

Sherry Sian

From: Laurie Stephenson [lstephenson@wascomgt.com]
Sent: Friday, September 19, 2003 11:38 AM
To: Sherry Sian
Subject: Re: DFO concerns

Sherry and Alan,

Please give me the courtesy of not being "stupid." I do not need to be reminded time and again about the public record. I know that everything I submit will be public, however there are always exceptions. With respects to this process, I have been as temperate (or intemperate) as I can be. From the start of this process we (the "developers") have not had one consideration granted to us. If I thought restraining my personal views would have any impact that has long been dispelled by the way this minor drilling program environmental assessment review has gone.

I mean even today you cite the fact that the "cumulative effects" assessment has to consider the past present and future of each of the projects together.

This is from the ToR:

is important to note that the term "Development" is used throughout according to its broad definition within the Mackenzie Valley Resource Management Act (MVRMA). In this Terms of Reference and Workplan, the proposed Development is ***an early stage exploration intended to make a new discovery or to undertake a preliminary evaluation of the mineral commodity.***

This is from the Canadian Environmental assessment Agency:

Cumulative environmental effects result from the combination of environmental effects from a number of different developments and/or activities. In determining possible cumulative effects, the Canadian Environmental Assessment Agency (CEAA 1999) recommends that three basic premises be considered:

- o There must be an environmental, biophysical, social or cultural impact related to the project.
- o The effect must be demonstrated to operate cumulatively, additively or synergistically with impacts from other projects or activities.
- o The other projects or activities exist or are likely to be carried out and are not hypothetical.

There is none of the first bullet, no one has demonstrated the second bullet and the third bullet is plainly detailed in the preamble of YOUR ToR cited above.

I will be sending Vern a formal request regarding the Board's decision to postpone again - on no valid evidence that it was necessary.

Here is something for the public record that in a nutshell summarizes my frustrations with the process of

9/19/2003

unqualified people being able to ask questions with no thought and the MVEIRB passing them on as valid questions.

I will forward a copy of this letter to DFO for their comment.

Sherry Sian

From: Laurie Stephenson [lstephenson@wascomgt.com]
Sent: Thursday, September 18, 2003 12:45 PM
To: Sherry Sian
Subject: Fw: DFO concerns

Sherry,

I hope that by dealing directly with DFO to keep this "testiness" off the public record, but am forwarding this to you for your information and to query about the September 17th Letter.

I will definitely be travelling to remote areas next week but hope to phone into Max Braden with respects to the Tuesday Meeting. I am assuming that given the outline sent that this meeting will be more as a procedural event then anything else. I will be able to be briefed by Max on the proceedings but will contact you Friday (September 25th) for your input.

As an aside, I will be at the same latitude as Yellowknife only in the "eastern Arctic" east of the "Bay" - not Drybones but Hudson in part to arrange a drill permit that should be complete before the Public Meeting.

Laurie

----- Original Message -----

From: Laurie Stephenson
To: Elaine Blais
Cc: Dave Balint ; j. Dahl
Sent: Thursday, September 18, 2003 12:33 PM
Subject: Fw: DFO concerns

I knew this would get complicated - you answer one question and you get five more and remarks that have already been addressed by DFO.

I have attached the letter DFO sent last March addressing the items Ms Blais reiterates in paragraph 3-5.

----- Original Message -----

From: BlaisE@DFO-MPO.GC.CA
To: ssian@mveirb.nt.ca ; lstephenson@wascomgt.com
Cc: BalintD@DFO-MPO.GC.CA ; DahlJ@DFO-MPO.GC.CA
Sent: Thursday, September 18, 2003 10:56 AM
Subject: RE: DFO concerns

Dear Sherry,

DFO has read the response below and assume a complete response to our September 17th letter is forthcoming. Have I seen this letter? In the meantime, we have looked at the note below from Laurie Stephenson and have the following questions and concerns:

- Will the developer provide us with a reference for the published data it refers to below? i.e. Is the developer referring to Navigational Charts? Nautical Map #6368
- DFO is concerned with the statement that "...drilling will be occurring before spawning season of trout....if present; and if there is some disturbance, the area involved is so small that it will not impact the spawning of the (lake) trout habitat".

