

## **Appendix B-1**

### **Comment Submissions Received (November 25, 2009)**

On or before November 25, 2009 the NIRB received comments from the following parties:

- Fisheries and Oceans Canada (DFO)
- Government of Nunavut - Culture, Language, Elders and Youth (GN-CLEY)
- Environment Canada (EC)
- Qikiqtani Inuit Association (QIA)
- Transport Canada (TC)
- Government of Nunavut – Department of Environment (GN-DOE)



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

**Eastern Arctic Area**

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**Secteur de l'Arctique de l'est**

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*Your file*      *Votre référence*  
09EN067

*Our file*      *Notre référence*  
NU-09-0032

October 28, 2009

Kelli Gillard  
Technical Advisor  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, Nunavut  
X0B 0C0

via e-mail: info@nirb.ca

Dear Ms. Gillard:

**Subject:**    Part 4 Screening of the Ellesmere Island Coal Exploration Project

Fisheries and Oceans Canada (DFO) appreciates the opportunity to participate in the Part 4 Screening process for the above mentioned project proposal as requested by you in your October 23, 2009 letter. To expedite future correspondence or inquiries, please refer to the referral title and file numbers when you contact us.

Habitat File No.:	<b>NU-09-0032</b>
Referral Title:	<b>Ellesmere Island Coal Exploration, Ellesmere Island, Nunavut</b>

DFO is responsible for protecting fish and fish habitat across Canada. Under the *Fisheries Act*, no one may carry out a work or undertaking that will cause the harmful alteration, disruption or destruction (HADD) of fish habitat, unless it has been authorized by DFO.

It is our understanding that the proposal consists of the following key elements:

- *Coal exploration including prospecting, mapping, ground geophysics and delineation drilling (on ice and on land),*
- *Disposal of drilling water and cuttings,*
- *Temporary fuel caches in the field to support exploration activities, and*
- *Water use for drilling and camp purposes.*

Which were provided in the following documents:

- *NIRB Part 1 Form: Project Proposal Information Requirements in English*
- *NIRB Part 2 Form: Project Specific Information Requirements in English and associated maps*
- *Weststar Resources Corp. Non-Technical Summary.*

DFO has produced a new Operational Statement titled "Mineral Exploration Activities" which can be found at the following website:

<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nu/os-eo24-eng.htm>

This operational statement covers activities associated with mineral exploration on land including:

- site reconnaissance,
- line cutting,
- temporary work camp operations,
- small diameter/low density drilling,
- high density drilling and/or bulk sampling (extraction of large samples of mineralized material) through large diameter drilling, pitting, trenching and surface stripping,

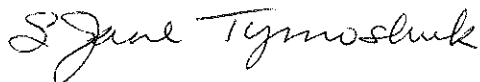
and

- small diameter/low density drilling carried out on ice.

If the proponent meets the conditions outlined in the Operational Statement, then DFO has no concerns regarding this project as it is unlikely to cause significant adverse effects to fish and fish habitat. If the proponent cannot meet the conditions in the Mineral Exploration Activities Operational Statement, they should submit an application to DFO for review.

I trust the information provided will be of assistance in the Nunavut Impact Review Board's review of Weststar's Ellesmere Island Coal Exploration project. If you or the proponent have any questions concerning the above, or if my understanding of the proposal is either incorrect, incomplete, or if there are changes to the proposed work, please contact me directly by telephone at (705) 750-4054, by fax at (705) 750-4016, or by e-mail at [jane.tymoshuk@dfo-mpo.gc.ca](mailto:jane.tymoshuk@dfo-mpo.gc.ca).

Yours sincerely,



S. Jane Tymoshuk  
A/Habitat Management Biologist  
Fisheries and Oceans Canada – Eastern Arctic Area

c.c.: Eric Kan - Fisheries & Oceans Canada  
Phyllis Beaulieu - Nunavut Water Board

091120-09EN067-CLEY Comments REVISED-IT4E

From: Kelli Gillard [kgillard@nirb.ca]  
Sent: November 20, 2009 8:24 AM  
To: info@nirb.ca  
Subject: FW: 09EN067

Attachments: CONSULTANTS\_Palao.doc

From: Ross, Julie [mailto:jross@gov.nu.ca]  
Sent: November-20-09 7:05 AM  
To: kgillard@nirb.ca  
Cc: sgranchi@nirb.ca  
Subject: 09EN067

Kelli and Sophia:

I phoned NIRB yesterday afternoon but no one returned my call. I submitted CLEY's comments on this file but would like to know if could revise them slightly.

