

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

8 February 2008

Alistair MacDonald
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938, 5102 - 50th Avenue
Yellowknife NT X1A 2N7

Dear Mr. MacDonald:

Draft Work Plans for EA0708-002, EA0708-003, EA0708-004, EA0708-005

On behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), I am responding to your request for comments on the draft work plans for the environmental assessments (EAs) for proposed uranium exploration by Uravan and Bayswater in the Upper Thelon Basin. These comments apply to all four EAs.

A. Comments on Proceeding with Environmental Assessments

In our submissions to MVEIRB during the environmental assessment of the UR-Energy proposal, the BQCMB recommended land use planning for the Thelon region, cumulative effects assessment for caribou, and range-wide conservation planning for caribou. Based on the limited information we have to date, it appears that little progress has been made on land use planning for the Thelon region, and the GNWT is just beginning to consider how to conduct cumulative effects assessment for caribou. As well, it is clear that aboriginal rights and land claims issues have not yet been resolved for aboriginal peoples who have traditionally used the Thelon region. Therefore it seems premature to proceed with EAs for four more uranium exploration proposals in the upper Thelon Basin.

I reiterate the following from the BQCMB's November 2007 submission to MVEIRB on the conduct of environmental assessments in the upper Thelon River Basin:

"Our first suggestion is that these next four upper Thelon EAs not be conducted until adequate progress is made on sorting out the broader issues of land and resource management in the upper Thelon basin. . . .At a minimum, these new EAs for proposals in the upper Thelon should not proceed until stakeholders have the opportunity to review the draft plan Minister Strahl has requested "for addressing the broader long term context for land and resource management in the Thelon

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

watershed”. Only when progress has been made toward resolving these broader issues should these upper Thelon EAs proceed.”

B. Comments on Preliminary Screening

The MVLWB did not find that the proposed developments might have significant impacts on the environment because many potential impacts were not considered adequately in their preliminary screening, and the assumption was made that any impacts could be mitigated through permit conditions. As we do not have access to the draft permit conditions, we are not able to judge whether these conditions are adequate. However, we are doubtful that this would be the case, as they would appear to be based on conclusions that are not necessarily supported by facts. One example is the conclusion that the impacts of noise will be reversible, which may not be the case if caribou change their spring migration route to avoid disturbance, or if pregnant caribou lose their fetus during or after migration through the development area.

A. Comments on the Draft Work Plans

Following are suggestions for improving the work plans and the environmental assessment process to ensure that meaningful assessments are conducted.

2 Assessment Process

Assessment Phases - It would be helpful if the work plans provided more information about the Hearings that may be held near the end of the scoping phase. This information should include the primary purpose of the Hearings, whether presentations at Hearings would be voluntary or expected of all Parties, and how much notice would be given to Parties. It should be clear if these Hearings would be intended for presentation of arguments for scoping-related issues only, if they would be viewed primarily as an opportunity to explain arguments already made in writing, and if they would be verbal presentations of information to the Board only or Public Hearings.

Some clarification would also be useful concerning what types of “additional information” will be requested by MVEIRB in the *Evidence Transfer/Scoping Questions* document, as well as what format and amount of detail will be expected for the products.

3 Scope of Development

The scope of development described in the final work plans should be quite detailed, so as to make it very clear from the onset of the assessment what exactly is being assessed. This is particularly crucial regarding timing of development activities, in terms of their potential impacts on wildlife, including but not limited to caribou. Note that it is important to identify the full timeline for proposed activities.

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

4 Scope of Assessment

Factors – The scope of the assessment of cumulative effects should specifically include: “environmental effects resulting not only from this particular development but from this development in combination with other past, present and future developments.” A complete and accurate definition of cumulative effects and their comprehensive consideration are key aspects of these assessments.

The BQCMB fully supports inclusion of effects on wildlife harvesting and the cultural environment in the definition of “impact on the environment”.

Evidence – The BQCMB supports consideration by MVEIRB of all forms of evidence listed in the draft work plans to determine the final scope of this assessment. This includes evidence transferred from the public record of the Ur-Energy EA and the entire public records from the Preliminary Screenings of the four UraVan and Bayswater proposals under assessment.

Issues – The BQCMB supports inclusion of the two topics outlined in the draft work plans as key issues for these assessments. It is important to note that you have correctly identified impacts on both the Beverly and Ahiak caribou herds as relevant to assessment of these proposed developments, both individually and cumulatively. The BQCMB and joint BQCMB/GNWT presentations to the Ur-Energy public hearing, as well as written submissions made during preliminary screening and environmental assessment for that proposed development, all indicated concerns regarding impacts to caribou from both of these herds.

