

**Report of Environmental Assessment and  
Reasons for Decision on the Consolidated  
Goldwin Ventures Preliminary Diamond  
Exploration in Drybones Bay**

**February 10, 2004**



**Mackenzie Valley**  
Environmental Impact Review Board



**Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938, Yellowknife, NT X1A 2N7**

**Phone:** (867) 766-7050  
**Fax:** (867) 766-7074  
**E-mail:** [mveirb@mveirb.nt.ca](mailto:mveirb@mveirb.nt.ca)  
**Web:** [mveirb.nt.ca](http://mveirb.nt.ca)  
**Street Location:** Suite 200 Scotia Centre,  
5102 – 52<sup>nd</sup> Avenue, Yellowknife, NT.

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## Review Board Environmental Assessment Decision

To make its decision in the environmental assessment (EA) of Consolidated GoldWin Ventures Inc.'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 decided pursuant to subsection 128(1)(b)(ii) of the MVRMA, to:

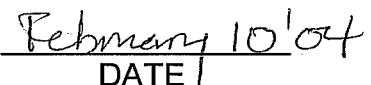
- Recommend that the approval of the proposal be made subject to the imposition of such measures as it considers necessary to prevent significant adverse impacts.

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



TODD BURLINGAME

Chair  
Mackenzie Valley Environmental  
Impact Review Board



DATE

## Summary Report of Environmental Assessment

The developer, Consolidated GoldWin Ventures Inc. (CGV), proposes to conduct an early stage diamond exploration program in the Drybones Bay and Hearne Channel areas. The proposed exploration includes up to five exploratory drill holes in three areas. Up to four of these holes are expected to be 500–1,500 metres from the main shoreline of Great Slave Lake, with the last hole on land, near Hearne Channel in Great Slave Lake. The drill program is not expected to run more than 3 to 4 weeks in the spring of 2004. The only shoreline access for the proposed program of CGV will occur near Hearne Channel.

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 CGV, 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 all these developments to cumulative effects in the Wool and Drybones Bay area; and,
- issues arising from the joint public hearing for CGV 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:

- Drybones 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 ongoing year round use by Aboriginal community, 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.

- Fish and fish habitat may be adversely affected if measures are not put in place to prevent drilling into shoals and prevent drawdown effects in small lakes.
- Gravesites have not been adequately identified and protected during allocation of subsurface mineral interests in the staking process in this region.
- The YKDFN would like the area protected at least for the interim.

Significant adverse cumulative impacts on culture of the YKDFN and others will result from the continued development of the Wool and Drybones Bay area. The individual contribution of CGV's development is minimal but the development 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:

- CGV will verify that the water depth at each lake-based drill site is greater than 11 metres and reports this information to DFO prior to start of drilling
- CGV will only withdraw water from small source lakes at the Hearne Channel location if there is sufficient water in those lakes to ensure that less than 5 percent of the water is taken.
- 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.
- CGV will be provided with precise locations and extent of recorded archaeological sites within its development area by Aboriginal parties and PWNHC.
- CGV will be restricted to operating on lake ice or overland access on packed snow to ensure that direct impact to suspected archaeological sites is minimized or avoided.
- 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 has suggested that:

- The MVLWB should require that CGV report on its plans and results to Aboriginal parties to this EA (YKDFN, NSMA, LKDFN) before and after completion of the development.
- 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 develop 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.

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## 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 January 23, 2003, Consolidated GoldWin Ventures (CGV) applied to the Mackenzie Valley Land and Water Board (MVLWB) for a 1-year, Type "A" Land Use Permit (MV2003C003). The proposed undertaking included access over ice with helicopter support from Yellowknife and the drilling of no more than five holes in three designated areas near Drybones Bay and north of the Hearne Channel on Great Slave Lake. Up to four holes are lake-based, to be drilled on ice while the last hole is expected to be on land. Associated activities are geophysical surveys, prior to drilling, as well as the transport and disposal of waste to Yellowknife.



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A preliminary screening of the proposed development was initiated on January 23, 2002 as required under the *MVRMA*. On April 11, 2003, the MVLWB referred the development to the Review Board under subsection 125(1) of the *MVRMA*. The reason for the referral was a

*“clear indication of public concern with development in the Drybones Bay Area [...] given the evidence of the cultural, spiritual and environmental importance of the Drybones Bay Area”* (MVLWB Reasons for Decision, April 14, 2003).

The Review Board formally notified regulatory bodies of the referral and began planning the EA in a letter dated April 28, 2003 (PR #5).

### *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.<sup>1</sup> 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 CGV 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 consultation 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

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



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.

The 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. Drybones Bay and Pauline Bay (near the drill location at Hearne Channel) 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, marten 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 sheltered interior of Drybones Bay demonstrate the use of the area and the richness of its heritage and cultural resources. The traditional importance of Drybones Bay is underlined by the stories of Aboriginal peoples who speak of living in and around Drybones Bay, as well as seeking protection in the shelter of Drybones Bay when inclement weather makes travel by boat too dangerous. 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 of the area. In the summer, the area is frequented by boaters, including but not limited to 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 activity in the Drybones Bay area dates back to the 1930s but there has been 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 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*

CGV proposes to conduct an early stage diamond exploration program in the Drybones Bay area during the winter of 2003/04. The proposed program is expected to last three to four weeks. The exploration program involves drilling one to two holes at each of three designated areas accessed via a temporary winter road. Two designated areas are located on Great Slave Lake approximately 500–1,500 metres from the main shoreline of the lake. The other designated area is on the land roughly 0.5 kilometre north of Hearne Channel and 2.0 kilometres west of Beaulieu River (See Figure 1).

The proposed program will be supported by daily access to the drill areas by ice road from Yellowknife. As a result, no field camp will be needed to service the drilling program<sup>2</sup>. An ice road to Wool Bay has been constructed annually to support winter fishing activities. The proposed exploration program will require an extension of the ice road along the shoreline of Great Slave Lake to accommodate the more distant exploratory activities of CGV, New Shoshoni Ventures (NSV), and Snowfield Development Corporation (SDC). The only shoreline access proposed for CGV will occur at the Hearne Channel drill location.

CGV will use a portable drilling unit (Longyear 38) or equivalent, which can be mounted on a self-moving unit or towed by a small tractor to the drill site. The drill bit will cut a hole 2 to 5 inches in diameter, depending on the type of drilling being undertaken and the rock conditions. Hole depths will range between 200 and 250 metres, depending on the location and the targets. The cuttings (rock bits) produced from each hole will range

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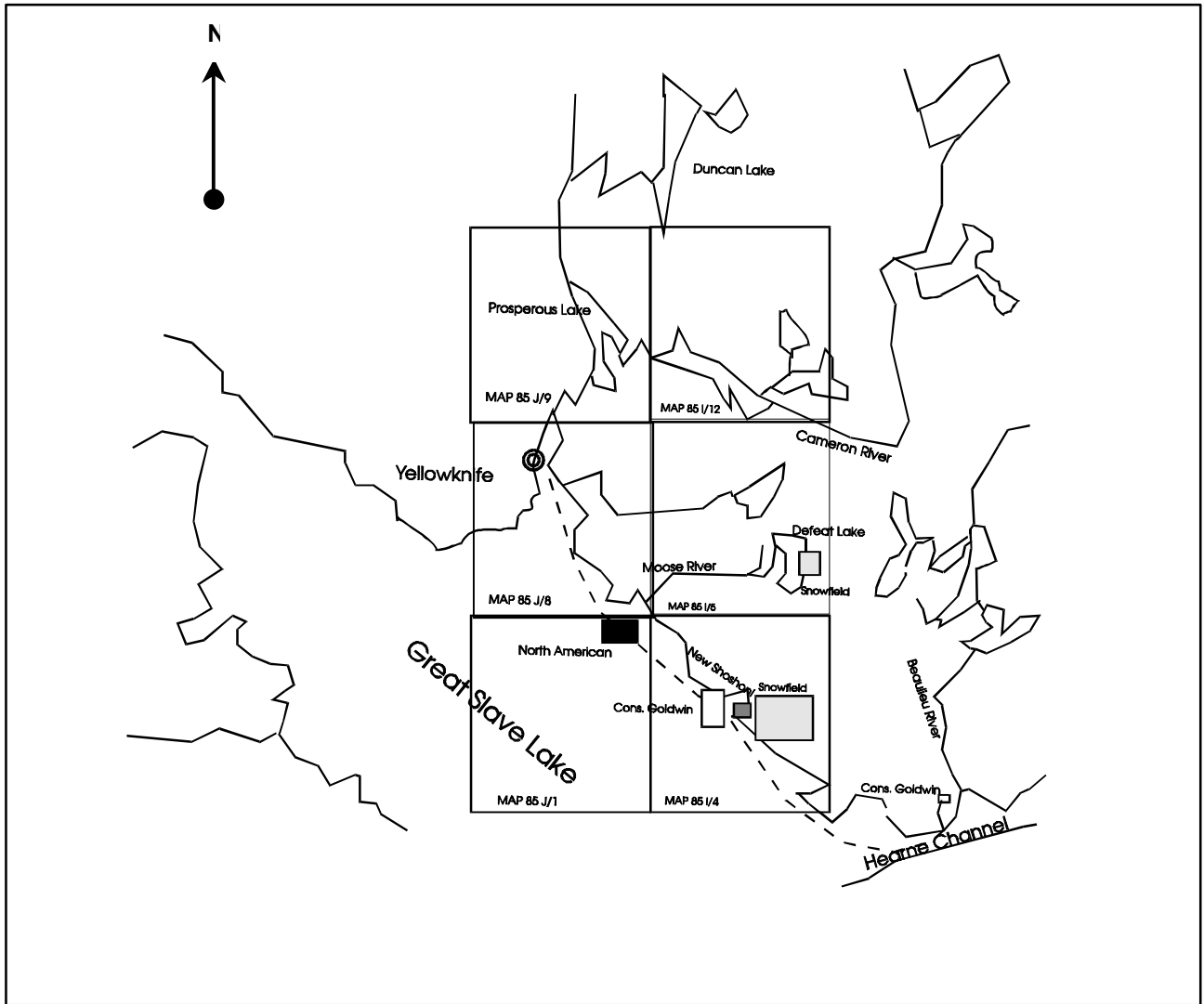
<sup>2</sup> A discrepancy is noted in the Developer's submission regarding camp use but the Developer later confirmed that there would be no camp.



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from 0.25–0.5 cubic metres per hole (to a maximum of 1.25-2.5 cubic metres assuming a maximum of five drill holes as stated in the land use permit application).

All land based drill sites will be kept as small as possible with consideration of safety in order to minimize the footprint of disturbance. The disturbance footprint associated with each drill site will be approximately 10 square metres.



**Figure 1. Consolidated GoldWin Ventures Proposed Program Location (July 2003)**



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All drill cuttings from on-ice locations will be contained and transported to Yellowknife for disposal in the landfill site<sup>3</sup>. Drill cuttings from the land-based component will be deposited in a natural depression set back from the lake or nearby streams consistent with the letter of advice received from DFO, dated March 17, 2003.

Less than 250 litres of petroleum products will be on site at any time. Fuel will be stored in 205 litre drums within a secondary containment unit by the drill. The fuel barrels will be the first containment unit and the "carrier" lined with an impermeable barrier acceptable to NWT regulators having jurisdiction. The unit has not yet been selected and may be doubled walled. CGV will focus on spill prevention but will have a spill plan in place.

All equipment, unused consumables (i.e., fuel, drill rods, etc.), and garbage will be returned to Yellowknife upon program completion. These unused consumables and garbage will be recycled or disposed of in a manner approved by land use enforcement officers.

Any bush and trees cut for on-land drill pads will be reduced to manageable sizes and neatly piled. Cleared vegetation will be spread over exposed soil to prevent erosion and to enable seed stock to regenerate, where appropriate.

