

Mackenzie Valley Review Board



Report of Environmental Assessment and
Reasons for Decision on

Bayswater Uranium Corporation's

El Lake

Mineral Exploration Project

EA0708-004

September 11, 2008

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Review Board Environmental Assessment Decision

To make its decision in this environmental assessment, the Mackenzie Valley Environmental Impact Review Board (Review Board) has relied upon all the information on the public record. Having considered the evidence, the Review Board has made its decision in accordance with section 128 of the *Mackenzie Valley Resource Management Act*.

It is the Review Board's opinion that Bayswater Uranium Corporation's El Lake proposed development, in combination with the cumulative effects of other present and reasonably foreseeable future developments in the Upper Thelon River Basin, will likely cause significant adverse cultural impacts on Aboriginal peoples by impacting an area of very high spiritual importance. These impacts are so significant that the development cannot be justified.

The Review Board recommends, pursuant to section 128(1)(d) of the *Mackenzie Valley Resource Management Act*, that the project be rejected without an environmental impact review.



Richard Edjericon
Chairperson of the Mackenzie Valley
Environmental Impact Review Board



September 11, 2008

Report Summary

The Mackenzie Valley Environmental Impact Review Board (Review Board) conducted an environmental assessment of Bayswater Uranium Corporation's (Bayswater or the developer) proposed El Lake uranium exploration development in the Upper Thelon River Basin of the Akaitcho Territory. The proposed development involves using a helicopter-portable drill to drill approximately 35 holes over five years at four mineral claims, three just south of the Thelon Game Sanctuary and one south of Beaverhill Lake. The use of a small 14 person camp is proposed and all access will be by airplane. The Mackenzie Valley Land and Water Board referred this proposed development to environmental assessment on the basis that the proposed development might be a cause of public concern.

Bayswater and the following groups made submissions to the Review Board during the environmental assessment:

- Łutsëlk'e Dene First Nation
- Deninu Kué First Nation
- Fort Resolution Métis Council
- Athabasca Denesuline (from Saskatchewan)
- Treaty #8 Tribal Corporation
- Yellowknives Dene First Nation
- Northwest Territory Métis Nation
- World Wildlife Fund - Canada
- Government of the Northwest Territories
- Beverly and Qamanirjuaq Caribou Management Board
- Canoe Arctic Inc., an ecotourism company
- Indian and Northern Affairs Canada
- Environment Canada
- The Department of Fisheries and Oceans
- David Pelly, a member of the public

On a request from parties to the assessment and because of similarities in location, development type, and potential impacts, evidence was transferred onto this environmental assessment's public record from the public registry of a previous environmental assessment of UR Energy's proposed Screech Lake uranium exploration project (EA0607-003). The Bayswater El Lake environmental assessment also provided the developer and parties with a variety of opportunities to come forward with new evidence.

To mitigate impacts on caribou, Bayswater committed to a variety of best management practice measures adapted from the *Keewatin Land Use Plan*, including over-flight height

restrictions, monitoring of cows and calves near exploration activities between May 15 and August 15, and no drilling within 10 kilometres of a designated caribou crossing. While the developer recognized that the Łutsëlk'e Dene First Nation had a special cultural and spiritual connection to the Upper Thelon River Basin, the developer did not examine this issue in depth during any of its submissions and identified no cultural impacts likely to be caused by its proposed activities.

Aboriginal groups involved in the assessment either stated or reiterated their current opposition to this development and any mineral exploration in the Upper Thelon River Basin. This opposition focused on cultural impacts associated with industrial development in the Upper Thelon River Basin¹, given its spiritual significance as “the place where God began” for the Denesoline² people, as well as concerns about disruption of a wilderness that is considered by many as one of the most spectacular wildlife areas left on the planet. The values attributed to this cultural landscape are associated with long-time usage, importance of the area as a caribou migration corridor, valued landscape features, and the intrinsic spiritual values the Denesoline people associate with the Upper Thelon River Basin. The people of Łutsëlk'e in particular described their complete disapproval of industrial development in the Upper Thelon River Basin, which they wish to pass on to their children as they inherited it from their ancestors.

Several parties to the environmental assessment also expressed concern that development was happening in the Upper Thelon River Basin before land use planning has taken place. While some parties expressed cautious optimism that Indian and Northern Affairs Canada is making efforts to form of a multi-stakeholder *Upper Thelon Land and Resource Management Plan*, no new evidence from this proposed planning process was forthcoming during the current environmental assessment. In the absence of any changes “on the ground”, several parties identified that their conclusions of likely significant adverse cultural impacts from the proposed development and opposition to any mineral exploration in the Upper Thelon River Basin had not altered from the UR Energy Screech Lake environmental assessment.

Several parties also voiced concern over the development being on the migration route of the Beverly and Ahiak caribou herds. The proposed development will likely be in operation during the pre- and post-calving migration periods. During both time periods, caribou (whether pregnant cows or cows and newborn calves) are particularly vulnerable to development-related disturbance in the form of noise, visual on the ground impacts, and low level aircraft flights overhead. Parties also pointed out there is a vital connection between healthy caribou herds and the practice of Aboriginal culture that needs to be considered when examining potential cultural impacts of this proposed development on this important caribou migration corridor.

¹ Throughout this document, the term “Upper Thelon River Basin” refers to the hydrological basin or watershed of the Upper Thelon River, and not the Thelon geologic basin.

² Where *this Report of Environmental Assessment* refers to the “Denesoline” people, it means the Chipewyan-speaking Dene, including the Akaitcho Dene and the Athabasca Denesuline, as identified by parties to this environmental assessment.

The Review Board considered the evidence of cultural impacts received from the people of Łutsëlk'e and other Aboriginal groups. In the Review Board's opinion, the Upper Thelon River Basin has a high spiritual and cultural importance to the Akaitcho Dene and other Aboriginal peoples. The Review Board recognizes that these people have a connection to the Upper Thelon River Basin that goes beyond the physical landscape and heritage resources. Aboriginal groups see any industrial development in the Upper Thelon River Basin as a desecration of a spiritual area that has intrinsic cultural value. The Review Board holds the view that although the proposed development is physically small, its likely cultural impacts are not. The Review Board also finds that a high potential for reasonably foreseeable future developments in the Upper Thelon River Basin exists and that such developments will increase the potential for cumulative impacts on the culture of Aboriginal peoples that use and value the area.

The Review Board recognizes that the Upper Thelon River Basin is an integral cultural landscape - a core cultural area - for the Akaitcho Dene. The Review Board is convinced that the El Lake development proposed by Bayswater is not compatible with the Aboriginal values associated with this landscape. The Review Board therefore concludes that the proposed development's impacts in combination with the impacts of all other past, present and reasonably foreseeable development activities in the area would likely have a significant adverse cultural impact on the Aboriginal peoples who value and use the Upper Thelon River Basin.

This impact is so significant that the Review Board recommends rejecting the proposed development, under s.128(1)(d) of the *Mackenzie Valley Resource Management Act*.

Based on the evidence on the public record, the Review Board has identified likely project-specific and cumulative significant adverse impacts on Beverly and Ahiak caribou that would require mitigation were the proposed development not rejected. These impacts are not the basis for the Review Board's recommendation to reject this development, so the Review Board has not included extensive discussion of this issue in this report nor does the Review Board identify any measures in this report to prevent this development's impacts on caribou.

The Review Board is encouraged that Indian and Northern Affairs Canada is planning to engage stakeholders in studies and consultations toward the development of an *Upper Thelon Land and Resource Management Plan*. The Review Board suggests that Indian and Northern Affairs Canada consult directly with mineral claim holders in the Upper Thelon River Basin and offer these prospective developers annual relief under the *NWT and Nunavut Mining Regulations* until the studies and consultations associated with the proposed *Upper Thelon Land and Resource Management Plan*, and the plan itself, have been completed and implemented.

1 Introduction

This document is the Mackenzie Valley Environmental Impact Review Board's (Review Board) *Report of Environmental Assessment and Reasons for Decision (Report of Environmental Assessment)*, for Bayswater Uranium Corporation's proposed El Lake Mineral Exploration Project (EA0708-004). The report is issued pursuant to s.128 of the *Mackenzie Valley Resource Management Act*³.

1.1 Regulatory History

On March 29, 2007, Bayswater Uranium Corporation (Bayswater or the developer) applied to the Mackenzie Valley Land and Water Board for a five year Land Use Permit (MV2007C0010) to allow camp construction, fuel caching and diamond drilling activities in the Upper Thelon River Basin of the Akaitcho region of the Northwest Territories. The proposed land use permit was to support early stage mineral exploration on Bayswater's "CL" group of claims, as well as on some prospecting permit areas optioned from Diamonds North Ltd. The Mackenzie Valley Land and Water Board carried out a preliminary screening of the proposed development according to s.124 of the *Mackenzie Valley Resource Management Act*. On August 23, 2007, the Mackenzie Valley Land and Water Board referred the application to the Mackenzie Valley Environmental Impact Review Board pursuant to subsection 125(1) of the *Mackenzie Valley Resource Management Act*, on the basis that the proposed development might be a cause of public concern (PR#4).

1.2 Development Description

The Review Board derived the following details from the developer's Land Use Permit application to the Mackenzie Valley Land and Water Board (PR#1, 2)⁴ and *Project Description Summary* (PR#26). Where details differ between these two documents, the information provided in the later *Project Description Summary* is considered the authoritative description of the proposed development.

Bayswater's proposed El Lake development includes a diamond drill program consisting of approximately 35 holes (individual holes between 300 to 600 metres deep) over five years. It may also include airborne and ground geophysical surveys. A total of 15,000 metres of drilling is proposed. The major target metal is uranium.

The exploration work will be carried out from a base camp at the north end of El Lake, and will be entirely on lands within the Upper Thelon River Basin. The 14-person camp is located just south of the Thelon Game Sanctuary, 332 kilometres east of Łutsëlk'e and approximately 500 kilometres east of Yellowknife. It will be re-supplied on a weekly

³ Any term formally defined in the *Mackenzie Valley Resource Management Act* or its regulations has the same meaning when used in this *Report of Environmental Assessment*.

⁴ References to documents on the public registry will be referenced throughout this document with the acronym "PR" followed by the public registry number of the document (for example, "PR#1"). If more than one public registry document is cited in a row, only the first will be noted as "PR" (for example, "PR#1, 116" refers to documents 1 and 116 on the public registry).

basis from Yellowknife by either float or wheel equipped aircraft.

The proposed El Lake camp location and the approximate location of the individual targets are shown in Figure 1.

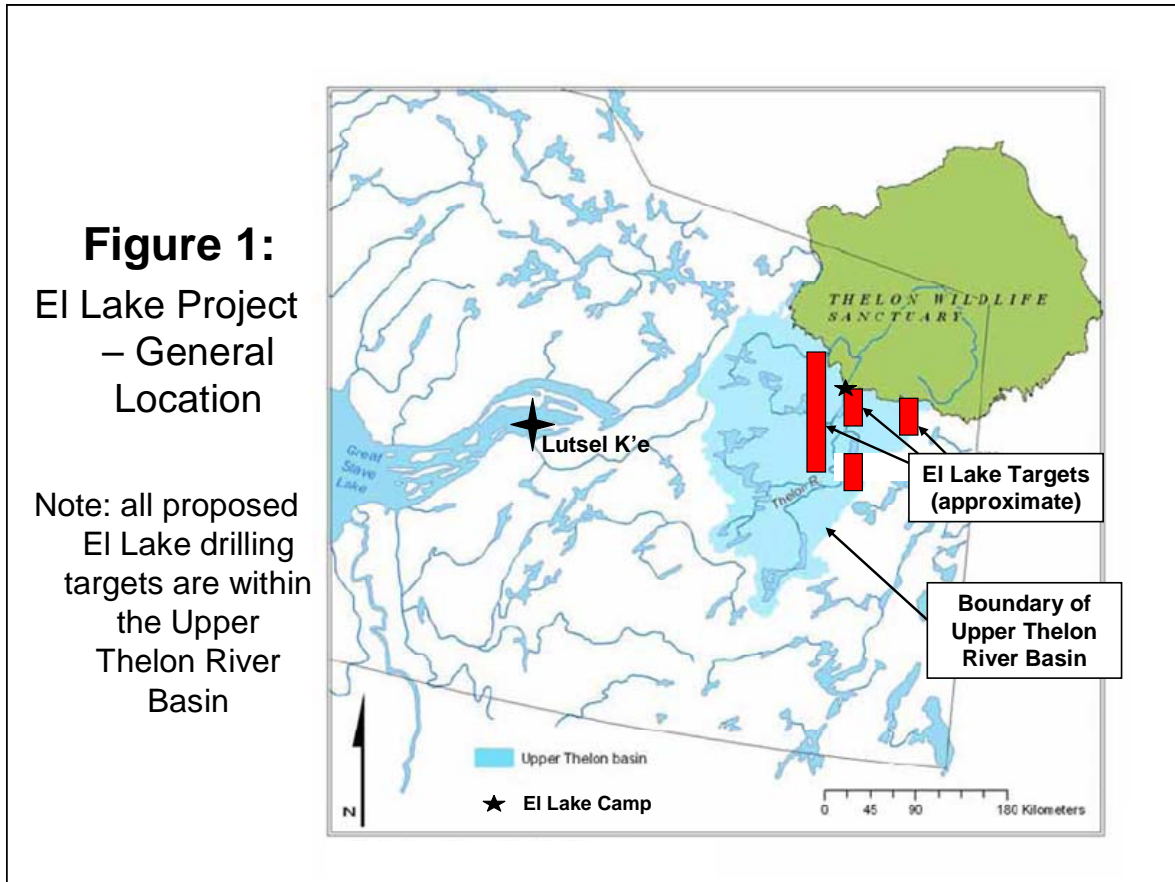


Figure 1 indicates the geographic boundaries of the Upper Thelon River Basin (outlined in blue). Much of the Upper Thelon River Basin, including the portions which comprise the El Lake targets, is underlain by the Thelon geologic basin, which is highly prospective for uranium mineralization. The Thelon Game Sanctuary is depicted here as the green area straddling the Nunavut/Northwest Territories border. The EL Lake base camp site is identified with a star in Figure 1.

