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August 29, 2007

MVEIRB File Number: EA 0506006

Your file - Votre référence

Mr. Alan Ehrlich
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Our file - Notre référence

By FAX: 766-7074

Re: Supplementary Information Requests on the Sidon International Resources Corporation (EA0506-006)

Thank you for the Information Request concerning the Review Board's draft mitigation measures for the above mentioned development. Indian and Northern Affairs Canada (INAC) appreciates the Review Board's efforts to provide all parties to the environmental assessment with this opportunity.

INAC's responses to the Information Requests are provided in the attachment. As a participant in the environmental assessment and as a technical advisor, INAC is providing information in the department's possession that may assist the Review Board in making a determination pursuant to section 128 of the *Mackenzie Valley Resource Management Act*.

We look forward to reviewing comments from other parties on the draft measures and to receiving the final Report of Environmental Assessment. If you have any questions about these responses please contact Lionel Marcinkoski by phone at 669-2591 or via email at marcinkoski@inac.gc.ca.

Yours sincerely,

David Livingstone
Director, Renewable Resources and Environment

Attachment

cc: INAC EA Working Group

ANNEX

Sidon International Resources Corporation (EA0506-006) Supplementary Information Requests Responses from Indian and Northern Affairs Canada

IR Number: 2.1

To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Sidon International Resources Corporation

Subject: Increased access

Preamble

The Review Board has reached the preliminary conclusion that disturbance to traditional harvesting activities is in part attributable to recreational access to the area. The proposed development is likely to increase recreational access to the area, contributing to this cumulative problem.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measure:

- Allowing drill site access by helicopter only.

The intent of the potential mitigation is to ensure that the proposed development does not create new ground access which may be used by recreational hunters or snowmobiles.

Request:

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

INAC is not clear as to whether the Review Board is concerned about the impacts of the developer using existing access, or about the impacts of the developer creating *new* access.

The *Mackenzie Valley Land Use Regulations* provide for land use permits to include conditions relating to access. For the Review Board's information, the following standard land use permit conditions are relevant to access:

The Permittee shall not conduct any overland movement of equipment and vehicles, unless otherwise authorized in writing by an Inspector.

The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.

The Permittee shall, while preparing the access road, make every effort to avoid covering or destroying traps or snares that may be found along these routes.

The Permittee shall restore any trails used by trappers or hunters along access routes by slashing any and all trees that may fall across these paths or trails and by removing any other obstructions such as snow piles or debris that may be pushed across the trails.

The Review Board may wish to consider recommending that the developer be permitted to use existing access after consulting affected Aboriginal groups about such use and receiving the Inspector's approval for such use.

IR Number: 2.2

To: Indian and Northern Affairs Canada, the Yellowknives Dene First Nation, the Government of the Northwest Territories, and Sidon International Resources Corporation

Subject: Impacts on heritage sites and burial sites

Preamble

The developer has not conducted preliminary work to identify drill targets in an area with a moderate to high density of suspected heritage sites and grave sites. The Review Board has reached the preliminary conclusion that the proposed development has an unacceptable likelihood of disturbing heritage sites.

The Review Board has not yet concluded that this impact can be mitigated, but is considering recommending the following potential mitigation measures:

- requiring that the developer conduct heritage surveys on whole claim blocks before any other work is conducted on the ground; or,
- requiring the developer to conduct some geophysical work on the ground to identify drill locations. Once locations have been identified, the measure would require heritage surveys only on areas surrounding the drill locations before conducting the remainder of the project.

The intent of the potential mitigation is to ensure that the proposed development does not disturb any heritage or burial sites, including those as yet undocumented.

Request:

1. *Please provide your views on the feasibility of the measure.*
2. *Please provide your views on the capacity of these measures to reduce or prevent the impact described.*
3. *Is there a mitigation measure your organization would like to propose instead, or in addition, as a reliable alternative to achieve the same mitigation? If so, please describe the alternative measure, and describe why you view it as a feasible and effective mitigation for the impact described above.*

With respect to the first proposed draft measure, INAC notes that the time and cost required to conduct heritage surveys of whole claim blocks may be considerable; the GNWT response to this request provides further discussion in this regard.

In INAC's experience, geophysical work is by nature non-intrusive ground activity which would likely have little if any impact on the biophysical environment. The work involves walking across the land taking readings from a hand-held geophysical instrument, such as a magnetometer and/or a VLF (Very Low Frequency instrument).

The phrase "some geophysical work" could be interpreted in a variety of ways. The Review Board may wish to consider wording such as "requiring the developer to conduct non-intrusive geophysical work..." or other more precise wording.

The Review Board may wish to consider a measure which would allow low-impact, non-intrusive geophysical work to occur at the same time as heritage surveys. The GNWT response to this request provides further discussion in this regard.

The Review Board may wish to consider including in a measure wording that requires the developer to provide heritage survey results to the Aboriginal parties to the environmental assessment and the Inspector before the drill pads are cleared.

For the Board's information, the following are federal provisions that are currently in place with respect to archaeological and heritage resources:

Subsection 6(a) of the *Mackenzie Valley Land Use Regulations* states that, "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 of the *Mackenzie Valley Land Use Regulations* states that:

Where, in the course of a land-use operation, a suspected historical or archaeological site or burial ground is discovered,

(a) the permittee shall immediately suspend operations on the site or burial ground and notify the Board or an inspector; and

(b) the Board or inspector shall notify any affected First Nation and the department of the Government of the Northwest Territories responsible therefor of the location of the site or burial ground and consult them regarding the nature of the materials, structures or artifacts and any further actions to be taken.

Paragraph 26(1)(k) of the *Mackenzie Valley Land Use Regulations* provides for the inclusion in land use permits of provisions respecting the "protection of historical and archaeological sites and burial grounds."

Additional relevant information is available in a January 6, 2004 document submitted by the Government of the Northwest Territories to MVEIRB for EA03-006 (Snowfield Development Corporation), entitled "Response to the Mackenzie Valley Environmental Impact Review Board regarding questions arising from the management of Archaeological Resources in the Drvbones Bay and Wool Bay areas with respect to Environmental Assessment of Snowfield Development Corporation."

INAC also notes that the following measures from previous environmental assessments conducted by the Review Board may be useful to consider, as appropriate, for this environmental assessment:

- EA03-002 - Consolidated Goldwin Ventures Inc., Measure 3
CGV must be accompanied by an Aboriginal elder, a translator, if required, and a qualified archaeologist to scout out archaeological, burial and cultural sites at the proposed access route and drill location before on-land operations for the drill location at Hearne Channel proceed.

- EA03-002 - Consolidated Goldwin Ventures Inc., Measure 6
No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.
- EA03-006 - Snowfield Development Corporation, Measure 1 :
The Snowfield Development Corporation will not commence any development activity requiring a Land Use Permit, either within or outside of the three kilometer 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.