



03-004

Mackenzie Valley Environmental Impact Review Board

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

www.mveirb.nt.ca

From: Sherry Sian Fax: 867-766-7074

EAO Phone: 867-766-7063

Date: November 6, 2003 Pages: 23 including this page

To: Consolidated Goldwin Ventures, Fax:
North American General
Resources Corporation and
New Shoshoni Ventures

CC: MVLWB

Subject: Lutsel K'e Dene First Nation – New Party to Drybones/Wool Bay EAs (EA-03-002, EA-03-003, EA-03-004)

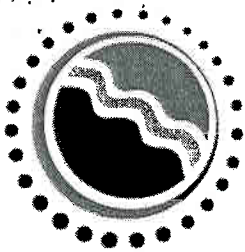
NOTES:

Lutsel K'e Dene First Nation has been accepted as a potentially directly affected party in these proceedings. Submissions received over the past week are included and will be added to the public registry.

Sherry

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Mackenzie Valley Environmental Impact Review Board

Our File: EA-03-002
EA-03-003
EA-03-004
EA-03-006

November 6, 2003

Ms. Monica Krieger
Lutsel K'e Dene First Nation
Box 28
Lutsel K'e NT X0E 1A0

Dear Ms. Krieger;

Re: Directly Affected Party Status for the Environmental Assessments of Consolidated Goldwin Ventures (EA-03-002), North American General Corp. (EA-03-003), New Shoshoni Ventures (EA-03-004), and Snowfield Development Corp. (EA-03-006)

On November 4, 2003 the Review Board considered and approved the Lutsel K'e Dene First Nation's (LKDFN) request for directly affected party in the above noted environmental assessments (EAs). This decision was based on the information provided about LKDFN land use in the vicinity of the proposed developments and the proximity of Lutsel K'e to the affected area.

The threshold for directly affected party status is a low one and this decision reflects the importance attached by the Review Board to an inclusive approach to community and first nation involvement in its EA processes. We caution, however, that directly affected party status in a Review Board EA is not intended to have any effect or be relevant to external processes such as the negotiation of Impact Benefit Agreements, Interim Measures Agreements or Treaty Negotiations.

As these EAs are already underway, please ensure that you are aware of critical deadlines. Should you have any questions about the process, please contact me at 867-766-7063.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherry Sian".

Sherry Sian
Environmental Assessment Officer

WILDLIFE LANDS & ENVIRONMENT

FROM THE DESK OF THE ADMINISTRATIVE ASSISTANT

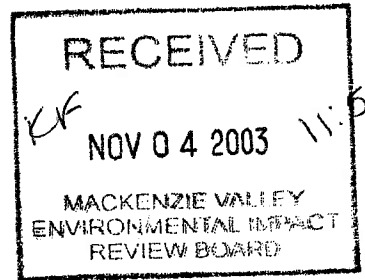
TO: Sherry Sidan	FROM: Moniza Krieger
COMPANY: MVEIRB	DATE: 11/4/2003
FAX NUMBER: 766-7074	TOTAL NO. OF PAGES INCLUDING COVER: 9
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Comments on CE Study	YOUR REFERENCE NUMBER:

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

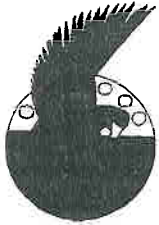
I'll let you know later this week (hopefully!) re: possibility of elders attending and/or making a presentation.

Also, does MVEIRB provide any funding to parties to attend public hearings? Our lack of \$ will really limit how many people we can send.

Thanks,
Moniza



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November 3, 2003

Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
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Re: Comments on Draft Cumulative Effects Study from Gartner-Lee Ltd.

Please accept the following comments. We again apologize for our lateness in submitting these comments, but our lack of resources and time have prevented us from responding sooner. You will find that our comments echo many of the concerns already expressed by other parties to this EA.

General Comments

In general, we find this report to be severely lacking in vital baseline information pertaining to the natural and cultural values of the Drybones Bay/Wool Bay areas, in particular the use of these areas by Aboriginal groups. As such, we cannot have confidence in the conclusions drawn nor the recommendations for mitigation. How can one accurately evaluate the potential cumulative effects of projects when there is insufficient information on which to assess impacts and the effectiveness of proposed mitigation measures?

It is extremely disturbing that such a short time frame was granted to conduct this important study. Gartner-Lee did not even have time to include Dene Mapping Project information in the study, and there was no invitation extended to the Lutsel K'e Dene First Nation to contribute traditional land use information for consideration. There were limited sources of information used in this study, and time constraints again played a role in the inability of Gartner-Lee to fully research and utilize available information for this area. There is a complete lack of consideration of traditional knowledge in this study, especially in terms of information which could have been provided on vegetation, wildlife, and cultural/heritage resources. The VECs identified by the Yellowknives Dene First Nation were not even incorporated into this study, suggesting a total disregard for what the generations of primary land users consider important.

