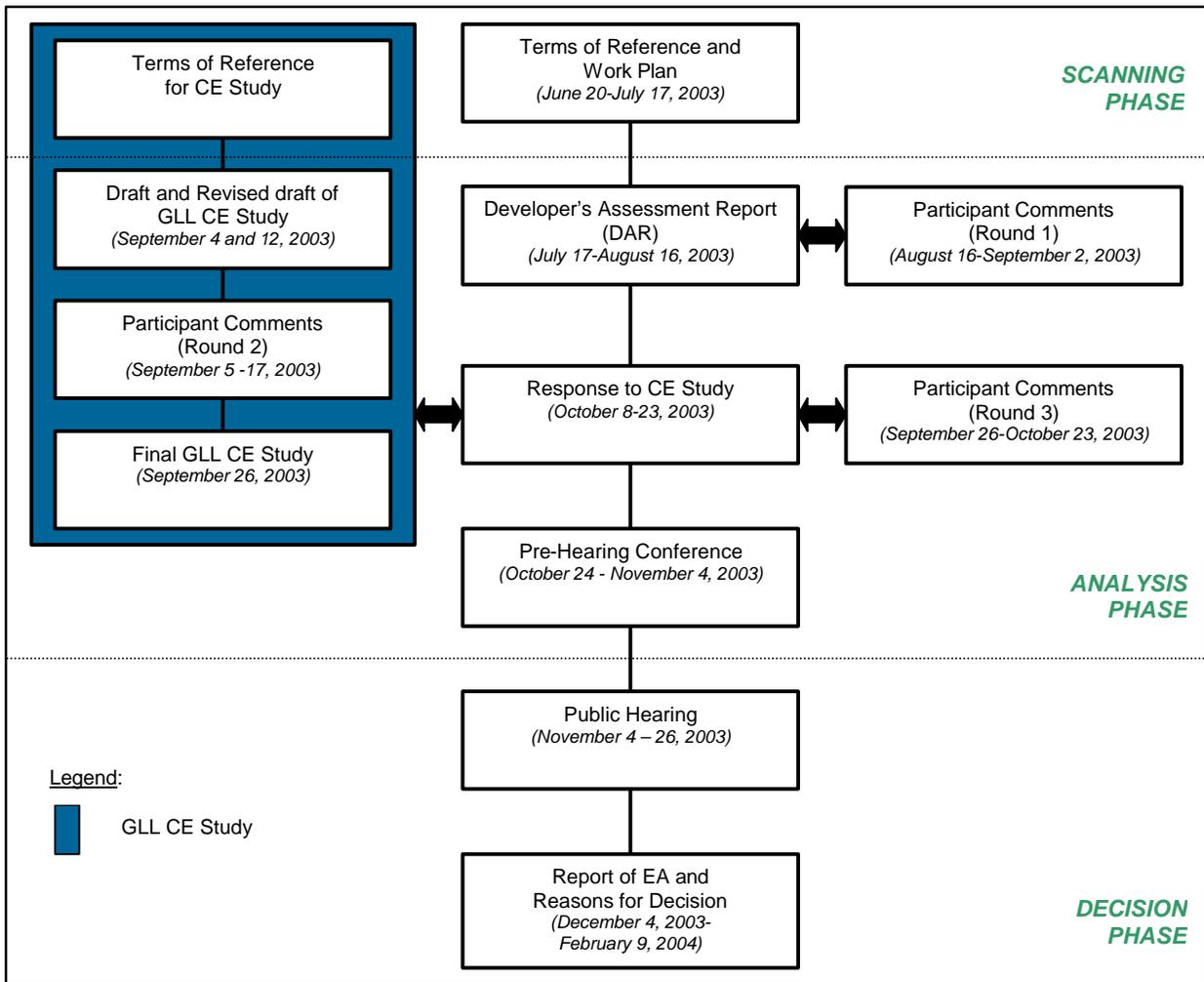


Figure 2. Overview of the Environmental Assessment Process

Development of the Terms of Reference and Work Plan

The Review Board issued a *draft Terms of Reference and Work Plan* for the EA on June 20, 2003. The documents were distributed by fax and e-mail to organizations that wanted to remain on the distribution list³. Comments on the draft were received from June 20 to 30, 2003. INAC, DFO, and NSMA submitted comments that were considered by the Review Board.

³ These organizations were INAC, DFO, Environment Canada, GNWT, YKDFN, NSMA, LKDFN, Northwest Territory Métis Nation, NWT and Nunavut Chamber of Mines, Great Slave Cruising Club, and CARC. Not all organizations decided to be parties to the EA while others sought status as parties just prior to the public hearing.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The final *Terms of Reference and Work Plan* was issued on July 17, 2003. The Terms of Reference described the scope of development and scope of assessment and provided direction to NAGRC and others about their roles, responsibilities and deliverables in the EA process. The Work Plan established the milestones and identified the Review Board's timelines and expectations for the completion of the EA.

The Work Plan was amended by rulings of the Review Board in response to requests or concerns expressed by the parties on three occasions:

- August 11, 2003 the Work Plan was changed to accommodate the developer's late submission of the DAR and to extend the CE Study (PR #109);
- September 23, 2003 the Work Plan was changed to give parties time to comment on the CE Study and the developer's statement on cumulative effects, as well as to address requests for rulings from YKDFN (PR #171); and,
- October 10, 2003 the Public Hearing was re-scheduled to avoid a conflict with the Geoscience Forum (PR #188).

Submission of the Developer's Assessment Report

The Developer's Assessment Report (DAR) was prepared according to the *final Terms of Reference* issued by the Review Board. The DAR was received by the Review Board on August 13, 2003 (PR #110) and distributed to all parties for comment.

Participant Comment Phase for the Developer's Assessment Report

The Review Board staff analyzed the DAR with the assistance of the parties to the EA. The role of the participant comment period was explained in detail in correspondence from the Review Board dated August 18, 2003 (PR #113). The purpose was "to encourage discussion among the parties focused on the Developer's Assessment Report (DAR)". Participation in this phase of the EA was high. Submissions were received from the INAC, DFO, GNWT, NSMA, YKDFN and Susan Weaver. The developer was invited to make adjustments to its submissions in response to the comments of the parties.

Two parties registered just prior to the Public Hearing, including LKDFN, and DKFN. LKDFN however did submit comments on the DAR on November 3, 2003 (PR #214).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Release of the Cumulative Effects Study

The Review Board commissioned an independent regional CE Study. This was done in recognition of:

- the limited resources of the parties;
- the limited experience of the developer in the conduct of cumulative effects assessment (given that mining exploration activities had never before been referred this Review Board for EA); and,
- the Board's concern that a relationship between the developer and Aboriginal parties appeared to be discouraging information sharing.

This study was intended to serve as a resource for all parties to the EA. It was further intended to:

- identify suitable Valued Components (VCs),
- explore the importance of the region from a ecological, cultural and economic perspective,
- highlight contentious issues emerging within the region associated with potentially conflicting land uses,
- pinpoint sensitive areas under pressure from cumulative effects;
- provide a decision-making framework for the sub-region based on risk analysis; and,
- offer advice on mitigations to be applied on a sub-regional basis to alleviate any potential cumulative effects.

This work was commissioned to increase the efficiency of the process by providing a resource for the developer and other parties. The report was intended to aid parties in generating their own evidence based on a regional perspective.

The Review Board directed the consultant to finalize suitable boundaries based upon the cumulative effects research. The CE Study was managed openly. All draft and final versions of the report were distributed unchanged by the Review Board and staff, to ensure the independence of the work.

By the time of its completion the CE Study, the report had been reviewed three times. Drafts were distributed on September 5 and 16, 2003. The final version of the CE Study was released on September 26, 2003.

Developer's Statement on Cumulative Effects

The developer was invited to make a submission in response to the Gartner Lee Ltd (GLL) CE Study that would serve as its submission about the predicted cumulative effects. To ensure the developer's submission was adequately focused, the Review



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Board provided a series of questions for the developer to answer, in correspondence dated October 8, 2003 (PR #179). The developer's statement was distributed to the parties for comment.

Participant Comment Phase for the CE Study and the Developer's Response

The Review Board staff, with assistance from the parties, analyzed the CE Study. The draft CE Study Report, exclusive of conclusions, was distributed on September 5, 2003 with a subsequent revision circulated on September 16, 2003. The draft report was distributed to verify the inputs to the decision model. External verification of model inputs by the parties (i.e., definition of boundaries, selection of VCs, etc.) was intended to give the Review Board some assurance of the quality of impact analyses and predictions. YKDFN, NSMA, DFO, INAC, RWED and Susan Weaver provided comments.⁴

All comments, about the draft CE Study were circulated and placed on the public registry. GLL was asked to finalize the CE Study Report. Wherever possible, the comments of the Parties were addressed in the final refinement of the CE Study.

The most common comments on the draft CE Study report were:

- The temporal boundaries were too narrowly defined to consider full-scale mine development. Mine development was viewed as speculative given the preliminary nature of the programs proposed and on this basis was excluded.
- The spatial boundaries did not reflect the dynamics of the Valued Components (VCs). Some parties also thought the area should be expanded to include the Slave Geological Province to consider operating diamond mines, such as Diavik and BHP. This was deemed too broad given the nature of the proposed exploration programs.
- The TK was underrepresented. Primary TK research was not included in the CE Study but all registered Aboriginal parties were invited to provide information⁵. NWT Métis compiled their TK but did not submit it for the CE Study. YKDFN and NSMA provided information but confidentiality concerns limited the extent to which this TK could be used and shared. NSMA eventually withdrew their information.
- The land use information appeared inaccurate and incomplete. Several critical data sources were identified that appeared not to have been consulted (i.e., Dene Mapping Project, Land Use Inspector's Reports, etc.).

⁴ Some literature and databases could only be accessed and used with permission (i.e., Values at Risk database housed at RWED), and permission was not granted.

⁵ The EA process did not prevent parties from presenting TK information independently as the YKDFN did. Parties also had the opportunity to present TK in oral testimony at the public hearing.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The final version of the CE Study was released on September 26, 2003. The developer was asked to prepare a response to the CE study. This response was circulated on October 8, 2003.

There were no detailed comments from the parties about the developer's statement but several parties provided extensive comments on the final CE Study Report. GLL then prepared a response to all comments received. This document was distributed and filed on the public registry on November 6, 2003 (PR #213).

Pre-Hearing Conference

A pre-hearing conference was held by Review Board staff and legal counsel on November 4, 2003 in Yellowknife. The public were notified via public radio and newspaper announcements. Parties to the EA and the public were invited to attend.

The pre-hearing conference was devoted to a discussion of the hearing process and procedures, and setting a day-by-day draft agenda for the public hearing. Comments compiled during this process were used as a basis for expanding opportunities for presentations by elders and other community members.

Public Hearing

A public hearing (for this EA and two EAs for other diamond explorations in the area) was held November 25-26, 2003 in Yellowknife. The public was notified of the public hearing by means of public radio announcements and newspaper ads. The principal goal of the public hearing was to allow the public an opportunity to hear and participate in a discussion of technical issues unresolved during the EA process leading up to the public hearing, and to enable members of the public to speak to issues they perceived to be of importance.

Presentations were made by the developer, GLL, and all other parties to the EA. All other parties to the EA also had the opportunity to question other parties to the EA. The scope of the hearing addressed the direct and indirect impacts highlighted by the parties.

EA Decision

The Review Board will provide the Minister of INAC and the designated regulatory authority (the MVLWB) with its *Report of Environmental Assessment* as per section 128(2) of the *MVRMA*. The Minister of INAC will distribute the report to every responsible minister as per 128(2)(a) of the *MVRMA*. The developer and the other parties will also receive copies of the *Report of Environmental Assessment*.



2.3. Determinations of Significance

Section 128 of the *MVRMA* requires the Review Board to decide, in its opinion, based on all the evidence on the public record, whether or not the proposed development will likely have a significant adverse impact on the environment or be a cause for significant public concern. These conclusions are contained in this *Report of Environmental Assessment*.

The parties to the EA were asked to assist the Review Board by providing the basis for their conclusions about the significance of the potential impacts of the development. The Review Board asked the parties to identify the expertise applied and, if possible, the source of the information used as a basis for their conclusions. Ultimately, however, the Review Board is required by law to make its determination on the question of impact significance. In so doing, the Review Board considers the following characteristics of any impacts identified:

- Magnitude;
- Geographic extent;
- Timing;
- Duration;
- Frequency;
- Nature of the impact;
- Irreversibility of the impact;
- Probability of occurrence; and,
- Predictive confidence level.

If the evidence on the public record raises issues of public concern, the Review Board evaluates that evidence both in its own right and in light of any determinations made about the significance of the impacts caused by the development. Significant public concern is also a test under which the Review Board could refer the development to environmental impact review (EIR).

The Review Board's analysis and the reasons for its determination of the significance of the impacts which are likely to result from the NAGRC development are described in detail in sections 3.0 Public Concern and 4.0 Impacts on the Environment.

2.4. Scope of the Proceeding

2.4.1. *Scope of the Proposed Development*

The scope of the development includes the elements of the proposed development that will be considered in the EA. The scope of development takes into account both principal and accessory development activities.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Review Board identified the principal development activities to be:

- Lake-based drilling around unnamed island near Wool Bay.

Additional developments and activities are:

- Transport and disposal of garbage and drill cuttings to Yellowknife;
- Disposal of drill water to land in natural depression; and,
- Fuel supply and transfer.

2.4.2. *Scope of the Environmental Assessment*

The scope of assessment covers the components of the environment that will be evaluated for impacts from the proposed development. In determining the scope of assessment, the Review Board was conscious of its obligation under subsection 117(2) of the *MVRMA* to consider:

- the impact of the development on the environment including the impacts of malfunctions or accidents;
- any cumulative effects that are likely to result from the development in combination with other developments; and,
- comments submitted by members of the public.

After considering the relevant information available in the public record, the Review Board decided on the scope of assessment. The scope of the assessment focused on the potential impacts of the proposed development on subsistence and traditional land use, fish and wildlife resources, cultural and heritage resources, and cumulative effects. In the case of cumulative effects, the developer was asked to prepare a response to the GLL CE Study in consideration of all the comments received by other parties.

2.5. EA Process Issues

2.5.1. *Community Engagement*

The Review Board encourages community engagement in its EA process. The Review Board believes that through effective community engagement, a developer can build constructive relationships with communities, create a better program design through the incorporation of TK, and address public concerns on the basis of mutual understanding. These are just some of the reasons that developers should involve the affected communities in the development of their DAR and throughout the EA process.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Community engagement should begin before preliminary screening. During preliminary screening, NAGRC's strategy was to engage the communities identified by the MVLWB. Communities were contacted by letter, and repeated follow up phone calls. The responses of Aboriginal parties were noted by the developer in their DAR. NSMA had indicated that they had no problems with the problems but wished to remain informed. LKDFN had promised to follow up with their concerns but no response was received.

A community meeting organized and hosted by YKDFN on April 3, 2003 was attended by the developer.⁶ This meeting to discuss development in the Wool and Drybones Bay areas gave NAGRC the opportunity to introduce their proposed project, and to understand community concerns.

The DAR and other documents on the public record show community engagement continued after the referral to EA as described in the DAR. The adequacy of these efforts was questioned by the LKDFN, NSMA, DKFN and the NWT Métis. The DKFN were late registrants to the proceeding, leaving less opportunity for the developer to address their concerns. The NWT Métis, in not appearing on the MVLWB's distribution list for the preliminary screening, was inadvertently overlooked during community engagement.

In the cases of LKDFN and NSMA, the developer interpreted their level of interest based on responses provided during preliminary screening. At the public hearing and in its DAR, NAGRC documented several follow up efforts with the communities and delayed responses which were attributed to potential capacity limitations (Public Hearing Transcript (129:15-22), November 25, 2003, PR #247).

Community engagement during the EA emphasized the YKDFN who had expressed considerable concern over the development. The developer also made efforts to respond to the specific encouragement from the Review Board to work with other parties to resolve issues (PR #89 and 204). Responses to the concerns of NSMA and YKDFN are noted in the developer's submission filed before the public hearing (PR #216).

The Review Board finds that the developer did engage Aboriginal communities. The adequacy of the consultation is complicated given the capacity challenges acknowledged by the Aboriginal parties. Participant funding may help to alleviate some of these challenges and is further discussed in section 2.4.4 of this report.

The Review Board believes that the adequacy and effectiveness of community engagement can depend on the relationship between the developer and the parties.

⁶ See comments of Louie Azzolini, Consultant to YKDFN, Public Hearing Transcript (57:2-14), November 25, 2003, PR #300.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Both the developer and the parties are responsible for effective community engagement - the developer by reaching out and the community by responding⁷. The Review Board can encourage community engagement and can confirm the efforts of the parties but cannot dictate how this engagement must occur.

In order to avoid having developer's overlook communities during community engagement, the Board suggests that:

- S1. The MVLWB should ensure that the distribution list for any activities on the shoreline of Great Slave Lake be more inclusive given that Aboriginal communities have traveled the lake extensively and shared the use of the lake resources and shoreline for traditional purposes.**

2.5.2. *Consultation*

During the course of the EA, the issue of "consultation" was raised on several occasions. Various parties, including YKDFN, LKDFN, and NSMA, as well as representatives of the federal and responsible Ministers identified the connection between the Review Board's EA process and the "duty to consult" as framed by the courts in cases involving the infringement of Aboriginal rights.

YKDFN wrote to the Review Board on July 31, 2003 (PR #112). This letter referred to correspondence from Honorable Robert D. Nault, Minister of INAC, dated June 30, 2003, that clearly stated that "the MVLWB, together with the MVEIRB, are the primary vehicles for effective environmental assessment consultation with First Nations that may be affected by a proposed development" (as cited by YKDFN, July 31, 2003).

