

BEVERLY AND QAMANIRJUAQ CARIBOU MANAGEMENT BOARD

2 April 2009

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

Dear Ms. Payette:

NIRB File No. 07EN005 – Western Uranium Corporation’s Thelon Basin Project Proposal

On behalf of the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), I am submitting comments on the application from Western Uranium Corp. (Western) for a second one year extension to their land use permit in support of their “Thelon Basin” uranium exploration project, which lies on the traditional calving ground of Beverly caribou, north-east of the Thelon Wildlife Sanctuary. This input is provided in response to the request in NIRB’s letter of 26 March 2009 for comments regarding “any additional mitigation measures that are appropriate” and “any other matter of importance to the Party related to the project proposal”.

The BQCMB understands that the proposed permit extension is intended only to maintain the camp location for future exploration, and that no field operations will be conducted in 2009. Despite the lack of project activity planned for 2009, we would like to take this opportunity to provide information for use by the NIRB to develop and recommend improved permit conditions and to notify INAC and Western about the crucial need to avoid impacts from mineral exploration on both caribou and caribou habitat in Western’s project area.

Although the BQCMB provided information and recommendations for the land use permit issued by INAC in April 2007 (see BQCMB letter to NIRB dated 12 March 2007), the Board did not have the opportunity to recommend additional conditions when the permit was extended in April 2008. We now address the recommendation made in the NIRB’s Screening Decision Report that states “The term of the permitted activities. . .is subject to any findings, direction or advice received by INAC” resulting from new population surveys of the Beverly and Ahiak caribou herds.

The Current Situation:

In 2007 the BQCMB recommended that “No exploration or development activities should be permitted on the traditional calving area of the Beverly caribou herd.”, and that “If NIRB permits the proposed project, activities should not begin until 2008.”, in part to “allow for review of the project with the benefit of new information about the status of the herd and seasonal movements.”

Reconnaissance surveys of the Beverly calving ground were conducted in 2007 and 2008, and therefore we have information now that we did not know in March 2007 – that the Beverly caribou herd has undergone a drastic decline in numbers, and is extremely vulnerable. More details are provided in the BQCMB’s November 2008 press release on the decline of the Beverly herd, which is attached and should be made available to Western.

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It is critical to note that the situation has changed since this project was screened by NIRB and the permit was issued by INAC in 2007. It is also essential that all parties understand the importance of minimizing disturbance to caribou and to the caribou habitat provided by the Sand Lake area, to provide the herd with the opportunity to recover from its decline.

Concerns:

I will briefly outline a number of points that the BQCMB wishes to bring to the attention of the NIRB, Western and INAC, most of which have been raised in our previous submissions on recent proposals for mineral exploration on the Beverly calving ground. Our intent is to provide timely input for consideration by the NIRB, INAC, and Western, and also to correct a few statements made in previous documents issued by NIRB and INAC for this permit.

- Western's project area is on the traditional calving ground¹ of the Beverly caribou herd. The BQCMB has recommended that long-term legislated protected areas that exclude industrial development be established for calving and post-calving areas², and is very concerned that mineral exploration is being permitted in this area.

We have noted that the NIRB's March 2007 Screening Decision Report for this permit did not specify that the project area lies on the traditional calving ground of Beverly caribou, despite the fact that:

- a) Western acknowledged in their original land use permit and subsequent application materials that their project was proposed for an area on the Beverly caribou calving ground, and
- b) the importance of the area as a calving ground for Beverly caribou was indicated to NIRB by both the BQCMB and the GN-DOE during project screening.

It is not clear why NIRB merely stated that the project "will be operating within the range of the Beverly and Ahiak caribou herds" in the Screening Decision Report. This phrase, which is a totally inadequate description of the importance of the area to caribou, was repeated by INAC in the covering letter issued with Western's original permit in April 2007.

This error should be corrected in the NIRB's instructions to INAC concerning this permit extension and any subsequent extensions.

- Western's project activities in the Sand Lake area are of great concern to the BQCMB, as they have occurred in the "core" calving area used by Beverly caribou since the 1970s. Activities to the west and north of Sand Lake have occurred in the area used for calving most recently, according to surveys conducted in 2007 and 2008. It is crucial to prohibit any activities that could damage habitat or disturb caribou using this area during spring migration, calving, and post-calving periods.
- The project area lies *within* the special management area (SMA) proposed to protect the portion of the Beverly calving ground outside the Thelon Game Sanctuary. It is not located "adjacent to" this proposed SMA, as indicated in NIRB's Screening Decision Report and INAC's covering letter to Western's land use permit.