We do not believe that this cumulative effects study accurately or adequately considers the past, present and future land use in this area. It fails to consider the impacts of improved access, regardless of whether it is confined to the winter months. We echo the concerns of the Yellowknives Dene First Nation that the scoping of this environmental assessment and subsequent cumulative effects study is inherently flawed. Numerous Aboriginal parties raised concerns about the potential impacts of these proposed developments on both environmental and cultural/heritage resources, as well as cumulative effects. These concerns have been reduced to stating that these applications were referred to environmental assessment solely because of concerns over potential cumulative effects.

The lack of information on archaeological sites in the area is particularly disturbing. Not only has there never been a systematic archaeological survey of this area, even the report on the preliminary work done this summer by Callum Thomson is not required to be submitted until March 2004. We remind the MVEIRB that Section 6(a) of the Mackenzie Valley Land Use Regulations states that no permittee shall "*conduct a land use operation within 30m of a known monument or a known or suspected historical, archaeological site or burial ground*". When there is a general lack of information on where such sites are located, the potential for impact is great and we believe the precautionary principle should take precedence here.

As well, Section 19(3)(b) of the Mackenzie Valley Land Use Regulations states that an application for a permit must include a preliminary plan that shows:

"The approximate location of all

- (i) existing lines, trails, rights-of-way and cleared areas proposed to be used in the land-use operation,*
- (ii) new lines, trails, rights-of-way and cleared areas proposed to be used in the land-use operation,*
- (iii) buildings, structures, campsites, air landing strips, air navigation aids, fuel and supply storage sites, waste disposal sites, excavations and other works and places proposed to be constructed or used in the land-use operation, and*
- (iv) bridges, dams, ditches, railroads, roads, transmission lines, pipelines, survey lines, monuments, historical and archaeological sites, burial grounds, air landing strips, watercourses, traplines and cabins that may be affected by the land use operation."*

We have certainly not seen any of this required information adequately researched or documented by any of the proponents in their DARs. If they think that attendance at one community meeting, and subsequent misrepresentation of the information provided to them at that meeting, comprises adequate research into traditional land use areas, they are sadly mistaken. Lutsel K'e Dene First Nation has certainly never been approached by any of the proponents nor the authors of the cumulative effects study to contribute information in this regard. The proponents have not even met the minimum requirements for application for a permit, and the cumulative effects study is based on this inadequate

information. Therefore, we have serious doubts regarding the validity of the conclusions drawn about potential impacts.

We must also formally object to the ruling against Yellowknives Dene First Nation (and therefore in theory all Akaitcho First Nations) qualifying as a "local government" as defined by the Mackenzie Valley Resource Management Act. We remind the MVEIRB that the rights of First Nations to govern themselves are entrenched in Section 35 of the Canadian Constitution and Treaty 8, and further enshrined in the Framework Agreement and the Interim Measures Agreement signed between Akaitcho First Nations and the federal and territorial governments. Section 5(2) of the MVRMA states that "*For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982*". By denying the YKDFN the ability to make decisions on their own lands, the MVEIRB most definitely infringes upon Aboriginal and Treaty rights.

Specific Comments

1.3 Environmental Assessment Process

We again object to the suggestion that the Drybones/Wool Bay developments were referred to EA solely "due to public concern about potential cumulative effects". Numerous Aboriginal groups expressed specific concern about the potential impacts on the natural and cultural/heritage resources of the area, *as well as* cumulative effects due to the close proximity and similarity of the developments.

2. Milestones and Deliverables

How can this report propose to have gathered all available information on "historical and current land uses and existing biophysical, cultural, heritage and archaeological resources found in the Regional Study Area", when there was "no time for obtaining information from the Dene mapping project at the time of this draft"(footnote 2)? This incomplete information cannot accurately be called "baseline knowledge" upon which to base assessments of potential impacts. As such, this study cannot be used as a decision-making tool for the MVEIRB to consider potential cumulative effects.

3.2.1 Yellowknives Dene First Nation Field Trip

We strongly object to the statement that "this study was being conducted as a separate project, and was not related to this cumulative effects project". The Yellowknives Dene First Nation has identified numerous attempts to involve proponents and contractors in their fieldwork, to no avail. The intent of conducting their own fieldwork was to address (to the degree possible given the short time frame) the complete lack of baseline data collected by the proponents. To state that this work was not related to the assessment of the potential cumulative effects of these developments borders on the ridiculous.

