



SCREENING DECISION REPORT
NIRB FILE NO.: 08EN037

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June 27, 2008

Honourable Minister Chuck Strahl
Minister of Indian Affairs and Northern Development
10 Wellington, 21st Floor
Gatineau, QC
K1A 0H4

Via email: Strahl.C@parl.gc.ca

Re: Screening Decision for Uravan Minerals Inc.'s Garry Lake Project Proposal

Dear Honourable Minister Strahl:

The primary objectives of the Nunavut Land Claims Agreement (NLCA) are set out in Section 12.2.5 of the Land Claims Agreement. This section reads:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

Subsection 12.4.2 (a) of the NLCA directs the Nunavut Impact Review Board (NIRB or Board), when screening a project, to recommend a public review when in its judgement:

- (i) *the project may have significant adverse effects on the ecosystem, wildlife habitat or Inuit harvesting activities,*
- (ii) *the project may have significant adverse socio-economic effects on northerners,*
- (iii) *the project will cause significant concern, or*
- (iv) *the project involves technological innovations for which the effects are unknown*

Pursuant to Subsection 12.4.2 (b), a review is generally not required when, in NIRB's judgement, the project is unlikely to arouse significant public concern and;

- (i) *the adverse ecosystemic and socio-economic effects are not likely to be significant, or*
- (ii) *the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology*

Subsection 12.4.2 (c) instructs the NIRB to give greater weight to the provisions of 12.4.2 (a) in determining whether a review is required or not.

Procedural History and Background

On January 25, 2008 the NIRB received an application for a land use permit from Uravan Minerals Inc. (Uravan or Proponent) for its Garry Lake uranium exploration project proposal (see Appendix A for a project summary). On February 4, 2008 the NIRB wrote to the Proponent and advised that the project appeared to be in an area which required a conformity determination from the Nunavut Planning Commission (NPC). Additionally, the Proponent was advised that the NIRB would require a request from an authorizing agency to screen the application for the Garry Lake project proposal.

On March 14, 2008 the Board received a land use application from the Kivalliq Inuit Association (KIA) for the Garry Lake project proposal. Then, on April 17, 2008 the NIRB received a request from Indian and Northern Affairs Canada (INAC) to screen the land use application for the activities on crown land associated with this project proposal. On April 1, 2008 NIRB received a positive conformity determination with the Keewatin Regional Land Use Plan (KRLUP) from the NPC for this project. Additionally, the NIRB requested additional information from the Proponent to be submitted by April 16, 2008. The requested information was received on April 14, 2008.

This application was distributed to the Baker Lake Hunters' and Trappers' Organization, Hamlet, Community Lands and Resource Committee, to interested Federal and Territorial Agencies and other interested Inuit organizations and non-government organizations/persons. The NIRB requested that interested Parties review the application and provide the Board with comments by April 23, 2008 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (please provide any recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before April 23, 2008, the NIRB received initial comments from the following interested Parties (see Appendix B):

- Beverly and Qamanirjuaq Caribou Management Board (BQCMB)
- Government of Nunavut – Department of Environment (GN-DoE)

On May 15, 2008 the NIRB requested more time to screen this project proposal pursuant to Section 12.4.5 (b) of the NLCA. On May 23, 2008, the Board requested further input from Parties on several pertinent issues, including the status of the Thelon Game Sanctuary Management Plan (the Thelon Plan). Specifically, the Board asked for input regarding the establishment of the Special Management Areas (SMAs) in the Thelon Plan (as the location of Uravan's Garry Lake project is within the proposed Aberdeen Lake SMA), and the impacts associated with approving projects without a final plan. In addition, the Board outlined concerns regarding the potential for cumulative impacts in that region.

On or before June 9, 2008 additional comments were received from the following interested Parties (see Appendix B):

- Uravan Minerals Inc.,
- Athabasca Denesuline Negotiation Team (ADNT),
- GN-DoE ,
- INAC, and
- BQCMB.

NIRB Assessment and Decision

In determining whether or not a public review is necessary, the NIRB considered a number of factors, in addition to soliciting and reviewing comments received from interested parties. Upon completion of the internal technical review, the NIRB determined that the nature, timing, and location of the Garry Lake project indicated that, consistent with the criteria identified in 12.4.2(a) of the NLCA, i) this project has the potential to cause significant adverse ecosystemic effects, (ii) the project may have significant adverse socio-economic effects on northerners and iii) there is significant public concern regarding this project. The NIRB and other commenting parties have identified a number of significant issues that could be associated with this project. Details of the significant issues identified are:

1. The project may have significant adverse effects on the ecosystem, wildlife habitat or Inuit harvesting activities - 12.4.2(a) (i):

There is the potential for impact to wildlife habitat, particularly caribou calving grounds, as a result of exploration activities including drilling, airborne surveys, and associated camp use. The Garry Lake project is located in the traditional calving grounds of the Beverly caribou herd and, as proposed, has the potential for direct impacts to caribou and caribou calving grounds. These concerns were raised by a number of parties:

The project is located within the calving grounds of the Beverly barren-ground caribou herd. Recent research has strengthened the information basis for concerns about how caribou responses to human activities on calving and post-calving areas can accumulate to the level that affect caribou. (GN-DoE)

Nunavut's caribou herds are currently cycling down. During declines and times of low number, caribou are especially vulnerable to disturbance caused by exploration activities. (GN-DoE)

There is a clear potential for Uravan's proposed activities to impact caribou and important caribou habitat. (BQCMB)

The most recent data from calving ground surveys (2007, 2002, 1994, 1993) and from tracking satellite-collared Beverly and Ahiak caribou over the past few years has shown that Uravan's project area is in the **core calving area** for Beverly caribou, may be used by Beverly caribou during the post-calving period and is also used by Ahiak caribou during spring migration to their calving ground further north. (BQCMB)

... the current context means that a proper assessment of projects of this nature must recognize that caribou protection is critical. This situation includes documented declines in five NWT caribou herds, limited information about Beverly and Ahiak herds, and the uncertain but likely declining population status of these herds. (BQCMB)

Uravan does not appear to recognize the need to minimize the potential impacts of their operations on caribou on the calving grounds. They have inadequately addressed this issue in both their application and mitigation plan. It is not clear that the company is prepared to seriously address these issues. (BQCMB)

Additionally, concerns have been raised regarding the potential for cumulative impacts of this project in relation to other projects in the region, specifically on caribou and caribou calving grounds:

The BQCMB is concerned about the amount of mineral exploration underway and proposed across the range of Beverly and Qamanirjuaq caribou herds, and particularly on the calving and post-calving areas of Beverly caribou. Potential cumulative effects are an issue at several scales, including within calving grounds and across caribou ranges, since caribou accumulate impacts as they move from one seasonal range to another. (BQCMB)

DOE cautions that cumulative disturbances between May and August will likely have a negative impact [on caribou]. (GN-DoE)

2. The project may have significant adverse socio-economic effects on northerners – 12.4.2 (ii):

The importance of caribou to northerners' social and cultural values cannot be understated. Reliance of many northerners on caribou as a food source also means the health of caribou herds factor prominently into the local economy. These concerns were raised specifically as follows:

Since the yearly migration of the Beverly-Qamanirjuaq caribou herd is integral to Athabasca Denesuline economic, social and cultural identity, any potential disturbance to the caribou is potential risk to the Athabasca Denesuline identity. (ADNT)

There is clear potential for Uravan's proposed activities to impact caribou and important caribou habitat. This issue should be given serious consideration at any time, given the importance of caribou to Aboriginal and other people across the caribou ranges – communities in Nunavut, the Northwest Territories (NWT) and northern Saskatchewan rely on the Beverly and Ahiak herds. (BQCMB)

While the BQCMB's mandate provides a focus on caribou and caribou range, board members are also concerned about the broader ecological effects of human land use activities and the long-term impacts these activities will have on the sustainability of traditional lifestyles and livelihoods for northern communities. (BQCMB)

3. The project will cause significant public concern – 12.4.2(a) (iii):

Several Parties have provided the NIRB with strong comments against the approval of the project without further review of the potential impacts related to caribou, caribou calving grounds, and cumulative impacts. The Board considers that the concerns, such as the following, constitute significant public concern:

No exploration or development activities should be permitted on the traditional calving ground of the Beverly caribou herd. The BQCMB does not agree with permitting exploration activities on calving and post-calving areas, and recommends that Uravan's application not be approved. (BQCMB)

A full review of the proposal should be conducted which ensures that a full and transparent public discussion takes place, in which all interested parties have the opportunity to present their views. (BQCMB)

We feel that exploration and development should not take place on caribou calving grounds such as these, and that no permits should be issued for this project... (ADNT)

... NIRB should ensure that the proponent works with the parties to address potential cumulative impacts and provides parties with the necessary information and assistance to assess cumulative effects on caribou. (GN-DoE)

After examining both the Project Proposal and comments received, the NIRB has determined that, pursuant to Section 12.4.4 (b), the proposal requires a public review under Part 5 or 6 of the NLCA.

Issues of Concern to NIRB

Following the Board's internal technical review of the project and the consideration of the public comments, there are several issues which require further attention and clarification by the Proponent, which the NIRB thinks is best done through a Review in order that the concerns of those directly impacted are better documented, understood, and potentially mitigated prior to the project being allowed to proceed, if that is the decision. These issues, which are caught by different portions of 12.4.2, include:

- Impacts of the project activities to caribou, with particular emphasis on calving activities.
- Potential impacts to wildlife habitat, particularly the caribou calving grounds of the Beverly herd.
- Potential cumulative impacts of this project, in relation to other similar projects in the region, to caribou, caribou calving grounds, and across caribou ranges
- Other impacts to wildlife including raptor nesting areas, potential human-carnivore conflicts and aircraft disturbances.