At the hearing, the NSMA raised concerns about whether consultation through the EA process could fulfill fiduciary obligations based on lower court and Supreme Court decisions, including:

"Consultation must involve substantially addressing the concerns of the North Slave Métis and also providing sufficient information for the North Slave Métis to make informed decisions about the impacts of these proposed developments on our peoples, in our land use activities, and our culture."

- Mark Stevensen, Consultant to NSMA (Public Hearing Transcripts (29:1-13), November 25, 2003, PR #247)

⁷ Required under section 3.1 (b) of the *Interim Measures Agreement between the Akaitcho Territory Dene First Nations and the Government of Canada*, although the applicable schedule is not yet complete.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Many of the Parties to this EA are not clear about the roles and obligations of government, the developer and the Review Board in the consultation process. As a result, it is necessary, in the Review Board's view to re-visit this matter in this *Report of Environmental Assessment*.⁸

The Crown has a fiduciary obligation to consult with Aboriginal groups whose rights may be infringed by activities authorized by government. A number of cases decided by the Supreme Court of Canada support this assertion. The "duty to consult" can vest in either the federal or provincial governments, depending on the nature of the approval being given. By extension, in appropriate circumstances, this duty could also vest in the GNWT. INAC's correspondence to the YKDFN suggests that the government's duty to consult with Aboriginal groups whose rights might be infringed upon by regulatory approvals can be achieved, at least in part through the environmental impact assessment process.

There is, to the Review Board's knowledge, no case law to support the position set out by the Minister of INAC and his officials about the role of the Review Board's EA process in Crown consultation. It is our understanding, as set out in the *DeBeers Snap Lake Diamond Project Environmental Assessment Report* that the only case law available indicates that an EA process by itself is not sufficient to discharge the Crown's responsibility.

Neither officials of INAC or of any other federal or territorial department have addressed the Review Board about the role of the *MVRMA*'s part 5 process in satisfying the Crown's duty to consult. To the best of the Review Board's knowledge, none of these departments has a formal policy or procedures outlining their approach to Crown consultation. The absence of such a framework complicates the Review Board's proceedings and also makes the boundaries of the community engagement obligations vested in private developers difficult to determine. The end result is confusion and ongoing difficulties for Review Board processes.

The Review Board notes the recent pilot study initiated by Natural Resources Canada (NRCan) and the National Energy Board (NEB) and involving INAC and DFO, south of 60, on the development of consultation techniques for NEB regulated energy projects.⁹ North of 60, where a larger proportion of the population exercises Aboriginal rights, government departments have not initiated a similar effort.

⁸ The Review Board has already expressed its opinion on its role in the Crown's consultation process. See, for example, pages 18 to 20 in the Report of Environmental Assessment and Reasons for Decision on the DeBeers Canada Mining Inc. Snap Lake Diamond Project.

⁹ The *Development of a Crown Consultation Model for NEB-Regulated Projects Discussion Paper* was circulated for comment in December 2003 by NRCan and INAC.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The federal Minister's expectations are about the role of "environmental assessment consultation" in the consultation required of the Crown when the infringement of Aboriginal rights may result from a development are not clear. In the case of the *Mikisew Cree First Nation*¹⁰, the Federal Court noted that the duty to consult was a positive one that may vary depending on the circumstances and the nature of the potential infringement. The Board cites *Mikisew* because the case dealt with consultation issues in the context of a screening under the *Canadian Environmental Assessment Act (CEAA)*. The question of whether First Nation consultation had to be "separate and distinct" from the process offered to other stakeholders was considered. The court held that merely involving the First Nation in the consultation of the general public during the screening was not sufficient. *Mikisew* has been appealed but the appeal of this decision has not yet been decided. Nevertheless, the Board notes that statements that its EA process is somehow a component of, or may be in satisfaction of the Crown's duty to consult, are not consistent with this decision. Not at least, without some additional consultation efforts by the actual decision-makers.

Furthermore, the assertion that the EA process is part of government consultation could confuse the adjudicative functions of the Review Board in the environmental impact assessment process with the fiduciary relationship between the Crown and Aboriginal rights holders. The comments of YKDFN and NSMA, based on the federal Minister's correspondence, reflect the view that the Review Board plays an instrumental role in the Crown's consultation process.

The Review Board does not have a direct role in the Crown's consultation process. The Review Board must be fair to the parties which participate in its proceedings. The issue of the role of administrative tribunals in the consultation process was considered by the Supreme Court of Canada in *Quebec*.¹¹ In that case the suggestion that the NEB had a fiduciary obligation to the Cree while also fulfilling an adjudicative function was refuted by the Supreme Court of Canada.

The Review Board holds the view that it cannot play a direct role in the consultation process arising from the Crown's fiduciary duties. The Review Board must be fair, independent and ensure a complete environmental impact assessment process by thorough public and community engagement in its proceedings. Consultation, if required, is the Crown's responsibility. Government departments are, of course, free to choose to wait until after an EA process is complete before determining and acting on their duty to consult. Ultimately, however, this obligation will have to be honoured.

¹⁰ *Mikisew Cree First Nation v. Sheila Copps, Minister of Canadian Heritage and the Thebacha Road Society*, 2001 FCT 1426.

¹¹ *Attorney General v. Canada (National Energy Board)*, [1994] 1 SCR 159.



In order to address this recurring issue and to address the process difficulties resulting from confusion over roles in the consultation process, the Board suggests that:

- S2. Indian and Northern Affairs Canada (INAC), Environment Canada (EC), Fisheries and Oceans Canada (DFO) and the Government of the Northwest Territories (GNWT) should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date.**

2.5.3. *Roles and Responsibilities*

The NAGRC EA process was designed to reduce the burden on the parties given that all the proposed developments in the Wool and Drybones Bay area would have to be assessed individually even though the environmental setting and other factors for the proposed developments in the Wool and Drybones Bay area were similar. This similarity warranted and made possible a combined EA process. Several parties expressed concern that the combined process resulted in a change to the roles and responsibilities of the parties and the Review Board regarding submission of evidence in the proceeding.

For clarity, the Board has made its decisions about the significance of potential adverse environmental impacts and public concern by evaluating the evidence in each individual case. The Review Board kept separate records for each of these EAs and has evaluated the development proposed by NAGRC on its individual merits.

The Review Board engaged consultants to address cumulative effects issues in this instance on behalf of all participants. The consultant did not advise the Board directly at any time. Rather it produced a report which was made available to the parties for their use in addressing cumulative effects. This initiative was taken by the Review Board in light of the very small size of the NAGRC development and the small size of the CGV and NSV projects as well. This was a discretionary decision made by the Board to facilitate the review process in these EAs. As a general rule, the Review Board has no role in generating the evidence in its proceedings.

The parties and the developer provide evidence for consideration by the Board. The onus is on those submitting evidence to convince the Board of their position as described under Rule 18 of the *Rules of Procedure* that states,

Any party or member of the public has the responsibility of introducing information or evidence to support their position. Any party or member of the public seeking to convince the Review Board of any point or position during a proceeding bears the burden of proof in so doing.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The evidence submitted by the parties is judged according to the reliability of the information, its relevance to the environmental setting and the issues in the EA, the logic and clarity of the arguments, and other criteria, as appropriate. The Review Board gives whatever weight is appropriate to the evidence submitted by the parties. In the end, the onus lies on the developer to convince the Review Board that the proposed development can go forward and that it will not cause significant adverse environmental impacts or significant public concern.

2.5.4. *Participant Funding*

Throughout the EA process, there were indications that capacity limitations were affecting the participation of Aboriginal parties in this proceeding. NSMA, and LKDFN emphasized the challenges to participate in the EA process due to the lack of capacity in the absence of participant funding in several instances:

“[T]he level of technical research that's required to digest and understand the scope of the environmental and cultural impacts of this project is well beyond the capacity of our organization.”

- Kris Johnson, NSMA (Public Hearing Transcript (191:3-6), November 26, 2003, PR #248)

“As with other Aboriginal parties to these EAs, we severely lack the personnel and financial resources to adequately respond to these reports, especially within the unreasonable time limitations imposed. We have had very little time to gather relevant information and conduct research, especially over the extremely busy summer months when many of our community members are otherwise engaged in cultural and subsistence activities on the land.”

- Monica Krieger, LKDFN (Fax of November 3, 2003, PR #269)

YKDFN re-organized its resources, obtained funding and hired consultants to help with a rapid cultural and social impact assessment. The work of the YKDFN was commendable and clearly shows how funding to support the efforts of the parties can enhance the quality of evidence submitted in a proceeding. Nevertheless, YKDFN has also noted the strain of participating in the EA process.¹²

¹² Rachel Crapeau expresses this challenge in saying, “[A] lot of our people don't really understand how many meetings we attend and how many times we have to speak on behalf of our people” (Public Hearing Transcript (268:2-4), November 26, 2003, PR #248).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Board recognizes the value and importance of the participation of Aboriginal groups and non-government organizations in the EA process and their contributions to the Board's decision. This is particularly noteworthy for EAs of proposed developments where the determination of significance must rely on TK. In these instances, the only way to ensure a quality EA is to provide the resources to allow the parties to conduct the background work needed to participate effectively.

Under the *MVRMA*, there is no mechanism to provide participant funding at the EA level. Only when a project is referred to an environmental impact review (EIR) can the authorities take steps to secure participant funding. The Review Board has not conducted an EIR in the five years since the Act was called into force. Even in the case of an EIR, participant funding under the *MVRMA* would be established on a case-by-case basis. The additional funding would be negotiated for both the EIR process and participant funding, with INAC.

If participant funding were made available as part of a Board EA or EIR proceeding, arrangements would have to be made for an independent third party to make decisions about the distribution of the funds. Given the Board's obligation to be fair in its EA processes, it could not take direct responsibility for decisions about participant funding. Arm's length arrangements of this nature are in place for panels established under the *CEAA*.

Arrangements were originally made for participant funding in EIRs under the *MVRMA* because they are the equivalent to panel reviews under the *CEAA*. However, the Review Board has held hearings on several major projects, including the DeBeers Snap Lake Diamond Project, without an EIR, by setting out an EA process which includes public hearings.

Recent amendments to *CEAA* have been made to provide intervenor funding for Comprehensive Studies. As of October 30, 2003, the Canadian Environmental Assessment Agency expanded its participant funding program to facilitate public participation in Comprehensive Studies. This means that Aboriginal groups and NGOs in the south or the Inuvialuit Settlement Region can now receive participant funding for Comprehensive Study processes as well as panel proceedings. Residents of the Mackenzie Valley do not have the same opportunities despite the importance of their participation role in the part 5 process, their valuable contributions to Review Board proceedings and the clear capacity pressures they are experiencing.

Participant funding should be provided in appropriate cases where broad participation may be integral to an EA decision. The EA is the closest equivalent under the *MVRMA* to a Comprehensive Study under *CEAA*.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Board recognizes that some delays were necessary in this EA process in order to accommodate Aboriginal organizations as a result of their limited available human resources. Had participant funding been available, communities could have hired additional assistance and a more timely EA process would have been possible. Delays due to inadequate resourcing of Aboriginal organizations during EA processes are likely to continue to occur unless a more comprehensive participant funding mechanism is established for the Mackenzie Valley.

These capacity issues outlined above limit the ability of the Board to meet its statutory obligations “to ensure that the concerns of aboriginal people and the general public are taken into account” (*MVRMA*, section 114(c)) and for the protection of the “environment” and “social, cultural and economic well-being of residents and communities in the Mackenzie Valley” (*MVRMA*, section 115(a) and (b)).

The Review Board has commented on the need for participant funding in previous *Reports of Environmental Assessment*.¹³ Recent changes to participant funding under the *CEAA* may place northerners at a disadvantage relative to participants in federal EA processes elsewhere. Northerners should not be treated as second class citizens. The Review Board therefore suggests:

- S3. The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the *MVRMA* to be equivalent to the Comprehensive Study Review funding practices under *CEAA*.**

2.5.5. *Adequacy and Quality of Submissions*

YKDFN, NSMA, LKDFN and DFO made comments about the technical adequacy and quality of the DAR. A Request for Ruling about the conformity, completeness and technical adequacy of the DAR was submitted by the YKDFN on September 2, 2003. The Review Board, in correspondence dated October 8, 2003, described its conclusion that the DAR was in conformity based on the developer having “provided evidence in response to all items set out in the Terms of Reference” (PR #185). The Review Board declined to rule on the technical adequacy of the DAR because it recognized that additional submissions by the developer and parties prior to the public hearing would provide more technical evidence and address technical issues over the course of the EA process (PR #185).

¹³ Refer to section 1.5.3, p. 21 of *Report of Environmental Assessment and Reasons for Decision on the DeBeers Canada Mining Inc. Snap Lake Diamond Project*.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

At the Public Hearing, the YKDFN expressed concern that the Review Board had set a new standard of DAR acceptability, stating “The assessment reports simply do not meet the minimum professional requirements necessary for such documents and I hope that they are not a new standard the Review Board is setting for its future assessment reports.” (Rachel Crapeau, YKDFN, Public Hearing Transcript (274:5-8), November 26, 2003, PR #248). This concern was shared by other parties. Some parties, including the NSMA, even suggested that the NAGRC development should undergo the same level of scrutiny as a producing diamond mine.

The Review Board does not agree. Each development must be assessed on its own merits. The evidence provided by NAGRC clearly indicated that there was no guarantee that further exploration would take place. NAGRC’s future plans are dependent on the drill results. In the Review Board’s opinion, this is reasonable approach to the assessment since future development applications will also be subject to the EIA process. Further, the Review Board does not believe that there is a uniform standard of analysis applicable to all developments.

The rigor and level of effort in an EA must be driven by the nature of the issues, consideration of the scale of the development, the location of the development, and the nature of the activity proposed. The evidence submitted by a developer should also be consistent with the nature of the application and the reason for referral.

Small-scale, short-duration projects with little to no physical infrastructure that are referred on the basis of public concern should not be expected to fulfill the same requirements as a multi-year development with new construction for access, processing, storage, waste management and camp facilities. The level of effort in an EA should match the level of risk associated with the project. A project with the technical complexity of producing diamond mine, such as the DeBeers Snap Lake Diamond Project, may require workshops, site visits, and hearings, but a diamond exploration program, such as that proposed by NAGRC, should not be expected to adopt the same process. EA must be a flexible tool and in the end, the onus is on the developer to prove there will be no significant adverse effect to the environment.

Given unique requirements for addressing public concern under the *MVRMA*, adjustments in the EA process must be made for developments referred due to public concern. In these instances, the public concern requires greater effort with respect to community engagement and consultation. The substantive content of the DAR may not change beyond the documentation of efforts to work with affected communities, consult, identify issues, and resolve disputes.



2.6. Proposed Recommendations, and Suggestions

Legal consequences flow from the Review Board's determinations. Where the Review Board determines that a significant adverse impact on the environment is likely or that mitigative or remedial measures are required to prevent a significant adverse impact on the environment, it may make recommendations for consideration by the federal and responsible Ministers. This authority is based on section 128 of the *MVRMA* and provisions in the Gwich'in and Sahtu Dene and Métis Comprehensive Land Claim Agreements. If the federal and responsible Ministers accept the Review Board's recommendations, "a first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by a decision made under this section shall act in conformity with the decision to the extent of its authority" (*MVRMA*, subsection 130(5)).

During the EA, the Review Board can consider the effects of a development in light of government activities, policies and operations. The Board also considers the development in relation to other developments. Even where significant adverse environmental impacts are not identified, the EA process may result in insights about the development, the development process, or the potential response to the development by government agencies and others. In such instances, the Review Board may make non-binding suggestions to government and other authorities. These suggestions are intended to help government and others affected to have a more comprehensive response to the development. Implementation of suggestions is not mandatory even if the federal and responsible Ministers accept this *Report of Environmental Assessment*.

The Review Board's legal authority to make recommendations to mitigate the impacts of the proposed development is based on the *MVRMA* and on the language of subsections 24 and 25, respectively, of the Gwich'in and Sahtu Dene and Métis Comprehensive Land Claim Agreements. The Board's interpretation of these authorities is set out below. Subsection 128(1) of the *MVRMA* outlines the Review Board's options upon completion of an EA as follows:

128 . (1) On completing an environmental assessment of a proposal for a development, the Review Board shall,

(a) where the development is not likely in its opinion to have any significant adverse impact on the environment or to be a cause of significant public concern, determine that an environmental impact review of the proposal need not be conducted;



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

- (b) where the development is likely in its opinion to have a significant adverse impact on the environment,*
 - (i) order that an environmental impact review of the proposal be conducted, subject to paragraph 130(1)(c), or*
 - (ii) recommend that the approval of the proposal be made subject to the imposition of such measures as it considers necessary to prevent the significant adverse impact;*

- (c) where the development is likely in its opinion to be a cause of significant public concern, order that an environmental impact review of the proposal be conducted, subject to paragraph 130(1)(c); and,*

- (d) where the development is likely in its opinion to cause an adverse impact on the environment so significant that it cannot be justified, recommend that the proposal be rejected without an environmental impact review.*

The Review Board's authority to make recommendations arises in the context of subparagraph 128(1)(b)(ii) of the Act. A reading of paragraph (b) and subparagraph (ii) indicates that the Review Board has the authority to recommend measures to mitigate impacts when the Board has found a significant adverse environmental impact.

The language in these provisions also seems to require that any recommendations made must be directly linked to the finding of a significant adverse environmental impact. A strict interpretation of this paragraph could prevent the Review Board from recommending measures to prevent adverse environmental impacts from becoming significant. In other words, a strict reading of paragraph 128(1)(b) and subparagraph (ii) could arguably indicate that if an adverse environmental impact is not already significant then the Review Board has no authority to recommend measures to reduce or prevent a significant adverse impact (this is called the "restrictive interpretation" below). This result is not consistent with good EA practice.

