

Mackenzie Valley Environmental Impact Review Board

July 7, 2004

The Honourable Andy Mitchell, P.C., M.P.
Minister, Indian and Northern Affairs Canada
MINISTER'S OFFICE
10 Wellington St. North Tower
Hull, Quebec K1A 0H4

Dear Minister Mitchell:


**Re: Report of Environmental Assessment for
Snowfield Development Corporation Diamond Exploration Program**

This letter is in response to your letter of June 17th, as federal Minister and on behalf of Responsible Ministers, to initiate a consultation process under subparagraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (MVRMA) with respect to the above captioned report of Environmental Assessment.

Board staff met Department of Indian Affairs and Northern Development and Government of the Northwest Territories officials regarding the substance of the consultation requests on June 28th, 2004.

The Mackenzie Valley Environmental Impact Review Board subsequently met on June 30th to consider the results of these discussions and have approved rewording of the recommended measures as presented in the attached Consultation Summary.

Sincerely,

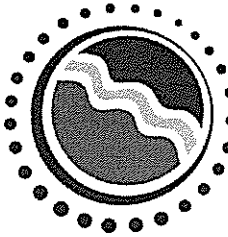

Todd Burlingame
Chairperson

CC: Lorne Tricoteux, ARDG
Northern Region, INAC

David Livingstone, Director
Renewable Resources and Environment
Northern Region, INAC

Attachment:

163



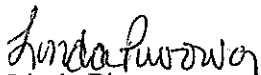
Mackenzie Valley Environmental Impact Review Board

Box 938 , 5102-50th Avenue, Yellowknife, NT X1A 2N7

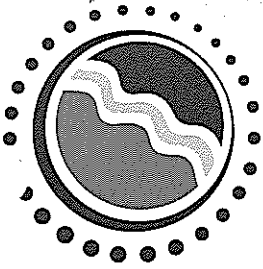
Phone (867) 766-7050

Fax (867) 766-7074

URI: www.mveirb.nt.ca

From:	Todd Burlingame	Fax Number:	1 867-766-7074
	MVEIRB-Yellowknife	Phone:	1 867 766-7050
Date:	July 7, 2004	Pages: 14	(including this page)
To:	Honourable Andy Mitchell OTTAWA	Fax Number:	1 819-953-4941
Subject:	Report of EA for Snowfield		
Notes:	To follow correspondence from Todd Burlingame re. Above captioned report.		
	 Linda Piwowar Board Secretary		

FAXED



Mackenzie Valley Environmental Impact Review Board

July 7, 2004

The Honourable Andy Mitchell, P.C., M.P.
Minister, Indian and Northern Affairs Canada
MINISTER'S OFFICE
10 Wellington St. North Tower
Hull, Quebec K1A 0H4

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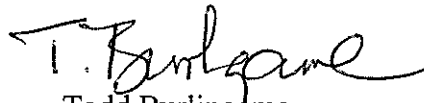
**Re: Report of Environmental Assessment for
Snowfield Development Corporation Diamond Exploration Program**

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Todd Burlingame
Chairperson

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Northern Region, INAC

David Livingstone, Director
Renewable Resources and Environment
Northern Region, INAC

Attachment:

MACKENZIE VALLEY ENVIRONMENTAL IMPACT REVIEW BOARD

CONSULTATION SUMMARY

IN THE MATTER OF: **The Report of Environmental Assessment for the Snowfield Development Corporation Diamond Exploration Program**

These revised recommendations are the result of a consultation process between the Department of Indian Affairs and Northern Development (DIAND) and the Mackenzie Valley Environmental Impact Review Board (Review Board) pursuant to section 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (MVRMA).

The Review Board met on June 30th, 2004 and considered the results of the consultation process. The Review Board has prepared its views pursuant to section 3 of the MVRMA. These views are presented below.

The Review Board, after due consideration has approved the text of the revised recommendations set out below. In the Review Board's view, the changes made to the recommendations clarify the application of these measures to the proposed development activities of the Snowfield Development Corporation. The changes to the text of measure 1 make measures 2 and 3 of the Environmental Assessment Report unnecessary. Measure 4 is slightly modified and measure 5 is unchanged.