This development will look for diamond bearing kimberlite. Core samples will be transported from the Drybones Bay area for analysis. If results are favorable, CGV may seek approval of further exploration to determine the value and extent of the find. Future development remains speculative.

CGV's subcontractors (undetermined at this time) will provide the drilling equipment and a three person crew. No direct local employment is expected.

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<sup>3</sup> A discrepancy in the disposal of drill cuttings is noted on p. 2 of the DAR (See para. 1 and 4.). At the Public Hearing, the Developer confirmed that drill cuttings from on-ice locations would be disposed of in Yellowknife while cuttings from the on-land location near the Hearne Channel would be disposed of in a suitable depression on land (Public Hearing Transcript, November 25, 2003, PR#300).





## 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*<sup>4</sup>, the developer is deemed to be a directly affected party. Eleven government departments, Aboriginal groups, other organizations, and leaseholders in the vicinity of the development were 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,
- Mr. Greg Robertson.

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

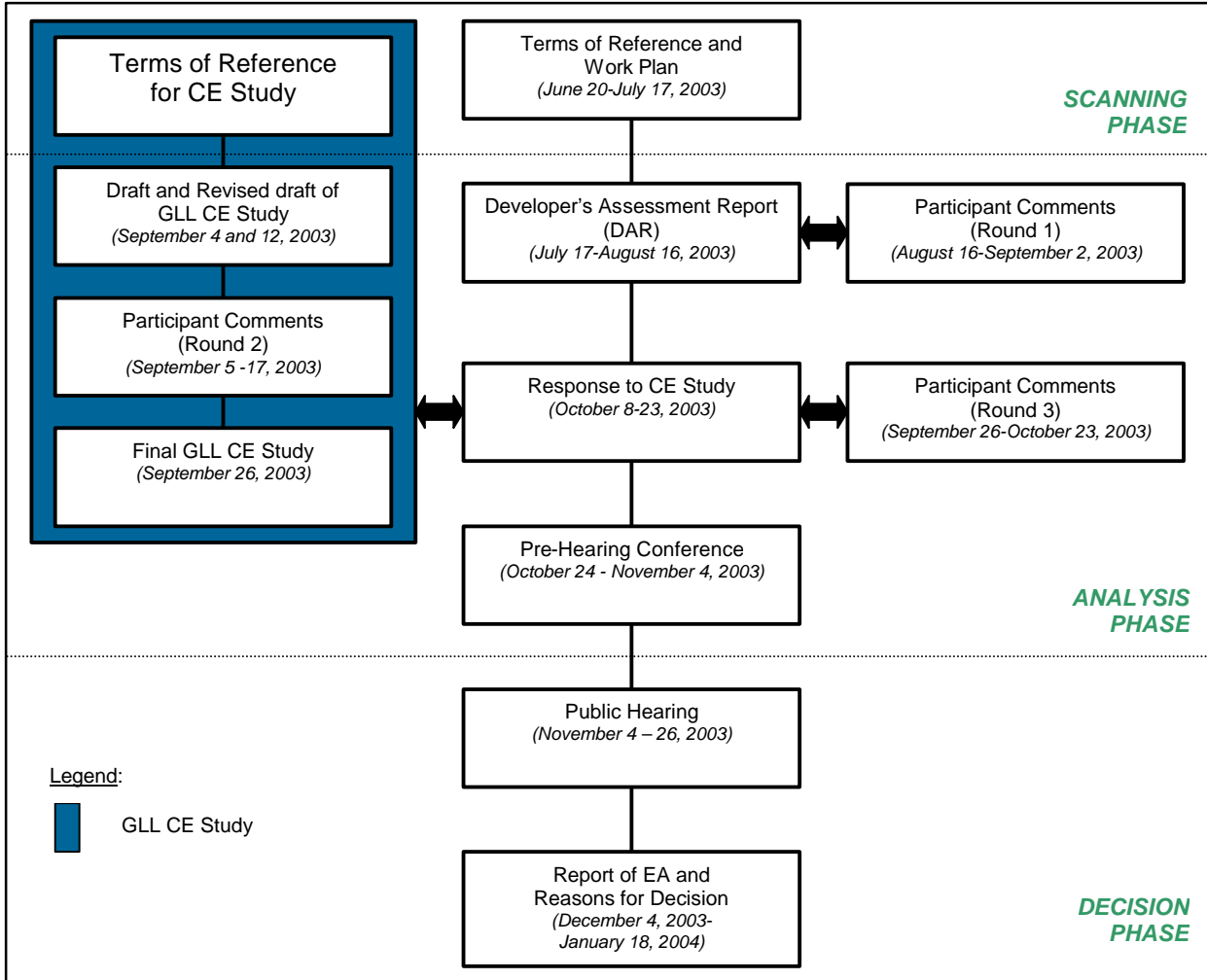
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<sup>4</sup> MVEIRB. *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings*. (May 2002).



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to consider, evaluate, and weigh evidence in order to render an EA decision. Figure 2 shows the phases and tasks undertaken in each phase.



**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 list<sup>5</sup>. Comments on the draft were received from

<sup>5</sup> 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.



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June 20 to 30, 2003. CGV, INAC, DFO, and NSMA submitted comments that were considered by the Review Board.

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 CGV 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 # 151);
- 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 #236); and,
- October 10, 2003 the Public Hearing was re-scheduled to avoid a conflict with the Geoscience Forum (PR #246).

### *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 12, 2003 (PR # 153). The developer was asked to clarify several items in the DAR. In response, the developer submitted a revised DAR on August 15, 2003 (PR# 166) that was 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 #167). 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 INAC, DFO, GNWT, NSMA and YKDFN. The developer was invited to make adjustments to its submission in response to the comments of the parties.

Three parties registered just prior to the public hearing, including LKDFN, DKFN and Mr. Greg Robertson. LKDFN however did submit comments on the DAR on November 3, 2003 (PR #269).



*Release of the Cumulative Effects Study*

The Review Board commissioned an independent regional Cumulative Effects Study (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 to 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 Board provided a series of questions for the developer to answer, in correspondence dated October 8, 2003 (PR #240). 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 and RWED provided comments.<sup>6</sup>

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 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 information<sup>7</sup>. 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.).

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<sup>6</sup> 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.

<sup>7</sup> 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 Consolidated GoldWin Ventures 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 # 268).

### *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, 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 CGV development are described in detail in sections 3.0 Public Concern and 4.0 Impact 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.

In this case, there were discrepancies between the land use permit application and the DAR. The scope of the development for this EA was limited to the description presented in the DAR and the developer's presentation at the public hearing, as amended in response to the questions of the Review Board and the parties.

Consequently, the Review Board identified the principal development activities to be:

- Up to four drill holes conducted on-ice at each of two designated areas in Drybones Bay;<sup>8</sup> and
- One drill hole conducted at an inland location north of Hearne Strait.

Additional developments and activities are:

- Transport of all garbage and drill cuttings from on-ice drill holes to Yellowknife for disposal;
- Disposal of drill cuttings from on-land location to a natural depression; and
- Fuel supply and refueling procedures.

### 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,

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<sup>8</sup> The developer's maps show the drill holes are adjacent to Drybones Bay proper.





- 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.

Community engagement should begin before the preliminary screening. During preliminary screening, CGV's strategy was to engage the communities identified by the MVLWB. Communities were contacted by letter, and follow up phone calls. A community meeting organized and hosted by YKDFN on April 3, 2003 was attended by CGV.<sup>9</sup> This meeting to discuss development in the Wool and Drybones Bay areas gave the developer an opportunity to introduce their proposed project, and to begin to understand community concerns.

The CGV development was subsequently referred to EA. In correspondence dated April 4, 2003, the developer questioned this decision because "no concerns were specifically addressed to Consolidated GoldWin's Land Use Application" and "one of the Chiefs indicated that their objections were intended to enlist our support for their treaty negotiations" (PR #4).

The DAR and other documents on the public record shows no further evidence of community engagement after the referral despite ongoing encouragement from Board staff to work with the parties to identify and address concerns (PR #101, 131 and 257). On September 2, 2003, YKDFN expressed concern about the commitment of the

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<sup>9</sup> See comments of Louie Azzolini, Consultant to YKDFN, Public Hearing Transcript (57:2-14), November 25, 2003, PR #300.



developer to consult (PR #176).<sup>10</sup> The developer did however attempt to respond to concern raised by DFO.<sup>11</sup>

Nevertheless, CGV believed it had engaged the communities in a manner “reasonable given the nature of this kind of project” (Rick Hoos, Consultant to CGV, Public Hearing Transcripts (30:5-8), November 25, 2003, PR #300). Other statements by CGV indicate that it considered the Review Board's EA process to be community engagement as noted below,

*“[W]e're just going through the review process [...] there's nothing to consult with [...] you've had your input, we've had [...] input [...] in consultation through the MVEIRB.”*

- Laurence Stephensen, CGV (Public Hearing Transcript (24:23-25:1), November 25, 2003, PR# 300)

This manner of consultation was viewed as inadequate by the parties who wanted proof that the developer had understood, considered and responded to their concerns. This was illustrated when CGV was asked how the TK provided by Aboriginal groups was reflected in the program design,<sup>12</sup> and if the developer understood the meaning of spiritual connections of the First Nation people to the land.<sup>13</sup>

CGV stated that “Consolidated GoldWin has no disagreement of working together with the First Nations in a mutually respectful arrangement. And... [would] further extend... [this commitment] to make sure that all concerns are mitigated as much as possible.” (Laurence Stephensen, Public Hearing Transcript (56:18-22), November 25, 2003 – PR #300). No details of a community engagement were filed on the public record.

The Review Board believes that the adequacy and effectiveness of community engagement depends on the relationship between the developer and the parties, especially Aboriginal communities. Both the developer and the parties are responsible for effective community engagement - the developer by reaching out and the community

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<sup>10</sup> YKDFN's *Review and Comments on the New Shoshoni Ventures Ltd., Consolidated GoldWin Ventures Inc. and North American General Resources Corporation Developer's Assessment Reports* claims that the “consultation information is inaccurate” (p.8) and that “Consolidated does not demonstrate the willingness or capacity necessary to undertake its proposed development in a manner that protects the environment, the public interest, or Aboriginal people” (p.9). Reaffirmed by NSMA, NWT Métis, LKDFN and DKFN at the Public Hearing on November 25, 2003 (Public Hearing Transcript, PR #300)

<sup>11</sup> Refer to PR #110, 118-120, 166-172.

<sup>12</sup> Refer to Public Hearing Transcript (52:6-16), November 25, 2003, PR #300.

<sup>13</sup> Refer to Public Hearing Transcript (77:11-13), November 25, 2003, PR #300.



by responding<sup>14</sup>. The Review Board can encourage community engagement and can confirm the efforts of the parties but cannot dictate how this engagement must occur.

The Review Board finds that the developer did not engage all Aboriginal parties. The Review Board finds that further community engagement is needed and, therefore, suggests:

**S1. The MVLWB should require that CGV report to Aboriginal parties to this EA (YKDFN, NSMA, LKDFN) before and after completion of the development. Follow-up activities should include, at minimum, a plain language, post-project report that addresses the cultural concerns of the parties.**

### 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 #164). This letter referred to correspondence from Honorable Robert D. Nault, Minister for 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 #300)

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<sup>14</sup> 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.



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 EA*.<sup>15</sup>

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 with the Review Board the role of the part 5 process in the *MVRMA* 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.<sup>16</sup> North of 60, where a larger proportion of the population exercises Aboriginal rights, government departments have not initiated a similar effort.

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<sup>15</sup> 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.

<sup>16</sup> The *Development of a Crown Consultation Model for NEB-Regulated Projects Discussion Paper* was circulated for comment in December 2003 by NRCan and INAC.



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*<sup>17</sup>, 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*.<sup>18</sup> 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.

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<sup>17</sup> *Mikisew Cree First Nation v. Sheila Copps, Minister of Canadian Heritage and the Thebacha Road Society*, 2001 FCT 1426.