Associated impacts on caribou conservation and harvesting are also key issues for these assessments, as are impacts on the “cultural value placed by aboriginal users on the Upper Thelon River Basin”, and so we support their inclusion as well. However, it appears that a somewhat artificial separation has been made between wildlife harvesting and the cultural value of the Thelon Basin. Caribou and the harvest of caribou play a key role in the traditional lifestyles and culture of the aboriginal peoples who use and value the Thelon Basin. The BQCMB suggests that this fundamental relationship between caribou and aboriginal cultures be specified as an issue for the assessments.

From our involvement in the Ur-Energy EA, it appears that some parties do not understand the key role that caribou play in the culture and spiritual life of aboriginal peoples that value the Thelon Basin. We believe that the EA process may have aided misunderstanding in the way it attempts to compartmentalize elements into “environmental” and “cultural” aspects. But this does not reflect reality, where the environment is inseparable from aboriginal and other cultures. And this is rarely as clearly demonstrated as it is for the relationship between northern aboriginal peoples and barren-ground caribou.

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

The BQCMB supports inclusion of the site-specific issues listed in the work plans, particularly caribou water crossings, populations of caribou, and traditional land use. Perhaps some clarification is required concerning what is meant by the phrase “habitat value”, which should be considered as a separate (although related) issue from wildlife populations and species.

Geographic Scope – The BQCMB agrees that the spatial boundary for assessment of cumulative impacts on caribou should include the entire year-round ranges of the Beverly and Ahiak barren-ground caribou herds. Similarly, the spatial boundary for assessment of cumulative impacts on caribou harvest and caribou-related aspects of aboriginal cultures should include the caribou ranges as well.

Temporal Scope – The temporal boundaries of the assessment should include all development work, including transport of supplies or personnel to work sites, primary and secondary exploration activities, camp set-up and shut-down, and any other activities conducted by the developer on the land, air or water. Particular attention should be paid to timing of activities that may create a sensory disturbance for wildlife, including caribou, but the full timeline of activities should be used to determine the temporal scope of assessment.

5 Roles and Responsibilities

Review Board – The evidence of significant public concern voiced by those both inside and outside the Mackenzie Valley for the Ur-Energy proposal should be transferred for consideration in the current Thelon EAs. The work plan should make it clear if this will be sufficient evidence that the development is likely to be a cause of significant public concern for these same people and groups, or if MVEIRB will require all these parties to submit new evidence specifically during the ongoing EA processes for their concerns to be considered for the new EAs.

This is an issue because many of the people and groups from outside the Mackenzie Valley who voiced concerns for UR-Energy have not made new submissions. There are likely many reasons for this, including less publicity and a lack of capacity. Many perhaps have also made the assumption that their statements on the Ur-Energy proposal would be viewed as concerns about proposals for this general type of activity in the Thelon region, and that these concerns would be applied to similar proposals.

It should be clarified if it is MVEIRB’s role to ensure these concerns are considered in the current Thelon EAs. For instance, is it MVEIRB’s responsibility to attempt to contact all who made written submissions stating concern for the Ur-Energy proposal and ask if they wish to transfer that evidence to the new EAs?

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

The BQCMB believes that all peoples who rely on Beverly and Ahiak caribou to maintain traditional lifestyles and value the role these caribou herds play in their cultures should be able to participate in these assessments, including the Athabasca Denesuline and the Baker Lake Inuit. But whose responsibility is it to ensure that they have the opportunity and the capacity to do so?

6 Draft EA Workplan

It was indicated in the teleconference this week that the approximate revised dates will be as follows for the next two steps in the scoping process:

- Issuance of Evidence Transfer/Scoping Questions – Feb. 22
- Responses to Scoping/Evidence Transfer Questions – Mar. 14

It is difficult to know if 3 weeks will be sufficient time to provide the requested information without knowing more about the type, format and amount of detail of information that will be expected.

Thank-you for the opportunity to comment on the draft work plans. Please contact me if you would like to discuss these comments from the BQCMB.

Sincerely,

[original signed by]

Leslie Wakelyn
BQCMB Biologist

cc: Jerome Denechezhe, BQCMB Chairperson
Deborah Johnson, BQCMB member for GNWT