



# **Mackenzie Valley Land and Water Board**

7th Floor - 4910 50th Avenue • P.O. Box 2130  
 YELLOWKNIFE, NT X1A 2P6  
 Phone (867) 669-0506 • FAX (867) 873-6610

April 11, 2007

File: MV2007C0010

Mr. Gordon Davidson  
 Bayswater Uranium Corporation  
 Suite 510, 510 Burrard Street  
 VANCOUVER BC V6C 3A8

Fax: (604) 687-2153

Dear Mr. Davidson:

## **Incomplete Application – Mineral Exploration – El Lake**

The aforementioned application has been reviewed in accordance with Section 22 (1)(a) of the Mackenzie Valley Land Use Regulations, and has been found to be lacking sufficient information to conduct a preliminary screening. In order for this application to be considered complete and forwarded for review, the following information must be submitted to our office:

1. Contact must be initiated with the Akaitcho Interim Measures Agreement Implementation Office and meetings held to inform Akaitcho First Nations of your proposed development. This office can also assist you to ensure that you are contacting and meeting with the appropriate Akaitcho First Nations (AKFNs). The AKFN IMA office contact information is listed below:

Stephen Ellis, Akaitcho IMA implementation Coordinator  
 NWT Treaty #8 Tribal Corporation  
 Box 28  
 LUTSEL K'E NT X0E 1A0  
 Ph (867) 370-3217  
 Fax (867) 370-3209

2. Contact must be initiated with the Northwest Territory Métis Nation and meetings held to inform them of the proposed development. Contact information is as follows:

Chris Heron, Acting Interim Measures Agreement Coordinator  
 Northwest Territory Métis Nation  
 Box 720  
 FORT SMITH NT X0E 0P0  
 Ph (867) 872-2770  
 Fax (867) 872-2772

3. Please provide details of all meetings held with the Northwest Territory Métis Nation, Lutsel K'e Dene Band and other Akaitcho First Nation Communities. Details should include:
- When contact was first initiated.
  - Names of individuals who attended the meetings.
  - Dates and locations of meetings held.
  - Issues discussed at the meeting and any issues that may have been resolved.
4. If you are unable to contact and meet with the Akaitcho First Nations or the Northwest Territory Métis Nation, please provide the reason(s) as to why the meeting could not be held and enclose a listing, including the dates, of any phone calls or other means that may have been used to provide information about the project and to hear any interests or concerns of Akaitcho First Nations with respect to your development.
5. An archaeological database search should be conducted so as to identify and avoid any potential archaeological conflicts in the area. Please contact the Prince of Wales Northern Heritage Center to get this information.
6. A plan for fuel spill contingency is required. Any plan must be related to the worst case scenario possible, given the volumes and types of fuel involved. The plan must indicate equipment and methods to be used to control and clean up any possible fuel spill.
7. In the application under "Summary of Operation" it is stated that *"Additional airborne geophysical surveys are planned in 2007 over the West Margin Claims specified above, and follow-up work on these claims will be contingent on the results obtained. This follow-up work may include diamond drilling".* Section 8 of the application states *"All these claims are held by Aurora Goesciences Ltd. by whom they were staked on behalf of Bayswater Uranium. They are currently in the process of being transferred to Bayswater Uranium Corp."*

Please confirm on which mineral claims you will be drilling and verify if the "West Margin Claims" have been transferred to Bayswater Uranium Corp. The MVLWB requires that all claims to be worked are clearly identified and held in good standing before the application can proceed into the regulatory process.

Upon receipt of this information, the application will be processed and the review period will begin. If you require further guidance, please refer to the document "GUIDE FOR COMPLETING LAND USE PERMIT APPLICATIONS TO THE MACKENZIE VALLEY LAND AND WATER BOARD" which can be found on our Website [www.mvlwb.com](http://www.mvlwb.com).

If this supplementary information is not provided within 90 days, then it shall be assumed that you do not wish to continue with the processing of this application, and the application will be returned to you as per Section 25 of the Mackenzie Valley Land Use Regulations. Any land use fees that have been paid with submission of the application will be refunded to you by the Department of Indian Affairs and Northern Development.

Please also note that this application is a Type "A" permit and not for a Type "B" permit as stated in the covering letter.

If you have further questions, contact me at (867) 669-0506 or email [permits@mvlwb.com](mailto:permits@mvlwb.com).

Yours sincerely,

A handwritten signature in cursive script that reads "Lynn Carter".

Lynn Carter  
Regulatory Officer

Copied to: Darnell McCurdy, South Mackenzie District, DIAND







July 12, 2007

Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor- 4910 50<sup>th</sup> Avenue  
P.O. Box 2130  
Yellowknife, NT X1A 2P6

Attention: Lynn Carter, Regulatory Office

Mackenzie Valley Land  
& Water Board

File

JUL 13 2007

Application # MV2007C0010

Copied To LC/Kog

Re: Land Use Application – "El Lake" Camp and Fuel Cache, File MV2007C00010

Dear Ms Carter:

As per your letter dated April 11, 2007, we are enclosing five hard copies and one CD of our revised application for a Land Use Permit (Class A) to permit camp construction, fuel caching and diamond drilling in the "El Lake" area of the NWT. We would like to address the concerns you raised in your letter:

1. We have been persistent in attempting to contact communities within the Akaitcho Nation in order to commence consultations. We have held positive and productive meetings with the Athabasca Dene, the Northwest Territories Metis Alliance, and the North Slave Metis Alliance as noted in the attached communications log. Communications with the DKFN in Fort Resolution indicated that we would have to make substantial per diem payments to various members of the community in order for them to attend a public meeting. Bayswater Uranium is philosophically opposed to making such payments. With respect to the closest impacted community, I would like to draw your attention to the following quote in the media by Lutsel K'e Chief Adeline Jonasson who in an open letter to all resource companies saying they shouldn't bother asking about development on the Thelon because the Dene aren't interested. "We are in complete opposition to having a mine in the Thelon area, and therefore will not support even the initial stages of such a possibility," she wrote. However, we will continue to try to contact members of this community should their opinions moderate.
2. We have held meetings with the Northwest Territories Metis Nation on June 6, 2007, the North Slave Metis nation on June 7, 2007, and North Athabasca Dene on May 3, 2007 as indicated in our consultation log.
3. See above points.
4. See above points



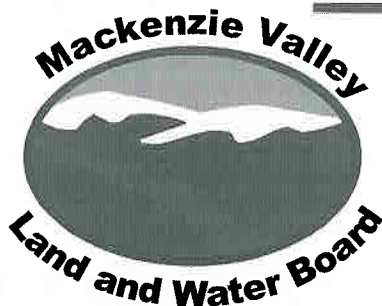
5. We have contacted the Prince of Wales Heritage Centre, and they have sent us information regarding known archaeological sites within the area of interest. There are no known archaeological sites within 10 km of our proposed camp site and fuel cache.
6. We have expanded the fuel spill contingency plan description in the amended permit application.
7. The claims that we are working on were staked on our behalf by Aurora Geosciences. All these claims have recently been transferred to Bayswater Uranium Corp. The prospecting permits were issued to Diamonds North Ltd. Bayswater currently has an option agreement with Diamonds North whereby Bayswater is earning an interest in these permits by funding and managing exploration work. A copy of this option agreement can be provided to you upon request.

Please let me know if you have any further questions about this application.

Sincerely,

Gordon I. Davidson  
Vice President, Exploration





**Mackenzie Valley Land and Water Board**  
**7th Floor - 4910 50th Avenue**  
**P.O. Box 2130**  
**YELLOWKNIFE NT X1A 2P6**  
**Phone (867) 669-0506**  
**FAX (867) 873-6610**

**Application for:**

**New Land Use Permit** ☒

**Amendment** ☐ **to**

1. Applicant's name and mailing address: Bayswater Uranium Corporation Suite 510, 510 Burrard St. Vancouver, BC V6C 3A8	Fax number: (604) 669-8336
2. Head office address: As above.  Field supervisor: Gordon Davidson Radiotelephone: to be determined	Telephone number: (604) 687-2153   Fax number: As above.  Telephone number: As above.
3. Other personnel (subcontractor, contractors, company staff etc.) contract drill personnel (5), helicopter pilot and engineer (2), geologists (2), cook (1), contract geophysical technicians (2) & local helpers (2)  TOTAL: 14 (Number of persons on site) TOTAL PERSON-DAYS AUG 1, 2007 TO MAY 30, 2008 – 600 Similar number of person days expected for 2008 program.	
4. Eligibility: (Refer to section 18 of the <i>Mackenzie Valley Land Use Regulations</i> )  a)(i) X      a)(ii)      a)(iii)      b)(i)      b)(ii)	

**5. a) Summary of operation (Describe purpose, nature and location of all activities.)**

This land use permit will support early stage mineral exploration in the Thelon River drainage basin on the "CL" group of claims situated in NTS 75-P-1 and 75-P-8. In addition, work will be carried out on other claim groups situated in NTS 75-I-8,9,11 and 14, 75-P-2, 3, 6, 7, 10 and 11. In addition, work is to be carried out on Prospecting Permits optioned from Diamonds North Ltd. situated in NTS 65-L-12, 13, and 14; 65-M-3, and 4; 75-I-16; and 75-P-1 and 8. Figures 1 and 1a shows the location of the land holdings.

In 2006, an airborne EM survey was completed over the "CL" group of claims, and conductive responses were noted in the area NNE of "El Lake" (see Figure 1). Limited ground geophysics is planned to be followed by a 5,000 to 10,000 m diamond drill program. Individual drill holes are expected to be 300 to 600 m deep. Approximate areas to be drill tested are noted on attached map (see Figure 1). Specific drill targets will be determined based on the results of detailed geophysics.

Additional airborne geophysical surveys are planned in 2007 over the West Margin claims specified above, and follow-up work on these claims will be contingent on the results obtained. This follow-up work may include diamond drilling.

Material to build a camp together with fuel is to be mobilized to the proposed campsite at the north end of "El Lake" located at 63°15'30"N, 104°27'36"W. Camp construction is planned for August 2007, and geophysical follow-up and drilling will be carried out either in late August / September 2007, or March / April 2008. Summer drill moves will be done with helicopter. Should drilling be carried out in winter conditions, a Timberjack vehicle will be used to move the drill over the snow. Additional work in the summer of 2008 onwards will be contingent on the results of this work. Once these targets have been tested, and no more work is recommended, all material will be removed, and all sites will be fully rehabilitated.

b) Please indicate if a camp is to be set up. (Please provide details on a separate page, if necessary.)

An exploration camp is to be set up at the northern end of "El Lake" at 63°15'30"N, 104°27'36"W (see Figures 1 and 2). The closest community to this camp is Lutselk'e, which is 332 km (207 miles) to the west. This camp will be built with either 2X4 wood frames covered by insulated tents, or with "Weatherhaven" style tubular aluminum frames and covers. The tents to be erected include a cook / dining tent, office tent, a "dry", a core shack, an outhouse and 5 sleep tents. Core racks will be erected to store drill core.

6. Summary of potential environmental and resource impacts (describe the effects of the proposed land-use operation on land, water, flora & fauna and related socio-economic impacts). Use separate page if necessary.)

Early stage mineral exploration represents a temporary use of the land, and if conducted properly should have no deleterious effects on the natural environment. Specific means to mitigate any impacts are given below:

**Wildlife** – The area covered by this land use application is known to contain a variety of wildlife. The most significant species are barrenland caribou, musk ox, barrenland grizzly bears and wolverines. Caribou within the area are thought to be part of the Beverley herd, which migrates northward in the spring, and southward in the fall. There are no calving or post-calving areas within the area covered by this land use permit application. All exploration personnel will be instructed to avoid interaction with wildlife. If herds of caribou are encountered, all exploration work in the area occupied and surrounding these herds will cease until the caribou have moved on. Helicopters will not be permitted to fly less than 300 m above any herds of caribou. It is planned to hire a resident of the community of Lutselk'e as an environmental monitor. Records of all wildlife encountered will be kept in the camp, and will be available for inspection at any time.

**Land and Vegetation** – Impacts on the land and vegetation by the camp are expected to be small scale and temporary. The area is above the treeline, and very little damage to vegetation is anticipated. If it seems that vegetation is being damaged at the camp, wooden pallets will be used to create sidewalks. There will be no land disturbance during camp construction or drilling as all structures will be leveled with wooden blocks, and there will be no need for grading. There will be no soil contamination since all waste products are to be backhauled to Yellowknife for disposal.

**Water** – The area is underlain by permafrost, so there are no groundwater issues. Most of the area covered by this proposed land use permit is part of the Thelon River drainage system. However, as shown in Figure 1, Bayswater's property does not impinge upon the Thelon River. The camp and drilling operations will require the use of lake water from El Lake. Total water use at the camp is estimated at about 500 litres per day, and diamond drill typically uses about 2000 litres per day. This amount is insignificant compared with the total estimated water volume of El Lake. Drill return water and grey water from the camp will be disposed of in natural sumps at least 100 m from the high water marks of lakeshores.

**Socio-economic** – The closest impact community is Lutselk'e, located 332 km (207 miles) to the west. Ongoing communications with the community will determine the impacts upon that community. Bayswater Uranium would like to direct as many economic benefits to the community as possible in the operation of this exploration project such as the purchase of groceries and other camp equipment as well as hiring personnel to work at the camp. Bayswater will endeavor to do this if the residents want to see these benefits. The hiring of an environmental monitor from the community to observe wildlife in the project area will be helpful in many ways. This individual will be able to report back to the community about the wildlife density and movement, and any perceived impacts of Bayswater's exploration work on this wildlife. In addition, field trips are planned to bring in interested residents from Lutselk'e to observe activities in the camp. Otherwise, due to the small-scale exploration program planned, and the distance from the property to the community, impacts on the communities are thought to be minimal.

7. Proposed restoration plan (please use a separate page if necessary).

All structures at the camp will be dismantled and removed back to Yellowknife at the conclusion of exploration activities. All fuel drums and any other debris will also be cleaned up. The only structure that will be left behind will be core racks containing drill core from diamond drilling. All drill sites will be thoroughly cleaned.

8. Other rights, licences or permits related to this permit application (mineral rights, timber permits, water licences, etc.)

This land use permit will support early stage mineral exploration on the "CL" group of claims (Claim names CL-1 to CL-54 inclusive with tag numbers K00315 to K00362 inclusive) situated in NTS 75-P-1 and 75-P-8. In addition, work will be carried out on other claim groups as follows: THU-1 to 103, THU 110, THU-115 to 116, THU-119 to 120, THU 127 to 131, THU 138 to 145, THU 152, THU 155 to 162, THU 171 to 174, THU 182, THU 203 to 392 and THU-530 to 543. These claim groups are situated in NTS 75-I-11 and 14, 75-P-2, 3, 6, 7, 10 and 11. All these claims are held by Bayswater Uranium Corp. This land use permit will also support early stage mineral exploration on Prospecting Permits optioned from Diamonds North Ltd. (Permit numbers 5184, 5186 to 5187, 5203 to 5204, and 5206 to 5215). These permits are situated in NTS 65-L-13 and 14; 65-M-3 and 4; 75-I-16; and 75-P-1 and 8.

Bayswater Uranium Corp. holds Prospectors Licence #33544 issued by Indian and Northern Affairs Canada entitling Bayswater Uranium Corp. to carry out exploration activities in the NWT.

Gordon I. Davidson, P.Geol, (registration # L474) supervises all exploration activities in the NWT on behalf of Bayswater Uranium Corp.

Roads: NA      Is this to be a pioneered road?      Has the route been laid out or ground truthed?

9. Proposed disposal methods.

a) Garbage:

All garbage to be incinerated on site; burned residue and non-burnable waste to be flown to Yellowknife for disposal. The quantities of waste to be sent to Yellowknife will be modest – less than 1 cubic metre per week.

c) Brush & trees: NA

b) Sewage (Sanitary & Grey Water):

Sewage to be buried in a pit at camp; grey water to disposed of in a natural sump.

d) Overburden (Organic soils, waste material, etc.): NA

10. Equipment (includes drills, pumps, etc.) (Please use separate page if necessary.)

Type & number	Size	Proposed use
1 Drill (Longyear LF-70 or equivalent) with pumps and coil stoves	Drill Rig: ~3000 kg Pumps, shack & tower: ~5000 kg	Drill holes to retrieve drill core.
1 Timberjack 340	~ 3000 kg	Moving drills on snow
1 Helicopter (206L or equivalent)	Capable of carrying 4 passengers & moving drill.	Capable of carrying 4 passengers & moving drill.
2 Portable water pumps	3 hp 2 inch	provide water to camp
1 Generator	15 KVA	Electrical requirements for camp

11. Fuels	( )	Number of containers	Capacity of containers	Location
Diesel		125	205 litres	El Lake camp
Gasoline		3	205 litres	El Lake camp
Aviation fuel		200	205 litres	El Lake camp
Propane		30	100 lb cylinders	El Lake camp

Other				
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12. Containment fuel spill contingency plans. (Please attach separate contingency plan if necessary).

Bayswater Uranium Corp. considers safety its top priority. All employees, contractors and consultants spending more than 24 hours in a Bayswater camp will have an extensive safety briefing based on our 2007 safety manual (copies available upon request). This safety briefing will include a discussion of the Spill Contingency Plan.

All fuel will be stored in compliance with Land Use Regulations. Fuel drums will be placed in natural depression at least 100 m from the nearest water body and 100 m from the camp. Drums will be inspected regularly for any leakage and repaired immediately. Spill kits which will include absorbent matting will be available to clean up any spilled fuel.

**Spill Contingency Plan**

Company President: George Leary  
Vice President Exploration: Gordon Davidson  
Project Manager / Camp Supervisor: to be determined

**When a spill is detected**

The personnel detecting the spill will immediately notify the Camp Supervisor.

The Camp Supervisor will coordinate the spill containment by:

- Identify the source of the spill.
- Take appropriate action to prevent further spillage.
- Minimize the impact of the spill
- Initiate the clean-up with the equipment available.

