



Transmitted via email

September 30, 2010

Ms. Heidi Wiebe
Sahtu Land Use & Planning Board

Dear Ms. Wiebe,

RE: Draft Sahtu Land Use Plan

The NWT & Nunavut Chamber of Mines is pleased to provide comments on the July 12, 2010 draft of the Sahtu Land Use Plan. We understand that comments on this draft will be incorporated into a final draft to be presented early next year. On behalf of the Chamber, I thank you for the opportunity to present our views on this important document and look forward to continued productive consultations with your Board.

The Chamber of Mines represents mineral and business interests across the Northwest Territories and Nunavut. Our members are engaged in prospecting and exploring for minerals, development and production of mineral deposits, and the business sector that services development opportunities. We promote development that is carried forth in a socially responsible manner and adheres to standard operating practices that protect the fragile northern ecosystem. At the same time, the Chamber champions for a clear, predictable and fair regulatory system to provide the certainty required to attract investment to the NWT. We also recognize the need for land protection, which includes key environmental, heritage, and cultural values.

Being successful in exploration is extremely difficult and statistics show that only 1 in 5,000 exploration projects ever becomes a mine. The diamond mines developed in the NWT over the past twenty years have shown that when this happens, communities and the NWT will benefit. Therefore, to help increase the odds for exploration success, and the long term economic prospects for the North, the Chamber also seeks to ensure that as much land as possible remains available for mineral exploration. Clarity in land use planning and certainty in the regulatory system are two strong legs required to support successful mineral development.

A detailed submission was prepared by the Chamber for the SLUPB following the release of a draft of the Plan in July 2009, and meetings were held between the SLUPB and industry members on June 30 and November 17, 2009. The Chamber had many concerns about the wording in that draft document, the potential regulatory complexity that the plan could create, and the absence of sufficient information on the mineral potential of the Sahtu.

We are pleased that the Board has considered and taken many of the Chamber's previous concerns into account in the current Draft. Additionally, in the 'Background Report' appended to the current Draft, there is now greater detail on the geology, mineral potential, and opportunities for a mineral-based economy for the Sahtu. We thank the Board for this collaborative approach and look forward to your recognition of our remaining concerns.

In reviewing this Draft, Chamber members have identified five main concerns, which are as follows:

1) Removal of Edaijla from PAS

The Chamber has learned that the proposed Edaijla area on Great Bear Lake may be removed from the Protected Areas Strategy, due to lack of funding. It is expected that the entire area will now become a Conservation Zone within the Sahtu Land Use Plan. Under PAS legislation, the Edaijla area would have received government-sponsored geosciences mapping and mineral potential surveys. While there is no such legislation in force to do this as part of the land use planning process, we note the recommendation from the Board that government-sponsored mineral potential work be allowed in 'Conservation Zones'. We fully support this idea and would hope that the Edaijla area, being a part of the mineral rich Bear Geological Province, be among the first to be considered for this important work.

2) Final Boundary of Naats'ihch'oh

Parks Canada will at some time finalize the final boundary of the proposed Naats'ihch'oh National Park. The Chamber strongly urges the Board to zone any areas excluded from the proposed boundaries as 'Special Management Zones' and not 'Conservation Zones'.

3) Archaeological, Historic, and Burial Sites

Conformity Requirement #4 states that no land use activity be allowed within 500m of a suspected or known archaeological site, burial site, or historic site. This is much farther than the 30 metre buffer required under the *Mackenzie Valley Land Use Regulations*. We are concerned that establishing a large arbitrary buffer of 500 metres will unnecessarily impede a project trying to advance through the regulatory process. To be clear, industry does support archaeological studies but when projects reach an advanced and larger

stage. Then, industry studies can be refined to a metre square parcel, which can be officially made off limits to land use activities.

Automatically prohibiting small exploration project activity within 500m of a known or suspected site will unnecessarily impede exploration. Small exploration projects create very small impacts on the land and for this reason we believe a 30m buffer from archaeological sites is appropriate. Our hope is that concern can be communicated during consultation and that this can be dealt with on a case-by-case basis rather than limiting activity within an excessive 500m buffer.

We are also concerned with the term '*suspected site*' and that suspicions of an archaeological or burial site 500 metres from small scale exploration activities could unnecessarily stall a project. The presence of 'suspected' burial sites at a mineral exploration project in the Akaitcho/North Slave area of the NWT became contentious for all involved and the matter went to court.

4) Drinking Water

Conformity Requirement #6 relates to Drinking Water, and how a regulator will assess the impact of a proposed activity to downstream drinking water sources (for communities) and that regulators may not authorize a land use activity that would result in the contamination of water within community catchments. Needless to say, industry also supports the protection of drinking water. However, there should be some assurance that regulators will not treat every effluent release as a threat to downstream drinking water. There should be an acknowledgement in this CR that effluent quality is always a consideration in project planning in the environmental review process, whether it is a small exploration camp with grey-water discharge or a mine with tailings pond discharge.

The size of the catchment also needs to be considered. The entire Great Bear Lake watershed is catchment for Deline, and restricting a mine on its distant east shore for example, might be excessive considering the size of the lake. This section needs to be clarified on how regulators might judge a source of potential contamination within a catchment. We also question the role or ability of a land use planning board to review community drinking water sources and restrict development, when there might be other government departments already in control of this issue.

5) Security Bonding

Regarding Conformity Requirement #13 for Security surrounding closure and reclamation, the Chamber would like to see a system that fairly rates the amount of security bond to be posted and encourages the Board to continue its dialogue with Indian Affairs & Northern Development and other regulatory officials to develop a system of security management that is consistent across the NWT.

In conclusion, the Chamber's vision for a Land Use Plan for the mineral rich Sahtu is one that encourages economic investment while providing responsible and fair safeguards against environmental damage, a goal that industry shares with regulatory authorities. The current Sahtu Draft Plan is a positive step forward in land use planning; however, if we are to encourage responsible development we must all be cautious in not adding unnecessary complexity to the existing regulatory system in the Northwest Territories.

It is our hope that the final Land Use Plan will create certainty for land users and owners in the Sahtu, and will entice mineral investment back into the Sahtu region to the benefit of Sahtu residents and northerners.

Once again, we thank you for considering the mineral industry's suggestions on the Sahtu Land Use Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Hoefler', with a stylized, cursive script.

Tom Hoefler
Executive Director