3.2.2 Information Gathering

Could someone please tell us how “the archaeological, cultural and heritage importance of the Regional and Local Study Areas was obtained by the consultant” through only three days of discussions with YKDFN members and “visual observations”?

3.3.1 Information Gathering

Lutsel K'e Dene First Nation has no record of ever being asked to contribute traditional land use information to this study, despite the fact that we are one of the “various Aboriginal groups that are known to use these areas”. Again, footnote 4 refers to the lack of inclusion of data from the Dene Mapping Project, a “potentially major source of information not considered due to time constraints”.

4.1.4 Heritage Resources: Archaeology

The severe lack of documented information on archaeological and historical resources in the Drybones Bay and Wool Bay areas is abundantly clear in this section. Prior to the summer of 2003, only 6 sites were previously recorded (or is it 4, as mentioned in footnote 13?). In just a two-week period, Yellowknives Dene First Nation identified 64 additional sites (or is it 68, as mentioned in Table 2?). This obviously shows the extremely high potential for even more archaeological sites to be present in the area that are being considered neither in this study nor in the EA.

Also, one of the previously documented sites is referred to as Old Fort Resolution. We think this is an error, and should instead be Old Fort Providence.

4.2.2 Soils

“No specific information was located on this subject for the Regional Study Area”. How can you predict impacts and effective mitigation measures when you have no specific information?

4.3.2 Vegetation

“No literature sources were located in the ASTIS or other databases searched on vegetation studies specific to the Regional Study Area”. The Yellowknives Dene First Nation and other Aboriginal groups who utilize this area have generations of knowledge of the plants here, but their expertise was not sought for this study.

4.3.3 Fauna: Mammals

The herd size estimate for the Bathurst caribou should be updated to reflect the most recent surveys. Herd size has dropped substantially since these 1990 estimates. “Little specific literature related to the presence of moose in the Regional Study Area is available.” Again, there are generations worth of traditional knowledge about moose

held by Aboriginal groups, which Gartner-Lee failed to even attempt to integrate into this study. To reduce such knowledge to "anecdotal" reflects a disturbing lack of respect for Aboriginal world views and the validity of such information. How can you assess potential impacts and suggest mitigative measures when "no population data is available"? The same concerns apply to furbearers, where "no literature sources were located in the ASTIS or other databases". Gartner-Lee relies far too exclusively on very limited literature searches on which to base their conclusions, and completely ignores traditional knowledge that doesn't happen to be in their precious databases, which in their view makes it somehow less valid.

4.4.1.1 Consolidated Goldwin Ventures (MV2003C0003)

We fail to understand why the third drill site was not included in the Local and Regional Study Areas, and therefore "not considered in this project". Should not a cumulative effects study, whose stated purpose is to "develop a decision-making tool to help the MVEIRB make decisions about the contribution the referred developments have to potential cumulative effects, and for the Board to make effective recommendations concerning development in the Drybones Bay and Wool Bay areas" (p.1), not include all aspects of those developments?

In Table X, it states that "drilling is short-term, winter based and offshore, and therefore does not affect archaeological, cultural or historical sites". We know of no studies on which these sweeping generalizations are based, and due to the lack of documentation on such sites, cannot be rationalized. Also, what is the "approved manner" for the disposal of used water, drill cuttings, and other waste?

In the second Table X (?), it states that "no archaeological sites were identified by Prince of Wales Northern Heritage Centre within 1km of the work areas". This again places far too high a value on the data held by the PWNHC, which has been shown to be far from complete for these areas. As well, it states that "local community sources have not provided any information as yet". We know of no systematic attempts by CGV to gather this information from communities. We are somewhat encouraged by the fact that they do say "should information be provided we will ensure that all sites will be respected".

For all the other identified issues, CGV uses the fact that the program is conducted in the winter as if this somehow guarantees no impacts will occur. Given their complete lack of baseline information, we fail to see how they can be so confident. A further concern refers to medicinal plants. Table X states "no land will be disturbed so could not disturb any medicinal plant growth". Here is a perfect example of why the third drill site, which is located on land, should have been included in this study. To do otherwise results in a misleading and inaccurate assessment of potential impacts.

Other concerns with the topics in this table have previously been mentioned in our comments on the DARs, but as a reminder there are a multitude of vague terms such as "conducted in a workmanlike way", and an obvious lack of knowledge about wildlife. Wildlife species travel over large areas - they do not have an "immediate site" where they

are continuously located, and only ground squirrels and bears are hibernating during the winter, not "most wildlife".

4.4.1.2 New Shoshoni Ventures (MV2003C0016)

In the section in Table X (now the third Table X – we assume the X refers to as yet undetermined numbers for tables) referring to drilling, the proposed mitigation addresses waste disposal and water use but not to disturbance of archaeological, cultural or historic sites. As well, why does NSV need to dispose of used water and drill cuttings "in an approved manner on land", whereas CGV was able to contain and remove these wastes to Yellowknife for disposal there?