Once the above procedures are followed, the Camp Supervisor will report the spill in accordance with Territorial regulations as follows:

- Call the **24 Hour Spill Report Line** (867) 920-8130 (reporting time and date of spill location; direction spill is moving; contact person information; cause of spill; status of spill; description of existing containment; action taken to contain, recover, clean-up and dispose of spill and name of person in charge at time of spill).
- Confirm with the Spill Report Line if further action and/or materials are needed.
- Report all spills to the Bayswater representative at (604) 687-2153.
- Supervise the completion of the clean-up
- Restore the affected area to its pre-spill state or the closest possible state.
- Contain any damaged equipment and materials used for clean-up until the Site Inspector provides approval of disposal.
- Prepare and submit a "Spill Report Form".

**Inventory & Location of Response & Clean-up Equipment**

Main fuel cache and fuelling stations will have:

- Personal Safety Equipment (disposable coveralls, gloves, goggles)
- Large and small spill kits
- Empty barrels
- Shovels
- Absorbent pads and materials
- Pumps
- Hazardous labels and stickers
- MSDS for every chemical on site

13. Methods of fuel transfer (to other tanks, vehicles, etc.)

Electric transfer pumps and hand operated wobble pumps will be used to transfer fuel from drums to the helicopter and to oil burning stoves in the tents and the drill.

14. Period of operation (includes time to cover all phases of project work applied for, including restoration)

Initial operation as described above: August 1, 2007 to May 31, 2008.  
Additional exploration work combined with restoration at conclusion of project: June 1, 2008 to July 31, 2012.

15. Period of permit (up to five years, with maximum of two years of extension).	
5 years applied for (August 1, 2007 to July 31, 2012)	
16. Location of activities by map co-ordinates (attach maps and sketches) See Figures 1 and 2.	
Minimum latitude (degrees, minutes, seconds) 62°31'00" N	Maximum latitude (degrees, minutes, seconds) 63°40'00" N
Minimum longitude (degrees, minutes, seconds) 104°14'00" W	Maximum longitude (degrees, minutes, seconds) 105°30'00" W
Map Sheet no.            75-I-11, 14; 75-P-1, 2, 3, 6, 7, 8, 10, 11	
17. Applicant Print name in full   Gordon I. Davidson	
Signature	Date   July 12, 2007
18. Fees                    Type A - \$150.00 **                    Type B - \$150.00 **    (**Application Fees are Non-Refundable**)	
Land use fee: _____ 2 _____ hectares @ \$50.00/hectare	\$    100.00    _____
Assignment fee \$50.00	\$    50.00    _____
Total application and land use fees	\$    300.00    _____
<b><i>Please make all cheques payable to "Receiver General of Canada"</i></b>	



## Community Consultation Log - Bayswater Uranium

Last updated July 12, 2007 14:43 PT

Date	Time	Contact	Details
Jan 5, 2007	9:54	Permits, MVLWB	e-mail to: requesting clarification of stakeholder distribution list. Differences in UraVan and UREnergy lists.
Jan 5, 2007	10:18	Kellie Emon, DIAND	e-mail to: introduction and request community advice
Jan 5, 2007	13:08	Peter Lennie-Misgeld, MVLWB	e-mail from: clarification of distribution list and attachment of appropriate list.
Jan 11, 2007		Chief Jonasson	Letter to: introduction and request to meet
Jan 11, 2007		Chief Peter Liske	Letter to: introduction and request to meet
Jan 11, 2007		Chief Fred Sangris	Letter to: introduction and request to meet
Jan 11, 2007		Chief Robert Sayine	Letter to: introduction and request to meet
Jan 11, 2007		Chairperson Sayine	Letter to: introduction and request to meet
Jan 11, 2007		President Cardinal	Letter to: introduction and request to meet
Jan 11, 2007		President Tordiff	Letter to: introduction and request to meet
Jan 11, 2007		Ethel Liske	Letter to: introduction and request to meet
Jan 11, 2007		Stephen Ellis	Letter to: introduction and request to meet
Jan 11, 2007		President Enge	Letter to: introduction and request to meet
Jan 11, 2007		Ron Robillard	Letter to: introduction and request to meet
Jan 11, 2007		Mayor McKay	Letter to: introduction and request to meet
Jan 15, 2007	12:22	Barry Hunter, Athabaska Dene	e-mail from requesting maps and further information
Jan 19, 2007	12:09	Barry Hunter, Athabaska Dene	e-mail to will send info asap
Jan 22, 2007	15:31	Sheryl Grieve, NSMA	e-mail from requesting map and opportunity to meet
Jan 28, 2007	9:47	Sheryl Grieve, NSMA	e-mail to: will send info asap
Feb 2, 2007	08:00	Sheryl Grieve, NSMA	e-mail to: commit to send map and query availability to meet during week of Feb 19.
Feb 2, 2007	08:16	Barry Hunter, Athabasca Dene	e-mail to: commit to send map and query availability to meet during week of February 19.
Feb 3, 2007	13:14	Barry Hunter, Athabasca Dene Diana McDonald, PAGC	e-mail to: query meeting availability
Feb 12, 2007	10:46	Barry Hunter, PAGC	e-mail from: no map received yet
Feb 12, 2007	12:55	Barry Hunter, PAGC	e-mail to: include map, query availability to meet
Feb 13, 2007	04:45	Diana McDonald, PAGC	e-mail to: query availability to meet
Feb 13, 2007	08:32	Sheryl Grieve, NSMA	e-mail to: attach map and query availability to meet during week of March 12
Feb 13, 2007	06:25	Diana McDonald, PAGC	e-mail from: confirmed availability to meet in March



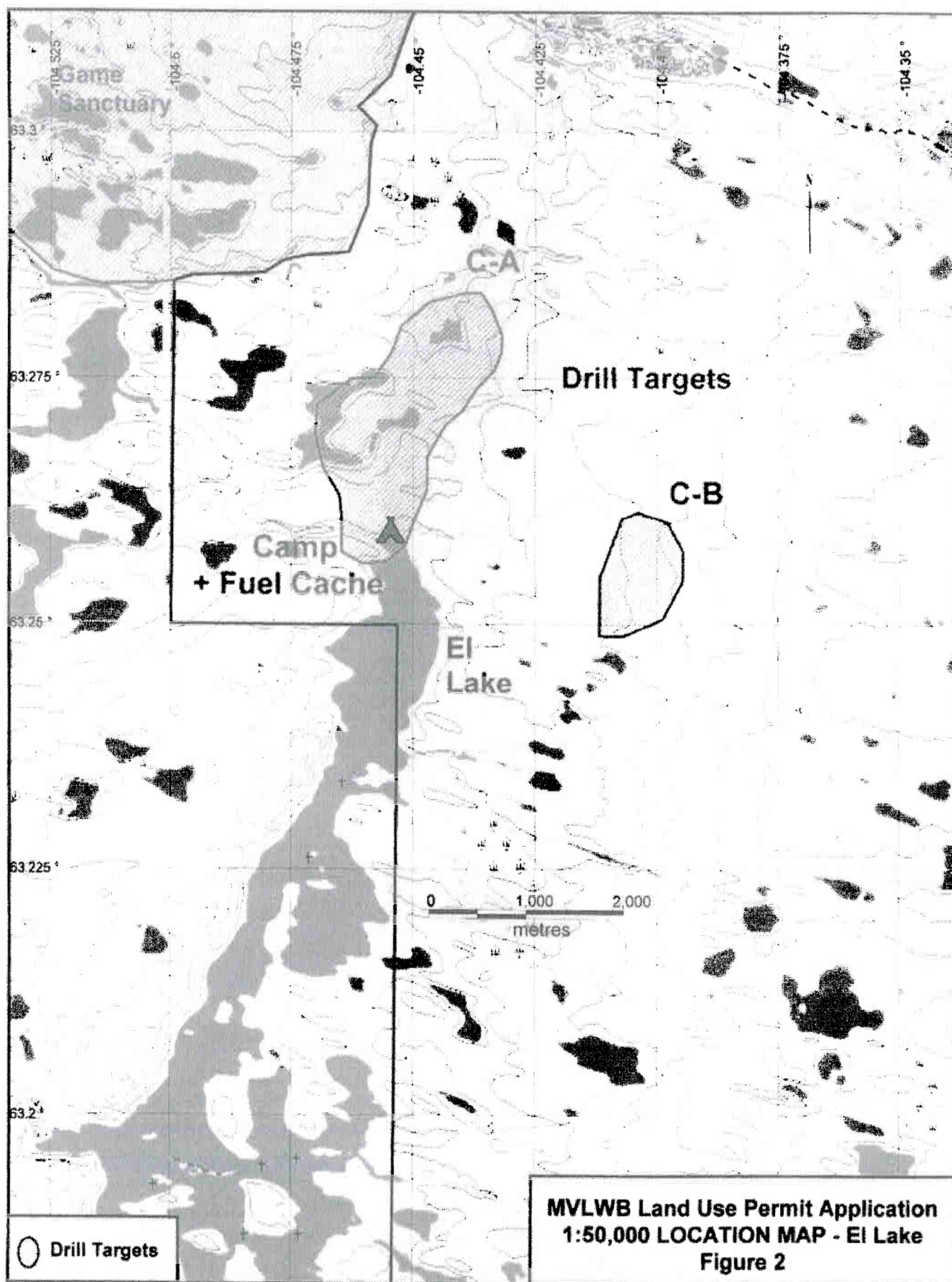
Feb 13, 2007	08:49	Steve Ellis, IMA	e-mail to: request advice / assistance re: consultation with Akaitcho chief's
Feb 15, 2007	08:04	Stephen Ellis, IMA	e-mail from: advise re consultation (letter not received by correct people). Will send letter on views re uranium - similar to UR Energy response.
Feb 16, 2007	09:45	Barry Hunter, PAGC	e-mail from: thanks for maps. Will review and advise re consultation
Feb 16, 2007	15:08	Stephen Ellis, IMA	e-mail to: thank you for advice. Will re-send letter and map to people listed.
Feb 16, 2007	15:09	Barry Hunter, PAGC	Email to: thank you for response.
Feb 16, 2007		Monica Krieger, LKDFN	Fax Letter and map - request for meeting
Feb 16, 2007		Rosy Bjornson, DKFN	Fax Letter and map - request for meeting
Feb 16, 2007		Phil Moonson, YKDFN	Fax Letter and map - request for meeting
March 8, 2007	10:37	Barry Hunter, PAGC	e-mail from: information and request to meet
March 9, 2007	10:54	Barry Hunter, PAGC	e-mail to: thank you for communication and will confirm opportunity to meet
March 9, 2007	11:03	Barry Hunter, PAGC	e-mail from: will confirm dates
March 9, 2007	15:18	Stephen Ellis, IMA	e-mail to: query interest in meeting at end of March
March 9, 2007	15:18	Monica Krieger, LKDFN	e-mail to: query interest in meeting at end of March
March 9, 2007	15:18	Phil Moonson, YKDFN	e-mail to: query interest in meeting at end of March
March 9, 2007	15:18	Rachel Crapeau, YKDFN	e-mail to: query interest in meeting at end of March
March 13, 2007	13:40	Steve Ellis, IMA	e-mail from requesting provide letter to DKFN also
March 13, 2007	15:08	Rosy Bjornson, DKFN	E-mail to: query invitation to meet
Mar 14, 2007	08:54	Rosy Bjornson, DKFN	E-mail from - will speak with Chief and council about proposed meeting and will get back to DL
Mar 14, 2007	10:04	Steve Ellis, IMA	e-mail to: query advise
Mar 14, 2007	11:01	Steve Ellis, IMA	e-mail from: advice re consultation with DKFN, precautionary principle
Mar 20, 2007	07:55	Barry Hunter, PAGC	e-mail to: progress to confirm meeting dates?
Mar 20, 2007	08:05	Barry Hunter, PAGC	e-mail from: no response from Athabasca Dene, will follow up and let us know
Mar 20, 2007	08:10	Steve Ellis, IMA	e-mail to: request response to letter / e-mail
Mar 20, 2007	08:15	Rosy Bjornson, DKFN	E-mail to: request response to previous e-mail
Mar 20, 2007	08:15	Monica Kruger, LKDFN	e-mail to: request response to previous letter email
Mar 20, 2007	08:15	Rachel Crapeau, YKDFN	e-mail to: request response to previous letter e-mail
Mar 20, 2007	08:15	Phil Moonson, YKDFN	e-mail to: request response to previous letter e-mail
Mar 20, 2007	11:17	Rosy Bjornson, DKFN	e-mail from requesting fax number for Bayswater
Mar 20, 2007	11:20	Rosy Bjornson, DKFN	e-mail to: Bayswater/Lockett fax numbers provided
Mar 21, 2007		Chief Bill Norn, DKFN	Faxed letter re: consultation and budget for meeting



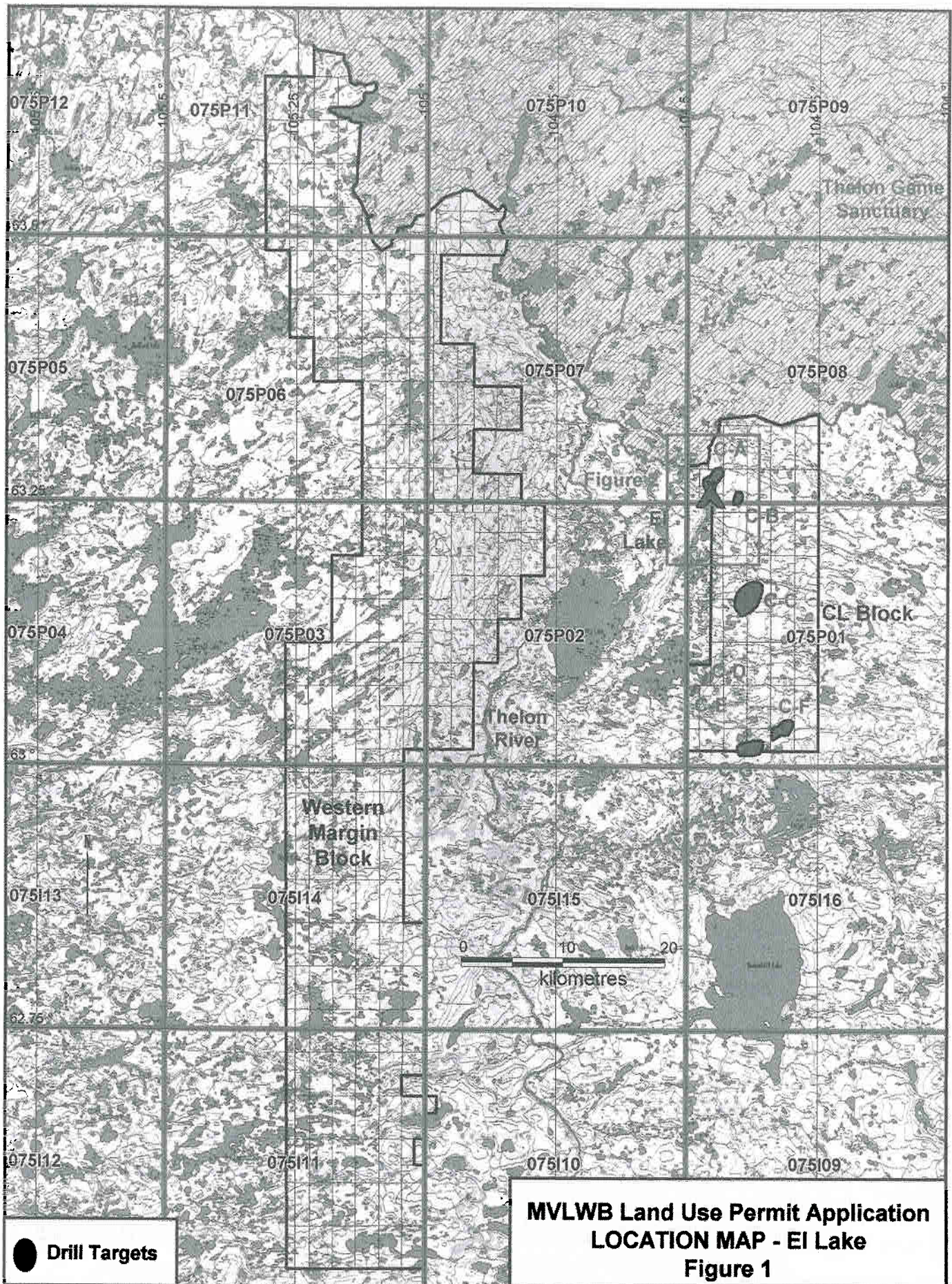
Mar 23, 2007	10:09	Rosy Bjornson, DKFN	e-mail from: confirmation of budget and breakdown as well as proposed reduced budget
Mar 23, 2007	12:14	Rosy Bjornson, DKFN	E-mail to: thank you for budget breakdown. Will forward to Gord Davidson for discussion
Mar 27, 2007	12:40	Bill Norn, DKFN	Faxed letter: confirmation of budget breakdown and request for suggested meeting dates.
April 1, 2007	16:44	Barry Hunter, PAGC	e-mail to: request for status of proposed meetings
April 3, 2007	07:04	Barry Hunter, PAGC	e-mail from: will enquire as to no response
April 5, 2007	08:30	Monica Kruger, LKDFN	Telephone call - message left regarding community interest in meeting with Bayswater
April 5, 2007	08:32	Rachel Crapeau / Phil Moonson, YKDFN	Telephone call - message left regarding community interest in meeting with Bayswater
April 15, 2007	19:05	Peter B, PAGC	e-mail to Barry Hunter (copied to Denise Lockett) suggesting possible meeting opportunities
April 16, 2007	14:03	Peter B / Barry Hunter, PAGC	e-mail to: confirming G. Davidson availability to meet and request preference of dates
April 18, 2007	8:51	Barry Hunter, PAGC	e-mail from defining preference
April 18, 2007		Barry Hunter, PAGC	E-mail to: confirming meeting with G. Davidson on May 3 in Winnipeg.
May 3, 2007		Prince Albert Grand Council: Chief Victor Fern, Ron Robillard, Edward Bennonie, Louie Macredi, Peter Brook. Dave Knoll, Barry Hunter (advisors)	Meeting in Winnipeg to introduce project and answer questions and concerns.
May 14, 2007	14:32	Barry Hunter, PAGC	Letter faxed from GD, thank you for meeting.
May 24, 2007		Chairperson Sayine, Akaitcho Territory Gov't	Letter requesting opportunity to consult
May 24, 2007		President Enge, NSMA	Letter requesting opportunity to consult
May 24, 2007		Chief Jonasson, LKDFN	Letter requesting opportunity to consult
May 24, 2007		Monica Kreiger, LKDFN	Letter requesting opportunity to consult
May 24, 2007		Chief Liske, YKDFN	Letter requesting opportunity to consult
May 24, 2007		Mayor MacKay, Deninoo	Letter requesting opportunity to consult
May 24, 2007		Chief Sangris, YKDFN	Letter requesting opportunity to consult
May 24, 2007		Phil Moonson, YKDFN	Letter requesting opportunity to consult
May 24, 2007		Chief Norn, DNFN	Letter requesting opportunity to consult
May 28, 2007	14:43	Florence Catholique, LKDFN	e-mail from Gord Davidson, requesting opportunity to consult
June 6, 2007	19:30	Chris Heron, NWTMN	Meeting in Ft. Smith to introduce project and answer questions and concerns.
June 7, 2007	09:30	Mike Byrne, Carolyn Relf, Garry Potts - INAC	Meeting in Yellowknife to review regulatory requirements and various options for LUP in Akaitcho.
June 7, 2007	15:00	Lynn Carter, MVLWB	Reviewed progress on submitting permit applications

June 7, 2007	19:30	Bill Enge, NSMA	Meeting in Ft. Smith to introduce project and answer questions and concerns.