One of the important benefits of an EA is the opportunity to minimize all identified adverse impacts through the imposition of mitigative measures. Consequently, the Review Board has adopted a more remedial interpretation of 128(1)(b). This interpretation is in keeping with the overall purpose of *MVRMA* and the land claims upon which the Act is based. There is clear authority for this interpretation of paragraph 128(1)(b) and subparagraph (ii). The Board's reasons are outlined below.

Any measures recommended by the Review Board under paragraph 128(1)(b) are considered by the federal and responsible Ministers under paragraph 130(1)(b) of the *MVRMA*. If the recommended measures are adopted, they must be carried out by responsible Ministers to the extent of their jurisdiction under subsection 130(5) and by the Land and Water Boards under section 62. The EA process is linked to the



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

regulatory process and if adopted by the appropriate decision-makers must be carried out by regulatory authorities. The result is the “integrated system of land and water management” referred to in the long title of the *MVRMA* and required under the land claims.

The interpretation of paragraph 128(1)(b) will determine whether the Review Board has the authority to recommend measures to mitigate any adverse environmental impacts which might become significant, or only those which have already been determined to be significant. This distinction is important and strikes at the heart of the EA process under the *MVRMA*. If the restrictive interpretation prevailed, the EA process may fail to achieve these statutory goals expressed in section 115 of the *MVRMA*. This section speaks to the need to protect the environment and the social, economic and cultural well-being of residents of the Mackenzie Valley. The Review Board’s view is that ignoring evidence of adverse impacts which can be mitigated because the impacts are not yet significant is not consistent with the *MVRMA* or with the Review Board’s duty to protect the environment. The Review Board has considered this issue and has decided that it has the authority to recommend measures to reduce the effect of a significant adverse environmental impact below the level of significance and measures to prevent an adverse environmental impact from becoming significant.

The authority for this interpretation is based in section 24.3.5 (a) of the *Gwich’in Comprehensive Land Claim Agreement* and in section 25.3.5 (a) of the *Sahtu Dene and Metis Comprehensive Land Claim Agreement*. These sections are identical so the relevant portion of Sahtu claim only is reflected below:

25.3.5 (a) subject to 25.3.3(a), a development proposal shall be assessed by the Review Board in order to determine whether the proposed development will be likely to have a significant adverse impact on the environment or will likely be a cause of significant public concern. In making its determination the Review Board may consider terms and conditions to the proposed development which would prevent significant adverse impact on the environment and may recommend the imposition of such terms and conditions to the Minister. Such terms and conditions shall be subject to review pursuant to 25.3.14.

This provision clearly intended that the Review Board be able to recommend terms and conditions (measures) to the Minister to “prevent significant adverse impact on the environment”. This authority goes beyond the restrictive interpretation of paragraph 128(1)(b) discussed above. It does not require that an impact already be determined to be significant before the Review Board can recommend measures. Instead the Review Board can recommend measures to prevent an impact which is not yet significant from becoming so.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

In this regard the restrictive interpretation of paragraph 128(1)(b) of the MVRMA is not consistent with these paragraphs of the Gwich'in and Sahtu land claims. The Review Board is therefore of the view that the interpretation of paragraph 128(1) (b) should be more liberal in order to make it consistent with the land claims and with section 115 of the *MVRMA* as well.

Section 3.1.18 of the Sahtu land claim (3.1.19 of the Gwich'in claim) specifies that the Agreement may be used as an aid to interpretation where there is any doubt in respect of any legislation implementing the provisions of the Agreement. Section 3.1.22 of the Sahtu land claim (3.1.23 of the Gwich'in) and part 5 of the *MVRMA* specify that when there is an inconsistency or conflict between any law and a land claim agreement that the land claim agreement applies to the extent of the inconsistency or conflict. This legal hierarchy is clear. The land claim provisions are paramount. Consequently, the Review Board has the authority to recommend measures both to reduce significant adverse environmental impacts below the level of significance and to prevent adverse environmental impacts from becoming significant. This finding is in keeping with good EA practice and is consistent with both the Gwich'in and Sahtu land claims.

3. Public Concern

3.1. Approach

Public concern is not defined under the *MVRMA*. The *MVRMA* nevertheless requires the Review Board to consider public concern, and if a determination of significance is made under to paragraph 128 (1)(c), Board must order an environmental impact review (EIR).

Under the *MVRMA* no distinction is made between public concern expressed by Aboriginal people and other publics. These concerns are given equal weight although the Board makes an effort to interpret the concerns of Aboriginal people in a culturally appropriate manner but within the legal context of the *MVRMA*.

The Review Board's approach to public concern includes consideration of the submissions of the parties to this EA, analysis of public concern within the context of the *MVRMA*, and the Board's determination of the significance of public concern.



3.2. Submissions of the Parties

The Review Board has heard from many parties and from individuals, elders and representatives of Aboriginal organizations about the importance of the Drybones and Wool Bay areas. As has been indicated above, this application was referred to EA by the MVLWB on the basis of public concern. There is no doubt, in the Review Board's opinion, that the evidence in this proceeding provides a firm foundation for the concerns expressed about these areas, particularly in relation to the possible effects of the proposed development on the cultural and heritage resources important to the YKDFN, NSMA, NWT Métis, LKDFN and DKFN.

3.3. Analysis

Part 5 of the *MVRMA* makes provision for the Review Board to address public concern which arises in the context of environmental impact assessment processes. When such evidence is heard in an EA, the MVEIRB must decide how to respond. This analysis explains the approach adopted by the Review Board to address the evidence of public concern heard in this proceeding.

The *MVRMA* provides a legal framework within which public concern can contribute to the decision-making about developments in the Mackenzie Valley. It is necessary to examine the treatment of public concern through the environmental impact assessment process set out in part 5 of the *MVRMA* in order to determine the appropriate approach to a decision about public concern.

Preliminary screeners exercising their decision-making authority under paragraph 125(1)(a) of the *MVRMA* can make a referral to the Review Board if, in their opinion, the development might be a cause of public concern. That is what happened in the case of NAGRC. The test for public concern in paragraph 125(1)(a) is a low one. Unfortunately, the *MVRMA* does not give any direction to preliminary screeners or the Review Board about how to measure public concern. Since Parliament left the screening decision-makers with a subjective test and a low threshold for public concern, the Review Board then concludes that the EA process is intended to address any public concern which results in a referral from the preliminary screening stage.

The context in which public concern is raised in paragraph 125(1)(a), like the context in section 128(1), leads to the inference that the *MVRMA* is talking about public concern about the impacts on the environment that might result from a development. Part 5 is about environmental impact assessment and the process therein is directed at the identification and, if possible, mitigation of significant adverse environmental impacts.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

When the broad scope of the definition for the term “impact on the environment” in section 111 of the *MVRMA* is considered, it is clear that public concern about impacts on the environment can encompass a wide range of issues, including effects on the social and cultural environment and on heritage resources.

Paragraph 128(1)(c) of the Act continues the *MVRMA*’s focus on the theme of public concern and makes this matter a determinant in a decision of whether or not an Environmental Impact Review (EIR) should be ordered by the Review Board. There must however be “significant public concern” before the Review Board can exercise its discretion to order an EIR. This establishes a higher threshold before an EIR can be ordered on the basis of public concern.

Section 117(2)(c) of the *MVRMA* requires the Review Board to consider the public’s comments on a proposed development. Thus, in the Review Board’s view, the statute anticipates that the EA process will address any public concern which led to a referral or arises during an EA process. The result is an EA process that includes a review, analysis and determination by the Board of public concern, as well as on the other factors set out in subsection 117(2).

Upon review of the statutory scheme, good environmental impact assessment process and on consideration of the evidence in this EA, it seems clear to the Board that mitigation measures which will alleviate adverse environmental impacts should also alleviate public concern about those impacts. Some of these measures and the community engagement process required by an EA may address public concern directly but the Review Board is also of the view that mitigation measures which reduce impacts on the environment will also reduce public concern.

If this mitigation is not possible or if the EA process brings further issues which cause concern to light and if the public concerns remaining at the end of the EA process are significant, then one possible outcome is a referral to EIR on the basis of significant public concern under paragraph 128(1)(c).

3.4. Conclusions

In this case, the Review Board finds that the recommendations set out in this report will mitigate the environmental impacts and will address the public concerns raised in this process.

There were issues raised before the Board, which related to issues of EA process and the quality of the DAR. These concerns are categorically different than concerns about the potentially adverse impacts on the environment considered in the EA. Process and



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

other issues have been dealt with separately in this report of EA. The Review Board is, however, not of the view that this kind of concern is relevant to a paragraph 128(1)(c) decision. In our view, the significant public concern referred to in paragraph 128(1)(c) is concern about the effects of the project on the environment.

In light of the residual impacts of this development on the environment and their relation to public concern, the Review Board finds that once all recommended mitigation measures and commitments offered by the developer are completed, that residual public concern is not significant.

The Review Board's specific findings on public concern are set out in part 4 below.

4. Impact Analysis

4.1. Review Board's Approach

4.1.1. *Structure of Analysis*

The impact analysis in this report covers the biophysical environment and cultural landscapes. These topics are interrelated because cultural landscapes reflect the connection between Aboriginal people and the land based on beliefs, values, and customs (such as traditional uses of hunting, trapping, berry picking, and harvesting of medicinal plants). The analysis of topics below is organized under the following headings:

- Description of Issue;
- Summary of Developer's Submissions;
- Summary of Responses from the Parties; and,
- Conclusions.

Project-specific and cumulative effects on the biophysical environment are discussed under section 4.3.1. Project-specific and cumulative effects are discussed for the cultural landscape under section 4.3.2.



4.1.2. *Issues Identification*

The Review Board's *Report of EA* is based on an analysis of issues raised through the EA process. The Board's approach to identifying the issues considered in this *Report of EA* follows.

A comprehensive listing of the issues was developed based on the evidence and comments submitted by the parties.

Some issues are not discussed in this *Report of Environmental Assessment*. Issues considered to be beyond the scope of the EA, resolved by the parties or during the EA process, or not requiring explanation or analysis in this *Report of Environmental Assessment* beyond listing in the summary of the issues are not discussed further below.

Some evidence or comments which were, in the Review Board's view, indicative of a larger issue are aggregated and considered jointly below (see for example, cultural landscapes). After the Review Board's analysis of the evidence, issues were placed into one or more of the following categories:

- the evidence indicated that the issue was resolved to the satisfaction of the developer and the parties to the EA;
- the issue was not pursued or carried forward to the public hearing by the parties;
- the issue was carried forward to the public hearing along with a related issue;
- the issue was resolved by way of a commitment made by the developer;
- the issue was without foundation in the evidence on the public record; or
- the issue was not addressed and resolved by the developer or the parties.

The Review Board has narrowed its consideration of the issues for the purposes of this *Report of EA* to those matters which, in the Board's opinion, fall into the last of the categories above or required additional discussion, analysis and, in some cases, action by Responsible Ministers. A summary of the issues raised in this EA process is provided in Appendix B.

4.1.3. *Developer's Commitments*

The developer made a series of mitigation commitments throughout the EA process. A table of these commitments has been compiled by the Review Board from a review of the public record. These commitments are presented in Appendix C.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Review Board considered the developer's commitments in drawing its conclusions about environmental impacts and their significance, and in setting out its suggestions and recommendations. The Board's decision has been made on the assumption that the developer will fulfill all of its commitments. The Review Board's determination of impacts and the significance of those impacts depend on these commitments. A failure by the developer to fulfill these commitments would affect the determination of the significance of the adverse residual environmental impacts.

4.2. Study Areas

The following describes the study areas defined or accepted by the developer for examining potential impacts on the environment from the proposed program.

The developer adopted a single local study area (LSA) and regional study area (RSA) irrespective of the environmental component analyzed. The LSA was defined more broadly to include a region of 200 by 200 metres, including the drill locations disturbed by the physical operations of the development. The ice road appeared to have been excluded from the LSA but several general comments were made in the DAR regarding the ice road, suggesting that it was considered to some degree in the impact assessment for the Valued Components (VC).

The developer adopted the RSA from the Cumulative Effects (CE Study) as the basis for their statement of cumulative effects. This RSA was roughly based on a region of traditional land use, including 5 kilometres offshore to 10 kilometres inland from the community of Dettah to Matonnabee Point. Although the developer's written submission, dated September 15, 2003, expressed concern about the dimensions chosen by GLL, indicating that the boundaries of 10 kilometres inland were "too large" but they would support a study area based on "less than 1 kilometre radius" (PR 155).¹⁴

The Board does not accept the LSA and RSA used by the developer. The LSA and RSA do not encompass all possible impacts of the development to VCs. This is particularly noted for wildlife displacement by noise in the LSA, and for the effects which may result from enhanced access to traditional and other users due to winter road construction in the RSA.

The LSA accepted by the Board includes the ice road, the drill sites and potential on land disposal locations for wastewater from drilling. The RSA adopted by the Review Board is focused on an area of intensive overlapping traditional use, based on the evidence provided by the Aboriginal parties. NAGRC did not identify any VCs for

¹⁴ It should be noted that NAGRC was interpreting the 10 kilometre boundary as being the LSA when in fact it was referring to the dimensions of the RSA.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

culture and so in order to meet its statutory obligation to consider impacts on the social and cultural environment, the Review Board had to establish a study area to address social and cultural VCs. In the Board's view, there was a need for a larger RSA to accommodate cultural impacts. In the absence of comprehensive TK from all Aboriginal parties, the Review Board has relied heavily on the YKDFN's traditional use map and other reports as a basis for the bounding for the RSA. See Figure 3.

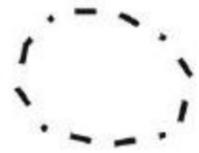
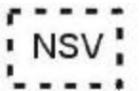
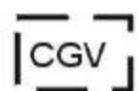


Figure 3:

Regional Study Area

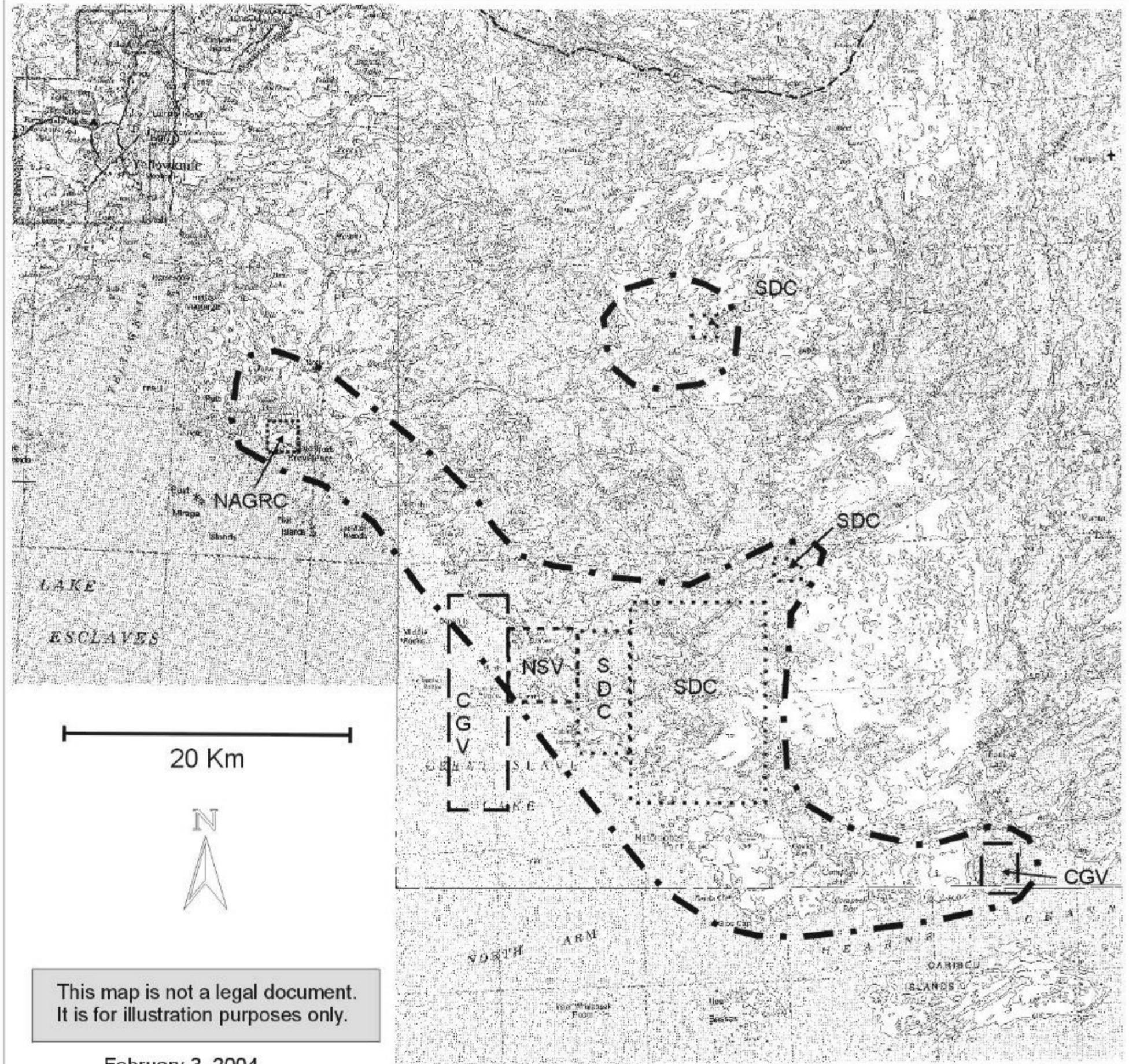
Drybones Bay / Wool Bay
Environmental Assessments

Legend

-  Approximate Boundary of Regional Study Area
-  SDC Approximate Location Snowfield Development
-  NSV Approximate Location New Shoshoni Ventures Development
-  CGV Approximate Location Consolidated Goldwin Ventures Development
-  NAGRC Approximate Location North American General Resources Development



Mackenzie Valley
Environmental Impact Review Board



This map is not a legal document.
It is for illustration purposes only.