<sup>18</sup> *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 CGV 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 CGV 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 CGV development and the small size of the NSV and North American General Resources Corporation (NAGRC) 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.”*

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 #301)

*“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.<sup>19</sup>

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

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<sup>19</sup> 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 #301).





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*.

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*.<sup>20</sup> 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 #241). The Review Board

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<sup>20</sup> 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*.



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 #241).

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 #301). This concern was shared by other parties. Some parties, including the NSMA, even suggested that the CGV 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 CGV clearly indicated that there was no guarantee that further exploration would take place. CGV’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 CGV, 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;*

*(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 such an 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 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 by the Gwich’in and Sahtu 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 Métis 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.

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), the 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 Review Board must decide how to respond. This analysis explains the approach adopted by the 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 Consolidated GoldWin Ventures. 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.



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.

Paragraph 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 is 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 other concerns raised before the Board which related to issues of EA process and the quality of the DAR. These concerns are categorically different than public concerns about the potentially adverse impacts on the environment considered in





the EA. Process and other issues have been dealt with separately in part 2 of 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 the Board's 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 biophysical 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 public concern about these impacts is not significant.

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

## 4. Impacts on the Environment

### 4.1. Approach

#### 4.1.1. *Structure of Analysis*

The impact analysis 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 like 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 Environmental Assessment* is based on an analysis of issues raised through the Environmental Assessment (EA) process. The Board's



approach to identifying the issues considered in this *Report of Environmental Assessment* 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 or it was determined to have been resolved by the Review Board after reviewing all the evidence in this proceeding;
- 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 Environmental Assessment* to those matters which, in the Board's opinion, fall into the last category 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 A.

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. Impact 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 as the area that may be directly disturbed by the physical operations of the development. The LSA was limited mainly to the footprint of drilling operations. The access road, although depicted in the maps of the proposed development was excluded from consideration in the assessment of impacts for several VCs.

The developer adopted the RSA from the 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. The developer's response to the GLL CE Study and presentation at the public hearing did not contradict these boundaries although there was some concern that the spatial scope was so expansive that it would lead to delays.

The Board has not accepted 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 for 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. CGV did not identify any VCs for 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.

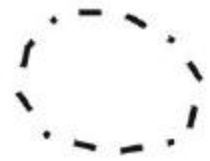

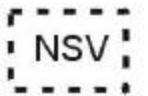
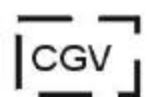



**Figure 3:**

# **Regional Study Area**

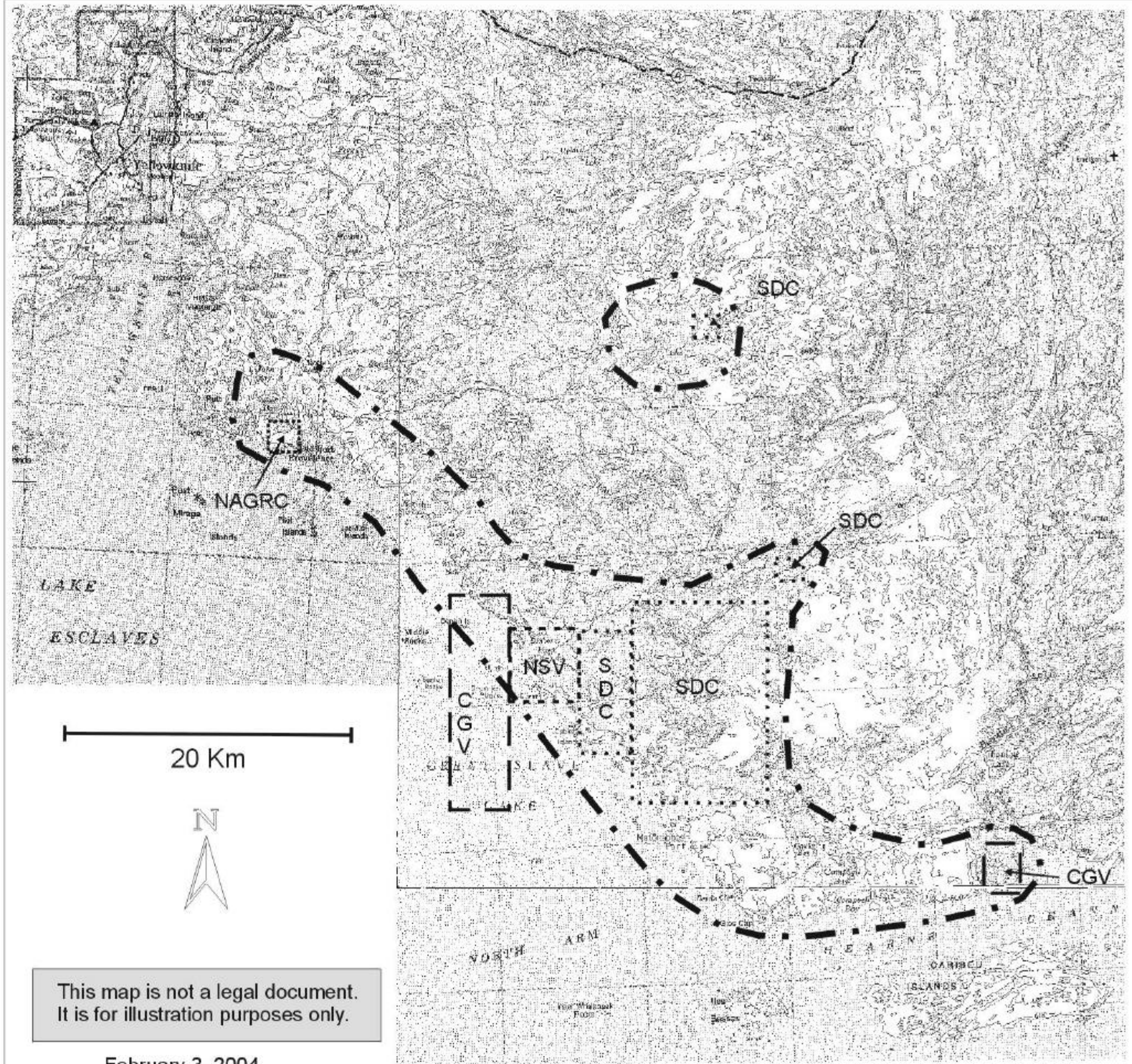
Drybones Bay / Wool Bay  
Environmental Assessments

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 the significance of 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.<sup>21</sup> 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. The drill locations could be adversely affected by sedimentation, as well as suffer direct impacts to fish populations due to the possibility of drawdown in shallow lakes proposed as water sources. The absence of a spill contingency plan was also noted as a potential mechanism for deleterious substances to impact fish.

##### **Developer's Submission**

The DAR (PR #166), correspondence with DFO (PR #187), response to the CE Study (PR #240), and presentation at the public hearing (PR #300) indicate that significant, lasting impacts to fish or their habitat are unlikely. When asked by DFO to provide

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<sup>21</sup> 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.



background documents to support their assertion of negligible impacts associated with the choice of drill locations and small lake drawdown, the developer responded that their water depth data was “preliminary, proprietary and too scattered to be of any meaningful consequence” (PR #187). CGV further indicated that the company would provide data on the small lakes “when it is available if there is a chance of drawing down the pond” (PR #187).

The developer provided no further response to DFO’s questions regarding drill locations. As a result, the drill locations may have to be moved to sites where water depths are sufficient to avoid drilling into shoals.

At the public hearing, the developer acknowledged the absence of alternative source lakes designated for water withdrawal for the Hearne Channel drill location if the unnamed water sources proved unsuitable. The developer stated that “There’s no problem in the company drawing its water from Great Slave Lake to service that particular operation, if there’s a concern about draw down of any small ponds.” (Rick Hoos, Consultant to CGV, Public Hearing Transcript (28:18-21), November 25, 2003, PR #300). This could be achieved by running a pipeline into the deeper water of Great Slave Lake.

Commitments to spill prevention were noted in the DAR (PR #166), although a spill response plan was not filed.

### ***Submissions of the Parties***

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 supporting documentation to show that the proposed development would avoid fish and their habitat (PR #177). After receiving no response, DFO indicated that it could not “conclude its review (of) the Environmental Assessment”<sup>22</sup> (PR #210).

When CGV’s response was received, DFO was not assured that impact predictions regarding fish and their habitat could be stated with certainty. The possible intersection of shoals by the drilling program and drawdown for lakes of unknown depths remained unresolved (PR #218-221).

DFO conducted a bathymetric survey of Drybones Bay on September 26, 2003 and indicated that depth data was available to prevent drilling on shoals (PR # 264). By the end of the public hearing, DFO was “[...] satisfied [...] that the water [...] is deep enough that there would not be drilling on shoals” for drilling locations on-ice near Drybones Bay

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<sup>22</sup> The term Environmental Assessment here refers to the DAR.



(Dave Balint, DFO, Public Hearing Transcripts (248:20-22), November 26, 2003, PR #301).

Upon closer inspection of ponds near the Hearne Channel drill location,<sup>23</sup> DFO noted that the small ponds appear vegetated throughout and, therefore, may freeze to bottom (PR # 264). Concern about drawdown effects on fish habitat were not alleviated for “the Hearne Channel drill location because the water in [...] suggested lakes may be shallow” (Dave Balint, DFO, Public Hearing Transcripts (248:20-22), November 26, 2003, PR #301). The need for an alternative water source for the drill site was emphasized. DFO was satisfied with the developer’s proposed alternative of Great Slave Lake if the volumes of the water sources identified for the Hearne Channel operation proved insufficient.

DFO again expressed concern that “[...] a spill contingency plan was not presented” (Dave Balint, DFO, Public Hearing Transcript (249:18-22), November 25, 2003, PR #300). The developer made no specific commitments to provide a spill response plan.

### **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 under 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.” As the bathymetry at the Great Slave Lake-based drill locations is now available, accurate lake depth information can be used to avoid shoals thereby preventing a significant adverse impact to fish habitat.

The Review Board has noted that the developer has not provided sufficient information about drilling locations to ensure the avoidance of shoals thereby preventing a significant adverse impact to fish habitat.

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:

**R.1 CGV verifies that the water depth at each lake-based drill site to ensure the water depth is greater than 11 metres and reports this information to DFO prior to start of drilling.**

The Review Board accepts the developer’s proposed use of an alternative water source from Great Slave Lake in response to concerns expressed by DFO about the use of small lakes for drill water for the land based drill site at Hearne Channel. Should the

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<sup>23</sup> Derived from map sheet I/3.



developer choose to use Great Slave Lake, the concerns about drawdown effects are alleviated.

However should the developer choose to use small ponds, as proposed, concerns about drawdown remain. As these lakes have not been surveyed, whether or not they are fish bearing and subject to winter kill has not been established.

The Review Board finds that the use of the smaller lakes may result in an impact on fish of uncertain magnitude. If these lakes are fish bearing and do not freeze to bottom, the impact on the lakes could be significant.

To mitigate potential significant adverse impacts to the environment due to drawdown effects on over-wintering fish, the Review Board recommends:

**R.2 CGV will only withdraw water from small source lakes at the Hearne Channel location if there is sufficient water in those lakes to ensure that less than 5 percent of the water is taken.**

The Review Board is aware of further requests by DFO that are regulatory in nature. Regulatory measures that should be noted by the MVLWB in preparing the Land Use Permit include:

- adherence to the letter of advice provided by DFO; and
- filing of a spill response plan, indicating how the aquatic environment will be protected if drilling fluids or other items enter the water prior to issuance of the land use permit.

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 submission on cumulative effects dated October 6, 2003, that their 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 the 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 with mitigation. 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 CGV'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 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.<sup>24</sup> 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.<sup>25</sup>

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

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<sup>24</sup> Mitchell, N. and S. Buggiey 2000. Protected Landscapes and Cultural Landscapes: Taking Advantage of Diverse Approaches. *George Wright Forum* 17(1):35-46.

