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09MN003  
Our file - Notre référence  
5510-5-25

August 31, 2011

Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU, X0B 0C0

*Via electronic mail to: [info@nirb.ca](mailto:info@nirb.ca)*

**AANDC's Response to BQCMB's Information Requests regarding NIRB's review of Areva's Draft Environmental Impact Statement for the Kiggavik project.**

Dear Amanda Hanson,

On July 13, 2012, Aboriginal Affairs and Northern Development Canada (AANDC) received correspondence from NIRB indicating that the Beverly and Qamanirjuaq Caribou Management Board (BQCMB) submitted Information Requests (IRs) to NIRB that are directed to AANDC. At this time, we are prepared to respond to all three of the IRs directed to us.

Please note that these responses were developed in order to assist BQCMB to better engage in the review of Areva's Kiggavik project proposal. All statements in respect of authorizations are contingent on the outcome of this review and the information gathered therein, as well as the satisfactory completion of the post-review permitting process.

**BQCMB IR # 23**

**To:** AANDC

**Subject:** Mitigation of effects of increased access via roads

**Request:**

AANDC to provide a summary of the range of legislative options available to manage a private road with public access including options for designating no-shooting zones and experience for relevant examples. Include descriptions of successes and failures to achieve access management goals.



**AANDC Response:**

The Minister of Aboriginal Affairs and Northern Development Canada (AANDC) derives authority over Territorial Lands in Nunavut from the Territorial Lands Act. The focus of that legislation relates to the management and use of lands under the administration of the Minister. To assist in carrying out the management of Territorial Lands, various regulations exist under the authority of the Territorial Lands Act. Those regulations include the Territorial Lands Regulations and the Territorial Land Use Regulations.

The Territorial Lands Regulations are primarily designed to regulate the disposition of interests in Crown lands by either sale or lease. The Proponent will be required to apply for a lease for the all-weather road which will contain specific clauses pertaining to environmental protection. The lease will further specify that the Proponent must abide and comply with all applicable lawful rules, acts, regulations and by-laws of Canada, Nunavut, any Municipal or regulatory body or authority having jurisdiction, the Nunavut Land Claim Agreement (NLCA), the Nunavut Impact Review Board Project Certificate, as well as all other agreements, permits, licences, and other instruments related to the project. As with the Meadowbank road, the proponent will be required to deliver to the Minister for review a Private Access Road Management Plan. Through issuance of the lease to the Proponent, the road will be designated as a private road. It is the sole responsibility of the Proponent to allow and manage public access appropriately.

The Territorial Land Use Regulations relate to the use of land through the issuance of land use permits. The regulations specifically outline the matters that may be addressed through a permit. The main purpose of permit conditions relates to the physical condition of the lands, not the protection of wildlife. Wildlife is primarily the responsibility of the Government of Nunavut. The caribou protection measures are included in all land use permits issued in the Kivalliq region to ensure that sensitivities are addressed.

With respect to the designation of no shooting zones on or across roads with public access, AANDC does not manage this issue. The Government of Nunavut has legislation allowing for the designation of no shooting zones, however, these regulations are related to human safety only and are not with respect to harvesting. It is also important to take into consideration the overriding Inuit harvesting rights contained in the NLCA as well as the jurisdiction of the Nunavut Wildlife Management Board (NWMB).

The legislation governing the jurisdiction of AANDC limits what measures AANDC may or may not address in exercising its leasing and permitting powers, and AANDC has only limited options available to address wildlife management issues.

**BOCMB IR # 24**

**To:** AANDC

**Subject:** Caribou Protection Measures



**Request:**

24.1 - AANDC to provide a summary of the applicability of the Caribou Protection Measures to AREVA activities (both exploration and development) near the designated water-crossings and how habitat can be protected at those water-crossings. Applicability for both exploration and development activities by AREVA should be included.

24.2 - AANDC to provide a summary of the applicability of the Caribou Protection Measures to AREVA activities (both exploration and development) when caribou use the LSA or RSA for calving or post-calving and how habitat can be protected in these areas.

