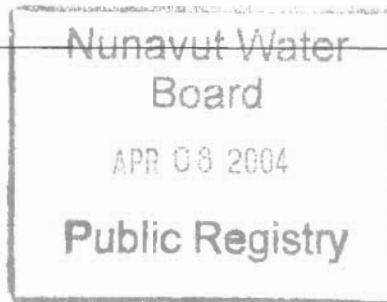


March 3, 2004

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RE: Doris North Wildlife Mitigation and Monitoring Programmes

Dear Ben,

This letter is in response to your 10 February 2004 e-mail to Gordon MacKay (attached below) requesting further Government of Nunavut (GN) input on the Doris North Wildlife Mitigation and Monitoring Programmes. You requested that DSD review the mitigation plan to advise on specifics that require discussion, and required an answer to two questions:

1. Does it [The Doris North Wildlife Mitigation Plan] cover the GN concerns adequately?, and
2. What reporting requirements are expected?

We were pleased to review your Wildlife Mitigation Plan (Supporting Document F1) and found it to be effective at addressing on-site wildlife encounters. It is likely to ensure on-site wildlife and human safety in most cases, and we look forward to formalizing that on-site deterrence plan with suggested revisions as attached to this letter. We have attached comments on the mitigation plan as presented, but we reiterate (as per our comments on the Draft EIS (DEIS) and our Conformity Review of the Final EIS (FEIS) that MHLB's mitigation plan presented to date does not fully address the NLRB guidelines for mitigation and monitoring.

To address your questions above, the NIRB guidelines (15 October 2002) form the basis of GN expectations of suitable mitigation and monitoring programmes. The proponent is obligated to present a project-specific plan to address those components of the guidelines. To highlight this issue we summarize relevant components of those guidelines below. For your reference, we are also attaching a summary review of the October 2003 Wildlife Mitigation plan, and your e-mail requesting more information from us.

DSD would like to emphasize that the wildlife mitigation programme and a wildlife monitoring programme should be recognized as separate, although not mutually exclusive, programmes. As presented, MHBL appears to treat the issue of mitigation and monitoring as the same process, and this is creating some confusion.

MITIGATION

NIRB Guideline — Section 4.24 “*The proponent shall present environmental management plans to prevent or mitigate all the potential impacts of the Project identified in Subsection 4.21, and shall identify residual effects. Mitigation is defined as the elimination, reduction, or control of the adverse effects of the*

Project. It includes restitution for any damage to the environment through replacement, restoration, compensation, or any other means....

...It [the Proponent] shall discuss how the results from the environmental management plans would be used in applying adaptive environmental management, and identify criteria or indicators to trigger management action. etc."

The Wildlife Mitigation Plan presented in the FEIS (Supporting Document F1) addresses only part of the NIRB guideline in that it focuses on dealing with on-site wildlife encounters. While effective, a thorough mitigation plan has to address management of operations to eliminate, reduce or control the adverse effects of the Project. Potential residual effects are not discussed in this mitigation plan, nor are the use of the results of an environmental management plan to apply adaptive management criteria, or the identification of criteria or indicators to trigger management action.

A thorough mitigation plan that addresses, in full, the NIRB guidelines will address our concerns adequately.

MONITORING

NIRB Guideline — Sections 4.26 *"The proponent shall present a Monitoring and Follow-Up Plan that includes ..., biophysical ...monitoring programmes, and a follow-up programme to integrate the monitoring results into a coherent programme of action and to evaluate the effectiveness of mitigation measures during operation and after the final closure of the Project. In every case, the Proponent shall explain what is to be monitored, why it needs to be monitored, and how it will be monitored....*

The Proponent shall discuss how its monitoring programme would distinguish between natural environmental changes and those caused by the Project, how it would assess the validity of impact predictions, how monitoring results would be used to modify management programmes and Project policies, and how it would respond to unexpected adverse effects. It shall also discuss the use of criteria or thresholds to assess impacts (e.g., the use of lichen as an indicator species due to its sensitivity to sulphur dioxide and nitrogen dioxide and its importance in the diet of caribou)...

The Proponent shall strive at every phase of the Project to collect data in a manner that is consistent with existing data-bases, including those of the West Kitikmeot Slave Study, the NPC and the Department of Sustainable Development, provided that doing so will not significantly compromise its ability to monitoring effectively given Project-specific conditions." Etc...

We feel that the NIRB guidelines as summarized above are specific enough to provide direction for MHL to design an effective, Project-specific impact monitoring programme. Further to that, we reiterate our comments from the DEIS (Item No.:7-13) that had still not been addressed in the FEIS:

The monitoring program for wildlife is poorly described. There are no objectives stated or indicators identified. There are many short-term monitoring opportunities (e.g., disturbance effects during construction phase, problem wildlife incidents) but there are also impacts that will require long-term monitoring (e.g., Tail Lake). None of these opportunities are addressed in this [Draft EIS] section."

Our comments had not changed on the Conformity Review of the FEIS.

It is the proponent's obligation to explore the impact/effects monitoring opportunities for the Doris North project. The FEIS made no further attempt to address our request to *"Provide the framework for a*



comprehensive monitoring program for the impacts of the Doris North project on wildlife." Therefore, we still have no monitoring programme document upon which to provide answers to the proponent's two questions stated at the beginning of this letter.

