ᐊᕙᑎᓕᕆᔨᒃᑯᑦ

Avatiligiyiit

Department of Environment

Ministère de l'Environnement

June 30, 2008

Leslie Payette
Manager Environmental Administration
Nunavut Impact Review Board

via Email to: lpayette@nirb.ca

RE: NIRB FILE # 08EN064 – Forum Uranium Corporation – North Thelon Joint Venture Project

Dear Ms. Payette:

The Government of Nunavut, Department of Environment (DOE) has reviewed the project proposal from Forum Uranium Corporation for conducting uranium exploration and overland transportation and camp operation about 30 km west of Baker Lake. Based on the *Environmental Protection Act* and the *Wildlife Act*, DOE has the following comments to make regarding wildlife, spill contingency and overland transportation.

1. WILDLIFE

Caribou

This project proposal is located close to the Beverly Caribou Protected Area for calving, and is within an area for post-calving for the Beverly caribou herd as well as is within the fall and spring migration corridors for both the Beverly and Ahiak herds. On June 6, 2007, DOE requested that the project (NIRB file # 07EN046) be subject to recommendations if approved for one year until DOE obtains further information about caribou population status in the area.

On June 11, 2008, the NIRB requested an update from the GN regarding the GN/GNWT caribou population survey for Beverly and Ahiak caribou herds conducted in 2007.

In the summer of 2007, Department of Environment (DOE) in partnership with the Government of Northwest Territories (GNWT), undertook population surveys of the Beverly and Ahiak caribou herds. The number of caribou observed were extremely low and two possible scenarios were concluded and require further investigation. Firstly, either caribou were not present on the calving grounds as expected; or secondly, the numbers encountered represent real population levels. A summary report of the 2007 study entitled *Summary: 2007 Barren-ground Caribou Calving Distribution Surveys, Northwest Territories & Nunavut* can be obtained at DOE's office. Please note that the summary is an unpublished report provided by Environment & Natural Resources, GNWT. A comprehensive report will be finalized in the near future, and will be forwarded to NIRB once it becomes available. Note that the preliminary result of the population survey in 2008 shows the same result as the 2007 survey. The DOE will continue population surveys in 2009 and in future years, which will inform future impact assessment on caribou.

Additionally, DOE with substantial stakeholder involvement, is developing a Caribou Management Strategy for Nunavut. This strategy, once developed and implemented, will provide more complete information on the health of the caribou herds, and could potentially demonstrate the need for more stringent recommendations for caribou management in the future. It is presumed that the strategy will be completed by early 2009.

Based on the considerations outlined in the rationales above and the sensitivity of the area, the DOE recommends that if NIRB approves the operation, the following conditions apply.

Between **May** and **August**:

- Prior to significant operational movements (e.g. before moving drill rigs or overland transportation), the proponent should undertake high altitude (>300 m) aerial reconnaissance with the assistance of an independent wildlife monitor, to determine whether caribou cows and calves are present within a 20km radius of the camp or drill sites, or if caribou are migrating close by. If caribou are observed the monitor will instruct the proponent to suspend any activities within 10 km of the sightings.

- At the end of each month, the proponent will submit a daily logbook of caribou reconnaissance to GN-DOE, also detailing when and how, these measures have been implemented. The time when caribou are present in the project area can be corroborated with GN caribou satellite collar data.

- During these months GN Conservation Officers will be inspecting this site and others within, or close to caribou calving and post -calving grounds.

- The proponent must not construct a camp, cache fuel, conduct blasting or drilling operations, operate ground, air or water based mobile equipment within 10km of a 'designated and/or recognized caribou crossing'.

- Please be advised there may be more stringent recommendations in future years regarding establishment of permanent roads within or/and near caribou crossings, areas of caribou calving and post-calving, and caribou migrating corridors.

At all other times:

- When caribou cows with calves are present, the proponent shall suspend all blasting, over-flights of aircraft with an altitude of less than 610 metres above ground level and operation of ATV's and snowmobiles and any other ground based or water based mobile equipment.

- During caribou migration, the proponent shall cease activities likely to block, divert or interfere with migration such as airborne geophysics surveys or movement of equipment or personnel until the caribou have passed.

Please note that: DOE has reviewed the Wildlife Mitigation and Monitoring Plan (MMP), provided by the proponent and has noted the following. In the Internal Policy section, page 3 of the WMMP, the proponent states that: "If caribou and/or muskox are seen in the area, the geophysical survey will not be flown until they have moved a safe distance (at least 5 km) from the area to be surveyed" while in the Mitigation section, page 6 it is proposed "If caribou and/or muskox are seen in the are, the geophysical survey will not be flown until they have moved a safe distance (at least 1 km) from the area to be surveyed". DOE requests the proponent be consistent and adhere to the recommendations provided by DOE above without exception should the project proceed.