<sup>25</sup> See Buggiey, Susan, 1999. "An Approach to Aboriginal Cultural Landscapes". Parks Canada, HSMBC agenda paper 1999-10.



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 #301)

While the Review Board was advised of the existence of spiritual sites in the Drybones and Wool Bay areas, specific sites beyond burial sites were not identified and their role and relative importance to culture was not explained in the submissions made by the Aboriginal parties. Nevertheless, several submissions emphasized the sacred importance of Drybones Bay. Spiritual sites and sacred places are dealt with relative mainly to burial sites and in the context of cultural identity and well-being under the heading of cumulative effects.

#### 4.4.1. *Archaeological Sites*

##### **Description of Issue**

The proposed development area has never 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 *Mackenzie Valley Land Use Regulations (MVLUR)*, is uncertain.

##### **Developer's Submission**

The developer, in its DAR (PR #166), noted no known historical or archaeological sites in the vicinity of the proposed development. The developer went on to state that no



known historical or archaeological sites were identified in the proposed program area for either the lake or land based components.

Nevertheless in the DAR and in response to questions at the public hearing, the developer acknowledged that other sites may exist in the area that are known to the Aboriginal parties and indicated a willingness to avoid these sites. At the public hearing, the developer went on to say that,

*“Consolidated Gold Win, thanks to a lot of good work done by the Yellowknives and their consultants, have become much more aware of archaeological and traditional sites that are in the general Drybones Bay area and are pleased to be able to say that they will have no trouble in avoiding any and all such sites and if there are any other sites that people may identify, they will try to avoid them as well.”*

- Rick Hoos, Consultant to CGV (Public Hearing Transcripts, November 25, 2003, PR #300)

The developer emphasized that the majority of the program was lake based with no evidence of archaeological sites nearby. The developer also noted the rocky shoreline for the drill location at Hearne Channel. This would seem to aid in the identification of archaeological sites and those found at the surface and could be avoided.

Nevertheless, the developer committed to consult with Aboriginal parties to identify archaeological sites in the Hearne Channel drill area (PR # 300). The developer further stated that archaeological sites would be protected.

### ***Submissions of the Parties***

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 Act* and *Privacy Act* also provide 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 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 Act* and *Privacy Act* ensures that information about the location of archaeological sites is restricted: This 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” (PR #277).

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.” (PR # 116)*

Since this time, the YKDFN filed with the Review Board the results of their summer field survey.<sup>26</sup> This field work relied on TK of YKDFN to identify previously undocumented

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<sup>26</sup> 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*



archaeological and historical resources in the Wool and Drybones Bay area. The study did not extend to the proposed drill location at Hearne Channel. A total of 64 new sites were discovered ranging from pre-contact to contemporary historical sites.<sup>27</sup> None of these new sites appeared to occur near CGV's proposed drill locations.

LKDFN and NSMA expressed concern about potential historical and archaeological sites in the vicinity of the projects, 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.

Members of the LKDFN to the YKDFN, in particular the elders' presentations at the public hearing, indicated considerable travel between Yellowknife, Dettah, Lutsel K'e and the former Aboriginal communities at Wool and Drybones Bay. Many deep bays were emphasized as important areas of traditional use so it is conceivable that the drill location at Hearne Channel may be near a stopping point for members of LKDFN.

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 #277).

At the public hearing, Tom Andrews, an archaeologist with the PWNHC, indicated that there are regions that are more likely to hold archaeological sites. Tom Andrews stated that,

*"[T]raditional land use, in the absence of specific data pertinent to the distribution of heritage sites, traditional land use is a very important indicator of where people have been, traditionally named places, that kind of information is critical to providing an assessment of what potential impact a project will have on -- on heritage sites in the area."*

The traditional land use map submitted by YKDFN clearly shows that CGV's proposed drill location near Hearne Channel is nested between water bodies bearing traditional place names. Although the name of this site was not described in the evidence, the potential for archaeological and heritage sites in the area was emphasized in parties' questions about the developer's ability to identify and avoid sites in the absence of pre-operations archaeological survey in the proposed program area.

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*Cultural and Historical Resources of the Drybones and Wool Bay Areas* dealt with historical and burial sites.

<sup>27</sup> 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 #301).



YKDFN, LKDFN, and NSMA questioned whether or not the developer, in spite of its commitments to avoid and protect archaeological sites, would be able to do so. The absence of a trained archaeologist on-site and winter operations when the physical evidence of archaeological sites would be hidden by snow were emphasized.

During the YKDFN field study, Callum Thompson, archaeologist to YKDFN, noted one instance where development had been too close to archaeological sites, where he noted a “[c]ut line running very close to a couple of habitation sites.” (Public Hearing Transcript (261:8), November 26, 2003, PR #301). Furthermore, not all potential archaeological sites are located along the shoreline. According to YKDFN’s archaeologist,

*“We did beat our way through the bush on several occasions to search for sites that the Elders knew of that were five hundred (500) metres or more away from the shoreline and there we found such sites as pre-contact stone tools, cemeteries, a boulder travel marker, boulder hide stretchers and the Elders talked of trapping routes that run many miles back into the interior lakes.”*

- Callum Thompson, Archaeologist to the YKDFN (Public Hearing Transcript (252:15-21), November 26, 2003, PR #301).

YKDFN’s summer 2003 field study did not identify any new archaeological sites in the immediate vicinity of CGV’s program (PR #255). This survey did not extend to the on land drill location near Hearne Channel.

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. The Aboriginal parties requested a pre-operations survey with a qualified archaeologist.

### **Conclusions**

The Review Board finds that since the CGV drill holes are predominantly lake-based, the probability of encountering archaeological sites in these areas is very low. Given that a comprehensive archaeological survey has never occurred for the entire Drybones Bay area, and that the summer work by the Yellowknives did not extend that far, the land-based drill hole at Hearne Channel is a different matter. The Hearne Channel location appears distant from the most sensitive area associated with Drybones Bay.

Nevertheless, the main impact associated with drilling on land are destruction or damage due to compaction from access to the drill site and disposal areas for drill cuttings, or drilling into an artefact. 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. Drilling into an artefact, although a low probability, may occur. Greater concern is associated with the potential alternation of archaeological sites such as tent rings consisting of rings of rocks. The interpretive value of these sites may be diminished when they are disturbed.

Given the characteristic rocky shoreline at the Hearne Channel location, artefacts may be expected to be found mainly at the surface but would be covered by snow at the time of operations. In the absence of a comprehensive survey of archaeological sites in the proposed development area, the probability of occurrence is unknown. The Review Board accepts the submissions by the PWNHC that extensive traditional use of the area noted by YKDFN, LKDFN, NSMA, and DKFN is associated with a high potential for finding more sites.

The Board notes with interest, YKDFN's submission that documents adverse impacts to existing historical and heritage sites. The Review Board finds that the procedures outlined by the developer will not effectively mitigate potential impacts to archaeological sites during winter operations. Since CGV 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.

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*. The Review Board recommends:

- R3. CGV must be accompanied by an Aboriginal elder, a translator, if required, and a qualified archaeologist to scout out archaeological, burial and cultural sites along the proposed access route and drill location before on-land operations for the drill location at Hearne Channel proceed.**
- R4. CGV will be provided with precise locations and extent of recorded archaeological sites within its development area by Aboriginal parties and PWNHC.**
- R5. CGV will be restricted to operating on lake ice or overland access on packed snow to ensure that direct impact to suspected archaeological sites is minimized or avoided.**

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. CGV 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 intent of the *MVLUR*, is the issue of concern.

##### **Developer's Submission**

In its DAR (PR #166) and public hearing presentation (PR #300), the developer notes no known graves in the land based portion of their program. CGV tended to deal with burial sites in conjunction with archaeological sites. The developer did however indicate that

*“Although the First Nations raised concerns for possible gravesites and other culturally significant areas, their maps indicated none in the area of Consolidated GoldWin Ventures’ proposed drill areas.”* (DAR, p.24, PR#166)

The developer's commitment at the public hearing to consult with Aboriginal parties to identify potentially sensitive areas appears to apply also to burial sites (see Developer's Submission in section 2.4.1 of this report for details).

##### **Submissions of the Parties**

Many parties, particularly LKDFN emphasized the requirements for the protection of known and suspected burials sites. Many cited the *MVLUR* which describes requirements for permitted operations in the vicinity of historical sites, archaeological sites or burial grounds. The management prescriptions for burial sites are clear under section 6 and 12 which state:

*6. Unless expressly authorized by a permit or in writing by an inspector, no permittee shall*

*(a) conduct a land use operation within 30 m of a known monument or a known or suspected historical, archaeological site or burial ground;*





12. *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<sup>28</sup> or inspector shall 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.*

YKDFN (PR #176 and 255) and LKDFN (PR #288) in their submissions on the public record all indicated concerns about the proximity of 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 #301). Nevertheless, TK suggests the possible presence 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 #301)

The evidence did not identify the locations of burial sites, particularly in CGV's proposed program area. The precise location of the sites appeared less important than the perceived sensitivity of the burial sites and appropriate 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 #301)

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<sup>28</sup> Board in this instance refers to the Mackenzie Valley Land and Water Board.



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 #301)

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 #301).<sup>29</sup>

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 #301)

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<sup>29</sup> This statement does not refer to the proposed program of Consolidated GoldWin, 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.



## **Conclusions**

There is no evidence to indicate that the developer has investigated the nature of the impact to burial sites within the visual and acoustic impact zone of the development, or whether the development will be an impediment to the access of those sites that continue to be honoured by the Aboriginal parties. The onus is on the developer to prove that there will be no significant adverse impact on the environment as a result of its development. Burial sites are components of the heritage resources and of the social and cultural environment that must be considered in an EA.

The Review Board has listened to the Elders concerns about respectful behaviour near burial sites, and their view that development too close to burial sites may be viewed as disrespectful and, therefore, incompatible. The evidence is unclear about what portions of CGV's proposed operation are too close to burial sites. In this case, the Review Board finds that the lake-based drill locations are outside the most sensitive area of Drybones Bay.

The *MVLUR* is clear about the requisite setbacks for permitted activities relative to all known and suspected burial sites (section 6(a) and 12). The Review Board notes with interest the YKDFN's evidence of other developments failing to observe the 30 metre buffer. These observations may represent a contravention of the regulations and are disrespectful to those descended from, as well as those buried in these areas. The Review Board further finds that in such sensitive areas where an abundance of graves can be found, the 30 metre buffer would not be sufficient.

Any activity conducted in the vicinity of burial grounds could have significant adverse impact on the social and cultural environment. The effect of the development is not physical but represents a diminished value of sacred sites because the burial sites are viewed as sacred. The prevention of potential significant adverse impacts on the environment associated with burial sites is addressed in section 4.4.1 and 4.4.3 of this report.

### *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 heritage resources 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#300 and #301).

The developer noted the long history of exploration in the area and indicated that past exploration is environmentally benign; and further that regulatory measures were sufficient to ensure no impacts. The developer further pointed out that its 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<sup>30</sup>. Potential cultural effects were not discussed in the DAR.

In terms of current and recent uses, the developer viewed their proposed program as separate from the work of other developers in the area, such as Diamonds North and New Shoshoni Ventures, because it was situated outside Drybones Bay proper 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. CGV 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 CGV, Public Hearing Transcript (150:24-151:4), November 25, 2003, PR #300). 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.

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. No statements were made regarding potential effects to the cultural landscapes.

At the public hearing, when asked by Angie Lantz of the LKDFN, if the developer understood "[...] the meaning of spiritual connections of the First Nation people and the land [...]"<sup>31</sup>, the developer replied,

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<sup>30</sup> Refer to statements of Rick Hoos, consultant to CGV at the Public Hearing (PR #300).

<sup>31</sup> Refer to questions by Angie Lantz, LKDFN (Public Hearing Transcript (77:11-13), November 25, 2003, PR #300).