24.3 - AANDC to provide a summary of the data requirements and process for identifying crossings to add to the current list of designated water-crossings.

**AANDC Response:**

*24.1 AANDC to provide a summary of the applicability of the Caribou Protection Measures to AREVA activities (both exploration and development) near the designated water-crossings and how habitat can be protected at those water-crossings. Applicability for both exploration and development activities by AREVA should be included.*

The Caribou Protection Measures will apply to any activities conducted by Areva near the designated crossings. The DEIS explains in Volume 6 – Section 13.2.3.4 – *Mitigation Measures and Project Design for Change in Movement*, that Project components and activities will be located a minimum of 10 km from designated water crossings to prevent disturbing caribou or causing potential avoidance of the crossing by migrating caribou.

Should any activities occur near designated water crossings the following provisions of DIAND Caribou Protection Measures will apply:

4. (a) The Permittee shall not, between May 15 and September 1, construct any camp, cache any fuel, or conduct any blasting within 10 kilometres of any “Designated Crossing” as outlined on the map certified by the Engineer as the “Caribou Protection Map” and annexed to this Land Use Permit.

(b) The Permittee shall not, between May 15 and September 1, conduct any diamond drilling operation within 5 kilometres of any “Designated Crossing” as outlined on the map certified by the Engineer as the “Caribou Protection Map” and annexed to this Land Use Permit.

The Caribou Protection Measures themselves do not identify provisions specifically related to habitat protection. However, the Territorial Land Use Regulations do specify that the engineer may include, in any land use permit, terms and conditions respecting the protection of wildlife and fisheries habitat.



*24.2 - AANDC to provide a summary of the applicability of the Caribou Protection Measures to AREVA activities (both exploration and development) when caribou use the LSA or RSA for calving or post-calving and how habitat can be protected in these areas.*

In the event that caribou use the LSA or RSA for calving or post-calving the following provisions of DIAND Caribou Protection Measures will apply:

2. (a) In the event that caribou cows calve outside of the Caribou Protection Areas, the Permittee shall suspend operations within the area(s) occupied by cows and/or calves between May 15 and July 15.

(b) In the event that caribou cows and calves are present the Permittee shall suspend:

- (i) blasting,
- (ii) overflights by aircraft at any altitude of less than 300 metres above ground level, and
- (iii) the use of snowmobiles and ATV's (all terrain vehicles) outside of the immediate vicinity of the camp.

As mentioned above, the Caribou Protection Measures themselves do not identify provisions specifically related to habitat protection. However, the Territorial Land Use Regulations do specify that the engineer may include, in any land use permit, terms and conditions respecting the protection of wildlife and fisheries habitat.

*24.3 - AANDC to provide a summary of the data requirements and process for identifying crossings to add to the current list of designated water-crossings.*

At this time there is no formal process for identifying crossings to add to the current list of designated water-crossings. AANDC would expect that any changes to the list of designated water-crossings or the Caribou Protection Map would be done in consultation with the Government of Nunavut and BQCMB and would be certified by the land engineer.

**BQCMB IR # 25**

**To:** AANDC

**Subject:** Monitoring and Nunavut General Monitoring Program (NGMP)

**Request:**

25.4 - AANDC to outline how they anticipate using caribou monitoring data from GN and industry to develop NGMP databases and Summary of Knowledge (SoK) reports.

**AANDC Response:**

The Nunavut General Monitoring Plan (NGMP) is an ecosystemic and socio-economic environmental monitoring initiative that aims to support, facilitate and coordinate the



collection, analysis, management and dissemination of information regarding the long-term state and health of the environment in Nunavut.

AANDC is the lead federal department responsible for implementing the NGMP, as per this requirement. The NGMP is administered by the NGMP Secretariat, located within the AANDC Nunavut Regional Office, and is further supported by AANDC headquarters.