Raptor Nesting Areas

There is no mention of raptors, or other bird species in the WMMP. However, raptor nests occur throughout Nunavut, and most of the prospecting areas likely contain at least a few nest sites.

Take care not to disturb nesting raptors from 15 April to 1 September by staying at least 1.5 km away from them when in transit by aircraft, and to avoid approaching them closely while on foot.

The following is a list of general precautions that must be considered when conducting prospecting activities near Peregrine Falcon, Gyrfalcon, and other raptor nests (most of these precautions will also apply to all nesting bird species):

1) Disturbance is most harmful early in the nesting period (May and June for Peregrine Falcon and Gyrfalcon, similar for Rough-legged Hawk):
Raptors will attempt to maximize their chances of successfully raising young. If they decide early in the breeding period that their nest is at risk, they may abandon it. If nests are disturbed at this stage of nesting, there may not be sufficient time to renest. All disturbances to nests during the early part of the nesting cycle must be avoided (avoid nest sites from late May through to mid-July).

2) Individuals show variability in their response to disturbance:
Different birds will show different responses to varying levels of disturbance. This may result from the general health of the bird, weather conditions, previous life experiences, and adaptability. Therefore, treat all nest sites with equal precaution, regardless of the response of the bird. Do not disturb raptor nests during conditions of poor weather (rain, snow, high winds).

3) Approaching the nest site near the time of fledgling (where chicks fly away from the nest) often leads to premature nest departure:
During the last few weeks of nesting, severe disturbance at the nest often causes young raptors to jump out of the nest. This can cause death from exposure, predation, starvation, or trauma from the fall itself. All activity within 100m of a nest site during the latter part of the nest stage (10-20 August for peregrine falcons in this region) must be avoided.

Further details on raptor nests and disturbance mitigation can be obtained from the Wildlife Officer in communities closest to the area of interest, or from regional biologists.

DOE Contact (Wildlife Division)

Manager, Wildlife
-Dan Shewchuck, (867) 857-2828, dshewchuk@gov.nu.ca

Biologist, Kivalliq Region
-Mitch Campbell, (867) 857-2828, mcampbell@gov.nu.ca

2. SPILL CONTINGENCY

The recommendations and comments are based on the DOE *Spill Contingency Planning and Reporting Regulations, Contingency Planning and Spill Reporting in Nunavut: a Guide to the New Regulations*, and *Guideline for the General Management of Hazardous Waste in Nunavut*. Consequently; DOE recommends the Spill Contingency Plan (SCP) be updated to reflect the following:

- It is unclear whether or not the contact number provided by the proponent is a 24-hour number. The 24-hour is required as this ensures the employee discovering the spill can activate a response and provides a 24-hour point of contact for the authority investigating the spill.

- Please be advised that the telephone numbers for the GN-Department of Environment is (867) 975-7700 and the Manager Pollution Control and Air Quality (867) 975-7748. Please update the contact lists in section 5.4 and 6.2 of the SCP.

- A site map that is intended to illustrate the facilities relationship to other areas that may be affected by the spill. The map should be to scale and be large enough to include the location of your facility (e.g. fuel cache) and nearby drainage patters and bodies of water.

- A description of the type and amount of fuels and chemicals normally stored on site. This would include chemical names, volumes, and weights of the contaminants as well as storage methods. All chemicals should be stored in a safe and chemically-compatible manner a minimum of 90 feet from all bodies of water.

3. OVERLAND TRANSPORTATION

Spill prevention and mitigation measures

- Speed on winter roads should not exceed: 30 km/hr for fully loaded vehicles; 50 km/hour for empty vehicles.

- Cat trains/Trucks should carry at least 10 square metres of polyethylene material (for lining a trench or depression), a spark-proof shovel & oil absorbent blankets or squares.

- Cat trains/Trucks should carry reliable radio and/or satellite phone communications.

- In general, the proponent should be fully prepared to deal with spills resulting from vehicle accidents along the overland route, in a timely and efficient manner.

The DOE thanks NIRB for the opportunity to provide comments on the project proposal from Forum Uranium Corporation. Please contact us should you have further questions.

Yours sincerely,

Original signed by

Helen Yeh
Acting Manager, Land Use & Environmental Assessment
Department of Environment
Government of Nunavut
P.O. Box 1000, Stn. 1360
Iqaluit, Nu X0A 0H0
PH: (867) 975-7733
FX: (867) 975-7739
EM: hyeh@gov.nu.ca