The second Table X in this section is virtually identical to the one for CGV, and the same concerns expressed above apply equally here. Some additional concerns are as follows:

There is a commitment here that "local community sources will be consulted to provide any information to ensure that all sites will be respected", but we wonder when they plan to do so. This company seems to feel that attendance at one community meeting, where they drew their own interpretations of the information presented, comprises adequate consultation in this regard. Can they commit to surveying and documenting all culturally and spiritually significant sites before February 2004, their proposed start date, so as to ensure no disturbance will occur? If they cannot commit to this, we can have no confidence in their predictions of potential impacts.

As well, for medicinal plants it states that "no land will be disturbed", but on page 30 it states that "drilling will be through the ice in water greater than 15 metres depth, and land-based locations". Could NSV please explain how drilling holes 200-400 metres into the ground does not disturb the land?

4.4.1.3 North American General Resources Corporation (MV2003C0008)

Again, why can't used drill water be contained and transported to Yellowknife for disposal rather than being "disposed of on land, at least 30 metres from shore"? This concern is especially relevant for this program, when crews are travelling daily back and forth from Yellowknife to the drill site. There should be no reason why any wastes should be left behind, whether they are disposed of in "an approved manner" or not.

We are somewhat encouraged that NAGRC "will ensure that all sites will be respected and avoided", but again there is a current lack of documentation on such sites and we seriously doubt that the company will be able to commit to doing so before their projected start date of late January 2004. As well, we appreciate the fact that NAGRC recognizes that some impacts, regardless of how negligible, will occur as a result of drilling activities. This is reflected in their statements that there will be "no remnant impact to the area" or future activities and "no perceivable conflict", a refreshing change from the other proponents' adamant claims that there will be no impact whatsoever. As well, NAGRC has at least done a bit more homework on wildlife than the other

proponents, reflected in their statement that "most wildlife hibernating, migrated or in land during program".

Additional concerns with supposed resolutions to the issues raised are identical to those already mentioned for the other proponents.

4.4.1.4 Snowfield Development Corporation (MV2003C0023)

The first Table X identifies that "drilling is all land based, using from 1 to 30 sites and drilling between 1 to 20 drill holes per site". It is extremely difficult to estimate the potential impacts of this activity when the number of drill holes could range anywhere from 1 hole at 1 site up to 600 holes at 30 sites. We also have the same concerns previously expressed for the disposal of drill fluids and drill cuttings "onland in an approved manner". Also, how wide is "minimal" for gridline cutting widths?

The second Table X mentions numerous times Snowfield's intent to "continue using First Nation advisors to ensure no interference". This is encouraging, but there are still some areas of concern here. How will Snowfield "monitor and minimize any noise or conflict" for raptors and other wildlife? In terms of impacting medicinal plant areas, Snowfield states that "no land will be disturbed" - how does a completely land-based drilling program, with the potential to drill up to 600 holes at 30 different sites, cause no disturbance to the land?

Other concerns raised previously in these comments also apply equally to this program.

4.5 Analysis and Discussion

This section is not yet complete, but we already have serious concerns about how it is being approached. The following statement is extremely disturbing: "For example, in the case of the Yellowknives, their traditional territory also includes Giant Mine, Colomac, BHP, Diavik, Snap Lake, the winter road, etc. Changes have taken place to the traditional lands already. Depending on how those changes are weighted into the evaluation, the significance determination could change." This suggests that because so much development has already occurred and changes have taken place, to add a few more exploration programs to the equation wouldn't be a big deal. In fact, the approach to this cumulative effects study should be just the opposite. Regardless of how benign, short-term, and low-impact these new proposals purport to be, they add to and amplify the overall impacts on the area. We hope that we are misinterpreting this statement, and that what Gartner-Lee is trying to say is that because so many changes have already occurred to the traditional lands, the impact of additional developments would be extremely significant. We need some clarification on this issue.

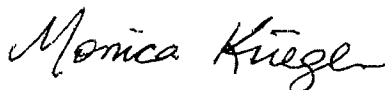
6. Literature Cited

We realize that time constraints played a role here, but this list seems extremely limited given the vast amount of resources available for research, both in print and on the

Internet. We again express our concern with the high value placed on literature searches rather than field research and community consultation in this document, the lack of consideration of traditional knowledge, and the lack of baseline information on which to base conclusions about potential cumulative effects and the effectiveness of proposed mitigation measures.

We look forward to participating in the public hearings to resolve some of these outstanding issues.