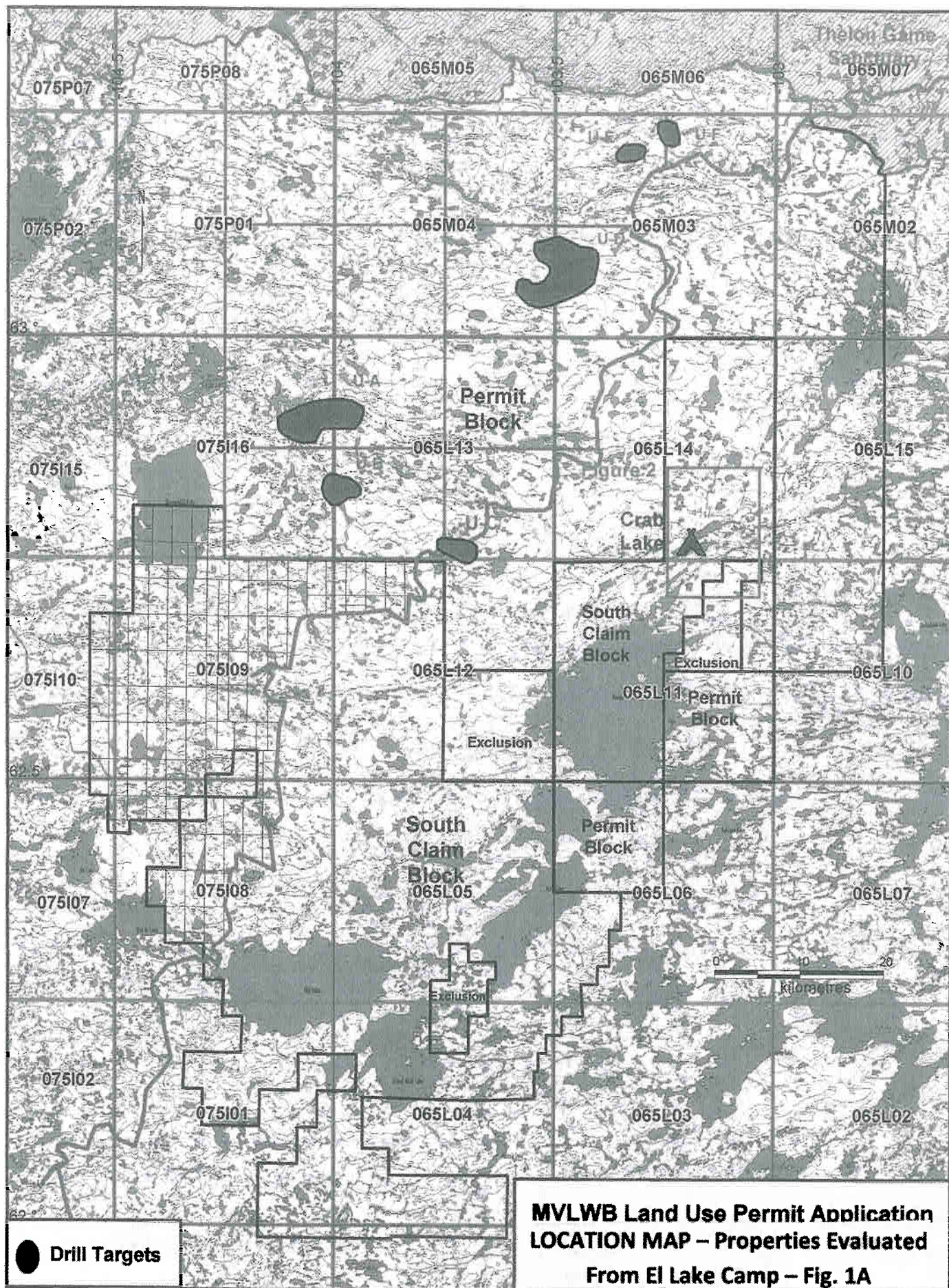














**Rhonda Miller**

---

**From:** Lynn Carter [lcarter@mvllwb.com]  
**Sent:** Friday, July 20, 2007 2:09 PM  
**To:** gdavidson@bayswateruranium.com  
**Cc:** permits@mvllwb.com  
**Subject:** RE: Bayswater Applications - Mv2007C0009 & MV2007C0010

Hello Gord -

Thanks for the additional info.

I have deemed your application(s) complete and they are being sent out for a public review. You will receive a fax with this information, but I figured since your not due to return to work for a bit that I would let you know via email.

The applications are being sent out for public review with a comment deadline of August 10, 2007. The applications will then go to the Board later in August.

Have a good weekend!  
Lynn

---

**Lynn Carter**  
Regulatory Officer

**Mackenzie Valley Land and Water Board**  
7th Floor - 4910 50th Avenue  
PO Box 2130  
Yellowknife, NT X1A 2P6  
Ph: 867-669-0506  
Fax: 867-873-6610

---

**From:** Gordon Davidson [mailto:gdavidson@bayswateruranium.com]  
**Sent:** July 19, 2007 12:38 PM  
**To:** 'Lynn Carter'  
**Subject:** RE: Bayswater Applications - Mv2007C0009 & MV2007C0010

Hi Lynn -

I have attached some brief notes on the meetings held last June. I was the only Bayswater representative at these meetings.

Let me know if you have any further questions.

Regards, Gord

Gordon Davidson  
Vice President, Exploration  
Bayswater Uranium Ltd.  
Phone (604)687-2153  
[gdavidson@bayswateruranium.com](mailto:gdavidson@bayswateruranium.com)

---

**From:** Lynn Carter [mailto:lcarter@mvlwb.com]  
**Sent:** July 17, 2007 2:20 PM  
**To:** gdavidson@bayswateruranium.com  
**Cc:** permits@mvlwb.com; 'Peter Lennie-Misgeld'  
**Subject:** RE: Bayswater Applications - Mv2007C0009 & MV2007C0010

Hello Gord –

I understand you are traveling until the 31<sup>st</sup> of this month. I hope this email will reach you before a voice mail.

Just to let you know that I have received and reviewed your revised applications. They look good but are still a bit weak on the community meeting side of things. What we would like to see is some more detail on the meetings that you have had with the Akaitcho communities, the Northwest Territory Metis Nation, and the North Slave Metis Alliance. We need to know who was there (company reps and community members) and the issues that were discussed (see item 3 of the incomplete letters dated April 11, 2007). It does not have to be overly detailed....we just need a little more info on the meetings before deeming these applications complete and sending them out for review. Can you provide us with this? I recognize you are away from the office...emailing me the info is fine.

Please contact me if you have any further questions.

Sincerely,  
Lynn

---

**Lynn Carter**  
Regulatory Officer

**Mackenzie Valley Land and Water Board**  
7th Floor - 4910 50th Avenue  
PO Box 2130  
Yellowknife, NT X1A 2P6  
Ph: 867-669-0506  
Fax: 867-873-6610



## Notes – Meeting – Northwest Territory Metis Nation

June 6, 2007 Fort Smith, NWT

Chris Heron – Environmental Manager

### Significant Points

- Metis Nation does not have any problems with mineral exploration & development provided it is done in a responsible fashion.
- Uranium exploration is not really an issue, and the Thelon Valley was not mentioned.
- These opinions are not unanimously held, but Chris feels that ongoing education & further meetings will be helpful in winning people over.
- Very much interested in business opportunities – using Fort Smith as base for field programs, and hiring local people.
- The NWT Metis Nation has been actively involved with Arctic College putting a program together for Wildlife Monitoring Technician. They currently have 5 grads from this program; Kennecot has hired one for this summer.
- A very positive meeting. It was suggested by Chris that we return in September for the Metis Nation's annual meeting to make another presentation. Representatives from all the surrounding communities would be there.

## Notes – Meeting – North Slave Metis Alliance

June 7, 2007 Yellowknife, NWT

William Enge – President; Sheryl Grieve – Environment & Resource Manager

### Significant Points

- North Slave Metis Alliance does not have any problems with mineral exploration & development provided it is done in a responsible fashion.
- Uranium exploration is not really an issue, and the Thelon Valley was not mentioned.
- The Alliance's most important concern is the establishment of an Impact Benefits Agreement with companies. They recognized that this would be necessary at the exploration stage.
- They spent some time explaining some of their partnerships and joint ventures with the diamond mining companies. They are also very much involved in training programs.
- Specific ventures they are directly involved with is establishing catering companies, and they will be constructing a shotcrete plant in Yellowknife.

May. 8. 2007 12:36PM

KNOLL & Co

No.3869 P. 2/2-005

PRO 708-004

Suite 201  
1678 - 128th Street  
Surrey, BC  
V4A 3V3

## KNOLL & CO.

*Barristers & Solicitors*

Telephone 604-538-9893  
Facsimile 604-538-9848  
Cellular 604-787 9580  
Email [dknoll@telus.net](mailto:dknoll@telus.net)

May 7, 2007

VIA FACSIMILE

Attention: Wanda Anderson  
Executive Director

Mackenzie Valley Land  
& Water Board

File

Mackenzie Valley Land and Water Board  
Box 2130  
7th Floor - 4910 50th Ave.  
Yellowknife, NT X1A 2P6

MAY 08 2007  
Application # MV2007C0009  
Copied To LC/Reg

Dear Ms. Anderson,

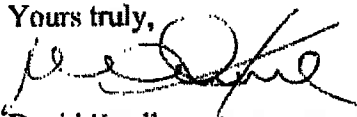
Re: Athabasca Denesuline - Bayswater Uranium Corp. Application

This is to bring to the attention of the MVLWB concerns that applicants are not being notified by the Board of the need for them to consult with the Athabasca Denesuline as part of the application or permit process when their activities clearly fall within the Athabasca Denesuline Interim Measures Agreement area (IMA) in NWT. This is not the first time that this has happened and the Athabasca Denesuline would like to point out that this is inconsistent with the Minister's Policy Direction of August 22, 2003.

The immediate issue concerns the applications of Bayswater Uranium Corp. for mineral exploration at Crab Lake and El Lake. The MVLWB on April 11, 2007 notified Bayswater that their application was incomplete, in part, because they had failed to contact either the Akaitcho Interim Measures Agreement Implementation Office or the Northwest Territory Metis Nation. Regrettably this letter did not specify the need to contact the Athabasca Denesuline Negotiations Coordinator at the Prince Albert Grand Council. This was despite the fact that the Crab Lake and El Lake mineral exploration properties fall within the Athabasca Denesuline IMA identified in the map attached Annex "B" to the Minister's policy direction..

The Athabasca Denesuline would like this oversight rectified in the review of any future applications before the Board within the IMA area. Subsequent to the April 11, 2007 letter, the Athabasca Denesuline have been in contact with Bayswater but not at the insistence of the Board.

Yours truly,



David Knoll  
Barrister & Solicitor

cc: Ron Robillard, Negotiations Coordinator  
Peter Brook  
Barry Hunter  
Gordon Davidson, Bayswater  
The Honourable Jim Prentice

Suite 201  
1678 - 128<sup>th</sup> St.  
Surrey, B.C. V4A 3V3  
Phone: (604) 538-9893  
Fax: (604) 538-9848  
E-mail: dcknoll@telus.net

**KNOLL & CO.**  
Barrister & Solicitor

# Fax

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**To:** Wanda Anderson, Exec. Dir., MVLWB      **From:** David Knoll

---

**Fax:** (867) 873-6610      **Pages:** 2

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**Phone:**      **Date:** 5/8/2007

---

**Re:** Athabasca Denesuline-Bayswater      **CC:** Ron Robillard/Peter Brook (306) 763-2973;  
Application      Barry Hunter (780) 423-2711; Gordon  
Davidson (604) 687-2153; The  
Honourable Jim Prentice (613) 947-9475

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☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

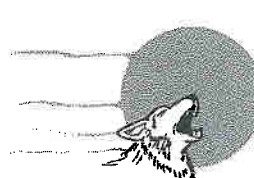
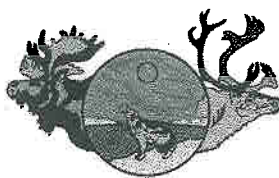
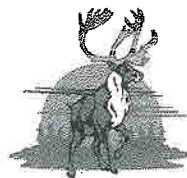
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## MESSAGE

Please see attached letter.



## Athabasca Denesuline Negotiation Team

June 5, 2007

Mackenzie Valley Land and Water Board  
Box 2130  
7<sup>th</sup> Floor – 4910, 50<sup>th</sup> Ave.  
Yellowknife, NT X1A 2P6

Attention: Wanda Anderson, Executive Director

Dear Ms. Anderson,

Mackenzie Valley Land  
& Water Board

File

JUN 19 2007

Application #

Copied To

MV2007C0010  
MV2007C0009

LC Reg.


### Re: Athabasca Denesuline – Bayswater Uranium Corp. Application

The Athabasca Denesuline wish to confirm with the MVLWB, that we met with representatives of Bayswater Uranium Corp. in Winnipeg on May 3, 2007. At this meeting the Bayswater representatives were advised that the Athabasca Denesuline oppose mineral exploration and development in the Upper Thelon until:


1. The Treaty and Aboriginal rights of the Athabasca Denesuline have been recognized and confirmed through a constitutionally protected settlement agreement;
2. A land use plan, including the identification of lands for permanent protection, has been developed and approved by the Athabasca Denesuline, the overlapping Denesuline First Nations of Lutsel K'e and Deninu Kue, Canada and the GNWT.

The Athabasca Denesuline will continue to oppose the disposition of mineral interests for exploration and development activities in the Upper Thelon until these conditions are satisfied.

Sincerely,

  
Chief Victor Fern  
Fond du Lac First Nation

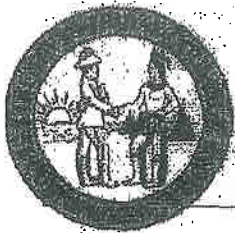
  
Chief Freddie Throassie  
Black Lake First Nation

  
Chief Rosalie Tsannie-Burseth  
Hatchet Lake First Nation

cc: Chief Adeline Jonasson, Lutsel K'e First Nation  
Chief William Norn, Deninu Kue First Nation  
Hon. Jim Prentice, Minister, DIAND  
Gordon Davidson, Bayswater Uranium Corp.

c/o Prince Albert Grand Council  
Suite 206, 1004 - 1st Avenue West, Prince Albert, Sask. S6V 4Y4  
Email: [rrobillard@pagc.sk.ca](mailto:rrobillard@pagc.sk.ca) or [rgood@pagc.sk.ca](mailto:rgood@pagc.sk.ca)  
Mailing Address: P.O. Box 2350, Prince Albert, Sask. S6V 6Z1  
Phone: 306-922-7612 or 306-922-7613 Fax: 306-763-2973





Akaitcho Interim Measures Agreement Implementation Office

**NWT Treaty #8 Tribal Corporation**

Stephen Ellis – Akaitcho IMA Implementation Coordinator  
NWT Treaty #8 Tribal Corporation  
Box 28  
Lutsel K'e, NT X0E 1A0  
Ph: (867)-370-3217  
Fax: (867)-370-3209

July 27, 2007

Willard Hagen – Interim Chair  
Mackenzie Valley Land and Water Board  
Box 2130  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
Yellowknife, NT X1A 2P6  
Fax: (867) 873-6610

Mackenzie Valley Land  
& Water Board

File MV2007C0009

JUL 30 2007

Application # MV2006C0008

Copied To TM / Reg

**RE: Applications by Uravan Minerals Inc. (MV2006C0008 and MV2007C0038) and Bayswater Uranium Corporation (MV2007C0009 and MV2007C0010) for uranium exploration in the upper Thelon Basin**

Mr. Hagen:

The Akaitcho Dene First Nations (AKFNs) have already made their positions, concerns, and issues vis-à-vis uranium exploration in the upper Thelon Basin abundantly clear to the MVLWB, the MVEIRB, and INAC during the UR-Energy Inc. environmental assessment and in subsequent letters. These positions, concerns, and issues are available on the MVEIRB and MVLWB public registries, and need not be repeated herein. Suffice to say that they pertain equally to Uravan, Bayswater, and any other company that may wish to explore for uranium in the upper Thelon Basin.

Upon completion of the UR-Energy EA, the MVEIRB made the following decision at the conclusion of the EA:

*....this development, in combination with the cumulative effects of other present and reasonably foreseeable future developments in the Thelon basin, will cause adverse cultural impacts of a cumulative nature to areas of very high spiritual importance to aboriginal peoples. These impacts are so significant that the development cannot be justified (MVEIRB Report of Environmental Assessment and Reasons for Decision on UR-Energy Inc.).*



The MVEIRB is recommending to the Minister of INAC that the project be rejected, and are suggesting that the following measures be put in place in the upper Thelon Basin:

- The implementation of an land-use plan that provides prescriptive management for activities in the region;
- The development and use of a Crown consultation framework;
- The completion of a cumulative effects study focussing upon impacts and mitigative measures for caribou.

The MVEIRB decision is consistent with AKFN concerns regarding the impacts of uranium exploration on the exercise of aboriginal and treaty rights.

