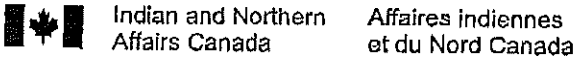


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FROM - DE

Name - Nom <i>LIONEL MARCINKOSKI</i>		Position title - Titre du poste <i>ENVIRONMENTAL SCIENTIST</i>	
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TO - À

Name - Nom <i>MS. SHERRY SIAM (MURIB)</i> <i>ENVIRONMENTAL ASSESSMENT OFFICER.</i>	
Facsimile no. - No de télécopieur <i>867-766-7074</i>	Telephone no. - N° de téléphone <i>766-7063</i>

Hi! SHERRY

ATTACHMENTS ARE INMAC'S Responses
SNOWFIRELOS (SOC)
TO THE FOUR IRS - 1.1.6,
1.1.11, 1.1.15 AND 1.1.16. TALK TO
YOU MONDAY, HAVE A GOOD
WEEKEND

David

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 ENVIRONMENTAL IMPACT
 REVIEW BOARD



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Your file - Votre référence

Our file - Notre référence

By Facsimile: (867-766-7074)

November 14, 2003

Ms. Sherry Sian
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938, 5102-50th Ave.
Yellowknife, NT X1A 2N7

Dear Ms. Sian

**Re: Indian and Northern Affairs Canada Responses to the Mackenzie Valley
Environmental Impact Review Board's Information Requests (IRS) # 1.1.6, 1.1.11, 1.1.15,
and 1.1.16, for the Snowfield Development Corporations Environmental Assessment.**

Please find attached Indian and Northern Affairs Canada's (INAC) response to the above noted information requests. I trust that the information provided will be of assistance to the Mackenzie Valley Environmental Impact Review Board (MVERIB) in its assessment. If the MVERIB has any further questions or requires additional clarification with respect to the information requests provided, please contact me at 669-2591 at your earliest convenience.

Sincerely,

Lionel Marcinkoski
Environmental Scientist
Environment and Conservation

Canada

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**Mackenzie Valley Environmental Impact Review Board
Information Requests # 1.1.6, 1.1.11, 1.1.15, and 1.1.16
Snowfield Development Corporation Project Environmental Assessment
INAC's Response Dated November 14, 2003**

IR Number: #1.1.6

Source: Mackenzie Valley Environmental Impact Review Board

To : Indian and Northern Affairs Canada

**DAR Section: I. Subsistence and Traditional Land Use
I. 1 Compatibility**

**ToR Section: I. Subsistence and Traditional Land Use
I-1 *Compatibility*** " Provide a table depicting the schedule of subsistence and traditional use within the vicinity of the proposed undertaking, (.....) discuss any subsistence or traditional land uses that will occur at the same time as the proposed undertaking. Discuss potential land use conflicts that may arise and any actions taken to address these concerns."

Preamble:

Inconsistencies in information and interpretation have been noted with respect to subsistence and traditional use activities in the proposed exploration areas. The developer has indicated on page 20 of the DAR that there is no apparent traditional or subsistence use by local people in the work areas proposed for exploration activities, which implies there are no land use conflicts. However, on page 18 of the DAR, the developer states: " As a result of that meeting, Snowfield became apprised of the cultural, spiritual and historical significance of the Drybones and Wool Bay areas to local First Nations Members".

Request:

Please provide any available record of traditional or subsistence land use in SDC's proposed exploration program area.

INAC Response:

Indian and Northern Affairs Canada has examined the request from the Review Board and has the following response.

INAC is not aware of any record of traditional or subsistence land use in SDC's proposed exploration program area. There are no requirements for the department to track traditional or subsistence land use activities that fall below thresholds that would require a permit.

IR Number: #1.1.11

Source: Mackenzie Valley Environmental Impact Review Board

**To: (1) Snowfield Development Corporation and
(2) INAC, EC, GNWT-RWED and DFO**

DAR Section: L Cumulative Effects

ToR Section:

L *Cumulative Effects* "identify other human activities that can affect those same Valued Components; (.....) describe the potential combined impact of the proposed undertaking in conjunction with previous, present and reasonably foreseeable human activities".

Preamble:

SDC's contribution to a more complete recording of historical land uses throughout the Drybones/Wool Bay area is noted. The current and reasonably foreseeable land uses appears less complete. This lack of information may be reflective of the definition of the regional study area used for this analysis.

