



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

P.O. BOX 1500  
YELLOWKNIFE, NT X1A 2R3

April 7, 2008

Mr. Alan Ehrlich  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
200 Scotia Centre, 5103-50<sup>th</sup> Ave  
P.O. Box 938  
Yellowknife, NT  
X1A 2N7

VIA FAX: (867) 766-7074

Dear Mr. Ehrlich:

**RE: Comments on the Evidence Transfer and Scoping Questions for EA0708-002, EA0708-003, EA0708-004 and EA0708-005**

In response to the call for comments dated March 13, 2008, Indian and Northern Affairs Canada (INAC) is providing the attached comments on the Evidence Transfer and Scoping Questions issued by the Mackenzie Valley Environmental Impact Review Board.

If you have any questions about these comments, please do not hesitate to contact Candace Ross in Environment & Conservation (867) 669-2407, or myself at (867) 669-2648.

Sincerely,

David Livingstone  
Director, Renewable Resources and Environment Directorate

**Introduction:**

Comments by Indian and Northern Affairs Canada (INAC) will be generic to all four environmental assessments (EAs) EA0708-002, EA0708-003, EA0708-004 and EA0708-005 except where specifics are noted.

**General Comments:**

INAC requests that the Mackenzie Valley Environmental Impact Review Board (Review Board) clarify the geographic description used regarding the four projects. The Evidence Transfer and Scoping Questions issued by the Board contain reference to the "Upper Thelon River Basin". It should be noted that Bayswater's proposed Crab Lake exploration (EA0708-005) is actually located in the Dubawnt Watershed, which drains into the Lower Thelon River. Hence, the project is located in the Lower Thelon River Basin, and not the upper, as stated. All the proposed projects are located in the Thelon Geological Basin, which is perhaps what the Review Board intended to communicate. INAC feels that a map delineating the region of interest being referred to by the Review Board, alongside a clear delineation of the Upper Thelon River Basin, the Lower Thelon River Basin and the Thelon Geological Basin would be useful by all Parties to the EAs.

**Specific Responses:****1a) Written Submissions**

With respect to the evidence transfer as described in Table 1: Draft List of EA06-07-003 Evidence for "Roll-over", INAC is concerned with the transfer of public registry #67 – "The developer's response to information requests IR0607-003-5, 6, 7, 8, 9, 10, 12" as this piece of evidence is developer-specific and should not be applied to all developers. The list in Table 1 also includes public registry # 107-118 – "Various letters to INAC Minister re: UR Energy EA", given that the specific letters have not been identified, INAC is unable to comment on the transfer of the letters at this time. INAC has no further documents to add to the evidence for "roll-over".

**1b) Oral Submissions**

In INAC's view, although this decision is primarily a Review Board matter, INAC requests the Review Board clarify the purpose of transfer of transcripts from the UR Energy EA hearings. It is unclear to INAC what the Board intends to use these transcripts for. INAC wishes to ensure that adding the Hearing Transcript and Report of Reasons for Decision from the UR-Energy EA does not preclude these four current uranium proposals from being evaluated on their own merit. INAC notes that the Review Board's draft workplans for each of the four current EAs discuss, in part, this matter.

If the Review Board determines that the Hearing Transcript should be transferred to the current EAs, INAC does not wish to exclude any testimony.

**2a) Identify specific issues related to the following for any or all of the four current EAs:****a. Impacts on the Beverley and Ahiak Caribou Herds:**

INAC has no specific issues to identify.

**b. Impacts on Aboriginal cultural values associated with the Upper Thelon river basin:**

As stated under General Comments, INAC feels that the impacts of the Crab Lake program (EA0708-005) should reflect impacts on Aboriginal cultural values associated with the Lower Thelon river basin, as this is the geographic region in question.

**2b) Identify any other important issues, other than those listed in Question 2a, that you feel need to be considered for any or all of the current EAs.**

INAC has no further issues to add.

**3. Identify any changes in the regional context or setting that have occurred since the federal minister's decision on EA0607-003, UR Energy Screech Lake that alter the potential for impacts and public concerns from these four proposed developments.**

INAC would like to highlight several developments that may alter the potential for impacts and public concerns from the four proposed projects:

As per the decision of the Responsible Ministers, INAC has begun consultation in support of an Upper Thelon Land and Resource Management Plan. Future consultations are planned, and the Review Board will be kept current on the development of plan.

On November 21, 2007, Canada announced the withdrawal, effective November 1, 2007, of additional lands towards the development of a national park in the East Arm of Great Slave Lake and the area to the east of the East Arm (Order in Council 2007-1659). This withdrawal is in effect until March 31, 2012, and is in addition to lands previously withdrawn for the same purpose. No new dispositions, with the exception of hydroelectric transmission lines and ancillary facilities for power generated at any hydroelectric development on the Taltson River, may be issued on the lands withdrawn as of November 1, 2007.

In addition, on November 1, 2007, the Akaitcho interim land withdrawal (Order in Council 2007-1661) came into effect. This withdrawal was part of the continuing land, resource and governance negotiations among Canada, the Government of the Northwest Territories and the Akaitcho Dene First Nations. This agreement prevents the issuance of any new disposition of lands in the Akaitcho region while negotiations are ongoing, allowing parties to focus on an overall agreement while ensuring that the lands will be available for selection at a later date. Disposition of lands for hydroelectric transmission lines and ancillary facilities for power generated at any hydroelectric development on the Taltson River are exempt from the withdrawal. The land withdrawal expires March 31, 2012.

On February 28 2007, in response to an information request from the Review Board, INAC provided a description of a cumulative effects study that focuses on the impacts of mineral exploration in the Thelon region for the UR Energy assessment (EA 0607-003). The study continues to move forward and INAC will keep the Review Board updated as to the status of the study. The study is not expected to be available for public distribution prior to the completion of the four EAs in question.

**4. Is there anything about the specific locations or development components of any of the new applications that is different enough so that additional issues need to be scoped in or additional focus placed on a particular issue during the EA?**

Beyond the geographic questions raised in our general comments regarding the Crab Lake development (EA0708-005), INAC has nothing further to add.