To date, INAC has not indicated how it will be acting upon the MVEIRB decision.

More recently, two court decisions pertaining to the Ka'a'gee Tu First Nation and Paramount Resources Ltd. have further defined the relationship between the MVLWB and the Crown vis-à-vis s.35 consultation obligations. In these decisions, it was determined that when the Crown fails to meet its duty to consult and to take into account the concerns of aboriginal people, not only has the *Constitution Act* been breached but also Part 5 of the *MVRMA*. In such instances, the MVLWB cannot issue a permit or license.

To date, INAC has not fulfilled its obligation to consult with the AKFNs with regards to uranium exploration in the upper Thelon Basin. This is despite repeated requests by the First Nations and my office to engage in a consultation process with respect to these proposed developments, including cumulative effects studies, uranium education sessions, and land-use and management plan development.

The Uraivan and Bayswater applications, or any other applications submitted by companies for uranium exploration in the upper Thelon Basin, cannot be considered and approved until the following take place:

- INAC acts upon the MVEIRB UR-Energy decision;
- The Crown fulfills its obligation to consult with the AKFNs.

In the meantime, the MVLWB must put these applications in abeyance. Failure to do so would leave the AKFNs with no alternative but to protect its aboriginal and treaty rights through court action.

It would be beneficial to all if the MVLWB could adopt a more proactive approach to the screening of applications for exploration in the upper Thelon, and indeed throughout the Akaitcho Territory. Surely, the MVLWB is intimately aware of the substance of the MVEIRB decision in relation to UR-Energy, and its broader implications for exploration in the Thelon region. Surely, the MVLWB is aware of the *Ka'a'gee Tu First Nation* decisions and their implications for Board operations. However, both the Bayswater and Uraivan applications have been circulated for screening without any seeming awareness of these recent decisions.

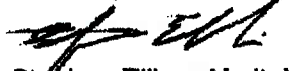
It should not be incumbent on my office or the AKFNs to notify that these decisions significantly influence the context and means whereby applications are to be accepted and considered by the MVLWB. In the specific case of applications in the upper Thelon Basin, the MVLWB must implement a strategy whereby the MVEIRB decision and INAC's subsequent actions are



integrated into the regulatory review process. Clearly, failure to act in this manner will only serve to obfuscate the MVRMA process and further confound industry and First Nations.

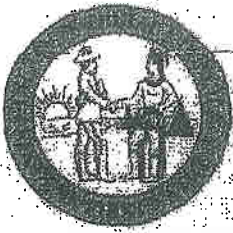
More broadly, the MVLWB must confirm with the AKFNs that the Crown has fulfilled its consultative obligations prior to initiating the screening process for *any* incoming application. The MVLWB cannot continue to operate in seeming isolation from its legal and administrative linkages with the federal Crown, which owes a constitutional duty to the AKFNs to consult where aboriginal and treaty rights are or may be affected.

Sincerely,



Stephen Ellis – Akaitcho IMA Implementation Coordinator  
NWT Treaty #8 Tribal Corporation

- c. Chief Adeline Jonasson – LKDFN
- Chief Bill Norn – DKFN
- Chief Fred Sangris – YKDFN (Ndilo)
- Chief Peter Liske – YKDFN (Dettah)
- Florence Catholique – A/Wildlife, Lands and Environment Manager, LKDFN
- Rosie Bjornson – IMA Coordinator, DKFN
- Phil Moonson – Lands Director, YKDFN
- Zoe Raemer – A/Regional Director General, INAC
- James Lawrance – Director, INAC
- Gabrielle Mackenzie-Scott – Chair, MVEIRB



Akaitcho Interim Measures Agreement Implementation Office

NWT Treaty #8 Tribal Corporation

### FAX TRANSMITTAL FORM

To: Wilfred Hagen

From: Steve All.

Fax # 873-6610

Number of pages including cover page: 4

Phone #

Date: July 30, 2007

RE: Uranium Exploration - Upper Thelon Basin

**Message:**

Uranium Minerals - MV2006C0008 & MV2007C0038

Baywater Uranium - MV2007C0009 & MV2007C0010

Please forward file. Thank You

Akaitcho (IMA) Interim Measures Agreement Office  
Box 28, Lutsel K'e, NT XOE IAO  
Phone: (867) 370-3217 Fax: 867 370-3209



PO Box 28  
Lutsel K'e, NT X0E 1A0  
Ph. (867) 370-3197 or 370-7009  
Fax (867) 370-3143  
Email: [lutselke\\_wle@yahoo.ca](mailto:lutselke_wle@yahoo.ca)

July 30, 2007

Mr. Willard Hagen – Interim Chair  
Mackenzie Valley Land & Water Board  
Box 2130  
7<sup>th</sup> Floor – 4910 59<sup>th</sup> Avenue  
YELLOWKNIFE, NWT XIA 2P6

Mackenzie Valley Land  
& Water Board

File MV2007C0010

JUL 31 2007

Application # MV2007C0009  
MV2007C0038

Copied To JM / Reg ILC

Fax: 867-873-6610

Dear Mr. Hagen,

**Re: Application by UraVan Minerals Inc. and Bayswater Uranium Corporation for uranium exploration in the upper Thelon Basin.**

I am resending a notice that is to be sent to all uranium interest developers. It states the following:

Re: Application for Mineral Exploration in the Thelon Basin

We hereby give notice to any and all companies wishing to explore for uranium and other minerals in the Thelon river watershed, Akaitcho Territory:

The Lutselk'e Dene First Nation (LKDFN) has consistently and repeatedly voiced our complete opposition to mineral exploration in the Thelon Basin, and will continue to do so. The entire Thelon watershed is of vital importance on many scales, and the upper Thelon in particular has distinctive and unique environmental, cultural, spiritual and heritage values which would be at significant risk should mineral exploration and/or mining be allowed to proceed.

The upper Thelon basin is world-renowned as a unique and pristine ecosystem, with huge ecological significance. It is a boreal forest oasis in the barren land, providing critical habitat for wolves, grizzlies, wolverines, musk ox, moose, furbearers, birds, and other wildlife. It is on the primary migration route (northward, southward, and possibly over wintering) for both the Beverly and Ahik caribou herds, which are harvested by LKDFN hunters. There is a vast lack of information about the status of the Beverly herd, but they are presumed to be declining along with all the other caribou populations in the NWT. Healthy caribou are required for the survival of our Denesoline culture and way of life. We have seen the impacts on the Bathurst herd from the numerous disturbances throughout their range (particularly mining and exploration developments, roads, aircraft disturbance, noise, and human activity in general). Our annual community-based monitoring surveys have clearly shown that Bathurst animals have poorer body condition than in the past, migration routes and timing are becoming increasingly unpredictable, and their population numbers are dropping at an alarming rate due to low calf survival and low pregnancy rates. We do not want to see the same thing happen with the Beverly herd.

The LKDFN and other Denesoline people have a significant history in the upper Thelon basin, due to the high availability of natural resources in the area throughout the year. There is a wealth of documented evidence of harvesting and land use in the areas including hunting grounds, trap lines, trails, campsites, and cabins. Along with Aboriginal use of the area, there was extensive European use in recent history, and many of the associated historical and archaeological sites remain undocumented. The entire Thelon basin is regarded by Denesoline people as a birthplace, "the place where God began", and as such has significant cultural and spiritual value.

The Thelon area is also one of the few truly untouched wilderness areas left on Earth, which has value in and of itself. This was clearly shown during the Ur-Energy environmental assessment earlier this year, when dozens of emails and letters were sent from across Canada by people who have never even been to the Thelon, Urging that the proposed development not be allowed to proceed. Allowing industrial development to proceed will impact the significant tourism potential of the area by changing the recreational and aesthetic values which draw people there from around the world.

For all of the above reason, we have been actively working for many years to protect the upper Thelon, and to pursue the principle of "conservation First" before any further development proceeds in our traditional territory. The LKDFN has clearly identified the upper Thelon as part of their overall conservation vision (see attached map of Thaydene Nene, "Land of Our Ancestors").

Recent negotiations through the Akaitcho Process involved each First Nation selecting quotas of land to be part of a 5-year Interim land Withdrawal. The upper Thelon was clearly a priority area of us, but while negotiations were ongoing, the federal government continued to allow the establishment of third-party interests through the issuance of prospecting permits. Claims were staked in rapid succession, and these areas were effectively eliminated from inclusion in the withdrawn areas.

The Thelon Game Sanctuary management Plan, which we played a major role in developing, calls for a Special management Area to be created to protect the upper Thelon (the "Tyrrell lake SMA"). This area was originally included as part of the Sanctuary, then withdrawn in the 1950's to cater to mineral interests, but is still integral to maintain the values and resources from which the Sanctuary was originally created. It is the headwaters of the Thelon River drainage system, provides critical wildlife habitat, and has one of the highest concentrations of archaeological sites in the NWT. We are currently working with the GNWT and other Aboriginal groups to implement the management plan, which would establish this SMA and manage it as buffer areas to the Sanctuary.

We understand that mineral exploration is only the first phase in what can be a very long process, with no guarantees that an economically viable deposit will be found and mining will proceed. However, we are in complete opposition to having an operating mine in the Thelon area, and therefore will not support even the initial stages of such a possibility. As well, having an exploration camp with human activity (and associated noise from drilling rigs, aircraft, and helicopters) in an otherwise pristine and undisturbed ecosystem is a significant impact in itself.

The current mineral of interest is obviously uranium. Although we have major specific concern with this mineral (e.g. potential for drilling to bring radioactive ore to the surface, danger of intersecting with groundwater flows, proper storage & disposal, and the massive documented health concerns), when it comes to the Thelon basin we will take the same position of opposition regardless of the particular mineral being pursued. We do not have confidence in the use of Saskatchewan Best Practices Guideline to effectively address our concern about uranium, and similarly do not believe that other mitigation measures imposed as conditions of a land use permit would be sufficient to prevent adverse impacts from occurring.

One mineral exploration project may not seem like a significant impact to the vast Thelon region. However, we do not assess projects in isolation. The potential for cumulative effects from past, present and reasonably foreseeable future developments is huge, especially given the current high market prices, and we will not "open the door". Various studies, models and frameworks to assess and manage cumulative effects have been proposed, but all are incomplete and many key pieces of information which are required input to these models (e.g. the current population and health status of the Beverly caribou herd) are not yet available. In cases where impacts are uncertain or unknown (e.g. the ability of caribou to adapt to changing environmental conditions and human disturbances throughout their range). The precautionary principle must apply.

Until we have the required data to make informed decisions, we will not approve any developments which could potentially jeopardize our way of life.

Our Aboriginal and Treaty rights are protected under Treaty 8 and under s.35 of the Canadian Constitution. We require lands and resources in order to exercise those rights, and the cumulative effects of current and future projects (e.g. changes in caribou migration routes or health) has the potential to impact the long-term ability of future generations to practice our way of life. The entire Thelon area remains a special place even for the youth who have not yet traveled there, as a place to connect with their cultural heritage and history. The physical, emotional, cultural and spiritual connection between Aboriginal people and the land cannot be taken lightly. The recent (2006) Ontario Supreme Court of Justice ruling on *Platinex vs. Kitchenuhmaykoosib Inninuwug(KI) First Nation* states this very clearly:

(80) it is critical to consider the nature of the potential loss from an Aboriginal perspective. From that perspective, the relationship that Aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint.

In regards to the potential for an Akaitcho Exploration Agreement, efforts have been made by some companies to work towards an "acceptable" version. However, it is important to clarify that this type of agreement would only be signed and implemented if the Akaitcho Chiefs recommend that a proposed project should proceed with attached terms and conditions. In the case of mineral exploration in the Thelon Basin, the LKDFN will by no means be making such a recommendation to the Akaitcho Screening Board.

In conclusion, we hope this letter has clarified our position. The Thelon Basin is part of the traditional territory of Akaitcho Dene First Nations and subject to ongoing Treaty Land Entitlement negotiations. It is vitally important to the culture, history, and spirituality of the Denesoline people, and has been clearly identified by the LKDFN as an area they wish to keep undisturbed and off limits to resource development of any kind and at any stage. If you would like further details, we encourage you to visit the public registry for the Mackenzie Valley Environmental Impact Review Board (MVEIRB), where you can find a link to the documents associated with the Environmental Assessment of Ur-Energy's proposed project at Screech Lake (in particular, the written interventions and the January 2007 public hearing transcripts). Our elders and youth have spoken, and we are listening.

We thank you for your efforts to consult with us prior to filing an application with the MVLWB. However, we feel there would be no positive purpose served for either of our organizations to meet at this time as our position on this issue is abundantly clear. Please note that if you proceed in filing your application, we will insist that your proposed project be referred to an environmental assessment. This precedent should have been set now with Ur-Energy's Screech Lake project, and we will not settle for anything less with any future applications.

If you have any questions, please feel free to contact either myself at 867-370-3051 or Ms. Florence Catholique (Acting Manager, Wildlife, Lands & Environmental Department) at 867-370-3197.

Sincerely,

  
Chief Adeline Jonasson (original signed by Chief)

c.c. Stephen Ellis (AIMA)



**Lutsel K'e Dene Band**

Post Office Box 28  
Lutsel K'e, Northwest Territories  
X0E 1A0

**Re: Applications for Mineral Exploration in the Thelon Basin**

We hereby give notice to any and all companies wishing to explore for uranium and other minerals in the Thelon River watershed, Akaitcho Territory:

The Lutsel K'e Dene First Nation (LKDFN) has consistently and repeatedly voiced our complete opposition to mineral exploration in the Thelon Basin, and will continue to do so. The entire Thelon watershed is of vital importance on many scales, and the upper Thelon in particular has distinctive and unique environmental, cultural, spiritual and heritage values which would be at significant risk should mineral exploration and/or mining be allowed to proceed.

The upper Thelon basin is world-renowned as a unique and pristine ecosystem, with huge ecological significance. It is a boreal forest oasis in the barrenlands, providing critical habitat for wolves, grizzlies, wolverines, muskox, moose, furbearers, birds, and other wildlife. It is on the primary migration route (northward, southward, and possibly overwintering) for both the Beverly and Ahiak caribou herds, which are harvested by LKDFN hunters. There is a vast lack of information about the status of the Beverly herd, but they are presumed to be declining along with all the other caribou populations in the NWT. Healthy caribou are required for the survival of our Denesoline culture and way of life. We have seen the impacts on the Bathurst herd from the numerous disturbances throughout their range (particularly mining and exploration developments, roads, aircraft disturbance, noise, and human activity in general). Our annual community-based monitoring surveys have clearly shown that Bathurst animals have poorer body condition than in the past, migration routes and timing are becoming increasingly unpredictable, and their population numbers are dropping at an alarming rate due to low calf survival and low pregnancy rates. We do not want to see the same thing happen with the Beverly herd.

The LKDFN and other Denesoline people have a significant history in the upper Thelon basin, due to the high availability of natural resources in the area throughout the year. There is a wealth of documented evidence of harvesting and land use in the area including hunting grounds, traplines, trails, campsites, and cabins. Along with Aboriginal use of the area, there was extensive European use in recent history, and many of the associated historical and archaeological sites remain undocumented. The entire Thelon basin is regarded by Denesoline people as a birthplace, "the place where God began", and as such has significant cultural and spiritual value.

The Thelon area is also one of the few truly untouched wilderness areas left on Earth, which has value in and of itself. This was clearly shown during the Ur-Energy environmental assessment earlier this year, when dozens of e-mails and letters were

sent from across Canada by people who had never even been to the Thelon, urging that the proposed development not be allowed to proceed. Allowing industrial development to proceed will impact the significant tourism potential of the area by changing the recreational and aesthetic values which draw people there from around the world.

For all of the above reasons, we have been actively working for many years to protect the upper Thelon, and to pursue the principle of "Conservation First" before any further development proceeds in our traditional territory. The LKDFN has clearly identified the upper Thelon as part of their overall conservation vision (see attached map of *Thaydene Nene*, "*Land of Our Ancestors*").

Recent negotiations through the Akaitcho Process involved each First Nation selecting quotas of land to be part of a 5-year Interim Land Withdrawal. The upper Thelon was clearly a priority area for us, but while negotiations were ongoing, the federal government continued to allow the establishment of third-party interests through the issuance of prospecting permits. Claims were staked in rapid succession, and these areas were effectively eliminated from inclusion in the withdrawn areas.

The Thelon Game Sanctuary Management Plan, which we played a major role in developing, calls for a Special Management Area to be created to protect the upper Thelon (the "Tyrrell Lake SMA"). This area was originally included as part of the Sanctuary, then withdrawn in the 1950's to cater to mineral interests, but is still integral to maintain the values and resources for which the Sanctuary was originally created. It is the headwaters of the Thelon River drainage system, provides critical wildlife habitat, and has one of the highest concentrations of archaeological sites in the NWT. We are currently working with the GNWT and other Aboriginal groups to implement the management plan, which would establish this SMA and manage it as a buffer area to the Sanctuary.

We understand that mineral exploration is only the first phase in what can be a very long process, with no guarantees that an economically viable deposit will be found and mining will proceed. However, we are in complete opposition to having an operating mine in the Thelon area, and therefore will not support even the initial stages of such a possibility. As well, having an exploration camp with human activity (and associated noise from drilling rigs, aircraft, and helicopters) in an otherwise pristine and undisturbed ecosystem is a significant impact in itself.

The current mineral of interest is obviously uranium. Although we have major specific concerns with this mineral (e.g. potential for drilling to bring radioactive ore to the surface, danger of intersecting with groundwater flows, proper storage & disposal, and the massive documented health concerns), when it comes to the Thelon basin we will take the same position of opposition regardless of the particular mineral being pursued. We do not have confidence in the use of Saskatchewan Best Practices Guidelines to effectively address our concerns about uranium, and similarly do not believe that other mitigation measures imposed as conditions of a land use permit would be sufficient to prevent adverse impacts from occurring.

One mineral exploration project may not seem like a significant impact to the vast Thelon region. However, we do not assess projects in isolation. The potential for cumulative effects from past, present and reasonably foreseeable future developments is huge, especially given the current high market prices, and we will not "open the door". Various studies, models and frameworks to assess and manage cumulative effects have been proposed, but all are incomplete and many key pieces of information which are required input to these models (e.g. the current population and health status of the Beverly caribou herd) are not yet available. In cases where impacts are uncertain or unknown (e.g. the ability of caribou to adapt to changing environmental conditions and human disturbances throughout their range), the precautionary principle must apply. Until we have the required data to make informed decisions, we will not approve any developments which could potentially jeopardize our way of life.