*"I think it's fair to say that it is unreasonable for people -- for us as I'll call us white people - to necessarily understand spiritual connection of the Yellowknives or other aboriginal peoples with the land the way they do simply because we have not had the kind of life experience with the land the way the Yellowknives and others have. So it would be unreasonable for us to say we understand it just as well as the Yellowknives do or in the same way that the Yellowknives do."*

- Rick Hoos, consultant to CGV and NSV, (Public Hearing Transcript (78:11-20), November 25, 2003, PR# 300)

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 CGV, Public Hearing Transcript (79:14-16), November 25, 2003, PR# 300)

Early in the EA process, the developer did not respond to requests to make commitments about working together so the YKDFN and other Aboriginal parties could share information about their culture.<sup>32</sup> Nevertheless, commitments to work together with Aboriginal people during operations are clear from the public hearing.

The developer believed there were no cumulative effects attributable to the short term project. According to the developer,

*"Because of the short term, highly localized, relatively innocuous and reversible nature of this exploration drilling program, no significant environmental or cultural effects are expected to occur" (DAR, p. 2, PR #166).*

### **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"<sup>33</sup> and are "very spiritually, as well as

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<sup>32</sup> 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)

<sup>33</sup> See correspondence from Kris Johnson, NSMA, dated September 2, 2003 (PR #184).



culturally, important sites to the North Slave Métis Alliance.”<sup>34</sup> Little evidence was provided to elaborate on the importance of the Drybones Bay area to the NSMA.

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

*“[...] 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 #301)

The Review Board was presented with ample evidence that this area is extremely important to the Akaitcho people.<sup>35</sup> In terms of the role of this place to the well-being of the people, it is a place for gathering strength. Drybones Bay is a place where:

- 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 #301)

- Beliefs, values and customs are taught there 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.”*

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<sup>34</sup> See Public Hearing Transcripts (122: 21-24), November 25, 2003, PR# 300.

<sup>35</sup> 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 #301).



Report of EA and Reasons for Decision on the Consolidated GoldWin Ventures Diamond Exploration Project

- Judy Charlo, YKDFN (Public Hearing Transcripts (57:13-18) November 26<sup>th</sup>, 2003, PR #301)

*“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 #301)

- 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 1928<sup>36</sup> 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 #301).

- 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 #301)

*“[W]e would gather. Sometimes we would see people from Fort Rae. They would spend springtime with us there and sometimes people from*

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<sup>36</sup> Historical documents note that the Spanish Flu pandemic occurred in 1918.



*Fort Resolution would spend springtime there to go muskrat hunting and 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 Tobie<sup>37</sup>, YKDFN (Public Hearing Transcript (38:5-16), November 26, 2003, PR #301)

In general, there was a perceived incompatibility of the 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 developments<sup>38</sup>. 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 #301) 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 #300 and 301), described the historic use of the Wool and

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<sup>37</sup> Grand-daughter to Michel Drybones after whom Drybones Bay is named. (Elder Helen Tobie, Public Hearing Transcript (35:21-22), November 26, 2003, PR #301).

<sup>38</sup> North American General Resources Corporation, New Shoshoni Ventures and Snowfield Development Corporations' diamond exploration programs in the Wool and Drybones Bay areas.





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 Drybones Bay area were also emphasized by YKDFN. Current activities such as expanded trail use, unauthorized cabin development, and further prospecting were highlighted (PR #6). 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 #300)

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 in our position.* (Public Hearing Transcript (31:10-14), November 26, 2003, PR #301).

YKDFN were clear in what they wanted to happen in the Drybones 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 #301)

*“It's a place that we want protected. We're in -- in a corner here because we have no land claim settled. Our treaty entitlement negotiations are still ongoing. Nothing's been settled. We haven't withdrawn any lands from development.”*

- Rachel Crapeau, YKDFN (Public Hearing Transcript (93:25-94:3), November 26, 2003, PR #301)

*“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 #301)

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#301)

Chief Peter Liske concluded, “When we say, no, that's what we mean.” (Public Hearing Transcript (21:9), November 26, 2003, PR #301). 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 #301).

## **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 of the proposed CGV development on the cultural landscape in the Drybones Bay area, the Review Board considered the potential effects of the development on 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 #301). As yet, no efforts have been made by Aboriginal parties to have these 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 value of consultation before staking in the interests of protecting cultural sites known only through TK and to give developer a better sense of when they may potentially be venturing into culturally sensitive areas. Section 29 of the *Canada Mining Regulations* specifies how the NWT will be divided for the issuance of permits and the procedures for applying for prospecting permits. This section establishes the vicinity of Yellowknife as a free entry mining area. The schedules set for the issuance of prospecting permits for other regions, such as the Inuvialuit Settlement Area, allow 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.**

There was considerable effort displayed by the parties demonstrated by submissions during the comment phases of the EA<sup>39</sup>, community-driven research by the YKDFN<sup>40</sup>

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<sup>39</sup> YKDFN submitted an extensive critique of the DARs for the Drybones and Wool Bay EAs. A similar submission was made by LKDFN despite being a late registrant to the process.



and the sharing of private and confidential information to aid in the process, the high level of participation by elders of YKDFN and LKDFN, the procurement of consultants (environmental specialists, anthropologists, and archaeologists) and lawyers to aid the YKDFN and NSMA in participating effectively. The Review Board recognizes the importance and value placed on the Wool and Drybones Bay area.

Based on discussions in section 4.4.1 and 4.4.2, 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 impacts 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 heritage and archaeological evidence submitted by YKDFN and discussed throughout section 4.4.1, 4.4.2 and 4.4.3, 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 CGV's proposed development to cumulative effects will be negligible. The location of the proposed program, outside Drybones Bay and near Hearne Channel, does not appear to contribute significantly to the cumulative effects in the most sensitive part of Drybones Bay.

The Board recognizes that more comprehensive approaches may be necessary based on longer term planning horizons. In order to address planning issues, the Review Board suggests:

**S.5 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**

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<sup>40</sup> Developers, government agencies (i.e., GNWT, and INAC) and the Review Board were invited to attend a field camp hosted by YKDFN in order to share information.



**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:

**R.6 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 CGV 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:



- Drybones Bay is a vitally important cultural and heritage area for the YKDFN, NSMA, and LKDFN. It was the site of an Aboriginal community, 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.
- Fish and fish habitat may be adversely affected if measures are not put in place to prevent drilling into shoals and prevent drawdown effects.
- 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 proposed CGV development, in being predominantly lake-based and distant from the most sensitive areas of Drybones Bay 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
<b>Recommendations</b>		
R1	CGV verifies that the water depth at each lake-based drill site is greater than 11 metres and reports this information to DFO prior to start of drilling	s. 4.3.1, p. 37
R2	CGV will only withdraw water from small source lakes at the Hearne Channel location if there is sufficient water in those lakes to ensure that less than 5 percent of the water is taken.	s. 4.3.1, p. 38
R3	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.	s. 4.4.1, p. 45
R4	CGV will be provided with precise locations and extent of recorded archaeological sites within its development area by Aboriginal parties and PWNHC.	s. 4.4.1, p. 45
R5	CGV will be restricted to operating on lake ice or overland access on packed snow to ensure that direct impact to suspected archaeological sites is minimized or avoided.	s. 4.4.1, p. 45



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Item	Description	Section
R6	No part of the proposed development will occur within 100 metres of any known or suspected archaeological, burial or sacred site.	s. 4.4.2., p. 59
<b>Suggestions</b>		
S1	The MVLWB should require that CGV report to Aboriginal parties to this EA (YKDFN, NSMA, LKDFN) before and after completion of the development. Follow-up activities should include, at minimum, a plain language, post-project report that addresses the cultural concerns of the parties	s. 2.5.1, p. 17
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.	s. 2.5.2, p. 19
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. 23
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 CGV 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) (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, artifacts 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.





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**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 #300	1	25	5	Laurence Stephensen	We will be definitely consulting with everybody.
PR #300	1	37	18	Rick Hoos	There's no problem in the company drawing its water from Great Slave Lake to service that particular operation (Hearne Channel), if there's a concern about drawdown of any small ponds that they might have previously contemplated using.
PR #300	1	44	7	Laurence Stephensen	We won't identify it (suitable depression) until we're on site and definitely the idea would be at that time when we got down there, we would have someone from the - representative from the First Nations down there to check out the sites so that we would make sure we wouldn't be interfering with anything at all.
PR #300	1	45	18	Rick Hoos	[R]ight after the drill program is completed, all equipment, consumables, waste products that were generated by the drilling activity will all be removed off the ice surface and there would be no trace of the drilling program having ever been there.
PR #300	1	55	16	Laurence Stephensen	[W]e definitely will be consulting with the First Nations prior to the actual starting of the drilling to make sure that we're not - we're not interfering with any of their land areas or any of their sacred lands or traditional lands or anything like that.
PR #300	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 #300	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 #300	1	257	1	Rick Hoos	Great Slave Lake would be used for all water for both - to meet needs of both the NSV and CGV projects.



## 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 #194.

- Regulatory issues (business license to operate in the NWT, insurance coverage, etc.)
- Environmental performance and proof of relevant experience suited to diamond exploration in northern cultural and physical environment
- Adherence to environmental management system (ISO 14000 certification)
- 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 Consolidated GoldWin Ventures Diamond Exploration Project

**CONSOLIDATED GOLDWIN VENTURES INC.**  
*Diamond Exploration Program at Drybones Bay*  
MVEIRB PR #. No. EA-03-002

Volume	PR #	Description	Originator	Date Received/SENT	Date Added
1	1	Letter of PR #erral for EA and Reasons for Decision to MVEIRB.	Melody McLeod, MVLWB	14-Apr-03	14-Apr-03
1	2	Letter of PR #erral to EA, preliminary screening report form and reasons for decision to MVEIRB.	Melody McLeod, MVLWB	14-Apr-03	14-Apr-03
1	3	Copy of land use permit application.	MVLWB		15-Apr-03
1	4	Copies of correspondence from CGV re: PR #erral to EA.	Laurie Stephenson, CGV	16-Apr-03	16-Apr-03
1	5	Notification of PR #erral sent to CGV.	Sherry Sian, MVEIRB	29-Apr-03	29-Apr-03
1	6	Letters to Minister of INAC re: Wool and Drybones Bay development proposals.	Peter Lennie-Misgeld, MVLWB	2-May-03	2-May-03
1	7	Letter regarding to MVEIRB re. EA process.	Laurie Stephenson, CGV	5-May-03	5-May-03
1	8	Response to CGV re: PR #erral and process.	Vern Christensen, MVEIRB	6-May-03	6-May-03
1	9	Letter to CGV re: EA process and schedule.	Sherry Sian, MVEIRB	7-May-03	7-May-03
1	10	Letter to confirm interested parties.	Sherry Sian, MVEIRB	9-May-03	9-May-03
1	11	Confirmations by interested parties.	Sherry Sian, MVEIRB	9-May-03	12-May-03
1	12	Request for project description sent to CGV.	Sherry Sian, MVEIRB	12-May-03	13-May-03
1	13	Description of proposed exploration program sent to MVEIRB.	Laurie Stephenson, CGV	13-May-03	13-May-03
1	14	Letter re: Diamonds North Resources Ltd. PR #erral to EA (to YKDFN).	Todd Burlingame, MVEIRB	14-May-03	14-May-03
1	15	Response to MVEIRB's CGV letter, dated May 8th, 2003.	YKDFN	21-May-03	22-May-03
1	16	Letter regarding Land and Water Board decision.	Laurie Stephenson, CGV	20-May-03	22-May-03
1	17	Response to L. Stephenson's May 20, 2003 e-mail.	Sherry Sian, MVEIRB	22-May-03	23-May-03
1	18	Letter re: acknowledgement of inquiries.	Laurie Stephenson, CGV	22-May-03	23-May-03
1	19	Letter re: MVEIRB's Rules for Procedure.	Laurie Stephenson, CGV	23-May-03	23-May-03
1	20	Forward of PR # 6 and 14 to L. Stephenson.	Sherry Sian, MVEIRB	23-May-03	23-May-03
1	21	Letter of Clarification of MVRMA and EA Process for CGV Inc. Diamond Exploration.	Sherry Sian, MVEIRB	23-May-03	26-May-03
1	22	Distribution of item #21 to parties.	Sherry Sian, MVEIRB	26-May-03	26-May-03
1	23	Response to May 16th, 2003 letter from YKDFN.	Laurie Stephenson, CGV	26-May-03	27-May-03
1	24	E-mail request from Great Slave Cruising Club to be included on CGV's distribution list.	Glen Abernethy, Great Slave Cruising Club	26-May-03	28-May-03
1	25	E-mail request from LKDFN to remain on the CGV distribution list.	Monica Krieger, LKDFN	29-May-03	30-May-03
1	26	Response to LKDFN request to remain on CGV distribution list (PR #25).	Sherry Sian, MVEIRB	29-May-03	30-May-03
1	27	Request to use fax for CGV distribution list (See PR #25 and 26) for LKDFN.	Monica Krieger, LKDFN	29-May-03	30-May-03
1	28	Request for update on MVEIRB (May 27-28, 2003) board meetings.	Laurie Stephenson, CGV	30-May-03	30-May-03
1	29	Response to request for update on MVEIRB board meeting (PR #28).	Sherry Sian, MVEIRB	30-May-03	30-May-03
1	30	Request from NWT Metis to remain on CGV distribution list.	Jason LePine, NWT Metis	30-May-03	2-Jun-03
1	31	Response to NWT Metis request to remain on CGV distribution list (PR #30).	Sherry Sian, MVEIRB	30-May-03	2-Jun-03
1	32	Notice of a cumulative effects study for Drybones and Wool Bay.	Sherry Sian, MVEIRB	3-Jun-03	4-Jun-03
1	33	Notice (News/North) that the CGV development has been PR #ered to MVEIRB for EA.	Sherry Sian, MVEIRB		16-Jun-03
1	34	E-mail request about CGV's terms of PR #erence.	Laurie Stephenson, CGV	16-Jun-03	18-Jun-03