Sincerely,



Monica Krieger
Manager
Wildlife, Lands and Environment Department

WILDLIFE LANDS & ENVIRONMENT

RECEIVED

NOV 03 2003

MACKENZIE VALLEY
ENVIRONMENTAL IMPACT
REVIEW BOARD

FROM THE DESK OF THE ADMINISTRATIVE ASSISTANT

TO:	Sherry Sidan	FROM:	Monica Krieger
COMPANY:	MVEIRB	DATE:	11/3/2003
FAX NUMBER:	766-7074	TOTAL NO. OF PAGES INCLUDING COVER:	12
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	DAR Comments, Pre-Conf. Worksheet		
		YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Again, sorry for the extreme lateness of these. I was given direction very late on these EA's, & I'm only one person with lots of other duties & responsibilities. I'm already spending every evening & weekends working to keep up with things. Comments on the CE study are also forthcoming later today, I'm working on finishing them as we speak.

Please call me or fax me today sometime with info on how to call in to the conference tomorrow. Our e-mail is not working.

Thanks,
Monica

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11/03/2003 MON 11:17 [TX/RX NO 5027]



Lutsel K'e Dene Band

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October 31, 2003

Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
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Fax (867) 766-7074

Re: Comments on Developer's Assessment Reports for Consolidated Goldwin Ventures (EA-03-002), North American General Resources Corporation (EA-03-003), and New Shoshoni Ventures (EA-03-004)

Please accept the following comments on the above noted DARs. We apologize for the lateness of our submissions. 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. The complete DARs were not received and the official participant comment period initiated until the middle of August, and the deadline for comments was early September! This reflects a complete lack of understanding by the MVEIRB of how decisions are made within our community, and the time that it takes to meaningfully converse with elders, Lands & Environment Committee members, and Chief & Council and adequately assess the impacts these developments may have. That said, you will find that our comments echo many of those already made by other parties to this EA.

In general, we are concerned with the preponderance of vague terms and lack of concrete data in these DARs. There are numerous areas of concern that require clarification. Unless there is clear, specific, detailed information for these proposed activities, the ability to accurately evaluate impact predictions and proposed mitigation measures are severely constrained. At this time we have limited confidence in the predictions put forward by the developers.

There is a complete lack of baseline information on which to base impact predictions and evaluate the effectiveness of proposed mitigation measures. Impact predictions are extremely generalized, and overwhelmingly tend to emphasize that these drilling programs are conducted in the winter months as if this automatically guarantees there

will be no adverse impacts. It is true that activities conducted in winter have significantly less environmental impact than at other times of the year, but this by no means releases the company from detailing its environmental protection policies and addressing any potential effects which could occur.

There is an almost total lack of data on Aboriginal land use and natural resources in the Drybones Bay and Wool Bay areas. The data that is provided is generally of poor quality and incomplete, and is certainly not sufficient on which to adequately assess potential impacts and the effectiveness of proposed mitigation measures. For example, Yellowknives Dene First Nation fieldwork documented a previously unknown seasonal migration of moose through the area. How many more of these important unknowns are not being considered in this EA? The DARs also emphasize that there are little or no traditional land use/subsistence areas or cultural/heritage resources that will be impacted by their exploration programs. It has been made clear on more than one occasion that these claims are unsubstantiated and are a misrepresentation of evidence presented at the community meeting held by Yellowknives Dene First Nation. The minutes of the meeting clearly show numerous concerns over traditional land use areas that will be directly impacted by the proposed developments. The unwillingness of any of these developers and their consultants to meet with elders at the Yellowknives Dene First Nation fieldwork camp indicates to us a lack of interest in gathering any meaningful, first-hand information on which to base their conclusions. The developers have not adequately identified nor considered all the potential effects of their activities on subsistence and other traditional land use, fish and wildlife, and cultural and heritage resources. As such, any conclusions drawn by the proponents are highly subjective, unreliable, and unacceptable.

There is a complete lack of consideration of traditional knowledge in these DARs, and there has been no meaningful relationship established between any of the proponents and Aboriginal parties to this EA. Attempts by Yellowknives Dene First Nation to initiate such relationships have been met with disinterest. Of special concern is the lack of information on cultural and heritage sites in the area. There have been no systematic archaeological surveys conducted for the Drybones Bay and Wool Bay areas. The preliminary surveys conducted over the summer by Yellowknives Dene First Nation showed extremely high potential for further archaeological sites to be identified. This is to be expected given the extensive use of this area by generations of Akaitcho First Nations members. Callum Thomson's report on the results of the summer archaeological work is not due until March 2004. How can the developers and the MVEIRB accurately assess the potential impacts when even the preliminary information is not available? Both the Mackenzie Valley Resource Management Act and the Canada Mining Regulations stipulate that development cannot occur within the vicinity of any known or suspected archaeological sites. It was noted in other comments on these DARs that given the high potential of this area for archaeological sites, any developments which are not conducted exclusively on the ice have the potential to impact archaeological sites not yet identified. Yellowknives Dene First Nation has already identified at least one valued cultural site that has been disturbed by development. We at least need commitments from these companies to identify these sensitive sites and avoid them.