Our Aboriginal and Treaty rights are protected under *Treaty 8* and under s. 35 of the *Canadian Constitution*. We require lands and resources in order to exercise those rights, and the cumulative effects of current and future projects (e.g. changes in caribou migration routes or health) has the potential to impact the long-term ability of future generations to practice our way of life. The entire Thelon area remains a special place even for the youth who have not yet traveled there, as a place to connect with their cultural heritage and history. The physical, emotional, cultural and spiritual connection between Aboriginal people and the land cannot be taken lightly. The recent (2006) Ontario Supreme Court of Justice ruling on *Platinex vs. Kitchenuhmaykoosib Inninuwug (KI) First Nation* states this very clearly:

*[80] It is critical to consider the nature of the potential loss from an Aboriginal perspective. From that perspective, the relationship that Aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint.*

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In conclusion, we hope this letter has clarified our position. The Thelon Basin is part of the traditional territory of Akaitcho Dene First Nations and subject to ongoing Treaty Land Entitlement negotiations. It is vitally important to the culture, history, and spirituality of the Denesoline people, and has been clearly identified by the LKDFN as an area they wish to keep undisturbed and off limits to resource development of any kind and at any stage. If you would like further details, we encourage you to visit the public registry for the Mackenzie Valley Environmental Impact Review Board (MVEIRB), where you can find a link to the documents



associated with the Environmental Assessment of Ur-Energy's proposed project at Screech Lake (in particular, the written interventions and the January 2007 public hearing transcripts). Our elders and youth have spoken, and we are listening.

We thank you for your efforts to consult with us prior to filing an application with the Mackenzie Valley Land & Water Board. However, we feel there would be no positive purpose served for either of our organizations to meet at this time as our position on this issue is abundantly clear. Please note that if you proceed in filing your application, we will insist that your proposed project be referred to an environmental assessment. This precedent should have been set with Uravan Minerals' Boomerang Lake project, but has certainly been set now with Ur-Energy's Screech Lake project, and we will not settle for anything less with any future applications.

If you have any questions, please feel free to contact either myself at (867) 370-3051 or Monica Krieger (Manager, Wildlife, Lands & Environment Department) at (867) 370-3197.

Sincerely,



Chief Adeline Jonasson

Cc: Stephen Ellis; Coordinator, Akaitcho IMA Implementation Office  
Akaitcho Screening Board members





201-24

August 9, 2007

Lynn Carter  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
PO Box 2130  
YELLOWKNIFE, NT X1A 2P6

By Email: [permits@mvlwb.com](mailto:permits@mvlwb.com)

**Re: Land Use Permit Applications MV2007C0009 and MV2007C0010 – Bayswater Uranium Corp**

We have reviewed land use permit applications MV2007C0009 and MV2007C0010. We are concerned that the proposed exploration activities will impact areas with high potential for unrecorded archaeological sites (please note that an archaeologist has never conducted a detailed inspection of these areas). Thus, we recommend that the proponent hire an archaeologist to conduct a heritage resource impact assessment of all development areas associated with land use permit applications MV2007C0009 and MV2007C0010 – including camps, drill targets and any other areas of ground disturbance – prior to the commencement of development activities.

Sincerely,

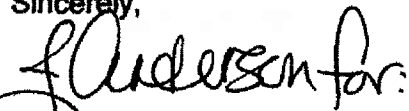
Glen MacKay  
Assessment Archaeologist  
Prince of Wales Northern Heritage Centre

associated with the Environmental Assessment of Ur-Energy's proposed project at Screech Lake (in particular, the written interventions and the January 2007 public hearing transcripts). Our elders and youth have spoken, and we are listening.

We thank you for your efforts to consult with us prior to filing an application with the Mackenzie Valley Land & Water Board. However, we feel there would be no positive purpose served for either of our organizations to meet at this time as our position on this issue is abundantly clear. Please note that if you proceed in filing your application, we will insist that your proposed project be referred to an environmental assessment. This precedent should have been set with Uravan Minerals' Boomerang Lake project, but has certainly been set now with Ur-Energy's Screech Lake project, and we will not settle for anything less with any future applications.

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Sincerely,



Chief Adeline Jonasson

Cc: Stephen Ellis; Coordinator, Akaitcho IMA Implementation Office  
Akaitcho Screening Board members



August 10, 2007

Ms. Kathleen Graham  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
P.O. Box 2130  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Ave.  
Yellowknife, NT X1A 2P6

Dear Ms. Graham:

**Re: Bayswater Uranium Corp., MV2007C0009 and MV2007C0010**  
**Land Use Permit Application – Camp and Fuel Cache in the “Crab Lake” and**  
**“El Lake” areas of the NWT.**

The Department of Environment and Natural Resources (ENR) has reviewed the above applications and would like to provide the following comments based on mandated responsibilities under the *Wildlife Act*, the *Forest Management Act (FMA)* and the *Environmental Protection Act (EPA)*.

#### **PROJECT DESCRIPTION**

We understand that these are 5 year programs set to begin in August 2007 and include the following components:

- Camp construction, fuel caching, and early stage mineral exploration
- Located in the Thelon River drainage basin on the “CL” group of claims situated in NTS 75-P-1 and 75-P-8 (Crab Lake and El Lake areas).
- Limited ground geophysics to be followed by a 5,000 to 10,000 m diamond drill program with individual drill holes between 300-600 m deep.
- Airborne geophysical surveys in 2007 over the West Margin claims specified above, with follow-up work contingent on survey results.
- Camp construction to being in August 2007.
- Exploration camps at Crab Lake and El Lake will be 332km east of Lutselk’e.
- Camps will be built with either 2X4 wood frames covered by insulated tents, or with “Weatherhaven” style tubular aluminum frames and covers.
- Geophysical follow-up and drilling in late August / September 2007, or March / April 2008.

**From:** Carolyn Locke  
**To:** Charlene Coe  
**Date:** 7/25/2007 3:46:29 PM  
**Subject:** LUPA MV2007C0010 Bays Water

Hi Char,  
All the surrounding areas mentioned in this document are 100 percent owned by Bayswater Uranium Corp.

I trust this is the information that you require.

Should you require any further information please do not hesitate to call.

Thanks  
C.

- Drill moves to be done by helicopter in the summer and by Timberjack vehicle in the winter should the situation arise.
- Electric transfer pumps and hand operated wobble pumps will be used to transfer fuel from drums to the helicopter and to oil burning stoves in the tents and the drill.
- 2008 summer activities contingent on results of previous work.
- All material will be removed and site rehabilitated once targets have been tested and no more work is recommended.
- *Equipment:* 1 drill (Longyear LF-70 or equivalent) with pumps and coil stoves, 1 Timberjack 340, 1 Helicopter (206L or equivalent), 2 portable water pumps, 1 generator
- *Fuels on site:* Diesel, gasoline, aviation fuel, propane (Crab Lake)
- *Inventory of Response and Clean-up Equipment:* personal safety equipment (disposable coveralls, gloves, goggles), large and small spill kits, empty barrels, shovels, absorbent pads and materials, pumps, hazardous labels and stickers, MSDS for every chemical on site.

## **PROPOSED MITIGATIONS**

The following mitigations are presented by Bayswater Uranium Corp., in their application submitted to the Mackenzie Valley Land and Water Board:

- *Wildlife:*
  - Exploration personnel will be instructed to avoid interaction with wildlife.
  - If herds of caribou are encountered, all exploration work in the area occupied and surrounding these herds will cease until the caribou have moved on.
  - Helicopters will not be permitted to fly less than 300m above any herds of caribou.
  - Hire a resident of the community of Lutselk'e as an environmental monitor.
- *Vegetation:*
  - If it is seen that vegetation is being damaged at the camp, wooden pallets will be used to create sidewalks.
  - Camp structures will be levelled with wooden blocks, so there will be no need for grading.
- *Sewage/Garbage:*
  - Waste products will be backhauled to Yellowknife for disposal.
  - Drill return water and grey water from the camp will be disposed of in natural sumps at least 100m from the high water marks over lakeshores.
  - Sewage to be buried in a pit at camp.
  - All garbage to be incinerated onsite; burned residue and non-burnable waste to be flown to Yellowknife for disposal. The quantities of waste to be sent to Yellowknife will be modest – less than 1 cubic meter per week.



- *Socio-economic:*
  - Purchase of groceries and other camp equipment from Lutselk'e, as well as hiring local personnel to work at the camp.
  - Environmental monitor will be able to report back to the community about the wildlife density and movement, and any perceived impacts of Bayswater's exploration work on this wildlife.
  - Field trips to bring interested residents from Lutselk'e to observe activities in the camp.
- *Reclamation/Restoration:*
  - All structures at the camp will be dismantled and removed back to Yellowknife at the conclusion of exploration activities.
  - All fuel drums and any other debris will also be cleaned up.
  - The only structure that will be left behind will be core racks containing drill core from diamond mining. All drill sites will be thoroughly cleaned.
- *Containment fuel spill contingency plan:*
  - All employees, contractors and consultants spending more than 24 hours in a Bayswater camp will have an extensive safety briefing based on their 2007 safety manual. This safety briefing will include a discussion of the Spill Contingency Plan.
  - All fuel will be stored in compliance with Land Use Regulations. Fuel drums will be placed in a natural depression at least 100m from the nearest water body and 100m from the camp. Drums will be inspected regularly for any leakage and repaired immediately. Spill kits, which will include absorbent matting, will be available to clean up spilled fuel.
  - The personnel detecting the spill will immediately notify the Camp Supervisor, who will coordinate the spill containment by:
    - Identifying the source of the spill,
    - Take appropriate action to prevent further spillage,
    - Minimize the impact of the spill,
    - Initiate the clean-up with the equipment available, and
    - Report the spill in accordance with Territorial regulations.

## **SPECIFIC RECOMMENDATIONS/CONCERNS**

ENR identifies the following specific concerns that need detailed mitigative measures to avoid or reduce impacts to:

- **Caribou** – Collared cows from the Ahiak and Beverly barren ground caribou herds have been documented in the Crab Lake area from February-May, August-September, and November-December. It is expected that bull caribou from these two herds would also be present into project areas from April until early winter (December). However, collared caribou do not represent the entire distribution of these two herds and caribou may therefore be encountered in the project area during other times of the year.

The El Lake project area is close to the Thelon River, which is an important migratory route for the Ahiak and Beverly caribou herds, and has numerous water crossings.

The proposed exploration program occurs in the spring migration corridor for the Ahiak and Beverly barren ground herds; spring migration is defined as the period between 16 March – 25 May. The last trimester of pregnancy is the period when cows are often in poorest physical condition, as a result of winter and demands placed on the cow by the fetus. This period extends from 10 weeks prior to the first expected date of calving (15 March – 25 May). During this period, direct disturbances that require additional energy expenditures or interfere with feeding can have significant negative impacts on caribou health. During May, cows are heavily pregnant, have declining fat reserves and are moving long distances towards their respective calving grounds. Added physiological stress to the cows, due to direct and indirect impacts from exploration and associated activities, may jeopardize the health of the cow, which could decrease calf production (i.e., aborted calves, decreased ability of the cow to care for newborn calves, failure of the cow to reach the calving area, weaker born calves, etc.).

The exploration program may occur in summer months when bull caribou are present and in some years, cows and calves may occur in the project area (mainly August).

The exploration program is also scheduled to occur during the fall migration and winter months when cows may be present. Pre-rut feeding determines cow pregnancy rates the following year; therefore, cows should not be disturbed during this period. Depending on snow depths and winter food abundance, fat reserves in cows may decline and fat reserves in bulls may not recover from the rutting period. Direct and indirect impact from exploration and associated activities during winter months may increase the mortality rates of bulls and jeopardize the health of cows and lower calf production.

<http://www.nwtwildlife.com/NWTwildlife/caribou/distribution.htm>  
<http://www.nwtwildlife.com/NWTwildlife/caribou/blueeast1.htm>

The application contains minimal measures to address or mitigate direct, indirect and cumulative impacts to caribou cows and bulls in the area during Bayswater's periods of operation (e.g., summer, fall, winter and spring months).

If caribou are encountered during development the proponent should shut down operations if they approach within 500m of drilling operations/sites; suspended activities include drilling, aircraft over flights (<300m), and vehicle use. When caribou are further than 500m away operations may resume.

Water crossings are limited on the landscape and as such are very important in facilitating movements across the landscape. Any diversion from a crossing could result in substantial increases in energy expenditures as caribou backtrack to find another appropriate route on their migratory path. Therefore, no drilling activity should be conducted within 5 km of recognized caribou water crossing, until such time that migration has completed.

If large concentrations of cows (groups >200) are within the project area during the fall migration (after 15 September), the proponent should shut down operations for the season.

The MVLWB approved a land use permit for Uravan's Boomerang Lake operation for May 2006 – May 2008, another land use permit application by Uravan is in the application process, another land use permit application by Bayswater at Crab Lake, and an application by UR Energy has yet to receive a final decision by the federal Environment Minister. All these uranium applications are in close proximity and occur on the ranges of the Ahiak and Beverly barren ground caribou herds. ENR urges the MVLWB to recognize the cumulative effects of increasing mineral exploration on the entire range of the Ahiak and Beverly caribou herds and that these collective activities may have potentially significant effects on the herds.

- **Species At Risk (SARA)** - states that **adverse effects on listed species must be identified, and regardless of significance, mitigated and monitored (s.79)**. It is ENR's view that those species listed under the Act (i.e. those species listed on Schedule 2 and 3 of the Act) be treated in a similar fashion consistent with recommendations in "*The Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada*".

The following species are on, or pending addition to Schedule 1 of SARA and have the potential to occur in the project area during the timing of operations:

- Grizzly Bear
- Wolverine
- Short-eared Owl
- Peregrine Falcon

All field personnel should complete a bear-safety training course. This is both a worker safety and wildlife issue. If all field workers have bear safety training and learn how to react to bears, this will decrease the cases of bear attacks and the number of bears destroyed as nuisance wildlife. This training is also important because it will inform employees and owners on proper bear proofing methods for camps.

All personnel are asked to report bear sightings to their local Wildlife Officer at the earliest opportunity. This will give ENR a better understanding of the location and frequency at which bears investigate camps and other

developments. It will also better allow for the relocation of bears that frequent developments before they become habituated and must be destroyed as nuisance wildlife.

Disturbance of peregrine falcons and short-eared owls while nesting can affect incubation success, survival and/or fitness of the young. Therefore, if a nest site of either species is identified in the project area, a buffer of 1.5 km should be maintained between development activities and the nest site from April 15<sup>th</sup> to September 15<sup>th</sup>.

Impacts to wolverine and grizzly bear will be adequately mitigated with the proper handling and storage of food and food wastes as per our attached Food and Waste Management Guidelines.

- **Carnivores** – Bear, Wolverine, Fox, Wolf

ENR provides the following recommendations, reference material and guidance documents for the proponent's information:

*Safety in Bear Country: A Reference Manual* - human interaction, including measures to deter bears from camps and other facilities.

*Food and Waste Management Guidelines* - Impacts to carnivores will be adequately mitigated with the proper handling and storage of food and food wastes.

*Bear Response Guidelines* - In the event that a grizzly bear is disturbed and/or encountered during project operations, information on the sighting should be forwarded to the local Wildlife officer at the earliest opportunity. This will increase the Department's ability to relocate bears that frequent areas of development before they become habituated and must be destroyed as nuisance wildlife. Any defence of life and property (DLP) kills must be reported as soon as possible. Since all human-caused mortalities are accounted for under the quota, any DLP kills will result in a reduction of the community quota.

*NWT Mine Health and Safety Regulations (s. 15.05)* - require that all field personnel involved in mineral exploration undertake bear-safety training. ENR staff supports this requirement, as it is both a worker safety and wildlife issue. If all field workers have bear safety training and learn how to react to bears, this will decrease the cases of bear attacks and the number of bears destroyed as nuisance wildlife. This training is also important because it will inform employees and owners on proper bear proofing methods for camps.

*Berry Patches/Denning Sites* – If a bear is located in, at, or near a den site, work in the area must halt. Staff from ENR should be notified as they will

assess the site and may implement measures to ensure bears are not unduly disturbed. This may include the establishment of an exclusion zone of 300 meters around the den in which no work will be permitted. Work inside the exclusion zone will remain stalled until after den emergence.

*Camp Design* - structures should be well spaced from each other and the number of blind corners limited. Unless within an electrified bear fence, the kitchen should be well away from all other structures and the doors to the other structures should face the kitchen.

- **Ungulates** - Musk Oxen, Moose, Caribou

If musk oxen are encountered between May 1st and June 30<sup>th</sup>, the proponent should shut down operations if they approach within 500m. If adult musk oxen are disturbed, they have the tendency to charge. If this charge occurs in the first few months after birth there are two problems that calves may encounter. The first is that the calves may be trampled or otherwise injured by adults during the charge. The second concern is that there is a high probability that the calves will be left behind by the adults. Any calves separated from the group run a greater risk of predation.

All drilling mud should either be recycled or the drilling rig should use a closed system. If this is not possible, all sumps should be monitored or fenced in. Bovines and ungulates make regular use of salt licks. The presence of salts in drilling mud may act as an attractant to these animals and facilitate the uptake of other toxic chemicals found in the drilling mud.

- **Raptors** – Peregrine Falcon, Short-Eared Owl

Disturbance while nesting can affect incubation success, survival and/or fitness of the young, as adults often abandon the eggs or young. Loud, repeated noises, and close approaches by humans on foot are particularly harmful. Therefore, if a nest site is identified in the project area, a buffer area of 1.5 km should be maintained between development activities and the nest site.

- **Cumulative Effects** – the proponent needs to conduct a cumulative effects assessment of its planned project(s) in combination with other past, present and reasonably foreseeable projects.

The cumulative effects assessment should include, but not necessarily be limited to the consideration of exploration and drill holes, waste sites (i.e. drilling waste and associated camp waste sumps), etc.

The effects and plans of other projects, programs, and associated infrastructure.

The potential project-specific effects on species at risk that may contribute to regional cumulative effects on some wildlife species. Further consideration of cumulative effects on species at risk is required.