The area under consideration for exploration is also HIGHLY sensitive in terms of Nunavut's Paleontology Resource. The extent of the fossil forest is not well defined and while predominately associated with Axel Heiberg Island beds may extend on to the west side of Ellesmere Island. There area is also the location key fossil bed on map sheets 049 E11, E13, E14 and E14. If you have followed palaeontology in the news some of these fossils are significant and have been published in "Science" and are considered missing link fossils.

Palaeontology resources are protected under the same legislation as archaeological resources and a palaeontological investigation of areas to be explored must be done to ensure that these highly scientifically significant fossil beds are protected. I have attached the name of one palaeontological consultant who might be able to do the work however there are academics that might also be suitable.

Julie

&#5419; &#5333; &#5452; &#5381;

&#5123; &#5222; &#5205; &#5456; &#5314; &#5364; &#5333; &#5446; &#5417; &#5222;  
&#5130; &#5525; &#5264; &#5418; &#5509; &#5235; &#5525; &#5264; &#5222;

&#5123; &#5333; &#5509; &#5231; &#5359; &#5333; &#5446; &#5416; &#5251; &#5231; &#5222;

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&#5125; &#5508; &#5338; &#5125; &#5206; : (867) 934-2040  
&#5361; &#5251; &#5234; &#5418; &#5251; &#5232; &#5448; &#5206; : (867) 934-2002

1-866-934-2035

Julie Ross

Territorial Archaeologist

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Pitquilliqiyit

Department of  
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et de la Jeunesse

Sophia Granchinho  
Technical Advisor  
Nunavut Impact Review Board  
Box 2379  
Cambridge Bay, NU X0E 0C0

November 20, 2009

**Re: Land Use Application NIRB 09EN067 Ellesmere Island Coal Project (Weststar Resources Corporation)**

Due Date: November 20, 2009

Dear Ms. Granchinho:

At your request, the Department of Culture Language Elders and Youth (CLEY), Government of Nunavut, has reviewed the above-noted application. Our recommendations are limited to CLEY's mandate and follow.

Prior to any land development (camp development, airstrip etc) or land disturbance such as drilling archaeological and palaeontological assessments needs to be conducted. A list of archaeological consultants who have worked in Nunavut is attached, I currently only have the name of one contract paleontologist, which is also attached, however if this is not suitable I could work with the company to try and find a paleontologist with an academic affiliation.

The field assessments are being required because the area associated with the application is known to have sites associated with the earliest recorded Palaeoeskimo people these sites are very difficult for the un-train eye to see and by law the company is required to avoid such sites. In order to meet this requirement they will need a specialist to assist with site identification. The area is also highly sensitive in terms of Nunavut's paleontology resource. The extent of the fossil forest is not well defined and while predominately associated with Axel Heiberg Island remains are thought to extend onto the west side of Ellesmere Island, however the main concern is that there are key fossil bearing deposits on map sheets 049E11, 049E12, 049E13 and 049E14. Some of these deposits are associated with newly identified extinct species and some might be considered missing link fossils.

In addition to having these field assessments conducted all activities should avoid the currently known archaeological sites listed in Attachment #1. The information contained in Attachment #1 is provided solely for the purpose of the proponents land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent. The proponent

should continue archaeological and palaeontological assessments program as new development and exploration is planned. The attached conditions specify plans and methods of site protection and restoration to be followed by the permittee if an archaeological or palaeontological site is encountered or disturbed in the course of the land use activity.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Ross', with a long horizontal flourish extending to the right.

Julie Ross  
for Douglas Stenton  
Director, Culture and Heritage  
Department of Culture, Language, Elders and Youth  
Encl.

