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Leslie Payette,
Manager of Environmental Administration,
NIRB,
P.O. Box 1360,
Cambridge Bay, NU,
X0B 0C0
Dec 5, 2008,

Dear Ms Payette,

Please accept this as WWF-Canada's submission and comment on the Draft EIS Guidelines for the NIRB's Part 5 Review of the Garry Lake Project.

WWF has carefully considered, among other things, the Draft Guidelines to the Preparation of an Environmental Impact Statement for Uravan Minerals Inc's Garry Lake Project (November, 2008), and the Summary Report of the NIRB Public Scoping and EIS Guideline Development Workshop held in Baker Lake on Nov 5-7, 2008. In addition, by invitation, WWF-Canada made a presentation to the Uranium Workshop hosted by NPC in Baker Lake in June, 2007 (attached). You will see from that document that for almost ten years now, WWF has been working closely with the Dene of Lutsel K'e and the Inuit of Baker Lake to support community-based efforts to approve the Thelon Wildlife Sanctuary Management Plan, and to protect the Thelon River watershed and the Beverly caribou herd, especially the calving grounds in Nunavut. I have personally led this work, and have travelled extensively through the affected area, by visiting the communities on many occasions, as well as by canoe and hiking on the land.

WWF is well aware of the NIRB's reminders to direct detailed comments to the Draft EIS Guidelines at this point in the Part 5 Review process. However, by doing so, we are concerned that a more fundamental option mandated for NIRB in the NLCA may be either overlooked or downplayed, namely the option to reject this application outright.

Sections 12.2.2 (d), 12.4.4(d), 12.4.7(c), and 12.5.6 (b) of the NLCA all make it clear that part of the NIRB's general responsibility, and specifically under a Part 5 Review, is to consider not just mitigative measures that should apply to a proponent's project, but whether the project should proceed at all or be abandoned. Further, in the Guiding Principles section of your own discussion document (Section 2.1 on page 7), you indicate that:

"The NIRB shall consider the need for, alternatives to, and alternative means of, carrying out the Project in assessing the justifiability of any significant environmental and socio-economic effects identified, and in formulating its recommendations to the responsible Minister."

WWF-Canada strongly supports the position taken by the Beverly and Qamanirjuaq Caribou Management Board (BQCMB), which is on the public record as Appendix D in the Summary Report of the NIRB Nov 5-7 Scoping Workshop in Baker Lake, that:

"1. Due to the drastic decline of the Beverly herd and concerns about cumulative effects, a precautionary approach must be applied.



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- 2. Uraavan's permit application should be denied.**
- 3. No further mineral exploration should be permitted on the traditional calving ground.**
- 4. The Thelon Wildlife Sanctuary Management Plan should be implemented.**
- 5. The Beverly calving ground should receive long-term legislated protection."**

In supporting this position, WWF draws the NIRB's attention to a crucially relevant study conducted in 2003-04 by David Pelly for the Baker Lake Hunters and Trappers Organization, called the Hanningajuk Project. "Hanningajuk" is the name given to the Garry Lake/Back River area by the Inuit (Hanningajurmmiut) who have traditionally inhabited this region, and Mr Pelly has recorded and transcribed interviews of 26 informants who knew this area better than anyone else, most of them elders now moved to Baker Lake, Arviat, Rankin Inlet, Chesterfield Inlet, or Whale Cove. The study was funded by WWF-Canada, among others, and I have forwarded to NIRB under separate cover, a bound copy of the interview transcripts, plus a large map containing 121 place names identified by the Hanningajurmmiut, now formally registered with the Atlas of Canada. For your information, copies of the interview transcripts and map, plus a summary of the interviews, are also in the possession of all the informants, the Baker Lake HTO, The Baker Lake Heritage Centre, the Nunavut Archivist, the Inuit Heritage Trust, and I believe NPC there in Cambridge Bay.