SDC has indicated in its DAR and subsequent submissions that some preparatory work was undertaken in the Drybones/Wool Bay area. Some of this work was done under permit in conjunction with Diamonds North. Other preliminary work included hand cutting lines to get to proposed drill targets at a scale below permitting requirements. These activities, although not requiring a permit, may contribute to cumulative effects. Other projects currently in EA are proposed to occur within the vicinity of SDC's development and concurrent with this project should all proceed to licensing and permitting this winter.

Other traditional as well as recreational land uses have been identified by other parties. The extent of non-permit requiring activity in the Drybones/Wool Bay is unclear.

Similarly, the extent of other commercial land uses such as tourism and fishing is unclear.

Request:

(2) INAC, EC, GNWT-RWED and DFO may be familiar with the land and water use pressures in different regions due to their mandated responsibilities. These departments are to respond to the following, to the extent possible:

- a. Please list all non-permit requiring activities in the area of Drybones Bay and along the shoreline of Great Slave Lake along the proposed main winter access road, including SDC's proposed project area.*
- b. Please list all known recreational use in the area of Drybones Bay and along the shoreline of Great Slave Lake along the proposed main winter access road, including SDC's proposed project area.*

- c. Please list all known traditional or subsistence use in the area of Drybones Bay and along the shoreline of Great Slave Lake along the proposed main winter access road, including SDC's proposed project area.*
- d. How, if at all, are these activities being tracked by your department?*
- e. What level of use is noted in the Drybones/Wool Bay area? Please use indicators (i.e., fish harvested per year or person days of use), if available.*
- f. What trends in use levels, if any, have been noted for the activities identified in questions non-permit requiring activities and recreational and traditional land uses?*

INAC Response:

Indian and Northern Affairs Canada, Land Administration Division manages Crown Land in the Northwest Territories under the control, management and administration of the Minister of INAC, pursuant to the Territorial Lands Act and the Federal Real Property and Federal Immovables Act and all subsequent Regulations. The administration function is limited to those activities falling inside the scope of approval and/or documentation pursuant to this legislation. For example we do not track "traditional" or "subsistence" use on Crown Land, nor do we track "non-permitted" activities, which we take to mean, activities below the threshold of a requirement for land documentation, pursuant to the above noted legislation.

Responses to 1.1.11(2a-2f) INAC - Land Administration

2a. Land Administration does not track "non-permitted activities".

2b. Land Administration currently administers one seasonal recreational lease, located on the shore of Drybones Bay. There are no requirements for tracking recreational uses below land documentation threshold requirements.

2c. The land dispositions issued by us are tracked through an internal administrative process, which includes regular field inspections.

2d. The land dispositions issued by us are tracked through an internal administrative process, which includes regular field inspections.

2e. Land Administration does not track activities outside the scope of the terms and conditions of land dispositions, such as person days of use or amount of fish harvested.

2f. There are no identified trends since this one recreational lease was first issued.

If additional clarification is required on these points, please contact INAC- Land Administration Specialist, Mr. Buddy Williams.

IR Number: #1.1.16

Subject: Impact of Development on Negotiation of Land Claims/Treaties

Source: Mackenzie Valley Environmental Impact Review Board

To: Indian and Northern Affairs Canada

DAR Section: Impact of Development on Negotiation of Land Claims/Treaties

ToR Section: Not applicable

Preamble:

A change in land use may cause socioeconomic effects if the value of traditional lands during Treaty or Land Claim negotiations is changed. In order for the Board to determine the significance of the socioeconomic effect, there is a need to understand how the value and validity of claims to traditional lands are interpreted when part of these lands are used in a development, as defined under the *Mackenzie Valley Resource Management Act*, while they are the subject of ongoing negotiations. The Review Board needs more information to better understand this concern.

Request:

In areas where Treaty or Land Claims negotiations are ongoing, is the perceived traditional value of land changed when some portion of traditional lands is subject to exploration and development? Please explain in detail the nature of this change, if any.