**Professional Paleontology Consultants known to be able to conduct Overview  
Assessments in Nunavut**

**Michael G. Riley, MSc, P. Paleo.**

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November 20, 2009

Our file: 4704 004 055  
NIRB file: 09EN067

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*Via Email [info@nirb.ca](mailto:info@nirb.ca)*

**RE: NIRB 09EN067- Notice of Part 4 Screening for Weststar's "Ellesmere Island Coal Exploration" Project Proposal**

Thank you for the opportunity to provide input into the Nunavut Impact Review Board's (NIRB) Part 4 screening decision for Weststar's "Ellesmere Island Coal Exploration" Project Proposal. The following specialist advice has been provided pursuant the Canadian Environmental Protection Act, Section 36(3) of the Fisheries Act, the Migratory Birds Convention Act, and the Species at Risk Act.

Weststar proposes to conduct an exploration project to evaluate the potential for coal in the project area, located on Bache Peninsula of Ellesmere Island, approximately 407 km northwest of Grise Fiord. Project activities will include ground geophysical surveys, airborne geophysical surveys, prospecting, sampling, mapping and drilling. The project is proposed to occur from summer 2009 to fall 2014. A crew of approximately 10 to 20 people will be onsite at anytime during project operations. Project personnel will stay at camp to be established in 2010. The location of the camp has not yet been determined. The camp would include sleeping tents, kitchen, office, first aid station, core shack, outhouse, generator and a garbage incineration area.

After reviewing the project proposal and supporting documents, Environment Canada (EC) is of the opinion that the proposed project is of a type where the potential adverse effects are highly predictable and mitigable with known technology. EC provides the following comments and recommendations for the Nunavut Impact Review Board's consideration:

**General**

- The proponent shall not deposit, nor permit the deposit of chemicals, sediment, wastes, or fuels associated with the project into any water body. According to the *Fisheries Act*, Section 36 (3), the deposition of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any deleterious substance that results from the deposit of the deleterious substance, may enter any such water, is prohibited.
- The proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.

- All sumps, spill basins, and fuel caches should be located in such a manner as to ensure that their contents do not enter any water body, are to be backfilled, and re-contoured to match the surrounding landscape when they are no longer required.
- No disturbance of the stream bed or banks of any definable watercourse should be permitted.
- Suitable erosion control measures should be implemented at all stream/lake crossings.

### **Drilling**

- Chemical additives or drilling muds used in connection with this drilling program shall be disposed of such that they do not enter any waterbody either by surface or ground water flows.
- Regardless of the type of drilling conducted, the following conditions will apply:
  - Drilling wastes from land-based drilling should be disposed of in a sump such that they do not enter any body of water.
  - For lake-based winter drilling the proponent may refer to the Interim Guidelines for On-Ice drilling. Return water released to the lake must be non-toxic. Return water release must not result in an increase in total suspended solids in the waters of the lake that exceeds Canadian Council of Ministers of the Environment (CCME) Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10 mg/L for lakes with background levels under 100 mg/L, or 10% for those above 100 mg/L).
  - Drilling additives or mud shall not be used in connection with holes drilled through lake ice unless they are re-circulated, contained such that they do not enter the water, or are demonstrated to be non-toxic.
- The proponent should be aware that the Canadian Environmental Protection Act lists calcium chloride (CaCl) as a toxic substance. The proponent shall therefore ensure that if CaCl is used as a drill additive, all sumps containing CaCl are properly constructed and located in such a manner as to ensure that the contents will not enter any water body.

### **Waste Management Plan**

- Used absorbent materials, oily or greasy rags, and equipment servicing wastes (such as used engine oil, antifreeze, hydraulic oil, lead acid batteries, brake fluid and other lubricants) should be safely stored and transported in sealed containers (odour free to prevent animal attraction) and safely transported to a facility that is authorized for the treatment and disposal of industrial hazardous wastes.
- EC is pleased to see that Weststar will be using EC's Technical Document for Batch Waste Incineration, as stated in the Waste Management Plan. Please note that this draft has been finalized and is now available at the following web link:  
<http://www.ec.gc.ca/drgd-wrmd/default.asp?lang=En&n=82401EC7-1>

### **Fuel/Spill Contingency**

- When storing barreled fuel on location, EC recommends the use of secondary containment, such as self-supporting insta-berms, rather than using natural depressions. Further, all fuel caches shall be located above the high water mark of any water body and in such a manner as to prevent the contents from entering any water body frequented by fish.
- Decanting of snow or water from the berm area should proceed only if the appropriate chemical analysis has determined that the contents will not violate the requirements of Section 36.3 of the *Fisheries Act*, such as contact with hydrocarbons.