- **Waste Management**

The proponent should ensure that the amount of waste burned is reduced as much as possible through implementation of pollution prevention strategies such as purchasing policies that focus on reduced packaging, and on-site diversion and segregation programs (i.e. the separation of non-food waste items suitable for storage and subsequent transport and disposal or recycling).

If burning is the only alternative available, installation of an incineration device capable of meeting the emission limits established by the Canadian Council of Ministers of the Environment (CCME) under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions is required for camps of this size and duration. Open burning of camp waste is not acceptable.

Used oil, waste derived fuel or waste fuel may be burned in a 'used oil appliance' as long as this meets the conditions of the Used Oil and Waste Fuel Management Regulations. Otherwise, the burning of waste hydrocarbon products or wastes contaminated with hydrocarbons must be done in an incineration device designed for the incineration of hazardous wastes, and that is capable of meeting the emission limits established by the Canadian Council of Ministers of the Environment (CCME) under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions.

ENR considers the following wastes produced as a result of industrial operations *Industrial Hazardous Waste* - included but not limited to: paints; used sorbents; any oily waste, including oily rags; and equipment servicing wastes such as used engine oil, antifreeze, hydraulic oil, lead acid batteries, brake fluid and other lubricants, or filters used for lube oil, glycol, or fuel/gas filters. ENR does not endorse the incineration of *Industrial Hazardous Waste*. The only exception is if the incineration device is designed for the incineration of hazardous wastes, and is capable of meeting the emission limits established by the Canadian Council of Ministers of the Environment (CCME) under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions. If these standards cannot be met, the waste should be safely stored and transported in sealed containers (odour free to prevent animal attraction) and safely transported to a facility that is a registered recycling or disposal facility for these wastes.



While it is acceptable to burn used oil and waste fuel in an incineration unit that is designed for the specific purpose of waste fuel/oil incineration, used oil must be tested and meet quality limits specified in the regulations.

Regulations: [http://www.enr.gov.nt.ca/eps/pdf/oilwastefuel\\_nov03.pdf](http://www.enr.gov.nt.ca/eps/pdf/oilwastefuel_nov03.pdf)

Guidelines: [http://www.enr.gov.nt.ca/eps/pdf/plg\\_oilwastefuel\\_nov03.pdf](http://www.enr.gov.nt.ca/eps/pdf/plg_oilwastefuel_nov03.pdf)

- **Waste Management Plan:**

Proponents should supply a Waste Management Plan including waste segregation and disposal, and a strategy for implementation that includes:

- The identification of non-hazardous, hazardous, combustible, and non-combustible wastes, and plans of waste segregation and the strategy/plan for its implementation.
- A listing of expected waste quantities (as related to waste types identified) to be generated.
- Detailed waste treatment and disposal plans.
- Listing of expected waste types and quantities to be transported off-site.
- Identification of acceptable and alternate hazardous waste disposal facilities.
- Confirmation that the community referenced has authorization to accept proposed waste types and quantities at community waste handling facilities.
- Confirmation that the Proponent has received permission from the community referenced to transfer proposed waste types and quantities to community waste handling facilities.
- Alternate disposal options in the case that the referenced community's waste handling facility cannot accommodate the proposed and estimated waste types and quantities listed.

The Waste Management Plan should also consider and include:

- Purchasing policies that focus on reduced packaging,
- On-site diversion and segregation programs (i.e. the separation of non-food waste items suitable for storage and subsequent transport and disposal or recycling).
- If incineration is required, ensure diligent operation and maintenance of the incineration device and ensure appropriate training is provided to the personnel operating and maintaining the incinerator.
- A waste tracking system will manage and account for all waste.
- Sewage disposal methods.

- **Spill Contingency Plan:**

Clarification is required as to whether or not the Spill Contingency Plan included in Section 12 of the application is the proponent's 'official' Spill Contingency Plan. Nevertheless, this Spill Contingency Plan has been reviewed with reference to the GNWT's Spill Contingency Planning and Reporting Regulations and the following recommendations are made:

- Description of the type and amount of contaminants normally stored at the location.
  - This section would include the chemical name(s) and the volumes or weights of the contaminants.
- Site map:
  - It is recommended that a map be provided which illustrates the facility's relationship to other areas that may be affected by a spill. The map should be to scale and be large enough to include the location of your facility, nearby buildings or facilities, roads, culverts, catch basins, drainage patterns and any nearby bodies of water, which could be impacted by a spill.
- Steps to be taken to Report, Contain, Clean-up and Dispose of contaminants
  - The proponent provides information on reporting procedures. However, contact information of the INAC Inspector should also be provided.
  - *Clean-up:* Information outlining steps involved to respond to and address all possible scenarios or spill incidents that could occur as a result of project activities should be included. A detailed description of actual containment and clean-up techniques or methods should be included.
  - *Disposal:* Contingency plans must contain appropriate disposal procedures for the materials stored at the facility. Plans should include locations of disposal sites approved to accept wastes, means of storage prior to disposal and other approvals required. ENR requests that the proponent provide disposal details within the Spill Contingency Plan, as the purpose of this plan is to be prepared for all spill situation that might arise, include disposal.
- Additional information, which would be worthwhile to include to enhance the effectiveness of any plan:
  - A listing of local contractors or clean-up specialists who may be called upon to assist in responding to spills.
  - A listing of emergency numbers such as fire, ambulance and police. Also include local health emergency numbers.

Please find attached an updated spill reporting form for your records.

## GENERAL RECOMMENDATIONS/CONCERNS

ENR provides the following with respect to sufficiently minimizing potential impacts:

- **Environmental Protection** – The Environmental Protection website lists numerous guideline documents. Proponents should review and adhere to all of these documents prior to commencing operations.  
<http://www.enr.gov.nt.ca/eps/leg.htm>
- **Forestry** - *Brush & Tress/Overburden* – During any drilling operation, these will be aspects that will need to be addressed. What are the provisions in regards to clearing and disposing of brush? What are the stipulations in regards to correction of surface disturbances in these cleared areas?
- **Permafrost** - Mitigation measures to reduce the detrimental effects of permafrost areas should be implemented using best practices methods.
- **Species at Risk** - ENR provides the following general recommendations with respect to sufficiently minimizing potential impacts to wildlife, including species at risk:

Harassing wildlife can lead to greater expenditures of energy on the part of the animal and a loss of fitness. This is especially important for mammals in the winter. ENR staff also considers the chasing or stalking of wildlife for photography to be harassment. No wildlife should be disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft.

Although the concept of feeding small mammals and birds seems trivial it is in fact a large problem. The increase in local food supply will cause immigration to the area of other wildlife and may bring larger predators and scavengers in to the area. This may lead to nuisance wildlife that may be destroyed. The grouping together of large concentrations of animals also increases the potential for the spread of diseases. No wildlife should be purposefully encouraged to habituate to human presence (i.e. wildlife should not be fed).

- **Wildlife** - The following measures are necessary to reduce impacts to caribou in the project area:

Activities should not occur during the months of April and May when cows are migrating towards their respective calving grounds and in October during the rutting period.

If cow/calf groups are encountered in summer months (July and August), operations should be suspended until the animals move out of the area.

Airborne geophysical surveys should not be conducted over cow/calf groups at any time of the year or over bulls during the rutting period and immediate post-rut period.

A survey of the project area should be regularly conducted and the proponent should shut down operations if concentrations of caribou (>50 animals) are located within 500m of drilling operations/sites. Suspended activities include drilling, aircraft overflights, and ATV or snowmobile use outside the immediate vicinity of the camp. When caribou are further than 500m away operations may resume.

Aircrafts overflights by helicopter and fixed-wing aircraft can disturb caribou increasing stress to the animals and potentially extending to effects on overall health and condition, especially during late winter and spring when animals have a negative energy balance. As a result, minimum altitudes of no less than 300m should be maintained at all times other than landing or taking off. Further, wildlife should not be approached closer than 500m, chased or harassed by aircraft or other motorized vehicles.

Cumulative effect analysis be conducted of other proposed/current uranium exploration activities near the project area and other industrial activities on the ranges of the Ahlak and Beverly barren ground caribou herds.

## **REQUESTS OF THE PROPONENT**

Lastly, ENR makes the following requests of Bayswater Uranium Corp.:

- **Wildlife:**

To aid in the Department's management of impacts to wildlife and to monitor the responses of species at risk to development activities, we request that Bayswater Uranium Corp., provide ENR's South Slave Regional Biologist with records of any wildlife sightings made during the duration of the programs, including information on location (GPS, if possible), number and reaction of the wildlife to overflights or other project activity (if applicable). This information would provide distribution information and can be used to help plan future mitigation.

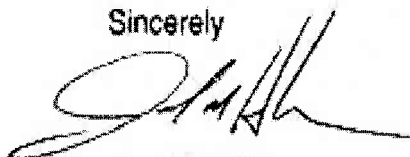
- **Incorporating Traditional Knowledge** - A relationship between the developer and traditional knowledge holders should be well established prior to an Environmental Assessment in order to gain the full value of traditional knowledge during the project planning stages.

*Statement Policy for GNWT Traditional Knowledge* – "The Government of the Northwest Territories recognizes that the aboriginal peoples of the Northwest Territories have acquired a vast store of traditional knowledge through their experience of centuries of living in close harmony with the land. The Government recognizes that aboriginal traditional knowledge is a valid and essential source of information about the natural relationship of people to the land and to each other, and will incorporate traditional knowledge into government decisions and actions where appropriate"

<http://www.enr.gov.nt.ca/plc/pdf/Traditional%20Knowledge%20Policy%20-%20FINAL.pdf>

Should you have any questions or concerns regarding the above, please contact Joel Holder, Regulatory Coordinator, at 920-6593.

Sincerely



Joel M. Holder  
Environmental Assessment Analyst  
Environmental Assessment and Monitoring  
Environment and Natural Resources

C. Karin Clark  
Environmental Assessment Specialist  
Wildlife Division

Sarah True  
Regional Environmental Assessment Coordinator  
South Slave Region

Erika Nyyssonen  
Industrial Technologist (Mining)  
Environmental Protection

Deborah Johnson  
Regional Biologist  
Wildlife Division – South Slave Region



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Fish Habitat Management  
Suite 101, 5204-50<sup>th</sup> Avenue  
Yellowknife, Northwest Territories  
X1A 1E2

Gestion de l'Habitat du Poisson  
Suite 101 5204, 50<sup>e</sup> Avenue  
Yellowknife (Territoires du Nord-Ouest)  
X1A 1E2

Your file / Votre référence

MV2007C0009  
MV2007C0010

Our file / Notre référence

YK070103

August 10th, 2007

Ms. Tyree Mullaney  
Regulatory officer  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
Yellowknife NT X1A 2P6

**RE: Bayswater Uranium Corp. Land Use Permit Applications  
MV2007C0009 (Crab Lake) and MV2007C0010 (El Lake) - Diamond  
Exploration, Camp and Fuel Caches, Thelon River drainage basin.**

Dear Ms. Mullaney:

As requested in correspondence dated July 18<sup>th</sup>, 2007, the Department of Fisheries and Oceans – Western Arctic Area (DFO) has reviewed the five year Land Use Permit applications MV2007C0009 and MV2007C0010 submitted by Bayswater Uranium Corporation to conduct mineral exploration near Crab Lake and El Lake.

DFO is participating in a preliminary screening by providing specialist information and/or advice under Sections 124 and 125 of the *Mackenzie Valley Resource Management Act (MVRMA)*. Our review was limited to potential impacts of the project on fish and fish habitat pursuant to the responsibilities of DFO under the habitat protection provisions of the *Fisheries Act*.

It is our understanding that the proposed project involves diamond mineral exploration and consists of the following components:

- Timing of activities is estimated to be between August 1<sup>st</sup>, 2007 to July 31, 2012 and will be only conducted in the open water season.
- Drilling will be done using a heli-portable core drill and will take a total of 5000 to 10000 meters at a depth range of 300-600 meters on each lease.
- A new temporary camp will be built near Crab and El Lakes.
- Specific drill sites are not currently known until after a detailed geophysical survey is complete.
- All summer drill sites are helicopter supported.
- All winter drill sites will be moved by Timberjack vehicle to move drill over snow.
- Project sites are above the tree line.
- Spills will be cleaned up according to the spill contingency plan located in the company's 2007 safety manual.
- Total water use at each camp will be 500 litres per day and total water for drill use will be 2000 litres per day.



## MVLWB Registry

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**From:** Glen MacKay [Glen\_MacKay@gov.nt.ca]  
**Sent:** Thursday, August 09, 2007 2:17 PM  
**To:** permits@mvlwb.com  
**Subject:** Attn Lynn Carter - MV2007C0009 and MV2007C0010



MV2007C0009 and  
MV2007C0010.do...

Hi Lynn,

Please find attached review comments for MV2007C0009 and MV2007C0010. Please confirm receipt by email. Thanks,

Glen

Glen MacKay  
Assessment Archaeologist  
Prince of Wales Northern Heritage Centre  
PO Box 1320  
Yellowknife, NT X1A 2L9

867-920-6182  
867-873-0205  
glen\_mackay@gov.nt.ca

- Drill return water and grey water from the camp will be disposed of in natural sumps at least 100m from the high water marks of lakeshores.
- Sewage will be collected in a pit constructed below an outhouse.
- Portable water pumps for the camp are 3hp and 2 inch in size

Based on the information provided, DFO has concluded it has enough information to determine that an Authorization under subsection 35(2) of the *Fisheries Act* for the above projects as described will not be required. However, the proposed work has the potential to result in the harmful alteration, disruption or destruction of fish habitat if appropriate mitigation is not applied.

In addition to Bayswater Uranium's 2007 safely manual (which includes a spill contingency plan), the following mitigation measures, if incorporated into the project, are intended to prevent any potentially harmful impacts to fish and fish habitat and may be used to assist the Mackenzie Valley Land and Water Board with their responsibilities under the *MVRMA*:

1. All wastes, sewage containments, sumps and fuel caches should be located above the normal high water mark of any water body, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any water body.
2. The Freshwater Intake End of Pipe fish Screen Guideline (DFO 1995) should be applied to all water intakes. In order to prevent the entrainment of fish, the mesh size should not exceed 2.54 mm. The intake should not disturb the substrate and the screen should be cleaned regularly. These guidelines can be found at <http://www.dfo-mpo.gc.ca/Library/223699.pdf>.
3. Appropriate sediment and erosion control measures should be implemented and maintained prior to, during and after the project associated activities to prevent the entry of sediment into any water body or course.
4. Equipment operating near any water body should be free of external fluid leaks, grease, oil and mud. All activities, including maintenance procedures, should be controlled to prevent the entry of petroleum products, debris, slash, rubble or other deleterious substances into any water body.
5. Spills of oil, fuel or other deleterious material should be reported immediately, as per existing reporting protocols, to the NWT/Nunavut 24-hour spill Report Line at (867) 920-8130, including all spills near or into a water body.

6. All drill muds and other additives should be certified as non-toxic.
7. Drill cuttings should be collected and contained in a sump located above the normal high water mark of any water body, and be sufficiently bermed or otherwise contained to ensure that these cuttings do not enter any water body.
8. DFO discourages drilling activities being conducted on, in or near water bodies. If there is any drilling in lakes or other water bodies, DFO should be forwarded the proposal for site specific review.
9. If artesian flow is encountered, drill holes should be plugged and permanently sealed upon completion of the project.
10. If fording of creeks is required, DFO encourages a one time (across and back) access only. Effort must be made to minimize the disturbance to creek bank stability. A single crossing location for all machinery should be sought based on the type of fish habitat present and the stream morphology. Measures should be implemented to protect the stream bank and bed from crossing activities. If fording of a fish bearing stream is a requirement of this project, specific DFO advice/review should be sought.
11. Excessive water withdrawals can lead to the loss of fish and fish habitat. Please refer to the attached DFO protocols for Winter Water Withdrawal in the Northwest Territories (January, 2005) for methods to evaluate available water capacity in lakes and for mitigation methods. When withdrawing water during the open water season please ensure that adequate water remains in the water body to allow for summer survival. Total water withdrawal for all activities should not exceed 10% of the instantaneous flow rate of a single watercourse at the time of withdrawal.

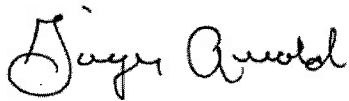
The above mitigation measures may be amended, or additional mitigation measures may be required, if there are changes to the project's scope or plans. Please note, any harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurring as a result of a change in plans or failing to implement the necessary mitigation measures may result in contravention of the *Fisheries Act*.

Please note this letter does not constitute authorization of these undertakings pursuant to the fisheries Act. It is the proponent's responsibility to obtain any approvals that may be required under any other legislation. If there are any

changes to the timing of the drill project, such as any on ice drilling, please contact DFO for further comments.

If you have any questions, please contact me at (867)669-4939.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger Arnold". The signature is fluid and cursive, with the first name "Ginger" written in a larger, more prominent script than the last name "Arnold".

Ginger Arnold  
Area Habitat Biologist  
Fish Habitat Management  
Department of Fisheries and Oceans – Western Arctic Area

c.c: E. Watson, DFO  
S. Jepps, DFO  
G. Fillatre, DFO  
Gordon Davidson, Bayswater Uranium Corporation



## MVLWB Registry

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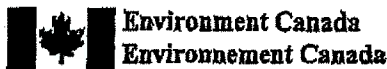
**From:** Arnold, Ginger [ArnoldG@dfo-mpo.gc.ca]  
**Sent:** Friday, August 10, 2007 3:05 PM  
**To:** permits@mvlwb.com  
**Cc:** Watson, Ernest; Jepps, Shelley F; Fillatre, Gerald; gdavidson@bayswateruranium.com  
**Subject:** MV2007C0009 and MV2007C0010

Hello,

Please find attached the responses from DFO to the request that was send by the MVLWB for the files MV2007C0009 and MV2007C0010. I have put the two files into one letter since the applications were exactly the same except for the locations.