The proposed development requires one helicopter-transported drill rig. All drill core will be taken back daily from the drill sites to the El Lake camp by helicopter. Cores will be stored at the El Lake camp site in designated racks. Radioactivity of stored drill core will be monitored pursuant to requirements of the federal *Atomic Energy Control Act*.

In addition, late winter drilling from ice may be necessary in order to test targets. Should drilling be carried out in winter conditions, a Timberjack skidder vehicle will be used to move the drill over the snow.

The proposed annual work period is March to September in any given year. Drilling may occur at any time during this period; the developer's submissions indicate it will consider late winter, spring and summer drilling.

The proposed diamond drilling program will employ standard mineral exploration methods unless the developer encounters uranium mineralization. In that case, Bayswater commits to a variety of practices to minimize the impact of potentially radioactive material, including:

- Collecting and disposing of drill mud cuttings with a uranium concentration of greater than 0.05% down the drill hole and sealing the drill hole off
- Sealing drill holes that encounter uranium mineralization greater than 1% over a length of more than one metre by grouting over the entire length of the mineralization zone with an additional 10 metre buffer zone of grouting on either side

Additional management practices related to drilling from winter ice include disposal of all drill cuttings in a land-based sump 100 metres from the high water mark, and cementing all drill holes.

According to the developer's submissions, there are four different areas of interest for drilling, three of which are in close proximity to the southern end of the Thelon Game Sanctuary, and one south of Beaverhill Lake. Within these four areas of interest, the developer has identified 18 drilling targets (Hanbury and E-1 to E-17 – see Figure 2 for details). Figure 2 indicates that at least seven are wholly (E-6, E-7, E-10 to E-12) or partially (E-8, E-9) not on Bayswater's own mineral claims. The developer identified that these targets are located in Prospecting Permits optioned from Diamonds North Ltd. (PR#26).

In addition to El Lake, another Land Use Permit application by Bayswater was also referred in 2007 to environmental assessment– the Crab Lake Mineral Exploration Project (permit application MV2007C0009 and EA0708-005). Figure 2 provides additional detail about the El Lake camp location and four drilling target areas, as well as the comparative location of the El Lake and Crab Lake proposed developments. Worthy of note is the location of the Crab Lake project entirely within the Dubawnt River watershed to the east of the Upper Thelon River Basin (see the watershed divide identified as a green line in Figure 2).

Figure 2: El Lake - Project Location Detail

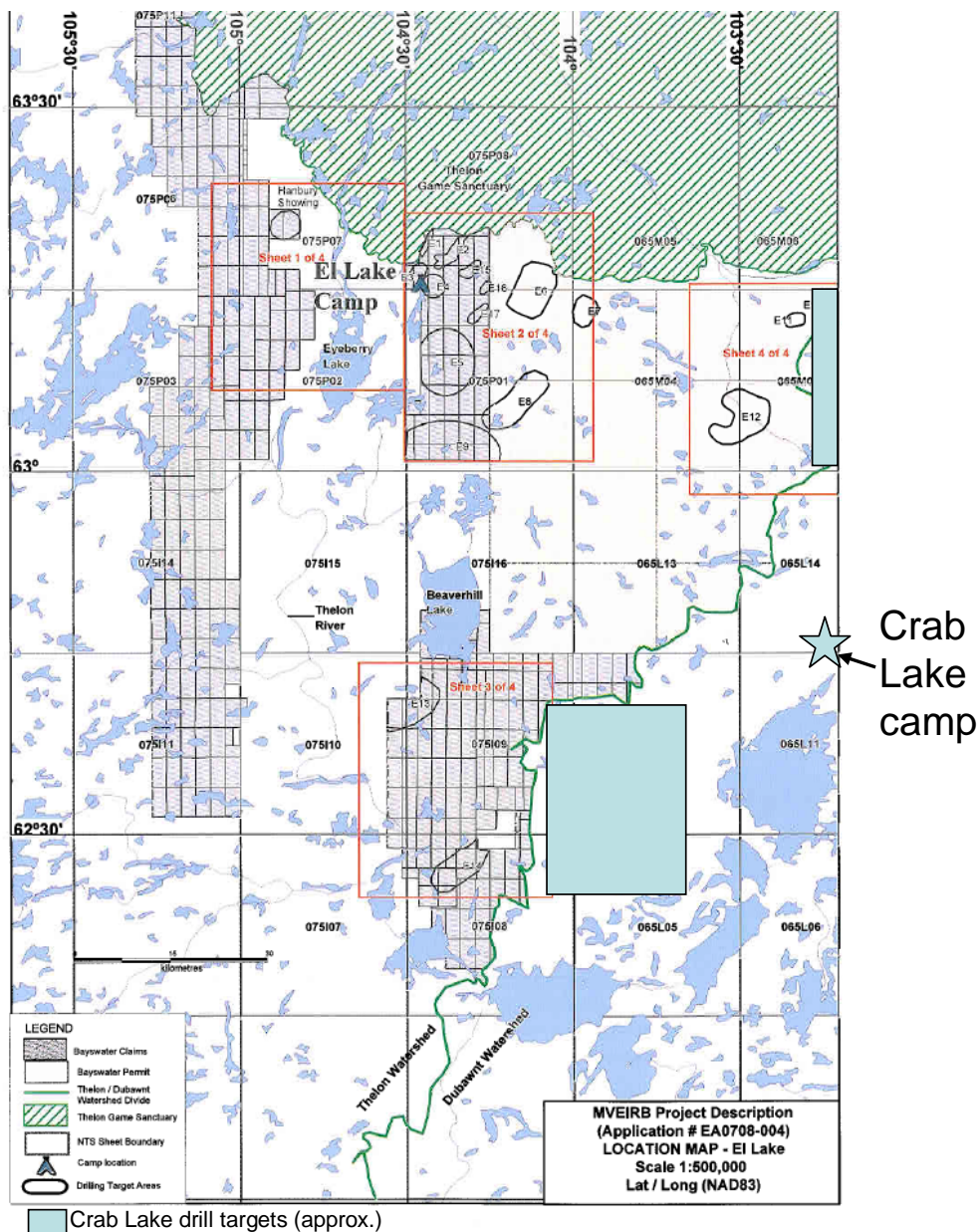


Figure adapted from the developer's *Project Description Summary* (PR#26)

1.3 Environmental Setting

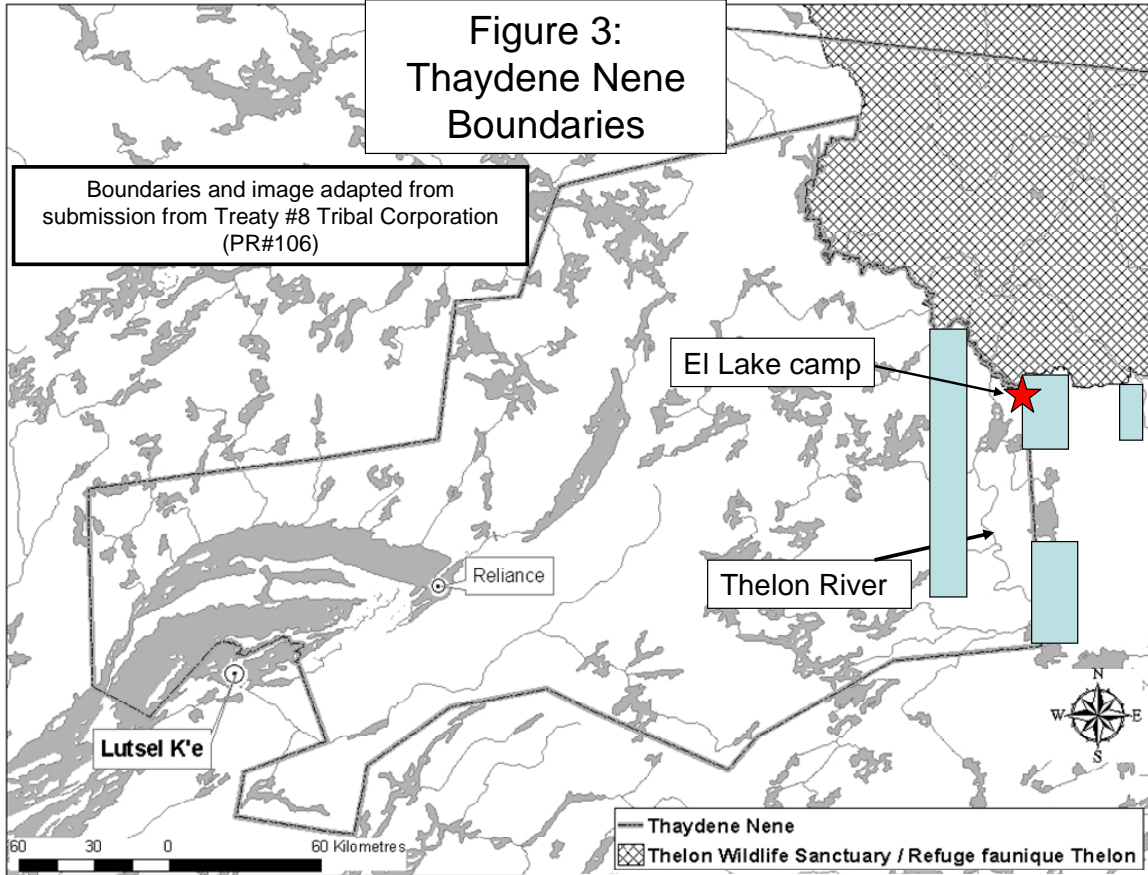
The following description of the proposed development's environmental setting is based on the broad definition of 'environment' set out in the *Mackenzie Valley Resource Management Act*. The definition of environment encompasses the land, water, air and living organisms, and the interacting systems that include those components. This section also includes a description of the region's cultural context.

The El Lake proposed development is located in the Akaitcho region of the Northwest Territories, within the Thelon geologic basin and in the eastern portion of the Upper Thelon River drainage basin (Upper Thelon River Basin). The Thelon River has been a Canadian Heritage River since 1990. The region is one of North America's largest remaining wilderness areas and Aboriginal people historically and still use the area for hunting and harvesting.

The project is located over the Thelon formation, which is a sandstone depositional feature that overlays granitic Canadian Shield basement geology. The surficial geology of the area is characterized by low topographic relief, hosting many sandy deposits and numerous sand eskers. The Upper Thelon River Basin is unique in North America for its high concentration of eskers. Also noteworthy is that the area is an isolated treed region in the barrens over one hundred kilometres north of the tree line.

This is an area of Arctic climate, although the Upper Thelon River Basin exhibits a high richness and diversity of wildlife relative to the surrounding tundra. It is used by many species of wildlife, such as caribou, musk-oxen, and moose, birds (such as migratory songbirds, raptors, and waterfowl) and carnivores (such as wolves, wolverine, and grizzly bear). The proposed exploration site is within the pre- and post-calving migration range of the Beverly and Ahiak barren ground caribou herds.

The region has a recorded history of human use extending back thousands of years. Much of the Upper Thelon River Basin is part of "Thaydene Nene", meaning "the land of our ancestors" in Chipewyan (see Figure 3). The area is culturally important to Aboriginal peoples of the Northwest Territories and also the Athabasca Denesuline of northern Saskatchewan. The area also holds special significance to canoeists and wilderness enthusiasts in Canada and abroad. As one of the last stands of pristine wilderness in North America, it is a territorially important destination for ecotourism. Figure 3 indicates the general location of the primary target areas for the El Lake proposed development in relation to Thaydene Nene.