February 3, 2004

4.3. Biophysical Environment

The Review Board has an obligation to make determinations of significance for impacts on the environment. The *MVRMA* defines impact on the environment as “any effect on land, water, air or any other component of the environment as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.” This part of the impact analysis focuses on the land, water, air or any other component of the environment as encompassed by biophysical environment.

The public record was examined for unresolved issues relating to the biophysical environment. Aspects of the biophysical environment that were addressed in the EA process and in the evidence were fish and wildlife and their habitat, focusing mainly on the physical changes to the land and water.

Although concerns were expressed regarding potential development effects on wildlife and their habitat, no evidence was presented to warrant a more detailed consideration of these potential effects.¹⁵ Only direct impacts and cumulative impacts to fish habitat, alteration, disruption and destruction are considered further below.

4.3.1. *Fish Habitat Alteration, Disruption, and Destruction*

Description of Issue

The possibility of fish habitat alteration, disruption and destruction were identified due to uncertainty in whether the drill locations coincided with fish spawning habitat and nurseries, which could be adversely affected by sedimentation.

Developer’s Submission

The developer’s DAR (PR #110), response to the CE Study (PR #155), and presentation at the public hearing (PR #247) indicate that significant, lasting impacts to fish or their habitat are unlikely. The DAR specifically addressed the potential for toxic effects to fish due to drilling as well as the potential sensitivity of fish habitat based on drill locations.

¹⁵ Environment Canada, GNWT, and INAC all indicated that direct impacts to wildlife and wildlife habitat would be negligible given the nature of the proposed development.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

NAGRC pointed out that drill waste water would be collected and disposed of on land in a natural depression. The potential toxic effects of waste water from drilling into kimberlite, as noted at Lac de Gras, are avoided because the drill water is not released directly into the lake but is contained.¹⁶

The developer provided information about drill locations in the DAR. Information could not be provided to confirm precise water depths or the presence or absence of shoals. In its DAR, the developer stated that the water in these areas was sufficiently shallow that it was expected to be frozen to bottom at the time of operation (PR#110). The request to change drilling location by DFO appeared unwarranted in the developer's view (Public Hearing Transcript (113:10-14), November 25, 2003, PR #247)

In further clarification at the public hearing, Rick Hoos, consultant to NAGRC, provided the basis for this conclusion. In his professional opinion, Mr. Hoos stated that although the exact nature of the lake bottom in this particular area was unknown, there is a predominance of a solid rock bottom in the area that would make it unsuitable habitat for most species. He further stated that lake trout prefer a rocky boulder with gravel environment bottom to solid rock.¹⁷

Although stating that changing drill locations was unwarranted, the developer did make one concession with regard to the drilling location south of the unnamed island for which DFO had expressed the greatest concern. In its pre-hearing conference submission, the developer committed to "stay closer to the island where water depths are shallower and frozen to lake bottom" (PR #207). Given DFO's lingering concern about the potential for fish habitat at the drill location, the developer further suggested that "Perhaps DFO would like to go out and check it out [...]" (Public Hearing Transcript (114:17-18), November 25, 2003, PR #247).

Parties Submissions

Several parties expressed general concern about potential impacts to fish but only DFO presented evidence to identify the nature of and mechanism for the potential impact. Correspondence from DFO, dated September 2, 2003, requested clarification of the precise drill location south of the island, whether the water is deeper, to ensure that the proposed development would avoid fish and their habitat (PR #119).

At the public hearing, DFO was not assured that impact predictions regarding fish and their habitat could be stated with certainty due to uncertainty in the lake bottom

¹⁶ Documented cited in DAR is Wilson, A. *Investigation of Aquatic Impacts of On-Ice Exploratory Diamond Drilling* (1997-2000) Environment Canada.

¹⁷ Refer to Rick Hoos statements Public Hearing Transcripts (109:2-16), November 26, 2003, PR #300)



substrate. The possible intersection of shoals by the drilling program was resolved by the developer's commitment in its pre-hearing conference submission. DFO also agreed to check out the area itself.¹⁸

Conclusions

The Review Board accepts DFO's concerns about potential adverse impacts to fish due to alteration, disturbance or destruction of habitat. The Review Board is aware of DFO's obligations relative to Section 35(1) of the *Fisheries Act* which provides that "[n]o person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

The Review Board recognizes the developer's commitment to drill closer to the island for the southern drill location in an area frozen to bottom to alleviate DFO's concern. The Board is, however, concerned about the potential trade-off between mitigation of effects on fish habitat and the potential cultural impacts arising from activities located too close to archaeological and burial sites. The new southern drill location should in no event be sited less than 100 metres from a documented archaeological or burial site. The Review Board's concerns about the location of this site are set out in more detail below (see section 4.4 for details).

The Review Board notes that DFO has committed to verify whether or not fish habitat may occur in the vicinity of NAGRC's operation. Should the alternative drill site the developer committed to south of the island prove unsuitable based on proximity to archaeological or burial sites, an alternative site will have to be chosen with due consideration of fish habitat concerns. Therefore in response to concerns expressed by DFO and to avoid potential significant adverse impacts to the environment due to drilling into shoals, the Review Board recommends:

- R1. DFO will verify that sensitive fish spawning and nursery habitat does not occur within NAGRC's proposed drilling locations.**
- R2. NAGRC will confirm the lake depth at all drill locations. NAGRC will only drill in lake depths less than 11 metres, if the ice is frozen to bottom prior to start of drilling.**

The Review Board acknowledges further concerns raised by DFO but is of the view that they are regulatory in nature. A regulatory measure that should be noted by the *MVLWB* is that NAGRC also adhere to the letter of advice provided to CGV by DFO.

¹⁸ Refer to comments made by Dave Balint, DFO, in Public Hearing Transcript (114:19-20), November 25, 2003, PR #300.



4.3.2. *Biophysical Cumulative Effects*

Description of Issue

The residual impacts on fish or their habitat of all lake based drilling programs could result in a cumulative effect.

Developer's Submission

The developer stated in its presentation that its program is not expected to result in any cumulative effects much less significant cumulative effects.

Submissions of the Parties

GNWT, DFO, and INAC all clearly stated that the short term nature of drill program, if mitigated, would be unlikely to result in any residual biophysical effects. In the absence of residual effects, no cumulative effects would be expected to the biophysical environment.

Conclusions

The Review Board accepts the conclusions of the developer, supported by DFO, GNWT, and INAC that no residual impacts are expected after mitigation measures are instituted. As a result, if there are no residual impacts, there can be no significant adverse impacts on the environment due to cumulative effects as a result of NAGRC's development.

4.4. Cultural Landscapes

The Review Board must make determinations of significance for impacts on the environment, including "any effect on the social and cultural environment or on heritage resources" (*MVRMA*). This part of the impact analysis focuses on the social and cultural environment and heritage resources as encompassed by cultural landscapes.

The public record was examined for unresolved issues relating to cultural landscapes. Cultural landscapes are places or series of places linked together by water and land routes valued by an Aboriginal group due to the long history of connection to that land



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

and water. The cultural landscape embodies the traditional knowledge of ancestors, past and present relationships, spirits, wildlife, fish and plants, and knowledge of biodiversity and ecology.¹⁹ The cultural landscape and associated oral traditions also embody knowledge of responsibilities that show respectful stewardship. Material remains in the cultural landscape may be prominent, but are more often minimal or absent. Intangible cultural heritage, such as oral narratives, are also associated with the cultural landscape.²⁰

Tangible and intangible dimensions of the environment are linked in cultural landscapes. The issues discussed in this section include archaeological sites, burial sites, and cumulative effects to cultural landscapes. Changes to the cultural landscape as a result of impacts to physical aspects of the environment, such as archaeological and burial sites, and impacts to the social and cultural environment by virtue of changes to heritage resources may result in cumulative effects that influence cultural identity and well-being. Cumulative effects to the cultural landscape can either negatively or positively impact cultural identity and well-being. For this reason archaeological and burial sites will be discussed separately and also be dealt with together in a discussion of cumulative effects, in keeping with the intent of the YKDFN.

"...[W]e don't want our cultural identity treated like points on a map that can be simply managed and mitigated or made less important. Those places, the cultural representations, the landscape and the information those places contain are not just archaeological sites. They're part of our social, spiritual and cultural identity. [...] Those places out there are how we communicate who we are and [...] pass on our culture to our children."

- Chief Darrell Beaulieu, YKDFN (Public Hearing Transcripts (12:12-21), November 26, 2003, PR #248)

Spiritual sites were not identified and their role and relative importance to culture was not explained in submissions by the parties. Nevertheless, several submissions emphasized the sacred importance of Drybones Bay. Spiritual sites and sacred places are dealt with as part of cultural identity and well-being under the cumulative effects heading below.

¹⁹ Mitchell, N. and S. Buggiey 2000. Protected Landscapes and Cultural Landscapes: Taking Advantage of Diverse Approaches. *George Wright Forum* 17(1):35-46.

²⁰ See Buggiey, Susan, 1999. "An Approach to Aboriginal Cultural Landscapes". Parks Canada, HSMBC agenda paper 1999-10.



4.4.1. *Archaeological Sites*

Description of Issue

The proposed development area had never previously been the subject of a complete survey of historical or archaeological sites. The information available in the Prince of Wales Northern Heritages Centre's (PWNHC) database is not complete for this area. In the absence of detailed information for the proposed project area, the ability to recognize and effectively mitigate potential project impacts to known and suspected archaeological sites, as specified under the *MVLUR*, is uncertain.

Developer's Submission

In its DAR (PR #110), the developer indicated that it had requested information about known archaeological sites within the vicinity of its program. Subsequent correspondence from NAGRC instated that "the search radius was 5 kilometres from the project areas" (PR# 155). Only the town site for Old Fort Providence was identified at that time.

It was acknowledged that some archaeological sites may exist that are as yet unknown to the developer. The developer made several commitments to ensure that archaeological sites would not be adversely affected as a result of the program. Commitments included the engagement of First Nations persons to ensure archaeological sites were avoided for the disposal of drill water, the avoidance of the small island around which the developer intends to drill, and a general commitment that archaeological sites will not be compromised (See Appendix A.).

Parties Submissions

The legal framework for the protection of historical and archaeological resources was set out by the PWNHC. It consists of several legal instruments, including the *NWT Archaeological Sites Regulations*, *MVRMA*, and *MVLUR*. The *Access to Information and Protection of Privacy Act* also provides some protection indirectly by controlling the sharing of archaeological information. Each statute or regulation serves a role in the overall management of these resources.

The *NWT Archaeological Sites Regulations* defines an archaeological artefact as "any tangible evidence of human activity that is more than 50 years old, in respect of which an unbroken chain of possession cannot be demonstrated". Sections 4 and 5 protect



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

archaeological sites, places where archaeological artefacts are found, by making it illegal to search for, excavate, or otherwise disturb archaeological artefacts or sites without holding a valid NWT Archaeologists Permit. The territorial minister responsible for heritage is responsible for issuing the permits under section 6. Section 13 makes the PWNHC the sole legal repository for archaeological artefacts in the NWT.

The *MVRMA* defines heritage resources as “archaeological or historic sites, burial sites, artefacts and other objects of historical, cultural or religious significance, and historical or cultural records.” Under Part 5 of the Act, an “impact on the environment” includes any effect on the social and cultural environment or on heritage resources.

The *MVLUR* address archaeological site protection relative to permitted land uses in sections 6 and 12. Under paragraph 6 (a), “unless expressly authorized by a permit or in writing by an inspector, no permittee shall conduct a land use operation within 30 m of a known monument or a known or suspected historical, archaeological site or burial ground”. Section 12 describes requisite actions during a land-use operation if a suspected historical or archaeological site is discovered. The developer, or permittee, must “immediately suspend operations on the site or burial ground and notify the Board or an inspector; and [...] notify any affected First Nation and the department of the Government of the Northwest Territories responsible therefore of the location of the site or burial ground and consult them regarding the nature of the materials, structures or artefacts and any further actions to be taken” (*MVLUR*, section 12)..

Section 19 of the *Access to Information and Protection of Privacy Act* ensures that information about the location of archaeological sites is restricted: This Act provides protection to the sites because PWNHC “may refuse to disclose information to an applicant where the disclosure could reasonably be expected to result in damage to or interfere with the conservation of sites having an anthropological or heritage value or aboriginal cultural significance.”

In correspondence dated July 7, 2003, Charles Arnold, the Director of Culture, Heritage and Languages, noted that

“There has never been a systematic archaeological survey conducted along the north shore of Great Slave Lake, and as a result we lack archaeological baseline data for the Drybones/Wool bay area. Judging by the extensive record of traditional land use known through the Yellowknife Dene First Nation oral histories, it is clear that the area has a long history of human activity. Consequently, it is expected that there would be many archaeological sites in the area.”



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Since this time, the YKDFN filed with the Review Board the results of their summer field survey.²¹ This field work relied on TK of YKDFN to identify previously undocumented archaeological and historical resources in the Wool and Drybones Bay area. The study included the vicinity of NAGRC's program area. A total of 64 new sites were discovered ranging from pre-contact to contemporary historical sites.²²

Within a two kilometre radius of the unnamed island around which NAGRC intends to drill three exploratory holes, 11 archaeological sites were documented during the YKDFN's summer 2003 field survey. The 11 sites demonstrate a history of extensive use representing a tool making site, an old mission site, a prospector's camp and work area, a canoe building site (situated on the unnamed island where NAGRC plans to drill) and five sites containing tent rings of various ages. One of the tent sites bears evidence of a recent winter camp that was constructed over top a more ancient tent ring. Development so near to archaeological sites is inconsistent with protections under the *MVLUR*.

The YKDFN indicate that these sites reflect a range of pre-contact, historic and contemporary sites that are a non-renewable resource. Several sites require the completion of documentation, interpretation, and determinations of significance. The YKDFN report suggests that potential disturbance is at least moderate.

The importance of protecting these sites was emphasized by a YKDFN elder in saying,

"[T]here's maybe three or four buildings left in those areas and those are our historic sites and our people are very concerned about what's happening in those areas and we want the buildings and other artefacts left as it is. As it was before."

- Judy Charlo, YKDFN (Public Hearing Transcripts (59:5-10) November 26th, 2003, PR #248)

LKDFN and NSMA expressed concern about potential historical and archaeological sites in the vicinity of the project, indicating that capacity limitations hindered their ability to document those sites that may be important to their communities. These parties similarly noted the importance in locating these sites based on TK, as the LKDFN have already done closer to their community.

²¹ Reports entitled *Archaeological Assessment of Mineral Exploration and Aggregate Extraction in the Vicinity of Drybones and Wool Bay, Great Slave Lake, Northwest Territories* and *A Preliminary Report on Cultural and Historical Resources of the Drybones and Wool Bay Areas* dealt with historical and burial sites.

²² A discrepancy was noted by YKDFN in the hearing that acknowledge the actual number of sites is more likely between 56 and 58 due to the inclusion of some recent cabins (Public Hearing Transcript (257:5-7), November 26, 2003, PR #248).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The incompleteness of the archaeological survey for the area was emphasized in the submissions of YKDFN, LKDFN, and NSMA. Aboriginal parties emphasized the PWNHC's estimate that less than 1 percent of potential archaeological sites in the Wool and Drybones Bay area are documented (PR #223).

By the end of the public hearing, the Aboriginal parties remained unconvinced that the potential adverse impacts to historic and archaeological sites could be mitigated effectively if the developer were to dispose of waste water on land. The Aboriginal parties requested a pre-operations survey with a qualified archaeologist to be certain.

Conclusions

The Review Board finds that since the NAGRC's drill holes are lake-based, the probability of encountering archaeological sites in these areas is very low. The Review Board notes that although NAGRC has no intention of going on to the small unnamed island, it does plan to release drilling water in natural depressions along the shore. This could be problematic given the number of new sites discovered in the Wool Bay area combined with the apparent level of historic and continued traditional use that elevates the likelihood of encountering more sites.

Nevertheless, the main impact associated with on land activity is destruction or damage due to compaction from access to the disposal areas for drill water. The impact would be expected to be localized, limited to the access route or drill location. Packed snow acts as one measure of protection for archaeological sites, although it may be ineffective to protect fragile artefacts. Greater concern is associated with the potential alteration of archaeological sites such as tent rings consisting of rings of rocks. The interpretive value of these sites may be diminished by disturbance.

The Review Board finds, given the significant potential for more heritage sites to be discovered on shore in the NAGRC operations area that any land access may have an impact on as yet undocumented or suspected archaeological sites. The mitigation proposed by NAGRC which is to consult with local people may not be adequate to avoid this impact.

The Review Board notes that YKDFN's field survey was preliminary and more work is required. The probability of encountering archaeological sites on the shoreline and islands in the vicinity of Wool Bay is very high. A comprehensive archaeological survey has not been undertaken for the entire Wool Bay area.

The YKDFN's submission documents adverse impacts to existing historical and heritage sites within the vicinity of the proposed development. The Review Board finds that the procedures outlined by the developer will not effectively mitigate potential impacts to



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

land based archaeological sites during winter operations. Since NAGRC has no plans to conduct a preliminary archaeological survey or to have a qualified archaeologist on site, there is no way to ensure that potential archaeological sites will be recognized and avoided for on land disposal of drill waste water.

