



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

Box 1500
Yellowknife NT X1A 2R3

File: EA0506-005

October 4, 2011

Via email

Alan Ehrlich
A/Manager, Environmental Impact Assessment
Mackenzie Valley Impact Review Board
Box 938; 5102 50th Avenue
Yellowknife NT X1A 2N7

Re: Response to Undertakings from the Encore Renaissance Resources Inc. (formerly Consolidated Goldwin Ventures Inc.) Public Hearing

Dear Mr. Ehrlich:

Aboriginal Affairs and Northern Development (AANDC) is providing the following in response to the undertakings given at the Public Hearing for the Encore Renaissance Resources Inc. Mineral Exploration Program (EA0506-005).

If you have any further questions, please contact Krystal Thompson at (867) 669-2595 or via email at Krystal.Thompson@aandc.gc.ca.

Sincerely,

Teresa Joudrie
Director, Renewable Resources and Environment

Undertaking #1: to Aboriginal Affairs and Northern Development Canada (AANDC)
AANDC to elaborate on the intention to proceed with land use planning measures.

AANDC Response:

As stated in the letter from the Minister to Mr. Edjericon, dated April 13, 2010, the Responsible Ministers (RMs) intended to pursue discussions on a planning initiative with the key parties outside of the Environmental Assessment process. Since the submission of the Report of Environmental Assessment, the lands in question have been set aside in the Interim Measures Agreement as land withdrawals for the Akaitcho territory. AANDC and the Akaitcho Dene First Nations are currently in land claim negotiations and any planning initiative would have to be respectful of these negotiations. The RMs will investigate how such a planning initiative could be undertaken given the land claim negotiations and Interim Measures Agreement currently in place. In 2010, funds were allocated to the Cumulative Impact Monitoring Program (CIMP) to complete monitoring across the Northwest Territories. AANDC has had a long standing invitation to the Yellowknives Dene First Nation (YKDFN) for monitoring through the CIMP. Recently, AANDC made a site visit accompanied by a YKDFN elder to Drybones Bay as an initial step towards establishing a monitoring program in that area. Work will continue in this regard between CIMP and YKDFN.

Undertaking #2: to AANDC

AANDC to state which mitigative measures it will accept.

AANDC Response:

With respect to the measures from the Report of Environmental Assessment and Reasons for Decision:

Measure 1: AANDC respectfully refers Mackenzie Valley Environmental Impact Review Board (the Review Board) to the Government of the Northwest Territories (GNWT) for clarification on archeological guidelines.

Measure 2: The RMs regard Measure 2 as acceptable.

Measure 3 & 4: As stated in the aforementioned letter, the RMs consider these measures excessive and do not accept them as such.

Measure 5: The RMs do not accept Measure 5 as written and ask the Review Board to reconsider this Measure in a manner that is appropriate for the scale of the project.

Measure 6: The RMs request that this measure be reconsidered as camps are not permitted on ice and are to be kept a minimum of 30 metres from the water's edge. Furthermore, the Review Board does not have the authority to impose limitations on the Mackenzie Valley Land and Water Board.

In summary, AANDC is prepared to accept Measures 1 and 6 with suitable modifications and Measure 2 as it is currently worded.

Undertaking #3: to AANDC

AANDC to clarify if the Great Bear Lake Watershed Management Plan (GBL-WSMP) and Inuvialuit Community Conservations Plans (CCPs) affect the disposition of surface and subsurface rights.

AANDC Response:

The Great Bear Lake Watershed Management Plan (GBL-WSMP) and the Inuvialuit Community Conservation Plans (CCPs) serve as guidance for the regional Land Claim Organizations and

government for their various management actions in the area. As such they do not preclude or prevent the issuance of surface and subsurface rights on Crown lands or Aboriginal surface lands, nor do they negate or cancel any existing surface and subsurface rights. The GBL-WSMP and CCPs inform the regulatory process and provide advice to regulators and planners on approaches for the disposition of land. The Crown, as a land manager, abides by the *Territorial Lands Act* and its regulations, the *Federal Real Property and Removables Act*, the *Canadian Petroleum Resources Act* and all land claim agreements when disposing of land.

Undertaking #4: to AANDC

AANDC to describe planning and actions to date regarding the removal of the submerged vehicle in Drybones Bay. AANDC to describe what legislation and policy can be used to prevent such an accident in the future.

AANDC Response:

As part of the April 2007 hearing, AANDC provided as an undertaking: relevant emails, a letter from Environment Canada (EC) and original incident report, which are on the public registry at: http://www.reviewboard.ca/upload/project_document/EA0506-005%20INAC%20post-hearing%20submissions_1176232863.pdf

The public registry also contains a document by the GNWT entitled, "Guidelines for Ice Roads." It can be accessed at: http://www.reviewboard.ca/upload/project_document/EA0506-005_Environmental_Guidelines_for_Winter_Roads_1294683634.pdf. For more information regarding these guidelines please contact the GNWT.

Undertaking #5: to AANDC

AANDC to explain why the Plan of Action, having first been suggested in 2003, has not been initiated.

AANDC Response:

Since 2003, AANDC along with other parties, including the Akaitcho Dene First Nations, have undertaken a number of activities to move forward on planning related to the region, including the Drybones Bay area. This encompasses work towards the creation of candidate protected areas under the NWT Protected Areas Strategy and an interim land withdrawal under the Interim Measures Agreement that includes the Drybones Bay area. Importantly, throughout this time, Canada has remained in negotiations with the Akaitcho Dene First Nations to bring clarity and certainty to land use issues. Given the complexity of these exercises any targeted land use planning initiative for the Drybones Bay would take careful consideration and preparation by all the parties.