None of the companies attempted more than once to contact the Lutsel K'e Dene First Nation in regards to gathering traditional land use information and concerns about these proposed developments within Akaitcho Territory. This reflects a lack of awareness on the part of the developers that all Akaitcho First Nations are entitled to equal consultation on activities within Akaitcho Territory, although we recognize and respect the fact that the Yellowknives Dene First Nation will be the most impacted by these developments. As mentioned by other Aboriginal parties, a couple of phone calls and a letter informing of planned activities does not comprise meaningful consultation.

We need evidence to substantiate the developers' claims of exemplary environmental performance records. We have neither the time nor the resources to research these claims ourselves, so we must rely on the MVEIRB to substantiate these assertions. As an example, New Shoshoni Ventures claims to have such an exemplary record, yet the Inspector's report in their DAR states that they were drilling in the Mud Lake area, unbeknownst to the Inspector. This raises some suspicions in our minds as to the validity of their other claims. As well, there is a lack of information on the financial resources of the proponents. Do these companies have adequate resources to put into the effective environmental management practices they propose? There is no mention of liability insurance or other compensation mechanisms should impacts occur.

As well, we must remember that no matter how low-impact and localized many exploration programs purport to be, their ultimate goal and purpose is to locate economically feasible kimberlite deposits, with the hope of developing the next new diamond mine. To support even the initial stages of this process suggests that we approve of the eventual goal of a commercially viable mining development. Lutsel K'e Dene First Nation is therefore opposing any new mineral exploration within Akaitcho Territory. The DARs should include the intentions of the developers should these mineral claims prove to be economically feasible. We have doubts that this EA will adequately consider these potential future activities in determining the impacts of these proposed developments.

As we have numerous other ongoing developments and research projects to deal with and a complete lack of resources with which to meaningfully participate in these EAs, we will provide specific comments for only one of the DARs (New Shoshoni Ventures) as an example of the issues we have. In reviewing the other DARs, we feel that they are all similar enough that the concerns we raise below can equally apply to the other DARs. Please consider the comments as such.

Specific Comments/Concerns on DAR for New Shoshoni Ventures

A-1 Non-Technical Executive Summary

Paragraph 3: "Cuttings generated from the land-based component of the drilling program will be deposited in a suitable depression well-removed from the lake or nearby streams". Has this "suitable depression" been identified or are they just assuming there is one? What makes a depression "suitable", and what does "well-removed" mean?

Paragraph 5: "...it is anticipated that less than 2000 litres of petroleum products will be on site at any given time". Anticipation is not good enough-there should be a concrete statement regarding the maximum amount of petroleum products that will be on site. And what is "less than 2000 litres"? Does this mean 1,999 litres or 500 litres? They should commit to having double-walled containment units, not just that they may do this "in the long run". Also, the statement regarding spillage is extremely vague. "The idea is to ensure there is no spillage of any type and to have a spill plan in place"...Having an idea to do this is not good enough-if they do not have concrete plans on how to ensure there is spillage and what to do if spillage happens, we should not even be considering this application.

Paragraph 6: NSV obviously doesn't spend much time out on the land in the winter. This is evident in their statement that "relatively few species of wildlife are present or active". Except for bears and ground squirrels in hibernation, every other species that is present in the summer is still there in the winter, actively searching for food. We also fail to see how drilling up to 10 holes 200-250m into the ground in 3 different areas is "reversible".

Paragraph 7: We need concrete data here. How small is "as small as possible"? What is the volume of bush and trees will need to be cut? Who decides when it is "appropriate" to spread cleared vegetation over the soil?

A-2 Conformity Table

Should "Exploration Assessment Report" instead be "Developer's Assessment Report"?

B-1 Corporate History

Paragraph 5: We are surprised that for a drilling program proposed for this winter, they have still not identified any "reputable northern contractors that have had extensive experience in the NWT and are based in Yellowknife".

B-3 Organizational Structure

There was considerable detail on the consultants' educational background and experience in Section B-1, but there is no information given for the company president, directors, and Max Braden (a main contact person for this program) identified in this section.

B-4 Environmental Performance Record

What is an "environmentally responsible manner"? Have there been incidents of non-compliance by the company or its consultants in areas other than their environmental performance? We have neither the time nor the resources to investigate these claims ourselves, so we are forced to rely on NSV's statement that they have a good environmental performance record. As well, Appendix III of this report details more than

one incident of non-compliance with the conditions of land use permits, in particular the Mud Lake drilling program which was initiated without the knowledge of the Inspector.