- Fuel containers, including barrels, should be marked with the responsible party's name, product type, and year purchased or filled.
- EC recommends that **all** releases of harmful substances, regardless of quantity, are immediately reportable where the release:
  - is near or into a water body;
  - is near or into a designated sensitive environment or sensitive wildlife habitat;
  - poses an imminent threat to human health or safety; or
  - poses an imminent threat to a listed species at risk or its critical habitat.
- The 24 hour pager number for Environment Canada in Sections 5.1, 5.3 and 6.2 should be removed as this number is no longer in service. However, the contact number for the Iqaluit Enforcement Officer is correct (867) 975-4644.

## Wildlife

- Environment Canada acknowledges that low level altitudes will be required for the airborne surveys. However, in order to reduce the cumulative impacts of aircraft disturbance to migratory birds, Environment Canada recommends the following mitigation measures be used for flights between survey areas and/or camp locations:
  - Plan flight paths that minimize flights over habitat likely to have birds and maintain a minimum flight altitude of 650 m (2100 feet).
  - Minimize flights during periods when birds are particularly sensitive to disturbance such as migration, nesting, and moulting.
  - Plan flight paths to avoid known concentrations of birds (e.g., bird colonies, moulting areas) by a lateral distance of at least 1.5 km. If avoidance is not possible, maintain a minimum flight altitude of 1100 m (3500 feet) over areas where birds are known to concentrate.
  - Avoid areas used by flocks of migrating waterfowl by 3 km.
  - Avoid excessive hovering or circling over areas likely to have birds.
  - Inform pilots of these recommendations and areas known to have birds.
- Section 6 (a) of the *Migratory Birds Regulations* states that no one shall disturb or destroy the nests or eggs of migratory birds. If active nests are encountered during project activities, the nesting area should be avoided until nesting is complete (i.e., the young have left the vicinity of the nest).
- Environment Canada recommends that food, domestic wastes, and petroleum-based chemicals (e.g., greases, gasoline, glycol-based antifreeze) be made inaccessible to wildlife at all times. Such items can attract predators of migratory birds such as foxes, ravens, gulls, and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.
- Section 5.1 of the *Migratory Birds Convention Act* prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
- The following comments are pursuant to the *Species at Risk Act* (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. However, as a matter of best practice, Environment Canada suggests that species on other Schedules of SARA and under consideration for listing on SARA, including those designated as at risk by the Committee on the Status of

Endangered Wildlife in Canada (COSEWIC), be considered during an environmental assessment in a similar manner.

Terrestrial Species at Risk potentially within project area <sup>1</sup>	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>2</sup>
Ivory Gull	Endangered	Schedule 1	EC
Red Knot ( <i>islandica</i> subspecies)	Special Concern	Pending	EC
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western population)	Special Concern	Pending	Government of Nunavut

<sup>1</sup> The Department of Fisheries and Oceans has responsibility for aquatic species.

<sup>2</sup> Environment Canada has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the *Migratory Birds Convention Act* (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Thus, for species within their responsibility, the Territorial Government is best suited to provide detailed advice and information on potential adverse effects, mitigation measures, and monitoring.

Impacts could be disturbance and attraction to operations.

Environment Canada recommends:

- Species at Risk that could be encountered or affected by the project should be identified and any potential adverse effects of the project to the species, its habitat, and/or its residence noted. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca) for information on specific species.
  - If Species at Risk are encountered or affected, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
  - Monitoring should be undertaken by the proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.
  - For species primarily managed by the Territorial Government, the Territorial Government should be consulted to identify other appropriate mitigation and/or monitoring measures to minimize effects to these species from the project.
  - Mitigation and monitoring measures must be taken in a way that is consistent with applicable recovery strategies and action/management plans.
- Ivory Gulls are medium-sized gulls that can be identified by their pure white plumage and black legs. Ivory Gull nest in colonies on windswept plateaus, ice-choked islands, or on steep cliffs of mountains protruding from glaciers. Ivory Gulls nest on Ellesmere Island, although the proposed project is not near any known Ivory Gull nesting colonies.