Measure 1:

The Snowfield Development Corporation will not commence any development activity requiring a Land Use Permit, either within or outside of the 3 kilometre Shoreline Zone, until an archaeological impact assessment detailing suspected archaeological, historical, burial or cultural sites has been completed by a qualified archaeologist accompanied by an Aboriginal Elder and a translator if required.

Measure 2: Removed

Measure 3: Removed

Measure 4:

Aboriginal parties and the Prince of Wales Northern Heritage Centre will provide the locations and the extent of recorded archaeological, historical, burial or cultural sites to the Snowfield Development Corporation for its claim blocks.

Measure 5:

The Snowfield Development Corporation will maintain a 100 metre buffer around all known and suspected archaeological, historical, burial or cultural sites.



Northwest
Territories Education, Culture and Employment

July 5, 2004

Mr. Vern Christensen
Executive Director
Mackenzie Valley Environmental Impact Review Board
Box 938
5102 – 50th Ave.
Yellowknife, NT X1A 2N7

Dear ~~Mr.~~ ^{Vern} Christensen,

Thank you for your letter of June 30th requesting a definition of the phrase “archaeological resource impact assessment”, and for clarifying the use of the terms “survey” and “scouting”.

The term “scouting” is not used in archaeological research and therefore cannot be adequately defined. The Review Board used this term in R2 of the Snowfield “Report of EA and Reasons for Decision...” with respect to a winter ‘scouting’ of access routes. Please note that, except in rare instances, archaeological research can only be undertaken when the ground is clear of snow cover.

An “Archaeological Survey” would involve a search (reconnaissance) for new archaeological sites and is regarded, generally, as a ‘research’ effort. The term is widely used in archaeological research.

An “Archaeological Resource Impact Assessment” implies a broader program which usually includes a search for new archaeological sites, but also requires that known archaeological sites be identified and relocated (known as reconnaissance and inventory). Once all sites within a development area are identified and located then an assessment is completed to determine the nature and extent of potential impacts. Finally, a mitigation plan is developed for each site.

Any mitigation effort proposed for a site should take into account cultural, historic, public, and scientific values. Mitigative techniques accepted in the NWT (and, indeed, throughout North America) range from avoidance (where the site is not disturbed) to complete and full excavation (where all cultural materials are excavated in a controlled fashion to document all aspects of the site). Once potential impacts to a site have been ‘mitigated’ then the site area can undergo development. In situations where an

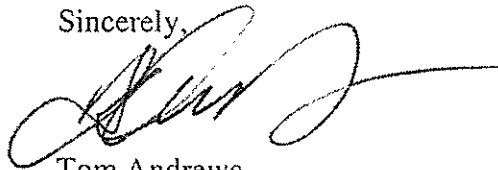


archaeological impact assessment is undertaken, we require that mitigation plans be submitted and approved before we will advise the land management authority to issue a permit for the proposed development.

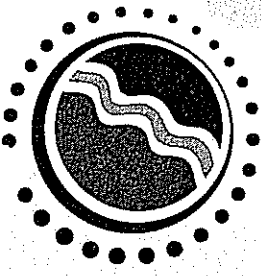
Sometimes, in very large development areas, a systematic approach to searching for archaeological sites must be used. Generally this entails developing a sample of areas that will be intensively searched for archaeological sites. Sample areas can be selected in a variety of different ways (e.g. based on landforms, or selected through stratified random or random sampling procedures, or various combinations), but where traditional land use information is available it is always used to inform the search for sites. (The various developments described for the Drybones and Wool Bay areas are small enough that all of the proposed development areas could be examined by an archaeologist.)

In our review of the Review Board's recommendations, we requested that the phrase "archaeological resource impact assessment" be used in place of "survey" to ensure that a complete assessment, including the development of a mitigation plan, would be undertaken.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Andrews', with a long horizontal flourish extending to the right.


Tom Andrews
Territorial Archaeologist
Prince of Wales Northern Heritage Centre



Mackenzie Valley Environmental Impact Review Board

June 30, 2004

Mr. Tom Andrews
Territorial Archaeologist
P.O. Box 1320,
Yellowknife, NT
X1A 2N9


Dear Mr. Andrews;

**Re: Report of Environmental Assessment and Reasons for Decision
on the Snowfield Development Corporation's (SDC) Diamond Exploration Program**

This letter is further to the June 29th, 2004 meeting of Department of Indian Affairs and Northern Development (DIAND) and Government of the Northwest Territories officials with Review Board staff and legal counsel at which the concerns and rationale of Responsible Ministers for modifications to recommended measures in the Board's Report of Environmental Assessment was discussed. As you recall, this meeting was in follow up to the June 17, 2004 letter from the Minister of DIAND requesting consultation on this matter with the Review Board.