Anyone taking the time to read these interviews, and to consider the place names map with the wealth of historical information and traditional knowledge it reflects, cannot help but be impressed by the deep feelings of attachment the Hanningajurmmiut feel for this region, despite the tragic Starvation of the 1950's, when the caribou did not come. In fact, if any group of people understands the cultural, spiritual, and subsistence significance of caribou in the Garry Lake area, it is the Hanningajurmmiut. I ask the Board to seriously consider their repeated calls for greater protection of this same area.

In supporting the BQCMB's position, WWF also cites additional concerns regarding greater protection of caribou calving areas, expressed by other residents of Nunavut, other affected non-residents (such as the Dene who also depend on the Beverly herd), scientists, and even the mining industry itself. In this regard, I have attached a WWF document titled "Protecting Caribou Calving Grounds," which includes quotes from:

- The Canadian Wildlife Service (2002)
- The BQCMB (2004)
- The Gjoa Haven Hunters and Trappers Organization (2005)
- The Baker Lake Hunters and Trappers Organization (2006)
- The Lutsel K'e Dene First Nation (2006)
- The NWT Barren-ground Caribou Summit (2007)
- Resolution by the Dene Chiefs (2007)
- Monte Hummel and Justina C. Ray, from *Caribou and the North: A Shared Future* (2008), Dundurn Press (signed copy forwarded to the Board)
- De Beers Canada (2008)
- Areva Resources Canada Ltd (2008)
- Cameco Corporation (2008)
- The BQCMB (2008)



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Since most of these quotes are excerpts from larger documents, if the Board would like copies of the complete original statements, I would be pleased to make them available to you.

What is emerging is a growing, widespread concern about industrial development in the Beverly caribou calving area, and in barren-ground caribou calving areas in general, because this is regarded as one of the most critical habitats for a critically important wildlife species in the North. For example, in our book *Caribou and the North*, we estimate the meat value of all barren-ground caribou in North America to be conservatively worth \$100 million/year.

Virtually all of the barren-ground herds in the western and central Arctic are now in decline, and protecting the calving areas is agreed as being one key to their recovery. As a result, there is a growing sentiment that if the agencies responsible for conservation are not going to protect caribou calving areas, they aren't going to protect anything at all.

Further, Canada has consistently taken the position that the US should not allow industrial development in the calving area of the Porcupine caribou herd, while issuing mineral tenures in comparable areas in our own country (now 982 in the Beverly and Qamanirjuaq calving areas alone—see attached). It will not be long before this inconsistency becomes blatantly obvious to Canada's critics and to the broader conservation movement. Under such circumstances, issues such as allowing Uravan's project to proceed will become national and international concerns. I believe this explains why leading companies, such as De Beers, "just won't go there." They literally don't *want* to make a commercially attractive mineral discovery in a caribou calving area.

A few final comments about the Caribou Protection Measures (CPMs), since it is often suggested that permanent protection of calving areas is not necessary as long as project proponents comply with these:

- The BQCMB, in its 2004 Habitat Position Paper, has already concluded that the CPMs are not adequate to ensure the long-term conservation of the Beverly herd.

- It is realistically impossible to enforce these measures, given the remote conditions under which they need to be implemented.

- Caribou Protection Areas (CPAs) were established with the expectation that their boundaries would be based on annual monitoring conducted as part of the CPM program, but INAC cut the funding that GNWT used to conduct that monitoring in 1990. Therefore, the CPAs have not been adjusted based on recent caribou use during the calving and post-calving periods as intended. This poses a potential problem for both caribou conservation and mineral exploration, as the areas to which the CPMs apply could at some point have little or no relevance to the area in which caribou and calves should be protected from disturbance.

- All this having been noted, the biggest issues regarding CPMs are the inadequacy of the protection provided (they don't really prevent disturbance to caribou, and they provide no habitat protection), the lack of enforcement, and the possibility of exemption.

- Uravan appears to be seeking exemption from the CPMs—another reason for rejecting their application.



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Given the concerns being expressed about this project from within and outside Nunavut, WWF-Canada strongly recommends that the NIRB rules it is “not in the national or regional interest, and inform the proponent that it should be abandoned.” (NLCA 12.4.7 (c)).

Sincerely,

Monte Hummel O.C.
President Emeritus
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