DFO already expressed this concern and the mitigating actions to take in the attached letter. Why is it still a concern when you have already addressed it? DFO has already indicated in its letter that if we abide by it there

9/19/2003

168

will be no problem. We will abide.

Any works or undertakings that may result in the harmful alteration, destruction, or disruption (HADD) of fish habitat is prohibited under subsection 35(1) of *Fisheries Act* unless otherwise authorized under subsection 35(2). DFO will judge whether the developer's proposed project impacts upon fish habitat.

DFO has already made this clear in the attached letter.

We know the developer understands that lake trout spawn in the fall and eggs hatch in the spring as it is stated in its DAR - page 21. DFO's position is that all mitigation options must be considered to prevent (small or large) impacts to fish habitat and that includes protecting fish eggs on those spawning shoals. The developer should also note that DFO's legislated mandate considers all fish habitat - not just lake trout habitat.

DFO has already made this clear in the attached letter.

DFO would appreciate a respectful response from the developer to our September 17th letter.

This is a two way street.

Is the underlined comment above respectful? Is not recognising that your March 17th letter addressed all the issues raised in the September 2 letter, that your department would have ready access to the nautical charts to confirm the locations presented and the depths of the area around Drybones Bay, that you would have an understanding of the slow and minimal draw down of water in a drilling process would not effect lake levels as has been the case for diamond drilling throughout the NWT for the last 100 year, respectful?

I am a professional engineer, EBA who we consulted with with respects to the fisheries concerns is a well respected environmental consultant and authority. When we say we are drilling in depths of over 15 metres and you question our professional ethic is that respectful?

This is a 3 week and 8 week diamond drilling project, the like of which to my knowledge has never been subjected to such a rigorous review in the NWT in the past. If I get a little testy, I think spending 10 months (40 plus weeks or 10+ / 5+ times of the actual program) on the permitting begets that!

A little investigative review would have gone a long way to easing my testiness.

Sincerely

Laurence Stephenson

Sincerely,

Elaine Blais

(867)669-4912 | facsimile/ télécopieur (867) 669-4940

blaise@dfo-mpo.gc.ca

Area Habitat Biologist| Biologiste, Habitat

Fish Habitat Management, Western Arctic Area| Gestion de l'Habitat du Poisson, Secteur de l'Arctique de l'Ouest

Central and Arctic Region | Région Centrale et de l'Arctique

Fisheries and Oceans Canada | 101-5204 50th Ave, Yellowknife, NT, X1A 1E2

Pêches et Océans Canada | 101-5204-50 Ave, Yellowknife, NT, X1A 1E2

-----Original Message-----

From: Sherry Sian [<mailto:ssian@mveirb.nt.ca>]

Sent: Thursday, September 18, 2003 6:38 AM

To: BlaisE@DFO-MPO.GC.CA

Subject: FW: DFO concerns

9/19/2003

Clarification from Mr. Stephenson re: drill depth. It will be sent to the distribution list for the information of all parties.

Sherry Sian, M.E.Des.
Environmental Assessment Officer
MVEIRB
Box 938, 5102 - 50th Avenue
Yellowknife, NT X1A 2N7
Phone: (867) 766-7063
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-----Original Message-----

From: Laurie Stephenson [<mailto:lstephenson@wascomgt.com>]
Sent: Wednesday, September 17, 2003 3:44 PM
To: Sherry Sian
Subject: Re: DFO concerns

Dear Sherry,

In a follow up to the DFO concerns regarding the bathometric survey and the "confirmatory soundings" we took.

We did not produce any new data from the water depth data we took. Basicly we confirmed that the current published (by DFO) bathometric maps over the area we our proposing to drill is correct. If the DFO wants the hand scribbled notes, we will provide them. However since we do not intend to utilize them in any other way we feel it would be unprofessional to issue them onto the public record in there current form.

It begats the question of why the DFO is asking for this "unscientific data" given that it appears from the published DFO data that the area is below the spawning area of the trout habitat; that it is most apparent we will be drilling well before the actual spawning season of the trout in that habitat area if present; and that even if there is some disturbance, the area involved is so small that it will not impact the spawning of the trout habitat.