The Board requires additional information to assist in finalizing its response. As you were in attendance at the June 29th meeting and the additional information required by the Board relates to your specific area of expertise and responsibility, this request is directed to you.

The Review Board requires a definition of the term "Archaeological Impact Assessment" and some context to assist it in understanding why this term has been proposed for substitution into the recommendations. As you recall, we had discussed the use of this term as a possible modification to the terms "archaeological survey" and "scouting" used in the current recommended measures. If you would provide a letter clarifying the term "archaeological impact assessment" for the Board that would be very helpful to finalizing the Board's response.

Your assistance is appreciated.

Sincerely,



Vern Christensen
Executive Director

CC: David Livingstone, DIAND
Gavin More, RWED/GNWT



Mackenzie Valley
Environmental Impact
Review Board

Meeting Summary

Re: Snowfield Development Corporation (SDC) Diamond Exploration - Report of Environmental Assessment

Date: June 28, 2004
Time: 10 AM – 12 Noon
Location: MVEIRB Board Room, Yellowknife, NT

Attendees:

Vern Christensen, Executive Director, MVEIRB (Chair)
Alan Ehrlich, Senior Environmental Assessment Officer, MVEIRB
John Donihee, Legal Counsel, MVEIRB
Eric Yaxley, Manager, Environment and Conservation, DIAND
Fraser Fairman, Environmental Scientist, DIAND
Lionel Marcinkoski, Environmental Scientist, DIAND
Carla Conkin, Legal Counsel, DIAND
Gavin More, Manager of Environmental Assessment, RWED, GNWT
Tom Andrews, Territorial Archaeologist, GNWT

Background:

In a letter dated June 17, 2004, the federal Minister of DIAND, on behalf of Responsible Ministers, requested consultation with the Review Board regarding Recommended Measures R1 to R5 of the Board's Report of Environmental Assessment (REA) and Reasons for Decision on the Snowfield Development Corporation (SDC) Diamond Exploration Program. The Minister's letter proposed suggested modifications to address the concerns cited. An explanation of the concerns of responsible Ministers and the suggested modifications were attached to the Minister's letter.

Purpose of Meeting:

The purpose of the meeting was to provide an opportunity for Board staff and legal counsel to meet with the Responsible Ministers, as represented by DIAND and GNWT officials, on Monday June 28th to discuss the concerns and rationale for the suggested modifications.

Discussion:

Recommended Measures R1 to R3

The main issue related to the Board's use of the terms archeological "survey" and "scouting". The Board had understood that each term indicated a higher versus lower level of archeological assessment. As a result it had used those terms to describe a higher level of work required within the 3 kilometer zone (a survey) and a lower level of study out side the 3 kilometer zone (scouting). The GNWT wished to use the term "environmental impact assessment" to describe both situations as it was a more commonly understood term by professional archeologists.

Although the narrative in the REA and the Board's letter of clarification to SDC of May 20th, 2004 explained the scope of development affected by its Recommended Measure R1 included bulk sampling activities, the Responsible Ministers sought clearer language.

It was noted that the Review Board in its Recommended Measures had addressed the need to safeguard suspected archaeological, historical, burial or cultural sites - but in three distinct geographic areas being i) areas within the 3 kilometer Shoreline zone, ii) within the claim blocks and within the 3 kilometer Shoreline zone iii) within the claim block and outside the 3 kilometer Shoreline zone.

By using the more generic term "archeological impact assessment" and more inclusive terms to describe the scope of work affected, the revisions were proposed to R1 such that R2 and R3 would no longer be required.

Recommended Measure R4

R4 was revised to correct a typo graphical error and to remove the adjective "precise". R4 had stated that "...the Prince of Wales Northern Heritage Centre will provide precise locations and the extent ofsites....to SDC....". Tom Andrews, Territorial Archaeologist of the Northern Heritage Centre advised that the locations are only approximately known and could not be described as being precise.

Recommended Measure R5

It was agreed that no revisions were required to the Review Board's Recommended Measure R5.

