




Tundra Kuliktana
Screening Officer
Nunavut Impact Review Board
P.O Box 1360
Cambridge Bay, NU X0B 0C0

Re: Notice of Screening for Atha Energy Corporation's "Thelon Property" project proposal

The Government of Nunavut (GN) thanks the Nunavut Impact Review Board (NIRB) for the opportunity to provide comments regarding Atha Energy Corporation (AEC)'s "Thelon Property" project proposal, NIRB File # 24EN052.

The GN appreciates participating in the screening of this project through the NIRB process. Should there be any concerns or need for follow-up, please feel free to contact me at jbuller@gov.nu.ca.


Justin Buller
Justin Buller, Assistant General Counsel

Justin Buller
Interim Avatiliriniq Coordinator
Government of Nunavut

GN-01: CARIBOU PROTECTION MEASURES	
Department	Environment
Organization	Government of Nunavut (GN)
Subject/Topic	Caribou Protection Measures
References	<ul style="list-style-type: none"> NIRB Application for Screening #126012 Thelon Property. NIRB File No. 24EN052, NIRB Application No. 126012. (2024a) Wildlife Management Plan – Thelon Project. NIRB File No. 24EN052, NIRB Application No. 126012. (2024b)
CONCERNS	
<p>Within the ATHA Energy Corporation’s (ATHA or the Proponent) Application for Screening (Application; ATHA 2024a) and Wildlife Management Plan (WMP) for the Thelon Property Project (the Project; ATHA 2024b), the Proponent states it will comply with the Crown-Indigenous Relations and Northern Affairs Canada’s (formerly the Department of Indian Affairs and Northern Development) Caribou Protection Measures (DIAND-CPM) and the Kivalliq Inuit Association’s Mobile Mitigation Measures for Caribou (KIA-MMMC) to reduce project-impacts to caribou. As such, the Proponent includes the DIAND-CPM and KIA-MMMC as appendices in the WMP.</p> <p>However, the Government of Nunavut (GN) notes that the WMP and Application contain several Project-specific protection measures that appear to either conflict with the DIAND-CPM and/or KIA-MMMC protection measures or are not clearly described. The GN has provided examples of these instances below:</p> <p><u>Stop Work Distance Buffers</u></p> <p>The Proponent’s WMP and Application includes mitigation measures involving the cessation of exploration activities when caribou are observed within a specific distance of those activities. However, the spatial extent of distance buffer varies (or is not specified) throughout the Proponent’s application materials.</p> <p>For example, the KIA-MMMC stipulate that activities that could disturb caribou (e.g., drill operations, non-emergency aircraft traffic below 300 m above ground level, ground operations) shall cease when a certain number of caribou are within a 5km zone around those activities (Pages 15–17, ATHA 2024b). The DIAND-CPM do not include a clause which triggers shutdowns once a specific number of caribou are within a specific distance buffer of an activity. Instead, DIAND-CPM require all activities to stop when caribou are “approaching the area of operation” (Page 11, ATHA 2024b).</p> <p>The Proponent’s WMP and Application meanwhile state:</p> <p>“...[i]f caribou and/or muskox are seen in the area, the geophysical survey is not to be flown until they have moved at least one kilometer from the area to be surveyed...” (Page 6, ATHA 2024b) and</p>	

“...ATHA commits to ceasing operations while fifty or more caribou are within 2 km...”
(Page 7, ATHA 2024b) and

“...ATHA will conduct itself in a manner that minimizes disturbance to caribou. This includes “no-fly zones” over migrating herds and areas used by cows for calving...”
(Page 11, ATHA 2024a).

Group Size Thresholds for Work Stoppage

The Proponent’s WMP and Application includes caribou group-size thresholds used to trigger the cessation of project activities. However, group-size thresholds vary (or are not specified) throughout the Proponent’s application materials.

For example, the KIA-MMMC stipulate group-size thresholds ranging from 10 to 50 caribou depending on season and location relative to calving grounds to trigger mitigation (Pages 15–17, ATHA 2024b). The DIAND-CPM do not stipulate group-size thresholds but refer simply to the presence of caribou (Page 11, ATHA 2024b).

The Proponent’s Application meanwhile states:

“...[t]his includes “no-fly zones” over migrating herds and areas used by cows for calving...[i]f caribou herds or calving mothers are found to occupy the area slated for that day’s flight, a different locale will be flown on that day...” (Page 11, ATHA 2024a).

Additionally, the Proponent’s WMP states:

“...ATHA commits to ceasing operations while fifty or more caribou are within 2 km...”
(Page 7, ATHA 2024b).

Ultimately, greater clarity is needed regarding the caribou protection measures this Project will adopt, specifically with respect to distance buffers and caribou group-size thresholds.

REQUESTS / RECOMMENDATIONS

To facilitate GN’s review of the ATHA’s Project, it is recommended that the Proponent provide a table summarizing the caribou group-size thresholds and distance buffers that will be used to trigger work stoppages during each of the sensitive seasons that the Project may interact with caribou (i.e., migratory, calving, and post calving seasons).

ADDITIONAL COMMENTS

N/A