

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

12 March 2007

Leslie Payette
Manager Environmental Administration
Nunavut Impact Review Board
P.O.Box 1360
Cambridge Bay, Nunavut
X0B 0C0

Dear Ms. Payette:

NIRB File No. 07EN005 – WUC’s Thelon Basin Project Proposal

On behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), I am submitting comments on the proposal from Western Uranium Corporation (WUC) for mineral exploration on their properties at the north-east edge of the Thelon Wildlife Sanctuary and west of Baker Lake. This is in accordance with the mandate of the BQCMB, which is to advise governments and caribou range communities on ways to protect the Beverly and Qamanirjuaq caribou herds and their ranges.

The BQCMB is concerned about these proposed activities because they will occur on range of the Beverly and Ahiak caribou herds during periods when caribou may be using those areas. As a result, there is potential for WUC’s proposed activities to impact caribou.

This issue should be given serious consideration at any time, given the importance of caribou to Aboriginal and other people across the caribou ranges - communities in Nunavut, the Northwest Territories (NWT) and northern Saskatchewan rely on the Beverly and Ahiak herds. However, the current context means that a proper assessment of projects of this nature must recognize that caribou protection is critical. This situation includes documented declines in five NWT caribou herds, a lack of information about Beverly and Ahiak herds, and the uncertain but likely declining population status of these herds.

Following is a description of the BQCMB’s major concerns with this project, and recommendations to address them. This information is intended to help NIRB to identify the potential impact of the proposed project activities on caribou as well as actions that should be taken to avoid or minimize these impacts.

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Issues and Concerns:

1) Importance of the area to caribou

a) Beverly caribou

As acknowledged by WUC, the project lies on the traditional calving ground of Beverly caribou, as documented through government surveys up to 1994. It also lies on the spring migration route. (Maps showing the annual calving areas and cumulative calving ground are provided on the BQCMB website at www.arctic-caribou.com/parttwo/mapatlas.html).

A very limited amount of information has been collected from satellite-collared female caribou by the government of the NWT. These data show that the area has experienced recent use (since 2001) by Beverly caribou during the spring migration, calving and post-calving periods (May-July).

The proposed project also lies in a special management area (SMA) proposed in the Thelon Game Sanctuary Management Plan, which was intended to protect a portion of the Beverly calving area. This SMA was seen to be critical for protecting the caribou herds for both the Inuit and Dene people of the Thelon region.

Note that although WUC acknowledges they are proposing to operate in the Beverly calving ground, none of their maps include this information.

b) Ahiak caribou

Recent satellite collar location data for Ahiak caribou show that the herd has used this area between mid-April and late May, during spring migration to its calving ground to the north. The area has also been used by collared Ahiak caribou from summer through fall migration and rut to early winter (late July to mid-November).

Concerns:

- WUC proposes to operate on a sensitive and very important habitat, the Beverly herd's calving ground. The BQCMB has recommended that long-term legislated protected areas that exclude industrial development be established for calving and post-calving areas¹.
- WUC proposes to operate in the area when caribou will likely be using the area (mid-April to mid-May and after mid-July).

¹ Protecting Calving Grounds, Post-Calving Areas and Other Important Habitats for Beverly and Qamanirjuaq Caribou: A Position Paper (BQCMB 2004)

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2) Complicating factors

a) Timing issues

Three key things complicate assessment of potential impacts of proposed project activities on caribou, in relation to the timing of activities and use of the area by caribou.

- The limited amount of recent information on use of the project area by caribou, especially Beverly caribou. This includes use of the area by pregnant cow caribou and caribou with calves, and also by other caribou (such as bulls).
- Discrepancies in the proposed timeline for the project provided in the NIRB application, the 6 Feb. cover letter provided with the application, and the Caribou Monitoring and Response Plan. As a result the original proposed timeline is not clear.
- Changes that will be required to the timeline since permits will not be issued until 3 weeks later than WUC's target date (28 Feb.) at the earliest. There is no indication if they could conduct the work in the shorter timeframe available (6-7 weeks) or what the new timeline would be.

If they did conduct the work in 2007, it appears that the mobilization phase would likely occur in late March, and both diamond drilling and geophysical surveys would occur from 1 April to 15 May.

Concern: Caribou may arrive in the area earlier than 15 May; the limited data available indicates that adult female caribou could arrive in the area as early as mid-April. If this occurs, drilling and survey activities must be suspended immediately. In this situation, it may not be feasible for WUC to operate in the area in 2007, given the later than ideal start-up date. WUC should not be allowed to begin operating in late March unless a realistic revised timeline is provided for review by NIRB.

b) 2007 Beverly calving ground survey

A population survey of the Beverly herd is being planned by the Government of the NWT Dept. of Environment and Natural Resources (ENR). This survey will likely be conducted in early to mid-June, and possibly earlier if calving begins sooner. The survey is an essential and expensive step toward determining the population status of the Beverly herd and identifying if management action is required to address a population decline.

The BQCMB is also working with ENR to place additional satellite collars on Beverly caribou in 2007. This would provide valuable information about seasonal movements of the herd.

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Concern: WUC's proposed activities during the spring migration period (April-May) could compromise this survey if disturbance occurs to caribou as they arrive on the calving area.

3) Effects of disturbance on caribou

Disturbance to caribou can result in obvious behavioural changes, such as running away from aircraft or vehicles. However, disturbance can also cause stress to caribou when behavioural changes are less obvious (e.g., walking), or when they are not apparent to an observer (e.g., when feeding stops but the animal's head remains lowered). It is generally difficult for people to recognize that caribou are undergoing stress if observations are made primarily from aircraft (at elevations above 300m in altitude), unless the animals are running away.