The work of the NGMP is guided by a steering committee comprised of AANDC, on behalf of the Government of Canada, along with the NPC, Nunavut Tunngavik Inc., and the Government of Nunavut. NGMP collects and reports information as per Article 12.7.6 of the Nunavut Land Claims Agreement. It is currently monitoring the state and health of over 50 valued ecosystemic and socio-economic components ranging from marine mammals and sea ice to food security and education.

Caribou in Nunavut are considered a Valued Ecosystemic Component (VEC) by the Nunavut General Monitoring Plan. NGMP collects and reports information on this VEC as per Article 12.7.6 of the Nunavut Land Claims Agreement. NGMP manages Caribou information within the context of its information management framework. This framework consists of the following four components:

1. Themes, Valued Components & Indicators
2. Monitoring/Research Projects and Initiatives
3. NGMP Monitoring/Research Inventory Database and Portal
4. Communication and Engagement Plan

Nunavut Caribou information is collected, analyzed and reported on within this framework. NGMP maintains an inventory of monitoring initiatives and other relevant Nunavut monitoring information. This inventory is structured in a meaningful way so as to facilitate increased access to information on NGMP valued ecosystemic and socio-economic components.

In reporting on the state and health of Nunavut's ecosystemic and socio-economic environment, NGMP prepares public monitoring reports. The NGMP Secretariat currently has Summary of Knowledge Reports (SoK reports) developed for all Nunavut valued components. These reports provide general monitoring information according to the following standard reporting structure:

1. Introduction
2. Reasons why it is a VEC
3. Studies/Programs that Gather Information
4. State of Knowledge
5. Trend(s)



6. Pressures
7. Indicators
8. Thresholds (where applicable)
9. Existing and Potential Protocols for VEC Data Collection
10. Key Questions for Future Monitoring
11. Needs/Gaps and Recommendations
12. References

These reports are currently available through the NGMP Secretariat and are constantly being updated as new information becomes available.

The NGMP works with diverse information providers to establish baseline information and adopt shared monitoring protocols for collecting, managing, analyzing, sharing and reporting information. Nunavut general monitoring holds due regard for community, regional, territorial, national and international contexts, including both qualitative (e.g. Traditional Knowledge/Inuit Qaujimajatuqangit) and quantitative information. Given NGMP's broad mandate, NGMP must be both efficient and effective, focusing on priority questions and indicators, making the best use of existing information, and filling important knowledge gaps. As such, the collection of information for the NGMP is driven by key questions. Selection of the key questions is based on:

- Addressing the needs of Steering Committee organizations and their constituencies (e.g., to meet their organizations goals, strategies, obligations and business needs)
- The advice of the Expert Advisory Teams, Partner Advisory Group, communities and others
- The information gaps, issues and concerns identified through Nunavut's environmental assessment, regulatory, and resource management processes (e.g., NIRB, NWB, NWMB processes).

The NGMP's key questions and priorities will provide insight into which monitoring indicators and protocols will be best suited to measure the long-term state and health of the respective valued components. Where significant information gaps exist, select gap filling, data development and/or capacity building investments will be considered. NGMP will provide this targeted funding through a periodic request for proposals (RFP) process. Communities, the federal government, territorial government, Nunavut Tunngavik Inc., Institutions of Public Government and industry all have mandates and/or interests in monitoring the state and health of Nunavut's ecosystemic and socio-economic environment monitoring. As the NGMP Secretariat collects public information from various organizations, such as those mentioned above, NGMP looks forward to continued and active collaboration amongst its partners to collect, analyze, validate, share and disseminate Nunavut general monitoring information within this monitoring framework.



For more information on NGMP, please feel free to contact the NGMP Secretariat.

AANDC looks forward to working further with the NIRB and other parties on the Review of the Kiggavik Project. Should you have any questions, please do not hesitate to contact Rosanne D'Orazio at 867-975-4554 or by email at [rosanne.dorazio@aadnc-gc.ca](mailto:rosanne.dorazio@aadnc-gc.ca).

Sincerely,

[original signed by]

Rosanne D'Orazio  
A/Manager, Impact Assessment