2 Environmental Assessment Process

Figure 4 presents an overview of the environmental assessment process discussed in this section.

2.1 Parties to the Environmental Assessment Process

There were eleven parties to the environmental assessment, not including the developer. They were:

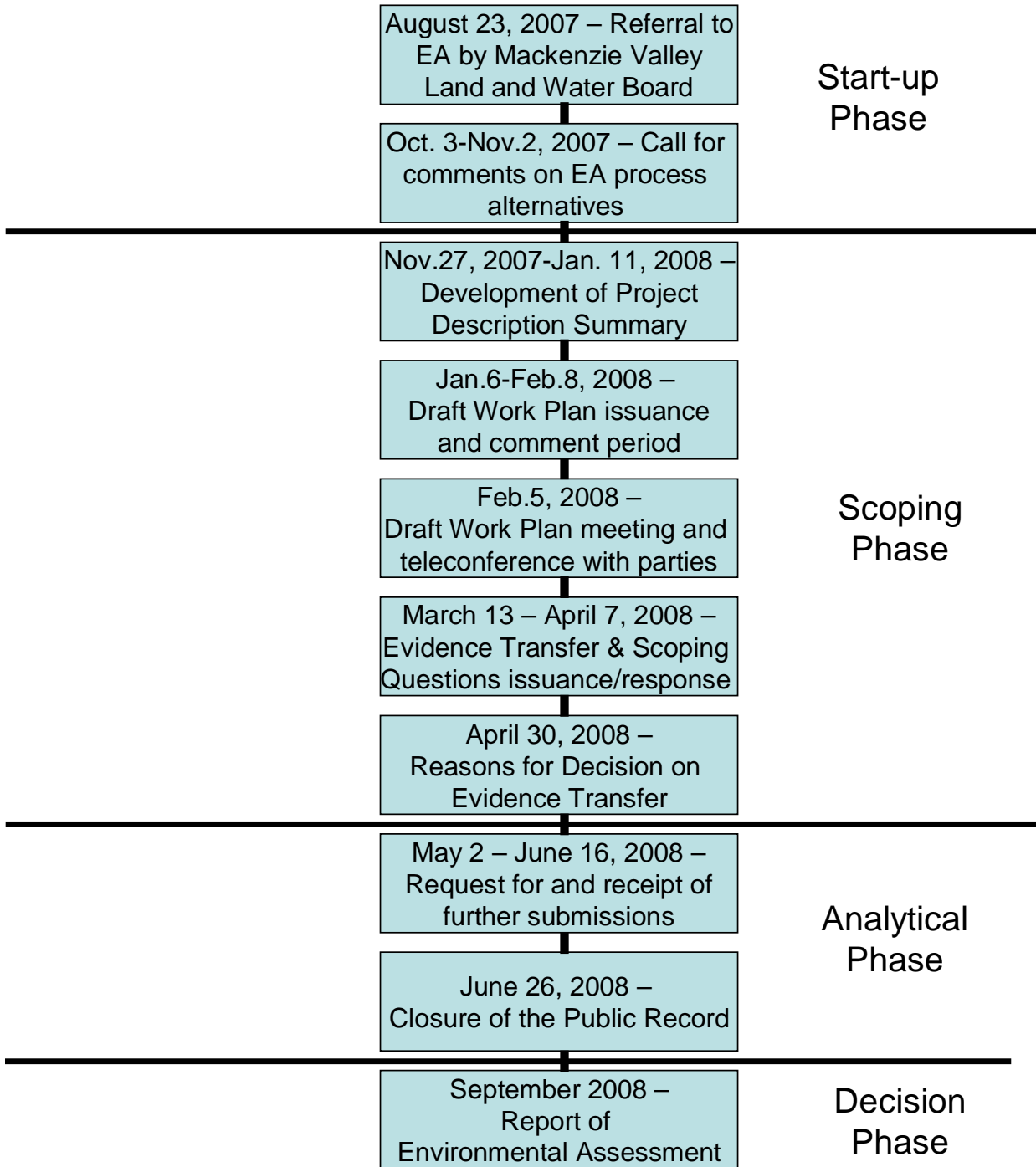
1. Łutsëlk'e Dene First Nation;
2. Deninu Kue First Nation ;
3. Northwest Territory Métis Nation;
4. NWT Treaty #8 Tribal Corporation (Treaty#8 Tribal Corporation);
5. Athabasca Denesuline;
6. Government of the Northwest Territories;
7. Indian and Northern Affairs Canada;
8. Beverly and Qamanirjuaq Caribou Management Board ;
9. Canoe Arctic Inc.;
10. World Wildlife Fund – Canada; and,
11. North Slave Métis Alliance.

In addition to those groups who were granted party status for this environmental assessment, there were other governmental and non-governmental organizations, Aboriginal groups and members of the public who contributed evidence and commentary for the public record. They were:

- Fisheries and Oceans Canada
- Environment Canada
- The NWT and Nunavut Chamber of Mines
- The Fort Resolution Métis Council
- The Yellowknives Dene First Nation
- David Pelly, a member of the public

At the parties' request, the Review Board transferred submissions made by a variety of organizations and individuals from the UR Energy Screech Lake environmental assessment (EA0607-003) public registry over to the public record for the Bayswater El Lake environmental assessment (EA0708-004). These submissions are public registry numbers (PR#) 53 to 129 on this environmental assessment's public record. See Sections 2.3 and 4 below for the rationale and process of the evidence transfer.

Figure 4: EA Process for EA0708-004



During the environmental assessment, representatives of government departments had the opportunity to identify their interests and to notify the Review Board of their intent to participate in the assessment as a responsible minister, defined in s.111 of the *Mackenzie Valley Resource Management Act*. The responsible ministers also play a role in the decision-making process and include Environment Canada, Indian and Northern Affairs Canada and the Government of the Northwest Territories as represented by the Department of Environment and Natural Resources. The Minister of Indian and Northern Affairs Canada is both the federal Minister as defined by the *Mackenzie Valley Resource Management Act* and a responsible minister as set out in Part 5 of the *Act*. The federal Minister plays a central coordinating role in the decision-making response to a report of environmental assessment.

This environmental assessment was divided into four phases, each associated with specific steps that corresponded with the timeline identified in Figure 4.

2.2 Start Up Phase

During the start-up phase, the Review Board established the basic administrative structure of the environmental assessment (a distribution list, a paper and website public registry, etc.).

2.2.1 CALL FOR COMMENTS ON ENVIRONMENTAL ASSESSMENT PROCESS ALTERNATIVES

As part of the start-up phase, the Review Board issued a *Call for Comments* requesting that Bayswater and interested groups comment on possible environmental assessment process alternatives, which the Review Board had outlined. . The Review Board asked for this input because this environmental assessment was only one of four concurrently run similar environmental assessments, involving two developers with proposed developments in the same general location (the Thelon geological basin), similar proposed activities (early stage uranium exploration drilling programs), and similar issues raised by concerned groups throughout the environmental impact assessment process. These four environmental assessments were:

- EA0708-002 - Uravan Minerals Inc's South Boomerang Lake Exploration Project
- EA0708-003 - Uravan Minerals Inc's North Boomerang Lake Exploration Project
- **EA0708-004 - Bayswater Uranium Corporation's El Lake Exploration Project**
- EA0708-005 - Bayswater Uranium Corporation's Crab Lake Exploration Project

Moreover the Review Board previously assessed a similar development, UR Energy's Screech Lake uranium exploration project (EA0607-003). As early as the preliminary screening process, groups submitted comments to the Mackenzie Valley Land and Water Board indicating that the currently proposed developments would have similar impacts to those identified during EA0607-003. A variety of respondents to the Review Board's *Call for Comments* identified concerns with replicating submissions from the previous UR Energy Screech Lake environmental assessment, which the respondents felt applied equally to one or more of these files. The respondents also voiced concern about the

complexity of having to respond separately to each of the four new environmental assessments.

The Review Board strives to design each individual environmental assessment to be appropriate to the size and complexity of the development, the sensitivities of the receiving environment, and the scale and potential significance of the impacts associated with the proposed development. At the same time the Review Board attempts to create efficiencies where possible, based on the guiding principles set out in s.115 of the *Mackenzie Valley Resource Management Act*, which require the conduct of timely and expeditious proceedings. In this situation, with four proposed developments and to a previously assessed development all very similar in location, nature, and expressed concerns from parties, the Review Board sought input from interested groups to develop an environmental assessment process that accommodated both the uniqueness and the similarities in the proposed and previously assessed developments.

The Review Board heard the following in the responses to its *Call for Comments*:

- Most parties desired all relevant information from the UR Energy Screech Lake environmental assessment be transferred to the public record for the Bayswater El Lake environmental assessment;
- Most parties advised that the scope of issues was likely to be similar between these proposed developments, and to that previously identified during the UR Energy Screech Lake environmental assessment, but that additional input should be sought via scoping questions and a more detailed summary of the proposed development from the developer;
- Aboriginal groups advised that little new evidence was required from developers or parties, provided the UR Energy Screech Lake environmental assessment evidence was transferred to the public records of the newly proposed developments; and
- Aboriginal groups were concerned that a public hearing would place an unnecessary burden on Aboriginal people, particularly the Łutsëlk'e Dene First Nation, and would add little value to the environmental assessment.

The Review Board agreed with these submissions and developed this environmental assessment process accordingly.

2.3 Scoping Phase

During the scoping phase, the Review Board identified and prioritized key issues for the environmental assessment. In this case, the Review Board used the scoping phase to identify:

1. Which issues were generic to all four environmental assessments, and which development- or location-specific issues needed to be examined for one or more of the environmental assessments
2. What evidence from the UR Energy Screech Lake environmental assessment should be transferred to the public record for each environmental assessment

3. What additional evidence was required during the analytical phase of this environmental assessment

Indian and Northern Affairs Canada (PR #16) argued that the application package provided with the preliminary screening materials for this development did not “*provide sufficient information to effectively delineate the impacts of each project on the social, cultural and biophysical environment*” and suggested the Review Board request additional information from the developer. The Review Board agreed, and in November 2007 requested the developer provide a *Project Description Summary* that prospective parties could examine along with the preliminary screening materials received during the scoping and analytical phases of the environmental assessment. Bayswater issued a *Project Description Summary* for EA0708-004 on January 11, 2008 and this was placed on the public record.

The Review Board issued *Evidence Transfer and Scoping Questions* on March 13, 2008. This document asked interested groups which submissions from the previous UR Energy Screech Lake environmental assessment they felt should be included on the public record for the current environmental assessment (based on a draft list the Review Board compiled). The Review Board received submissions from a variety of groups. On April 30, 2008 the Review Board issued its *Reasons for Decision on Evidence Transfer*, which listed the documents that were being transferred from the UR Energy Screech Lake environmental assessment, and noted that “the Review Board’s purpose in transferring this evidence was to avoid requiring parties to resubmit evidence that is relevant to the current environmental assessment” (PR#50).⁵

Items 53 to 129 on the public record for this environmental assessment were transferred over from the public registry of the UR Energy Screech Lake environmental assessment. The parties and the developer requested this transfer of evidence. Many parties reiterated their views that the issues in the present environmental assessment are best expressed by their previous submissions to the UR Energy Screech Lake environmental assessment’s public registry. The evidence transfer was conducted in a transparent fashion. The Review Board heard no objections from the parties to this environmental assessment.

In addition, the *Evidence Transfer and Scoping Questions* asked the parties and developer for additional information to assist in the scoping of this environmental assessment, posing questions aimed at gathering the following information:

- The specific issues parties had related to the proposed development’s impacts on the Beverly and Ahlak caribou herds or its impacts on Aboriginal cultural values associated with the Upper Thelon River Basin
- Any other important issues parties believed needed to be considered

⁵ More discussion on how the Review Board considered this transferred evidence is provided in Section 4 of this *Report of Environmental Assessment*.

- Any changes in the situational context that occurred since the federal Minister’s decision on the UR Energy Screech Lake environmental assessment that altered the potential for impacts and public concerns from this development
- Any site-specific or development-specific components that gave rise to other issues that this environmental assessment should consider

2.4 Analytical Phase

The analytical phase provided the developer and parties an opportunity to submit additional evidence, make impact predictions and identify mitigation for likely impacts.

After completing the evidence transfer from the UR Energy Screech Lake environmental assessment, the Review Board issued a *Request for Further Submissions* on May 2, 2008. The Review Board noted that it had deliberated on the evidence placed on the public record up to that date and it questioned (as did most parties to the environmental assessment) the value of a public hearing in contributing meaningful new evidence to the public record. Parties were invited to consider the evidence on the public record and to provide their views regarding the potential impacts of the proposed development prior to the Review Board closing the public record, concluding its deliberations and reaching a final determination under s.128 of the *Mackenzie Valley Resource Management Act*. Further submissions were accepted from parties and the public until May 30, 2008, and further submissions from the developer were accepted until June 16, 2008.