Based on evidence of disturbance to existing archaeological and burial sites, the Review Board has decided to take a cautious approach in order to prevent significant adverse impacts on the environment relative to known and suspected historical and archaeological sites, in keeping with the *MVLUR*. Given the proximity of the development to Yellowknife, the Review Board recommends:

- R3. NAGRC will be restricted to operating on lake ice to ensure that direct impact to archaeological sites is minimized or eliminated.**
- R4. NAGRC must transport all drill waste water to Yellowknife for proper disposal along with all other wastes generated as a result of the development**
- R5. NAGRC will be provided with precise locations and extent of recorded archaeological sites within its development area by PWNHC and other Aboriginal parties.**

The Review Board further notes the request of PWNHC that the developer submit detailed project maps (min. 1:50,000 scale) showing the location of all drill sites, access routes, and support areas to show avoidance of all known archaeological sites. As this information must be submitted to the MVLWB under subparagraph 19(3)(b)(ii) of the *MVLUR*, this is a regulatory issue. NAGRC should provide a copy of that information to the PWNHC too.

4.4.2. *Burial Sites*

Description of Issue

Documented and undocumented, as well as marked and unmarked burial sites may occur within the developers claim areas. The ability to recognize and protect these burial sites, in keeping with the requirements of the *MVLUR*, is the issue of concern.



Developer's Submission

In its DAR (PR #110) and public hearing presentation (PR #247), the developer notes no known graves in its program area. Although during a site visit in April 2003, the developer noted an erect cross (PR # 110, p. 59). The location of the cross was withheld to protect the location of the site although the developer indicated that some interpretation of the site with elders was warranted to determine its relative importance.

The developer stated that "Since the drilling program will occur offshore, the land will not be disturbed during the implementation of the work program" (PR #110, p. 4). By extension, NAGRC suggested that the grave site that was discovered would not be adversely affected by the development.

Parties Submissions

Many parties, particularly LKDFN emphasized the requirements for the protection of known and suspected burials sites. Many cited section 12 of the *MVLUR* which describes what must be done when a development occurs in the vicinity of historical sites, archaeological sites or burial grounds. The management prescriptions for burial sites are clearly set out in sections 6 and 12 of the *MVLUR*.

YKDFN (PR #176 and 255) and LKDFN (PR #288) in their submissions on the public record all indicated concerns about the proximity of development activities to burial sites. YKDFN provided evidence of previously undocumented grave sites in the Drybones Bay area as part of their summer 2003 field study (PR #255). In LKDFN's presentation at the public hearing, they indicated that the documentation of graves for the area is still incomplete (PR #248). Nevertheless, TK suggests the possible presence of more as indicated by the following statement,

"Burial grounds - due to oral history of the Elders, it indicates traditional use of the area. Many of our people have been buried along the shore of Great Slave Lake, particularly at the area of concern or in close proximity. The burial sites are continuing to be recorded from the old history. It is known that there are many unrecorded burial sites in that area."

- Angie Lantz, LKDFN (Public Hearing Transcript (132:16-24), November 26, 2003, PR #248)

The NSMA also expressed concern, noting the death of some of their members in drowning during Wool Bay as stated,



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

“[W]ool Bay and I would also mention Drybones Bay are very spiritually, as well as culturally, important sites to the North Slave Metis Alliance. In some of these areas we have had members of the North Slave Metis drown. Their bodies have never been recovered. These bays and adjacent shorelines are very important spiritual and cultural places to us.”

Marc Stevensen, NSMA (Public Hearing Transcripts (122:21-123:3), November 25, 2003)

The oral testimony at the public hearing did not identify the locations of burial sites unlike the heritage and archaeological reports, and traditional land use maps provided by YKDFN. The heritage and archaeological reports and the traditional land use map were noted to be incomplete due to the need for more comprehensive studies.

Nevertheless, the precise location of the sites appeared less important than the perceived sensitivity of the burial sites and appropriateness of development activities near these sites. This is evident in statements made at the public hearing, such as

“[O]ur ancestral burial grounds and our spiritual belief grounds are all in those areas and once the explorations go into those areas they're going to demand that a lot of these burial grounds be exhumed in order for them to continue their exploration [...] – I think that is not right.”

- Judy Charlo, YKDFN (Public Hearing Transcript (57:13-18), November 26, 2003, PR #248)

An Elder of the LKDFN described the experience of encountering previously unknown gravesites. The experience was described in saying,

“And sometimes, when I walk, hunting, all of a sudden I would -- I would walk upon a grave out there. Nobody knows where the site is, and I just find it by accident. [...] It's like that on our land, [...] we have respect for ancestral burial grounds.”

- Albert Boucher, YKDFN (Public Hearing Transcript (156:6-10), November 26, 2003, PR #248)



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The possible adverse impact to the environment was highlighted relative to incomplete documentation of graves. A YKDFN elder explained this concern in saying,

"I've went into that area that you guys are blasting and drilling. I went there this summer to take a look at what you guys have been doing. You are drilling near grave sites."

Alfred Baillargeon, YKDFN (Public Hearing Transcript (25:9-12), November 26, 2003, PR #248).²³

Ultimately, the Elders of the Aboriginal parties want the developers to show respect for these sensitive areas. The intensity of emotion related to protecting burial sites suggests that some development is too close as evident in this statement by a YKDFN elder,

"[O]ur ancestors and our ancestors before that, we have been buried there for years [...] said, no, those burial grounds will never be touched or exhumed or anything, that is what they said. [...]. We also have a lot of our -- our ancestors' history, our other historical areas that are all in those areas that we use in order to teach our children, our community and our spiritual beliefs."

- Judy Charlo, YKDFN (Public hearing transcript (57:13 -58:4), January 26, 2003, PR #248)

Conclusions

The Review Board finds that given the elders concerns about respectful behaviour near burial sites, development too close may be viewed as disrespectful and, therefore, incompatible. Given the proximity of NAGRC's development to the burial site on the unnamed island, the cemetery for those that perished in the flu epidemic and the drownings of NSMA members in the Wool Bay, mitigation measures are required. In this case, the Review Board finds that the lake-based drill locations may be too close to some of the burial sites in and around Wool Bay.

²³ This statement does not refer to the proposed program of North American General resources Corporation, which is not yet in operations. Nevertheless, it does illustrate what could happen if the location of grave sites is not known based on other observations of development activity in the general area.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Review Board recognizes the developer's commitment to participate in a cultural exchange. While noteworthy, this commitment may be insufficient to address sensitivity of some of the burial sites in and around the proposed program. In order to prevent significant adverse impacts to the environment, the Review Board recommends:

R6. NAGRC seek advice and assistance from the YKDFN and NSMA in order to undertake its development in a manner that is sensitive to the community and respectful to the families of those buried in the vicinity of the operations. This may involve a visit to the site by a YKDFN elder and an NSMA elder and translator, if required, before, during, and after the operation.

4.4.3. *Cultural Cumulative Effects*

Description of Issue

The quality of the social and cultural environment is linked to the integrity of cultural landscapes. Residual impacts to the biophysical environment and the physical heritage of the area (archaeological sites, grave sites) will result in incremental effects on culture (such as language, values, beliefs, traditional ways). The cumulative effects of exploration and development in the Wool and Drybones Bay area may cause undesirable changes to the relationship between the Aboriginal people and the land as reflected in cultural identity and well-being.

Developer's Submission

The developer's submissions on the public record, particularly statements at the public hearing generally addressed past, current and future developments in the vicinity of the proposed project (PR#247 and #248).

The developer noted the long history of exploration in the area and indicated that past exploration was environmentally benign. NAGR suggested that regulatory measures were sufficient to ensure no impacts. The developer further pointed out that their mining claims were lawfully obtained in accordance with the *Canada Mining Regulations*. Given the long history of staking and exploration in the area, surprise was expressed at the concern about the sensitivity of the area and the proposed exploration.²⁴ Potential cultural effects were not discussed in the DAR.

²⁴ Refer to statements of Rick Hoos, consultant to NAGRC at the Public Hearing (PR #300).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

In terms of current and recent uses, the developer viewed other activities at Drybones Bay, such as New Shoshoni Ventures, Consolidated GoldWin Ventures and Snowfield Development Corporation, as being separate because NAGRC's development was located at Wool Bay and very short term. Again, the implication was the program was too short and small to have any real consequence or adverse impact on culture.

In response to concerns about the cumulative effects of the winter road, the developer pointed out that winter use of the area occurs with or without a winter road. NAGRC further stated that winter roads on ice "tend not cause any kind of environmental problems unless [...] there was an accident or spillage of fuel" (Rick Hoos, Consultant to NAGRC, Public Hearing Transcript (150:24-151:4), November 25, 2003, PR #247). Other potential access related effects due to cabin construction and timber harvesting were not discussed because a winter road is viewed as a public road. The developer stated that "A coordinated effort would be made by all exploration companies using this temporary access road" (Paul Cowley, NAGRC, Public Hearing Transcript (88:6-8), November 25, 2003, PR # 248)

Future development discussed in the DAR did reference archaeological and heritage resources, as well as burial sites (PR #166). No Valued Components were selected to evaluate impacts to Aboriginal culture per se.

The developer stated that a greater appreciation for the spiritual and other connections of the Aboriginal parties with the land was gained throughout the EA process. The developer indicated that they want to build this relationship and learn as activities in the area proceed. The developer stated that, along with the other companies, it "[...] want(s) to make sure that any and all concerns that the people have are addressed in a way that is satisfactory to the people". (Rick Hoos Consultant to NAGRC, Public Hearing Transcript (79:14-16), November 25, 2003, PR# 247)

The developer did however acknowledge the sensitivity of the area. When asked to make commitments about working together so the YKDFN could share information about their culture²⁵, the developer agreed to participate in the cultural exchange.

The developer believed there were no cumulative effects attributable to its short term, lake-based project.

²⁵ YKDFN requested several commitments pertaining to identifying areas used for berry picking, collecting medicinal plants and other cultural uses. YKDFN also asked whether or not the developer would be willing to participate in a cultural exchange. (PR #176)



Submissions of the Parties

The value of Wool and Drybones Bay to the Aboriginal parties was described in the public record. The NSMA indicated that “Drybones and Wool Bay are an important harvesting area for the NSMA membership”²⁶ and are “very spiritually, as well as culturally, important sites to the North Slave Métis Alliance.”²⁷ Little evidence was provided to elaborate on the importance of the area, although it is noted that

“[T]he North Slave Metis [...] have undertaken a land use study that documents a number of Metis sites in the Wool Bay and Drybones Bay areas there.²⁸ So, that's just to say that we have some 200 years of extensive use and occupation of the -- of the area -- or the proposed area of development.”

- Mark Stevensen, NSMA, (Public Hearing Transcript (204:3-11), November 26, 2003, PR #248)

General uses are described in some statement, including

“Drybones and Wool Bay are an important harvesting area for the NSMA membership.”

Kris Johnson, NSMA (Correspondence dated September 2, 2003, PR #184).

“Wool Bay and [...] Drybones Bay are very spiritually, as well as culturally, important sites to the North Slave Métis Alliance.”

Mark Stevensen, NSMA (Public Hearing Transcripts (122: 21-24), November 25, 2003, PR# 247).

Little evidence was provided to describe the importance of the Drybones Bay area to the NSMA but Kris Johnson indicated that “as far as Drybones Bay and Wool Bay goes the spiritual significance is irreplaceable” (Public Hearing Transcript (184:8-9), November 26, 2003, PR #248)

For the YKDFN, the importance of this cultural landscape to the identity of the people, both as individuals and communities, was established. This is emphasized by the following statements:

²⁶ See correspondence from Kris Johnson, NSMA, dated September 2, 2003 (PR #184).

²⁷ See Public Hearing Transcripts (122: 21-24), November 25, 2003, PR# 300.

²⁸ A map series had been provided by NSMA but was later withdrawn due to confidentiality concerns.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

"It is very hard because if anything ever happens, piece-by-piece my heart is going to be shattered on this mother earth because that area is sacred. It's a very sacred ground. My ancestors are buried there. I have connection and I want you to know that Wool Bay is very important to me. I got married at [...] at my father's cabin and picture this, getting married on top of the hill in your [...] home land and you having eagles flying above you. What is the message? That's a connection. [W]hen I exchanged my vows, I wanted [...] my ancestors to hear me, my grandfathers, my grandmothers, my aunt, my uncles, my mom, my dad [...]"

- Kathleen Dahl, YKDFN (Public Hearing Transcript (246:20-247:9), November 26, 2003, PR #248)

"[I]n 1961 [...] in the springtime [...] we went back to Wool Bay. So that's when we moved to Wool Bay in 1961. So, at that time, my father built a cabin; that cabin is still at Wool Bay which we still use today. My sisters were all raised there in that area."

- Helen Tobie, YKDFN (Public Hearing Transcript (37:12-16), November 26, 2003, PR #248)

"[...] Drybones Bay and Wool Bay are not just archaeological treasure troves. They are still actively used by our membership. They are just as important to our culture now as they were two hundred (200) years ago. So I just want to say that today we're -- genuinely want to protect those places. I think my membership, those of us that are here and other members believe in their hearts and souls that to do otherwise is unthinkable."

- Chief Darrell Beaulieu, YKDFN (Public Hearing Transcript (15:18-20), November 26, 2003, PR #248)

The Review Board was presented with ample evidence that this area is extremely important to the Akaitcho people.²⁹ In terms of the role of this place to the well-being of the people, it is a place for gathering strength. Wool Bay is a place where:

²⁹ Michel Paper's story showed the importance of the area in the YKDFN's history in saying, "When the flu epidemic went through the territories, [...] we lost a lot of our people. After that, because we lost a lot of our people, [...] there weren't a lot of our people left in the community. Our ancestors were very strong people. Before the white people came in, they hunted and trapped and lived a very rich life and they used to be very rich because they knew how to hunt and they knew how to gather fur but today it is different." (Public Hearing Transcript (29:16-24), November 26, 2003, PR #248).



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

- Aboriginal people seek refuge and healing.

“It’s a place where many of us were born, many of us grew up, spent their summers there home -- at home from residential school.”

- Chief Darrell Beaulieu, YKDFN (Public Hearing Transcript (13:17-19), November 26, 2003, PR #248)

- Beliefs, values and customs are taught to live a good life.

“[O]ur ancestral burial grounds and our spiritual belief grounds are all in those areas... We also have a lot of our –our ancestors history, our other historical areas that are all in those areas that we use in order to teach our children, our community and our spiritual beliefs.”

- Judy Charlo, YKDFN (Public Hearing Transcripts (57:13-18) November 26th, 2003, PR #248)

“Our ancestors have taught us how to live on this land. Just like today, the education, going to school, our ancestors have taught us how to live off the land, how to travel on the land with a dog team. [...] if we don't make a trail for them, there's nowhere for them to travel. It's like making [...] a highway for them.”

- Michel Paper, YKDFN (Public Hearing Transcript (31:21-32:6), November 26, 2003, PR #248)

- Stories of survival are written on the landscape.

“When I was young there was no disease or no sickness among us [...] -- people just don't usually get sick and die. We used to live long lives but since 1928³⁰ when the flu epidemic went through the Northwest Territories a lot of our people [...] passed away, died and since then a lot of [...] our families, our people, have been dying from disease. So at that time the people used to live in the Drybone Bay area and the people made a decision to move to the -- to Dettah where we are presently today. It seem -- because a lot of people have passed away in that area and [...] a lot of our people are buried in that Wool Bay -- Drybone Bay.”

- Michel Paper, YKDFN (Public Hearing Transcript (29:4-15), November 26, 2003, PR #248).

³⁰ Historical documents note that the Spanish Flu pandemic occurred in 1918.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

- People get nourishment from the land.

“Wool Bay is an area that a lot of our people use. They say there's no animals or no people using it. There's a lot of muskrat, beavers, ducks. There's all kind of animals in that area and there's a fish camp there that people are still working there and they take fish from that area and they bring it into Yellowknife and they sell it.”

- Eddie Sikyea, YKDFN, Public Hearing Transcript (49:6-12, November 26, 2003, PR # 248)

“We can't collect berries around here any more, because they're not really in that great a shape. Wool Bay and Drybone Bay is the place where we go to collect these kinds of medicines. People use the bush medicine still today and if our supply of medicine is -- is damaged, where else are we going to go?”

- Rachel Crapeau, YKDFN (Public Hearing Transcript (86:8-13), November 26, 2003, PR #248)

“Around in the springtime, we really want [...] to go [...] by boat to our own Wool Bay area to go hunting for muskrats, ducks and on our way to Lutsel K'e we camp around that area too because it's a really good place for hunting and it's a good shelter.”

- Albert Boucher, LKDFN (Public Hearing Transcript (153:7-12), November 26, 2003, PR #248)

- Harmonious relationships between individuals, families, and communities evolved from spending time and sharing what the land offers.

“[O]ral histories have verified that current relationship exists between the Dene of Yellowknife and Lutsel K'e on the traditional use of Wool Bay and Drybone Bay. We know this because our Elders have identified the traditional names of the exploration sites that will be brought up by the Elders when they speak.”

- Monica Krieger, YKDFN (Public Hearing Transcript (130:14-18), November 26, 2003, PR #248)

“[W]e would gather. Sometimes we would see people from Fort Rae. They would spend springtime with us there and sometimes people from Fort Resolution would spend springtime there to go muskrat hunting and



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

also people from Lutsel K'e when they used to travel that area when -- they would pass by Drybones Bay and stop for a little while. Because the area is plenty with fish and other animals, people would stop there and harvest what they need for their travel on to the next area, that's how people used to travel."

- Elder Helen Tobie³¹, YKDFN (Public Hearing Transcript (38:5-16), November 26, 2003, PR #248)

In general, there was a perceived incompatibility of the mining development and other land uses with the values of the important cultural landscapes of the Akaitcho and Métis peoples. This is highlighted in the YKDFN's letter requesting referral to EA (PR #6). This letter and submissions by other parties provide a more comprehensive picture of traditional use and occupancy that is considered by Aboriginal groups to be threatened by this and other proposed developments³². The potential dishonouring of sacred burial grounds and spiritual sites vital to the cultural identity of the parties are some examples of connections to the land that may be adversely affected. NSMA, LKDFN, and, to a lesser extent, DKFN also highlighted the importance of these areas for traditional use.