¹ Maps showing the traditional calving ground of Beverly caribou, documented by government surveys up until 1994, are provided on the BQCMB website at www.arctic-caribou.com/parttwo/mapatlas.html.

² Protecting Calving Grounds, Post-Calving Areas and Other Important Habitats for Beverly and Qamanirjuaq Caribou: A Position Paper (BQCMB 2004).

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- The project is located within INAC's Caribou Protection Area for Beverly caribou, so their project activities are subject to the Caribou Protection Measures (CPM), and INAC has included the CPM as conditions of Western's original permit. It should be made clear to Western that they must obey the CPM, and the NIRB and INAC must ensure that these permit conditions are enforced.
- The conditions of Western's land use permit should reflect the fact that they are operating in an extremely important habitat for a declining population. At the least, Western should be required to prepare and implement a Wildlife Mitigation and Monitoring Plan that includes a caribou monitoring program. This plan should address requirements of the Caribou Protection Measures and broader issues about potential impacts of all Western's activities on caribou, and should outline measures to be followed for minimizing these impacts.

We realize that Western has been issued a land use permit (with conditions), as well as a subsequent amendment and extension, for conducting its exploration activities in this area. We recommend that Western be notified that future permit conditions may be more stringent in response to the serious situation facing Beverly caribou and the potential loss of caribou harvesting opportunities that may result for Aboriginal peoples across the Beverly caribou range. They should also be aware that the BQCMB will continue to recommend that permit applications for mineral exploration on the Beverly traditional calving ground be rejected.

Finally, we would like to reiterate that there is a need for a regional assessment of the cumulative impacts on caribou of mineral exploration and development and other land use activities, including activities in the Kivalliq region of Nunavut and elsewhere across the Beverly range.

Recommendations:

1. No exploration or development activities should be permitted on the traditional calving ground of the Beverly caribou herd. The BQCMB does not agree with permitting exploration activities on calving and post-calving areas.
2. Regulatory and other territorial and federal government agencies (i.e., in Nunavut NIRB, GN, INAC) should be taking action to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e., larger than individual project areas), and should include all activities occurring on calving and post-calving areas.
3. If NIRB recommends that INAC issue an extension to Western's current land use permit for future field operations, permit conditions should include the following requirements *at a minimum*.
 - a) If caribou cows and/or calves approach Western's project area, no project activities should be permitted, or subsequently approved by a Land Use Inspector, between May 15th and July 15th. If caribou move into the area before May 15th or after July 15th, activities (including flights for transporting personnel or supplies, diamond drilling and geophysical surveys) must be suspended immediately. Specifically:
 - Project activities must be prohibited between May 15th and July 15th, as per NPC's conformity requirements regarding the Caribou Protection Measures. No releases should be issued.

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- All activities must be suspended if caribou approach the area during spring migration prior to May 15th.
 - Activities should be allowed to resume after July 15th **only** if it is demonstrated by a monitoring program approved by GN-DOE and NIRB that post-calving caribou are not in the area. Diamond drilling should not be initiated unless caribou are at least 10 km away from the drill sites.
- b) A detailed Wildlife Mitigation and Monitoring Plan and shut-down plan approved by NIRB and GN-DOE should be in place before Western is allowed to resume operating.
- The Plan should include a caribou monitoring program. Monitoring flights should be conducted at altitudes above 610m agl.
 - An independent caribou monitor should be hired (preferably from Baker Lake) to conduct ground-based surveys to help assess when caribou are moving toward the project area.
 - The monitoring system should ensure that advance notification is received for shutting down project activities (including drilling and airborne surveys) if caribou are approaching. This will be necessary to ensure that potential disturbance is discontinued before caribou reach the project area.
- c) If airborne geophysical surveys are to be conducted as part of this proposed project, they should be described in the project description and dealt with adequately in the mitigation and monitoring plan so as to minimize disturbance to caribou.
- d) It is crucial that project aircraft fly at low levels (below 300 m agl) **only** when necessary for safety reasons, and that the amount of time aircraft spend at low levels over the traditional calving ground is minimized and carefully monitored. When caribou are in sight, anywhere in the project area or during transit elsewhere, project aircraft should fly at altitudes above 610m agl whenever possible.

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.

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

Attachment

cc: Albert Thorassie, BQCMB Chairperson
Baker Lake HTO

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