

Mackenzie Valley
Review Board



Our File: EA0708-001

October 31, 2008

Selwyn Resources
Suite 701 – 475 Howe St.
Vancouver, BC V6C 2B3

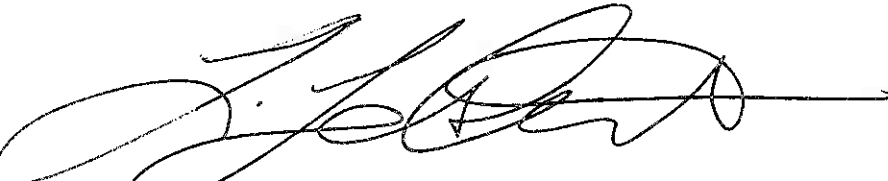
Dear Mr. Reeve

RE: Information Requests issued by the Mackenzie Valley Environmental Impact Review Board (the Review Board)

On October 23, 2008, the Mackenzie Valley Environmental Impact Review Board (the Review Board) met to discuss proposed information requests (IRs). The Review Board decided at that time to issue the attached IRs.

Please provide the requested information before December 5th, 2008. Thank you for your attention to this matter.

Regards,



Tawanis Testart
EAO

MACKENZIE VALLEY ENVIRONMENTAL IMPACT REVIEW BOARD

**EA0708-001 Selwyn Resources' Mineral
Exploration at Howard's Pass**

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**Information Requests from
MVEIRB to Selwyn Resources**

Issued on October 30, 2008

List of Acronyms

DAR – Developer’s Assessment Report

EA – Environmental Assessment

ENR – Environment and Natural Resources, Government of the NWT

IR – Information Request

GNWT – Government of the Northwest Territories

INAC – Indian and Northern Affairs Canada

MPERG – Mineral and Petroleum Environment Research Group, Yukon Government

MVEIRB – Mackenzie Valley Environmental Impact Review Board

MVLWB – Mackenzie Valley Land & Water Board

NWT – Northwest Territories

ToR – Terms of Reference

YT – Yukon Territory

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-01
Source: GNWT
To: Selwyn Resources
DAR Section: 11
Issues: Heritage Resources

Preamble

The DAR makes the following assessment of direct and indirect impacts on archaeological sites: “There are no known archaeological sites in the development area, so no direct or indirect impacts to sites are anticipated.” This assessment fails to account for potential impacts on unrecorded heritage resources in the development area. This area has never been inspected in detail by an archaeologist; thus, the locations and characteristics of potential heritage resources in the development area comprise an information gap in the DAR A heritage resource impact assessment of the development area would resolve this information gap and facilitate a more accurate assessment of direct and indirect impacts to heritage resources.

Request

1. Will the proponent conduct a heritage resource impact assessment of their project area before beginning development activities?
2. If yes, please provide details on the planned methodology and timeline of this assessment.
3. If no, please provide a rationale for not doing this assessment and explain what steps will be taken to protect unknown heritage resources that may be found in the project area.

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-02
Source: GNWT
To: Selwyn Resources
DAR Section: 10
Issue: Wildlife Protection Plan

Preamble

GNWT-ENR has reviewed a Wildlife Protection Plan (WPP) for the Selwyn Resources Ltd. Project Access Road (LUP MV2005F0028). The WPP “includes a description of physical measures to be put in place by the Operator (Selwyn Resources) to limit impacts to wildlife as well as the operational procedures and practices to be followed by employees and contractors”. At present there is no WPP, nor is there a wildlife management plan (WMP) for the mineral exploration program at Howard's Pass.

Requests

1. Please clarify if the WPP created for the Selwyn Resources Ltd. Project Access Road will also apply to the proposed mineral exploration program? If not, provide a rationale.
2. If the WPP submitted for the Access Road will not also apply to the mineral exploration program, will the developer be developing a WPP and/or a WMP specific to this development?
3. Will these plans take into account potential cumulative effects of both the NWT and the Yukon developments, particularly as these developments may impact woodland caribou?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-03
Source: GNWT
To: Selwyn Resources
DAR Section: 10
Issue: Potential Wildlife Impacts

Preamble

GNWT-ENR is concerned about the timing of the drill program (June-November). In the maps provided in the DAR, it appears that both the Nahanni and the Finlayson herds have occurred in the vicinity of the project area during calving, post calving and the fall rut in 2007 and 2008. There is a decreased occurrence of caribou during the late winter. The DAR states that the “movement of caribou (into the project area) continues through June to peak of post-calving in July” (p. 64), and “there is limited use of the project area during the fall rut” (p.65). In addition, the use of the area is “primarily associated with movement to/from other habitats” (p. 69). The DAR also states that drilling will occur on 0-4 drill rigs at any given time, on a 24 hour basis (p. 70), and that helicopter support flights will vary with the number of active exploration drill sites (p. 70).

The DAR lists numerous studies that indicate that there are negative effects (potentially including low calf survival) to caribou when they are exposed to disturbance from aircraft, specifically during post-calving (p. 71). The DAR also states that some animals are more susceptible to aerial disturbance (including caribou and grizzly bears) than others (such as moose or wolves).

The drilling program, as described in the DAR, consists of two categories: exploration drilling and definition drilling. Exploration drilling is helicopter supported, whereas definition drilling is largely land supported. The 25 exploration sites are widely dispersed on the landscape (fig. 3 & 4), whereas the 75 definition drilling sites are relatively concentrated into one area.