INAC Response:

Indian and Northern Affairs Canada has examined the request from the Review Board and has the following response:

- a. It is INAC's position that the question of "how the value of claims to traditional lands is interpreted" is best answered by the Aboriginal group(s) that claims traditional use of the land where the proposed development is to take place. The Akaitcho Territory Dene First Nations, one Aboriginal group that may claim traditional use in the Drybones area, are engaged in lands, resources and governance discussions, but these discussions have not progressed to a point where any interim land withdrawals have taken place, nor does the negotiation team have any information regarding Akaitcho's traditional use of this area.
- b. The question about "the validity of claims to traditional lands" has been answered by Canada's acceptance of the Akaitcho Territory Dene First Nations's original submission to negotiate a lands, resources and governance agreement with the four Akaitcho communities of Ndilo, Dettah, Deninu K'ue and Lutsel K'ue. These negotiations are based on a Framework Agreement signed on July 25, 2000.

- c. This request is unclear and it requires further clarification prior to providing for a valid response. In the request;
- i. "perceived traditional value of land..." Perceived by whom? By first nations, government, the public at large or all parties.
 - ii. "some portion of traditional lands..." Portion needs to be clarified. Does this mean any portion at all, or does this mean certain portions, sensitive portions, significant (size) portions?
 - iii. "subject to exploration and development...". There is a distinct difference between mineral exploration activities and development activities such that certain exploration activities could be construed to cause no change to the perceived traditional value of land, whereas certain development activities could be construed to cause significant change to the perceived traditional value of land. INAC holds the position that below threshold mineral exploration activities, which are activities not requiring a land use permit, do not have either measurable or lasting effects on the land or wildlife, therefore it could be construed that some exploration activities would not cause change to the perceived traditional value of land. INAC also holds the position that the impact of most, if not all, mineral exploration activities that do require land use permits can will be mitigated by adherence to the regulations that are currently in place, thus negating any impact that may have occurred therefore, once again, it could be considered that most mineral exploration activities would not cause change to the perceived traditional value of land. Ultimately it depends upon which person or organization from whom you seek the perception of the traditional value of land as to whether or not any change will occur by the undertaking of these activities.

The MVEIRB would have to provide clarification on the above points and it may be possible for INAC to respond to this request.

IR Number: #1.1.15

Source: Mackenzie Valley Environmental Impact Review Board

To: Indian and Northern Affairs Canada

DAR Section: Claim Staking

ToR Section: Not applicable

Preamble:

Part of the public concern for the Drybones Bay/Wool Bay developments appears to be related to graves and burial sites. The graves and burial sites are not always well marked. One of the concerns identified on the public registry has been the staking of claims and preliminary work in areas known to contain graves or burial sites. The Canada Mining Regulation s.11(1)(b) notes 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".

It is unclear to the Review Board which aspect(s) of the prospecting process would allow one staking a claim to avoid burial grounds in traditional territories of Aboriginal peoples in the Northwest Territories not yet ratified through a Treaty or Land Claim. More clarity around the responsibilities of different parties relative to the staking, exploration and development of claims is needed.

Request:

- a. *What measures does the Mining Recorder at INAC take to determine whether a claim contains grave sites or burial grounds?*

All sketches of a claim that accompany applications to record are compared to the surface disposition maps kept by Land Administration. Unless the grave sites or burial grounds are identified on the surface land maps we would not be aware of them.

- b. *What actions are prescribed to a licensee to avoid potential staking of burial grounds?*

A staker is not required to seek permission from INAC prior to staking a claim, nor is a land use permit required (see Subsection 2(2)(c) of the Land Use Regulations). After field staking is completed, the staker or holder has 60 days in which to submit an application, with sketch to the Mining Recorder. The Mining compliance with the Canada Mining Regulation, which do not require consultation prior to recording. It is up to the staker, or the person hiring a staker, to ensure that the ground is available under Section 11 of the CMRs. INAC encourages all parties to review both the mining and surface maps prior to staking, and to draw on local knowledge where feasible.

The prohibitions on staking are made public by giving new licensees a copy of the Canada Mining Regulations, along with a small booklet which gives general information on staking. Both the Regulations and the booklet state that staking is not permitted on cemeteries or burial grounds.

- c. *Given that traditional burial grounds may not be marked in an obvious way, how are Aboriginal people in known traditional land use areas consulted to ensure that burial sites are avoided by staking? Please explain in detail the roles and responsibilities of INAC and the licensee in this process.*

There is no requirement for the Mining Recorder to consult prior to recording claims, nor are stakers required to have permission before staking (except on privately owned lands). The existence of traditional burial sites will most likely be unknown to the staker when a claim is staked, but may come to light at the time that a claim holder applies for a land use permit. Only mineral rights are granted under the Canada Mining Regulations. Application for a land use permit would trigger the consultation process which should bring this type of information forward.