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1	35	Response to request re: CGV's terms of PR #erence (PR #34).	Sherry Sian, MVLWB	16-Jun-03	18-Jun-03
1	36	Follow up e-mail re: CGV's terms of PR #erence (PR #34 and 35).	Laurie Stephenson, CGV	16-Jun-03	18-Jun-03
1	37	Response to follow up e-mail re: CGV's terms of PR #erence (PR #34, 35 and 36).	Sherry Sian, MVEIRB	17-Jun-03	18-Jun-03
1	38	Faxes regarding Wool Bay and request to remain on distribution.	Shelagh Montgomery, CARC	30-May-03	18-Jun-03
1	39	Letter to confirm legal counsel for YKDFN.	Galbraith Empson, YKDFN	17-Jun-03	20-Jun-03
1	40	MVEIRB's response to June 17th Letter from Galbraith Empson (PR #er to 39)	Vern Christensen, MVEIRB	19-Jun-03	20-Jun-03
1	41	June 2 /03 letter re. NAGRC PR #erral to EA.	YKDFN	2-Jun-03	20-Jun-03
1	42	Recent correspondance regarding Drybones Bay/Wool Bay Eas - to Galbraith Empson (PR #er to 39, 40, 41)	Sherry Sian, MVEIRB	19-Jun-03	20-Jun-03
1	43	Distribution of CGV draft terms of PR #erence and workplan.	Sherry Sian, MVEIRB	20-Jun-03	20-Jun-03
1	44	E-mail re: CGV's terms of PR #erence.	Laurie Stephenson, CGV	19-Jun-03	24-Jun-03
1	45	Response to e-mail re: CGV's terms of PR #erence (PR #44).	Sherry Sian, MVEIRB	19-Jun-03	24-Jun-03
1	46	Fax number to send CGV's terms of PR #erence (PR #44 and 45).	Laurie Stephenson, CGV	19-Jun-03	24-Jun-03
1	47	Letter requesting a teleconference re: CGV's terms of PR #erence.	Laurie Stephenson, CGV	22-Jun-03	24-Jun-03
1	48	E-mail re: Letter requesting a teleconference for CGV's terms of PR #erence (PR #47).	Laurie Stephenson, CGV	23-Jun-03	24-Jun-03
1	49	Response to e-mail re: letter requesting a teleconference for CGV's terms of PR #erence (PR #47 and 48).	Sherry Sian, MVEIRB	24-Jun-03	24-Jun-03
1	50	Response to letter requesting a teleconference for CGV's terms of PR #erence (PR #47, 48 and 49).	Sherry Sian, MVEIRB	24-Jun-03	24-Jun-03
1	51	Forward of the YKDFN letters re: the cumulative effects study (PR #39 and 40).	Sherry Sian, MVEIRB	24-Jun-03	25-Jun-03
1	52	Request to check auto-reply.	Laurie Stephenson, CGV	24-Jun-03	25-Jun-03
1	53	Response to note to check Auto-reply (PR #52).	Sherry Sian, MVEIRB	24-Jun-03	25-Jun-03
1	54	Response to CGV land use permit application MV2003C0003 (PR #47).	Sherry Sian, MVEIRB	24-Jun-03	25-Jun-03
1	55	Distribution of CGV land use permit application and MVEIRB's response (PR #47 and 50).	Sherry Sian, MVEIRB	24-Jun-03	25-Jun-03
1	56	Note to file for call from Louie Azzolini for the YKDFN re: the cumulative effects study of Wool and Drybones Bay area.	Sherry Sian, MVEIRB	24-Jun-03	26-Jun-03
1	57	Note to file for call from E. Blaise, DFO re: comment period on draft terms of PR #erence for EAs in Wool and Drybones Bay area.	Sherry Sian, MVEIRB	24-Jun-03	26-Jun-03
1	58	E-mail re: cumulative effects study for EAs in Drybones and Wool Bay.	Elaine Blaise, DFO	27-Jun-03	30-Jun-03
1	59	E-mail of clarification re: program schedule.	Sherry Sian, MVEIRB	27-Jun-03	30-Jun-03
1	60	Response to e-mail of clarification (PR #59).	Elaine Blaise, DFO	27-Jun-03	30-Jun-03
1	61	Identification of standing for parties to NAGRC, NSV and CGV EAs.	Kris Johnson, NSMA	26-Jun-03	30-Jun-03
1	62	Fax re: general cumulative effects study for Drybones and Wool Bay Area - draft terms of PR #erence.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	63	E-mail re: cumulative effects study for Drybones and Wool Bay terms of PR #erence.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	64	E-mail re: NSMA request for directly affected party status and terms of PR #erence review comments.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	65	E-mail requesting clarification re: CGV.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	66	Comments re: TOR and Workplans for Drybones and Wool Bay	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	67	Response to clarification re: CGV (PR #65).	Laurie Stephenson, CGV	26-Jun-03	30-Jun-03

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1	68	re: Meeting Request for Drybones/Wool Bay EA Processes.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	69	Request for extension to comment period for EAs in Drybones and Wool Bay.	Sherry Sian, MVEIRB	26-Jun-03	30-Jun-03
1	70	NSMA request for directly affected party status and terms of PR #erence review comments.	Kris Johnson, NSMA	26-Jun-03	30-Jun-03
1	71	EC response to meeting request for Drybones/Wool Bay EA processes.	Mike Fournier, EC	26-Jun-03	30-Jun-03
1	72	E-mail re: NAGRC, NSV and CGV EAs.	Elaine Blaise, DFO	25-Jun-03	30-Jun-03
1	73	Materials re: YKDFN concerns.	Elaine Blaise, DFO	25-Jun-03	30-Jun-03
1	74	Note to File re: cumulative effects study in the Wool and Drybones Bay area.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	75	Request for program details from CGV.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	76	INAC response to meeting request for Drybones/Wool Bay EA processes.	Eric Yaxley, INAC	25-Jun-03	30-Jun-03
1	77	E-mail re: meeting request for Drybones and Wool Bay EA processes.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	78	Identification of Standing for NSV EA .	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	79	Clarification of error from draft TOR.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	80	NAGRC, NSV and CGV EA's.	Elaine Blaise, DFO	25-Jun-03	30-Jun-03
1	81	re: Meeting Request for Drybones/Wool Bay EA Processes.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	82	re: Meeting Request for Drybones/Wool Bay EA Processes.	Gavin More, GNWT	25-Jun-03	30-Jun-03
1	83	Fwd. Meeting Request for Drybones/Wool Bay EA Processes	Eric Yaxley, INAC	25-Jun-03	30-Jun-03
1	84	re: Meeting Request for Drybones/Wool Bay EA Processes.	Elaine Blaise, DFO	25-Jun-03	30-Jun-03
1	85	Re: Indian Report PR #erred to by Greg Empson.	Sherry Sian, MVEIRB	24-Jun-03	30-Jun-03
1	86	re: Meeting Request for Drybones/Wool Bay EA Processes.	Sherry Sian, MVEIRB	25-Jun-03	30-Jun-03
1	87	CGV - Preliminary Comments from the company re: TOR and Workplan.	Sherry Sian, MVEIRB	24-Jun-03	30-Jun-03
1	88	Meeting Request Re: Drybones Bay/Wool Bay Eas.	Sherry Sian, MVEIRB	24-Jun-03	30-Jun-03
1	89	Comments received digitally June 23-30, 2003.	Sherry Sian, MVEIRB	30-Jun-03	2-Jul-03
1	90	Request to use CEAA 1999 premises regarding the CE Assessment within Drybones and Wool Bay.	Laurie Stephenson, CGV	27-Jun-03	2-Jul-03
1	91	Comments on CGV EA's Terms of PR #erence.	Gavin More, GNWT	27-Jun-03	2-Jul-03
1	92	CGV Comments and Materials on the PR (PR # 61, 89, 90, 91).	Sherry Sian, MVEIRB	30-Jun-03	2-Jul-03
1	93	Identification of Standing for CGV EA.	NWT Metis	27-Jun-03	2-Jul-03
1	94	Identification of EA Roles for CGV.	Gavin More, GNWT		
1	95	Identification of EA Roles for CGV.	Mike Vaydik, NWT Chamber of Mines	26-Jun-03	2-Jul-03
1	96	CGV EA - Identification of Standing.	Sherry Sian, MVEIRB	25-Jun-03	2-Jul-03
1	97	Response to May 16, 2003 letter from YKDFN regarding CGV exploration proposal in Drybones Bay.	Bob Overvold, INAC	19-Jun-03	2-Jul-03
1	98	Comments on Terms of PR #erence for CGV EA.	Gavin More, GNWT	27-Jun-03	2-Jul-03
1	99	Identification of EA Roles for CGV.	Mike Fournier, EC	26-Jun-03	2-Jul-03
1	100	Re: comments received digitally June 23-30, 2003 (PR # 89).	Laurie Stephenson, CGV	2-Jul-03	2-Jul-03
1	101	Response to Re: comments received digitally June 23-30, 2003 (PR # 89, 100).	Sherry Sian, MVEIRB	2-Jul-03	2-Jul-03
1	102	Identification of EA Roles for CGV.	Elaine Blaise, DFO	2-Jul-03	3-Jul-03
1	103	Comments on Draft Terms of PR #erence for CGV.	Elaine Blaise, DFO	30-Jun-03	3-Jul-03
1	104	General CEA for Drybones/Wool Bay Area .	Sherry Sian, MVEIRB	27-Jun-03	3-Jul-03
1	105	CGV - Comments on Draft Terms of PR #erence and Workplan (PR # 106, 107).	Sherry Sian, MVEIRB	2-Jul-03	3-Jul-03