The parties provided several submissions about past, current and future development that were contributing to cumulative effects to culture in the Drybones and Wool Bay area. The main submissions about the effects of past development on culture were provided in the stories of elders at the public hearing (PR #248) however YKDFN provided some background in their 2003 field study (PR #255).

Historic activities were highlighted by the YKDFN, NSMA, LKDFN, and DKFN in discussions of mineral staking throughout the Wool and Drybones Bay area. Most of the submissions focused on the traditional importance of the area and concerns about not being consulted prior to the access and use of these lands. The inclusion of burial grounds, as well as historical and archaeological sites of Akaitcho and Métis peoples in the staked claims subject to past exploration has had consequences. The YKDFN's study has highlighted some residual impacts resulting from the preliminary exploration activities on archaeological sites and burial sites (see section 4.3.1 and 4.3.2 of this report).

Additionally, the YKDFN, in submissions to the public record and in elders statements at the public hearing (PR #247 and 248), described the historic use of the Wool and

³¹ Grand-daughter to Michel Drybones after whom Drybones Bay is named. (Elder Helen Tobie, Public Hearing Transcript (35:21-22), November 26, 2003, PR #248).

³² North American General Resources Corporation, New Shoshoni Ventures and Snowfield Development Corporations' diamond exploration programs in the Wool and Drybones Bay areas.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Drybones Bay area. The parties explained past impacts of Con and Giant Mine on environmental quality of traditional use areas, citing concerns about water contamination and the fact that drinking water is now transported to Dettah at a cost to the people. Similar concerns were expressed about the deterioration of medicinal plants. The message was unequivocal, the YKDFN were bearing the burden of the environmental and therefore cultural costs of development in and around Yellowknife.

Cumulative land use pressures in the Wool Bay area were also emphasized by YKDFN. Current activities such as expanded trail use, unauthorized cabin development, and further prospecting were highlighted (PR #6 and 248)³³. The mechanism for the enhanced use was explained relative to the (ice) road in noting that the (ice) road will increase land use pressures “[...] because increased accessibility by vehicles does increase hunting pressure,[...] does increase [...] the amount of people who will haul out wood so they can build their cabin and boat out there,[...] does increase accessibility.” (Louie Azzolini, Consultant to YKDFN, Public Hearing Transcript (152:7-11), November 25, 2003, PR #247)

Access creates access making the area a more attractive place to develop. NSMA expressed concern about the current and future pace of development in correspondence dated October 9, 2003 stating “Development is not occurring at a rate that is sustainable for Aboriginal communities that must adapt to changes.” (PR #245). NSMA further cites the report released by the Conference Board of Canada, *Setting the Pace for Development: An Economic Outlook Report for the Northwest Territories* that states that “the benefits of rapid development occurring in the North are not going to the people who need the benefits the most – namely, Aboriginal peoples.” (PR# 245)

This has implications for local people. Increasing development in and around Yellowknife is driving up the cost of living, as highlighted by the statements of YKDFN's elders. A YKDFN member, Jimmy Beaulieu, noted that if costs continue to rise due to development “[...] our young people might have to go back to our traditional way of life [...].” (Public Hearing Transcript (77:16-20), November 26, 2003)

Elder Michel Paper expressed concern at the future development possibilities, saying

In the next ten years how will their future be with all this mining activities. We have to think about them. We have to make a plan for the next ten years so that we can take care of these young people that are going to be

³³ Rachel Crapeau, YKDFN commented that “Anybody can build roads anywhere but it sure makes us pretty upset when the roads go too near our communities, our old village in Wool Bay and towards the -- the shore too close because we've seen too many cabins pop up in the last three (3) years.” (Public Hearing Transcript (92: 3-7), November 26, 2003, PR #248)



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

in our position. (Public Hearing Transcript (31:10-14), November 26, 2003, PR #248).

YKDFN were clear in what they wanted to happen in the Wool Bay area in response to their cultural concerns, as illustrated by the following statements:

The Yellowknives Dene First Nation wants these areas protected.

- Chief Darrel Beaulieu, YKDFN (Public Hearing Transcripts (23:25-24:1), November 26, 2003, PR #248)

“Personally, I don't want to see anything happening at Drybone Bay or Wool Bay. I just buried my father in Wool Bay and we don't want anything happening over there. One day, I believe I want to go back home to Wool Bay. Dettah or Yellowknife is not really home to me. Drybone Bay, Wool Bay is home to us. And that's just goes the same for my sisters and their children.”

- Rachel Crapeau YKDFN (Public Hearing Transcript (90:11-17), November 26, 2003, PR #248)

So what I want is a moratorium on the lands so that no industry or nothing will happen until we have settled our land.

- Elder Lisa Enzoe, LKDFN (Public Hearing Transcript (143:21-23), November 26, 2003, PR #248)

An alternative view was noted, suggesting uncertainty in the preferred future for the area. Nevertheless, the direction for the short term was clear,

“Drybone Bay and Wool Bay, I don't think the people want a mine right away or anything happening. It's more of a culture thing. Maybe the next generation will figure that one out, but in between time, while you guys are doing some work up there, we'd like to monitor you guys and as long as you guys consult with us and keep up a clean job I think we could work together.”

- Angus Martin, YKDFN (Public Hearing Transcript (73:13-19), November 26, 2003, PR#248)

Chief Peter Liske concluded, “When we say, no, that's what we mean.” (Public Hearing Transcript (21:9), November 26, 2003, PR #248). Elder Michel Paper pointed out that the decision to oppose the development was not easy, saying “We're not here to have



an argument about anything. So when we say no, (we know) it's not good always to say no." (Public Hearing Transcript (28:8-10), November 26, 2003, PR #248).

Conclusions

The Review Board has heard from many parties and from individuals, elders and representatives of Aboriginal organizations about the importance of the Drybones and Wool Bay areas. The Review Board has no doubt that Wool and Drybones Bay are culturally significant.

In determining the significance of potential adverse cumulative effects to the cultural landscape, the Review Board considered the potential risks to cultural identity, the social and cultural environment, as well as heritage resources. Lifestyle change imposed by development pressure is not a choice and does not allow Aboriginal parties time to adapt.

On the issue of past development and staking, the Review Board recognizes that the *Canada Mining Regulations* allow prospectors to stake claims, providing they hold a valid permit. Paragraph 11(1)(b) states that "subject to any regulations made under the Territorial Lands Act, a licensee may enter, prospect for minerals and locate claims on lands other than lands used as a cemetery or burial ground." As INAC pointed out, "In the NWT, land is either available for staking or it is not" (David Livingstone, INAC, Public Hearing Transcript (285:9-10), November 26, 2003, PR #248). As yet, no efforts have been made by Aboriginal parties to have culturally sensitive areas or burial sites in the Wool Bay and Drybones Bay areas set aside.

The Akaitcho Dene First Nations are in the midst of treaty land entitlement negotiations and these commitments may limit their ability to address this issue at this time. The Review Board recognizes the need for consultation during staking if cultural sites known only through TK are to be protected and the developers are going to get a better sense of when they may be venturing into culturally sensitive areas. Section 29 of the *Canada Mining Regulations* specifies how the NWT will be divided for the issuance of prospecting permits and the procedures that apply for such applications. This section established the vicinity of Yellowknife as a free entry mining area. The schedules laid out for applications for prospecting permits in other regions such as the Inuvialuit Settlement Region allow enough time for consultation. The Review Board suggests:

- S4. INAC should consider establishing a prospecting permit approach pursuant to section 29 of the *Canada Mining Regulations* for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking areas and to avoid conflict over land use.**



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

The Review Board further accepts the assertions of the Aboriginal parties that development too close to archaeological and historic sites, and burial grounds can have a lasting effect on the values and beliefs associated with cultural landscapes. The Review Board finds that there has already been a significant adverse impact to cultural identity and well-being based on changes to the environment. The cultural impacts include the deterioration of the physical elements of the cultural landscape and oral tradition that contains knowledge of the environment, values, and identity as Aboriginal communities.

Based on the evidence, the Review Board finds that the sensitive cultural sites consisting of archaeological sites, burial sites, and sacred sites occur mainly within 3 kilometres of the shoreline. This zone, referred to as the Shoreline Zone, represents a portion of the RSA extending mainly from Wool Bay to Gros Cap.

In this case, however the Review Board finds that the individual contribution of NAGRC's proposed development to cumulative environmental impacts will not be significant. The location of the proposed program, outside Wool Bay, does not appear to contribute significantly to the cumulative effects in the most sensitive part of Wool Bay.

The Board is of the view that ongoing mining exploration and development in the Wool Bay area may require a more comprehensive approach for the resolution of land use issues. EAs are not a substitute for land use planning. In order to address these planning issues, the Review Board suggests:

- S5. No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, until a plan has been developed to identify the vision, objectives, and management goals based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development direction and include provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for greater certainty of all parties in the future development of this region.**

In addition to the above, the Review Board notes the shortage of good heritage data for the area. Information about the archaeological and historic, burial and sacred sites is required for good environmental management decisions for this and future projects.

Evidence has been presented of existing impacts to archaeological and historic, burial and sacred sites. The Review Board concludes that development in the area has already caused significant adverse cumulative impacts on the environment.



Based on evidence of disturbance to existing archaeological and burial sites, the Review Board has determined a need to prevent significant adverse impacts on the environment for both known and suspected sites, in keeping with the *MVRMA* and *MVLUR*. The Board recommends:

R7. No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.

The need for more detailed and comprehensive cultural information for the Wool and Drybones Bay area has been clearly established. The Review Board therefore suggests:

S.6 The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap.

This survey should be designed in collaboration with the YKDFN, NSMA, and other Akaitcho First Nations with an interest in the shoreline zone. The survey will be jointly funded by the federal and territorial governments.

Should NAGRC wish to conduct further work in this area, they are strongly encouraged to participate in this initiative.

5. Summary of Recommendations and Suggestions

In consideration of all evidence on the public record, the Review Board has made a number of findings. These findings relate to both the public concern that was the basis for the referral, and to the environmental impacts, mainly cumulative effects to culture. The Review Board has found that:

- Wool Bay is a vitally important cultural and heritage area for the YKDFN, NSMA, and LKDFN. It was the site of the community of Old Fort Providence, holds many burial sites and archeological sites, and is used extensively today for hunting, trapping, and providing youth with cultural exposure to traditional activities and the land.
- The developer's efforts to consult with Aboriginal parties did not lead to a greater understanding of the cultural importance and use of the area, thus limiting the value of the mitigation measures proposed in the Developer's Assessment Report.
- Aboriginal groups in this EA did not have adequate resources to participate fully in this proceeding, as no participant funding was available.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

- Issues related to fish habitat have been largely resolved by a commitment from the developer to drill in depths unlikely to cause impacts to fish populations.
- Gravesites have not been adequately identified and protected during allocation of subsurface mineral interests in the staking process.
- The YKDFN would like the area formally protected at least for the interim.

The NAGRC development is lake-based and appears to lie outside the most sensitive area of Wool Bay. The design of the development has avoided most potential significant adverse impacts to the environment by operating in an area the Review Board finds to be less important to culture. Nevertheless, some measures are required to safeguard fisheries and heritage resources. These recommendations and suggestions are presented in the following table.

Table 1. Summary of Recommendations and Suggestions

Item	Description	Section
<i>Recommendations</i>		
R1	DFO will verify that sensitive fish spawning and nursery habitat does not occur within NAGRC's proposed program area.	s. 4.3.1, p. 37
R2	NAGRC will confirm the lake depth at all drill locations. NAGRC will only drill in lake depths less than 11 metres, if the ice is frozen to bottom prior to start of drilling.	s. 4.3.1, p. 37
R3	NAGRC will be restricted to operating on lake ice to ensure that direct impact to archaeological sites is minimized or eliminated.	s. 4.4.1, p. 44
R4	NAGRC must transport all drill waste water to Yellowknife for proper disposal along with all other wastes generated as a result of the development	s. 4.4.1, p. 44
R5	NAGRC will be provided with precise locations and extent of recorded archaeological sites within its development area by PWNHC and other Aboriginal parties.	s. 4.4.1, p. 44
R6	NAGRC seek advice and assistance from the YKDFN and NSMA in order to undertake the development in a manner that is sensitive to the community and respectful to the families of those buried in the vicinity of the operations. This may involve a visit to the site by a YKDFN elder and an NSMA elder and translator, if required, before, during, and after the operation.	s. 4.4.2., p. 48
R7	No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.	s.4.4.3, p. 59
<i>Suggestions</i>		
S1	The MVLWB should ensure that the distribution list for any activities on the shoreline of Great Slave Lake be more inclusive given that Aboriginal communities have traveled the lake extensively and shared the use of the lake resources and shoreline for traditional purposes.	s. 2.5.1, p. 16
S2	Indian and Northern Affairs Canada (INAC), Environment Canada	s. 2.5.2, p. 18



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Item	Description	Section
	(EC), Fisheries and Oceans Canada (DFO) and the Government of the Northwest Territories (GNWT) should design and test a model for Crown consultation with Aboriginal rights holders for developments in the Mackenzie Valley at the earliest possible date.	
S3	The Government of Canada should at an early date develop and institute a method to provide participant funding at the EA level under the MVRMA to be equivalent to the Comprehensive Study Review funding practices under CEAA.	s. 2.5.5, p. 22
S4	INAC should consider establishing a prospecting permit approach pursuant to section 29 of the Canada Mining Regulations for this area in order to provide Aboriginal communities concerned about the Wool and Drybones Bay areas the opportunity to provide input into staking areas and to avoid conflict over land use.	s.4.4.3, p. 57
S5	No new land use permits should be issued for new developments within the Shoreline Zone, and within Drybones Bay and Wool Bay proper, until a plan has been developed to identify the vision, objectives, and management goals based on the resource and cultural values for the area. This plan should be drafted and implemented with substantive input from Aboriginal parties. The plan should specifically address future development direction and include provisions for protecting sensitive environmental, cultural, and spiritual sites. This exercise should be completed within 5 years and provide clear management prescriptions for greater certainty of all parties in the future development of this region.	s. 4.4.3, p. 58
S6	<p>The federal and territorial governments should organize and conduct a thorough archaeological, burial and cultural site survey of the area extending from the western headland of Wool Bay to the southern tip of Gros Cap.</p> <p>This survey should be designed in collaboration with the YKDFN, NSMA, and other Akaitcho First Nations with an interest in the shoreline zone. The survey will be jointly funded by the federal and territorial governments.</p> <p>Should NAGRC wish to conduct further work in this area, they are strongly encouraged to participate in this initiative.</p>	s. 4.4.3, p. 59



GLOSSARY

Cultural Identity – the defining values, beliefs and morals that guide ancestral customs and create a sense of belonging for an individual within a community

Cultural Landscape – environmental features that underpin and help to preserve oral narratives and contain knowledge about identity, history, culture and subsistence

Cultural Risk – any external influence that threatens the shared values, beliefs, and/or customs, that may be linked to the physical, mental or spiritual environment) that may result in feelings of loss and self-destructive behaviors (depression, suicide, violence and substance abuse)

Culture – refers to the beliefs, values and customs that define a group of people inherent to the art, language, spirituality and social institutions that dictate appropriate behavior among individuals and between individuals and the land, animals and spirits

Development - means any undertaking, or any part of an undertaking, carried out on land or water

Environment - means the components of the Earth and includes

- (a) Land, water and air, including all layers of the atmosphere;
- (b) All organic and inorganic matter and living organisms; and
- (c) The interacting natural systems that include components referred to in paragraphs (a) and (b).

Follow-up program - means a program for evaluating

- the soundness of an environmental assessment or environmental impact review of a proposal for a development; and
- the effectiveness of the mitigative or remedial measures imposed as conditions of approval of the proposal.

Harvesting - hunting, trapping or fishing activities carried on pursuant to aboriginal or treaty rights.

Heritage Resources - means archaeological or historic sites, burial sites, artefacts and other objects of historical, cultural or religious significance, and historical or cultural records.

Impact on the environment - means any effect on land, water, air or any other component of the environment, as well as on wildlife harvesting, and includes any effect on the social and cultural environment or on heritage resources.

Mitigative or remedial measure - means a measure for the control, reduction or elimination of an adverse impact of a development on the environment, including a restorative measure.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Scope of the assessment - the components of the environment that will be evaluated for impacts from the proposed development.

Scope of the development - a description of the development and associated parts as determined by the Review Board.