C-2 Access Roads, Camps and Drill Sites

Paragraph 4: "It is anticipated that a discrete fuel storage area will be established..."
Not good enough-either it will be or it won't be.

C-3 Operations

We are not clear on the reasoning behind the following statement: "During the drilling program 1-2 geophysicists or geophysical technicians, and 1 or 2 geologists or geotechnicians may also be in the general area but their actions are not covered by the scope of this application. Should not all personnel associated with this drilling program in any way have their activities covered by this application?"

C-4 Waste Management

What is "an approved manner"? Approved by who? The drill cuttings are to be disposed of in a "suitable natural depression". Again, has this location been identified or are they just hoping there will be one there? As well, for the on-ice component all waste, including the drill cuttings is mentioned whereas for the on-land component only the drill cuttings are mentioned. How will other waste be disposed of? (This is detailed in the "Alternatives" Section E, but should be mentioned here as well.)

C-5 Water Use

What is a "safe benign manner"?

E-1 Camps

The following statement is extremely troublesome: "It may be possible to off-set specific drilling locations by a few metres to avoid sensitive sites if warranted." This basically leaves it open for NSV to decide what comprises a sensitive site, decide if it is sensitive enough to warrant moving their drilling locations by a few metres, and decide to carry on with their activities if it is deemed "impossible" to relocate. There is no commitment on the part of NSV to avoid sensitive sites.

E-2 Waste Management

The drill cuttings are to be placed in an "approved depression well removed from waterbodies". Who gives this approval, and has this area been identified? Why is leaving or burying waste on site even mentioned as an alternative? The company says it does not "intend to pursue" this alternative. There should be a commitment that they will not leave or bury waste on site.

G Public Consultation

We have a problem with the use of the term "consultation". Consultation, as defined by law, can only occur between governments, on a nation-to-nation basis (ie. between the Crown and First Nations). Companies cannot "consult" in the formal sense, and the continued use of this word by companies tends to preclude the fiduciary obligations of the federal government in this area. A few community meetings or even an environmental assessment are not a substitute for the Constitutionally-entrenched requirement for consultation. Companies can liaise with First Nations or engage in information-sharing sessions, but they cannot "consult" with them.

G-2 Issues Resolution Table

NSV states that "spatially the program areas are small and would not conflict with referenced areas of concern". The archaeological surveys of this area are in very preliminary stages, and we fail to see how the company can commit to avoiding these areas when they don't even have the information as to where they are. For nearly every issue identified, NSV mentions that this program is conducted in the winter so there will be no adverse impacts. Certain statements are again very vague... What is the "workman-like way" in which they will minimize the cutting of trees? Also, there seems to be a lack of knowledge of wildlife activity in the winter. NSV states that they will not be in "an immediate site of wildlife", and that "most wildlife are hibernating during the program". Wildlife do not have a fixed, immediate address—they move through the area from time to time, and bears and ground squirrels are the only species which will be hibernating.

I-1 Compatibility

We think that NSV fails to understand the Aboriginal concept of "land use", where all of Akaitcho Territory comprises the area for traditional land use and subsistence use. To say that at one meeting, nobody identified any land or subsistence use in the proposed drilling areas except for the gravesites....

J-1 Local Resources

Fish: "Fish species likely to be found in waterbodies..." NSV obviously doesn't have enough information on the Drybones Area when they cannot conclusively state which species are present or absent, and therefore cannot accurately predict their impacts on those species. The reference is to Table 1, where it should be Table 5, and Table 5 is titled "Fish Found in the Drybones Bay Area". Do they or don't they know which species are actually present or are just "likely" to be there?

Terrestrial Wildlife: Table 2 is referenced, where it should be Table 6. Again, of all these species listed, only the Arctic ground squirrel, black bear, and grizzly bear will be hibernating during the winter months. All other species are active during the winter and have the potential to be impacted by the proposed drilling programs.

Birds: Table 3 is referenced, where it should be Table 7.

J-2 Habitat Use

Table 4 is referenced, where it should be Table 8. Are the shoals of Drybones Bay used by lake trout for spawning or rearing? NSV does not seem to know. How can you accurately predict impacts on a species when you don't even know if they have critical habitat areas there?

J-3 Direct and Indirect Impacts

Again, there are lots of vague terms here. There are supposed to be 3 sites. In paragraph 2, NSV states that 2 of these sites are landbased and the remaining sites (should be singular?) are located in the waters or on the shoreline (which is it?). Paragraph 3 has the statement "in an approved manner" again (who approves the procedures for waste disposal?). The last paragraph again uses the term "reversible".