Conclusions:

Board staff and legal counsel agreed that improved wording to Recommended Measures R1 to R4 was appropriate to clarify the Board's intent to the Minister. The revised

wording of Recommended Measures R1 to R4 which was discussed by Board staff and the representatives of Responsible Ministers is attached.

Next Steps:

Board staff and legal counsel would report the results of this meeting to the Review Board for its consideration and response to the Minister of DIAND.

Prepared by: Vern Christensen
Executive Director
June 30, 2004

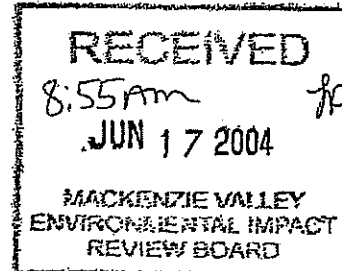
Attachment



JUN 17 2004

COPY

Mr. Todd Burlingame
Chair
Mackenzie Valley Environmental
Impact Review Board
PO Box 938
YELLOWKNIFE NT X1A 2N7



Dear Mr. Burlingame:

As the federal Minister, and on behalf of the Responsible Ministers (RMs) with jurisdiction related to this development, I am writing to convey our decision on the recommendation contained in the Report of Environmental Assessment and Reasons for Decision on the Snowfield Development Corporation's Diamond Exploration Program.

The RMs and I have agreed to initiate consultation with the Mackenzie Valley Environmental Impact Review Board, pursuant to subparagraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act*. We specifically want to discuss recommended measures R1, R2, R3, R4, and R5. In this regard, we have prepared suggested modifications with supporting rationale for your review.

Regional officials, under the direction of Mr. David Livingstone, Director, Renewable Resources and Environment, will be in contact with you within a week of the date of this letter, to set up a meeting to discuss the proposed modifications.

Sincerely,

Andy Mitchell

Encl.

c.c.: The Honourable David Anderson, PC, MP
The Honourable Geoff Regan, PC, MP
The Honourable Brendan Bell, MLA

Canada

ASSESSMENT FOR THE SNOWFIELD DEVELOPMENT CORPORATION'S (SDC) DIAMOND EXPLORATION PROGRAM

RECOMMENDED MEASURE R1

The SDC will not commence drilling within the three kilometre zone until the operational areas within the claim blocks are surveyed by a qualified archaeologist, accompanied by an Aboriginal Elder, and a translator if required, to detect suspected archaeological, historical, burial, or cultural sites.

Suggested Modification:

The SDC will not commence any development activity within the operational areas of the SDC's claim blocks until an archaeological impact assessment report detailing suspected archaeological, historical, burial, or cultural sites has been completed by a qualified archaeologist accompanied by an Aboriginal Elder and a translator if required.

Rationale:

As presently worded, the focus on drilling is not all inclusive. The issue of trenching for the bulk sampling program and the use of new and existing access routes were not identified as a component that required an archaeological impact assessment. Therefore, an archaeological impact assessment report must be submitted by a qualified archaeologist before any activity can occur. The archaeological impact assessment report must be submitted to, and approved by, the Prince of Wales Northern Heritage Centre. This will ensure that the archaeological impact assessment report is completed prior to the commencement of any development activity, including the use of new and existing access routes within the operational areas of the SDC's claim blocks.

RECOMMENDED MEASURE R2

The SDC will only use access routes in the three kilometre zone if routes are scouted by an Aboriginal Elder, a translator, if required, and a qualified archaeologist for suspected archaeological, historical, burial, or cultural sites. Use of these access routes will only be permitted over packed snow or on lake ice.

Suggested Modification:

Delete.

- 2 -

Rationale:

The RMs recommend that this recommended measure be deleted because of the suggested modification made to R1 (above), which makes this measure redundant. The implementation of the revised recommended measure R1, will require the proponent to complete an archaeological impact assessment, with appropriate mitigation, before any development activity can commence. The archaeological impact assessment would include new and existing access routes.

Once the completed archaeological impact assessment and mitigation plans are submitted, the proponent can access operational areas during all seasons of the proposed development activity, and therefore, not be limited to using access routes only over packed snow or on lake ice.

RECOMMENDED MEASURE R3

Any drill sites not in the three kilometre zone must be scouted by an Aboriginal Elder, a translator, if required, and a qualified archaeologist for suspected archaeological, historical, burial, or cultural sites.