Parties have expressed cumulative effects concerns regarding projects in this region on numerous occasions. Subsequent recommendations from the NIRB regarding these concerns have been forwarded to the Minister in previous Board decisions, specifically 08EN024 (UR Energy Inc.), 08EN015 (Cameco Corporation – Turqavik-Aberdeen), 08EN022 (Coronation Minerals), and 08EA038 (Pacific Ridge Exploration Ltd.); and included the following recommendation:

Territorial and federal government agencies in Nunavut should work together with Regional Inuit Associations, co-management boards and industry to develop an action plan to identify and mitigate potential cumulative effects of human land use activities, including mineral exploration, on barren-ground caribou. This assessment of cumulative effects should occur at a regional scale (i.e. larger than individual project areas).

There is little evidence before the Board that the above recommendation has been acted on by the mentioned Parties and consequently it is necessary to include the cumulative effects issue as an issue of concern to NIRB in relation to the activities of this specific project.

RECOMMENDATION TO THE MINISTER

The NIRB has carefully considered the factors set out in section 12.4.2(a) and 12.4.2(b). Based on the evidence and issues arising as set out in the preceding sections of this Screening Decision, pursuant to section 12.4.4(b) of the NLCA, the Board recommends to the Minister that the Project Proposal requires review under Part 5 or 6.

In making this recommendation, the NIRB acknowledges that it is unusual for a project of this size to be recommended for review. However, the potential for impacts to wildlife habitat, particularly core caribou calving grounds, and Inuit harvesting activities as a result of the proposed exploration activities for the Garry Lake Project and the cumulative effects of similar existing projects have been raised with increasing concern by organizations such as the BQCMB and the GN-DoE. Further, the ADNT stated:

We feel that exploration and development should not take place on caribou calving grounds such as these, and that no permit should be issued for this project at the very least until [for a variety of reasons] ...regional assessments of cumulative impacts of mineral exploration on caribou are conducted....¹

Given the availability of recent study information from the GN-DoE, the pace of exploration in the area and the strength of the views expressed by Parties, the Board believes that this is the appropriate time to review and fully consider the potential impacts on caribou from this Project Proposal.

Assuming the Minister directs a Part 5 review, and acknowledging the NIRB is bound by the requirements of Sections 12.5.2 and 12.5.5 of the NLCA; in this case, the NIRB believes the appropriate emphasis is limited to caribou-related impacts. Accordingly, and subject to any further direction from the Minister pursuant to Section 12.5.1 of the NLCA, the NIRB will focus the scope of the review on the Project's impacts and cumulative impacts on wildlife habitat and Inuit wildlife harvesting. Furthermore, taking the size of the Project into consideration, and subject to the Minister's direction, the NIRB favours an expeditious review process in the review of the Garry Lake Project Proposal.

The NIRB looks forward to your decision.

Yours truly,



Lucassie Arragutainaq
Acting Chairperson

cc: Stephanie Autut, Executive Director - NIRB
Dionne Filiatrault, Executive Director - NWB
Jose Kusugak, President - KIA

¹ Letter from Ron Robillard, Chief Negotiator, Athabasca Denesuline, to Leslie Payette, Manager, Environmental Administration, NIRB, Re: NIRB: 08EN037 Part 4 Screening of Uravan Minerals Garry Lake Project, June 9, 2008, at p.1.

APPENDIX A

Project Summary

The project is located in the Garry Lakes Area of the Kivalliq Region. The nearest community is Baker Lake, 235 km to the SE. The project is located 65 km ENE of the Thelon Game Reserve and within the Caribou Protection Area and the Caribou Calving Area for the Beverly Caribou herd.

Uravan intends to conduct exploration activities for uranium on their property including constructing permanent and temporary camps, diamond drilling, prospecting, mapping, as well as ground geochemical sampling. The Garry Lake exploration camp would be a permanent camp used during the summer-fall field seasons and late winter (mid March to mid June), then temporarily shut down. Uravan also proposes to use a mobile camp to accommodate winter drilling. The mobile camp would be brought to drilling areas using a wide track Sno-Cat type vehicle.

The proposed project activities include:

- Prospecting, mapping
- Ground geochemical sampling (collection of soils, plant tissues, radon)
- Diamond drilling 10 – 20 holes (2000 – 5000 m)
 - August 15-October 31, 2008
 - March – May 2009
- Building and operation of a permanent exploration camp (9-16 people)
- Hauling and constructing a mobile temporary camp during the winter
- Transportation
 - wheeled aircraft re-supply (weekly) on nearest suitable plateau or esker
 - helicopter (crew and equipment/drill transport) – summer drilling
 - Sno-Cat type vehicle moving mobile camp and for winter drilling
 - snowmobiles
 - ATV (all terrain vehicles) - use around camp, maintenance of landing area
- fuel transport and storage
 - diesel, gasoline, aviation fuel, propane
- Water use
 - drill and campsite
- Production of associated waste
 - Sewage, greywater, combustible and non-combustible wastes