Trusting this is a satisfactory explanation of the potential impact on the trout spawning habitat.

Sincerely

Laurence Stephenson
Consultant
Consolidated Goldwin Ventures Ltd.
New Shoshoni Ventures Ltd.



Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2

Your file *Votre référence*

Our file *Notre référence*

SC02167

March 17, 2003

Laurence Stephenson
Consolidated Goldwin Ventures Ltd. (Geofin Inc.)
410-455 Granville Street
Vancouver B. C. V6C 1T1

**Re: Land Use Permit Application - MV2003C0003.
Consolidated Goldwin Ventures Ltd. Mineral Exploration
Drybones Bay, Great Slave Lake, NT.**

Dear Mr. Stephenson:

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) received notice of your application for Land Use Permit MV2003C0003 submitted on your behalf by the Mackenzie Valley Land and Water Board (MVLWB).

DFO has reviewed the plans for the proposed work as described in the MVLWB application and the requested maps forwarded by email. The proposed work and activities include:

- Geophysical surveying prior to drilling
- Small diameter drilling (NQ) on ice
- Land drilling near the Hearne Channel
- Mobilization of the drill and sampling programs by helicopter.

A mobile camp will be utilized if necessary; otherwise the existing camp site permitted by N1999C0104, to David Smith will be used. Sewage and garbage will be removed from the site.

Since the proposed work will occur in the vicinity of waterbodies, I have concluded that the proposed work may result in the harmful alteration, disruption, or destruction of fish habitat. The following mitigation measures, if incorporated into the project, are intended to prevent or avoid any potentially harmful impacts to fish and fish habitat. These measures may include those outlined in the proposal:

- Clearing should be avoided within one hundred (100) metres of the annual high water mark of any stream or lake to protect bank stability and retain a

vegetated area critical for the maintenance of littoral and riparian habitats. All disturbed areas should be stabilized and re-vegetated as required upon completion of work and restored to a pre-disturbed state.

- If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
- If the drilling or any activity requires water in sufficient volume that the source water body may be drawn down, please submit details (volume required, size of waterbody, etc.) to DFO for review and approval.
- All water intakes should be properly screened to prevent the entrainment of fish. Refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO 1995), available on request.

The deposition of any deleterious substances into fish bearing waters is prohibited as stated under Subsection 36(3) of the *Fisheries Act*. The following additional mitigation measures are intended to prevent the deposition of deleterious substances and possible habitat disturbance or loss:

- All activities including maintenance procedures and vehicular refuelling should be controlled to prevent the entry of petroleum products, debris, slash, rubble, concrete, or other deleterious substances into water.
- All wastes, temporary sewage containments, and fuel caches should be located a minimum of one hundred (100) metres from the normal high water mark of any water body, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body. **DFO encourages alternate methodologies to the use of sumps as disposal techniques.**
- Drilling muds and other additives should be certified as non-toxic.
- Drill cuttings, mud, till, kimberlite, and similar by-products from the drilling process and/or exploration activities should be collected and disposed of in an approved and environmentally acceptable area.
- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

If the proposed work is carried out as described in the plans provided to DFO and mitigation measures are implemented as required, the proposed work will not be considered as contravening Subsection 35(1) of the *Fisheries Act* which reads:

"No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

Therefore, an Authorization under Subsection 35(2) of the *Fisheries Act* will not be necessary. If the harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of an unapproved change in the plans for the proposed works or failure to implement the necessary mitigation measures, prosecution under Subsection 35(1) and/or Subsection 36(3) of the *Fisheries Act* may be initiated.

Please note that this Letter of Advice does not release the proponent of the responsibility for obtaining any other permits that may be required.

This Letter of Advice should be kept on site during any work in or around water and be understood by staff working at the site.

If you have any questions concerning the mitigation measures or should there be any changes to the proposed work, please contact me at (867) 669-4926, FAX (867) 669-4940, or Elaine Blais at (867) 669-4912.

Dave Balint
Fish Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- Western Arctic Area

DB

Copy Julie Dahl, Area Chief, Habitat-DFO
Terry Matheson, C&P Supervisor-DFO
Laurie Cordell, Regulatory Officer, MVLWB