Sincerely,  
Ginger Arnold

8/13/2007



Environmental Protection Operations Directorate  
Suite 301, 5204 - 50<sup>th</sup> Avenue  
Yellowknife, NT X1A 1E2  
tel: (867) 669-4700

August 9, 2007

Mackenzie Land and Water Board  
7<sup>th</sup> Floor, 4910-50 Avenue  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Attention: Lynn Carter  
Regulatory Officer

Our File: 4708 001 067

Mackenzie Valley Land  
& Water Board

File

AUG 10 2007

Application # MV2007C0010

Copied To KG/Reg

**Re: MV2007C0010 Land Use Permit Review - Bayswater Uranium Corporation - Mineral Exploration - El Lake, NT**

On behalf of Environment Canada, I have reviewed the information submitted with the above application, received July 20, 2007. The following advice is provided pursuant to Section 22 of the *Mackenzie Valley Resource Management Act*. Environment Canada's (EC) contribution to your request for specialist advice is based primarily on the mandated responsibilities for the enforcement of Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA) the *Migratory Birds Convention Act* (MBCA), and the *Species at Risk Act* (SARA).

It is the understanding of Environment Canada that Bayswater Uranium Corporation has applied to the MVLWB for a land use permit to construct a camp, cache fuel and to conduct diamond drilling in the area of El Lake, NT. The proposed works entail drilling holes that are expected to be 300-600 metres deep. A helicopter will be used to transport the drill during summer operations; a timberjack will be used to transport the drill should operations occur in the winter.

A camp will be established located on El Lake, located at Latitude 104° 27'36" West and Longitude 63° 15' 30" North. The camp will be constructed of either 2 by 4 wood frames covered with insulated tents or aluminum weatherhavens. Grey water will be disposed of into a sump and waste products will be taken to Yellowknife, NT for disposal. All garbage is to be incinerated on site. The described works are scheduled to commence August 1, 2007 to July 31, 2012.

**Information Requests:**

1. Please provide Environment Canada with the predicted footprint for the proposed activities (camp, drill sites, number of drill sites, etc).
2. In the application, Bayswater Uranium Corporation indicates that "all garbage is to be incinerated on site; burned residue and non-burnable waste [is] to be flown to Yellowknife for disposal." Bayswater Uranium Corporation is requested to clarify what waste will be incinerated and to develop an incineration management plan in consultation with EC and the GNWT. This would include a submission of an annual incineration management report that provides the following details:
  - a) Recycling/segregation waste program



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- b) Incineration technology selected
  - c) Waste audit – amount and types of waste incinerated
  - d) Operational and maintenance records
  - e) Operator training
  - f) Incineration ash disposal
3. Bayswater Uranium Corporation is requested to provide the following information pertaining to the incineration of camp waste:
- a) Year, manufacturer and model of incinerator
  - b) The training of incinerator operators
  - c) The volume of waste to be incinerated
  - d) Description of waste segregation plan
  - e) Disposal of incineration ash
  - f) How will the Proponent demonstrate compliance with the Canada Wide Standards for Dioxins & Furans and Mercury
4. Bayswater Uranium Corporation is requested to clarify if it is anticipated that freeze point depressants, or chlorides will be used in the drilling process. If so, please provide details regarding the materials to be used, their concentration and how they will be disposed of.
5. In the application, Bayswater Uranium Corporation does not mention what measures will be taken if a uranium deposit is found, or if there is a significant amount of uranium in any core brought to surface. It is stated in the application that upon completion of the program, "the only structure that will be left behind will be core racks containing drill core from diamond drilling." If Bayswater Uranium Corporation encounters Uranium deposits, how will the cores be transported, stored and/or disposed of? How will the drilling fluids, muds and cuttings be handled and disposed of? Please supply this information to Environment Canada.

**Comments and Recommendations:**

6. Meeting the requirements of the *Fisheries Act* is mandatory, irrespective of any other regulatory or permitting system. Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water. The legal definition of deleterious substance provided in subsection 34(1) of the *Fisheries Act*, in conjunction with court rulings, provides a very broad interpretation of deleterious and includes any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat.
7. Section 35 of the *Migratory Birds Regulations* states that no person shall deposit or permit to be deposited, oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.
8. A copy of the spill contingency plan should be posted where crew members have access to it, and at each fuel cache and refuelling station.
9. The Proponent should reference in their Spill Contingency plan the attached *Schedule 1 from the Spills Working Agreement* for conditions that require immediate reporting as well as immediately reportable quantities.



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10. Environment Canada recommends the use of secondary containment with an impervious liner, such as self-supporting insta-berms, for storage of all barreled fuel rather than relying on natural depressions to contain spills.
11. Fuel containers, including barrels, should be marked with the responsible party's name, product type, and year purchased or filled.
12. The fuel caches shall be inspected on a regular basis.
13. A spill kit including shovels, barrels, sorbents, pumps, etc. shall be consistently maintained and readily available at each fuel cache and re-fueling station.
14. Fuel or hazardous substance transfers – Secondary containment or a surface liner (drip pans, fold-a-tanks, etc) should be placed under all containers or vehicle fuel tank inlet and outlet points, hose connections and hose ends during fuel or hazardous substance transfers. Secondary containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst-case scenario). Appropriate spill response equipment and clean-up materials (absorbents, containment devices, etc) must be on hand during any transfer of fuel or hazardous substances and at vehicle-maintenance areas.
15. Transfer operations should be attended by trained personnel at all times.
16. Berm areas - Decanting of snow or water from the berm area should proceed only if the appropriate chemical analysis has determined the contents meet the requirements of Section 36(3) of the *Fisheries Act*.
17. Environment Canada operates a 24 hour emergency spill line that is monitored by Emergency and Enforcement Officers. The number that should be called to contact the Duty Officer is (867) 766-3737.
18. The Spill Contingency Plan included in the land use application could be improved in the following areas:
  - a) Clearly defined responsibilities of specific company staff (by individual or job title) and/or contractors on site, and a clear path of response.
  - b) List(s) of equipment available at each site where fuel storage and/or transfer will occur within the project area, and a clear path of response.
  - c) Methodologies to be implemented in the containment and cleaning up of the spill.
  - d) Copies of the spill plan should be readily available at all work sites and fuel storage and transfer locations.
19. Waste tracking, or "manifesting," should be implemented to ensure proper use, storage, and management of materials. Manifests provide detailed information to first responders in the event of an accident and serve as a tool for confirming that shipments of dangerous or hazardous waste are properly handled, transported, and disposed of.
20. All non-combustible solid wastes (e.g. potable water bottles) shall be disposed of at an appropriate facility, e.g., Yellowknife, NT. The proponent is encouraged to make use of recycling facilities for all recyclable materials.





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21. Environment Canada requests that the proponent supply confirmation that they have received permission from the City of Yellowknife to transfer proposed waste types and quantities to community waste handling facilities.
22. The permittee shall not erect camps or store materials other than for immediate use on the surface ice of any waterbody or watercourse.
23. If ice-based drilling occurs, the Interim Guidelines for On-Ice Drilling will apply. Return water released to the lake must be non-toxic. Return water released 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.)
24. Drilling additives or muds 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.
25. Drilling waste from land-based drilling should be disposed of in such a manner that it does not enter any body of water.
26. Please note that drilling waste water should be contained in an area (e.g., sump) that is adequate for that purpose. Has the proponent considered the wastewater volumes to be encountered and are they prepared for a situation where quantities are significantly more than anticipated?
27. All sumps shall be backfilled upon completion of the project.
28. Environment Canada recommends that any uranium-rich drill cuttings should be encapsulated, or removed by the proponent, as indicated in the amendment to the land use permit.
29. The proposed El Lake camp and some of the drill targets are approximately 15 km southeast of the Thelon River area that has been identified as a Key Migratory Bird Site (See attached page from Latour, P.B., J. Leger, J.E. Hines, M.L. Mallory, D.L. Mulders, H.G. Gilchrist, P.A. Smith and D.L. Dickson. 2006. Key migratory bird terrestrial habitat sites in the Northwest Territories and Nunavut. 3<sup>rd</sup> edition. Canadian Wildlife Service Occasional Paper. In press.). This area is especially important areas for moulting Canada Geese. Moulting geese are temporarily flightless while they lose their flight feathers and grow new ones, and they are particularly sensitive to disturbance at this time. All moulting flocks should be avoided. Premoulting flocks of geese generally arrive in mid-June and depart after moulting is complete in mid-August. Although the proponent has not indicated that any activities will take place in this area, the proponent should be aware of the special status of this nearby area. The proponent should avoid activities during mid-June to late August in the area identified as the Key Migratory Bird Site. This includes not flying over this area at that time.
30. Section 6 (a) of the Migratory Birds Regulations states that no one shall disturb or destroy the nests or eggs of migratory birds. Therefore, Environment Canada recommends that all activities in which there is a risk of disturbing or destroying nests or eggs be conducted outside the migratory bird breeding season, which extends from approximately May 15 to July 31. These dates are approximate, and if active nests (i.e. nests containing eggs or young)



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are encountered outside of these dates the proponent should avoid the area until nesting is complete (i.e. the young have left the vicinity of the nest).

31. For activities permitted to occur during the breeding season, Environment Canada recommends that the proponent confirm there are no active nests (i.e. nests containing eggs or young) in the vicinity of their operations before activities commence. If active nests of migratory birds are discovered, the proponent should halt all activities in the nesting area until nesting is completed (i.e. the young have left the vicinity of the nest).
32. In order to reduce disturbance to nesting, moulting, and migrating birds, Environment Canada recommends that aircraft used in conducting project activities maintain a flight altitude of at least 650 m during horizontal (point to point) flight unless safety or cloud ceiling do not permit.
33. In order to reduce disturbance to resting, feeding, or moulting birds, Environment Canada recommends that aircraft used in conducting project activities maintain a vertical distance of 1000 m and minimum horizontal distance of 1500 m from any observed concentrations (flocks / groups) of birds.
34. Environment Canada recommends that camp waste be made inaccessible to wildlife at all times. Camp waste can attract predators of migratory birds (e.g., foxes and ravens) to an area if not disposed of properly.
35. Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds, but will not necessarily ensure that the proponent remains in compliance with the *Migratory Birds Convention Act* (the *Act*) and *Migratory Birds Regulations* (the *Regulations*). The proponent must ensure they remain in compliance with the *Act* and *Regulations* during all phases and in all undertakings related to the project.
36. 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.

Species at Risk that may be encountered	COSEWIC Designation	Schedule of SARA	Government Organization with Primary Management Responsibility <sup>1</sup>
Short-eared Owl	Special Concern	Schedule 3	GNWT
Peregrine Falcon (subspecies tundrius)	Special Concern	Schedule 3	GNWT
Grizzly Bear	Special Concern	Pending	GNWT
Wolverine (Western Population)	Special Concern	Pending	GNWT

<sup>1</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*



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*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. 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.
- The proponent should record the locations and frequency of any observations of Species at Risk and note any actions taken to avoid contact or disturbance to the species.
- For species under the responsibility of 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.

37. Please note that any spill of fuel or hazardous materials, adjacent to or into a water body, regardless of quantity, shall be reported immediately to the NWT 24-hour Spill Line, (867) 920-8130.

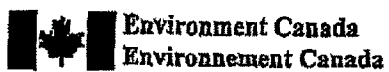
38. All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. 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.

39. Environment Canada should be notified of changes in the proposed or permitted activities associated with this land use permit application.

Please do not hesitate to contact me at (867) 669-4782 or [lorraine.sawdon@ec.gc.ca](mailto:lorraine.sawdon@ec.gc.ca) with any questions or comments with regards to the foregoing.

Sincerely,

  
Lorraine Sawdon  
Environment Canada



cc: Carey Ogilvie (Head, Environmental Assessment, EPOD)  
Mike Fournier (Northern Assessment Coordinator, EPOD)  
Myra Robertson (Environmental Assessment Coordinator, CWS)  
Dave Fox (Air Pollution Management Analyst North, EPOD)



Environment Canada  
Environnement Canada

### Schedule 1 – Immediately Reportable Quantities

TDG Class	Substance	Immediately Reportable Quantities for NWT/NU 24-Hour Spill Reports
1 2.3 2.4 6.2 7 None	Explosives Compressed gas (toxic) Compressed gas (corrosive) Infectious substances Radioactive Unknown substance	Any amount
2.1 2.2	Compressed gas (flammable) Compressed gas (non-corrosive, non-flammable)	Any amount of gas from containers with a capacity greater than 100 L
3.1 3.2 3.3	Flammable liquid	≥ 100 L
4.1 4.2 4.3	Flammable solid Spontaneously combustible solids Water reactant	≥ 25 kg
5.1 9.1	Oxidizing substances Miscellaneous products or substances excluding PCB mixtures	≥ 50 L or 50 kg
5.2 9.2	Organic peroxides Environmentally hazardous	≥ 1 L or 1 kg
6.1 8 9.3	Poisonous substances Corrosive substances Dangerous wastes	≥ 5 L or 5 kg
9.1	PCB mixtures of 5 or more parts per million	≥ 0.5 L or 0.5 kg
None	Other contaminants, e.g., crude oil, drilling fluid, produced water, waste or spent chemicals, used or waste oil, vehicle fluids, wastewater, etc.)	≥ 100 L or 100 kg
None	Sour natural gas (i.e., contains H <sub>2</sub> S) Sweet natural gas	Uncontrolled release or sustained flow of 10 minutes or more
3.1-3.3 None	Flammable liquid Vehicular fluid	≥ 20 L When released on a frozen waterbody used as a working surface



## NU Site 40 — Thelon River

**Location:** 64°30'N, 101°45'W

**Size:** 1873 km<sup>2</sup>

**Description:** This area includes the Thelon River from Eyeberry Lake to Beverly Lake, the Ursus Islands area, the shores of Beverly Lake, and the west half of Aberdeen Lake (to 99°10'W) and 20 km upstream along the Dubawnt River. Baker Lake is 150 km east of the eastern end of this area.

The underlying rock formation is Precambrian sandstone, much of which is obscured by low-relief Pleistocene deposits. The area around Lookout Point is within a sand-silt formation. The Ursus Islands area is largely sandstone and pebbly sandstone (Bird 1951). Most of the Beverly Lake — Aberdeen Lake region is underlain by Dubawnt sandstone. The low and rolling area is covered with unbroken glacial till, which has been sorted into expanses of sand and pebbles. Continuous and discontinuous eskers are common. A late glacial lake inundated much of the area; strandlines and wave-cut beaches are evident (Bird 1967). A large delta occurs on the south side of Beverly Lake.

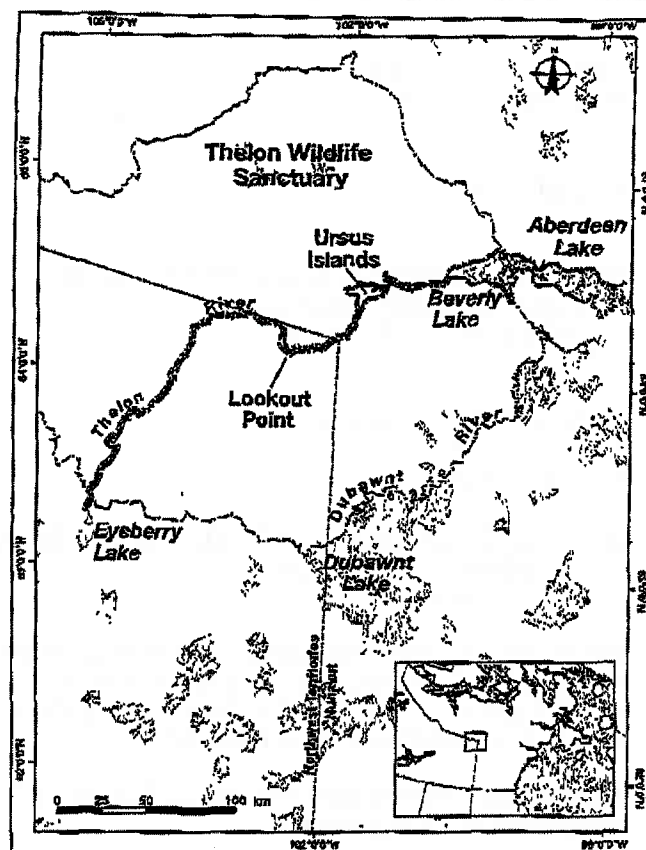
The vegetation belongs to the northern transition section of the boreal forest, giving way to low Arctic around Beverly Lake. From Lookout Point to Ursus Islands, the river banks are wooded with spruce, larch, and willows. The river banks between Ursus Islands and Beverly Lake are high but not precipitous. Adjacent wet sedge meadows and moss-sedge complexes provide suitable grazing areas for geese. A few stunted spruce are found in gullies.

**Biological value:** Between 10 000 and 13 000 non-breeding Canada Geese, originating in the northern United States and southern Canada, use this area to moult (Kuyt 1966; Alexander 1990). Most of the geese belong to the *B. c. maxima* and *B. c. mollis* subspecies (Sterling and Dzubin 1967). There is some indication that birds in the western part of the area are from the Pacific, Hi-Line Plains, and Rocky Mountain populations, whereas those east of Beverly Lake are from the Western Prairie and Manitoba Interlake populations (Kuyt 1966; Sterling and Dzubin 1967). The larger estimate of Canada Geese represented 3% of the Canadian population of the two subspecies (Alexander et al. 1991). Flocks of Canada Geese generally appear in mid-June and depart soon after moulting is completed in mid-August (Sterling and Dzubin 1967).

Greater White-fronted Geese are known to breed in the area. In 1960, Kuyt (1962) reported 30 broods between Beverly and Aberdeen lakes. Tundra Swans also breed and moult west of Beverly Lake. Islands in Beverly Lake provide habitat for some of the few inland breeding colonies (numbering up to 140 pairs) of Lesser Snow Geese (Alexander 1990).

Raptor nesting areas are found on the north shores of Beverly and Aberdeen lakes (Kuyt 1980).

Calving grounds for the Beverly caribou herd lie along the northern boundary of the area. Several river crossings used by the herd occur in this area.



**Sensitivities:** Flightless geese are sensitive to disturbance during their moult.

**Potential conflicts:** The surrounding area has high potential for uranium. The proposed Kiggavik uranium mine site is located southeast of Aberdeen Lake.

**Status:** Most of this site occurs within the Thelon Wildlife Sanctuary, which has a subsurface land withdrawal. It is an Important Bird Area in Canada (NU091; IBA Canada 2004) and an International Biological Programme Site (Site 4-6; Beckel 1975).