Of note, outstanding information items required from our Conformity Review of the FEIS include the following (discussed with you on 03 February):

- Ecological basis of the spatial boundaries;
- Ecological basis for selection of VECs;
- Identification of Criteria and Indicators;
- Discussion of Impact and Cumulative Effects Assessments Methodology;
- Incorporation of Traditional Knowledge into the EIS.

We look forward to reviewing your framework for a protocol that addresses the NIRB guidelines and providing further input when we have that document to work with. As instructed by the 19 February 2004 letter from NIRB, we expect that that material will be delivered to us by 15 March 2004.

I trust that this is an adequate response to your request of 10 February 2004.

Sincerely,



Gordon MacKay, P.Geo.
Director, Environment and Integrated Resource Management
Department of Sustainable Development

cc. Stephanie Briscoe, NIRB
Hugh Wilson, MHL
Michael Settrington, Ecosystems Biologist, DSD

Comments (not a complete technical review) on Supporting Document F1 (Wildlife Mitigation Programme: Doris North Project, October 2003):

As stated above, this is not a Wildlife Mitigation Plan but more a Human/Wildlife encounter management plan. The plan does not deal with impacts on wildlife other than direct Human/Wildlife conflicts and does not provide mitigation procedures to reduce these conflicts and other potential impacts. This confusion is illustrated within the document that is named differently in the text Wildlife Management Plan or Wildlife Deterrent Plan. Our comments therefore only address the general approach and methods of wildlife deterrence.

In general the plan of action is progressive in its level of disturbance. It is likely to ensure on-site wildlife and human safety in most cases. However, as already noted, the document is more a recommendation document than an actual commitment of the company to comply with these processes in order to deal with wildlife encounters (e.g. page 29 to 31).

- We suggest that during a deterrent action (Page 18), when level 1 and 2 fail, it should be indicated that the WRT member will call for assistance to have another WRT member as back up during the next level of deterrence (i.e., approaching to less than 50m from a wild animal).
- Reporting to DSD: We (Wildlife Officer/Regional Biologist) should receive a copy of the Wildlife Sighting and Log Procedures on a periodical basis (e.g., monthly) and be notified as soon as possible of any deterrent action and dead animals as indicated in the Plan. Contact DSD (Wildlife Officers/manager) for carcass disposal. All Bear deterrence actions, all bear kills and all dead bears must be reported as soon as possible to both Wildlife officer (CamBay) and Wildlife Biologist (Kugluktuk) by fax. For wolverine and grizzly bear, appropriate samples, kill information and hide with the claws and skull have to be provided to DSD (Wildlife Officer CamBay or Regional Biologist Kugluktuk) as soon as possible after the animal died or was found dead. For wolverine, the whole carcass must be sent to DSD. Bear, wolverine and wolves active denning sites, as well as raptor nesting sites, should also be reported to DSD.
- As a general note, when it comes to wildlife, DSD should mean the Nunavut Wildlife Branch staff (Cambridge Bay or Kugluktuk Wildlife Officers, Wildlife Manager or Biologists). If none of these staff members are available, then the regional Director should be notified (with cc to the appropriate wildlife staff: Local wildlife officer/ Regional Manager of Wildlife/ Regional Biologist).
- Page 8, Project Sites of Concern: There is no mention of rotary aircraft activity at the airstrip or elsewhere.
- Page 9, Air traffic: The restriction for aircraft to approach wildlife sites should extend to known wolverine and wolf active den sites during the rearing season, caribou calving ground and to active bear dens during the spring (before and during wake up) and the fall/winter (during den construction and hibernation).
- Page 19: Inside Exclusion Fencing: It should indicate that the gate must be closed at all time and opened only when necessary and during heavy traffic period.
- Page 47: Reporting Bear sightings and encounters (+ anywhere else where relevant): Bear can be active as early as April and may remain active until November. (in the document: May to end of October).
- Electric fence around area where people are unlikely to notice an approaching bear should be required.
- Please note that George Hakongak (mentioned as potential contact person for DSD in Cambridge Bay) is no longer working with us. The plan should indicate to contact the Wildlife Officer in Cambridge Bay (with the name Shane Sather into brackets). They should probably indicate that in case Cambridge Bay wildlife office cannot reply, the Kugluktuk wildlife office should be contacted.

-----Original Message-----

From: Ben Hubert [mailto:benhubert@shaw.ca]
Sent: Tuesday, February 10, 2004 7:19 PM
To: MacKay, Gordon
Cc: Greg Missal; H. Wilson; Hugh R. Wilson
Subject: Wildlife Mitigation and Monitoring

Gord,

This note is relevant to both the Jericho and Doris North Projects with respect to developing project specific wildlife mitigation and monitoring agreements between the proponent and GN-DSD.

We have to start somewhere on developing the wildlife mitigation and monitoring "protocol" requested by GN-DSD at the NIRB Jericho hearings. The mitigation plan developed by Any McMullen for Doris North and filed with the EIS would be a good starting point (Support Document F1).

We have two questions:

- does it cover the GN concerns adequately?
- what reporting requirements are expected?

The draft mitigation plan is being amended to address CWS concerns on migratory birds as well as use of explosives with wildlife, particularly caribou, "in the area".

Please review the mitigation plan and advise on specifics that require discussion. I will forward an overall framework for a "protocol" that is currently in development; it will set out our attempt at outlining what we see as the major elements of a final wildlife mitigation and monitoring protocol. We would like a completed "protocol" initialed or signed off in time for the NIRB hearings for Doris and the permitting phase for Jericho.

Thank you for your attention to this matter.

Best regards,
Ben

