



UR-Energy Inc. Screech Lake Project Environment Assessment

MVEIRB Public Hearing Presentation (Jan. 16, 2007)

*Akaiicho Interim Measures Implementation Office
NWT Treaty #8 Tribal Corporation*

Key Message

- Determining whether UR-Energy Inc. should obtain a land-use permit for uranium exploration at Screech Lake is premature at this point in time as:
 - The federal obligation to consult regarding rights-based assertions has not been disposed.
 - Conservation and land-use planning in the Thelon region is incomplete.
 - The public and institutional understanding of uranium exploration, mining, and markets is at best poor, and worst misinformed.
 - The lack of information concerning the cumulative effects of exploration upon caribou and aboriginal people in the Thelon basin prevents the competent determination of impacts.

Consultation

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- Treaty and aboriginal rights are constitutionally protected. Canada has an obligation to consult with First Nations in instances where rights might be infringed.
- The MVEIRB is an institution of public government responsible for implementing a section of a federal statute. The MVEIRB is bound to respect the obligations of Canada.
- As MVEIRB actions prejudice related land and resource use processes in the Akaitcho region, it cannot implement its mandate without consideration of such processes (notably rights-based consultations and treaty implementation negotiations).
- The MVEIRB must consider the progress and results of rights-based consultations and treaty implementation in their determinations as to whether to issue permits and licenses within the Akaitcho Territory.

Consultation

- With respect to UR-Energy's proposed activities, Canada has not disposed of its obligations vis-à-vis rights-based consultations. It is therefore unknown whether the proposed activities will infringe upon Akaitcho rights.
- Were the MVEIRB to recommend issuance of a permit to UR-Energy prior to Canada completing rights-based consultations, they might be indirectly promoting the infringement of rights.
- **The MVEIRB should exercise due caution and insure that rights-based consultations are completed and potential infringements are accommodated by Canada prior to completing the EA process.**

Conservation and Land-Use Planning

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- The Akaitcho Dene First Nations are in the process of designing land and resource planning and governance regimes in their territories. These processes are incomplete.
- Lutsel K'e, with the support of the other Akaitcho Dene First Nations, has clearly and officially identified the upper Thelon valley as an area they are striving to conserve in a natural state.
- Were the upper Thelon basin not completely staked in the past couple of years, Lutsel K'e would undoubtedly have included this region in their proposed interim land withdrawals.
- Canada, along with other authorities in the NWT and Nunavut (e.g. GNWT, GN, LKDFN, KIA, etc.) has committed to moving forward with the development and implementation of the Thelon Game Sanctuary Management Plan. Part of such implementation would involve investigating the feasibility of creating a Special Management Area in the upper Thelon basin.

Conservation and Land-Use Planning

- Continued exploration in the upper Thelon necessarily prejudices the outcomes of conservation and land and resource governance planning by effectively removing lands/resources from identification and consideration by the First Nations.
- **Akaiicho planning initiatives vis-à-vis conservation and land and resource governance in the upper Thelon basin must proceed prior to further compromise of First Nation interests in the area.**
- **The feasibility of establishing a Special Management Area in the upper Thelon basin should be investigated prior to the completion of the EA, the issuance of permits, and wide scale exploration in the region.**

Lack of Understanding of Uranium

Lack of Understanding on Uranium

- The public fears uranium development because of its negative history, particularly in the north. The public associates uranium with nuclear weapons, radiation-caused diseases such as cancer, and disasters such as Chernobyl.
- Lutsel K'e itself has been impacted by a historic uranium exploration site to the immediate east of the community on Stark Lake. The displacement of families, poor lake trout quality, and a high incidence of cancer among community members is often linked with this exploration site.
- The NWT public is largely uninformed with regards to international and federal guidelines, policies, and commitments with regards to uranium exploration, mining, and trade.
- The GNWT as a jurisdiction does not have any of its own policies guiding uranium exploration, mining, and trade.

Lack of Understanding on Uranium

- The UR-Energy Inc. proposal is the first uranium exploration application to be considered by the MVEIRB.
- By its own admission in the pre-hearing conference, the MVEIRB does not have the expertise to review and comment upon existing guidelines for uranium exploration and mining in other Canadian jurisdictions. Whether it has the expertise to determine appropriate terms and conditions for uranium exploration in the NWT is therefore questionable.
- **Prior to further uranium activity in the NWT, there needs to be a public and institutional dialogue surrounding the regulation of this substance. At the very least, the GNWT must engage in a consultative process with stakeholders to develop / adopt uranium guidelines and policies for the unique reality of the territory.**

Unknown Cumulative Effects

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- There is a tremendous lack of information about the status of the Beverly and Ahiak caribou herds that post-calve and winter in the upper Thelon basin. There are no recent population surveys, health assessments, or migration studies.
- The extent of traditional and current land-use by aboriginal peoples in the area is also relatively undocumented.
- The MVEIRB is obliged to consider cumulative effects in the review of permit applications. In this instance, without adequate information about the use of the region by aboriginal people and caribou, it is impossible to adequately predict the cumulative impacts of uranium exploration upon them.
- A study has been contemplated by INAC to compare exploration activity, caribou migration, and aboriginal land-use in the upper Thelon basin in an effort to better determine cumulative effects. This study is just beginning.

Unknown Cumulative Effects

- In order to adequately consider cumulative effects, the MVEIRB will require, at the very least, the results of the INAC study.
- **The EA cannot be completed until the results of the INAC study can be incorporated into a review of cumulative effects.**

Final Comment

- The resources in the upper Thelon are not going anywhere.
- Clearly, there are numerous outstanding consultation, planning, and public education processes pertaining to the Thelon and uranium development.
- The processes need to be completed in order to insure a stable, clear, and certain environment in the upper Thelon for First Nation initiatives, the regulation of development, and investment.
- In the interest of proceeding wisely and sustainably, it is imperative that these processes are completed prior to any further consideration of permits in the Thelon. We do not need yet another rushed, unplanned development regime that ignores the concerns of First Nations and other northerners, is uncertain for industry, and results in little benefit for present and future generations.