It is possible that Ivory Gull colonies exist in the High Arctic that have not yet been noted. If inland groups of gulls are encountered that could be nesting Ivory Gulls, these areas should be avoided to prevent disturbance and observations reported to the Canadian Wildlife Service of Environment Canada.

- Environment Canada notes that the Red Knot (a shorebird) was designated as at risk by COSEWIC in April 2007. Red Knot may breed on Ellesmere Island. Although the major threats to Red Knot relate to habitat degradation in the wintering areas and decreases in food resources during spring migration, the proponent should ensure that extra precautions are taken to avoid any disturbance to the Red Knot or its habitat during the breeding season. Red Knots nest on barren habitats (often less than 5% vegetation) such as windswept ridges, slopes or plateaus. Nest sites are usually in dry, south-facing locations, and may be located near wetlands or lake edges, where the young are led after hatching. Nests are simple scrapes on the ground in small patches of vegetation. Nesting will occur in June with hatching in early July. If an active Red Knot nest is encountered during project activities, or observations of Red Knot in the area suggest that a nest could be nearby, the proponent should avoid all activities in the area until nesting is complete (i.e., likely only resume activities in the area until after mid-July).
- Observations of Red Knots, Ivory Gulls or other birds can be reported to the Canadian Wildlife Service of Environment Canada through the NWT/NU Bird Checklist program.

NWT/NU Bird Checklist Survey  
Canadian Wildlife Service, Environment Canada  
Nova Coast Plaza, 5019-52 Street  
P.O. Box 2310  
Yellowknife, NT  
X1A 2P7  
Phone: (867) 669-4773  
Email: [NWTChecklist@ec.gc.ca](mailto:NWTChecklist@ec.gc.ca)

- All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice / training on how to implement these measures.
- Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act*, *Migratory Birds Regulations*, and the *Species at Risk Act*. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.

If there are any changes in the proposed project, EC should be notified, as further review may be necessary. If you have any questions regarding the foregoing please contact Carrie Spavor at (867) 975-4631 or via email at [carrie.spavor@ec.gc.ca](mailto:carrie.spavor@ec.gc.ca).

Yours truly,

***Original signed by***

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c.c: Carey Ogilvie (Head, Environmental Assessment-North, EPO, Yellowknife, NT)  
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QIA file: LUA-2009-016

Kelli Gillard, Technical Advisor  
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Dear Kelli Gillard,

**RE: QIA Comments on Part 4 Screening of Weststar's "Ellesmere Island Coal Exploration" Project Proposal**

The Qikiqtani Inuit Association (QIA) thanks the Nunavut Impact Review Board (NIRB) for the opportunity to comment on Weststar's project proposal. Concurrent with NIRB's Part 4 screening, QIA has completed a review of Weststar's application for access to Inuit Owned Lands (IOL).

QIA's comments to NIRB on Weststar's project proposal are based upon input from the Community Lands and Resources Committee (CLARC) of Grise Fiord. The advice provided by the CLARC is a fundamental and significant part of QIA's decision making process when granting access to IOL.

QIA has been advised by the CLARC of Grise Fiord that Weststar's proposed activities are likely to have undesirable impacts to wildlife, Inuit harvesting of wildlife, interference with Inuit use and quiet enjoyment of Inuit Owned Lands. Furthermore, no direct socio-economic benefits are foreseen. As a result, QIA is withholding access to IOL for Weststar's proposed project.

QIA encourages Weststar to directly consult Inuit of Grise Fiord on all land use activities prior to and throughout the life of the proposed project. This will prove useful in establishing and maintaining a positive on-going relationship with Grise Fiord Inuit who are most likely to feel any impacts from the Weststar's project. QIA feels speaking with Inuit of Grise Fiord will aid in project planning, providing valuable direction on mitigating impacts to wildlife and Inuit land use.