Suggested Modification:

Delete.

Rationale:

The RMs recommend that this recommended measure be deleted because of the suggested modification made to R1 (above), which makes this measure redundant. The implementation of the revised recommended measure R1, will require the proponent to complete an archaeological impact assessment, with appropriate mitigation, before any development activity can commence. This will ensure that the archaeological impact assessment report is completed prior to the commencement of any development activity within the operational areas of the SDC's claim blocks.

RECOMMENDED MEASURE R4

Aboriginal parties and the Prince of Wales National Heritage Centre will provide precise locations and the extent of recorded archaeological, historical, burial or cultural sites to the SDC for its claim blocks.

- 3 -

Suggested Modification:

Aboriginal parties and the Prince of Wales Northern Heritage Centre will provide locations and the extent of recorded archaeological, historical, burial or cultural sites to the SDC for its claim blocks.

Rationale:

It is the Prince of Wales Northern Heritage Centre and not the Prince of Wales National Heritage Centre. Also, R4 indicated precise locations, however, in many cases precise location data is not available until confirmed by a survey, as verified by Tom Andrews of the Prince of Wales Northern Heritage Centre.

RECOMMENDED MEASURE R5

The SDC will maintain a 100 metre buffer around all known and suspected archaeological, historical, burial or cultural sites.

Suggested Modification:

Subject to the completed archaeological impact assessment report, the SDC will maintain a 100 metre buffer around all known and suspected archaeological, historical, burial or cultural sites.

Rationale:

The RMs recommend that this recommended measure be modified because of the suggested modification made to R1 (above). The implementation of the revised recommended measure R1, will require the proponent to complete an archaeological impact assessment, with appropriate mitigation, before any development activity can commence. The archaeological impact assessment report will identify appropriate mitigation, such as maintaining a 100 metre buffer zone around such sites or the excavation of a known archaeological site, depending on the site in question.

Minister of Indian Affairs
and Northern Development

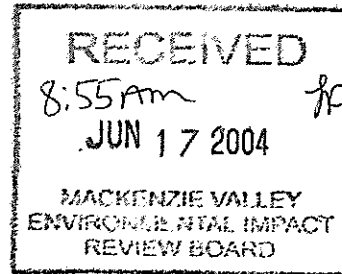


Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

SUN 17 2004

Mr. Todd Burlingame
Chair
Mackenzie Valley Environmental
Impact Review Board
PO Box 938
YELLOWKNIFE NT X1A 2N7



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Sincerely,

Andy Mitchell

Encl.

c.c.: The Honourable David Anderson, PC, MP
The Honourable Geoff Regan, PC, MP
The Honourable Brendan Bell, MLA

Canada

attached a
Copy FYI

Report of EA and Reasons for Decision on the Snowfield Development Corp. Diamond Exploration Project

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

The SDC development, in the culturally important areas surrounding Drybones Bay, has not entirely avoided potential significant adverse impacts to the environment. Measures are required to safeguard culture and to avoid cumulative effects on culture. These Recommendations and Suggestions are presented in the following table.

Table 2. Summary of Recommendations and Suggestions

Item	Description	Section
<i>Recommendations</i>		
R1	SDC will not commence drilling within the three kilometre zone until the operational areas within the claim blocks are surveyed by a qualified archaeologist, accompanied by an Aboriginal elder and a translator if required, to detect suspected archaeological, historical, burial or cultural sites.	s. p.
R2	SDC will only use access routes in the three kilometre zone if routes are scouted by an Aboriginal elder, a translator, if required, and a qualified archaeologist for suspected archaeological, historical, burial or cultural sites. Use of these access routes will only be permitted over packed snow or on lake ice.	4.4.1
R3	Any drill sites not in the three kilometre zone must be scouted by an Aboriginal elder, a translator, if required, and a qualified archaeologist for suspected archaeological, historical, burial or cultural sites.	4.4.1
R4	Aboriginal parties and the Prince of Wales National Heritage Centre will provide precise locations and the extent of recorded archaeological, historical, burial or cultural sites to SDC for its claim blocks.	4.4.1
R5	SDC will maintain a 100 metre buffer around all known and suspected archaeological, historical, burial or cultural sites.	4.4.1