Requests

1. Given that the two caribou herds potentially impacted by this development (Finlayson & Nahanni herds) appear to be in decline, is it possible to restrict the drill program, and associated helicopter support, to exclude periods of times when caribou will likely be in the area and should not be disturbed, such as calving, post-calving and fall rut?
2. What is the estimated number of helicopter flights/drill rig/day for exploration drilling and for definition drilling?
3. In order to decrease the impact of over-flights on animals in the project area; can the proponent restrict helicopter flights to a frequently used, relatively narrow flight path that then branches off towards individual drill sites?
4. The developer describes the drilling program in the NWT (100 holes total – 25 exploration & 75 definition) in the DAR. What is the drilling program in the Yukon Territory, and what are cumulative impacts (direct & indirect) on caribou of the combined NT & YT drilling programs?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

5. If caribou do venture into the development area during sensitive time periods, such as calving, post-calving and the fall rut, what is the developers proposed course of action in response? For example, would the presence of caribou trigger a cessation of drilling and other activities? Will this response be different if caribou are present in less sensitive time periods?
6. How will caribou be monitored in the development area and in the surrounding area? How would the developer modify their development plan if a large number of animals move through development area? Does the developer have plans to work with Parks Canada, GNWT or the Yukon government to use collar data as a part of their program, as well as a means to monitor caribou?
7. How will the developer monitor animal movements in the development area during October and November, when shorter days and fewer daylight hours will restrict visibility?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-04
Source: MVEIRB
To: Selwyn Resources
DAR Section: 10
Issue: Wildlife Species at Risk

Preamble

Section 79 of the *Species at Risk Act* (SARA) states that adverse effects on listed species must be identified and assessed and, regardless of significance, mitigated and monitored. In the view of ENR, species listed as endangered, threatened and of special concern by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) should be treated consistently with those listed on Schedule 1 of SARA.

Requests

1. What are the potential adverse impacts on other species at risk that may occur in the development area; these include wolverine and grizzly bears? Please consider both direct and indirect impacts.
2. How will the identified impacts be mitigated and monitored?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-05
Source: MVEIRB
To: Selwyn Resources
DAR Section: 10
Issue: Wildlife/Human Interactions

Preamble

The DAR states that the drill rigs will be run by two employees at any given time, with a shift change every 12 hours.

Requests

1. What type of wildlife safety training/precautions will be provided to employees, in regards to potential wildlife/human interactions
2. How will food and/or waste be stored at drill sites?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-06
Source: MVEIRB
To: Selwyn Resources
DAR Section: 10
Issue: Wildlife and Aircraft Interactions

Preamble

The DAR states that “the best practices manual “Flying in Caribou Country: How to Minimize Disturbance from Aircraft (MPERG, 2008) will be used as a guide for pilots operating in the area... Where possible, flight paths will avoid areas that are known (or suspected) to have high concentrations of wildlife...” (p. 71)

Requests

1. Will the developer also follow the guidance document entitled “Flying in Sheep Country: How to Minimize Disturbance from Aircraft” (MPERG, 2002-6)?
2. What is the developer’s definition of “high concentration”?

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-07
Source: MVEIRB
To: Selwyn Resources
DAR Section: 10
Issue: Caribou Herd Clarification

Preamble

On page 69 of the DAR states "...the overall ranges of the Finlayson (23,000,000 ha) and the Nahanni (18,000,000 ha) caribou herds is very small in scope. Yet on page 70, the DAR states "... the Nahanni caribou herd range is about 1,800,000 ha and the Finlayson caribou herd range is about 2,300,000 ha." This is contradictory.

Requests

1. Please clarify the size of ranges for these two caribou herds.

EA0708-001 Selwyn Resources' Mineral Exploration at Howard's Pass – Information Requests

IR Number: IR0708-001-08
Source: MVEIRB
To: Selwyn Resources
DAR Section: 3.6, 13
Issue: Open Burning of Solid Waste

Preamble

The developer currently holds an air emission permit (#4201-60-023), issued by Yukon Environment, that authorizes the open burning of “solid waste” at their Don Valley Camp and XY Camp. These camps are located in the Yukon in close proximity to the NWT border. The permit sets few restrictions on the type of solid waste material that may be burned, has no limits on the amount of solid waste that can be burned; and contains no conditions to prevent toxic smoke emissions from being transported across the NWT/YT border and deposited on lands and waters in the NWT.

In the view of ENR, open burning of waste material is an out-dated and inefficient method of disposing of solid wastes. The low temperature, smoldering nature of open burning tends to result in poor combustion of material, enhancing the emissions and production of toxic substances. Of particular concern is the potential to produce persistent, bioaccumulative and toxic contaminants such as chlorinated organics (e.g. dioxins and furans) and heavy metals (e.g. mercury).

Although toxic contaminants are released to the atmosphere, their impacts are often expressed in other ecosystem components through processes of deposition and transfer. The dominant exposure pathways for wildlife are through vegetation and subsequent ingestion of that plant material by animals is the primary mechanism by which dioxins and furans enter the terrestrial food chain. Similarly, deposition onto soil, followed by erosion and runoff into water bodies with subsequent uptake by benthic organisms is the primary mechanism by which dioxins and furans enter the aquatic food chain.

Due to the potential to cause adverse environmental impacts, ENR considers the open burning of non-segregated municipal solid wastes (camp waste) as an unacceptable waste management option. The only wastes that are suitable for open burning are paper products, paperboard packaging and untreated wood wastes as described in the document titled *Municipal Solid Wastes Suitable for Open Burning* available at www.enr.gov.nt.ca/eps/environ under the Waste Management Program heading.

Requests

1. Please demonstrate how open burning of solid waste at the XY and Don Camps will not result in the transport of toxic contaminants across the territorial border and subsequent deposition on lands and waters in the NWT.