Frequent interruption of caribou feeding during spring migration and late summer can have a significant negative effect on the condition of individual animals.

Caribou need to feed continuously through the summer (to end of August) to ensure that they are in good condition during the fall migration and rutting period and have reserves for winter. Insufficient feeding can lead to increased calf mortality rates, reduced pregnancy rates, and lower calf production the following year, and may result in a decrease in herd size.

Concern: Resumption of WUC's project activities after July 15th will likely cause disturbance to caribou using the area with potential impacts as described above.

4) Low level flights

NPC's Conformity Determination states that "the project proposal does involve absolutely necessary low level flights" and that these are "Reasonable comments on necessity of low level flights". Therefore it was determined that the proposal conforms to requirements 2.15.3 and 5.4.

No definition of "absolutely necessary low level flights" is provided, and no background information explains why these flights will be necessary or why the comments are considered reasonable.

Concern: Daily Twin Otter flights during mobilization and multiple helicopter flights each day throughout the project will produce disturbance to caribou in the area, including disturbance when flying at low levels (below 300 m) while taking off and landing. This disturbance could be particularly stressful if the flight path of aircraft crosses over large groups of pregnant female caribou during spring migration, or over post-calving groups.

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5) Inadequacy of caribou protection measures to protect calving ground.

The NPC Conformity Report and the WUC Caribou Monitoring and Response Plan indicate that WUC will suspend operations between May 15 and July 15 and will comply with other conditions of the caribou protection measures (CPM) as required by the *Keewatin Regional Land Use Plan*. The BQCMB does not believe this will be sufficient to provide long-term protection of the Beverly calving ground, as CPM do not provide protection for the important habitat provided by the area.

6) Potential for cumulative effects

Potential cumulative effects are an issue at several scales, including within calving grounds and across caribou ranges, since caribou accumulate impacts as they move from one seasonal range to another.

The BQCMB is concerned with the amount of mineral exploration underway and proposed across the range of the Beverly and Qamanirjuaq caribou herds. This includes exploration activities in the Kivalliq region of Nunavut, where mineral rights and land use permits are being issued frequently. Two maps available on the BQCMB website (www.arctic-caribou.com/mining.html) show land uses permitted across the caribou ranges (as of November 2006) and mineral rights on the calving grounds (as of September 2006) for these two herds.

In their application to NIRB, WUC state “At present there are few if any other activities in the area of this project. It is therefore anticipated that cumulative impacts will be negligible”. This is incorrect, since at this time there are three applications for mineral exploration in this area being reviewed by NIRB (WUC, AREVA, Cameco), so there will potentially be at least three companies operating on the calving and post-calving areas of Beverly caribou this spring and summer. As well, several other companies have mineral tenure in the area between Baker Lake and the Thelon Wildlife Sanctuary. Several companies are also operating on the south side of the Sanctuary in the upper Thelon watershed, which is part of the spring migration route for Beverly and Ahiak caribou.

7) WUC Caribou Monitoring and Response Plan

There are several confusing and incorrect statements in the first two paragraphs of this Plan:

- It is unclear what is meant by the statement that WUC will implement the Plan “in relation to” the BQCMB.
- The proposed plan may reflect the requirements of the Keewatin Regional Land Use Plan, but it does not reflect “the protection measured [*sic*] discussed by” the BQCMB.

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- We are not aware of any contact or discussions between WUC's project manager and the BQCMB.

This is a concern for the BQCMB, as these statements falsely imply that the Board would consider the plan to provide adequate protection for Beverly and Ahlak caribou.

Recommendations:

1. No exploration or development activities should be permitted on the traditional calving area of the Beverly caribou herd. The Board does not agree with permitting exploration activities on calving and post-calving areas, and recommends that WUC's proposed activities not be approved.
2. If NIRB permits the proposed project, activities should not begin until 2008. This will ensure that the 2007 Beverly population survey is not compromised, and will allow for review of the project with the benefit of new information about the status of the herd and seasonal movements.
3. Permit conditions should include:
 - a) Project activities must be prohibited between May 15th and July 15th if caribou are in the project area, as per NPC's conformity requirements regarding the caribou protection measures (2.6 and 2.15.7).
 - b) All activities must be suspended if caribou approach the area during spring migration prior to May 15th.
 - c) Activities should be allowed to resume after July 15th only if post-calving caribou are not in the area.
 - d) The proponent should be required to establish a rigorous caribou monitoring program. An independent caribou monitor should be hired (preferably from Baker Lake) to determine when caribou are moving toward the project area. The monitoring system should ensure that at least one day's advance notification is received for shutting down project activities (including drilling and geophysical surveys) if caribou are approaching. This will be necessary to ensure that potential disturbance is discontinued before caribou reach the project area, since it may take up to a day to dismantle the drill and remove personnel from the project area.
 - e) NIRB should ensure that regular inspection of project operations is conducted, and that NIRB's permit terms and conditions and NPC's conformity requirements are enforced.

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NIRB must recognize that this is a precedent-setting case. If WUC's proposed activities are approved, then approval will likely follow for other similar proposals on the Beverly calving ground. This is a particular concern given the increasing numbers of mineral exploration companies operating on calving grounds, post-calving areas, and spring migration corridors in the NWT and Nunavut.

Please let me know if you require further information or have any questions about these comments from the BQCMB.

Sincerely,

[original signed by]

Leslie Wakelyn
BQCMB Biologist

cc: Jerome Denechezhe, BQCMB Chairperson
Baker Lake HTO