In its “Further Submission” (PR#132), Indian and Northern Affairs Canada argued that “*the absence of a public hearing or prematurely concluding the public proceeding of the EA may preclude the opportunity for new meaningful evidence to be presented or ensuring that parties’ views with respect to this particular development are clear.*” The Review Board considered and rejected this argument based on the following:

1. Results from a variety of government-sponsored proposed studies (in support of the yet to be established *Upper Thelon Land and Resource Management Plan*, among others) will not be available for at least two more years and likely longer.
2. Bayswater provided minimal evidence during the entire course of the environmental assessment, and no evidence during the analytical phase of the assessment. The Review Board concluded that the developer’s prediction of impacts and proposed mitigation had been fully identified in its *Project Description Summary*, and the developer was unlikely to present additional substantive information during any additional stages of assessment.
3. Other parties stated during the environmental assessment that no new meaningful evidence was likely to come forward during a public hearing.
4. Several parties, most particularly the Lutsëlk’e Dene First Nation, made clear their opposition to an extended environmental assessment process with a public hearing.
5. Despite the Review Board announcing in its *Request for Further Submissions* that it might complete the environmental assessment after this step, neither the parties nor the developer requested the Review Board delay the conclusion of the environmental assessment so that parties or the developer could bring forward new evidence or further clarify their views toward the currently proposed development.

6. The Beverly and Qamanirjuaq Caribou Management Board, Łutsëlk'e Dene First Nation, Treaty #8 Tribal Corporation, Athabasca Denesuline, Deninu Kue First Nation, Northwest Territory Métis Nation, Canoe Arctic, and World Wildlife Fund - Canada all consistently made clear their opposition to the proposed development. The Review Board concluded these parties were therefore unlikely to provide any new evidence, recommendations or revised opinions in a public hearing setting or extended analytical phase.

During the course of this environmental assessment the Review Board allowed the necessary time for parties and the developer to provide evidence to guide the Review Board's decisions. The Review Board determined that no substantive new evidence would likely be forthcoming within a reasonable timeframe after the "Further Submissions" stage. In the Review Board's opinion, keeping the record open would simply prolong this environmental assessment without cause and would be inconsistent with s.115 of the *Mackenzie Valley Resource Management Act*, which requires a timely and expeditious process.

2.5 Decision Phase

The Review Board met on June 25, 2008 and determined that little additional evidence was likely to be forthcoming in a timely manner beyond that which had already been provided and that it had enough information to make its s.128 *Mackenzie Valley Resource Management Act* decision on this proposed development. The public record was closed on June 26, 2008. The decision-making phase began in July, 2008.

The Review Board considered evidence from the following sources in its deliberations:

- Evidence transferred from the UR Energy Screech Lake environmental assessment;
- Preliminary screening materials, including applications and supporting documents, comments from reviewers, and the Mackenzie Valley Land and Water Board's *Staff Report* and *Screening Report*;
- Responses to the Review Board's *Call for Comments* on environmental assessment process alternatives;
- The developer's *Project Description Summary*;
- Comments on the *Draft Work Plan*;
- Responses to *Evidence Transfer and Scoping Questions*;
- Responses to the Review Board's *Request for Further Submissions*; and
- All other materials parties and members of the public forwarded to the public record.

Section 128 of the *Mackenzie Valley Resource Management Act* requires the Review Board to decide, based on the evidence on the public record⁶, whether or not, in its opinion, the proposed development will likely cause a significant adverse impact on the environment, or be a cause for significant public concern. In so doing, the Review Board considers, among other things, the following characteristics of any environmental impacts identified:

- Magnitude;
- Geographic extent;
- Timing;
- Duration;
- Frequency;
- Nature of the impact;
- Reversibility of the impact;
- Probability of occurrence; and,
- Predictive confidence level.

The Review Board has made its significance determinations based on its collective views, the requirements of the *Mackenzie Valley Resource Management Act*, and all of the evidence on the public record. The Review Board's analysis and the reasons for its determinations of the significance of the adverse impacts that are likely to result from Bayswater Uranium Corporation's proposed El Lake development are described in detail in sections four and five of this document.

⁶ The "public record" refers to the part of the public registry that the Review Board considers when making its decisions; i.e., that portion of materials placed on the public registry prior to the Review Board's final deliberations.

3 Scope of the Environmental Assessment

3.1 Scope of the Proposed Development

Under s.117(1) of the *Mackenzie Valley Resource Management Act*, the Review Board is required to determine the scope of the development - the components of the proposed development considered in the environmental assessment. Based on Bayswater's evidence, the Review Board determined that the proposed development includes physical work related to the exploration of potential uranium mineralization in the Upper Thelon River Basin. The Review Board defined the geographic scope of the development for Bayswater's El Lake mineral exploration project to consist of area covered by the mineral claims and prospecting permits identified by Bayswater as containing proposed drilling targets in its MV2007C0010 Land Use Permit application and subsequent *Project Description Summary* (see Figure 2). The geographic scope of the proposed development also included any areas within which activities related to the proposed work program occur, including ground-based geophysical survey work and the location of the proposed El Lake camp, and any transportation routes between activities.

The Review Board identified the principal and accessory components in the scope of development to be the following physical works or activities that would occur during the El Lake mineral exploration project's general operations:

- Helicopter-supported diamond drilling and associated activities, to a maximum of 35 holes over five years, including water withdrawals, staged helicopter "sling loads" to move the drill rig to a new position, and post-drilling reclamation activities;
- Winter ice drilling activities;
- The removal of some material from the ground in the form of drill cores, which could then be deposited on site, at the El Lake camp, or removed for further testing;
- Clearing and other disturbance of vegetation via snow machine or Timberjack skidder trails, drill pads, lay down areas, ground geochemical survey work and other uses;
- The establishment of a work camp north of El Lake with housing for 14 people;
- Transportation to camps and to worksites from camps, whether by fixed wing aircraft, helicopters or any form of land-based machine, of personnel and equipment;
- Airborne geophysical surveys; and
- All associated containment of materials (e.g. waste, fuel and core samples not taken out of the field).

Special consideration was placed on the timing of development activities, given the barren ground caribou's use of the project area during certain parts of the year as a migration corridor. In this case, the developer submitted a likely timeline of activities from March to the end of September in any given year. Any activities outside those timelines would exceed the scope of the currently proposed development.

3.2 Scope of Assessment

3.2.1 CONSIDERATIONS

The Review Board determined the scope of assessment after considering the relevant information available on the public record, its experience conducting similar environmental assessments in the past, and comments from parties. The Review Board considered the following factors pursuant to *Mackenzie Valley Resource Management Act* s.117(2) in developing the scope of assessment:

- The impact of the development on the environment, including malfunctions or accidents and any cumulative impact that is likely to result;
- The significance of any such impact;
- Any comments submitted by members of the public;
- The imposition of mitigation measures where an impact is found; and
- Any other matter, including available alternatives to the development.

The Review Board also had regard to the *Mackenzie Valley Resource Management Act*'s guiding principles for its environmental impact assessment process, as described in s.115, which include:

- The protection of the environment from the significant adverse impacts of proposed developments;
- The protection of the social, cultural and economic well-being of residents and communities of the Mackenzie Valley; and,
- The importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom Section 35 of the *Constitution Act, 1982* applies and who use an area of the Mackenzie Valley.

3.2.2 SPATIAL BOUNDARIES

The spatial boundaries for the assessment varied for different valued components. Generally speaking, the spatial boundaries included the immediate physical footprint of the proposed development as well as any area in which activities related to the development (including air traffic) may create a sensory disturbance for wildlife. For caribou-related issues, the spatial boundary for consideration of direct and indirect project-specific impacts was limited to the development's zone of influence on any potentially-affected caribou herd (i.e., the boundary being the point where disturbance or other impacts from the proposed development works and activities can no longer be felt). For cumulative effects assessment on caribou, the Review Board considered the entire range of the species sub-population in question (i.e., the Beverly and Ahiak caribou herds), and the evidence of changes in the population and health status over time.

In terms of the spatial boundaries of the cultural impact assessment, various parties presented evidence during this environmental assessment and in the UR Energy Screech Lake environmental assessment about the important cultural value the Upper Thelon River Basin has to a variety of Aboriginal groups. The Review Board therefore

considered the area draining into the Upper Thelon River (the Upper Thelon River Basin—see Figure 1) an appropriate boundary for the assessment of cultural impacts. The Review Board considered the cultural impacts of the proposed development and cumulative contributory developments on any cultural group that has traditional territory and/or activities in the Upper Thelon River Basin.

The *Draft Work Plan* and *Evidence Transfer and Scoping Questions* emphasized the Review Board's consideration of the following site-specific issues during this assessment:

- Caribou water crossings near the proposed development;
- The location's habitat value;
- Seasonal populations of caribou, species at risk, and key harvesting species in the area;
- Presence of, or potential for, archaeological or other heritage resources;
- Unique or important landforms;
- Proximity to or location in areas designated or proposed for special land use, such as conservation zones, land withdrawals, proposed parks; and
- Traditional land use.

3.2.3 TEMPORAL BOUNDARIES

The assessment's temporal boundaries included the proposed development's duration and the time required for any disturbance to be reversed or otherwise fully mitigated. The Review Board focused the temporal boundaries in any given year largely on the proposed annual work period, especially the activities' timing in correlation with migration patterns for Beverly and Ahiak caribou.

3.2.4 CUMULATIVE EFFECTS ASSESSMENT

The assessment's temporal scope also included the full timeframe required for good cumulative effects assessment. This included the time-span of effects from past, present and reasonably foreseeable future human activities that may interact to affect the same components as the proposed El Lake development.

The cumulative effects assessment for this environmental assessment considered activities of all other past, present and reasonably foreseeable future industrial developments in the Upper Thelon River Basin, including activities that may not require Land Use Permits or Water Licenses, such as airborne geophysical surveys.

The spatial boundaries for the assessment of cumulative effects on caribou and culture are described above in section 3.2.2.

3.2.5 KEY LINES OF INQUIRY AND OTHER ISSUES

The UR Energy Screech Lake environmental assessment, as well as the preliminary screening process for this environmental assessment, identified that the regional location of this proposed development was more important than site-specific issues. In particular,

some parties identified the Upper Thelon River Basin as an important cultural landscape and an important migration route for caribou.

Given that this proposed development is in the same Upper Thelon River Basin as the previously proposed UR Energy Screech Lake uranium exploration project, and proposes very similar activities, interested groups stated that similar issues should be prioritized during this environmental assessment as during the UR Energy Screech Lake environmental assessment. Special consideration was therefore given to the following two topics throughout the assessment:

1. Impacts of this type of development activity (site-specific and cumulative) on the cultural value Aboriginal users placed on the Upper Thelon River Basin; and
2. Impacts on the Beverly and Ahiak caribou herds (site-specific and cumulative), and associated impacts on wildlife conservation and harvesting.

The Review Board also considered the impacts of industrial development on tourism at the regional and site-specific level during the environmental assessment, as well as the impacts on species at risk and other wildlife. In addition to the economic aspects of tourism in this area, the Review Board considered the cultural and social values of the Upper Thelon River Basin to non-Aboriginal populations both within and outside the Mackenzie Valley.

4 Introduction to Assessment of Impacts

As required under s.117(2) of the *Mackenzie Valley Resource Management Act*, the Review Board considered all potential impacts of the development on the environment and the significance of any such impact. In reaching its conclusions, the Review Board considered all commitments the developer and other parties made - and all the recommendations parties provided - during the environmental assessment.

The Review Board carefully considered all of the evidence on the public record. Given that four similar exploration programs in close proximity to one another were under assessment at the same time, the Review Board was particularly conscious of the requirement to assess each proposed development on its own merits. Even though some of the evidence is also found on the public records of other ongoing environmental assessments, the Review Board gave separate consideration to all evidence available for the El Lake proposed development. The Review Board did not consider elements of the evidence transferred from the UR Energy Screech Lake environmental assessment that apply only to the UR Screech lake proposal – e.g., considerations site specific to Screech Lake or commitments made by UR Energy for its Screech Lake proposal.

Issues that the Review Board finds to be adequately addressed by the material on the public record (i.e., where no significant adverse impacts are found to be likely, or appropriate mitigation for potential impacts was committed to) are not discussed in this report. An overview discussion of likely impacts on barren ground caribou is provided below because this was a key line of inquiry. However, the only issues the Review Board discusses in full detail in this *Report of Environmental Assessment* are those related to the significant adverse cultural impacts the Review Board has determined the proposed development is likely to have (section 5).