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Transport Canada    Transports Canada

Prairie and Northern Region  
Environmental Affairs - Programs  
P.O. Box 8550  
3<sup>rd</sup> Floor, 344 Edmonton Street  
Winnipeg, Manitoba  
R3C 0P6

Your File            Votre référence  
NIRB: 09EN067  
Our file            Notre référence  
TC# 10078-09-NU

November 20, 2009

Kelli Gillard B.Sc., P.Ag  
Technical Advisor  
Nunavut Impact Review Board  
P.O. Box 1360  
Cambridge Bay, NU X0B 0C0

**RE: Transport Canada's Review and Comments on the Notice of Part 4 Screening for Weststar's "Ellesmere Island Coal Exploration" project proposal**

Dear Kelli Gillard,

Transport Canada (TC) appreciates the opportunity to participate in the Part 4 Screening process for the above mentioned project proposal as requested in your October 23<sup>rd</sup>, 2009 notification. TC is responsible for transportation policies and programs that promote a safe transportation system, ensuring that they work effectively and in an integrated manner.

Transport Canada has conducted a cursory review of the project proposal in accordance with our departmental mandate pursuant to the *Navigable Waters Protection Act*. Our review consisted of the following documents:

- *NIRB Part 1 Summary Application Form in English*
- *NIRB Part 2 PSIR Form*
- *Maps*
- *Non technical Project Proposal summary in English*
- *NPC Conformity Determination*
- *Indian and Northern Affairs Land Use Permit application*
- *Nunavut Water Board Water Licence application*
- *Spill Contingency plan*
- *Abandonment and Restoration Plan*
- *Fuel Management Plan*
- *Waste Management Plan*

Based upon this initial review, the Navigable Waters Protection Program (NWPP) has indicated an interest in the proposed project. It is advised that the Proponent contact the Navigable Waters Protection Program at the contact information below to discuss the details of the proposed project.

**Prairie and Northern Region**  
Navigable Waters Protection Program  
Canada Place  
1100-9700 Jasper Avenue  
Edmonton AB  
T5J 4E6  
Phone: 780-495-8215  
Fax: 780-495-8607

Canada 

You can find further information on the Navigable Waters Protection Program at <http://www.tc.gc.ca/marinesafety/oep/nwpp/menu.htm>

Transport Canada appreciates the opportunity to participate in this review and provide comments to the NIRB for your consideration. Should you have any questions pertaining to these comments, please contact me via email at [christopher.aguirre@tc.gc.ca](mailto:christopher.aguirre@tc.gc.ca) or by telephone at (204) 984-2615.

Regards,



Christopher Aguirre  
Transport Canada  
Environmental Officer

Cc: Gregory Black - Navigable Waters Protection Officer

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## Avatiligiyyit

Department of Environment

Ministère de l'Environnement

November 25, 2009

Kelli Gillard  
Technical Advisor  
Nunavut Impact Review Board

**via Email to:** info@nirb.ca

Dear Ms. Gillard

**RE: Notice of Part 4 Screening for Weststar’s “Ellesmere Island Coal Exploration” project proposal**

The Government of Nunavut, Department of Environment (DOE) has reviewed the Weststar Resources Corporation's (proponent) Ellesmere Island Coal Exploration project proposal. Based on DOE's mandate under the *Wildlife Act* we have the following comments and recommendations to make.

In August 2009, the DOE commented on Coal License Applications #122-137 from Indian and Northern Affairs Canada and strongly recommended against issuing them based on a number of biological concerns. These same areas are now being considered for Weststar's Ellesmere Island Coal Exploration project proposal. Details of the GN-DoE concerns are outlined below. Two maps are attached providing a general overview of areas currently known to be important wildlife areas in and near the areas of the proposal.

The project proposal is located within the **Fosheim Peninsula Wildlife Area of Special Interest** (*Wildlife Areas of Special Interest* 1995). The Fosheim Peninsula is regarded as one of the richest biological sites displaying a relatively high diversity of plants and animals over a large area for 80°N (Ecological Sites in Northern Canada, 1975). Exploration and development in this area should be strongly discouraged. GN-DOE Wildlife Division has strongly recommends against any activities in the location of the Weststar's Ellesmere Island Coal Exploration project because of potential significant impacts to important caribou and muskox habitat.

## Fossil Forest

The GN has jurisdiction over these “fossil forests” pursuant to Section 6(1) of the Wildlife Act. The project proposal falls within the locale of the Fossil Forest and serious consideration should be given to making the protection of the forest a priority over other uses of the area. This Fossil Forest is estimated to be 45 million years old and locate in the high Arctic of Nunavut (Axel Heiberg Island and Ellesmere Island especially).