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1	106	Comments on Draft Terms of PR #erence for CGV.	Elaine Blaise, DFO	30-Jun-03	3-Jul-03
1	107	Comments on Draft Terms of PR #erence for CGV.	Dave Balint, DFO	30-Jun-03	3-Jul-03
1	108	June 30th Letters to Melody Mcleod, MVLWB and Todd Burlingame, MVEIRB.	YKDFN	2-Jul-03	4-Jul-03
1	109	Identification of EA Roles for CGV.	Rachel Crapeau, YKDFN	3-Jul-03	4-Jul-03
1	110	Response to June 30th, 2003 letter from YKDFN - Re: Cumulative Effects study of the Drybones and Wool Bay Area (PR # 108).	Todd Burlingame, MVEIRB	3-Jul-03	4-Jul-03
1	111	Re: Identification of EA Roles for CGV.	Sherry Sian, MVEIRB	3-Jul-03	4-Jul-03
1	112	Identification of EA Roles for CGV.	INAC	4-Jul-03	7-Jul-03
1	113	Response to correspondance dated June 23, 2003 re: participant funding (PR # 61).	Sherry Sian, MVEIRB	7-Jul-03	8-Jul-03
1	114	Automatic Response - Away from the Office.	Angela Plautz, DOT	24-Jun-03	17-Jul-03
1	115	Re: Meeting Request re: Drybones/Wool Bay Area EA Processes.	Sherry Sian, MVEIRB	3-Jul-03	17-Jul-03
1	116	Comments on Drybones/Wool Bay EA - recommendation for archaeological survey.	Chuck Arnold, ECE - GNWT	7-Jul-03	17-Jul-03
1	117	Re: Comments on CGV.	Sherry Sian, MVEIRB	2-Jul-03	17-Jul-03
1	118	CGV Public Registry Items faxed to L. Stephenson as requested (PR # 89, 100, 101).	Kirsten Berg, MVEIRB	4-Jul-03	17-Jul-03
1	119	Confirmation of Receipt of package (PR # 118).	Sherry Sian, MVEIRB	7-Jul-03	17-Jul-03
1	120	Re: Confirmation of Receipt of package (PR #118, 119).	Laurie Stephenson, CGV	7-Jul-03	17-Jul-03
1	121	Meetings, etc. with respect to CGV Land Use Permit.	Laurie Stephenson, CGV	8-Jul-03	17-Jul-03
1	122	Re: Meetings, etc. with respect to CGV Land Use Permit (PR #er to Item 121).	Sherry Sian, MVEIRB	8-Jul-03	17-Jul-03
1	123	Response to July 8th, 2003 E-mail Outlining Concerns of CGV (PR #121).	Laurie Stephenson, CGV	9-Jul-03	17-Jul-03
1	124	GNWT's comments on Drybones Bay CE study Terms of PR #erence.	Jason McNeill, GNWT	11-Jul-03	17-Jul-03
1	125	NSMA's comments on the Drybones Bay CE Study Terms of PR #erence.	Kris Johnson, NSMA	9-Jul-03	17-Jul-03
1	126	INAC's comments on the Drybones Bay CE Study Terms of PR #erence.	Lionel Marcinkoski, INAC	11-Jul-03	17-Jul-03
1	127	DFO's comments on the Drybones Bay CE Study Terms of PR #erence.	Elaine Blaise, DFO	11-Jul-03	17-Jul-03
1	128	Distribution of comments on the Drybones Bay Cumulative Effects study Terms of PR #erence (PR # 124, 125, 126, 127).	Sherry Sian, MVEIRB	14-Jul-03	17-Jul-03
1	129	EA Status update.	Sherry Sian, MVEIRB	16-Jul-03	17-Jul-03
1	130	Re: Status update.	Laurie Stephenson, CGV	16-Jul-03	21-Jul-03
1	131	Final Terms of PR #erence and Workplan for CGV.	Sherry Sian, MVEIRB	17-Jul-03	21-Jul-03
1	132	Note to File - Meeting with Developers summary from June 9th.	Sherry Sian, MVEIRB	9-Jun-03	25-Jul-03
1	133	Note to File - Inquiry about Developer's Meeting.	Sherry Sian, MVEIRB	27-Jun-03	25-Jul-03
1	134	Note to File - Meeting re: EA Process with Regulators.	Sherry Sian, MVEIRB	3-Jul-03	25-Jul-03
1	135	Note to File - Parties with Standing for Eas in Drybones and Wool Bay Area.	Sherry Sian, MVEIRB	21-Jul-03	25-Jul-03
1	136	Re: Comments on Cumulative Effects Study of Drybones/Wool Bay.	Sherry Sian, MVEIRB	24-Jul-03	28-Jul-03
1	137	Final Terms of PR #erence and Workplan for Cumulative Effect Study of Drybones/Wool Bay Area.	Sherry Sian, MVEIRB	23-Jul-03	28-Jul-03
1	138	CGV Update (PR #136, 137).	Sherry Sian, MVEIRB	24-Jul-03	28-Jul-03
1	139	Re: Diamonds North PR #erral to EA.	Bob Overvoid, INAC	2-Jun-03	30-Jul-03
2	140	Standing of Parties - CPAWS as an observer.	Jennifer Morin, CPAWS	27-Jul-03	31-Jul-03
2	141	Comments on the Draft Terms of PR #erence.	Lionel Marcinkoski, INAC	29-Jul-03	31-Jul-03
2	142	Re: Interviews and Schedule.	Sherry Sian, MVEIRB	31-Jul-03	31-Jul-03



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2	143	Re: CE Study of Drybones/Wool Bay.	Jason LePine, NWT Metis	1-Aug-03	5-Aug-03
2	144	Public Registry additions for CGV, NSV and NAGRC.	Sherry Sian, MVEIRB	5-Aug-03	5-Aug-03
2	145	Re: Letter about CE Study Site Visit - Drybone/Wool Bay.	Sherry Sian, MVEIRB	1-Aug-03	5-Aug-03
2	146	Fax cover sheet (PR 145).	Sherry Sian, MVEIRB	1-Aug-03	5-Aug-03
2	147	Re: CEA Site Visit.	Kris Johnson, NSMA	31-Jul-03	5-Aug-03
2	148	Traditional Land Use and Cumulative Effects Study - Additions to Public Registry (PR 143, 144, 145, 147).	Sherry Sian, MVEIRB	5-Aug-03	5-Aug-03
2	149	Re: Environmental Assessments of NSV, CGW, NAGRC and Snowfield - Aug 1, 2003 letter to Minister Nault.	Rachel Crapeau, YKDFN	1-Aug-03	6-Aug-03
2	150	Re: NWT Metis Report - CE Study of Drybones/Wool Bay.	Jason LePine, NWT Metis	6-Aug-03	12-Aug-03
2	151	Joint process schedule extension - Drybones/Wool Bay	Sherry Sian, MVEIRB	11-Aug-03	13-Aug-03
2	152	re: Phone call (to Laurence Stephenson).	Sherry Sian, MVEIRB	11-Aug-03	14-Aug-03
2	153	CGV DAR.	Laurie Stephenson, CGV	12-Aug-03	14-Aug-03
2	154	Re: CGV DAR	Sherry Sian, MVEIRB	12-Aug-03	14-Aug-03
2	155	Distribution of CGV DAR (PR #153).	Sherry Sian, MVEIRB	13-Aug-03	14-Aug-03
2	156	Additional Information required for DAR.	Sherry Sian, MVEIRB	13-Aug-03	14-Aug-03
2	157	Re-send of fax from yesterday (to L. Stephenson).	Sherry Sian, MVEIRB	14-Aug-03	14-Aug-03
2	158	Information requirements for CGV DAR.	Sherry Sian, MVEIRB	14-Aug-03	14-Aug-03
2	159	Re: Information requirements for CGV DAR.	Sherry Sian, MVEIRB	14-Aug-03	14-Aug-03
2	160	Re: Information requirements for CGV DAR.	Sherry Sian, MVEIRB	14-Aug-03	15-Aug-03
2	161	Preliminary Response - CGV (PR 156, 160).	Sherry Sian, MVEIRB	14-Aug-03	15-Aug-03
2	162	Re: Information requirements for CGV DAR.	Sherry Sian, MVEIRB	14-Aug-03	15-Aug-03
2	163	CGV - Additional Information Clarification (PR # 162).	Sherry Sian, MVEIRB	14-Aug-03	15-Aug-03
2	164	Weledeh Gondi - March/April 2003 Newsletter - Issue 08/Volume 3.	YKDFN		15-Aug-03
2	165	Authority of Dettah and Ndilo and the MVRMA.	Chief Peter Liske, YKDFN	31-Aug-03	15-Aug-03
2	166	Revised DAR for CGV.	Sherry Sian, MVEIRB	15-Aug-03	21-Aug-03
2	167	Fax announcing start of participant comment period.	Sherry Sian, MVEIRB	18-Aug-03	21-Aug-03
2	168	Public hearing announcement for CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	25-Aug-03	26-Aug-03
2	169	Correction to the requirements date.	Sherry Sian, MVEIRB	26-Aug-03	26-Aug-03
2	170	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	171	Reminder of Important Deadline for Participant Comments on DARs for CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	28-Aug-03	29-Aug-03
2	172	Request for change to hearing date.	Sherry Sian, MVEIRB	28-Aug-03	29-Aug-03
2	173	Public hearing announcement.	Laurie Stephenson, CGV	1-Sep-03	31-Aug-03
2	174	Date change request.	Laurie Stephenson, CGV	31-Aug-03	1-Sep-03
2	175	Public hearing announcement-date change request.	Alan Ehrlich, MVEIRB Sherry Sian, MVEIRB Laurie Stephenson, CGV	2-Sep-03	2-Sep-03
2	176	YKDFN review and comments.	YKDFN	2-Sep-03	2-Sep-03
2	177	DFO review and comments.	E. Blais, DFO	2-Sep-03	3-Sep-03
2	178	INAC review and comments.	INAC	2-Sep-03	2-Sep-03
2	179	RWED-GNWT review and comments.	Gavin Moore, GNWT	2-Sep-03	2-Sep-03
2	180	Review and Comments.	Alan Ehrlich, MVEIRB	3-Sep-03	3-Sep-03
2	181	CGV Land Use application.	Laurie Stephenson, CGV	3-Sep-03	5-Sep-03
2	182	Draft Discussion re: CE.	Gartner Lee Ltd.	30-Sep-03	30-Sep-03
2	183	Draft CE Study.	Alan Ehrlich, MVEIRB	5-Sep-03	5-Sep-03
2	184	NSMA review and comments.	Kris Johnson, NSMA	2-Sep-03	2-Sep-03
2	185	NSMA -Comments on CGV, NAGRC and NSV.	Alan Ehrlich, MVEIRB	5-Sep-03	9-May-03
2	186	CGV/NSV-Response to DFO Sept.8.	Sherry Sian, MVEIRB	5-Sep-03	9-May-03
2	187	DFO Sept 2. letter-response.	Sherry Sian, MVEIRB	8-Sep-03	9-Aug-03