4.1 Assessment of Impacts on Caribou

This environmental assessment identified impacts on the Beverly and Ahiak caribou herds as a key line of inquiry. The Review Board transferred a variety of evidence on potential impacts of industrial development on the Beverly and Ahiak caribou herds from the UR Energy Screech Lake environmental assessment. That evidence and the Review Board's findings for that environmental assessment are summarized in section 8 of the *Report of Environmental Assessment* for that previous EA0607-003 (PR#116 for the El Lake environmental assessment), and are not comprehensively repeated here.

The Review Board's overall finding in the UR Energy Screech Lake *Report of Environmental Assessment* was there were likely to be project-specific and cumulative disturbance impacts on the Beverly caribou herd. In that report, the Review Board noted there is strong evidence that pregnant caribou migrating through the Upper Thelon River Basin are most vulnerable between mid-March and May every year. The Review Board also accepted the evidence of the Government of the Northwest Territories, Beverly and Qamanirjuaq Caribou Management Board and the Łutsëlk'e Dene First Nation that a precautionary approach to dealing with caribou avoidance and other mitigation was

warranted. However, the Review Board also found that the recommended rejection of the proposed development on other (cultural) grounds prevented any potential impacts on caribou and therefore no mitigation measures were required.

In addition to the evidence and Review Board findings from the UR Energy Screech Lake environmental assessment, new evidence about caribou was provided during the course of the Bayswater El Lake environmental assessment. Relevant new evidence is summarized here⁷:

- Bayswater (PR#1, 20, 26) estimated there are calving or post-calving areas within the area covered by their application. The developer identified that documented water and ice crossings for caribou are either to the south or west of the proposed camp and drilling targets and all proposed activities beyond the recommended 10 kilometre buffer zone suggested for these crossings. The developer committed to a variety of caribou protection measures including stopping exploration work when groups of caribou are encountered, minimum over-flight heights, and the hiring of a resident of Łutsëlk'e as an environmental monitor. The developer concluded that its proposed exploration work (which may occur anytime between March and September) can be accomplished with no significant environmental impacts.
- The Beverly and Qamanirjuaq Caribou Management Board (PR#31, 33, 44, 136, 140) reiterated the need for proper cumulative effects assessment on caribou and range-wide conservation planning prior to any development in the Upper Thelon River Basin. The Beverly and Qamanirjuaq Caribou Management Board estimated that noise and movement from drilling activities and aircraft over-flights, in particular, may cause impacts on travel patterns, caribou energetics and feeding opportunities. These impacts would threaten pregnant cows (in the March to June northward migration) and cows and calves (in the August 15-September 15 southward migration) when they are most vulnerable. The Beverly and Qamanirjuaq Caribou Management Board provided evidence that the Beverly and Ahiak caribou herds are likely to be in decline, and provided new data from collared Beverly and Ahiak caribou that showed caribou frequenting the proposed development area throughout the year, especially during April-May and August-October. This supported traditional knowledge inputs from the UR Energy Screech Lake environmental assessment about the times of year Beverly and Ahiak caribou use the Upper Thelon River Basin. The Beverly and Qamanirjuaq Caribou Management Board also noted a variety of reasonably foreseeable future developments that might add to cumulative impacts on the Beverly and Ahiak caribou throughout their ranges, including mineral exploration programs in Nunavut and Saskatchewan. The Beverly and Qamanirjuaq Caribou

⁷ For further detail on the types of impacts that exploration programs in this general area of the Thelon geologic basin will likely have on the Beverly and Ahiak caribou herd and appropriate mitigation measures, readers are referred to section 5 of the Review Board's *Report of Environmental Assessment* for the Bayswater Uranium Crab Lake Mineral Exploration Project, EA0708-005, available on the Review Board's website at www.mveirb.nt.ca.

Management Board also provided a variety of specific recommendations for mitigation of impacts on caribou⁸.

- Canoe Arctic (PR#40, 130) argued based on thirty years of on the ground experience that the area covered by the Bayswater permits is part of the post-calving area for the Beverly herd (defined as the area used by cows and calves between early June and the end of July). Canoe Arctic also provided location details on nine water crossings at which, during different years, its president Alex Hall has observed “*at least tens of thousands of caribou in a single herd crossing the Upper Thelon River in late June or early August within the areas claimed for minerals by Uravan and Bayswater*” (PR#130).
- The Government of the Northwest Territories (PR#2, 132) identified concerns about the proposed exploration being in the spring migration corridor for the Ahiak and Beverly barren ground caribou, given that cows are especially vulnerable to disturbance effects during this March 16 to May 25 period. The Government of the Northwest Territories also restated that its concerns from the UR Energy Screech Lake environmental assessment in relation to the Beverly and Ahiak herds apply to this environmental assessment as well and provided specific mitigation recommendations for minimization of impacts on caribou (PR#2).

The Review Board finds there was no new information gathered during this environmental assessment that contradicts the evidence that led to the Review Board’s previous finding of likely significant adverse impacts on barren ground caribou from the UR Energy Screech Lake proposed development. While the Review Board finds that some of the mitigation commitments made by the developer would help to reduce or avoid impacts on caribou, it also finds they are not sufficient to fully mitigate the likely impacts on caribou. Of particular concern are gaps between the developer’s caribou protection commitments and the recommendations made by the Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board. One of the largest gaps is the conflict between potential work program timing and sensitive caribou migration periods (especially the spring pre-calving migration and the summer post-calving season).

In addition, new evidence from the Beverly and Qamanirjuaq Caribou Management Board and Canoe Arctic supports and reinforces the Review Board’s previous findings about likely impacts on barren ground caribou from the UR Energy Screech Lake environmental assessment. The Review Board accepts that

- The Upper Thelon River Basin is an important migration corridor for the Beverly and Ahiak caribou herds

⁸ The commitments of Bayswater and the recommendations of other parties in relation to caribou are discussed in further detail in section 5 of the Review Board’s *Report of Environmental Assessment* for the Bayswater Uranium Crab Lake Mineral Exploration Project, EA0708-005.

- The El Lake proposed development is located in a specific area often frequented by caribou during some of the most vulnerable stages of that annual migration
- Exploration activities such as those proposed by Bayswater can have significant adverse impacts on caribou during these important migratory periods
- There are a variety of effects resulting from human activities on Beverly and Ahiak caribou throughout their ranges, and evidence that these herds are likely in decline suggests those pressures may be threatening herd sustainability

The Review Board also notes that it has found likely significant adverse impacts on Beverly and Ahiak caribou in relation to the other three concurrently run environmental assessments in this vicinity. Had this proposed development not been recommended for rejection on the basis of significant cultural impacts, the Review Board would have required similar caribou impact mitigation measures as in EA0708-005, Bayswater Uranium Corporation's Crab Lake mineral exploration project.

Based on the public record, the Review Board finds that the Bayswater El Lake mineral exploration program, alone and in combination with other past, present and reasonably foreseeable developments, is likely to have a significant adverse impact on barren ground caribou if the development proceeds. The Review Board does not suggest any mitigation measures to address this impact, however, for the reasons given below.

The Review Board finds based on the evidence that the proposed development is likely to cause cultural impacts so significant that the project should be rejected (see section 5). Any other impacts such as those on the Beverly and Ahiak caribou will be adequately mitigated by the project not proceeding. The Review Board therefore does not discuss potential impacts on caribou in further detail in relation to Bayswater Uranium's El Lake proposal, except where caribou decline might be a contributor to cultural impacts. Direct impacts on caribou have not contributed to the Review Board's ultimate reasons for decision for this environmental assessment.

5 Cultural Impacts

5.1 Introduction

Discussion of potential cultural impacts follows this general outline:

- Relevant evidence transferred from the UR Energy Screech Lake environmental assessment, including the Review Board's findings in that instance;
- Bayswater's submissions, predictions of impacts and mitigation commitments;
- Other relevant items on the public record (e.g., submissions from parties); and
- The analysis and conclusions of the Review Board pertaining to cultural impacts.

5.2 Evidence Transferred from the UR Energy Screech Lake environmental assessment⁹

During the UR Energy Screech Lake environmental assessment, parties described the cultural importance of the Upper Thelon River Basin in terms of past, present and future traditional use, as well as the area's general importance in the Denesoline culture. Łutsėlk'e Dene First Nation members and others described the extensive historic and precontact use of the area by their ancestors. Numerous heritage sites exist in the area. The Łutsėlk'e Dene First Nation, the Deninu Kue First Nation and Athabasca Denesuline use the area for traditional activities such as hunting and trapping. Parties expressed to the Review Board that it is important the Upper Thelon River Basin remain a part of the cultural inheritance for the youth of today and future generations, and that industrial development would diminish the value of this place. Several parties stated that the developer's proposed physical site-level mitigations would not address cultural impacts of a spiritual nature.¹⁰

The Łutsėlk'e Dene First Nation and the Treaty #8 Tribal Corporation emphasized the high cultural importance of the area despite the fact that the area was not withdrawn during the Akaitcho Interim Land Withdrawal process. The Review Board was informed the Akaitcho strategy not to attempt to withdraw these lands through that process was shaped by the presence of third party interests resulting from extensive claim staking while land selection negotiations were going on. As a result of government protection of third party interests the land withdrawal would not affect the existing minerals rights. Parties also identified the lack of land use planning for the Upper Thelon River Basin as a problem.

After considering the evidence, the Review Board accepted that the Upper Thelon River Basin is an area of vital importance to Aboriginal people based on historical, traditional

⁹ Note that all PR#s noted here refer to the public registry of Bayswater's El Lake EA 0708-004, not that of the UR Energy Screech Lake EA 0607-003.

¹⁰ See section 7.2 of the *Report of Environmental Assessment and Reasons for decision on UR Energy Inc. Screech Lake Uranium Project* (PR#116) for a more detailed review of evidence pertaining to the cultural impacts summarized here.

use ties and a vital spiritual connection. The Review Board noted that potential cultural impacts went beyond potential disruption of traditional activities or disturbance of heritage resources, finding that the Upper Thelon River Basin is a spiritual area with intrinsic and intangible cultural value to Aboriginal peoples. The Review Board also found that even though the UR Energy Screech Lake proposal was physically small, cultural impacts would likely be large because of the location, and that the development could not be reconciled with the Aboriginal cultural values placed on the area where it was proposed.

Additionally, the Review Board noted several considerations in the UR Energy Screech Lake environmental assessment that collectively indicated that there could be reasonably foreseeable future developments in the area. This included the following:

- Extensive staking of the Thelon geologic basin and with it much of the Upper Thelon River Basin,
- The presence of many known uranium prospects and showings,
- The similarity of the Thelon geologic basin to the Athabasca geologic basin, which is an internationally important uranium mining area, and
- Relevant case studies of development patterns that followed similar situations in northern Saskatchewan and in the Slave geological province.

The Review Board concluded that “the potential for industrial development of the area is not compatible with the Aboriginal values for this cultural landscape” (PR#116), and that “the likely adverse cultural impacts of a cumulative nature are so significant that they cannot be justified”. The Review Board therefore recommended that the UR Energy Screech Lake proposed development be rejected. The federal Minister later adopted this recommendation (PR#128).

In the UR Energy Screech Lake *Report of Environmental Assessment*, the Review Board also made a suggestion for Indian and Northern Affairs Canada to take further action in dealing with competing interests via land use planning. The Review Board argued that the more development allowed in the Upper Thelon River Basin prior to the implementation of land use planning, the less effective any plan will be in mitigating cultural impacts, as the cultural values associated with the area may be incrementally and potentially irrevocably lost in the intervening period. The suggestion was that an interim land use plan for the Upper Thelon River Basin be undertaken to manage the area in a way that ensures that its cultural value is not significantly compromised. Indian and Northern Affairs Canada adopted this suggestion in principle (PR#129).

5.3 Bayswater’s Submissions

Bayswater provided very little information about potential cultural impacts in any of its submissions (PR#1, 2, 20, 26), despite an assertion that it was “*well aware of the sensitivity of the Akaitcho Nation to mineral exploration activities in this area*” (PR#1). In its *Project Description Summary*, Bayswater noted the Łutsëlk’e Dene First Nation’s concerns about the cultural and spiritual values associated with the Upper Thelon River

Basin, but provided no discussion of how the operations of its proposed El Lake development would mitigate any of these concerns (PR#26).

In relation to heritage resource protection, Bayswater similarly provided little discussion of potential impacts or committed-to mitigations. In response to concerns raised by the Mackenzie Valley Land and Water Board during preliminary screening, Bayswater contacted the Prince of Wales Northern Heritage Centre and learned that there are no known archaeological sites within 10 kilometres of the proposed El Lake camp site and fuel cache. In its *Project Description Summary* (PR#26), Bayswater stated that the bulk of archaeological sites are found on eskers, areas where drilling is not anticipated. Two commitments to mitigate against heritage resource impacts were forthcoming from the developer in its *Project Description Summary*:

1. A willingness to relocate drill sites that could conflict with archaeological sites, as necessary; and
2. If new sites are identified, they will be avoided and registered as required by applicable acts and regulations on archaeological sites in the Northwest Territories.