Appendix A. Developer's Commitments

Source	Volume	Page #	Line #	Representative	Commitment
PR #247	1	79	14	Rick Hoos	The companies want to make sure that any and all concerns that the people have are addressed in a way that is satisfactory to the people.
PR #247	1	83	24	Paul Cowley	[W]e would do everything that we can to protect and avoid all cultural and heritage sites through the process.
PR #247	1	86	7	Paul Cowley	It is my intent to be on site as much as possible to ensure proper environmental, cultural and safety procedures are followed.
PR #247	1	88	6	Paul Cowley	All temporary access roads will be constructed in accordance with the existing guidelines for the construction, maintenance and closure of winter roads in the NWT. A coordinated effort would be made by all exploration companies using this temporary access road.
PR #247	1	88	17	Paul Cowley	The program will be conducted exclusively on lake ice.
PR #247	1	91	2	Paul Cowley	[T]he company will endeavour to go - respect relationships and understanding with local communities so that many may benefit over the long term.
PR #247	1	92	14	Paul Cowley	[D]rill cuttings will be taken back to Yellowknife on a daily basis by the pickup trucks and disposed in a local landfill.
PR #247	1	92	23	Paul Cowley	No evidence will remain once thawed as the access and the drilling will be on ice.
PR #247	1	92	25	Paul Cowley	No fuel will be stored on site other than within tidy tanks on the backs of pickup trucks and those will be brought in daily.
PR #247	1	93	5	Paul Cowley	Enviro Mats would be present on site and placed under the fuel transfer areas and these used mats if they- if there is any fuel that - that drops will be removed daily. Drill pans and spill kits would be present and the drill contractors will be trained in the use of these kits.
PR #247	1	93	11	Paul Cowley	[A]n electric pump and hose would be used to transfer fuel from the tidy tanks.
PR #247	1	93	22	Paul Cowley	[N]o drill chemicals, fuel or wastes associated with the proposed program will directly enter the Great Slave Lake.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Source	Volume	Page #	Line #	Representative	Commitment
PR #247	1	94	14	Paul Cowley	And that location of the natural depression receiving that used water has not been selected because we wish to consult with First Nations [...] to ensure that it would not go into an area that would-would not be affect-or it would not affect the cultural or heritage resource areas.
PR #247	1	94	24	Paul Cowley	[T]hat natural sump would be located in such a manner that the contents cannot directly enter Great Slave Lake or any other nearby water body.
PR #247	1	99	15	Paul Cowley	No archaeological site would be compromised.
PR #247	1	100	4	Paul Cowley	Consultants experienced in northern exploration and aware of the sensitivities would be involved in the program.
PR #247	1	102	21	Paul Cowley	[W]e would not be touching the island at all.
PR #247	1	106	2	Paul Cowley	[T]here really wouldn't be an appropriate place on the islands. So, it would be on the mainland (waste water deposit).
PR #247	1	123	9	Paul Cowley	I'd certainly be willing to sit down and-and go-any information that is available, we would certainly incorporate and respect.
PR #247	1	251	6	Paul Cowley	[W]e're prepared to make that commitment that there will be drilling in water or in areas where ice is right to the bottom.
PR #247	1	255	16	Rick Hoos	I will speak for these companies and say that they would certainly be prepared to report such a circumstance if it were to arise (breakage in drill casing).
PR #247	1	260	19	Paul Cowley	What I was proposing with DFO would be south of the island where we expect the lake water to be deeper. We would adjust our location to be closer to the shoreline of the island so that we'd be in shallower water, that would obviously have a potential conflict backing us up into a potentially heritage site. And I'm aware of that but I believe that there's enough room that - and with the cooperation and coordination with First Nations, to know exactly where that site is that we can move our site away from the thirty metre area from that site. So I think we can compromise both parties.
PR #248	2	290	14	Paul Cowley	I have and we have and will continue to operate in good faith and that we will protect the land and waters, fish and wildlife and the cultural - cultural sites.
PR #207				Paul Cowley	With regard to the YKDFN's request for cultural exchange: NAGRC is willing and interested.



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

Source	Volume	Page #	Line #	Representative	Commitment
PR #207				Paul Cowley	With regard to YKDFN's request for more baseline data/studies of cultural/wildlife sites; NAGRC will work with existing YKDFN study and elders in order to respect all sites - if project advances then more baseline studies will be initiated.
PR #207				Paul Cowley	With regard to YKDFN and S. Weaver's concern about noise: NAGRC cannot substitute equipment but can put muffler on exhaust pipes.
PR #207				Paul Cowley	With regard to DFO's concern of intermediate water depth south of islands: NAGRC will stay closer to island where depths are shallower and frozen to lake bottom



Appendix B. Summary of Issues

This list contains a summary of the issues raised during this proceeding. For complete details, please refer to the Public Record, PR #140.

- Response mechanisms for most likely accidents associated with diamond exploration (fuel spills, etc.)
- Rigour and defensibility of impact analysis methods (expertise of DAR author(s), suitability of the VCs selected, definition of study area, complete consideration of impacts), impact predictions (significance criteria, uncertainty in predictions) and effectiveness of proposed mitigation
- Adequacy and quality of community engagement of Aboriginal parties by developer before, during and after operations
- Adequacy and quality of consultation of Aboriginal parties by government and Review Board
- Willingness of developer to recognize treaty rights in unsettled areas
- Roles and responsibilities of developer, Aboriginal parties, government departments and the Review Board in the collection of baseline data, analysis of data, submission of evidence and decision-making
- Challenges to participation due to restrictive timelines and capacity limitations (human resources, funding) mainly for Aboriginal parties
- Lack of available baseline information about fish and wildlife populations and habitat (waterfowl, raptors, moose, caribou, etc.), heritage resources (archaeological, historical, and burial sites), and traditional use areas (medicinal plants, berry picking, spiritual/sacred places, etc.)
- Ability to identify, assess and mitigate impacts to fish and fish habitat (drilling in important fish habitat, drawdown effects in fish bearing lakes, spills, etc.) in the absence of baseline information or site specific data
- Ability to identify, assess and mitigate impacts to heritage resources (known and suspected archaeological sites, historic sites, etc.) during winter operations with limited familiarity of the site
- Ability to identify, assess and mitigate impacts to burial sites (known and suspected cemeteries, graves, etc.) during winter operations with limited familiarity of the site
- Ability to identify, assess and mitigate cumulative effects on culture due to induced development from ice road access and mineral development throughout the traditional use areas of the Akaitcho and Métis peoples (enhanced access, change in land quality due to noise and visual impact of development, change in cultural value of place to people, change in traditional use of area, effects on cultural identity and well-being, etc.)
- Certainty in effective mitigation through collaboration with government and Aboriginal parties familiar with the area to identify effective mitigation and to monitor effectiveness to adapt mitigation measure to be more effective, if required
- Contingencies or approaches planned in the event of conflicts with traditional land use (hunting, fishing, etc.)
- Adequacy and accurate interpretation of TK in the preparation of DARs and development design
- Future plans in claim area (exploration, bulk sampling, mining) and associated contribution to cumulative effects
- Employment opportunities
- Pace of development and distribution of benefits among Aboriginal people, non-Aboriginal residents and non-residents
- Water sources and alternatives for land-based holes
- Volumes and disposal locations for waste and waste water
- Effects on drinking water



Appendix C. Public Registry Index



Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

North American Resources Corporation
Diamond Exploration Program at Wool Bay
MVEIRB Ref. No. EA-03-003

Volume	PR #	Description	Originator	Date Received/Se nt	Date Added
1	1	Reasons for Decision for referral to EA and Preliminary Screening Report.	MVLWB	28-Apr-03	12-May-03
1	2	NAGRC Notice of Referral to EA.	Sherry Sian, MVEIRB	12-May-03	14-May-03
1	3	Diamonds North Resources Ltd. Referral to EA (to YKDFN).	Todd Burlingame, MVEIRB	14-May-03	14-May-03
1	4	Request for Great Slave Cruising Club to be added to NAGRC distribution List.	Glen Abernethy, Great Slave Cruising Club	26-May-03	28-May-03
1	5	Returned interested parties sheets regarding the NAGRC EA distribution list.	Sherry Sian, MVEIRB	22-May-03	29-May-03
1	6	Request for LKDFN to remain on NAGRC distribution list.	Monica Krieger, LKDFN	30-May-03	30-May-03
1	7	Notice of a Cumulative Effects EA for the Drybones and Wool Bay areas.	Sherry Sian, MVEIRB	3-Jun-03	4-Jun-03
1	8	June 2 letter re: referral to EA of NAGRC.	YKDFN	2-Jun-03	11-Jun-03
1	9	NAGRC proposed exploration program.	Paul Cowley, NAGRC	6-Jun-03	12-Jun-03
1	10	Notice (News/North) that the MVEIRB has been referred the NAGRC EA.	Sherry Sian, MVEIRB		16-Jun-03
1	11	Faxes regarding Wool Bay and request to remain on Wool Bay Public Registries.	Shelagh Montgomery, CARC	30-May-03	18-Jun-03
1	12	June 17th, 2003 letter to MVEIRB confirming Counsel for YKDFN.	Galbraith Empson, YKDFN	17-Jun-03	20-Jun-03
1	13	MVEIRB (VC) response to Galbraith Empson's June 17th, 2003 Letter (PR 12).	Vern Christensen, MVEIRB	19-Jun-03	20-Jun-03
1	14	May 16, 2003 YKDFN Letter re: CGV's May 8th, 2003 Letter.	YKDFN	16-May-03	20-Jun-03
1	15	Recent correspondance re: Drybones Bay/Wool Bay EAs - to Galbraith Empson (PR 12, 13, 14).	Sherry Sian, MVEIRB	19-Jun-03	20-Jun-03
1	16	Draft terms of Reference and Workplan for NAGRC EA.	Sherry Sian, MVEIRB	20-Jun-03	24-Jun-03
1	17	Question re. Interest in remaining on NAGRC distribution list (Mike Vaydik).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	18	Question re: interest in remaining on NAGRC distribution list (Mike Fournier).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	19	Response and confirmation to question re: interest in remaining on distribution list (PR #18).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	20	Notice of Undeliverable E-mail.	System Admin	20-Jun-03	25-Jun-03
1	21	Draft terms of reference and workplan for NAGRC EA (PR 16, 18, 19).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	22	Draft terms of reference and workplan (PR 16).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	23	Distribution list confirmation.	Elain Blaise, DFO	20-Jun-03	25-Jun-03
1	24	Response to confirmation and draft terms of reference and workplan (PR # 16, 23).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03
1	25	Distribution list confirmation (PR #17).	Mike Vaydik, NWT & Nunavut Chamber of Mines	20-Jun-03	25-Jun-03
1	26	Response to confirmation & draft terms of reference and workplan (PR #16, 17, 25).	Sherry Sian, MVEIRB	20-Jun-03	25-Jun-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

1	27	Note To File - call from Louie Azzolini for the YKDFN re. the CE Study for Wool Bay & Drybones Bay areas.	Sherry Sian, MVEIRB	24-Jun-03	26-Jun-03
1	28	Note to file Call from Elaine Blaise, DFO re: comments period on Draft Terms of reference for EA's in Wool Bay and Drybones Bay area.	Sherry Sian, MVEIRB	24-Jun-03	26-Jun-03
1	29	Re: Cumulative Effects Assessment EAs in Drybones Bay and Wool Bay - deadlines for terms of reference.	Elaine Blaise, DFO	27-Jun-03	30-Jun-03
1	30	Identification of Standing for NAGRC, NSV and CGV EA's.	Kris Johnson, NSMA	26-Jun-03	30-Jun-03
1	31	General CEA for Drybones/Wool Bay area - Terms of reference.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	32	CE Study for Drybones/Wool Bay - Terms of reference.terms of Ref	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	33	Correspondence re: NAGRC-EA (to Paul Cowley).	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	34	Re: NSMA request for Directly Affected Party Status and terms of reference review comments.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	35	Comments:terms of refernce and workplans for Drybones/Wool Bay.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	36	Re: Meeting request for Drybones/Wool Bay EA process.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	37	Re: request for extension to comment period for EAs in Drybones and Wool Bay.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	38	NSMA request for Directly Affected Party status and terms of reference review comments.	Kris Johnson, NSMA	26-Jun-03	30-Jun-03
1	39	Re: Meeting request for Drybones/Wool Bay EA processes.	Mike Fournier, EC	26-Jun-03	30-Jun-03
1	40	Materials re: YKDFN concerns.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	41	CE Study in Wool Bay/Drybones area.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	42	Re: Meeting Request re: Drybones/Wool Bay Area EA Processes.	Eric Yaxley, INAC	25-Jun-03	30-Jun-03
1	43	Re: Meeting Request: Drybones/Wool Bay Area EA Processes.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	44	Identification of Standing for NAGRC.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	45	Re: Meeting Request re: Drybones/Wool Bay Area EA Processes.	Gavin More, GNWT	25-Jun-03	30-Jun-03
1	46	Re: Meeting Request re: Drybones/Wool Bay Area EA Processes.	Gavin More, GNWT	25-Jun-03	30-Jun-03
1	47	Re: request for extension to comment period for EAs in Drybones and Wool Bay	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	48	Fwd. Meeting Request re: Drybones/Wool Bay EA Processes.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	49	Re: Meeting Request re: Drybones/Wool Bay Area EA Processes	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	50	Meeting Request re: Drybones/Wool Bay EA.	Sherry Sian, MVEIRB	24-Jun-03	30-Jun-03
1	51	Identification of standing for NAGRC EA.	Sherry Sian, MVEIRB	25-Jun-03	2-Jul-03
1	52	Response to June 2/03 letter from YKDFN re: NAGRC - EA near Wool Bay.	Bob Overvold, INAC	24-Jun-03	2-Jul-03
1	53	Comments received digitally June 23-30, 2003.	Sherry Sian, MVEIRB	30-Jun-03	2-Jul-03
1	54	Response to Draft Terms of Reference.	Paul Cowley, NAGRC	27-Jun-03	2-Jul-03
1	55	Comments of the terms of reference for NAGRC-Public Registry.	Gavin More, GNWT	27-Jun-03	2-Jul-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

1	56	Comments/materials on the NAGRC public registry.	Sherry Sian, MVEIRB	30-Jun-03	2-Jul-03
1	57	Identification of Standing for NAGRC.	NWT Metis	27-Jun-03	2-Jul-03
1	58	Identification of EA roles for NAGRC.	Mike Vaydik, NWT & Nunavut Chamber of Mines	26-Jun-03	2-Jul-03
1	59	Identification of EA roles for NAGRC.	Gavin More, GNWT	30-Jun-03	2-Jul-03
1	60	Identification of EA roles for NAGRC.	Mike Fournier, EC	26-Jun-03	2-Jul-03
1	61	Identification of EA roles for NAGRC.	Elaine Blaise, DFO	2-Jul-03	3-Jul-03
1	62	Comments on Draft Terms of Reference.	Dave Balint, DFO	30-Jun-03	3-Jul-03
1	63	General CEA for Drybones/Wool Bay area.	Sherry Sian, MVEIRB	27-Jun-03	3-Jul-03
1	64	NAGRC-comments on Draft Terms of Ref. (refer to items 62, 65, 66 and 67).	Sherry Sian, MVEIRB	2-Jul-03	3-Jul-03
1	65	Comments on Draft Terms of Reference.	Dave Balint, DFO	30-Jun-03	3-Jul-03
1	66	Comments on CGV, NAGRC and NSV Workplan & terms of reference.	Eric Yaxley, INAC	2-Jul-03	3-Jul-03
1	67	Comments on NAGRC.	Susam Weaver (Public)	28-Jun-03	3-Jul-03
1	68	Comments on terms of reference.	Paul Cowley, NAGRC	27-Jun-03	3-Jul-03
1	69	Note to File re: leaseholders in the Wool Bay/Drybones Bay Area.	Sherry Sian, MVEIRB	9-Jun-03	3-Jul-03
1	70	June 30th Letters to Melody Mcleod, MVLWB and Todd Burlingame, MVEIRB.	YKDFN	2-Jul-03	4-Jul-03
1	71	Identification of EA roles for NAGRC.	Rachel Crapeau, YKDFN	3-Jul-03	4-Jul-03
1	72	Identification of EA roles for NAGRC -see #51 and 71.	Sherry Sian, MVEIRB	3-Jul-03	4-Jul-03
1	73	Response to June 30th, 2003 letter from YKDFN Re: Cumulative Effects study of the Drybones & Wool Bay Area (PR #70).	Todd Burlingame, MVEIRB	3-Jul-03	4-Jul-03
1	74	Identification of EA roles for NAGRC.	INAC	4-Jul-03	7-Jul-03
1	75	Response to correspondance dated June 23, 2003 re: participant funding (PR #30).	Sherry Sian, MVEIRB	7-Jul-03	8-Jul-03
1	76	Response to e-mail re: comment on draft terms of reference for NAGRC.	Sherry Sian, MVEIRB	30-Jun-03	16-Jul-03
1	77	Request to put comments for NAGRC into different format.	Mary McCreddie, NWT Literacy	3-Jul-03	16-Jul-03
1	78	Response to request for different format (PR 77).	Sherry Sian, MVEIRB	Jason LePine, NWT	16-Jul-03
1	79	Re: Leases in the Drybones Bay area (to Kenneth Dahl).	Sherry Sian, MVEIRB	11-Jul-03	17-Jul-03
1	80	Automatic Response - Away from the Office.	Angela Plautz, DOT	24-Jun-03	17-Jul-03
1	81	Re: Meeting request about Drybones/Wool Bay Area EA processes.	Sherry Sian, MVEIRB	3-Jul-03	17-Jul-03
1	82	GNWT comments on Drybones CE Study terms of reference.	Jason McNeill, GNWT	11-Jul-03	17-Jul-03
1	83	NSMA comments on Drybones CE Study - terms of reference.	Kris Johnson, NSMA	9-Jul-03	17-Jul-03
1	84	INAC comments of Drybones CE Study - terms of reference.	Lionel Marcinkoski, INAC	11-Jul-03	17-Jul-03
1	85	DFO comments on Drybones CE Study - terms of reference.	Elaine Blaise, DFO	11-Jul-03	17-Jul-03
1	86	Distribution of items 82 to 85.	Sherry Sian, MVEIRB	14-Jul-03	17-Jul-03
1	87	Comments on Drybones/Wool Bay EA - recommendation for archaeological survey.	Chuck Arnold ECE - GNWT	7-Jul-03	17-Jul-03
1	88	Operation details for NAGRC-EA (to Rachel Crapeau refer to PR # 9).	Sherry Sian, MVEIRB	8-Jul-03	21-Jul-03
1	89	Final terms of reference & Workplan for NAGRC EA.	Sherry Sian, MVEIRB	17-Jul-03	21-Jul-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