K-1 Local Resources

Again, the company is basing its conclusions on what it heard at one public meeting.

K-2 Direct and Indirect Impacts

Their conclusions are based on the "known" locations of cultural and heritage sites. Since archaeological surveys of this area are still extremely preliminary, we do not believe that NSV can categorically state they will have no impact on such sites.

Conclusion

Could NSV please explain how their activities are "completely reversible"?!

Appendix I

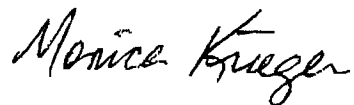
Same concerns already noted with the use of the term "consultation" to describe their few attempts to contact affected First Nations.

Appendix III

The Inspector notes that he "was not aware of the drill program being conducted in the Mud Lake area". The fact that NSV initiated a drilling program without the Inspector's knowledge is of great concern. As well, the final pages of this report are not included in the copy we received. It is cut off after the beginning of the Mud Lake program section.

We look forward to participating in the pre-hearing conference and public hearings, at which time we can hopefully clarify some of these outstanding issues.

Sincerely,

A handwritten signature in cursive script that reads "Monica Krieger".

Monica Krieger
Manager
Wildlife, Lands and Environment Department

Pre-Hearing Conference Worksheet

Proposed Diamond Exploration in Drybones/Wool Bay by Consolidated Goldwin Ventures (EA-03-002), North American General Resource Corp. (EA-03-003), and New Shoshoni Ventures (EA-03-004)

i. Party/Intervenor:

Lutsel Ke Dene First Nation

ii. Name(s) of Representatives:

Monica Krieger - Manager: Wildlife lands & Environment Dept.

Charlie Catholique - Chair: Wildlife lands & Environment Committee

Other Wildlife lands & Environment Committee members, elders, and

Chief & Council (if available) TBA

iii. Issues to be Addressed at the Public Hearing:

Inadequate time to review materials, & lack of personnel/resources to be meaningfully involved in these EAs

- Lack of baseline information on which to base impact predictions & evaluate the

effectiveness of proposed mitigation measures (environmental, cultural/heritage resource info severely lacking)

- Preponderance of vague terms and lack of details on proposed activities & their impacts

- Lack of data collected on Aboriginal land use in area, and lack of interest shown

by proponents to meaningfully consult with affected First Nations

- Concerns over cumulative effects study adequacy & quality

9/15/2003 - Numerous others which we reserve the right to raise at the public hearings, even though there's not room to list them here

iv. Disputed Issues: (We reserve the right to raise others during the public hearing.)

Issues over which there is disagreement	Efforts made to reach agreement	Describe Why Issues Was Not Resolved	Resolution Requested by MVEIRB
Lack of baseline info on natural & cultural resources in DFO concerns over # of drilling sites, steels etc. Lack of cooperation from Aboriginal groups, lack of inclusion of TK in the DRS & misrepresentation of info	JKDFD initiated fieldwork studies Numerous e-mails back & forth JKDFD invited companies to participate in fieldwork etc.	Preliminary studies, archaeological report not due until March 2004 Company appears unwilling to answer questions directly Companies chose not to meaningfully liaise with First Nations & misinterpreted info received @ community meetings.	Do not make ruling until all information has been collected Require company to provide this information immediately Do not make ruling until meaningful info on land use of area has been documented. CE study as is cannot be used as a decision-making tool regarding the impacts of those proposed activities
CE study does not include any data mapping project info due to time constraints	None	Company seems reluctant to provide detailed info	Require company to clarify all outstanding issues immediately
Lack of detail in DRS	Numerous issues have had clarification requested		

v. Documents Required of Other Parties:

Document	Reason for Request
proof of developers' claims to exemplary environmental performance records	- We need evidence to substantiate their claims, we cannot just take them at their word
Detailed records of each company's prior mineral exploration & mining programs (i.e. those of their consultants), including references we can contact.	- Again, we would like to find out for ourselves what their track record is & talk to some people (especially First Nations) who have dealt with them before.
9/15/2003 - Detailed financial records for each company.	- Do they have the resources to engage in environmentally responsible practices, & liability insurance to cover if they don't?

vi. Expert Witness(es) to be Used, if any:

A resume should be included for all individuals listed. This resume should include educational background and relevant project history. We reserve the right to identify expert witness(es) between now & the public hearing.

Name	Reason for Using Expert Witness

vii. Technical Requirements for the Public Hearing:
Power Point projector & computer (we can bring our own laptop if necessary)

viii. Other Requirements at the Public Hearing (i.e., translation, etc.):
We require translation (Chippewyan ↔ English) (we will provide our own translators but need access to equipment).