5.4 Parties' Submissions

Many parties focussed their submissions on clarifying that their own views on the spiritual significance and general cultural importance of the Upper Thelon River Basin had not diminished since their involvement in the UR Energy Screech Lake environmental assessment. Nor had their prediction changed that any mineral exploration was irreconcilable with the Aboriginal cultural values associated with this area. Parties raised these views as early as the preliminary screening phase. Submissions to that process indicated the Łutsëlk'e Dene First Nation, Treaty #8 Tribal Corporation, and Deninu Kue First Nation did not support the application and were indeed opposed to any exploration in the Upper Thelon River Basin. The Łutsëlk'e Dene First Nation stated:

The entire Thelon water shed is vital importance on many scales, and the Upper Thelon in particular has distinctive and unique environmental, cultural, spiritual and heritage values which would be significantly risked should mineral exploration and/or mining be allowed to proceed (PR#2).

The Łutsëlk'e Dene First Nation reiterated this position in its final submission of May 30th, 2008 (PR#141):

The Lutsël K'e Dene First Nation has consistently and repeatedly voiced our complete opposition to mineral exploration in the Thelon Basin, and will continue to do so...[The Upper Thelon River Basin] is vitally important to the culture, history, and spirituality of the Denesoline¹¹ people, and has been clearly identified by the LKFN as an area they wish to keep undisturbed and off limits to resource development of any kind and at any stage.

¹¹ Where this *Report of Environmental Assessment* refers to the "Denesoline" people, it means the Chipewyan-speaking Dene, including the Akaitcho Dene and the Athabasca Denesuline, as identified by parties to this environmental assessment.

The Treaty #8 Tribal Corporation stated that its position was made “abundantly clear” during the UR Energy Screech Lake environmental assessment, need not be repeated, and pertained equally to the Bayswater El Lake application or those of any other company wishing to explore for uranium in the Upper Thelon River Basin (PR#2).

Aboriginal parties continued to emphasize the historical and cultural importance of the Upper Thelon River Basin throughout the environmental assessment. Parties reiterated to the Review Board that elements of this cultural importance include heritage resources, traditional practices and a spiritual value of the greatest importance. The Łutsëlk’e Dene First Nation told the Review Board that this cultural heritage is vital to transmitting its cultural identity to future generations (PR#141):

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 Treaty #8 Tribal Corporation summarized the spiritual significance of the area (PR#41):

[F]or the Akaitcho Dene the upper Thelon basin is “The Place Where God Began”, similar in spiritual magnitude for the Akaitcho Dene to the Sistine Chapel for Catholics and Mecca for Muslims.

Parties also described how the Upper Thelon River Basin is an important area maintaining the strong link between caribou and culture (potential biophysical impacts on caribou are summarized in section 4 of this *Report of Environmental Assessment*). The Beverly and Qamanirjuaq Caribou Management Board argued that a major reason to minimize industrial development in the Upper Thelon River Basin is its importance as a migration route for the Beverly and Ahik caribou herds. Protection of this corridor for caribou is also by default a cultural consideration as “*the cultural importance of the Upper Thelon region is tied inextricably to its importance as a major migration route for caribou*” (Beverly and Qamanirjuaq Caribou Management Board, PR#136). The Łutsëlk’e Dene First Nation stated that “*healthy caribou are required for the survival of our Denesoline culture and way of life*” (PR#141).

Physical heritage resources are also likely plentiful in their known *and* unrecorded forms around the project area and the Upper Thelon River Basin in general, based on evidence provided by Canoe Arctic, the Government of the Northwest Territories, and the Łutsëlk’e Dene First Nation. According to the Łutsëlk’e Dene First Nation, there is “*a wealth of documented evidence of harvesting and land use in the area including hunting grounds, traplines, trails, campsites, and cabins*” (PR#141). Alex Hall of Canoe Arctic noted there are important caribou river crossings in proximity to the proposed development that caribou and hunting parties have likely used for hundreds or even thousands of years, as evidenced by the artifacts present (PR#130). Canoe Arctic

recommended the Review Board ensure that heritage resources in the region are fully identified and examined by archaeologists and Denesoline elders prior to any consideration of permit issuance. The Government of the Northwest Territories recommended that before any activities commence, Bayswater conduct an accredited Heritage Resource Impact Assessment of all areas of potential ground disturbance, and avoid all heritage resources by a minimum of 100 metres during operations (PR#132).

Lutsëlk'e Dene First Nation (PR#141), World Wildlife Fund - Canada (PR#138) and Alex Hall of Canoe Arctic (PR#130) presented evidence that the cultural values placed on the Upper Thelon River Basin go beyond those attributed to it by Aboriginal peoples.

Parties identified there is high potential for cumulative effects of other developments on the Upper Thelon River Basin and its cultural and associated biophysical value. In addition to the reasonably foreseeable future developments identified in the Ur Energy Screech Lake environmental assessment, parties identified the following past or current developments contributing to cumulative effects:

- Current or recently completed mineral exploration activities below permitting thresholds (e.g., surface sampling and airborne geophysical surveys) within the Upper Thelon River Basin that may cause cultural impacts or impact on the culturally important Beverly and Ahiak caribou herds;
- Current or recently completed mineral exploration activities above permitting thresholds (e.g., diamond drilling by Uravan Minerals Inc. at its previously permitted MV2006C0008 site on the Boomerang Uranium Property) within the Upper Thelon River Basin that may cause cultural impacts or impact on the culturally important Beverly and Ahiak caribou herds; and
- Mineral exploration and development activities across the Beverly and Ahiak caribou ranges in Nunavut and Saskatchewan (relevant to the health of the caribou that are part of the cultural landscape of the Upper Thelon River Basin).

The Beverly and Qamanirjuaq Caribou Management Board (PR#136; 140) noted that during 2007 and 2008, Uravan Minerals Inc., Bayswater Uranium Corporation, Cameco Corporation, Matrix Aviation and Uranium North have made mineral exploration applications on the Beverly calving and post-calving grounds in Nunavut.

The Lutsëlk'e Dene First Nation in particular focused on a desire for a precautionary approach in light of potential cumulative effects (PR#141):

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".

In response to the Review Board's request for information about whether the context around development in the Upper Thelon River Basin has altered since the UR Energy Screech Lake environmental assessment decision, Indian and Northern Affairs Canada

described the following as policy developments that might alter the potential for impacts and public concern from the Bayswater El Lake project proposal (PR#43):

1. The beginning of consultations toward the proposed *Upper Thelon Land and Resource Management Plan* (as outlined in PR#25, December 2007);
2. Withdrawal of additional lands toward development of an East Arm National Park in November of 2007;
3. Akaitcho Interim Land Withdrawals, which came into effect in November 2007 and withdrew lands to the west and north of the Upper Thelon River Basin; and
4. A currently ongoing cumulative effects study that focuses on impacts of mineral exploration in the Thelon (although no information was expected or forthcoming from this study prior to finish of this environmental assessment).

In regards to land withdrawals, the Łutsëlk'e Dene First Nation and the Treaty #8 Tribal Corporation reiterated to the Review Board why the Upper Thelon River Basin was not withdrawn despite the area's cultural importance. The Treaty #8 Tribal Corporation (PR#137) defined the most important cultural landscapes for the Akaitcho Dene as including the "*core area of interest to the Akaitcho Dene, that being the portion of the Thelon River valley between the confluences of the Thelon and Elk Rivers down to the Thelon Game Sanctuary*". However, these areas were not available for lands withdrawal due to pre-existing mineral claims.

Indian and Northern Affairs Canada informed the Review Board it is now beginning to consult on the process to create a land and resource management plan for the Upper Thelon River Basin (PR#25). Indian and Northern Affairs Canada estimated its proposed *Upper Thelon Land and Resource Management Plan* will take approximately three years to complete the required studies (including geological, environmental and cultural/traditional knowledge studies) and consultations, and to finalize the plan.

The Treaty #8 Tribal Corporation was pleased with the government setting this planning process in motion, but pointed out that the process has suffered from delays and is still in its early inception (PR#41, 137). Most importantly, parties pointed out that there have been no substantive outcomes to this point in respect to land use planning within the Upper Thelon River Basin itself:

The fundamental issue remains the same – the upper Thelon is an extremely sacred place whose integrity is essential to the cultural, environmental, and spiritual well-being of the Akaitcho Dene. No initiative since the UR Energy decision has provided any indication that this integrity could be maintained in concert with uranium exploration - (Treaty #8 Tribal Corporation, PR#137)

The Łutsëlk'e Dene First Nation, Treaty #8 Tribal Corporation, Athabasca Densuline, World Wildlife Fund - Canada and the Yellowknives Dene First Nation all reasserted the need to have land use planning in place before considering industrial development in this sensitive area (PR#28, 41, 136-138, 141). The Treaty #8 Tribal Corporation suggested the Review Board recommend that Indian and Northern Affairs Canada provide relief and/or

compensation to mineral claim holders in the Upper Thelon River Basin as allowed under the *Canada Mining Regulations* in the interim (PR#137). This followed a previous comment by Indian and Northern Affairs Canada that during the three years estimated to be required to put the components of the *Upper Thelon Land and Resource Management Plan* in place, “relief can be granted to mineral rights holders under Section 81 of the *Canada Mining Regulations* to allow them to hold their properties in good standing” (PR#25).

Other parties expressed complete opposition to industrial development ever occurring in the Upper Thelon River Basin, including Canoe Arctic, whose president Alex Hall argued (PR#130):

If we Canadians can realize the wisdom of protecting the Thelon in its entirety in this time of rampant industrial development and dwindling wild places, future generations will be truly grateful for our foresight... The 100 miles of the upper Thelon now claim-staked for uranium is a key link between the protected areas further upstream and the wildlife sanctuary along the middle river.

5.5 Review Board’s Analysis and Conclusions

Parties told the Review Board that much of the evidence from the UR Energy Screech Lake environmental assessment was directly relevant to the present Bayswater El Lake environmental assessment. Much of this evidence deals with cultural impacts that are related to the general location (the Upper Thelon River Basin), which is a common element between the UR Energy Screech Lake environmental assessment and the present one. Notwithstanding the common elements, the Review Board is required to assess each development on its own merits. Accordingly, in this environmental assessment the Review Board asked parties whether there were any changes in the specific locations or regional context, or differences in the type of proposed activities, significant enough to alter the potential for impacts and public concern from the proposed El Lake development compared to those identified during the UR Energy Screech Lake environmental assessment.

What the Review Board heard from parties does not indicate any change in the type or significance of cultural impacts likely to occur if this development proceeds as currently proposed. Although the Review Board was told that Indian and Northern Affairs Canada is beginning to consult to create an interim land use plan for the area, this worthwhile effort will have no measurable outcomes on the ground for several years. This proposed *Upper Thelon Land and Resource Management Plan* is still in its initial stages, and cannot therefore be considered evidence of a changed situational context for the present environmental assessment. The Review Board also notes that every Aboriginal party to this environmental assessment stated opposition to the development going forward, even after the announcement of this land use planning exercise. The prospect of an *Upper Thelon Land and Resource Management Plan* does not, in the opinion of the Review Board, currently mitigate the likely project-specific or cumulative cultural impacts associated with the proposed development.

Indian and Northern Affairs Canada emphasized the amount of land withdrawn from development in the Akaitcho region is a change in the situational context. However, the Review Board agrees with Aboriginal parties that the withdrawal of lands *outside* the Upper Thelon River Basin does not mitigate the cultural impacts of proposed developments *within* the Upper Thelon River Basin. The Review Board finds the current interim land withdrawals are not alone sufficient to lead to a finding of insignificant cultural impacts from the proposed development.

The Review Board accepts that this is a relatively small development, which would employ best exploration management practices on the ground. However, the evidence on the public record and the parties' views do not support a conclusion that Bayswater exploration project would not cause or contribute to any cultural impacts. Neither did the developer's silence in regard to cultural impacts. The Review Board is of the opinion that the project's biophysical footprint size does not affect the significance of the potential cultural impacts, especially in relation to a vitally important cultural landscape. This cultural landscape's spiritual importance exists in its current state. The proposed project, by itself and in combination with other foreseeable developments, would erode the cultural value of the Upper Thelon River Basin for Aboriginal peoples. The Review Board finds that biophysical mitigations, such as those proposed by the developer for caribou, will not mitigate impacts associated with the cultural values attributed to the Upper Thelon River Basin by Aboriginal people.