1	90	Note to File - meeting w/developers summary from June 9.	Sherry Sian, MVEIRB	9-Jun-03	25-Jul-03
1	91	Note to File - Inquiry about developer's meeting.	Sherry Sian, MVEIRB	27-Jun-03	25-Jul-03
1	92	Note to File - Meeting re: EA Process with Regulaterms of references.	Sherry Sian, MVEIRB	3-Jul-03	25-Jul-03
1	93	Note to File - Parties with Standing for EAs in Drybones/Wool Bay Area.	Sherry Sian, MVEIRB	21-Jul-03	25-Jul-03
1	94	Comments on CE Study of Drybones/WoolBay.	Sherry Sian, MVEIRB	24-Jul-03	28-Jul-03
1	95	Final terms of reference& workplan for CE Study of Drybones/WoolBay.	Sherry Sian, MVEIRB	23-Jul-03	28-Jul-03
1	96	NAGRC update (PR #92 & 93).	Sherry Sian, MVEIRB	24-Jul-03	28-Jul-03
1	97	Re: Diamonds North Referral to EA	Bob Overvold, INAC	2-Jun-03	30-Jul-03
1	98	Standing of Parties - CPAWS as an observer.	Jennifer Morin, CPAWS	27-Jul-03	31-Jul-03
1	99	Comments on the Draft Terms of Reference.	Lionel Marcinkoski, INAC	29-Jul-03	31-Jul-03
1	100	CE Study of Drybones/WoolBay.	Jason LePine, NWT Metis	1-Aug-03	5-Aug-03
1	101	Public registry addition for CGV, NSV and NAGRC.	Sherry Sian, MVEIRB	5-Aug-03	5-Aug-03
1	102	Letter on CE Study site visit - Drybones/WoolBay.	Sherry Sian, MVEIRB	1-Aug-03	5-Aug-03
1	103	Fax cover sheet (PR 102).	Sherry Sian, MVEIRB	1-Aug-03	5-Aug-03
1	104	Re: CE Study site visit.	Kris Johnson, NSMA	31-Jul-03	5-Aug-03
1	105	Traditional Land Use and CE Study - additions to PR (PR #100, 101, 102 104).	Sherry Sian, MVEIRB	5-Aug-03	5-Aug-03
1	106	Re: Request to Improve Access to the Process (to Susan Weaver)	Sherry Sian, MVEIRB	5-Aug-03	5-Aug-03
1	107	Aug 1/03 letter to Minister Nault re. EA of NSV, CGV, NAGRC and Snowfield.	Rachel Crapeau, YKDFN	1-Aug-03	6-Aug-03
1	108	Re: NWTMN Report - Cumulative Effects Drybones/Wool Bay.	Jason LePine, NWT Metis	6-Aug-03	12-Aug-03
1	109	Joint Process/Schedule Extension - Drybones/Wool Bay Cumulative Effects EA.	Sherry Sian, MVEIRB	11-Aug-03	13-Aug-03
1	110	NAGRC's DAR.	Paul Cowley, NAGRC	13-Aug-03	14-Aug-03
1	111	Weledeh Gondi - March/April 2003 Newsletter - Issue 08/Volume 3.	YKDFN		15-Aug-03
1	112	Authority of Dettah & Ndilo and the MVRMA.	Chief Peter Liske, YKDFN	31-Aug-03	15-Aug-03
1	113	Start of participant comment period.	Sherry Sian, MVEIRB	18-Aug-03	21-Aug-03
2	114	Pre-hearing conference announcement for CGV, NSV and NAGRC.	Sherry Sian, MVEIRB	25-Aug-03	26-Aug-03
2	115	Correction to the public hearing date.	Sherry Sian, MVEIRB	26-Aug-03	26-Aug-03
2	116	Letter to YKDFN re: Report on field studies in the Drybones Bay/Wool Bay Areas.	Vern Christensen, MVEIRB	27-Aug-03	28-Aug-03
2	117	Reminder of important deadline for participant comments on DAR's for CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	28-Aug-03	29-Aug-03
2	118	Request to change hearing date.	Sherry Sian, MVEIRB	28-Aug-03	29-Aug-03
2	119	Comments on DARs.	Elaine Blaise, DFO	2-Sep-03	2-Sep-03
2	120	Review and comments NSV.	YKDFN	2-Sep-03	2-Sep-03
2	121	Comments on Drybones and Wool Bay Development.	Eric Yaxley, INAC	2-Sep-03	2-Sep-03
2	122	Comments on Drybones and Wool Bay Development.	Gavin Moore, GNWT	2-Sep-03	2-Sep-03
2	123	YKDFN comments on DARs of CGV, NAGRC and NSV.	Alan Ehrlich, MVEIRB	3-Sep-03	3-Sep-03
2	124	Draft for Discussion.	Gartner Lee Ltd.	3-Sep-03	3-Sep-03
2	125	Draft CES from GLL.	Alan Ehrlich, MVEIRB	3-Sep-03	3-Sep-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

2	126	NSMA's review and comments on DARs.	Kris Johnson, NSMA	2-Sep-03	3-Sep-03
2	127	NSMA's comments on CGV, NAGR and NSV.	Alan Ehrlich, MVEIRB	5-Sep-03	5-Sep-03
2	128	CE Study Report - CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	9-Sep-03	5-Sep-03
2	129	CE Study Report - CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	9-Aug-03	8-Sep-03
2	130	Process update for EA of CGV, NAGRC and NSV.	Mike Fournier, EC	9-Sep-03	9-Sep-03
2	131	CGV, NAGRC and NSV EA process update document.	Sherry Sian, MVEIRB	9-Sep-03	9-Sep-03
2	132	CE Study Report - CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	9-Sep-03	9-Sep-03
2	133	Pre-hearing conference re CGV, NAGRC and NSV update.	Sherry Sian, MVEIRB	9-Sep-03	9-Sep-03
2	134	Pre-hearing conference process update.	Mike Vaydik, NWT & Nunavut Chamber of Mines	10-Sep-03	10-Sep-03
2	135	Process update for EA of CGV, NAGRC and NSV.	Sherry Sian, MVEIRB/ Miki Promislow, INAC	10-Sep-03	10-Sep-03
2	136	Draft CE Study.	Sherry Sian/Angela Mckay	10-Sep-03	10-Sep-03
2	137	NAGRC DAR.	Sherry Sian, MVEIRB	11-Sep-03	11-Sep-03
2	138	GLL revised draft of CE Study.	Sherry Sian, MVEIRB	12-Sep-03	12-Sep-03
2	139	CGV, NAGRC and NSV DAR.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	140	CGV, NAGRC and NSV summary of issues.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	141	CGV, NAGRC and NSV CE Study comments process update.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	142	Application for party status.	Sherry Sian, MVEIRB	11-Sep-03	11-Sep-03
2	143	Update on CE comment period.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	144	CGV, NAGRC and NSV - Summary of issues.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	145	Legend maps: Drybones/Wool Bay.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	146	Pre-hearing conference guide and worksheet.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	147	Draft CE maps.	Kris Johnson, NSMA	15-Sep-03	15-Sep-03
2	148	Draft CE maps.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	149	NAGRC comments to draft CE Study report.	Paul Cowley, NAGRC	15-Sep-03	15-Sep-03
2	150	NAGRC comments to draft CE Study report.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	151	Pre-hearing conference guide - CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	152	CGV, NAGRC and NSV - Summary of issues.	Sherry Sian, MVEIRB	15-Sep-03	15-Sep-03
2	153	Guidelines for Ice Roads.	Sherry Sian, MVEIRB	16-Sep-03	16-Sep-03
2	154	NAGRC comments to draft CE Study report.	Paul Cowley, NAGRC	16-Sep-03	16-Sep-03
2	155	NAGRC comments to draft CE Study report.	Sherry Sian, MVEIRB	16-Sep-03	16-Sep-03
2	156	NAGRC comments to draft CE Study report.	Sherry Sian, MVEIRB	16-Sep-03	16-Sep-03
2	157	Drybones CE Report - GNWT comments.	Jane McMullen, GNWT	17-Sep-03	17-Sep-03
2	158	CE draft comments.	Elaine Blaise, DFO	17-Sep-03	17-Sep-03
2	159	Draft CE Study.	Shelagh Montgomery, CARC	17-Sep-03	17-Sep-03
2	160	CE Document.	Gavin Moore, GNWT	17-Sep-03	17-Sep-03
2	161	CE study.	Gavin Moore, GNWT	17-Sep-03	17-Sep-03
2	162	CE study for Drybones and Wool Bay.	Miki Promislow, INAC	17-Sep-03	17-Sep-03
2	163	Comments on Draft Regional CE study(DB & WB).	Chief Peter Liske, YKDFN	17-Sep-03	17-Sep-03
2	164	Draft CE Study.	Elaine Blaise, DFO	17-Sep-03	17-Sep-03
2	165	Revised schedule pre-hearing conference and public hearing.	Sherry Sian, MVEIRB	18-Sep-03	18-Sep-03
2	166	YDFN Request for ruling.	Sherry Sian, MVEIRB	18-Sep-03	18-Sep-03
2	167	Guidelines for Ice Roads.	Sherry Sian, MVEIRB	22-Sep-03	22-Sep-03
2	168	Access to ice road guidelines.	Sherry Sian, MVEIRB	23-Sep-03	24-Sep-03
2	169	Access to guidelines for ice roads.	Sherry Sian, MVEIRB	23-Sep-03	24-Sep-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

2	170	Diamonds and the NWT.	GNWT	1-Sep-03	30-Sep-03
2	171	Work plan amendments CGV, NAGRC and NSV.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	172	Requesting for ruling on admissibility of confidential trip report by YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	173	Request for ruling on confidential information of YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	174	Request for ruling on confidential information of YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	175	Diamonds in the NWT.	Sherry Sian, MVEIRB	26-Sep-03	30-Sep-03
	176	Draft CE Study.	Sherry Sian, MVEIRB	26-Sep-03	30-Sep-03
3	177	Draft CE Study.	Sherry Sian, MVEIRB	30-Sep-03	6-Oct-03
3	178	Confidentiality of NSMA information in GLL CE Study.	Sherry Sian, MVEIRB	1-Oct-03	6-Oct-03
3	179	Advice for developers in response to CE Study.	Sherry Sian, MVEIRB	1-Oct-03	06-Ocy-03
3	180	Materials.	Sherry Sian, MVEIRB	23-Sep-03	7-Oct-03
3	181	Comments on CE Study.	Sherry Sian, MVEIRB	6-Oct-03	7-Oct-03
3	182	INAC trip report.	Sherry Sian, MVEIRB	6-Oct-03	7-Oct-03
3	183	Note to file about CE comments.	Sherry Sian, MVEIRB	7-Oct-03	7-Oct-03
3	184	New directly affected party, DKFN.	Sherry Sian, MVEIRB	7-Oct-03	7-Oct-03
3	185	Conformity, completeness and technical adequacy.	Sherry Sian, MVEIRB	7-Oct-03	9-Oct-03
3	186	Ruling on conformity and technical adequacy.	Sherry Sian, MVEIRB	8-Oct-03	9-Oct-03
3	187	Pre-hearing conference and public hearing.	Sherry Sian, MVEIRB	8-Oct-03	14-Oct-03
3	188	Reminder of important deadlines for Wool and Drybones Bay.	Sherry Sian, MVEIRB	10-Oct-03	14-Oct-03
3	189	Land use permit information for Susan Weaver.	Sherry Sian, MVEIRB	10-Oct-03	14-Oct-03
3	190	NAGRC Submission Re: GLL CE Study.	Sherry Sian, MVEIRB	10-Oct-03	14-Oct-03
3	191	Confirmation of status of land use permit for Wool Bay.	Sherry Sian, MVEIRB	10-Oct-03	14-Oct-03
3	192	Correction to INAC trip report.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	193	NSMA submission re: GLL CE Study.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	194	Regional CE Study for Drybones and Wool Bay.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	195	Setting the pace for development.	Sherry Sian, MVEIRB	14-Oct-03	14-Oct-03
3	196	Potentially directly affected parties.	Sherry Sian, MVEIRB	15-Oct-03	20-Oct-03
3	197	Representation at the public hearing.	Sherry Sian, MVEIRB	17-Oct-03	20-Oct-03
3	198	Assessment roles.	Sherry Sian, MVEIRB	30-Sep-03	23-Oct-03
3	199	Update for CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	20-Oct-03	23-Oct-03
3	200	Pre-hearing conference worksheet.	Mike Fournier, EC	23-Oct-03	28-Oct-03
3	201	Participant comments on Regional CE Study.	Sherry Sian, MVEIRB	27-Oct-03	28-Oct-03
3	202	YKDFN Request for ruling of acceptance of confidential material.	Sherry Sian, MVEIRB	28-Oct-03	28-Oct-03
3	203	New additions to the public registry.	Sherry Sian, MVEIRB	29-Oct-03	29-Oct-03
3	204	Pre-hearing conference materials.	Sherry Sian, MVEIRB	29-Oct-03	30-Oct-03
3	205	YKDFN's request for ruling.	Sherry Sian, MVEIRB	30-Oct-03	31-Oct-03
3	206	YKDFN's comments.	Sherry Sian, MVEIRB	31-Oct-03	31-Oct-03
3	207	Pre-hearing conference worksheet.	Sherry Sian, MVEIRB	31-Oct-03	5-Nov-03
3	208	Correction to filing dates.	Sherry Sian, MVEIRB	31-Oct-03	7-Nov-03
3	209	Pre-hearing worksheet, PWNHC	Sherry Sian, MVEIRB	31-Oct-03	7-Nov-03
3	210	Pre-hearing worksheet, INAC.	Sherry Sian, MVEIRB	31-Oct-03	7-Nov-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

3	211	Pre-hearing worksheet, DFO.	Sherry Sian, MVEIRB	31-Oct-03	7-Nov-03
3	212	Submissions on YKDFN's request for ruling.	Sherry Sian, MVEIRB	31-Oct-03	7-Nov-03
3	213	Release of GLL supplement.	Sherry Sian, MVEIRB	6-Nov-03	7-Nov-03
3	214	Announcement of new party - LKDFN.	Sherry Sian, MVEIRB	6-Nov-03	7-Nov-03
3	215	Correction to DFO pre-hearing conference worksheet.	Sherry Sian, MVEIRB	6-Nov-03	7-Nov-03
3	216	NAGRC's presentation for public hearing.	Sherry Sian, MVEIRB	10-Nov-03	13-Nov-03
3	217	Supplementary Material on cultural landscapes.	Sherry Sian, MVEIRB	10-Nov-03	13-Nov-03
3	218	GLL CE Study presentation for the public hearing.	Sherry Sian, MVEIRB	10-Nov-03	13-Nov-03
3	219	YKDFN's confidential reports.	Sherry Sian, MVEIRB	12-Nov-03	13-Nov-03
3	220	NSMA and YKDFN submissions.	Sherry Sian, MVEIRB	10-Nov-03	13-Nov-03
3	221	Letter from Susan Weaver, John Bay.	Susan Weaver (Public)	25-Sep-03	18-Nov-03
3	222	Letter from Susan Weaver, valid lease from GNWT.	Susan Weaver (Public)	30-Sep-03	18-Nov-03
3	223	Information re: heritage protection from PWNHC.	Sherry Sian, MVEIRB	17-Nov-03	18-Nov-03
3	224	Presentations for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	18-Nov-03
3	225	Presentations for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	18-Nov-03
3	226	Reminder for deadline to submit presentations.	Sherry Sian, MVEIRB	17-Nov-03	20-Nov-03
3	227	E-mail re: INAC's Participation.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	228	Presentations for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	229	Update on Elders session and revised agenda.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	230	Request for Ruling INAC.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	231	Credentials for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	232	Distribution of draft agenda for joint public hearing.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03
3	233	On ice exploration drilling - powerpoint presentation from Ann Wilson, EC.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03
3	234	LKDFN's hearing presentation.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03
4	235	INAC's request for ruling.	Sherry Sian, MVEIRB	6-Nov-03	25-Nov-03
4	236	Request to view confidential reports of YKDFN.	Sherry Sian, MVEIRB	20-Nov-03	25-Nov-03
4	237	Reminder of closure of the public registry.	Sherry Sian, MVEIRB	20-Nov-03	25-Nov-03
4	238	NSMA expert's credentials.	Sherry Sian, MVEIRB	21-Nov-03	25-Nov-03
4	239	Announcement of expert advisor to the Review Board.	Sherry Sian, MVEIRB	21-Nov-03	25-Nov-03
4	240	Updates to public registry.	Sherry Sian, MVEIRB	24-Nov-03	25-Nov-03
4	241	Revised draft hearing agenda.	Sherry Sian, MVEIRB	24-Nov-03	25-Nov-03
4	242	Announcement re: public hearing transcripts available on line.	Sherry Sian, MVEIRB	2-Dec-03	3-Dec-03
4	243	Comments from LKDFN on public hearing.	Sherry Sian, MVEIRB	2-Dec-03	3-Dec-03
4	244	YKDFN's presentation for joint public hearing.	Rachel Crapeau, YKDFN	26-Nov-03	5-Dec-03
4	245	Resume for Howard Dean Cluff.	Howard Dean Cluff, GNWT	26-Nov-03	5-Dec-03
4	246	Presentations November 2003 Public Hearing	Various Presenters	26-Nov-03	5-Dec-03
4	247	Transcripts for joint public hearing, November 25, 2003.	Wendy Warnock, DigiTran	2-Dec-03	5-Dec-03
4	248	Transcripts for joint public hearing, November 26, 2003.	Wendy Warnock, DigiTran	2-Dec-03	5-Dec-03
4	249	INAC's submission of supplementary materials for joint public hearing.	Sherry Sian, MVEIRB	4-Dec-03	5-Dec-03

Report of EA and Reasons for Decision on the NAGRC Diamond Exploration Project

4	250	Susan Weaver's presentation for joint public hearing.	Susan Weaver (Public)	4-Dec-03	29-Dec-03
4	251	Correspondence re: the Review Board's independent expert.	Galbraith Empson, YKDFN	4-Dec-03	29-Dec-03
4	252	MVEIRB's response to INAC's request for ruling.	Sherry Sian, MVEIRB	4-Dec-03	29-Dec-03