PR0708-004



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

www.ainc-inac.gc.ca

**#16 Yellowknife Airport  
Yellowknife, N.W.T.  
X1A 3T2**

August 9, 2007

**Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor, 4910-50<sup>th</sup> Avenue  
YELLOWKNIFE, NT X1A 2P6**

**ATTENTION: Lynn Carter**

Dear Ms. Carter,

**Re: LUPA MV2007C0010 – Bayswater Uranium Corporation  
Mineral Exploration  
El Lake, NT**

Indian and Northern Affairs Canada (INAC) reviewed Land Use Permit Application MV2007C0010, submitted by Bayswater Uranium Corporation for mineral exploration activities in the El Lake area and attached for your consideration are recommended land use operating conditions submitted by our Inspector.

Comments received from the Mining Recorders Office and Land Administration indicates no concerns on this application.

INAC recommends the inclusion of the following operating condition in the cover letter or the land use permit:

- *The Permittee shall dispose of all drill mud's or cuttings, that are not retained, with uranium content greater than 0.05% down a drill hole.*
- *The Permittee shall grout the upper 30 meters of bedrock in any hole with uranium content greater than 0.05% or the entire depth of the hole, whichever is less.*
- *The permittee shall seal all drill holes that encounter mineralization with uranium content greater than 1%, over a length greater than 1 meter and with a meter-percent concentration greater than 5.0, by grouting the hole to the following specifications:
  - o *The entire length of the mineralized zones; and*
  - o *Not less than 10 meters above and below each mineralized zone.**

Should you have any questions or concerns regarding our recommendations or, require further information, please contact me at (867) 669-2760.

Yours truly,

Darnell McCurdy  
District Manager  
South Mackenzie District

cc: RMO – Fort Smith Sub-district

DM/dgm

**Canada**

Telephone: (867) 669-2762  
Facsimile: (867) 669-2720

*Your file - Votre référence*

*Our file - Notre référence*

**Mackenzie Valley Land  
& Water Board**

**File**

**AUG 09 2007**

**Application #** MV2007C0010

**Copied To** KG / Reg

**CONDITIONS ANNEXED TO AND FORMING PART  
OF LAND USE PERMIT NUMBER MV2007C0010 – El Lake Area**

**Part A: Scope of Permit**

1. This permit entitles Bayswater Uranium Corp. to conduct the following activities:
  - a) Mineral Exploration Work - 62° 31' N to 63° 40' N. and 104° 14' to 105° 30' W.  
(Map Sheet No.s 75I/11 & 14, 75P/1, 2, 3, 6, 7, 8, 10 & 11).
  - b) Proposed Camp at 63°15'30" N & 104°27'36" W.
1. The Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, Item 1 of this permit.
2. Compliance with the terms and conditions of this permit does not absolve the Permittee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

**Part B: Definitions**

**“Act”** means the *Mackenzie Valley Resource Management Act*;

**“Artesian Aquifer”** means a water-bearing stratum, which when encountered during drilling operations, produces a pressurized flow of groundwater that reaches an elevation above the ground surface;

**“Board”** means the Mackenzie Valley Land and Water Board established under Part 4 of the *Mackenzie Valley Resource Management Act*;

**“Dogleg”** means clearing a line, trail or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction;

**“Drill Waste”** means all materials or chemicals, solid or liquid, associated with the drilling of boreholes and includes borehole cuttings;

**“Inspector”** means an Inspector designated by the Minister under the *Mackenzie Valley Resource Management Act*;

**“Oil Based Drilling Muds”** means drilling fluids, which use naturally occurring solutions or refined hydrocarbons as a carrier fluid;

**“Permeability”** means the capacity to transmit water through a medium;

**“Sewage”** means all toilet wastes and grey water;

**"Sewage Disposal Facilities"** means sump(s) and/or sewage collection tank(s) designed to hold sewage;

**"Sump"** means a man-made pit, trench hollow or cavity in the earth's surface used for the purpose of depositing waste material therein;

**Part C: Conditions Applying to All Activities (the headings correspond to Subsection 26 of the Mackenzie Valley Land Use Regulations)**

1. 26(1)(a) LOCATION AND AREA

- |    |  |                           |
|----|--|---------------------------|
| 1. | <b><i>The Permittee shall not conduct this land use operation on any lands not designated in the accepted application.</i></b>   | <b>PLANS</b>              |
| 2. | When the Permittee is drilling within one hundred (100) metres of the ordinary high water mark of a water body, they must employ a recirculating drill and ensure that cuttings do not enter any water body. | LOCATION OF<br>DRILLSITES |
| 3. | The Permittee shall locate all camps on gravel, sand or other durable land.  | CAMP<br>LOCATION          |
| 4. | Prior to the commencement of diamond drilling the Permittee shall submit to the Inspector and the Board, proposed drill targets on a 1:50,000-scale map.   | DRILL<br>LOCATIONS        |

26(1)(b) TIME

- |    |   |   |
|----|---|---|
| 5. | <b><i>The Permittee's Field Supervisor shall contact an Inspector at (867) 669-2757 at least forty-eight (48) hours prior to the commencement of this land use operation.</i></b>   | <b>CONTACT<br/>INSPECTOR/<br/>BOARD</b> |
| 6. | <b><i>The Permittee shall advise an Inspector at least ten (10) days prior to the completion of the land use operation of (a) the plan for removal or storage of equipment and materials, and (b) when final clean-up and restoration of the land used will be completed.</i></b>   | <b>REPORTS<br/>BEFORE<br/>REMOVAL</b>   |
| 7. | <b><i>The Permittee shall provide in writing to the Board and Inspector, at least forty-eight (48) hours prior to commencement of this land use operation, the following information:</i></b><br><b><i>(a) person, or persons, in charge of the field operation to whom notices, orders, and reports may be served;</i></b><br><b><i>(b) alternates; and</i></b><br><b><i>(c) all methods for contacting the above person(s).</i></b> | <b>IDENTIFY<br/>AGENT</b>               |
| 8. | <b><i>The Board and/or Inspector reserve the right to impose closure</i></b>  | <b>CLOSURE</b>                          |

*of any area to the Permittee in periods when dangers to natural resources are severe.*

**26(1)(c) TYPE AND SIZE OF EQUIPMENT**

- |     |   |  |
|-----|---|--|
| 9.  | <i>The Permittee shall not use any equipment except of the type, size, and number that is listed in the accepted application.</i> | <b>ONLY<br/>APPROVED<br/>EQUIPMENT</b> |
| 10. | The Permittee shall ensure a garbage container is on site.  | GARBAGE                                |

**26(1)(d) METHODS AND TECHNIQUES**

- |     |   |  |
|-----|---|--|
| 11. | The Permittee shall plug all boreholes as the land use operation progresses.  | PLUG HOLES                                 |
| 12. | The Permittee shall not store material other than that required for immediate use on the ice surface of water bodies.     | STORAGE ON<br>ICE                          |
| 13. | The Permittee shall remove or cut off and seal all drill casings at ground level immediately upon completion of drilling. | REMOVAL AND<br>SEALING OF<br>DRILL CASINGS |

**26(1)(e) TYPE, LOCATION, CAPACITY AND OPERATION OF ALL FACILITIES**

- |     |  |                     |
|-----|--|---------------------|
| 14. | The Permittee shall not locate any sump within one hundred (100) metres of the ordinary high water mark of any water body, unless otherwise authorized in writing by an Inspector. | SUMPS FROM<br>WATER |
| 15. | The Permittee shall ensure that the land use area is kept clean at all times.  | CLEAN WORK<br>AREA  |

**26(1)(f) CONTROL OR PREVENTION OF PONDING OF WATER, FLOODING, EROSION, SLIDES AND SUBSIDENCE OF LAND**

- |     |   |                          |
|-----|---|--------------------------|
| 16. | (a) The Permittee shall, where flowing water from bore holes is encountered, plug the bore hole in such a manner as to permanently prevent any further outflow of water; and<br><br>(b) the artesian occurrence shall be reported to the Inspector immediately. | PLUG ARTESIAN<br>WELLS   |
| 17. | The land use operation shall not cause obstruction to any natural drainage.   | NATURAL<br>DRAINAGE      |
| 18. | The Permittee shall not cut any stream bank.  | STREAM BANKS             |
| 19. | The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.  | PREVENTION OF<br>RUTTING |



- |     |  |                                  |
|-----|--|----------------------------------|
| 20. | The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.   | SUSPEND<br>OVERLAND<br>TRAVEL    |
| 21. | The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. | VEHICLE<br>MOVEMENT<br>FREEZE-UP |

**26(1)(g) USE, STORAGE, HANDLING AND ULTIMATE DISPOSAL OF ANY CHEMICAL OR TOXIC MATERIAL**

- |     |  |   |
|-----|--|---|
| 22. | The Permittee shall not use chemicals in connection with the land use operation that were not identified in the accepted application.  | APPROVAL OF<br>CHEMICALS                                |
| 23. | The Permittee shall deposit all non-toxic drill waste into a sump or <b>natural depression approved by the inspector.</b>  | DRILL WASTE   |
| 24. | The Permittee shall remove all drill waste off ice surfaces.   | DRILL WASTE<br>DISPOSAL                                 |
| 25. | The Permittee shall not allow any drilling waste to spread to the surrounding lands.   | DRILL WASTE<br>CONTAINMENT                              |
| 26. | When drilling on ice, the Permittee shall use a closed circuit drilling system with the disposal of cuttings into a land-based sump.   | DRILLING ON<br>ICE                                      |
| 27. | The Permittee shall dispose of all combustible waste petroleum products by incineration or removal.  | WASTE<br>PETROLEUM<br>DISPOSAL                          |
| 28. | <b><i>The Permittee shall report all spills immediately to the 24 hour Spill Report Line (867) 920-8130, which is in accordance with instructions contained in "Spill Report" form N.W.T. 1752/0593.</i></b> | <b>REPORT<br/>CHEMICAL AND<br/>PETROLEUM<br/>SPILLS</b> |

**26(1)(h) WILDLIFE AND FISHERIES HABITAT**

- |     |   |                           |
|-----|---|---------------------------|
| 29. | <b><i>The Permittee shall minimize damage to wildlife and fish habitat in conducting this land use operation.</i></b>   | <b>HABITAT<br/>DAMAGE</b> |
| 30. | The Permittee shall use food handling and garbage disposal procedures that do not attract bears.  | BEAR/MAN<br>CONFLICT      |
| 31. | The Permittee shall construct and maintain the water intake using the DFO recommended 2.54 mm fine mesh size to prevent entrainment of fish. Other dimensions must follow DFO's <i>Freshwater Intake End-of-Pipe Fish Screen Guidelines</i> . | PREVENT<br>ENTRAINMENT    |

**26(1)(i) STORAGE, HANDLING AND DISPOSAL OF REFUSE OR SEWAGE**

- |     |   |                    |
|-----|---|--------------------|
| 32. | The Permittee shall dispose of all sewage and grey water as proposed in the accepted application. | SEWAGE<br>DISPOSAL |
|-----|---|--------------------|

- |     |   |                             |
|-----|---|-----------------------------|
| 33. | The Permittee shall remove all non-combustible garbage and debris, including plastics from the land use area to a disposal site as specified in the accepted application. | REMOVE<br>GARBAGE           |
| 34. | The Permittee shall burn all combustible garbage and debris, except plastics, daily, in a container acceptable to an Inspector.   | INCINERATION                |
| 35. | The Permittee shall keep all garbage and debris in a covered metal container on site until disposed of.   | GARBAGE<br>CONTAINER        |
| 36. | The Permittee shall remove all scrap metal, discarded machinery, parts, barrels and kegs, buildings and building material to an approved waste disposal facility.         | REMOVE<br>WASTE<br>MATERIAL |

**26(1)(j) PROTECTION OF HISTORICAL, ARCHAEOLOGICAL AND BURIAL SITES**

- |     |   |                              |
|-----|---|------------------------------|
| 37. | The Permittee shall not operate any vehicle within thirty (30) metres of a known or suspected archaeological site.  | OPERATE<br>VEHICLE           |
| 38. | The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.   | DISTURBANCE<br>OF SITE       |
| 39. | The Permittee shall immediately cease any activity which disturbs an archaeological, historical, and/or burial site and contact the Mackenzie Valley Land and Water Board at (867) 669-0506 should an archaeological site or specimen be encountered or disturbed by any land use activity. | CONTACTS                     |
| 40. | The Permittee shall ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological land use activity.  | NOTIFICATION<br>TO EMPLOYEES |

**26(1)(l) SECURITY DEPOSIT**

- |     |  |  |
|-----|--|--|
| 41. | All costs to remediate the area under this permit are the responsibility of the Permittee. | RESPONSIBILI<br>TY FOR<br>REMEDIATION<br>COSTS |
|-----|--|--|

**26(1)(m) FUEL STORAGE**

- |     |  |                         |
|-----|--|-------------------------|
| 42. | The Permittee shall report in writing to an Inspector the location and quantity of all fuel caches within ten (10) days of their establishment.  | REPORT FUEL<br>LOCATION |
| 43. | The Permittee shall not place any fuel storage containers within one hundred (100) metres of the normal high water mark of any water body, unless otherwise authorized in writing by an Inspector. | FUEL BY<br>STREAM       |
| 44. | The Permittee shall locate mobile fuel facilities on land when stationary for any period of time exceeding twelve (12) hours.  | FUEL ON LAND            |

45. The Permittee shall not allow petroleum products to spread to surrounding lands or into water bodies. FUEL CONTAINMENT

46. The Permittee shall mark all fuel containers, including 45-gallon drums, with the Permittee's name and permit number. MARK CONTAINERS

47. *The Permittee shall ensure that adequate contingency plans and spill kits are in place, prior to commencement of operations, to respond to any potential spills.* SPILL RESPONSE

**26(1)(n) METHODS AND TECHNIQUES FOR DEBRIS AND BRUSH DISPOSAL**

48. The Permittee shall not use any self-propelled machinery for clearing the brush. HAND CREWS ONLY

**26(1)(o) RESTORATION OF THE LANDS**

49. The Permittee shall complete all clean-up and restoration of the lands used prior to the expiry date of this Permit. CLEAN-UP

50. The Permittee shall backfill and restore all sumps prior to the expiry date of this Permit. BACKFILL SUMPS

**26(1)(p) DISPLAY OF PERMITS AND PERMIT NUMBERS**

51. *The Permittee shall display a copy of this Permit in each campsite established to carry out this land use operation.* DISPLAY PERMIT

52. *The Permittee shall keep on hand, at all times during this land use operation, a copy of the Land Use Permit.* COPY OF PERMIT

**26(1)(q) MATTERS NOT INCONSISTENT WITH THE REGULATIONS**

53. *The Permittee shall ensure that all persons working under the authority of the Land Use Permit are aware of and will adhere to the conditions as stated in the Land Use Permit.* NOTIFICATION TO ALL EMPLOYEES/ CONTRACTORS

54. The Permittee shall not conduct activities on this land use permit within 300 metres of a cabin used for traditional activities including trapping, hunting or fishing. AVOID CABINS

# ***NORTH SLAVE MÉTIS ALLIANCE***

***PO Box 2301 Yellowknife, NT X1A 2P7***



August 20, 2007

Lynn Carter  
Regulatory Officer  
Mackenzie Valley Land and Water Board  
P.O. Box 2130  
Yellowknife, NT. X1A 2P6

Re: MV2007C0010 – Bayswater Mineral Exploration – El Lake

Dear Ms. Carter,

The North Slave Metis Alliance (NSMA) has reviewed, and conditionally supports the above noted application.

The NSMA represents the North Slave Indigenous Métis People. These are the Métis People who are descendents of Dene and/or Métis People who not only signed Treaty 11, but also “used and occupied” the North Slave region of the Northwest Territories (NWT) before and since the “Crown” took “effective control” of the area. In other words, the NSMA represents the North Slave Indigenous Métis people who possess Aboriginal Rights including Aboriginal Title, Aboriginal Water Rights, and Treaty Rights to the lands and resources in the North Slave region of the NWT.

Accordingly, the NSMA takes its representation mandate seriously, and has and will continue to ensure it is “consulted and accommodated,” on any and all forms of activities planned or underway by public and private sector organizations, wishing to or undertaking activities on its traditional lands. The conditions of our support for this project are:

- ∞ NSMA should be involved in a heritage resource impact assessment of the area, at the proponent's or government's cost, prior to any land disturbance.
- ∞ NSMA's traditional knowledge should be incorporated into a cumulative effects assessment of this area, at the proponents' or government's expense, prior to any disturbance. In particular, NSMA is concerned about the caribou.
- ∞ Any and all land rights allocated to Bayswater must specifically acknowledge the existence of, and encumbrance by, NSMA's prior Aboriginal and Treaty Rights.

Sincerely,

Sheryl Grieve  
Manager, Environment.  
[lands@nsma.net](mailto:lands@nsma.net)

## MVLWB Registry

---

**From:** Kathleen Graham [kgraham@mvlwb.com]  
**Sent:** Friday, August 10, 2007 4:54 PM  
**To:** gdavidson@bayswateruranium.com  
**Cc:** Registry (permits)  
**Subject:** FW: Bayswater Uranium - MV2007C0009 and MV2007C0010 LUP Application - Camp and Fuel Cache in the 'Crab Lake' and 'El Lake' areas  
**Importance:** High

---

**From:** Claire Singer [mailto:Claire\_Singer@gov.nt.ca]  
**Sent:** Friday, August 10, 2007 4:35 PM  
**To:** kgraham@mvlwb.com  
**Cc:** Joel Holder  
**Subject:** Bayswater Uranium - MV2007C0009 and MV2007C0010 LUP Application - Camp and Fuel Cache in the 'Crab Lake' and 'El Lake' areas

Hi Kathleen,

Please find attached ENR's comments on Land Use Permit Applications MV2007C0009 and MV2007C0010. The ENR Spill Reporting Form is also attached.

<<ENR Comments 3 - MV2007C0009 and C0010 - Crab Lake and El Lake - Aug10-07.pdf>> <<Spill Report Form.pdf>>

Claire Singer  
Environmental Assessment Training Coordinator  
Environmental Assessment & Monitoring  
Policy, Legislation and Communications  
Environment & Natural Resources, GNWT  
Phone: (867) 920-6595  
Email: claire\_singer@gov.nt.ca