When the Review Board weighs the evidence on the public record, considers the testimonials from the people of Łutsëlk'e and others, and considers the accounts of the land selection process, it finds there is ample evidence indicating this area is of the highest cultural importance. Compelling evidence to this effect has come from Elders, youth, current land users, leadership, Aboriginal government organizations, and others. The Government of the Northwest Territories' submission regarding the area's high heritage resource potential further supports the traditional knowledge describing the area's historic importance. The Review Board also accepts that the Upper Thelon River Basin as a whole is an integral part of the Thaydene Nene cultural region for the Akaitcho Dene and that some of Bayswater's proposed El Lake activities are in Thaydene Nene.

Potential impacts on this core cultural region would go beyond disturbing heritage sites or disrupting traditional activities. Aboriginal parties see industrial development, including this proposed development and others proposed for this area, as desecrating the intrinsic spiritual values associated with this cultural landscape. The evidence on the public record shows that the people of Łutsëlk'e in particular have recognized the Upper Thelon River Basin as a vital part of their traditional identity and heritage. They wish to pass it on to their children in the state that they inherited it from their ancestors. People fear that if the Upper Thelon River Basin's landscape is subjected to increased industrial development, it will reduce their ability to transmit their heritage and traditional practices across generations as has been done for centuries.

The Review Board is required under s.115(b) of the *Mackenzie Valley Resource Management Act* to have regard to the protection of the social, cultural and economic well-being of residents and communities of the Mackenzie Valley. To do so, the Review Board carefully considers the socio-cultural context of potentially affected communities and groups – including the cultural landscapes they value most and the reasons they value them. The Review Board has found in the past¹², and finds again in this case, that when considering impacts on culture the Review Board must give the evidence and opinions of the culture holders themselves considerable weight. The Review Board’s view is that it is important to consider the potential impact’s nature and significance from the culture holders’ perspectives. In this case, the culture holders have stated their opinion that industrial development within the Upper Thelon River Basin will cause significant adverse cultural impacts.

The Review Board previously found in the UR Energy Screech Lake *Report of Environmental Assessment* (PR#116) that there are reasonably foreseeable future developments that may cumulatively, in combination with the proposed development, have a significant impact on Aboriginal land users’ culture, or on culturally important caribou herds. During this environmental assessment the Review Board was not convinced that it should discount this previous finding.

The Review Board heard evidence of a “staking rush” in the Upper Thelon River Basin over the past half decade. Approximately 35% of the total area of the Upper Thelon River Basin is currently under mineral claim or lease. The Review Board notes that although the probability of any given mineral claim becoming a mine is very low, over the past five years there have been over 1000 new claims registered in the Thelon geologic basin. This is more than a seven-fold increase in the number of claims in this area, and each new claim brings an increased likelihood that the Upper Thelon River Basin will be developed. The fact that this environmental assessment was one of three running concurrently on mineral exploration programs in the Upper Thelon River Basin, with another proposed development (Bayswater’s Crab Lake project) just across the Thelon/Dubawnt watershed divide also undergoing environmental assessment at the same time, is evidence of the desire to develop these claims further. And the Beverly and Qamanirjuaq Caribou Management Board identified a variety of other developments proposed for the Thelon geologic basin in Nunavut that may have impacts on the culturally important valued component of the Beverly and Ahiak caribou herds.

The Review Board finds that Aboriginal people remain understandably concerned with the impacts of reasonably foreseeable future developments on the Upper Thelon River Basin’s cultural value as well as on the culturally important value component that is barren ground caribou.

¹² In its further consideration of its recommended rejection of New Shoshoni Ventures’ Drybones Bay Mineral Exploration Program (EA03-004), and in the *Report of Environmental Assessment* for the UR Energy Screech Lake EA0607-003.

The Review Board notes that Aboriginal parties are concerned that mineral exploration activities may irrevocably alter the values associated with the vital cultural landscape that is the Upper Thelon River Basin. The Review Board concludes that industrial development of the area is not currently compatible with the Aboriginal values associated with this cultural landscape. The reasoning for this remains consistent with that in the UR Energy Screech Lake environmental assessment, because the relevant evidence before the Review Board is the same or has been reinforced and no new significant mitigating factors have been implemented.

The Review Board concludes that the impacts of Bayswater Uranium Corporation’s proposed El Lake development in combination with the combined impacts of all other past, present and reasonably foreseeable industrial developments in the area are likely to have significant adverse cultural impacts on the Aboriginal peoples who value the Upper Thelon River Basin. It is the opinion of the Review Board, informed by the evidence on the public record, that the likely adverse cultural impacts are so significant that the development cannot be justified. The Review Board therefore recommends that the project be rejected without an environmental impact review, pursuant to s.128(1)(d) of the *Mackenzie Valley Resource Management Act*.

The Review Board does not believe that proceeding to an environmental impact review would serve any purpose in this case, because the information most relevant to this decision is already captured in the evidence on the public record. This is a decision between competing values in the context of a culturally important landscape – there appears to be no “middle ground” at present. The timelines required for consultations and studies to better understand whether and how industrial development will be acceptable in the Upper Thelon River Basin make it unlikely that information will be submitted in the near future that will provide new insight.

It is hoped that the Indian and Northern Affairs Canada land use planning initiative can play a role in providing such insights. The Review Board encourages Indian and Northern Affairs Canada and stakeholders to follow through on their long-term goals of the *Upper Thelon Land and Resource Management Plan*. The Review Board is encouraged both by the Minister of Indian and Northern Affairs Canada’s action toward developing this plan, and the Aboriginal groups’ and other stakeholder’s initial interest in engaging with the proposed planning process. Indian and Northern Affairs Canada expects the associated studies on culture and traditional knowledge will take approximately two years to complete (PR#25), and will provide important information about tangible and intangible cultural resources of the Upper Thelon River Basin. These findings will be useful when considering future development proposals and the role of industrial development in the Upper Thelon River Basin in general.

The Review Board agrees with Indian and Northern Affairs Canada’s (PR#25) and Treaty #8 Tribal Corporation’s (PR#137) comments, made independently during the course of this environmental assessment, which focused on using the annual relief provisions under

Section 81 of the *Northwest Territories and Nunavut Mining Regulations*. Indian and Northern Affairs Canada could make this relief available to mineral claim holders in the Upper Thelon River Basin while land use planning studies and consultations are underway. Indian and Northern Affairs Canada's active use of these provisions may reduce unnecessary environmental assessments and associated burdens on Aboriginal groups, developers, government departments, other parties, and the environmental impact assessment process in general, until such time as government and stakeholders can further clarify the future land and resource management context for the Upper Thelon River Basin. With this in mind, the Review Board makes the following suggestion.

Suggestion 1:

Indian and Northern Affairs Canada should proactively consult with all developers with mineral claims in the Upper Thelon River Basin, and provide relief under Section 81 of the *Northwest Territories and Nunavut Mining Regulations* to any developer considering applying for a Land Use Permit or Water License, until such time as the *Upper Thelon Land and Resource Management Plan*, and its attendant consultations and studies, are complete.

6 Conclusions

By considering the evidence the developer, Aboriginal land users, traditional knowledge holders, and technical experts provided, the Review Board reaches two general conclusions regarding Bayswater Uranium Corporation's proposed El Lake mineral exploration project.

First of all, the Review Board finds the proposed development would be likely to cause significant project-specific impacts and contribute to significant adverse cumulative impacts on Beverly and Ahiak caribou if it were allowed to proceed. However, this likely significant adverse impact does not require mitigation if the development is rejected as recommended, which would prevent the impact from occurring.

Secondly, the Review Board agrees with Aboriginal groups and other parties that this proposed development, if it went ahead, would cause significant adverse cultural impacts on Aboriginal people. The Review Board also concludes that these impacts would likely combine with impacts from other past, present and reasonably foreseeable industrial development activities in the area to magnify the significant adverse cultural impacts on the Aboriginal peoples who value the Upper Thelon River Basin area. These impacts are so significant that the development cannot be justified. The Review Board therefore recommends that the El Lake proposed development be rejected.

The Review Board encourages Indian and Northern Affairs Canada and stakeholders to develop and implement the proposed *Upper Thelon Land and Resource Management Plan* and its associated consultations and studies as soon as possible, to find out whether any further industrial development will be acceptable, given the area's cultural value.

Appendix A: Public Registry Index

Note: Documents 53 to 129 (indicated by italics) were transferred from EA0607-003, UR Energy's Screech Lake Uranium Exploration Project.

List of Acronyms

ADNT	Athabasca Denesuline Negotiation Team
BQCMB	Beverly and Qaminarjuaq Caribou Management Board
CPAWS	Canadian Parks and Wilderness Society
DFO	Department of Fisheries and Oceans
DKFN	Deninu Kue First Nation
EA	Environmental Assessment
EAO	Environmental Assessment Officer
ENR	Environment and Natural Resources (department of GNWT)
FRMC	Fort Resolution Metis Council
GNWT	Government of the Northwest Territories
HTO	Hunters and Trappers Organization
INAC	Indian and Northern Affairs Canada
LKFN	Łutsël K'e Dene First Nation
LUP	Land Use Permit
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
NIRB	Nunavut Impact Review Board
NWT	Northwest Territories
NWTMN	Northwest Territory Métis Nation
PDAC	Prospectors and Developers Association of Canada
WWF	World Wildlife Fund – Canada
YKDFN	Yellowknives Dene First Nation

Registry Item #	Document Description	Date Filed	Originator
1	El Lake LUP Camp and Fuel Cache NTS 75P	29-Mar-07	Bayswater
2	Additional Application Information- Mineral Exploration-El Lake	11-Apr-07	MVLWB and various groups
3	Staff Report on MV2007C0010 (New Type A LUP)	10-Aug-07	MVLWB
4	Referral to Assessment File MV2007C0010	23-Aug-07	MVLWB
5	Notice of EA to developer	28-Aug-07	MVEIRB
6	Notification of EA to Distribution List	28-Aug-07	MVEIRB
7	Joint announcement of new lead EAO	5-Sept-07	MVEIRB
8	Call for comments on Conduct of Eas in Upper Thelon	3-Oct-07	MVEIRB
9	Treaty 8 Tribal Corp-comments on Thelon Basin EAs	24-Oct-07	NWT Treaty8
10	Canoe Arctic comments on Uranium EAs	19-Oct-07	Canoe Arctic
11	NWT Metis Nation comments on Thelon EAs	30-Oct-07	NWTMT
12	Chamber of Mines comments on how to run uranium EAs	22-Oct-07	NWT/Nunavut Chamber Mines
13	GNWT Comments on Conduct of EAs in Upper Thelon	01-Nov-07	ENR-GNWT
14	Deninu Kue First Nation Comments on Conduct of EAs in Upper Thelon	02-Nov-07	DKFN
15	Environment Canada's Comments on Conduct of EAs	02-Nov-07	Environment Canada
16	INAC Comments on Conduct of EAs in Upper Thelon	02-Nov-07	INAC
17	BQCMB Comments on Conduct of EAs in Upper Thelon	02-Nov-07	BQCMB
18	DFO Comments on Conduct of EAs in Upper Thelon	05-Nov-07	DFO
19	Athabasca Denesuline Comments on Conduct of EAs in Upper Thelon	05-Nov-07	ADNT
20	Deadline comments from Gordon Davidson, Bayswater	6-Nov-07	Bayswater
21	Fort Resolution Metis Council resolution re: Uranium Activity, Meeting Nov 14 2007	16-Nov-07	Fort Resolution Metis Council
22	Request for Project Description- Bayswater Uranium Corp	27-Nov-07	MVEIRB
23	Request for extension of deadline for Public Description Summary, El Lake	12-Dec-07	Bayswater
24	Notice extension available for Public Description Summary	13-Dec-07	MVEIRB
25	Thelon plan from INAC Dec 7 2007	07-Dec-07	INAC
26	Project Discription Summary for El Lake (EA0708-004)	11-Jan-08	Bayswater
27	Draft Workplan for El Lake Bayswater Uranium	8-Jan-08	MVEIRB
28	Athabasca comments on draft work plan El Lake	17-Jan-08	ADNT
29	Draft work plan information meeting / teleconference for Thelon EAs	05-Feb-08	MVEIRB
30	Audio of workplan teleconference/meeting	05-Feb-08	MVEIRB
31	BQCMB comments Concerns about exploration in the Thelon	10-Aug-07	BQCMB
32	GNWT response to draft workplans on Thelon EAs	08-Feb-08	GNWT
33	BQCMB response to draft work plans on Thelon EAs	8-Feb-08	BQCMB
34	Fort Resolution Metis Council comments on workplan Boomerang North and South	30- Jan-08	FRMC
35	Treaty #8 Tribal Corp. comments on Draft Work plan	8-Feb-08	Treaty #8 Tribal Corporation
36	INAC comments on Draft Work plan	8-Feb-08	INAC
37	NWTMN comments on Draft Work plans	13-Feb-08	NWTMN
38	WWF Comments on four Thelon applications Oct. 2007	24-Oct-07	WWF

