

## Mackenzie Valley Environmental Impact Review Board

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

From: Sherry Sian Fax: (867) 766-7074  
Phone: (867) 766-7063  
Date: Oct. 1, 2003 Pages: 7 including this page  
To: Distribution Fax:  
CC: Bob Wooley  
Re: Confidentiality of NSMA Information Contained in Gartner Lee Study (EA-03-002, EA-03-003, EA-03-004, EA-03-006)

### NOTES:

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Our Files: EA-03-002  
EA-03-003  
EA-03-004

October 1, 2003

To: Distribution

**Re: NSMA Maps in the Gartner Lee Cumulative Effects Study**

Kris Johnson of the North Slave Metis Alliance phoned on September 29, 2003 regarding the sensitive nature of maps depicting traditional land use. She expressed concern regarding the inclusion of this map series in the Gartner Lee study based on potential sensitivities of these areas and the need for ground-truthing to fully and properly delineate significant sites and areas.

The Review Board has removed these maps from Appendix B of the study. These items should be considered confidential and are not for distribution. If you have not yet received the Gartner Lee study, you may download it from our web site.

If you have any questions, please call me at 867-766-7063.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Sian".

Sherry Sian

Environmental Assessment Officer

## Sherry Sian

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**From:** Sherry Sian  
**Sent:** Wednesday, October 01, 2003 3:49 PM  
**To:** Gordon Stewart  
**Subject:** Implications of pulling NSMA maps from the study

Hi Gordon,

I am about to send a letter to the parties Re: the confidentiality of the NSMA maps. In anticipation of potential questions about how this may affect cumulative effects predictions and regional maps, could you please describe how this would alter Gartner Lee Ltd.'s selection of VECs, cumulative effects predictions, proposed mitigations and maps? Your response will be provided to the parties. I will need this at your earliest convenience.

Thank you.

Sherry

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Sherry Sian, M.E.Des.  
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Gartner Lee Limited

October 2, 2003

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

Dear Ms. Sian:

**Re: 23546 – Regional Cumulative Effects Study – Drybones Bay and Wool Bay**

In response to your recent request, I would like to provide an indication of how the removal of the North Slave Metis Alliance (NSMA) map which recorded general NSMA land use patterns for the Drybones Bay and Wool Bay areas from the public record might affect the above titled Gartner Lee report. For the record, although the map was removed from the public record, permission for Gartner Lee Limited to use the map in completing its report was given.

The following changes to the Gartner Lee Limited report should be noted:

**Changes to the Wool Bay and Drybones Bay Biophysical Resources and Activities Maps**

The changes to these maps would be the extension of the Land Use and Recreational Activities (linear) polygon (i.e., the thin red line) and the Biological Resources and Use (linear) polygon (i.e., the thin green line) along the whole length of the shoreline within the Regional Study Area. This new visual representation should be interpreted to include shoreline accessible land based activities as well (e.g., assuming access to these areas is by boat, then land based activities would be limited to how far one would walk inland).

The implications of these changes would be minimal as similar traditional land use information is still being provided only now (with these changes) the information is being provided in a more general form. Predictions about potential cumulative effects would remain the same, as would the selection of the VECs.

**Page 15, Section 3.6.1**

Please remove bullet 2. **North Slave Metis Alliance Land Use** and the accompanying map in Appendix B.

**Page 75 Section 5 Proposed Mitigation for Combined Developments**

The mitigation measures proposed by the developers (identified in tables 20 to 23) and those suggested combined mitigations (identified in table 24 to 27) would not change. However, what could be considered, given the indication of a fairly high level of use of the Regional Study Area, with higher indications of use in the Local Study Areas by all users (e.g., traditional land use activities, recreational land use activities (general public), and the developers), is how to better address potentially conflicting land uses in these areas in the absence of a more formalized land use process (i.e., an approved Land Use Plan).

There are several programs and legal instruments that are available that might assist in resolving these issues:

<b>Program/Instrument</b>	<b>Purpose</b>	<b>Force of Law</b>
Mackenzie Valley Resource Management Act (MVRMA) and regulations.	An Act to provide for an integrated system of land and water management in the Mackenzie Valley.	Federal legislation, Bill C-6
Tli Cho Land Claim Agreement	Land claim for Dogrib people, coverage is north of Yellowknife, between Great Slave Lake and Great Bear Lake. Likely no direct effect on Regional Study Area, but will result in consequential amendments to the MVRMA and other federal legislation that may affect the area.	Agreement signed August 25, 2003. Not yet law.
Treaty 8 (Yellowknives) negotiations.	Discussions between governments and Yellowknives towards a treaty settlement (potentially similar to a land claim agreement).	Still at negotiation stage. Interim Measures for land with drawl may be possible. Not yet law.
Cumulative Impact Monitoring Program/ Cumulative Effects Assessment Management Strategy and Framework (CEAMF)	A collaborative effort to improve environmental management and stewardship in the NWT, focusing on Cumulative effects (changes to the biophysical, social, economic, and cultural environments caused by the combination of past, present and "reasonably foreseeable" future actions). The vision of the NWT CEAM Strategy and Framework is to make recommendations to decision-	Not law.

Program/Instrument	Purpose	Force of Law
	makers to facilitate: the protection of ecological integrity; the building of sustainable communities, including social and cultural dimensions, and responsible economic development within a sound environmental management framework.	
Mineral Claims / staking	Process to allow for exploration and potential development of mineral resources in Canada.	"Free entry" system set up under Canada Mining Regulations.
Protected Areas Strategy	A joint federal and Government of the Northwest Territories strategy for a balanced approach to establishing protected areas in the NWT.	Not law.

These programs and instruments should be investigated to see if there are mechanisms available to assist in resolving the issues that resulted in the four developments being referred to the MVEIRB for EA. As a starting point, a planning meeting with developers, Yellowknives and Metis representatives, regulators and assessors could be arranged to collectively work out how to approach working in the region. This meeting could be a subgroup of the CEAMF. The objectives of this meeting would be to develop protocols to protect important cultural resources (i.e., early notification). Any activities that will physically change the environment (i.e., cutlines) should have a cultural resources survey completed before work is started.

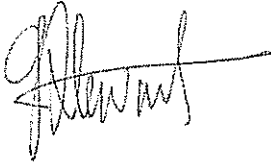
In addition to this, the Yellowknives and the NSMA should develop land use maps of the region to identify areas of concern. To assist in significance determination in any future EAs, based on the traditional use information, and other information such as that collected for this report, a process to classifying important land use area, such as that used by the Gwich'in in their Land Use Plan could be developed and used. Essentially, the Gwich'in approach identified three levels of importance, and hence land protection:

1. general entry allowed.
2. limited entry areas.
3. protected areas, no changes allowed.

These types of processes would not be binding, but would assist planning activities and processes.

I trust this information meets your requirements. If you have any questions please contact me at  
(867) 873-5808 x26.

Yours very truly,  
GARTNER LEE LIMITED

A handwritten signature in black ink, appearing to read "G. Stewart", with a long horizontal stroke extending to the right.

Gordon G. Stewart, M.Sc.  
Senior Environmental Scientist

cc. Kris Johnson, North Slave Metis Alliance

GGS:ggs