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2	188	CE Document.	Sherry Sian, MVEIRB	9-Sep-03	9-Sep-03
2	189	CE Study (digital copy).	Sherry Sian, MVEIRB	8-Sep-03	8-Sep-03
2	190	Re-send of CE report.	Sherry Sian, MVEIRB	8-Sep-03	8-Sep-03
2	191	CE Study.	Sherry Sian, MVEIRB	8-Sep-03	8-Sep-03
2	192	Draft CE Study.	Mike Fournier, EC	8-Sep-03	9-Sep-03
2	193	CGV NAGRC NSV PDF file.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	194	Distribution of CGV, NAGRC and NSV issues summary for EAs.	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	195	CGV,NAGRC and NSV CE Study (update process).	Sherry Sian, MVEIRB	14-Sep-03	14-Sep-03
2	196	Application for party status EA-03-002/003/004/006)	Sherry Sian, MVEIRB	11-Sep-03	24-Sep-03
2	197	CGV, NAGRC and NSV CE Study Comments Update.	Sherry Sian, MVEIRB	14-Sep-03	24-Sep-03
2	198	Distribution of CGV, NAGRC and NSV issues summary.	Sherry Sian, MVEIRB	14-Sep-03	24-Sep-03
2	199	E-mail re: draft CE maps.	Sherry Sian, MVEIRB	15-Sep-03	24-Sep-03
2	200	Pre-hearing conference guide and worksheet.	Sherry Sian, MVEIRB	15-Sep-03	24-Sep-03
2	201	E-mail re: draft CE maps.	Kris Johnson, NSMA	15-Sep-03	24-Sep-03
2	202	Response to e-mail re: draft CE maps.	Sherry Sian, MVEIRB	15-Sep-03	24-Sep-03
2	203	Pre-hearing conference guide for CGV, NAGRC and NSV EAs.	Sherry Sian, MVEIRB	15-Sep-03	24-Sep-03
2	204	Guidelines for Ice roads.	Sherry Sian, MVEIRB	16-Sep-03	24-Sep-03
2	205	Drybones draft CE report - GNWT comments.	Jane McMullen, GNWT	17-Sep-03	24-Sep-03
2	206	Draft CE Study.	Elaine Blais, DFO	17-Sep-03	24-Sep-03
2	207	Draft CE Study.	Shelagh Montgomery, CARC	17-Sep-03	24-Sep-03
2	208	CE document.	Gavin More, GNWT	17-Sep-03	24-Sep-03
2	209	CE document.	Gavin More, GNWT	17-Sep-03	24-Sep-03
2	210	DFO comments EA03-002 and EA-03-004.	Dave Balint, DFO	17-Sep-03	24-Sep-03
2	211	Comments CE Study for Drybones/Wool Bay.	Miki Promislow, INAC	17-Sep-03	24-Sep-03
2	212	Comments on CE Study - Drybones/Wool Bay	Chief Peter Liske, YKDFN	17-Sep-03	24-Sep-03
2	213	Draft CE Study from GLL.	Elaine Blais, DFO	17-Sep-03	24-Sep-03
2	214	Announcement of revised schedule for pre-hearing conference.	Sherry Sian, MVEIRB	18-Sep-03	24-Sep-03
2	215	DFO concerns.	Laurie Stephenson, CGV	19-Sep-03	24-Sep-03
2	216	DFO concerns.	Laurie Stephenson, CGV	19-Sep-03	24-Sep-03
2	217	DFO concerns.	Laurie Stephenson, CGV	18-Sep-03	24-Sep-03
2	218	DFO concerns.	Laurie Stephenson, CGV	18-Sep-03	24-Sep-03
2	219	DFO concerns.	Elaine Blais, DFO	18-Sep-03	24-Sep-03
2	220	CGV and NSV discussion about clarifications needed by DFO.	Sherry Sian, MVEIRB	18-Sep-03	24-Sep-03
2	221	DFO critique.	Sherry Sian, MVEIRB	18-Sep-03	24-Sep-03
2	222	YDFN Request for ruling.	Sherry Sian, MVEIRB	18-Sep-03	24-Sep-03
2	223	Guidelines for Ice Roads.	Sherry Sian, MVEIRB	22-Sep-03	24-Sep-03
2	224	Access to Ice Roads Guidelines.	Sherry Sian, MVEIRB	23-Sep-03	24-Sep-03
2	225	Access to Ice Roads Guidelines.	Sherry Sian, MVEIRB	23-Sep-03	24-Sep-03
2	226	Request for ruling on confidential information YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	227	Request for ruling on confidential information YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	228	Request for ruling on confidential information YKDFN.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	229	Work plan amendments CGV, NAGRC and NSV.	Vern Christensen, MVEIRB	23-Sep-03	30-Sep-03
2	230	Diamonds in the NWT.	Sherry Sian, MVEIRB	26-Sep-03	30-Sep-03
2	231	CE Study (EA-03-002/003/004/006)	Sherry Sian, MVEIRB	26-Sep-03	30-Sep-03
3	232	Comments on Draft CE Study.	Sherry Sian, MVEIRB	30-Sep-03	6-Oct-03
3	233	Letter re: confidentiality of NSMA information.	Sherry Sian, MVEIRB	1-Oct-03	6-Oct-03
3	234	Letter of advice for Developers in response to CE Study.	Sherry Sian, MVEIRB	1-Oct-03	6-Oct-03
3	235	Comments on CE Study.	Sherry Sian, MVEIRB	1-Oct-03	7-Oct-03
3	236	Work plan amendments CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	23-Sep-03	7-Oct-03

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3	237	INAC trip report.	Sherry Sian, MVEIRB	6-Oct-03	7-Oct-03
3	238	Note to file about CE comments.	Sherry Sian, MVEIRB	6-Oct-03	7-Oct-03
3	239	Letter announcing new directly affected party - DKFN.	Sherry Sian, MVEIRB	6-Oct-03	7-Oct-03
3	240	CE submission for CGV and NSV.	Sherry Sian, MVEIRB	8-Oct-03	9-Oct-03
3	241	Ruling on conformity and technical adequacy.	Sherry Sian, MVEIRB	8-Oct-03	9-Oct-03
3	242	Conformity, completeness and technical adequacy.	Sherry Sian, MVEIRB	8-Oct-03	9-Oct-03
3	243	E-mail re: correction to INAC trip report.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	244	NSMA submission re: CE Study.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	245	Regional CE Study for Drybones and Wool Bay.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	246	Pre-hearing conference and public hearing.	Sherry Sian, MVEIRB	9-Oct-03	14-Oct-03
3	247	Setting the pace for development.	Sherry Sian, MVEIRB	14-Oct-03	14-Oct-03
3	248	Potentially directly affected areas.	Sherry Sian, MVEIRB	15-Oct-03	20-Oct-03
3	249	Representation at the public hearing.	Sherry Sian, MVEIRB	17-Oct-03	20-Oct-03
3	250	Update for CGV, NAGRC and NSV.	Sherry Sian, MVEIRB	20-Oct-03	23-Oct-03
3	251	Assessment role.	Sherry Sian, MVEIRB	30-Oct-03	23-Oct-03
3	252	Pre-hearing conference worksheet.	Mike Fournier, EC	23-Oct-03	28-Oct-03
3	253	Change in participant.	Patrick Simon, DKFN	27-Oct-03	28-Oct-03
3	254	Participant Comments on Regional CE Study.	Sherry Sian, MVEIRB	27-Oct-03	28-Oct-03
3	255	YKDFN request for ruling of acceptance of confidential material.	Sherry Sian, MVEIRB	28-Oct-03	28-Oct-03
3	256	New additions to the public registry.	Sherry Sian, MVEIRB	29-Oct-03	29-Oct-03
3	257	Pre-Hearing Conference Materials	Sherry Sian, MVEIRB	29-Oct-03	30-Oct-03
3	258	YKDFN's request for ruling.	Sherry Sian, MVEIRB	30-Oct-03	31-Oct-03
3	259	YKDFN's comments.	Sherry Sian, MVEIRB	31-Oct-03	31-Oct-03
3	260	Pre-hearing conference worksheet.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	261	Correction to filing dates.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	262	Pre-hearing conference worksheet, PWNHC.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	263	Pre-hearing conference worksheet, INAC.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	264	Pre-hearing conference worksheet, DFO.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	265	Submission on YKDFN's Request for Ruling.	Sherry Sian, MVEIRB	31-Oct-03	4-Nov-03
3	266	Corrections.	Sherry Sian, MVEIRB	6-Nov-03	4-Nov-03
3	267	Mr. Robertson approved as new party to EA.	Sherry Sian, MVEIRB	6-Nov-03	4-Nov-03
3	268	Release of GLL's supplement.	Sherry Sian, MVEIRB	6-Nov-03	4-Nov-03
3	269	LKDFN - New Party.	Sherry Sian, MVEIRB	6-Nov-03	4-Nov-03
3	270	Supplementary material on cultural landscape.	Sherry Sian, MVEIRB	11-Oct-03	13-Nov-03
3	271	GLL's Presentation for the public hearing.	Sherry Sian, MVEIRB	11-Oct-03	13-Nov-03
3	272	CGV Presentation for the public hearing.	Sherry Sian, MVEIRB	11-Dec-03	13-Nov-03
3	273	YKDFN's confidential reports.	Sherry Sian, MVEIRB	11-Dec-03	13-Nov-03
3	274	NSMA and YKDFN submissions.	Sherry Sian, MVEIRB	11-Oct-03	13-Nov-03
3	275	Identification of EA Roles for CGV	Sherry Sian, MVEIRB	27-Oct-03	18-Nov-03
3	276	Note to file re: telephone conversation with Laurie Stephenson.	Alan Ehrlich, MVEIRB	12-Oct-03	18-Nov-03
3	277	Information regarding heritage protection from PWNHC.	Sherry Sian, MVEIRB	17-Nov-03	18-Nov-03
3	278	Presentation for Joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	18-Nov-03
3	279	Presentation for Joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	18-Nov-03
3	280	Reminder of presentation deadline.	Sherry Sian, MVEIRB	17-Nov-03	20-Nov-03
3	281	E-mail re: INAC's participation at public hearing.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	282	Presentation for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	283	Update on elders session and revised agenda.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	284	Request for ruling by INAC.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	285	Credentials for joint public hearing.	Sherry Sian, MVEIRB	18-Nov-03	20-Nov-03
3	286	Distribution of draft agenda for joint public hearing.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03
3	287	On ice exploration drilling - powerpoint presentation from Ann Wilson, EC.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03
3	288	LKDFN's presentation for joint public hearing.	Sherry Sian, MVEIRB	20-Nov-03	20-Nov-03

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4	289	Distribution of request for ruling letter from INAC.	Sherry Sian, MVEIRB	6-Nov-03	25-Nov-03
4	290	Reminder of closure of public registry.	Sherry Sian, MVEIRB	20-Nov-03	25-Nov-03
4	291	NSMA expert (Mark Stevensen) credentials.	Sherry Sian, MVEIRB	21-Nov-03	25-Nov-03
4	292	Fax advising of expert advisor to MVEIRB, Alice Legat.	Sherry Sian, MVEIRB	21-Nov-03	25-Nov-03
4	293	Revised draft hearing agenda.	Sherry Sian, MVEIRB	24-Nov-03	25-Nov-03
4	294	Updates to public registry.	Sherry Sian, MVEIRB	24-Nov-03	25-Nov-03
4	295	Announcement re: public hearing transcripts available on line.	Sherry Sian, MVEIRB	2-Dec-03	3-Dec-03
4	296	Comments from LKDFN on public hearing.	Sherry Sian, MVEIRB	2-Dec-03	3-Dec-03
4	297	YKDFN's presentation for joint public hearing.	Rachel Crapeau, YKDFN	26-Nov-03	5-Dec-03
4	298	Resume Howard Dean Cluff, RWED-GNWT.	Howard Dean Cluff	26-Nov-03	5-Dec-03
4	299	CGV's presntation for joint public hearing.	Laurie Stephenson, CGV	26-Nov-03	5-Dec-03
4	300	Transcripts for joint public hearing, November 25, 2003.	Wendy Warnock, DigiTran	2-Dec-03	5-Dec-03
4	301	Transcripts for joint public hearing, November 26, 2003.	Wendy Warnock, DigiTran	2-Dec-03	5-Dec-03
4	302	INAC's submission of supplementary materials for joint public hearing.	Sherry Sian, MVEIRB	4-Dec-03	5-Dec-03
4	303	Susan Weaver's presentation for joint public hearing.	Susan Weaver (public)	4-Dec-03	29-Dec-03
4	304	Correspondence re: the Review Board's independent expert.	Galbraith Empson, YKDFN	4-Dec-03	29-Dec-03
4	305	MVEIRB's response to INAC's request for ruling.	Sherry Sian, MVEIRB	4-Dec-03	29-Dec-03