Registry Item #	Document Description	Date Filed	Originator
39	Evidence Transfer and Scoping Questions	19-Mar-08	MVEIRB
40	Canoe Arctic Responses- Evidence Transfer and Scoping	08-Apr-08	Canoe Arctic
41	Treaty #8 Tribal Corp. Evidence Transfer Responses	31-Mar-08	Treaty #8 Tribal Corp.
42	Athabasca Denesuline Team Evidence Transfer Response	04-Apr-08	ADNT
43	INAC Evidence Transfer Response	07-Apr-08	INAC
44	BQCMB Evidence Transfer Response	08-Apr-08	BQCMB
45	BQCMB Request for Party Status	09-Apr-08	BQCMB
46	INAC Request for Party Status	09-Apr-08	INAC
47	NWT Metis Nation Request for Party Status	09-Apr-08	NWT Metis Nation
48	Canoe Arctic Inc. Request for Party Status	09-Apr-08	Canoe Arctic Inc.
49	DKFN Request for Party Status	09-Apr-08	DKFN
50	Evidence Transfer Reason for Decision	30-Apr-08	MVEIRB
51	Applying for Party Status Letter	30-Apr-08	MVEIRB
52	Request for Further Submissions on Thelon EAs	02-May-08	FRMC
53	<i>Submission from WWF to the original assessment (EA0506-003) of the proposed UR Energy Development.</i>	06-May-08	WWF
54	<i>"Thelon" book submitted to the original assessment (EA0506-003) of the proposed UR Energy development.</i>	06-May-08	David Pelley
55	<i>Original Preliminary screening report and referral to EA of the proposed development. The resulting EA0506-003 was cancelled when the developer withdrew its application.</i>	04-May-08	MVLWB
56	<i>Original application for the proposed development that resulted in a previous (cancelled) assessment EA0506-003</i>	06-May-08	MVLWB
57	<i>Submission from Ms Pelley to previous (cancelled) assessment EA0506-003 of the proposed development.</i>	06-May-08	Joan Pelley
58	<i>Submission from Mr. Pelley to previous (cancelled) assessment EA0506-003 of the proposed development.</i>	06-May-08	David Pelley
59	<i>Submission from Canoe Arctic to previous (cancelled) assessment EA0506-003 of the proposed development</i>	06-May-08	Canoe Arctic
60	<i>Submission to previous (cancelled) assessment EA0506-003 of the proposed assessment for the Akaitcho Treaty8 Tribal Corporation.</i>	06-May-08	NWT Treaty 8
61	<i>WWF submission to preliminary screening</i>	06-May-08	WWF
62	<i>Comments on the draft work plan for the assessment from Golder Associates who represents the developer.</i>	06-May-08	UR Energy
63	<i>Comments by GNWT to MVLWB's preliminary screening process. The GNWT submitted these as part of their comments on the work plan for this assessment.</i>	06-May-08	GNWT
64	<i>Comments on the draft work plan for the EA from GNWT.</i>	06-May-08	GNWT
65	<i>Comments on the draft work plan for the assessment from the BQCMB.</i>	06-May-08	BQCMB
66	<i>BQCMB submission to preliminary screening. Submitted as part of the BQCMB's comments on the draft workplan for this assessment.</i>	06-May-08	BQCMB
67	<i>Attachment to BQCMB submission to preliminary screening. Submitted as part of the BQCMB's comments on the draft workplan for this assessment.</i>	06-May-08	BQCMB

Registry Item #	Document Description	Date Filed	Originator
68	<i>The workplan for EA0607-003 UR Energy environmental assessment. Defines the scope of the assessment and outlines the assessment process including a schedule.</i>	06-May-08	MVEIRB
69	<i>Comments on draft workplan from INAC</i>	06-May-08	INAC
70	<i>Submission by John Groves on EA0506-003</i>		John Groves
71	<i>Information requests issued based on submissions from parties and the Review Boards own information needs.</i>	06-May-08	MVEIRB
72	<i>Minutes of meeting between Łutsël K'e First Nation and UR Energy June 7, 2006.</i>	06-May-08	LKFN
73	<i>Letter from NWT Treaty 8 Tribal Corporation to INAC regarding crown consultation in connection with the proposed UR Energy mineral exploration development.</i>	06-May-08	NWT Treaty8
74	<i>Memorandum of Understanding between LKFN and Parks Canada on exploring the feasibility of establishing a National Park at the East Arm of Great Slave Lake.</i>	06-May-08	LKFN
75	<i>Environment Canada's response to IR0607-003-11 in regards to noise impacts. IR originally directed to GNWT.</i>	06-May-08	Environment Canada
76	<i>Response to information request IR0607-003-1 from the GNWT.</i>	06-May-08	GNWT
77	<i>Response to information request IR0607-003-3 from the GNWT</i>	06-May-08	GNWT
78	<i>Response to information request IR0607-003-11 from the GNWT</i>	06-May-08	GNWT
79	<i>Response to information request IR0607-003-13 from the GNWT</i>	06-May-08	GNWT
80	<i>Response from WWF to IR0607-003-4 on special values of the project area.</i>	06-May-08	WWF
81	<i>Response to IR0607-003-4 regarding special values of the project area from LKDFN</i>	06-May-08	LKFN
82	<i>INAC's response to IR0607-003-2 on industrial developments and cumulative effects in the Thelon area. Map not included.</i>	06-May-08	INAC
83	<i>Submission to previous EA of this project (EA0506-003) by Athabasca Denesuline. This submission was transferred after the scoping phase of the EA concluded.</i>	06-May-08	ADNT
84	<i>Athabasca Denesuline have written requesting party status for the UR Energy EA. They also express concern they have not been informed about the EA.</i>	06-May-08	ADNT
85	<i>Mr. Jim Storey of The Great Canadian Adventure Company expresses concern over allowing any industrial development in the Thelon area and his support for efforts to protect the area.</i>	06-May-08	Jim Storey
86	<i>The developer's response to information requests IR0607-003-5,6,7,8,9,10,12</i>	06-May-08	Developer
87	<i>Presentation by WWF at the community hearing in Łutsël K'e January 16 and 17, 2007</i>	06-May-08	WWF
88	<i>Written submission from the Baker Lake HTO to the Review Board.</i>	06-May-08	Baker Lake HTO
89	<i>Presentation by Deninu Kue First Nations at the community hearing in Łutsëlk'e January 16-17, 2007</i>	06-May-08	DKFN

Registry Item #	Document Description	Date Filed	Originator
90	<i>Presentation by Łutsëlk'e Dene First Nation at the community hearing in Łutsëlk'e January 16 and 17, 2007</i>	06-MY-08	LKFN
91	<i>Presentation by Treat 8 at the community hearing in Łutsëlk'e January 16 and 17, 2007</i>	06-May-08	Treaty #8 Tribal Corp.
92	<i>Presentation by BQCMB at the community hearing in Łutsëlk'e January 16 and 17, 2007</i>	06-May-08	BQCMB
93	<i>Map-spring Range of Beverly Caribou-concentration areas and primary movement Corridors between 1955-1993</i>	06-May-08	BQCMB
94	<i>Map-Late summer Range of Beverly Caribou between 1957 and 1981</i>	06-May-08	BQCMB
95	<i>Map-Range used during Fall Migration and Rut by Beverly Caribou between 1957 and 1983</i>	06-May-08	BQCMB
96	<i>Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)</i>	06-May-08	BQCMB
97	<i>Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)</i>	06-May 08	BQCMB
98	<i>Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)</i>	06-May 08	BQCMB
99	<i>Map-Water and Ice Crossing used by Beverly Caribou in the Western Northwest Territories</i>	06-May 08	BQCMB
100	<i>Map-The range-wide context: Beverly and Qamanirjuaq Caribou Range (1940-1995)</i>	06-May 08	BQCMB
101	<i>Map-Thelon Basin-Potential Uranium Deposits</i>	06-May 08	BQCMB
102	<i>Map-South Thelon Basin Mineral Claims</i>	06-May 08	BQCMB
103	<i>Map-Companies with Mineral Rights in the calving Grounds of the Beverly and Qamanirjuaq Caribou Herd-Sept 2006</i>	06-May 08	BQCMB
104	<i>Additional information submitted byBQCMB to the Review Board for cumulative effects on caribou</i>	06-May 08	BQCMB
105	<i>Letters of public concern</i>	07-May-08	Various public
106	<i>Map-A Thaydene Nene</i>	07-May-08	Treaty # 8 Tribal Corp.
107	<i>Presentation by Canoe Arctic Inc. at the community hearing in Łutsëlk'e January 16 and 17, 2007</i>	07-May-08	Canoe Arctic, Alex Hall
108	<i>Newsletter published by INAC-winter 2006-"Akaitcho Interim Land withdrawals: making space to negotiate</i>	07-May-08	WWF
109	<i>Bulletin from BQCMB: "Protecting Beverly and Qamanirjuaq Caribou for all time"</i>	07-May-08	BQCMB
110	<i>Public opinions on development in the Thelon Area</i>	07-May-08	Various public
111	<i>Recommendations from the BQCMB and the GNWT after in response to developer's post-hearing commitments</i>	07-May-08	BQCMB
112	<i>Recommendations by Environment Canada in event Screech Lake will be carried out during summer months.</i>	07-May-08	Environment Canada
113	<i>Letter from John Tosney, AREVA Resources Inc..</i>	07-May-08	AREVA Inc
114	<i>Letter from UR Energy-February 07 submission.(Golder Associates)</i>	07-May-08	UR Energy
115	<i>IR responses from INAC submitted after the hearing</i>	07-May-08	INAC

Registry Item #	Document Description	Date Filed	Originator
116	<i>UR Energy- Report on Environmental Assessment and Reasons for Decision</i>	07-May-08	MVEIRB
117	<i>PDAC letter disagreeing with the decision of the Board</i>	07-May-08	PDAC
118	<i>Letter from LKDFN to all applications for mineral exploration in the Thelon Basin.</i>	07-May-08	LKFN
119	<i>UR Energy letter of concern to Minister of INAC</i>	07-May-08	UR Energy
120	<i>Letter to Minister from WWF re: PDAC letter to Minister</i>	07-May-08	WWF
121	<i>Letter to Minister from North Arrow Minerals Inc.</i>	07-May-08	North Arrow Minerals Inc.
122	<i>Treaty 8 letter to Minister re: Board decision</i>	07-May-08	Treaty 8
123	<i>StrongBow letter to Minister re Board decision</i>	07-May-08	StrongBow
124	<i>Łutsëlk'e Letter to Minister June 07</i>	07-May-08	LKFN
125	<i>CPAWS letter to Minister June 07</i>	07-May-08	CPAWS
126	<i>BQCMB letter to Minister Sept 07</i>	07-May-08	BQCMB
127	<i>Ministerial Rejection of UR Energy Screech Lake Proposal</i>	07-May-08	INAC
128	<i>Additional letters from various parties to federal minister re: the Boards recommendation on UR Energy Screech Lake</i>	07-May-08	Parties
129	<i>Letter from INAC regarding Upper Thelon Land and Resource Management Plan</i>	07-May-08	INAC
130	<i>Submission by Alex Hall regarding Uranium Exploration in the Thelon River system</i>	22-May-08	Canoe Arctic
131	<i>INAC response to Request for Further Submissions</i>	22-May-08	INAC
132	<i>Further Submission - Boomerang Lake EA0708-002</i>	22-May-08	GNWT
133	<i>Request for extention to due date for further submissions</i>	22-May-08	Joe Murdock for LKFN
134	<i>Extension to Further submissions deadline May 23, 2008</i>	23-May-08	MVEIRB
135	<i>David Pelley letter regarding Uravan Minerals and Bayswater Exploration</i>	20-May-08	David Pelley
136	<i>BQCMB comments regarding EA0708-004 El Lake, Bayswater Uranium Corp</i>	23-May-08	BQCMB
137	<i>Treaty #8 Tribal Corp. comments regarding submissions on Bayswater and Uravan EAs0</i>	23-May -08	Treaty #8 Tribal Corp.
138	<i>WWF letter regarding Upper Thelon land use stated as the same as UR Energy issues.</i>	3-June-08	WWF
139	<i>Letter from YKDFN regarding Bayswater and Uravan EAs</i>	6-June -08	YKDFN
140	<i>Comments from BQCMB to NIRB re: caribou and Garry Lake Project proposed by Uranium North</i>	18-June -08	BQCMB
141	<i>LKFN submission on Bayswater and Uravan Project EA0708-002,EA0708-003, EA0708-004, EA0708-005</i>	30-May-08	LKFN
142	<i>Public Record Closed – Note to File</i>	26-June-08	MVEIRB