Ministère de l'Environnement



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Department of Environment

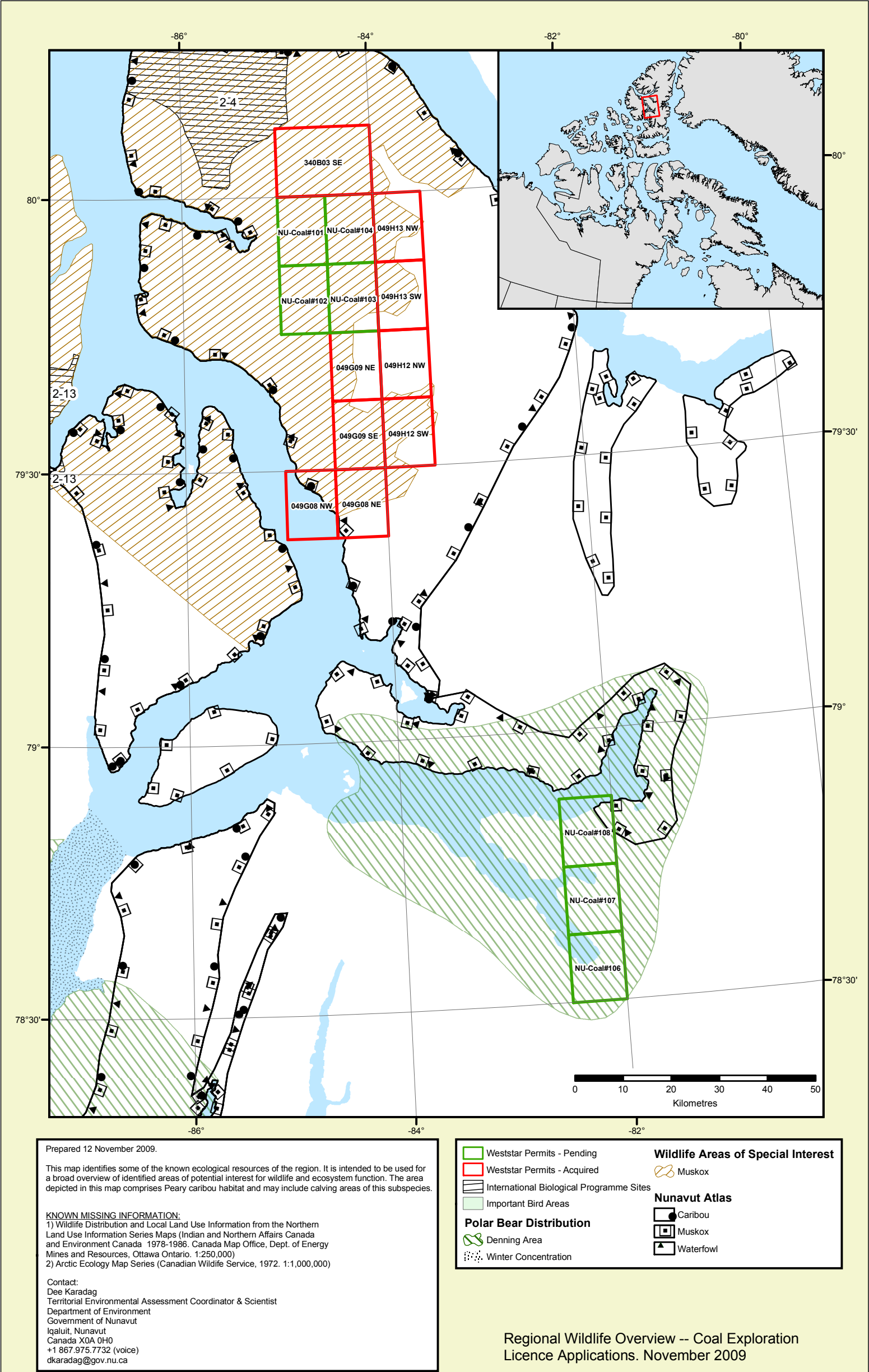
Ministère de l'Environnement

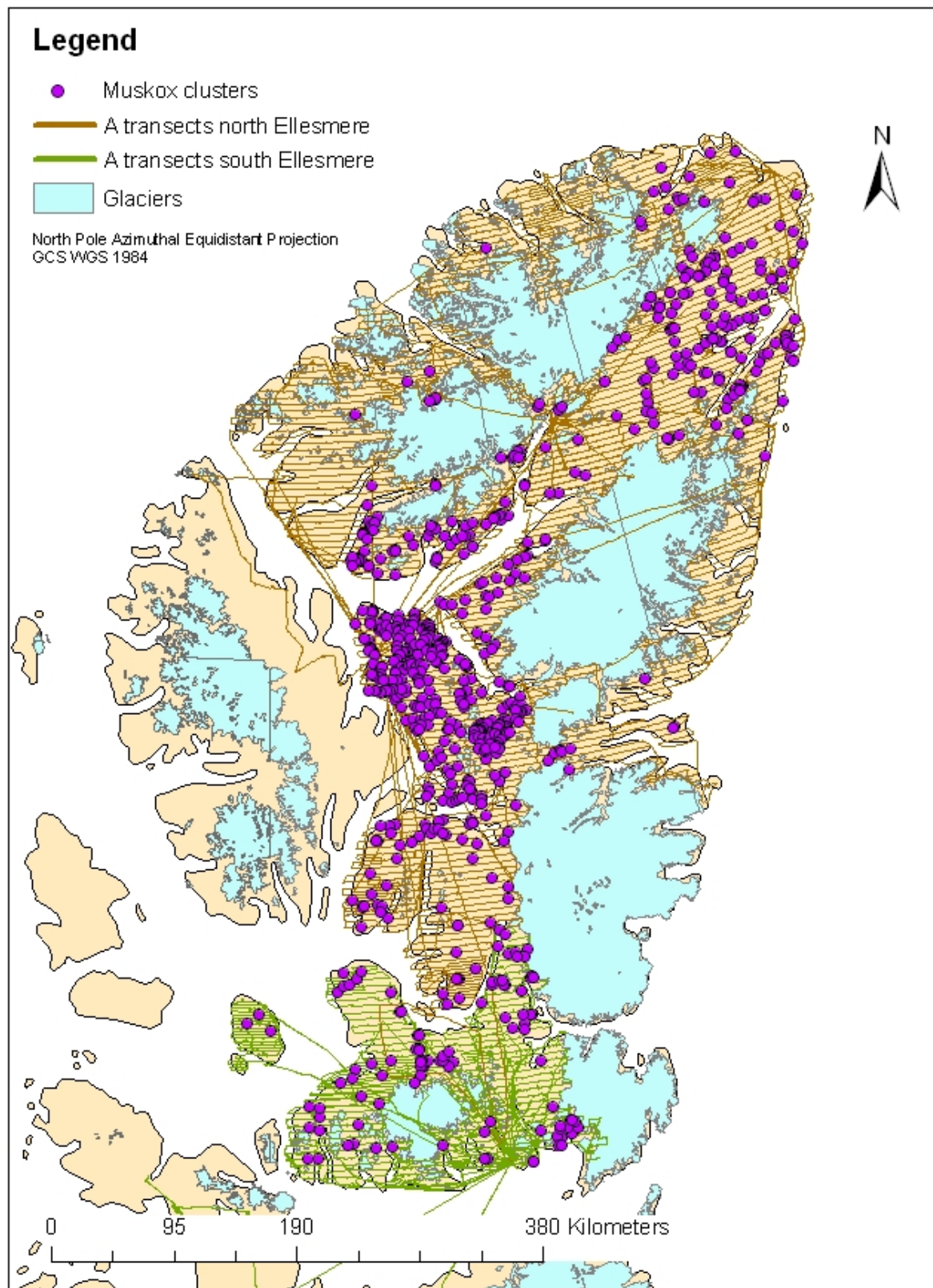
EM: dkaradag@gov.nu.ca

2 Map Attachments:

1. Regional Wildlife Overview -- Coal Exploration, Licence Applications. November 2009
2. Muskox clusters observed on Ellesmere Island during April-May (2005-06), From Jenkins (2007)







Muskox clusters observed on Ellesmere Island during April-May (2005-06).  
From Jenkins (2007)